

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Bean offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (6) of section 381.006, Florida
6 Statutes, is amended to read:

7 381.006 Environmental health.--The department shall
8 conduct an environmental health program as part of fulfilling
9 the state's public health mission. The purpose of this program
10 is to detect and prevent disease caused by natural and manmade
11 factors in the environment. The environmental health program
12 shall include, but not be limited to:

13 (6) A public facilities function, including sanitary
14 practices relating to state, county, municipal, and private
15 institutions serving the public; jointly with the Department of
16 Education, publicly and privately owned schools; ~~all places used~~

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17 ~~for the incarceration of prisoners and inmates of state~~
18 institutions for the mentally ill; toilets and washrooms in all
19 public places and places of employment; any other condition,
20 place, or establishment necessary for the control of disease or
21 the protection and safety of public health.

22
23 The department may adopt rules to carry out the provisions of
24 this section.

25 Section 2. Subsection (1) of section 381.86, Florida
26 Statutes, is amended to read:

27 381.86 Institutional Review Board.--

28 (1) The Institutional Review Board is created within the
29 Department of Health in order to satisfy federal requirements
30 under 45 C.F.R. part 46 and 21 C.F.R. parts 50 and 56 ~~that an~~
31 ~~institutional review board review all biomedical and behavioral~~
32 ~~research on human subjects which is funded or supported in any~~
33 ~~manner by the department.~~

34 Section 3. Section 381.98, Florida Statutes, is amended to
35 read:

36 381.98 The Florida Public Health Institute Foundation,
37 Inc.; establishment; purpose; mission; duties; board of
38 directors.--

39 (1) The Florida Public Health Institute Foundation, Inc.,
40 referred to in this section as "the corporation," is established
41 for the purpose of advancing the knowledge and practice of
42 public health, including disseminating breakthrough findings in
43 ~~biomedical research and promoting health awareness in this state~~
44 ~~and providing services to the Department of Health.~~

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45 ~~(2) The corporation's mission includes disseminating~~
46 ~~information about innovative biomedical research and clinical~~
47 ~~trials in this state as well as making Floridians and their~~
48 ~~treatment providers aware of specified diseases and conditions~~
49 ~~and available methods of preventing, diagnosing, treating, and~~
50 ~~curing those diseases and conditions.~~

51 (2)~~(3)~~ The ~~purpose and~~ objective of the corporation is
52 ~~shall be~~ to operate exclusively for charitable, scientific, and
53 educational purposes; to protect and improve the health and
54 well-being of Florida's people and environment through
55 partnerships committed to program innovation, education, applied
56 research, and policy development; and to engage in charitable
57 programs dedicated to improving the health of Floridians.

58 (3)~~(4)~~ The corporation shall be established as a not-for-
59 profit entity qualifying under s. 501(c)(3) of the Internal
60 Revenue Code. The corporation may receive, hold, invest, and
61 administer property and any moneys acquired from private, local,
62 state, and federal sources, as well as technical and
63 professional income generated or derived from the mission-
64 related activities of the corporation. The corporation shall
65 have all of the powers conferred upon corporations organized
66 under chapter 617.

67 (4)~~(5)~~ The corporation's duties include procuring funds
68 necessary for accomplishing the purpose and mission of the
69 corporation. The corporation shall strive to complement,
70 supplement, and enhance the missions of the various
71 organizations, entities, and departments ~~represented on its~~

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72 ~~board~~ by serving as the lead corporation in the state for
73 promoting public health awareness.

74 ~~(5)-(6)~~ The affairs of the corporation shall be managed by
75 an executive director appointed by a board of directors.
76 ~~consisting of:~~

77 (6) The board of directors shall be elected in accordance
78 with the bylaws of the corporation and must include, but need
79 not be limited to:

80 (a) The State Surgeon General or his or her designee.

81 (b) A representative of the Florida Public Health
82 Association ~~former member of the Senate appointed by the~~
83 ~~President of the Senate.~~

84 (c) Representatives of local health departments, with at
85 least one representative from the southern, central, and
86 northern areas of the state ~~A former member of the House of~~
87 ~~Representatives appointed by the Speaker of the House of~~
88 ~~Representatives.~~

89 (d) Representatives from institutions of higher learning ~~A~~
90 ~~representative of the American Heart Association.~~

91 (e) Representatives from the private health care,
92 business, or foundation community ~~A representative of the~~
93 ~~American Cancer Society, Florida Division, Inc.~~

94 ~~(f) A representative of the American Lung Association of~~
95 ~~Florida.~~

96 ~~(g) A representative of the American Diabetes Association,~~
97 ~~South Coastal Region.~~

98 ~~(h) A representative of the Alzheimer's Association.~~

99 ~~(i) A representative of the Epilepsy Foundation.~~

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100 ~~(j) A representative of the National Parkinson Foundation.~~

101 ~~(k) A representative of the March of Dimes, Florida~~

102 ~~Chapter.~~

103 ~~(l) A representative of the Arthritis Foundation, Florida~~

104 ~~Chapter.~~

105 ~~(m) A representative of the American Liver Foundation.~~

106 ~~(n) A representative of the Florida Council for Behavioral~~
107 ~~Healthcare, Inc.~~

108 ~~(o) A representative of the Florida Alcohol and Drug Abuse~~
109 ~~Association.~~

110 ~~(p) A representative of Pharmaceutical Research and~~
111 ~~Manufacturers of America.~~

112 ~~(q) A representative of the Florida Public Health~~
113 ~~Association.~~

114 ~~(r) A representative of the Florida Association of County~~
115 ~~Health Officers.~~

116 ~~(s) A public health academician selected by the State~~
117 ~~Health Officer.~~

118 ~~(t) A representative of the Florida Academy of Family~~
119 ~~Physicians.~~

120 ~~(u) Three consumers who have demonstrated an interest in~~
121 ~~protecting the public health appointed by the Florida Public~~
122 ~~Health Association.~~

123 ~~(v) A representative of the Florida Association of Health~~
124 ~~Plans.~~

125 (7) The majority of board members must be nonstate
126 employees.

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127 ~~(7) Members of the board of directors shall serve for 2-~~
128 ~~year terms and shall serve without compensation. Each~~
129 ~~organization represented on the board of directors shall cover~~
130 ~~the expenses of its representative.~~

131 ~~(8) The corporation, in consultation with the Department~~
132 ~~of Health and the Florida Center for Universal Research to~~
133 ~~Eradicate Disease, shall facilitate communication between~~
134 ~~biomedical researchers and health care providers each month~~
135 ~~according to the health awareness schedule established by the~~
136 ~~Florida Public Health Foundation, Inc., in order to ensure~~
137 ~~ongoing dialogue between researchers, treatment providers, and~~
138 ~~the department.~~

139 (8)~~(9)~~ The corporation and the Department of Health shall
140 enter into partnerships with providers of continuing education
141 for health care practitioners, including, but not limited to,
142 hospitals and state and local medical organizations, to ensure
143 that practitioners are aware of the most recent and complete
144 diagnostic and treatment tools.

