

Committee Substitute for Senate Bill No. 2002

An act relating to health care initiatives; creating s. 460.4062, F.S.; authorizing the Department of Health to issue a chiropractic medicine faculty certificate for certain faculty who have accepted appointment at a publicly funded state university or college; authorizing an application fee; providing requirements; providing for renewal and expiration of the certificate; creating s. 1004.383, F.S.; authorizing a chiropractic medicine degree program at Florida State University; amending s. 561.121, F.S.; providing for annual appropriations from the proceeds of the excise tax on alcoholic beverages; providing for distribution of the funds to the Department of Elderly Affairs, the Department of Health, and Florida State University for specified research and programs; amending s. 1004.43, F.S.; authorizing the establishment of for-profit subsidiaries of the governing corporation of the H. Lee Moffitt Cancer Center and Research Institute; prohibiting certain activities by such for-profit subsidiaries; requiring that the contract with the State Board of Education permit the use of lands, facilities, and personnel for research, education, treatment, prevention, and early detection of cancer; authorizing the governing corporation and its subsidiaries to obtain their own property insurance coverage; requiring that certain appropriations be paid directly to the board of directors of the governing corporation; changing the appointing authority for certain members of the council of scientific advisers; amending s. 1004.445, F.S.; renaming the Florida Alzheimer's Center and Research Institute as the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; deleting obsolete provisions; authorizing the establishment of for-profit subsidiaries of the governing corporation; requiring that the contract with the State Board of Education permit the use of lands, facilities, and personnel for research, education, treatment, prevention, and early detection of Alzheimer's disease; authorizing the governing corporation and its subsidiaries to obtain their own property insurance coverage; requiring that certain appropriations be paid directly to the board of directors of the governing corporation; changing the appointing authority for certain members of the council of scientific advisers; creating the Florida Center for Universal Research to Eradicate Disease within the Department of Health; providing legislative findings and intent; specifying the purpose and duties of the center; requiring an annual report to the Governor and Legislature; authorizing the department to outsource the duties of the center; creating an advisory council; amending s. 215.5602, F.S.; expanding the long-term goals of the James and Esther King Biomedical Research Program to include the cure of specified diseases; providing funding priority; amending s. 215.5601, F.S., relating to the Lawton Chiles Endowment Fund, to conform an intent provision; designating the Life Sciences Building at Florida State University as the "James E. 'Jim' King, Jr., Building"; authorizing Florida State University to erect markers; creating the Florida Cancer Council; providing for the affairs of the council; requiring an annual report;

specifying the council's mission and duties; creating the Florida Public Health Foundation, Inc.; providing for the foundation's duties and mission; providing for its board of directors; requiring annual reports; requiring the foundation to coordinate monthly health awareness campaigns to disseminate information about specified diseases and conditions; establishing the Prostate Cancer Awareness Program within the Department of Health for the purpose of providing statewide outreach and education concerning the early detection of prostate cancer; authorizing the department and the Florida Public Health Foundation, Inc., to enter into contracts and seek grant moneys; creating an advisory committee to assist the program; providing for membership of the committee; authorizing reimbursement for certain per diem and travel expenses; creating the Cervical Cancer Elimination Task Force; providing duties and membership of the task force; requiring the task force to make periodic reports to the Governor and the Legislature; providing for the task force to be dissolved on a specified date; providing an effective date.

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

Section 1. Section 460.4062, Florida Statutes, is created to read:

460.4062 Chiropractic medicine faculty certificate.—

(1) The department may issue a chiropractic medicine faculty certificate without examination to an individual who remits a nonrefundable application fee, not to exceed \$100 as determined by rule of the board, and who demonstrates to the board that he or she meets the following requirements:

(a) Is a graduate of an accredited school or college of chiropractic accredited by the Council on Chiropractic Education.

(b) Holds a valid current license to practice chiropractic medicine in another jurisdiction in the United States.

(c) Is at least 21 years of age and of good moral character.

(d) Has not committed any act or offense in any jurisdiction which would constitute the basis for discipline under this chapter or chapter 456.

(e) Has been offered and has accepted a full-time faculty appointment to teach in a program of chiropractic medicine at a publicly funded state university or college and provides a certification from the dean of the appointing college acknowledging the appointment.

(2) The certificate shall authorize the holder to practice only in conjunction with his or her faculty position at a publicly funded state university or college and its affiliated clinics that are registered with the board as sites at which holders of chiropractic medicine faculty certificates will be practicing. Such certificate shall automatically expire upon termination of the holder's relationship with the school or after a period of 2 years, whichever occurs first.

(3) The holder of a faculty certificate may engage in the practice of chiropractic medicine as permitted by this section.

(4) Notwithstanding subsection (2), a chiropractic medicine faculty certificate is renewable every 2 years by a holder who applies to the board on a form prescribed by the board and who continues to satisfy the requirements set forth in subsection (1).

Section 2. Section 1004.383, Florida Statutes, is created to read:

1004.383 Chiropractic medicine degree program at Florida State University.—A chiropractic medicine degree program is authorized at Florida State University.

