

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; requiring
54 the center to identify ways to attract students from
55 underserved communities for roles as health professionals
56 and researchers; conforming references to changes made by

57 | the act; amending s. 381.911, F.S.; conforming references
58 | to changes made by the act; amending s. 381.922, F.S.,
59 | relating to the William G. "Bill" Bankhead, Jr., and David
60 | Coley Cancer Research Program; creating a future
61 | requirement for the commission to submit priorities for
62 | funding cancer research to the State Surgeon General;
63 | requiring the State Surgeon General to provide commission
64 | funding priorities to the Legislature; providing
65 | restrictions on the State Surgeon General; providing
66 | criteria for ranking priorities; authorizing the State
67 | Surgeon General to award grants; providing for the award
68 | of grants upon a specific appropriation; prohibiting the
69 | funding of research projects not in compliance with the
70 | requirements of the section; conforming references to
71 | changes made by the act; revising process and provisions
72 | relating to future peer review of grant applications to
73 | conform to the changes to the biomedical research program
74 | made by the act; deleting a provision requiring the
75 | Division of Statutory Revision within the Office of
76 | Legislative Services to certify certain language and
77 | citations related to the program; deleting a provision
78 | requiring future legislative review of the program;
79 | revising the expiration date of the program; amending ss.
80 | 458.324 and 459.0125, F.S.; conforming references to
81 | changes made by the act; amending s. 1004.445, F.S.;
82 | providing for the future repeal of specified provisions to
83 | conform to changes made by the act; reducing
84 | appropriations for fiscal year 2008-2009; providing for

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

98

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

100

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

103 20.435 Department of Health; trust funds.--

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

106 (h) Biomedical Research Trust Fund.

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

113 and 381.922. The trust fund is exempt from the service charges
114 imposed by s. 215.20.

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

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

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

135 ~~5.2-~~ Notwithstanding the provisions of s. 216.301 and
136 pursuant to s. 216.351, any balance in the trust fund at the end
137 of any fiscal year shall remain in the trust fund at the end of
138 the year and shall be available for carrying out the purposes of
139 the trust fund. The department may invest these funds
140 independently through the Chief Financial Officer or may

141 negotiate a trust agreement with the State Board of
 142 Administration for the investment management of any balance in
 143 the trust fund.

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

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

152 215.5601 Lawton Chiles Endowment Fund.--

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

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

160 20.435(1)(h) 5.2 ~~5.2~~.

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

163 215.5602 James and Esther King Biomedical Research
 164 Program.--

165 (1) There is established within the Department of Health
 166 the James and Esther King Biomedical Research Program funded by
 167 the proceeds of the Lawton Chiles Endowment Fund pursuant to s.
 168 215.5601. The purpose of the James and Esther King Biomedical

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

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

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

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

197 including Alzheimer's disease, epilepsy, and Parkinson's
198 disease.

199 (d) Expand the foundation of biomedical knowledge relating
200 to the deadly and most widespread acute, chronic, and
201 degenerative diseases and identify biomedical solutions
202 regarding health disparities that exist in relation to these
203 diseases.

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

207 (f)~~(d)~~ Increase the state's per capita funding for
208 research by undertaking new initiatives in public health and
209 biomedical research that will attract additional funding from
210 outside the state.

211 (g)~~(e)~~ Stimulate economic activity in the state in areas
212 related to biomedical research, such as the research and
213 production of pharmaceuticals, biotechnology, and medical
214 devices.

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

225 administration of this section. Priority shall be granted to
 226 research designed to prevent or cure tobacco-related diseases.

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

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

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

253 or a designee. The remaining 10 ~~8~~ members of the commission
 254 ~~council~~ shall be appointed as follows:

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

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

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

274
 275 In making these appointments, the Governor, the President of the
 276 Senate, and the Speaker of the House of Representatives shall
 277 select primarily, but not exclusively, Floridians with
 278 biomedical and lay expertise in the general areas of cancer,
 279 cardiovascular disease, stroke, ~~and~~ pulmonary disease, diabetes,
 280 autoimmune and genetic disorders, and neurological disorders,

281 including Alzheimer's disease, epilepsy, and Parkinson's
 282 disease. The appointments shall be for a 3-year term and shall
 283 reflect the diversity of the state's population. An appointed
 284 member may not serve more than two consecutive terms.

