

By the Committee on Governmental Oversight and Accountability;
and Senator Flores

585-02459-12

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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 provision that
22 subjects meetings of the council and peer review
23 panels to public records and public meetings
24 requirements; providing that grant programs under the
25 purview of the advisory council are exempt from
26 rulemaking authority; requiring that the council
27 submit an annual progress report for each fiscal year
28 on programs under its purview to certain entities by a
29 specified date; revising the required content of the

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30 report; amending s. 381.855, F.S.; specifying the name
31 of an affiliate chapter of the American Heart
32 Association as it relates to the membership of the
33 advisory council within the Florida Center for
34 Universal Research to Eradicate Disease; amending s.
35 381.922, F.S.; requiring that the department, rather
36 than the State Surgeon General, in consultation with
37 the council, appoint a peer review panel of
38 independent, scientifically qualified individuals
39 award grants under the William G. "Bill" Bankhead,
40 Jr., and David Coley Cancer Research Program;
41 providing that certain types of applications may be
42 considered for funding in the William G. "Bill"
43 Bankhead, Jr., and David Coley Cancer Research
44 Program; requiring that the department, rather than
45 the State Surgeon General, without the consultation of
46 the council, appoint a peer review panel of
47 independent, scientifically qualified individuals to
48 review the scientific merit of each proposal for
49 research funding and establish its priority score;
50 deleting a provision that subjects meetings of the
51 council and peer review panels to public records and
52 public meetings requirements; deleting the requirement
53 that the department submit to the Governor and the
54 Legislature a report that indicates progress toward
55 the program's mission and makes recommendations that
56 further its purpose; providing an effective date.

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

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

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

(8) Biomedical Research Trust Fund.

(c) Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance of any appropriation from the Biomedical Research Trust Fund which is not disbursed but which is obligated pursuant to contract or committed to be expended may be carried forward for up to 5 ~~3~~ years following the effective date of the original appropriation.

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

215.5602 James and Esther King Biomedical Research Program.—

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

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

1. The Governor shall appoint four members, two members

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88 with expertise in the field of biomedical research, one member
89 from a research university in the state, and one member
90 representing the general population of the state.

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

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

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100 In making these appointments, the Governor, the President of the
101 Senate, and the Speaker of the House of Representatives shall
102 select primarily, but not exclusively, Floridians with
103 biomedical and lay expertise in the general areas of cancer,
104 cardiovascular disease, stroke, and pulmonary disease. The
105 appointments shall be for a 3-year term and shall reflect the
106 diversity of the state's population. An appointed member may not
107 serve more than two consecutive terms. The first two
108 appointments by the Governor and the first appointment by the
109 President of the Senate and the Speaker of the House of
110 Representatives on or after July 1, 2012, shall be for a term of
111 2 years.

112 (4) The council shall advise the State Surgeon General as
113 to the direction and scope of the biomedical research program.
114 The responsibilities of the council may include, but are not
115 limited to:

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

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- 117 (b) Providing advice on the overall program budget.
- 118 (c) Participating in periodic program evaluation.
- 119 (d) Assisting in the development of guidelines to ensure
120 fairness, neutrality, and adherence to the principles of merit
121 and quality in the conduct of the program.
- 122 (e) Assisting in the development of appropriate linkages to
123 nonacademic entities, such as voluntary organizations, health
124 care delivery institutions, industry, government agencies, and
125 public officials.
- 126 (f) Developing criteria and standards for the award of
127 research grants.
- 128 (g) Developing guidelines ~~administrative procedures~~
129 relating to solicitation, review, and award of research grants
130 and fellowships, to ensure an impartial, high-quality peer
131 review system.
- 132 ~~(h) Developing and supervising research peer review panels.~~
- 133 (h) ~~(i)~~ Reviewing reports of peer review panels and making
134 recommendations for research grants and fellowships.
- 135 (i) ~~(j)~~ Developing and providing oversight regarding
136 mechanisms for the dissemination of research results.
- 137 (5)
- 138 (b) Grants and fellowships shall be awarded by the State
139 Surgeon General, after consultation with the council, on the
140 basis of scientific merit, as determined by the competitively an
141 open, peer-reviewed competitive peer review process to ensure
142 ~~that ensures~~ objectivity, consistency, and high quality. The
143 following types of applications may ~~shall~~ be considered for
144 funding:
- 145 1. Investigator-initiated research grants.

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146 2. Institutional research grants.

147 3. Predoctoral and postdoctoral research fellowships.

148 (6) To ensure that all proposals for research funding are
149 appropriate and are evaluated fairly on the basis of scientific
150 merit, the department ~~State Surgeon General, in consultation~~
151 ~~with the council,~~ shall appoint a peer review panels ~~panel~~ of
152 independent, scientifically qualified individuals to review the
153 scientific merit ~~content~~ of each proposal and establish its
154 scientific priority score. The priority scores shall be
155 forwarded to the council and must be considered in determining
156 which proposals shall be recommended for funding.

