

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

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1 Committee/Subcommittee hearing bill: Health & Human Services  
2 Committee  
3 Representative Coley offered the following:  
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
7

8 Section 1. Paragraph (c) of subsection (8) of section  
9 20.435, Florida Statutes, is amended to read:

10 20.435 Department of Health; trust funds.—The following  
11 trust funds shall be administered by the Department of Health:

12 (8) Biomedical Research Trust Fund.

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

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

22 215.5602 James and Esther King Biomedical Research  
23 Program.—

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

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

34 1. The Governor shall appoint four members, two members  
35 with expertise in the field of biomedical research, one member  
36 from a research university in the state, and one member  
37 representing the general population of the state.

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

42 3. The Speaker of the House of Representatives shall  
43 appoint two members, one member from a professional medical  
44 organization and one representative from a cancer program  
45 approved by the American College of Surgeons.  
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47 In making these appointments, the Governor, the President of the  
48 Senate, and the Speaker of the House of Representatives shall  
49 select primarily, but not exclusively, Floridians with  
50 biomedical and lay expertise in the general areas of cancer,  
51 cardiovascular disease, stroke, and pulmonary disease. The  
52 appointments shall be for a 3-year term and shall reflect the  
53 diversity of the state's population. An appointed member may not  
54 serve more than two consecutive terms. The first two  
55 appointments by the Governor and the first appointment by the  
56 President of the Senate and the Speaker of the House of  
57 Representatives on or after July 1, 2012, shall be for a term of  
58 2 years.

59 (4) The council shall advise the State Surgeon General as  
60 to the direction and scope of the biomedical research program.  
61 The responsibilities of the council may include, but are not  
62 limited to:

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

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

65 (c) Participating in periodic program evaluation.

66 (d) Assisting in the development of guidelines to ensure  
67 fairness, neutrality, and adherence to the principles of merit  
68 and quality in the conduct of the program.

69 (e) Assisting in the development of appropriate linkages  
70 to nonacademic entities, such as voluntary organizations, health  
71 care delivery institutions, industry, government agencies, and  
72 public officials.

73 (f) Developing criteria and standards for the award of  
74 research grants.

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75 (g) Developing guidelines ~~administrative procedures~~  
76 relating to solicitation, review, and award of research grants  
77 and fellowships, to ensure an impartial, high-quality peer  
78 review system.

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

81 (h)(i) Reviewing reports of peer review panels and making  
82 recommendations for research grants and fellowships.

83 (i)(j) Developing and providing oversight regarding  
84 mechanisms for the dissemination of research results.

85 (5)

86 (b) Grants and fellowships shall be awarded by the State  
87 Surgeon General, after consultation with the council, on the  
88 basis of scientific merit, as determined by the competitively  
89 open peer-reviewed process to ensure an open competitive peer  
90 ~~review process that ensures~~ objectivity, consistency, and high  
91 quality. The following types of applications may ~~shall~~ be  
92 considered for funding:

- 93 1. Investigator-initiated research grants.
- 94 2. Institutional research grants.
- 95 3. Predoctoral and postdoctoral research fellowships.

96 (6) To ensure that all proposals for research funding are  
97 appropriate and are evaluated fairly on the basis of scientific  
98 merit, the Department of Health ~~State Surgeon General, in~~  
99 ~~consultation with the council,~~ shall appoint a peer review  
100 panels ~~panel~~ of independent, scientifically qualified  
101 individuals to review the scientific merit ~~content~~ of each  
102 proposal and establish its scientific priority score. The

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103 priority scores shall be forwarded to the council and must be  
104 considered in determining which proposals shall be recommended  
105 for funding.

106 (7) The council and the peer review panels ~~panel~~ shall  
107 establish and follow rigorous guidelines for ethical conduct and  
108 adhere to a strict policy with regard to conflict of interest. A  
109 member of the council or a panel may not participate in any  
110 discussion or decision of the council or a panel with respect to  
111 a research proposal by any firm, entity, or agency with which  
112 the member is associated as a member of the governing body or as  
113 an employee, or with which the member has entered into a  
114 contractual arrangement. ~~Meetings of the council and the peer  
115 review panels shall be subject to the provisions of chapter 119,  
116 s. 286.011, and s. 24, Art. I of the State Constitution.~~

117 (9) The grant programs under the purview of the council  
118 are exempt from chapter 120 department, after consultation with  
119 the council, may adopt rules as necessary to implement this  
120 section.

121 (10) The council shall submit a fiscal-year ~~an annual~~  
122 progress report on the programs under its purview ~~state of~~  
123 ~~biomedical research in this state~~ to the Florida Center for  
124 Universal Research to Eradicate Disease and to the Governor, the  
125 State Surgeon General, the President of the Senate, and the  
126 Speaker of the House of Representatives by December 15 ~~February~~  
127 ~~1~~. The report must include:

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

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

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131 (c) A list of publications in peer reviewed journals  
132 involving research supported by grants or fellowships awarded  
133 under the program.

134 (d) The state ranking and total amount of biomedical  
135 research funding currently flowing into the state from the  
136 National Institutes of Health.

