

By Senator Argenziano

3-974-05

1                                   A bill to be entitled

2           An act relating to economic development;

3           providing legislative intent; creating s.

4           288.96, F.S.; establishing the Florida Vaccine

5           Research Institute in the College of Pharmacy

6           and Pharmaceutical Sciences at Florida

7           Agricultural and Mechanical University;

8           prescribing its purposes; providing for a board

9           of directors; providing for a chief executive

10          officer; providing for a council of scientific

11          advisors; providing for public-records access;

12          providing for audit; providing for program

13          evaluation; providing for liability; providing

14          an appropriation; providing an effective date.

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

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18           Section 1. It is the intent of the Legislature to

19 improve economic opportunities available to the people of this

20 state by attracting new or expanding businesses and retaining

21 businesses in the state. Additionally, the Legislature

22 recognizes that the state spends millions of dollars each year

23 to attract talented students to Florida's universities and

24 community colleges and to educate them in such a way as to

25 create a substantial workforce targeted at high-skill

26 high-wage occupations. Economic development projects such as

27 the Florida Vaccine Research Institute established in this act

28 provide opportunities for graduates of Florida's universities

29 and community colleges to return benefit to Florida by working

30 in Florida rather than taking their considerable skills and

31 talents, obtained through Florida's higher education system

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 and funding, to seek employment in other states. The State of  
2 Florida invests millions of dollars each year in its systems  
3 of higher education to attract, retain, and educate talented,  
4 scientific and high-technology students and the programs that  
5 provide those students superior educations. To realize a  
6 return on that investment, Florida must have employment  
7 opportunities through economic development and diversity, as  
8 provided by the Florida Vaccine Research Institute established  
9 in this act, where graduates of Florida universities and  
10 colleges and like-minded students and scientists from other  
11 states can optimally match skills. It is further the intent of  
12 the Legislature to advance the essential government services  
13 of improving the health of the people of this state by  
14 promoting research and development for the prediction,  
15 treatment, prevention, and cure of flu-related diseases. The  
16 Florida Vaccine Research Institute will serve these essential  
17 government services and help accelerate the development of  
18 vaccines and biodefense research and development projects.

19 Section 2. Section 288.96, Florida Statutes, is  
20 created to read:

21 288.96 Florida Vaccine Research Institute.--There is  
22 established the Florida Vaccine Research institute in the  
23 College of Pharmacy and Pharmaceutical Sciences at Florida  
24 Agricultural and Mechanical University. The institute is  
25 established for the purposes of enhancing education and  
26 research, promoting economic development and economic  
27 diversity, exploring novel approaches to vaccine development,  
28 exploring the use of plant and animal cell culture microbes,  
29 and developing cleaner and faster approaches to production of  
30 biodefense mechanisms, flu vaccine, other vaccines, and  
31 related products. The institute shall advance economic

1 development and economic diversity as it expands the level and  
2 prominence of biomedical research conducted in this state. The  
3 institute shall provide an inducement for high-technology  
4 businesses and employees to locate or remain in this state,  
5 create educational opportunities through access to and  
6 partnerships with businesses, and promote improved health care  
7 through the scientific outcomes of the institution.

8       (1) The Florida Board of Governors shall enter into an  
9 agreement with a Florida not-for-profit corporation organized  
10 solely for the purpose of governing and operating the Florida  
11 Vaccine Research Institute. The agreement shall provide for  
12 the Florida Vaccine Research Institute to use on-campus or  
13 off-campus facilities in the Florida Agricultural and  
14 Mechanical University College of Pharmacy and Pharmaceutical  
15 Sciences, and shall provide for all furnishings, equipment,  
16 and other chattels to be used in the operation of those  
17 facilities. The not-for-profit corporation, acting as an  
18 instrumentality of the State of Florida, shall govern and  
19 operate the Florida Vaccine Research Institute in accordance  
20 with the terms of the agreement between the Florida Board of  
21 Governors and the not-for-profit corporation. The  
22 not-for-profit corporations may, with the prior approval of  
23 the Florida Board of Governors, create either for-profit or  
24 not-for-profit corporate subsidiaries, or both, to fulfill its  
25 mission. The not-for-profit corporation and its subsidiaries  
26 are authorized to receive, hold, invest, and administer  
27 property and any moneys received from private, local, state,  
28 and federal sources, as well as technical and professional  
29 income generated or derived from economic activities of the  
30 institute, for the benefit of the institute and the  
31 fulfillment of its mission. The affairs of the corporation

1 shall be managed by a board of directors, who shall serve  
2 without compensation. The President of Florida Agricultural  
3 and Mechanical University and the chairs of the Florida  
4 Agricultural and Mechanical University Board of Trustees and  
5 the Florida Board of Governors, or their designees, shall be  
6 directors of the not-for-profit corporation. The Director of  
7 the Office of Tourism, Trade, and Economic Development shall  
8 serve as an ex-officio member. The President of the Florida  
9 Agriculture and Mechanical University Faculty Senate, the Dean  
10 of the College of Pharmacy and Pharmaceutical Sciences and no  
11 more than 10 nor fewer than 5 directors who are not state  
12 employees and who are elected by a majority of those then  
13 serving on the board shall also serve on the board. Each  
14 director shall have one vote, shall serve a term of 3 years,  
15 and may serve multiple terms on the board. The chair of the  
16 board of directors shall be selected by majority vote of the  
17 directors.

18 (2) The Florida Board of Governors shall provide in  
19 the agreement with the not-for-profit corporation for the  
20 following;

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

23 (b) Approval of the articles of incorporation of any  
24 not-for-profit corporate subsidiary created by the  
25 not-for-profit corporation.

