

By Senator Flores

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1 A bill to be entitled
2 An act relating to biomedical research; amending s.
3 20.435, F.S.; revising the number of years that the
4 balance of an appropriation from the Biomedical
5 Research Trust Fund may be carried forward following
6 the effective date of the original appropriation;
7 amending s. 215.5602, F.S.; revising a reference to an
8 affiliate chapter of the American Heart Association;
9 revising the terms of appointment for certain members
10 of the Biomedical Research Advisory Council within the
11 Department of Health; revising the responsibilities of
12 the council; requiring that the department, rather
13 than the State Surgeon General, in consultation with
14 the council, appoint a peer review panel of
15 independent, scientifically qualified individuals to
16 review the scientific merit of each proposal and
17 establish its scientific priority score under the
18 James and Esther King Biomedical Research Program;
19 providing that certain types of applications may be
20 considered for funding by the James and Esther King
21 Biomedical Research Program; deleting a reference to
22 meetings between peer review panels and the council;
23 providing that grant programs under the purview of the
24 advisory council are exempt from rulemaking authority;
25 requiring that the council submit an annual progress
26 report for each fiscal year on programs under its
27 purview to certain entities by a specified date;
28 revising the required content of the report; amending
29 s. 381.855, F.S.; specifying the name of an affiliate

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30 chapter of the American Heart Association as it
31 relates to the membership of the advisory council
32 within the Florida Center for Universal Research to
33 Eradicate Disease; amending s. 381.922, F.S.;

34 requiring that the department, rather than the State
35 Surgeon General, in consultation with the council,
36 appoint a peer review panel of independent,
37 scientifically qualified individuals to review the
38 scientific merit of each proposal and establish its
39 scientific priority score under the William G. "Bill"
40 Bankhead, Jr., and David Coley Cancer Research
41 Program; providing that certain types of applications
42 may be considered for funding in the William G. "Bill"
43 Bankhead, Jr., and David Coley Cancer Research
44 Program; deleting a reference to meetings between peer
45 review panels and the council; deleting the
46 requirement that the department submit to the Governor
47 and the Legislature a report that indicates progress
48 toward the program's mission and makes recommendations
49 that further its purpose; providing an effective date.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Paragraph (c) of subsection (8) of section
54 20.435, Florida Statutes, is amended to read:

55 20.435 Department of Health; trust funds.—The following
56 trust funds shall be administered by the Department of Health:

57 (8) Biomedical Research Trust Fund.

58 (c) Notwithstanding s. 216.301 and pursuant to s. 216.351,

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59 any balance of any appropriation from the Biomedical Research
60 Trust Fund which is not disbursed but which is obligated
61 pursuant to contract or committed to be expended may be carried
62 forward for up to 5 ~~3~~ years following the effective date of the
63 original appropriation.

64 Section 2. Paragraph (a) of subsection (3), subsection (4),
65 paragraph (b) of subsection (5), and subsections (6), (7), (9),
66 and (10) of section 215.5602, Florida Statutes, are amended to
67 read:

68 215.5602 James and Esther King Biomedical Research
69 Program.—

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

72 (a) The council shall consist of 11 members, including: the
73 chief executive officer of the Florida Division of the American
74 Cancer Society, or a designee; the chief executive officer of
75 the Greater Southeast Florida/Puerto Rico ~~Florida/Puerto Rico~~ Affiliate of the
76 American Heart Association, or a designee; and the chief
77 executive officer of the American Lung Association of Florida,
78 or a designee. The remaining 8 members of the council shall be
79 appointed as follows:

80 1. The Governor shall appoint four members, two members
81 with expertise in the field of biomedical research, one member
82 from a research university in the state, and one member
83 representing the general population of the state.

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

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88 3. The Speaker of the House of Representatives shall
89 appoint two members, one member from a professional medical
90 organization and one representative from a cancer program
91 approved by the American College of Surgeons.

