

By the Committees on Health and Human Services Appropriations;
Higher Education; Health Regulation; and Health Regulation; and
Senator Detert

603-04262-10

2010620c3

1 A bill to be entitled
2 An act relating to biomedical research programs;
3 amending s. 215.5602, F.S.; deleting provisions
4 requiring that the James and Esther King Biomedical
5 Research Program be funded by proceeds from the Lawton
6 Chiles Endowment Fund; modifying the terms and
7 membership and establishing a staggered membership for
8 appointed members of the Biomedical Research Advisory
9 Council; authorizing the Biomedical Research Advisory
10 Council to recommend a portion of the allocation for
11 the James and Esther King Biomedical Research Program
12 for specified purposes and to develop a grant
13 application and review mechanism; prohibiting any
14 member of the council from participating in
15 discussions or decisions regarding certain proposals;
16 reducing the percentage of funds available for
17 administrative expenses of the James and Esther King
18 Biomedical Research Program; requiring the Department
19 of Health to adopt rules to administer the James and
20 Esther King Biomedical Research Program and the
21 William G. "Bill" Bankhead, Jr., and David Coley
22 Cancer Research Program; increasing the funding
23 available to the Florida Center for Universal Research
24 to Eradicate Disease; allocating a specified amount of
25 money to the James and Esther King Biomedical Research
26 Program and the William G. "Bill" Bankhead, Jr., and
27 David Coley Cancer Research Program; authorizing the
28 Department of Health to accept and use gifts for
29 awards under the James and Esther King Biomedical

603-04262-10

2010620c3

30 Research Program; deleting obsolete provisions;
31 deleting a provision providing for the future
32 expiration of the James and Esther King Biomedical
33 Research Program; amending s. 381.855, F.S.; revising
34 the membership of the advisory council within the
35 Florida Center for Universal Research to Eradicate
36 Disease; repealing s. 381.912, F.S., relating to the
37 Cervical Cancer Elimination Task Force; repealing s.
38 381.92, F.S., relating to the Florida Cancer Council;
39 repealing s. 381.921, F.S., relating to the mission
40 and duties of the Florida Cancer Council; amending s.
41 381.922, F.S.; revising the purpose of the William G.
42 "Bill" Bankhead, Jr., and David Coley Cancer Research
43 Program; revising the duties and goals of the William
44 G. "Bill" Bankhead, Jr., and David Coley Cancer
45 Research Program; revising the types of applications
46 considered for funding; authorizing the Biomedical
47 Research Advisory Council to recommend a portion of
48 the allocation for the William G. "Bill" Bankhead,
49 Jr., and David Coley Cancer Research Program for
50 specified purposes and to develop a grant application
51 and review mechanism; prohibiting any member of the
52 council from participating in discussions or decisions
53 regarding certain proposals; requiring the department
54 to submit to the Governor and Legislature a report by
55 a specified date; providing a funding source for the
56 William G. "Bill" Bankhead, Jr., and David Coley
57 Cancer Research Program; reducing the percentage of
58 funds available for administrative expenses of the

603-04262-10

2010620c3

59 William G. "Bill" Bankhead, Jr., and David Coley
60 Cancer Research Program; authorizing the Department of
61 Health to accept and use gifts for awards under the
62 William G. "Bill" Bankhead, Jr., and David Coley
63 Cancer Research Program; deleting obsolete provisions;
64 deleting provisions providing for the future
65 expiration of the William G. "Bill" Bankhead, Jr., and
66 David Coley Cancer Research Program; creating s.
67 381.923, F.S., relating to the Florida Comprehensive
68 Cancer Control Act; providing a short title; providing
69 legislative intent; providing definitions; creating
70 the Florida Cancer Control and Resource Advisory
71 Council; providing membership of the council;
72 providing the composition of the executive committee
73 of the council; providing for terms of the council and
74 meetings; providing for reimbursement for per diem and
75 travel expenses; prohibiting a member of the council
76 from participating in any discussion or decision to
77 recommend any type of award or contract to any
78 qualified nonprofit association or to any agency of
79 this state or its political subdivisions with which
80 the member is associated as a member of the governing
81 body or as an employee or with which the member has
82 entered into a contractual arrangement; providing the
83 duties and responsibilities of the council; requiring
84 the council to report findings and recommendations to
85 the Governor, the Legislature, and the State Surgeon
86 General; requiring the council to develop or purchase
87 written summaries regarding medically viable treatment

603-04262-10

2010620c3

88 alternatives for the management of breast cancer and
89 prostate cancer; providing requirements for the
90 written summaries; requiring the council to develop
91 and implement education programs regarding early
92 detection and treatment of breast cancer and prostate
93 cancer; requiring that the H. Lee Moffitt Cancer
94 Center and Research Institute, Inc., provide an
95 executive director for the council; allocating a
96 specified amount of money from the William G. "Bill"
97 Bankhead, Jr., and David Coley Cancer Research Program
98 to the H. Lee Moffitt Cancer Center and Research
99 Institute, Inc., for administrative costs and staff
100 support; authorizing the Department of Health to
101 administer the act; requiring the department to
102 produce the Florida Cancer Plan in consultation with
103 the Florida Cancer Control and Resource Advisory
104 Council; creating the Cancer Control Collaborative
105 Program within the Department of Health; providing the
106 responsibility and mission of the program; requiring
107 the department to appoint a director; providing duties
108 for each collaborative; requiring the collaborative
109 program to submit to the Florida Cancer Control and
110 Resource Advisory Council an annual report by a
111 specified date; requiring the Cancer Control
112 Collaborative Program to serve as the infrastructure
113 for expansion or adaption as federal programs or other
114 opportunities arise for future cancer control
115 initiatives; amending ss. 458.324 and 459.0125, F.S.;

