



453854

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2010	.	
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	.	
	.	

The Committee on Health Regulation (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 215.5602, Florida Statutes, is amended to read:

215.5602 James and Esther King Biomedical Research Program.—

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



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13 Research Program is to provide an annual and perpetual source of
14 funding in order to support research initiatives that address
15 the health care problems of Floridians in the areas of tobacco-
16 related cancer, cardiovascular disease, stroke, and pulmonary
17 disease. The long-term goals of the program are to:

18 (a) Improve the health of Floridians by researching better
19 prevention, diagnoses, treatments, and cures for cancer,
20 cardiovascular disease, stroke, and pulmonary disease.

21 (b) Expand the foundation of biomedical knowledge relating
22 to the prevention, diagnosis, treatment, and cure of diseases
23 related to tobacco use, including cancer, cardiovascular
24 disease, stroke, and pulmonary disease.

25 (c) Improve the quality of the state's academic health
26 centers by bringing the advances of biomedical research into the
27 training of physicians and other health care providers.

28 (d) Increase the state's per capita funding for research by
29 undertaking new initiatives in public health and biomedical
30 research that will attract additional funding from outside the
31 state.

32 (e) Stimulate economic activity in the state in areas
33 related to biomedical research, such as the research and
34 production of pharmaceuticals, biotechnology, and medical
35 devices.

36 (2) Funds appropriated for the James and Esther King
37 Biomedical Research Program shall be used exclusively for the
38 award of grants and fellowships as established in this section;
39 for research relating to the prevention, diagnosis, treatment,
40 and cure of diseases related to tobacco use, including cancer,
41 cardiovascular disease, stroke, and pulmonary disease; ~~and~~ for



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42 expenses incurred in the administration of this section; and as
43 provided in subsections (5) and (12). Priority shall be granted
44 to research designed to prevent or cure disease.

45 (3) There is created within the Department of Health the
46 Biomedical Research Advisory Council.

47 (a) The council shall consist of 13 ~~14~~ members, including:
48 the chief executive officer of the Florida Division of the
49 American Cancer Society, or a designee; the chief executive
50 officer of the Greater Southeast Florida/Puerto Rico Affiliate
51 of the American Heart Association, or a designee; ~~and~~ the chief
52 executive officer of the American Lung Association of Florida,
53 or a designee; the chief executive officer of Enterprise
54 Florida, or a designee; and the chief executive officer of
55 BioFlorida, or a designee. The remaining 8 members of the
56 council shall be appointed as follows:

57 1. The Governor shall appoint four members, two members
58 with expertise in the field of biomedical research, one member
59 from a research university in the state, and one member
60 representing the general population of the state.

61 2. The President of the Senate shall appoint two members,
62 one member with expertise in the field of behavioral or social
63 research and one representative from a cancer program approved
64 by the American College of Surgeons.

65 3. The Speaker of the House of Representatives shall
66 appoint two members, one member from a professional medical
67 organization and one representative from a cancer program
68 approved by the American College of Surgeons.

69
70 In making these appointments, the Governor, the President of the



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71 Senate, and the Speaker of the House of Representatives shall
72 select primarily, but not exclusively, Floridians with
73 biomedical and lay expertise in the general areas of cancer,
74 cardiovascular disease, stroke, and pulmonary disease. The
75 appointments shall be for 4-year staggered terms ~~a 3-year term~~
76 and shall reflect the diversity of the state's population. An
77 appointed member may not serve more than two consecutive terms.
78 The first two appointments by the Governor and the first
79 appointment by the President of the Senate and the Speaker of
80 the House of Representatives on or after July 1, 2010, shall be
81 for a term of 2 years.

82 (b) The council shall adopt internal organizational
83 procedures as necessary for its efficient organization.

84 (c) The department shall provide such staff, information,
85 and other assistance as is reasonably necessary to assist the
86 council in carrying out its responsibilities.

87 (d) Members of the council shall serve without
88 compensation, but may receive reimbursement as provided in s.
89 112.061 for travel and other necessary expenses incurred in the
90 performance of their official duties.

91 (4) The council shall advise the State Surgeon General as
92 to the direction and scope of the biomedical research program.
93 The responsibilities of the council may include, but are not
94 limited to:

95 (a) Providing advice on program priorities and emphases.

96 (b) Providing advice on the overall program budget.

97 (c) Participating in periodic program evaluation.

98 (d) Assisting in the development of guidelines to ensure
99 fairness, neutrality, and adherence to the principles of merit



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100 and quality in the conduct of the program.

101 (e) Assisting in the development of appropriate linkages to
102 nonacademic entities, such as voluntary organizations, health
103 care delivery institutions, industry, government agencies, and
104 public officials.

105 (f) Developing criteria and standards for the award of
106 research grants.

107 (g) Developing administrative procedures relating to
108 solicitation, review, and award of research grants and
109 fellowships, to ensure an impartial, high-quality peer review
110 system.

