

hbd-38

Amendment No. 06 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Byrd offered the following:

Amendment (with title amendment)

On page 502, between lines 15 and 16, of the bill

insert:

Section 190. Section 1004.445, Florida Statutes, is created to read:

1004.445 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

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Bill No. HB 2017Amendment No. 06 (for drafter's use only)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (7) The board of directors of the not-for-profit

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

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

14 Section 191. The sum of \$20 million is appropriated
 15 for fiscal year 2002-2003 from the Public Education Capital
 16 Outlay and Debt Service Trust Fund to the University of South
 17 Florida for partial construction of a \$40 million research
 18 facility at the university for the Florida Alzheimer's Center
 19 and Research Institute.

20 Section 192. The sum of \$20 million is appropriated
 21 for fiscal year 2002-2003 from the General Revenue Fund to the
 22 University of South Florida for the operations of the Florida
 23 Alzheimer's Center and Research Institute. From this amount
 24 \$15 million shall be used by the institute to contract with
 25 the following entities, at \$5 million each, to support the
 26 purposes of this act: the Mayo Clinic in Jacksonville,
 27 Florida; the University of Florida; and the University of
 28 Miami.

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1 ===== T I T L E A M E N D M E N T =====
2 And the title is amended as follows:
3 On page 2, line 5, after the semicolon,
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6 insert:
7 providing appropriations;
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