



1           381.99 Florida Hope Offered through Principled,  
2 Ethically Sound Stem Cell Research Act.--

3           (1) SHORT TITLE.--This section may be cited as the  
4 "Florida Hope Offered through Principled, Ethically Sound Stem  
5 Cell Research Act."

6           (2) DEFINITIONS.--As used in this section, the term:

7           (a) "Adult stem cell" means a cell found within  
8 differentiated tissue or an organ that can renew itself and  
9 give rise to the major cell types of the tissue or organ. This  
10 includes cells from the fetal to adult stages of development.

11           (b) "Amniotic stem cell" means a cell extracted from  
12 human amniotic fluid or a placenta.

13           (c) "Embryonic stem cell" means a cell obtained from  
14 the undifferentiated inner mass of an early stage embryo.

15           (d) "Human cloning" means human asexual reproduction,  
16 accomplished by introducing nuclear material from one or more  
17 human somatic cells into a fertilized or unfertilized oocyte  
18 the nuclear material of which has been removed or inactivated  
19 so as to produce a living organism at any stage of development  
20 that is genetically virtually identical to an existing or  
21 previously existing human organism.

22           (e) "Stem cell" means a cell that retains the  
23 potential to generate some or all other cell types.

24           (3) STEM CELL RESEARCH ADVISORY COUNCIL.--There is  
25 created the Stem Cell Research Advisory Council within the  
26 Department of Health.

27           (a)1. The advisory council shall consist of the  
28 Secretary of Health or his or her designee, who shall act as  
29 chair, and six additional members, who shall be appointed as  
30 follows:

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1           a. Two persons appointed by the Governor, one of whom  
2 shall be an academic researcher in the field of stem cell  
3 research and one of whom shall have a background in bioethics.

4           b. One person appointed by the President of the  
5 Senate, who shall have a background in private-sector stem  
6 cell funding and development or public-sector biomedical  
7 research and funding.

8           c. One person appointed by the Speaker of the House of  
9 Representatives, who shall have a background in private-sector  
10 stem cell funding and development or public-sector biomedical  
11 research and funding.

12           d. One person appointed by the President of the  
13 Senate, who shall have a background and experience in either  
14 public-sector or private-sector stem cell research and  
15 development.

16           e. One person appointed by the Speaker of the House of  
17 Representatives, who shall be an executive of a biotech  
18 company, or his or her designee.

19           2. Each member shall serve a term of 2 years  
20 commencing on October 1, 2007. No member shall serve for more  
21 than two consecutive 2-year terms; however, for the purpose of  
22 providing staggered terms, of the initial appointments, three  
23 members shall be appointed to a 1-year term and three members  
24 shall be appointed to a 2-year term. Any vacancy on the  
25 advisory council shall be filled in the same manner as the  
26 original appointment. All initial appointments shall be made  
27 by October 1, 2007. The first meeting shall take place no  
28 later than November 1, 2007. All meetings are subject to the  
29 call of the chair. Members shall meet at least twice a year or  
30 as often as necessary to discharge their duties but shall have  
31 no more than four meetings during any 12-month period. Members

1 shall serve without compensation but may be reimbursed for per  
2 diem and travel expenses in accordance with s. 112.061.

3 (b) The advisory council shall:

4 1. Develop a donated funds program for recommendation  
5 to the Secretary of Health to encourage the development of  
6 funds other than state appropriations for human adult stem  
7 cell research in the state.

8 2. Examine and identify specific ways to improve and  
9 promote for-profit and not-for-profit human adult stem cell  
10 and related research in the state, including, but not limited  
11 to, identifying both public and private funding sources for  
12 such research, maintaining existing human adult stem  
13 cell-related businesses, recruiting new human adult stem  
14 cell-related businesses to the state, and recruiting  
15 scientists and researchers in such fields to the state and  
16 state universities.

17 3. Develop a biomedical research grant program for  
18 recommendation to the Secretary of Health that shall provide  
19 grants-in-aid to eligible state institutions for the  
20 advancement of human adult stem cell research.

21 4. Develop, no later than December 1, 2007, an  
22 application for grants-in-aid under this section for  
23 recommendation to the Secretary of Health for the purpose of  
24 conducting human adult stem cell research.

25 5. Review applications from eligible institutions for  
26 grants-in-aid on and after December 1, 2007, and provide to  
27 the Secretary of Health recommendations for grant awards.

28 6. Review the stem cell research conducted by eligible  
29 institutions that receive such grants-in-aid.

