

By Senator Peaden

2-03594A-08

20082752\_\_

1                   A bill to be entitled  
2           An act relating to biomedical research; amending s.  
3           20.435, F.S.; revising funding sources for the Biomedical  
4           Research Trust Fund to conform to changes made by the act;  
5           providing for segregation of trust funds based on the type  
6           of research conducted; amending s. 215.5602, F.S.,  
7           relating to the James and Esther King Biomedical Research  
8           Program; providing for the prevention, diagnosis,  
9           treatment, and cure of specified diseases as a long-term  
10          goal of the research program; providing for the expansion  
11          of the foundation of biomedical knowledge relating to the  
12          prevention, diagnosis, treatment, and cure for specified  
13          diseases; requiring that funds appropriated for the  
14          research program be used for research relating to the  
15          prevention, diagnosis, treatment, and cure of various  
16          diseases; requiring that other funds appropriated for the  
17          research program be credited to the Biomedical Research  
18          Trust Fund; renaming the Biomedical Research Advisory  
19          Council the Biomedical Research Commission; revising the  
20          membership of the commission; requiring the biomedical  
21          research program to serve as the exclusive source for  
22          awarding grants and fellowships; requiring the commission  
23          to create other committees; requiring the commission to  
24          adopt procedures for assigning commission members to  
25          committees; requiring the commission to advise the State  
26          Surgeon General as to the direction and scope of the  
27          research program; providing responsibilities of the  
28          commission; requiring the State Surgeon General to award  
29          grants and fellowships after consultation with the

2-03594A-08

20082752\_\_

30 commission; requiring the State Surgeon General to submit  
31 to the Legislature lists of priorities for funding tobacco  
32 and non-tobacco-related diseases based on recommendations  
33 of the commission; providing restrictions on the State  
34 Surgeon General; providing for the award of grants or  
35 fellowships upon a specific appropriation; providing that  
36 funding is only available to research projects that go  
37 through a certain process; providing criteria for ranking  
38 priorities; providing for the terms of the grants;  
39 requiring other programs, boards, commissions, councils,  
40 advisory groups, and committees to cease awarding  
41 biomedical research grants or fellowships and to make  
42 recommendations to the Biomedical Research Commission and  
43 its committees; requiring the State Surgeon General, in  
44 consultation with the commission, to appoint a peer review  
45 panel; requiring that priority scores be forwarded to the  
46 commission and the committees; requiring the commission,  
47 the committees, and the peer review panel to establish  
48 rigorous guidelines for ethical conduct with regard to  
49 conflicts of interest; reducing the limits on  
50 administrative expenses; requiring the commission to  
51 submit its recommendations and annual progress report to  
52 the Governor, the State Surgeon General, the Legislature,  
53 and the Florida Center for Universal Research to Eradicate  
54 Disease; requiring the commission to award grants for  
55 cancer research through the William G. "Bill" Bankhead,  
56 Jr., and David Coley Cancer Research Program; providing an  
57 expiration date; providing appropriations; revising  
58 provisions relating to sunset of the program; amending s.

2-03594A-08

20082752\_\_

59 | 381.79, F.S.; providing an expiration date for the  
60 | appropriation for spinal cord injury and brain injury  
61 | research; amending s. 381.853, F.S.; requiring the Florida  
62 | Center for Brain Tumor Research to apply through the James  
63 | and Esther King Biomedical Research Program if the center  
64 | seeks to conduct biomedical research using state funds;  
65 | amending s. 381.855, F.S.; providing additional program  
66 | functions for the Florida Center for Universal Research to  
67 | Eradicate Disease; requiring the center to disseminate  
68 | information about diseases and conditions to Floridians  
69 | and providers if an appropriation is made; deleting  
70 | references to conform to changes made by this act;  
71 | amending s. 381.911, F.S.; deleting references to conform  
72 | to changes made by this act; repealing s. 381.912, F.S.,  
73 | relating to the Cervical Cancer Elimination Task Force;  
74 | repealing s. 381.92, F.S., relating to the Florida Cancer  
75 | Council; repealing s. 381.921, F.S., relating to Florida  
76 | Cancer Council's mission and duties; amending s. 381.922,  
77 | F.S.; deleting cross-references to conform to changes of  
78 | this act; requiring the State Surgeon General to submit to  
79 | the Legislature a priority list for cancer research  
80 | funding by the Legislature; prohibiting the State Surgeon  
81 | General from rejecting or modifying the commission's  
82 | recommendations under certain circumstances; providing  
83 | ranking criteria for the commission; prohibiting the  
84 | provision of state funds for research that was not applied  
85 | for, reviewed, and recommended; requiring the commission,  
86 | the committees, and the peer review panel to establish  
87 | rigorous guidelines for ethical conduct with regard to

2-03594A-08

20082752\_\_

88 | conflicts of interest; deleting a provision concerning  
89 | certification by the Division of Statutory Revision of the  
90 | Office of Legislative Services related to the program;  
91 | deleting a provision concerning future Legislative review  
92 | of the program; revising the sunset date for the program;  
93 | repealing s. 381.98, F.S., relating to the Florida Public  
94 | Health Foundation, Inc.; repealing s. 381.981, F.S.,  
95 | relating to Health awareness campaigns; amending s.  
96 | 430.502, F.S.; requiring the Department of Elderly Affairs  
97 | to evaluate the need for more memory disorder clinics in  
98 | the state; deleting cross-references to conform to changes  
99 | made by this act; amending ss. 430.503, 430.504, and  
100 | 458.324, F.S.; deleting a reference and cross-references  
101 | to conform to the changes made by this act; amending s.  
102 | 459.0125, F.S.; redefining the term "medically viable";  
103 | deleting a cross-reference to conform to the changes made  
104 | by this act; repealing s. 1004.435, F.S., relating to  
105 | cancer control and research and the Cancer Control and  
106 | Research Commission; amending s. 1004.445, F.S.; providing  
107 | an expiration date for the appointment of a council by the  
108 | not-for-profit corporation that governs the Johnnie B.  
109 | Byrd, Sr., Alzheimer's Center and Research Institute;  
110 | providing an expiration date for applying for funding for  
111 | Alzheimer's disease research through the Johnnie B. Byrd,  
112 | Sr., Alzheimer's Center and Research Institute; providing  
113 | an expiration date for the appropriation of funds from the  
114 | General Revenue Fund to the Grants and Donations Trust  
115 | Fund within the Department of Elderly Affairs for the  
116 | Johnnie B. Byrd, Sr., Alzheimer's Center and Research

