

**By** the Committees on Higher Education; Health Regulation; and Health Regulation; and Senator Detert

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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 and to develop a grant  
13          application and review mechanism; prohibiting any  
14          member of the council from participating in  
15          discussions or decisions regarding certain proposals;  
16          reducing the percentage of funds available for  
17          administrative expenses of the James and Esther King  
18          Biomedical Research Program; requiring the Department  
19          of Health to adopt rules to administer the James and  
20          Esther King Biomedical Research Program and the  
21          William G. "Bill" Bankhead, Jr., and David Coley  
22          Cancer Research Program; increasing the funding  
23          available to the Florida Center for Universal Research  
24          to Eradicate Disease; allocating a specified amount of  
25          money to the James and Esther King Biomedical Research  
26          Program and the William G. "Bill" Bankhead, Jr., and  
27          David Coley Cancer Research Program; authorizing the  
28          Department of Health to accept and use gifts for  
29          awards under the James and Esther King Biomedical

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30 Research Program; deleting obsolete provisions;  
31 deleting a provision providing for the future  
32 expiration of the James and Esther King Biomedical  
33 Research Program; amending s. 381.855, F.S.; revising  
34 the membership of the advisory council within the  
35 Florida Center for Universal Research to Eradicate  
36 Disease; repealing s. 381.912, F.S., relating to the  
37 Cervical Cancer Elimination Task Force; repealing s.  
38 381.92, F.S., relating to the Florida Cancer Council;  
39 repealing s. 381.921, F.S., relating to the mission  
40 and duties of the Florida Cancer Council; amending s.  
41 381.922, F.S.; revising the purpose of the William G.  
42 "Bill" Bankhead, Jr., and David Coley Cancer Research  
43 Program; revising the duties and goals of the William  
44 G. "Bill" Bankhead, Jr., and David Coley Cancer  
45 Research Program; revising the types of applications  
46 considered for funding; authorizing the Biomedical  
47 Research Advisory Council to recommend a portion of  
48 the allocation for the William G. "Bill" Bankhead,  
49 Jr., and David Coley Cancer Research Program for  
50 specified purposes and to develop a grant application  
51 and review mechanism; prohibiting any member of the  
52 council from participating in discussions or decisions  
53 regarding certain proposals; requiring the department  
54 to submit to the Governor and Legislature a report by  
55 a specified date; providing a funding source for the  
56 William G. "Bill" Bankhead, Jr., and David Coley  
57 Cancer Research Program; reducing the percentage of  
58 funds available for administrative expenses of the

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59 William G. "Bill" Bankhead, Jr., and David Coley  
60 Cancer Research Program; authorizing the Department of  
61 Health to accept and use gifts for awards under the  
62 William G. "Bill" Bankhead, Jr., and David Coley  
63 Cancer Research Program; deleting obsolete provisions;  
64 deleting provisions providing for the future  
65 expiration of the William G. "Bill" Bankhead, Jr., and  
66 David Coley Cancer Research Program; creating s.  
67 381.923, F.S., relating to the Florida Comprehensive  
68 Cancer Control Act; providing a short title; providing  
69 legislative intent; providing definitions; creating  
70 the Florida Cancer Control and Resource Advisory  
71 Council; providing membership of the council;  
72 providing the composition of the executive committee  
73 of the council; providing for terms of the council and  
74 meetings; providing for reimbursement for per diem and  
75 travel expenses; prohibiting a member of the council  
76 from participating in any discussion or decision to  
77 recommend any type of award or contract to any  
78 qualified nonprofit association or to any agency of  
79 this state or its political subdivisions with which  
80 the member is associated as a member of the governing  
81 body or as an employee or with which the member has  
82 entered into a contractual arrangement; providing the  
83 duties and responsibilities of the council; requiring  
84 the council to report findings and recommendations to  
85 the Governor, the Legislature, and the State Surgeon  
86 General; requiring the council to develop or purchase  
87 written summaries regarding medically viable treatment

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88 alternatives for the management of breast cancer and  
89 prostate cancer; providing requirements for the  
90 written summaries; requiring the council to develop  
91 and implement education programs regarding early  
92 detection and treatment of breast cancer and prostate  
93 cancer; requiring that the H. Lee Moffitt Cancer  
94 Center and Research Institute, Inc., provide an  
95 executive director for the council; allocating a  
96 specified amount of money from the William G. "Bill"  
97 Bankhead, Jr., and David Coley Cancer Research Program  
98 to the H. Lee Moffitt Cancer Center and Research  
99 Institute, Inc., for administrative costs and staff  
100 support; authorizing the Department of Health to  
101 administer the act; requiring the department to  
102 produce the Florida Cancer Plan in consultation with  
103 the Florida Cancer Control and Resource Advisory  
104 Council; creating the Cancer Control Collaborative  
105 Program within the Department of Health; providing the  
106 responsibility and mission of the program; requiring  
107 the department to appoint a director; providing duties  
108 for each collaborative; requiring the collaborative  
109 program to submit to the Florida Cancer Control and  
110 Resource Advisory Council an annual report by a  
111 specified date; requiring the Cancer Control  
112 Collaborative Program to serve as the infrastructure  
113 for expansion or adaption as federal programs or other  
114 opportunities arise for future cancer control  
115 initiatives; amending ss. 458.324 and 459.0125, F.S.;

116 conforming cross-references; repealing s. 1004.435,

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117 F.S., relating to cancer control and research;  
118 providing an effective date.