145 (9)~~(10)~~ The corporation may provide personnel to the
146 Department of Health for the purpose of performing duties and
147 responsibilities outlined in private and public grants received
148 by the Department of Health. These personnel are not state
149 employees and are not entitled to retirement credit and other
150 benefits provided to state employees under chapters 110 and 112.
151 These personnel shall perform services under ~~pursuant to~~ an
152 agreement between the corporation and the Department of Health.

153 (10)~~(11)~~ The corporation may purchase goods, services, and
154 property for use by the Department of Health. These purchases

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155 are not subject to the provisions of chapters 253, 255, and 287,
156 nor to the control or direction of the Department of
157 Environmental Protection or the Department of Management
158 Services.

159 ~~(11)(12)~~ The corporation shall provide an annual report
160 concerning its activities ~~and finances~~ to the ~~Florida Center for~~
161 ~~Universal Research to Eradicate Disease~~ and shall provide copies
162 of the annual report to the Governor, the President of the
163 Senate, and the Speaker of the House of Representatives.

164 Section 4. Paragraph (h) of subsection (1) of section
165 20.435, Florida Statutes, is amended to read:

166 20.435 Department of Health; trust funds.--

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

169 (h) Biomedical Research Trust Fund.

170 1. Funds to be credited to the trust fund shall consist of
171 funds deposited pursuant to s. 215.5601 and any other funds
172 appropriated by the Legislature. Funds shall be used for the
173 purposes of the James and Esther King Biomedical Research
174 Program and the William G. "Bill" Bankhead, Jr., and David Coley
175 Cancer Research Program as specified in ss. 215.5602, 288.955,
176 and 381.922. The trust fund is exempt from the service charges
177 imposed by s. 215.20.

178 2. Funds deposited into the trust fund pursuant to s.
179 215.5601 and any other funds appropriated by the Legislature as
180 specified in s. 215.5602(12)(a) for research related to tobacco-
181 related diseases shall be used exclusively for the purpose of
182 awarding grants and fellowships for research regarding the

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183 prevention, diagnosis, treatment, and cure of tobacco-related
184 diseases by the James and Esther King Biomedical Research
185 Program.

186 3. Funds deposited into the trust fund pursuant to the
187 William G. "Bill" Bankhead, Jr., and David Coley Cancer Research
188 Program as specified in s. 381.922 shall be used for the purpose
189 of awarding grants for cancer research by the William G. "Bill"
190 Bankhead, Jr., and David Coley Cancer Research Program.

191 4. All other funds deposited into the trust fund shall be
192 used for the purpose of awarding grants and fellowships for
193 biomedical research regarding the prevention, diagnosis,
194 treatment, and cure of the most deadly and widespread
195 nontobacco-related acute, chronic, and degenerative diseases by
196 the James and Esther King Biomedical Research Program as
197 specified in s. 215.5602(2)(b) and (12)(b).

198 ~~5.2-~~ Notwithstanding the provisions of s. 216.301 and
199 pursuant to s. 216.351, any balance in the trust fund at the end
200 of any fiscal year shall remain in the trust fund at the end of
201 the year and shall be available for carrying out the purposes of
202 the trust fund. The department may invest these funds
203 independently through the Chief Financial Officer or may
204 negotiate a trust agreement with the State Board of
205 Administration for the investment management of any balance in
206 the trust fund.

207 ~~6.3-~~ Notwithstanding s. 216.301 and pursuant to s.
208 216.351, any balance of any appropriation from the Biomedical
209 Research Trust Fund which is not disbursed but which is
210 obligated pursuant to contract or committed to be expended may

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211 be carried forward for up to 5 ~~3~~ years following the effective
212 date of the original appropriation.

213 Section 5. Paragraph (e) of subsection (5) of section
214 215.5601, Florida Statutes, is amended to read:

215 215.5601 Lawton Chiles Endowment Fund.--

216 (5) AVAILABILITY OF FUNDS; USES.--

217 (e) Notwithstanding s. 216.301 and pursuant to s. 216.351,
218 all unencumbered balances of appropriations from each
219 department's respective Tobacco Settlement Trust Fund as of June
220 30 or undisbursed balances as of December 31 shall revert to the
221 endowment's principal. Unencumbered balances in the Biomedical
222 Research Trust Fund shall be managed as provided in s.
223 20.435(1)(h) 5.2.

224 Section 6. Section 215.5602, Florida Statutes, is amended
225 to read:

226 215.5602 James and Esther King Biomedical Research
227 Program.--

228 (1) There is established within the Department of Health
229 the James and Esther King Biomedical Research Program funded by
230 the proceeds of the Lawton Chiles Endowment Fund pursuant to s.
231 215.5601. The purpose of the James and Esther King Biomedical
232 Research Program is to provide an annual and perpetual source of
233 funding in order to support research initiatives that address
234 the health care problems of Floridians in the areas of tobacco-
235 related cancer, cardiovascular disease, stroke, and pulmonary
236 disease and nontobacco-related acute, chronic, and degenerative
237 diseases, including cancer, cardiovascular disease, stroke,
238 pulmonary disease, diabetes, autoimmune and genetic disorders,

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239 and neurological disorders, including Alzheimer's disease,
240 epilepsy, and Parkinson's disease. The long-term goals of the
241 program are to:

242 (a) Improve the health of Floridians by researching better
243 prevention, diagnoses, treatments, and cures for the most deadly
244 and widespread acute, chronic, and degenerative diseases,
245 including, but not limited to, tobacco-related diseases, cancer,
246 cardiovascular disease, stroke, ~~and~~ pulmonary disease, diabetes,
247 autoimmune and genetic disorders, and neurological disorders,
248 including Alzheimer's disease, epilepsy, and Parkinson's
249 disease.

250 (b) Expand the foundation of biomedical knowledge relating
251 to the prevention, diagnosis, treatment, and cure of tobacco-
252 related diseases ~~related to tobacco use,~~ including cancer,
253 cardiovascular disease, stroke, and pulmonary disease.

254 (c) Expand the foundation of biomedical knowledge relating
255 to the prevention, diagnosis, treatment, and cure of the most
256 widespread acute, chronic, and degenerative diseases affecting
257 Floridians, including, but not limited to, cancer,
258 cardiovascular disease, stroke, pulmonary disease, diabetes,
259 autoimmune and genetic disorders, and neurological disorders,
260 including Alzheimer's disease, epilepsy, and Parkinson's
261 disease.

262 (d) Expand the foundation of biomedical knowledge relating
263 to the deadly and most widespread acute, chronic, and
264 degenerative diseases and identify biomedical solutions
265 regarding health disparities that exist in relation to these
266 diseases.

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267 (e)~~(e)~~ Improve the quality of the state's academic health
268 centers by bringing the advances of biomedical research into the
269 training of physicians and other health care providers.