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

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

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

309 the commission or its committees regarding the prioritization of
 310 research.

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

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

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

325 (a) Establishing ~~Providing advice on~~ program priorities
 326 and emphases.

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

330 (c) Participating in periodic program evaluation.

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

334 (e) Developing ~~Assisting in the development of~~ appropriate
 335 linkages to nonacademic entities, such as voluntary

336 organizations, health care delivery institutions, industry,
 337 government agencies, and public officials.

338 (f) Developing criteria and standards for the award of
 339 research grants.

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

344 (h) Developing and supervising ~~research~~ peer review
 345 panels.

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

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

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

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

362 (c) Beginning in fiscal year 2009-2010, and each fiscal
 363 year thereafter, the State Surgeon General shall submit to the

364 Legislature by February 1 priority lists for the funding of both
365 tobacco-related and nontobacco-related biomedical research by
366 the Legislature based on the recommendations made by the
367 commission after peer review and scoring of the applications
368 received. Recommendations to the Legislature shall be in the
369 form of lists submitted by the State Surgeon General of the
370 commission's rank order of priority from the proposal with the
371 highest priority through the proposal with the lowest priority,
372 including the recommended dollar amount and duration for each
373 proposal. The State Surgeon General may not reject or modify the
374 commission's recommendations. Successful applicants shall be
375 awarded grants or fellowships by the State Surgeon General based
376 upon the recommendations of the commission and the final funding
377 decision made by the Legislature. Funding for grant and
378 fellowship applications for tobacco-related research shall be
379 based upon funds available pursuant to paragraphs (2) (a) and
380 (12) (a) and s. 215.5601.

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

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

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

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

396 (e) The following types of applications shall be
 397 considered for funding:

- 398 1. Investigator-initiated research grants.
- 399 2. Institutional research grants.
- 400 3. Predoctoral and postdoctoral research fellowships.

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

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

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.

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 and nontobacco-related diseases
 472 affecting Floridians ~~diseases related to tobacco use, including~~
 473 cancer, cardiovascular disease, stroke, ~~and~~ pulmonary disease,

474 diabetes, autoimmune and genetic disorders, and neurological
475 disorders, including Alzheimer's disease, epilepsy, and
476 Parkinson's 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) This section does not apply to the 21st Century World
 504 Class Scholars, Centers of Excellence, or State University
 505 Research Commercialization Assistance Grant Programs established
 506 under s. 1004.226; to the University Major Gifts Program
 507 established under s. 1011.94; or to the use of general operating
 508 funds appropriated to universities.

509 (14)~~(13)~~ By June 1, 2014 ~~2009~~, the Division of Statutory
 510 Revision of the Office of Legislative Services shall certify to
 511 the President of the Senate and the Speaker of the House of
 512 Representatives the language and statutory citation of this
 513 section, which is scheduled to expire January 1, 2016 ~~2011~~.

514 (15)~~(14)~~ The Legislature shall review the performance, the
 515 outcomes, and the financial management of the James and Esther
 516 King Biomedical Research Program during the 2015 ~~2010~~ Regular
 517 Session of the Legislature and shall determine the most
 518 appropriate funding source and means of funding the program
 519 based on its review.

520 (16)~~(15)~~ This section expires January 1, 2016 ~~2011~~, unless
 521 reviewed and reenacted by the Legislature before that date.

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

524 381.79 Brain and Spinal Cord Injury Program Trust Fund.--

525 (3) Annually, 5 percent of the revenues deposited monthly
 526 in the fund pursuant to s. 318.21(2)(d) shall be appropriated to
 527 the University of Florida and 5 percent to the University of
 528 Miami for spinal cord injury and brain injury research. The

529 amount to be distributed to the universities shall be calculated
 530 based on the deposits into the fund for each quarter in the
 531 fiscal year, but may not exceed \$500,000 per university per
 532 year. Funds distributed under this subsection shall be made in
 533 quarterly payments at the end of each quarter during the fiscal
 534 year. This subsection expires June 30, 2009.

