

1                   A bill to be entitled  
2           An act relating to biomedical research; amending s.  
3           20.435, F.S.; deleting a reference to conform to the  
4           provisions of this act; amending s. 215.5601, F.S.;  
5           revising a provision relating to the Lawton Chiles  
6           Endowment Fund to conform to the provisions in this act;  
7           amending s. 215.5602, F.S.; providing legislative findings  
8           and intent; revising provisions relating to the James and  
9           Esther King Biomedical Research Program; revising  
10          provisions relating to program funds and funding; revising  
11          long-term goals of the program; revising membership  
12          provisions relating to the Biomedical Research Advisory  
13          Council; providing that the council serves as the  
14          exclusive source of certain biomedical research grant and  
15          fellowship awards; requiring the council to create  
16          committees; providing requirements for the committees;  
17          revising duties of the council; deleting references to  
18          conform to the provisions of this act; revising a  
19          requirement relating to the council's annual progress  
20          report; prohibiting the use of funds for certain research  
21          with human embryonic stem cells or for human cloning;  
22          amending s. 381.853, F.S.; providing a requirement for the  
23          Florida Center for Brain Tumor Research relating to the  
24          use of state-appropriated funds for biomedical research;  
25          amending ss. 381.912 and 381.98, F.S.; revising references  
26          to conform to the provisions of this act; amending s.  
27          381.922, F.S.; creating the William G. "Bill" Bankhead,  
28          Jr., and David Coley Cancer Research Council, also cited

29 as the "Bankhead-Coley Cancer Council," within the  
30 Department of Health; providing for duties and functions  
31 of the council; providing for membership; providing a  
32 requirement for the council to issue an annual report;  
33 creating s. 381.923, F.S.; providing the mission and  
34 duties of the Bankhead-Coley Cancer Council; amending s.  
35 430.501, F.S.; providing a requirement for the Alzheimer's  
36 Disease Advisory Committee relating to the use of state-  
37 appropriated funds for biomedical research grants or  
38 fellowships; amending s. 430.502, F.S.; requiring memory  
39 disorder clinics supported by state funds to apply for a  
40 biomedical research grant or fellowship through the James  
41 and Esther King Biomedical Research Program; amending s.  
42 1004.445, F.S.; deleting requirements relating to a  
43 competitive grant process for Alzheimer's disease  
44 research; providing a requirement for the Johnnie B. Byrd,  
45 Sr., Alzheimer's Center and Research Institute relating to  
46 the use of state-appropriated funds for biomedical  
47 research grants or fellowships; repealing s. 381.855,  
48 F.S., relating to the Florida Center for Universal  
49 Research to Eradicate Disease; repealing s. 381.92, F.S.,  
50 relating to the Florida Cancer Council; repealing s.  
51 381.921, F.S., relating to the Florida Cancer Council's  
52 mission and duties; providing for severability; providing  
53 an effective date.

54  
55 WHEREAS, the Legislature finds that the health of  
56 Floridians is of utmost importance, and

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57 WHEREAS, continuing and promoting biomedical research in  
58 the state is key to finding cures for the most deadly and  
59 widespread acute, chronic, and degenerative diseases affecting  
60 millions of Floridians, and

61 WHEREAS, there are a number of agencies, councils,  
62 committees, and other nonprofit entities within the state that  
63 are currently awarding state dollars for grants or fellowships  
64 for biomedical research in order to find cures for and improve  
65 treatment of various diseases affecting Floridians, and

66 WHEREAS, the most effective and efficient use of state  
67 biomedical research dollars is to establish a single,  
68 comprehensive program to review grant and fellowship proposals  
69 and make recommendations to the Legislature for funding of  
70 biomedical research grants and fellowships using state-  
71 appropriated funds, and

72 WHEREAS, the consolidated process for awarding state-funded  
73 grants and fellowships for biomedical research in the state of  
74 Florida will also serve to enhance, encourage, and coordinate  
75 biomedical research programs within the state and foster  
76 improved transfer of research findings into clinical trials and  
77 widespread public use, NOW, THEREFORE,

78

79 Be It Enacted by the Legislature of the State of Florida:

80

81 Section 1. Paragraph (h) of subsection (1) of section  
82 20.435, Florida Statutes, is amended to read:

83 20.435 Department of Health; trust funds.--

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

86 (h) Biomedical Research Trust Fund.

87 1. Funds to be credited to the trust fund shall consist of  
88 funds deposited pursuant to s. 215.5601 and any other funds  
89 appropriated by the Legislature. Funds shall be used for the  
90 purposes of the James and Esther King Biomedical Research  
91 Program ~~and the William G. "Bill" Bankhead, Jr., and David Coley~~  
92 ~~Cancer Research Program~~ as specified in ss. 215.5602 and,  
93 288.955, ~~and 381.922~~. The trust fund is exempt from the service  
94 charges imposed by s. 215.20.

95 2. Notwithstanding the provisions of s. 216.301 and  
96 pursuant to s. 216.351, any balance in the trust fund at the end  
97 of any fiscal year shall remain in the trust fund at the end of  
98 the year and shall be available for carrying out the purposes of  
99 the trust fund. The department may invest these funds  
100 independently through the Chief Financial Officer or may  
101 negotiate a trust agreement with the State Board of  
102 Administration for the investment management of any balance in  
103 the trust fund.

104 3. Notwithstanding s. 216.301 and pursuant to s. 216.351,  
105 any balance of any appropriation from the Biomedical Research  
106 Trust Fund which is not disbursed but which is obligated  
107 pursuant to contract or committed to be expended may be carried  
108 forward for up to 3 years following the effective date of the  
109 original appropriation.