119

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

121

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

124 215.5602 James and Esther King Biomedical Research  
125 Program.—

126 (1) There is established within the Department of Health  
127 the James and Esther King Biomedical Research Program ~~funded by~~  
128 ~~the proceeds of the Lawton Chiles Endowment Fund pursuant to s.~~  
129 ~~215.5601~~. The purpose of the James and Esther King Biomedical  
130 Research Program is to provide an annual and perpetual source of  
131 funding in order to support research initiatives that address  
132 the health care problems of Floridians in the areas of tobacco-  
133 related cancer, cardiovascular disease, stroke, and pulmonary  
134 disease. The long-term goals of the program are to:

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

138 (b) Expand the foundation of biomedical knowledge relating  
139 to the prevention, diagnosis, treatment, and cure of diseases  
140 related to tobacco use, including cancer, cardiovascular  
141 disease, stroke, and pulmonary disease.

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

145 (d) Increase the state's per capita funding for research by

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146 undertaking new initiatives in public health and biomedical  
147 research that will attract additional funding from outside the  
148 state.

149 (e) Stimulate economic activity in the state in areas  
150 related to biomedical research, such as the research and  
151 production of pharmaceuticals, biotechnology, and medical  
152 devices.

153 (2) Funds appropriated for the James and Esther King  
154 Biomedical Research Program shall be used exclusively for the  
155 award of grants and fellowships as established in this section;  
156 for research relating to the prevention, diagnosis, treatment,  
157 and cure of diseases related to tobacco use, including cancer,  
158 cardiovascular disease, stroke, and pulmonary disease; ~~and~~ for  
159 expenses incurred in the administration of this section; and as  
160 provided in subsections (5) and (12). Priority shall be granted  
161 to research designed to prevent or cure disease.

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

164 (a) The council shall consist of 13 ~~11~~ members, including:  
165 the chief executive officer of the Florida Division of the  
166 American Cancer Society, or a designee; the chief executive  
167 officer of the Greater Southeast Florida/Puerto Rico Affiliate  
168 of the American Heart Association, or a designee; ~~and~~ the chief  
169 executive officer of the American Lung Association of the  
170 Southeast Florida, or a designee; the chief executive officer of  
171 Enterprise Florida, or a designee; and the chief executive  
172 officer of BioFlorida, or a designee. The remaining 8 members of  
173 the council shall be appointed as follows:

174 1. The Governor shall appoint four members, two members

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175 with expertise in the field of biomedical research, one member  
176 from a research university in the state, and one member  
177 representing the general population of the state.

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

182 3. The Speaker of the House of Representatives shall  
183 appoint two members, one member from a professional medical  
184 organization and one representative from a cancer program  
185 approved by the American College of Surgeons.

186

187 In making these appointments, the Governor, the President of the  
188 Senate, and the Speaker of the House of Representatives shall  
189 select primarily, but not exclusively, Floridians with  
190 biomedical and lay expertise in the general areas of cancer,  
191 cardiovascular disease, stroke, and pulmonary disease. The  
192 appointments shall be for 4-year staggered terms ~~a 3-year term~~  
193 and shall reflect the diversity of the state's population. An  
194 appointed member may not serve more than two consecutive terms.  
195 The first two appointments by the Governor and the first  
196 appointment by the President of the Senate and the Speaker of  
197 the House of Representatives on or after July 1, 2010, shall be  
198 for a term of 2 years.

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

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

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204 (d) Members of the council shall serve without  
205 compensation, but may receive reimbursement as provided in s.  
206 112.061 for travel and other necessary expenses incurred in the  
207 performance of their official duties.

208 (4) The council shall advise the State Surgeon General as  
209 to the direction and scope of the biomedical research program.  
210 The responsibilities of the council may include, but are not  
211 limited to:

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

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

214 (c) Participating in periodic program evaluation.

215 (d) Assisting in the development of guidelines to ensure  
216 fairness, neutrality, and adherence to the principles of merit  
217 and quality in the conduct of the program.

218 (e) Assisting in the development of appropriate linkages to  
219 nonacademic entities, such as voluntary organizations, health  
220 care delivery institutions, industry, government agencies, and  
221 public officials.

222 (f) Developing criteria and standards for the award of  
223 research grants.

224 (g) Developing administrative procedures relating to  
225 solicitation, review, and award of research grants and  
226 fellowships, to ensure an impartial, high-quality peer review  
227 system.

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

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

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



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233 (5) (a) Applications for biomedical research funding under  
234 the program may be submitted from any university or established  
235 research institute in the state. All qualified investigators in  
236 the state, regardless of institution affiliation, shall have  
237 equal access and opportunity to compete for the research  
238 funding.

