

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Johnson offered the following:

**Amendment (with title amendment)**

Remove the entire body, and insert:

Section 1. Section 288.955, Florida Statutes, is created to read:

288.955 Scripps Florida Funding Corporation.--

(1) DEFINITIONS.--As used in this section, the term:

(a) "Contract" means the contract executed between the corporation and the grantee under this section.

(b) "Corporation" means the Scripps Florida Funding Corporation created under this section.

(c) "Grantee" means The Scripps Research Institute, a not-for-profit public benefit corporation, or a division, subsidiary, affiliate, or entity formed by The Scripps Research Institute to establish a state-of-the-art biomedical research institution and campus in this state.

Amendment No. (for drafter's use only)

28 (2) CREATION.--

29 (a) There is created a not-for-profit corporation known as  
30 the Scripps Florida Funding Corporation, which shall be  
31 registered, incorporated, organized, and operated under chapter  
32 617. All provisions of chapter 617 apply to the corporation,  
33 except if the provisions of chapter 617 conflict with the  
34 provisions of this section, this section shall control.

35 (b) The corporation is not a unit or entity of state  
36 government. However, the corporation is subject to the  
37 provisions of s. 24, Art. I of the State Constitution and  
38 chapter 119, relating to public records, and the provisions of  
39 chapter 286 relating to public meetings.

40 (c) The corporation must establish at least one corporate  
41 office in this state and appoint a registered agent.

42 (d) The corporation shall hire or contract for all staff  
43 necessary to the proper execution of its powers and duties  
44 within the funds appropriated to implement this section and  
45 shall require that all officers, directors, and employees of the  
46 corporation comply with the code of ethics for public officers  
47 and employees under part III of chapter 112. In no case may the  
48 corporation expend more than \$300,000 in the first year and  
49 \$200,000 per year thereafter for staffing and necessary  
50 administrative expenditures using funds appropriated to  
51 implement this section.

52 (e) The Office of Tourism, Trade, and Economic Development  
53 shall provide administrative support to the corporation as  
54 requested by the corporation. In the event of the dissolution of  
55 the corporation, the office shall be the corporation's successor  
56 in interest and shall assume all rights, duties, and obligations

Amendment No. (for drafter's use only)

57 of the corporation under any contract to which the corporation  
58 is then a party and under law.

59 (3) PURPOSE.--The corporation shall be organized to  
60 receive, hold, invest, administer, and disburse funds  
61 appropriated by the Legislature for the establishment and  
62 operation of a state-of-the-art biomedical research institution  
63 and campus in this state by The Scripps Research Institute. The  
64 corporation shall safeguard the state's commitment of financial  
65 support by ensuring that, as a condition for the receipt of  
66 these funds, the grantee meets its contractual obligations. In  
67 this manner, the corporation shall facilitate and oversee the  
68 state goal and public purpose of providing financial support for  
69 the institution and campus in order to expand the amount and  
70 prominence of biomedical research conducted in this state,  
71 provide an inducement for high-technology businesses to locate  
72 in this state, create educational opportunities through access  
73 to and partnerships with the institution, and promote improved  
74 health care through the scientific outcomes of the institution.

75 (4) BOARD; MEMBERSHIP.--The corporation shall be governed  
76 by a board of directors.

77 (a) The board of directors shall consist of nine voting  
78 members, of whom the Governor shall appoint three, the President  
79 of the Senate shall appoint three, and the Speaker of the House  
80 of Representatives shall appoint three. The director of the  
81 Office of Tourism, Trade, and Economic Development or the  
82 director's designee shall serve as an ex-officio, nonvoting  
83 member of the board of directors.

84 (b)1. Each member of the board of directors shall serve  
85 for a term of 4 years, except that initially the Governor, the

Amendment No. (for drafter's use only)

86 President of the Senate, and the Speaker of the House of  
87 Representatives each shall appoint one member for a term of 1  
88 year, one member for a term of 2 years, and one member for a  
89 term of 4 years to achieve staggered terms among the members of  
90 the board. A member is not eligible for reappointment to the  
91 board, except, however, that a member appointed to an initial  
92 term of 1 year or 2 years may be reappointed for an additional  
93 term of 4 years. The Governor, the President of the Senate, and  
94 the Speaker of the House of Representatives shall make their  
95 initial appointments to the board by November 15, 2003.

96 2. Members of the board of directors appointed by the  
97 President of the Senate and the Speaker of the House of  
98 Representatives shall serve at the pleasure of the appointing  
99 officer.

100 (c) The Governor, the President of the Senate, or the  
101 Speaker of the House of Representatives, respectively, shall  
102 fill a vacancy on the board of directors, according to who  
103 appointed the member whose vacancy is to be filled or whose term  
104 has expired. A vacancy that occurs before the scheduled  
105 expiration of the term of the member shall be filled for the  
106 remainder of the unexpired term.

107 (d) Each member of the board of directors who is not  
108 otherwise required to file financial disclosure under s. 8, Art.  
109 II of the State Constitution or s. 112.3144 shall file  
110 disclosure of financial interests under s. 112.3145.

