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1 A bill to be entitled
2 An act relating to biomedical research; amending s.
3 20.435, F.S.; revising funding sources for trust fund to
4 conform to changes made by this act; providing for
5 segregation of trust funds based on the type of research
6 conducted; revising the time by which certain balances of
7 appropriations from the Biomedical Research Trust Fund can
8 be carried forward; amending s. 215.5602, F.S.; revising
9 provisions related to the James and Esther King Biomedical
10 Research Program; revising long-term program goals;
11 revising provisions related to program funds and funding;
12 renaming the Biomedical Research Advisory Council the
13 Biomedical Research Commission; revising membership
14 provisions related to the Biomedical Research Commission;
15 providing that the council serves as the exclusive source
16 of biomedical research grant and fellowship awards;
17 requiring the commission to create committees; requiring
18 that the commission create policies and procedures related
19 to committees and receiving input from outside sources;
20 revising commission responsibilities; creating future
21 requirement for the commission to submit lists of
22 priorities for funding tobacco and non-tobacco-related
23 diseases to the State Surgeon General; requiring State
24 Surgeon General to provide commission funding priorities
25 to the Legislature for funding; providing restrictions on
26 the State Surgeon General; providing criteria for ranking
27 priorities; providing for the award of grants or
28 fellowships upon a specific appropriation; providing that

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29 funding is only available to research projects that go
 30 through the process set forth in the section; providing
 31 restrictions on the recommendation or award of grants or
 32 fellowships by other programs and entities; deleting
 33 references to conform to the changes made by this act;
 34 reducing the limits on administrative expenses; revising
 35 requirements relating the commission's annual progress
 36 report; providing a future expiration date for the
 37 commission to award grants for the Bankhead-Coley Program;
 38 revising provisions relating to appropriations; revising
 39 provisions relating to sunset of program; amending s.
 40 381.79, F.S.; providing for the expiration of a provision
 41 relating to the distribution of funds from the Brain and
 42 Spinal Cord Injury Program Trust Fund; amending s.
 43 381.853, F.S.; providing a requirement for the Florida
 44 Center for Brain Tumor Research relating to the use of
 45 state funds for biomedical research; amending s. 381.855,
 46 F.S.; providing additional program functions for the
 47 Florida Center for Universal Research to Eradicate
 48 Disease; requiring the Center to disseminate information
 49 about diseases and conditions to Floridians and providers
 50 if an appropriation is made; deleting cross references to
 51 conform to changes made by this act; amending s. 381.911,
 52 F.S.; deleting cross references to conform to changes made
 53 by this act; amending s. 381.912, F.S.; deleting cross
 54 references to conform to changes made by this act;
 55 requiring that recommendations be made to the Florida
 56 Center for Universal Research to Eradicate Disease where

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57 applicable to conform to the provisions of this act;
 58 amending s. 381.922, F.S.; deleting cross references to
 59 conform to changes of this act; revising the process and
 60 provisions related to awarding grants to conform to the
 61 changes to the biomedical research program in this act;
 62 revising process and provisions related to peer-review of
 63 grant applications to conform to the changes to the
 64 biomedical research program in this act; deleting cross
 65 references to conform to the changes made in this act;
 66 deleting provision concerning certification by the
 67 Division of Statutory Revision of the Office of
 68 Legislative Service related to the program; deleting
 69 provision concerning future Legislative review of program;
 70 revising sunset date for the program; amending s. 430.502,
 71 F.S.; requiring the Department of Elderly Affairs to
 72 evaluate the need for more memory disorder clinics in the
 73 state; deleting cross references to conform to changes
 74 made by this act; amending s. 430.503, F.S.; deleting
 75 cross references to conform to the changes made by this
 76 act; amending s. 430.504, F.S.; deleting cross references
 77 to conform to changes made by this act; amending s.
 78 458.324, F.S.; deleting cross references and requirements
 79 to conform to changes made by this act; amending s.
 80 459.0125, F.S.; deleting cross references and requirements
 81 to conform to changes made by this act; amending s.
 82 1004.445, F.S.; providing for the future repeal of
 83 subsections to conform to changes made by this act;
 84 reducing appropriations for current year; specifying use

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85 of future appropriations beginning in 2009-2010; repealing
 86 s. 381.0404, F.S., relating to the Center for Health
 87 Technologies; repealing s. 381.85, F.S., relating to
 88 Biomedical and Social Research; repealing s. 381.912,
 89 F.S., relating to the Cervical Cancer Elimination Task
 90 Force; repealing s. 381.92, F.S., relating to the Florida
 91 Cancer Council; repealing s. 381.921, F.S., relating to
 92 the Florida Cancer Council mission and duties; repealing
 93 s. 381.98, F.S., relating to The Florida Public Health
 94 Foundation, Inc.; repealing s. 381.981, F.S., relating to
 95 Health awareness campaigns; repealing s. 430.501, F.S.,
 96 relating to the Alzheimer's Disease Advisory Committee;
 97 repealing s. 1004.435, F.S., relating to cancer control
 98 and research and the Cancer Control and Research
 99 Commission; providing for severability; providing an
 100 effective date.

101

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

103

104 Section 1. Paragraph (h) of subsection (1) of section
 105 20.435, Florida Statutes, is amended to read:

106 20.435 Department of Health; trust funds.--

107 (1) The following trust funds are hereby created, to be
 108 administered by the Department of Health:

109 (h) Biomedical Research Trust Fund.

110 1. Funds to be credited to the trust fund shall consist of
 111 funds deposited pursuant to s. 215.5601 and any other funds
 112 appropriated by the Legislature. Funds shall be used for the

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113 purposes of the James and Esther King Biomedical Research
 114 Program and the William G. "Bill" Bankhead, Jr., and David Coley
 115 Cancer Research Program as specified in ss. 215.5602, 288.955,
 116 and 381.922. The trust fund is exempt from the service charges
 117 imposed by s. 215.20.