92
93 In making these appointments, the Governor, the President of the
94 Senate, and the Speaker of the House of Representatives shall
95 select primarily, but not exclusively, Floridians with
96 biomedical and lay expertise in the general areas of cancer,
97 cardiovascular disease, stroke, and pulmonary disease. The
98 appointments shall be for a 3-year term and shall reflect the
99 diversity of the state's population. An appointed member may not
100 serve more than two consecutive terms. The first two
101 appointments by the Governor and the first appointment by the
102 President of the Senate and the Speaker of the House of
103 Representatives on or after July 1, 2012, shall be for a term of
104 2 years.

105 (4) The council shall advise the State Surgeon General as
106 to the direction and scope of the biomedical research program.
107 The responsibilities of the council may include, but are not
108 limited to:

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

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

111 (c) Participating in periodic program evaluation.

112 (d) Assisting in the development of guidelines to ensure
113 fairness, neutrality, and adherence to the principles of merit
114 and quality in the conduct of the program.

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

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117 care delivery institutions, industry, government agencies, and
118 public officials.

119 (f) Developing criteria and standards for the award of
120 research grants.

121 (g) Developing administrative procedures relating to
122 solicitation, review, and award of research grants and
123 fellowships, to ensure an impartial, high-quality peer review
124 system.

125 ~~(h) Developing and supervising research peer review panels.~~

126 (h)~~(i)~~ Reviewing reports of peer review panels and making
127 recommendations for research grants and fellowships.

128 (i)~~(j)~~ Developing and providing oversight regarding
129 mechanisms for the dissemination of research results.

130 (5)

131 (b) Grants and fellowships shall be awarded by the State
132 Surgeon General, after consultation with the council, on the
133 basis of scientific merit, as determined by an open competitive
134 peer review process that ensures objectivity, consistency, and
135 high quality. The following types of applications may ~~shall~~ be
136 considered for funding:

137 1. Investigator-initiated research grants.

138 2. Institutional research grants.

139 3. Predoctoral and postdoctoral research fellowships.

140 (6) To ensure that all proposals for research funding are
141 appropriate and are evaluated fairly on the basis of scientific
142 merit, the department ~~State Surgeon General, in consultation~~
143 ~~with the council,~~ shall appoint a peer review panel of
144 independent, scientifically qualified individuals to review the
145 scientific merit ~~content~~ of each proposal and establish its

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146 scientific priority score. The priority scores shall be
147 forwarded to the council and must be considered in determining
148 which proposals shall be recommended for funding.

149 (7) The council and the peer review panel shall establish
150 and follow rigorous guidelines for ethical conduct and adhere to
151 a strict policy with regard to conflict of interest. A member of
152 the council or panel may not participate in any discussion or
153 decision of the council or panel with respect to a research
154 proposal by any firm, entity, or agency with which the member is
155 associated as a member of the governing body or as an employee,
156 or with which the member has entered into a contractual
157 arrangement. Meetings of the council are ~~and the peer review~~
158 ~~panels shall be~~ subject to ~~the provisions of~~ chapter 119, s.
159 286.011, and s. 24, Art. I of the State Constitution.

160 (9) The grant programs under the purview of the council are
161 exempt from rulemaking authority under chapter 120 ~~department,~~
162 ~~after consultation with the council, may adopt rules as~~
163 ~~necessary to implement this section.~~

164 (10) The council shall submit an annual progress report for
165 each fiscal year on programs under its purview ~~on the state of~~
166 ~~biomedical research in this state~~ to the Florida Center for
167 Universal Research to Eradicate Disease and to the Governor, the
168 State Surgeon General, the President of the Senate, and the
169 Speaker of the House of Representatives by December 15 ~~February~~
170 1. The report must include:

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

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

174 (c) A list of publications in peer reviewed journals

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175 involving research supported by grants or fellowships awarded
176 under the program.

177 (d) The state ranking and total amount of biomedical
178 research funding currently flowing into the state from the
179 National Institutes of Health.

