

1 A bill to be entitled
2 An act relating to economic development; providing
3 legislative intent; creating s. 288.96, F.S.; establishing
4 the Florida Vaccine Research Institute in the College of
5 Pharmacy and Pharmaceutical Sciences at Florida
6 Agricultural and Mechanical University; prescribing
7 purposes for the institute; requiring the Florida Board of
8 Governors to enter into an agreement with a not-for-profit
9 corporation to govern and operate the institute; providing
10 agreement requirements; providing for a board of directors
11 of the not-for-profit corporation; specifying membership;
12 specifying terms; authorizing the Florida Board of
13 Governors to secure liability protection for the
14 corporation and subsidiaries; providing for dissolution;
15 providing for administration of the institute by a chief
16 executive officer; providing powers and duties of the
17 chief executive officer; requiring the board of directors
18 of the not-for-profit corporation to create a council of
19 scientific advisors; providing for appointment of council
20 members; providing duties of the council; specifying that
21 the not-for-profit corporation and any subsidiaries are
22 not agencies for certain purposes; providing for public-
23 records access; requiring the Office of Program Policy
24 Analysis and Government Accountability to conduct a
25 performance audit of the Florida Board of Governors and
26 the institute; specifying audit requirements; providing
27 for program evaluation; specifying that appropriations or
28 disbursement of moneys do not constitute debt, liability,

29 or obligation of the state or a pledge of the faith and
30 credit of the state or subject the state to certain
31 liabilities; requiring state appropriations to the
32 institute to be paid directly by warrant to the not-for-
33 profit corporation; providing an appropriation; providing
34 an effective date.

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36 Be It Enacted by the Legislature of the State of Florida:

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38 Section 1. It is the intent of the Legislature to improve
39 economic opportunities available to the people of this state by
40 attracting new or expanding businesses and retaining businesses
41 in this state. Additionally, the Legislature recognizes that the
42 state spends millions of dollars each year to attract talented
43 students to universities and community colleges in this state
44 and to educate them in such a way as to create a substantial
45 workforce targeted at high-skill high-wage occupations. Economic
46 development projects such as the Florida Vaccine Research
47 Institute established in this act provide opportunities for
48 graduates of universities and community colleges in this state
49 to return benefit to this state by working in this state rather
50 than taking their considerable skills and talents, obtained
51 through this state's higher education system and funding, to
52 seek employment in other states. The State of Florida invests
53 millions of dollars each year in its systems of higher education
54 to attract, retain, and educate talented, scientific and high-
55 technology students and the programs that provide those students
56 superior educations. To realize a return on that investment,

57 this state must have employment opportunities through economic
 58 development and diversity, as provided by the Florida Vaccine
 59 Research Institute established in this act, where graduates of
 60 Florida universities and colleges and like-minded students and
 61 scientists from other states can optimally match skills. It is
 62 further the intent of the Legislature to advance the essential
 63 government services of improving the health of the people of
 64 this state by promoting research and development for the
 65 prediction, treatment, prevention, and cure of flu-related
 66 diseases. The Florida Vaccine Research Institute will serve
 67 these essential government services and help accelerate the
 68 development of vaccines and biodefense research and development
 69 projects.

70 Section 2. Section 288.96, Florida Statutes, is created to
 71 read:

72 288.96 Florida Vaccine Research Institute.--The Florida
 73 Vaccine Research institute is established in the College of
 74 Pharmacy and Pharmaceutical Sciences at Florida Agricultural and
 75 Mechanical University. The institute is established for the
 76 purposes of enhancing education and research, promoting economic
 77 development and economic diversity, exploring novel approaches
 78 to vaccine development, exploring the use of plant and animal
 79 cell culture microbes, and developing cleaner and faster
 80 approaches to the production of biodefense mechanisms, flu
 81 vaccine, other vaccines, and related products. The institute
 82 shall advance economic development and economic diversity as it
 83 expands the level and prominence of biomedical research
 84 conducted in this state. The institute shall provide an

85 inducement for high-technology businesses and employees to
 86 locate or remain in this state, create educational opportunities
 87 through access to and partnerships with businesses, and promote
 88 improved health care through the scientific outcomes of the
 89 institution.