118 2. Funds deposited to the trust fund pursuant to s.
 119 215.5601 and any other funds appropriated by the Legislature as
 120 specified in ss. 215.5602(12)(a) and 288.955 or elsewhere for
 121 research related to tobacco-related diseases shall be used
 122 exclusively for the purpose of awarding grants and fellowships
 123 for research regarding the prevention, diagnosis, treatment, and
 124 cure of tobacco-related diseases by the James and Esther King
 125 Biomedical Research Program.

126 3. Funds deposited to the trust fund pursuant to the
 127 William G. "Bill" Bankhead, Jr., and David Coley Cancer Research
 128 Program as specified in s. 381.922 shall be used for the purpose
 129 of awarding grants for cancer research by the William G. "Bill"
 130 Bankhead, Jr., and David Coley Cancer Research Program.

131 4. All other funds deposited to the trust fund shall be
 132 used for the purpose of awarding grants and fellowship for
 133 biomedical research regarding the prevention, diagnosis,
 134 treatment, and cure of the most deadly and widespread non-
 135 tobacco related acute, chronic, and degenerative diseases by the
 136 James and Esther King Biomedical Research Program as specified
 137 in ss. 215.5602(2)(b) and 215.5602(12)(b).

138 ~~5.2.~~ Notwithstanding the provisions of s. 216.301 and
 139 pursuant to s. 216.351, any balance in the trust fund at the end
 140 of any fiscal year shall remain in the trust fund at the end of

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141 the year and shall be available for carrying out the purposes of
 142 the trust fund. The department may invest these funds
 143 independently through the Chief Financial Officer or may
 144 negotiate a trust agreement with the State Board of
 145 Administration for the investment management of any balance in
 146 the trust fund.

147 ~~6.3-~~ Notwithstanding s. 216.301 and pursuant to s.
 148 216.351, any balance of any appropriation from the Biomedical
 149 Research Trust Fund which is not disbursed but which is
 150 obligated pursuant to contract or committed to be expended may
 151 be carried forward for up to 5 ~~3~~ years following the effective
 152 date of the original appropriation.

153 Section 2. Section 215.5602, Florida Statutes, is amended
 154 to read:

155 215.5602 James and Esther King Biomedical Research
 156 Program.--

157 (1) There is established within the Department of Health
 158 the James and Esther King Biomedical Research Program funded by
 159 the proceeds of the Lawton Chiles Endowment Fund pursuant to s.
 160 215.5601. The purpose of the James and Esther King Biomedical
 161 Research Program is to provide an annual and perpetual source of
 162 funding in order to support research initiatives that address
 163 the health care problems of Floridians in the areas of tobacco-
 164 related cancer, cardiovascular disease, stroke, and pulmonary
 165 disease and non-tobacco related acute, chronic and degenerative
 166 diseases, including cancer, cardiovascular disease, stroke,
 167 pulmonary disease, diabetes, autoimmune and genetic disorders,
 168 and neurological disorders, including Alzheimer's disease,

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169 epilepsy, and Parkinson's disease. The long-term goals of the
 170 program are to:

171 (a) Improve the health of Floridians by researching better
 172 prevention, diagnoses, treatments, and cures for the most deadly
 173 and widespread acute, chronic, and degenerative diseases,
 174 including, but not limited to tobacco-related diseases, cancer,
 175 cardiovascular disease, stroke, and pulmonary disease, diabetes,
 176 autoimmune and genetic disorders, and neurological disorders,
 177 including Alzheimer's disease, epilepsy, and Parkinson's
 178 disease.

179 (b) Expand the foundation of biomedical knowledge relating
 180 to the prevention, diagnosis, treatment, and cure of diseases
 181 related to tobacco use, including cancer, cardiovascular
 182 disease, stroke, and pulmonary disease.

183 (c) Expand the foundation of biomedical knowledge relating
 184 to the prevention, diagnosis, treatment, and cure of the most
 185 widespread acute, chronic and degenerative diseases affecting
 186 Floridians including, but not limited to, cancer, cardiovascular
 187 disease, stroke, pulmonary disease, diabetes, autoimmune and
 188 genetic disorders, and neurological disorders, including
 189 Alzheimer's disease, epilepsy, and Parkinson's disease.

190 (d)~~(e)~~ Improve the quality of the state's academic health
 191 centers by bringing the advances of biomedical research into the
 192 training of physicians and other health care providers.

193 (e)~~(d)~~ Increase the state's per capita funding for
 194 research by undertaking new initiatives in public health and
 195 biomedical research that will attract additional funding from
 196 outside the state.

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197 (f)~~(e)~~ Stimulate economic activity in the state in areas
 198 related to biomedical research, such as the research and
 199 production of pharmaceuticals, biotechnology, and medical
 200 devices.

201 (2)(a) Funds appropriated for the James and Esther King
 202 Biomedical Research Program pursuant to the Lawton Chiles
 203 Endowment Fund in s. 215.5601 and additional funding provided in
 204 s. 215.5602(12)(a) or elsewhere in law for research related to
 205 tobacco-related diseases shall be credited to the Biomedical
 206 Research Trust Fund pursuant to s. 20.435 and shall be used
 207 exclusively for the award of grants and fellowships related to
 208 the prevention, diagnosis, treatment, and cure of diseases
 209 related to tobacco use, including cancer, cardiovascular
 210 disease, stroke, and pulmonary disease; and for expenses
 211 incurred in the administration of this section. Priority shall
 212 be granted to research designed to prevent or cure tobacco-
 213 related disease.

214 (b) Beginning in Fiscal Year 2009-2010 and each fiscal
 215 year thereafter, all other funds ~~Funds~~ appropriated for the
 216 James and Esther King Biomedical Research Program shall be
 217 credited to the Biomedical Research Trust Fund pursuant to s.
 218 20.435 and shall be used exclusively for the award of grants and
 219 fellowships ~~as established in this section,~~ for research
 220 relating to the prevention, diagnosis, treatment, and cure of
 221 the most deadly and widespread acute, chronic, and degenerative
 222 non-tobacco-related diseases affecting Floridians, related to
 223 ~~tobacco use,~~ including cancer, cardiovascular disease, stroke,
 224 and pulmonary disease, diabetes, autoimmune and genetic

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225 disorders, and neurological disorders, including Alzheimer's
 226 disease, epilepsy, and Parkinson's disease; and for expenses
 227 incurred in the administration of this section. Priority shall
 228 be granted to research designed to prevent or cure non-tobacco
 229 related disease.

