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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2010	.	
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	.	
	.	

The Committee on Higher Education (Constantine) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

215.5602 James and Esther King Biomedical Research Program.—

(1) There is established within the Department of Health the James and Esther King Biomedical Research Program ~~funded by the proceeds of the Lawton Chiles Endowment Fund pursuant to s. 215.5601.~~ The purpose of the James and Esther King Biomedical



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13 Research Program is to provide an annual and perpetual source of
14 funding in order to support research initiatives that address
15 the health care problems of Floridians in the areas of tobacco-
16 related cancer, cardiovascular disease, stroke, and pulmonary
17 disease. The long-term goals of the program are to:

18 (a) Improve the health of Floridians by researching better
19 prevention, diagnoses, treatments, and cures for cancer,
20 cardiovascular disease, stroke, and pulmonary disease.

21 (b) Expand the foundation of biomedical knowledge relating
22 to the prevention, diagnosis, treatment, and cure of diseases
23 related to tobacco use, including cancer, cardiovascular
24 disease, stroke, and pulmonary disease.

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

28 (d) Increase the state's per capita funding for research by
29 undertaking new initiatives in public health and biomedical
30 research that will attract additional funding from outside the
31 state.

32 (e) Stimulate economic activity in the state in areas
33 related to biomedical research, such as the research and
34 production of pharmaceuticals, biotechnology, and medical
35 devices.

36 (2) Funds appropriated for the James and Esther King
37 Biomedical Research Program shall be used exclusively for the
38 award of grants and fellowships as established in this section;
39 for research relating to the prevention, diagnosis, treatment,
40 and cure of diseases related to tobacco use, including cancer,
41 cardiovascular disease, stroke, and pulmonary disease; ~~and~~ for



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42 expenses incurred in the administration of this section; and as
43 provided in subsections (5) and (12). Priority shall be granted
44 to research designed to prevent or cure disease.

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

47 (a) The council shall consist of 13 ~~14~~ members, including:
48 the chief executive officer of the Florida Division of the
49 American Cancer Society, or a designee; the chief executive
50 officer of the Greater Southeast Florida/Puerto Rico Affiliate
51 of the American Heart Association, or a designee; ~~and~~ the chief
52 executive officer of the American Lung Association of the
53 Southeast Florida, or a designee; the chief executive officer of
54 Enterprise Florida, or a designee; and the chief executive
55 officer of BioFlorida, or a designee. The remaining 8 members of
56 the council shall be appointed as follows:

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 and one representative from a cancer program
68 approved by the American College of Surgeons.

69
70 In making these appointments, the Governor, the President of the



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71 Senate, and the Speaker of the House of Representatives shall
72 select primarily, but not exclusively, Floridians with
73 biomedical and lay expertise in the general areas of cancer,
74 cardiovascular disease, stroke, and pulmonary disease. The
75 appointments shall be for 4-year staggered terms ~~a 3-year term~~
76 and shall reflect the diversity of the state's population. An
77 appointed member may not serve more than two consecutive terms.
78 The first two appointments by the Governor and the first
79 appointment by the President of the Senate and the Speaker of
80 the House of Representatives on or after July 1, 2010, shall be
81 for a term of 2 years.

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

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

87 (d) Members of the council shall serve without
88 compensation, but may receive reimbursement as provided in s.
89 112.061 for travel and other necessary expenses incurred in the
90 performance of their official duties.

91 (4) The council shall advise the State Surgeon General as
92 to the direction and scope of the biomedical research program.
93 The responsibilities of the council may include, but are not
94 limited to:

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

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

97 (c) Participating in periodic program evaluation.

98 (d) Assisting in the development of guidelines to ensure
99 fairness, neutrality, and adherence to the principles of merit



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100 and quality in the conduct of the program.

101 (e) Assisting in the development of appropriate linkages to
102 nonacademic entities, such as voluntary organizations, health
103 care delivery institutions, industry, government agencies, and
104 public officials.

105 (f) Developing criteria and standards for the award of
106 research grants.

107 (g) Developing administrative procedures relating to
108 solicitation, review, and award of research grants and
109 fellowships, to ensure an impartial, high-quality peer review
110 system.

111 (h) Developing and supervising research peer review panels.

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

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

116 (5) (a) Applications for biomedical research funding under
117 the program may be submitted from any university or established
118 research institute in the state. All qualified investigators in
119 the state, regardless of institution affiliation, shall have
120 equal access and opportunity to compete for the research
121 funding.

122 (b) Grants and fellowships shall be awarded by the State
123 Surgeon General, after consultation with the council, on the
124 basis of scientific merit, as determined by an open competitive
125 peer review process that ensures objectivity, consistency, and
126 high quality. The following types of applications shall be
127 considered for funding:

128 1. Investigator-initiated research grants.



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129 2. Institutional research and training grants.

130 3. Predoctoral and postdoctoral research fellowships.

