

Bill No. PCS for SB 1872 & 2378 (920598)

Barcode 063964

CHAMBER ACTION

Senate

House

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The Committee on Health Care (Fasano) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 11, between lines 30 and 31,

insert:

Section 5. Section 1004.445, Florida Statutes, is amended to read:

1004.445 Ronald Reagan ~~Johnnie B. Byrd, Sr.,~~

Alzheimer's Center and Research Institute.--

(1) The Ronald Reagan ~~Johnnie B. Byrd, Sr.,~~

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 Ronald Reagan ~~Johnnie B. Byrd, Sr.,~~ 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

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

18 (b)1. The affairs of the not-for-profit corporation  
19 shall be managed by a board of directors who shall serve  
20 without compensation. The board of directors shall consist of  
21 the President of the University of South Florida and the chair  
22 of the State Board of Education, or their designees, 5  
23 representatives of the state universities, and no fewer than 9  
24 nor more than 14 representatives of the public who are neither  
25 medical doctors nor state employees. Each director who is a  
26 representative of a state university or of the public shall be  
27 appointed to serve a term of 3 years. The chair of the board  
28 of directors shall be selected by a majority vote of the  
29 directors. Each director shall have only one vote.

30 2. The initial board of directors shall consist of the  
31 President of the University of South Florida and the chair of

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

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

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

21 (b) Approval by the State Board of Education of the  
 22 articles of incorporation of any not-for-profit corporate  
 23 subsidiary created by the not-for-profit corporation.

24 (c) Utilization of lands, facilities, and personnel by  
 25 the not-for-profit corporation and its subsidiaries for  
 26 research, education, treatment, prevention, and the early  
 27 detection of Alzheimer's disease and for mutually approved  
 28 teaching and research programs conducted by the University of  
 29 South Florida or other accredited medical schools or research  
 30 institutes.

31 (d) Preparation of an annual financial audit pursuant

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1 to s. 11.45 of the not-for-profit corporation's accounts and  
 2 the accounts of any subsidiaries to be conducted by an  
 3 independent certified public accountant. The annual audit  
 4 report shall include management letters and shall be submitted  
 5 to the Auditor General and the State Board of Education for  
 6 review. The State Board of Education, the Auditor General, and  
 7 the Office of Program Policy Analysis and Government  
 8 Accountability shall have the authority to require and receive  
 9 from the not-for-profit corporation and any subsidiaries, or  
 10 from their independent auditor, any detail or supplemental  
 11 data relative to the operation of the not-for-profit  
 12 corporation or subsidiary.

13 (e) Provision by the not-for-profit corporation and  
 14 its subsidiaries of equal employment opportunities for all  
 15 persons regardless of race, color, religion, gender, age, or  
 16 national origin.

17 (4) The State Board of Education is authorized to  
 18 secure comprehensive general liability protection, including  
 19 professional liability protection, for the not-for-profit  
 20 corporation and its subsidiaries, pursuant to s. 1004.24. The  
 21 not-for-profit corporation and its subsidiaries shall be  
 22 exempt from any participation in any property insurance trust  
 23 fund established by law, including any property insurance  
 24 trust fund established pursuant to chapter 284, so long as the  
 25 not-for-profit corporation and its subsidiaries maintain  
 26 property insurance protection with comparable or greater  
 27 coverage limits.

28 (5) In the event that the agreement between the  
 29 not-for-profit corporation and the State Board of Education is  
 30 terminated for any reason, the State Board of Education shall  
 31 assume governance and operation of the facilities.

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1           (6) The institute shall be administered by a chief  
 2 executive officer, who shall be appointed by and serve at the  
 3 pleasure of the board of directors of the not-for-profit  
 4 corporation, and who shall exercise the following powers and  
 5 duties, subject to the approval of the board of directors:

6           (a) The chief executive officer shall establish  
 7 programs that fulfill the mission of the institute in  
 8 research, education, treatment, prevention, and early  
 9 detection of Alzheimer's disease; however, the chief executive  
 10 officer may not establish academic programs for which academic  
 11 credit is awarded and which culminate in the conferring of a  
 12 degree, without prior approval of the State Board of  
 13 Education.

