

1 A bill to be entitled
2 An act relating to biomedical research; amending s.
3 20.435, F.S.; specifying use of funds deposited in the
4 Biomedical Research Trust Fund; revising a time limit
5 relating to certain undisbursed balances of appropriations
6 from the trust fund; amending s. 215.5601, F.S.;
7 conforming a cross-reference; amending s. 215.5602, F.S.;
8 revising the purposes and long-term goals of the James and
9 Esther King Biomedical Research Program; providing for
10 certain funds appropriated for the program to be deposited
11 into the Biomedical Research Trust Fund; specifying use of
12 such funds; renaming the Biomedical Research Advisory
13 Council the Biomedical Research Commission; revising
14 membership of the commission; providing that the
15 commission serves as an exclusive source of biomedical
16 research grant and fellowship awards; requiring the
17 commission to create committees for specified purposes;
18 requiring the commission to adopt policies and procedures
19 regarding the committees and to receive input from outside
20 sources; revising responsibilities of the commission;
21 creating a future requirement for the commission to submit
22 priorities for funding research related to tobacco-related
23 and nontobacco-related diseases to the State Surgeon
24 General; requiring the State Surgeon General to provide
25 commission funding priorities to the Legislature;
26 providing restrictions on the State Surgeon General;
27 providing criteria for ranking priorities; authorizing the
28 State Surgeon General to award grants or fellowships;

29 providing for the award of grants or fellowships upon a
30 specific appropriation; prohibiting the funding of
31 research projects not in compliance with the requirements
32 of the section; providing restrictions on the
33 recommendation or award of grants or fellowships by other
34 programs and entities; providing for future reductions of
35 limits on annual administrative expenses; revising
36 requirements relating to the commission's annual progress
37 report; providing a future expiration date for the
38 commission to award grants for the Bankhead-Coley Program;
39 revising provisions relating to appropriations; extending
40 the expiration date of the program; amending s. 381.79,
41 F.S.; providing for the expiration of a provision relating
42 to the distribution of funds from the Brain and Spinal
43 Cord Injury Program Trust Fund; amending s. 381.853, F.S.;
44 providing a requirement for the Florida Center for Brain
45 Tumor Research relating to the use of state funds for
46 biomedical research; amending s. 381.855, F.S.; providing
47 additional program functions for the Florida Center for
48 Universal Research to Eradicate Disease; requiring the
49 center to disseminate certain information if an
50 appropriation is made; conforming references to changes
51 made by the act; amending s. 381.911, F.S.; conforming
52 references to changes made by the act; amending s.
53 381.922, F.S., relating to the William G. "Bill" Bankhead,
54 Jr., and David Coley Cancer Research Program; creating a
55 future requirement for the commission to submit priorities
56 for funding cancer research to the State Surgeon General;

57 requiring the State Surgeon General to provide commission
58 funding priorities to the Legislature; providing
59 restrictions on the State Surgeon General; providing
60 criteria for ranking priorities; authorizing the State
61 Surgeon General to award grants; providing for the award
62 of grants upon a specific appropriation; prohibiting the
63 funding of research projects not in compliance with the
64 requirements of the section; conforming references to
65 changes made by the act; revising process and provisions
66 relating to future peer review of grant applications to
67 conform to the changes to the biomedical research program
68 made by the act; deleting a provision requiring the
69 Division of Statutory Revision within the Office of
70 Legislative Services to certify certain language and
71 citations related to the program; deleting a provision
72 requiring future legislative review of the program;
73 revising the expiration date of the program; amending s.
74 430.502, F.S.; requiring the Department of Elderly
75 Affairs, in consultation with the Alzheimer's Disease
76 Brain Bank, to evaluate the need for additional memory
77 disorder clinics in the state; conforming references to
78 changes made by the act; deleting obsolete language;
79 amending ss. 430.503, 430.504, 458.324, and 459.0125,
80 F.S.; conforming references to changes made by the act;
81 amending s. 1004.445, F.S.; providing for the future
82 repeal of specified provisions to conform to changes made
83 by the act; reducing appropriations for fiscal year 2008-
84 2009; providing for and specifying use of future

85 appropriations; repealing s. 381.0404, F.S., relating to
 86 the Center for Health Technologies; repealing s. 381.85,
 87 F.S., relating to biomedical and social research;
 88 repealing s. 381.912, F.S., relating to the Cervical
 89 Cancer Elimination Task Force; repealing s. 381.92, F.S.,
 90 relating to the Florida Cancer Council; repealing s.
 91 381.921, F.S., relating to the Florida Cancer Council;
 92 repealing s. 381.98, F.S., relating to the Florida Public
 93 Health Foundation, Inc.; repealing s. 381.981, F.S.,
 94 relating to health awareness campaigns; repealing s.
 95 430.501, F.S., relating to the Alzheimer's Disease
 96 Advisory Committee; repealing s. 1004.435, F.S., relating
 97 to cancer control and research; providing for
 98 severability; providing an effective date.

