

Bill No. CS for SB 2-D

Amendment No.      Barcode 073988

|               |                |              |
|---------------|----------------|--------------|
| <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
|---------------|----------------|--------------|

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

.  
.  
.  
.  
.

Senator Lee moved the following amendment:

**Senate Amendment**

On page 502, between lines 29 and 30,

insert:

Section 191. 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

Bill No. CS for SB 2-D

Amendment No. \_\_\_\_ Barcode 073988

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

Bill No. CS for SB 2-D

Amendment No.      Barcode 073988

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

Bill No. CS for SB 2-D

Amendment No. \_\_\_\_ Barcode 073988

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.

Bill No. CS for SB 2-D

Amendment No. \_\_\_\_ Barcode 073988

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

Bill No. CS for SB 2-D

Amendment No. \_\_\_\_ Barcode 073988

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  
15 (Redesignate subsequent sections.)  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31