110 4. The trust fund shall, unless terminated sooner, be  
111 terminated on July 1, 2008.

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112 Section 2. Paragraph (d) of subsection (1) of section  
 113 215.5601, Florida Statutes, is amended to read:

114 215.5601 Lawton Chiles Endowment Fund.--

115 (1) LEGISLATIVE INTENT.--It is the intent of the  
 116 Legislature to:

117 (d) Provide funds to help support public-health and  
 118 biomedical research for the prevention, diagnosis, treatment,  
 119 and cure of diseases related to tobacco use by creating an  
 120 annual and perpetual source of funding for biomedical research  
 121 in the state through the James and Esther King Biomedical  
 122 Research Program in order to expand the foundation of biomedical  
 123 knowledge relating to the prevention, diagnosis, treatment, and  
 124 cure of diseases related to tobacco use, including cancer,  
 125 cardiovascular disease, stroke, and pulmonary disease; improve  
 126 the quality of the state's academic health centers by bringing  
 127 the advances of biomedical research into the training of  
 128 physicians and other health care providers; and increase the  
 129 state's per capita funding for biomedical research by  
 130 undertaking new initiatives in biomedical research which will  
 131 attract additional funding from outside the state while also  
 132 stimulating economic activity in the state in areas related to  
 133 biomedical research, such as the research and production of  
 134 pharmaceuticals, biotechnology, and medical devices.

135 Section 3. Section 215.5602, Florida Statutes, is amended  
 136 to read:

137 215.5602 James and Esther King Biomedical Research  
 138 Program.--

139 (1) The Legislature finds that an estimated 128 million

140 Americans suffer from acute, chronic, and degenerative diseases  
 141 and that biomedical research is the key to finding cures for  
 142 these diseases that affect Floridians. The Legislature further  
 143 finds that the biomedical technology sector meets the criteria  
 144 of a high-impact sector, pursuant to s. 288.108, having high  
 145 importance to this state's economy with a significant potential  
 146 for growth and contribution to the state's universities and  
 147 quality of life.

148 (2) It is the intent of the Legislature that this state  
 149 strive to become the nation's leader in biomedical research and  
 150 commit itself to being the state to find cures for the most  
 151 deadly and widespread diseases. Moreover, it is the intent of  
 152 the Legislature to expand the state's economy by attracting  
 153 biomedical researchers and research companies to this state.

154 (3)~~(1)~~ There is established within the Department of  
 155 Health the James and Esther King Biomedical Research Program  
 156 funded by the proceeds of the Lawton Chiles Endowment Fund  
 157 pursuant to s. 215.5601 and the Biomedical Research Trust Fund  
 158 within the Department of Health pursuant to s. 20.435(1)(h). The  
 159 purpose of the James and Esther King Biomedical Research program  
 160 is to provide an annual and perpetual source of funding for  
 161 biomedical in order to support research initiatives that address  
 162 the health care problems of Floridians ~~in the areas of tobacco-~~  
 163 ~~related cancer, cardiovascular disease, stroke, and pulmonary~~  
 164 disease. The long-term goals of the program are to:

165 (a) Improve the health of Floridians by researching better  
 166 prevention, diagnoses, treatments, and cures for the most deadly  
 167 and widespread diseases, including, but not limited to, tobacco-

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168 related diseases, cancer, cardiovascular disease, stroke, and  
169 pulmonary disease, diabetes, autoimmune disorders, and  
170 neurological disorders, including Alzheimer's disease, epilepsy,  
171 and Parkinson's disease.

172 (b) Expand the foundation of biomedical knowledge relating  
173 to the prevention, diagnosis, treatment, and cure of diseases  
174 related to tobacco use, including cancer, cardiovascular  
175 disease, stroke, and pulmonary disease.

176 (c) Expand the foundation of biomedical knowledge relating  
177 to the prevention, diagnosis, treatment, and cure of the most  
178 deadly and widespread diseases affecting Floridians.

179 (d)~~(e)~~ Improve the quality of the state's academic health  
180 centers by bringing the advances of biomedical research into the  
181 training of physicians and other health care providers.

182 (e)~~(d)~~ Increase the state's per capita funding for  
183 research by undertaking new initiatives in public health and  
184 biomedical research that will attract additional funding from  
185 outside the state.

186 (f)~~(e)~~ Stimulate economic activity in the state in areas  
187 related to biomedical research, such as the research and  
188 production of pharmaceuticals, biotechnology, and medical  
189 devices.

190 (g) Facilitate communication among biomedical researchers  
191 and health care providers in order to ensure an ongoing dialogue  
192 between researchers, treatment providers, and the department.

193 (h) Coordinate, improve, expand, and monitor all  
194 biomedical research programs within the state, facilitate  
195 funding opportunities, and foster improved technology transfer

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196 of research findings into clinical trials and widespread public  
197 use.

198 (i) Hold periodic biomedical technology summits in this  
199 state at which biomedical researchers, biomedical technology  
200 companies, business incubators, pharmaceutical manufacturers,  
201 and others around the nation and world are invited to share  
202 biomedical research findings in order to expedite the discovery  
203 of cures. Summit attendees shall cover the costs of such  
204 attendance or obtain sponsorship for such attendance.

205 (j) Encourage clinical trials in this state on research  
206 that holds promise of curing a disease or condition.