111 (e) A person may not be appointed to the board of  
112 directors if he or she has had any direct interest in any  
113 contract, franchise, privilege, or other benefit granted by The  
114 Scripps Research Institute or any of its affiliate organizations

565379

Amendment No. (for drafter's use only)

115 within 5 years before appointment. A person appointed to the  
116 board of directors must agree to refrain from having any direct  
117 interest in any contract, franchise, privilege, or other benefit  
118 granted by The Scripps Research Institute or any of its  
119 affiliate organizations during the term of his or her  
120 appointment and for 5 years after the termination of such  
121 appointment. It is a misdemeanor of the first degree, punishable  
122 as provided in s. 775.082 or s. 775.083, for a person to accept  
123 appointment to the board of directors in violation of this  
124 paragraph or to accept an interest in any contract, franchise,  
125 privilege, or other benefit granted by the institution or  
126 affiliate within 5 years after the termination of his or her  
127 service on the board.

128 (f) Each member of the board of directors shall serve  
129 without compensation but shall receive travel and per diem  
130 expenses as provided in s. 112.061.

131 (g) Each member of the board of directors is accountable  
132 for the proper performance of the duties of his or her office,  
133 and each member owes a fiduciary duty to the people of the state  
134 to ensure that funds provided in furtherance of this section are  
135 disbursed and used as prescribed by law and contract.

136 (h) The Governor may remove a member the Governor  
137 appointed for malfeasance, misfeasance, neglect of duty,  
138 incompetence, permanent inability to perform official duties,  
139 unexcused absence from three consecutive meetings of the board,  
140 arrest or indictment for a crime that is a felony or a  
141 misdemeanor involving theft or a crime of dishonesty, or  
142 pleading nolo contendere to, or being found guilty of, any  
143 crime.

565379

Amendment No. (for drafter's use only)

144 (5) ORGANIZATION; MEETINGS.--

145 (a)1. The board of directors shall annually elect a  
146 chairperson and a vice chairperson from among the board's  
147 members. The members, by an affirmative vote of at least five of  
148 the nine members, may remove a member from the position of  
149 chairperson or vice chairperson prior to the expiration of his  
150 or her term as chairperson or vice chairperson. His or her  
151 successor shall be elected to serve for the balance of the  
152 removed chairperson's or vice chairperson's term.

153 2. The chairperson is responsible for ensuring that  
154 records are kept of the proceedings of the board of directors,  
155 and is the custodian of all books, documents, and papers filed  
156 with the board, the minutes of meetings of the board, and the  
157 official seal of the corporation.

158 (b)1. The board of directors shall meet upon the call of  
159 the chairperson or at the request of a majority of the members,  
160 but no less than three times per calendar year.

161 2. A majority of the voting members of the board of  
162 directors constitutes a quorum. Except as otherwise provided in  
163 this section, the board may take official action by a majority  
164 vote of the members present at any meeting at which a quorum is  
165 present. Members may not vote by proxy.

166 3. A member of the board may participate in a meeting of  
167 the board by telephone or videoconference through which each  
168 member may hear every other member.

169 (6) POWERS AND DUTIES.--The corporation is organized to  
170 receive, hold, invest, administer, and disburse funds  
171 appropriated by the Legislature in support of this section and  
172 to disburse any income generated from the investment of these

565379

Amendment No. (for drafter's use only)

173 funds consistent with the purpose and provisions of this  
174 section. In addition to the powers and duties prescribed in  
175 chapter 617 and the articles and bylaws adopted under that  
176 chapter, the corporation:

177 (a) May make and enter into contracts and assume any other  
178 functions that are necessary to carry out the provisions of this  
179 section.

180 (b) May make expenditures, from funds provided by this  
181 state, including any necessary administrative expenditures  
182 consistent with its powers.

183 (c) May enter into leases and contracts for the purchase  
184 of real property and hold notes, mortgages, guarantees, or  
185 security agreements to secure the performance of obligations of  
186 the grantee under the contract.

187 (d) May perform all acts and things necessary or  
188 convenient to carry out the powers expressly granted in this  
189 section and a contract entered into between the corporation and  
190 the grantee.

191 (e) May indemnify, and purchase and maintain insurance on  
192 behalf of, directors, officers, and employees of the corporation  
193 against any personal liability or accountability.

194 (f) Shall disburse funds pursuant to the provisions of  
195 this section and a contract entered into between the corporation  
196 and the grantee.

197 (g) Shall receive and review reports and financial  
198 documentation provided by the grantee to ensure compliance with  
199 the provisions of this section and provisions of the contract.

200 (h) Shall prepare an annual report as prescribed in  
201 subsection (14).

565379

Amendment No. (for drafter's use only)

202        (7) INVESTMENT OF FUNDS.--The corporation must enter into  
203 an agreement with the State Board of Administration under which  
204 funds received by the corporation from the Office of Tourism,  
205 Trade, and Economic Development which are not disbursed to the  
206 grantee shall be invested by the State Board of Administration  
207 on behalf of the corporation. Funds shall be invested in  
208 suitable instruments authorized under s. 215.47 and specified in  
209 investment guidelines established and agreed to by the State  
210 Board of Administration and the corporation.