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

232 (a) The commission ~~council~~ shall consist of 15 ~~11~~ members,
 233 including: the chief executive officer of the Florida Division
 234 of the American Cancer Society, or a designee; the chief
 235 executive officer of the Greater Southeast ~~Florida/Puerto Rico~~
 236 Affiliate of the American Heart Association, or a designee; ~~and~~
 237 the chief executive officer of the American Lung Association of
 238 Florida, or a designee; the chief executive officer of the South
 239 Coastal Region of the American Diabetes Association, or a
 240 designee; and the president of the Florida Medical Association,
 241 or a designee. The remaining 10 ~~8~~ members of the commission
 242 ~~council~~ shall be appointed as follows:

243 1. The Governor shall appoint four members, two members
 244 with expertise in the field of biomedical research, one member
 245 from a research university in the state, and one member
 246 representing the general population of the state.

247 2. The President of the Senate shall appoint three ~~two~~
 248 members, one member with expertise in the field of behavioral or
 249 social research and two representatives from volunteer health
 250 organizations operating in Florida that focus on Alzheimer's
 251 disease, Parkinson's disease, epilepsy, stroke, or autoimmune or

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252 genetic disorders ~~one representative from a cancer program~~
 253 ~~approved by the American College of Surgeons.~~

254 3. The Speaker of the House of Representatives shall
 255 appoint three ~~two~~ members, two representatives from volunteer
 256 health organizations operating in Florida that focus on
 257 Alzheimer's disease, Parkinson's disease, epilepsy, stroke, or
 258 autoimmune or genetic disorders ~~one member from a professional~~
 259 ~~medical organization~~ and one representative from a cancer
 260 program approved by the American College of Surgeons.

261
 262 In making these appointments, the Governor, the President of the
 263 Senate, and the Speaker of the House of Representatives shall
 264 select primarily, but not exclusively, Floridians with
 265 biomedical and lay expertise in the general areas of cancer,
 266 cardiovascular disease, stroke, ~~and~~ pulmonary disease, diabetes,
 267 autoimmune and genetic disorders, and neurological disorders,
 268 including Alzheimer's disease, epilepsy, and Parkinson's
 269 disease. The appointments shall be for a 3-year term and shall
 270 reflect the diversity of the state's population. An appointed
 271 member may not serve more than two consecutive terms.

272 (b) Except for the William G. "Bill" Bankhead, Jr., and
 273 David Coley Cancer Research Program which expires June 30, 2011
 274 as set forth in s. 381.922, beginning July 1, 2009, and each
 275 year thereafter, the biomedical research program shall serve as
 276 the exclusive source of awarding grants or fellowships for
 277 biomedical research in the state using state funds. This
 278 paragraph shall not preclude another grant or fellowship program

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279 in the state from awarding grants from funds received from
 280 private or federal sources where permitted by state law.

281 (c) The commission shall create committees to focus on
 282 disease specific areas, including, but not limited to, tobacco-
 283 related diseases, cancer, stroke, cardiovascular disease,
 284 pulmonary disease, diabetes, autoimmune or genetic disorders,
 285 Alzheimer's disease, epilepsy, and Parkinson's disease.

286 (d)~~(b)~~ The commission ~~council~~ shall adopt internal
 287 organizational procedures as necessary for its efficient
 288 organization, including policies and procedures regarding the
 289 creation and composition of the committees, reporting and
 290 recommendations by the committee to the commission regarding the
 291 award of grants and fellowships, coordination between the
 292 commission and committees, and the methods for receiving input
 293 from outside individuals, organizations or entities regarding
 294 the prioritization of research.

295 (e)~~(e)~~ The department shall provide such staff,
 296 information, and other assistance as is reasonably necessary to
 297 assist the commission ~~council~~ in carrying out its
 298 responsibilities, including those of its committees.

299 (f)~~(d)~~ Members of the commission ~~council~~ shall serve
 300 without compensation, but may receive reimbursement as provided
 301 in s. 112.061 for travel and other necessary expenses incurred
 302 in the performance of their official duties, including committee
 303 meetings.

304 (4) The commission ~~council~~ shall, after considering the
 305 recommendations of its committees, advise the State Surgeon
 306 General as to the direction and scope of the biomedical research

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307 program. The responsibilities of the commission ~~council~~ may
 308 include, but are not limited to:

309 (a) Establishing ~~Providing advice on~~ program priorities
 310 and emphases.

311 (b) Evaluating ~~Providing advice on~~ the overall program
 312 budget and making recommendations to the State Surgeon General
 313 and Legislature for future appropriations.

314 (c) Participating in periodic program evaluation.

315 (d) Developing ~~Assisting in the development of~~ guidelines
 316 to ensure fairness, neutrality, and adherence to the principles
 317 of merit and quality in the conduct of the program.

318 (e) Developing ~~Assisting in the development of~~ appropriate
 319 linkages to nonacademic entities, such as voluntary
 320 organizations, health care delivery institutions, industry,
 321 government agencies, and public officials.

322 (f) Developing criteria and standards for the award of
 323 research grants.

324 (g) Developing administrative procedures relating to
 325 solicitation, independent peer review, and award of research
 326 grants and fellowships, to ensure an impartial, high-quality,
 327 science-based peer review system.

328 (h) Developing and supervising ~~research~~ peer review
 329 panels.

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

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

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334 (5) (a) Applications for biomedical research funding under
 335 the program may be submitted from any university or established
 336 research institute in the state. All qualified investigators in
 337 the state, regardless of institution affiliation, shall have
 338 equal access and opportunity to compete for the research
 339 funding.

340 (b) For fiscal year 2008-2009, grants ~~Grants~~ and
 341 fellowships shall be awarded by the State Surgeon General, after
 342 consultation with the commission~~council~~, on the basis of
 343 scientific merit, as determined by an open competitive peer
 344 review process that ensures objectivity, consistency, and high
 345 quality.