99

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

101

102 Section 1. Paragraph (h) of subsection (1) of section
 103 20.435, Florida Statutes, is amended to read:

104 20.435 Department of Health; trust funds.--

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

107 (h) Biomedical Research Trust Fund.

108 1. Funds to be credited to the trust fund shall consist of
 109 funds deposited pursuant to s. 215.5601 and any other funds
 110 appropriated by the Legislature. Funds shall be used for the
 111 purposes of the James and Esther King Biomedical Research
 112 Program and the William G. "Bill" Bankhead, Jr., and David Coley

113 Cancer Research Program as specified in ss. 215.5602, 288.955,
 114 and 381.922. The trust fund is exempt from the service charges
 115 imposed by s. 215.20.

116 2. Funds deposited into the trust fund pursuant to s.
 117 215.5601 and any other funds appropriated by the Legislature as
 118 specified in s. 215.5602(12) (a) or other provisions of law for
 119 research related to tobacco-related diseases shall be used
 120 exclusively for the purpose of awarding grants and fellowships
 121 for research regarding the prevention, diagnosis, treatment, and
 122 cure of tobacco-related diseases by the James and Esther King
 123 Biomedical Research Program.

124 3. Funds deposited into the trust fund pursuant to the
 125 William G. "Bill" Bankhead, Jr., and David Coley Cancer Research
 126 Program as specified in s. 381.922 shall be used for the purpose
 127 of awarding grants for cancer research by the William G. "Bill"
 128 Bankhead, Jr., and David Coley Cancer Research Program.

129 4. All other funds deposited into the trust fund shall be
 130 used for the purpose of awarding grants and fellowships for
 131 biomedical research regarding the prevention, diagnosis,
 132 treatment, and cure of the most deadly and widespread
 133 nontobacco-related acute, chronic, and degenerative diseases by
 134 the James and Esther King Biomedical Research Program as
 135 specified in s. 215.5602(2) (b) and (12) (b).

136 ~~5.2~~ Notwithstanding the provisions of s. 216.301 and
 137 pursuant to s. 216.351, any balance in the trust fund at the end
 138 of any fiscal year shall remain in the trust fund at the end of
 139 the year and shall be available for carrying out the purposes of
 140 the trust fund. The department may invest these funds

141 independently through the Chief Financial Officer or may
 142 negotiate a trust agreement with the State Board of
 143 Administration for the investment management of any balance in
 144 the trust fund.

145 ~~6.3.~~ Notwithstanding s. 216.301 and pursuant to s.
 146 216.351, any balance of any appropriation from the Biomedical
 147 Research Trust Fund which is not disbursed but which is
 148 obligated pursuant to contract or committed to be expended may
 149 be carried forward for up to 5 ~~3~~ years following the effective
 150 date of the original appropriation.

151 Section 2. Paragraph (e) of subsection (5) of section
 152 215.5601, Florida Statutes, is amended to read:

153 215.5601 Lawton Chiles Endowment Fund.--

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

155 (e) Notwithstanding s. 216.301 and pursuant to s. 216.351,
 156 all unencumbered balances of appropriations from each
 157 department's respective Tobacco Settlement Trust Fund as of June
 158 30 or undisbursed balances as of December 31 shall revert to the
 159 endowment's principal. Unencumbered balances in the Biomedical
 160 Research Trust Fund shall be managed as provided in s.

161 20.435(1)(h) ~~5.2.~~

162 Section 3. Section 215.5602, Florida Statutes, is amended
 163 to read:

164 215.5602 James and Esther King Biomedical Research
 165 Program.--

166 (1) There is established within the Department of Health
 167 the James and Esther King Biomedical Research Program funded by
 168 the proceeds of the Lawton Chiles Endowment Fund pursuant to s.

