

By Senator Miller

18-1170A-04

1 A bill to be entitled
 2 An act relating to the H. Lee Moffitt Cancer
 3 Center and Research Institute; amending s.
 4 1004.43, F.S.; authorizing the establishment of
 5 for-profit subsidiaries of the governing
 6 corporation; prohibiting certain activities by
 7 such for-profit subsidiaries; providing that
 8 the contract with the State Board of Education
 9 shall permit the use of lands, facilities, and
 10 personnel for research, education, treatment,
 11 prevention, and early detection of cancer and
 12 for certain teaching and research programs;
 13 authorizing the governing corporation and its
 14 subsidiaries to obtain their own property
 15 insurance coverage; changing the appointing
 16 authority for certain members of the council of
 17 scientific advisors; requiring that certain
 18 appropriations be paid directly to the board of
 19 directors of the governing corporation;
 20 providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

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 24 Section 1. Subsections (1), (2), (3), and (6) of
 25 section 1004.43, Florida Statutes, are amended, and subsection
 26 (10) is added to that section, to read:

27 1004.43 H. Lee Moffitt Cancer Center and Research
 28 Institute.--There is established the H. Lee Moffitt Cancer
 29 Center and Research Institute at the University of South
 30 Florida.

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1 (1) The State Board of Education shall enter into an
2 agreement for the utilization of the facilities on the campus
3 of the University of South Florida to be known as the H. Lee
4 Moffitt Cancer Center and Research Institute, including all
5 furnishings, equipment, and other chattels used in the
6 operation of said facilities, with a Florida not-for-profit
7 corporation organized solely for the purpose of governing and
8 operating the H. Lee Moffitt Cancer Center and Research
9 Institute. This not-for-profit corporation, acting as an
10 instrumentality of the State of Florida, shall govern and
11 operate the H. Lee Moffitt Cancer Center and Research
12 Institute in accordance with the terms of the agreement
13 between the State Board of Education and the not-for-profit
14 corporation. The not-for-profit corporation may, with the
15 prior approval of the State Board of Education, create
16 ~~not-for-profit~~ corporate subsidiaries to fulfill its mission.
17 For-profit subsidiaries of the not-for-profit corporation may
18 not compete with for-profit health care providers in the
19 delivery of radiation therapy services to patients.The
20 not-for-profit corporation and its subsidiaries are authorized
21 to receive, hold, invest, and administer property and any
22 moneys received from private, local, state, and federal
23 sources, as well as technical and professional income
24 generated or derived from practice activities of the
25 institute, for the benefit of the institute and the
26 fulfillment of its mission. The affairs of the corporation
27 shall be managed by a board of directors who shall serve
28 without compensation. The President of the University of
29 South Florida and the chair of the State Board of Education,
30 or his or her designee, shall be directors of the
31 not-for-profit corporation, together with 5 representatives of

1 the state universities and no more than 14 nor fewer than 10
2 directors who are not medical doctors or state employees. Each
3 director shall have only one vote, shall serve a term of 3
4 years, and may be reelected to the board. Other than the
5 President of the University of South Florida and the chair of
6 the State Board of Education, directors shall be elected by a
7 majority vote of the board. The chair of the board of
8 directors shall be selected by majority vote of the directors.

9 (2) The State Board of Education shall provide in the
10 agreement with the not-for-profit corporation for the
11 following:

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

14 (b) Approval of the articles of incorporation of any
15 ~~not-for-profit~~ corporate subsidiary created by the
16 not-for-profit corporation.

17 (c) Utilization of lands, ~~hospital~~ facilities, and
18 personnel by the not-for-profit corporation and its
19 subsidiaries for research, education, treatment, prevention,
20 and the early detection of cancer and for mutually approved
21 teaching and research programs conducted by the University of
22 South Florida or other accredited medical schools or research
23 institutes.

24 (d) Preparation of an annual financial audit of the
25 not-for-profit corporation's accounts and records and the
26 accounts and records of any subsidiaries to be conducted by an
27 independent certified public accountant. The annual audit
28 report shall include a management letter, as defined in s.
29 11.45, and shall be submitted to the Auditor General and the
30 State Board of Education. The State Board of Education, the
31 Auditor General, and the Office of Program Policy Analysis and

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

10 (3) 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. The
14 not-for-profit corporation and its subsidiaries are exempt
15 from participation in any property insurance trust fund
16 established by law, including any property insurance trust
17 fund established pursuant to chapter 284, so long as the
18 not-for-profit corporation and its subsidiaries maintain
19 property insurance protection with limits comparable to or
20 greater than the limits in the property insurance trust fund.

21 (6) The board of directors of the not-for-profit
22 corporation shall create a council of scientific advisers to
23 the chief executive officer comprised of leading researchers,
24 physicians, and scientists. This council shall review programs
25 and recommend research priorities and initiatives so as to
26 maximize the state's investment in the institute. The council
27 shall be appointed by the board of directors of the
28 not-for-profit corporation ~~and shall include five appointees~~
29 ~~of the State Board of Education.~~ Each member of the council
30 shall be appointed to serve a 2-year term and may be
31 reappointed to the council.