90 (1) The Florida Board of Governors shall enter into an
 91 agreement with a not-for-profit corporation organized in this
 92 state solely for the purposes of governing and operating the
 93 Florida Vaccine Research Institute. The agreement shall provide
 94 for the Florida Vaccine Research Institute to use on-campus or
 95 off-campus facilities in the Florida Agricultural and Mechanical
 96 University College of Pharmacy and Pharmaceutical Sciences, and
 97 shall provide for all furnishings, equipment, and other property
 98 to be used in the operation of those facilities. The not-for-
 99 profit corporation, acting as an instrumentality of this state,
 100 shall govern and operate the Florida Vaccine Research Institute
 101 in accordance with the terms of the agreement between the
 102 Florida Board of Governors and the not-for-profit corporation.
 103 The not-for-profit corporation may, with the prior approval of
 104 the Florida Board of Governors, create for-profit or not-for-
 105 profit corporate subsidiaries, or both, to fulfill its mission.
 106 The not-for-profit corporation and its subsidiaries may receive,
 107 hold, invest, and administer property and any moneys received
 108 from private, local, state, and federal sources, as well as
 109 technical and professional income generated or derived from
 110 economic activities of the institute, for the benefit of the
 111 institute and the fulfillment of its mission. The affairs of the
 112 not-for-corporation shall be managed by a board of directors,

113 who shall serve without compensation. The President of Florida
 114 Agricultural and Mechanical University and the chairs of the
 115 Florida Agricultural and Mechanical University Board of Trustees
 116 and the Florida Board of Governors, or their designees, shall be
 117 directors of the not-for-profit corporation. The director of the
 118 Office of Tourism, Trade, and Economic Development shall serve
 119 as an ex officio member. The President of the Florida
 120 Agriculture and Mechanical University Faculty Senate, the Dean
 121 of the College of Pharmacy and Pharmaceutical Sciences, and no
 122 more than 10 nor fewer than 5 directors who are not state
 123 employees and who are elected by a majority of those then
 124 serving on the board shall also serve on the board. Each
 125 director shall have one vote, shall serve a term of 3 years, and
 126 shall serve multiple terms on the board. The chair of the board
 127 of directors shall be selected by majority vote of the
 128 directors.

129 (2) The Florida Board of Governors shall provide in the
 130 agreement with the not-for-profit corporation for the following:

131 (a) Approval of the articles of incorporation of the not-
 132 for-profit corporation by the Florida Board of Governors.

133 (b) Approval of the articles of incorporation of any not-
 134 for-profit corporate subsidiary created by the not-for-profit
 135 corporation.

136 (c) Use of lands, facilities, and personnel by the not-
 137 for-profit corporation and its subsidiaries for research,
 138 education, vaccine, other drug development, and for mutually
 139 approved teaching and research programs conducted by Florida
 140 Agricultural and Mechanical University or other accredited

141 schools or research institutes.

142 (d) Preparation of an annual financial audit of the not-
143 for-profit corporation's accounts and records and the accounts
144 and records of any subsidiaries to be conducted by an
145 independent certified public accountant. The annual audit report
146 shall include a management letter, as defined in s. 11.45, and
147 shall be submitted to the Auditor General and the Florida Board
148 of Governors. The Florida Board of Governors, the Auditor
149 General, and the Office of Program Policy Analysis and
150 Government Accountability may require and receive from the not-
151 for-profit corporation and any subsidiaries or from their
152 independent auditor any detail or supplemental data relative to
153 the operation of the not-for-profit corporation or subsidiary.

154 (e) Submission of a business plan by the not-for-profit
155 corporation in a form and manner prescribed by the board of
156 directors.

157 (f) Provision by the not-for-profit corporation and its
158 subsidiaries of equal employment opportunities to all persons
159 regardless of race, color, religion, gender, age, or national
160 origin.

161 (3) The Florida Board of Governors may secure
162 comprehensive general liability protection, including
163 professional liability protection, for the not-for-profit
164 corporation and its subsidiaries pursuant to s. 1004.24. The
165 not-for-profit corporation and its subsidiaries are exempt from
166 any participation in any property insurance trust fund
167 established by law, including any property insurance trust fund
168 established pursuant to chapter 284, so long as the not-for-

169 profit corporation and its subsidiaries maintain property
 170 insurance protection with comparable or greater coverage limits.

