

By the Committees on Health Regulation; and Health Regulation

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1                   A bill to be entitled  
2           An act relating to biomedical research programs;  
3           amending s. 215.5602, F.S.; deleting provisions  
4           requiring that the James and Esther King Biomedical  
5           Research Program be funded by proceeds from the Lawton  
6           Chiles Endowment Fund; modifying the terms and  
7           membership and establishing a staggered membership for  
8           appointed members of the Biomedical Research Advisory  
9           Council; authorizing the Biomedical Research Advisory  
10          Council to recommend a portion of the allocation for  
11          the James and Esther King Biomedical Research Program  
12          for specified purposes; reducing the percentage of  
13          funds available for administrative expenses of the  
14          James and Esther King Biomedical Research Program;  
15          requiring the Department of Health to adopt rules to  
16          administer the James and Esther King Biomedical  
17          Research Program and the William G. "Bill" Bankhead,  
18          Jr., and David Coley Cancer Research Program;  
19          requiring the council to recommend to the State  
20          Surgeon General, rather than award, grants for cancer  
21          research through the William G. "Bill" Bankhead, Jr.,  
22          and David Coley Cancer Research Program; increasing  
23          the funding available to the Florida Center for  
24          Universal Research to Eradicate Disease; allocating a  
25          certain amount of money to the James and Esther King  
26          Biomedical Research Program and the William G. "Bill"  
27          Bankhead, Jr., and David Coley Cancer Research  
28          Program; authorizing the Department of Health to  
29          accept and use gifts for awards under the James and

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30 Esther King Biomedical Research Program; deleting  
31 obsolete provisions; deleting a provision providing  
32 for the future expiration of the James and Esther King  
33 Biomedical Research Program; repealing s. 381.92,  
34 F.S., relating to the Florida Cancer Council;  
35 repealing s. 381.921, F.S., relating to the mission  
36 and duties of the Florida Cancer Council; amending s.  
37 381.922, F.S.; revising the purpose of the William G.  
38 "Bill" Bankhead, Jr., and David Coley Cancer Research  
39 Program; revising the duties and goals of the William  
40 G. "Bill" Bankhead, Jr., and David Coley Cancer  
41 Research Program; revising the types of applications  
42 considered for funding; authorizing the Biomedical  
43 Research Advisory Council to recommend a portion of  
44 the allocation for the William G. "Bill" Bankhead,  
45 Jr., and David Coley Cancer Research Program for  
46 specified purposes; requiring the department to submit  
47 to the Governor and Legislature a report by a  
48 specified date; providing a funding source for the  
49 William G. "Bill" Bankhead, Jr., and David Coley  
50 Cancer Research Program; reducing the percentage of  
51 funds available for administrative expenses of the  
52 William G. "Bill" Bankhead, Jr., and David Coley  
53 Cancer Research Program; authorizing the Department of  
54 Health to accept and use gifts for awards under the  
55 William G. "Bill" Bankhead, Jr., and David Coley  
56 Cancer Research Program; deleting obsolete provisions;  
57 deleting provisions providing for the future  
58 expiration of the William G. "Bill" Bankhead, Jr., and

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59 David Coley Cancer Research Program; creating s.  
60 381.923, F.S., relating to the Florida Comprehensive  
61 Cancer Control Act; providing a short title; providing  
62 legislative intent; providing definitions; creating  
63 the Florida Cancer Control and Resource Advisory  
64 Council; providing membership of the council;  
65 providing the composition of the executive committee  
66 of the council; providing for terms of the council and  
67 meetings; providing for reimbursement for per diem and  
68 travel expenses; prohibiting a member of the council  
69 from participating in any discussion or decision to  
70 recommend any type of award or contract to any  
71 qualified nonprofit association or to any agency of  
72 this state or its political subdivisions with which  
73 the member is associated as a member of the governing  
74 body or as an employee or with which the member has  
75 entered into a contractual arrangement; providing the  
76 duties and responsibilities of the council; requiring  
77 the council to report findings and recommendations to  
78 the Governor, the Legislature, and the State Surgeon  
79 General; requiring that the H. Lee Moffitt Cancer  
80 Center and Research Institute, Inc., have a executive  
81 director; allocating a specified amount of money from  
82 the William G. "Bill" Bankhead, Jr., and David Coley  
83 Cancer Research Program to the H. Lee Moffitt Cancer  
84 Center and Research Institute, Inc., for  
85 administrative costs and staff support; authorizing  
86 the Department of Health to administer the act;  
87 requiring the department to produce the Florida Cancer