207 (k) Encourage partnerships among researchers in this state  
208 and institutions in other states and countries in which research  
209 with rare plants or animals could lead to cures.

210 (l) Encourage agricultural colleges and agricultural  
211 businesses in this state to be active in the search for cures  
212 and in providing information to the public about disease  
213 prevention.

214 (m) Encourage partnerships among researchers working to  
215 cure all types of diseases, including those that are prevalent  
216 in developed countries and those that occur mainly in developing  
217 countries.

218 (n) Encourage the discovery and production in this state  
219 of vaccines that prevent disease.

220 (4)-(2) Funds appropriated for the James and Esther King  
221 Biomedical Research Program shall be used exclusively for the  
222 award of grants and fellowships as established in this section;  
223 for research relating to the prevention, diagnosis, treatment,



224 and cure of diseases affecting Floridians ~~related to tobacco~~  
 225 ~~use, including cancer, cardiovascular disease, stroke, and~~  
 226 ~~pulmonary disease~~; and for expenses incurred in the  
 227 administration of this section. Priority shall be granted to  
 228 research designed to prevent or cure disease. Beginning July 1,  
 229 2008, funds appropriated for the James and Esther King  
 230 Biomedical Research Program shall be the exclusive source of  
 231 state funds used for the award of biomedical research grants and  
 232 fellowships in this state, as established in this section; for  
 233 research relating to the prevention, diagnosis, treatment, and  
 234 cure of diseases affecting Floridians; and for expenses incurred  
 235 in the administration of this section.

236 ~~(5)(3)~~ There is created within the James and Esther King  
 237 Biomedical Research Program in the Department of Health the  
 238 Biomedical Research Advisory Council.

239 (a) The council shall consist of 36 ~~41~~ members, including:  
 240 the Secretary of the Department of Health, or a designee; the  
 241 chief executive officer of Enterprise Florida, Inc., or a  
 242 designee; the chief executive officer of the Florida Division of  
 243 the American Cancer Society, or a designee; the chief executive  
 244 officer of the Florida/Puerto Rico Affiliate of the American  
 245 Heart Association, or a designee; and the chief executive  
 246 officer of the American Lung Association of Florida, or a  
 247 designee; the chief executive officer of the H. Lee Moffitt  
 248 Cancer Center, or a designee; the director of the University of  
 249 Florida Shands Cancer Center, or a designee; the chief executive  
 250 officer of the University of Miami Sylvester Comprehensive  
 251 Cancer Center, or a designee; the chief executive officer of the

252 Mayo Clinic, Jacksonville, or a designee; the president of the  
 253 Florida Society of Clinical Oncology, or a designee; the  
 254 president of the American College of Surgeons, Florida Chapter,  
 255 or a designee; and the chair of the Florida Dialogue on Cancer,  
 256 or a designee. The remaining 24 ~~8~~ members of the council shall  
 257 be appointed as follows:

258 1. The Governor shall appoint twelve ~~four~~ members, two  
 259 members with expertise in the field of biomedical research, one  
 260 member from a research university in the state, one  
 261 representative of the Epilepsy Foundation, one representative of  
 262 the Florida Medical Foundation, one representative of the  
 263 American Liver Foundation, one representative of the Florida  
 264 Academy of Family Physicians, one public health academic, one  
 265 representative of the Florida Public Health Association, one  
 266 representative of the Florida Council for Behavioral Health  
 267 Care, Inc., one representative of the Florida Association of  
 268 County Health Officers, and one member representing the general  
 269 population of the state.

270 2. The President of the Senate shall appoint six ~~two~~  
 271 members, one former member of the Senate, one member with  
 272 expertise in the field of behavioral or social research, one  
 273 representative of BioFlorida, one representative of  
 274 Pharmaceutical Research and Manufacturers of America, one  
 275 representative of the South Coastal Region of the American  
 276 Diabetes Association, and one representative from a cancer  
 277 program approved by the American College of Surgeons.

278 3. The Speaker of the House of Representatives shall  
 279 appoint six ~~two~~ members, one former member of the House of

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280 Representatives, one representative of the National Parkinson  
281 Foundation, one representative of the Alzheimer's Association,  
282 one representative of the Florida Research Consortium, one  
283 member from a professional medical organization, and one  
284 representative from a cancer program approved by the American  
285 College of Surgeons.

286

287 In making these appointments, the Governor, the President of the  
288 Senate, and the Speaker of the House of Representatives shall  
289 select primarily, but not exclusively, Floridians with  
290 biomedical and lay expertise in the general areas of cancer,  
291 cardiovascular disease, stroke, ~~and~~ pulmonary disease, diabetes,  
292 autoimmune disorders, and neurological disorders, including  
293 Alzheimer's disease, epilepsy, and Parkinson's disease. The  
294 appointments shall be for a 3-year term and shall reflect the  
295 diversity of the state's population. An appointed member may not  
296 serve more than two consecutive terms.

297 (b) Beginning July 1, 2008, the council shall serve as the  
298 exclusive source of awarding or recommending the award of grants  
299 or fellowships for biomedical research in the state using state-  
300 appropriated funds. This paragraph shall not preclude another  
301 grant or fellowship program in the state from awarding grants  
302 from funds received from private or federal sources where  
303 permitted by state law.

304 (c)1. The council shall create the following committees,  
305 and may create other committees as it deems necessary:

306 a. Committee on Tobacco-related Diseases.

307 b. Bankhead-Coley Committee on Cancer.