Section 3. Paragraph (a) of subsection (1) of section 561.121, Florida Statutes, is amended to read:

561.121 Deposit of revenue.—

(1) All state funds collected pursuant to ss. 563.05, 564.06, and 565.12 shall be paid into the State Treasury and disbursed in the following manner:

(a)1. Two percent of monthly collections of the excise taxes on alcoholic beverages established in ss. 563.05, 564.06, and 565.12 shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund to meet the division's appropriation for the state fiscal year.

2. Beginning July 1, 2004, there is annually distributed \$15 million to the Grants and Donations Trust Fund within the Department of Elderly Affairs, and these funds are annually appropriated to support a contract with the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute at the University of South Florida for the purposes of conducting research, developing and operating integrated data projects, and providing assistance to memory disorder clinics as established in s. 430.502.

3. Beginning July 1, 2004, there is annually distributed \$6 million to the Biomedical Research Trust Fund within the Department of Health, and these funds are annually appropriated to the James and Esther King Biomedical Research Program. From these funds, up to \$250,000 shall be available annually for the operating costs of the Florida Center for Universal Research to Eradicate Disease.

4. Beginning July 1, 2004, there is annually distributed \$9 million to be paid by warrant drawn by the Chief Financial Officer upon the State Treasury to Florida State University for the School of Chiropractic Medicine. Notwithstanding the provisions of chapter 216, until the School of Chiropractic Medicine is completely staffed and fully operational, these funds may be used for any purpose by the university.

Section 4. Section 1004.43, Florida Statutes, is amended to read:

1004.43 H. Lee Moffitt Cancer Center and Research Institute.—There is established the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida.

(1) The State Board of Education shall enter into an agreement for the utilization of the facilities on the campus of the University of South Florida to be known as the H. Lee Moffitt Cancer Center and Research Institute, including all furnishings, equipment, and other chattels used in the operation of said facilities, with a Florida not-for-profit corporation organized solely for the purpose of governing and operating the H. Lee Moffitt Cancer Center and Research Institute. This not-for-profit corporation, acting as an instrumentality of the State of Florida, shall govern and operate the H. Lee Moffitt Cancer Center and Research Institute in accordance with the terms of the agreement between the State Board of Education and the not-for-profit corporation. The not-for-profit corporation may, with the prior approval of the State Board of Education, create either for-profit or not-for-profit corporate subsidiaries, or both, to fulfill its mission. For-profit subsidiaries of the not-for-profit corporation may not compete with for-profit health care providers in the delivery of radiation therapy services to patients. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys received from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission. The affairs of the corporation shall be managed by a board of directors who shall serve without compensation. The President of the University of South Florida and the chair of the State Board of Education, or his or her designee, shall be directors of the not-for-profit corporation, together with 5 representatives of the state universities and no more than 14 nor fewer than 10 directors who are not medical doctors or state employees. Each director shall have only one vote, shall serve a term of 3 years, and may be reelected to the board. Other than the President of the University of South Florida and the chair of the State Board of Education, directors shall be elected by a majority vote of the board. The chair of the board of directors shall be selected by majority vote of the directors.

(2) The State Board of Education shall provide in the agreement with the not-for-profit corporation for the following:

(a) Approval of the articles of incorporation of the not-for-profit corporation by the State Board of Education.

(b) Approval of the articles of incorporation of any not-for-profit corporate subsidiary created by the not-for-profit corporation.

(c) Utilization of lands, hospital facilities, and personnel by the not-for-profit corporation and its subsidiaries for research, education, treatment, prevention, and the early detection of cancer and for mutually approved teaching and research programs conducted by the University of South Florida or other accredited medical schools or research institutes.

(d) Preparation of an annual financial audit of the not-for-profit corporation's accounts and records and the accounts and records of any subsidiaries to be conducted by an independent certified public accountant. The annual audit report shall include a management letter, as defined in s. 11.45, and shall be submitted to the Auditor General and the State Board of Education.

The State Board of Education, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the not-for-profit corporation and any subsidiaries or from their independent auditor any detail or supplemental data relative to the operation of the not-for-profit corporation or subsidiary.

(e) Provision by the not-for-profit corporation and its subsidiaries of equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(3) The State Board of Education is authorized to secure comprehensive general liability protection, including professional liability protection, for the not-for-profit corporation and its subsidiaries pursuant to s. 1004.24. The not-for-profit corporation and its subsidiaries shall be exempt from any participation in any property insurance trust fund established by law, including any property insurance trust fund established pursuant to chapter 284, so long as the not-for-profit corporation and its subsidiaries maintain property insurance protection with comparable or greater coverage limits.

(4) In the event that the agreement between the not-for-profit corporation and the State Board of Education is terminated for any reason, the State Board of Education shall resume governance and operation of said facilities.

(5) The institute shall be administered by a chief executive officer who shall serve at the pleasure of the board of directors of the not-for-profit corporation and who shall have the following powers and duties subject to the approval of the board of directors:

(a) The chief executive officer shall establish programs which fulfill the mission of the institute in research, education, treatment, prevention, and the early detection of cancer; however, the chief executive officer shall not establish academic programs for which academic credit is awarded and which terminate in the conference of a degree without prior approval of the State Board of Education.