270 (f)~~(d)~~ Increase the state's per capita funding for
271 research by undertaking new initiatives in public health and
272 biomedical research that will attract additional funding from
273 outside the state.

274 (g)~~(e)~~ Stimulate economic activity in the state in areas
275 related to biomedical research, such as the research and
276 production of pharmaceuticals, biotechnology, and medical
277 devices.

278 (2) (a) Funds appropriated for the James and Esther King
279 Biomedical Research Program pursuant to the Lawton Chiles
280 Endowment Fund created in s. 215.5601 and additional funding
281 provided under paragraph (12) (a) for research related to
282 tobacco-related diseases shall be credited to the Biomedical
283 Research Trust Fund pursuant to s. 20.435 and shall be used
284 exclusively for the award of grants and fellowships related to
285 the prevention, diagnosis, treatment, and cure of tobacco-
286 related diseases, including cancer, cardiovascular disease,
287 stroke, and pulmonary disease and for expenses incurred in the
288 administration of this section. Priority shall be granted to
289 research designed to prevent or cure tobacco-related diseases.

290 (b) Beginning in fiscal year 2009-2010, and each fiscal
291 year thereafter, all other funds appropriated for the James and
292 Esther King Biomedical Research Program shall be credited to the
293 Biomedical Research Trust Fund pursuant to s. 20.435 and shall
294 be used exclusively for the award of grants and fellowships as

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295 ~~established in this section,~~ for research relating to the
296 prevention, diagnosis, treatment, and cure of the most deadly
297 and widespread acute, chronic, and degenerative nontobacco-
298 related diseases affecting Floridians ~~related to tobacco use,~~
299 including cancer, cardiovascular disease, stroke, ~~and~~ pulmonary
300 disease, diabetes, autoimmune and genetic disorders, and
301 neurological disorders, including Alzheimer's disease, epilepsy,
302 and Parkinson's disease, and for expenses incurred in the
303 administration of this section. Priority shall be granted to
304 research designed to prevent or cure disease.

305 (3) There is created within the Department of Health the
306 Biomedical Research Commission ~~Advisory Council~~.

307 (a) The commission ~~council~~ shall consist of 15 ~~11~~ members,
308 including: the chief executive officer of the Florida Division
309 of the American Cancer Society, or a designee; the chief
310 executive officer of the Greater Southeast Florida/Puerto Rico
311 Affiliate of the American Heart Association, or a designee; and
312 the chief executive officer of the American Lung Association of
313 Florida, or a designee; the chief executive officer of the South
314 Coastal Region of the American Diabetes Association, or a
315 designee; and the president of the Florida Medical Association,
316 or a designee. The remaining 10 ~~8~~ members of the commission
317 ~~council~~ shall be appointed as follows:

318 1. The Governor shall appoint four members, two members
319 with expertise in the field of biomedical research, one member
320 from a research university in the state, and one member
321 representing the general population of the state.

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322 2. The President of the Senate shall appoint three ~~two~~
323 members, one member with expertise in the field of behavioral or
324 social research and two members representing volunteer health
325 organizations operating in the state that focus on Alzheimer's
326 disease, Parkinson's disease, epilepsy, stroke, or autoimmune
327 and genetic disorders ~~one representative from a cancer program~~
328 ~~approved by the American College of Surgeons.~~

329 3. The Speaker of the House of Representatives shall
330 appoint three ~~two~~ members, two members representing volunteer
331 health organizations operating in the state that focus on
332 Alzheimer's disease, Parkinson's disease, epilepsy, stroke, or
333 autoimmune and genetic disorders ~~one member from a professional~~
334 ~~medical organization~~ and one member representing representative
335 ~~from~~ a cancer program approved by the American College of
336 Surgeons.

337
338 In making these appointments, the Governor, the President of the
339 Senate, and the Speaker of the House of Representatives shall
340 select primarily, but not exclusively, Floridians with
341 biomedical and lay expertise in the general areas of cancer,
342 cardiovascular disease, stroke, ~~and~~ pulmonary disease, diabetes,
343 autoimmune and genetic disorders, and neurological disorders,
344 including Alzheimer's disease, epilepsy, and Parkinson's
345 disease. The appointments shall be for a 3-year term and shall
346 reflect the diversity of the state's population. An appointed
347 member may not serve more than two consecutive terms.

348 (b) Except for the William G. "Bill" Bankhead, Jr., and
349 David Coley Cancer Research Program that expires June 30, 2011,

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350 pursuant to s. 381.922, beginning in fiscal year 2009-2010, and
351 each fiscal year thereafter, funds appropriated for the James
352 and Esther King Biomedical Research Program shall serve as the
353 exclusive source of awarding grants or fellowships for
354 biomedical research in the state using state funds. This
355 paragraph does not preclude another grant or fellowship program
356 created by state law from awarding grants from funds received
357 from private or federal sources if permitted by state law.

358 (c) The commission shall create committees to focus on
359 disease-specific areas, including, but not limited to, tobacco-
360 related diseases, cancer, stroke, cardiovascular disease,
361 pulmonary disease, diabetes, autoimmune and genetic disorders,
362 and neurological disorders, including Alzheimer's disease,
363 epilepsy, and Parkinson's disease.

364 (d)~~(b)~~ The commission ~~council~~ shall adopt internal
365 organizational procedures as necessary for its efficient
366 organization, including policies and procedures regarding the
367 creation and composition of the committees, the submission of
368 reports and recommendations by committees regarding the awarding
369 of grants and fellowships, coordination between the commission
370 and committees, and the methods for receiving input from
371 individuals, organizations, or entities that are not members of
372 the commission or its committees regarding the prioritization of
373 research.

374 (e)~~(e)~~ The department shall provide such staff,
375 information, and other assistance as is reasonably necessary to
376 assist the commission ~~council~~ in carrying out its
377 responsibilities, including those of its committees.

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378 (f)~~(d)~~ Members of the commission council shall serve
379 without compensation, but may receive reimbursement as provided
380 in s. 112.061 for travel and other necessary expenses incurred
381 in the performance of their official duties, including attending
382 committee meetings.

383 (4) The commission council shall, after considering the
384 recommendations of its committees, advise the State Surgeon
385 General as to the direction and scope of the biomedical research
386 program. The responsibilities of the commission council may
387 include, but are not limited to:

388 (a) Establishing ~~Providing advice on~~ program priorities
389 and emphases.

390 (b) Evaluating ~~Providing advice on~~ the overall program
391 budget and making recommendations to the State Surgeon General
392 and the Legislature regarding future appropriations.

393 (c) Participating in periodic program evaluation.

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

397 (e) Developing ~~Assisting in the development of~~ appropriate
398 linkages to nonacademic entities, such as voluntary
399 organizations, health care delivery institutions, industry,
400 government agencies, and public officials.

401 (f) Developing criteria and standards for the award of
402 research grants.