239 (b) Grants and fellowships shall be awarded by the State  
240 Surgeon General, after consultation with the council, on the  
241 basis of scientific merit, as determined by an open competitive  
242 peer review process that ensures objectivity, consistency, and  
243 high quality. The following types of applications shall be  
244 considered for funding:

- 245 1. Investigator-initiated research grants.
- 246 2. Institutional research and training grants.
- 247 3. Predoctoral and postdoctoral research fellowships.

248 (c) For any given year, the Biomedical Research Advisory  
249 Council may also recommend up to one-third of the allocation for  
250 grants by the James and Esther King Biomedical Research Program  
251 for the recruitment of cancer, heart, or lung researchers and  
252 research teams to institutions in the state; for operational  
253 start-up grants for newly recruited cancer, heart, or lung  
254 researchers and research teams; and for equipment expenditures  
255 related to the expansion of cancer, heart, or lung research and  
256 treatment capacity in this state. For the purposes of  
257 implementing this paragraph, the council may develop a grant  
258 application and review mechanism other than the process for  
259 reviewing research proposals prescribed in subsection (6);  
260 however, such mechanism must ensure a fair and rigorous analysis  
261 of the merit of any proposals considered under this paragraph.

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262 (6) To ensure that all proposals for research funding are  
263 appropriate and are evaluated fairly on the basis of scientific  
264 merit, the State Surgeon General, in consultation with the  
265 council, shall appoint a peer review panel of independent,  
266 scientifically qualified individuals to review the scientific  
267 content of each proposal and establish its scientific priority  
268 score. The priority scores shall be forwarded to the council and  
269 must be considered in determining which proposals shall be  
270 recommended for funding.

271 (7) The council and the peer review panel shall establish  
272 and follow rigorous guidelines for ethical conduct and adhere to  
273 a strict policy with regard to conflict of interest. A member of  
274 the council or panel may not participate in any council or panel  
275 discussion or decision with respect to a research proposal, or  
276 any proposal related to those projects contemplated in paragraph  
277 (5) (c), by any firm, entity, or agency with which the member is  
278 associated as a member of the governing body or as an employee,  
279 or with which the member has entered into a contractual  
280 arrangement. Meetings of the council and the peer review panels  
281 shall be subject to the provisions of chapter 119, s. 286.011,  
282 and s. 24, Art. I of the State Constitution.

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

287 (9) The Department of Health, after consultation with the  
288 council, shall ~~may~~ adopt rules as necessary to administer  
289 implement this section, taking into consideration the nature of  
290 the program and making allowances in any adopted rules which

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291 enable timely implementation of calls for proposals, proposal  
292 reviews, proposal considerations, and any other program  
293 activities, and which prevent delays in making annual program  
294 awards to grant recipients.

295 (10) The council shall submit an annual progress report on  
296 the state of biomedical research in this state to the Florida  
297 Center for Universal Research to Eradicate Disease and to the  
298 Governor, the State Surgeon General, the President of the  
299 Senate, and the Speaker of the House of Representatives by  
300 February 1. The report must include:

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

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

304 (c) A list of publications in peer reviewed journals  
305 involving research supported by grants or fellowships awarded  
306 under the program.

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

309 (e) New grants for biomedical research which were funded  
310 based on research supported by grants or fellowships awarded  
311 under the program.

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

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

318 (12) (a) From funds appropriated to accomplish the goals of  
319 this section, up to \$500,000 ~~\$250,000~~ shall be available for the

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320 operating costs of the Florida Center for Universal Research to  
321 Eradicate Disease.

322 ~~(b) (a)~~ Beginning in the 2010-2011 ~~2009-2010~~ fiscal year and  
323 thereafter, \$50 million from 5 percent of the revenue deposited  
324 into the Health Care Trust Fund pursuant to ss. 210.011(9) and  
325 210.276(7) shall be reserved for research of tobacco-related or  
326 cancer-related illnesses through the James and Esther King  
327 Biomedical Research Program and the William G. "Bill" Bankhead,  
328 Jr., and David Coley Cancer Research Program. The sum of \$25  
329 million shall be allocated annually to each of these programs;  
330 however, ~~the sum of the revenue reserved pursuant to ss.~~  
331 ~~210.011(9) and 210.276(7) may not exceed \$50 million in any~~  
332 ~~fiscal year.~~

333 ~~(b) In the 2009-2010 fiscal year, 2.5 percent, not to~~  
334 ~~exceed \$25 million, of the revenue deposited into the Health~~  
335 ~~Care Trust Fund pursuant to this subsection shall be transferred~~  
336 ~~to the Biomedical Research Trust Fund within the Department of~~  
337 ~~Health for the James and Esther King Biomedical Research~~  
338 ~~Program.~~

339 (13) The Department of Health may accept gifts made  
340 unconditionally by will or otherwise, deposit them into the  
341 Biomedical Research Trust Fund, and use them for grant or  
342 fellowship awards in the James and Esther King Biomedical  
343 Research Program. Any gift made under conditions that, in the  
344 judgment of the department, upon consultation with the council,  
345 are proper and consistent with this section, the laws of the  
346 United States, and state law, may be accepted and shall be held,  
347 invested, reinvested, and used in accordance with the conditions  
348 of the gift. By June 1, 2009, the Division of Statutory Revision