2-03594A-08

20082752\_\_

117 Institute; revising an appropriation of funds from the  
118 General Revenue Fund to the Grants and Donations Trust  
119 Fund within the Department of Elderly Affairs for the  
120 Johnnie B. Byrd, Sr., Alzheimer's Center and Research  
121 Institute; providing an appropriation of funds from the  
122 General Revenue Fund to the Grants and Donations Trust  
123 Fund within the Department of Elderly Affairs for the  
124 Johnnie B. Byrd, Sr., Alzheimer's Center and Research  
125 Institute for the purpose of providing assistance to  
126 memory disorder clinics; requiring the Johnnie B. Byrd,  
127 Sr., Alzheimer's Center and Research Institute to apply  
128 for funding through the James and Esther King Biomedical  
129 Research Program; providing for severability; providing an  
130 effective date.

131

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

133

134 Section 1. Paragraph (h) of subsection (1) of section  
135 20.435, Florida Statutes, is amended to read:

136 20.435 Department of Health; trust funds.--

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

139 (h) Biomedical Research Trust Fund.

140 1. Funds to be credited to the trust fund shall consist of  
141 funds deposited pursuant to s. 215.5601 and any other funds  
142 appropriated by the Legislature. Funds shall be used for the  
143 purposes of the James and Esther King Biomedical Research Program  
144 and the William G. "Bill" Bankhead, Jr., and David Coley Cancer  
145 Research Program as specified in ss. 215.5602, 288.955, and

2-03594A-08

20082752\_\_

146 381.922. The trust fund is exempt from the service charges  
147 imposed by s. 215.20.

148 2. Funds deposited to the trust fund pursuant to s.  
149 215.5601 and any other funds appropriated by the Legislature as  
150 specified in ss. 215.5602(12)(a) and 288.955 or elsewhere for  
151 research related to tobacco-related diseases shall be used  
152 exclusively for the purpose of awarding grants and fellowships  
153 for research regarding the prevention, diagnosis, treatment, and  
154 cure of tobacco-related diseases by the James and Esther King  
155 Biomedical Research Program.

156 3. Funds deposited to the trust fund pursuant to the  
157 William G. "Bill" Bankhead, Jr., and David Coley Cancer Research  
158 Program as specified in s. 381.922 shall be used for the purpose  
159 of awarding grants for cancer research by the James and Esther  
160 King Biomedical Research Program.

161 4. All other funds deposited to the trust fund shall be  
162 used for the purpose of awarding grants and fellowship for  
163 biomedical research regarding the prevention, diagnosis,  
164 treatment, and cure of the most deadly and widespread non-  
165 tobacco-related acute, chronic, and degenerative diseases by the  
166 James and Esther King Biomedical Research Program as specified in  
167 ss. 215.5602(2)(b) and 215.5602(12)(b).

168 ~~5.2.~~ Notwithstanding the provisions of s. 216.301 and  
169 pursuant to s. 216.351, any balance in the trust fund at the end  
170 of any fiscal year shall remain in the trust fund at the end of  
171 the year and shall be available for carrying out the purposes of  
172 the trust fund. The department may invest these funds  
173 independently through the Chief Financial Officer or may  
174 negotiate a trust agreement with the State Board of

2-03594A-08

20082752\_\_

175 Administration for the investment management of any balance in  
176 the trust fund.

177 ~~6.3.~~ Notwithstanding s. 216.301 and pursuant to s. 216.351,  
178 any balance of any appropriation from the Biomedical Research  
179 Trust Fund which is not disbursed but which is obligated pursuant  
180 to contract or committed to be expended may be carried forward  
181 for up to 3 years following the effective date of the original  
182 appropriation.

183 Section 2. Section 215.5602, Florida Statutes, is amended  
184 to read:

185 215.5602 James and Esther King Biomedical Research  
186 Program.--

187 (1) There is established within the Department of Health  
188 the James and Esther King Biomedical Research Program funded by  
189 the proceeds of the Lawton Chiles Endowment Fund pursuant to s.  
190 215.5601. The purpose of the James and Esther King Biomedical  
191 Research program is to provide an annual and perpetual source of  
192 funding in order to support research initiatives that address the  
193 health care problems of Floridians in the areas of tobacco-  
194 related cancer, cardiovascular disease, stroke, ~~and~~ pulmonary  
195 disease, and non-tobacco-related acute, chronic, and degenerative  
196 diseases, including cancer, cardiovascular disease, stroke,  
197 pulmonary disease, diabetes, autoimmune and genetic disorders,  
198 and neurological disorders, including Alzheimer's disease,  
199 epilepsy, and Parkinson's disease. The long-term goals of the  
200 program are to:

201 (a) Improve the health of Floridians by researching better  
202 prevention, diagnoses, treatments, and cures for the most deadly  
203 and widespread acute, chronic, and degenerative diseases,

2-03594A-08

20082752\_\_

204 including, but not limited to, tobacco-related diseases, cancer,  
205 cardiovascular disease, stroke, ~~and~~ pulmonary disease, diabetes,  
206 autoimmune and genetic disorders, and neurological disorders,  
207 including Alzheimer's disease, epilepsy, and Parkinson's disease.