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

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

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

116 (5) (a) Applications for biomedical research funding under
117 the program may be submitted from any university or established
118 research institute in the state. All qualified investigators in
119 the state, regardless of institution affiliation, shall have
120 equal access and opportunity to compete for the research
121 funding.

122 (b) Grants and fellowships shall be awarded by the State
123 Surgeon General, after consultation with the council, on the
124 basis of scientific merit, as determined by an open competitive
125 peer review process that ensures objectivity, consistency, and
126 high quality. The following types of applications shall be
127 considered for funding:

128 1. Investigator-initiated research grants.



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129 2. Institutional research and training grants.

130 3. Predoctoral and postdoctoral research fellowships.

131 (c) For any given year, the Biomedical Research Advisory
132 Council may also recommend up to one-third of the allocation for
133 the James and Esther King Biomedical Research Program for the
134 recruitment of cancer, heart, or lung researchers and research
135 teams to institutions in the state; for operational start-up
136 grants for newly recruited cancer, heart, or lung researchers
137 and research teams; and for equipment expenditures related to
138 the expansion of cancer, heart, or lung research and treatment
139 capacity in this state.

140 (6) To ensure that all proposals for research funding are
141 appropriate and are evaluated fairly on the basis of scientific
142 merit, the State Surgeon General, in consultation with the
143 council, shall appoint a peer review panel of independent,
144 scientifically qualified individuals to review the scientific
145 content of each proposal and establish its scientific priority
146 score. The priority scores shall be forwarded to the council and
147 must be considered in determining which proposals shall be
148 recommended for funding.

149 (7) The council and the peer review panel shall establish
150 and follow rigorous guidelines for ethical conduct and adhere to
151 a strict policy with regard to conflict of interest. A member of
152 the council or panel may not participate in any discussion or
153 decision with respect to a research proposal by any firm,
154 entity, or agency with which the member is associated as a
155 member of the governing body or as an employee, or with which
156 the member has entered into a contractual arrangement. Meetings
157 of the council and the peer review panels shall be subject to



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158 the provisions of chapter 119, s. 286.011, and s. 24, Art. I of
159 the State Constitution.

160 (8) The Department of Health may contract on a competitive-
161 bid basis with an appropriate entity to administer the program.
162 Administrative expenses may not exceed 7.5 ~~15~~ percent of the
163 total funds available to the program in any given year.

164 (9) The Department of Health, after consultation with the
165 council, shall ~~may~~ adopt rules as necessary to administer
166 ~~implement~~ this section, taking into consideration the nature of
167 the program and making allowances in any adopted rules which
168 enable timely implementation of calls for proposals, proposal
169 reviews, proposal considerations, and any other program
170 activities, and that prevent delays in making annual program
171 awards to grant recipients.

172 (10) The council shall submit an annual progress report on
173 the state of biomedical research in this state to the Florida
174 Center for Universal Research to Eradicate Disease and to the
175 Governor, the State Surgeon General, the President of the
176 Senate, and the Speaker of the House of Representatives by
177 February 1. The report must include:

178 (a) A list of research projects supported by grants or
179 fellowships awarded under the program.

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

181 (c) A list of publications in peer reviewed journals
182 involving research supported by grants or fellowships awarded
183 under the program.

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

186 (e) New grants for biomedical research which were funded



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187 based on research supported by grants or fellowships awarded
188 under the program.

189 (f) Progress in the prevention, diagnosis, treatment, and
190 cure of diseases related to tobacco use, including cancer,
191 cardiovascular disease, stroke, and pulmonary disease.

192 (11) The council shall award grants for cancer research
193 through the William G. "Bill" Bankhead, Jr., and David Coley
194 Cancer Research Program created in s. 381.922.

195 (12) (a) From funds appropriated to accomplish the goals of
196 this section, up to \$500,000 ~~\$250,000~~ shall be available for the
197 operating costs of the Florida Center for Universal Research to
198 Eradicate Disease.

199 (b) ~~(a)~~ Beginning in the 2010-2011 ~~2009-2010~~ fiscal year and
200 thereafter, 5 percent of the revenue deposited into the Health
201 Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7) shall
202 be reserved for research of tobacco-related or cancer-related
203 illnesses through the James and Esther King Biomedical Research
204 Program and the William G. "Bill" Bankhead, Jr. and David Coley
205 Cancer Research Program. The sum of \$25 million shall be
206 allocated annually to each of these programs; however, the sum
207 of the revenue reserved pursuant to ss. 210.011(9) and
208 210.276(7) may not exceed \$50 million in any fiscal year.