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

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

172 (10) The council shall submit an annual progress report for
173 each fiscal year on programs under its purview ~~on the state of~~
174 ~~biomedical research in this state~~ to the Florida Center for

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175 Universal Research to Eradicate Disease and to the Governor, the
176 State Surgeon General, the President of the Senate, and the
177 Speaker of the House of Representatives by December 15 ~~February~~

178 †. The report must include:

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

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

182 (c) A list of publications in peer reviewed journals
183 involving research supported by grants or fellowships awarded
184 under the program.

185 (d) The state ranking and total amount of biomedical
186 research funding currently flowing into the state from the
187 National Institutes of Health.

188 (e) New grants for biomedical research which were funded
189 based on research supported by grants or fellowships awarded
190 under the program.

191 (f) Progress towards programmatic goals, particularly in
192 the prevention, diagnosis, treatment, and cure of diseases
193 related to tobacco use, including cancer, cardiovascular
194 disease, stroke, and pulmonary disease.

195 (g) Recommendations that further the missions of the
196 programs.

197 Section 3. Paragraph (a) of subsection (5) of section
198 381.855, Florida Statutes, is amended to read:

199 381.855 Florida Center for Universal Research to Eradicate
200 Disease.—

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

203 (a) The council shall consist of one representative from a

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204 Florida not-for-profit institution engaged in basic and clinical
205 biomedical research and education which receives more than \$10
206 million in annual grant funding from the National Institutes of
207 Health, to be appointed by the State Surgeon General from a
208 different institution each term, and one representative from and
209 appointed by each of the following entities:

- 210 1. Enterprise Florida, Inc.
- 211 2. BioFlorida.
- 212 3. The Biomedical Research Advisory Council.
- 213 4. The Florida Medical Foundation.
- 214 5. Pharmaceutical Research and Manufacturers of America.
- 215 6. The American Cancer Society, Florida Division, Inc.
- 216 7. The American Heart Association, Greater Southeast
217 Affiliate.
- 218 8. The American Lung Association of Florida.
- 219 9. The American Diabetes Association, South Coastal Region.
- 220 10. The Alzheimer's Association.
- 221 11. The Epilepsy Foundation.
- 222 12. The National Parkinson Foundation.
- 223 13. The Florida Public Health Institute, Inc.
- 224 14. The Florida Research Consortium.

225 Section 4. Subsections (3), (4), and (5) of section
226 381.922, Florida Statutes, are amended to read:

227 381.922 William G. "Bill" Bankhead, Jr., and David Coley
228 Cancer Research Program.—

229 (3)(a) Applications for funding for cancer research may be
230 submitted by any university or established research institute in
231 the state. All qualified investigators in the state, regardless
232 of institutional affiliation, shall have equal access and

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233 opportunity to compete for the research funding. Collaborative
234 proposals, including those that advance the program's goals
235 enumerated in subsection (2), may be given preference. Grants
236 shall be awarded by the department ~~State Surgeon General~~, after
237 consultation with the Biomedical Research Advisory Council, on
238 the basis of scientific merit, as determined by the
239 competitively ~~an~~ open, peer-reviewed ~~competitive peer review~~
240 process to ensure ~~that ensures~~ objectivity, consistency, and
241 high quality. The following types of applications may ~~shall~~ be
242 considered for funding:

- 243 1. Investigator-initiated research grants.
- 244 2. Institutional research grants.
- 245 3. Collaborative research grants, including those that
246 advance the finding of cures through basic or applied research.

247 (b) In order to ensure that all proposals for research
248 funding are appropriate and are evaluated fairly on the basis of
249 scientific merit, the department ~~State Surgeon General~~, ~~in~~
250 ~~consultation with the council~~, shall appoint a peer review
251 panels ~~panel~~ of independent, scientifically qualified
252 individuals to review the scientific merit ~~content~~ of each
253 proposal and establish its priority score. The priority scores
254 shall be forwarded to the council and must be considered in
255 determining which proposals shall be recommended for funding.

256 (c) The council and the peer review panel shall establish
257 and follow rigorous guidelines for ethical conduct and adhere to
258 a strict policy with regard to conflicts of interest. A member
259 of the council or panel may not participate in any discussion or
260 decision of the council or panel with respect to a research
261 proposal by any firm, entity, or agency with which the member is

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262 associated as a member of the governing body or as an employee
263 or with which the member has entered into a contractual
264 arrangement. ~~Meetings of the council and the peer review panels~~
265 ~~are subject to chapter 119, s. 286.011, and s. 24, Art. I of the~~
266 ~~State Constitution.~~

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

272 (4)~~(5)~~ The William G. "Bill" Bankhead, Jr., and David Coley
273 Cancer Research Program is funded pursuant to s. 215.5602(12).
274 Funds appropriated for the William G. "Bill" Bankhead, Jr., and
275 David Coley Cancer Research Program shall be distributed
276 pursuant to this section to provide grants to researchers
277 seeking cures for cancer and cancer-related illnesses, with
278 emphasis given to the goals enumerated in this section. From the
279 total funds appropriated, an amount of up to 10 percent may be
280 used for administrative expenses. From funds appropriated to
281 accomplish the goals of this section, up to \$250,000 shall be
282 available for the operating costs of the Florida Center for
283 Universal Research to Eradicate Disease.

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