208 (b) Expand the foundation of biomedical knowledge relating  
209 to the prevention, diagnosis, treatment, and cure of diseases  
210 related to tobacco use, including cancer, cardiovascular disease,  
211 stroke, and pulmonary disease.

212 (c) Expand the foundation of biomedical knowledge relating  
213 to the prevention, diagnosis, treatment, and cure of the most  
214 widespread acute, chronic, and degenerative diseases affecting  
215 Floridians, including, but not limited to, cancer, cardiovascular  
216 disease, stroke, pulmonary disease, diabetes, autoimmune and  
217 genetic disorders, and neurological disorders, including  
218 Alzheimer's disease, epilepsy, and Parkinson's disease.

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

222 (e)~~(d)~~ Increase the state's per capita funding for research  
223 by undertaking new initiatives in public health and biomedical  
224 research that will attract additional funding from outside the  
225 state.

226 (f)~~(e)~~ Stimulate economic activity in the state in areas  
227 related to biomedical research, such as the research and  
228 production of pharmaceuticals, biotechnology, and medical  
229 devices.

230 (2) (a) Funds appropriated for the James and Esther King  
231 Biomedical Research Program pursuant to the Lawton Chiles  
232 Endowment Fund in s. 215.5601 and additional funding provided in



2-03594A-08

20082752\_\_

233 s. 215.5602(12) (a) or elsewhere in law for research related to  
234 tobacco-related diseases shall be credited to the Biomedical  
235 Research Trust Fund pursuant to s. 20.435 and shall be used  
236 exclusively for the award of grants and fellowships related to  
237 the prevention, diagnosis, treatment, and cure of diseases  
238 related to tobacco use, including cancer, cardiovascular disease,  
239 stroke, and pulmonary disease, and for expenses incurred in the  
240 administration of this section. Priority shall be granted to  
241 research designed to prevent or cure tobacco-related disease.

242 (b) Beginning in the 2009-2019 fiscal year and each fiscal  
243 year thereafter, all other funds appropriated for the James and  
244 Esther King Biomedical Research Program shall be credited to the  
245 Biomedical Research Trust Fund pursuant to s. 20.435 and shall be  
246 used exclusively for the award of grants and fellowships as  
247 established in this section, for research relating to the  
248 prevention, diagnosis, treatment, and cure of the most deadly and  
249 widespread acute, chronic, and degenerative non-tobacco-related  
250 diseases affecting Floridians related to tobacco use, including  
251 cancer, cardiovascular disease, stroke, and pulmonary disease,  
252 diabetes, autoimmune and genetic disorders, and neurological  
253 disorders, including Alzheimer's disease, epilepsy, and  
254 Parkinson's disease, and for expenses incurred in the  
255 administration of this section. Priority shall be granted to  
256 research designed to prevent or cure disease.

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

259 (a) The council shall consist of 15 ~~11~~ members, including:  
260 the chief executive officer of the Florida Division of the  
261 American Cancer Society, or a designee; the chief executive

2-03594A-08

20082752\_\_

262 officer of the Greater Southeast Florida/Puerto Rico Affiliate of  
263 the American Heart Association, or a designee; ~~and~~ the chief  
264 executive officer of the American Lung Association of Florida, or  
265 a designee; the chief executive officer of the South Coastal  
266 Region of the American Diabetes Association, or a designee; and  
267 the president of the Florida Medical Association, or a designee.

268 The remaining 10 ~~8~~ members of the commission ~~council~~ shall be  
269 appointed as follows:

270 1. The Governor shall appoint 13 ~~four~~ members as follows:  
271 two members having ~~with~~ expertise in the field of biomedical  
272 research, one member from a research university in the state, and  
273 one member representing the general population of the state.

274 2. The President of the Senate shall appoint three ~~two~~  
275 members, one member having ~~with~~ expertise in the field of  
276 behavioral or social research and two representatives from  
277 volunteer health organizations operating in this state which  
278 focus on Alzheimer's disease, Parkinson's disease, epilepsy,  
279 stroke, or autoimmune or genetic disorders ~~one representative~~  
280 ~~from a cancer program approved by the American College of~~  
281 ~~Surgeons.~~

282 3. The Speaker of the House of Representatives shall  
283 appoint three ~~two~~ members, two representatives from volunteer  
284 health organizations operating in this state which focus on  
285 Alzheimer's disease, Parkinson's disease, epilepsy, stroke, or  
286 autoimmune or genetic disorders, ~~one member from a professional~~  
287 ~~medical organization~~ and one representative from a cancer program  
288 approved by the American College of Surgeons.

289

2-03594A-08

20082752\_\_

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

300 (b) Beginning July 1, 2009, and each year thereafter, the  
301 biomedical research program shall serve as the exclusive source  
302 of awarding grants or fellowships for biomedical research in the  
303 state using state funds. This paragraph does not preclude another  
304 grant or fellowship program in the state from awarding grants  
305 from funds received from private or federal sources where  
306 permitted by state law.

307 (c) The commission shall create committees to focus on  
308 disease specific areas, including, but not limited to, tobacco-  
309 related diseases, cancer, stroke, cardiovascular disease,  
310 pulmonary disease, diabetes, autoimmune or genetic disorders,  
311 Alzheimer's disease, epilepsy, and Parkinson's disease.