209 ~~(b) In the 2009-2010 fiscal year, 2.5 percent, not to~~
210 ~~exceed \$25 million, of the revenue deposited into the Health~~
211 ~~Care Trust Fund pursuant to this subsection shall be transferred~~
212 ~~to the Biomedical Research Trust Fund within the Department of~~
213 ~~Health for the James and Esther King Biomedical Research~~
214 ~~Program.~~

215 (13) The Department of Health may accept gifts made



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216 unconditionally by will or otherwise, deposit them into the
217 Biomedical Research Trust Fund, and use them for grant or
218 fellowship awards in the James and Esther King Biomedical
219 Research Program. Any gift made under conditions that, in the
220 judgment of the department, upon consultation with the council,
221 are proper and consistent with this section, the laws of the
222 United States, and state law, may be accepted and shall be held,
223 invested, reinvested, and used in accordance with the conditions
224 of the gift. By June 1, 2009, the Division of Statutory Revision
225 of the Office of Legislative Services shall certify to the
226 President of the Senate and the Speaker of the House of
227 Representatives the language and statutory citation of this
228 section, which is scheduled to expire January 1, 2011.

229 ~~(14) The Legislature shall review the performance, the~~
230 ~~outcomes, and the financial management of the James and Esther~~
231 ~~King Biomedical Research Program during the 2010 Regular Session~~
232 ~~of the Legislature and shall determine the most appropriate~~
233 ~~funding source and means of funding the program based on its~~
234 ~~review.~~

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

237 Section 2. Section 381.92, Florida Statutes, is repealed.

238 Section 3. Section 381.921, Florida Statutes, is repealed.

239 Section 4. Section 381.922, Florida Statutes, is amended to
240 read:

241 381.922 William G. "Bill" Bankhead, Jr., and David Coley
242 Cancer Research Program.—

243 (1) The William G. "Bill" Bankhead, Jr., and David Coley
244 Cancer Research Program, which may be otherwise cited as the



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245 "Bankhead-Coley Program," is created within the Department of
246 Health. The purpose of the program shall be to advance progress
247 towards cures for cancer using through grants awarded through a
248 peer-reviewed, competitive process and to expand cancer research
249 and treatment capacity in this state.

250 (2) The program shall provide grants for cancer research,
251 including cancer clinical trials projects as provided in this
252 section, to further the search for cures for cancer; for
253 recruiting cancer researchers and research teams to institutions
254 in the state; for operational start-up grants for newly
255 recruited cancer researchers and research teams; or for
256 equipment expenditures related to the expansion of cancer
257 research and treatment capacity in the state.

258 (a) Emphasis shall be given to the following goals that are
259 designed to foster dramatic improvement in cancer research
260 capacity in the state ~~enumerated in s. 381.921~~, as they ~~those~~
261 ~~goals~~ support the advancement of ~~such~~ cures:—

262 1. Significantly expand cancer research capacity in the
263 state by identifying ways to attract new research talent and
264 attendant national grant-producing researchers to cancer
265 research facilities in this state; implement a peer-reviewed,
266 competitive process to identify and fund the best proposals to
267 expand cancer research institutes in this state; fund through
268 available resources those proposals that demonstrate the
269 greatest opportunity to attract federal research grants and
270 private financial support; encourage the employment of
271 bioinformatics in order to create a cancer informatics
272 infrastructure that enhances information and resource exchange
273 and integration through researchers working in diverse



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274 disciplines; facilitate the full spectrum of cancer
275 investigations; facilitate the technical coordination, business
276 development, and support of intellectual property as it relates
277 to the advancement of cancer research; and aid in other
278 multidisciplinary research-support activities as they inure to
279 the advancement of cancer research.

280 2. Improve both research and treatment through greater
281 participation in clinical trial networks by:

282 a. Identifying ways to increase enrollment in cancer
283 clinical trials;

284 b. Supporting public and private professional education
285 programs designed to increase the awareness and knowledge about
286 cancer clinical trials;

287 c. Providing tools to cancer patients and community-based
288 oncologists to aid in the identification of cancer clinical
289 trials available in the state; and

290 d. Creating opportunities for the state's academic cancer
291 centers to collaborate with community-based oncologists in
292 cancer clinical trials networks.

293 3. Reduce the impact of cancer on disparate groups by
294 identifying those cancers that disproportionately impact certain
295 demographic groups and building collaborations designed to
296 reduce health disparities as they relate to cancer.

297 (b) Preference may be given to grant proposals that foster
298 collaborations among institutions, researchers, and community
299 practitioners, as such proposals support the advancement of
300 cures through basic or applied research, including clinical
301 trials involving cancer patients and related networks and the
302 transfer of knowledge gained from research into the practice of



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303 community practitioners.