116 conforming cross-references; repealing s. 1004.435,

603-04262-10

2010620c3

117 F.S., relating to cancer control and research;
118 providing an effective date.

119

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

121

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

124 215.5602 James and Esther King Biomedical Research
125 Program.—

126 (1) There is established within the Department of Health
127 the James and Esther King Biomedical Research Program ~~funded by~~
128 ~~the proceeds of the Lawton Chiles Endowment Fund pursuant to s.~~
129 ~~215.5601~~. The purpose of the James and Esther King Biomedical
130 Research Program is to provide an annual and perpetual source of
131 funding in order to support research initiatives that address
132 the health care problems of Floridians in the areas of tobacco-
133 related cancer, cardiovascular disease, stroke, and pulmonary
134 disease. The long-term goals of the program are to:

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

138 (b) Expand the foundation of biomedical knowledge relating
139 to the prevention, diagnosis, treatment, and cure of diseases
140 related to tobacco use, including cancer, cardiovascular
141 disease, stroke, and pulmonary disease.

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

145 (d) Increase the state's per capita funding for research by

603-04262-10

2010620c3

146 undertaking new initiatives in public health and biomedical
147 research that will attract additional funding from outside the
148 state.

149 (e) Stimulate economic activity in the state in areas
150 related to biomedical research, such as the research and
151 production of pharmaceuticals, biotechnology, and medical
152 devices.

153 (2) Funds appropriated for the James and Esther King
154 Biomedical Research Program shall be used exclusively for the
155 award of grants and fellowships as established in this section;
156 for research relating to the prevention, diagnosis, treatment,
157 and cure of diseases related to tobacco use, including cancer,
158 cardiovascular disease, stroke, and pulmonary disease; ~~and~~ for
159 expenses incurred in the administration of this section; and as
160 provided in subsections (5) and (12). Priority shall be granted
161 to research designed to prevent or cure disease.

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

164 (a) The council shall consist of 13 ~~11~~ members, including:
165 the chief executive officer of the Florida Division of the
166 American Cancer Society, or a designee; the chief executive
167 officer of the Greater Southeast Florida/Puerto Rico Affiliate
168 of the American Heart Association, or a designee; ~~and~~ the chief
169 executive officer of the American Lung Association of the
170 Southeast Florida, or a designee; the chief executive officer of
171 Enterprise Florida, or a designee; and the chief executive
172 officer of BioFlorida, or a designee. The remaining 8 members of
173 the council shall be appointed as follows:

174 1. The Governor shall appoint four members, two members

603-04262-10

2010620c3

175 with expertise in the field of biomedical research, one member
176 from a research university in the state, and one member
177 representing the general population of the state.

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

182 3. The Speaker of the House of Representatives shall
183 appoint two members, one member from a professional medical
184 organization and one representative from a cancer program
185 approved by the American College of Surgeons.

186

187 In making these appointments, the Governor, the President of the
188 Senate, and the Speaker of the House of Representatives shall
189 select primarily, but not exclusively, Floridians with
190 biomedical and lay expertise in the general areas of cancer,
191 cardiovascular disease, stroke, and pulmonary disease. The
192 appointments shall be for 4-year staggered terms ~~a 3-year term~~
193 and shall reflect the diversity of the state's population. An
194 appointed member may not serve more than two consecutive terms.
195 The first two appointments by the Governor and the first
196 appointment by the President of the Senate and the Speaker of
197 the House of Representatives on or after July 1, 2010, shall be
198 for a term of 2 years.

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

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

603-04262-10

2010620c3

204 (d) Members of the council shall serve without
205 compensation, but may receive reimbursement as provided in s.
206 112.061 for travel and other necessary expenses incurred in the
207 performance of their official duties.

208 (4) The council shall advise the State Surgeon General as
209 to the direction and scope of the biomedical research program.
210 The responsibilities of the council may include, but are not
211 limited to:

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

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

214 (c) Participating in periodic program evaluation.

215 (d) Assisting in the development of guidelines to ensure
216 fairness, neutrality, and adherence to the principles of merit
217 and quality in the conduct of the program.

218 (e) Assisting in the development of appropriate linkages to
219 nonacademic entities, such as voluntary organizations, health
220 care delivery institutions, industry, government agencies, and
221 public officials.

222 (f) Developing criteria and standards for the award of
223 research grants.

224 (g) Developing administrative procedures relating to
225 solicitation, review, and award of research grants and
226 fellowships, to ensure an impartial, high-quality peer review
227 system.