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88 Plan in consultation with the Florida Cancer Control  
89 and Resource Advisory Council; creating the Cancer  
90 Control Collaborative Program within the Department of  
91 Health; providing the responsibility and mission of  
92 the program; requiring the department to appoint a  
93 director; providing duties for each collaborative;  
94 requiring the collaborative program to submit to the  
95 Florida Cancer Control and Resource Advisory Council  
96 an annual report by a specified date; requiring the  
97 Cancer Control Collaborative Program to serve as the  
98 infrastructure for expansion or adaption as federal  
99 programs or other opportunities arise for future  
100 cancer control initiatives; amending ss. 458.324 and  
101 459.0125, F.S.; deleting obsolete provisions;  
102 repealing s. 1004.435, F.S., relating to cancer  
103 control and research; providing an effective date.

104  
105 Be It Enacted by the Legislature of the State of Florida:

106  
107 Section 1. Section 215.5602, Florida Statutes, is amended  
108 to read:

109 215.5602 James and Esther King Biomedical Research  
110 Program.—

111 (1) There is established within the Department of Health  
112 the James and Esther King Biomedical Research Program ~~funded by~~  
113 ~~the proceeds of the Lawton Chiles Endowment Fund pursuant to s.~~  
114 ~~215.5601~~. The purpose of the James and Esther King Biomedical  
115 Research Program is to provide an annual and perpetual source of  
116 funding in order to support research initiatives that address

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117 the health care problems of Floridians in the areas of tobacco-  
118 related cancer, cardiovascular disease, stroke, and pulmonary  
119 disease. The long-term goals of the program are to:

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

123 (b) Expand the foundation of biomedical knowledge relating  
124 to the prevention, diagnosis, treatment, and cure of diseases  
125 related to tobacco use, including cancer, cardiovascular  
126 disease, stroke, and pulmonary disease.

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

130 (d) Increase the state's per capita funding for research by  
131 undertaking new initiatives in public health and biomedical  
132 research that will attract additional funding from outside the  
133 state.

134 (e) Stimulate economic activity in the state in areas  
135 related to biomedical research, such as the research and  
136 production of pharmaceuticals, biotechnology, and medical  
137 devices.

138 (2) Funds appropriated for the James and Esther King  
139 Biomedical Research Program shall be used exclusively for the  
140 award of grants and fellowships as established in this section;  
141 for research relating to the prevention, diagnosis, treatment,  
142 and cure of diseases related to tobacco use, including cancer,  
143 cardiovascular disease, stroke, and pulmonary disease; ~~and~~ for  
144 expenses incurred in the administration of this section; and as  
145 provided in subsections (5) and (12). Priority shall be granted

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146 to research designed to prevent or cure disease.

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

149 (a) The council shall consist of 13 ~~11~~ members, including:  
150 the chief executive officer of the Florida Division of the  
151 American Cancer Society, or a designee; the chief executive  
152 officer of the Greater Southeast Florida/Puerto Rico ~~Affiliate~~  
153 of the American Heart Association, or a designee; ~~and~~ the chief  
154 executive officer of the American Lung Association of Florida,  
155 or a designee; the chief executive officer of Enterprise  
156 Florida, or a designee; and the chief executive officer of  
157 BioFlorida, or a designee. The remaining 8 members of the  
158 council shall be appointed as follows:

159 1. The Governor shall appoint four members, two members  
160 with expertise in the field of biomedical research, one member  
161 from a research university in the state, and one member  
162 representing the general population of the state.

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

167 3. The Speaker of the House of Representatives shall  
168 appoint two members, one member from a professional medical  
169 organization and one representative from a cancer program  
170 approved by the American College of Surgeons.

171  
172 In making these appointments, the Governor, the President of the  
173 Senate, and the Speaker of the House of Representatives shall  
174 select primarily, but not exclusively, Floridians with

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175 biomedical and lay expertise in the general areas of cancer,  
176 cardiovascular disease, stroke, and pulmonary disease. The  
177 appointments shall be for 4-year staggered terms ~~a 3-year term~~  
178 and shall reflect the diversity of the state's population. An  
179 appointed member may not serve more than two consecutive terms.  
180 The first two appointments by the Governor and the first  
181 appointment by the President of the Senate and the Speaker of  
182 the House of Representatives on or after July 1, 2010, shall be  
183 for a term of 2 years.

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

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

189 (d) Members of the council shall serve without  
190 compensation, but may receive reimbursement as provided in s.  
191 112.061 for travel and other necessary expenses incurred in the  
192 performance of their official duties.