304 (3) (a) Applications for funding for cancer research may be
305 submitted by any university or established research institute in
306 the state. All qualified investigators in the state, regardless
307 of institutional affiliation, shall have equal access and
308 opportunity to compete for the research funding. Collaborative
309 proposals, including those that advance the program's goals
310 enumerated in subsection (2), may be given preference. Grants
311 shall be awarded by the State Surgeon General, after
312 consultation with the Biomedical Research Advisory Council
313 established in s. 215.5602, on the basis of scientific merit, as
314 determined by an open, competitive peer review process that
315 ensures objectivity, consistency, and high quality. The
316 following types of applications shall be considered for funding:

- 317 1. Investigator-initiated research grants.
318 2. Institutional research and training grants.
319 3. Predoctoral and postdoctoral research fellowships.
320 ~~4.3.~~ Collaborative research grants, including those that
321 advance the finding of cures through basic or applied research.
322 5. Clinical trial project grants, particularly those
323 projects such as matching services that identify prospective
324 clinical trials treatment options for cancer patients in this
325 state or those projects that otherwise foster greater rates of
326 participation in trials. At least one such grant shall be
327 awarded in any given year if a meritorious proposal or proposals
328 are received. Such project grant proposals are not required to
329 be posed as a research question in order to qualify for an
330 award.

331 (b) For any given year, the Biomedical Research Advisory



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332 Council may recommend up to one-third of the allocation for the
333 William G. "Bill" Bankhead, Jr. and David Coley Cancer Research
334 Program for the recruitment of cancer researchers and research
335 teams to institutions in the state, for operational start-up
336 grants for newly recruited cancer researchers and research
337 teams, or for equipment expenditures related to the expansion of
338 cancer research and treatment capacity in the state.

339 (c) ~~(b)~~ In order to ensure that all proposals for research
340 funding are appropriate and are evaluated fairly on the basis of
341 scientific merit, the State Surgeon General, in consultation
342 with the council, shall appoint a peer review panel of
343 independent, scientifically qualified individuals to review the
344 scientific content of each proposal and establish its priority
345 score. The priority scores shall be forwarded to the council and
346 must be considered in determining which proposals shall be
347 recommended for funding.

348 (d) ~~(e)~~ The council and the peer review panel shall
349 establish and follow rigorous guidelines for ethical conduct and
350 adhere to a strict policy with regard to conflicts of interest.
351 A member of the council or panel may not participate in any
352 discussion or decision with respect to a research proposal by
353 any firm, entity, or agency with which the member is associated
354 as a member of the governing body or as an employee or with
355 which the member has entered into a contractual arrangement.
356 Meetings of the council and the peer review panels are subject
357 to chapter 119, s. 286.011, and s. 24, Art. I of the State
358 Constitution.

359 (4) By February 1 ~~December 15~~ of each year, the Department
360 of Health shall submit to the Governor, the President of the



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361 Senate, and the Speaker of the House of Representatives a report
362 indicating progress towards the program's mission and making
363 recommendations that further its purpose.

364 (5) The William G. "Bill" Bankhead, Jr. and David Coley
365 Cancer Research Program is funded pursuant to s. 215.5602(12)
366 and this section, with an annual allocation of \$25 million.

367 Funds appropriated for the William G. "Bill" Bankhead, Jr., and
368 David Coley Cancer Research Program shall be distributed
369 pursuant to this section to provide grants to researchers
370 seeking cures for cancer and cancer-related illnesses, with
371 emphasis given to the goals enumerated in paragraph (2) (a) s.
372 ~~381.921~~. From the total funds appropriated, an amount of up to
373 7.5 ~~10~~ percent may be used for administrative expenses. ~~In the~~
374 ~~2009-2010 fiscal year, 2.5 percent, not to exceed \$25 million,~~
375 ~~of the revenue deposited into the Health Care Trust Fund~~
376 ~~pursuant to s. 215.5602(12) (a) shall be transferred to the~~
377 ~~Biomedical Research Trust Fund within the Department of Health~~
378 ~~for the William G. "Bill" Bankhead, Jr., and David Coley Cancer~~
379 ~~Research Program.~~

380 (6) The Department of Health may accept gifts made
381 unconditionally by will or otherwise, deposit them into the
382 Biomedical Research Trust Fund, and use them for grant or
383 fellowship awards in the William G. "Bill" Bankhead, Jr. and
384 David Coley Cancer Research Program. Any gift made under
385 conditions that, in the judgment of the department, upon
386 consultation with the council, are proper and consistent with
387 this section, the laws of the United States, and state law, may
388 be accepted and shall be held, invested, reinvested, and used in
389 accordance with the conditions of the gift. ~~By June 1, 2009, the~~



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390 ~~Division of Statutory Revision of the Office of Legislative~~
391 ~~Services shall certify to the President of the Senate and the~~
392 ~~Speaker of the House of Representatives the language and~~
393 ~~statutory citation of this section, which is scheduled to expire~~
394 ~~January 1, 2011.~~

395 ~~(7) The Legislature shall review the performance, the~~
396 ~~outcomes, and the financial management of the William G. "Bill"~~
397 ~~Bankhead, Jr., and David Coley Cancer Research Program during~~
398 ~~the 2010 Regular Session of the Legislature and shall determine~~
399 ~~the most appropriate funding source and means of funding the~~
400 ~~program based on its review.~~

401 ~~(8) This section expires January 1, 2011, unless reviewed~~
402 ~~and reenacted by the Legislature before that date.~~

403 Section 5. Section 381.923, Florida Statutes, is created to
404 read:

405 381.923 Comprehensive Cancer Control.-

406 (1) SHORT TITLE.-This section shall be known and may be
407 cited as the "Florida Comprehensive Cancer Control Act."