171 (4) If the agreement between the not-for-profit
 172 corporation and the Florida Board of Governors is terminated for
 173 any reason, Florida Agricultural and Mechanical University shall
 174 provide for dissolution.

175 (5) The institute shall be administered by a chief
 176 executive officer, who shall serve at the pleasure of the board
 177 of directors of the not-for-profit corporation and who shall
 178 have the following powers and duties, subject to the approval of
 179 the board of directors:

180 (a) The chief executive officer shall establish programs
 181 that fulfill the mission of the institute in research and
 182 education; however, the chief executive officer may not, without
 183 prior approval of the Florida Board of Governors, establish
 184 academic programs for which academic credit is awarded or which
 185 terminate in the conferring of a degree.

186 (b) The chief executive officer shall have control over
 187 the budget and the moneys appropriated or donated to the
 188 institute from private, local, state, and federal sources, as
 189 well as technical and professional income generated or derived
 190 from practice activities of the institute.

191 (c) The chief executive officer shall appoint members to
 192 carry out the production, research, patient care, and
 193 educational activities of the institute and determine
 194 compensation, benefits, and terms of service. Members of the
 195 institute shall be eligible to hold concurrent appointments at
 196 affiliated academic institutions. University faculty are

197 eligible to hold concurrent appointments at the institute.

198 (d) The chief executive officer shall have control over
 199 the use and assignment of space and equipment within the
 200 facilities.

201 (e) The chief executive officer may create the
 202 administrative structure necessary to carry out the mission of
 203 the institute.

204 (f) The chief executive officer shall have a reporting
 205 relationship to the President of Florida Agricultural and
 206 Mechanical University.

207 (g) The chief executive officer shall provide a copy of
 208 the institute's annual report to the Governor and Cabinet, the
 209 President of the Senate, and the Speaker of the House of
 210 Representatives.

211 (6) The board of directors of the not-for-profit
 212 corporation shall create a council of scientific advisors to the
 213 chief executive officer consisting of leading researchers,
 214 physicians, and scientists. The council shall review programs
 215 and recommend research priorities and initiatives so as to
 216 maximize the state's investment in the institute. The council
 217 shall be appointed by the board of directors of the not-for-
 218 profit corporation. Each member of the council shall be
 219 appointed to serve a 2-year term and may be reappointed, except
 220 initially seven members shall be appointed for a 1-year term.

221 (7) In carrying out the provisions of this section, the
 222 not-for-profit corporation and its subsidiaries are not
 223 "agencies" within the meaning of s. 20.03(11).

224 (8) Records of the not-for-profit corporation and of its

225 subsidiaries are public records unless made confidential or
226 exempt by law.

227 (9) Before January 1, 2008, the Office of Program Policy
228 Analysis and Government Accountability shall conduct a
229 performance audit of the Florida Board of Governors and the
230 Florida Vaccine Research Institute relating to provisions of
231 this section. The audit shall assess the implementation and
232 outcomes of activities under this section. At a minimum, the
233 audit shall address:

234 (a) Performance of the Florida Board of Governors in
235 disbursing funds appropriated under this section.

236 (b) Performance of the institute in managing the not-for-
237 profit corporation.

238 (c) Compliance by the institute with the provisions of
239 this section and provisions of the agreement.

240 (d) Economic activity generated through funds disbursed
241 under the agreement.

242 (10)(a) The appropriation or disbursement of funds under
243 this section does not constitute any debt, liability, or
244 obligation of the State of Florida or any political subdivision
245 of the state or a pledge of the faith and credit of the state or
246 of any political subdivision of the state.

247 (b) The appropriation or disbursement of funds under this
248 section does not subject the State of Florida, or any political
249 subdivision of the state, to liability related to the
250 manufacturing, research activities, and research products of the
251 institute.

252 (11) State appropriations to the institute shall be paid

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253 directly to the not-for-profit corporation by warrant drawn by
254 the Chief Financial Officer from the State Treasury.

255 Section 3. An amount sufficient to carry out the
256 provisions of this act during the 2005-2006 fiscal year is
257 appropriated from the General Revenue Fund to the Florida
258 Vaccine Research Institute in the College of Pharmacy and
259 Pharmaceutical Sciences at Florida Agricultural and Mechanical
260 University.

261 Section 4. This act shall take effect upon becoming a law.