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349 ~~of the Office of Legislative Services shall certify to the~~  
350 ~~President of the Senate and the Speaker of the House of~~  
351 ~~Representatives the language and statutory citation of this~~  
352 ~~section, which is scheduled to expire January 1, 2011.~~

353 ~~(14) The Legislature shall review the performance, the~~  
354 ~~outcomes, and the financial management of the James and Esther~~  
355 ~~King Biomedical Research Program during the 2010 Regular Session~~  
356 ~~of the Legislature and shall determine the most appropriate~~  
357 ~~funding source and means of funding the program based on its~~  
358 ~~review.~~

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

361 Section 2. Paragraph (a) of subsection (5) of section  
362 381.855, Florida Statutes, is amended to read:

363 381.855 Florida Center for Universal Research to Eradicate  
364 Disease.—

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

367 (a) The council shall consist of one representative from a  
368 Florida not-for-profit institution engaged in basic and clinical  
369 biomedical research and education which receives more than \$10  
370 million in annual grant funding from the National Institutes of  
371 Health, to be appointed by the State Surgeon General from a  
372 different institution each term, and one representative from and  
373 appointed by each of the following entities:

- 374 1. Enterprise Florida, Inc.
- 375 2. BioFlorida.
- 376 3. The Biomedical Research Advisory Council.
- 377 4. The Florida Medical Foundation.

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378 5. Pharmaceutical Research and Manufacturers of America.  
 379 ~~6. The Florida Cancer Council.~~  
 380 ~~6.7.~~ The American Cancer Society, Florida Division, Inc.  
 381 ~~7.8.~~ The American Heart Association.  
 382 ~~8.9.~~ The American Lung Association of Florida.  
 383 ~~9.10.~~ The American Diabetes Association, South Coastal  
 384 Region.  
 385 ~~10.11.~~ The Alzheimer's Association.  
 386 ~~11.12.~~ The Epilepsy Foundation.  
 387 ~~12.13.~~ The National Parkinson Foundation.  
 388 ~~13.14.~~ The Florida Public Health Institute, Inc.  
 389 ~~14.15.~~ The Florida Research Consortium.  
 390 Section 3. Section 381.912, Florida Statutes, is repealed.  
 391 Section 4. Section 381.92, Florida Statutes, is repealed.  
 392 Section 5. Section 381.921, Florida Statutes, is repealed.  
 393 Section 6. Section 381.922, Florida Statutes, is amended to  
 394 read:  
 395 381.922 William G. "Bill" Bankhead, Jr., and David Coley  
 396 Cancer Research Program.—  
 397 (1) The William G. "Bill" Bankhead, Jr., and David Coley  
 398 Cancer Research Program, which may be otherwise cited as the  
 399 "Bankhead-Coley Program," is created within the Department of  
 400 Health. The purpose of the program shall be to advance progress  
 401 towards cures for cancer using through grants awarded through a  
 402 peer-reviewed, competitive process and to expand cancer research  
 403 and treatment capacity in this state.  
 404 (2) The program shall provide grants for cancer research,  
 405 including cancer clinical trials projects as provided in this  
 406 section, to further the search for cures for cancer; for

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407 recruiting cancer researchers and research teams to institutions  
408 in the state; for operational start-up grants for newly  
409 recruited cancer researchers and research teams; or for  
410 equipment expenditures related to the expansion of cancer  
411 research and treatment capacity in the state.

412 (a) Emphasis shall be given to the following goals that are  
413 designed to foster dramatic improvement in cancer research  
414 capacity in the state enumerated in s. ~~381.921~~, as they ~~those~~  
415 goals support the advancement of ~~such~~ cures:-

416 1. Significantly expand cancer research capacity in the  
417 state by identifying ways to attract new research talent and  
418 attendant national grant-producing researchers to cancer  
419 research facilities in this state; implement a peer-reviewed,  
420 competitive process to identify and fund the best proposals to  
421 expand cancer research institutes in this state; fund through  
422 available resources those proposals that demonstrate the  
423 greatest opportunity to attract federal research grants and  
424 private financial support; encourage the employment of  
425 bioinformatics in order to create a cancer informatics  
426 infrastructure that enhances information and resource exchange  
427 and integration through researchers working in diverse  
428 disciplines; facilitate the full spectrum of cancer  
429 investigations; facilitate the technical coordination, business  
430 development, and support of intellectual property as it relates  
431 to the advancement of cancer research; and aid in other  
432 multidisciplinary research-support activities as they inure to  
433 the advancement of cancer research.