403 (g) Developing administrative procedures relating to
404 solicitation, independent peer review, and award of research

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405 grants and fellowships, to ensure an impartial, high-quality,
406 science-based peer review system.

407 (h) Developing and supervising ~~research~~ peer review
408 panels.

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

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

413 (5)(a) Applications for biomedical research funding under
414 the program may be submitted from any university or established
415 research institute in the state. All qualified investigators in
416 the state, regardless of institution affiliation, shall have
417 equal access and opportunity to compete for the research
418 funding.

419 (b) Beginning in fiscal year 2008-2009, grants and
420 fellowships shall be awarded by the State Surgeon General, after
421 consultation with the commission council, on the basis of
422 scientific merit, as determined by an open competitive peer
423 review process that ensures objectivity, consistency, and high
424 quality.

425 (c) Beginning in fiscal year 2009-2010, and each fiscal
426 year thereafter, the State Surgeon General shall submit to the
427 Legislature by February 1 priority lists for the funding of both
428 tobacco-related and nontobacco-related biomedical research by
429 the Legislature based on the recommendations made by the
430 commission after peer review and scoring of the applications
431 received. Recommendations to the Legislature shall be in the
432 form of lists submitted by the State Surgeon General of the

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433 commission's rank order of priority from the proposal with the
434 highest priority through the proposal with the lowest priority,
435 including the recommended dollar amount and duration for each
436 proposal. The State Surgeon General may not reject or modify the
437 commission's recommendations. Successful applicants shall be
438 awarded grants or fellowships by the State Surgeon General based
439 upon the recommendations of the commission and the final funding
440 decision made by the Legislature. Funding for grant and
441 fellowship applications for tobacco-related research shall be
442 based upon funds available pursuant to paragraphs (2) (a) and
443 (12) (a) and s. 215.5601.

444 (d) Beginning in fiscal year 2009-2010, and each fiscal
445 year thereafter, the commission's overall ranking of grant and
446 fellowship applications shall be based on the score awarded to
447 the proposal by peer reviewers on the basis of scientific merit
448 through an open competitive peer review process that ensures
449 objectivity, consistency, and high quality and the commission's
450 determination of the following:

451 1. The projected impact that the proposed research will
452 have on the most deadly and widespread diseases affecting
453 Floridians at the time the grant or fellowship is awarded;

454 2. The likelihood or possibility that the proposed
455 research will result in new treatment modalities or technology
456 during the term of the grant or fellowship; and

457 3. Whether the research proposed offers an efficient use
458 of state funds in order to prevent or cure disease.

459 (e) The following types of applications shall be
460 considered for funding:

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- 461 1. Investigator-initiated research grants.
- 462 2. Institutional research grants.
- 463 3. Predoctoral and postdoctoral research fellowships.

464 (f) The State Surgeon General shall award grants or
465 fellowships for terms of 1 to 5 years. State funds shall only be
466 provided for research that was applied for, reviewed, and
467 recommended in accordance with this section.

468 (g) Except for the William G. "Bill" Bankhead, Jr., and
469 David Coley Cancer Research Program that expires June 30, 2011,
470 pursuant to s. 381.922, beginning July 1, 2009, and each fiscal
471 year thereafter, any program, board, commission, council,
472 advisory group, agency, or entity created by state law that
473 awards or recommends the award of grants or fellowships for
474 biomedical research may not award grants or fellowships that
475 require the use of state funds and, instead, shall make any
476 recommendation to the commission and its committees for the
477 prioritization and award of grants and fellowships through the
478 James and Esther King Biomedical Research Program.

479 (6) To ensure that all proposals for research funding are
480 appropriate and are evaluated fairly on the basis of scientific
481 merit, the State Surgeon General, in consultation with the
482 commission ~~council~~, shall appoint a peer review panel of
483 independent, scientifically qualified individuals to review the
484 scientific content of each proposal and establish its scientific
485 priority score. The priority scores shall be forwarded to the
486 commission and its committees ~~council~~ and must be considered in
487 determining which proposals shall be recommended for funding.

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488 (7) The commission, the committees, ~~council~~ and the peer
489 review panel shall establish and follow rigorous guidelines for
490 ethical conduct and adhere to a strict policy with regard to
491 conflict of interest. A member of the commission, committee,
492 ~~council~~ or panel may not participate in any discussion or
493 decision with respect to a research proposal by any firm,
494 entity, or agency with which the member is associated as a
495 member of the governing body or as an employee, or with which
496 the member has entered into a contractual arrangement. Meetings
497 of the commission, committees, ~~council~~ and ~~the~~ peer review
498 panels shall be subject to the provisions of chapter 119, s.
499 286.011, and s. 24, Art. I of the State Constitution.

500 (8) The department may contract on a competitive-bid basis
501 with an appropriate entity to administer the program.
502 Administrative expenses may not exceed 15 percent of the total
503 funds available to the program in any given year. Effective July
504 1, 2009, administrative expenses may not exceed 10 percent of
505 the total funds available to the program in any given year.
506 Effective July 1, 2011, administrative expenses may not exceed 5
507 percent of the total funds available to the program in any given
508 year.

509 (9) The department, after consultation with the commission
510 ~~council~~, may adopt rules pursuant to ss. 120.536(1) and 120.54
511 as necessary to implement this section.

512 (10) In addition to its recommendations regarding
513 appropriations for the award of grants and fellowships to the
514 State Surgeon General and the Legislature, the commission
515 ~~council~~ shall submit an annual progress report on the state of

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516 biomedical research in this state to the Florida Center for
517 Universal Research to Eradicate Disease and to the Governor, the
518 State Surgeon General, the President of the Senate, and the
519 Speaker of the House of Representatives by February 1. The
520 report must include:

521 (a) A list of current research projects supported by
522 grants or fellowships awarded under the program.

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

524 (c) A list of publications in peer-reviewed ~~peer-reviewed~~
525 journals involving research supported by grants or fellowships
526 awarded under the program.

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

529 (e) New grants for biomedical research which were funded
530 based on research supported by grants or fellowships awarded
531 under the program.

532 (f) Progress in the prevention, diagnosis, treatment, and
533 cure of the most deadly and widespread acute, chronic, and
534 degenerative tobacco-related and nontobacco-related diseases
535 affecting Floridians ~~diseases related to tobacco use~~, including
536 cancer, cardiovascular disease, stroke, ~~and~~ pulmonary disease,
537 diabetes, autoimmune and genetic disorders, and neurological
538 disorders, including Alzheimer's disease, epilepsy, and
539 Parkinson's disease.

540 (11) The commission ~~council~~ shall award grants for cancer
541 research through the William G. "Bill" Bankhead, Jr., and David
542 Coley Cancer Research Program created in s. 381.922. This
543 subsection expires June 30, 2011.

