

By Senator Geller

31-02854-08

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## Senate Joint Resolution

A joint resolution proposing the creation of Section 28 of Article X of the State Constitution to provide funding for embryonic stem cell research.

Be It Resolved by the Legislature of the State of Florida:

That the following creation of Section 28 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

## ARTICLE X

## MISCELLANEOUS

SECTION 28. Funding of embryonic stem cell research.--

(a) There is hereby appropriated from the General Revenue Fund to the Department of Health the sum of twenty million dollars in each of the ten fiscal years beginning with the year in which this amendment is adopted. With such funds, the Department of Health shall make grants for embryonic stem cell research using, or using the derivatives of, human embryos that, before or after formation, have been donated to medicine under donor instructions forbidding intrauterine embryo transfer.

(b) For the purposes of this section, an embryo is deemed to be "donated to medicine" if and only, under conditions that satisfy applicable requirements for informed consent and do not involve financial inducement to any donor, the persons from whose cells the embryo originates give the embryo to another person under written instructions specifying that the recipient shall

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30 use the embryo for biomedical research or therapy. The term  
31 "financial inducement" includes any valuable consideration but  
32 excludes reimbursement for reasonable costs incurred in  
33 connection with a donation and reasonable compensation to a donor  
34 from whom an oocyte is recovered and to the donor of any other  
35 cell recovered by an invasive procedure for the preparation for  
36 and time, burden, and risk of such recovery.

37 (c) The funds appropriated under this section shall be  
38 granted to nonprofit academic and other research institutions  
39 situated within the state. Grantees shall be chosen on the basis  
40 of a recommended ordering of applications by scientific merit as  
41 reckoned in a peer review process by disinterested experts in the  
42 relevant fields.

43 (d) This section shall be self-executing and effective  
44 immediately upon adoption. This appropriation shall be nonlapsing  
45 such that any portion of a yearly appropriation not distributed  
46 shall accumulate for distribution in subsequent years. The  
47 Department of Health is authorized to adopt administrative rules  
48 for the implementation of this section.

49 BE IT FURTHER RESOLVED that the following statement be  
50 placed on the ballot:

51 CONSTITUTIONAL AMENDMENT

52 ARTICLE X, SECTION 28

53 FUNDING OF EMBRYONIC STEM CELL RESEARCH.--Proposing an  
54 amendment to the State Constitution to appropriate \$20 million  
55 annually for 10 fiscal years for grants by the Department of  
56 Health to Florida nonprofit institutions to conduct embryonic  
57 stem cell research using, or using derivatives of, human embryos  
58 that, before or after formation, have been donated to medicine

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59 | under donor instructions forbidding intrauterine embryo transfer.  
60 | An embryo is deemed to be "donated to medicine" only if given  
61 | without receipt of consideration other than cost reimbursement  
62 | and compensation for recovery of donated cells.