408 (2) LEGISLATIVE INTENT.-It is the finding of the
409 Legislature that:

410 (a) Advances in scientific knowledge have led to
411 prevention, early detection, and therapeutic capabilities in the
412 control of cancer. Such knowledge, screening technologies and
413 therapies must be made available to all citizens of this state.

414 (b) Research shows that certain lifestyles and exposures,
415 such as tobacco use, exposure to ultraviolet radiation from the
416 sun, and exposure to occupational and environmental carcinogens,
417 contribute to the risk for many types of cancer and that certain
418 screening tests are effective in finding cancer when it is early



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419 and more treatable. The role of diet, exercise, and other
420 healthy lifestyles is also important in cancer prevention and
421 control. Proven causes of cancer and methods for early detection
422 should be publicized and be the subject of linguistically and
423 culturally appropriate educational and awareness programs for
424 the prevention of cancer.

425 (c) An effective cancer control program would mobilize the
426 scientific, educational, and medical resources that presently
427 exist into an intense attack against this dreaded disease with
428 the primary goal to reduce the cancer burden for the citizens of
429 this state.

430 (3) DEFINITIONS.—As used in this section, unless the
431 context clearly indicates otherwise, the term:

432 (a) "Cancer" means all malignant neoplasms, regardless of
433 the tissue of origin, including lymphoma and leukemia.

434 (b) "Council" means the Florida Cancer Control and Resource
435 Advisory Council, which is an advisory body appointed to
436 function on a continuing basis to recommend solutions and policy
437 alternatives to the Governor, members of the Legislature, State
438 Surgeon General, and other policy makers and which is
439 established by this section.

440 (c) "Department" means the Department of Health.

441 (d) "Plan" means the Florida Cancer Plan.

442 (e) "Program" means the Florida Cancer Control
443 Collaborative Program.

444 (f) "Qualified nonprofit association" means any
445 association, incorporated or unincorporated, that has received
446 tax-exempt status from the Internal Revenue Service.

447 (4) FLORIDA CANCER CONTROL AND RESOURCE ADVISORY COUNCIL;



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448 CREATION; COMPOSITION.-

449 (a) There is created within the H. Lee Moffitt Cancer
450 Center and Research Institute, Inc., the Florida Cancer Control
451 and Resource Advisory Council. The council shall consist of
452 cancer organizational representation and cancer control
453 stakeholders, with an elected chairperson. Each member must be a
454 resident of this state. Three members representing the general
455 public shall be appointed by the Governor. The President of the
456 Senate and the Speaker of the House of Representatives shall
457 each appoint one member from his or her legislative body to the
458 council. Other members shall be selected to represent agencies
459 and organizations in this state which are involved with various
460 aspects of cancer control. These may include non-profit
461 organizations, professional associations, governmental agencies,
462 medical schools, schools of public health, hospitals, cancer
463 centers, cancer survivor groups, and other relevant cancer
464 stakeholder organizations. The following organizations shall
465 appoint representatives to serve on the council:

- 466 1. H. Lee Moffitt Cancer Center and Research Institute,
467 Inc.
- 468 2. University of Florida Shands Cancer Center.
- 469 3. University of Miami Sylvester Comprehensive Cancer
470 Center.
- 471 4. Mayo Clinic, Florida.
- 472 5. M.D. Anderson Cancer Center, Florida.
- 473 6. American Cancer Society, Florida Division.
- 474 7. American Association for Retired Persons.
- 475 8. Department of Health.
- 476 9. Department of Education.



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- 477 10. Florida Tumor Registrars Association.
478 11. Florida Cancer Data System.
479 12. Florida Society of Oncology Social Workers.
480 13. Florida Oncology Nurses Society.
481 14. Florida Society of Clinical Oncology.
482 15. Florida Association of Pediatric Tumor Programs, Inc.
483 16. Cancer Information Service.
484 17. Florida Medical Association.
485 18. Florida Hospital Association.
486 19. Florida Nursing Association.
487 20. Florida Dental Association.
488 21. Florida Osteopathic Association.
489 22. University of Florida College of Medicine.
490 23. University of Miami College of Medicine.
491 24. University of South Florida College of Medicine.
492 25. Florida State University College of Medicine.
493 26. University of Central Florida College of Medicine.
494 27. Nova Southeastern College of Osteopathic Medicine.
495 28. University of Central Florida College of Medicine.
496 29. Florida International University College of Medicine.
497 30. Lake Erie School of Osteopathic Medicine.
498 31. Biomedical Research Advisory Council.
499 32. Center for Universal Research to Eradicate Disease.
500 33. A representative from each of the regional Cancer
501 Control Collaboratives.
502 (b) An executive committee shall be comprised of the
503 council's elected chairman, one at-large member elected by the
504 full council, and the members representing the Department of
505 Health, the American Cancer Society, the H. Lee Moffitt Cancer