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544 (12) (a) Beginning in fiscal year 2006-2007, the sum of \$6
545 million is appropriated annually from recurring funds in the
546 General Revenue Fund to the Biomedical Research Trust Fund
547 within the Department of Health for purposes of the award of
548 grants and fellowships by the James and Esther King Biomedical
549 Research Program for research relating to tobacco-related
550 diseases pursuant to this section. From these funds up to
551 \$250,000 shall be available for the operating costs of the
552 Florida Center for Universal Research to Eradicate Disease.

553 (b) Beginning in fiscal year 2009-2010, and each fiscal
554 year thereafter, the Legislature may appropriate funds from
555 recurring funds in the General Revenue Fund to the Biomedical
556 Research Trust Fund within the Department of Health for purposes
557 of the award of grants and fellowships by the James and Esther
558 King Biomedical Research Program for research of the most deadly
559 and widespread nontobacco-related acute, chronic, and
560 degenerative diseases pursuant to this section. Any research
561 grant or fellowship awarded for Alzheimer's research pursuant to
562 this section shall be named a "Johnnie B. Byrd, Sr. Alzheimer's
563 Grant." Any research grant or fellowship awarded for cancer
564 research pursuant to this section shall be named a "Bankhead-
565 Coley Cancer Grant."

566 (13) This section does not apply to the 21st Century World
567 Class Scholars, Centers of Excellence, or State University
568 Research Commercialization Assistance Grant Programs established
569 under s. 1004.226; to the University Major Gifts Program
570 established under s. 1011.94; or to the use of general operating
571 funds appropriated to universities.

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572 ~~(14)~~(13) By June 1, 2014 ~~2009~~, the Division of Statutory
573 Revision of the Office of Legislative Services shall certify to
574 the President of the Senate and the Speaker of the House of
575 Representatives the language and statutory citation of this
576 section, which is scheduled to expire January 1, 2016 ~~2011~~.

577 ~~(15)~~(14) The Legislature shall review the performance, the
578 outcomes, and the financial management of the James and Esther
579 King Biomedical Research Program during the 2015 ~~2010~~ Regular
580 Session of the Legislature and shall determine the most
581 appropriate funding source and means of funding the program
582 based on its review.

583 ~~(16)~~(15) This section expires January 1, 2016 ~~2011~~, unless
584 reviewed and reenacted by the Legislature before that date.

585 Section 7. Subsection (3) of section 381.79, Florida
586 Statutes, is amended to read:

587 381.79 Brain and Spinal Cord Injury Program Trust Fund.--

588 (3) Annually, 5 percent of the revenues deposited monthly
589 in the fund pursuant to s. 318.21(2)(d) shall be appropriated to
590 the University of Florida and 5 percent to the University of
591 Miami for spinal cord injury and brain injury research. The
592 amount to be distributed to the universities shall be calculated
593 based on the deposits into the fund for each quarter in the
594 fiscal year, but may not exceed \$500,000 per university per
595 year. Funds distributed under this subsection shall be made in
596 quarterly payments at the end of each quarter during the fiscal
597 year. This subsection expires June 30, 2009.

598 Section 8. Paragraph (h) is added to subsection (4) of
599 section 381.853, Florida Statutes, to read:

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600 381.853 Florida Center for Brain Tumor Research.--

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

604 (h) Beginning in fiscal year 2009-2010, and each fiscal
605 year thereafter, if the center seeks to conduct biomedical
606 research using state funds, the center shall apply for funding
607 through the James and Esther King Biomedical Research Program
608 pursuant to s. 215.5602.

609 Section 9. Paragraph (a) of subsection (5) of section
610 381.855, Florida Statutes, is amended, and paragraphs (n), (o),
611 (p), and (q) are added to subsection (3) of that section, to
612 read:

613 381.855 Florida Center for Universal Research to Eradicate
614 Disease.--

615 (3) There is established within the Department of Health
616 the Florida Center for Universal Research to Eradicate Disease,
617 which shall be known as "CURED."

618 (n) The center shall identify ways to attract new research
619 talent and attendant national grant producing researchers to
620 research facilities in this state.

621 (o) If funds are specifically appropriated by the
622 Legislature, the center shall disseminate information to
623 Floridians and treatment providers about specified diseases and
624 conditions and available methods of preventing, diagnosing,
625 treating, and curing those diseases and conditions.

626 (p) The center shall provide information regarding
627 research needs in the state to the Biomedical Research

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628 Commission located in the James and Esther King Biomedical
629 Research Program.

630 (g) The center shall identify ways to attract students
631 from underserved communities for roles as health professionals
632 and researchers.

633 (5) There is established within the center an advisory
634 council that shall meet at least annually.

635 (a) The council shall consist of one representative from a
636 Florida not-for-profit institution engaged in basic and clinical
637 biomedical research and education which receives more than \$10
638 million in annual grant funding from the National Institutes of
639 Health, to be appointed by the State Surgeon General from a
640 different institution each term, and one representative from and
641 appointed by each of the following entities:

- 642 1. Enterprise Florida, Inc.
- 643 2. BioFlorida.
- 644 3. The Biomedical Research Commission ~~Advisory Council~~.
- 645 4. The Florida Medical Foundation.
- 646 5. Pharmaceutical Research and Manufacturers of America.
- 647 ~~6. The Florida Cancer Council.~~
- 648 ~~6.7.~~ The American Cancer Society, Florida Division, Inc.
- 649 ~~7.8.~~ The American Heart Association.
- 650 ~~8.9.~~ The American Lung Association of Florida.
- 651 ~~9.10.~~ The American Diabetes Association, South Coastal
652 Region.
- 653 ~~10.11.~~ The Alzheimer's Association.
- 654 ~~11.12.~~ The Epilepsy Foundation.
- 655 ~~12.13.~~ The National Parkinson Foundation.

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656 ~~14. The Florida Public Health Foundation, Inc.~~

657 ~~13.15.~~ The Florida Research Consortium.

658 Section 10. Subsections (2), (3), and (4) of section
659 381.911, Florida Statutes, are amended to read:

660 381.911 Prostate Cancer Awareness Program.--

661 (2) For purposes of implementing the program, the
662 Department of Health ~~and the Florida Public Health Foundation,~~
663 ~~Inc.~~, may:

664 (a) Conduct activities directly or enter into a contract
665 with a qualified nonprofit community education entity.

666 (b) Seek any available gifts, grants, or funds from the
667 state, the Federal Government, philanthropic foundations, and
668 industry or business groups.

669 (3) A prostate cancer advisory committee is created to
670 advise and assist the Department of Health ~~and the Florida~~
671 ~~Public Health Foundation, Inc.~~, in implementing the program.

672 (a) The State Surgeon General shall appoint the advisory
673 committee members, who shall consist of:

674 1. Three persons from prostate cancer survivor groups or
675 cancer-related advocacy groups.

676 2. Three persons who are scientists or clinicians from
677 public universities or research organizations.

678 3. Three persons who are engaged in the practice of a
679 cancer-related medical specialty from health organizations
680 committed to cancer research and control.