312 (d) ~~(b)~~ The commission ~~council~~ shall adopt internal  
313 organizational procedures as necessary for its efficient  
314 organization, including policies and procedures regarding the  
315 creation and composition of the committees, reporting and  
316 recommendations by the committee to the commission regarding the  
317 award of grants and fellowships, coordination between the  
318 commission and committees, and the methods for receiving input

2-03594A-08

20082752\_\_

319 from outside individuals, organizations, or entities regarding  
320 the prioritization of research..

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

325 (f) ~~(d)~~ Members of the commission ~~council~~ shall serve  
326 without compensation, but may receive reimbursement as provided  
327 in s. 112.061 for travel and other necessary expenses incurred in  
328 the performance of their official duties, including committee  
329 meetings.

330 (4) The commission ~~council~~ shall, after considering the  
331 recommendations of its committees, advise the State Surgeon  
332 General as to the direction and scope of the biomedical research  
333 program. The responsibilities of the commission ~~council~~ ~~may~~  
334 include, but are not limited to:

335 (a) Establishing ~~Providing advice on~~ program priorities and  
336 emphases.

337 (b) Establishing ~~Providing advice on~~ the overall program  
338 budget and making recommendations to the State Surgeon General  
339 and the Legislature for future appropriations.

340 (c) Participating in periodic program evaluation.

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

344 (e) Developing ~~Assisting in the development of~~ appropriate  
345 linkages to nonacademic entities, such as voluntary  
346 organizations, health care delivery institutions, industry,  
347 government agencies, and public officials.

2-03594A-08

20082752\_\_

348 (f) Developing criteria and standards for the award of  
349 research grants.

350 (g) Developing administrative procedures relating to  
351 solicitation, independent peer review, and award of research  
352 grants and fellowships, to ensure an impartial, high-quality  
353 peer, science-based review system.

354 (h) Developing and supervising research peer review panels.

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

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

359 (5) (a) Applications for biomedical research funding under  
360 the program may be submitted from any university or established  
361 research institute in the state. All qualified investigators in  
362 the state, regardless of institution affiliation, shall have  
363 equal access and opportunity to compete for the research funding.

364 (b) For the 2008-2009 fiscal year, grants and fellowships  
365 shall be awarded by the State Surgeon General, after consultation  
366 with the commission ~~council~~, on the basis of scientific merit, as  
367 determined by an open competitive peer review process that  
368 ensures objectivity, consistency, and high quality.

369 (c) Beginning in 2010 and each year thereafter, the State  
370 Surgeon General shall submit to the Legislature by February 1  
371 priority lists for both tobacco and non-tobacco-related  
372 biomedical research funding by the Legislature based on the  
373 recommendations made by the commission after peer-review and  
374 scoring of the applications received. Recommendations to the  
375 Legislature shall be in the form of a list from the State Surgeon  
376 General of the commission's ranking by order of priority from the

2-03594A-08

20082752\_\_

377 proposal having the highest priority through the proposal having  
378 the lowest priority, including the recommended dollar amount and  
379 duration for each proposal. Unless the commission recommends  
380 funding for an entity that is ineligible to receive funding under  
381 the program, the State Surgeon General may not reject or modify  
382 the commission's recommendations. Successful grant and fellowship  
383 applications shall be awarded by the State Surgeon General based  
384 upon the recommendations of the commission and the final funding  
385 decision made by the Legislature. Funding for grant and  
386 fellowship applications for tobacco-related research shall be  
387 based upon funds available pursuant to ss. 215.5601,  
388 215.5602(2)(a), and 216.5602(12)(a).

389 (d) Beginning in the 2009-2010 fiscal year and each fiscal  
390 year thereafter, the commission's overall rank for grant or  
391 fellowship applications shall be based on the score awarded to  
392 the proposal by peer reviewers on the basis of scientific merit  
393 through an open competitive peer review process that ensures  
394 objectivity, consistency, and high quality, and the commission's  
395 determination of the following:

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

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

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

404 (e) The following types of applications shall be considered  
405 for funding:

2-03594A-08

20082752\_\_

406 1. Investigator-initiated research grants.

407 2. Institutional research grants.

408 3. Predoctoral and postdoctoral research fellowships.

409 (f) Upon a specific appropriation, the council shall award  
410 grants for terms of 1 to 5 years. State funds may not be provided  
411 for research that was not applied for, reviewed, and recommended  
412 in accordance with this section.

413 (g) Except for the William G. "Bill" Bankhead, Jr., and  
414 David Coley Cancer Research Program that expires June 30, 2011,  
415 as set forth in s. 381.922, beginning July 1, 2009, and each year  
416 thereafter, any program, board, commission, council, advisory  
417 group, agency, or entity created by state law that awards or  
418 recommends the award of grants or fellowships for biomedical  
419 research shall cease awarding grants or fellowships using state  
420 funds and, instead, shall make recommendations to the commission  
421 and its committees for the prioritization and award of grants and  
422 fellowships through the James and Esther King Biomedical Research  
423 Program. This section does not apply to the World Class Scholars,  
424 Centers of Excellence, or State University Research  
425 Commercialization Assistance Grant Programs as set forth in s.  
426 1004.226.

427 (6) To ensure that all proposals for research funding are  
428 appropriate and are evaluated fairly on the basis of scientific  
429 merit, the State Surgeon General, in consultation with the  
430 commission ~~council~~, shall appoint a peer review panel of  
431 independent, scientifically qualified individuals to review the  
432 scientific content of each proposal and establish its scientific  
433 priority score. The priority scores shall be forwarded to the

2-03594A-08

20082752\_\_

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

436 (7) The commission, the committees, ~~council~~ and the peer  
437 review panel shall establish and follow rigorous guidelines for  
438 ethical conduct and adhere to a strict policy with regard to  
439 conflict of interest. A member of the commission, a committee,  
440 ~~council~~ or a panel may not participate in any discussion or  
441 decision with respect to a research proposal by any firm, entity,  
442 or agency with which the member is associated as a member of the  
443 governing body or as an employee, or with which the member has  
444 entered into a contractual arrangement. Meetings of the  
445 commission, the committees, ~~council~~ and the peer review panels  
446 shall be subject to the provisions of chapter 119, s. 286.011,  
447 and s. 24, Art. I of the State Constitution.