- 308 c. Committee on Strokes.
- 309 d. Committee on Cardiovascular Disease.
- 310 e. Committee on Pulmonary Disease.
- 311 f. Committee on Diabetes.
- 312 g. Committee on Autoimmune Disorders.
- 313 h. Johnnie B. Byrd, Sr., Committee on Alzheimer's Disease.
- 314 i. Committee on Parkinson's Disease.
- 315 j. Committee on Neurological Disorders.

316 2. The committees shall be comprised of council members  
 317 and shall focus on issues and proposed research related to that  
 318 committee. The committees shall report findings and make  
 319 recommendations to the council regarding the award of grants and  
 320 the areas of focus or need for future grants and fellowships.

321 (d) ~~(b)~~ The council shall adopt internal organizational  
 322 procedures as necessary for its efficient organization,  
 323 including procedures for assigning council members to committees  
 324 and coordination between the council and committees.

325 (e) ~~(e)~~ The department shall provide such staff,  
 326 information, and other assistance as is reasonably necessary to  
 327 assist the council, including its committees, in carrying out  
 328 its responsibilities.

329 (f) ~~(d)~~ Members of the council shall serve without  
 330 compensation, but may receive reimbursement as provided in s.  
 331 112.061 for travel and other necessary expenses incurred in the  
 332 performance of their official duties.

333 (6) ~~(4)~~ The council shall, after considering the  
 334 recommendations of its committees, determine ~~advise the~~  
 335 Secretary of Health as to the direction and scope of the

336 biomedical research program. The responsibilities of the council  
337 may include, but are not limited to:

338 (a) Establishing ~~Providing advice on~~ program priorities  
339 and emphases.

340 (b) Evaluating the ~~Providing advice on the~~ overall program  
341 budget and making recommendations to the Legislature for future  
342 appropriations.

343 (c) Conducting ~~Participating in~~ periodic program  
344 evaluation.

345 (d) Developing ~~Assisting in the development of~~ guidelines  
346 to ensure fairness, neutrality, and adherence to the principles  
347 of merit and quality in the conduct of the program.

348 (e) Developing ~~Assisting in the development of~~ appropriate  
349 linkages to nonacademic entities, such as voluntary  
350 organizations, health care delivery institutions, industry,  
351 government agencies, and public officials.

352 (f) Developing criteria and standards for the award of  
353 research grants.

354 (g) Developing administrative procedures relating to  
355 solicitation, review, and award of research grants and  
356 fellowships, to ensure an impartial, high-quality peer review  
357 system.

358 (h) Developing and supervising research peer review  
359 panels.

360 (i) Reviewing reports of peer review panels and making  
361 recommendations for research grants and fellowships.

362 (j) Developing and providing oversight regarding  
363 mechanisms for the dissemination of research results.

364 (k) Monitoring the supply and demand needs of researchers  
365 relating to stem cell research and other types of human tissue  
366 research consistent with this section. If the council determines  
367 that there is a need for increased donation of stem cells or  
368 human tissue, it shall notify hospitals licensed pursuant to  
369 chapter 395 that have entered into partnership agreements with  
370 research institutes conducting stem cell research located in the  
371 same geographic region as the researchers needing the stem  
372 cells, placentas, or cord blood.

373 (l) Maintaining a website with links to peer-reviewed  
374 biomedical research and future opportunities to apply for an  
375 award of a biomedical research grant from the council. The  
376 website shall also contain guidelines for the awarding of grants  
377 and fellowships, including application review procedures,  
378 evaluation criteria, funding methods, and grant administration  
379 procedures. Application forms shall be available on the website  
380 through an online application system. The website shall also  
381 provide a list of all known biomedical research being conducted  
382 in this state and shall facilitate communication among  
383 researchers and other interested parties.

384 (m) Disseminating breakthrough findings in, and  
385 information about, innovative biomedical research and clinical  
386 trials that will assist in making Floridians and their treatment  
387 providers aware of specified diseases and conditions and  
388 available methods of preventing, diagnosing, treating, and  
389 curing such diseases and conditions.

390 (7) ~~(5)~~(a) Applications for biomedical research funding  
391 under the program may be submitted from any university or

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392 established research institute in the state. All qualified  
393 investigators in the state, regardless of institution  
394 affiliation, shall have equal access and opportunity to compete  
395 for the research funding. Beginning September 1, 2007, the James  
396 and Esther King Biomedical Research Program shall establish and  
397 publish on the council's website criteria for the award of  
398 biomedical research grants for fiscal year 2008-2009, which  
399 grants may be awarded to any university or established research  
400 institute in the state. All qualified investigators in the  
401 state, regardless of institution affiliation, shall have equal  
402 access and opportunity to compete for the research funding.

403 (b) For grants or fellowships related to biomedical  
404 research for fiscal year 2008-2009, the application deadline  
405 shall be posted on the council's website at least 90 days prior  
406 to the deadline. Applicants shall submit a completed and signed  
407 application provided by the council and meet all deadlines.

408 (c) ~~(b)~~ Beginning in 2008 and continuing each year  
409 thereafter, the council shall submit to the Legislature by  
410 February 1 a priority list of biomedical research projects for  
411 funding by the Legislature based on the applications received.  
412 Recommendations to the Legislature shall be made ~~Grants and~~  
413 ~~fellowships shall be awarded by the Secretary of Health, after~~  
414 ~~consultation with the council,~~ on the basis of scientific merit,  
415 as determined by an open competitive peer review process that  
416 ensures objectivity, consistency, and high quality. The  
417 following types of applications shall be considered for funding:

- 418 1. Investigator-initiated research grants.
- 419 2. Institutional research grants.