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

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- 436 a. Identifying ways to increase enrollment in cancer  
437 clinical trials;
- 438 b. Supporting public and private professional education  
439 programs designed to increase the awareness and knowledge about  
440 cancer clinical trials;
- 441 c. Providing tools to cancer patients and community-based  
442 oncologists to aid in the identification of cancer clinical  
443 trials available in the state; and
- 444 d. Creating opportunities for the state's academic cancer  
445 centers to collaborate with community-based oncologists in  
446 cancer clinical trials networks.
- 447 3. Reduce the impact of cancer on disparate groups by  
448 identifying those cancers that disproportionately impact certain  
449 demographic groups and building collaborations designed to  
450 reduce health disparities as they relate to cancer.
- 451 (b) Preference may be given to grant proposals that foster  
452 collaborations among institutions, researchers, and community  
453 practitioners, as such proposals support the advancement of  
454 cures through basic or applied research, including clinical  
455 trials involving cancer patients and related networks and the  
456 transfer of knowledge gained from research into the practice of  
457 community practitioners.
- 458 (3) (a) Applications for funding for cancer research may be  
459 submitted by any university or established research institute in  
460 the state. All qualified investigators in the state, regardless  
461 of institutional affiliation, shall have equal access and  
462 opportunity to compete for the research funding. Collaborative  
463 proposals, including those that advance the program's goals  
464 enumerated in subsection (2), may be given preference. Grants



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465 shall be awarded by the State Surgeon General, after  
466 consultation with the Biomedical Research Advisory Council  
467 established in s. 215.5602, on the basis of scientific merit, as  
468 determined by an open, competitive peer review process that  
469 ensures objectivity, consistency, and high quality. The  
470 following types of applications shall be considered for funding:

- 471 1. Investigator-initiated research grants.
- 472 2. Institutional research and training grants.
- 473 3. Predoctoral and postdoctoral research fellowships.

474 ~~4.3.~~ Collaborative research grants, including those that  
475 advance the finding of cures through basic or applied research.

476 5. Clinical trial project grants, particularly those  
477 projects such as matching services that identify prospective  
478 clinical trials treatment options for cancer patients in this  
479 state or those projects that otherwise foster greater rates of  
480 participation in trials. At least one such grant shall be  
481 awarded in any given year if a meritorious proposal or proposals  
482 are received. Such project grant proposals are not required to  
483 be posed as a research question in order to qualify for an  
484 award.

485 (b) For any given year, the Biomedical Research Advisory  
486 Council may recommend up to one-third of the allocation for  
487 grants by the William G. "Bill" Bankhead, Jr., and David Coley  
488 Cancer Research Program for the recruitment of cancer  
489 researchers and research teams to institutions in the state, for  
490 operational start-up grants for newly recruited cancer  
491 researchers and research teams, or for equipment expenditures  
492 related to the expansion of cancer research and treatment  
493 capacity in the state. For the purposes of implementing this

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494 paragraph, the council may develop a grant application and  
495 review mechanism other than the process for reviewing research  
496 proposals prescribed in paragraph (c); however, such mechanism  
497 shall ensure a fair and rigorous analysis of the merit of any  
498 proposals considered under this paragraph.

499 (c)~~(b)~~ In order to ensure that all proposals for research  
500 funding are appropriate and are evaluated fairly on the basis of  
501 scientific merit, the State Surgeon General, in consultation  
502 with the council, shall appoint a peer review panel of  
503 independent, scientifically qualified individuals to review the  
504 scientific content of each proposal and establish its priority  
505 score. The priority scores shall be forwarded to the council and  
506 must be considered in determining which proposals shall be  
507 recommended for funding.

508 (d)~~(e)~~ The council and the peer review panel shall  
509 establish and follow rigorous guidelines for ethical conduct and  
510 adhere to a strict policy with regard to conflicts of interest.  
511 A member of the council or panel may not participate in any  
512 council or panel discussion or decision with respect to a  
513 research proposal, or any proposal related to those projects  
514 contemplated in paragraph (b), by any firm, entity, or agency  
515 with which the member is associated as a member of the governing  
516 body or as an employee or with which the member has entered into  
517 a contractual arrangement. Meetings of the council and the peer  
518 review panels are subject to chapter 119, s. 286.011, and s. 24,  
519 Art. I of the State Constitution.

520 (4) By February 1 ~~December 15~~ of each year, the Department  
521 of Health shall submit to the Governor, the President of the  
522 Senate, and the Speaker of the House of Representatives a report

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523 indicating progress towards the program's mission and making  
524 recommendations that further its purpose.

525 (5) The William G. "Bill" Bankhead, Jr., and David Coley  
526 Cancer Research Program is funded pursuant to s. 215.5602(12)  
527 and this section, with an annual allocation of \$25 million.  
528 Funds appropriated for the William G. "Bill" Bankhead, Jr., and  
529 David Coley Cancer Research Program shall be distributed  
530 pursuant to this section to provide grants to researchers  
531 seeking cures for cancer and cancer-related illnesses, with  
532 emphasis given to the goals enumerated in paragraph (2) (a) s.  
533 381.921. From the total funds appropriated, an amount of up to  
534 7.5 ~~10~~ percent may be used for administrative expenses. ~~In the~~  
535 ~~2009-2010 fiscal year, 2.5 percent, not to exceed \$25 million,~~  
536 ~~of the revenue deposited into the Health Care Trust Fund~~  
537 ~~pursuant to s. 215.5602(12) (a) shall be transferred to the~~  
538 ~~Biomedical Research Trust Fund within the Department of Health~~  
539 ~~for the William G. "Bill" Bankhead, Jr., and David Coley Cancer~~  
540 ~~Research Program.~~