131 (c) For any given year, the Biomedical Research Advisory
132 Council may also recommend up to one-third of the allocation for
133 grants by the James and Esther King Biomedical Research Program
134 for the recruitment of cancer, heart, or lung researchers and
135 research teams to institutions in the state; for operational
136 start-up grants for newly recruited cancer, heart, or lung
137 researchers and research teams; and for equipment expenditures
138 related to the expansion of cancer, heart, or lung research and
139 treatment capacity in this state. For the purposes of
140 implementing this paragraph, the council may develop a grant
141 application and review mechanism other than the process for
142 reviewing research proposals prescribed in subsection (6);
143 however, such mechanism must ensure a fair and rigorous analysis
144 of the merit of any proposals considered under this paragraph.

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

154 (7) The council and the peer review panel shall establish
155 and follow rigorous guidelines for ethical conduct and adhere to
156 a strict policy with regard to conflict of interest. A member of
157 the council or panel may not participate in any council or panel



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158 discussion or decision with respect to a research proposal, or
159 any proposal related to those projects contemplated in paragraph
160 (5) (c), by any firm, entity, or agency with which the member is
161 associated as a member of the governing body or as an employee,
162 or with which the member has entered into a contractual
163 arrangement. Meetings of the council and the peer review panels
164 shall be subject to the provisions of chapter 119, s. 286.011,
165 and s. 24, Art. I of the State Constitution.

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

170 (9) The Department of Health, after consultation with the
171 council, shall ~~may~~ adopt rules as necessary to administer
172 ~~implement~~ this section, taking into consideration the nature of
173 the program and making allowances in any adopted rules which
174 enable timely implementation of calls for proposals, proposal
175 reviews, proposal considerations, and any other program
176 activities, and which prevent delays in making annual program
177 awards to grant recipients.

178 (10) The council shall submit an annual progress report on
179 the state of biomedical research in this state to the Florida
180 Center for Universal Research to Eradicate Disease and to the
181 Governor, the State Surgeon General, the President of the
182 Senate, and the Speaker of the House of Representatives by
183 February 1. The report must include:

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

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



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187 (c) A list of publications in peer reviewed journals
188 involving research supported by grants or fellowships awarded
189 under the program.

190 (d) The total amount of biomedical research funding
191 currently flowing into the state.

192 (e) New grants for biomedical research which were funded
193 based on research supported by grants or fellowships awarded
194 under the program.

195 (f) Progress in the prevention, diagnosis, treatment, and
196 cure of diseases related to tobacco use, including cancer,
197 cardiovascular disease, stroke, and pulmonary disease.

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

201 (12) (a) From funds appropriated to accomplish the goals of
202 this section, up to \$500,000 ~~\$250,000~~ shall be available for the
203 operating costs of the Florida Center for Universal Research to
204 Eradicate Disease.

205 (b) ~~(a)~~ Beginning in the 2010-2011 ~~2009-2010~~ fiscal year and
206 thereafter, \$50 million ~~from 5 percent of~~ the revenue deposited
207 into the Health Care Trust Fund pursuant to ss. 210.011(9) and
208 210.276(7) shall be reserved for research of tobacco-related or
209 cancer-related illnesses through the James and Esther King
210 Biomedical Research Program and the William G. "Bill" Bankhead,
211 Jr. and David Coley Cancer Research Program. The sum of \$25
212 million shall be allocated annually to each of these programs;
213 ~~however, the sum of the revenue reserved pursuant to ss.~~
214 ~~210.011(9) and 210.276(7) may not exceed \$50 million in any~~
215 ~~fiscal year.~~



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216 ~~(b) In the 2009-2010 fiscal year, 2.5 percent, not to~~
217 ~~exceed \$25 million, of the revenue deposited into the Health~~
218 ~~Care Trust Fund pursuant to this subsection shall be transferred~~
219 ~~to the Biomedical Research Trust Fund within the Department of~~
220 ~~Health for the James and Esther King Biomedical Research~~
221 ~~Program.~~

222 (13) The Department of Health may accept gifts made
223 unconditionally by will or otherwise, deposit them into the
224 Biomedical Research Trust Fund, and use them for grant or
225 fellowship awards in the James and Esther King Biomedical
226 Research Program. Any gift made under conditions that, in the
227 judgment of the department, upon consultation with the council,
228 are proper and consistent with this section, the laws of the
229 United States, and state law, may be accepted and shall be held,
230 invested, reinvested, and used in accordance with the conditions
231 of the gift. By June 1, 2009, the Division of Statutory Revision
232 ~~of the Office of Legislative Services shall certify to the~~
233 ~~President of the Senate and the Speaker of the House of~~
234 ~~Representatives the language and statutory citation of this~~
235 ~~section, which is scheduled to expire January 1, 2011.~~

236 ~~(14) The Legislature shall review the performance, the~~
237 ~~outcomes, and the financial management of the James and Esther~~
238 ~~King Biomedical Research Program during the 2010 Regular Session~~
239 ~~of the Legislature and shall determine the most appropriate~~
240 ~~funding source and means of funding the program based on its~~
241 ~~review.~~