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506 Center and Research Institute, Inc., the University of Florida
507 Shands Cancer Center, and the University of Miami Sylvester
508 Comprehensive Cancer Center, as well as the appointee of the
509 President of the Senate, the appointee of the Speaker of the
510 House of Representatives, and one of the gubernatorial
511 appointees, who shall be designated by the council's chairman.
512 Should the council chairman be a designee from one of the named
513 entities in this paragraph, the full council shall elect a
514 second at-large position to serve on the executive committee.
515 The elected positions on the executive committee shall be for
516 terms of 2 years.

517 (c) The council shall meet no less than semiannually. A
518 majority of members participating shall constitute a quorum for
519 the purpose of exercising all of the powers of the council.

520 (d) The council members shall serve without compensation.
521 The council members are entitled to reimbursement for per diem
522 and travel expenses as provided in s. 112.061.

523 (e) A member of the council may not participate in any
524 discussion or decision to recommend any type of award or
525 contract to any qualified nonprofit association or to any agency
526 of this state or its political subdivisions with which the
527 member is associated as a member of the governing body or as an
528 employee or with which the member has entered into a contractual
529 arrangement.

530 (f) The council may prescribe, amend, and repeal bylaws
531 governing the manner in which the business of the council is
532 conducted.

533 (g) The council shall advise the Governor, the Legislature,
534 the State Surgeon General, or other state policy makers with



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535 respect to cancer control and resources in this state.

536 (h) The council shall approve a program for cancer control
537 to be known as the "Florida Cancer Plan" which shall be
538 consistent to the extent possible with other cancer or health-
539 related state plans and integrated and coordinated with existing
540 programs in this state. The council shall review and approve the
541 plan no less than every 2 years.

542 (i) The council shall formulate and recommend to the
543 Governor, the Legislature, the State Surgeon General, and other
544 state policy makers a plan for the prevention and early
545 detection of cancer that are evidence-based and consistent with
546 standards of practice and supported by evidence-based medicine.
547 The State Surgeon General and other state policy makers shall
548 consider the plan in developing departmental priorities and
549 funding priorities and standards under chapter 395.

550 (j) The council shall provide expertise and input in the
551 content and development of the Florida Cancer Plan.
552 Recommendations shall include the coordination and integration
553 of other state plans concerned with cancer control. Committees
554 may be formed by the council so that the following areas will be
555 established as entities for actions:

556 1. Cancer plan evaluation: tumor registry, data retrieval
557 systems, and epidemiology of cancer in the state and its
558 relation to other areas.

559 2. Cancer prevention.

560 3. Cancer detection.

561 4. Cancer treatments.

562 5. Support services for cancer patient and caregivers.

563 6. Cancer education: lay and professional.



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564 7. Other cancer control related topics.

565 (k) The council shall advise the State Surgeon General on
566 methods of enforcing and implementing laws already enacted and
567 concerned with cancer control.

568 (l) The council may recommend to the State Surgeon General
569 rules not inconsistent with law as it may deem necessary for the
570 performance of its duties and the proper administration of this
571 section.

572 (m) The council shall be physically located at the H. Lee
573 Moffitt Cancer Center and Research Institute, Inc.

574 (n) By December 1 of each year, the council shall report
575 any findings and recommendations to the Governor, the President
576 of the Senate, the Speaker of the House of Representatives, and
577 the State Surgeon General.

578 (5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER
579 AND RESEARCH INSTITUTE, INC. AND THE DEPARTMENT OF HEALTH.-

580 (a) The H. Lee Moffitt Cancer Center and Research
581 Institute, Inc., shall provide a full-time executive director to
582 coordinate, facilitate, and communicate the mission and
583 responsibilities of the council. Additional administrative
584 support, information, and other assistance shall also be
585 provided as reasonably necessary for the completion of the
586 responsibilities of the council.

587 (b) From the funds appropriated annually for William G.
588 "Bill" Bankhead, Jr. and David Coley Cancer Research Program,
589 the sum of \$150,000 shall be allocated to the H. Lee Moffitt
590 Cancer Center and Research Institute, Inc., for the
591 administrative costs and staff support to convene and facilitate
592 the responsibilities of the council.



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593 (c) The Department of Health, after consultation with the
594 council, may adopt rules necessary to administer this section.

595 (d) The Florida Cancer Plan is established within the
596 Department of Health. The Department of Health shall consult
597 with the council in the development of the plan, prioritization
598 of goals, and resource allocation in content. The plan shall
599 then be approved by the council. The Cancer Control
600 Collaborative Program shall prioritize programs and resources to
601 reduce the burden of cancer in this state, consistent with the
602 plan.

