

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 relating to tobacco-
23 related and nontobacco-related diseases to the State
24 Surgeon General; requiring the State Surgeon General to
25 provide 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; providing
40 for nonapplicability of James and Esther King Biomedical
41 Research Program requirements to specified programs and
42 the use of certain operating funds appropriated to
43 universities; extending the expiration date of the
44 program; amending s. 381.79, F.S.; providing for the
45 expiration of a provision relating to the distribution of
46 funds from the Brain and Spinal Cord Injury Program Trust
47 Fund; amending s. 381.853, F.S.; providing a requirement
48 for the Florida Center for Brain Tumor Research relating
49 to the use of state funds for biomedical research;
50 amending s. 381.855, F.S.; providing additional program
51 functions for the Florida Center for Universal Research to
52 Eradicate Disease; requiring the center to disseminate
53 certain information if an appropriation is made;
54 conforming references to changes made by the act; amending
55 s. 381.911, F.S.; conforming references to changes made by
56 the act; amending s. 381.922, F.S., relating to the

57 William G. "Bill" Bankhead, Jr., and David Coley Cancer
58 Research Program; creating a future requirement for the
59 commission to submit priorities for funding cancer
60 research to the State Surgeon General; requiring the State
61 Surgeon General to provide commission funding priorities
62 to the Legislature; providing restrictions on the State
63 Surgeon General; providing criteria for ranking
64 priorities; authorizing the State Surgeon General to award
65 grants; providing for the award of grants upon a specific
66 appropriation; prohibiting the funding of research
67 projects not in compliance with the requirements of the
68 section; conforming references to changes made by the act;
69 revising process and provisions relating to future peer
70 review of grant applications to conform to the changes to
71 the biomedical research program made by the act; deleting
72 a provision requiring the Division of Statutory Revision
73 within the Office of Legislative Services to certify
74 certain language and citations related to the program;
75 deleting a provision requiring future legislative review
76 of the program; revising the expiration date of the
77 program; amending ss. 458.324 and 459.0125, F.S.;
78 conforming references to changes made by the act; amending
79 s. 1004.445, F.S.; providing for the future repeal of
80 specified provisions to conform to changes made by the
81 act; reducing appropriations for fiscal year 2008-2009;
82 providing for and specifying use of future appropriations;
83 repealing s. 381.0404, F.S., relating to the Center for
84 Health Technologies; repealing s. 381.85, F.S., relating

85 to biomedical and social research; repealing s. 381.912,
 86 F.S., relating to the Cervical Cancer Elimination Task
 87 Force; repealing s. 381.92, F.S., relating to the Florida
 88 Cancer Council; repealing s. 381.921, F.S., relating to
 89 the Florida Cancer Council; repealing s. 381.98, F.S.,
 90 relating to the Florida Public Health Foundation, Inc.;
 91 repealing s. 381.981, F.S., relating to health awareness
 92 campaigns; repealing s. 1004.435, F.S., relating to cancer
 93 control and research; providing for severability;
 94 providing an effective date.

95

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

97

98 Section 1. Paragraph (h) of subsection (1) of section
 99 20.435, Florida Statutes, is amended to read:

100 20.435 Department of Health; trust funds.--

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

103 (h) Biomedical Research Trust Fund.

104 1. Funds to be credited to the trust fund shall consist of
 105 funds deposited pursuant to s. 215.5601 and any other funds
 106 appropriated by the Legislature. Funds shall be used for the
 107 purposes of the James and Esther King Biomedical Research
 108 Program and the William G. "Bill" Bankhead, Jr., and David Coley
 109 Cancer Research Program as specified in ss. 215.5602, 288.955,
 110 and 381.922. The trust fund is exempt from the service charges
 111 imposed by s. 215.20.

112 2. Funds deposited into the trust fund pursuant to s.
113 215.5601 and any other funds appropriated by the Legislature as
114 specified in s. 215.5602(12)(a) for research related to tobacco-
115 related diseases shall be used exclusively for the purpose of
116 awarding grants and fellowships for research regarding the
117 prevention, diagnosis, treatment, and cure of tobacco-related
118 diseases by the James and Esther King Biomedical Research
119 Program.