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420 3. Predoctoral and postdoctoral research fellowships.

421 (d) Any program, board, commission, council, advisory  
422 group, or committee created by state law that currently awards  
423 or intends to award in the future grants for biomedical research  
424 programs or any program, board, commission, council, advisory  
425 group, or committee created by state law that facilitates or  
426 recommends the award of biomedical research grants from programs  
427 using state-appropriated funds, shall, for fiscal year 2008-2009  
428 and any fiscal year thereafter, apply for grants or make  
429 recommendations to the council for the prioritization and award  
430 of grants through the James and Esther King Biomedical Research  
431 Program.

432 ~~(8)(6)~~ To ensure that all proposals for research funding  
433 are appropriate and are evaluated fairly on the basis of  
434 scientific merit, ~~the Secretary of Health, in consultation with~~  
435 ~~the council,~~ shall appoint a peer review panel of independent,  
436 scientifically qualified individuals to review the scientific  
437 content of each proposal and establish its scientific priority  
438 score. The priority scores shall be forwarded to the council and  
439 its committees and must be considered in determining which  
440 proposals shall be recommended for funding.

441 ~~(9)(7)~~ The council, the committees, and the peer review  
442 panel shall establish and follow rigorous guidelines for ethical  
443 conduct and adhere to a strict policy with regard to conflict of  
444 interest. A member of the council or panel may not participate  
445 in any discussion or decision with respect to a research  
446 proposal by any firm, entity, or agency with which the member is  
447 associated as a member of the governing body or as an employee,



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448 or with which the member has entered into a contractual  
449 arrangement. Meetings of the council and the peer review panels  
450 shall be subject to the provisions of chapter 119, s. 286.011,  
451 and s. 24, Art. I of the State Constitution.

452 (10) The council shall take into consideration the  
453 following factors when prioritizing grant or fellowship awards:

454 (a) Research applications that appear to have the most  
455 profound impact on the most deadly and widespread diseases  
456 affecting Floridians at the time the grant or fellowship is  
457 awarded.

458 (b) Research applications that meet the priorities of the  
459 program while proposing the best and most efficient use of state  
460 funds.

461 (11)-(8) The department may contract on a competitive-bid  
462 basis with an appropriate entity to administer the program.  
463 Administrative expenses may not exceed 15 percent of the total  
464 funds available to the program in any given year.

465 (12)-(9) The department, after consultation with the  
466 council, may adopt rules pursuant to ss. 120.536(1) and 120.54  
467 ~~as~~ necessary to implement this section.

468 (13)-(10) In addition to its recommendations to the  
469 Legislature to award grants pursuant to its priority list  
470 submitted by February 1 of each year, the council shall submit  
471 an annual progress report on the state of biomedical research in  
472 this state to the Florida Center for Universal Research to  
473 Eradicate Disease and to the Governor, the Secretary of Health,  
474 the President of the Senate, and the Speaker of the House of  
475 Representatives by February 1. The report must include:

476 (a) A list of research projects supported by grants or  
 477 fellowships awarded under the program.

478 (b) A list of recipients of program grants or fellowships.

479 (c) A list of publications in peer reviewed journals  
 480 involving research supported by grants or fellowships awarded  
 481 under the program.

482 (d) The total amount of biomedical research funding  
 483 currently flowing into the state.

484 (e) New grants for biomedical research which were funded  
 485 based on research supported by grants or fellowships awarded  
 486 under the program.

487 (f) Progress in the prevention, diagnosis, treatment, and  
 488 cure of the most deadly and widespread diseases, including  
 489 cancer, cardiovascular disease, stroke, pulmonary disease,  
 490 diabetes, autoimmune disorders, and neurological disorders,  
 491 including Alzheimer's disease, epilepsy, and Parkinson's disease  
 492 ~~diseases related to tobacco use, including cancer,~~  
 493 ~~cardiovascular disease, stroke, and pulmonary disease.~~

494 ~~(11) The council shall award grants for cancer research~~  
 495 ~~through the William G. "Bill" Bankhead, Jr., and David Coley~~  
 496 ~~Cancer Research Program created in s. 381.922.~~

497 (14)~~(12)~~ Beginning in fiscal year 2006-2007 and ending  
 498 June 30, 2007, the sum of \$6 million is appropriated ~~annually~~  
 499 from recurring funds in the General Revenue Fund to the  
 500 Biomedical Research Trust Fund within the Department of Health  
 501 for purposes of the James and Esther King Biomedical Research  
 502 Program pursuant to this section. From these funds up to  
 503 \$500,000 ~~\$250,000~~ shall be available for the operating costs of

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504 the James and Esther King Biomedical Research Program ~~Florida~~  
505 ~~Center for Universal Research to Eradicate Disease.~~ Beginning in  
506 fiscal year 2008-2009, the Legislature may appropriate funds  
507 from recurring funds in the General Revenue Fund to the  
508 Biomedical Research Trust Fund within the department for  
509 purposes of the James and Esther King Biomedical Research  
510 Program. From any funds that may be appropriated by the  
511 Legislature, up to \$500,000 shall be available for the operating  
512 costs of the James and Esther King Biomedical Research Program.  
513 Any biomedical research grants awarded pursuant to this section  
514 for cancer research shall be named "Bankhead-Coley Cancer  
515 Research Grants," and any research grants awarded pursuant to  
516 this section for Alzheimer's research shall be named "Johnnie B.  
517 Byrd, Sr., Alzheimer's Grants."