448 (8) The department may contract on a competitive-bid basis  
449 with an appropriate entity to administer the program.  
450 Administrative expenses may not exceed 15 percent of the total  
451 funds available to the program in any given year. Effective July  
452 1, 2009, administrative expenses may not exceed 10 percent of the  
453 total funds available to the program in any given year.

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

457 (10) In addition to its recommendations to the State  
458 Surgeon General and the Legislature to appropriate funds for the  
459 award of grants and fellowships, the commission ~~the council~~ shall  
460 submit an annual progress report on the state of biomedical  
461 research in this state to the Florida Center for Universal  
462 Research to Eradicate Disease and to the Governor, the State



2-03594A-08

20082752\_\_

463 Surgeon General, the President of the Senate, and the Speaker of  
464 the House of Representatives by February 1. The report must  
465 include:

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

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

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

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

474 (e) New grants for biomedical research which were funded  
475 based on research supported by grants or fellowships awarded  
476 under the program.

477 (f) Progress in the prevention, diagnosis, treatment, and  
478 cure of the most deadly and widespread acute, chronic, and  
479 degenerative diseases affecting Floridians, including diseases  
480 related to tobacco use, including cancer, cardiovascular disease,  
481 stroke, and pulmonary disease, diabetes, autoimmune and genetic  
482 disorders, and neurological disorders, including Alzheimer's  
483 disease, epilepsy, and Parkinson's disease.

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

488 (12) (a) Beginning in fiscal year 2006-2007, the sum of \$6  
489 million is appropriated annually from recurring funds in the  
490 General Revenue Fund to the Biomedical Research Trust Fund within  
491 the Department of Health for purposes of the award of grants and

2-03594A-08

20082752\_\_

492 fellows hips by the James and Esther King Biomedical Research  
493 Program for research relating to tobacco-related diseases  
494 pursuant to this section. From these funds up to \$250,000 shall  
495 be available for the operating costs of the Florida Center for  
496 Universal Research to Eradicate Disease.

497 (b) Beginning in the 2009-2010 fiscal year and each fiscal  
498 year thereafter, the Legislature may appropriate funds from  
499 recurring funds in the General Revenue Fund to the Biomedical  
500 Research Trust Fund within the Department of Health for purposes  
501 of the award of grants and fellowships by the James and Esther  
502 King Biomedical Research Program for research concerning the most  
503 deadly and widespread non-tobacco-related acute, chronic, and  
504 degenerative diseases pursuant to this section. Any research  
505 grant or fellowship awarded for Alzheimer's research pursuant to  
506 this section shall be named a "Johnnie B. Byrd, Sr., Alzheimer's  
507 Grant." Any research grant or fellowship awarded for cancer  
508 research pursuant to this section shall be named a "Bankhead-  
509 Coley Cancer Grant."

510 (13) By June 1, 2014 ~~2009~~, the Division of Statutory  
511 Revision of the Office of Legislative Services shall certify to  
512 the President of the Senate and the Speaker of the House of  
513 Representatives the language and statutory citation of this  
514 section, which is scheduled to expire January 1, 2016 ~~2011~~.

515 (14) The Legislature shall review the performance, the  
516 outcomes, and the financial management of the James and Esther  
517 King Biomedical Research Program during the 2015 ~~2010~~ Regular  
518 Session of the Legislature and shall determine the most  
519 appropriate funding source and means of funding the program based  
520 on its review.

2-03594A-08

20082752\_\_

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

523 Section 3. Subsection (3) of section 381.79, Florida  
524 Statutes, is amended to read:

525 381.79 Brain and Spinal Cord Injury Program Trust Fund.--

526 (3) Annually, 5 percent of the revenues deposited monthly  
527 in the fund pursuant to s. 318.21(2)(d) shall be appropriated to  
528 the University of Florida and 5 percent to the University of  
529 Miami for spinal cord injury and brain injury research. The  
530 amount to be distributed to the universities shall be calculated  
531 based on the deposits into the fund for each quarter in the  
532 fiscal year, but may not exceed \$500,000 per university per year.  
533 Funds distributed under this subsection shall be made in  
534 quarterly payments at the end of each quarter during the fiscal  
535 year. This subsection expires June 30, 2009.

536 Section 4. Paragraph (h) is added to subsection (4) of  
537 section 381.853, Florida Statutes, to read:

538 381.853 Florida Center for Brain Tumor Research.--

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

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

547 Section 5. Paragraphs (n), (o), and (p) are added to  
548 subsection (3) of section 381.855, Florida Statutes, and

2-03594A-08

20082752\_\_

549 paragraph (a) of subsection (5) of that section is amended, to  
550 read:

551 381.855 Florida Center for Universal Research to Eradicate  
552 Disease.--

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

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

559 (o) If funds are specifically appropriated by the  
560 Legislature, the center shall disseminate information to  
561 Floridians and treatment providers about specified diseases and  
562 conditions and available methods of preventing, diagnosing,  
563 treating, and curing those diseases and conditions.

564 (p) The center shall provide information regarding research  
565 needs in the state to the Biomedical Research Commission located  
566 in the James and Esther King Biomedical Research Program.

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

569 (a) The council shall consist of one representative from a  
570 Florida not-for-profit institution engaged in basic and clinical  
571 biomedical research and education which receives more than \$10  
572 million in annual grant funding from the National Institutes of  
573 Health, to be appointed by the State Surgeon General from a  
574 different institution each term, and one representative from and  
575 appointed by each of the following entities:

- 576 1. Enterprise Florida, Inc.  
577 2. BioFlorida.

