

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 institute within the University of South
5 Florida; providing a mission for the institute; creating a
6 board of directors to oversee the management and operation
7 of the institute; providing for the appointment and terms
8 of service of the members of the board of directors;
9 providing for the election of a chair of the board of
10 directors; providing for the duties of the board of
11 directors; authorizing the board of directors to create an
12 advisory council to the institute; providing that the
13 institute shall be administered by a chief executive
14 officer; providing for the duties of the chief executive
15 officer; requiring the chief executive officer to actively
16 seek grant moneys to fund research at the institute;
17 requiring the chief executive officer to submit an annual
18 report of the institute's expenditures and research;
19 specifying the sources of funding for the institute;
20 requiring that any appropriation to the institute be
21 expended for certain purposes; specifying certain
22 information that is exempt from public records
23 requirements; providing for the transfer of certain assets
24 and records of the institute to the university; providing
25 an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Section 1004.445, Florida Statutes, is amended
 30 to read:

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

33 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and
 34 Research Institute.--

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

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

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

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

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

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

59 (b) The board of directors shall:

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

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

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

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

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

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

80 (a) Meeting the institute's mission.

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

83 (c) Soliciting philanthropic support for the institute.

84 (4) CHIEF EXECUTIVE OFFICER.--The institute shall be

85 administered by a chief executive officer who shall be appointed
86 by and serve at the pleasure of the president of the University
87 of South Florida or the president's designee. The chief
88 executive officer shall:

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

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

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

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

103 (5) BUDGET.--The institute's budget shall include the
104 moneys appropriated in the General Appropriations Act, donated,
105 or otherwise provided to the institute from private, local,
106 state, and federal sources, as well as technical and
107 professional income generated or derived from practice
108 activities at the institute. Any appropriation to the institute
109 shall be expended for the purposes specified in this section,
110 including conducting and supporting research and related
111 clinical services, awarding institutional grants and
112 investigator-initiated research grants to other persons within

113 the state through a competitive process, developing and
 114 operating integrated data projects, providing assistance to the
 115 memory disorder clinics established in s. 430.502, and providing
 116 for the operation of the institute.

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

120 (a) Personal identifying information relating to clients
 121 of programs created by or funded through the Johnnie B. Byrd,
 122 Sr., Alzheimer's Center and Research Institute which is held by
 123 the 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
 138 person from another state or nation or from the Federal
 139 Government which is otherwise confidential and exempt under the
 140 laws of 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.

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, records,
150 functions, facilities, and assets of the institute to the
151 University of South Florida under the oversight of the board of
152 directors of the Johnnie B. Byrd, Sr., Alzheimer's Center and
153 Research Institute created by section 1 of this act.

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