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1                   A bill to be entitled  
2           An act relating to biomedical research programs; amending  
3           s. 215.5602, F.S.; deleting provisions requiring that the  
4           James and Esther King Biomedical Research Program be  
5           funded by proceeds from the Lawton Chiles Endowment Fund;  
6           modifying the terms and membership and establishing a  
7           staggered membership for appointed members of the  
8           Biomedical Research Advisory Council; authorizing the  
9           Biomedical Research Advisory Council to recommend a  
10          portion of the allocation for the James and Esther King  
11          Biomedical Research Program for specified purposes;  
12          reducing the percentage of funds available for  
13          administrative expenses of the James and Esther King  
14          Biomedical Research Program; requiring the Department of  
15          Health to adopt rules to administer the James and Esther  
16          King Biomedical Research Program and the William G. "Bill"  
17          Bankhead, Jr., and David Coley Cancer Research Program;  
18          increasing the funding available to the Florida Center for  
19          Universal Research to Eradicate Disease; allocating a  
20          certain amount of money to the James and Esther King  
21          Biomedical Research Program and the William G. "Bill"  
22          Bankhead, Jr., and David Coley Cancer Research Program;  
23          authorizing the Department of Health to accept and use  
24          gifts for awards under the James and Esther King  
25          Biomedical Research Program; deleting obsolete provisions;  
26          deleting a provision providing for the future expiration  
27          of the James and Esther King Biomedical Research Program;  
28          repealing s. 381.912, F.S., relating to the Cervical

29 Cancer Elimination Task Force; repealing s. 381.92, F.S.,  
30 relating to the Florida Cancer Council; repealing s.  
31 381.921, F.S., relating to the mission and duties of the  
32 Florida Cancer Council; amending s. 381.922, F.S.;  
33 revising the purpose of the William G. "Bill" Bankhead,  
34 Jr., and David Coley Cancer Research Program; revising the  
35 duties and goals of the William G. "Bill" Bankhead, Jr.,  
36 and David Coley Cancer Research Program; revising the  
37 types of applications considered for funding; authorizing  
38 the Biomedical Research Advisory Council to recommend a  
39 portion of the allocation for the William G. "Bill"  
40 Bankhead, Jr., and David Coley Cancer Research Program for  
41 specified purposes; requiring the department to submit to  
42 the Governor and Legislature a report by a specified date;  
43 providing a funding source for the William G. "Bill"  
44 Bankhead, Jr., and David Coley Cancer Research Program;  
45 reducing the percentage of funds available for  
46 administrative expenses of the William G. "Bill" Bankhead,  
47 Jr., and David Coley Cancer Research Program; authorizing  
48 the Department of Health to accept and use gifts for  
49 awards under the William G. "Bill" Bankhead, Jr., and  
50 David Coley Cancer Research Program; deleting obsolete  
51 provisions; deleting provisions providing for the future  
52 expiration of the William G. "Bill" Bankhead, Jr., and  
53 David Coley Cancer Research Program; creating s. 381.923,  
54 F.S., relating to the Florida Comprehensive Cancer Control  
55 Act; providing a short title; providing legislative  
56 intent; providing definitions; creating the Florida Cancer

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

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85 providing duties for each collaborative; requiring the  
 86 collaborative program to submit to the Florida Cancer  
 87 Control and Resource Advisory Council an annual report by  
 88 a specified date; requiring the Cancer Control  
 89 Collaborative Program to serve as the infrastructure for  
 90 expansion or adaption as federal programs or other  
 91 opportunities arise for future cancer control initiatives;  
 92 amending ss. 381.855, 458.324, and 459.0125, F.S.;

93 deleting obsolete provisions; repealing s. 1004.435, F.S.,  
 94 relating to cancer control and research; providing an  
 95 effective date.