(b) The chief executive officer shall have control over the budget and the dollars appropriated or donated to the institute from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute. However, professional income generated by university faculty from practice activities at the institute shall be shared between the institute and the university as determined by the chief executive officer and the appropriate university dean or vice president.

(c) The chief executive officer shall appoint members to carry out the research, patient care, and educational activities of the institute and determine compensation, benefits, and terms of service. Members of the institute shall be eligible to hold concurrent appointments at affiliated academic institutions. University faculty shall be eligible to hold concurrent appointments at the institute.

(d) The chief executive officer shall have control over the use and assignment of space and equipment within the facilities.

(e) The chief executive officer shall have the power to create the administrative structure necessary to carry out the mission of the institute.

(f) The chief executive officer shall have a reporting relationship to the Commissioner of Education.

(g) The chief executive officer shall provide a copy of the institute's annual report to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the chair of the State Board of Education.

(6) The board of directors of the not-for-profit corporation shall create a council of scientific advisers to the chief executive officer comprised of leading researchers, physicians, and scientists. This council shall review programs and recommend research priorities and initiatives so as to maximize the state's investment in the institute. The council shall be appointed by the board of directors of the not-for-profit corporation ~~and shall include five appointees of the State Board of Education.~~ Each member of the council shall be appointed to serve a 2-year term and may be reappointed to the council.

(7) In carrying out the provisions of this section, the not-for-profit corporation and its subsidiaries are not "agencies" within the meaning of s. 20.03(11).

(8)(a) Records of the not-for-profit corporation and of its subsidiaries are public records unless made confidential or exempt by law.

(b) Proprietary confidential business information is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, the Auditor General, the Office of Program Policy Analysis and Government Accountability, and the State Board of Education, pursuant to their oversight and auditing functions, must be given access to all proprietary confidential business information upon request and without subpoena and must maintain the confidentiality of information so received. As used in this paragraph, the term "proprietary confidential business information" means information, regardless of its form or characteristics, which is owned or controlled by the not-for-profit corporation or its subsidiaries; is intended to be and is treated by the not-for-profit corporation or its subsidiaries as private and the disclosure of which would harm the business operations of the not-for-profit corporation or its subsidiaries; has not been intentionally disclosed by the corporation or its subsidiaries unless pursuant to law, an order of a court or administrative body, a legislative proceeding pursuant to s. 5, Art. III of the State Constitution, or a private agreement that provides that the information may be released to the public; and which is information concerning:

1. Internal auditing controls and reports of internal auditors;
2. Matters reasonably encompassed in privileged attorney-client communications;

3. Contracts for managed-care arrangements, including preferred provider organization contracts, health maintenance organization contracts, and exclusive provider organization contracts, and any documents directly relating to the negotiation, performance, and implementation of any such contracts for managed-care arrangements;

4. Bids or other contractual data, banking records, and credit agreements the disclosure of which would impair the efforts of the not-for-profit corporation or its subsidiaries to contract for goods or services on favorable terms;

5. Information relating to private contractual data, the disclosure of which would impair the competitive interest of the provider of the information;

6. Corporate officer and employee personnel information;

7. Information relating to the proceedings and records of credentialing panels and committees and of the governing board of the not-for-profit corporation or its subsidiaries relating to credentialing;

8. Minutes of meetings of the governing board of the not-for-profit corporation and its subsidiaries, except minutes of meetings open to the public pursuant to subsection (9);

9. Information that reveals plans for marketing services that the corporation or its subsidiaries reasonably expect to be provided by competitors;

10. Trade secrets as defined in s. 688.002, including reimbursement methodologies or rates; or

11. The identity of donors or prospective donors of property who wish to remain anonymous or any information identifying such donors or prospective donors. The anonymity of these donors or prospective donors must be maintained in the auditor's report.

As used in this paragraph, the term "managed care" means systems or techniques generally used by third-party payors or their agents to affect access to and control payment for health care services. Managed-care techniques most often include one or more of the following: prior, concurrent, and retrospective review of the medical necessity and appropriateness of services or site of services; contracts with selected health care providers; financial incentives or disincentives related to the use of specific providers, services, or service sites; controlled access to and coordination of services by a case manager; and payor efforts to identify treatment alternatives and modify benefit restrictions for high-cost patient care.

(9) Meetings of the governing board of the not-for-profit corporation and meetings of the subsidiaries of the not-for-profit corporation at which the expenditure of dollars appropriated to the not-for-profit corporation by the state are discussed or reported must remain open to the public in accordance with s. 286.011 and s. 24(b), Art. I of the State Constitution, unless made confidential or exempt by law. Other meetings of the governing board of the

not-for-profit corporation and of the subsidiaries of the not-for-profit corporation are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(10) In addition to the continuing appropriation to the institute provided in s. 210.20(2), any appropriation to the institute provided in a general appropriations act shall be paid directly to the board of directors of the not-for-profit corporation by warrant drawn by the Chief Financial Officer from the State Treasury.