211        (8) CONTRACT.--

212        (a) No later than January 30, 2004, the corporation shall  
213 negotiate and execute a contract with the grantee for a term of  
214 20 years; however, the time to execute the contract may be  
215 extended for up to 45 days by majority vote of the board of  
216 directors of the corporation. Such contract shall govern the  
217 disbursement and use of funds under this section. If no contract  
218 has been executed by such date, all unexpended funds shall  
219 revert and be returned to the General Revenue Fund of the state.  
220 The corporation may not execute the contract unless the contract  
221 is approved by the affirmative vote of at least seven of the  
222 nine members of the board of directors. At least 14 days before  
223 execution of the contract, The Scripps Research Institute must  
224 submit to the board, the Governor, the President of the Senate,  
225 and the Speaker of the House of Representatives an  
226 organizational plan, in a form and manner prescribed by the  
227 board, for the establishment of a state-of-the-art biomedical  
228 research institution and campus in this state, and the board  
229 must submit a copy of the proposed contract to the Governor, the



Amendment No. (for drafter's use only)

230 President of the Senate, and the Speaker of the House of  
231 Representatives.

232 (b) The contract, at a minimum, must contain provisions:

233 1. Specifying the procedures and schedules that govern the  
234 disbursement of funds under this section and specifying the  
235 conditions or deliverables that the grantee must satisfy before  
236 the release of each disbursement.

237 2. Requiring the grantee to submit to the corporation a  
238 business plan in a form and manner prescribed by the  
239 corporation.

240 3. Prohibiting the grantee from establishing other  
241 biomedical science or research facilities in any state other  
242 than this state or California for a period of 12 years from the  
243 commencement of the contract or until payment in full of the  
244 total payment amount required under subsection (12), whichever  
245 occurs first. Nothing in this subparagraph shall prohibit the  
246 grantee from establishing or engaging in normal collaborative  
247 activities with other organizations.

248 4. Governing the ownership of or security interests in  
249 real property and personal property, including, but not limited  
250 to, research equipment, obtained through the financial support  
251 of state or local government, including a provision that in the  
252 event of a breach of the contract or in the event the grantee  
253 ceases operations in this state, such property purchased with  
254 state funds shall revert to the state and such property  
255 purchased with local funds shall revert to the local governing  
256 authority.

257 5. Requiring the grantee to be an equal opportunity  
258 employer.

565379

Amendment No. (for drafter's use only)

259 6. Requiring the grantee to maintain a policy of awarding  
260 preference in employment to residents of this state, as defined  
261 by law, except for professional scientific staff positions  
262 requiring a doctoral degree, post-doctoral training positions,  
263 and graduate student positions.

264 7. Requiring the grantee to maintain a policy of making  
265 purchases from vendors in this state, to the extent it is cost-  
266 effective and scientifically sound.

267 8. Requiring the grantee to work collaboratively with all  
268 of the state's public and private postsecondary educational  
269 institutions and not-for-profit research institutions.

270 9. Requiring the grantee to participate in employee-  
271 recruitment activities at a minimum of five public or private  
272 universities or community colleges in this state every year  
273 during the duration of the contract.

274 10. Requiring the grantee to use the Internet-based job-  
275 listing system of the Agency for Workforce Innovation in  
276 advertising employment opportunities.

277 11. Requiring the grantee to establish accredited science  
278 degree programs.

279 12. Requiring the grantee to establish internship programs  
280 to create learning opportunities for educators and secondary and  
281 postsecondary students, including graduate and doctoral  
282 students.

283 13. Requiring the grantee to submit data to the  
284 corporation on its activities and performance during each fiscal  
285 year and to provide to the corporation an annual accounting of  
286 the expenditure of funds disbursed under this section.

Amendment No. (for drafter's use only)

287 14. Authorizing the grantee, when feasible, to use  
288 information submitted by it to the Federal Government or to  
289 other organizations awarding research grants to the grantee to  
290 help meet reporting requirements imposed under this section or  
291 the contract, if the information satisfies the reporting  
292 standards of this section and the contract.

293 15. Requiring the grantee during the first 7 years of the  
294 contract to create 545 positions and to acquire associated  
295 research equipment for the grantee's facility in this state, and  
296 pay for related maintenance of the equipment, in a total amount  
297 of not less than \$45 million.

298 16. Requiring the grantee to progress in the creation of  
299 the total number of jobs prescribed in subparagraph 15. on the  
300 following schedule: at least 38 positions in the first year, 168  
301 positions in the second year, 280 positions in the third year,  
302 367 positions in the fourth year, 436 positions in the fifth  
303 year, 500 positions in the sixth year, and 545 positions in the  
304 seventh year. The board may allow the grantee to deviate  
305 downward from such employee levels by 25 percent in any year, to  
306 allow the grantee flexibility in achieving the objectives set  
307 forth in the business plan provided to the corporation; however,  
308 the grantee must have no fewer than 545 positions by the end of  
309 the seventh year.