96

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

98

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

101 215.5602 James and Esther King Biomedical Research  
 102 Program.—

103 (1) There is established within the Department of Health  
 104 the James and Esther King Biomedical Research Program ~~funded by~~  
 105 ~~the proceeds of the Lawton Chiles Endowment Fund pursuant to s.~~  
 106 ~~215.5601~~. The purpose of the James and Esther King Biomedical  
 107 Research Program is to provide an annual and perpetual source of  
 108 funding in order to support research initiatives that address  
 109 the health care problems of Floridians in the areas of tobacco-  
 110 related cancer, cardiovascular disease, stroke, and pulmonary  
 111 disease. The long-term goals of the program are to:

112 (a) Improve the health of Floridians by researching better

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113 prevention, diagnoses, treatments, and cures for cancer,  
114 cardiovascular disease, stroke, and pulmonary disease.

115 (b) Expand the foundation of biomedical knowledge relating  
116 to the prevention, diagnosis, treatment, and cure of diseases  
117 related to tobacco use, including cancer, cardiovascular  
118 disease, stroke, and pulmonary disease.

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

122 (d) Increase the state's per capita funding for research  
123 by undertaking new initiatives in public health and biomedical  
124 research that will attract additional funding from outside the  
125 state.

126 (e) Stimulate economic activity in the state in areas  
127 related to biomedical research, such as the research and  
128 production of pharmaceuticals, biotechnology, and medical  
129 devices.

130 (2) Funds appropriated for the James and Esther King  
131 Biomedical Research Program shall be used exclusively for the  
132 award of grants and fellowships as established in this section;  
133 for research relating to the prevention, diagnosis, treatment,  
134 and cure of diseases related to tobacco use, including cancer,  
135 cardiovascular disease, stroke, and pulmonary disease; ~~and~~ for  
136 expenses incurred in the administration of this section; and as  
137 provided in subsections (5) and (12). Priority shall be granted  
138 to research designed to prevent or cure disease.

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

141 (a) The council shall consist of 13 ~~14~~ members, including:  
 142 the chief executive officer of the Florida Division of the  
 143 American Cancer Society, or a designee; the chief executive  
 144 officer of the Greater Southeast Florida/~~Puerto Rico~~ Affiliate  
 145 of the American Heart Association, or a designee; ~~and~~ the chief  
 146 executive officer of the American Lung Association of Florida,  
 147 or a designee; the chief executive officer of Enterprise  
 148 Florida, or a designee; and the chief executive officer of  
 149 BioFlorida, or a designee. The remaining 8 members of the  
 150 council shall be appointed as follows:

151 1. The Governor shall appoint four members, two members  
 152 with expertise in the field of biomedical research, one member  
 153 from a research university in the state, and one member  
 154 representing the general population of the state.

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

159 3. The Speaker of the House of Representatives shall  
 160 appoint two members, one member from a professional medical  
 161 organization and one representative from a cancer program  
 162 approved by the American College of Surgeons.

163  
 164 In making these appointments, the Governor, the President of the  
 165 Senate, and the Speaker of the House of Representatives shall  
 166 select primarily, but not exclusively, Floridians with  
 167 biomedical and lay expertise in the general areas of cancer,  
 168 cardiovascular disease, stroke, and pulmonary disease. The

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169 appointments shall be for 4-year staggered terms ~~a 3-year term~~  
170 and shall reflect the diversity of the state's population. An  
171 appointed member may not serve more than two consecutive terms.  
172 The first two appointments by the Governor and the first  
173 appointment by the President of the Senate and the Speaker of  
174 the House of Representatives on or after July 1, 2010, shall be  
175 for a term of 2 years.

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

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

181 (d) Members of the council shall serve without  
182 compensation, but may receive reimbursement as provided in s.  
183 112.061 for travel and other necessary expenses incurred in the  
184 performance of their official duties.

185 (4) The council shall advise the State Surgeon General as  
186 to the direction and scope of the biomedical research program.  
187 The responsibilities of the council may include, but are not  
188 limited to:

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

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

191 (c) Participating in periodic program evaluation.