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

244 Section 2. Paragraph (a) of subsection (5) of section



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245 381.855, Florida Statutes, is amended to read:

246 381.855 Florida Center for Universal Research to Eradicate
247 Disease.—

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

250 (a) The council shall consist of one representative from a
251 Florida not-for-profit institution engaged in basic and clinical
252 biomedical research and education which receives more than \$10
253 million in annual grant funding from the National Institutes of
254 Health, to be appointed by the State Surgeon General from a
255 different institution each term, and one representative from and
256 appointed by each of the following entities:

- 257 1. Enterprise Florida, Inc.
258 2. BioFlorida.
259 3. The Biomedical Research Advisory Council.
260 4. The Florida Medical Foundation.
261 5. Pharmaceutical Research and Manufacturers of America.
262 ~~6. The Florida Cancer Council.~~
263 ~~6.7.~~ The American Cancer Society, Florida Division, Inc.
264 ~~7.8.~~ The American Heart Association.
265 ~~8.9.~~ The American Lung Association of Florida.
266 ~~9.10.~~ The American Diabetes Association, South Coastal
267 Region.
268 ~~10.11.~~ The Alzheimer's Association.
269 ~~11.12.~~ The Epilepsy Foundation.
270 ~~12.13.~~ The National Parkinson Foundation.
271 ~~13.14.~~ The Florida Public Health Institute, Inc.
272 ~~14.15.~~ The Florida Research Consortium.
273 Section 3. Section 381.912, Florida Statutes, is repealed.



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274 Section 4. Section 381.92, Florida Statutes, is repealed.

275 Section 5. Section 381.921, Florida Statutes, is repealed.

276 Section 6. Section 381.922, Florida Statutes, is amended to
277 read:

278 381.922 William G. "Bill" Bankhead, Jr., and David Coley
279 Cancer Research Program.—

280 (1) The William G. "Bill" Bankhead, Jr., and David Coley
281 Cancer Research Program, which may be otherwise cited as the
282 "Bankhead-Coley Program," is created within the Department of
283 Health. The purpose of the program shall be to advance progress
284 towards cures for cancer using through grants awarded through a
285 peer-reviewed, competitive process and to expand cancer research
286 and treatment capacity in this state.

287 (2) The program shall provide grants for cancer research,
288 including cancer clinical trials projects as provided in this
289 section, to further the search for cures for cancer; for
290 recruiting cancer researchers and research teams to institutions
291 in the state; for operational start-up grants for newly
292 recruited cancer researchers and research teams; or for
293 equipment expenditures related to the expansion of cancer
294 research and treatment capacity in the state.

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

299 1. Significantly expand cancer research capacity in the
300 state by identifying ways to attract new research talent and
301 attendant national grant-producing researchers to cancer
302 research facilities in this state; implement a peer-reviewed,



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303 competitive process to identify and fund the best proposals to
304 expand cancer research institutes in this state; fund through
305 available resources those proposals that demonstrate the
306 greatest opportunity to attract federal research grants and
307 private financial support; encourage the employment of
308 bioinformatics in order to create a cancer informatics
309 infrastructure that enhances information and resource exchange
310 and integration through researchers working in diverse
311 disciplines; facilitate the full spectrum of cancer
312 investigations; facilitate the technical coordination, business
313 development, and support of intellectual property as it relates
314 to the advancement of cancer research; and aid in other
315 multidisciplinary research-support activities as they inure to
316 the advancement of cancer research.

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

319 a. Identifying ways to increase enrollment in cancer
320 clinical trials;

321 b. Supporting public and private professional education
322 programs designed to increase the awareness and knowledge about
323 cancer clinical trials;

324 c. Providing tools to cancer patients and community-based
325 oncologists to aid in the identification of cancer clinical
326 trials available in the state; and

327 d. Creating opportunities for the state's academic cancer
328 centers to collaborate with community-based oncologists in
329 cancer clinical trials networks.

330 3. Reduce the impact of cancer on disparate groups by
331 identifying those cancers that disproportionately impact certain



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332 demographic groups and building collaborations designed to
333 reduce health disparities as they relate to cancer.

334 (b) Preference may be given to grant proposals that foster
335 collaborations among institutions, researchers, and community
336 practitioners, as such proposals support the advancement of
337 cures through basic or applied research, including clinical
338 trials involving cancer patients and related networks and the
339 transfer of knowledge gained from research into the practice of
340 community practitioners.