Section 5. Section 1004.445, Florida Statutes, is amended to read:

1004.445 Johnnie B. Byrd, Sr., Florida Alzheimer's Center and Research Institute.—

(1) ~~Effective July 1, 2002,~~ The Johnnie B. Byrd, Sr., Florida Alzheimer's Center and Research Institute is established at the University of South Florida.

(2)(a) The State Board of Education shall enter into an agreement for the utilization of the facilities on the campus of the University of South Florida to be known as the Johnnie B. Byrd, Sr., Florida Alzheimer's Center and Research Institute, including all furnishings, equipment, and other chattels used in the operation of those facilities, with a Florida not-for-profit corporation organized solely for the purpose of governing and operating the Johnnie B. Byrd, Sr., Florida Alzheimer's Center and Research Institute. This not-for-profit corporation, acting as an instrumentality of the state, shall govern and operate the Johnnie B. Byrd, Sr., Florida Alzheimer's Center and Research Institute in accordance with the terms of the agreement between the State Board of Education and the not-for-profit corporation. The not-for-profit corporation may, with the prior approval of the State Board of Education, create either for-profit or not-for-profit corporate subsidiaries, or both, to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission.

(b)1. The affairs of the not-for-profit corporation shall be managed by a board of directors who shall serve without compensation. The board of directors shall consist of the President of the University of South Florida and the chair of the State Board of Education, or their designees, 5 representatives of the state universities, and no fewer than 9 nor more than 14 representatives of the public who are neither medical doctors nor state employees. Each director who is a representative of a state university or of the public shall be appointed to serve a term of 3 years. The chair of the board of directors shall be selected by a majority vote of the directors. Each director shall have only one vote.

2. The initial board of directors shall consist of the President of the University of South Florida and the chair of the State Board of Education, or their designees; the five university representatives, of whom one shall be appointed by the Governor, two by the President of the Senate, and two by

the Speaker of the House of Representatives; and nine public representatives, of whom three shall be appointed by the Governor, three by the President of the Senate, and three by the Speaker of the House of Representatives. Upon the expiration of the terms of the initial appointed directors, all directors subject to 3-year terms of office under this paragraph shall be appointed by a majority vote of the directors and the board may be expanded to include additional public representative directors up to the maximum number allowed. Any vacancy in office shall be filled for the remainder of the term by majority vote of the directors. Any director may be reappointed.

(3) The State Board of Education shall provide in the agreement with the not-for-profit corporation for the following:

(a) Approval by the State Board of Education of the articles of incorporation of the not-for-profit corporation.

(b) Approval by the State Board of Education of the articles of incorporation of any not-for-profit corporate subsidiary created by the not-for-profit corporation.

(c) Utilization of ~~lands, hospital~~ facilities, and personnel by the not-for-profit corporation and its subsidiaries for research, education, treatment, prevention, and the early detection of Alzheimer's disease and for mutually approved teaching and research programs conducted by the University of South Florida or other accredited medical schools or research institutes.

(d) Preparation of an annual postaudit of the not-for-profit corporation's financial accounts and the financial accounts of any subsidiaries to be conducted by an independent certified public accountant. The annual audit report shall include management letters and shall be submitted to the Auditor General and the State Board of Education for review. The State Board of Education, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the not-for-profit corporation and any subsidiaries, or from their independent auditor, any detail or supplemental data relative to the operation of the not-for-profit corporation or subsidiary.

(e) Provision by the not-for-profit corporation and its subsidiaries of equal employment opportunities for all persons regardless of race, color, religion, gender, age, or national origin.

(4) The State Board of Education is authorized to secure comprehensive general liability protection, including professional liability protection, for the not-for-profit corporation and its subsidiaries, pursuant to s. 1004.24. The not-for-profit corporation and its subsidiaries shall be exempt from any participation in any property insurance trust fund established by law, including any property insurance trust fund established pursuant to chapter 284, so long as the not-for-profit corporation and its subsidiaries maintain property insurance protection with comparable or greater coverage limits.

(5) In the event that the agreement between the not-for-profit corporation and the State Board of Education is terminated for any reason, the

State Board of Education shall assume governance and operation of the facilities.

(6) The institute shall be administered by a chief executive officer, who shall be appointed by and serve at the pleasure of the board of directors of the not-for-profit corporation, and who shall exercise the following powers and duties, subject to the approval of the board of directors:

(a) The chief executive officer shall establish programs that fulfill the mission of the institute in research, education, treatment, prevention, and early detection of Alzheimer's disease; however, the chief executive officer may not establish academic programs for which academic credit is awarded and which culminate in the conferring of a degree, without prior approval of the State Board of Education.

(b) The chief executive officer shall have control over the budget and the moneys appropriated or donated to the institute from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute. However, professional income generated by university faculty from practice activities at the institute shall be shared between the institute and the university as determined by the chief executive officer and the appropriate university dean or vice president.

