

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

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

(2) (a) The State Board of Education shall enter into an agreement for the utilization of the facilities on the campus of the University of South Florida to be known as the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute, including all furnishings, equipment, and other chattels used in the operation of those facilities, with a Florida not-for-profit corporation organized solely for the purpose of governing and operating the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute. This not-for-profit corporation, acting as an instrumentality of the state, shall govern and operate the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute in accordance with the terms of the agreement between the State Board of Education and the not-for-profit corporation. The not-for-profit corporation may, with the prior approval of the **Board of Governors**, create either for-profit or not-for-profit corporate subsidiaries, or both, to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission. **Effective July 1, 2007, the agreement authority provided to the State Board of Education is transferred to the Board of Governors.**

(b) The affairs of the not-for-profit corporation shall be managed by a board of directors who shall serve without compensation. The board of directors shall consist of the President of the University of South Florida and the chair of the **Board of Governors**, or their designees, five representatives of the state universities, and nine representatives of the public who are neither medical doctors nor state employees. Each director who is a representative of a state university or of the public shall be appointed to serve a term of 3 years. The chair of the board of directors shall be selected by a majority vote of the directors. Each director shall have only one vote. Of the five university representatives, one shall be appointed by the Governor, two by the President of the Senate, and two by the Speaker of the House of Representatives; and of the nine public representatives, three shall be appointed by the Governor, three by the President of the Senate, and three by the Speaker of the House of Representatives. Any vacancy in office shall be filled in the same manner as the original appointment. Any director may be reappointed.

(3)The **Board of Governors** shall provide in the agreement with the not-for-profit corporation for the following:

(a)Approval by the **Board of Governors** of the articles of incorporation of the not-for-profit corporation.

(b)Approval by the **Board of Governors** of the articles of incorporation of any not-for-profit corporate subsidiary created by the not-for-profit corporation.

(c)Utilization of lands, facilities, and personnel by the not-for-profit corporation and its subsidiaries for research, education, treatment, prevention, and the early detection of Alzheimer's disease and for mutually approved teaching and research programs conducted by the University of South Florida or other accredited medical schools or research institutes.

(d)Preparation of an annual financial audit pursuant to s. 11.45 of the not-for-profit corporation's accounts and the accounts of any subsidiaries to be conducted by an independent certified public accountant. The annual audit report shall include management letters and shall be submitted to the Auditor General and the **Board of Governors** for review. The **Board of Governors**, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the not-for-profit corporation and any subsidiaries, or from their independent auditor, any detail or supplemental data relative to the operation of the not-for-profit corporation or subsidiary.

(e)Provision by the not-for-profit corporation and its subsidiaries of equal employment opportunities for all persons regardless of race, color, religion, gender, age, or national origin.

(4)The **Board of Governors** is authorized to secure comprehensive general liability protection, including professional liability protection, for the not-for-profit corporation and its subsidiaries, pursuant to s. 1004.24. The not-for-profit corporation and its subsidiaries shall be exempt from any participation in any property insurance trust fund established by law, including any property insurance trust fund established pursuant to chapter 284, so long as the not-for-profit corporation and its subsidiaries maintain property insurance protection with comparable or greater coverage limits.

(5)In the event that the agreement between the not-for-profit corporation and the **Board of Governors** is terminated for any reason, the **Board of Governors** shall assume governance and operation of the facilities.

(6)The institute shall be administered by a chief executive officer, who shall be appointed by and serve at the pleasure of the board of directors of the not-for-profit corporation, and who shall exercise the following powers and duties, subject to the approval of the board of directors:

(a)The chief executive officer shall establish programs that fulfill the mission of

the institute in research, education, treatment, prevention, and early detection of Alzheimer's disease; however, the chief executive officer may not establish academic programs for which academic credit is awarded and which culminate in the conferring of a degree, without prior approval of the Board of Governors.

(b) The chief executive officer shall have control over the budget and the moneys appropriated or donated to the institute from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute. However, professional income generated by university faculty from practice activities at the institute shall be shared between the institute and the university as determined by the chief executive officer and the appropriate university dean or vice president.

(c) The chief executive officer shall appoint representatives of the institute to carry out the research, patient care, and educational activities of the institute and establish the compensation, benefits, and terms of service of such representatives. Representatives of the institute shall be eligible to hold concurrent appointments at affiliated academic institutions. University faculty shall be eligible to hold concurrent appointments at the institute.

(d) The chief executive officer shall have control over the use and assignment of space and equipment within the facilities.

(e) The chief executive officer shall have the power to create the administrative structure necessary to carry out the mission of the institute.

(f) The chief executive officer shall have a reporting relationship to the **Board of Governors** or its designee.

(g) The chief executive officer shall provide a copy of the institute's annual report to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the chair of the **Board of Governors**. The annual report shall describe the expenditure of all funds and shall provide information regarding research that has been conducted or funded by the center, as well as the expected and actual results of such research.