310 17. Requiring the grantee's expenditure of funds to be  
311 consistent with legislative intent as provided in this act.

312 18. Requiring the grantee to agree to compliance standards  
313 under which the corporation can review relevant records to  
314 ensure the grantee's financial and operational compliance with  
315 the provisions of this section and the contract.

565379

Amendment No. (for drafter's use only)

316 19. Requiring the grantee to allow the corporation to  
317 retain an independent certified public accountant licensed in  
318 this state pursuant to chapter 473 to inspect the records of the  
319 grantee in order to audit the expenditure of funds disbursed to  
320 the grantee. The independent certified public accountant may not  
321 disclose any confidential or proprietary scientific information  
322 of the grantee.

323 20. Requiring the grantee to purchase liability insurance  
324 and governing the coverage level of such insurance.

325 (c) An amendment to the contract is not effective unless  
326 it is approved by the affirmative vote of at least seven of the  
327 nine members of the board of directors.

328 (9) PERFORMANCE EXPECTATIONS.--In addition to the  
329 provisions prescribed in subsection (8), the contract between  
330 the corporation and the grantee shall include a provision that  
331 the grantee, in cooperation with the Office of Tourism, Trade,  
332 and Economic Development, shall report to the corporation on  
333 performance expectations that reflect the aspirations of the  
334 Governor and the Legislature for the benefits accruing to this  
335 state as a result of the funds appropriated pursuant to this  
336 section. These shall include, but are not limited to,  
337 performance expectations addressing:

338 (a) The average salaries paid.

339 (b) The number and dollar value of research grants  
340 obtained from the Federal Government or sources other than this  
341 state.

342 (c) The percentage of total research dollars received by  
343 The Scripps Research Institute from sources other than this

Amendment No. (for drafter's use only)

344 state which is used to conduct research activities by the  
345 grantee in this state.

346 (d) The number or value of patents obtained by the  
347 grantee.

348 (e) The number or value of licensing agreements executed  
349 by the grantee.

350 (f) The extent to which research conducted by the grantee  
351 results in commercial applications.

352 (g) The number of agreements reached and maintained with  
353 colleges and universities in this state, including agreements  
354 that foster the participation of the historically black colleges  
355 and universities in this state in research opportunities.

356 (h) The number of collaborative partnerships established  
357 and maintained with businesses in this state.

358 (i) The total amount of funding received by the grantee  
359 from sources other than the State of Florida.

360 (j) The number or value of spinoff businesses created in  
361 this state as a result of commercialization of the research of  
362 the grantee.

363 (k) The number or value of businesses recruited to this  
364 state by the grantee.

365 (l) The development of policies to promote supplier  
366 diversity using the guidelines of the Office of Supplier  
367 Diversity under s. 287.09451; compliance with ordinances,  
368 including, but not limited to, small-business county ordinances,  
369 applicable to the biomedical research institution and campus;  
370 and the designation of a representative to coordinate with the  
371 Office of Supplier Diversity.  
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565379

Amendment No. (for drafter's use only)

373 The contract shall require the grantee to provide information to  
374 the corporation on the progress in meeting these performance  
375 expectations on an annual basis.

376 (10) DISBURSEMENT CONDITIONS.--In addition to the  
377 provisions prescribed in subsection (8), the contract between  
378 the corporation and the grantee shall include disbursement  
379 conditions that must be satisfied by the grantee as a condition  
380 for the continued disbursement of funds under this section.

381 These disbursement conditions shall be negotiated between the  
382 corporation and the grantee and may not be designed to impede  
383 the ability of the grantee to attain full operational status.

384 The disbursement conditions may be appropriately varied as to  
385 timeframes, numbers, values, and percentages. The disbursement  
386 conditions shall include, but are not limited to, the following:

387 (a) Beginning 18 months after the grantee's occupancy of  
388 its permanent facility in this state, the grantee will annually  
389 obtain \$100,000 of nonstate funding for each full-time  
390 equivalent tenured-track faculty member employed at the  
391 facility.

392 (b) No later than 3 years after the grantee's occupancy of  
393 its permanent facility in this state, the grantee will apply to  
394 the relevant accrediting agency for accreditation of its  
395 graduate program in this state.

396 (c) The grantee will create jobs as scheduled in its  
397 contract with the corporation.

398 (d) The grantee will purchase equipment for its facility  
399 in this state as scheduled in its contract with the corporation.

400 (e) No later than 18 months after occupying its permanent  
401 facility in this state, the grantee will establish a program for

565379

Amendment No. (for drafter's use only)

402 qualified graduate students from universities in this state  
403 permitting them access to the facility for doctoral, thesis-  
404 related research.

405 (f) No later than 18 months after occupancy of its  
406 permanent facility in this state, the grantee will establish a  
407 summer internship for high school students.

408 (g) No later than 3 years after occupancy of its permanent  
409 facility in this state, the grantee will establish a research  
410 program for middle school and high school teachers.

411 (h) No later than 18 months after occupancy of its  
412 permanent facility in this state, the grantee will establish a  
413 program for adjunct professors.