518 (15)~~(13)~~ By June 1, 2009, the Division of Statutory  
519 Revision of the Office of Legislative Services shall certify to  
520 the President of the Senate and the Speaker of the House of  
521 Representatives the language and statutory citation of this  
522 section, which is scheduled to expire January 1, 2011.

523 (16)~~(14)~~ The Legislature shall review the performance, the  
524 outcomes, and the financial management of the James and Esther  
525 King Biomedical Research Program during the 2010 Regular Session  
526 of the Legislature and shall determine the most appropriate  
527 funding source and means of funding the program based on its  
528 review.

529 (17)~~(15)~~ This section expires January 1, 2011, unless  
530 reviewed and reenacted by the Legislature before that date.

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531 Section 4. Paragraph (g) of subsection (4) of section  
532 381.853, Florida Statutes, is amended to read:

533 381.853 Florida Center for Brain Tumor Research.--

534 (4) The Florida Center for Brain Tumor Research is  
535 established within the Evelyn F. and William L. McKnight Brain  
536 Institute of the University of Florida.

537 (g) The center shall be funded through private, state, and  
538 federal sources. Beginning in fiscal year 2008-2009, if the  
539 center seeks to conduct biomedical research using state-  
540 appropriated funds or intends to award or make recommendations  
541 for the award of state-appropriated funds for biomedical  
542 research grants or fellowships, the center shall apply for  
543 grants or fellowships from, or make recommendations for the  
544 award of grants or fellowships to, the Biomedical Research  
545 Advisory Council in the James and Esther King Biomedical  
546 Research Program pursuant to s. 215.5602.

547 Section 5. Subsection (1) of section 381.912, Florida  
548 Statutes, is amended to read:

549 381.912 Cervical Cancer Elimination Task Force.--

550 (1) Effective July 1, 2004, the Cervical Cancer  
551 Elimination Task Force is established for the purpose of  
552 recommending strategies and actions to reduce the costs and  
553 burdens of cervical cancer in Florida. The task force shall  
554 present interim reports to the William G. "Bill" Bankhead, Jr.,  
555 and David Coley Cancer Research Council Florida Public Health  
556 Foundation, Inc., the Florida Cancer Council, the Center for  
557 Universal Research to Eradicate Disease, the Governor, the  
558 President of the Senate, and the Speaker of the House of

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559 Representatives on January 1, 2006, and July 1, 2007, with a  
560 final report due on June 30, 2008. After submitting its final  
561 report on or before June 30, 2008, the task force is dissolved.

562 Section 6. Section 381.922, Florida Statutes, is amended  
563 to read:

564 (Substantial rewording of section. See s. 381.922, F.S.,  
565 for present text)

566 381.922 William G. "Bill" Bankhead, Jr., and David Coley  
567 Cancer Research Council.--

568 (1) Effective July 1, 2007, the William G. "Bill"  
569 Bankhead, Jr., and David Coley Cancer Research Council, which  
570 may be cited as the "Bankhead-Coley Cancer Council," is created  
571 within the Department of Health for the purpose of making the  
572 state a center of excellence for cancer research.

573 (2) (a) The council shall be representative of the state's  
574 cancer centers, hospitals, and patient groups and shall be  
575 organized and shall operate in accordance with this section.

576 (b) The Bankhead-Coley Cancer Council may create not-for-  
577 profit corporations to receive, hold, invest, and administer  
578 property and any moneys acquired from private, local, state, and  
579 federal sources, as well as technical and professional income  
580 generated or derived from the mission-related activities of the  
581 council.

582 (c) The members of the council shall consist of:

583 1. The chair of the Florida Dialogue on Cancer, who shall  
584 serve as the chair of the council.

585 2. The Secretary of Health or his or her designee.

586 3. The chief executive officer of the H. Lee Moffitt

587 Cancer Center or his or her designee.

588 4. The director of the University of Florida Shands Cancer  
 589 Center or his or her designee.

590 5. The chief executive officer of the University of Miami  
 591 Sylvester Comprehensive Cancer Center or his or her designee.

592 6. The chief executive officer of the Mayo Clinic,  
 593 Jacksonville, or his or her designee.

594 7. The chief executive officer of the American Cancer  
 595 Society, Florida Division, Inc., or his or her designee.

596 8. The president of the American Cancer Society, Florida  
 597 Division, Inc., Board of Directors or his or her designee.

598 9. The president of the Florida Society of Clinical  
 599 Oncology or his or her designee.

600 10. The president of the American College of Surgeons,  
 601 Florida Chapter, or his or her designee.

602 11. The chief executive officer of Enterprise Florida,  
 603 Inc., or his or her designee.

604 12. Five representatives from cancer programs approved by  
 605 the American College of Surgeons. Three of the five shall be  
 606 appointed by the Governor, one shall be appointed by the Speaker  
 607 of the House of Representatives, and one shall be appointed by  
 608 the President of the Senate.

609 13. One member of the House of Representatives, to be  
 610 appointed by the Speaker of the House of Representatives.

611 14. One member of the Senate, to be appointed by the  
 612 President of the Senate.

613 (d) Appointments made by the Speaker of the House of  
 614 Representatives and the President of the Senate pursuant to

615 paragraph (c) shall be for 2-year terms, concurrent with the  
 616 bienniums in which they serve as presiding officers.

617 (e) Appointments made by the Governor pursuant to  
 618 paragraph (c) shall be for 2-year terms, although the Governor  
 619 may reappoint members.

