

By Representative Byrd

1 A bill to be entitled
2 An act relating to the H. Lee Moffitt Cancer
3 Center and Research Institute; amending s.
4 240.512, F.S.; exempting the corporation that
5 operates the center from participation in
6 certain budgetary constraints and property
7 insurance trust funds; prescribing powers and
8 duties of the center director; providing for
9 resolution of disputes between the center and
10 other entities in the State University System;
11 deleting power of the Board of Regents to
12 appoint members of the council of scientific
13 advisers; providing an effective date.

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15 WHEREAS, the Legislature recognizes that the H. Lee
16 Moffitt Cancer Center is a National Cancer Institute
17 Designated Cancer Center, a statewide research institute
18 operating statewide programs, a national resource for basic
19 research and clinical research and multidisciplinary
20 approaches to patient treatment, and a community resource
21 through outreach and communication efforts, and

22 WHEREAS, the Legislature considers the not-for-profit
23 corporation that governs and operates the H. Lee Moffitt
24 Cancer Center and Research Institute and its subsidiaries to
25 be performing a statewide function and to be corporations
26 primarily acting as instrumentalities of the state, NOW,
27 THEREFORE,

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

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1 Section 1. Subsections (1), (3), (5), and (6) of
2 section 240.512, Florida Statutes, are amended to read:

3 240.512 H. Lee Moffitt Cancer Center and Research
4 Institute.--There is established the H. Lee Moffitt Cancer
5 Center and Research Institute at the University of South
6 Florida.

7 (1) The Board of Regents shall enter into an agreement
8 for the utilization of the facilities on the campus of the
9 University of South Florida to be known as the H. Lee Moffitt
10 Cancer Center and Research Institute, including all
11 furnishings, equipment, and other chattels used in the
12 operation of such ~~said~~ facilities, with a Florida
13 not-for-profit corporation organized solely for the purpose of
14 governing and operating the H. Lee Moffitt Cancer Center and
15 Research Institute. This not-for-profit corporation, acting
16 as an instrumentality of the State of Florida, shall govern
17 and operate the H. Lee Moffitt Cancer Center and Research
18 Institute in accordance with the terms of the agreement
19 between the Board of Regents and the not-for-profit
20 corporation. The not-for-profit corporation may, with the
21 prior approval of the Board of Regents, create not-for-profit
22 corporate subsidiaries to fulfill its mission. The
23 not-for-profit corporation and its subsidiaries are authorized
24 to receive, hold, invest, and administer property and any
25 moneys received from private, state, and federal sources, as
26 well as technical and professional income generated or derived
27 from practice activities at ~~of~~ the institute, for the benefit
28 of the institute and the fulfillment of its mission,
29 notwithstanding the provisions of ss. 216.052 and 216.301 and
30 pursuant to s. 216.351. The affairs of the corporation shall
31 be managed by a board of directors who shall serve without

1 compensation. The President of the University of South
2 Florida and the chair of the Board of Regents, or his or her
3 designee, shall be directors of the not-for-profit
4 corporation, together with 5 representatives of the State
5 University System and no more than 14 nor fewer than 10
6 directors who are not medical doctors or state employees.
7 Each director shall have only one vote, shall serve a term of
8 3 years, and may be reelected to the board. Other than the
9 President of the University of South Florida and the chair of
10 the Board of Regents, directors shall be elected by a majority
11 vote of the board. The chair of the board of directors shall
12 be selected by majority vote of the directors.

13 (3) The Board of Regents is authorized to secure
14 comprehensive general liability protection, including
15 professional liability protection, for the not-for-profit
16 corporation and its subsidiaries pursuant to s. 240.213. The
17 not-for-profit corporation and its subsidiaries shall be
18 exempt from participation in any property insurance trust fund
19 established by law, including any property insurance trust
20 fund established under chapter 284, as long as the
21 not-for-profit corporation and its subsidiaries maintain
22 private property insurance protection with comparable coverage
23 limits.

24 (5) The institute shall be administered by a center
25 director who shall serve at the pleasure of the board of
26 directors of the not-for-profit corporation and who shall have
27 the following powers and duties subject to the approval of the
28 board of directors:

29 (a) The center director shall establish programs which
30 fulfill the mission of the institute in research, education,
31 treatment, prevention, and the early detection of cancer;

1 however, the center director shall not establish academic
2 programs for which academic credit is awarded and which
3 terminate in the conferment of a degree without prior approval
4 of the Board of Regents.

5 (b) The center director shall have control over the
6 budget and the dollars appropriated or donated to the
7 institute from private, state, and federal sources, as well as
8 research, technical, and professional income generated or
9 derived from research and practice activities of the
10 institute. ~~However, professional income generated by~~
11 ~~university faculty from practice activities at the institute~~
12 ~~shall be shared between the institute and the university as~~
13 ~~determined by the center director and the appropriate~~
14 ~~university department chair.~~

15 (c) The center director shall appoint members to carry
16 out the research, patient care, and educational activities of
17 the institute and determine compensation, benefits, and terms
18 of service. Members of the institute shall be eligible to
19 hold concurrent appointments at affiliated academic
20 institutions. University faculty shall be eligible to hold
21 concurrent appointments at the institute.

22 (d) The center director shall have control over the
23 use and assignment of space and equipment within the
24 facilities.

25 (e) The center director shall have the power to create
26 the administrative structure necessary to carry out the
27 mission of the institute.

28 (f) The center director shall have a reporting
29 relationship to the Chancellor of the State University System.
30 Any dispute between the institute and the university or other
31 affiliated academic institution within the State University

1 System, including a dispute arising out of the appointment of
2 faculty and the ownership or sharing of royalties and other
3 rights and interests in intellectual property, shall be
4 submitted for nonbinding mediation to the Chancellor.

5 (g) The center director shall provide a copy of the
6 institute's annual report to the Governor and Cabinet, the
7 President of the Senate, the Speaker of the House of
8 Representatives, and the chair of the Board of Regents.

9 (6) The board of directors of the not-for-profit
10 corporation shall create a council of scientific advisers to
11 the center director comprised of leading researchers,
12 physicians, and scientists. This council shall review
13 programs and recommend research priorities and initiatives so
14 as to maximize the state's investment in the institute. The
15 council shall be appointed by the board of directors of the
16 not-for-profit corporation ~~and shall include five appointees~~
17 ~~of the Board of Regents~~. Each member of the council shall be
18 appointed to serve a 2-year term and may be reappointed to the
19 council.

20 Section 2. This act shall take effect upon becoming a
21 law.

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24 SENATE SUMMARY

25 Exempts the corporation that operates the H. Lee Moffitt
26 Cancer Center and Research Institute from requirements of
27 participating in any property insurance trust fund
28 established by law, so long as it maintains private
29 coverage with limits comparable to those in the state
30 fund. Exempts the corporation from certain budgetary
31 requirements. Provides for mediation of disputes between
the center and other institutions in the State University
System. Removes the power of the Board of Regents to
appoint members of the center's council of scientific
advisers.