414 (i) No later than 6 months after commissioning its high-  
415 throughput technology, the grantee will establish a program to  
416 allow open access for qualified science projects.

417 (j) Beginning June 2004, the grantee will commence  
418 collaborative efforts with the public and private universities  
419 of this state and will continue cooperative collaboration  
420 through the term of the agreement.

421 (k) Beginning 18 months after the grantee's occupancy of  
422 its permanent facility in this state, the grantee will establish  
423 an annual seminar series featuring a review of the science work  
424 done by the grantee and its collaborators at the facility.

425 (l) Beginning June 2004, the grantee will commence  
426 collaboration efforts with the Office of Tourism, Trade, and  
427 Economic Development by complying with reasonable requests by  
428 the office for cooperation in the office's economic development  
429 efforts in the biomedical/biotechnical industry. No later than

Amendment No. (for drafter's use only)

430 July 2004, the grantee will designate a person who shall be  
431 charged with assisting in these collaborative efforts.

432 (11) DISBURSEMENTS.--

433 (a) The corporation shall disburse funds to the grantee  
434 over a period of 7 calendar years starting in the calendar year  
435 beginning January 1, 2004, under the terms and conditions of the  
436 contract. The corporation shall complete disbursement of the  
437 total amount of funds payable to the grantee under the contract  
438 no later than December 31, 2010, unless the grantee fails to  
439 satisfy the terms and conditions of the contract. Any funds of  
440 the corporation that are not disbursed by December 31, 2010,  
441 shall be returned to the state and deposited into the Biomedical  
442 Research Trust Fund of the Department of Health.

443 (b) The contract shall provide for a reduction or  
444 elimination of funding in any year if:

445 1. The grantee is no longer fully operating in this state;

446 2. The grantee has failed to commit in writing to maintain  
447 full operations in the state for the succeeding year; or

448 3. The grantee commits a material default or breach of the  
449 contract, as defined and governed by the contract. Determination  
450 of material default or breach of contract shall require the  
451 affirmative vote of at least seven of the nine members of the  
452 board.

453 (c) Each disbursement by the corporation to the grantee  
454 under this section is conditioned upon the affirmative approval  
455 of at least five of the nine members of the board of directors  
456 and upon demonstration by the grantee that it has met the  
457 particular contractual deliverables that are the bases for that  
458 disbursement.

565379



Amendment No. (for drafter's use only)

459 (12) REINVESTMENT OF ECONOMIC STIMULUS FUNDS IN THE  
460 BIOMEDICAL RESEARCH TRUST FUND.--The contract between the  
461 corporation and the grantee shall require the grantee to  
462 reinvest a portion of its revenues as follows:

463 (a) The grantee shall reinvest 15 percent of the net  
464 royalty revenues, including the revenues from the sale of stock,  
465 received by The Scripps Research Institute from the licensing or  
466 transfer of inventions, methods, processes, and other patentable  
467 discoveries conceived or reduced to practice using the grantee's  
468 Florida facilities or Florida employees, in whole or in part,  
469 and to which the grantee becomes entitled during the 20 years  
470 following the effective date of the contract between the  
471 corporation and the grantee. For purposes of this paragraph, the  
472 term "net royalty revenues" means all royalty revenues less the  
473 cost of obtaining, maintaining, and enforcing related patent and  
474 intellectual property rights, both foreign and domestic.  
475 Reinvestment payments under this paragraph shall commence no  
476 later than 6 months after the grantee has received the final  
477 disbursement under the contract and shall continue until the  
478 maximum reinvestment has been paid.

479 (b) The grantee shall reinvest 15 percent of the gross  
480 revenues it receives from "naming opportunities" associated with  
481 any facility it builds in this state. For purposes of this  
482 section, the term "naming opportunities" includes charitable  
483 donations from any person in consideration for the right to have  
484 all or a portion of the facility named for or in the memory of  
485 any person, living or dead, or for any entity. The obligation to  
486 make reinvestment payments under this section shall commence

Amendment No. (for drafter's use only)

487 upon the execution of the contract between the corporation and  
488 the grantee.

489  
490 All reinvestment payments made pursuant to this section shall be  
491 remitted to the state for deposit in the Biomedical Research  
492 Trust Fund, or if such fund has ceased to exist, in another  
493 trust fund that supports biomedical research, as determined by  
494 law. The maximum reinvestment required of the grantee pursuant  
495 to this subsection may not exceed \$200,000,000. At such time as  
496 the reinvestment payments equal \$155,000,000 or the contract  
497 expires, whichever is earlier, the board of directors of the  
498 corporation shall determine whether the performance expectations  
499 and performance measures have been met. If the board determines  
500 that the performance expectations and performance measures have  
501 been met, the amount of \$200,000,000 shall be reduced to  
502 \$155,000,000. The grantee shall annually submit to the  
503 corporation a schedule of the shares of stock held by the  
504 grantee as payment of a royalty referred to in paragraph (a) and  
505 report on any trades or activity concerning such stock until  
506 such time as all revenues from the sale of stock have been  
507 reinvested. The grantee's obligations under this subsection  
508 shall survive the expiration or termination of the contract  
509 between the corporation and the grantee.