2-03594A-08

20082752\_\_

578 3. The Biomedical Research Commission ~~Advisory Council~~.

579 4. The Florida Medical Foundation.

580 5. Pharmaceutical Research and Manufacturers of America.

581 ~~6. The Florida Cancer Council.~~

582 6.7. The American Cancer Society, Florida Division, Inc.

583 ~~7.8.~~ The American Heart Association.

584 8.9. The American Lung Association of Florida.

585 9.10. The American Diabetes Association, South Coastal

586 Region.

587 10.11. The Alzheimer's Association.

588 11.12. The Epilepsy Foundation.

589 12.13. The National Parkinson Foundation.

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

591 13.15. The Florida Research Consortium.

592 Section 6. Subsections (2), (3), and (4) of section

593 381.911, Florida Statutes, are amended to read:

594 381.911 Prostate Cancer Awareness Program.--

595 (2) For purposes of implementing the program, the

596 Department of Health ~~and the Florida Public Health Foundation,~~

597 ~~Inc.,~~ may:

598 (a) Conduct activities directly or enter into a contract

599 with a qualified nonprofit community education entity.

600 (b) Seek any available gifts, grants, or funds from the

601 state, the Federal Government, philanthropic foundations, and

602 industry or business groups.

603 (3) A prostate cancer advisory committee is created to

604 advise and assist the Department of Health ~~and the Florida Public~~

605 ~~Health Foundation, Inc.,~~ in implementing the program.

2-03594A-08

20082752\_\_

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

608 1. Three persons from prostate cancer survivor groups or  
609 cancer-related advocacy groups.

610 2. Three persons who are scientists or clinicians from  
611 public universities or research organizations.

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

615 (b) Members shall serve without compensation but are  
616 entitled to reimbursement, pursuant to s. 112.061, for per diem  
617 and travel expenses incurred in the performance of their official  
618 duties.

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

621 Section 7. Section 381.912, Florida Statutes, is repealed.

622 Section 8. Section 381.92, Florida Statutes, is repealed.

623 Section 9. Section 381.921, Florida Statutes, is repealed.

624 Section 10. Subsections (2), (3), (5), (6), (7), and (8) of  
625 section 381.922, Florida Statutes, are amended to read:

626 381.922 William G. "Bill" Bankhead, Jr., and David Coley  
627 Cancer Research Program.--

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

630 (a) Emphasis shall be given to the ~~goals enumerated in s.~~  
631 ~~381.921, as these~~ goals that support the advancement of such  
632 cures.

633 (b) Preference may be given to grant proposals that foster  
634 collaborations among institutions, researchers, and community

2-03594A-08

20082752\_\_

635 practitioners, as such proposals support the advancement of cures  
636 through basic or applied research, including clinical trials  
637 involving cancer patients and related networks.

638 (3) (a) Applications for funding for cancer research may be  
639 submitted by any university or established research institute in  
640 the state. All qualified investigators in the state, regardless  
641 of institutional affiliation, shall have equal access and  
642 opportunity to compete for the research funding. Collaborative  
643 proposals, including those that advance the program's goals  
644 enumerated in subsection (2), may be given preference.

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

651 (c) Beginning in the 2009-2010 fiscal year and each fiscal  
652 year thereafter, the State Surgeon General shall submit to the  
653 Legislature by February 1 a priority list for cancer research  
654 funding by the Legislature based on the recommendations made by  
655 the commission after peer review and scoring of the applications  
656 received. Recommendations to the Legislature shall be in the form  
657 of a list from the State Surgeon General of the commission's  
658 ranking by order of priority from the proposal having the highest  
659 priority through the proposal having the lowest priority,  
660 including the recommended dollar amount and duration for each  
661 proposal. Unless the commission recommends funding for an entity  
662 that is ineligible to receive funding under the program, the  
663 State Surgeon General may not reject or modify the commission's

2-03594A-08

20082752\_\_

664 recommendations. Successful grant and fellowship applications  
665 shall be awarded by the State Surgeon General based upon the  
666 recommendations of the commission and the final funding decision  
667 made by the Legislature.

668 (d) Beginning in the 2009-2010 fiscal year and each fiscal  
669 year thereafter, the commission's overall rank for grant or  
670 fellowship applications shall be based on the score awarded to  
671 the proposal by peer reviewers on the basis of scientific merit  
672 through an open competitive peer review process that ensures  
673 objectivity, consistency, and high quality, and the commission's  
674 determination of the following:

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

677 2. The likelihood or possibility that the proposed research  
678 will result in new treatment modalities or technology during the  
679 term of the grant; and

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

682 (e) The following types of applications shall be considered  
683 for funding:

684 1. Investigator-initiated research grants.

685 2. Institutional research grants.

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

688 (f) Beginning in the 2009-2010 fiscal year and each fiscal  
689 year thereafter, state funds may not be provided for research  
690 that was not applied for, reviewed, and recommended in accordance  
691 with this section.

692 (g)-(b) In order to ensure that all proposals for research



2-03594A-08

20082752\_\_

693 funding are appropriate and are evaluated fairly on the basis of  
694 scientific merit, the State Surgeon General, in consultation with  
695 the commission ~~council~~, shall appoint a peer review panel of  
696 independent, scientifically qualified individuals to review the  
697 scientific content of each proposal and establish its priority  
698 score. The priority scores shall be forwarded to the commission  
699 and its committees ~~council~~ and must be considered in determining  
700 which proposals shall be recommended for funding.