346 (c) Beginning in 2010 and each year thereafter, the State
 347 Surgeon General shall submit to the Legislature by February 1
 348 priority lists for both tobacco and non-tobacco related
 349 biomedical research funding by the Legislature based on the
 350 recommendations made by the commission after peer-review and
 351 scoring of the applications received. Recommendations to the
 352 Legislature shall be in the form of a list from the State
 353 Surgeon General of the commission's rank order of priority from
 354 the proposal with the highest priority through the proposal with
 355 the lowest priority, including the recommended dollar amount and
 356 duration for each proposal. The State Surgeon General shall not
 357 reject or modify the commission's recommendations. Successful
 358 applicants shall be awarded grants or fellowships by the State
 359 Surgeon General based upon the recommendations of the commission
 360 and the final funding decision made by the Legislature. Funding
 361 for grant and fellowship applications for tobacco-related

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362 research shall be based upon funds available pursuant to ss.
 363 215.5601, 215.5602(2)(a), and 216.5602(12)(a).

364 (d) Beginning fiscal year 2009-2010 and each fiscal year
 365 thereafter, the commission's overall rank for grant or
 366 fellowship applications shall be based on the score awarded to
 367 the proposal by peer reviewers on the basis of scientific merit
 368 through an open competitive peer review process that ensures
 369 objectivity, consistency, and high quality, and the commission's
 370 determination of the following:

371 1. The projected impact that the proposed research will
 372 have on the most deadly and widespread diseases affecting
 373 Floridians at the time the grant or fellowship is awarded;

374 2. The likelihood or possibility that the proposed
 375 research will result in new treatment modalities or technology
 376 during the term of the grant or fellowship; and

377 3. Whether the research proposed offers an efficient use
 378 of state funds in order to prevent or cure disease.

379 (e) The following types of applications shall be
 380 considered for funding:

- 381 1. Investigator-initiated research grants.
- 382 2. Institutional research grants.
- 383 3. Predoctoral and postdoctoral research fellowships.

384 (f) The State Surgeon General shall award grants or
 385 fellowships for terms of 1 to 5 years. No state funds shall be
 386 provided for research that was not applied for, reviewed, and
 387 recommended in accordance with this section.

388 (g) Except for the William G. "Bill" Bankhead, Jr., and
 389 David Coley Cancer Research Program which expires June 30, 2011

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390 as set forth in s. 381.922, beginning July 1, 2009 and each year
 391 thereafter, any program, board, commission, council, advisory
 392 group, agency or entity created by state law that awards or
 393 recommends the award of grants or fellowships for biomedical
 394 research shall cease awarding grants or fellowships using state
 395 funds and, instead, shall make recommendations to the commission
 396 and its committees for the prioritization and award of grants
 397 and fellowships through the James and Esther King Biomedical
 398 Research Program. This section shall not apply to the World
 399 Class Scholars, Centers of Excellence, or State University
 400 Research Commercialization Assistance Grant Programs as set
 401 forth in s. 1004.226.

402 (6) To ensure that all proposals for research funding are
 403 appropriate and are evaluated fairly on the basis of scientific
 404 merit, the State Surgeon General, in consultation with the
 405 commission ~~council~~, shall appoint a peer review panel of
 406 independent, scientifically qualified individuals to review the
 407 scientific content of each proposal and establish its scientific
 408 priority score. The priority scores shall be forwarded to the
 409 commission ~~council~~ and its committees and must be considered in
 410 determining which proposals shall be recommended for funding.

411 (7) The commission ~~council~~, the committees and the peer
 412 review panel shall establish and follow rigorous guidelines for
 413 ethical conduct and adhere to a strict policy with regard to
 414 conflict of interest. A member of the commission ~~council~~, a
 415 committee, or panel may not participate in any discussion or
 416 decision with respect to a research proposal by any firm,
 417 entity, or agency with which the member is associated as a

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418 member of the governing body or as an employee, or with which
 419 the member has entered into a contractual arrangement. Meetings
 420 of the commission ~~council~~, the committees, and the peer review
 421 panels shall be subject to the provisions of chapter 119, s.
 422 286.011, and s. 24, Art. I of the State Constitution.

423 (8) The department may contract on a competitive-bid basis
 424 with an appropriate entity to administer the program.
 425 Administrative expenses may not exceed 15 percent of the total
 426 funds available to the program in any given year. Effective
 427 July 1, 2009, administrative expenses may not exceed 10 percent
 428 of the total funds available to the program in any given year.

429 (9) The department, after consultation with the commission
 430 ~~council~~, may adopt rules pursuant to ss. 120.536(1) and 120.54
 431 as necessary to implement this section.

432 (10) In addition to its recommendations to the State
 433 Surgeon General and Legislature to appropriate money for the
 434 award of grants and fellowships, the commission ~~The council~~
 435 shall submit an annual progress report on the state of
 436 biomedical research in this state to the Florida Center for
 437 Universal Research to Eradicate Disease and to the Governor, the
 438 State Surgeon General, the President of the Senate, and the
 439 Speaker of the House of Representatives by February 1. The
 440 report must include:

441 (a) A list of current research projects supported by
 442 grants or fellowships awarded under the program.

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

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444 (c) A list of publications in peer-reviewed ~~peer reviewed~~
 445 journals involving research supported by grants or fellowships
 446 awarded under the program.

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

449 (e) New grants for biomedical research which were funded
 450 based on research supported by grants or fellowships awarded
 451 under the program.

452 (f) Progress in the prevention, diagnosis, treatment, and
 453 cure of the most deadly and widespread diseases acute, chronic,
 454 and degenerative diseases affecting Floridians, including
 455 diseases related to tobacco use, ~~including~~ cancer,
 456 cardiovascular disease, stroke, ~~and~~ pulmonary disease, diabetes,
 457 autoimmune and genetic disorders, and neurological disorders,
 458 including Alzheimer's disease, epilepsy, and Parkinson's
 459 disease.

460 (11) The commission ~~council~~ shall award grants for cancer
 461 research through the William G. "Bill" Bankhead, Jr., and David
 462 Coley Cancer Research Program created in s. 381.922. This
 463 subsection shall expire June 30, 2011.