26 (c) Utilization of lands, facilities, and personnel by  
27 the not-for-profit corporation and its subsidiaries for  
28 research, education, vaccine, other drug development, and for  
29 mutually approved teaching and research programs conducted by  
30 Florida Agricultural and Mechanical University or other  
31 accredited schools or research institutes.

1           (d) Preparation of an annual financial audit of the  
2 not-for-profit corporation's accounts and records and the  
3 accounts and records of any subsidiaries to be conducted by an  
4 independent certified public accountant. The annual audit  
5 report shall include a management letter, as defined in s.  
6 11.45, and shall be submitted to the Auditor General and the  
7 Florida Board of Governors. The Florida Board of Governors,  
8 the Auditor General, and the Office of Program Policy Analysis  
9 and Government Accountability shall have the authority to  
10 require and receive from the not-for-profit corporation and  
11 any subsidiaries or from their independent auditor any detail  
12 or supplemental data relative to the operation of the  
13 not-for-profit corporation or subsidiary.

14           (e) Submission of a business plan by the  
15 not-for-profit corporation is a form and manner prescribed by  
16 the Board of Directors.

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

21           (3) The Florida Board of Governors may secure  
22 comprehensive general liability protection, including  
23 professional liability protection, for the not-for-profit  
24 corporation and its subsidiaries pursuant to s. 1004.24. The  
25 not-for-profit corporation and its subsidiaries are exempt  
26 from any participation in any property insurance trust fund  
27 established by law, including any property insurance trust  
28 fund established pursuant to chapter 284, so long as the  
29 not-for-profit corporation and its subsidiaries maintain  
30 property insurance protection with comparable or greater  
31 coverage limits.

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

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

10           (a) The chief executive officer shall establish  
11 programs that fulfill the mission of the institute in research  
12 and education; however, the chief executive officer may not,  
13 without prior approval of the Florida Board of Governors,  
14 establish academic programs for which academic credit is  
15 awarded or which terminate in the conferring of a degree.

16           (b) The chief executive officer shall have control  
17 over the budget and the dollars appropriated or donated to the  
18 institute from private, local, state, and federal sources, as  
19 well as technical and professional income generated or derived  
20 from practice activities of the institute.

21           (c) The chief executive officer shall appoint members  
22 to carry out the production, research, patient care, and  
23 educational activities of the institute and determine  
24 compensation, benefits, and terms of service. Members of the  
25 institute shall be eligible to hold concurrent appointments at  
26 affiliated academic institutions. University faculty are  
27 eligible to hold concurrent appointments at the institute.

28           (d) The chief executive officer shall have control  
29 over the use and assignment of space and equipment within the  
30 facilities.

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1       (e) The chief executive officer shall have the power  
2 to create the administrative structure necessary to carry out  
3 the mission of the institute.

4       (f) The chief executive officer shall have a reporting  
5 relationship to the President of Florida Agricultural and  
6 Mechanical University.

7       (g) The chief executive officer shall provide a copy  
8 of the institute's annual report to the Governor and Cabinet,  
9 the President of the Senate, and the Speaker of the House of  
10 Representatives.

11       (6) The board of directors of the not-for-profit  
12 corporation shall create a council of scientific advisors to  
13 the chief executive officer consisting of leading researchers,  
14 physicians, and scientists. This council shall review programs  
15 and recommend research priorities and initiatives so as to  
16 maximize the state's investment in the institute. The council  
17 shall be appointed by the board of directors of the  
18 not-for-profit corporation. Each member of the council shall  
19 be appointed to serve a 2-year term and may be reappointed,  
20 except initially seven members shall be appointed for a 1-year  
21 term.

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

25       (8) Records of the not-for-profit corporation and of  
26 its subsidiaries are public records unless made confidential  
27 or exempt by law.

28       (9) Before January 1, 2008, the Office of Program  
29 Policy Analysis and Government Accountability shall conduct a  
30 performance audit of the Florida Board of Governors and the  
31 Florida Vaccine Research Institute relating to provisions of

1 this section. The audit shall assess the implementation and  
2 outcomes of activities under this section. At a minimum, the  
3 audit shall address:

4 1. Performance of the Florida Board of Governors in  
5 disbursing funds appropriated under this section.

6 2. Performance of the institute in managing the  
7 not-for-profit corporation.

8 3. Compliance by the institute with the provisions of  
9 this section and provisions of the agreement.

10 4. Economic activity generated through funds disbursed  
11 under the agreement.

12 (10)(a) The appropriation or disbursement of funds  
13 under this section does not constitute debt, liability, or  
14 obligation of the State of Florida, any political subdivision  
15 thereof, or a pledge of the faith and credit of the state or  
16 of any such political subdivision.

17 (b) The appropriation or disbursement of funds under  
18 this section does not subject the State of Florida, or any  
19 political subdivision thereof, to liability related to the  
20 manufacturing, research activities, and research products of  
21 the institute.

22 (11) State appropriations to the institute shall be  
23 paid directly to the not-for-profit corporation by warrant  
24 drawn by the Chief Financial Officer from the State Treasury.

25 Section 3. The sum of \$ \_\_\_\_\_ is appropriated from the  
26 General Revenue Fund to the Florida Vaccine Research Institute  
27 in the College of Pharmacy and Pharmaceutical Sciences at  
28 Florida Agricultural and Mechanical University to carry out  
29 the provisions of this act during the 2005-2006 fiscal year.

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



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SENATE SUMMARY

Establishes the Florida Vaccine Research Institute in the College of Pharmacy and Pharmaceutical Sciences at Florida Agricultural and Mechanical University. Provides an appropriation.