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

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

132 ~~5.2.~~ Notwithstanding the provisions of s. 216.301 and
133 pursuant to s. 216.351, any balance in the trust fund at the end
134 of any fiscal year shall remain in the trust fund at the end of
135 the year and shall be available for carrying out the purposes of
136 the trust fund. The department may invest these funds
137 independently through the Chief Financial Officer or may
138 negotiate a trust agreement with the State Board of

139 Administration for the investment management of any balance in
 140 the trust fund.

141 ~~6.3.~~ Notwithstanding s. 216.301 and pursuant to s.
 142 216.351, any balance of any appropriation from the Biomedical
 143 Research Trust Fund which is not disbursed but which is
 144 obligated pursuant to contract or committed to be expended may
 145 be carried forward for up to 5 ~~3~~ years following the effective
 146 date of the original appropriation.

147 Section 2. Paragraph (e) of subsection (5) of section
 148 215.5601, Florida Statutes, is amended to read:

149 215.5601 Lawton Chiles Endowment Fund.--

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

151 (e) Notwithstanding s. 216.301 and pursuant to s. 216.351,
 152 all unencumbered balances of appropriations from each
 153 department's respective Tobacco Settlement Trust Fund as of June
 154 30 or undisbursed balances as of December 31 shall revert to the
 155 endowment's principal. Unencumbered balances in the Biomedical
 156 Research Trust Fund shall be managed as provided in s.
 157 20.435(1)(h) 5.2 ~~5.2~~.

158 Section 3. Section 215.5602, Florida Statutes, is amended
 159 to read:

160 215.5602 James and Esther King Biomedical Research
 161 Program.--

162 (1) There is established within the Department of Health
 163 the James and Esther King Biomedical Research Program funded by
 164 the proceeds of the Lawton Chiles Endowment Fund pursuant to s.
 165 215.5601. The purpose of the James and Esther King Biomedical
 166 Research Program is to provide an annual and perpetual source of

167 funding in order to support research initiatives that address
 168 the health care problems of Floridians in the areas of tobacco-
 169 related cancer, cardiovascular disease, stroke, and pulmonary
 170 disease and nontobacco-related acute, chronic, and degenerative
 171 diseases, including cancer, cardiovascular disease, stroke,
 172 pulmonary disease, diabetes, autoimmune and genetic disorders,
 173 and neurological disorders, including Alzheimer's disease,
 174 epilepsy, and Parkinson's disease. The long-term goals of the
 175 program are to:

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

184 (b) Expand the foundation of biomedical knowledge relating
 185 to the prevention, diagnosis, treatment, and cure of tobacco-
 186 related diseases ~~related to tobacco use,~~ including cancer,
 187 cardiovascular disease, stroke, and pulmonary disease.

188 (c) Expand the foundation of biomedical knowledge relating
 189 to the prevention, diagnosis, treatment, and cure of the most
 190 widespread acute, chronic, and degenerative diseases affecting
 191 Floridians, including, but not limited to, cancer,
 192 cardiovascular disease, stroke, pulmonary disease, diabetes,
 193 autoimmune and genetic disorders, and neurological disorders,

194 including Alzheimer's disease, epilepsy, and Parkinson's
195 disease.

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

199 (e)~~(d)~~ Increase the state's per capita funding for
200 research by undertaking new initiatives in public health and
201 biomedical research that will attract additional funding from
202 outside the state.

203 (f)~~(e)~~ Stimulate economic activity in the state in areas
204 related to biomedical research, such as the research and
205 production of pharmaceuticals, biotechnology, and medical
206 devices.

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

219 (b) Beginning in fiscal year 2009-2010, and each fiscal
220 year thereafter, all other funds appropriated for the James and
221 Esther King Biomedical Research Program shall be credited to the

222 Biomedical Research Trust Fund pursuant to s. 20.435 and shall
 223 be used exclusively for the award of grants and fellowships as
 224 established in this section, for research relating to the
 225 prevention, diagnosis, treatment, and cure of the most deadly
 226 and widespread acute, chronic, and degenerative nontobacco-
 227 related diseases affecting Floridians related to tobacco use,
 228 including cancer, cardiovascular disease, stroke, and pulmonary
 229 disease, diabetes, autoimmune and genetic disorders, and
 230 neurological disorders, including Alzheimer's disease, epilepsy,
 231 and Parkinson's disease, and for expenses incurred in the
 232 administration of this section. Priority shall be granted to
 233 research designed to prevent or cure disease.

