

Bill No. CS for CS for SB 1564

Amendment No. Barcode 830410

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Villalobos moved the following amendment:

Senate Amendment (with title amendment)

On page 654, between lines 7 and 8,

insert:

Section 336. Florida Alzheimer's Center and Research Institute.--

(1) There is established the Florida Alzheimer's Center and Research Institute 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 Florida Alzheimer's 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 Florida Alzheimer's Center and Research Institute. This not-for-profit corporation, acting as an instrumentality of the state, shall govern and operate the

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1 Florida Alzheimer's Center and Research Institute in
2 accordance with the terms of the agreement between the State
3 Board of Education and the not-for-profit corporation. The
4 not-for-profit corporation may, with the prior approval of the
5 State Board of Education, create not-for-profit corporate
6 subsidiaries to fulfill its mission. The not-for-profit
7 corporation and its subsidiaries are authorized to receive,
8 hold, invest, and administer property and any moneys received
9 from private, local, state, and federal sources, as well as
10 technical and professional income generated or derived from
11 practice activities of the institute, for the benefit of the
12 institute and the fulfillment of its mission.

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

25 2. The initial board of directors shall consist of the
26 President of the University of South Florida and the chair of
27 the State Board of Education, or their designees; the five
28 university representatives, of whom one shall be appointed by
29 the Governor, two by the President of the Senate, and two by
30 the Speaker of the House of Representatives; and nine public
31 representatives, of whom three shall be appointed by the

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1 Governor, three by the President of the Senate, and three by
2 the Speaker of the House of Representatives. Upon the
3 expiration of the terms of the initial appointed directors,
4 all directors subject to 3-year terms of office under this
5 paragraph shall be elected by a majority vote of the directors
6 and the board may be expanded to include additional public
7 representative directors up to the maximum number allowed.
8 Any vacancy in office shall be filled for the remainder of the
9 term by majority vote of the directors. Any director may be
10 reelected.

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

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

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

19 (c) Utilization of hospital facilities and personnel
20 by the not-for-profit corporation and its subsidiaries for
21 mutually approved teaching and research programs conducted by
22 the University of South Florida or other accredited medical
23 schools or research institutes.

24 (d) Preparation of an annual postaudit of the
25 not-for-profit corporation's financial accounts and the
26 financial accounts of any subsidiaries to be conducted by an
27 independent certified public accountant. The annual audit
28 report shall include management letters and shall be submitted
29 to the Auditor General and the State Board of Education for
30 review. The State Board of Education, the Auditor General,
31 and the Office of Program Policy Analysis and Government

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1 Accountability shall have the authority to require and receive
2 from the not-for-profit corporation and any subsidiaries or
3 from their independent auditor any detail or supplemental data
4 relative to the operation of the not-for-profit corporation or
5 subsidiary.

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

10 (4) The State Board of Education is authorized to
11 secure comprehensive general liability protection, including
12 professional liability protection, for the not-for-profit
13 corporation and its subsidiaries, pursuant to s. 1004.24.

14 (5) In the event that the agreement between the
15 not-for-profit corporation and the State Board of Education is
16 terminated for any reason, the State Board of Education shall
17 assume governance and operation of the facilities.

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

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

30 (b) The chief executive officer shall have control
31 over the budget and the moneys appropriated or donated to the

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1 institute from private, local, state, and federal sources, as
2 well as technical and professional income generated or derived
3 from practice activities of the institute. However,
4 professional income generated by university faculty from
5 practice activities at the institute shall be shared between
6 the institute and the university as determined by the chief
7 executive officer and the appropriate university dean or vice
8 president.

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

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

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

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

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

29 (7) The board of directors of the not-for-profit
30 corporation shall create a council of scientific advisers to
31 the chief executive officer comprised of leading researchers,

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1 physicians, and scientists. The council shall review programs
 2 and recommend research priorities and initiatives to maximize
 3 the state's investment in the institute. The members of the
 4 council shall be appointed by the board of directors of the
 5 not-for-profit corporation, except for five members who shall
 6 be appointed by the State Board of Education. Each member of
 7 the council shall be appointed to serve a 2-year term and may
 8 be reappointed to the council.

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

12

13 (Redesignate subsequent sections.)

14

15

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

17 And the title is amended as follows:

18 On page 45, between lines 19 and 20,

19

20 insert:

21 creating the Florida Alzheimer's Center and
 22 Research Institute; requiring facilities to be
 23 provided at the University of South Florida;
 24 creating a not-for-profit corporation as an
 25 instrumentality of the state; authorizing
 26 receipt of moneys, a board of directors, and a
 27 chief executive officer; requiring certain
 28 accounting practices; providing contingency
 29 plans for continuation of governance in certain
 30 situations; providing for appointment of
 31 members;