193 (4) The council shall advise the State Surgeon General as  
194 to the direction and scope of the biomedical research program.  
195 The responsibilities of the council may include, but are not  
196 limited to:

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

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

199 (c) Participating in periodic program evaluation.

200 (d) Assisting in the development of guidelines to ensure  
201 fairness, neutrality, and adherence to the principles of merit  
202 and quality in the conduct of the program.

203 (e) Assisting in the development of appropriate linkages to

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204 nonacademic entities, such as voluntary organizations, health  
205 care delivery institutions, industry, government agencies, and  
206 public officials.

207 (f) Developing criteria and standards for the award of  
208 research grants.

209 (g) Developing administrative procedures relating to  
210 solicitation, review, and award of research grants and  
211 fellowships, to ensure an impartial, high-quality peer review  
212 system.

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

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

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

218 (5) (a) Applications for biomedical research funding under  
219 the program may be submitted from any university or established  
220 research institute in the state. All qualified investigators in  
221 the state, regardless of institution affiliation, shall have  
222 equal access and opportunity to compete for the research  
223 funding.

224 (b) Grants and fellowships shall be awarded by the State  
225 Surgeon General, after consultation with the council, on the  
226 basis of scientific merit, as determined by an open competitive  
227 peer review process that ensures objectivity, consistency, and  
228 high quality. The following types of applications shall be  
229 considered for funding:

230 1. Investigator-initiated research grants.

231 2. Institutional research and training grants.

232 3. Predoctoral and postdoctoral research fellowships.



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233        (c) For any given year, the Biomedical Research Advisory  
234 Council may also recommend up to one-third of the allocation for  
235 the James and Esther King Biomedical Research Program for the  
236 recruitment of cancer, heart, or lung researchers and research  
237 teams to institutions in the state; for operational start-up  
238 grants for newly recruited cancer, heart, or lung researchers  
239 and research teams; and for equipment expenditures related to  
240 the expansion of cancer, heart, or lung research and treatment  
241 capacity in this state.

242        (6) To ensure that all proposals for research funding are  
243 appropriate and are evaluated fairly on the basis of scientific  
244 merit, the State Surgeon General, in consultation with the  
245 council, shall appoint a peer review panel of independent,  
246 scientifically qualified individuals to review the scientific  
247 content of each proposal and establish its scientific priority  
248 score. The priority scores shall be forwarded to the council and  
249 must be considered in determining which proposals shall be  
250 recommended for funding.

251        (7) The council and the peer review panel shall establish  
252 and follow rigorous guidelines for ethical conduct and adhere to  
253 a strict policy with regard to conflict of interest. A member of  
254 the council or panel may not participate in any discussion or  
255 decision with respect to a research proposal by any firm,  
256 entity, or agency with which the member is associated as a  
257 member of the governing body or as an employee, or with which  
258 the member has entered into a contractual arrangement. Meetings  
259 of the council and the peer review panels shall be subject to  
260 the provisions of chapter 119, s. 286.011, and s. 24, Art. I of  
261 the State Constitution.

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

266 (9) The Department of Health, after consultation with the  
267 council, shall ~~may~~ adopt rules as necessary to administer  
268 ~~implement~~ this section, taking into consideration the nature of  
269 the program and making allowances in any adopted rules which  
270 enable timely implementation of calls for proposals, proposal  
271 reviews, proposal considerations, and any other program  
272 activities, and which prevent delays in making annual program  
273 awards to grant recipients.

274 (10) The council shall submit an annual progress report on  
275 the state of biomedical research in this state to the Florida  
276 Center for Universal Research to Eradicate Disease and to the  
277 Governor, the State Surgeon General, the President of the  
278 Senate, and the Speaker of the House of Representatives by  
279 February 1. The report must include:

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

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

283 (c) A list of publications in peer reviewed journals  
284 involving research supported by grants or fellowships awarded  
285 under the program.

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

288 (e) New grants for biomedical research which were funded  
289 based on research supported by grants or fellowships awarded  
290 under the program.