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

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

247 1. The Governor shall appoint four members, two members
 248 with expertise in the field of biomedical research, one member

249 from a research university in the state, and one member
250 representing the general population of the state.

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

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

266
267 In making these appointments, the Governor, the President of the
268 Senate, and the Speaker of the House of Representatives shall
269 select primarily, but not exclusively, Floridians with
270 biomedical and lay expertise in the general areas of cancer,
271 cardiovascular disease, stroke, ~~and~~ pulmonary disease, diabetes,
272 autoimmune and genetic disorders, and neurological disorders,
273 including Alzheimer's disease, epilepsy, and Parkinson's
274 disease. The appointments shall be for a 3-year term and shall
275 reflect the diversity of the state's population. An appointed
276 member may not serve more than two consecutive terms.

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

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

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

303 (e) ~~(e)~~ The department shall provide such staff,
 304 information, and other assistance as is reasonably necessary to

305 assist the commission council in carrying out its
 306 responsibilities, including those of its committees.

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

312 (4) The commission council shall, after considering the
 313 recommendations of its committees, advise the State Surgeon
 314 General as to the direction and scope of the biomedical research
 315 program. The responsibilities of the commission council ~~may~~
 316 include, but are not limited to:

317 (a) Establishing ~~Providing advice on~~ program priorities
 318 and emphases.

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

322 (c) Participating in periodic program evaluation.

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

326 (e) Developing ~~Assisting in the development of~~ appropriate
 327 linkages to nonacademic entities, such as voluntary
 328 organizations, health care delivery institutions, industry,
 329 government agencies, and public officials.

330 (f) Developing criteria and standards for the award of
 331 research grants.

332 (g) Developing administrative procedures relating to
333 solicitation, independent peer review, and award of research
334 grants and fellowships, to ensure an impartial, high-quality,
335 science-based peer review system.

336 (h) Developing and supervising ~~research~~ peer review
337 panels.

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

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

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

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

354 (c) Beginning in fiscal year 2009-2010, and each fiscal
355 year thereafter, the State Surgeon General shall submit to the
356 Legislature by February 1 priority lists for the funding of both
357 tobacco-related and nontobacco-related biomedical research by
358 the Legislature based on the recommendations made by the
359 commission after peer review and scoring of the applications

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

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

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

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

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

388 (e) The following types of applications shall be
389 considered for funding:

- 390 1. Investigator-initiated research grants.
391 2. Institutional research grants.
392 3. Predoctoral and postdoctoral research fellowships.

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

397 (g) Except for the William G. "Bill" Bankhead, Jr., and
398 David Coley Cancer Research Program that expires June 30, 2011,
399 pursuant to s. 381.922, beginning July 1, 2009, and each fiscal
400 year thereafter, any program, board, commission, council,
401 advisory group, agency, or entity created by state law that
402 awards or recommends the award of grants or fellowships for
403 biomedical research may not award grants or fellowships that
404 require the use of state funds and, instead, shall make any
405 recommendation to the commission and its committees for the
406 prioritization and award of grants and fellowships through the
407 James and Esther King Biomedical Research Program.

408 (6) To ensure that all proposals for research funding are
409 appropriate and are evaluated fairly on the basis of scientific
410 merit, the State Surgeon General, in consultation with the
411 commission ~~council~~, shall appoint a peer review panel of
412 independent, scientifically qualified individuals to review the
413 scientific content of each proposal and establish its scientific
414 priority score. The priority scores shall be forwarded to the

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

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

429 (8) The department may contract on a competitive-bid basis
 430 with an appropriate entity to administer the program.
 431 Administrative expenses may not exceed 15 percent of the total
 432 funds available to the program in any given year. Effective July
 433 1, 2009, administrative expenses may not exceed 10 percent of
 434 the total funds available to the program in any given year.
 435 Effective July 1, 2011, administrative expenses may not exceed 5
 436 percent of the total funds available to the program in any given
 437 year.

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

441 (10) In addition to its recommendations regarding
 442 appropriations for the award of grants and fellowships to the

443 State Surgeon General and the Legislature, the commission
 444 ~~council~~ shall submit an annual progress report on the state of
 445 biomedical research in this state to the Florida Center for
 446 Universal Research to Eradicate Disease and to the Governor, the
 447 State Surgeon General, the President of the Senate, and the
 448 Speaker of the House of Representatives by February 1. The
 449 report must include:

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

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

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

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

458 (e) New grants for biomedical research which were funded
 459 based on research supported by grants or fellowships awarded
 460 under the program.

