

1 A bill to be entitled
2 An act relating to biomedical research; amending s.
3 20.435, F.S.; extending the period during which
4 certain expenditures may be made from the Biomedical
5 Research Trust Fund; amending s. 215.5602, F.S.,
6 relating to James and Esther King Biomedical Research
7 Program; revising the composition, terms, and duties
8 of the Biomedical Research Advisory Council; providing
9 that certain types of applications may, rather than
10 shall, be considered for funding under the program;
11 exempting grant programs under the purview of the
12 council from ch. 120, F.S.; requiring the council to
13 submit a progress report and specifying contents
14 thereof; revising provisions relating to appointment,
15 duties, and meetings of peer review panels; amending
16 s. 381.922, F.S., relating to William G. "Bill"
17 Bankhead, Jr., and David Coley Cancer Research
18 Program; revising provisions relating to the awarding
19 of grants; providing that certain types of
20 applications may, rather than shall, be considered for
21 funding under the program; revising provisions
22 relating to appointment, duties, and meetings of peer
23 review panels; removing a requirement for a report to
24 the Governor and the Legislature; amending s. 381.855,
25 F.S., relating to Florida Center for Universal
26 Research to Eradicate Disease; revising composition of
27 an advisory council; providing an effective date.
28

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

30

31 Section 1. Paragraph (c) of subsection (8) of section
32 20.435, Florida Statutes, is amended to read:

33 20.435 Department of Health; trust funds.—The following
34 trust funds shall be administered by the Department of Health:

35 (8) Biomedical Research Trust Fund.

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

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

45 215.5602 James and Esther King Biomedical Research
46 Program.—

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

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

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57 | 1. The Governor shall appoint four members, two members
58 | with expertise in the field of biomedical research, one member
59 | from a research university in the state, and one member
60 | representing the general population of the state.

61 | 2. The President of the Senate shall appoint two members,
62 | one member with expertise in the field of behavioral or social
63 | research and one representative from a cancer program approved
64 | by the American College of Surgeons.

65 | 3. The Speaker of the House of Representatives shall
66 | appoint two members, one member from a professional medical
67 | organization or from a comprehensive cardiovascular program with
68 | experience in biomedical research approved by the American
69 | College of Cardiology and one representative from a cancer
70 | program approved by the American College of Surgeons.

71 |
72 | In making these appointments, the Governor, the President of the
73 | Senate, and the Speaker of the House of Representatives shall
74 | select primarily, but not exclusively, Floridians with
75 | biomedical and lay expertise in the general areas of cancer,
76 | cardiovascular disease, stroke, and pulmonary disease. The
77 | appointments shall be for a 3-year term and shall reflect the
78 | diversity of the state's population. An appointed member may not
79 | serve more than two consecutive terms. The first two
80 | appointments by the Governor and the first appointment by the
81 | President of the Senate and the Speaker of the House of
82 | Representatives on or after July 1, 2012, shall be for a term of
83 | 2 years.

84 | (4) The council shall advise the State Surgeon General as

85 to the direction and scope of the biomedical research program.
 86 The responsibilities of the council may include, but are not
 87 limited to:

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

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

90 (c) Participating in periodic program evaluation.

91 (d) Assisting in the development of guidelines to ensure
 92 fairness, neutrality, and adherence to the principles of merit
 93 and quality in the conduct of the program.

94 (e) Assisting in the development of appropriate linkages
 95 to nonacademic entities, such as voluntary organizations, health
 96 care delivery institutions, industry, government agencies, and
 97 public officials.

98 (f) Developing criteria and standards for the award of
 99 research grants.

100 (g) Developing guidelines ~~administrative procedures~~
 101 relating to solicitation, review, and award of research grants
 102 and fellowships, to ensure an impartial, high-quality peer
 103 review system.

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

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

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

110 (5)

111 (b) Grants and fellowships shall be awarded by the State
 112 Surgeon General, after consultation with the council, on the

113 basis of scientific merit, as determined by the competitively
 114 open peer-reviewed process to ensure ~~an open competitive peer~~
 115 ~~review process that ensures~~ objectivity, consistency, and high
 116 quality. The following types of applications may ~~shall~~ be
 117 considered for funding:

- 118 1. Investigator-initiated research grants.
- 119 2. Institutional research grants.
- 120 3. Predoctoral and postdoctoral research fellowships.

121 (6) To ensure that all proposals for research funding are
 122 appropriate and are evaluated fairly on the basis of scientific
 123 merit, the Department of Health ~~State Surgeon General, in~~
 124 ~~consultation with the council,~~ shall appoint a peer review
 125 panels ~~panel~~ of independent, scientifically qualified
 126 individuals to review the scientific merit ~~content~~ of each
 127 proposal and establish its scientific priority score. The
 128 priority scores shall be forwarded to the council and must be
 129 considered in determining which proposals shall be recommended
 130 for funding.

