

FOR CONSIDERATION By the Committee on 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 establishing a staggered membership for appointed
8 members of the Biomedical Research Advisory Council;
9 requiring the Department of Health to adopt rules to
10 administer the James and Esther King Biomedical
11 Research Program and the William G. "Bill" Bankhead,
12 Jr., and David Coley Cancer Research Program;
13 requiring the council to recommend to the State
14 Surgeon General, rather than award, grants for cancer
15 research through the William G. "Bill" Bankhead, Jr.,
16 and David Coley Cancer Research Program; authorizing
17 the Department of Health to accept and use gifts for
18 awards under the James and Esther King Biomedical
19 Research Program; deleting obsolete provisions;
20 deleting a provision providing for the future
21 expiration of the James and Esther King Biomedical
22 Research Program; amending s. 381.922, F.S.; providing
23 a funding source for the William G. "Bill" Bankhead,
24 Jr., and David Coley Cancer Research Program;
25 authorizing the Department of Health to accept and use
26 gifts for awards under the William G. "Bill" Bankhead,
27 Jr., and David Coley Cancer Research Program; deleting
28 obsolete provisions; deleting provisions providing for
29 the future expiration of the William G. "Bill"

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30 Bankhead, Jr., and David Coley Cancer Research
31 Program; providing an effective date.
32

33 Be It Enacted by the Legislature of the State of Florida:
34

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

37 215.5602 James and Esther King Biomedical Research
38 Program.—

39 (1) There is established within the Department of Health
40 the James and Esther King Biomedical Research Program ~~funded by~~
41 ~~the proceeds of the Lawton Chiles Endowment Fund pursuant to s.~~
42 ~~215.5601~~. The purpose of the James and Esther King Biomedical
43 Research Program is to provide an annual and perpetual source of
44 funding in order to support research initiatives that address
45 the health care problems of Floridians in the areas of tobacco-
46 related cancer, cardiovascular disease, stroke, and pulmonary
47 disease. The long-term goals of the program are to:

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

51 (b) Expand the foundation of biomedical knowledge relating
52 to the prevention, diagnosis, treatment, and cure of diseases
53 related to tobacco use, including cancer, cardiovascular
54 disease, stroke, and pulmonary disease.

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

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

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59 undertaking new initiatives in public health and biomedical
60 research that will attract additional funding from outside the
61 state.

62 (e) Stimulate economic activity in the state in areas
63 related to biomedical research, such as the research and
64 production of pharmaceuticals, biotechnology, and medical
65 devices.

66 (2) Funds appropriated for the James and Esther King
67 Biomedical Research Program shall be used exclusively for the
68 award of grants and fellowships as established in this section;
69 for research relating to the prevention, diagnosis, treatment,
70 and cure of diseases related to tobacco use, including cancer,
71 cardiovascular disease, stroke, and pulmonary disease; ~~and~~ for
72 expenses incurred in the administration of this section; and as
73 provided in paragraph (12) (a). Priority shall be granted to
74 research designed to prevent or cure disease.

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

77 (a) The council shall consist of 11 members, including: the
78 chief executive officer of the Florida Division of the American
79 Cancer Society, or a designee; the chief executive officer of
80 the Florida/Puerto Rico Affiliate of the American Heart
81 Association, or a designee; and the chief executive officer of
82 the American Lung Association of Florida, or a designee. The
83 remaining 8 members of the council shall be appointed as
84 follows:

85 1. The Governor shall appoint four members, two members
86 with expertise in the field of biomedical research, one member
87 from a research university in the state, and one member

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88 representing the general population of the state.

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

93 3. The Speaker of the House of Representatives shall
94 appoint two members, one member from a professional medical
95 organization and one representative from a cancer program
96 approved by the American College of Surgeons.

97
98 In making these appointments, the Governor, the President of the
99 Senate, and the Speaker of the House of Representatives shall
100 select primarily, but not exclusively, Floridians with
101 biomedical and lay expertise in the general areas of cancer,
102 cardiovascular disease, stroke, and pulmonary disease. The
103 appointments shall be for 4-year staggered terms ~~a 3-year term~~
104 and shall reflect the diversity of the state's population. An
105 appointed member may not serve more than two consecutive terms.
106 The first two appointments by the Governor and the first
107 appointment by the President of the Senate and the Speaker of
108 the House of Representatives on or after July 1, 2010, shall be
109 for a term of 2 years.