169 215.5601. The purpose of the James and Esther King Biomedical
 170 Research Program is to provide an annual and perpetual source of
 171 funding in order to support research initiatives that address
 172 the health care problems of Floridians in the areas of tobacco-
 173 related cancer, cardiovascular disease, stroke, and pulmonary
 174 disease and nontobacco-related acute, chronic, and degenerative
 175 diseases, including cancer, cardiovascular disease, stroke,
 176 pulmonary disease, diabetes, autoimmune and genetic disorders,
 177 and neurological disorders, including Alzheimer's disease,
 178 epilepsy, and Parkinson's disease. The long-term goals of the
 179 program are to:

180 (a) Improve the health of Floridians by researching better
 181 prevention, diagnoses, treatments, and cures for the most deadly
 182 and widespread acute, chronic, and degenerative diseases,
 183 including, but not limited to, tobacco-related diseases, cancer,
 184 cardiovascular disease, stroke, ~~and~~ pulmonary disease, diabetes,
 185 autoimmune and genetic disorders, and neurological disorders,
 186 including Alzheimer's disease, epilepsy, and Parkinson's
 187 disease.

188 (b) Expand the foundation of biomedical knowledge relating
 189 to the prevention, diagnosis, treatment, and cure of tobacco-
 190 related diseases ~~related to tobacco use~~, including cancer,
 191 cardiovascular disease, stroke, and pulmonary disease.

192 (c) Expand the foundation of biomedical knowledge relating
 193 to the prevention, diagnosis, treatment, and cure of the most
 194 widespread acute, chronic, and degenerative diseases affecting
 195 Floridians, including, but not limited to, cancer,
 196 cardiovascular disease, stroke, pulmonary disease, diabetes,

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197 autoimmune and genetic disorders, and neurological disorders,
198 including Alzheimer's disease, epilepsy, and Parkinson's
199 disease.

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

203 ~~(e)~~(d) Increase the state's per capita funding for
204 research by undertaking new initiatives in public health and
205 biomedical research that will attract additional funding from
206 outside the state.

207 ~~(f)~~(e) Stimulate economic activity in the state in areas
208 related to biomedical research, such as the research and
209 production of pharmaceuticals, biotechnology, and medical
210 devices.

211 (2) (a) Funds appropriated for the James and Esther King
212 Biomedical Research Program pursuant to the Lawton Chiles
213 Endowment Fund created in s. 215.5601 and additional funding
214 provided under paragraph (12) (a) or other provisions of law for
215 research related to tobacco-related diseases shall be credited
216 to the Biomedical Research Trust Fund pursuant to s. 20.435 and
217 shall be used exclusively for the award of grants and
218 fellowships related to the prevention, diagnosis, treatment, and
219 cure of tobacco-related diseases, including cancer,
220 cardiovascular disease, stroke, and pulmonary disease and for
221 expenses incurred in the administration of this section.
222 Priority shall be granted to research designed to prevent or
223 cure tobacco-related diseases.

224 (b) Beginning in fiscal year 2009-2010, and each fiscal
 225 year thereafter, all other funds appropriated for the James and
 226 Esther King Biomedical Research Program shall be credited to the
 227 Biomedical Research Trust Fund pursuant to s. 20.435 and shall
 228 be used exclusively for the award of grants and fellowships as
 229 established in this section, for research relating to the
 230 prevention, diagnosis, treatment, and cure of the most deadly
 231 and widespread acute, chronic, and degenerative nontobacco-
 232 related diseases affecting Floridians related to tobacco use,
 233 including cancer, cardiovascular disease, stroke, and pulmonary
 234 disease, diabetes, autoimmune and genetic disorders, and
 235 neurological disorders, including Alzheimer's disease, epilepsy,
 236 and Parkinson's disease, and for expenses incurred in the
 237 administration of this section. Priority shall be granted to
 238 research designed to prevent or cure disease.

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

241 (a) The commission ~~council~~ shall consist of 15 ~~11~~ members,
 242 including: the chief executive officer of the Florida Division
 243 of the American Cancer Society, or a designee; the chief
 244 executive officer of the Greater Southeast Florida/Puerto Rico
 245 Affiliate of the American Heart Association, or a designee; and
 246 the chief executive officer of the American Lung Association of
 247 Florida, or a designee; the chief executive officer of the South
 248 Coastal Region of the American Diabetes Association, or a
 249 designee; and the president of the Florida Medical Association,
 250 or a designee. The remaining 10 ~~8~~ members of the commission
 251 ~~council~~ shall be appointed as follows:

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252 1. The Governor shall appoint four members, two members
253 with expertise in the field of biomedical research, one member
254 from a research university in the state, and one member
255 representing the general population of the state.

256 2. The President of the Senate shall appoint three ~~two~~
257 members, one member with expertise in the field of behavioral or
258 social research and two members representing volunteer health
259 organizations operating in the state that focus on Alzheimer's
260 disease, Parkinson's disease, epilepsy, stroke, or autoimmune
261 and genetic disorders ~~one representative from a cancer program~~
262 ~~approved by the American College of Surgeons.~~

263 3. The Speaker of the House of Representatives shall
264 appoint three ~~two~~ members, two members representing volunteer
265 health organizations operating in the state that focus on
266 Alzheimer's disease, Parkinson's disease, epilepsy, stroke, or
267 autoimmune and genetic disorders ~~one member from a professional~~
268 ~~medical organization~~ and one member representing representative
269 ~~from~~ a cancer program approved by the American College of
270 Surgeons.