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

537 381.853 Florida Center for Brain Tumor Research.--

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

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

546 Section 6. Paragraph (a) of subsection (5) of section
 547 381.855, Florida Statutes, is amended, and paragraphs (n), (o),
 548 (p), and (q) are added to subsection (3) of that section, to
 549 read:

550 381.855 Florida Center for Universal Research to Eradicate
 551 Disease.--

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

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

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

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

567 (q) The center shall identify ways to attract students
568 from underserved communities for roles as health professionals
569 and researchers.

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

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

- 579 1. Enterprise Florida, Inc.
580 2. BioFlorida.
581 3. The Biomedical Research Commission ~~Advisory Council~~.
582 4. The Florida Medical Foundation.

583 5. Pharmaceutical Research and Manufacturers of America.
 584 ~~6. The Florida Cancer Council.~~
 585 6.7. The American Cancer Society, Florida Division, Inc.
 586 7.8. The American Heart Association.
 587 8.9. The American Lung Association of Florida.
 588 9.10. The American Diabetes Association, South Coastal
 589 Region.

590 10.11. The Alzheimer's Association.
 591 11.12. The Epilepsy Foundation.
 592 12.13. The National Parkinson Foundation.
 593 ~~14. The Florida Public Health Foundation, Inc.~~
 594 13.15. The Florida Research Consortium.

595 Section 7. Subsections (2), (3), and (4) of section
 596 381.911, Florida Statutes, are amended to read:

597 381.911 Prostate Cancer Awareness Program.--

598 (2) For purposes of implementing the program, the
 599 Department of Health ~~and the Florida Public Health Foundation,~~
 600 ~~Inc.,~~ may:

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

603 (b) Seek any available gifts, grants, or funds from the
 604 state, the Federal Government, philanthropic foundations, and
 605 industry or business groups.

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

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

611 1. Three persons from prostate cancer survivor groups or
 612 cancer-related advocacy groups.

613 2. Three persons who are scientists or clinicians from
 614 public universities or research organizations.

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

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

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

624 Section 8. Section 381.922, Florida Statutes, is amended
 625 to read:

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

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

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

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

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

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

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

657 (c) Beginning in fiscal year 2009-2010, and each fiscal
658 year thereafter, the State Surgeon General shall submit to the
659 Legislature by February 1 a priority list for cancer research
660 funding by the Legislature based on the recommendations of the
661 commission after peer review and scoring of the applications
662 received. Recommendations to the Legislature shall be in the
663 form of a list submitted by the State Surgeon General of the
664 commission's rank order of priority from the proposal with the
665 highest priority through the proposal with the lowest priority,
666 including the recommended dollar amount and duration for each

667 proposal. The State Surgeon General may not reject or modify the
 668 commission's recommendations. Successful applicants shall be
 669 awarded grants by the State Surgeon General based upon the
 670 recommendations of the commission and the final funding decision
 671 made by the Legislature.

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

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

681 2. The likelihood or possibility that the proposed
 682 research will result in new treatment modalities or technology
 683 during the term of the grant; and

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

686 (e) The following types of applications shall be
 687 considered for funding:

688 1. Investigator-initiated research grants.

689 2. Institutional research grants.

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

692 (f) Beginning in fiscal year 2009-2010, and each fiscal
 693 year thereafter, state funds shall only be provided for research

694 that was applied for, reviewed, and recommended in accordance
695 with this section.

696 (g)~~(b)~~ In order to ensure that all proposals for research
697 funding are appropriate and are evaluated fairly on the basis of
698 scientific merit, the State Surgeon General, in consultation
699 with the commission ~~council~~, shall appoint a peer review panel
700 of independent, scientifically qualified individuals to review
701 the scientific content of each proposal and establish its
702 priority score. The priority scores shall be forwarded to the
703 commission and its committees ~~council~~ and must be considered in
704 determining which proposals shall be recommended for funding.

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

717 (4) By December 15 of each year, the Department of Health
718 shall submit to the Governor, the President of the Senate, and
719 the Speaker of the House of Representatives a report indicating
720 progress towards the program's mission and making
721 recommendations that further its purpose.