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

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

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

603-04262-10

2010620c3

233 (5) (a) Applications for biomedical research funding under
234 the program may be submitted from any university or established
235 research institute in the state. All qualified investigators in
236 the state, regardless of institution affiliation, shall have
237 equal access and opportunity to compete for the research
238 funding.

239 (b) Grants and fellowships shall be awarded by the State
240 Surgeon General, after consultation with the council, on the
241 basis of scientific merit, as determined by an open competitive
242 peer review process that ensures objectivity, consistency, and
243 high quality. The following types of applications shall be
244 considered for funding:

- 245 1. Investigator-initiated research grants.
- 246 2. Institutional research and training grants.
- 247 3. Predoctoral and postdoctoral research fellowships.

248 (c) For any given year, the Biomedical Research Advisory
249 Council may also recommend up to one-third of the allocation for
250 grants by the James and Esther King Biomedical Research Program
251 for the recruitment of cancer, heart, or lung researchers and
252 research teams to institutions in the state; for operational
253 start-up grants for newly recruited cancer, heart, or lung
254 researchers and research teams; and for equipment expenditures
255 related to the expansion of cancer, heart, or lung research and
256 treatment capacity in this state. For the purposes of
257 implementing this paragraph, the council may develop a grant
258 application and review mechanism other than the process for
259 reviewing research proposals prescribed in subsection (6);
260 however, such mechanism must ensure a fair and rigorous analysis
261 of the merit of any proposals considered under this paragraph.

603-04262-10

2010620c3

262 (6) To ensure that all proposals for research funding are
263 appropriate and are evaluated fairly on the basis of scientific
264 merit, the State Surgeon General, in consultation with the
265 council, shall appoint a peer review panel of independent,
266 scientifically qualified individuals to review the scientific
267 content of each proposal and establish its scientific priority
268 score. The priority scores shall be forwarded to the council and
269 must be considered in determining which proposals shall be
270 recommended for funding.

271 (7) The council and the peer review panel shall establish
272 and follow rigorous guidelines for ethical conduct and adhere to
273 a strict policy with regard to conflict of interest. A member of
274 the council or panel may not participate in any council or panel
275 discussion or decision with respect to a research proposal, or
276 any proposal related to those projects contemplated in paragraph
277 (5) (c), by any firm, entity, or agency with which the member is
278 associated as a member of the governing body or as an employee,
279 or with which the member has entered into a contractual
280 arrangement. Meetings of the council and the peer review panels
281 shall be subject to the provisions of chapter 119, s. 286.011,
282 and s. 24, Art. I of the State Constitution.

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

287 (9) The Department of Health, after consultation with the
288 council, shall ~~may~~ adopt rules as necessary to administer
289 implement this section, taking into consideration the nature of
290 the program and making allowances in any adopted rules which

603-04262-10

2010620c3

291 enable timely implementation of calls for proposals, proposal
292 reviews, proposal considerations, and any other program
293 activities, and which prevent delays in making annual program
294 awards to grant recipients.

295 (10) The council shall submit an annual progress report on
296 the state of biomedical research in this state to the Florida
297 Center for Universal Research to Eradicate Disease and to the
298 Governor, the State Surgeon General, the President of the
299 Senate, and the Speaker of the House of Representatives by
300 February 1. The report must include:

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

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

304 (c) A list of publications in peer reviewed journals
305 involving research supported by grants or fellowships awarded
306 under the program.

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

309 (e) New grants for biomedical research which were funded
310 based on research supported by grants or fellowships awarded
311 under the program.

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

315 (11) The council may ~~shall~~ award grants for cancer research
316 through the William G. "Bill" Bankhead, Jr., and David Coley
317 Cancer Research Program created in s. 381.922.

318 (12) (a) From funds appropriated to accomplish the goals of
319 this section, up to \$500,000 ~~\$250,000~~ shall be available for the

603-04262-10

2010620c3

320 operating costs of the Florida Center for Universal Research to
321 Eradicate Disease.

322 ~~(b) (a)~~ Beginning in the 2010-2011 ~~2009-2010~~ fiscal year and
323 thereafter, \$50 million from 5 percent of the revenue deposited
324 into the Health Care Trust Fund pursuant to ss. 210.011(9) and
325 210.276(7) shall be reserved for research of tobacco-related or
326 cancer-related illnesses, subject to annual appropriations in
327 the General Appropriations Act, which may include funding for
328 the James and Esther King Biomedical Research Program and the
329 William G. "Bill" Bankhead, Jr., and David Coley Cancer Research
330 Program; however, the sum of the revenue reserved pursuant to
331 ss. 210.011(9) and 210.276(7) may not exceed \$50 million in any
332 fiscal year.

333 ~~(b)~~ In the ~~2009-2010~~ fiscal year, ~~2.5 percent~~, not to
334 exceed \$25 million, of the revenue deposited into the Health
335 Care Trust Fund pursuant to this subsection shall be transferred
336 to the Biomedical Research Trust Fund within the Department of
337 Health for the James and Esther King Biomedical Research
338 Program.