464 (12) (a) Beginning in fiscal year 2006-2007, the sum of \$6
 465 million is appropriated annually from recurring funds in the
 466 General Revenue Fund to the Biomedical Research Trust Fund
 467 within the Department of Health for purposes of the award of
 468 grants and fellowships by the James and Esther King Biomedical
 469 Research Program for research relating to tobacco-related
 470 diseases pursuant to this section. From these funds up to

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471 \$250,000 shall be available for the operating costs of the
 472 Florida Center for Universal Research to Eradicate Disease.

473 (b) Beginning in fiscal year 2009-2010 and each fiscal
 474 year thereafter, the Legislature may appropriate funds from
 475 recurring funds in the General Revenue Fund to the Biomedical
 476 Research Trust Fund within the Department of Health for purposes
 477 of the award of grants and fellowships by the James and Esther
 478 King Biomedical Research Program for research of the most deadly
 479 and widespread non-tobacco related acute, chronic, and
 480 degenerative diseases pursuant to this section. Any research
 481 grant or fellowship awarded for Alzheimer's research pursuant to
 482 this section shall be named a "Johnnie B. Byrd, Sr. Alzheimer's
 483 Grant." Any research grant or fellowship awarded for cancer
 484 research pursuant to this section shall be named a "Bankhead-
 485 Coley Cancer Grant."

486 (13) By June 1, 2014 ~~2009~~, the Division of Statutory
 487 Revision of the Office of Legislative Services shall certify to
 488 the President of the Senate and the Speaker of the House of
 489 Representatives the language and statutory citation of this
 490 section, which is scheduled to expire January 1, 2016 ~~2011~~.

491 (14) The Legislature shall review the performance, the
 492 outcomes, and the financial management of the James and Esther
 493 King Biomedical Research Program during the 2015 ~~2010~~ Regular
 494 Session of the Legislature and shall determine the most
 495 appropriate funding source and means of funding the program
 496 based on its review.

497 (15) This section expires January 1, 2016 ~~2011~~, unless
 498 reviewed and reenacted by the Legislature before that date.

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499 Section 3. Subsection (3) of section 381.79, Florida
500 Statutes, is amended to read:

501 381.79 Brain and Spinal Cord Injury Program Trust Fund.--

502 (3) Annually, 5 percent of the revenues deposited monthly
503 in the fund pursuant to s. 318.21(2)(d) shall be appropriated to
504 the University of Florida and 5 percent to the University of
505 Miami for spinal cord injury and brain injury research. The
506 amount to be distributed to the universities shall be calculated
507 based on the deposits into the fund for each quarter in the
508 fiscal year, but may not exceed \$500,000 per university per
509 year. Funds distributed under this subsection shall be made in
510 quarterly payments at the end of each quarter during the fiscal
511 year. This subsection expires June 30, 2009.

512 Section 4. Paragraph (h) is added to subsection (4) of
513 section 381.853, Florida Statutes, to read:

514 381.853 Florida Center for Brain Tumor Research.--

515 (4) The Florida Center for Brain Tumor Research is
516 established within the Evelyn F. and William L. McKnight Brain
517 Institute of the University of Florida.

518 (h) Beginning in fiscal year 2009-2010 and each fiscal
519 year thereafter, if the center seeks to conduct biomedical
520 research using state funds, the center shall apply for funding
521 through the James and Esther King Biomedical Research Program
522 pursuant to s. 215.5602.

523 Section 5. Paragraphs (n) through (p) are added to
524 subsection (3), and paragraph (a) of subsection (5) of section
525 381.855, Florida Statutes, is amended to read:

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526 381.855 Florida Center for Universal Research to Eradicate
527 Disease.--

528 (3) There is established within the Department of Health
529 the Florida Center for Universal Research to Eradicate Disease,
530 which shall be known as "CURED."

531 (a) The purpose of the center is to coordinate, improve,
532 expand, and monitor all biomedical research programs within the
533 state, facilitate funding opportunities, and foster improved
534 technology transfer of research findings into clinical trials
535 and widespread public use.

536 (b) The goal of the center is to find cures for diseases
537 such as cancer, heart disease, lung disease, diabetes,
538 autoimmune disorders, and neurological disorders, including
539 Alzheimer's disease, epilepsy, and Parkinson's disease.

540 (c) The center shall hold an annual biomedical technology
541 summit in Florida to which biomedical researchers, biomedical
542 technology companies, business incubators, pharmaceutical
543 manufacturers, and others around the nation and world are
544 invited to share biomedical research findings in order to
545 expedite the discovery of cures. Summit attendees shall cover
546 the costs of such attendance or obtain sponsorship for such
547 attendance.

548 (d) The center shall encourage clinical trials in this
549 state on research that holds promise of curing a disease or
550 condition. The center shall facilitate partnerships between
551 researchers, treating physicians, and community hospitals for
552 the purpose of sharing new techniques and new research findings,

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553 as well as coordinating voluntary donations to ensure an
 554 adequate supply of adult stem cells, placentas, or cord blood.

555 (e) The center shall facilitate the formation of
 556 partnerships between researchers in this state and institutions
 557 in other states and countries where research with rare plants or
 558 animals could lead to cures.

559 (f) The center shall encourage agricultural colleges and
 560 agricultural businesses in this state to be active in the search
 561 for cures and in providing information to the public about
 562 disease prevention.

563 (g) The center shall facilitate partnerships among
 564 researchers working to cure all types of diseases, including
 565 those that are prevalent in developed countries and those that
 566 occur mainly in developing countries.

567 (h) The center shall also encourage the discovery and
 568 production in Florida of vaccines that prevent disease.

569 (i) The center shall monitor the supply and demand needs
 570 of researchers relating to stem cell research and other types of
 571 human tissue research. If the center determines that there is a
 572 need for increased donation of human tissue, it shall notify
 573 hospitals licensed pursuant to chapter 395 which have entered
 574 into partnership agreements with research institutes conducting
 575 stem cell research located in the same geographic region as the
 576 researchers demanding the stem cells or other tissues. Such
 577 hospitals shall implement programs that encourage voluntary
 578 donations of cord blood or other needed adult tissue.

579 (j) The center shall be funded through private, state, and
 580 federal sources.