271
272 In making these appointments, the Governor, the President of the
273 Senate, and the Speaker of the House of Representatives shall
274 select primarily, but not exclusively, Floridians with
275 biomedical and lay expertise in the general areas of cancer,
276 cardiovascular disease, stroke, ~~and~~ pulmonary disease, diabetes,
277 autoimmune and genetic disorders, and neurological disorders,
278 including Alzheimer's disease, epilepsy, and Parkinson's
279 disease. The appointments shall be for a 3-year term and shall

280 reflect the diversity of the state's population. An appointed
 281 member may not serve more than two consecutive terms.

282 (b) Except for the William G. "Bill" Bankhead, Jr., and
 283 David Coley Cancer Research Program that expires June 30, 2011,
 284 pursuant to s. 381.922, beginning in fiscal year 2009-2010, and
 285 each fiscal year thereafter, funds appropriated for the James
 286 and Esther King Biomedical Research Program shall serve as the
 287 exclusive source of awarding grants or fellowships for
 288 biomedical research in the state using state funds. This
 289 paragraph does not preclude another grant or fellowship program
 290 created by state law from awarding grants from funds received
 291 from private or federal sources if permitted by state law.

292 (c) The commission shall create committees to focus on
 293 disease-specific areas, including, but not limited to, tobacco-
 294 related diseases, cancer, stroke, cardiovascular disease,
 295 pulmonary disease, diabetes, autoimmune and genetic disorders,
 296 and neurological disorders, including Alzheimer's disease,
 297 epilepsy, and Parkinson's disease.

298 (d) ~~(b)~~ The commission ~~council~~ shall adopt internal
 299 organizational procedures as necessary for its efficient
 300 organization, including policies and procedures regarding the
 301 creation and composition of the committees, the submission of
 302 reports and recommendations by committees regarding the awarding
 303 of grants and fellowships, coordination between the commission
 304 and committees, and the methods for receiving input from
 305 individuals, organizations, or entities that are not members of
 306 the commission or its committees regarding the prioritization of
 307 research.

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

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

317 (4) The commission ~~council~~ shall, after considering the
 318 recommendations of its committees, advise the State Surgeon
 319 General as to the direction and scope of the biomedical research
 320 program. The responsibilities of the commission ~~council~~ may
 321 include, but are not limited to:

322 (a) Establishing ~~Providing advice on~~ program priorities
 323 and emphases.

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

327 (c) Participating in periodic program evaluation.

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

331 (e) Developing ~~Assisting in the development of~~ appropriate
 332 linkages to nonacademic entities, such as voluntary
 333 organizations, health care delivery institutions, industry,
 334 government agencies, and public officials.

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335 (f) Developing criteria and standards for the award of
336 research grants.

337 (g) Developing administrative procedures relating to
338 solicitation, independent peer review, and award of research
339 grants and fellowships, to ensure an impartial, high-quality,
340 science-based peer review system.

341 (h) Developing and supervising ~~research~~ peer review
342 panels.

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

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

347 (5) (a) Applications for biomedical research funding under
348 the program may be submitted from any university or established
349 research institute in the state. All qualified investigators in
350 the state, regardless of institution affiliation, shall have
351 equal access and opportunity to compete for the research
352 funding.

353 (b) Beginning in fiscal year 2008-2009, grants and
354 fellowships shall be awarded by the State Surgeon General, after
355 consultation with the commission ~~council~~, on the basis of
356 scientific merit, as determined by an open competitive peer
357 review process that ensures objectivity, consistency, and high
358 quality.

359 Beginning in fiscal year 2009-2010, and each fiscal
360 year thereafter, the State Surgeon General shall submit to the
361 Legislature by February 1 priority lists for the funding of both
362 tobacco-related and nontobacco-related biomedical research by

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363 the Legislature based on the recommendations made by the
364 commission after peer review and scoring of the applications
365 received. Recommendations to the Legislature shall be in the
366 form of lists submitted by the State Surgeon General of the
367 commission's rank order of priority from the proposal with the
368 highest priority through the proposal with the lowest priority,
369 including the recommended dollar amount and duration for each
370 proposal. The State Surgeon General may not reject or modify the
371 commission's recommendations. Successful applicants shall be
372 awarded grants or fellowships by the State Surgeon General based
373 upon the recommendations of the commission and the final funding
374 decision made by the Legislature. Funding for grant and
375 fellowship applications for tobacco-related research shall be
376 based upon funds available pursuant to paragraphs (2) (a) and
377 (12) (a) and s. 215.5601.