341 (3) (a) Applications for funding for cancer research may be
342 submitted by any university or established research institute in
343 the state. All qualified investigators in the state, regardless
344 of institutional affiliation, shall have equal access and
345 opportunity to compete for the research funding. Collaborative
346 proposals, including those that advance the program's goals
347 enumerated in subsection (2), may be given preference. Grants
348 shall be awarded by the State Surgeon General, after
349 consultation with the Biomedical Research Advisory Council
350 established in s. 215.5602, on the basis of scientific merit, as
351 determined by an open, competitive peer review process that
352 ensures objectivity, consistency, and high quality. The
353 following types of applications shall be considered for funding:

- 354 1. Investigator-initiated research grants.
- 355 2. Institutional research and training grants.
- 356 3. Predoctoral and postdoctoral research fellowships.
- 357 ~~4.3.~~ Collaborative research grants, including those that
358 advance the finding of cures through basic or applied research.
- 359 5. Clinical trial project grants, particularly those
360 projects such as matching services that identify prospective



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361 clinical trials treatment options for cancer patients in this
362 state or those projects that otherwise foster greater rates of
363 participation in trials. At least one such grant shall be
364 awarded in any given year if a meritorious proposal or proposals
365 are received. Such project grant proposals are not required to
366 be posed as a research question in order to qualify for an
367 award.

368 (b) For any given year, the Biomedical Research Advisory
369 Council may recommend up to one-third of the allocation for
370 grants by the William G. "Bill" Bankhead, Jr. and David Coley
371 Cancer Research Program for the recruitment of cancer
372 researchers and research teams to institutions in the state, for
373 operational start-up grants for newly recruited cancer
374 researchers and research teams, or for equipment expenditures
375 related to the expansion of cancer research and treatment
376 capacity in the state. For the purposes of implementing this
377 paragraph, the council may develop a grant application and
378 review mechanism other than the process for reviewing research
379 proposals prescribed in paragraph (c); however, such mechanism
380 shall ensure a fair and rigorous analysis of the merit of any
381 proposals considered under this paragraph.

382 (c) ~~(b)~~ In order to ensure that all proposals for research
383 funding are appropriate and are evaluated fairly on the basis of
384 scientific merit, the State Surgeon General, in consultation
385 with the council, shall appoint a peer review panel of
386 independent, scientifically qualified individuals to review the
387 scientific content of each proposal and establish its priority
388 score. The priority scores shall be forwarded to the council and
389 must be considered in determining which proposals shall be



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390 recommended for funding.

391 (d)~~(e)~~ The council and the peer review panel shall
392 establish and follow rigorous guidelines for ethical conduct and
393 adhere to a strict policy with regard to conflicts of interest.
394 A member of the council or panel may not participate in any
395 council or panel discussion or decision with respect to a
396 research proposal, or any proposal related to those projects
397 contemplated in paragraph (b), by any firm, entity, or agency
398 with which the member is associated as a member of the governing
399 body or as an employee or with which the member has entered into
400 a contractual arrangement. Meetings of the council and the peer
401 review panels are subject to chapter 119, s. 286.011, and s. 24,
402 Art. I of the State Constitution.

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

408 (5) The William G. "Bill" Bankhead, Jr. and David Coley
409 Cancer Research Program is funded pursuant to s. 215.5602(12)
410 and this section, with an annual allocation of \$25 million.
411 Funds appropriated for the William G. "Bill" Bankhead, Jr., and
412 David Coley Cancer Research Program shall be distributed
413 pursuant to this section to provide grants to researchers
414 seeking cures for cancer and cancer-related illnesses, with
415 emphasis given to the goals enumerated in paragraph (2) (a) s.
416 ~~381.921~~. From the total funds appropriated, an amount of up to
417 7.5 ~~10~~ percent may be used for administrative expenses. ~~In the~~
418 ~~2009-2010 fiscal year, 2.5 percent, not to exceed \$25 million,~~



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419 ~~of the revenue deposited into the Health Care Trust Fund~~
420 ~~pursuant to s. 215.5602(12)(a) shall be transferred to the~~
421 ~~Biomedical Research Trust Fund within the Department of Health~~
422 ~~for the William G. "Bill" Bankhead, Jr., and David Coley Cancer~~
423 ~~Research Program.~~

424 (6) The Department of Health may accept gifts made
425 unconditionally by will or otherwise, deposit them into the
426 Biomedical Research Trust Fund, and use them for grant or
427 fellowship awards in the William G. "Bill" Bankhead, Jr. and
428 David Coley Cancer Research Program. Any gift made under
429 conditions that, in the judgment of the department, upon
430 consultation with the council, are proper and consistent with
431 this section, the laws of the United States, and state law, may
432 be accepted and shall be held, invested, reinvested, and used in
433 accordance with the conditions of the gift. By June 1, 2009, the
434 ~~Division of Statutory Revision of the Office of Legislative~~
435 ~~Services shall certify to the President of the Senate and the~~
436 ~~Speaker of the House of Representatives the language and~~
437 ~~statutory citation of this section, which is scheduled to expire~~
438 ~~January 1, 2011.~~

439 ~~(7) The Legislature shall review the performance, the~~
440 ~~outcomes, and the financial management of the William G. "Bill"~~
441 ~~Bankhead, Jr., and David Coley Cancer Research Program during~~
442 ~~the 2010 Regular Session of the Legislature and shall determine~~
443 ~~the most appropriate funding source and means of funding the~~
444 ~~program based on its review.~~

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

447 Section 7. Section 381.923, Florida Statutes, is created to



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448 read:

449 381.923 Comprehensive cancer control.-

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

452 (2) LEGISLATIVE INTENT.-It is the finding of the
453 Legislature that:

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

458 (b) Research shows that certain lifestyles and exposures,
459 such as tobacco use, exposure to ultraviolet radiation from the
460 sun, and exposure to occupational and environmental carcinogens,
461 contribute to the risk for many types of cancer and that certain
462 screening tests are effective in finding cancer early when it is
463 more treatable. The role of diet, exercise, and other healthy
464 lifestyles are also important in cancer prevention and control.
465 Proven causes of cancer and methods for early detection should
466 be publicized and be the subject of linguistically and
467 culturally appropriate educational and awareness programs for
468 the prevention of cancer.

469 (c) An effective cancer control program would mobilize the
470 scientific, educational, and medical resources that presently
471 exist into an intense attack against this dreaded disease, with
472 the primary goal to reduce the cancer burden for the residents
473 of this state.

474 (3) DEFINITIONS.-As used in this section, the term:

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



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477 (b) "Council" means the Florida Cancer Control and Resource
478 Advisory Council, which is an advisory body appointed to
479 function on a continuing basis to recommend solutions and policy
480 alternatives to the Governor, members of the Legislature, the
481 State Surgeon General, and other policymakers.

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

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

484 (e) "Program" means the Florida Cancer Control
485 Collaborative Program.

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

489 (4) FLORIDA CANCER CONTROL AND RESOURCE ADVISORY COUNCIL;
490 CREATION; COMPOSITION.-

491 (a) There is created within the H. Lee Moffitt Cancer
492 Center and Research Institute, Inc., the Florida Cancer Control
493 and Resource Advisory Council. The council shall consist of
494 cancer organizational representation and cancer control
495 stakeholders, with an chairperson elected by the council
496 membership for a term of 2 years. Each council member must be a
497 resident of this state. Three members representing the general
498 public shall be appointed by the Governor. The Governor shall
499 make three separate appointments for 1-year, 2-year, and 3-year
500 terms beginning July 1, 2010; thereafter, gubernatorial
501 appointments to the council shall be for 3-year terms. The
502 President of the Senate and the Speaker of the House of
503 Representatives shall appoint one member from his or her
504 legislative body to serve on the council at any given time. Each
505 of the following organizations shall designate a representative



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- 506 to serve on the council:
- 507 1. H. Lee Moffitt Cancer Center and Research Institute,
- 508 Inc.
- 509 2. University of Florida Shands Cancer Center.
- 510 3. University of Miami Sylvester Comprehensive Cancer
- 511 Center.
- 512 4. Mayo Clinic, Florida.
- 513 5. M.D. Anderson Cancer Center, Florida.
- 514 6. American Cancer Society, Florida Division.
- 515 7. American Lung Association of the Southeast.
- 516 8. American Association for Retired Persons.
- 517 9. Department of Health.
- 518 10. Department of Education.
- 519 11. Florida Tumor Registrars Association.
- 520 12. Florida Cancer Data System.
- 521 13. Florida Society of Oncology Social Workers.
- 522 14. Florida Oncology Nurses Society.
- 523 15. Florida Society of Clinical Oncology.
- 524 16. Florida Association of Pediatric Tumor Programs, Inc.
- 525 17. Florida Medical Association.
- 526 18. Florida Hospital Association.
- 527 19. Florida Nursing Association.
- 528 20. Florida Dental Association.
- 529 21. Florida Osteopathic Association.
- 530 22. University of Florida College of Medicine.
- 531 23. University of Miami College of Medicine.
- 532 24. University of South Florida College of Medicine.
- 533 25. Florida State University College of Medicine.
- 534 26. University of Central Florida College of Medicine.



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535 27. Nova Southeastern College of Osteopathic Medicine.

536 28. Florida International University College of Medicine.

537 29. Lake Erie School of Osteopathic Medicine.

538 30. Biomedical Research Advisory Council.

539 31. Center for Universal Research to Eradicate Disease.

540 32. A representative from each of the regional Cancer
541 Control Collaboratives.

542 (b) An executive committee, which shall be responsible for
543 coordinating the activities and planning the direction of the
544 full council, shall be comprised of the council's elected
545 chairman, one at-large member elected by the full council, and
546 the members representing the Department of Health, the American
547 Cancer Society, the H. Lee Moffitt Cancer Center and Research
548 Institute, Inc., the University of Florida Shands Cancer Center,
549 and the University of Miami Sylvester Comprehensive Cancer
550 Center, as well as the appointee of the President of the Senate,
551 the appointee of the Speaker of the House of Representatives,
552 and one of the gubernatorial appointees, who shall be designated
553 by the council's chairman. Should the council chairman be a
554 designee from one of the named entities in this paragraph, the
555 full council shall elect a second at-large position to serve on
556 the executive committee. The elected positions on the executive
557 committee shall be for terms of 2 years.