681 (b) Members shall serve without compensation but are
682 entitled to reimbursement, pursuant to s. 112.061, for per diem

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683 and travel expenses incurred in the performance of their
684 official duties.

685 ~~(4) The program shall coordinate its efforts with those of~~
686 ~~the Florida Public Health Foundation, Inc.~~

687 Section 11. Section 381.922, Florida Statutes, is amended
688 to read:

689 381.922 William G. "Bill" Bankhead, Jr., and David Coley
690 Cancer Research Program.--

691 (1) The William G. "Bill" Bankhead, Jr., and David Coley
692 Cancer Research Program, which may be otherwise cited as the
693 "Bankhead-Coley Program," is created within the Department of
694 Health. The purpose of the program shall be to advance progress
695 towards cures for cancer through grants awarded through a peer-
696 reviewed, competitive process.

697 (2) The program shall provide grants for cancer research
698 to further the search for cures for cancer.

699 (a) Emphasis shall be given to the goals that enumerated
700 ~~in s. 381.921, as those goals~~ support the advancement of such
701 cures.

702 (b) Preference may be given to grant proposals that foster
703 collaborations among institutions, researchers, and community
704 practitioners, as such proposals support the advancement of
705 cures through basic or applied research, including clinical
706 trials involving cancer patients and related networks.

707 (3)(a) Applications for funding for cancer research may be
708 submitted by any university or established research institute in
709 the state. All qualified investigators in the state, regardless
710 of institutional affiliation, shall have equal access and

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711 opportunity to compete for the research funding. Collaborative
712 proposals, including those that advance the program's goals
713 enumerated in subsection (2), may be given preference.

714 (b) For fiscal year 2008-2009, grants shall be awarded by
715 the State Surgeon General, after consultation with the
716 Biomedical Research Commission ~~Advisory Council~~, on the basis of
717 scientific merit through, ~~as determined by~~ an open, competitive
718 peer review process that ensures objectivity, consistency, and
719 high quality.

720 (c) Beginning in fiscal year 2009-2010, and each fiscal
721 year thereafter, the State Surgeon General shall submit to the
722 Legislature by February 1 a priority list for cancer research
723 funding by the Legislature based on the recommendations of the
724 commission after peer review and scoring of the applications
725 received. Recommendations to the Legislature shall be in the
726 form of a list submitted by the State Surgeon General of the
727 commission's rank order of priority from the proposal with the
728 highest priority through the proposal with the lowest priority,
729 including the recommended dollar amount and duration for each
730 proposal. The State Surgeon General may not reject or modify the
731 commission's recommendations. Successful applicants shall be
732 awarded grants by the State Surgeon General based upon the
733 recommendations of the commission and the final funding decision
734 made by the Legislature.

735 (d) Beginning in fiscal year 2009-2010, and each fiscal
736 year thereafter, the commission's overall ranking of grant
737 applications shall be based on the score awarded to the proposal
738 by peer reviewers on the basis of scientific merit through an

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739 open competitive peer review process that ensures objectivity,
740 consistency, and high quality and the commission's determination
741 of the following:

742 1. The projected impact that the proposed research will
743 have on cancer research at the time the grant is awarded;

744 2. The likelihood or possibility that the proposed
745 research will result in new treatment modalities or technology
746 during the term of the grant; and

747 3. Whether the research proposed offers an efficient use
748 of state funds in order to prevent or cure cancer.

749 (e) The following types of applications shall be
750 considered for funding:

751 1. Investigator-initiated research grants.

752 2. Institutional research grants.

753 3. Collaborative research grants, including those that
754 advance the finding of cures through basic or applied research.

755 (f) Beginning in fiscal year 2009-2010, and each fiscal
756 year thereafter, state funds shall only be provided for research
757 that was applied for, reviewed, and recommended in accordance
758 with this section.

759 (g) ~~(b)~~ In order to ensure that all proposals for research
760 funding are appropriate and are evaluated fairly on the basis of
761 scientific merit, the State Surgeon General, in consultation
762 with the commission council, shall appoint a peer review panel
763 of independent, scientifically qualified individuals to review
764 the scientific content of each proposal and establish its
765 priority score. The priority scores shall be forwarded to the

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766 commission and its committees ~~council~~ and must be considered in
767 determining which proposals shall be recommended for funding.

768 ~~(h)-(e)~~ The commission, the committees, ~~council~~ and the
769 peer review panel shall establish and follow rigorous guidelines
770 for ethical conduct and adhere to a strict policy with regard to
771 conflicts of interest. A member of the commission, a committee,
772 ~~council~~ or the panel may not participate in any discussion or
773 decision with respect to a research proposal by any firm,
774 entity, or agency with which the member is associated as a
775 member of the governing body or as an employee or with which the
776 member has entered into a contractual arrangement. Meetings of
777 the commission, the committees, ~~council~~ and the peer review
778 panels are subject to chapter 119, s. 286.011, and s. 24, Art. I
779 of the State Constitution.

780 (4) By December 15 of each year, the Department of Health
781 shall submit to the Governor, the President of the Senate, and
782 the Speaker of the House of Representatives a report indicating
783 progress towards the program's mission and making
784 recommendations that further its purpose.

785 (5) Beginning in fiscal year 2006-2007, the sum of \$9
786 million is appropriated annually from recurring funds in the
787 General Revenue Fund to the Biomedical Research Trust Fund
788 within the Department of Health for purposes of the William G.
789 "Bill" Bankhead, Jr., and David Coley Cancer Research Program
790 and shall be distributed pursuant to this section to provide
791 grants to researchers seeking cures for cancer, ~~with emphasis~~
792 ~~given to the goals enumerated in s. 381.921.~~ From the total

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793 funds appropriated, an amount of up to 10 percent may be used
794 for administrative expenses.

795 ~~(6) By June 1, 2009, the Division of Statutory Revision of~~
796 ~~the Office of Legislative Services shall certify to the~~
797 ~~President of the Senate and the Speaker of the House of~~
798 ~~Representatives the language and statutory citation of this~~
799 ~~section, which is scheduled to expire January 1, 2011.~~

800 ~~(7) The Legislature shall review the performance, the~~
801 ~~outcomes, and the financial management of the William G. "Bill"~~
802 ~~Bankhead, Jr., and David Coley Cancer Research Program during~~
803 ~~the 2010 Regular Session of the Legislature and shall determine~~
804 ~~the most appropriate funding source and means of funding the~~
805 ~~program based on its review.~~

806 ~~(6)(8)~~ This section expires June 30 ~~January 1, 2011,~~
807 unless reviewed and reenacted by the Legislature before that
808 date.