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581 (k) The center shall serve as a registry of all known
 582 opportunities for biomedical grants and may assist any public or
 583 private biomedical research program in this state in preparing
 584 grant requests.

585 (l) The center shall maintain a website with links to
 586 peer-reviewed biomedical research. The website shall also
 587 contain a list of all known biomedical research being conducted
 588 in Florida and shall facilitate communication among researchers
 589 and other interested parties.

590 (m) The center shall submit an annual report to the
 591 Governor, the President of the Senate, and the Speaker of the
 592 House of Representatives no later than January 15 which contains
 593 recommendations for legislative change necessary to foster a
 594 positive climate for biomedical research in this state.

595 (n) The center shall identify ways to attract new research
 596 talent and attendant national grant producing researchers to
 597 research facilities in this state.

598 (o) If funds are specifically appropriated by the
 599 Legislature, the center shall disseminate information to
 600 Floridians and treatment providers about specified diseases and
 601 conditions and available methods of preventing, diagnosing,
 602 treating, and curing those diseases and conditions.

603 (p) The center shall provide information regarding
 604 research needs in the state to the Biomedical Research
 605 Commission located in the James and Esther King Biomedical
 606 Research Program.

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

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609 (a) The council shall consist of one representative from a
 610 Florida not-for-profit institution engaged in basic and clinical
 611 biomedical research and education which receives more than \$10
 612 million in annual grant funding from the National Institutes of
 613 Health, to be appointed by the State Surgeon General from a
 614 different institution each term, and one representative from and
 615 appointed by each of the following entities:

- 616 1. Enterprise Florida, Inc.
- 617 2. BioFlorida.
- 618 3. The Biomedical Research Commission ~~Advisory Council~~.
- 619 4. The Florida Medical Foundation.
- 620 5. Pharmaceutical Research and Manufacturers of America.
- 621 ~~6. The Florida Cancer Council.~~
- 622 ~~6.7.~~ The American Cancer Society, Florida Division, Inc.
- 623 ~~7.8.~~ The American Heart Association.
- 624 ~~8.9.~~ The American Lung Association of Florida.
- 625 ~~9.10.~~ The American Diabetes Association, South Coastal
 626 Region.
- 627 ~~10.11.~~ The Alzheimer's Association.
- 628 ~~11.12.~~ The Epilepsy Foundation.
- 629 ~~12.13.~~ The National Parkinson Foundation.
- 630 ~~14. The Florida Public Health Foundation, Inc.~~
- 631 ~~13.15.~~ The Florida Research Consortium.

632 Section 6. Subsection (2), subsection (3), and subsection
 633 (4) of section 381.911, Florida Statutes, are amended to read:

634 381.911 Prostate Cancer Awareness Program.--

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635 (2) For purposes of implementing the program, the
 636 Department of Health ~~and the Florida Public Health Foundation,~~
 637 ~~Inc.~~, may:

638 (a) Conduct activities directly or enter into a contract
 639 with a qualified nonprofit community education entity.

640 (b) Seek any available gifts, grants, or funds from the
 641 state, the Federal Government, philanthropic foundations, and
 642 industry or business groups.

643 (3) A prostate cancer advisory committee is created to
 644 advise and assist the Department of Health ~~and the Florida~~
 645 ~~Public Health Foundation, Inc.~~, in implementing the program.

646 (a) The State Surgeon General shall appoint the advisory
 647 committee members, who shall consist of:

648 1. Three persons from prostate cancer survivor groups or
 649 cancer-related advocacy groups.

650 2. Three persons who are scientists or clinicians from
 651 public universities or research organizations.

652 3. Three persons who are engaged in the practice of a
 653 cancer-related medical specialty from health organizations
 654 committed to cancer research and control.

655 (b) Members shall serve without compensation but are
 656 entitled to reimbursement, pursuant to s. 112.061, for per diem
 657 and travel expenses incurred in the performance of their
 658 official duties.

659 ~~(4) The program shall coordinate its efforts with those of~~
 660 ~~the Florida Public Health Foundation, Inc.~~

661 Section 7. Subsections (2), (3), (5), (6), (7) and (8) of
 662 section 381.922, Florida Statutes, are amended to read:

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663 381.922 William G. "Bill" Bankhead, Jr., and David Coley
 664 Cancer Research Program.--

665 (2) The program shall provide grants for cancer research
 666 to further the search for cures for cancer.

667 (a) Emphasis shall be given to ~~the goals enumerated in s.~~
 668 ~~381.921, as these~~ goals that support the advancement of such
 669 cures.

670 (b) Preference may be given to grant proposals that foster
 671 collaborations among institutions, researchers, and community
 672 practitioners, as such proposals support the advancement of
 673 cures through basic or applied research, including clinical
 674 trials involving cancer patients and related networks.

675 (3)(a) Applications for funding for cancer research may be
 676 submitted by any university or established research institute in
 677 the state. All qualified investigators in the state, regardless
 678 of institutional affiliation, shall have equal access and
 679 opportunity to compete for the research funding. Collaborative
 680 proposals, including those that advance the program's goals
 681 enumerated in subsection (2), may be given preference.

682 (b) For fiscal year 2008-2009, grants ~~Grants~~ shall be
 683 awarded by the State Surgeon General, after consultation with
 684 the Biomedical Research Commission ~~Advisory Council~~, on the
 685 basis of scientific merit through ~~, as determined by~~ an open,
 686 competitive peer review process that ensures objectivity,
 687 consistency, and high quality.

688 (c) Beginning in fiscal year 2009-2010 and each fiscal
 689 year thereafter, the State Surgeon General shall submit to the
 690 Legislature by February 1 a priority list for cancer research

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691 funding by the Legislature based on the recommendations made by
 692 the commission after peer-review and scoring of the applications
 693 received. Recommendations to the Legislature shall be in the
 694 form of a list from the State Surgeon General of the
 695 commission's rank order of priority from the proposal with the
 696 highest priority through the proposal with the lowest priority,
 697 including the recommended dollar amount and duration for each
 698 proposal. The State Surgeon General shall not reject or modify
 699 the commission's recommendations. Successful applicants shall
 700 be awarded grants by the State Surgeon General based upon the
 701 recommendations of the commission and the final funding decision
 702 made by the Legislature.