558 (c) The council shall meet at least semiannually. A
559 majority of members shall constitute a quorum for the purpose of
560 exercising all of the powers of the council.

561 (d) The council members shall serve without compensation,
562 but are entitled to reimbursement for per diem and travel
563 expenses as provided in s. 112.061.



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564 (e) A member of the council may not participate in any
565 council discussion or decision to recommend any type of award or
566 contract to any qualified nonprofit association or to any agency
567 of this state or its political subdivisions with which the
568 member is associated as a member of the governing body or as an
569 employee or with which the member has entered into a contractual
570 arrangement.

571 (f) The council may prescribe, amend, and repeal bylaws
572 governing the manner in which the business of the council is
573 conducted.

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

577 (h) The council shall approve a plan for cancer control to
578 be known as the "Florida Cancer Plan," which shall be consistent
579 to the extent possible with other cancer or health-related state
580 plans and integrated and coordinated with existing programs in
581 this state. The council shall review and approve the plan at
582 least every 2 years.

583 (i) The council shall formulate and recommend to the
584 Governor, the Legislature, the State Surgeon General, and other
585 state policymakers a plan for the prevention and early detection
586 of cancer which is evidence-based and consistent with standards
587 of practice and supported by evidence-based medicine. The State
588 Surgeon General and other state policymakers shall consider the
589 plan in developing departmental priorities and funding
590 priorities and standards under chapter 385.

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



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

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

600 2. Cancer prevention.

601 3. Cancer detection.

602 4. Cancer treatments.

603 5. Support services for cancer patients and caregivers.

604 6. Cancer education for laypersons and professionals.

605 7. Other cancer-control-related topics.

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

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

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

615 (n) By December 1 of each year, the council shall report
616 any findings and recommendations to the Governor, the President
617 of the Senate, the Speaker of the House of Representatives, and
618 the State Surgeon General.

619 (o) If funds for this purpose are specifically appropriated
620 by the Legislature, the council shall develop or purchase
621 standardized written summaries, written in layperson's terms and



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622 in language easily understood by the average adult patient,
623 informing actual and high-risk breast cancer patients, prostate
624 cancer patients, and men who are considering prostate cancer
625 screening of the medically viable treatment alternatives
626 available to them in the effective management of breast cancer
627 and prostate cancer; describing such treatment alternatives; and
628 explaining the relative advantages, disadvantages, and risks
629 associated therewith. The breast cancer summary, upon its
630 completion, shall be printed in the form of a pamphlet or
631 booklet and made continuously available to physicians and
632 surgeons in this state for their use in accordance with s.
633 458.324 and to osteopathic physicians in this state for their
634 use in accordance with s. 459.0125. The council shall
635 periodically update both summaries to reflect current standards
636 of medical practice in the treatment of breast cancer and
637 prostate cancer. If funds for this purpose are specifically
638 appropriated by the Legislature, the council shall develop and
639 implement educational programs, including distribution of the
640 summaries developed or purchased under this paragraph, to inform
641 citizen groups, associations, and voluntary organizations about
642 early detection and treatment of breast cancer and prostate
643 cancer.

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

646 (a) The H. Lee Moffitt Cancer Center and Research
647 Institute, Inc., shall provide a full-time executive director to
648 coordinate, facilitate, and communicate the mission and
649 responsibilities of the council. Additional administrative
650 support, information, and other assistance shall also be



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651 provided as reasonably necessary for the completion of the
652 responsibilities of the council.

653 (b) From the funds appropriated annually for the William G.
654 "Bill" Bankhead, Jr. and David Coley Cancer Research Program,
655 the sum of \$150,000 shall be allocated to the H. Lee Moffitt
656 Cancer Center and Research Institute, Inc., for the
657 administrative costs and staff support to convene and facilitate
658 the responsibilities of the council.

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

661 (d) The Florida Cancer Plan is established within the
662 Department of Health. The Department of Health shall consult
663 with the council in developing the plan, prioritizing goals, and
664 allocating resources.

665 (6) FLORIDA CANCER CONTROL COLLABORATIVE PROGRAM; CREATION;
666 COMPOSITION.-

667 (a) The Cancer Control Collaborative Program is established
668 within the Department of Health and resides within the cancer
669 program. The program is responsible for overseeing and providing
670 infrastructure for the state cancer collaborative network. The
671 primary mission of the program is to implement the plan's
672 initiatives and identify and facilitate the local development of
673 solutions to cancer control needs of the populations served by
674 the regional cancer control collaboratives. The Cancer Control
675 Collaborative Program shall prioritize programs and resources to
676 reduce the burden of cancer in this state, consistent with the
677 plan.

678 (b) The Department of Health shall appoint a cancer program
679 director, who is responsible for supervising the collaborative



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680 program. At a minimum, centralized organization, communications,
681 information technology, shared resources, and cancer control
682 expertise shall be provided to the regional cancer control
683 collaboratives by the Department of Health.