510 (13) USE OF FUNDS.--

511 (a) Funds appropriated in furtherance of this section may  
512 not be disbursed or expended for activities that are not  
513 primarily related to the establishment or operation of the  
514 grantee in this state, except upon approval of the affirmative

565379

Amendment No. (for drafter's use only)

515 vote of at least seven of the nine members of the board of  
516 directors.

517 (b) No funds appropriated in furtherance of this section  
518 may be used for the purpose of lobbying any branch or agency of  
519 state government or any political subdivision of this state.

520 (14) ANNUAL REPORT.--By December 1 of each year, the  
521 corporation shall prepare a report of the activities and  
522 outcomes under this section for the preceding fiscal year. The  
523 report, at a minimum, must include:

524 (a) A description of the activities of the corporation in  
525 managing and enforcing the contract with the grantee.

526 (b) An accounting of the amount of funds disbursed during  
527 the preceding fiscal year to the grantee.

528 (c) An accounting of expenditures by the grantee during  
529 the fiscal year of funds disbursed under this section.

530 (d) Information on the number and salary level of jobs  
531 created by the grantee, including the number and salary level of  
532 jobs created for residents of this state.

533 (e) Information on the amount and nature of economic  
534 activity generated through the activities of the grantee.

535 (f) An assessment of factors affecting the progress toward  
536 achieving the projected biotech industry cluster associated with  
537 the grantee's operations, as projected by economists on behalf  
538 of the Executive Office of the Governor.

539 (g) A compliance and financial audit of the accounts and  
540 records of the corporation at the end of the preceding fiscal  
541 year conducted by an independent certified public accountant in  
542 accordance with rules of the Auditor General.

565379

Amendment No. (for drafter's use only)

543 (h) A description of the status of the performance  
544 expectations under subsection (9) and the disbursement  
545 conditions under subsection (10).

546  
547 The corporation shall submit the report to the Governor, the  
548 President of the Senate, and the Speaker of the House of  
549 Representatives.

550 (15) PROGRAM EVALUATION.--

551 (a) Before January 1, 2007, the Office of Program Policy  
552 Analysis and Government Accountability shall conduct a  
553 performance audit of the Office of Tourism, Trade, and Economic  
554 Development and the corporation relating to the provisions of  
555 this section. The audit shall assess the implementation and  
556 outcomes of activities under this section. At a minimum, the  
557 audit shall address:

558 1. Performance of the Office of Tourism, Trade, and  
559 Economic Development in disbursing funds appropriated under this  
560 section.

561 2. Performance of the corporation in managing and  
562 enforcing the contract with the grantee.

563 3. Compliance by the corporation with the provisions of  
564 this section and the provisions of the contract.

565 4. Economic activity generated through funds disbursed  
566 under the contract.

567 (b) Before January 1, 2010, the Office of Program Policy  
568 Analysis and Government Accountability shall update the report  
569 required under this subsection. In addition to addressing the  
570 items prescribed in paragraph (a), the updated report shall

565379

Amendment No. (for drafter's use only)

571 include a recommendation on whether the Legislature should  
572 retain the statutory authority for the corporation.

573  
574 A report of each audit's findings and recommendations shall be  
575 submitted to the Governor, the President of the Senate, and the  
576 Speaker of the House of Representatives.

577 (16) LIABILITY.--

578 (a) The appropriation or disbursement of funds under this  
579 section does not constitute a debt, liability, or obligation of  
580 the State of Florida, any political subdivision thereof, or the  
581 corporation, or a pledge of the faith and credit of the state or  
582 of any such political subdivision.

583 (b) The appropriation, disbursement, or receipt of funds  
584 under this section does not subject the State of Florida, any  
585 political subdivision thereof, or the corporation to liability  
586 related to the research activities and research products of the  
587 grantee.

588 (17) FORCE MAJEURE.--Notwithstanding any other provisions  
589 of this section, if the grantee is prevented from timely  
590 achieving any deadlines set forth in this section due to its  
591 inability to occupy its permanent facility in this state within  
592 2 years after entering into the memorandum of agreement pursuant  
593 to s. 403.973 as a result of permitting delays and related  
594 administrative or judicial proceedings, acts of God, labor  
595 disturbances, or other similar events beyond the control of the  
596 grantee, the deadline shall be extended by the number of days by  
597 which the grantee was delayed in commencing its occupancy of its  
598 permanent facility in this state. In no event shall the  
599 extension be for more than 4 years. Upon occurrence of a force

565379

Amendment No. (for drafter's use only)

600 majeure event, the corporation shall continue to fund the  
601 grantee at a level that permits the corporation to sustain its  
602 current level of operations until the force majeure event ceases  
603 and the grantee is able to resume the contract schedule which  
604 governs disbursement.

605 Section 2. Paragraph (h) of subsection (1) of section  
606 20.435, Florida Statutes, is amended to read:

607 20.435 Department of Health; trust funds.--

608 (1) The following trust funds are hereby created, to be  
609 administered by the Department of Health:

610 (h) Biomedical Research Trust Fund.