722 (5) Beginning in fiscal year 2006-2007, the sum of \$9
 723 million is appropriated annually from recurring funds in the
 724 General Revenue Fund to the Biomedical Research Trust Fund
 725 within the Department of Health for purposes of the William G.
 726 "Bill" Bankhead, Jr., and David Coley Cancer Research Program
 727 and shall be distributed pursuant to this section to provide
 728 grants to researchers seeking cures for cancer, ~~with emphasis~~
 729 ~~given to the goals enumerated in s. 381.921~~. From the total
 730 funds appropriated, an amount of up to 10 percent may be used
 731 for administrative expenses.

732 ~~(6) By June 1, 2009, the Division of Statutory Revision of~~
 733 ~~the Office of Legislative Services shall certify to the~~
 734 ~~President of the Senate and the Speaker of the House of~~
 735 ~~Representatives the language and statutory citation of this~~
 736 ~~section, which is scheduled to expire January 1, 2011.~~

737 ~~(7) The Legislature shall review the performance, the~~
 738 ~~outcomes, and the financial management of the William G. "Bill"~~
 739 ~~Bankhead, Jr., and David Coley Cancer Research Program during~~
 740 ~~the 2010 Regular Session of the Legislature and shall determine~~
 741 ~~the most appropriate funding source and means of funding the~~
 742 ~~program based on its review.~~

743 ~~(6)(8)~~ This section expires June 30 ~~January 1, 2011,~~
 744 unless reviewed and reenacted by the Legislature before that
 745 date.

746 Section 9. Subsection (1) and paragraph (a) of subsection
 747 (2) of section 458.324, Florida Statutes, are amended to read:
 748 458.324 Breast cancer; information on treatment
 749 alternatives.--

750 (1) DEFINITION.--As used in this section, the term
751 "medically viable," as applied to treatment alternatives, means
752 modes of treatment generally considered by the medical
753 profession to be within the scope of current, acceptable
754 standards, ~~including treatment alternatives described in the~~
755 ~~written summary prepared by the Florida Cancer Control and~~
756 ~~Research Advisory Council in accordance with s. 1004.435(4)(m).~~

757 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.--Each
758 physician treating a patient who is, or in the judgment of the
759 physician is at high risk of being, diagnosed as having breast
760 cancer shall inform such patient of the medically viable
761 treatment alternatives available to such patient; shall describe
762 such treatment alternatives; and shall explain the relative
763 advantages, disadvantages, and risks associated with the
764 treatment alternatives to the extent deemed necessary to allow
765 the patient to make a prudent decision regarding such treatment
766 options. In compliance with this subsection:

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

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

770 2. Provide the patient or the patient's legal
771 representative with a copy of a ~~the~~ written summary ~~prepared in~~
772 ~~accordance with s. 1004.435(4)(m)~~ and express a willingness to
773 discuss the summary with the patient or the patient's legal
774 representative; or

775 3. Both communicate such information directly and provide
776 a copy of the written summary to the patient or the patient's

777 | legal representative for further consideration and possible
 778 | later discussion.

779 |
 780 | Nothing in this subsection shall reduce other provisions of law
 781 | regarding informed consent.

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

784 | 459.0125 Breast cancer; information on treatment
 785 | alternatives.--

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

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

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

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

806 2. Provide the patient or the patient's legal
807 representative with a copy of a ~~the~~ written summary ~~prepared in~~
808 ~~accordance with s. 1004.435(4)(m)~~ and express her or his
809 willingness to discuss the summary with the patient or the
810 patient's legal representative; or

811 3. Both communicate such information directly and provide
812 a copy of the written summary to the patient or the patient's
813 legal representative for further consideration and possible
814 later discussion.

815
816 Nothing in this subsection shall reduce other provisions of law
817 regarding informed consent.

818 Section 11. Subsections (7), (8), and (12) of section
819 1004.445, Florida Statutes, as amended by chapter 2007-332, Laws
820 of Florida, are amended to read:

821 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and
822 Research Institute.--

823 (7) The board of directors of the not-for-profit
824 corporation shall create a council of scientific advisers to the
825 chief executive officer comprised of leading researchers,
826 physicians, and scientists. The council shall review programs
827 and recommend research priorities and initiatives to maximize
828 the state's investment in the institute. The members of the
829 council shall be appointed by the board of directors of the not-
830 for-profit corporation. Each member of the council shall be

831 appointed to serve a 2-year term and may be reappointed to the
832 council. This subsection expires on June 30, 2009.