701 (h)(e) The commission, the committees, ~~council~~ and the peer  
702 review panel shall establish and follow rigorous guidelines for  
703 ethical conduct and adhere to a strict policy with regard to  
704 conflicts of interest. A member of the commission, a committee,  
705 ~~council~~ or panel may not participate in any discussion or  
706 decision with respect to a research proposal by any firm, entity,  
707 or agency with which the member is associated as a member of the  
708 governing body or as an employee or with which the member has  
709 entered into a contractual arrangement. Meetings of the  
710 commission, the committees, ~~council~~ and the peer review panels  
711 are subject to chapter 119, s. 286.011, and s. 24, Art. I of the  
712 State Constitution.

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

2-03594A-08

20082752\_\_

721 | appropriated, an amount of up to 10 percent may be used for  
722 | administrative expenses.

723 | ~~(6) By June 1, 2009, the Division of Statutory Revision of~~  
724 | ~~the Office of Legislative Services shall certify to the President~~  
725 | ~~of the Senate and the Speaker of the House of Representatives the~~  
726 | ~~language and statutory citation of this section, which is~~  
727 | ~~scheduled to expire January 1, 2011.~~

728 | ~~(7) The Legislature shall review the performance, the~~  
729 | ~~outcomes, and the financial management of the William G. "Bill"~~  
730 | ~~Bankhead, Jr., and David Coley Cancer Research Program during the~~  
731 | ~~2010 Regular Session of the Legislature and shall determine the~~  
732 | ~~most appropriate funding source and means of funding the program~~  
733 | ~~based on its review.~~

734 | ~~(6)(8) This section expires June 30, 2011 ~~January 1, 2011,~~~~  
735 | ~~unless reviewed and reenacted by the Legislature before that~~  
736 | ~~date.~~

737 | Section 11. Section 381.98, Florida Statutes, is repealed.

738 | Section 12. Section 381.981, Florida Statutes, is repealed.

739 | Section 13. Subsection (3) of section 430.502, Florida  
740 | Statutes, is amended to read:

741 | 430.502 Alzheimer's disease; memory disorder clinics and  
742 | day care and respite care programs.--

743 | (3) The Department of Elderly Affairs ~~The Alzheimer's~~  
744 | ~~Disease Advisory Committee~~ must evaluate the need for additional  
745 | memory disorder clinics in the state. ~~The first report will be~~  
746 | ~~due by December 31, 1995.~~

747 | Section 14. Subsection (2) of section 430.503, Florida  
748 | Statutes, is amended to read:

2-03594A-08

20082752\_\_

749 430.503 Alzheimer's Disease Initiative; fees and  
750 administrative expense.--

751 (2) Provider agencies are responsible for the collection of  
752 fees for services in accordance with rules adopted by the  
753 department. Provider agencies shall assess fees for services  
754 rendered in accordance with those rules. To help pay for services  
755 received pursuant to the Alzheimer's Disease Initiative, a  
756 functionally impaired elderly person shall be assessed a fee  
757 based on an overall ability to pay. The fee to be assessed shall  
758 be fixed according to a schedule to be established by the  
759 department. Services of specified value may be accepted in lieu  
760 of a fee. The fee schedule shall be developed in cooperation with  
761 the ~~Alzheimer's Disease Advisory Committee~~, area agencies on  
762 aging, and service providers.

763 Section 15. Section 430.504, Florida Statutes, is amended  
764 to read:

765 430.504 Confidentiality of information.--Information about  
766 clients of programs created or funded under ~~s. 430.501~~ or s.  
767 430.503 which is received through files, reports, inspections, or  
768 otherwise, by the department or by authorized departmental  
769 employees, by persons who volunteer services, or by persons who  
770 provide services to clients of programs created or funded under  
771 ~~s. 430.501~~ or s. 430.503 through contracts with the department is  
772 confidential and exempt from the provisions of s. 119.07(1). Such  
773 information may not be disclosed publicly in such a manner as to  
774 identify a person who receives services under s. 430.501 or s.  
775 430.503, unless that person or that person's legal guardian  
776 provides written consent.

2-03594A-08

20082752\_\_

777 Section 16. Subsection (1) and paragraph (a) of subsection  
778 (2) of section 458.324, Florida Statutes, are amended to read:  
779 458.324 Breast cancer; information on treatment  
780 alternatives.--

781 (1) DEFINITION.--As used in this section, the term  
782 "medically viable," as applied to treatment alternatives, means  
783 modes of treatment generally considered by the medical profession  
784 to be within the scope of current, acceptable standards,  
785 ~~including treatment alternatives described in the written summary~~  
786 ~~prepared by the Florida Cancer Control and Research Advisory~~  
787 ~~Council in accordance with s. 1004.435(4)(m).~~

788 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.--Each  
789 physician treating a patient who is, or in the judgment of the  
790 physician is at high risk of being, diagnosed as having breast  
791 cancer shall inform such patient of the medically viable  
792 treatment alternatives available to such patient; shall describe  
793 such treatment alternatives; and shall explain the relative  
794 advantages, disadvantages, and risks associated with the  
795 treatment alternatives to the extent deemed necessary to allow  
796 the patient to make a prudent decision regarding such treatment  
797 options. In compliance with this subsection:

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

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

801 2. Provide the patient or the patient's legal  
802 representative with a copy of the written summary ~~prepared in~~  
803 ~~accordance with s. 1004.435(4)(m)~~ and express a willingness to  
804 discuss the summary with the patient or the patient's legal  
805 representative; or

2-03594A-08

20082752\_\_

806           3. Both communicate such information directly and provide a  
807 copy of the written summary to the patient or the patient's legal  
808 representative for further consideration and possible later  
809 discussion.

810  
811 Nothing in this subsection shall reduce other provisions of law  
812 regarding informed consent.

