

By the Committee on Higher Education; and Senators Peaden,  
Joyner and Gaetz

589-05380A-08

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1 A bill to be entitled

2 An act relating to the Johnnie B. Byrd, Sr., Alzheimer's  
3 Center and Research Institute; amending s. 1004.445, F.S.;  
4 establishing the center within the University of South  
5 Florida; providing for the administration of the center;  
6 creating a research advisory board and providing for a  
7 manner of appointment; providing duties; eliminating the  
8 board of directors and the council of scientific advisors;  
9 revising the grant award process for the center; providing  
10 a limitation on expenditures; authorizing an account for  
11 center purposes; providing for a report; extending the  
12 sunset provisions; providing effective dates.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 Section 1. Section 1004.445, Florida Statutes, is amended  
17 to read:

18 (Substantial rewording of section. See  
19 s. 1004.445, F.S., for present text.)

20 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and  
21 Research Institute.--

22 (1) The Johnnie B. Byrd, Sr., Alzheimer's Center and  
23 Research Institute is established within the University of South  
24 Florida. The center shall work in collaboration with other state  
25 universities on programs directly relating to research,  
26 education, treatment, prevention, and early detection of  
27 Alzheimer's disease.

28 (2) The center shall be administered by a director of  
29 operations, who shall be appointed by and serve at the pleasure

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30 of the president of the University of South Florida.

31 (3) A research advisory board is created, to be comprised  
32 of seven members, of leading researchers, physicians, and  
33 scientists. The members of the board shall be appointed as  
34 follows: one member appointed by the Governor, two members  
35 appointed by the President of the Senate, two members appointed  
36 by the Speaker of the House of Representatives, and two members  
37 appointed by the president of the University of South Florida.  
38 Each member must have significant scientific research experience  
39 in order to be appointed. Each member of the board shall be  
40 appointed to serve a 2-year term and may be reappointed to the  
41 board.

42 (a) The board shall review programs and recommend research  
43 priorities and initiatives to maximize the state's investment in  
44 the center.

45 (b) The board shall oversee the administration of the  
46 center's research activities by the director of research.

47 (4) The center's research activities shall be administered  
48 by the director of research. The director of research shall be  
49 appointed by the president of the University of South Florida  
50 based on the recommendation of the research advisory board.

51 (5) The center may fund applications for Alzheimer's  
52 disease research submitted from any university or established  
53 research institute in the state. All qualified investigators in  
54 the state, regardless of institutional affiliation, shall have  
55 equal access and opportunity to compete for the research funding  
56 awarded by the center in support of its mission. Grants shall be  
57 awarded by the center on the basis of scientific merit, as  
58 determined by an open, competitive peer review process that

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59 ensures objectivity, consistency, and high quality.

60 (6) The center may not expend more than 20 percent of the  
61 funds appropriated for administrative purposes.

62 (7) The University of South Florida shall establish a  
63 separate account within the university's foundation for the  
64 center's purposes as described in this section.

65 (8) The center shall provide an annual report to the  
66 Governor and Cabinet, the President of the Senate, the Speaker of  
67 the House of Representatives, and the chair of the Board of  
68 Governors. The annual report shall describe the expenditure of  
69 all funds and shall provide information regarding research that  
70 has been conducted or funded by the center, as well as the  
71 expected and actual results of such research.

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

74 (a) Personal identifying information relating to clients of  
75 programs created or funded through the Johnnie B. Byrd, Sr.,  
76 Alzheimer's Center and Research Institute that is held by the  
77 center, the University of South Florida, the Board of Governors,  
78 or the State Board of Education;

79 (b) Medical or health records relating to patients held by  
80 the center;

81 (c) Materials that relate to methods of manufacture or  
82 production, potential trade secrets, potentially patentable  
83 material, actual trade secrets as defined in s. 688.002, or  
84 proprietary information received, generated, ascertained, or  
85 discovered during the course of research conducted by or through  
86 the center and business transactions resulting from such  
87 research;

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88        (d) The personal identifying information of a donor or  
89 prospective donor to the center who wishes to remain anonymous;  
90 and

91        (e) Any information received by the center from a person  
92 from another state or nation or the Federal Government that is  
93 otherwise confidential and exempt pursuant to the laws of that  
94 state or nation or pursuant to federal law.

95  
96 Any governmental entity that demonstrates a need to access such  
97 confidential and exempt information in order to perform its  
98 duties and responsibilities shall have access to such  
99 information.

100        (10) By June 1, 2011, the Division of Statutory Revision of  
101 the Office of Legislative Services shall certify to the President  
102 of the Senate and the Speaker of the House of Representatives the  
103 language and statutory citation of this section, which is  
104 scheduled to expire January 1, 2013.

105        (11) The Legislature shall review the performance, the  
106 outcomes, and financial management of the Johnnie B. Byrd, Sr.,  
107 Alzheimer's Center and Research Institute during the 2010 Regular  
108 Session of the Legislature and shall determine the most  
109 appropriate funding source and means of funding the center based  
110 on its review.

111        (12) This section expires January 1, 2013, unless reviewed  
112 and reenacted by the Legislature before that date.

113        Section 2. No later than June 1, 2008, the board of  
114 directors of the Johnnie B. Byrd, Sr., Alzheimer's Center and  
115 Research Institute shall provide a final audit of assets of the  
116 not-for-profit corporation as described in s. 1004.445, Florida

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117 Statutes, to the President of the University of South Florida and  
118 the chair of the Board of Governors to assist in the transfer of  
119 the institute to the University of South Florida.

120 Section 3. The board of directors of the Johnnie B. Byrd,  
121 Sr., Alzheimer's Center and Research Institute shall transfer all  
122 assets and functions of the institute to the University of South  
123 Florida by July 1, 2008.

124 Section 4. All contracts held by the not-for-profit  
125 corporation and any for-profit or not-for-profit corporate  
126 subsidiaries as described in s. 1004.445, Florida Statutes, shall  
127 be transferred to the University of South Florida by July 1,  
128 2008.

129 Section 5. The board of directors of the Johnnie B. Byrd,  
130 Sr., Alzheimer's Center and Research Institute and the not-for-  
131 profit corporation as described in s. 1004.445, Florida Statutes,  
132 are dissolved effective July 1, 2008.

133 Section 6. Except as otherwise expressly provided in this  
134 act, this act shall take effect upon becoming a law.