620 (f) Members of the council shall serve without  
 621 compensation, and each organization represented on the council  
 622 shall cover the expenses of its representatives.

623 (3) The council shall issue an annual report to the James  
 624 and Esther King Biomedical Research Program, the Governor, the  
 625 Speaker of the House of Representatives, and the President of  
 626 the Senate by December 15 of each year, with policy  
 627 recommendations regarding cancer research capacity in the state  
 628 and related issues.

629 Section 7. Section 381.923, Florida Statutes, is created  
 630 to read:

631 381.923 Bankhead-Coley Cancer Council mission and  
 632 duties.--The council shall ensure that the goals of the council  
 633 are advanced and shall endeavor to dramatically improve cancer  
 634 research and treatment in this state through:

635 (1) Efforts to significantly expand cancer research  
 636 capacity in the state by:

637 (a) Identifying ways to attract new research talent and  
 638 attendant national grant-producing researchers to cancer  
 639 research facilities in this state.

640 (b) Encouraging the employment of bioinformatics in order  
 641 to create a cancer informatics infrastructure that enhances  
 642 information and resource exchange and integration through

643 researchers working in diverse disciplines, to facilitate the  
644 full spectrum of cancer investigations.

645 (c) Facilitating the technical coordination, business  
646 development, and support of intellectual property as it relates  
647 to the advancement of cancer research.

648 (d) Aiding in other multidisciplinary research-support  
649 activities as they inure to the advancement of cancer research.

650 (2) Efforts to improve both research and treatment through  
651 greater participation in clinical trials networks by:

652 (a) Identifying ways to increase adult enrollment in  
653 cancer clinical trials.

654 (b) Supporting public and private professional education  
655 programs designed to increase the awareness and knowledge about  
656 cancer clinical trials.

657 (c) Providing tools to cancer patients and community-based  
658 oncologists to aid in the identification of cancer clinical  
659 trials available in the state.

660 (d) Creating opportunities for the state's academic cancer  
661 centers to collaborate with community-based oncologists in  
662 cancer clinical trials networks.

663 (3) Efforts to reduce the impact of cancer on disparate  
664 groups by:

665 (a) Identifying those cancers that disproportionately  
666 impact certain demographic groups.

667 (b) Building collaborations designed to reduce health  
668 disparities as they relate to cancer.

669 Section 8. Subsections (8) and (12) of section 381.98,  
670 Florida Statutes, are amended to read:



671 381.98 The Florida Public Health Foundation, Inc. ;  
 672 establishment; purpose; mission; duties; board of directors.--

673 (8) The corporation, in consultation with the Department  
 674 of Health and ~~the Florida Center for Universal Research to~~  
 675 ~~Eradicate Disease~~, shall facilitate communication between  
 676 biomedical researchers and health care providers each month  
 677 according to the health awareness schedule established by the  
 678 Florida Public Health Foundation, Inc., in order to ensure  
 679 ongoing dialogue between researchers, treatment providers, and  
 680 the department.

681 (12) The corporation shall provide an annual report  
 682 concerning its activities and finances to ~~the Florida Center for~~  
 683 ~~Universal Research to Eradicate Disease and shall provide copies~~  
 684 ~~of the annual report to~~ the Governor, the President of the  
 685 Senate, and the Speaker of the House of Representatives.

686 Section 9. Subsection (4) of section 430.501, Florida  
 687 Statutes, is amended to read:

688 430.501 Alzheimer's Disease Advisory Committee; research  
 689 grants.--

690 (4) If funds are made available through gifts, grants, or  
 691 other sources, the Department of Elderly Affairs shall deposit  
 692 such funds into its Grants and Donations Trust Fund and shall  
 693 award research grants to qualified profit or nonprofit  
 694 associations and institutions or governmental agencies in order  
 695 to plan, establish, or conduct programs in Alzheimer's disease  
 696 control or prevention, education and training, and research. The  
 697 department may adopt rules necessary to carry out these duties.  
 698 Beginning in fiscal year 2008-2009, if the committee seeks to

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699 award biomedical research grants or fellowships using state-  
 700 appropriated funds or makes recommendations for the award of  
 701 state-appropriated funds for biomedical research grants or  
 702 fellowships, the committee shall apply for grants or fellowships  
 703 from, or make recommendations for the award of grants or  
 704 fellowships to, the Biomedical Research Advisory Council in the  
 705 James and Esther King Biomedical Research Program pursuant to s.  
 706 215.5602.

707 Section 10. Subsection (2) of section 430.502, Florida  
 708 Statutes, is amended to read:

709 430.502 Alzheimer's disease; memory disorder clinics and  
 710 day care and respite care programs.--

711 (2) It is the intent of the Legislature that research  
 712 conducted by a memory disorder clinic and supported by state  
 713 funds pursuant to subsection (1) be applied research, be  
 714 service-related, and be selected in conjunction with the  
 715 department. Such research may address, but is not limited to,  
 716 diagnostic technique, therapeutic interventions, and supportive  
 717 services for persons suffering from Alzheimer's disease and  
 718 related memory disorders and their caregivers. A memory disorder  
 719 clinic shall conduct such research in accordance with a research  
 720 plan developed by the clinic which establishes research  
 721 objectives that are in accordance with this legislative intent.  
 722 Beginning in fiscal year 2008-2009, if a memory disorder clinic  
 723 supported by state funds pursuant to subsection (1) performs or  
 724 seeks to perform any biomedical research, the memory disorder  
 725 clinic shall apply for a research grant or fellowship through  
 726 the James and Esther King Biomedical Research Program pursuant

727 to s. 215.5602. A memory disorder clinic shall also complete and  
728 submit to the department a report of the findings, conclusions,  
729 and recommendations of completed research. This subsection does  
730 not apply to those memory disorder clinics at the three medical  
731 schools in the state or at the major private nonprofit research-  
732 oriented teaching hospital or other affiliated teaching  
733 hospital.