813           Section 17. Subsection (1) and paragraph (a) of subsection  
814 (2) of section 459.0125, Florida Statutes, are amended to read:

815           459.0125 Breast cancer; information on treatment  
816 alternatives.--

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

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

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

2-03594A-08

20082752\_\_

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

837 2. Provide the patient or the patient's legal  
838 representative with a copy of the written summary ~~prepared in~~  
839 ~~accordance with s. 1004.435(4)(m)~~ and express her or his  
840 willingness to discuss the summary with the patient or the  
841 patient's legal representative; or

842 3. Both communicate such information directly and provide a  
843 copy of the written summary to the patient or the patient's legal  
844 representative for further consideration and possible later  
845 discussion.

846  
847 Nothing in this subsection shall reduce other provisions of law  
848 regarding informed consent.

849 Section 18. Subsections (7), (8), and (12) of section  
850 1004.445, Florida Statutes, are amended to read:

851 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and  
852 Research Institute.--

853 (7) The board of directors of the not-for-profit  
854 corporation shall create a council of scientific advisers to the  
855 chief executive officer comprised of leading researchers,  
856 physicians, and scientists. The council shall review programs and  
857 recommend research priorities and initiatives to maximize the  
858 state's investment in the institute. The members of the council  
859 shall be appointed by the board of directors of the not-for-  
860 profit corporation. Each member of the council shall be appointed  
861 to serve a 2-year term and may be reappointed to the council.

862 This subsection expires June 30, 2009.

2-03594A-08

20082752\_\_

863 (8) (a) Applications for Alzheimer's disease research  
864 funding may be submitted from any university or established  
865 research institute in the state. All qualified investigators in  
866 the state, regardless of institutional affiliation, shall have  
867 equal access and opportunity to compete for the research funding.  
868 Grants shall be awarded by the board of directors of the not-for-  
869 profit corporation on the basis of scientific merit, as  
870 determined by an open, competitive peer review process that  
871 ensures objectivity, consistency, and high quality. The following  
872 types of applications shall be considered for funding:

- 873 1. Investigator-initiated research grants.
- 874 2. Institutional research grants.
- 875 3. Collaborative research grants, including those that  
876 advance the finding of cures through basic or applied research.

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

882 (c) To ensure that all proposals for research funding are  
883 appropriate and are evaluated fairly on the basis of scientific  
884 merit, the board of directors of the not-for-profit corporation,  
885 in consultation with the council of scientific advisors, shall  
886 appoint a peer review panel of independent, scientifically  
887 qualified individuals to review the scientific content of each  
888 proposal and establish its scientific priority score. The  
889 priority scores shall be forwarded to the council and must be  
890 considered by the board of directors of the not-for-profit

2-03594A-08

20082752\_\_

891 corporation in determining which proposals shall be recommended  
892 for funding.

893 (d) The council of scientific advisors and the peer review  
894 panel shall establish and follow rigorous guidelines for ethical  
895 conduct and adhere to a strict policy with regard to conflict of  
896 interest. All employees, members of the board of directors, and  
897 affiliates of the not-for-profit corporation shall follow the  
898 same rigorous guidelines for ethical conduct and shall adhere to  
899 the same strict policy with regard to conflict of interest. A  
900 member of the council or panel may not participate in any  
901 discussion or decision with respect to a research proposal by any  
902 firm, entity, or agency with which the member is associated as a  
903 member of the governing body or as an employee or with which the  
904 member has entered into a contractual arrangement. Meetings of  
905 the council and the peer review panels are subject to chapter  
906 119, s. 286.011, and s. 24, Art. I of the State Constitution.

907 (e) This subsection expires June 30, 2009.

908 (12) (a) For the 2008-2009 fiscal year, ~~Beginning in fiscal~~  
909 ~~year 2007-2008,~~ the sum of \$7 million ~~\$13.5 million~~ is  
910 appropriated ~~annually~~ from recurring funds in the General Revenue  
911 Fund to the Grants and Donations Trust Fund within the Department  
912 of Elderly Affairs for the Johnnie B. Byrd, Sr., Alzheimer's  
913 Center and Research Institute at the University of South Florida  
914 for the purposes as provided under paragraph (6) (a), conducting  
915 and supporting research, providing institutional research grants  
916 and investigator-initiated research grants, developing and  
917 operating integrated data projects, and providing assistance to  
918 statutorily designated memory disorder clinics as provided under  
919 s. 430.502. Not less than 80 percent of the appropriated funds



2-03594A-08

20082752\_\_

920 shall be expended for these purposes, and not less than 20  
921 percent of the appropriated funds shall be expended for peer-  
922 reviewed investigator-initiated research grants. This paragraph  
923 expires June 30, 2009.

924 (b) Beginning July 1, 2009, and each year thereafter, the  
925 sum of \$5 million is appropriated annually from recurring funds  
926 in the General Revenue Fund to the Grants and Donations Trust  
927 Fund within the Department of Elderly Affairs for the Johnnie B.  
928 Byrd, Sr., Alzheimer's Center and Research Institute at the  
929 University of South Florida for the purposes of providing  
930 assistance to statutorily designated memory disorder clinics as  
931 provided under s. 430.502 and for the education, treatment,  
932 prevention, and early detection of Alzheimer's disease. In order  
933 to receive state funds for research, the Johnnie B. Byrd, Sr.,  
934 Alzheimer's Center and Research Institute shall apply for funding  
935 through the James and Esther King Biomedical Research Program  
936 pursuant to s. 215.5602.

937 Section 19. If any provision of this act or the application  
938 thereof to any person or circumstance is held invalid, the  
939 invalidity does not affect other provisions or applications of  
940 the act which can be given effect without the invalid provision  
941 or application, and to this end the provisions of this act are  
942 severable.

943 Section 20. This act shall take effect July 1, 2008.