(c) The chief executive officer shall appoint representatives of the institute to carry out the research, patient care, and educational activities of the institute and establish the compensation, benefits, and terms of service of such representatives. Representatives of the institute shall be eligible to hold concurrent appointments at affiliated academic institutions. University faculty shall be eligible to hold concurrent appointments at the institute.

(d) The chief executive officer shall have control over the use and assignment of space and equipment within the facilities.

(e) The chief executive officer shall have the power to create the administrative structure necessary to carry out the mission of the institute.

(f) The chief executive officer shall have a reporting relationship to the Commissioner of Education.

(g) The chief executive officer shall provide a copy of the institute's annual report to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the chair of the State Board of Education.

(7) The board of directors of the not-for-profit corporation shall create a council of scientific advisers to the chief executive officer comprised of leading researchers, physicians, and scientists. The council shall review programs and recommend research priorities and initiatives to maximize the state's investment in the institute. The members of the council shall be appointed by the board of directors of the not-for-profit corporation, ~~except for five members who shall be appointed by the State Board of Education.~~

Each member of the council shall be appointed to serve a 2-year term and may be reappointed to the council.

(8) In carrying out the provisions of this section, the not-for-profit corporation and its subsidiaries are not agencies within the meaning of s. 20.03(11).

(9) The following information is confidential and exempt from the provisions of s. 119.07(1) and s. 24, Art. I of the State Constitution:

(a) Personal identifying information relating to clients of programs created or funded through the Johnnie B. Byrd, Sr., Florida Alzheimer's Center and Research Institute which is held by the institute, University of South Florida, or State Board of Education or by persons who provide services to clients of programs created or funded through contracts with the Johnnie B. Byrd, Sr., Florida Alzheimer's Center and Research Institute;

(b) Any medical or health records relating to patients which may be created or received by the institute;

(c) Materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets as defined in s. 688.002, or proprietary information received, generated, ascertained, or discovered during the course of research conducted by or through the institute and business transactions resulting from such research;

(d) The identity of a donor or prospective donor to the Johnnie B. Byrd, Sr., Florida Alzheimer's Center and Research Institute who wishes to remain anonymous, and all information identifying such donor or prospective donor;

(e) Any information received by the institute in the performance of its duties and responsibilities which is otherwise confidential and exempt by law; and

(f) Any information received by the institute from a person from another state or nation or the Federal Government which is otherwise confidential or exempt pursuant to that state's or nation's laws or pursuant to federal law.

Any governmental entity that demonstrates a need to access such confidential and exempt information in order to perform its duties and responsibilities shall have access to such information and shall otherwise keep such information confidential and exempt. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

(10) Any appropriation to the institute provided in a general appropriations act shall be paid directly to the board of directors of the not-for-profit corporation by warrant drawn by the Chief Financial Officer from the State Treasury.

Section 6. Florida Center for Universal Research to Eradicate Disease.—

(1) The Legislature finds that an estimated 128 million Americans suffer from acute, chronic, and degenerative diseases and that biomedical research is the key to finding cures for these diseases that negatively affect all Floridians. The Legislature further finds that, while there is much research being conducted throughout this state and throughout the world, there is a lack of coordination of efforts among researchers. The Legislature, therefore, finds that there is a significant need for a coordinated effort if the goal of curing disease is to be achieved. Moreover, the Legislature finds that the biomedical technology sector meets the criteria of a high-impact sector, pursuant to section 288.108, Florida Statutes, having a high importance to this state's economy with a significant potential for growth and contribution to our universities and quality of life.

(2) It is the intent of the Legislature that Florida strive to become the nation's leader in biomedical research and commit itself to being the state to find cures for the most deadly and widespread diseases. It is further the intent of the Legislature that there be a coordinated effort among the state's public and private universities and the biomedical industry to discover such cures. Moreover, it is the intent of the Legislature to expand the state economy by attracting biomedical researchers and research companies to this state.

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

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

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

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

(d) The center shall encourage clinical trials in this state on research that holds promise of curing a disease or condition. The center shall facilitate partnerships between researchers, treating physicians, and community hospitals for the purpose of sharing new techniques and new research findings, as well as coordinating voluntary donations to ensure an adequate supply of adult stem cells, placentas, or cord blood.

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

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

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

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

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

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

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

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

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

(4) The Department of Health may outsource the duties of the center to a private entity or state university.

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

(a) The council shall consist of the members of the board of directors of the Florida Research Consortium and at least one representative from:

1. The Emerging Technology Commission.
2. Enterprise Florida, Inc.

3. BioFlorida.
4. The Biomedical Research Advisory Council.
5. The Florida Medical Foundation.
6. Pharmaceutical Research and Manufacturers of America.
7. The Florida Tri-Agency Coalition on Smoking OR Health.
8. The Florida Cancer Council.
9. The American Cancer Society, Florida Division, Inc.
10. The American Heart Association.
11. The American Lung Association of Florida.
12. The American Diabetes Association, South Coastal Region.
13. The Alzheimer's Association.
14. The Epilepsy Foundation.
15. The National Parkinson Foundation.
16. The Florida Public Health Foundation, Inc.
17. Scripps Florida or the entity formed in this state by The Scripps Research Institute.