192 (d) Assisting in the development of guidelines to ensure  
193 fairness, neutrality, and adherence to the principles of merit  
194 and quality in the conduct of the program.

195 (e) Assisting in the development of appropriate linkages  
196 to nonacademic entities, such as voluntary organizations, health

197 care delivery institutions, industry, government agencies, and  
 198 public officials.

199 (f) Developing criteria and standards for the award of  
 200 research grants.

201 (g) Developing administrative procedures relating to  
 202 solicitation, review, and award of research grants and  
 203 fellowships, to ensure an impartial, high-quality peer review  
 204 system.

205 (h) Developing and supervising research peer review  
 206 panels.

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

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

211 (5)(a) Applications for biomedical research funding under  
 212 the program may be submitted from any university or established  
 213 research institute in the state. All qualified investigators in  
 214 the state, regardless of institution affiliation, shall have  
 215 equal access and opportunity to compete for the research  
 216 funding.

217 (b) Grants and fellowships shall be awarded by the State  
 218 Surgeon General, after consultation with the council, on the  
 219 basis of scientific merit, as determined by an open competitive  
 220 peer review process that ensures objectivity, consistency, and  
 221 high quality. The following types of applications shall be  
 222 considered for funding:

- 223 1. Investigator-initiated research grants.
- 224 2. Institutional research and training grants.



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225 3. Predoctoral and postdoctoral research fellowships.

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

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

244 (7) The council and the peer review panel shall establish  
245 and follow rigorous guidelines for ethical conduct and adhere to  
246 a strict policy with regard to conflict of interest. A member of  
247 the council or panel may not participate in any discussion or  
248 decision with respect to a research proposal by any firm,  
249 entity, or agency with which the member is associated as a  
250 member of the governing body or as an employee, or with which  
251 the member has entered into a contractual arrangement. Meetings  
252 of the council and the peer review panels shall be subject to

253 the provisions of chapter 119, s. 286.011, and s. 24, Art. I of  
 254 the State Constitution.

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

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

268 (10) The council shall submit an annual progress report on  
 269 the state of biomedical research in this state to the Florida  
 270 Center for Universal Research to Eradicate Disease and to the  
 271 Governor, the State Surgeon General, the President of the  
 272 Senate, and the Speaker of the House of Representatives by  
 273 February 1. The report must include:

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

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

277 (c) A list of publications in peer reviewed journals  
 278 involving research supported by grants or fellowships awarded  
 279 under the program.

280 (d) The total amount of biomedical research funding

281 | currently flowing into the state.

282 | (e) New grants for biomedical research which were funded  
 283 | based on research supported by grants or fellowships awarded  
 284 | under the program.

285 | (f) Progress in the prevention, diagnosis, treatment, and  
 286 | cure of diseases related to tobacco use, including cancer,  
 287 | cardiovascular disease, stroke, and pulmonary disease.

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

291 | (12) (a) From funds appropriated to accomplish the goals of  
 292 | this section, up to \$500,000 ~~\$250,000~~ shall be available for the  
 293 | operating costs of the Florida Center for Universal Research to  
 294 | Eradicate Disease.

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

305 | ~~(b) In the 2009-2010 fiscal year, 2.5 percent, not to~~  
 306 | ~~exceed \$25 million, of the revenue deposited into the Health~~  
 307 | ~~Care Trust Fund pursuant to this subsection shall be transferred~~  
 308 | ~~to the Biomedical Research Trust Fund within the Department of~~

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309 ~~Health for the James and Esther King Biomedical Research~~  
310 ~~Program.~~