30 (c) The advisory council shall submit an annual  
31 progress report on the status of biomedical research in the

1 state to the Florida Center for Universal Research to  
2 Eradicate Disease and to the Governor, the Secretary of  
3 Health, the President of the Senate, and the Speaker of the  
4 House of Representatives by June 30. The report must include:  
5 1. The amount of grants-in-aid awarded to eligible  
6 institutions from the Biomedical Research Trust Fund.  
7 2. The names of the recipients of such grants-in-aid.  
8 3. The current status and progress of stem cell  
9 research in the state.  
10 4. A list of research projects supported by  
11 grants-in-aid awarded under the program.  
12 5. A list of publications in peer-reviewed journals  
13 involving research supported by grants-in-aid awarded under  
14 the program.  
15 6. The total amount of biomedical research funding  
16 currently flowing into the state.  
17 7. New grants for biomedical research that were funded  
18 based on research supported by grants-in-aid awarded under the  
19 program.  
20 8. All other materials the advisory council deems  
21 advisable to include.  
22 (d) Advisory council members shall disclose any  
23 conflict of interest or potential conflict of interest to the  
24 Secretary of Health.  
25 (e) The Department of Health shall provide  
26 administrative staff to assist the advisory council in  
27 developing the application for the grants-in-aid, reviewing  
28 the applications, preparing the written consent form described  
29 in paragraph (6)(b), and performing other administrative  
30 functions as the advisory council requires.  
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1           (4) BIOMEDICAL ETHICS ADVISORY COUNCIL.--There is  
2 created within the Department of Health the Biomedical Ethics  
3 Advisory Council.

4           (a)1. The advisory council shall consist of the  
5 Secretary of Health or his or her designee, who shall act as  
6 chair, and six additional members, who shall be appointed as  
7 follows:

8           a. Two persons appointed by the Governor.

9           b. One person appointed by the President of the  
10 Senate.

11           c. One person appointed by the Speaker of the House of  
12 Representatives.

13           d. One person appointed by the Minority Leader of the  
14 Senate.

15           e. One person appointed by the Minority Leader of the  
16 House of Representatives.

17           2. All members must demonstrate knowledge and  
18 understanding of the ethical, medical, and scientific  
19 implications of stem cell research and should also demonstrate  
20 knowledge of related fields, including, but not limited to,  
21 genetics, cellular biology, and embryology. Each member shall  
22 serve a term of 4 years commencing on October 1, 2007;  
23 however, for the purpose of providing staggered terms, of the  
24 initial appointments, three members shall be appointed to a  
25 2-year term and three members shall be appointed to a 4-year  
26 term. No member shall serve for more than two consecutive  
27 terms. Any vacancy on the advisory council shall be filled in  
28 the same manner as the original appointment. All initial  
29 appointments shall be made by October 1, 2007. The first  
30 meeting shall take place no later than November 1, 2007. All  
31 meetings are subject to the call of the chair. Members shall

1 meet at least twice a year or as often as necessary to  
2 discharge their duties but shall have no more than one meeting  
3 per month during any 12-month period. Members shall serve  
4 without compensation but may be reimbursed for per diem and  
5 travel expenses in accordance with s. 112.061.

6 (b) The advisory council shall review all stem cell  
7 research that is funded or supported in any manner through the  
8 Biomedical Research Trust Fund to ensure the adherence to  
9 ethical and safety guidelines and procedures as set forth by  
10 federal ethical standards established by the United States  
11 Department of Health and Human Services.

12 (5) BIOMEDICAL RESEARCH TRUST FUND AND  
13 GRANTS-IN-AID.--

14 (a) The Secretary of Health shall make grants-in-aid  
15 from the Biomedical Research Trust Fund in accordance with the  
16 provisions of this section.

17 (b) The Department of Health shall require any  
18 applicant for a grant-in-aid under this section, for the  
19 purpose of conducting stem cell research, to submit a complete  
20 description of the applicant's organization, the applicant's  
21 plans for stem cell research, the applicant's proposed funding  
22 for such research from sources other than the state, and the  
23 applicant's proposed arrangements concerning financial  
24 benefits to the state as a result of any patent, royalty  
25 payment, or similar right resulting from any stem cell  
26 research made possible by the awarding of the grant-in-aid.  
27 The Stem Cell Research Advisory Council shall provide  
28 recommendations to the Secretary of Health with respect to  
29 awarding such grants-in-aid after considering the  
30 recommendations of the Biomedical Ethics Advisory Council.

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1           (c) Beginning with the 2007-2008 fiscal year, and for  
2 10 consecutive years thereafter, not less than \$20 million  
3 shall be made available annually from the Biomedical Research  
4 Trust Fund within the Department of Health for grants-in-aid  
5 to eligible institutions for the purpose of conducting adult  
6 stem cell research pursuant to this section. Up to 15 percent  
7 of the funds may be used for administrative costs. Any  
8 unexpended funds not used for grants-in-aid during the current  
9 fiscal year shall be carried forward for the following fiscal  
10 year to fund the grants-in-aid.