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

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

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

301 (b) ~~(a)~~ Beginning in the 2010-2011 ~~2009-2010~~ fiscal year and  
302 thereafter, 5 percent of the revenue deposited into the Health  
303 Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7) shall  
304 be reserved for research of tobacco-related or cancer-related  
305 illnesses through the James and Esther King Biomedical Research  
306 Program and the William G. "Bill" Bankhead, Jr. and David Coley  
307 Cancer Research Program. The sum of \$25 million shall be  
308 allocated annually to each of these programs; ~~however, the sum~~  
309 ~~of the revenue reserved pursuant to ss. 210.011(9) and~~  
310 ~~210.276(7) may not exceed \$50 million in any fiscal year.~~

311 ~~(b) In the 2009-2010 fiscal year, 2.5 percent, not to~~  
312 ~~exceed \$25 million, of the revenue deposited into the Health~~  
313 ~~Care Trust Fund pursuant to this subsection shall be transferred~~  
314 ~~to the Biomedical Research Trust Fund within the Department of~~  
315 ~~Health for the James and Esther King Biomedical Research~~  
316 ~~Program.~~

317 (13) The Department of Health may accept gifts made  
318 unconditionally by will or otherwise, deposit them into the  
319 Biomedical Research Trust Fund, and use them for grant or

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320 fellowship awards in the James and Esther King Biomedical  
321 Research Program. Any gift made under conditions that, in the  
322 judgment of the department, upon consultation with the council,  
323 are proper and consistent with this section, the laws of the  
324 United States, and state law, may be accepted and shall be held,  
325 invested, reinvested, and used in accordance with the conditions  
326 of the gift. By June 1, 2009, the Division of Statutory Revision  
327 of the Office of Legislative Services shall certify to the  
328 President of the Senate and the Speaker of the House of  
329 Representatives the language and statutory citation of this  
330 section, which is scheduled to expire January 1, 2011.

331 ~~(14) The Legislature shall review the performance, the~~  
332 ~~outcomes, and the financial management of the James and Esther~~  
333 ~~King Biomedical Research Program during the 2010 Regular Session~~  
334 ~~of the Legislature and shall determine the most appropriate~~  
335 ~~funding source and means of funding the program based on its~~  
336 ~~review.~~

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

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

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

341 Section 4. Section 381.922, Florida Statutes, is amended to  
342 read:

343 381.922 William G. "Bill" Bankhead, Jr., and David Coley  
344 Cancer Research Program.—

345 (1) The William G. "Bill" Bankhead, Jr., and David Coley  
346 Cancer Research Program, which may be otherwise cited as the  
347 "Bankhead-Coley Program," is created within the Department of  
348 Health. The purpose of the program shall be to advance progress

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349 towards cures for cancer using ~~through~~ grants awarded through a  
350 peer-reviewed, competitive process and to expand cancer research  
351 and treatment capacity in this state.

352 (2) The program shall provide grants for cancer research,  
353 including cancer clinical trials projects as provided in this  
354 section, to further the search for cures for cancer; for  
355 recruiting cancer researchers and research teams to institutions  
356 in the state; for operational start-up grants for newly  
357 recruited cancer researchers and research teams; or for  
358 equipment expenditures related to the expansion of cancer  
359 research and treatment capacity in the state.

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

364 1. Significantly expand cancer research capacity in the  
365 state by identifying ways to attract new research talent and  
366 attendant national grant-producing researchers to cancer  
367 research facilities in this state; implement a peer-reviewed,  
368 competitive process to identify and fund the best proposals to  
369 expand cancer research institutes in this state; fund through  
370 available resources those proposals that demonstrate the  
371 greatest opportunity to attract federal research grants and  
372 private financial support; encourage the employment of  
373 bioinformatics in order to create a cancer informatics  
374 infrastructure that enhances information and resource exchange  
375 and integration through researchers working in diverse  
376 disciplines; facilitate the full spectrum of cancer  
377 investigations; facilitate the technical coordination, business

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378 development, and support of intellectual property as it relates  
379 to the advancement of cancer research; and aid in other  
380 multidisciplinary research-support activities as they inure to  
381 the advancement of cancer research.

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

384 a. Identifying ways to increase enrollment in cancer  
385 clinical trials;

386 b. Supporting public and private professional education  
387 programs designed to increase the awareness and knowledge about  
388 cancer clinical trials;

389 c. Providing tools to cancer patients and community-based  
390 oncologists to aid in the identification of cancer clinical  
391 trials available in the state; and

392 d. Creating opportunities for the state's academic cancer  
393 centers to collaborate with community-based oncologists in  
394 cancer clinical trials networks.

395 3. Reduce the impact of cancer on disparate groups by  
396 identifying those cancers that disproportionately impact certain  
397 demographic groups and building collaborations designed to  
398 reduce health disparities as they relate to cancer.

399 (b) Preference may be given to grant proposals that foster  
400 collaborations among institutions, researchers, and community  
401 practitioners, as such proposals support the advancement of  
402 cures through basic or applied research, including clinical  
403 trials involving cancer patients and related networks and the  
404 transfer of knowledge gained from research into the practice of  
405 community practitioners.

