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CHAMBER ACTION

Senate

House

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Floor: WD/2R  
4/25/2008 11:40 AM

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1 Senators Joyner and Crist moved the following **amendment to**  
2 **amendment (202094)** :

3  
4 **Senate Amendment (with title amendment)**

5 Delete line(s) 72

6 and insert:

7 Section 2. Section 1004.445, Florida Statutes, is amended  
8 to read:

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

11 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and  
12 Research Institute.--

13 (1) The Johnnie B. Byrd, Sr., Alzheimer's Center and  
14 Research Institute is established within the University of South  
15 Florida. The center shall work in collaboration with other state  
16 universities on programs directly relating to research,



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17 education, treatment, prevention, and early detection of  
18 Alzheimer's disease.

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

22 (3) A research advisory board is created, to be comprised  
23 of seven members, of leading researchers, physicians, and  
24 scientists. The members of the board shall be appointed as  
25 follows: two members appointed by the Governor, one member  
26 appointed by the President of the Senate, one member appointed by  
27 the Speaker of the House of Representatives, and three members  
28 appointed by the president of the University of South Florida.  
29 Each member must have significant scientific research experience  
30 in order to be appointed. Each member of the board shall be  
31 appointed to serve a 2-year term and may be reappointed to the  
32 board. The board shall review programs and recommend research  
33 priorities and initiatives to maximize the state's investment in  
34 the center.

35 (4) The center's research activities shall be administered  
36 by the director of research. The director of research shall be  
37 appointed by the president of the University of South Florida  
38 from a list of recommended candidates submitted by the research  
39 advisory board.

40 (5) The center may fund applications for Alzheimer's  
41 disease research submitted from any university or established  
42 research institute in the state. All qualified investigators in  
43 the state, regardless of institutional affiliation, shall have  
44 equal access and opportunity to compete for the research funding  
45 awarded by the center in support of its mission. Grants shall be  
46 awarded by the center on the basis of scientific merit, as



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47 determined by an open, competitive peer review process that  
48 ensures objectivity, consistency, and high quality.

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

51 (7) The University of South Florida shall establish a  
52 separate account within the university's foundation for  
53 charitable donations received for the center's purposes as  
54 described in this section.

55 (8) With the exception of charitable donations for the  
56 center deposited into the separate account within the University  
57 of South Florida's foundation, the University of South Florida  
58 shall establish and maintain separate accounts for all other  
59 funds appropriated to, dedicated for, or generated by the center.

60 (9) The center shall provide an annual report to the  
61 Governor and Cabinet, the President of the Senate, the Speaker of  
62 the House of Representatives, and the chair of the Board of  
63 Governors. The annual report shall describe the expenditure of  
64 all funds and shall provide information regarding research that  
65 has been conducted or funded by the center, as well as the  
66 expected and actual results of such research.

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

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

74 (b) Medical or health records relating to patients held by  
75 the center;



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

83        (d) The personal identifying information of a donor or  
84 prospective donor to the center who wishes to remain anonymous;  
85 and

86        (e) Any information received by the center from a person  
87 from another state or nation or the Federal Government that is  
88 otherwise confidential and exempt pursuant to the laws of that  
89 state or nation or pursuant to federal law.

90  
91 Any governmental entity that demonstrates a need to access such  
92 confidential and exempt information in order to perform its  
93 duties and responsibilities shall have access to such  
94 information.

95        (11) By June 1, 2011, the Division of Statutory Revision of  
96 the Office of Legislative Services shall certify to the President  
97 of the Senate and the Speaker of the House of Representatives the  
98 language and statutory citation of this section, which is  
99 scheduled to expire January 1, 2013.

100        (12) The Legislature shall review the performance, the  
101 outcomes, and financial management of the Johnnie B. Byrd, Sr.,  
102 Alzheimer's Center and Research Institute during the 2010 Regular  
103 Session of the Legislature and shall determine the most  
104 appropriate funding source and means of funding the center based  
105 on its review.



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

108       Section 3. No later than June 1, 2008, the board of  
109 directors of the Johnnie B. Byrd, Sr., Alzheimer's Center and  
110 Research Institute shall provide a final audit of assets of the  
111 not-for-profit corporation as described in s. 1004.445, Florida  
112 Statutes, to the President of the University of South Florida and  
113 the chair of the Board of Governors to assist in the transfer of  
114 the institute to the University of South Florida. This section  
115 shall take effect upon becoming a law.

116       Section 4. The board of directors of the Johnnie B. Byrd,  
117 Sr., Alzheimer's Center and Research Institute shall transfer all  
118 assets and functions of the institute to the University of South  
119 Florida by July 1, 2008. Charitable donations shall be deposited  
120 into the account established pursuant to s. 1004.445(7). All  
121 other funds shall be deposited into appropriate accounts  
122 established pursuant to s. 1004.445(8).

123       Section 5. All contracts held by the not-for-profit  
124 corporation and any for-profit or not-for-profit corporate  
125 subsidiaries as described in s. 1004.445, Florida Statutes, shall  
126 be transferred to the University of South Florida by July 1,  
127 2008.

128       Section 6. The board of directors of the Johnnie B. Byrd,  
129 Sr., Alzheimer's Center and Research Institute and the not-for-  
130 profit corporation as described in s. 1004.445, Florida Statutes,  
131 are dissolved effective July 1, 2008.

132       Section 7. Except as otherwise expressly provided in this  
133 act and except for this section, which shall take effect upon  
134 becoming a law, this act shall take effect July 1, 2008.  
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136 ===== T I T L E A M E N D M E N T =====

137 And the title is amended as follows:

138 Delete line(s) 79-89

139 and insert:

140 An act relating to postsecondary education; amending s.  
141 1009.24, F.S.; revising requirements for the Board of  
142 Governors in establishing tuition and out-of-state fees  
143 for graduate and professional programs; revising  
144 requirements for the Board of Governors in establishing a  
145 uniform maximum undergraduate tuition differential for  
146 universities that have research and development  
147 expenditures of a specified amount; allowing the  
148 university board of trustees to maintain the differential  
149 unless otherwise directed by the Board of Governors;  
150 amending s. 1004.445, F.S.; establishing the Johnnie B.  
151 Byrd, Sr., Alzheimer's Center and Research Institute  
152 within the University of South Florida; providing for the  
153 administration of the center; creating a research advisory  
154 board and providing for a manner of appointment; providing  
155 duties; eliminating the board of directors and the council  
156 of scientific advisors; revising the grant award process  
157 for the center; providing a limitation on expenditures;  
158 requiring the university to establish an account for  
159 charitable donations and separate accounts for other  
160 funds; providing for a report; extending the sunset  
161 provisions; providing effective dates.