703 (d) Beginning in fiscal year 2009-2010 and each fiscal
 704 year thereafter, the commission's overall rank for grant or
 705 fellowship applications shall be based on the score awarded to
 706 the proposal by peer reviewers on the basis of scientific merit
 707 through an open competitive peer review process that ensures
 708 objectivity, consistency, and high quality, and the commission's
 709 determination of the following:

710 1. The projected impact that the proposed research will
 711 have on cancer research at the time the grant is awarded;

712 2. The likelihood or possibility that the proposed
 713 research will result in new treatment modalities or technology
 714 during the term of the grant; and

715 3. Whether the research proposed offers an efficient use
 716 of state funds in order to prevent or cure cancer.

717 (e) The following types of applications shall be
 718 considered for funding:

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719 | 1. Investigator-initiated research grants.
 720 | 2. Institutional research grants.
 721 | 3. Collaborative research grants, including those that
 722 | advance the finding of cures through basic or applied research.
 723 | (f) Beginning in fiscal year 2009-2010 and each fiscal
 724 | year thereafter, no state funds shall be provided for research
 725 | that was not applied for, reviewed, and recommended in
 726 | accordance with this section.
 727 | (g) ~~(b)~~ In order to ensure that all proposals for research
 728 | funding are appropriate and are evaluated fairly on the basis of
 729 | scientific merit, the State Surgeon General, in consultation
 730 | with the commission ~~council~~, shall appoint a peer review panel
 731 | of independent, scientifically qualified individuals to review
 732 | the scientific content of each proposal and establish its
 733 | priority score. The priority scores shall be forwarded to the
 734 | commission and its committees ~~council~~ and must be considered in
 735 | determining which proposals shall be recommended for funding.
 736 | (h) ~~(e)~~ The commission, ~~council~~ the committees and the peer
 737 | review panel shall establish and follow rigorous guidelines for
 738 | ethical conduct and adhere to a strict policy with regard to
 739 | conflicts of interest. A member of the commission, ~~council~~ a
 740 | committee or panel may not participate in any discussion or
 741 | decision with respect to a research proposal by any firm,
 742 | entity, or agency with which the member is associated as a
 743 | member of the governing body or as an employee or with which the
 744 | member has entered into a contractual arrangement. Meetings of
 745 | the commission, ~~council~~ the committees and the peer review

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746 panels are subject to chapter 119, s. 286.011, and s. 24, Art. I
747 of the State Constitution.

748 (5) Beginning in fiscal year 2006-2007, the sum of \$9
749 million is appropriated annually from recurring funds in the
750 General Revenue Fund to the Biomedical Research Trust Fund
751 within the Department of Health for purposes of the William G.
752 "Bill" Bankhead, Jr., and David Coley Cancer Research Program
753 and shall be distributed pursuant to this section to provide
754 grants to researchers seeking cures for cancer, ~~with emphasis~~
755 ~~given to the goals enumerated in s. 381.921.~~ From the total
756 funds appropriated, an amount of up to 10 percent may be used
757 for administrative expenses.

758 ~~(6) By June 1, 2009, the Division of Statutory Revision of~~
759 ~~the Office of Legislative Services shall certify to the~~
760 ~~President of the Senate and the Speaker of the House of~~
761 ~~Representatives the language and statutory citation of this~~
762 ~~section, which is scheduled to expire January 1, 2011.~~

763 ~~(7) The Legislature shall review the performance, the~~
764 ~~outcomes, and the financial management of the William G. "Bill"~~
765 ~~Bankhead, Jr., and David Coley Cancer Research Program during~~
766 ~~the 2010 Regular Session of the Legislature and shall determine~~
767 ~~the most appropriate funding source and means of funding the~~
768 ~~program based on its review.~~

769 ~~(6)~~ (8) This section expires June 30 ~~January 1, 2011,~~
770 ~~unless reviewed and reenacted by the Legislature before that~~
771 ~~date.~~

772 Section 8. Subsection (3) of section 430.502, Florida
773 Statutes, is amended to read:

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774 430.502 Alzheimer's disease; memory disorder clinics and
 775 day care and respite care programs.--

776 (3) The Department of Elderly Affairs ~~Alzheimer's Disease~~
 777 ~~Advisory Committee must~~ shall consult with the Alzheimer's
 778 Disease Brain Bank and model day care programs to evaluate the
 779 need for additional memory disorder clinics in the state. ~~The~~
 780 ~~first report will be due by December 31, 1995.~~

781 Section 9. Subsection (2) of section 430.503, Florida
 782 Statutes, is amended to read:

783 430.503 Alzheimer's Disease Initiative; fees and
 784 administrative expense.--

785 (2) Provider agencies are responsible for the collection
 786 of fees for services in accordance with rules adopted by the
 787 department. Provider agencies shall assess fees for services
 788 rendered in accordance with those rules. To help pay for
 789 services received pursuant to the Alzheimer's Disease
 790 Initiative, a functionally impaired elderly person shall be
 791 assessed a fee based on an overall ability to pay. The fee to be
 792 assessed shall be fixed according to a schedule to be
 793 established by the department. Services of specified value may
 794 be accepted in lieu of a fee. The fee schedule shall be
 795 developed in cooperation with the ~~Alzheimer's Disease Advisory~~
 796 ~~Committee,~~ area agencies on aging, and service providers.

797 Section 10. Section 430.504, Florida Statutes, is amended
 798 to read:

799 430.504 Confidentiality of information.--Information about
 800 clients of programs created or funded under ~~s. 430.501 or s.~~
 801 430.503 which is received through files, reports, inspections,

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802 or otherwise, by the department or by authorized departmental
 803 employees, by persons who volunteer services, or by persons who
 804 provide services to clients of programs created or funded under
 805 ~~s. 430.501~~ or s. 430.503 through contracts with the department
 806 is confidential and exempt from the provisions of s. 119.07(1).
 807 Such information may not be disclosed publicly in such a manner
 808 as to identify a person who receives services under ~~s. 430.501~~
 809 ~~or~~ s. 430.503, unless that person or that person's legal
 810 guardian provides written consent.