684 (c) Each regional cancer control collaborative shall bring
685 together local cancer stakeholders, develop bylaws, identify
686 priority cancer control needs of its region, and develop
687 solutions to solve problems, consistent with the plan and the
688 goal of reducing the burden of cancer in this state. Each
689 collaborative shall meet at least semiannually and send
690 representation to the council meetings.

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

695 (e) The Cancer Control Collaborative Program shall serve as
696 the infrastructure for expansion or adaptation as federal
697 programs or other opportunities arise for future cancer control
698 initiatives. The development of the infrastructure for local
699 cancer control collaboratives, to the extent possible, shall be
700 designed to leverage opportunities for funding from the United
701 States Centers for Disease Control or other federal sources.

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

704 458.324 Breast cancer; information on treatment
705 alternatives.—

706 (1) DEFINITION.—As used in this section, the term
707 “medically viable,” as applied to treatment alternatives, means
708 modes of treatment generally considered by the medical



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709 profession to be within the scope of current, acceptable
710 standards, including treatment alternatives described in the
711 written summary prepared by the Florida Cancer Control and
712 Resource Research Advisory Council in accordance with s.
713 381.923(4)(o) ~~s. 1004.435(4)(m)~~.

714 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—Each physician
715 treating a patient who is, or in the judgment of the physician
716 is at high risk of being, diagnosed as having breast cancer
717 shall inform such patient of the medically viable treatment
718 alternatives available to such patient; shall describe such
719 treatment alternatives; and shall explain the relative
720 advantages, disadvantages, and risks associated with the
721 treatment alternatives to the extent deemed necessary to allow
722 the patient to make a prudent decision regarding such treatment
723 options. In compliance with this subsection:

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

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

727 2. Provide the patient or the patient's legal
728 representative with a copy of the written summary prepared in
729 accordance with s. 381.923(4)(o) ~~s. 1004.435(4)(m)~~ and express a
730 willingness to discuss the summary with the patient or the
731 patient's legal representative; or

732 3. Both communicate such information directly and provide a
733 copy of the written summary to the patient or the patient's
734 legal representative for further consideration and possible
735 later discussion.

736
737 Nothing in this subsection shall reduce other provisions of law



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738 regarding informed consent.

739 Section 9. Subsection (1) and paragraph (a) of subsection
740 (2) of section 459.0125, Florida Statutes, are amended to read:

741 459.0125 Breast cancer; information on treatment
742 alternatives.—

743 (1) DEFINITION.—As used in this section, the term
744 “medically viable,” as applied to treatment alternatives, means
745 modes of treatment generally considered by the medical
746 profession to be within the scope of current, acceptable
747 standards, including treatment alternatives described in the
748 written summary prepared by the Florida Cancer Control and
749 Resource Research ~~Research~~ Advisory Council in accordance with s.
750 381.923(4)(o) ~~s. 1004.435(4)(m)~~.

751 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—It is the
752 obligation of every physician treating a patient who is, or in
753 the judgment of the physician is at high risk of being,
754 diagnosed as having breast cancer to inform such patient of the
755 medically viable treatment alternatives available to such
756 patient; to describe such treatment alternatives; and to explain
757 the relative advantages, disadvantages, and risks associated
758 with the treatment alternatives to the extent deemed necessary
759 to allow the patient to make a prudent decision regarding such
760 treatment options. In compliance with this subsection:

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

762 1. Orally communicate such information directly to the
763 patient or the patient’s legal representative;

764 2. Provide the patient or the patient’s legal
765 representative with a copy of the written summary prepared in
766 accordance with s. 381.923(4)(o) ~~s. 1004.435(4)(m)~~ and express



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767 her or his willingness to discuss the summary with the patient
768 or the patient's legal representative; or

769 3. Both communicate such information directly and provide a
770 copy of the written summary to the patient or the patient's
771 legal representative for further consideration and possible
772 later discussion.

773

774 ~~Nothing in~~ This subsection does not shall reduce other
775 provisions of law regarding informed consent.

776 Section 10. Section 1004.435, Florida Statutes, is
777 repealed.

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

779

780 ===== T I T L E A M E N D M E N T =====

781 And the title is amended as follows:

782 Delete everything before the enacting clause
783 and insert:

784 A bill to be entitled

785 A bill to be entitled

786 An act relating to biomedical research programs;
787 amending s. 215.5602, F.S.; deleting provisions
788 requiring that the James and Esther King Biomedical
789 Research Program be funded by proceeds from the Lawton
790 Chiles Endowment Fund; modifying the terms and
791 membership and establishing a staggered membership for
792 appointed members of the Biomedical Research Advisory
793 Council; authorizing the Biomedical Research Advisory
794 Council to recommend a portion of the allocation for
795 the James and Esther King Biomedical Research Program