541 (6) The Department of Health may accept gifts made  
542 unconditionally by will or otherwise, deposit them into the  
543 Biomedical Research Trust Fund, and use them for grant or  
544 fellowship awards in the William G. "Bill" Bankhead, Jr., and  
545 David Coley Cancer Research Program. Any gift made under  
546 conditions that, in the judgment of the department, upon  
547 consultation with the council, are proper and consistent with  
548 this section, the laws of the United States, and state law, may  
549 be accepted and shall be held, invested, reinvested, and used in  
550 accordance with the conditions of the gift. ~~By June 1, 2009, the~~  
551 ~~Division of Statutory Revision of the Office of Legislative~~

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552 ~~Services shall certify to the President of the Senate and the~~  
553 ~~Speaker of the House of Representatives the language and~~  
554 ~~statutory citation of this section, which is scheduled to expire~~  
555 ~~January 1, 2011.~~

556 ~~(7) The Legislature shall review the performance, the~~  
557 ~~outcomes, and the financial management of the William C. "Bill"~~  
558 ~~Bankhead, Jr., and David Coley Cancer Research Program during~~  
559 ~~the 2010 Regular Session of the Legislature and shall determine~~  
560 ~~the most appropriate funding source and means of funding the~~  
561 ~~program based on its review.~~

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

564 Section 7. Section 381.923, Florida Statutes, is created to  
565 read:

566 381.923 Comprehensive cancer control.-

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

569 (2) LEGISLATIVE INTENT.-It is the finding of the  
570 Legislature that:

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

575 (b) Research shows that certain lifestyles and exposures,  
576 such as tobacco use, exposure to ultraviolet radiation from the  
577 sun, and exposure to occupational and environmental carcinogens,  
578 contribute to the risk for many types of cancer and that certain  
579 screening tests are effective in finding cancer early when it is  
580 more treatable. The role of diet, exercise, and other healthy

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581 lifestyles are also important in cancer prevention and control.  
582 Proven causes of cancer and methods for early detection should  
583 be publicized and be the subject of linguistically and  
584 culturally appropriate educational and awareness programs for  
585 the prevention of cancer.

586 (c) An effective cancer control program would mobilize the  
587 scientific, educational, and medical resources that presently  
588 exist into an intense attack against this dreaded disease, with  
589 the primary goal to reduce the cancer burden for the residents  
590 of this state.

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

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

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

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

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

601 (e) "Program" means the Florida Cancer Control  
602 Collaborative Program.

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

606 (4) FLORIDA CANCER CONTROL AND RESOURCE ADVISORY COUNCIL;  
607 CREATION; COMPOSITION.—

608 (a) There is created within the H. Lee Moffitt Cancer  
609 Center and Research Institute, Inc., the Florida Cancer Control

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610 and Resource Advisory Council. The council shall consist of  
611 cancer organizational representation and cancer control  
612 stakeholders, with a chairperson elected by the council  
613 membership for a term of 2 years. Each council member must be a  
614 resident of this state. Three members representing the general  
615 public shall be appointed by the Governor. The Governor shall  
616 make three separate appointments for 1-year, 2-year, and 3-year  
617 terms beginning July 1, 2010; thereafter, gubernatorial  
618 appointments to the council shall be for 3-year terms. The  
619 President of the Senate and the Speaker of the House of  
620 Representatives shall appoint one member from his or her  
621 legislative body to serve on the council at any given time. Each  
622 of the following organizations shall designate a representative  
623 to serve on the council:

- 624 1. H. Lee Moffitt Cancer Center and Research Institute,  
625 Inc.
- 626 2. University of Florida Shands Cancer Center.
- 627 3. University of Miami Sylvester Comprehensive Cancer  
628 Center.
- 629 4. Mayo Clinic, Florida.
- 630 5. M.D. Anderson Cancer Center, Florida.
- 631 6. American Cancer Society, Florida Division.
- 632 7. American Lung Association of the Southeast.
- 633 8. American Association for Retired Persons.
- 634 9. Department of Health.
- 635 10. Department of Education.
- 636 11. Florida Tumor Registrars Association.
- 637 12. Florida Cancer Data System.
- 638 13. Florida Society of Oncology Social Workers.

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- 639       14. Florida Oncology Nurses Society.  
640       15. Florida Society of Clinical Oncology.  
641       16. Florida Association of Pediatric Tumor Programs, Inc.  
642       17. Florida Medical Association.  
643       18. Florida Hospital Association.  
644       19. Florida Nursing Association.  
645       20. Florida Dental Association.  
646       21. Florida Osteopathic Association.  
647       22. University of Florida College of Medicine.  
648       23. University of Miami College of Medicine.  
649       24. University of South Florida College of Medicine.  
650       25. Florida State University College of Medicine.  
651       26. University of Central Florida College of Medicine.  
652       27. Nova Southeastern College of Osteopathic Medicine.  
653       28. Florida International University College of Medicine.  
654       29. Lake Erie School of Osteopathic Medicine.  
655       30. Biomedical Research Advisory Council.  
656       31. Center for Universal Research to Eradicate Disease.  
657       32. A representative from each of the regional Cancer  
658 Control Collaboratives.