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

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

115 (d) Members of the council shall serve without
116 compensation, but are entitled to ~~may~~ receive reimbursement as

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117 provided in s. 112.061 for travel and other necessary expenses
118 incurred in the performance of their official duties.

119 (4) The council shall advise the State Surgeon General as
120 to the direction and scope of the biomedical research program.
121 The responsibilities of the council may include, but are not
122 limited to:

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

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

125 (c) Participating in periodic program evaluation.

126 (d) Assisting in the development of guidelines to ensure
127 fairness, neutrality, and adherence to the principles of merit
128 and quality in the conduct of the program.

129 (e) Assisting in the development of appropriate linkages to
130 nonacademic entities, such as voluntary organizations, health
131 care delivery institutions, industry, government agencies, and
132 public officials.

133 (f) Developing criteria and standards for the award of
134 research grants.

135 (g) Developing administrative procedures relating to
136 solicitation, review, and award of research grants and
137 fellowships, to ensure an impartial, high-quality peer review
138 system.

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

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

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

144 (5) (a) Applications for biomedical research funding under
145 the program may be submitted from any university or established

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146 research institute in the state. All qualified investigators in
147 the state, regardless of institution affiliation, shall have
148 equal access and opportunity to compete for the research
149 funding.

150 (b) Grants and fellowships shall be awarded by the State
151 Surgeon General, after consultation with the council, on the
152 basis of scientific merit, as determined by an open competitive
153 peer review process that ensures objectivity, consistency, and
154 high quality. The following types of applications shall be
155 considered for funding:

- 156 1. Investigator-initiated research grants.
- 157 2. Institutional research grants.
- 158 3. Predoctoral and postdoctoral research fellowships.

159 (6) To ensure that all proposals for research funding are
160 appropriate and are evaluated fairly on the basis of scientific
161 merit, the State Surgeon General, in consultation with the
162 council, shall appoint a peer review panel of independent,
163 scientifically qualified individuals to review the scientific
164 content of each proposal and establish its scientific priority
165 score. The priority scores shall be forwarded to the council and
166 must be considered in determining which proposals shall be
167 recommended for funding.

168 (7) The council and the peer review panel shall establish
169 and follow rigorous guidelines for ethical conduct and adhere to
170 a strict policy with regard to conflict of interest. A member of
171 the council or panel may not participate in any discussion or
172 decision with respect to a research proposal by any firm,
173 entity, or agency with which the member is associated as a
174 member of the governing body or as an employee, or with which

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175 the member has entered into a contractual arrangement. Meetings
176 of the council and the peer review panels shall be subject to
177 the provisions of chapter 119, s. 286.011, and s. 24, Art. I of
178 the State Constitution.

179 (8) The Department of Health may contract on a competitive-
180 bid basis with an appropriate entity to administer the program.
181 Administrative expenses may not exceed 15 percent of the total
182 funds available to the program in any given year.

183 (9) The Department of Health, after consultation with the
184 council, shall ~~may~~ adopt rules as necessary to administer
185 ~~implement~~ this section and s. 381.922.

186 (10) The council shall submit an annual progress report on
187 the state of biomedical research in this state to the Florida
188 Center for Universal Research to Eradicate Disease and to the
189 Governor, the State Surgeon General, the President of the
190 Senate, and the Speaker of the House of Representatives by
191 February 1. The report must include:

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

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

195 (c) A list of publications in peer reviewed journals
196 involving research supported by grants or fellowships awarded
197 under the program.

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

200 (e) New grants for biomedical research which were funded
201 based on research supported by grants or fellowships awarded
202 under the program.

203 (f) Progress in the prevention, diagnosis, treatment, and

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204 cure of diseases related to tobacco use, including cancer,
205 cardiovascular disease, stroke, and pulmonary disease.

206 (11) The council shall recommend to the State Surgeon
207 General ~~award~~ grants for cancer research through the William G.
208 "Bill" Bankhead, Jr., and David Coley Cancer Research Program
209 created in s. 381.922.

210 (12) (a) From funds appropriated to accomplish the goals of
211 this section, up to \$250,000 shall be available for the
212 operating costs of the Florida Center for Universal Research to
213 Eradicate Disease.