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796 for specified purposes and to develop a grant
797 application and review mechanism; prohibiting any
798 member of the council from participating in
799 discussions or decisions regarding certain proposals;
800 reducing the percentage of funds available for
801 administrative expenses of the James and Esther King
802 Biomedical Research Program; requiring the Department
803 of Health to adopt rules to administer the James and
804 Esther King Biomedical Research Program and the
805 William G. "Bill" Bankhead, Jr., and David Coley
806 Cancer Research Program; requiring the council to
807 recommend to the State Surgeon General, rather than
808 award, grants for cancer research through the William
809 G. "Bill" Bankhead, Jr., and David Coley Cancer
810 Research Program; increasing the funding available to
811 the Florida Center for Universal Research to Eradicate
812 Disease; allocating a specified amount of money to the
813 James and Esther King Biomedical Research Program and
814 the William G. "Bill" Bankhead, Jr., and David Coley
815 Cancer Research Program; authorizing the Department of
816 Health to accept and use gifts for awards under the
817 James and Esther King Biomedical Research Program;
818 deleting obsolete provisions; deleting a provision
819 providing for the future expiration of the James and
820 Esther King Biomedical Research Program; amending s.
821 381.855, F.S.; revising the membership of the advisory
822 council within the Florida Center for Universal
823 Research to Eradicate Disease; repealing s. 381.912,
824 F.S., relating to the Cervical Cancer Elimination Task



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825 Force; repealing s. 381.92, F.S., relating to the
826 Florida Cancer Council; repealing s. 381.921, F.S.,
827 relating to the mission and duties of the Florida
828 Cancer Council; amending s. 381.922, F.S.; revising
829 the purpose of the William G. "Bill" Bankhead, Jr.,
830 and David Coley Cancer Research Program; revising the
831 duties and goals of the William G. "Bill" Bankhead,
832 Jr., and David Coley Cancer Research Program; revising
833 the types of applications considered for funding;
834 authorizing the Biomedical Research Advisory Council
835 to recommend a portion of the allocation for the
836 William G. "Bill" Bankhead, Jr., and David Coley
837 Cancer Research Program for specified purposes and to
838 develop a grant application and review mechanism;
839 prohibiting any member of the council from
840 participating in discussions or decisions regarding
841 certain proposals; requiring the department to submit
842 to the Governor and Legislature a report by a
843 specified date; providing a funding source for the
844 William G. "Bill" Bankhead, Jr., and David Coley
845 Cancer Research Program; reducing the percentage of
846 funds available for administrative expenses of the
847 William G. "Bill" Bankhead, Jr., and David Coley
848 Cancer Research Program; authorizing the Department of
849 Health to accept and use gifts for awards under the
850 William G. "Bill" Bankhead, Jr., and David Coley
851 Cancer Research Program; deleting obsolete provisions;
852 deleting provisions providing for the future
853 expiration of the William G. "Bill" Bankhead, Jr., and



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854 David Coley Cancer Research Program; creating s.
855 381.923, F.S., relating to the Florida Comprehensive
856 Cancer Control Act; providing a short title; providing
857 legislative intent; providing definitions; creating
858 the Florida Cancer Control and Resource Advisory
859 Council; providing membership of the council;
860 providing the composition of the executive committee
861 of the council; providing for terms of the council and
862 meetings; providing for reimbursement for per diem and
863 travel expenses; prohibiting a member of the council
864 from participating in any discussion or decision to
865 recommend any type of award or contract to any
866 qualified nonprofit association or to any agency of
867 this state or its political subdivisions with which
868 the member is associated as a member of the governing
869 body or as an employee or with which the member has
870 entered into a contractual arrangement; providing the
871 duties and responsibilities of the council; requiring
872 the council to report findings and recommendations to
873 the Governor, the Legislature, and the State Surgeon
874 General; requiring the council to develop or purchase
875 written summaries regarding medically viable treatment
876 alternatives for the management of breast cancer and
877 prostate cancer; providing requirements for the
878 written summaries; requiring the council to develop
879 and implement education programs regarding early
880 detection and treatment of breast cancer and prostate
881 cancer; requiring that the H. Lee Moffitt Cancer
882 Center and Research Institute, Inc., have a executive



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883 director; allocating a specified amount of money from
884 the William G. "Bill" Bankhead, Jr., and David Coley
885 Cancer Research Program to the H. Lee Moffitt Cancer
886 Center and Research Institute, Inc., for
887 administrative costs and staff support; authorizing
888 the Department of Health to administer the act;
889 requiring the department to produce the Florida Cancer
890 Plan in consultation with the Florida Cancer Control
891 and Resource Advisory Council; creating the Cancer
892 Control Collaborative Program within the Department of
893 Health; providing the responsibility and mission of
894 the program; requiring the department to appoint a
895 director; providing duties for each collaborative;
896 requiring the collaborative program to submit to the
897 Florida Cancer Control and Resource Advisory Council
898 an annual report by a specified date; requiring the
899 Cancer Control Collaborative Program to serve as the
900 infrastructure for expansion or adaption as federal
901 programs or other opportunities arise for future
902 cancer control initiatives; amending ss. 458.324 and
903 459.0125, F.S.; conforming cross-references; repealing
904 s. 1004.435, F.S., relating to cancer control and
905 research; providing an effective date.