

PCB PBC 08-08

ORIGINAL

2008

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 statewide mission; directing
6 collaboration with public and private universities and
7 entities; providing for a budget; directing the use of
8 state funds directly appropriated to the institute;
9 prohibiting the use of certain state funds by the
10 institute for conducting biomedical research; encouraging
11 the institute to seek competitive state funding for
12 biomedical research through the James and Esther King
13 Biomedical Research Program; providing for administration
14 of the institute by a director of operations; providing
15 duties of the director of operations; requiring an annual
16 report; establishing an advisory council and providing
17 duties, term limits, and manner of appointment; preserving
18 an existing public records exemption; providing a
19 recurring appropriation from the General Revenue Fund;
20 providing for future repeal; dissolving and abolishing
21 certain entities by a time certain; prohibiting the
22 institute and the current board of directors, chief
23 executive officer, and subsidiaries from entering into
24 certain contractual agreements; providing an exception;
25 requiring a final independent audit of assets; requiring a
26 copy of the audit to be provided to the Legislature, the
27 president of the university, and the chair of the Board of
28 Governors; transferring unexpended balances, records,

Page 1 of 8

PCB PBC 08-08.doc

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V

29 | functions, and assets of the institute to the University
 30 | of South Florida; requiring statutory certification;
 31 | requiring legislative review during the 2012 Regular
 32 | Session of the Legislature; providing effective dates.

33 |
 34 | Be It Enacted by the Legislature of the State of Florida:

35 |
 36 | Section 1. Effective October 1, 2008, section 1004.445,
 37 | Florida Statutes, is amended to read:

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

40 | 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and
 41 | Research Institute.--

42 | (1) The Johnnie B. Byrd, Sr., Alzheimer's Center and
 43 | Research Institute is established within the University of South
 44 | Florida.

45 | (a) The institute shall have a statewide mission to
 46 | advance research, education, treatment, prevention, and early
 47 | detection of Alzheimer's disease.

48 | (b) The institute shall collaborate with public and
 49 | private universities and other appropriate entities within the
 50 | state, and may collaborate with appropriate entities outside the
 51 | state, on programs directly contributing to the mission and
 52 | goals of the institute.

53 | (2) The institute's budget shall include the moneys
 54 | appropriated or donated to the institute from state, local,
 55 | federal, and private sources as well as technical and

56 professional income generated or derived from practice
 57 activities at the institute.

58 (a) State funds directly appropriated to the institute
 59 shall be used for:

60 1. Programs that fulfill the mission of the institute in
 61 education, treatment, prevention, and early detection of
 62 Alzheimer's disease.

63 2. Developing and operating integrated data projects.

64 3. Providing assistance to statutorily designated memory
 65 disorder clinics.

66 4. Administration, research support, and physical plant
 67 operations of the institute's facility on the campus of the
 68 University of South Florida.

69 (b) The institute shall not conduct biomedical research
 70 using funds appropriated directly to the institute by the state.
 71 However, the institute is encouraged to seek competitive state
 72 funding for biomedical research through the James and Esther
 73 King Biomedical Research Program pursuant to s. 215.5602.

74 (3) The institute shall be administered by a director of
 75 operations, who shall be appointed by and serve at the pleasure
 76 of the President of the University of South Florida or his or
 77 her designee. The director of operations shall:

78 (a) Appoint faculty and staff to carry out the research,
 79 patient care, and educational activities of the institute
 80 consistent with the compensation, benefits, and terms of service
 81 of the university.

82 (b) Actively seek federal and private sources of grant
 83 money and donations for the purpose of funding and conducting
 84 Alzheimer's disease research at the institute.

85 (c) Prepare an annual report for the institute that
 86 describes the expenditure of all of the institute's funds and
 87 provide information regarding research that has been conducted
 88 or funded by the institute, including the expected and actual
 89 results of the research. The director of operations shall
 90 provide a copy of the institute's annual report to the Governor,
 91 the President of the Senate, the Speaker of the House of
 92 Representatives, the chair of the Board of Governors, and the
 93 chair of the Board of Trustees of the University of South
 94 Florida.

95 (4) The Johnnie B. Byrd, Sr., Alzheimer's Center and
 96 Research Institute Advisory Council is established to advise the
 97 institute and the director of operations on research topics of
 98 highest importance and greatest opportunity for the state and to
 99 advise the institute on effective ways to collaborate across
 100 institutions and entities to achieve the mission and goals of
 101 the institute.

102 (a) The advisory council shall consist of ten members who
 103 shall each serve a 4-year term at the pleasure of the member's
 104 appointing authority.

105 (b) The Governor, the President of the Senate, and the
 106 Speaker of the House of Representatives shall each appoint to
 107 the advisory council:

108 1. One researcher with significant experience in
 109 Alzheimer's disease research.

110 2. One licensed physician with significant experience in
 111 treating patients diagnosed with memory disorders.

112 3. One representative of a not-for-profit organization the
 113 mission of which is to assist persons affected by Alzheimer's
 114 disease or similar memory disorders.