339 (13) The Department of Health may accept gifts made
340 unconditionally by will or otherwise, deposit them into the
341 Biomedical Research Trust Fund, and use them for grant or
342 fellowship awards in the James and Esther King Biomedical
343 Research Program. Any gift made under conditions that, in the
344 judgment of the department, upon consultation with the council,
345 are proper and consistent with this section, the laws of the
346 United States, and state law, may be accepted and shall be held,
347 invested, reinvested, and used in accordance with the conditions
348 of the gift. By June 1, 2009, the Division of Statutory Revision

603-04262-10

2010620c3

349 ~~of the Office of Legislative Services shall certify to the~~
350 ~~President of the Senate and the Speaker of the House of~~
351 ~~Representatives the language and statutory citation of this~~
352 ~~section, which is scheduled to expire January 1, 2011.~~

353 ~~(14) The Legislature shall review the performance, the~~
354 ~~outcomes, and the financial management of the James and Esther~~
355 ~~King Biomedical Research Program during the 2010 Regular Session~~
356 ~~of the Legislature and shall determine the most appropriate~~
357 ~~funding source and means of funding the program based on its~~
358 ~~review.~~

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

361 Section 2. Paragraph (a) of subsection (5) of section
362 381.855, Florida Statutes, is amended to read:

363 381.855 Florida Center for Universal Research to Eradicate
364 Disease.—

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

367 (a) The council shall consist of one representative from a
368 Florida not-for-profit institution engaged in basic and clinical
369 biomedical research and education which receives more than \$10
370 million in annual grant funding from the National Institutes of
371 Health, to be appointed by the State Surgeon General from a
372 different institution each term, and one representative from and
373 appointed by each of the following entities:

- 374 1. Enterprise Florida, Inc.
- 375 2. BioFlorida.
- 376 3. The Biomedical Research Advisory Council.
- 377 4. The Florida Medical Foundation.

603-04262-10

2010620c3

378 5. Pharmaceutical Research and Manufacturers of America.
379 ~~6. The Florida Cancer Council.~~
380 ~~6.7.~~ The American Cancer Society, Florida Division, Inc.
381 ~~7.8.~~ The American Heart Association.
382 ~~8.9.~~ The American Lung Association of Florida.
383 ~~9.10.~~ The American Diabetes Association, South Coastal
384 Region.
385 ~~10.11.~~ The Alzheimer's Association.
386 ~~11.12.~~ The Epilepsy Foundation.
387 ~~12.13.~~ The National Parkinson Foundation.
388 ~~13.14.~~ The Florida Public Health Institute, Inc.
389 ~~14.15.~~ The Florida Research Consortium.
390 Section 3. Section 381.912, Florida Statutes, is repealed.
391 Section 4. Section 381.92, Florida Statutes, is repealed.
392 Section 5. Section 381.921, Florida Statutes, is repealed.
393 Section 6. Section 381.922, Florida Statutes, is amended to
394 read:
395 381.922 William G. "Bill" Bankhead, Jr., and David Coley
396 Cancer Research Program.—
397 (1) The William G. "Bill" Bankhead, Jr., and David Coley
398 Cancer Research Program, which may be otherwise cited as the
399 "Bankhead-Coley Program," is created within the Department of
400 Health. The purpose of the program shall be to advance progress
401 towards cures for cancer using through grants awarded through a
402 peer-reviewed, competitive process and to expand cancer research
403 and treatment capacity in this state.
404 (2) The program shall provide grants for cancer research,
405 including cancer clinical trials projects as provided in this
406 section, to further the search for cures for cancer; for

603-04262-10

2010620c3

407 recruiting cancer researchers and research teams to institutions
408 in the state; for operational start-up grants for newly
409 recruited cancer researchers and research teams; or for
410 equipment expenditures related to the expansion of cancer
411 research and treatment capacity in the state.

412 (a) Emphasis shall be given to the following goals that are
413 designed to foster dramatic improvement in cancer research
414 capacity in the state enumerated in s. ~~381.921~~, as they ~~those~~
415 ~~goals~~ support the advancement of ~~such~~ cures:-

416 1. Significantly expand cancer research capacity in the
417 state by identifying ways to attract new research talent and
418 attendant national grant-producing researchers to cancer
419 research facilities in this state; implement a peer-reviewed,
420 competitive process to identify and fund the best proposals to
421 expand cancer research institutes in this state; fund through
422 available resources those proposals that demonstrate the
423 greatest opportunity to attract federal research grants and
424 private financial support; encourage the employment of
425 bioinformatics in order to create a cancer informatics
426 infrastructure that enhances information and resource exchange
427 and integration through researchers working in diverse
428 disciplines; facilitate the full spectrum of cancer
429 investigations; facilitate the technical coordination, business
430 development, and support of intellectual property as it relates
431 to the advancement of cancer research; and aid in other
432 multidisciplinary research-support activities as they inure to
433 the advancement of cancer research.