(b) Members of the council shall serve without compensation and each organization represented shall cover all expenses of its representative.

Section 7. Paragraph (d) of subsection (1) of section 215.5601, Florida Statutes, is amended to read:

215.5601 Lawton Chiles Endowment Fund.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature to:

(d) Provide funds to help support public-health and biomedical research for the prevention, diagnosis, ~~and treatment,~~ and cure of diseases related to tobacco use by creating an annual and perpetual source of funding for biomedical research in the state in order to expand the foundation of biomedical knowledge relating to the prevention, diagnosis, ~~and treatment,~~ and cure of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease; improve the quality of the state's academic health centers by bringing the advances of biomedical research into the training of physicians and other health care providers; and increase the state's per capita funding for biomedical research by undertaking new initiatives in biomedical research which will attract additional funding from outside the state while also stimulating economic activity in the state in areas related to biomedical research, such as the research and production of pharmaceuticals, biotechnology, and medical devices.

Section 8. Paragraphs (a) and (b) of subsection (1) and subsections (2) and (10) of section 215.5602, Florida Statutes, are amended to read:

215.5602 James and Esther King Biomedical Research Program.—

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

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

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

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

(10) The council shall submit an annual progress report on the state of biomedical research in this state to the Florida Center for Universal Research to Eradicate Disease and to the Governor, the Secretary of Health, the President of the Senate, and the Speaker of the House of Representatives by February 1. The report must include:

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

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

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

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

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

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

Section 9. (1) The Life Sciences Building at Florida State University in Tallahassee is designated as the “James E. ‘Jim’ King, Jr., Building.”

(2) Florida State University is authorized to erect markers for the designation of the James E. “Jim” King, Jr., Building as described in subsection (1).

Section 10. Florida Cancer Council.—

(1) Effective July 1, 2004, the Florida Cancer Council within the Department of Health is established for the purpose of making the state a center of excellence for cancer research.

(2)(a) The council shall be representative of the state’s cancer centers, hospitals, and patient groups, and shall be organized and shall operate in accordance with this act.

(b) The Florida Cancer Council may create not-for-profit corporate subsidiaries to fulfill its mission. The council and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from the mission-related activities of the council.

(c) The members of the council shall consist of:

1. Chairman of the Florida Dialogue on Cancer, who shall serve as the chairman of the council;

2. Secretary of the Department of Health or his or her designee;

3. Chief Executive Officer of the H. Lee Moffitt Cancer Center or his or her designee;

4. Director of the University of Florida Shands Cancer Center or his or her designee;

5. Chief Executive Officer of the University of Miami Sylvester Comprehensive Cancer Center or his or her designee;

6. Chief Executive Officer of the Mayo Clinic, Jacksonville or his or her designee;

7. Chief Executive Officer of the American Cancer Society, Florida Division or his or her designee;

8. President of the American Cancer Society, Florida Division Board of Directors or his or her designee;

9. President of the Florida Society of Clinical Oncology or his or her designee;

10. President of the American College of Surgeons, Florida Chapter, or his or her designee;

11. Chief Executive Officer of Enterprise Florida, Inc., or his or her designee;

12. Five representatives from cancer programs approved by the American College of Surgeons. Three shall be appointed by the Governor, one shall be appointed by the Speaker of the House of Representatives, and one shall be appointed by the President of the Senate;

13. One member of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

14. One member of the Senate, to be appointed by the President of the Senate.

(d) Appointments made by the Speaker of the House of Representatives and the President of the Senate pursuant to paragraph (c) shall be for 2-year terms, concurrent with the bienniums in which they serve as presiding officers.

(e) Appointments made by the Governor pursuant to paragraph (c) shall be for 2-year terms, although the Governor may reappoint members.

(f) Members of the council or any subsidiaries shall serve without compensation, and each organization represented on the council shall cover the expenses of its representatives.

(3) The council shall issue an annual report to the Center for Universal Research to Eradicate Disease, the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 15 of each year, with policy and funding recommendations regarding cancer research capacity in Florida and related issues.

Section 11. Florida Cancer Council, mission and duties.—The council, which shall work in concert with the Florida Center for Universal Research to Eradicate Disease to ensure that the goals of the center are advanced, shall endeavor to dramatically improve cancer research and treatment in this state through:

(1) Efforts to significantly expand cancer research capacity in the state by:

(a) Identifying ways to attract new research talent and attendant national grant producing researchers to Florida-based cancer research facilities;

(b) Implementing a peer-reviewed, competitive process to identify and fund the best proposals to expand cancer research institutes in this state;

(c) Funding through available resources for those proposals that demonstrate the greatest opportunity to attract federal research grants and private financial support;

(d) Encouraging the employment of bioinformatics in order to create a cancer informatics infrastructure that enhances information and resource

exchange and integration through researchers working in diverse disciplines, to facilitate the full spectrum of cancer investigations;

(e) Facilitating the technical coordination, business development, and support of intellectual property as it relates to the advancement of cancer research; and

(f) Aiding in other multidisciplinary research-support activities as they inure to the advancement of cancer research.