378 (d) Beginning in fiscal year 2009-2010, and each fiscal
379 year thereafter, the commission's overall ranking of grant and
380 fellowship applications shall be based on the score awarded to
381 the proposal by peer reviewers on the basis of scientific merit
382 through an open competitive peer review process that ensures
383 objectivity, consistency, and high quality and the commission's
384 determination of the following:

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

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

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

393 (e) The following types of applications shall be
 394 considered for funding:

- 395 1. Investigator-initiated research grants.
- 396 2. Institutional research grants.
- 397 3. Predoctoral and postdoctoral research fellowships.

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

402 (g) Except for the William G. "Bill" Bankhead, Jr., and
 403 David Coley Cancer Research Program that expires June 30, 2011,
 404 pursuant to s. 381.922, beginning July 1, 2009, and each fiscal
 405 year thereafter, any program, board, commission, council,
 406 advisory group, agency, or entity created by state law that
 407 awards or recommends the award of grants or fellowships for
 408 biomedical research may not award grants or fellowships that
 409 require the use of state funds and, instead, shall make any
 410 recommendation to the commission and its committees for the
 411 prioritization and award of grants and fellowships through the
 412 James and Esther King Biomedical Research Program. This section
 413 does not apply to the 21st Century World Class Scholars, Centers
 414 of Excellence, or State University Research Commercialization
 415 Assistance Grant Programs established under s. 1004.226.

416 (6) To ensure that all proposals for research funding are
 417 appropriate and are evaluated fairly on the basis of scientific
 418 merit, the State Surgeon General, in consultation with the

419 commission ~~council~~, shall appoint a peer review panel of
 420 independent, scientifically qualified individuals to review the
 421 scientific content of each proposal and establish its scientific
 422 priority score. The priority scores shall be forwarded to the
 423 commission and its committees ~~council~~ and must be considered in
 424 determining which proposals shall be recommended for funding.

425 (7) The commission, the committees, ~~council~~ and the peer
 426 review panel shall establish and follow rigorous guidelines for
 427 ethical conduct and adhere to a strict policy with regard to
 428 conflict of interest. A member of the commission, committee,
 429 ~~council~~ or panel may not participate in any discussion or
 430 decision with respect to a research proposal by any firm,
 431 entity, or agency with which the member is associated as a
 432 member of the governing body or as an employee, or with which
 433 the member has entered into a contractual arrangement. Meetings
 434 of the commission, committees, ~~council~~ and ~~the~~ peer review
 435 panels shall be subject to the provisions of chapter 119, s.
 436 286.011, and s. 24, Art. I of the State Constitution.

437 (8) The department may contract on a competitive-bid basis
 438 with an appropriate entity to administer the program.
 439 Administrative expenses may not exceed 15 percent of the total
 440 funds available to the program in any given year. Effective July
 441 1, 2009, administrative expenses may not exceed 10 percent of
 442 the total funds available to the program in any given year.
 443 Effective July 1, 2011, administrative expenses may not exceed 5
 444 percent of the total funds available to the program in any given
 445 year.

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

449 (10) In addition to its recommendations regarding
 450 appropriations for the award of grants and fellowships to the
 451 State Surgeon General and the Legislature, the commission
 452 ~~council~~ shall submit an annual progress report on the state of
 453 biomedical research in this state to the Florida Center for
 454 Universal Research to Eradicate Disease and to the Governor, the
 455 State Surgeon General, the President of the Senate, and the
 456 Speaker of the House of Representatives by February 1. The
 457 report must include:

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

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

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

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

466 (e) New grants for biomedical research which were funded
 467 based on research supported by grants or fellowships awarded
 468 under the program.

469 (f) Progress in the prevention, diagnosis, treatment, and
 470 cure of the most deadly and widespread acute, chronic, and
 471 degenerative tobacco-related diseases affecting Floridians
 472 ~~diseases related to tobacco use~~, including cancer,
 473 cardiovascular disease, stroke, ~~and~~ pulmonary disease, diabetes,

474 autoimmune and genetic disorders, and neurological disorders,
 475 including Alzheimer's disease, epilepsy, and Parkinson's
 476 disease.