659       (b) An executive committee, which shall be responsible for  
660 coordinating the activities and planning the direction of the  
661 full council, shall be comprised of the council's elected  
662 chairman, one at-large member elected by the full council, and  
663 the members representing the Department of Health, the American  
664 Cancer Society, the H. Lee Moffitt Cancer Center and Research  
665 Institute, Inc., the University of Florida Shands Cancer Center,  
666 and the University of Miami Sylvester Comprehensive Cancer  
667 Center, as well as the appointee of the President of the Senate,

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668 the appointee of the Speaker of the House of Representatives,  
669 and one of the gubernatorial appointees, who shall be designated  
670 by the council's chairman. Should the council chairman be a  
671 designee from one of the named entities in this paragraph, the  
672 full council shall elect a second at-large position to serve on  
673 the executive committee. The elected positions on the executive  
674 committee shall be for terms of 2 years.

675 (c) The council shall meet at least semiannually. A  
676 majority of members shall constitute a quorum for the purpose of  
677 exercising all of the powers of the council.

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

681 (e) A member of the council may not participate in any  
682 council discussion or decision to recommend any type of award or  
683 contract to any qualified nonprofit association or to any agency  
684 of this state or its political subdivisions with which the  
685 member is associated as a member of the governing body or as an  
686 employee or with which the member has entered into a contractual  
687 arrangement.

688 (f) The council may prescribe, amend, and repeal bylaws  
689 governing the manner in which the business of the council is  
690 conducted.

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

694 (h) The council shall approve a plan for cancer control to  
695 be known as the "Florida Cancer Plan," which shall be consistent  
696 to the extent possible with other cancer or health-related state



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697 plans and integrated and coordinated with existing programs in  
698 this state. The council shall review and approve the plan at  
699 least every 2 years.

700 (i) The council shall formulate and recommend to the  
701 Governor, the Legislature, the State Surgeon General, and other  
702 state policymakers a plan for the prevention and early detection  
703 of cancer which is evidence-based and consistent with standards  
704 of practice and supported by evidence-based medicine. The State  
705 Surgeon General and other state policymakers shall consider the  
706 plan in developing departmental priorities and funding  
707 priorities and standards under chapter 385.

708 (j) The council shall provide expertise and input in the  
709 content and development of the Florida Cancer Plan.  
710 Recommendations shall include the coordination and integration  
711 of other state plans concerned with cancer control. Committees  
712 may be formed by the council so that the following areas will be  
713 established as entities for actions:

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

717 2. Cancer prevention.

718 3. Cancer detection.

719 4. Cancer treatments.

720 5. Support services for cancer patients and caregivers.

721 6. Cancer education for laypersons and professionals.

722 7. Other cancer-control-related topics.

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

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

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

732 (n) By December 1 of each year, the council shall report  
733 any findings and recommendations to the Governor, the President  
734 of the Senate, the Speaker of the House of Representatives, and  
735 the State Surgeon General.

736 (o) If funds for this purpose are specifically appropriated  
737 by the Legislature, the council shall develop or purchase  
738 standardized written summaries, written in layperson's terms and  
739 in language easily understood by the average adult patient,  
740 informing actual and high-risk breast cancer patients, prostate  
741 cancer patients, and men who are considering prostate cancer  
742 screening of the medically viable treatment alternatives  
743 available to them in the effective management of breast cancer  
744 and prostate cancer; describing such treatment alternatives; and  
745 explaining the relative advantages, disadvantages, and risks  
746 associated therewith. The breast cancer summary, upon its  
747 completion, shall be printed in the form of a pamphlet or  
748 booklet and made continuously available to physicians and  
749 surgeons in this state for their use in accordance with s.  
750 458.324 and to osteopathic physicians in this state for their  
751 use in accordance with s. 459.0125. The council shall  
752 periodically update both summaries to reflect current standards  
753 of medical practice in the treatment of breast cancer and  
754 prostate cancer. If funds for this purpose are specifically

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755 appropriated by the Legislature, the council shall develop and  
756 implement educational programs, including distribution of the  
757 summaries developed or purchased under this paragraph, to inform  
758 citizen groups, associations, and voluntary organizations about  
759 early detection and treatment of breast cancer and prostate  
760 cancer.

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

763 (a) The H. Lee Moffitt Cancer Center and Research  
764 Institute, Inc., shall provide a full-time executive director to  
765 coordinate, facilitate, and communicate the mission and  
766 responsibilities of the council. Additional administrative  
767 support, information, and other assistance shall also be  
768 provided as reasonably necessary for the completion of the  
769 responsibilities of the council.

770 (b) From the funds appropriated annually for the William G.  
771 "Bill" Bankhead, Jr., and David Coley Cancer Research Program,  
772 the sum of \$150,000 shall be allocated to the H. Lee Moffitt  
773 Cancer Center and Research Institute, Inc., for the  
774 administrative costs and staff support to convene and facilitate  
775 the responsibilities of the council.

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

778 (d) The Florida Cancer Plan is established within the  
779 Department of Health. The Department of Health shall consult  
780 with the council in developing the plan, prioritizing goals, and  
781 allocating resources.