406 (3) (a) Applications for funding for cancer research may be

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407 submitted by any university or established research institute in  
408 the state. All qualified investigators in the state, regardless  
409 of institutional affiliation, shall have equal access and  
410 opportunity to compete for the research funding. Collaborative  
411 proposals, including those that advance the program's goals  
412 enumerated in subsection (2), may be given preference. Grants  
413 shall be awarded by the State Surgeon General, after  
414 consultation with the Biomedical Research Advisory Council  
415 established in s. 215.5602, on the basis of scientific merit, as  
416 determined by an open, competitive peer review process that  
417 ensures objectivity, consistency, and high quality. The  
418 following types of applications shall be considered for funding:

419 1. Investigator-initiated research grants.

420 2. Institutional research and training grants.

421 3. Predoctoral and postdoctoral research fellowships.

422 ~~4.3.~~ Collaborative research grants, including those that  
423 advance the finding of cures through basic or applied research.

424 5. Clinical trial project grants, particularly those  
425 projects such as matching services that identify prospective  
426 clinical trials treatment options for cancer patients in this  
427 state or those projects that otherwise foster greater rates of  
428 participation in trials. At least one such grant shall be  
429 awarded in any given year if a meritorious proposal or proposals  
430 are received. Such project grant proposals are not required to  
431 be posed as a research question in order to qualify for an  
432 award.

433 (b) For any given year, the Biomedical Research Advisory  
434 Council may recommend up to one-third of the allocation for the  
435 William G. "Bill" Bankhead, Jr. and David Coley Cancer Research

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436 Program for the recruitment of cancer researchers and research  
437 teams to institutions in the state, for operational start-up  
438 grants for newly recruited cancer researchers and research  
439 teams, or for equipment expenditures related to the expansion of  
440 cancer research and treatment capacity in the state.

441 (c)~~(b)~~ In order to ensure that all proposals for research  
442 funding are appropriate and are evaluated fairly on the basis of  
443 scientific merit, the State Surgeon General, in consultation  
444 with the council, shall appoint a peer review panel of  
445 independent, scientifically qualified individuals to review the  
446 scientific content of each proposal and establish its priority  
447 score. The priority scores shall be forwarded to the council and  
448 must be considered in determining which proposals shall be  
449 recommended for funding.

450 (d)~~(e)~~ The council and the peer review panel shall  
451 establish and follow rigorous guidelines for ethical conduct and  
452 adhere to a strict policy with regard to conflicts of interest.  
453 A member of the council or panel may not participate in any  
454 discussion or decision with respect to a research proposal by  
455 any firm, entity, or agency with which the member is associated  
456 as a member of the governing body or as an employee or with  
457 which the member has entered into a contractual arrangement.  
458 Meetings of the council and the peer review panels are subject  
459 to chapter 119, s. 286.011, and s. 24, Art. I of the State  
460 Constitution.

461 (4) By February 1 ~~December 15~~ of each year, the Department  
462 of Health shall submit to the Governor, the President of the  
463 Senate, and the Speaker of the House of Representatives a report  
464 indicating progress towards the program's mission and making



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465 recommendations that further its purpose.

466 (5) The William G. "Bill" Bankhead, Jr. and David Coley  
467 Cancer Research Program is funded pursuant to s. 215.5602(12)  
468 and this section, with an annual allocation of \$25 million.  
469 Funds appropriated for the William G. "Bill" Bankhead, Jr., and  
470 David Coley Cancer Research Program shall be distributed  
471 pursuant to this section to provide grants to researchers  
472 seeking cures for cancer and cancer-related illnesses, with  
473 emphasis given to the goals enumerated in paragraph (2) (a) s.  
474 381.921. From the total funds appropriated, an amount of up to  
475 7.5 ~~10~~ percent may be used for administrative expenses. ~~In the~~  
476 ~~2009-2010 fiscal year, 2.5 percent, not to exceed \$25 million,~~  
477 ~~of the revenue deposited into the Health Care Trust Fund~~  
478 ~~pursuant to s. 215.5602(12) (a) shall be transferred to the~~  
479 ~~Biomedical Research Trust Fund within the Department of Health~~  
480 ~~for the William G. "Bill" Bankhead, Jr., and David Coley Cancer~~  
481 ~~Research Program.~~

482 (6) The Department of Health may accept gifts made  
483 unconditionally by will or otherwise, deposit them into the  
484 Biomedical Research Trust Fund, and use them for grant or  
485 fellowship awards in the William G. "Bill" Bankhead, Jr. and  
486 David Coley Cancer Research Program. Any gift made under  
487 conditions that, in the judgment of the department, upon  
488 consultation with the council, are proper and consistent with  
489 this section, the laws of the United States, and state law, may  
490 be accepted and shall be held, invested, reinvested, and used in  
491 accordance with the conditions of the gift. ~~By June 1, 2009, the~~  
492 ~~Division of Statutory Revision of the Office of Legislative~~  
493 ~~Services shall certify to the President of the Senate and the~~