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

481 (12) (a) Beginning in fiscal year 2006-2007, the sum of \$6
 482 million is appropriated annually from recurring funds in the
 483 General Revenue Fund to the Biomedical Research Trust Fund
 484 within the Department of Health for purposes of the award of
 485 grants and fellowships by the James and Esther King Biomedical
 486 Research Program for research relating to tobacco-related
 487 diseases pursuant to this section. From these funds up to
 488 \$250,000 shall be available for the operating costs of the
 489 Florida Center for Universal Research to Eradicate Disease.

490 (b) Beginning in fiscal year 2009-2010, and each fiscal
 491 year thereafter, the Legislature may appropriate funds from
 492 recurring funds in the General Revenue Fund to the Biomedical
 493 Research Trust Fund within the Department of Health for purposes
 494 of the award of grants and fellowships by the James and Esther
 495 King Biomedical Research Program for research of the most deadly
 496 and widespread nontobacco-related acute, chronic, and
 497 degenerative diseases pursuant to this section. Any research
 498 grant or fellowship awarded for Alzheimer's research pursuant to
 499 this section shall be named a "Johnnie B. Byrd, Sr. Alzheimer's
 500 Grant." Any research grant or fellowship awarded for cancer

501 research pursuant to this section shall be named a "Bankhead-
 502 Coley Cancer Grant."

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

508 (14) The Legislature shall review the performance, the
 509 outcomes, and the financial management of the James and Esther
 510 King Biomedical Research Program during the 2015 ~~2010~~ Regular
 511 Session of the Legislature and shall determine the most
 512 appropriate funding source and means of funding the program
 513 based on its review.

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

516 Section 4. Subsection (3) of section 381.79, Florida
 517 Statutes, is amended to read:

518 381.79 Brain and Spinal Cord Injury Program Trust Fund.--

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

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529 Section 5. Paragraph (h) is added to subsection (4) of
530 section 381.853, Florida Statutes, to read:

531 381.853 Florida Center for Brain Tumor Research.--

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

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

540 Section 6. Paragraph (a) of subsection (5) of section
541 381.855, Florida Statutes, is amended, and paragraphs (n), (o),
542 and (p) are added to subsection (3) of that section, to read:

543 381.855 Florida Center for Universal Research to Eradicate
544 Disease.--

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

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

551 (o) If funds are specifically appropriated by the
552 Legislature, the center shall disseminate information to
553 Floridians and treatment providers about specified diseases and
554 conditions and available methods of preventing, diagnosing,
555 treating, and curing those diseases and conditions.

556 (p) The center shall provide information regarding
 557 research needs in the state to the Biomedical Research
 558 Commission located in the James and Esther King Biomedical
 559 Research Program.

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

562 (a) The council shall consist of one representative from a
 563 Florida not-for-profit institution engaged in basic and clinical
 564 biomedical research and education which receives more than \$10
 565 million in annual grant funding from the National Institutes of
 566 Health, to be appointed by the State Surgeon General from a
 567 different institution each term, and one representative from and
 568 appointed by each of the following entities:

- 569 1. Enterprise Florida, Inc.
- 570 2. BioFlorida.
- 571 3. The Biomedical Research Commission ~~Advisory Council~~.
- 572 4. The Florida Medical Foundation.
- 573 5. Pharmaceutical Research and Manufacturers of America.
- 574 ~~6. The Florida Cancer Council.~~
- 575 6.7. The American Cancer Society, Florida Division, Inc.
- 576 7.8. The American Heart Association.
- 577 8.9. The American Lung Association of Florida.
- 578 9.10. The American Diabetes Association, South Coastal
 579 Region.
- 580 10.11. The Alzheimer's Association.
- 581 11.12. The Epilepsy Foundation.
- 582 12.13. The National Parkinson Foundation.
- 583 ~~14. The Florida Public Health Foundation, Inc.~~

584 13.15. The Florida Research Consortium.
 585 Section 7. Subsections (2), (3), and (4) of section
 586 381.911, Florida Statutes, are amended to read:
 587 381.911 Prostate Cancer Awareness Program.--
 588 (2) For purposes of implementing the program, the
 589 Department of Health ~~and the Florida Public Health Foundation,~~
 590 ~~Inc.~~, may:
 591 (a) Conduct activities directly or enter into a contract
 592 with a qualified nonprofit community education entity.
 593 (b) Seek any available gifts, grants, or funds from the
 594 state, the Federal Government, philanthropic foundations, and
 595 industry or business groups.
 596 (3) A prostate cancer advisory committee is created to
 597 advise and assist the Department of Health ~~and the Florida~~
 598 ~~Public Health Foundation, Inc.~~, in implementing the program.
 599 (a) The State Surgeon General shall appoint the advisory
 600 committee members, who shall consist of:
 601 1. Three persons from prostate cancer survivor groups or
 602 cancer-related advocacy groups.
 603 2. Three persons who are scientists or clinicians from
 604 public universities or research organizations.
 605 3. Three persons who are engaged in the practice of a
 606 cancer-related medical specialty from health organizations
 607 committed to cancer research and control.
 608 (b) Members shall serve without compensation but are
 609 entitled to reimbursement, pursuant to s. 112.061, for per diem
 610 and travel expenses incurred in the performance of their
 611 official duties.