11           (6) USE OF FUNDS; REQUIREMENTS AND RESTRICTIONS.--

12           (a) Funds provided under this section may only be used  
13 for research involving:

14           1. Human adult stem cells, including, but not limited  
15 to, adult stem cells derived from umbilical cord blood and  
16 bone marrow. Funding for research may be given for human adult  
17 stem cells derived from postmortem tissues, other than from  
18 medically induced abortions. Funds may be used for studies of  
19 human adult stem cells obtained from either normal or  
20 transformed tissues.

21           2. Amniotic stem cells extracted from human amniotic  
22 fluid or placentas that are otherwise discarded after birth.

23           (b) Amniotic and adult stem cell material may only be  
24 donated for research purposes with the informed consent of the  
25 donor.

26           (c) No funds shall be used for research with human  
27 embryonic stem cells that are derived by a process entailing  
28 the donor embryo's death or destruction.

29           (7) HUMAN CLONING; PROHIBITION; PENALTIES.--

30           (a) It is unlawful for any person to knowingly:

31           1. Perform or attempt to perform human cloning;



1           2. Participate or assist in an attempt to perform  
2 human cloning; or

3           3. Ship or receive for any purpose an embryo produced  
4 by human reproductive cloning or any product derived from such  
5 embryo.

6           (b) A person who violates paragraph (a) commits a  
7 felony of the second degree, punishable as provided in s.  
8 775.082, s. 775.083, or s. 775.084.

9           (8) CONTINUING APPROPRIATION.--Beginning in fiscal  
10 year 2007-2008, the sum of \$20 million is appropriated  
11 annually from recurring funds in the General Revenue Fund to  
12 the Biomedical Research Trust Fund within the Department of  
13 Health for the purpose of carrying out the provisions of this  
14 section. The amount of funds appropriated shall not exceed  
15 \$200 million for the 10-year period beginning in fiscal year  
16 2007-2008 and ending in fiscal year 2016-2017.

17           Section 2. Paragraph (h) of subsection (1) of section  
18 20.435, Florida Statutes, is amended to read:

19           20.435 Department of Health; trust funds.--

20           (1) The following trust funds are hereby created, to  
21 be administered by the Department of Health:

22           (h) Biomedical Research Trust Fund.

23           1. Funds to be credited to the trust fund shall  
24 consist of funds deposited pursuant to ss. ~~s.~~ 215.5601,  
25 288.955, and 381.99 and any other funds appropriated by the  
26 Legislature. Funds shall be used for the purposes of the James  
27 and Esther King Biomedical Research Program, ~~and~~ the William  
28 G. "Bill" Bankhead, Jr., and David Coley Cancer Research  
29 Program, and the Florida Hope Offered through Principled,  
30 Ethically Sound Stem Cell Research Act as specified in ss.

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1 | 215.5602, 288.955, ~~and~~ 381.922, and 381.99. The trust fund is  
2 | exempt from the service charges imposed by s. 215.20.

3 |         2. Notwithstanding the provisions of s. 216.301 and  
4 | pursuant to s. 216.351, any balance in the trust fund at the  
5 | end of any fiscal year shall remain in the trust fund at the  
6 | end of the year and shall be available for carrying out the  
7 | purposes of the trust fund. The department may invest these  
8 | funds independently through the Chief Financial Officer or may  
9 | negotiate a trust agreement with the State Board of  
10 | Administration for the investment management of any balance in  
11 | the trust fund.

12 |         3. Notwithstanding s. 216.301 and pursuant to s.  
13 | 216.351, any balance of any appropriation from the Biomedical  
14 | Research Trust Fund which is not disbursed but which is  
15 | obligated pursuant to contract or committed to be expended may  
16 | be carried forward for up to 3 years following the effective  
17 | date of the original appropriation.

18 |         4. The trust fund shall, unless terminated sooner, be  
19 | terminated on July 1, 2008.

20 |         Section 3. Subsection (1) of section 381.86, Florida  
21 | Statutes, is amended to read:

22 |             381.86 Institutional Review Board.--

23 |             (1) The Institutional Review Board is created within  
24 | the Department of Health in order to satisfy federal  
25 | requirements under 45 C.F.R. part 46 and 21 C.F.R. parts 50  
26 | and 56 that an institutional review board review all  
27 | biomedical and behavioral research on human subjects which is  
28 | funded or supported in any manner by the department, except  
29 | that a separate Stem Cell Research Advisory Council and  
30 | Biomedical Ethics Advisory Council shall be appointed under s.  
31 | 381.99.

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Section 4. This act shall take effect July 1, 2007.