

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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

.
. .
.

Representative Galvano offered the following:

Amendment (with title amendment)

Remove line(s) 271-444, and insert:

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

Amendment No. (for drafter's use only)

28 and Research Institute. This not-for-profit corporation, acting
29 as an instrumentality of the state, shall govern and operate the
30 Johnnie B. Byrd, Sr., Florida Alzheimer's Center and Research
31 Institute in accordance with the terms of the agreement between
32 the State Board of Education and the not-for-profit corporation.
33 The not-for-profit corporation may, with the prior approval of
34 the State Board of Education, create ~~not-for-profit~~ corporate
35 subsidiaries to fulfill its mission. The not-for-profit
36 corporation and its subsidiaries are authorized to receive,
37 hold, invest, and administer property and any moneys acquired
38 from private, local, state, and federal sources, as well as
39 technical and professional income generated or derived from
40 practice activities of the institute, for the benefit of the
41 institute and the fulfillment of its mission.

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

54 2. The initial board of directors shall consist of the
55 President of the University of South Florida and the chair of
56 the State Board of Education, or their designees; the five

Amendment No. (for drafter's use only)

57 university representatives, of whom one shall be appointed by
58 the Governor, two by the President of the Senate, and two by the
59 Speaker of the House of Representatives; and nine public
60 representatives, of whom three shall be appointed by the
61 Governor, three by the President of the Senate, and three by the
62 Speaker of the House of Representatives. Upon the expiration of
63 the terms of the initial appointed directors, all directors
64 subject to 3-year terms of office under this paragraph shall be
65 appointed by a majority vote of the directors and the board may
66 be expanded to include additional public representative
67 directors up to the maximum number allowed. Any vacancy in
68 office shall be filled for the remainder of the term by majority
69 vote of the directors. Any director may be reappointed.

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

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

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

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

84 (d) Preparation of an annual postaudit of the not-for-
85 profit corporation's financial accounts and the financial

786951

Amendment No. (for drafter's use only)

86 accounts of any subsidiaries to be conducted by an independent
87 certified public accountant. The annual audit report shall
88 include management letters and shall be submitted to the Auditor
89 General and the State Board of Education for review. The State
90 Board of Education, the Auditor General, and the Office of
91 Program Policy Analysis and Government Accountability shall have
92 the authority to require and receive from the not-for-profit
93 corporation and any subsidiaries, or from their independent
94 auditor, any detail or supplemental data relative to the
95 operation of the not-for-profit corporation or subsidiary.

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

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

110 (5) In the event that the agreement between the not-for-
111 profit corporation and the State Board of Education is
112 terminated for any reason, the State Board of Education shall
113 assume governance and operation of the facilities.

Amendment No. (for drafter's use only)

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

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

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

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

Amendment No. (for drafter's use only)

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

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

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

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

155 (7) The board of directors of the not-for-profit
156 corporation shall create a council of scientific advisers to the
157 chief executive officer comprised of leading researchers,
158 physicians, and scientists. The council shall review programs
159 and recommend research priorities and initiatives to maximize
160 the state's investment in the institute. The members of the
161 council shall be appointed by the board of directors of the not-
162 for-profit corporation, ~~except for five members who shall be~~
163 ~~appointed by the State Board of Education.~~ Each member of the
164 council shall be appointed to serve a 2-year term and may be
165 reappointed to the council.

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

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

786951

Amendment No. (for drafter's use only)

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

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

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

188 (d) The identity of a donor or prospective donor to the
189 Johnnie B. Byrd, Sr., ~~Florida~~ Alzheimer's Center and Research
190 Institute who wishes to
191

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

193 Remove line(s) 10-25, and insert:
194 An act relating to the H. Lee Moffitt Cancer Center and
195 Research Institute and the Johnnie B. Byrd, Sr.,
196 Alzheimer's Center and Research Institute at the
197 University of South Florida; amending s. 1004.43, F.S.;
198 authorizing the establishment of for-profit subsidiaries
199 of the governing corporation; providing that the contract
200 with the State Board of Education shall permit the use of

Amendment No. (for drafter's use only)

201 lands and facilities for research, education, treatment,
202 prevention, and early detection of cancer; authorizing the
203 governing corporation and its subsidiaries to obtain their
204 own property insurance coverage; providing that certain
205 appropriations shall be paid directly to the board of
206 directors of the governing corporation; changing the
207 appointing authority for certain members of the council of
208 scientific advisors; amending s. 1004.445, F.S.; renaming
209 the Florida Alzheimer's Center and Research Institute as
210 the Johnnie B. Byrd, Sr., Alzheimer's Center and Research
211 Center; deleting obsolete language;