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

614 Section 8. Section 381.922, Florida Statutes, is amended
 615 to read:

616 381.922 William G. "Bill" Bankhead, Jr., and David Coley
 617 Cancer Research Program.--

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

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

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

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

634 (3)(a) Applications for funding for cancer research may be
 635 submitted by any university or established research institute in
 636 the state. All qualified investigators in the state, regardless
 637 of institutional affiliation, shall have equal access and
 638 opportunity to compete for the research funding. Collaborative

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639 proposals, including those that advance the program's goals
640 enumerated in subsection (2), may be given preference.

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

647 (c) Beginning in fiscal year 2009-2010, and each fiscal
648 year thereafter, the State Surgeon General shall submit to the
649 Legislature by February 1 a priority list for cancer research
650 funding by the Legislature based on the recommendations of the
651 commission after peer review and scoring of the applications
652 received. Recommendations to the Legislature shall be in the
653 form of a list submitted by the State Surgeon General of the
654 commission's rank order of priority from the proposal with the
655 highest priority through the proposal with the lowest priority,
656 including the recommended dollar amount and duration for each
657 proposal. The State Surgeon General may not reject or modify the
658 commission's recommendations. Successful applicants shall be
659 awarded grants by the State Surgeon General based upon the
660 recommendations of the commission and the final funding decision
661 made by the Legislature.

662 (d) Beginning in fiscal year 2009-2010, and each fiscal
663 year thereafter, the commission's overall ranking of grant
664 applications shall be based on the score awarded to the proposal
665 by peer reviewers on the basis of scientific merit through an
666 open competitive peer review process that ensures objectivity,

667 consistency, and high quality and the commission's determination
 668 of the following:

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

671 2. The likelihood or possibility that the proposed
 672 research will result in new treatment modalities or technology
 673 during the term of the grant; and

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

676 (e) The following types of applications shall be
 677 considered for funding:

678 1. Investigator-initiated research grants.

679 2. Institutional research grants.

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

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

686 (g)~~(b)~~ In order to ensure that all proposals for research
 687 funding are appropriate and are evaluated fairly on the basis of
 688 scientific merit, the State Surgeon General, in consultation
 689 with the commission ~~council~~, shall appoint a peer review panel
 690 of independent, scientifically qualified individuals to review
 691 the scientific content of each proposal and establish its
 692 priority score. The priority scores shall be forwarded to the
 693 commission and its committees ~~council~~ and must be considered in
 694 determining which proposals shall be recommended for funding.

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

707 (4) By December 15 of each year, the Department of Health
 708 shall submit to the Governor, the President of the Senate, and
 709 the Speaker of the House of Representatives a report indicating
 710 progress towards the program's mission and making
 711 recommendations that further its purpose.

712 (5) Beginning in fiscal year 2006-2007, the sum of \$9
 713 million is appropriated annually from recurring funds in the
 714 General Revenue Fund to the Biomedical Research Trust Fund
 715 within the Department of Health for purposes of the William G.
 716 "Bill" Bankhead, Jr., and David Coley Cancer Research Program
 717 and shall be distributed pursuant to this section to provide
 718 grants to researchers seeking cures for cancer, ~~with emphasis~~
 719 ~~given to the goals enumerated in s. 381.921.~~ From the total
 720 funds appropriated, an amount of up to 10 percent may be used
 721 for administrative expenses.

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

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

733 ~~(6)(8)~~ This section expires June 30 ~~January 1, 2011,~~
734 unless reviewed and reenacted by the Legislature before that
735 date.

736 Section 9. Subsection (3) of section 430.502, Florida
737 Statutes, is amended to read:

738 430.502 Alzheimer's disease; memory disorder clinics and
739 day care and respite care programs.--

740 (3) The Department of Elderly Affairs shall consult with
741 the Alzheimer's Disease Brain Bank and model day care programs
742 to Alzheimer's Disease Advisory Committee ~~must~~ evaluate the need
743 for additional memory disorder clinics in the state. ~~The first~~
744 ~~report will be due by December 31, 1995.~~

745 Section 10. Section 430.503, Florida Statutes, is amended
746 to read:

747 430.503 Alzheimer's Disease Initiative; fees and
748 administrative expense.--

749 (1) Sections 430.502-430.504 ~~430.501-430.504~~ may be cited
750 as the "Alzheimer's Disease Initiative."