809 Section 12. Subsection (1) and paragraph (a) of subsection
810 (2) of section 458.324, Florida Statutes, are amended to read:

811 458.324 Breast cancer; information on treatment
812 alternatives.--

813 (1) DEFINITION.--As used in this section, the term
814 "medically viable," as applied to treatment alternatives, means
815 modes of treatment generally considered by the medical
816 profession to be within the scope of current, acceptable
817 standards, ~~including treatment alternatives described in the~~
818 ~~written summary prepared by the Florida Cancer Control and~~
819 ~~Research Advisory Council in accordance with s. 1004.435(4)(m).~~

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820 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.--Each
821 physician treating a patient who is, or in the judgment of the
822 physician is at high risk of being, diagnosed as having breast
823 cancer shall inform such patient of the medically viable
824 treatment alternatives available to such patient; shall describe
825 such treatment alternatives; and shall explain the relative
826 advantages, disadvantages, and risks associated with the
827 treatment alternatives to the extent deemed necessary to allow
828 the patient to make a prudent decision regarding such treatment
829 options. In compliance with this subsection:

830 (a) The physician may, in his or her discretion:

831 1. Orally communicate such information directly to the
832 patient or the patient's legal representative;

833 2. Provide the patient or the patient's legal
834 representative with a copy of a ~~the~~ written summary ~~prepared in~~
835 ~~accordance with s. 1004.435(4)(m)~~ and express a willingness to
836 discuss the summary with the patient or the patient's legal
837 representative; or

838 3. Both communicate such information directly and provide
839 a copy of the written summary to the patient or the patient's
840 legal representative for further consideration and possible
841 later discussion.

842

843 Nothing in this subsection shall reduce other provisions of law
844 regarding informed consent.

845 Section 13. Subsection (1) and paragraph (a) of subsection
846 (2) of section 459.0125, Florida Statutes, are amended to read:

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847 459.0125 Breast cancer; information on treatment
848 alternatives.--

849 (1) DEFINITION.--As used in this section, the term
850 "medically viable," as applied to treatment alternatives, means
851 modes of treatment generally considered by the medical
852 profession to be within the scope of current, acceptable
853 standards, ~~including treatment alternatives described in the~~
854 ~~written summary prepared by the Florida Cancer Control and~~
855 ~~Research Advisory Council in accordance with s. 1004.435(4)(m).~~

856 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.--It is the
857 obligation of every physician treating a patient who is, or in
858 the judgment of the physician is at high risk of being,
859 diagnosed as having breast cancer to inform such patient of the
860 medically viable treatment alternatives available to such
861 patient; to describe such treatment alternatives; and to explain
862 the relative advantages, disadvantages, and risks associated
863 with the treatment alternatives to the extent deemed necessary
864 to allow the patient to make a prudent decision regarding such
865 treatment options. In compliance with this subsection:

866 (a) The physician may, in her or his discretion:

867 1. Orally communicate such information directly to the
868 patient or the patient's legal representative;

869 2. Provide the patient or the patient's legal
870 representative with a copy of a ~~the~~ written summary ~~prepared in~~
871 ~~accordance with s. 1004.435(4)(m)~~ and express her or his
872 willingness to discuss the summary with the patient or the
873 patient's legal representative; or

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874 3. Both communicate such information directly and provide
875 a copy of the written summary to the patient or the patient's
876 legal representative for further consideration and possible
877 later discussion.

878
879 Nothing in this subsection shall reduce other provisions of law
880 regarding informed consent.

881 Section 14. Subsections (7), (8), and (12) of section
882 1004.445, Florida Statutes, as amended by chapter 2007-332, Laws
883 of Florida, are amended to read:

884 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and
885 Research Institute.--

886 (7) The board of directors of the not-for-profit
887 corporation shall create a council of scientific advisers to the
888 chief executive officer comprised of leading researchers,
889 physicians, and scientists. The council shall review programs
890 and recommend research priorities and initiatives to maximize
891 the state's investment in the institute. The members of the
892 council shall be appointed by the board of directors of the not-
893 for-profit corporation. Each member of the council shall be
894 appointed to serve a 2-year term and may be reappointed to the
895 council. This subsection expires on June 30, 2009.

896 (8)(a) Applications for Alzheimer's disease research
897 funding may be submitted from any university or established
898 research institute in the state. All qualified investigators in
899 the state, regardless of institutional affiliation, shall have
900 equal access and opportunity to compete for the research
901 funding. Grants shall be awarded by the board of directors of

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902 the not-for-profit corporation on the basis of scientific merit,
903 as determined by an open, competitive peer review process that
904 ensures objectivity, consistency, and high quality. The
905 following types of applications shall be considered for funding:

- 906 1. Investigator-initiated research grants.
- 907 2. Institutional research grants.
- 908 3. Collaborative research grants, including those that
909 advance the finding of cures through basic or applied research.

910 (b) Preference may be given to grant proposals that foster
911 collaboration among institutions, researchers, and community
912 practitioners because these proposals support the advancement of
913 cures through basic or applied research, including clinical
914 trials involving Alzheimer's patients and related networks.

915 (c) To ensure that all proposals for research funding are
916 appropriate and are evaluated fairly on the basis of scientific
917 merit, the board of directors of the not-for-profit corporation,
918 in consultation with the council of scientific advisors, shall
919 appoint a peer review panel of independent, scientifically
920 qualified individuals to review the scientific content of each
921 proposal and establish its scientific priority score. The
922 priority scores shall be forwarded to the council and must be
923 considered by the board of directors of the not-for-profit
924 corporation in determining which proposals shall be recommended
925 for funding.

926 (d) The council of scientific advisors and the peer review
927 panel shall establish and follow rigorous guidelines for ethical
928 conduct and adhere to a strict policy with regard to conflict of
929 interest. All employees, members of the board of directors, and

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930 affiliates of the not-for-profit corporation shall follow the
931 same rigorous guidelines for ethical conduct and shall adhere to
932 the same strict policy with regard to conflict of interest. A
933 member of the council or panel may not participate in any
934 discussion or decision with respect to a research proposal by
935 any firm, entity, or agency with which the member is associated
936 as a member of the governing body or as an employee or with
937 which the member has entered into a contractual arrangement.
938 Meetings of the council and the peer review panels are subject
939 to chapter 119, s. 286.011, and s. 24, Art. I of the State
940 Constitution.

941 (e) This subsection expires on June 30, 2009.

942 (12)(a) Beginning in fiscal year 2008-2009 ~~2007-2008~~, the
943 sum of \$3.75 ~~\$13.5~~ million is appropriated annually from
944 recurring funds in the General Revenue Fund to the Grants and
945 Donations Trust Fund within the Department of Elderly Affairs
946 for the Johnnie B. Byrd, Sr., Alzheimer's Center and Research
947 Institute at the University of South Florida for the purposes as
948 provided under paragraph (6)(a), conducting and supporting
949 research, providing institutional research grants and
950 investigator-initiated research grants, developing and operating
951 integrated data projects, and providing assistance to
952 statutorily designated memory disorder clinics as provided under
953 s. 430.502. Not less than 80 percent of the appropriated funds
954 shall be expended for these purposes, and not less than 20
955 percent of the appropriated funds shall be expended for peer-
956 reviewed investigator-initiated research grants.