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494 ~~Speaker of the House of Representatives the language and~~  
495 ~~statutory citation of this section, which is scheduled to expire~~  
496 ~~January 1, 2011.~~

497 ~~(7) The Legislature shall review the performance, the~~  
498 ~~outcomes, and the financial management of the William C. "Bill"~~  
499 ~~Bankhead, Jr., and David Coley Cancer Research Program during~~  
500 ~~the 2010 Regular Session of the Legislature and shall determine~~  
501 ~~the most appropriate funding source and means of funding the~~  
502 ~~program based on its review.~~

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

505 Section 5. Section 381.923, Florida Statutes, is created to  
506 read:

507 381.923 Comprehensive cancer control.-

508 (1) SHORT TITLE.-This section may be cited as the "Florida  
509 Comprehensive Cancer Control Act."

510 (2) LEGISLATIVE INTENT.-It is the finding of the  
511 Legislature that:

512 (a) Advances in scientific knowledge have led to  
513 prevention, early detection, and therapeutic capabilities in the  
514 control of cancer. Such knowledge, screening technologies, and  
515 therapies must be made available to all residents of this state.

516 (b) Research shows that certain lifestyles and exposures,  
517 such as tobacco use, exposure to ultraviolet radiation from the  
518 sun, and exposure to occupational and environmental carcinogens,  
519 contribute to the risk for many types of cancer and that certain  
520 screening tests are effective in finding cancer early when it is  
521 more treatable. The role of diet, exercise, and other healthy  
522 lifestyles are also important in cancer prevention and control.

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523 Proven causes of cancer and methods for early detection should  
524 be publicized and be the subject of linguistically and  
525 culturally appropriate educational and awareness programs for  
526 the prevention of cancer.

527 (c) An effective cancer control program would mobilize the  
528 scientific, educational, and medical resources that presently  
529 exist into an intense attack against this dreaded disease, with  
530 the primary goal to reduce the cancer burden for the residents  
531 of this state.

532 (3) DEFINITIONS.—As used in this section, the term:

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

535 (b) "Council" means the Florida Cancer Control and Resource  
536 Advisory Council, which is an advisory body appointed to  
537 function on a continuing basis to recommend solutions and policy  
538 alternatives to the Governor, members of the Legislature, the  
539 State Surgeon General, and other policymakers.

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

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

542 (e) "Program" means the Florida Cancer Control  
543 Collaborative Program.

544 (f) "Qualified nonprofit association" means any  
545 association, incorporated or unincorporated, which has received  
546 tax-exempt status from the Internal Revenue Service.

547 (4) FLORIDA CANCER CONTROL AND RESOURCE ADVISORY COUNCIL;  
548 CREATION; COMPOSITION.—

549 (a) There is created within the H. Lee Moffitt Cancer  
550 Center and Research Institute, Inc., the Florida Cancer Control  
551 and Resource Advisory Council. The council shall consist of

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552 cancer organizational representation and cancer control  
553 stakeholders, with an elected chairperson. Each member must be a  
554 resident of this state. Three members representing the general  
555 public shall be appointed by the Governor. The President of the  
556 Senate and the Speaker of the House of Representatives shall  
557 each appoint one member from his or her legislative body to the  
558 council. Other members shall be selected to represent agencies  
559 and organizations in this state which are involved with various  
560 aspects of cancer control. These may include nonprofit  
561 organizations, professional associations, governmental agencies,  
562 medical schools, schools of public health, hospitals, cancer  
563 centers, cancer survivor groups, and other relevant cancer  
564 stakeholder organizations. Each of the following organizations  
565 shall appoint a representative to serve on the council:

- 566 1. H. Lee Moffitt Cancer Center and Research Institute,  
567 Inc.
- 568 2. University of Florida Shands Cancer Center.
- 569 3. University of Miami Sylvester Comprehensive Cancer  
570 Center.
- 571 4. Mayo Clinic, Florida.
- 572 5. M.D. Anderson Cancer Center, Florida.
- 573 6. American Cancer Society, Florida Division.
- 574 7. American Association for Retired Persons.
- 575 8. Department of Health.
- 576 9. Department of Education.
- 577 10. Florida Tumor Registrars Association.
- 578 11. Florida Cancer Data System.
- 579 12. Florida Society of Oncology Social Workers.
- 580 13. Florida Oncology Nurses Society.