611 1. Funds to be credited to the trust fund shall consist of  
612 funds deposited pursuant to ss. ~~s.~~ 215.5601 and 288.955. Funds  
613 shall be used for the purposes of the James and Esther King  
614 Biomedical Research Program as specified in s. 215.5602. The  
615 trust fund is exempt from the service charges imposed by s.  
616 215.20.

617 2. Notwithstanding the provisions of s. 216.301 and  
618 pursuant to s. 216.351, any balance in the trust fund at the end  
619 of any fiscal year shall remain in the trust fund at the end of  
620 the year and shall be available for carrying out the purposes of  
621 the trust fund.

622 ~~3. The trust fund shall, unless terminated sooner, be~~  
623 ~~terminated on July 1, 2004.~~

624 Section 3. Subsections (3), (7), and (15) of section  
625 403.973, Florida Statutes, are amended to read:

626 403.973 Expedited permitting; comprehensive plan  
627 amendments.--

Amendment No. (for drafter's use only)

628 (3)(a) The Governor, through the office, shall direct the  
629 creation of regional permit action teams, for the purpose of  
630 expediting review of permit applications and local comprehensive  
631 plan amendments submitted by:

- 632 1. Businesses creating at least 100 jobs, or
- 633 2. Businesses creating at least 50 jobs if the project is  
634 located in an enterprise zone, or in a county having a  
635 population of less than 75,000 or in a county having a  
636 population of less than 100,000 which is contiguous to a county  
637 having a population of less than 75,000, as determined by the  
638 most recent decennial census, residing in incorporated and  
639 unincorporated areas of the county, or

640 (b) On a case-by-case basis and at the request of a county  
641 or municipal government, the office may certify as eligible for  
642 expedited review a project not meeting the minimum job creation  
643 thresholds but creating a minimum of 10 jobs. The recommendation  
644 from the governing body of the county or municipality in which  
645 the project may be located is required in order for the office  
646 to certify that any project is eligible for expedited review  
647 under this paragraph. When considering projects that do not meet  
648 the minimum job creation thresholds but that are recommended by  
649 the governing body in which the project may be located, the  
650 office shall consider economic impact factors that include, but  
651 are not limited to:

- 652 1. The proposed wage and skill levels relative to those  
653 existing in the area in which the project may be located;
- 654 2. The project's potential to diversify and strengthen the  
655 area's economy;
- 656 3. The amount of capital investment; and

565379

Amendment No. (for drafter's use only)

657 4. The number of jobs that will be made available for  
658 persons served by the welfare transition program.

659 (c) At the request of a county or municipal government,  
660 the office or a Quick Permitting County may certify projects  
661 located in counties where the ratio of new jobs per participant  
662 in the welfare transition program, as determined by Workforce  
663 Florida, Inc., is less than one or otherwise critical, as  
664 eligible for the expedited permitting process. Such projects  
665 must meet the numerical job creation criteria of this  
666 subsection, but the jobs created by the project do not have to  
667 be high-wage jobs that diversify the state's economy.

668 (d) Projects located in a designated brownfield area are  
669 eligible for the expedited permitting process.

670 (e) Projects that are designated by the local board of  
671 county commissioners as a part of the state-of-the-art  
672 biomedical research institution and campus to be established in  
673 this state by the grantee under s. 288.955 are eligible for the  
674 expedited permitting process.

675 (7) The local government shall hold a duly noticed public  
676 hearing to execute a memorandum of agreement for each qualified  
677 project. Notwithstanding any other provision of law, and at the  
678 option of the local government, the workshop provided for in  
679 subsection (6) may be conducted on the same date as the public  
680 hearing held under this subsection. The memorandum of agreement  
681 that a local government signs shall include a provision  
682 identifying necessary local government procedures and time  
683 limits that will be modified to allow for the local government  
684 decision on the project within 90 days. The memorandum of  
685 agreement applies to projects, on a case-by-case basis, that

565379



Amendment No. (for drafter's use only)

686 qualify for special review and approval as specified in this  
687 section. The memorandum of agreement must make it clear that  
688 this expedited permitting and review process does not modify,  
689 qualify, or otherwise alter existing local government  
690 nonprocedural standards for permit applications, unless  
691 expressly authorized by law.

692 (15)(a) Challenges to state agency action in the expedited  
693 permitting process for projects processed under this section are  
694 subject to the summary hearing provisions of s. 120.574, except  
695 that the administrative law judge's decision, as provided in s.  
696 120.574(2)(f), shall be in the form of a recommended order and  
697 shall not constitute the final action of the state agency. In  
698 those proceedings where the action of only one agency of the  
699 state is challenged, the agency of the state shall issue the  
700 final order within 10 working days of receipt of the  
701 administrative law judge's recommended order. In those  
702 proceedings where the actions of more than one agency of the  
703 state are challenged, the Governor shall issue the final order  
704 within 10 working days of receipt of the administrative law  
705 judge's recommended order. The participating agencies of the  
706 state may opt at the preliminary hearing conference to allow the  
707 administrative law judge's decision to constitute the final  
708 agency action. If a participating local government agrees to  
709 participate in the summary hearing provisions of s. 120.574 for  
710 purposes of review of local government comprehensive plan  
711 amendments, s. 163.3184(9) and (10) apply.