(h) By August 1 of each year, the chief executive officer shall develop and submit to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the chair of the **Board of Governors** an annual operating budget detailing the planned use of state, federal, and private funds for the fiscal year.

(7) The board of directors of the not-for-profit corporation shall create a council of scientific advisers to the chief executive officer comprised of leading researchers, physicians, and scientists. The council shall review programs and recommend research priorities and initiatives to maximize the state's investment in the institute. The members of the council shall be appointed by the board of directors of the not-for-profit corporation. Each member of the council shall be appointed to serve a 2-year term and may be reappointed to the council.

(8)

(a) Applications for Alzheimer's disease research funding may be submitted from any university or established research institute in the state. All qualified investigators in the state, regardless of institutional affiliation, shall have equal access and opportunity to compete for the research funding. Grants shall be awarded by the board of directors of the not-for-profit corporation on the basis of scientific merit, as determined by an open, competitive peer review process that ensures objectivity, consistency, and high quality. The following types of applications shall be considered for funding: 1. Investigator-initiated research grants. 2. Institutional research grants. 3. Collaborative research grants, including those that advance the finding of cures through basic or applied research.

(b) Preference may be given to grant proposals that foster collaboration among institutions, researchers, and community practitioners because these proposals support the advancement of cures through basic or applied research, including clinical trials involving Alzheimer's patients and related networks.

(c) To ensure that all proposals for research funding are appropriate and are evaluated fairly on the basis of scientific merit, the board of directors of the not-for-profit corporation, in consultation with the council of scientific advisors, shall appoint a peer review panel of independent, scientifically qualified individuals to review the scientific content of each proposal and establish its scientific priority score. The priority scores shall be forwarded to the council and must be considered by the board of directors of the not-for-profit corporation in determining which proposals shall be recommended for funding.

(d) The council of scientific advisors and the peer review panel shall establish and follow rigorous guidelines for ethical conduct and adhere to a strict policy with regard to conflict of interest. All employees, members of the board of directors, and affiliates of the not-for-profit corporation shall follow the same rigorous guidelines for ethical conduct and shall adhere to the same strict policy with regard to conflict of interest. A member of the council or panel may not participate in any discussion or decision with respect to a research proposal by any firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement. Meetings of the council and the peer review panels are subject to chapter 119, s. 286.011, and s. 24, Art. I of the State Constitution.

(9) In carrying out the provisions of this section, the not-for-profit corporation and its subsidiaries are not agencies within the meaning of s. 20.03(11).

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

(a) Personal identifying information relating to clients of programs created or funded through the Johnnie B. Byrd, Sr., Alzheimer's Center and Research

Institute that is held by the institute, the University of South Florida, the Board of Governors, or the State Board of Education;

(b) Medical or health records relating to patients held by the institute;

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

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

(e) Any information received by the institute from a person from another state or nation or the Federal Government that is otherwise confidential or exempt pursuant to the laws of that state or nation or pursuant to federal law. Any governmental entity that demonstrates a need to access such confidential and exempt information in order to perform its duties and responsibilities shall have access to such information.

(11) Any appropriation to the institute provided in a general appropriations act shall be paid directly to the board of directors of the not-for-profit corporation by warrant drawn by the Chief Financial Officer from the State Treasury.

(12) Beginning in fiscal year 2006-2007, the sum of \$15 million is appropriated annually from recurring funds in the General Revenue Fund to the Grants and Donations Trust Fund within the Department of Elderly Affairs for the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute at the University of South Florida for the purposes as provided under paragraph (6)(a), conducting and supporting research, providing institutional research grants and investigator-initiated research grants, developing and operating integrated data projects, and providing assistance to statutorily designated memory disorder clinics as provided under s. 430.502. Not less than 80 percent of the appropriated funds shall be expended for these purposes, and not less than 20 percent of the appropriated funds shall be expended for peer-reviewed investigator-initiated research grants.

(13) By June 1, 2009, the Division of Statutory Revision of the Office of Legislative Services shall certify to the President of the Senate and the Speaker of the House of Representatives the language and statutory citation of this section, which is scheduled to expire January 1, 2011.

(14) The Legislature shall review the performance, the outcomes, and the financial management of the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute during the 2010 Regular Session of the Legislature and shall determine

the most appropriate funding source and means of funding the center and institute based on its review.

(15) This section expires January 1, 2011, unless reviewed and reenacted by the Legislature before that date.

History

s. 191, ch. 2002-387; s. 2, ch. 2002-389; s. 1, ch. 2002-396; s. 5, ch. 2004-2; s. 44, ch. 2004-41; s. 12, ch. 2006-182; s. 1, ch. 2006-288; s. 98, ch. 2007-217.