131 (7) The council and the peer review panels ~~panel~~ shall
 132 establish and follow rigorous guidelines for ethical conduct and
 133 adhere to a strict policy with regard to conflict of interest. A
 134 member of the council or a panel may not participate in any
 135 discussion or decision of the council or a panel with respect to
 136 a research proposal by any firm, entity, or agency with which
 137 the member is associated as a member of the governing body or as
 138 an employee, or with which the member has entered into a
 139 contractual arrangement. ~~Meetings of the council and the peer~~
 140 ~~review panels shall be subject to the provisions of chapter 119,~~

141 ~~s. 286.011, and s. 24, Art. I of the State Constitution.~~

142 (9) The grant programs under the purview of the council
 143 are exempt from chapter 120 department, ~~after consultation with~~
 144 ~~the council,~~ may adopt rules as necessary to implement this
 145 section.

146 (10) The council shall submit a fiscal-year ~~an annual~~
 147 progress report on the programs under its purview ~~state of~~
 148 ~~biomedical research in this state~~ to the Florida Center for
 149 Universal Research to Eradicate Disease and to the Governor, the
 150 State Surgeon General, the President of the Senate, and the
 151 Speaker of the House of Representatives by December 15 ~~February~~

152 †. The report must include:

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

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

156 (c) A list of publications in peer reviewed journals
 157 involving research supported by grants or fellowships awarded
 158 under the program.

159 (d) The state ranking and total amount of biomedical
 160 research funding currently flowing into the state from the
 161 National Institutes of Health.

162 (e) New grants for biomedical research which were funded
 163 based on research supported by grants or fellowships awarded
 164 under the program.

165 (f) Progress towards programmatic goals, particularly in
 166 the prevention, diagnosis, treatment, and cure of diseases
 167 related to tobacco use, including cancer, cardiovascular
 168 disease, stroke, and pulmonary disease.

169 (g) Recommendations to further the mission of the
170 programs.

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

174 381.922 William G. "Bill" Bankhead, Jr., and David Coley
175 Cancer Research Program.—

176 (3)(a) Applications for funding for cancer research may be
177 submitted by any university or established research institute in
178 the state. All qualified investigators in the state, regardless
179 of institutional affiliation, shall have equal access and
180 opportunity to compete for the research funding. Collaborative
181 proposals, including those that advance the program's goals
182 enumerated in subsection (2), may be given preference. Grants
183 shall be awarded by the department ~~State Surgeon General~~, after
184 consultation with the Biomedical Research Advisory Council, on
185 the basis of scientific merit, as determined by the
186 competitively open peer-reviewed process to ensure an open,
187 ~~competitive peer review process that ensures~~ objectivity,
188 consistency, and high quality. The following types of
189 applications may ~~shall~~ be considered for funding:

- 190 1. Investigator-initiated research grants.
- 191 2. Institutional research grants.
- 192 3. Collaborative research grants, including those that
193 advance the finding of cures through basic or applied research.

194 (b) ~~In order~~ To ensure that all proposals for research
195 funding are appropriate and are evaluated fairly on the basis of
196 scientific merit, the department ~~State Surgeon General~~, ~~in~~

197 ~~consultation with the council,~~ shall appoint a peer review
 198 panels ~~panel~~ of independent, scientifically qualified
 199 individuals to review the scientific merit ~~content~~ of each
 200 proposal and establish its priority score. The priority scores
 201 shall be forwarded to the council and must be considered in
 202 determining which proposals shall be recommended for funding.

203 (c) The council and the peer review panels ~~panel~~ shall
 204 establish and follow rigorous guidelines for ethical conduct and
 205 adhere to a strict policy with regard to conflicts of interest.
 206 A member of the council or panel may not participate in any
 207 discussion or decision of the council or a panel with respect to
 208 a research proposal by any firm, entity, or agency with which
 209 the member is associated as a member of the governing body or as
 210 an employee or with which the member has entered into a
 211 contractual arrangement. ~~Meetings of the council and the peer
 212 review panels are subject to chapter 119, s. 286.011, and s. 24,
 213 Art. I of the State Constitution.~~

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

219 Section 4. Paragraph (a) of subsection (5) of section
 220 381.855, Florida Statutes, is amended to read:

221 381.855 Florida Center for Universal Research to Eradicate
 222 Disease.—

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

225 (a) The council shall consist of one representative from a
 226 Florida not-for-profit institution engaged in basic and clinical
 227 biomedical research and education which receives more than \$10
 228 million in annual grant funding from the National Institutes of
 229 Health, to be appointed by the State Surgeon General from a
 230 different institution each term, and one representative from and
 231 appointed by each of the following entities:

- 232 1. Enterprise Florida, Inc.
- 233 2. BioFlorida.
- 234 3. The Biomedical Research Advisory Council.
- 235 4. The Florida Medical Foundation.
- 236 5. Pharmaceutical Research and Manufacturers of America.
- 237 6. The American Cancer Society, Florida Division, Inc.
- 238 7. The American Heart Association, Greater Southeast
- 239 Affiliate.
- 240 8. The American Lung Association of Florida.
- 241 9. The American Diabetes Association, South Coastal
- 242 Region.
- 243 10. The Alzheimer's Association.
- 244 11. The Epilepsy Foundation.
- 245 12. The National Parkinson Foundation.
- 246 13. The Florida Public Health Institute, Inc.
- 247 14. The Florida Research Consortium.

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