311       (13) The Department of Health may accept gifts made  
312 unconditionally by will or otherwise, deposit them into the  
313 Biomedical Research Trust Fund, and use them for grant or  
314 fellowship awards in the James and Esther King Biomedical  
315 Research Program. Any gift made under conditions that, in the  
316 judgment of the department, upon consultation with the council,  
317 are proper and consistent with this section, the laws of the  
318 United States, and state law, may be accepted and shall be held,  
319 invested, reinvested, and used in accordance with the conditions  
320 of the gift. By June 1, 2009, the Division of Statutory Revision  
321 ~~of the Office of Legislative Services shall certify to the~~  
322 ~~President of the Senate and the Speaker of the House of~~  
323 ~~Representatives the language and statutory citation of this~~  
324 ~~section, which is scheduled to expire January 1, 2011.~~

325       (14) ~~The Legislature shall review the performance, the~~  
326 ~~outcomes, and the financial management of the James and Esther~~  
327 ~~King Biomedical Research Program during the 2010 Regular Session~~  
328 ~~of the Legislature and shall determine the most appropriate~~  
329 ~~funding source and means of funding the program based on its~~  
330 ~~review.~~

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

333       Section 2. Section 381.912, Florida Statutes, is repealed.

334       Section 3. Section 381.92, Florida Statutes, is repealed.

335       Section 4. Section 381.921, Florida Statutes, is repealed.

336       Section 5. Section 381.922, Florida Statutes, is amended

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337 to read:

338 381.922 William G. "Bill" Bankhead, Jr., and David Coley  
339 Cancer Research Program.—

340 (1) The William G. "Bill" Bankhead, Jr., and David Coley  
341 Cancer Research Program, which may be otherwise cited as the  
342 "Bankhead-Coley Program," is created within the Department of  
343 Health. The purpose of the program shall be to advance progress  
344 towards cures for cancer using ~~through~~ grants awarded through a  
345 peer-reviewed, competitive process and to expand cancer research  
346 and treatment capacity in this state.

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

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

359 1. Significantly expand cancer research capacity in the  
360 state by identifying ways to attract new research talent and  
361 attendant national grant-producing researchers to cancer  
362 research facilities in this state; implement a peer-reviewed,  
363 competitive process to identify and fund the best proposals to  
364 expand cancer research institutes in this state; fund through

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365 available resources those proposals that demonstrate the  
366 greatest opportunity to attract federal research grants and  
367 private financial support; encourage the employment of  
368 bioinformatics in order to create a cancer informatics  
369 infrastructure that enhances information and resource exchange  
370 and integration through researchers working in diverse  
371 disciplines; facilitate the full spectrum of cancer  
372 investigations; facilitate the technical coordination, business  
373 development, and support of intellectual property as it relates  
374 to the advancement of cancer research; and aid in other  
375 multidisciplinary research-support activities as they inure to  
376 the advancement of cancer research.

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

379 a. Identifying ways to increase enrollment in cancer  
380 clinical trials;

381 b. Supporting public and private professional education  
382 programs designed to increase the awareness and knowledge about  
383 cancer clinical trials;

384 c. Providing tools to cancer patients and community-based  
385 oncologists to aid in the identification of cancer clinical  
386 trials available in the state; and

387 d. Creating opportunities for the state's academic cancer  
388 centers to collaborate with community-based oncologists in  
389 cancer clinical trials networks.

390 3. Reduce the impact of cancer on disparate groups by  
391 identifying those cancers that disproportionately impact certain  
392 demographic groups and building collaborations designed to

393 reduce health disparities as they relate to cancer.

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

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

- 414 1. Investigator-initiated research grants.
- 415 2. Institutional research and training grants.
- 416 3. Predoctoral and postdoctoral research fellowships.
- 417 ~~4.3.~~ Collaborative research grants, including those that  
 418 advance the finding of cures through basic or applied research.
- 419 5. Clinical trial project grants, particularly those  
 420 projects such as matching services that identify prospective

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421 clinical trials treatment options for cancer patients in this  
422 state or those projects that otherwise foster greater rates of  
423 participation in trials. At least one such grant shall be  
424 awarded in any given year if a meritorious proposal or proposals  
425 are received. Such project grant proposals are not required to  
426 be posed as a research question in order to qualify for an  
427 award.