782 (6) FLORIDA CANCER CONTROL COLLABORATIVE PROGRAM; CREATION;  
783 COMPOSITION.—

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784       (a) The Cancer Control Collaborative Program is established  
785 within the Department of Health and resides within the cancer  
786 program. The program is responsible for overseeing and providing  
787 infrastructure for the state cancer collaborative network. The  
788 primary mission of the program is to implement the plan's  
789 initiatives and identify and facilitate the local development of  
790 solutions to cancer control needs of the populations served by  
791 the regional cancer control collaboratives. The Cancer Control  
792 Collaborative Program shall prioritize programs and resources to  
793 reduce the burden of cancer in this state, consistent with the  
794 plan.

795       (b) The Department of Health shall appoint a cancer program  
796 director, who is responsible for supervising the collaborative  
797 program. At a minimum, centralized organization, communications,  
798 information technology, shared resources, and cancer control  
799 expertise shall be provided to the regional cancer control  
800 collaboratives by the Department of Health.

801       (c) Each regional cancer control collaborative shall bring  
802 together local cancer stakeholders, develop bylaws, identify  
803 priority cancer control needs of its region, and develop  
804 solutions to solve problems, consistent with the plan and the  
805 goal of reducing the burden of cancer in this state. Each  
806 collaborative shall meet at least semiannually and send  
807 representation to the council meetings.

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

812       (e) The Cancer Control Collaborative Program shall serve as

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813 the infrastructure for expansion or adaptation as federal  
814 programs or other opportunities arise for future cancer control  
815 initiatives. The development of the infrastructure for local  
816 cancer control collaboratives, to the extent possible, shall be  
817 designed to leverage opportunities for funding from the United  
818 States Centers for Disease Control or other federal sources.

819 Section 8. Subsection (1) and paragraph (a) of subsection  
820 (2) of section 458.324, Florida Statutes, are amended to read:

821 458.324 Breast cancer; information on treatment  
822 alternatives.—

823 (1) DEFINITION.—As used in this section, the term  
824 “medically viable,” as applied to treatment alternatives, means  
825 modes of treatment generally considered by the medical  
826 profession to be within the scope of current, acceptable  
827 standards, including treatment alternatives described in the  
828 written summary prepared by the Florida Cancer Control and  
829 Resource Research ~~Advisory~~ Council in accordance with s.  
830 381.923(4)(o) ~~s. 1004.435(4)(m)~~.

831 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—Each physician  
832 treating a patient who is, or in the judgment of the physician  
833 is at high risk of being, diagnosed as having breast cancer  
834 shall inform such patient of the medically viable treatment  
835 alternatives available to such patient; shall describe such  
836 treatment alternatives; and shall explain the relative  
837 advantages, disadvantages, and risks associated with the  
838 treatment alternatives to the extent deemed necessary to allow  
839 the patient to make a prudent decision regarding such treatment  
840 options. In compliance with this subsection:

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

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- 842 1. Orally communicate such information directly to the  
843 patient or the patient's legal representative;
- 844 2. Provide the patient or the patient's legal  
845 representative with a copy of the written summary prepared in  
846 accordance with s. 381.923(4) (o) ~~s. 1004.435(4) (m)~~ and express a  
847 willingness to discuss the summary with the patient or the  
848 patient's legal representative; or
- 849 3. Both communicate such information directly and provide a  
850 copy of the written summary to the patient or the patient's  
851 legal representative for further consideration and possible  
852 later discussion.

853

854 Nothing in this subsection shall reduce other provisions of law  
855 regarding informed consent.

856 Section 9. Subsection (1) and paragraph (a) of subsection  
857 (2) of section 459.0125, Florida Statutes, are amended to read:

858 459.0125 Breast cancer; information on treatment  
859 alternatives.—

860 (1) DEFINITION.—As used in this section, the term  
861 "medically viable," as applied to treatment alternatives, means  
862 modes of treatment generally considered by the medical  
863 profession to be within the scope of current, acceptable  
864 standards, including treatment alternatives described in the  
865 written summary prepared by the Florida Cancer Control and  
866 Resource Research ~~Research~~ Advisory Council in accordance with s.  
867 381.923(4) (o) ~~s. 1004.435(4) (m)~~.

868 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—It is the  
869 obligation of every physician treating a patient who is, or in  
870 the judgment of the physician is at high risk of being,

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871 diagnosed as having breast cancer to inform such patient of the  
872 medically viable treatment alternatives available to such  
873 patient; to describe such treatment alternatives; and to explain  
874 the relative advantages, disadvantages, and risks associated  
875 with the treatment alternatives to the extent deemed necessary  
876 to allow the patient to make a prudent decision regarding such  
877 treatment options. In compliance with this subsection:

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

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

881 2. Provide the patient or the patient's legal  
882 representative with a copy of the written summary prepared in  
883 accordance with s. 381.923(4)(o) ~~s. 1004.435(4)(m)~~ and express  
884 her or his willingness to discuss the summary with the patient  
885 or the patient's legal representative; or

886 3. Both communicate such information directly and provide a  
887 copy of the written summary to the patient or the patient's  
888 legal representative for further consideration and possible  
889 later discussion.

890

891 Nothing in this subsection shall reduce other provisions of law  
892 regarding informed consent.

893 Section 10. Section 1004.435, Florida Statutes, is  
894 repealed.

895 Section 11. This act shall take effect July 1, 2010.