214 (b) ~~(a)~~ Beginning in the 2009-2010 fiscal year and
215 thereafter, 5 percent of the revenue deposited into the Health
216 Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7) shall
217 be reserved for research of tobacco-related or cancer-related
218 illnesses through the James and Esther King Biomedical Research
219 Program and the William G. "Bill" Bankhead, Jr., and David Coley
220 Cancer Research Program; however, the sum of the revenue
221 reserved pursuant to ss. 210.011(9) and 210.276(7) may not
222 exceed \$50 million in any fiscal year.

223 ~~(b) In the 2009-2010 fiscal year, 2.5 percent, not to~~
224 ~~exceed \$25 million, of the revenue deposited into the Health~~
225 ~~Care Trust Fund pursuant to this subsection shall be transferred~~
226 ~~to the Biomedical Research Trust Fund within the Department of~~
227 ~~Health for the James and Esther King Biomedical Research~~
228 ~~Program.~~

229 (13) The Department of Health may accept gifts made
230 unconditionally by will or otherwise, deposit them into the
231 Biomedical Research Trust Fund, and use them for grant or
232 fellowship awards in the James and Esther King Biomedical

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233 Research Program. Any gift made under conditions that, in the
234 judgment of the department, upon consultation with the council,
235 are proper and consistent with this section, the laws of the
236 United States, and state law, may be accepted and shall be held,
237 invested, reinvested, and used in accordance with the conditions
238 of the gift. By June 1, 2009, the Division of Statutory Revision
239 of the Office of Legislative Services shall certify to the
240 President of the Senate and the Speaker of the House of
241 Representatives the language and statutory citation of this
242 section, which is scheduled to expire January 1, 2011.

243 ~~(14) The Legislature shall review the performance, the~~
244 ~~outcomes, and the financial management of the James and Esther~~
245 ~~King Biomedical Research Program during the 2010 Regular Session~~
246 ~~of the Legislature and shall determine the most appropriate~~
247 ~~funding source and means of funding the program based on its~~
248 ~~review.~~

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

251 Section 2. Subsections (5), (6), (7), and (8) of section
252 381.922, Florida Statutes, are amended to read:

253 381.922 William G. "Bill" Bankhead, Jr., and David Coley
254 Cancer Research Program.—

255 (5) The William G. "Bill" Bankhead, Jr., and David Coley
256 Cancer Research Program is funded pursuant to s. 215.5602(12)
257 and this section. Funds appropriated for the William G. "Bill"
258 Bankhead, Jr., and David Coley Cancer Research Program shall be
259 distributed pursuant to this section to provide grants to
260 researchers seeking cures for cancer and cancer-related
261 illnesses, with emphasis given to the goals enumerated in s.

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262 381.921. From the total funds appropriated, an amount of up to
263 10 percent may be used for administrative expenses. ~~In the 2009-~~
264 ~~2010 fiscal year, 2.5 percent, not to exceed \$25 million, of the~~
265 ~~revenue deposited into the Health Care Trust Fund pursuant to s.~~
266 ~~215.5602(12) (a) shall be transferred to the Biomedical Research~~
267 ~~Trust Fund within the Department of Health for the William G.~~
268 ~~"Bill" Bankhead, Jr., and David Coley Cancer Research Program.~~

269 (6) The Department of Health may accept gifts made
270 unconditionally by will or otherwise, deposit them into the
271 Biomedical Research Trust Fund, and use them for grant awards in
272 the William G. "Bill" Bankhead, Jr., and David Coley Cancer
273 Research Program. Any gift made under conditions that, in the
274 judgment of the department, upon consultation with the council,
275 are proper and consistent with this section, the laws of the
276 United States, and state law, may be accepted and shall be held,
277 invested, reinvested, and used in accordance with the conditions
278 of the gift. By June 1, 2009, the Division of Statutory Revision
279 of the Office of Legislative Services shall certify to the
280 President of the Senate and the Speaker of the House of
281 Representatives the language and statutory citation of this
282 section, which is scheduled to expire January 1, 2011.

283 ~~(7) The Legislature shall review the performance, the~~
284 ~~outcomes, and the financial management of the William G. "Bill"~~
285 ~~Bankhead, Jr., and David Coley Cancer Research Program during~~
286 ~~the 2010 Regular Session of the Legislature and shall determine~~
287 ~~the most appropriate funding source and means of funding the~~
288 ~~program based on its review.~~

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

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Section 3. This act shall take effect July 1, 2010.