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

603-04262-10

2010620c3

- 436 a. Identifying ways to increase enrollment in cancer
437 clinical trials;
- 438 b. Supporting public and private professional education
439 programs designed to increase the awareness and knowledge about
440 cancer clinical trials;
- 441 c. Providing tools to cancer patients and community-based
442 oncologists to aid in the identification of cancer clinical
443 trials available in the state; and
- 444 d. Creating opportunities for the state's academic cancer
445 centers to collaborate with community-based oncologists in
446 cancer clinical trials networks.
- 447 3. Reduce the impact of cancer on disparate groups by
448 identifying those cancers that disproportionately impact certain
449 demographic groups and building collaborations designed to
450 reduce health disparities as they relate to cancer.
- 451 (b) Preference may be given to grant proposals that foster
452 collaborations among institutions, researchers, and community
453 practitioners, as such proposals support the advancement of
454 cures through basic or applied research, including clinical
455 trials involving cancer patients and related networks and the
456 transfer of knowledge gained from research into the practice of
457 community practitioners.
- 458 (3) (a) Applications for funding for cancer research may be
459 submitted by any university or established research institute in
460 the state. All qualified investigators in the state, regardless
461 of institutional affiliation, shall have equal access and
462 opportunity to compete for the research funding. Collaborative
463 proposals, including those that advance the program's goals
464 enumerated in subsection (2), may be given preference. Grants

603-04262-10

2010620c3

465 shall be awarded by the State Surgeon General, after
466 consultation with the Biomedical Research Advisory Council
467 established in s. 215.5602, on the basis of scientific merit, as
468 determined by an open, competitive peer review process that
469 ensures objectivity, consistency, and high quality. The
470 following types of applications shall be considered for funding:

- 471 1. Investigator-initiated research grants.
- 472 2. Institutional research and training grants.
- 473 3. Predoctoral and postdoctoral research fellowships.

474 ~~4.3.~~ Collaborative research grants, including those that
475 advance the finding of cures through basic or applied research.

476 5. Clinical trial project grants, particularly those
477 projects such as matching services that identify prospective
478 clinical trials treatment options for cancer patients in this
479 state or those projects that otherwise foster greater rates of
480 participation in trials. At least one such grant shall be
481 awarded in any given year if a meritorious proposal or proposals
482 are received. Such project grant proposals are not required to
483 be posed as a research question in order to qualify for an
484 award.

485 (b) For any given year, the Biomedical Research Advisory
486 Council may recommend up to one-third of the allocation for
487 grants by the William G. "Bill" Bankhead, Jr., and David Coley
488 Cancer Research Program for the recruitment of cancer
489 researchers and research teams to institutions in the state, for
490 operational start-up grants for newly recruited cancer
491 researchers and research teams, or for equipment expenditures
492 related to the expansion of cancer research and treatment
493 capacity in the state. For the purposes of implementing this

603-04262-10

2010620c3

494 paragraph, the council may develop a grant application and
495 review mechanism other than the process for reviewing research
496 proposals prescribed in paragraph (c); however, such mechanism
497 shall ensure a fair and rigorous analysis of the merit of any
498 proposals considered under this paragraph.

499 (c)~~(b)~~ In order to ensure that all proposals for research
500 funding are appropriate and are evaluated fairly on the basis of
501 scientific merit, the State Surgeon General, in consultation
502 with the council, shall appoint a peer review panel of
503 independent, scientifically qualified individuals to review the
504 scientific content of each proposal and establish its priority
505 score. The priority scores shall be forwarded to the council and
506 must be considered in determining which proposals shall be
507 recommended for funding.

508 (d)~~(e)~~ The council and the peer review panel shall
509 establish and follow rigorous guidelines for ethical conduct and
510 adhere to a strict policy with regard to conflicts of interest.
511 A member of the council or panel may not participate in any
512 council or panel discussion or decision with respect to a
513 research proposal, or any proposal related to those projects
514 contemplated in paragraph (b), by any firm, entity, or agency
515 with which the member is associated as a member of the governing
516 body or as an employee or with which the member has entered into
517 a contractual arrangement. Meetings of the council and the peer
518 review panels are subject to chapter 119, s. 286.011, and s. 24,
519 Art. I of the State Constitution.

520 (4) By February 1 ~~December 15~~ of each year, the Department
521 of Health shall submit to the Governor, the President of the
522 Senate, and the Speaker of the House of Representatives a report

603-04262-10

2010620c3

523 indicating progress towards the program's mission and making
524 recommendations that further its purpose.

525 (5) The William G. "Bill" Bankhead, Jr., and David Coley
526 Cancer Research Program is funded pursuant to s. 215.5602(12)
527 and this section, as appropriated in the General Appropriations
528 Act. Funds appropriated for the William G. "Bill" Bankhead, Jr.,
529 and David Coley Cancer Research Program shall be distributed
530 pursuant to this section to provide grants to researchers
531 seeking cures for cancer and cancer-related illnesses, with
532 emphasis given to the goals enumerated in paragraph (2) (a) s.
533 381.921. From the total funds appropriated, an amount of up to
534 7.5 ~~10~~ percent may be used for administrative expenses. ~~In the~~
535 ~~2009-2010 fiscal year, 2.5 percent, not to exceed \$25 million,~~
536 ~~of the revenue deposited into the Health Care Trust Fund~~
537 ~~pursuant to s. 215.5602(12) (a) shall be transferred to the~~
538 ~~Biomedical Research Trust Fund within the Department of Health~~
539 ~~for the William G. "Bill" Bankhead, Jr., and David Coley Cancer~~
540 ~~Research Program.~~