603 (6) FLORIDA CANCER CONTROL COLLABORATIVE PROGRAM, CREATION;
604 COMPOSITION.—

605 (a) The Cancer Control Collaborative Program is established
606 within the Department of Health and resides within the cancer
607 program. The program is responsible for overseeing and providing
608 infrastructure for the state cancer collaborative network. The
609 primary mission of the program is to implement the plan's
610 initiatives and identify and facilitate local development of
611 solutions to cancer control needs of the population with whom
612 they reside.

613 (b) The Department of Health shall appoint a cancer program
614 director, who is responsible for supervising the collaborative
615 program. At a minimum, centralized organization, communications,
616 information technology, shared resources and cancer control
617 expertise shall be provided to the collaboratives by the
618 Department of Health.

619 (c) Each collaborative shall bring together local cancer
620 stakeholders, develop bylaws, identify priority cancer control
621 needs of its region, and develop solutions to solve problems,



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622 consistent with the plan and the goal of reducing the burden of
623 cancer in this state. Each collaborative shall meet no less than
624 semiannually and will send representation to the council
625 meetings.

626 (d) By October 15 of each year, the collaborative program
627 shall submit an annual report to the council. The council shall
628 have input into the prioritization of programs and proposed
629 allocation of resources in the program consistent with the plan.

630 (e) The Cancer Control Collaborative Program shall serve as
631 the infrastructure for expansion or adaption as federal programs
632 or other opportunities arise for future cancer control
633 initiatives. The development of local collaborative
634 infrastructure, to the extent possible, shall be designed to
635 leverage opportunities for funding from the United States
636 Centers for Disease Control or other federal sources.

637 Section 6. Subsection (1) and paragraph (a) of subsection
638 (2) of section 458.324, Florida Statutes, are amended to read:
639 458.324 Breast cancer; information on treatment
640 alternatives.—

641 (1) DEFINITION.—As used in this section, the term
642 “medically viable,” as applied to treatment alternatives, means
643 modes of treatment generally considered by the medical
644 profession to be within the scope of current, acceptable
645 standards, including treatment alternatives described in the
646 written summary prepared by the Florida Cancer Control and
647 Resource Research Advisory Council in accordance with s.
648 1004.435(4)(m).

649 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—Each physician
650 treating a patient who is, or in the judgment of the physician



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651 is at high risk of being, diagnosed as having breast cancer
652 shall inform such patient of the medically viable treatment
653 alternatives available to such patient; shall describe such
654 treatment alternatives; and shall explain the relative
655 advantages, disadvantages, and risks associated with the
656 treatment alternatives to the extent deemed necessary to allow
657 the patient to make a prudent decision regarding such treatment
658 options. In compliance with this subsection:

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

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

662 2. Provide the patient or the patient's legal
663 representative with a copy of the written summary ~~prepared in~~
664 ~~accordance with s. 1004.435(4)(m)~~ and express a willingness to
665 discuss the summary with the patient or the patient's legal
666 representative; or

667 3. Both communicate such information directly and provide a
668 copy of the written summary to the patient or the patient's
669 legal representative for further consideration and possible
670 later discussion.

671
672 Nothing in this subsection shall reduce other provisions of law
673 regarding informed consent.

674 Section 7. Subsection (1) and paragraph (a) of subsection
675 (2) of section 459.0125, Florida Statutes, are amended to read:

676 459.0125 Breast cancer; information on treatment
677 alternatives.—

678 (1) DEFINITION.—As used in this section, the term
679 "medically viable," as applied to treatment alternatives, means



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680 modes of treatment generally considered by the medical
681 profession to be within the scope of current, acceptable
682 standards, including treatment alternatives described in the
683 written summary prepared by the Florida Cancer Control and
684 Resource Research Advisory Council ~~in accordance with s.~~
685 ~~1004.435(4)(m).~~

686 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—It is the
687 obligation of every physician treating a patient who is, or in
688 the judgment of the physician is at high risk of being,
689 diagnosed as having breast cancer to inform such patient of the
690 medically viable treatment alternatives available to such
691 patient; to describe such treatment alternatives; and to explain
692 the relative advantages, disadvantages, and risks associated
693 with the treatment alternatives to the extent deemed necessary
694 to allow the patient to make a prudent decision regarding such
695 treatment options. In compliance with this subsection:

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

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

699 2. Provide the patient or the patient's legal
700 representative with a copy of the written summary ~~prepared in~~
701 ~~accordance with s. 1004.435(4)(m)~~ and express her or his
702 willingness to discuss the summary with the patient or the
703 patient's legal representative; or

704 3. Both communicate such information directly and provide a
705 copy of the written summary to the patient or the patient's
706 legal representative for further consideration and possible
707 later discussion.

708



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709 ~~Nothing in~~ This subsection does not shall reduce other
710 provisions of law regarding informed consent.