(2) Efforts to improve both research and treatment through greater participation in clinical trials networks by:

(a) Identifying ways to increase adult enrollment in cancer clinical trials;

(b) Supporting public and private professional education programs designed to increase the awareness and knowledge about cancer clinical trials;

(c) Providing tools to cancer patients and community-based oncologists to aid in the identification of cancer clinical trials available in the state; and

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

(3) Efforts to reduce the impact of cancer on disparate groups by:

(a) Identifying those cancers that disproportionately impact certain demographic groups; and

(b) Building collaborations designed to reduce health disparities as they relate to cancer.

Section 12. The Florida Public Health Foundation, Inc.; establishment; purpose; mission; duties; board of directors.—

(1) The Florida Public Health Foundation, Inc., referred to in this section as "the corporation," is established for the purpose of disseminating breakthrough findings in biomedical research and promoting health awareness in this state.

(2) The corporation's mission includes disseminating information about innovative biomedical research and clinical trials in this state as well as making Floridians and their treatment providers aware of specified diseases and conditions and available methods of preventing, diagnosing, treating, and curing those diseases and conditions.

(3) The purpose and objective of the corporation shall be to operate exclusively for charitable, scientific, and educational purposes; to protect and improve the health and well-being of Florida's people and environment through partnerships committed to program innovation, education, applied research, and policy development; and to engage in charitable programs dedicated to improving the health of Floridians.

(4) The corporation shall be established as a not-for-profit entity qualifying under section 501(c)(3) of the Internal Revenue Code. The corporation may receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from the mission-related activities of the corporation. The corporation shall have all of the powers conferred upon corporations organized under chapter 617, Florida Statutes.

(5) The corporation's duties include procuring funds necessary for accomplishing the purpose and mission of the corporation. The corporation shall strive to complement, supplement, and enhance the missions of the various organizations, entities, and departments represented on its board by serving as the lead corporation in the state for promoting public health awareness.

(6) The affairs of the corporation shall be managed by an executive director appointed by a board of directors consisting of:

- (a) The Secretary of Health or his or her designee.
- (b) A former member of the Senate appointed by the President of the Senate.
- (c) A former member of the House of Representatives appointed by the Speaker of the House of Representatives.
- (d) A representative of the American Heart Association.
- (e) A representative of the American Cancer Society, Florida Division, Inc.
- (f) A representative of the American Lung Association of Florida.
- (g) A representative of the American Diabetes Association, South Coastal Region.
- (h) A representative of the Alzheimer's Association.
- (i) A representative of the Epilepsy Foundation.
- (j) A representative of the National Parkinson Foundation.
- (k) A representative of the March of Dimes, Florida Chapter.
- (l) A representative of the Arthritis Foundation, Florida Chapter.
- (m) A representative of the American Liver Foundation.
- (n) A representative of the Florida Council for Behavioral Healthcare, Inc.
- (o) A representative of the Florida Alcohol and Drug Abuse Association.
- (p) A representative of Pharmaceutical Research and Manufacturers of America.

- (q) A representative of the Florida Public Health Association.
 - (r) A representative of the Florida Association of County Health Officers.
 - (s) A public health academician selected by the State Health Officer.
 - (t) A representative of the Florida Academy of Family Physicians.
 - (u) Three consumers who have demonstrated an interest in protecting the public health appointed by the Florida Public Health Association.
- (7) Members of the board of directors shall serve for 2-year terms and shall serve without compensation. Each organization represented on the board of directors shall cover the expenses of its representative.

(8) The corporation, in consultation with the Department of Health and the Florida Center for Universal Research to Eradicate Disease, shall facilitate communication between biomedical researchers and health care providers each month according to the health awareness schedule established by the Florida Public Health Foundation, Inc., in order to ensure ongoing dialogue between researchers, treatment providers, and the department.

(9) The corporation and the Department of Health shall enter into partnerships with providers of continuing education for health care practitioners, including, but not limited to, hospitals and state and local medical organizations, to ensure that practitioners are aware of the most recent and complete diagnostic and treatment tools.

(10) The corporation shall provide an annual report concerning its activities and finances to the Florida Center for Universal Research to Eradicate Disease and shall provide copies of the annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 13. Health awareness campaigns.—

(1) The Florida Public Health Foundation, Inc., in consultation with the Department of Health, shall coordinate monthly health awareness campaigns with national, state, and local health care organizations and government entities targeting a wide range of the public, including: parents; teachers and other school employees; students in 4th through 12th grades, colleges, and universities; state agency employees; county and local government employees; patients of county health departments; Medicaid recipients; health care professionals and providers; and the public in general.

(2) The awareness campaigns shall include the provision of educational information about preventing, detecting, treating, and curing the following diseases or conditions. Additional diseases and conditions that impact the public health may be added by the board of directors of the Florida Public Health Foundation, Inc.; however, each of the following diseases or conditions must be included in an awareness campaign during at least one month in any 24-month period:

(a) Cancer, including breast, prostate, cervical, ovarian, colorectal, and skin cancer and leukemia.