461 (f) Progress in the prevention, diagnosis, treatment, and
 462 cure of the most deadly and widespread acute, chronic, and
 463 degenerative tobacco-related and nontobacco-related diseases
 464 affecting Floridians ~~diseases related to tobacco use, including~~
 465 ~~cancer, cardiovascular disease, stroke, and pulmonary disease,~~
 466 diabetes, autoimmune and genetic disorders, and neurological
 467 disorders, including Alzheimer's disease, epilepsy, and
 468 Parkinson's disease.

469 (11) The commission ~~council~~ shall award grants for cancer
 470 research through the William G. "Bill" Bankhead, Jr., and David

471 Coley Cancer Research Program created in s. 381.922. This
472 subsection expires June 30, 2011.

473 (12) (a) Beginning in fiscal year 2006-2007, the sum of \$6
474 million is appropriated annually from recurring funds in the
475 General Revenue Fund to the Biomedical Research Trust Fund
476 within the Department of Health for purposes of the award of
477 grants and fellowships by the James and Esther King Biomedical
478 Research Program for research relating to tobacco-related
479 diseases pursuant to this section. From these funds up to
480 \$250,000 shall be available for the operating costs of the
481 Florida Center for Universal Research to Eradicate Disease.

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

495 (13) This section does not apply to the 21st Century World
496 Class Scholars, Centers of Excellence, or State University
497 Research Commercialization Assistance Grant Programs established
498 under s. 1004.226; to the University Major Gifts Program

499 established under s. 1011.94; or to the use of general operating
 500 funds appropriated to universities.

501 ~~(14)~~~~(13)~~ By June 1, 2014 ~~2009~~, the Division of Statutory
 502 Revision of the Office of Legislative Services shall certify to
 503 the President of the Senate and the Speaker of the House of
 504 Representatives the language and statutory citation of this
 505 section, which is scheduled to expire January 1, 2016 ~~2011~~.

506 ~~(15)~~~~(14)~~ The Legislature shall review the performance, the
 507 outcomes, and the financial management of the James and Esther
 508 King Biomedical Research Program during the 2015 ~~2010~~ Regular
 509 Session of the Legislature and shall determine the most
 510 appropriate funding source and means of funding the program
 511 based on its review.

512 ~~(16)~~~~(15)~~ This section expires January 1, 2016 ~~2011~~, unless
 513 reviewed and reenacted by the Legislature before that date.

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

516 381.79 Brain and Spinal Cord Injury Program Trust Fund.--

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

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

529 381.853 Florida Center for Brain Tumor Research.--

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

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

538 Section 6. Paragraph (a) of subsection (5) of section
539 381.855, Florida Statutes, is amended, and paragraphs (n), (o),
540 and (p) are added to subsection (3) of that section, to read:

541 381.855 Florida Center for Universal Research to Eradicate
542 Disease.--

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

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

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

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

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

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

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

582 13.15. The Florida Research Consortium.
 583 Section 7. Subsections (2), (3), and (4) of section
 584 381.911, Florida Statutes, are amended to read:
 585 381.911 Prostate Cancer Awareness Program.--
 586 (2) For purposes of implementing the program, the
 587 Department of Health ~~and the Florida Public Health Foundation,~~
 588 ~~Ine.,~~ may:
 589 (a) Conduct activities directly or enter into a contract
 590 with a qualified nonprofit community education entity.
 591 (b) Seek any available gifts, grants, or funds from the
 592 state, the Federal Government, philanthropic foundations, and
 593 industry or business groups.
 594 (3) A prostate cancer advisory committee is created to
 595 advise and assist the Department of Health ~~and the Florida~~
 596 ~~Public Health Foundation, Inc.,~~ in implementing the program.
 597 (a) The State Surgeon General shall appoint the advisory
 598 committee members, who shall consist of:
 599 1. Three persons from prostate cancer survivor groups or
 600 cancer-related advocacy groups.
 601 2. Three persons who are scientists or clinicians from
 602 public universities or research organizations.
 603 3. Three persons who are engaged in the practice of a
 604 cancer-related medical specialty from health organizations
 605 committed to cancer research and control.
 606 (b) Members shall serve without compensation but are
 607 entitled to reimbursement, pursuant to s. 112.061, for per diem
 608 and travel expenses incurred in the performance of their
 609 official duties.

