

By the Committee on Higher Education; and Senator Joyner

589-03000-09

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1                   A bill to be entitled  
2           An act relating to the Johnnie B. Byrd, Sr.,  
3           Alzheimer's Center and Research Institute; amending s.  
4           1004.445, F.S.; establishing the institute within the  
5           University of South Florida; providing a mission for  
6           the institute; creating a board of directors to  
7           oversee the management and operation of the institute;  
8           providing for the appointment and terms of service of  
9           the members of the board of directors; providing for  
10          the election of a chair of the board of directors;  
11          providing for the duties of the board of directors;  
12          authorizing the board of directors to create an  
13          advisory council to the institute; providing that the  
14          institute shall be administered by a chief executive  
15          officer; providing for the duties of the chief  
16          executive officer; requiring the chief executive  
17          officer to actively seek grant moneys to fund research  
18          at the institute; requiring the chief executive  
19          officer to submit an annual report of the institute's  
20          expenditures and research; specifying the sources of  
21          funding for the institute; requiring that any  
22          appropriation to the institute be expended for certain  
23          purposes; specifying certain information that is  
24          exempt from public-records requirement; providing for  
25          the transfer of all assets and records of the  
26          institute to the university; providing an effective  
27          date.

28  
29   Be It Enacted by the Legislature of the State of Florida:

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30  
31 Section 1. Section 1004.445, Florida Statutes, is amended  
32 to read:

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

35 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and  
36 Research Institute.—

37 (1) CREATION AND MISSION.—The Johnnie B. Byrd, Sr.,  
38 Alzheimer's Center and Research Institute is established within  
39 the University of South Florida. The institute has a statewide  
40 mission to advance research, education, treatment, prevention,  
41 and the early detection of Alzheimer's disease, and is  
42 responsible for distributing competitive grant funds for  
43 Alzheimer's disease research.

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

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

52 1. The Governor, the President of the Senate, and the  
53 Speaker of the House of Representatives shall each appoint one  
54 person to serve on the board of directors.

55 2. The Board of Trustees of the University of South Florida  
56 shall appoint four persons to serve on the board of directors.  
57 Trustees are eligible for appointment to the board of directors.

58 3. The chair of the board of directors shall be elected by

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59 a majority vote from among the membership of the board.

60 (b) The board of directors shall:

61 1. Approve the institute's annual budget and audit of  
62 expenditures.

63 2. Ensure that the institute's funds are expended  
64 exclusively to benefit the institute's mission unless otherwise  
65 authorized or directed by the Legislature.

66 3. Ensure that the institute adheres to all administrative  
67 policies and procedures of the University of South Florida,  
68 including, but not limited to, university policies for finance,  
69 audit, personnel, property, and research administration.

70 4. Transmit a copy of the institute's annual report to the  
71 Governor, the President of the Senate, the Speaker of the House  
72 of Representatives, the Board of Governors of the State  
73 University System, and the Board of Trustees of the University  
74 of South Florida.

75 (c) Members of the board of directors may not receive a  
76 salary.

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

81 (a) Meeting the institute's mission;

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

84 (c) Soliciting philanthropic support for the institute.

85 (4) CHIEF EXECUTIVE OFFICER.—The institute shall be  
86 administered by a chief executive officer who shall be appointed  
87 by and serve at the pleasure of the president of the University

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88 of South Florida or the president's designee. The chief  
89 executive officer shall:

90 (a) Appoint university faculty and staff to carry out the  
91 research, patient care, and educational activities of the  
92 institute.

93 (b) Administer the daily operation of the institute,  
94 including the use and assignment of space and equipment within  
95 the institute's facilities.

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

99 (d) Prepare an annual report for the institute which  
100 describes the expenditure of all of the institute's funds and  
101 provides information regarding research that has been conducted  
102 or funded by the institute, including the expected and actual  
103 results of the research.

104 (5) BUDGET.—The institute's budget shall include the moneys  
105 appropriated in the General Appropriations Act, donated, or  
106 otherwise provided to the institute from private, local, state,  
107 and federal sources, as well as technical and professional  
108 income generated or derived from practice activities at the  
109 institute. Any appropriation to the institute shall be expended  
110 for the purposes specified in this section, including conducting  
111 and supporting research and related clinical services, awarding  
112 institutional grants and investigator-initiated research grants  
113 to other persons within the state through a competitive process,  
114 developing and operating integrated data projects, providing  
115 assistance to the memory disorder clinics established in s.  
116 430.502, and providing for the operation of the institute.

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

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

125 (b) Patient medical or health records held by the  
126 institute.

127 (c) Materials that relate to methods of manufacture or  
128 production, potential trade secrets, potentially patentable  
129 material, actual trade secrets as defined in s. 688.002, or  
130 proprietary information received, generated, ascertained, or  
131 discovered during the course of research conducted by the  
132 institute and business transactions resulting from such  
133 research.

134 (d) Personal identifying information of a donor or  
135 prospective donor to the institute who wishes to remain  
136 anonymous.

137 (e) Any information received by the institute from a person  
138 from another state or nation or from the Federal Government  
139 which is otherwise confidential and exempt under the laws of  
140 that state or nation or under federal law.

141  
142 Any governmental entity that demonstrates a need to access  
143 information that is confidential and exempt in order to perform  
144 its duties and responsibilities shall have access to such  
145 information.

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146           Section 2. On or before June 30, 2009, the board of  
147 directors of the not-for-profit corporation created as an  
148 instrumentality of the state pursuant to s. 1004.445, Florida  
149 Statutes (2008), shall transfer all unexpended balances,  
150 records, functions, facilities, and assets of the Johnnie B.  
151 Byrd, Sr., Alzheimer's Center and Research Institute to the  
152 University of South Florida under the oversight of the board of  
153 directors of the Johnnie B. Byrd, Sr., Alzheimer's Center and  
154 Research Institute created by section 1 of this act.

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