541 (6) The Department of Health may accept gifts made
542 unconditionally by will or otherwise, deposit them into the
543 Biomedical Research Trust Fund, and use them for grant or
544 fellowship awards in the William G. "Bill" Bankhead, Jr., and
545 David Coley Cancer Research Program. Any gift made under
546 conditions that, in the judgment of the department, upon
547 consultation with the council, are proper and consistent with
548 this section, the laws of the United States, and state law, may
549 be accepted and shall be held, invested, reinvested, and used in
550 accordance with the conditions of the gift. ~~By June 1, 2009, the~~
551 ~~Division of Statutory Revision of the Office of Legislative~~

603-04262-10

2010620c3

552 ~~Services shall certify to the President of the Senate and the~~
553 ~~Speaker of the House of Representatives the language and~~
554 ~~statutory citation of this section, which is scheduled to expire~~
555 ~~January 1, 2011.~~

556 ~~(7) The Legislature shall review the performance, the~~
557 ~~outcomes, and the financial management of the William C. "Bill"~~
558 ~~Bankhead, Jr., and David Coley Cancer Research Program during~~
559 ~~the 2010 Regular Session of the Legislature and shall determine~~
560 ~~the most appropriate funding source and means of funding the~~
561 ~~program based on its review.~~

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

564 Section 7. Section 381.923, Florida Statutes, is created to
565 read:

566 381.923 Comprehensive cancer control.-

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

569 (2) LEGISLATIVE INTENT.-It is the finding of the
570 Legislature that:

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

575 (b) Research shows that certain lifestyles and exposures,
576 such as tobacco use, exposure to ultraviolet radiation from the
577 sun, and exposure to occupational and environmental carcinogens,
578 contribute to the risk for many types of cancer and that certain
579 screening tests are effective in finding cancer early when it is
580 more treatable. The role of diet, exercise, and other healthy

603-04262-10

2010620c3

581 lifestyles are also important in cancer prevention and control.
582 Proven causes of cancer and methods for early detection should
583 be publicized and be the subject of linguistically and
584 culturally appropriate educational and awareness programs for
585 the prevention of cancer.

586 (c) An effective cancer control program would mobilize the
587 scientific, educational, and medical resources that presently
588 exist into an intense attack against this dreaded disease, with
589 the primary goal to reduce the cancer burden for the residents
590 of this state.

591 (3) DEFINITIONS.—As used in this section, the term:

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

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

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

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

601 (e) "Program" means the Florida Cancer Control
602 Collaborative Program.

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

606 (4) FLORIDA CANCER CONTROL AND RESOURCE ADVISORY COUNCIL;
607 CREATION; COMPOSITION.—

608 (a) There is created within the H. Lee Moffitt Cancer
609 Center and Research Institute, Inc., the Florida Cancer Control

603-04262-10

2010620c3

610 and Resource Advisory Council. The council shall consist of
611 cancer organizational representation and cancer control
612 stakeholders, with a chairperson elected by the council
613 membership for a term of 2 years. Each council member must be a
614 resident of this state. Three members representing the general
615 public shall be appointed by the Governor. The Governor shall
616 make three separate appointments for 1-year, 2-year, and 3-year
617 terms beginning July 1, 2010; thereafter, gubernatorial
618 appointments to the council shall be for 3-year terms. The
619 President of the Senate and the Speaker of the House of
620 Representatives shall appoint one member from his or her
621 legislative body to serve on the council at any given time. Each
622 of the following organizations shall designate a representative
623 to serve on the council:

- 624 1. H. Lee Moffitt Cancer Center and Research Institute,
625 Inc.
- 626 2. University of Florida Shands Cancer Center.
- 627 3. University of Miami Sylvester Comprehensive Cancer
628 Center.
- 629 4. Mayo Clinic, Florida.
- 630 5. M.D. Anderson Cancer Center, Florida.
- 631 6. American Cancer Society, Florida Division.
- 632 7. American Lung Association of the Southeast.
- 633 8. American Association for Retired Persons.
- 634 9. Department of Health.
- 635 10. Department of Education.
- 636 11. Florida Tumor Registrars Association.
- 637 12. Florida Cancer Data System.
- 638 13. Florida Society of Oncology Social Workers.

603-04262-10

2010620c3

- 639 14. Florida Oncology Nurses Society.
640 15. Florida Society of Clinical Oncology.
641 16. Florida Association of Pediatric Tumor Programs, Inc.
642 17. Florida Medical Association.
643 18. Florida Hospital Association.
644 19. Florida Nursing Association.
645 20. Florida Dental Association.
646 21. Florida Osteopathic Association.
647 22. University of Florida College of Medicine.
648 23. University of Miami College of Medicine.
649 24. University of South Florida College of Medicine.
650 25. Florida State University College of Medicine.
651 26. University of Central Florida College of Medicine.
652 27. Nova Southeastern College of Osteopathic Medicine.
653 28. Florida International University College of Medicine.
654 29. Lake Erie School of Osteopathic Medicine.
655 30. Biomedical Research Advisory Council.
656 31. Center for Universal Research to Eradicate Disease.
657 32. A representative from each of the regional Cancer
658 Control Collaboratives.