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

763 Section 11. 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,
768 or 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
772 is confidential and exempt from the provisions of s. 119.07(1).
773 Such information may not be disclosed publicly in such a manner
774 as to identify a person who receives services under ~~s. 430.501~~
775 or s. 430.503, unless that person or that person's legal
776 guardian provides written consent.

777 Section 12. 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
 784 profession to be within the scope of current, acceptable
 785 standards, ~~including treatment alternatives described in the~~
 786 ~~written summary prepared by the Florida Cancer Control and~~
 787 ~~Research Advisory 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 a ~~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

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

810

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

813 Section 13. 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
 820 profession to be within the scope of current, acceptable
 821 standards, ~~including treatment alternatives described in the~~
 822 ~~written summary prepared by the Florida Cancer Control and~~
 823 ~~Research Advisory 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,
 827 diagnosed as having breast cancer to inform such patient of the
 828 medically viable treatment alternatives available to such
 829 patient; to describe such treatment alternatives; and to explain
 830 the relative advantages, disadvantages, and risks associated
 831 with the treatment alternatives to the extent deemed necessary

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832 to allow the patient to make a prudent decision regarding such
833 treatment options. In compliance with this subsection:

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

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 a ~~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
843 a copy of the written summary to the patient or the patient's
844 legal representative for further consideration and possible
845 later discussion.

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

849 Section 14. Subsections (7), (8), and (12) of section
850 1004.445, Florida Statutes, as amended by chapter 2007-332, Laws
851 of Florida, are amended to read:

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

854 (7) The board of directors of the not-for-profit
855 corporation shall create a council of scientific advisers to the
856 chief executive officer comprised of leading researchers,
857 physicians, and scientists. The council shall review programs
858 and recommend research priorities and initiatives to maximize
859 the state's investment in the institute. The members of the

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860 council shall be appointed by the board of directors of the not-
861 for-profit corporation. Each member of the council shall be
862 appointed to serve a 2-year term and may be reappointed to the
863 council. This subsection expires on June 30, 2009.

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

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

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

883 (c) To ensure that all proposals for research funding are
884 appropriate and are evaluated fairly on the basis of scientific
885 merit, the board of directors of the not-for-profit corporation,
886 in consultation with the council of scientific advisors, shall
887 appoint a peer review panel of independent, scientifically

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888 qualified individuals to review the scientific content of each
889 proposal and establish its scientific priority score. The
890 priority scores shall be forwarded to the council and must be
891 considered by the board of directors of the not-for-profit
892 corporation in determining which proposals shall be recommended
893 for funding.

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

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

910 (12) (a) Beginning in fiscal year 2008-2009 ~~2007-2008~~, the
911 sum of \$5 ~~\$13.5~~ million is appropriated annually from recurring
912 funds in the General Revenue Fund to the Grants and Donations
913 Trust Fund within the Department of Elderly Affairs for the
914 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute
915 at the University of South Florida for the purposes as provided

916 under paragraph (6)(a), conducting and supporting research,
 917 providing institutional research grants and investigator-
 918 initiated research grants, developing and operating integrated
 919 data projects, and providing assistance to statutorily
 920 designated memory disorder clinics as provided under s. 430.502.
 921 Not less than 80 percent of the appropriated funds shall be
 922 expended for these purposes, and not less than 20 percent of the
 923 appropriated funds shall be expended for peer-reviewed
 924 investigator-initiated research grants.

925 (b) Beginning in fiscal year 2009-2010, and each fiscal
 926 year thereafter, the sum appropriated in paragraph (a) shall be
 927 used for programs that fulfill the mission of the institute in
 928 education, treatment, prevention, and early detection of
 929 Alzheimer's disease, developing and operating integrated data
 930 projects, and providing assistance to statutorily designated
 931 memory disorder clinics. If the institute intends to conduct
 932 research using state funds, it shall compete for funding through
 933 the James and Esther King Biomedical Research Program pursuant
 934 to s. 215.5602.

935 Section 15. Sections 381.0404, 381.85, 381.912, 381.92,
 936 381.921, 381.98, 381.981, 430.501, and 1004.435, Florida
 937 Statutes, are repealed.

938 Section 16. If any provision of this act or the
 939 application thereof to any person or circumstance is held
 940 invalid, the invalidity does not affect other provisions or
 941 applications of the act which can be given effect without the
 942 invalid provision or application, and to this end the provisions
 943 of this act are declared severable.

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