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- 581        14. Florida Society of Clinical Oncology.  
582        15. Florida Association of Pediatric Tumor Programs, Inc.  
583        16. Cancer Information Service.  
584        17. Florida Medical Association.  
585        18. Florida Hospital Association.  
586        19. Florida Nursing Association.  
587        20. Florida Dental Association.  
588        21. Florida Osteopathic Association.  
589        22. University of Florida College of Medicine.  
590        23. University of Miami College of Medicine.  
591        24. University of South Florida College of Medicine.  
592        25. Florida State University College of Medicine.  
593        26. University of Central Florida College of Medicine.  
594        27. Nova Southeastern College of Osteopathic Medicine.  
595        28. University of Central Florida College of Medicine.  
596        29. Florida International University College of Medicine.  
597        30. Lake Erie School of Osteopathic Medicine.  
598        31. Biomedical Research Advisory Council.  
599        32. Center for Universal Research to Eradicate Disease.  
600        33. A representative from each of the regional Cancer  
601 Control Collaboratives.

602        (b) An executive committee shall be comprised of the  
603 council's elected chairman, one at-large member elected by the  
604 full council, and the members representing the Department of  
605 Health, the American Cancer Society, the H. Lee Moffitt Cancer  
606 Center and Research Institute, Inc., the University of Florida  
607 Shands Cancer Center, and the University of Miami Sylvester  
608 Comprehensive Cancer Center, as well as the appointee of the  
609 President of the Senate, the appointee of the Speaker of the

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610 House of Representatives, and one of the gubernatorial  
611 appointees, who shall be designated by the council's chairman.  
612 Should the council chairman be a designee from one of the named  
613 entities in this paragraph, the full council shall elect a  
614 second at-large position to serve on the executive committee.  
615 The elected positions on the executive committee shall be for  
616 terms of 2 years.

617 (c) The council shall meet at least semiannually. A  
618 majority of members participating shall constitute a quorum for  
619 the purpose of exercising all of the powers of the council.

620 (d) The council members shall serve without compensation,  
621 but are entitled to reimbursement for per diem and travel  
622 expenses as provided in s. 112.061.

623 (e) A member of the council may not participate in any  
624 discussion or decision to recommend any type of award or  
625 contract to any qualified nonprofit association or to any agency  
626 of this state or its political subdivisions with which the  
627 member is associated as a member of the governing body or as an  
628 employee or with which the member has entered into a contractual  
629 arrangement.

630 (f) The council may prescribe, amend, and repeal bylaws  
631 governing the manner in which the business of the council is  
632 conducted.

633 (g) The council shall advise the Governor, the Legislature,  
634 the State Surgeon General, or other state policymakers with  
635 respect to cancer control and resources in this state.

636 (h) The council shall approve a program for cancer control  
637 to be known as the "Florida Cancer Plan," which shall be  
638 consistent to the extent possible with other cancer or health-

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639 related state plans and integrated and coordinated with existing  
640 programs in this state. The council shall review and approve the  
641 plan at least every 2 years.

642 (i) The council shall formulate and recommend to the  
643 Governor, the Legislature, the State Surgeon General, and other  
644 state policymakers a plan for the prevention and early detection  
645 of cancer which is evidence-based and consistent with standards  
646 of practice and supported by evidence-based medicine. The State  
647 Surgeon General and other state policymakers shall consider the  
648 plan in developing departmental priorities and funding  
649 priorities and standards under chapter 395.

650 (j) The council shall provide expertise and input in the  
651 content and development of the Florida Cancer Plan.  
652 Recommendations shall include the coordination and integration  
653 of other state plans concerned with cancer control. Committees  
654 may be formed by the council so that the following areas will be  
655 established as entities for actions:

656 1. Cancer plan evaluation, including tumor registry, data  
657 retrieval systems, and epidemiology of cancer in the state and  
658 its relation to other areas.

659 2. Cancer prevention.

660 3. Cancer detection.

661 4. Cancer treatments.

662 5. Support services for cancer patients and caregivers.

663 6. Cancer education for laypersons and professionals.

664 7. Other cancer-control-related topics.

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

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

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

674 (n) By December 1 of each year, the council shall report  
675 any findings and recommendations to the Governor, the President  
676 of the Senate, the Speaker of the House of Representatives, and  
677 the State Surgeon General.