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957 (b) Beginning in fiscal year 2009-2010, and each fiscal
958 year thereafter, the sum appropriated in paragraph (a) shall be
959 used for programs that fulfill the mission of the institute in
960 education, treatment, prevention, and early detection of
961 Alzheimer's disease, developing and operating integrated data
962 projects, and providing assistance to statutorily designated
963 memory disorder clinics. If the institute intends to conduct
964 research using state funds, it shall compete for funding through
965 the James and Esther King Biomedical Research Program pursuant
966 to s. 215.5602.

967 Section 15. Sections 381.0404, 381.85, 381.895, 381.912,
968 381.92, 381.921, 381.98, 381.981, and 1004.435, Florida
969 Statutes, are repealed.

970 Section 16. If any provision of this act or the
971 application thereof to any person or circumstance is held
972 invalid, the invalidity does not affect other provisions or
973 applications of the act which can be given effect without the
974 invalid provision or application, and to this end the provisions
975 of this act are declared severable.

976 Section 17. This act shall take effect July 1, 2008.

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T I T L E A M E N D M E N T

Remove the entire title and insert:

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A bill to be entitled

An act relating to public health; amending s. 381.006, F.S.; limiting application of the environmental health program of the Department of Health to state institutions for the mentally ill rather than all institutions used for the incarceration of prisoners and inmates; amending s. 381.86, F.S.; revising responsibilities of the Institutional Review Board; amending s. 381.98, F.S.; changing the name of the Florida Public Health Foundation, Inc., to the Florida Public Health Institute, Inc.; providing that the purpose of the institute is to advance the knowledge and practice of public health, including promoting health awareness in this state; providing for the objectives of the institute; requiring that the institute be established as a not-for-profit entity qualifying under s. 501(c)(3) of the Internal Revenue Code; providing for the duties of the institute; providing that affairs of the institute be managed by an executive director appointed by a board of directors; providing for membership on the board of directors; requiring the institute to present an annual report concerning its activities and finances to the Governor, the President of the Senate, and the Speaker of the House of Representatives; amending s. 20.435, F.S.; specifying use of funds deposited in the Biomedical Research Trust Fund; revising a time limit relating to certain undisbursed balances of appropriations from the trust fund; amending s. 215.5601, F.S.; conforming a cross-reference; amending s. 215.5602, F.S.; revising the purposes and long-term goals of the James and Esther King Biomedical Research Program; providing for certain funds appropriated for the

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1013 program to be deposited into the Biomedical Research Trust Fund;
1014 specifying use of such funds; renaming the Biomedical Research
1015 Advisory Council the Biomedical Research Commission; revising
1016 membership of the commission; providing that the commission
1017 serves as an exclusive source of biomedical research grant and
1018 fellowship awards; requiring the commission to create committees
1019 for specified purposes; requiring the commission to adopt
1020 policies and procedures regarding the committees and to receive
1021 input from outside sources; revising responsibilities of the
1022 commission; creating a future requirement for the commission to
1023 submit priorities for funding research relating to tobacco-
1024 related and nontobacco-related diseases to the State Surgeon
1025 General; requiring the State Surgeon General to provide
1026 commission funding priorities to the Legislature; providing
1027 restrictions on the State Surgeon General; providing criteria
1028 for ranking priorities; authorizing the State Surgeon General to
1029 award grants or fellowships; providing for the award of grants
1030 or fellowships upon a specific appropriation; prohibiting the
1031 funding of research projects not in compliance with the
1032 requirements of the section; providing restrictions on the
1033 recommendation or award of grants or fellowships by other
1034 programs and entities; providing for future reductions of limits
1035 on annual administrative expenses; revising requirements
1036 relating to the commission's annual progress report; providing a
1037 future expiration date for the commission to award grants for
1038 the Bankhead-Coley Program; revising provisions relating to
1039 appropriations; providing for nonapplicability of James and
1040 Esther King Biomedical Research Program requirements to

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1041 specified programs and the use of certain operating funds
1042 appropriated to universities; extending the expiration date of
1043 the program; amending s. 381.79, F.S.; providing for the
1044 expiration of a provision relating to the distribution of funds
1045 from the Brain and Spinal Cord Injury Program Trust Fund;
1046 amending s. 381.853, F.S.; providing a requirement for the
1047 Florida Center for Brain Tumor Research relating to the use of
1048 state funds for biomedical research; amending s. 381.855, F.S.;
1049 providing additional program functions for the Florida Center
1050 for Universal Research to Eradicate Disease; requiring the
1051 center to disseminate certain information if an appropriation is
1052 made; requiring the center to identify ways to attract students
1053 from underserved communities for roles as health professionals
1054 and researchers; conforming references to changes made by the
1055 act; amending s. 381.911, F.S.; conforming references to changes
1056 made by the act; amending s. 381.922, F.S., relating to the
1057 William G. "Bill" Bankhead, Jr., and David Coley Cancer Research
1058 Program; creating a future requirement for the commission to
1059 submit priorities for funding cancer research to the State
1060 Surgeon General; requiring the State Surgeon General to provide
1061 commission funding priorities to the Legislature; providing
1062 restrictions on the State Surgeon General; providing criteria
1063 for ranking priorities; authorizing the State Surgeon General to
1064 award grants; providing for the award of grants upon a specific
1065 appropriation; prohibiting the funding of research projects not
1066 in compliance with the requirements of the section; conforming
1067 references to changes made by the act; revising process and
1068 provisions relating to future peer review of grant applications

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1069 to conform to the changes to the biomedical research program
1070 made by the act; deleting a provision requiring the Division of
1071 Statutory Revision within the Office of Legislative Services to
1072 certify certain language and citations related to the program;
1073 deleting a provision requiring future legislative review of the
1074 program; revising the expiration date of the program; amending
1075 ss. 458.324 and 459.0125, F.S.; conforming references to changes
1076 made by the act; amending s. 1004.445, F.S.; providing for the
1077 future repeal of specified provisions to conform to changes made
1078 by the act; reducing appropriations for fiscal year 2008-2009;
1079 providing for and specifying use of future appropriations;
1080 repealing s. 381.0404, F.S., relating to the Center for Health
1081 Technologies; repealing s. 381.85, F.S., relating to biomedical
1082 and social research; repealing s. 381.895, F.S., relating to
1083 relating to standards for compressed air used for recreational
1084 diving; repealing s. 381.912, F.S., relating to the Cervical
1085 Cancer Elimination Task Force; repealing s. 381.92, F.S.,
1086 relating to the Florida Cancer Council; repealing s. 381.921,
1087 F.S., relating to the Florida Cancer Council; repealing s.
1088 381.98, F.S., relating to the Florida Public Health Foundation,
1089 Inc.; repealing s. 381.981, F.S., relating to health awareness
1090 campaigns; repealing s. 1004.435, F.S., relating to cancer
1091 control and research; providing for severability; providing an
1092 effective date.

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