734 Section 11. Subsections (9) through (15) of section  
735 1004.445, Florida Statutes, are renumbered as subsections (8)  
736 through (14), respectively, and present subsections (8) and (12)  
737 of that section are amended to read:

738 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and  
739 Research Institute.--

740 ~~(8)(a) Applications for Alzheimer's disease research~~  
741 ~~funding may be submitted from any university or established~~  
742 ~~research institute in the state. All qualified investigators in~~  
743 ~~the state, regardless of institutional affiliation, shall have~~  
744 ~~equal access and opportunity to compete for the research~~  
745 ~~funding. Grants shall be awarded by the board of directors of~~  
746 ~~the not for profit corporation on the basis of scientific merit,~~  
747 ~~as determined by an open, competitive peer review process that~~  
748 ~~ensures objectivity, consistency, and high quality. The~~  
749 ~~following types of applications shall be considered for funding:~~

- 750 1. ~~Investigator initiated research grants.~~  
751 2. ~~Institutional research grants.~~  
752 3. ~~Collaborative research grants, including those that~~  
753 ~~advance the finding of cures through basic or applied research.~~

754 ~~(b) Preference may be given to grant proposals that foster~~  
755 ~~collaboration among institutions, researchers, and community~~  
756 ~~practitioners because these proposals support the advancement of~~  
757 ~~cures through basic or applied research, including clinical~~  
758 ~~trials involving Alzheimer's patients and related networks.~~

759 ~~(c) To ensure that all proposals for research funding are~~  
760 ~~appropriate and are evaluated fairly on the basis of scientific~~  
761 ~~merit, the board of directors of the not for profit corporation,~~  
762 ~~in consultation with the council of scientific advisors, shall~~  
763 ~~appoint a peer review panel of independent, scientifically~~  
764 ~~qualified individuals to review the scientific content of each~~  
765 ~~proposal and establish its scientific priority score. The~~  
766 ~~priority scores shall be forwarded to the council and must be~~  
767 ~~considered by the board of directors of the not for profit~~  
768 ~~corporation in determining which proposals shall be recommended~~  
769 ~~for funding.~~

770 ~~(d) The council of scientific advisors and the peer review~~  
771 ~~panel shall establish and follow rigorous guidelines for ethical~~  
772 ~~conduct and adhere to a strict policy with regard to conflict of~~  
773 ~~interest. All employees, members of the board of directors, and~~  
774 ~~affiliates of the not for profit corporation shall follow the~~  
775 ~~same rigorous guidelines for ethical conduct and shall adhere to~~  
776 ~~the same strict policy with regard to conflict of interest. A~~  
777 ~~member of the council or panel may not participate in any~~  
778 ~~discussion or decision with respect to a research proposal by~~  
779 ~~any firm, entity, or agency with which the member is associated~~  
780 ~~as a member of the governing body or as an employee or with~~  
781 ~~which the member has entered into a contractual arrangement.~~

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782 ~~Meetings of the council and the peer review panels are subject~~  
783 ~~to chapter 119, s. 286.011, and s. 24, Art. I of the State~~  
784 ~~Constitution.~~

785 (11)~~(12)~~ Beginning in fiscal year 2006-2007 and ending  
786 June 30, 2007, the sum of \$15 million is appropriated annually  
787 from recurring funds in the General Revenue Fund to the Grants  
788 and Donations Trust Fund within the Department of Elderly  
789 Affairs for the Johnnie B. Byrd, Sr., Alzheimer's Center and  
790 Research Institute at the University of South Florida for the  
791 purposes as provided under paragraph (6) (a), conducting and  
792 supporting research, providing institutional research grants and  
793 investigator-initiated research grants, developing and operating  
794 integrated data projects, and providing assistance to  
795 statutorily designated memory disorder clinics as provided under  
796 s. 430.502. Not less than 80 percent of the appropriated funds  
797 shall be expended for these purposes, and not less than 20  
798 percent of the appropriated funds shall be expended for peer-  
799 reviewed investigator-initiated research grants. Beginning in  
800 fiscal year 2008-2009, if the Johnnie B. Byrd, Sr., Alzheimer's  
801 Center and Research Institute seeks to conduct biomedical  
802 research using state-appropriated funds or intends to award  
803 grants or fellowships for biomedical research using state-  
804 appropriated funds, the Johnnie B. Byrd, Sr., Alzheimer's Center  
805 and Research Institute shall apply for grants or fellowships  
806 from, or make recommendations for the award of grants or  
807 fellowships to, the Biomedical Research Advisory Council in the  
808 James and Esther King Biomedical Research Program pursuant to s.  
809 215.5602.

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810           Section 12. Sections 381.855, 381.92, and 381.921, Florida  
811 Statutes, are repealed.

812           Section 13. If any provision of this act or the  
813 application thereof to any person or circumstance is held  
814 invalid, the invalidity does not affect other provisions or  
815 applications of the act which can be given effect without the  
816 invalid provision or application, and to this end the provisions  
817 of this act are declared severable.

818           Section 14. This act shall take effect July 1, 2007.