811 Section 11. Subsection (1) and paragraph (a) of subsection
 812 (2) of section 458.324, Florida Statutes, are amended to read:

813 458.324 Breast cancer; information on treatment
 814 alternatives.--

815 (1) DEFINITION.--As used in this section, the term
 816 "medically viable," as applied to treatment alternatives, means
 817 modes of treatment generally considered by the medical
 818 profession to be within the scope of current, acceptable
 819 standards, ~~including treatment alternatives described in the~~
 820 ~~written summary prepared by the Florida Cancer Control and~~
 821 ~~Research Advisory Council in accordance with s. 1004.435(4)(m).~~

822 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.--Each
 823 physician treating a patient who is, or in the judgment of the
 824 physician is at high risk of being, diagnosed as having breast
 825 cancer shall inform such patient of the medically viable
 826 treatment alternatives available to such patient; shall describe
 827 such treatment alternatives; and shall explain the relative
 828 advantages, disadvantages, and risks associated with the
 829 treatment alternatives to the extent deemed necessary to allow

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830 the patient to make a prudent decision regarding such treatment
831 options. In compliance with this subsection:

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

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

835 2. Provide the patient or the patient's legal
836 representative with a copy of a ~~the~~ written summary ~~prepared in~~
837 ~~accordance with s. 1004.435(4)(m)~~ and express a willingness to
838 discuss the summary with the patient or the patient's legal
839 representative; or

840 3. Both communicate such information directly and provide
841 a copy of the written summary to the patient or the patient's
842 legal representative for further consideration and possible
843 later discussion.

844 Nothing in this subsection shall reduce other provisions of law
845 regarding informed consent.

846 Section 12. Subsection (1) and paragraph (a) of subsection
847 (2) of section 459.0125, Florida Statutes, are amended to read:

848 459.0125 Breast cancer; information on treatment
849 alternatives.--

850 (1) DEFINITION.--As used in this section, the term
851 "medically viable," as applied to treatment alternatives, means
852 modes of treatment generally considered by the medical
853 profession to be within the scope of current, acceptable
854 standards, ~~including treatment alternatives described in the~~
855 ~~written summary prepared by the Florida Cancer Control and~~
856 ~~Research Advisory Council in accordance with s. 1004.435(4)(m).~~

857 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.--It is the

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858 obligation of every physician treating a patient who is, or in
 859 the judgment of the physician is at high risk of being,
 860 diagnosed as having breast cancer to inform such patient of the
 861 medically viable treatment alternatives available to such
 862 patient; to describe such treatment alternatives; and to explain
 863 the relative advantages, disadvantages, and risks associated
 864 with the treatment alternatives to the extent deemed necessary
 865 to allow the patient to make a prudent decision regarding such
 866 treatment options. In compliance with this subsection:

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

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

870 2. Provide the patient or the patient's legal
 871 representative with a copy of a ~~the~~ written summary ~~prepared in~~
 872 ~~accordance with s. 1004.435(4)(m)~~ and express her or his
 873 willingness to discuss the summary with the patient or the
 874 patient's legal representative; or

875 3. Both communicate such information directly and provide
 876 a copy of the written summary to the patient or the patient's
 877 legal representative for further consideration and possible
 878 later discussion.

879 Nothing in this subsection shall reduce other provisions of law
 880 regarding informed consent.

881 Section 13. Paragraph (e) of subsection (8) is added, and
 882 subsections (7) and (12) of section 1004.445, Florida Statutes,
 883 are amended to read:

884 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and
 885 Research Institute.--

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886 (7) The board of directors of the not-for-profit
 887 corporation shall create a council of scientific advisers to the
 888 chief executive officer comprised of leading researchers,
 889 physicians, and scientists. The council shall review programs
 890 and recommend research priorities and initiatives to maximize
 891 the state's investment in the institute. The members of the
 892 council shall be appointed by the board of directors of the not-
 893 for-profit corporation. Each member of the council shall be
 894 appointed to serve a 2-year term and may be reappointed to the
 895 council. This subsection shall expire on June 30, 2009.

896 (8)

897 (e) This subsection shall expire June 30, 2009.

898 (12) (a) Beginning in fiscal year 2008-2009 ~~2007-2008~~, the
 899 sum of \$5 ~~\$13.5~~ million is appropriated annually from recurring
 900 funds in the General Revenue Fund to the Grants and Donations
 901 Trust Fund within the Department of Elderly Affairs for the
 902 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute
 903 at the University of South Florida for the purposes as provided
 904 under paragraph (6) (a), conducting and supporting research,
 905 providing institutional research grants and investigator-
 906 initiated research grants, developing and operating integrated
 907 data projects, and providing assistance to statutorily
 908 designated memory disorder clinics as provided under s. 430.502.
 909 Not less than 80 percent of the appropriated funds shall be
 910 expended for these purposes, and not less than 20 percent of the
 911 appropriated funds shall be expended for peer-reviewed
 912 investigator-initiated research grants.

913 (b) Beginning in fiscal year 2009-2010 and each fiscal

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914 year thereafter, the sum appropriated in paragraph (12)(a) shall
 915 be used for programs that fulfill the mission of the institute
 916 in education, treatment, prevention, and early detection of
 917 Alzheimer's disease, developing and operating integrated data
 918 projects, and providing assistance to statutorily designated
 919 memory disorder clinics. If the institute intends to conduct
 920 research using state funds, it shall compete for funding through
 921 the James and Esther King Biomedical Research Program pursuant
 922 to s. 215.5602, F.S.

923 Section 14. Sections 381.0404, 381.85, 381.912, 381.92,
 924 381.921, 381.98, 381.981, 430.501, and 1004.435, Florida
 925 Statutes, are repealed.

926 Section 15. If any provision of this act or the
 927 application thereof to any person or circumstance is held
 928 invalid, the invalidity does not affect other provisions or
 929 applications of the act which can be given effect without the
 930 invalid provision or application, and to this end the provisions
 931 of this act are declared severable.

932 Section 16. This act shall take effect July 1, 2008.
 933
 934