712 (b) Challenges to state agency action in the expedited  
713 permitting process for establishment of a state-of-the-art  
714 biomedical research institution and campus in this state by the

565379

Amendment No. (for drafter's use only)

715 grantee under s. 288.955 are subject to the same requirements as  
716 challenges brought under paragraph (a), except that,  
717 notwithstanding s. 120.574, summary proceedings must be  
718 conducted within 30 days after a party files the motion for  
719 summary hearing, regardless of whether the parties agree to the  
720 summary proceeding.

721 Section 4. (1) It is the intent of the Legislature to use  
722 a portion of the funds provided by the Federal Government under  
723 section 401(b) of the Jobs and Growth Tax Relief Reconciliation  
724 Act of 2003 for the essential governmental service of improving  
725 economic opportunities available to the people of this state by  
726 attracting new or expanding businesses to, and retaining  
727 businesses in, the state. Additionally, the Legislature  
728 recognizes that the state spends billions of dollars each year  
729 to treat major illnesses such as coronary artery disease,  
730 Alzheimer's disease, diabetes, autoimmune diseases, and cancer.  
731 It is further the intent of the Legislature to use the funds so  
732 provided to advance the essential government service of  
733 improving the health of the people of this state by promoting  
734 research and development for the prediction, treatment,  
735 prevention, and cure of disease. Funding provided under this  
736 section will serve these essential government services and help  
737 accelerate the development of biomedical research and  
738 development projects in the state.

739 (2) For fiscal year 2003-2004, the sum of \$310 million is  
740 appropriated from the General Revenue Fund to the Office of  
741 Tourism, Trade, and Economic Development for the purpose of  
742 funding the Scripps Florida Funding Corporation created under  
743 this act in the special category Grants and Aids to the Scripps

565379

Amendment No. (for drafter's use only)

744 Florida Funding Corporation. Notwithstanding ss. 216.181(16) and  
 745 216.351, Florida Statutes, the Office of Tourism, Trade, and  
 746 Economic Development shall disburse \$300,000 to cover the  
 747 staffing and administrative expenses of the corporation as soon  
 748 as the corporation is formed. Notwithstanding ss. 216.181(16)  
 749 and 216.351, Florida Statutes, the remaining appropriation shall  
 750 be disbursed to the corporation in one lump sum upon the  
 751 execution of the contract between the Scripps Florida Funding  
 752 Corporation and the grantee, and such disbursement shall be  
 753 subject to a contract executed between the Office of Tourism,  
 754 Trade, and Economic Development and the corporation. In the  
 755 event the corporation and the grantee are unable to execute the  
 756 contract, all funds appropriated to the corporation in  
 757 furtherance of this act shall revert to the General Revenue  
 758 Fund. In the event that the contract is terminated for breach or  
 759 otherwise, all funds not yet disbursed to the grantee shall be  
 760 immediately returned to the General Revenue Fund.

761 Section 5. This act shall take effect upon becoming a law.

762  
763 ===== T I T L E A M E N D M E N T =====

764 Remove the entire title, and insert:

765 A bill to be entitled

766 An act relating to the establishment of a biomedical  
 767 research institution and campus; creating s. 288.955,  
 768 F.S.; providing definitions; creating the Scripps Florida  
 769 Funding Corporation to facilitate the establishment and  
 770 operation of a biomedical research institution for the  
 771 purposes of enhancing education and research and promoting  
 772 economic development and diversity; providing for a board

Amendment No. (for drafter's use only)

773 of directors; prohibiting conflicts of interest; providing  
774 penalties; providing powers and duties of the corporation;  
775 providing for investment of funds; requiring an operating  
776 plan; requiring the corporation and a grantee entity to  
777 enter into a contract; providing contract requirements;  
778 providing for performance expectations and disbursement  
779 conditions; providing requirements and criteria; providing  
780 for disbursement and reinvestment of funds; requiring  
781 reports, audits, and evaluations; limiting the use of  
782 funds; providing that the appropriation of funds does not  
783 constitute a debt of the state or a subdivision of the  
784 state nor does it subject the state or a subdivision to  
785 liability; providing for extension of certain deadlines in  
786 certain situations in which the grantee cannot meet  
787 contract conditions with limitations; providing for  
788 resumption of such deadlines; amending s. 20.435, F.S.;  
789 providing for additional funds to be deposited into the  
790 Biomedical Research Trust Fund; deleting a provision for  
791 future termination date of the fund; amending s. 403.973,  
792 F.S.; specifying that projects that are part of the  
793 biomedical research institution and campus are eligible  
794 for the expedited permitting process; providing for  
795 challenges to state agency action in expedited permitting  
796 related to the institution and campus; providing  
797 legislative intent with respect to creating economic  
798 opportunity and improving public health through the  
799 establishment of a biomedical research institution;  
800 providing an appropriation; providing an effective date.