14           (b) The chief executive officer shall have control  
 15 over the budget and the moneys appropriated or donated to the  
 16 institute from private, local, state, and federal sources, as  
 17 well as technical and professional income generated or derived  
 18 from practice activities of the institute. However,  
 19 professional income generated by university faculty from  
 20 practice activities at the institute shall be shared between  
 21 the institute and the university as determined by the chief  
 22 executive officer and the appropriate university dean or vice  
 23 president.

24           (c) The chief executive officer shall appoint  
 25 representatives of the institute to carry out the research,  
 26 patient care, and educational activities of the institute and  
 27 establish the compensation, benefits, and terms of service of  
 28 such representatives. Representatives of the institute shall  
 29 be eligible to hold concurrent appointments at affiliated  
 30 academic institutions. University faculty shall be eligible to  
 31 hold concurrent appointments at the institute.

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1 (d) The chief executive officer shall have control  
2 over the use and assignment of space and equipment within the  
3 facilities.

4 (e) The chief executive officer shall have the power  
5 to create the administrative structure necessary to carry out  
6 the mission of the institute.

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

9 (g) The chief executive officer shall provide a copy  
10 of the institute's annual report to the Governor and Cabinet,  
11 the President of the Senate, the Speaker of the House of  
12 Representatives, and the chair of the State Board of  
13 Education.

14 (7) The board of directors of the not-for-profit  
15 corporation shall create a council of scientific advisers to  
16 the chief executive officer comprised of leading researchers,  
17 physicians, and scientists. The council shall review programs  
18 and recommend research priorities and initiatives to maximize  
19 the state's investment in the institute. The members of the  
20 council shall be appointed by the board of directors of the  
21 not-for-profit corporation. Each member of the council shall  
22 be appointed to serve a 2-year term and may be reappointed to  
23 the council.

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

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

30 (a) Personal identifying information relating to  
31 clients of programs created or funded through the Ronald

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1 Reagan ~~Johnnie B. Byrd, Sr.,~~ Alzheimer's Center and Research  
 2 Institute which is held by the institute, University of South  
 3 Florida, or State Board of Education or by persons who provide  
 4 services to clients of programs created or funded through  
 5 contracts with the Ronald Reagan ~~Johnnie B. Byrd, Sr.,~~  
 6 Alzheimer's Center and Research Institute;

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

9 (c) Materials that relate to methods of manufacture or  
 10 production, potential trade secrets, potentially patentable  
 11 material, actual trade secrets as defined in s. 688.002, or  
 12 proprietary information received, generated, ascertained, or  
 13 discovered during the course of research conducted by or  
 14 through the institute and business transactions resulting from  
 15 such research;

16 (d) The identity of a donor or prospective donor to  
 17 the Ronald Reagan ~~Johnnie B. Byrd, Sr.,~~ Alzheimer's Center and  
 18 Research Institute who wishes to remain anonymous, and all  
 19 information identifying such donor or prospective donor;

20 (e) Any information received by the institute in the  
 21 performance of its duties and responsibilities which is  
 22 otherwise confidential and exempt by law; and

23 (f) Any information received by the institute from a  
 24 person from another state or nation or the Federal Government  
 25 which is otherwise confidential or exempt pursuant to that  
 26 state's or nation's laws or pursuant to federal law.

27  
 28 Any governmental entity that demonstrates a need to access  
 29 such confidential and exempt information in order to perform  
 30 its duties and responsibilities shall have access to such  
 31 information and shall otherwise keep such information

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1 confidential and exempt. This section is subject to the Open  
 2 Government Sunset Review Act of 1995 in accordance with s.  
 3 119.15 and shall stand repealed on October 2, 2006, unless  
 4 reviewed and saved from repeal through reenactment by the  
 5 Legislature.

6 (10) Any appropriation to the institute provided in a  
 7 general appropriations act shall be paid directly to the board  
 8 of directors of the not-for-profit corporation by warrant  
 9 drawn by the Chief Financial Officer from the State Treasury.

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11 (Redesignate subsequent sections.)

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

15 And the title is amended as follows:

16 On page 1, line 15, after the semicolon,

17

18 insert:

19 amending s. 1004.445, F.S.; renaming the  
 20 Johnnie B. Byrd, Sr., Alzheimer's Center and  
 21 Research Institute as the "Ronald Reagan  
 22 Alzheimer's Center Research Institute";

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