- (b) Heart disease.
- (c) Stroke.
- (d) Lung disease, including asthma and smoking-relating disease.
- (e) Neurological disorders and disease, including Alzheimer's disease, Parkinson's disease, and epilepsy.
- (f) Gastrointestinal disease.
- (g) Kidney disease.
- (h) Diabetes.
- (i) Liver disease.
- (j) Autoimmune disorders.
- (k) Birth defects and prenatal care.
- (l) Obesity and malnutrition.
- (m) Sexually transmissible disease.
- (n) Hepatitis A, hepatitis B, and hepatitis C.
- (o) Arthritis.
- (p) Vaccine-preventable diseases.
- (q) Infectious diseases, including HIV/AIDS.
- (r) Substance abuse.
- (s) Mental illness.
- (t) Lupus.
- (u) Osteoporosis.

(3) The health awareness campaigns shall be funded by the Florida Public Health Foundation, Inc., and the Department of Health to the extent that funds are available from public and private sources.

(4) Health awareness information shall be disseminated through all available methods, including print, audio, visual, and electronic media.

Section 14. Prostate Cancer Awareness Program.—

(1) To the extent that funds are specifically made available for this purpose, the Prostate Cancer Awareness Program is established within the Department of Health. The purpose of this program is to implement the recommendations of January 2000 of the Florida Prostate Cancer Task Force to provide for statewide outreach and health education activities to

ensure that men are aware of and appropriately seek medical counseling for prostate cancer as an early-detection health care measure.

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

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

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

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

(a) The Secretary of Health shall appoint the advisory committee members, who shall consist of:

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

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

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

(b) Members shall serve without compensation but are entitled to reimbursement, pursuant to section 112.061, Florida Statutes, for per diem and travel expenses incurred in the performance of their official duties.

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

Section 15. Cervical Cancer Elimination Task Force.—

(1) Effective July 1, 2004, the Cervical Cancer Elimination Task Force is established for the purpose of recommending strategies and actions to reduce the costs and burdens of cervical cancer in Florida. The task force shall present interim reports to the Florida Public Health Foundation, Inc., the Florida Cancer Council, the Center for Universal Research to Eradicate Disease, the Governor, the President of the Senate, and the Speaker of the House of Representatives on January 1, 2006, and July 1, 2007, with a final report due on June 30, 2008. After submitting its final report on or before June 30, 2008, the task force is dissolved.

(2) The task force shall:

(a) Review statistical and qualitative data on the prevalence and burden of cervical cancer.

(b) Receive and consider reports and testimony from individuals, county health departments, community-based organizations, and other public and

private organizations statewide to learn more about their contributions to cervical cancer diagnosis, prevention, and treatment, as well as their ideas for improving the care of cervical cancer patients in this state.

(c) Identify priority strategies and new technologies, including newly introduced vaccines, which are effective in preventing and controlling the risk of cervical cancer.

(d) Provide recommendations to the Florida Public Health Foundation, Inc., on public awareness issues relating to cervical cancer, such as the causes, personal risk factors, value of prevention, available vaccines, early detection options, treatment costs, new technology, and education for health care practitioners.

(e) Identify and examine existing programs, services, laws, and rules regarding the availability and coverage of treatment services for cervical cancer.

(f) Develop and revise a comprehensive Florida Cervical Cancer Prevention Plan and present those recommendations to the Department of Health and the Florida Cancer Control and Research Advisory Council for incorporation into the Florida Cancer Plan.

(3) The task force shall consist of:

(a) The director of the Department of Health's Division of Disease Control or another person with expertise in epidemiology who shall serve as chair, appointed by the Secretary of Health.

(b) A board-certified gynecologist licensed as a physician under chapter 458 or chapter 459, Florida Statutes, representing the Florida Obstetric and Gynecologic Society, appointed by the Governor.

(c) A family physician licensed under chapter 458 or chapter 459, Florida Statutes, who provides gynecology services representing the Florida Academy of Family Physicians, appointed by the Governor.

(d) An oncologist licensed as a physician under chapter 458 or chapter 459, Florida Statutes, representing the Florida Division of the American Cancer Society, appointed by the President of the Senate.

(e) An advanced registered nurse practitioner who practices gynecology representing the Florida Nurses Association, appointed by the Speaker of the House of Representatives.

(f) A member of the Legislative Women's Caucus, appointed by the President of the Senate.

(g) A member of the Legislative Women's Caucus, appointed by the Speaker of the House of Representatives.

(h) The chief executive officer of the H. Lee Moffitt Cancer Center and Research Institute or his or her designee.

(i) The director of the University of Florida Shands Cancer Center or his or her designee.

(j) The director of the University of Miami Sylvester Comprehensive Cancer Center or his or her designee.

(k) The chief executive officer of the Mayo Clinic, Jacksonville, or his or her designee.

(4) Members of the task force shall be appointed to 4-year terms without compensation, and each organization represented shall cover the expenses of its representative.

Section 16. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor March 11, 2004.

Filed in Office Secretary of State March 11, 2004.