678 (5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER  
679 AND RESEARCH INSTITUTE, INC., AND THE DEPARTMENT OF HEALTH.—

680 (a) The H. Lee Moffitt Cancer Center and Research  
681 Institute, Inc., shall provide a full-time executive director to  
682 coordinate, facilitate, and communicate the mission and  
683 responsibilities of the council. Additional administrative  
684 support, information, and other assistance shall also be  
685 provided as reasonably necessary for the completion of the  
686 responsibilities of the council.

687 (b) From the funds appropriated annually for the William G.  
688 "Bill" Bankhead, Jr. and David Coley Cancer Research Program,  
689 the sum of \$150,000 shall be allocated to the H. Lee Moffitt  
690 Cancer Center and Research Institute, Inc., for the  
691 administrative costs and staff support to convene and facilitate  
692 the responsibilities of the council.

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

695 (d) The Florida Cancer Plan is established within the  
696 Department of Health. The Department of Health shall consult



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697 with the council in developing the plan, prioritizing goals, and  
698 allocating resources. The plan shall be approved by the council.  
699 The Cancer Control Collaborative Program shall prioritize  
700 programs and resources to reduce the burden of cancer in this  
701 state, consistent with the plan.

702 (6) FLORIDA CANCER CONTROL COLLABORATIVE PROGRAM; CREATION;  
703 COMPOSITION.—

704 (a) The Cancer Control Collaborative Program is established  
705 within the Department of Health and resides within the cancer  
706 program. The program is responsible for overseeing and providing  
707 infrastructure for the state cancer collaborative network. The  
708 primary mission of the program is to implement the plan's  
709 initiatives and identify and facilitate the local development of  
710 solutions to cancer control needs of the populations served by  
711 the regional cancer control collaboratives.

712 (b) The Department of Health shall appoint a cancer program  
713 director, who is responsible for supervising the collaborative  
714 program. At a minimum, centralized organization, communications,  
715 information technology, shared resources, and cancer control  
716 expertise shall be provided to the regional cancer control  
717 collaboratives by the Department of Health.

718 (c) Each regional cancer control collaborative shall bring  
719 together local cancer stakeholders, develop bylaws, identify  
720 priority cancer control needs of its region, and develop  
721 solutions to solve problems, consistent with the plan and the  
722 goal of reducing the burden of cancer in this state. Each  
723 collaborative shall meet at least semiannually and send  
724 representation to the council meetings.

725 (d) By October 15 of each year, the collaborative program

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726 shall submit an annual report to the council. The council shall  
727 have input into the prioritization of programs and proposed  
728 allocation of resources in the program consistent with the plan.

729 (e) The Cancer Control Collaborative Program shall serve as  
730 the infrastructure for expansion or adaptation as federal  
731 programs or other opportunities arise for future cancer control  
732 initiatives. The development of the infrastructure for local  
733 cancer control collaboratives, to the extent possible, shall be  
734 designed to leverage opportunities for funding from the United  
735 States Centers for Disease Control or other federal sources.

736 Section 6. Subsection (1) and paragraph (a) of subsection  
737 (2) of section 458.324, Florida Statutes, are amended to read:

738 458.324 Breast cancer; information on treatment  
739 alternatives.—

740 (1) DEFINITION.—As used in this section, the term  
741 “medically viable,” as applied to treatment alternatives, means  
742 modes of treatment generally considered by the medical  
743 profession to be within the scope of current, acceptable  
744 standards, including treatment alternatives described in the  
745 written summary prepared by the Florida Cancer Control and  
746 Resource Research ~~Advisory Council in accordance with s.~~  
747 ~~1004.435(4)(m).~~

748 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—Each physician  
749 treating a patient who is, or in the judgment of the physician  
750 is at high risk of being, diagnosed as having breast cancer  
751 shall inform such patient of the medically viable treatment  
752 alternatives available to such patient; shall describe such  
753 treatment alternatives; and shall explain the relative  
754 advantages, disadvantages, and risks associated with the

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755 treatment alternatives to the extent deemed necessary to allow  
756 the patient to make a prudent decision regarding such treatment  
757 options. In compliance with this subsection:

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

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

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

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

770

771 Nothing in this subsection shall reduce other provisions of law  
772 regarding informed consent.

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

775 459.0125 Breast cancer; information on treatment  
776 alternatives.—

777 (1) DEFINITION.—As used in this section, the term  
778 "medically viable," as applied to treatment alternatives, means  
779 modes of treatment generally considered by the medical  
780 profession to be within the scope of current, acceptable  
781 standards, including treatment alternatives described in the  
782 written summary prepared by the Florida Cancer Control and  
783 Resource Research ~~Advisory Council in accordance with s.~~

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784 ~~1004.435(4)(m).~~

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

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

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

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

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

807

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

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

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