833 (8) (a) Applications for Alzheimer's disease research
834 funding may be submitted from any university or established
835 research institute in the state. All qualified investigators in
836 the state, regardless of institutional affiliation, shall have
837 equal access and opportunity to compete for the research
838 funding. Grants shall be awarded by the board of directors of
839 the not-for-profit corporation on the basis of scientific merit,
840 as determined by an open, competitive peer review process that
841 ensures objectivity, consistency, and high quality. The
842 following types of applications shall be considered for funding:

- 843 1. Investigator-initiated research grants.
- 844 2. Institutional research grants.
- 845 3. Collaborative research grants, including those that
846 advance the finding of cures through basic or applied research.

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

852 (c) To ensure that all proposals for research funding are
853 appropriate and are evaluated fairly on the basis of scientific
854 merit, the board of directors of the not-for-profit corporation,
855 in consultation with the council of scientific advisors, shall
856 appoint a peer review panel of independent, scientifically
857 qualified individuals to review the scientific content of each
858 proposal and establish its scientific priority score. The

859 | priority scores shall be forwarded to the council and must be
 860 | considered by the board of directors of the not-for-profit
 861 | corporation in determining which proposals shall be recommended
 862 | for funding.

863 | (d) The council of scientific advisors and the peer review
 864 | panel shall establish and follow rigorous guidelines for ethical
 865 | conduct and adhere to a strict policy with regard to conflict of
 866 | interest. All employees, members of the board of directors, and
 867 | affiliates of the not-for-profit corporation shall follow the
 868 | same rigorous guidelines for ethical conduct and shall adhere to
 869 | the same strict policy with regard to conflict of interest. A
 870 | member of the council or panel may not participate in any
 871 | discussion or decision with respect to a research proposal by
 872 | any firm, entity, or agency with which the member is associated
 873 | as a member of the governing body or as an employee or with
 874 | which the member has entered into a contractual arrangement.
 875 | Meetings of the council and the peer review panels are subject
 876 | to chapter 119, s. 286.011, and s. 24, Art. I of the State
 877 | Constitution.

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

879 | (12) (a) Beginning in fiscal year 2008-2009 ~~2007-2008~~, the
 880 | sum of \$3.75 ~~\$13.5~~ million is appropriated annually from
 881 | recurring funds in the General Revenue Fund to the Grants and
 882 | Donations Trust Fund within the Department of Elderly Affairs
 883 | for the Johnnie B. Byrd, Sr., Alzheimer's Center and Research
 884 | Institute at the University of South Florida for the purposes as
 885 | provided under paragraph (6) (a), conducting and supporting
 886 | research, providing institutional research grants and

887 investigator-initiated research grants, developing and operating
888 integrated data projects, and providing assistance to
889 statutorily designated memory disorder clinics as provided under
890 s. 430.502. Not less than 80 percent of the appropriated funds
891 shall be expended for these purposes, and not less than 20
892 percent of the appropriated funds shall be expended for peer-
893 reviewed investigator-initiated research grants.

894 (b) Beginning in fiscal year 2009-2010, and each fiscal
895 year thereafter, the sum appropriated in paragraph (a) shall be
896 used for programs that fulfill the mission of the institute in
897 education, treatment, prevention, and early detection of
898 Alzheimer's disease, developing and operating integrated data
899 projects, and providing assistance to statutorily designated
900 memory disorder clinics. If the institute intends to conduct
901 research using state funds, it shall compete for funding through
902 the James and Esther King Biomedical Research Program pursuant
903 to s. 215.5602.

904 Section 12. Sections 381.0404, 381.85, 381.912, 381.92,
905 381.921, 381.98, 381.981, and 1004.435, Florida Statutes, are
906 repealed.

907 Section 13. If any provision of this act or the
908 application thereof to any person or circumstance is held
909 invalid, the invalidity does not affect other provisions or
910 applications of the act which can be given effect without the
911 invalid provision or application, and to this end the provisions
912 of this act are declared severable.

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