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

612 Section 8. Section 381.922, Florida Statutes, is amended
613 to read:

614 381.922 William G. "Bill" Bankhead, Jr., and David Coley
615 Cancer Research Program.--

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

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

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

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

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

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

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

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

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

665 consistency, and high quality and the commission's determination
666 of the following:

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

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

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

674 (e) The following types of applications shall be
675 considered for funding:

676 1. Investigator-initiated research grants.

677 2. Institutional research grants.

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

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

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

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

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

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

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

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

731 ~~(6)(8)~~ This section expires June 30 ~~January 1, 2011,~~
732 unless reviewed and reenacted by the Legislature before that
733 date.

734 Section 9. Subsection (1) and paragraph (a) of subsection
735 (2) of section 458.324, Florida Statutes, are amended to read:

736 458.324 Breast cancer; information on treatment
737 alternatives.--

738 (1) DEFINITION.--As used in this section, the term
739 "medically viable," as applied to treatment alternatives, means
740 modes of treatment generally considered by the medical
741 profession to be within the scope of current, acceptable
742 standards, ~~including treatment alternatives described in the~~
743 ~~written summary prepared by the Florida Cancer Control and~~
744 ~~Research Advisory Council in accordance with s. 1004.435(4)(m).~~

745 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.--Each
746 physician treating a patient who is, or in the judgment of the
747 physician is at high risk of being, diagnosed as having breast

748 cancer shall inform such patient of the medically viable
 749 treatment alternatives available to such patient; shall describe
 750 such treatment alternatives; and shall explain the relative
 751 advantages, disadvantages, and risks associated with the
 752 treatment alternatives to the extent deemed necessary to allow
 753 the patient to make a prudent decision regarding such treatment
 754 options. In compliance with this subsection:

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

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

758 2. Provide the patient or the patient's legal
 759 representative with a copy of a the written summary ~~prepared in~~
 760 ~~accordance with s. 1004.435(4)(m)~~ and express a willingness to
 761 discuss the summary with the patient or the patient's legal
 762 representative; or

763 3. Both communicate such information directly and provide
 764 a copy of the written summary to the patient or the patient's
 765 legal representative for further consideration and possible
 766 later discussion.

767

768 Nothing in this subsection shall reduce other provisions of law
 769 regarding informed consent.

770 Section 10. Subsection (1) and paragraph (a) of subsection
 771 (2) of section 459.0125, Florida Statutes, are amended to read:

772 459.0125 Breast cancer; information on treatment
 773 alternatives.--

774 (1) DEFINITION.--As used in this section, the term
 775 "medically viable," as applied to treatment alternatives, means

776 modes of treatment generally considered by the medical
777 profession to be within the scope of current, acceptable
778 standards, ~~including treatment alternatives described in the~~
779 ~~written summary prepared by the Florida Cancer Control and~~
780 ~~Research Advisory Council in accordance with s. 1004.435(4)(m).~~

781 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.--It is the
782 obligation of every physician treating a patient who is, or in
783 the judgment of the physician is at high risk of being,
784 diagnosed as having breast cancer to inform such patient of the
785 medically viable treatment alternatives available to such
786 patient; to describe such treatment alternatives; and to explain
787 the relative advantages, disadvantages, and risks associated
788 with the treatment alternatives to the extent deemed necessary
789 to allow the patient to make a prudent decision regarding such
790 treatment options. In compliance with this subsection:

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

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

794 2. Provide the patient or the patient's legal
795 representative with a copy of a ~~the~~ written summary ~~prepared in~~
796 ~~accordance with s. 1004.435(4)(m)~~ and express her or his
797 willingness to discuss the summary with the patient or the
798 patient's legal representative; or

799 3. Both communicate such information directly and provide
800 a copy of the written summary to the patient or the patient's
801 legal representative for further consideration and possible
802 later discussion.