428 (b) For any given year, the Biomedical Research Advisory  
429 Council may recommend up to one-third of the allocation for the  
430 William G. "Bill" Bankhead, Jr. and David Coley Cancer Research  
431 Program for the recruitment of cancer researchers and research  
432 teams to institutions in the state, for operational start-up  
433 grants for newly recruited cancer researchers and research  
434 teams, or for equipment expenditures related to the expansion of  
435 cancer research and treatment capacity in the state.

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

445 (d)~~(e)~~ The council and the peer review panel shall  
446 establish and follow rigorous guidelines for ethical conduct and  
447 adhere to a strict policy with regard to conflicts of interest.  
448 A member of the council or panel may not participate in any



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449 discussion or decision with respect to a research proposal by  
 450 any firm, entity, or agency with which the member is associated  
 451 as a member of the governing body or as an employee or with  
 452 which the member has entered into a contractual arrangement.  
 453 Meetings of the council and the peer review panels are subject  
 454 to chapter 119, s. 286.011, and s. 24, Art. I of the State  
 455 Constitution.

456 (4) By February 1 ~~December 15~~ of each year, the Department  
 457 of Health shall submit to the Governor, the President of the  
 458 Senate, and the Speaker of the House of Representatives a report  
 459 indicating progress towards the program's mission and making  
 460 recommendations that further its purpose.

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

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477           (6) The Department of Health may accept gifts made  
 478 unconditionally by will or otherwise, deposit them into the  
 479 Biomedical Research Trust Fund, and use them for grant or  
 480 fellowship awards in the William G. "Bill" Bankhead, Jr. and  
 481 David Coley Cancer Research Program. Any gift made under  
 482 conditions that, in the judgment of the department, upon  
 483 consultation with the council, are proper and consistent with  
 484 this section, the laws of the United States, and state law, may  
 485 be accepted and shall be held, invested, reinvested, and used in  
 486 accordance with the conditions of the gift. By June 1, 2009, the  
 487 ~~Division of Statutory Revision of the Office of Legislative~~  
 488 ~~Services shall certify to the President of the Senate and the~~  
 489 ~~Speaker of the House of Representatives the language and~~  
 490 ~~statutory citation of this section, which is scheduled to expire~~  
 491 ~~January 1, 2011.~~

492           ~~(7) The Legislature shall review the performance, the~~  
 493 ~~outcomes, and the financial management of the William G. "Bill"~~  
 494 ~~Bankhead, Jr., and David Coley Cancer Research Program during~~  
 495 ~~the 2010 Regular Session of the Legislature and shall determine~~  
 496 ~~the most appropriate funding source and means of funding the~~  
 497 ~~program based on its review.~~

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

500           Section 6. Section 381.923, Florida Statutes, is created  
 501 to read:

502           381.923 Comprehensive cancer control.-

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

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505 (2) LEGISLATIVE INTENT.—It is the finding of the  
506 Legislature that:

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

511 (b) Research shows that certain lifestyles and exposures,  
512 such as tobacco use, exposure to ultraviolet radiation from the  
513 sun, and exposure to occupational and environmental carcinogens,  
514 contribute to the risk for many types of cancer and that certain  
515 screening tests are effective in finding cancer early when it is  
516 more treatable. The role of diet, exercise, and other healthy  
517 lifestyles are also important in cancer prevention and control.  
518 Proven causes of cancer and methods for early detection should  
519 be publicized and be the subject of linguistically and  
520 culturally appropriate educational and awareness programs for  
521 the prevention of cancer.

522 (c) An effective cancer control program would mobilize the  
523 scientific, educational, and medical resources that presently  
524 exist into an intense attack against this dreaded disease, with  
525 the primary goal to reduce the cancer burden for the residents  
526 of this state.