659 (b) An executive committee, which shall be responsible for
660 coordinating the activities and planning the direction of the
661 full council, shall be comprised of the council's elected
662 chairman, one at-large member elected by the full council, and
663 the members representing the Department of Health, the American
664 Cancer Society, the H. Lee Moffitt Cancer Center and Research
665 Institute, Inc., the University of Florida Shands Cancer Center,
666 and the University of Miami Sylvester Comprehensive Cancer
667 Center, as well as the appointee of the President of the Senate,

603-04262-10

2010620c3

668 the appointee of the Speaker of the House of Representatives,
669 and one of the gubernatorial appointees, who shall be designated
670 by the council's chairman. Should the council chairman be a
671 designee from one of the named entities in this paragraph, the
672 full council shall elect a second at-large position to serve on
673 the executive committee. The elected positions on the executive
674 committee shall be for terms of 2 years.

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

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

681 (e) A member of the council may not participate in any
682 council discussion or decision to recommend any type of award or
683 contract to any qualified nonprofit association or to any agency
684 of this state or its political subdivisions with which the
685 member is associated as a member of the governing body or as an
686 employee or with which the member has entered into a contractual
687 arrangement.

688 (f) The council may prescribe, amend, and repeal bylaws
689 governing the manner in which the business of the council is
690 conducted.

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

694 (h) The council shall approve a plan for cancer control to
695 be known as the "Florida Cancer Plan," which shall be consistent
696 to the extent possible with other cancer or health-related state

603-04262-10

2010620c3

697 plans and integrated and coordinated with existing programs in
698 this state. The council shall review and approve the plan at
699 least every 2 years.

700 (i) The council shall formulate and recommend to the
701 Governor, the Legislature, the State Surgeon General, and other
702 state policymakers a plan for the prevention and early detection
703 of cancer which is evidence-based and consistent with standards
704 of practice and supported by evidence-based medicine. The State
705 Surgeon General and other state policymakers shall consider the
706 plan in developing departmental priorities and funding
707 priorities and standards under chapter 385.

708 (j) The council shall provide expertise and input in the
709 content and development of the Florida Cancer Plan.
710 Recommendations shall include the coordination and integration
711 of other state plans concerned with cancer control. Committees
712 may be formed by the council so that the following areas will be
713 established as entities for actions:

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

717 2. Cancer prevention.

718 3. Cancer detection.

719 4. Cancer treatments.

720 5. Support services for cancer patients and caregivers.

721 6. Cancer education for laypersons and professionals.

722 7. Other cancer-control-related topics.

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

603-04262-10

2010620c3

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

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

732 (n) By December 1 of each year, the council shall report
733 any findings and recommendations to the Governor, the President
734 of the Senate, the Speaker of the House of Representatives, and
735 the State Surgeon General.

736 (o) If funds for this purpose are specifically appropriated
737 by the Legislature, the council shall develop or purchase
738 standardized written summaries, written in layperson's terms and
739 in language easily understood by the average adult patient,
740 informing actual and high-risk breast cancer patients, prostate
741 cancer patients, and men who are considering prostate cancer
742 screening of the medically viable treatment alternatives
743 available to them in the effective management of breast cancer
744 and prostate cancer; describing such treatment alternatives; and
745 explaining the relative advantages, disadvantages, and risks
746 associated therewith. The breast cancer summary, upon its
747 completion, shall be printed in the form of a pamphlet or
748 booklet and made continuously available to physicians and
749 surgeons in this state for their use in accordance with s.
750 458.324 and to osteopathic physicians in this state for their
751 use in accordance with s. 459.0125. The council shall
752 periodically update both summaries to reflect current standards
753 of medical practice in the treatment of breast cancer and
754 prostate cancer. If funds for this purpose are specifically

603-04262-10

2010620c3

755 appropriated by the Legislature, the council shall develop and
756 implement educational programs, including distribution of the
757 summaries developed or purchased under this paragraph, to inform
758 citizen groups, associations, and voluntary organizations about
759 early detection and treatment of breast cancer and prostate
760 cancer.

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

763 (a) The H. Lee Moffitt Cancer Center and Research
764 Institute, Inc., shall provide a full-time executive director to
765 coordinate, facilitate, and communicate the mission and
766 responsibilities of the council. Additional administrative
767 support, information, and other assistance shall also be
768 provided as reasonably necessary for the completion of the
769 responsibilities of the council.

770 (b) From the funds appropriated annually for the William G.
771 "Bill" Bankhead, Jr., and David Coley Cancer Research Program,
772 the sum of \$150,000 shall be allocated to the H. Lee Moffitt
773 Cancer Center and Research Institute, Inc., for the
774 administrative costs and staff support to convene and facilitate
775 the responsibilities of the council.