137 (e) New grants for biomedical research which were funded  
138 based on research supported by grants or fellowships awarded  
139 under the program.

140 (f) Progress towards programmatic goals, particularly in  
141 the prevention, diagnosis, treatment, and cure of diseases  
142 related to tobacco use, including cancer, cardiovascular  
143 disease, stroke, and pulmonary disease.

144 (g) Recommendations to further the missions of the  
145 programs.

146 Section 3. Subsection (3) and present subsection (4) of  
147 section 381.922, Florida Statutes, are amended, and subsection  
148 (5) is renumbered as subsection (4) of that section, to read:

149 381.922 William G. "Bill" Bankhead, Jr., and David Coley  
150 Cancer Research Program.—

151 (3)(a) Applications for funding for cancer research may be  
152 submitted by any university or established research institute in  
153 the state. All qualified investigators in the state, regardless  
154 of institutional affiliation, shall have equal access and  
155 opportunity to compete for the research funding. Collaborative  
156 proposals, including those that advance the program's goals  
157 enumerated in subsection (2), may be given preference. Grants  
158 shall be awarded by the department ~~State Surgeon General~~, after

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159 consultation with the Biomedical Research Advisory Council, on  
160 the basis of scientific merit, as determined by the  
161 competitively open peer-reviewed process to ensure an open,  
162 ~~competitive peer review process that ensures~~ objectivity,  
163 consistency, and high quality. The following types of  
164 applications may ~~shall~~ be considered for funding:

- 165 1. Investigator-initiated research grants.
- 166 2. Institutional research grants.
- 167 3. Collaborative research grants, including those that  
168 advance the finding of cures through basic or applied research.

169 (b) ~~In order~~ To ensure that all proposals for research  
170 funding are appropriate and are evaluated fairly on the basis of  
171 scientific merit, the department State Surgeon General, ~~in~~  
172 ~~consultation with the council,~~ shall appoint a peer review  
173 panels ~~panel~~ of independent, scientifically qualified  
174 individuals to review the scientific merit ~~content~~ of each  
175 proposal and establish its priority score. The priority scores  
176 shall be forwarded to the council and must be considered in  
177 determining which proposals shall be recommended for funding.

178 (c) The council and the peer review panels ~~panel~~ shall  
179 establish and follow rigorous guidelines for ethical conduct and  
180 adhere to a strict policy with regard to conflicts of interest.  
181 A member of the council or a panel may not participate in any  
182 discussion or decision of the council or a panel with respect to  
183 a research proposal by any firm, entity, or agency with which  
184 the member is associated as a member of the governing body or as  
185 an employee or with which the member has entered into a  
186 contractual arrangement. ~~Meetings of the council and the peer~~

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187 ~~review panels are subject to chapter 119, s. 286.011, and s. 24,~~  
188 ~~Art. I of the State Constitution.~~

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

194 Section 4. Paragraph (a) of subsection (5) of section  
195 381.855, Florida Statutes, is amended to read:

196 381.855 Florida Center for Universal Research to Eradicate  
197 Disease.—

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

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

- 207 1. Enterprise Florida, Inc.
- 208 2. BioFlorida.
- 209 3. The Biomedical Research Advisory Council.
- 210 4. The Florida Medical Foundation.
- 211 5. Pharmaceutical Research and Manufacturers of America.
- 212 6. The American Cancer Society, Florida Division, Inc.
- 213 7. The American Heart Association, Greater Southeast

214 Affiliate.

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- 215 8. The American Lung Association of Florida.  
216 9. The American Diabetes Association, South Coastal  
217 Region.  
218 10. The Alzheimer's Association.  
219 11. The Epilepsy Foundation.  
220 12. The National Parkinson Foundation.  
221 13. The Florida Public Health Institute, Inc.  
222 14. The Florida Research Consortium.  
223 Section 5. This act shall take effect July 1, 2012.  
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**T I T L E A M E N D M E N T**

227 Remove the entire title and insert:

229 A bill to be entitled

230 An act relating to biomedical research; amending s.  
231 20.435, F.S.; extending the period during which  
232 certain expenditures may be made from the Biomedical  
233 Research Trust Fund; amending s. 215.5602, F.S.,  
234 relating to James and Esther King Biomedical Research  
235 Program; revising the composition, terms, and duties  
236 of the Biomedical Research Advisory Council; providing  
237 that certain types of applications may, rather than  
238 shall, be considered for funding under the program;  
239 exempting grant programs under the purview of the  
240 council from ch. 120, F.S.; requiring the council to  
241 submit a progress report and specifying contents  
242 thereof; amending s. 381.922, F.S., relating to

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 655 (2012)

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244 Cancer Research Program; providing that certain types  
245 of applications may, rather than shall, be considered  
246 for funding under the program; removing a requirement  
247 for a report to the Governor and the Legislature;  
248 amending s. 381.855, F.S., relating to Florida Center  
249 for Universal Research to Eradicate Disease; revising  
250 composition of an advisory council; providing an  
251 effective date.