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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/18/2009	.	
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The Committee on Higher Education (Pruitt) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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

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

(1) CREATION AND MISSION.-The Johnnie B. Byrd, Sr.,



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12 Alzheimer's Center and Research Institute is established within
13 the University of South Florida. The institute has a statewide
14 mission to advance research, education, treatment, prevention,
15 and the early detection of Alzheimer's disease and is
16 responsible for distributing competitive grant funds for
17 Alzheimer's disease research.

18 (2) BOARD OF DIRECTORS.—The board of directors for the
19 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute
20 is created to oversee the management and operation of the
21 institute.

22 (a) The board of directors shall consist of seven members
23 who shall serve at the pleasure of the entity that appoints
24 them. A board member's term shall expire after 4 years, but the
25 member may be reappointed to a subsequent 4-year term.

26 1. The Governor, the President of the Senate, and the
27 Speaker of the House of Representatives shall each appoint one
28 person to serve on the board of directors.

29 2. The Board of Trustees of the University of South Florida
30 shall appoint four persons to serve on the board of directors.
31 Trustees are eligible for appointment to the board of directors.

32 3. The chair of the board of directors shall be elected by
33 a majority vote from among the membership of the board.

34 (b) The board of directors shall:

35 1. Approve the institute's annual budget and audit of
36 expenditures.

37 2. Ensure that the institute's funds are expended
38 exclusively to benefit the institute's mission unless otherwise
39 authorized or directed by the legislature.

40 3. Ensure that the institute adheres to all administrative



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41 policies and procedures of the University of South Florida,
42 including, but not limited to, university policies for finance,
43 audit, personnel, property, and research administration.

44 4. Transmit a copy of the institute's annual report to the
45 Governor, the President of the Senate, the Speaker of the House
46 of Representatives, the Board of Governors of the State
47 University System, and the Board of Trustees of the University
48 of South Florida.

49 (c) Members of the board of directors may not receive a
50 salary.

51 (3) ADVISORY COUNCIL.—The board of directors may organize
52 and appoint an advisory council to the institute. The duties of
53 the advisory council may include, but are not limited to,
54 providing advice and advocacy in:

55 (a) Meeting the institute's mission;

56 (b) Engaging community leaders and other concerned members
57 of the public in supporting the institute's mission; and

58 (c) Soliciting philanthropic support for the institute.

59 (4) CHIEF EXECUTIVE OFFICER.—The institute shall be
60 administered by a chief executive officer who shall be appointed
61 by and serve at the pleasure of the president of the University
62 of South Florida or the president's designee. The chief
63 executive officer shall:

64 (a) Appoint university faculty and staff to carry out the
65 research, patient care, and educational activities of the
66 institute.

67 (b) Administer the daily operation of the institute,
68 including the use and assignment of space and equipment within
69 the institute's facilities.



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70 (c) Actively seek federal and private sources of grant
71 money and donations for the purpose of funding and conducting
72 research for Alzheimer's disease at the institute.

73 (d) Prepare an annual report for the institute which
74 describes the expenditure of all of the institute's funds and
75 provides information regarding research that has been conducted
76 or funded by the institute, including the expected and actual
77 results of the research.

78 (5) BUDGET.—The institute's budget shall include the moneys
79 appropriated in the General Appropriations Act, donated, or
80 otherwise provided to the institute from private, local, state,
81 and federal sources, as well as technical and professional
82 income generated or derived from practice activities at the
83 institute. Any appropriation to the institute shall be expended
84 for the purposes specified in this section, including conducting
85 and supporting research and related clinical services, awarding
86 institutional grants and investigator-initiated research grants
87 to other persons within the state through a competitive process,
88 developing and operating integrated data projects, providing
89 assistance to the memory disorder clinics established in s.
90 430.502, and providing for the operation of the institute.

91 (6) PUBLIC-RECORDS EXEMPTION.—The following information is
92 confidential and exempt from s. 119.07(1) and s. 24, Art. I of
93 the State Constitution:

94 (a) Personal identifying information relating to clients of
95 programs created by or funded through the Johnnie B. Byrd, Sr.,
96 Alzheimer's Center and Research Institute which is held by the
97 institute, the University of South Florida, the Board of
98 Governors, or the State Board of Education.



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99 (b) Patient medical or health records held by the
100 institute.

101 (c) Materials that relate to methods of manufacture or
102 production, potential trade secrets, potentially patentable
103 material, actual trade secrets as defined in s. 688.002, or
104 proprietary information received, generated, ascertained, or
105 discovered during the course of research conducted by the
106 institute and business transactions resulting from such
107 research.

108 (d) Personal identifying information of a donor or
109 prospective donor to the institute who wishes to remain
110 anonymous.

111 (e) Any information received by the institute from a person
112 from another state or nation or from the Federal Government
113 which is otherwise confidential and exempt under the laws of
114 that state or nation or under federal law.

115
116 Any governmental entity that demonstrates a need to access
117 information that is confidential and exempt in order to perform
118 its duties and responsibilities shall have access to such
119 information.

120 Section 2. On or before June 30, 2009, the board of
121 directors of the not-for-profit corporation created as an
122 instrumentality of the state pursuant to s. 1004.445, Florida
123 Statutes (2008), shall transfer all unexpended balances,
124 records, functions, facilities, and assets of the institute to
125 the University of South Florida under the oversight of the board
126 of directors of the Johnnie B. Byrd, Sr., Alzheimer's Center and
127 Research Institute created by section 1 of this act.



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128 Section 3. This act shall take effect upon becoming a law.

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

131 And the title is amended as follows:

132 Delete everything before the enacting clause
133 and insert:

134 A bill to be entitled
135 An act relating to the Johnnie B. Byrd, Sr.,
136 Alzheimer's Center and Research Institute; amending
137 section 1004.445, F.S.; establishing the institute
138 within the University of South Florida; providing a
139 mission for the institute; creating a board of
140 directors to oversee the management and operation of
141 the institute; providing for the appointment and terms
142 of service of the members of the board of directors;
143 providing for the election of a chair of the board of
144 directors; providing for the duties of the board of
145 directors; authorizing the board of directors to
146 create an advisory council to the institute; providing
147 that the institute shall be administered by a chief
148 executive officer; providing for the duties of the
149 chief executive officer; requiring the chief executive
150 officer to actively seek grant moneys to fund research
151 at the institute; requiring the chief executive
152 officer to submit an annual report of the institute's
153 expenditures and research; specifying the sources of
154 funding for the institute; requiring that any
155 appropriation to the institute be expended for certain
156 purposes; specifying certain information that is



157 exempt from public-records requirement; providing for
158 the transfer of certain assets and records of the
159 institute to the university; providing an effective
160 date.
161