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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; requiring the university to  
11 establish an account for charitable donations and separate  
12 accounts for other funds; providing for a report;  
13 extending the sunset provisions; providing effective  
14 dates.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Section 1004.445, Florida Statutes, is amended  
19 to read:

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

22 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and  
23 Research Institute.--

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

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30       (2) The center shall be administered by a director of  
31 operations, who shall be appointed by and serve at the pleasure  
32 of the president of the University of South Florida.

33       (3) A research advisory board is created, to be comprised  
34 of seven members, of leading researchers, physicians, and  
35 scientists. The members of the board shall be appointed as  
36 follows: two members appointed by the Governor, one member  
37 appointed by the President of the Senate, one member appointed by  
38 the Speaker of the House of Representatives, and three members  
39 appointed by the president of the University of South Florida.  
40 Each member must have significant scientific research experience  
41 in order to be appointed. Each member of the board shall be  
42 appointed to serve a 2-year term and may be reappointed to the  
43 board. The board shall review programs and recommend research  
44 priorities and initiatives to maximize the state's investment in  
45 the center.

46       (4) The center's research activities shall be administered  
47 by the director of research. The director of research shall be  
48 appointed by the president of the University of South Florida  
49 from a list of recommended candidates submitted by the research  
50 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  
64 charitable donations received for the center's purposes as  
65 described in this section.

66 (8) With the exception of charitable donations for the  
67 center deposited into the separate account within the University  
68 of South Florida's foundation, the University of South Florida  
69 shall establish and maintain separate accounts for all other  
70 funds appropriated to, dedicated for, or generated by the center.

71 (9) The center shall provide an annual report to the  
72 Governor and Cabinet, the President of the Senate, the Speaker of  
73 the House of Representatives, and the chair of the Board of  
74 Governors. The annual report shall describe the expenditure of  
75 all funds and shall provide information regarding research that  
76 has been conducted or funded by the center, as well as the  
77 expected and actual results of such research.

78 (10) The following information is confidential and exempt  
79 from s. 119.07(1) and s. 24, Art. I of the State Constitution:

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

85 (b) Medical or health records relating to patients held by  
86 the center;

87 (c) Materials that relate to methods of manufacture or

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88 production, potential trade secrets, potentially patentable  
89 material, actual trade secrets as defined in s. 688.002, or  
90 proprietary information received, generated, ascertained, or  
91 discovered during the course of research conducted by or through  
92 the center and business transactions resulting from such  
93 research;

94 (d) The personal identifying information of a donor or  
95 prospective donor to the center who wishes to remain anonymous;  
96 and

97 (e) Any information received by the center from a person  
98 from another state or nation or the Federal Government that is  
99 otherwise confidential and exempt pursuant to the laws of that  
100 state or nation or pursuant to federal law.

101  
102 Any governmental entity that demonstrates a need to access such  
103 confidential and exempt information in order to perform its  
104 duties and responsibilities shall have access to such  
105 information.

106 (11) By June 1, 2011, the Division of Statutory Revision of  
107 the Office of Legislative Services shall certify to the President  
108 of the Senate and the Speaker of the House of Representatives the  
109 language and statutory citation of this section, which is  
110 scheduled to expire January 1, 2013.

111 (12) The Legislature shall review the performance, the  
112 outcomes, and financial management of the Johnnie B. Byrd, Sr.,  
113 Alzheimer's Center and Research Institute during the 2010 Regular  
114 Session of the Legislature and shall determine the most  
115 appropriate funding source and means of funding the center based  
116 on its review.

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117       (13) This section expires January 1, 2013, unless reviewed  
118 and reenacted by the Legislature before that date.

119       Section 2. No later than June 1, 2008, the board of  
120 directors of the Johnnie B. Byrd, Sr., Alzheimer's Center and  
121 Research Institute shall provide a final audit of assets of the  
122 not-for-profit corporation as described in s. 1004.445, Florida  
123 Statutes, to the President of the University of South Florida and  
124 the chair of the Board of Governors to assist in the transfer of  
125 the institute to the University of South Florida.

126       Section 3. The board of directors of the Johnnie B. Byrd,  
127 Sr., Alzheimer's Center and Research Institute shall transfer all  
128 assets and functions of the institute to the University of South  
129 Florida by July 1, 2008. Charitable donations shall be deposited  
130 into the account established pursuant to s. 1004.445(7). All  
131 other funds shall be deposited into appropriate accounts  
132 established pursuant to s. 1004.445(8).

133       Section 4. All contracts held by the not-for-profit  
134 corporation and any for-profit or not-for-profit corporate  
135 subsidiaries as described in s. 1004.445, Florida Statutes, shall  
136 be transferred to the University of South Florida by July 1,  
137 2008.

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

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