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

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

530 (b) "Council" means the Florida Cancer Control and  
531 Resource Advisory Council, which is an advisory body appointed  
532 to function on a continuing basis to recommend solutions and

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533 policy alternatives to the Governor, members of the Legislature,  
534 the State Surgeon General, and other policymakers.

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

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

537 (e) "Program" means the Florida Cancer Control

538 Collaborative Program.

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

542 (4) FLORIDA CANCER CONTROL AND RESOURCE ADVISORY COUNCIL;  
543 CREATION; COMPOSITION.—

544 (a) There is created within the H. Lee Moffitt Cancer  
545 Center and Research Institute, Inc., the Florida Cancer Control  
546 and Resource Advisory Council. The council shall consist of  
547 cancer organizational representation and cancer control  
548 stakeholders, with an elected chairperson. Each member must be a  
549 resident of this state. Three members representing the general  
550 public shall be appointed by the Governor. The President of the  
551 Senate and the Speaker of the House of Representatives shall  
552 each appoint one member from his or her legislative body to the  
553 council. Other members shall be selected to represent agencies  
554 and organizations in this state which are involved with various  
555 aspects of cancer control. These may include nonprofit  
556 organizations, professional associations, governmental agencies,  
557 medical schools, schools of public health, hospitals, cancer  
558 centers, cancer survivor groups, and other relevant cancer  
559 stakeholder organizations. Each of the following organizations  
560 shall appoint a representative to serve on the council:

- 561 |       1. H. Lee Moffitt Cancer Center and Research Institute,
- 562 | Inc.
- 563 |       2. University of Florida Shands Cancer Center.
- 564 |       3. University of Miami Sylvester Comprehensive Cancer
- 565 | Center.
- 566 |       4. Mayo Clinic, Florida.
- 567 |       5. M.D. Anderson Cancer Center, Florida.
- 568 |       6. American Cancer Society, Florida Division.
- 569 |       7. American Association for Retired Persons.
- 570 |       8. Department of Health.
- 571 |       9. Department of Education.
- 572 |       10. Florida Tumor Registrars Association.
- 573 |       11. Florida Cancer Data System.
- 574 |       12. Florida Society of Oncology Social Workers.
- 575 |       13. Florida Oncology Nurses Society.
- 576 |       14. Florida Society of Clinical Oncology.
- 577 |       15. Florida Association of Pediatric Tumor Programs, Inc.
- 578 |       16. Cancer Information Service.
- 579 |       17. Florida Medical Association.
- 580 |       18. Florida Hospital Association.
- 581 |       19. Florida Nursing Association.
- 582 |       20. Florida Dental Association.
- 583 |       21. Florida Osteopathic Association.
- 584 |       22. University of Florida College of Medicine.
- 585 |       23. University of Miami College of Medicine.
- 586 |       24. University of South Florida College of Medicine.
- 587 |       25. Florida State University College of Medicine.
- 588 |       26. University of Central Florida College of Medicine.

- 589        27. Nova Southeastern College of Osteopathic Medicine.  
 590        28. University of Central Florida College of Medicine.  
 591        29. Florida International University College of Medicine.  
 592        30. Lake Erie School of Osteopathic Medicine.  
 593        31. Biomedical Research Advisory Council.  
 594        32. Center for Universal Research to Eradicate Disease.  
 595        33. A representative from each of the regional Cancer  
 596 Control Collaboratives.

597        (b) An executive committee shall be comprised of the  
 598 council's elected chairman, one at-large member elected by the  
 599 full council, and the members representing the Department of  
 600 Health, the American Cancer Society, the H. Lee Moffitt Cancer  
 601 Center and Research Institute, Inc., the University of Florida  
 602 Shands Cancer Center, and the University of Miami Sylvester  
 603 Comprehensive Cancer Center, as well as the appointee of the  
 604 President of the Senate, the appointee of the Speaker of the  
 605 House of Representatives, and one of the gubernatorial  
 606 appointees, who shall be designated by the council's chairman.  
 607 Should the council chairman be a designee from one of the named  
 608 entities in this paragraph, the full council shall elect a  
 609 second at-large position to serve on the executive committee.  
 610 The elected positions on the executive committee shall be for  
 611 terms of 2 years.

