

House Joint Resolution

A joint resolution proposing the creation of Section 28 of Article X of the State Constitution to provide funding for embryonic stem cell research.

Be It Resolved by the Legislature of the State of Florida:

That the following creation of Section 28 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE X

MISCELLANEOUS

SECTION 28. Funding of embryonic stem cell research.--

(a) There is hereby appropriated from the General Revenue Fund to the Department of Health the sum of twenty million dollars in each of the ten fiscal years beginning with the year in which this amendment is adopted. With such funds, the Department of Health shall make grants for embryonic stem cell research using, or using the derivatives of, human embryos that, before or after formation, have been donated to medicine under donor instructions forbidding intrauterine embryo transfer.

(b) For the purposes of this section, an embryo is deemed to be "donated to medicine" if and only, under conditions that satisfy applicable requirements for informed consent and do not involve financial inducement to any donor, the persons from whose cells the embryo originates give the embryo to another

29 person under written instructions specifying that the recipient
 30 shall use the embryo for biomedical research or therapy. The
 31 term "financial inducement" includes any valuable consideration
 32 but excludes reimbursement for reasonable costs incurred in
 33 connection with a donation and reasonable compensation to a
 34 donor from whom an oocyte is recovered and to the donor of any
 35 other cell recovered by an invasive procedure for the
 36 preparation for and time, burden, and risk of such recovery.

37 (c) The funds appropriated under this section shall be
 38 granted to nonprofit academic and other research institutions
 39 situated within the state. Grantees shall be chosen on the basis
 40 of a recommended ordering of applications by scientific merit as
 41 reckoned in a peer review process by disinterested experts in
 42 the relevant fields.

43 (d) This section shall be self-executing and effective
 44 immediately upon adoption. This appropriation shall be
 45 nonlapsing such that any portion of a yearly appropriation not
 46 distributed shall accumulate for distribution in subsequent
 47 years. The Department of Health is authorized to adopt
 48 administrative rules for the implementation of this section.

49 BE IT FURTHER RESOLVED that the following statement be
 50 placed on the ballot:

51 CONSTITUTIONAL AMENDMENT

52 ARTICLE X, SECTION 28

53 FUNDING OF EMBRYONIC STEM CELL RESEARCH.--Proposing an
 54 amendment to the State Constitution to appropriate \$20 million
 55 annually for 10 fiscal years for grants by the Department of
 56 Health to Florida nonprofit institutions to conduct embryonic

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57 | stem cell research using, or using derivatives of, human embryos
58 | that, before or after formation, have been donated to medicine
59 | under donor instructions forbidding intrauterine embryo
60 | transfer. An embryo is deemed to be "donated to medicine" only
61 | if given without receipt of consideration other than cost
62 | reimbursement and compensation for recovery of donated cells.