711 Section 8. Section 1004.435, Florida Statutes, is repealed.

712 Section 9. This act shall take effect July 1, 2010.

713

714 ===== T I T L E A M E N D M E N T =====

715 And the title is amended as follows:

716 Delete everything before the enacting clause

717 and insert:

718

A bill to be entitled

719

An act relating to biomedical research programs;

720

amending s. 215.5602, F.S.; deleting provisions

721

requiring that the James and Esther King Biomedical

722

Research Program be funded by proceeds from the Lawton

723

Chiles Endowment Fund; modifying the terms and

724

membership and establishing a staggered membership for

725

appointed members of the Biomedical Research Advisory

726

Council; authorizing the Biomedical Research Advisory

727

Council to recommend a portion of its allocation for

728

the James and Esther King Biomedical Research Program;

729

requiring the Department of Health to adopt rules to

730

administer the James and Esther King Biomedical

731

Research Program and the William G. "Bill" Bankhead,

732

Jr., and David Coley Cancer Research Program;

733

allocating a certain amount of money to the James and

734

Esther King Biomedical Research Program and the

735

William G. "Bill" Bankhead, Jr., and David Coley

736

Cancer Research Program; requiring the council to

737

recommend to the State Surgeon General, rather than



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738 award, grants for cancer research through the William
739 G. "Bill" Bankhead, Jr., and David Coley Cancer
740 Research Program; authorizing the Department of Health
741 to accept and use gifts for awards under the James and
742 Esther King Biomedical Research Program; deleting
743 obsolete provisions; deleting a provision providing
744 for the future expiration of the James and Esther King
745 Biomedical Research Program; repealing s. 381.92,
746 F.S.; relating to the Florida Cancer Council;
747 repealing s. 381.921, F.S.; relating to the mission
748 and duties of the Florida Cancer Council; amending s.
749 381.922, F.S.; revising the purpose of the William G.
750 "Bill" Bankhead, Jr., and David Coley Cancer Research
751 Program; revising the duties and goals of the William
752 G. "Bill" Bankhead, Jr., and David Coley Cancer
753 Research Program; revising the types of applications
754 considered for funding; authorizing the Biomedical
755 Research Advisory Council to recommend a portion of
756 its allocation for the William G. "Bill" Bankhead,
757 Jr., and David Coley Cancer Research Program;
758 requiring the department to submit to the Governor and
759 Legislature a report by a specified date; providing a
760 funding source for the William G. "Bill" Bankhead,
761 Jr., and David Coley Cancer Research Program;
762 authorizing the Department of Health to accept and use
763 gifts for awards under the William G. "Bill" Bankhead,
764 Jr., and David Coley Cancer Research Program; deleting
765 obsolete provisions; deleting provisions providing for
766 the future expiration of the William G. "Bill"



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767 Bankhead, Jr., and David Coley Cancer Research
768 Program; creating s. 381.923, F.S., relating to the
769 Florida Comprehensive Cancer Control Act; providing a
770 short title; providing legislative intent; providing
771 definitions; creating the Florida Cancer Control and
772 Resource Advisory Council; providing membership of the
773 council; providing the composition of the executive
774 committee of the council; providing for terms of the
775 council and meetings; providing for reimbursement for
776 per diem and travel expenses; prohibiting a member of
777 the council from participating in any discussion or
778 decision to recommend any type of award or contract to
779 any qualified nonprofit association or to any agency
780 of this state or its political subdivisions with which
781 the member is associated as a member of the governing
782 body or as an employee or with which the member has
783 entered into a contractual arrangement; providing the
784 duties and responsibilities of the council; requiring
785 the council to report findings and recommendations to
786 the Governor, the Legislature, and the State Surgeon
787 General; requiring the H. Lee Moffitt Cancer Center
788 and Research Institute, Inc. have a executive
789 director; allocating a specified amount of money from
790 the William G. "Bill" Bankhead, Jr., and David Coley
791 Cancer Research Program to the H. Lee Moffitt Cancer
792 Center and Research Institute, Inc. for administrative
793 costs and staff support; authorizing the Department of
794 Health to administer the act; requiring the department
795 to produce the Florida Cancer Plan in consultation



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796 with the Florida Cancer Control and Resource Advisory
797 Council; creating the Cancer Control Collaborative
798 Program within the Department of Health; providing the
799 responsibility and mission of the program; requiring
800 the department to appoint a director; providing duties
801 for each collaborative; requiring the collaborative
802 program to submit to the Florida Cancer Control and
803 Resource Advisory Council an annual report by a
804 specified date; requiring the Cancer Control
805 Collaborative Program to serve as the infrastructure
806 for expansion or adaption as federal programs or other
807 opportunities arise for future cancer control
808 initiatives; amending ss. 458.324 and 459.0125, F.S.;
809 deleting obsolete provisions; repealing s. 1004.435,
810 F.S., relating to cancer control and research;
811 providing an effective date.