803

804 Nothing in this subsection shall reduce other provisions of law
805 regarding informed consent.

806 Section 11. Subsections (7), (8), and (12) of section
807 1004.445, Florida Statutes, as amended by chapter 2007-332, Laws
808 of Florida, are amended to read:

809 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and
810 Research Institute.--

811 (7) The board of directors of the not-for-profit
812 corporation shall create a council of scientific advisers to the
813 chief executive officer comprised of leading researchers,
814 physicians, and scientists. The council shall review programs
815 and recommend research priorities and initiatives to maximize
816 the state's investment in the institute. The members of the
817 council shall be appointed by the board of directors of the not-
818 for-profit corporation. Each member of the council shall be
819 appointed to serve a 2-year term and may be reappointed to the
820 council. This subsection expires on June 30, 2009.

821 (8)(a) Applications for Alzheimer's disease research
822 funding may be submitted from any university or established
823 research institute in the state. All qualified investigators in
824 the state, regardless of institutional affiliation, shall have
825 equal access and opportunity to compete for the research
826 funding. Grants shall be awarded by the board of directors of
827 the not-for-profit corporation on the basis of scientific merit,
828 as determined by an open, competitive peer review process that
829 ensures objectivity, consistency, and high quality. The
830 following types of applications shall be considered for funding:

831 1. Investigator-initiated research grants.

832 2. Institutional research grants.

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

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

840 (c) To ensure that all proposals for research funding are
841 appropriate and are evaluated fairly on the basis of scientific
842 merit, the board of directors of the not-for-profit corporation,
843 in consultation with the council of scientific advisors, shall
844 appoint a peer review panel of independent, scientifically
845 qualified individuals to review the scientific content of each
846 proposal and establish its scientific priority score. The
847 priority scores shall be forwarded to the council and must be
848 considered by the board of directors of the not-for-profit
849 corporation in determining which proposals shall be recommended
850 for funding.

851 (d) The council of scientific advisors and the peer review
852 panel shall establish and follow rigorous guidelines for ethical
853 conduct and adhere to a strict policy with regard to conflict of
854 interest. All employees, members of the board of directors, and
855 affiliates of the not-for-profit corporation shall follow the
856 same rigorous guidelines for ethical conduct and shall adhere to
857 the same strict policy with regard to conflict of interest. A
858 member of the council or panel may not participate in any
859 discussion or decision with respect to a research proposal by

860 any firm, entity, or agency with which the member is associated
861 as a member of the governing body or as an employee or with
862 which the member has entered into a contractual arrangement.
863 Meetings of the council and the peer review panels are subject
864 to chapter 119, s. 286.011, and s. 24, Art. I of the State
865 Constitution.

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

867 (12) (a) Beginning in fiscal year 2008-2009 ~~2007-2008~~, the
868 sum of \$3.75 ~~\$13.5~~ million is appropriated annually from
869 recurring funds in the General Revenue Fund to the Grants and
870 Donations Trust Fund within the Department of Elderly Affairs
871 for the Johnnie B. Byrd, Sr., Alzheimer's Center and Research
872 Institute at the University of South Florida for the purposes as
873 provided under paragraph (6) (a), conducting and supporting
874 research, providing institutional research grants and
875 investigator-initiated research grants, developing and operating
876 integrated data projects, and providing assistance to
877 statutorily designated memory disorder clinics as provided under
878 s. 430.502. Not less than 80 percent of the appropriated funds
879 shall be expended for these purposes, and not less than 20
880 percent of the appropriated funds shall be expended for peer-
881 reviewed investigator-initiated research grants.

882 (b) Beginning in fiscal year 2009-2010, and each fiscal
883 year thereafter, the sum appropriated in paragraph (a) shall be
884 used for programs that fulfill the mission of the institute in
885 education, treatment, prevention, and early detection of
886 Alzheimer's disease, developing and operating integrated data
887 projects, and providing assistance to statutorily designated

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888 memory disorder clinics. If the institute intends to conduct
889 research using state funds, it shall compete for funding through
890 the James and Esther King Biomedical Research Program pursuant
891 to s. 215.5602.

892 Section 12. Sections 381.0404, 381.85, 381.912, 381.92,
893 381.921, 381.98, 381.981, and 1004.435, Florida Statutes, are
894 repealed.

895 Section 13. If any provision of this act or the
896 application thereof to any person or circumstance is held
897 invalid, the invalidity does not affect other provisions or
898 applications of the act which can be given effect without the
899 invalid provision or application, and to this end the provisions
900 of this act are declared severable.

901 Section 14. This act shall take effect July 1, 2008.