180 (e) New grants for biomedical research which were funded
181 based on research supported by grants or fellowships awarded
182 under the program.

183 (f) Progress toward the program's goals, particularly in
184 the prevention, diagnosis, treatment, and cure of diseases
185 related to tobacco use, including cancer, cardiovascular
186 disease, stroke, and pulmonary disease.

187 (g) Recommendations that further the program's mission.

188 Section 3. Paragraph (a) of subsection (5) of section
189 381.855, Florida Statutes, is amended to read:

190 381.855 Florida Center for Universal Research to Eradicate
191 Disease.—

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

194 (a) The council shall consist of one representative from a
195 Florida not-for-profit institution engaged in basic and clinical
196 biomedical research and education which receives more than \$10
197 million in annual grant funding from the National Institutes of
198 Health, to be appointed by the State Surgeon General from a
199 different institution each term, and one representative from and
200 appointed by each of the following entities:

- 201 1. Enterprise Florida, Inc.
- 202 2. BioFlorida.
- 203 3. The Biomedical Research Advisory Council.

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- 204 4. The Florida Medical Foundation.
- 205 5. Pharmaceutical Research and Manufacturers of America.
- 206 6. The American Cancer Society, Florida Division, Inc.
- 207 7. The American Heart Association, Greater Southeast
- 208 Affiliate.
- 209 8. The American Lung Association of Florida.
- 210 9. The American Diabetes Association, South Coastal Region.
- 211 10. The Alzheimer's Association.
- 212 11. The Epilepsy Foundation.
- 213 12. The National Parkinson Foundation.
- 214 13. The Florida Public Health Institute, Inc.
- 215 14. The Florida Research Consortium.
- 216 Section 4. Subsections (3), (4), and (5) of section
- 217 381.922, Florida Statutes, are amended to read:
- 218 381.922 William G. "Bill" Bankhead, Jr., and David Coley
- 219 Cancer Research Program.—
- 220 (3)(a) Applications for funding for cancer research may be
- 221 submitted by any university or established research institute in
- 222 the state. All qualified investigators in the state, regardless
- 223 of institutional affiliation, shall have equal access and
- 224 opportunity to compete for the research funding. Collaborative
- 225 proposals, including those that advance the program's goals
- 226 enumerated in subsection (2), may be given preference. Grants
- 227 shall be awarded by the department ~~State Surgeon General, after~~
- 228 ~~consultation with the Biomedical Research Advisory Council~~, on
- 229 the basis of scientific merit, as determined by an open,
- 230 competitive peer review process that ensures objectivity,
- 231 consistency, and high quality. The following types of
- 232 applications may ~~shall~~ be considered for funding:

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- 233 1. Investigator-initiated research grants.
234 2. Institutional research grants.
235 3. Collaborative research grants, including those that
236 advance the finding of cures through basic or applied research.

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

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

257 ~~(4) By December 15 of each year, the Department of Health~~
258 ~~shall submit to the Governor, the President of the Senate, and~~
259 ~~the Speaker of the House of Representatives a report indicating~~
260 ~~progress towards the program's mission and making~~
261 ~~recommendations that further its purpose.~~

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262 (4)~~(5)~~ The William G. "Bill" Bankhead, Jr., and David Coley
263 Cancer Research Program is funded pursuant to s. 215.5602(12).
264 Funds appropriated for the William G. "Bill" Bankhead, Jr., and
265 David Coley Cancer Research Program shall be distributed
266 pursuant to this section to provide grants to researchers
267 seeking cures for cancer and cancer-related illnesses, with
268 emphasis given to the goals enumerated in this section. From the
269 total funds appropriated, an amount of up to 10 percent may be
270 used for administrative expenses. From funds appropriated to
271 accomplish the goals of this section, up to \$250,000 shall be
272 available for the operating costs of the Florida Center for
273 Universal Research to Eradicate Disease.

274 Section 5. This act shall take effect July 1, 2012.