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

615        (d) The council members shall serve without compensation,  
 616 but are entitled to reimbursement for per diem and travel

617 expenses as provided in s. 112.061.

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

625 (f) The council may prescribe, amend, and repeal bylaws  
626 governing the manner in which the business of the council is  
627 conducted.

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

632 (h) The council shall approve a program for cancer control  
633 to be known as the "Florida Cancer Plan," which shall be  
634 consistent to the extent possible with other cancer or health-  
635 related state plans and integrated and coordinated with existing  
636 programs in this state. The council shall review and approve the  
637 plan at least every 2 years.

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

645 priorities and standards under chapter 395.

646 (j) The council shall provide expertise and input in the  
 647 content and development of the Florida Cancer Plan.

648 Recommendations shall include the coordination and integration  
 649 of other state plans concerned with cancer control. Committees  
 650 may be formed by the council so that the following areas will be  
 651 established as entities for actions:

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

655 2. Cancer prevention.

656 3. Cancer detection.

657 4. Cancer treatments.

658 5. Support services for cancer patients and caregivers.

659 6. Cancer education for laypersons and professionals.

660 7. Other cancer-control-related topics.

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

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

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

670 (n) By December 1 of each year, the council shall report  
 671 any findings and recommendations to the Governor, the President  
 672 of the Senate, the Speaker of the House of Representatives, and



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673 the State Surgeon General.

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

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

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

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

691 (d) The Florida Cancer Plan is established within the  
692 Department of Health. The Department of Health shall consult  
693 with the council in developing the plan, prioritizing goals, and  
694 allocating resources. The plan shall be approved by the council.  
695 The Cancer Control Collaborative Program shall prioritize  
696 programs and resources to reduce the burden of cancer in this  
697 state, consistent with the plan.

698 (6) FLORIDA CANCER CONTROL COLLABORATIVE PROGRAM;  
699 CREATION; COMPOSITION.—

700 (a) The Cancer Control Collaborative Program is

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701 established within the Department of Health and resides within  
702 the cancer program. The program is responsible for overseeing  
703 and providing infrastructure for the state cancer collaborative  
704 network. The primary mission of the program is to implement the  
705 plan's initiatives and identify and facilitate the local  
706 development of solutions to cancer control needs of the  
707 populations served by the regional cancer control  
708 collaboratives.

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

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

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

726 (e) The Cancer Control Collaborative Program shall serve  
727 as the infrastructure for expansion or adaptation as federal  
728 programs or other opportunities arise for future cancer control

729 initiatives. The development of the infrastructure for local  
 730 cancer control collaboratives, to the extent possible, shall be  
 731 designed to leverage opportunities for funding from the United  
 732 States Centers for Disease Control or other federal sources.

733 Section 7. Paragraph (a) of subsection (5) of section  
 734 381.855, Florida Statutes, is amended to read:

735 381.855 Florida Center for Universal Research to Eradicate  
 736 Disease.—

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

739 (a) The council shall consist of one representative from a  
 740 Florida not-for-profit institution engaged in basic and clinical  
 741 biomedical research and education which receives more than \$10  
 742 million in annual grant funding from the National Institutes of  
 743 Health, to be appointed by the State Surgeon General from a  
 744 different institution each term, and one representative from and  
 745 appointed by each of the following entities:

- 746 1. Enterprise Florida, Inc.
- 747 2. BioFlorida.
- 748 3. The Biomedical Research Advisory Council.
- 749 4. The Florida Medical Foundation.
- 750 5. Pharmaceutical Research and Manufacturers of America.
- 751 ~~6. The Florida Cancer Council.~~
- 752 6.7. The American Cancer Society, Florida Division, Inc.
- 753 7.8. The American Heart Association.
- 754 8.9. The American Lung Association of Florida.
- 755 9.10. The American Diabetes Association, South Coastal  
 756 Region.