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

778 (d) The Florida Cancer Plan is established within the
779 Department of Health. The Department of Health shall consult
780 with the council in developing the plan, prioritizing goals, and
781 allocating resources.

782 (6) FLORIDA CANCER CONTROL COLLABORATIVE PROGRAM; CREATION;
783 COMPOSITION.—

603-04262-10

2010620c3

784 (a) The Cancer Control Collaborative Program is established
785 within the Department of Health and resides within the cancer
786 program. The program is responsible for overseeing and providing
787 infrastructure for the state cancer collaborative network. The
788 primary mission of the program is to implement the plan's
789 initiatives and identify and facilitate the local development of
790 solutions to cancer control needs of the populations served by
791 the regional cancer control collaboratives. The Cancer Control
792 Collaborative Program shall prioritize programs and resources to
793 reduce the burden of cancer in this state, consistent with the
794 plan.

795 (b) The Department of Health shall appoint a cancer program
796 director, who is responsible for supervising the collaborative
797 program. At a minimum, centralized organization, communications,
798 information technology, shared resources, and cancer control
799 expertise shall be provided to the regional cancer control
800 collaboratives by the Department of Health.

801 (c) Each regional cancer control collaborative shall bring
802 together local cancer stakeholders, develop bylaws, identify
803 priority cancer control needs of its region, and develop
804 solutions to solve problems, consistent with the plan and the
805 goal of reducing the burden of cancer in this state. Each
806 collaborative shall meet at least semiannually and send
807 representation to the council meetings.

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

812 (e) The Cancer Control Collaborative Program shall serve as

603-04262-10

2010620c3

813 the infrastructure for expansion or adaptation as federal
814 programs or other opportunities arise for future cancer control
815 initiatives. The development of the infrastructure for local
816 cancer control collaboratives, to the extent possible, shall be
817 designed to leverage opportunities for funding from the United
818 States Centers for Disease Control or other federal sources.

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

821 458.324 Breast cancer; information on treatment
822 alternatives.—

823 (1) DEFINITION.—As used in this section, the term
824 “medically viable,” as applied to treatment alternatives, means
825 modes of treatment generally considered by the medical
826 profession to be within the scope of current, acceptable
827 standards, including treatment alternatives described in the
828 written summary prepared by the Florida Cancer Control and
829 Resource Research ~~Advisory~~ Council in accordance with s.
830 381.923(4)(o) ~~s. 1004.435(4)(m)~~.

831 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—Each physician
832 treating a patient who is, or in the judgment of the physician
833 is at high risk of being, diagnosed as having breast cancer
834 shall inform such patient of the medically viable treatment
835 alternatives available to such patient; shall describe such
836 treatment alternatives; and shall explain the relative
837 advantages, disadvantages, and risks associated with the
838 treatment alternatives to the extent deemed necessary to allow
839 the patient to make a prudent decision regarding such treatment
840 options. In compliance with this subsection:

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

603-04262-10

2010620c3

- 842 1. Orally communicate such information directly to the
843 patient or the patient's legal representative;
- 844 2. Provide the patient or the patient's legal
845 representative with a copy of the written summary prepared in
846 accordance with s. 381.923(4) (o) ~~s. 1004.435(4) (m)~~ and express a
847 willingness to discuss the summary with the patient or the
848 patient's legal representative; or
- 849 3. Both communicate such information directly and provide a
850 copy of the written summary to the patient or the patient's
851 legal representative for further consideration and possible
852 later discussion.

853

854 Nothing in this subsection shall reduce other provisions of law
855 regarding informed consent.

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

858 459.0125 Breast cancer; information on treatment
859 alternatives.—

860 (1) DEFINITION.—As used in this section, the term
861 "medically viable," as applied to treatment alternatives, means
862 modes of treatment generally considered by the medical
863 profession to be within the scope of current, acceptable
864 standards, including treatment alternatives described in the
865 written summary prepared by the Florida Cancer Control and
866 Resource Research ~~Research~~ Advisory Council in accordance with s.
867 381.923(4) (o) ~~s. 1004.435(4) (m)~~.

868 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—It is the
869 obligation of every physician treating a patient who is, or in
870 the judgment of the physician is at high risk of being,

603-04262-10

2010620c3

871 diagnosed as having breast cancer to inform such patient of the
872 medically viable treatment alternatives available to such
873 patient; to describe such treatment alternatives; and to explain
874 the relative advantages, disadvantages, and risks associated
875 with the treatment alternatives to the extent deemed necessary
876 to allow the patient to make a prudent decision regarding such
877 treatment options. In compliance with this subsection:

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

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

881 2. Provide the patient or the patient's legal
882 representative with a copy of the written summary prepared in
883 accordance with s. 381.923(4)(o) ~~s. 1004.435(4)(m)~~ and express
884 her or his willingness to discuss the summary with the patient
885 or the patient's legal representative; or

886 3. Both communicate such information directly and provide a
887 copy of the written summary to the patient or the patient's
888 legal representative for further consideration and possible
889 later discussion.

890

891 Nothing in this subsection shall reduce other provisions of law
892 regarding informed consent.

893 Section 10. Section 1004.435, Florida Statutes, is
894 repealed.

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