115 (c) The chair of the Board of Trustees of the University
 116 of South Florida shall appoint one person who is not an employee
 117 of the university to serve as chair of the advisory council.

118 (d) For purposes of staggering the initial terms of
 119 advisory council members, the Governor, the President of the
 120 Senate, and the Speaker of the House of Representatives shall
 121 each designate one appointee to serve a 2-year term, one
 122 appointee to serve a 3-year term, and one appointee to serve a
 123 4-year term.

124 (5) The following information is confidential and exempt
 125 from s. 119.07(1) and s. 24, Art. I of the State Constitution:

126 (a) Personal identifying information relating to clients
 127 of programs created by or funded through the Johnnie B. Byrd,
 128 Sr., Alzheimer's Center and Research Institute that is held by
 129 the institute, the University of South Florida, the Board of
 130 Governors, or the State Board of Education.

131 (b) Patient medical or health records held by the
 132 institute.

133 (c) Materials that relate to methods of manufacture or
 134 production, potential trade secrets, potentially patentable
 135 material, actual trade secrets as defined in s. 688.002, or
 136 proprietary information received, generated, ascertained, or
 137 discovered during the course of research conducted by the

138 institute and business transactions resulting from such
 139 research.

140 (d) Personal identifying information of a donor or
 141 prospective donor to the institute who wishes to remain
 142 anonymous.

143 (e) Any information received by the institute from a
 144 person from another state or nation or from the Federal
 145 Government that is otherwise confidential and exempt under the
 146 laws of that state or nation or under federal law.

147
 148 Any governmental entity that demonstrates a need to access such
 149 confidential and exempt information in order to perform its
 150 duties and responsibilities shall have access to such
 151 information.

152 (6) Beginning in fiscal year 2008-2009, the sum of \$3.75
 153 million is appropriated annually from recurring funds in the
 154 General Revenue Fund to the Board of Trustees of the University
 155 of South Florida for the purposes described in this section.

156 (7) This section expires January 1, 2013, unless reenacted
 157 by the Legislature on or before that date.

158 Section 2. Effective October 1, 2008, the Johnnie B. Byrd,
 159 Sr., Alzheimer's Center and Research Institute is established
 160 within the University of South Florida as provided in section 1
 161 of this act, and all entities created pursuant to s. 1004.445,
 162 Florida Statutes, prior to that date, including a board of
 163 directors and any for-profit and not-for-profit corporate
 164 subsidiaries, are hereby dissolved and abolished.

165 Section 3. The Johnnie B. Byrd, Sr., Alzheimer's Center
 166 and Research Institute, the board of directors, the chief
 167 executive officer, and any for-profit and not-for-profit
 168 corporate subsidiaries shall cease and desist entering into any
 169 contractual agreements for or on behalf of the institute or any
 170 of its for-profit or not-for-profit corporate subsidiaries
 171 unless such agreement has been approved by the Board of Trustees
 172 of the University of South Florida. The institute shall make
 173 available to the Board of Trustees of the University of South
 174 Florida, or its designee, any and all current or outstanding
 175 contractual agreements between any third party and the
 176 institute, the board of directors, the chief executive officer,
 177 and any for-profit or not-for-profit corporate subsidiaries.

178 Section 4. No later than June 1, 2008, the board of
 179 directors of the Johnnie B. Byrd, Sr., Alzheimer's Center and
 180 Research Institute and the Board of Trustees of the University
 181 of South Florida shall jointly contract, using unexpended
 182 balances of the institute, with an independent auditor for a
 183 final independent audit of assets and an enumeration of all
 184 contracts and liabilities, with all moneys and funds for payment
 185 of same, of the not-for-profit corporation created pursuant to
 186 s. 1004.445, Florida Statutes. No later than September 1, 2008,
 187 the final audit shall be completed and provided to the President
 188 of the University of South Florida and the chair of the Board of
 189 Governors to assist in the transfer of the institute to the
 190 University of South Florida. The institute shall also provide a
 191 copy of such documents to the President of the Senate and the
 192 Speaker of the House of Representatives.

193 Section 5. On or before October 1, 2008, the board of
194 directors of the Johnnie B. Byrd, Sr., Alzheimer's Center and
195 Research Institute shall transfer all unexpended balances,
196 records, functions, and assets of the institute, including, but
197 not limited to, the facility owned or operated by the not-for-
198 profit corporation created pursuant to s. 1004.445, Florida
199 Statutes, to the University of South Florida.

200 Section 6. By June 1, 2011, the Division of Statutory
201 Revision of the Office of Legislative Services shall certify to
202 the President of the Senate and the Speaker of the House of
203 Representatives the language and statutory citation of s.
204 1004.445, Florida Statutes, as amended by this act, which is
205 scheduled to expire January 1, 2013. The Legislature shall
206 review during the 2012 Regular Session of the Legislature the
207 performance, outcomes, and financial management of the Johnnie
208 B. Byrd, Sr., Alzheimer's Center and Research Institute to
209 determine the most appropriate method of funding the institute
210 beyond June 30, 2012.

211 Section 7. Except as otherwise expressly provided in this
212 act, this act shall take effect upon becoming a law.