757 10.11. The Alzheimer's Association.

758 11.12. The Epilepsy Foundation.

759 12.13. The National Parkinson Foundation.

760 13.14. The Florida Public Health Institute, Inc.

761 14.15. The Florida Research Consortium.

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

764 458.324 Breast cancer; information on treatment  
765 alternatives.—

766 (1) DEFINITION.—As used in this section, the term  
767 "medically viable," as applied to treatment alternatives, means  
768 modes of treatment generally considered by the medical  
769 profession to be within the scope of current, acceptable  
770 standards, including treatment alternatives described in the  
771 written summary prepared by the Florida Cancer Control and  
772 Resource Research Advisory Council ~~in accordance with s.~~  
773 ~~1004.435(4)(m).~~

774 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—Each  
775 physician treating a patient who is, or in the judgment of the  
776 physician is at high risk of being, diagnosed as having breast  
777 cancer shall inform such patient of the medically viable  
778 treatment alternatives available to such patient; shall describe  
779 such treatment alternatives; and shall explain the relative  
780 advantages, disadvantages, and risks associated with the  
781 treatment alternatives to the extent deemed necessary to allow  
782 the patient to make a prudent decision regarding such treatment  
783 options. In compliance with this subsection:

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

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

787 2. Provide the patient or the patient's legal  
788 representative with a copy of the written summary ~~prepared in~~  
789 ~~accordance with s. 1004.435(4)(m)~~ and express a willingness to  
790 discuss the summary with the patient or the patient's legal  
791 representative; or

792 3. Both communicate such information directly and provide  
793 a copy of the written summary to the patient or the patient's  
794 legal representative for further consideration and possible  
795 later discussion.

796  
797 Nothing in this subsection shall reduce other provisions of law  
798 regarding informed consent.

799 Section 9. Subsection (1) and paragraph (a) of subsection  
800 (2) of section 459.0125, Florida Statutes, are amended to read:  
801 459.0125 Breast cancer; information on treatment  
802 alternatives.—

803 (1) DEFINITION.—As used in this section, the term  
804 "medically viable," as applied to treatment alternatives, means  
805 modes of treatment generally considered by the medical  
806 profession to be within the scope of current, acceptable  
807 standards, including treatment alternatives described in the  
808 written summary prepared by the Florida Cancer Control and  
809 Resource Research ~~Advisory Council in accordance with s.~~  
810 ~~1004.435(4)(m)~~.

811 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—It is the  
812 obligation of every physician treating a patient who is, or in

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813 the judgment of the physician is at high risk of being,  
 814 diagnosed as having breast cancer to inform such patient of the  
 815 medically viable treatment alternatives available to such  
 816 patient; to describe such treatment alternatives; and to explain  
 817 the relative advantages, disadvantages, and risks associated  
 818 with the treatment alternatives to the extent deemed necessary  
 819 to allow the patient to make a prudent decision regarding such  
 820 treatment options. In compliance with this subsection:

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

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

824 2. Provide the patient or the patient's legal  
 825 representative with a copy of the written summary ~~prepared in~~  
 826 ~~accordance with s. 1004.435(4)(m)~~ and express her or his  
 827 willingness to discuss the summary with the patient or the  
 828 patient's legal representative; or

829 3. Both communicate such information directly and provide  
 830 a copy of the written summary to the patient or the patient's  
 831 legal representative for further consideration and possible  
 832 later discussion.

833  
 834 ~~Nothing in~~ This subsection does not ~~shall~~ reduce other  
 835 provisions of law regarding informed consent.

836 Section 10. Section 1004.435, Florida Statutes, is  
 837 repealed.

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