

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

Amendment No. (for drafter's use only)

27 Institute to establish a state-of-the-art biomedical research
28 institution and campus in this state.

29 (2) CREATION.--

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

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

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

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

53 (e) The Office of Tourism, Trade, and Economic Development
54 shall provide administrative support to the corporation as
55 requested by the corporation. In the event of the dissolution of

883759

Amendment No. (for drafter's use only)

56 the corporation, the office shall be the corporation's successor
57 in interest and shall assume all rights, duties, and obligations
58 of the corporation under any contract to which the corporation
59 is then a party and under law.

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

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

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

883759

Amendment No. (for drafter's use only)

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

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

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

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

112 (e) A person may not be appointed to the board of
113 directors if he or she has had any direct interest in any

Amendment No. (for drafter's use only)

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

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

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

137 (5) ORGANIZATION; MEETINGS.--

138 (a)1. The board of directors shall annually elect a
139 chairperson and a vice chairperson from among the board's
140 members. The members, by an affirmative vote of at least five of
141 the nine members, may remove a member from the position of
142 chairperson or vice chairperson prior to the expiration of his

883759

Amendment No. (for drafter's use only)

143 or her term as chairperson or vice chairperson. His or her
144 successor shall be elected to serve for the balance of the
145 removed chairperson's or vice chairperson's term.

146 2. The chairperson is responsible for ensuring that
147 records are kept of the proceedings of the board of directors,
148 and is the custodian of all books, documents, and papers filed
149 with the board, the minutes of meetings of the board, and the
150 official seal of the corporation.

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

154 2. A majority of the voting members of the board of
155 directors constitutes a quorum. Except as otherwise provided in
156 this section, the board may take official action by a majority
157 vote of the members present at any meeting at which a quorum is
158 present. Members may not vote by proxy.

159 3. A member of the board may participate in a meeting of
160 the board by telephone or videoconference through which each
161 member may hear every other member.

162 (6) POWERS AND DUTIES.--The corporation is organized to
163 receive, hold, invest, administer, and disburse funds
164 appropriated by the Legislature in support of this section and
165 to disburse any income generated from the investment of these
166 funds consistent with the purpose and provisions of this
167 section. In addition to the powers and duties prescribed in
168 chapter 617 and the articles and bylaws adopted under that
169 chapter, the corporation:

Amendment No. (for drafter's use only)

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

173 (b) May make expenditures, from funds provided by this
174 state, including any necessary administrative expenditures
175 consistent with its powers.

176 (c) May enter into leases and contracts for the purchase
177 of real property and hold notes, mortgages, guarantees, or
178 security agreements to secure the performance of obligations of
179 the grantee under the contract.

180 (d) May perform all acts and things necessary or
181 convenient to carry out the powers expressly granted in this
182 section and a contract entered into between the corporation and
183 the grantee.

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

187 (f) Shall disburse funds pursuant to the provisions of
188 this section and a contract entered into between the corporation
189 and the grantee.

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

193 (h) Shall prepare an annual report as prescribed in
194 subsection (14).

195 (7) INVESTMENT OF FUNDS.--The corporation must enter into
196 an agreement with the State Board of Administration under which
197 funds received by the corporation from the Office of Tourism,
198 Trade, and Economic Development which are not disbursed to the

883759

Amendment No. (for drafter's use only)

199 grantee shall be invested by the State Board of Administration
200 on behalf of the corporation. Funds shall be invested in
201 suitable instruments authorized under s. 215.47 and specified in
202 investment guidelines established and agreed to by the State
203 Board of Administration and the corporation.

204 (8) CONTRACT.--

205 (a) No later than January 30, 2004, the corporation shall
206 negotiate and execute a contract with the grantee for a term of
207 20 years; however, the time to execute the contract may be
208 extended for up to 45 days by majority vote of the board of
209 directors of the corporation. Such contract shall govern the
210 disbursement and use of funds under this section. If no contract
211 has been executed by such date, all unexpended funds shall
212 revert and be returned to the General Revenue Fund of the state.
213 The corporation may not execute the contract unless the contract
214 is approved by the affirmative vote of at least seven of the
215 nine members of the board of directors. At least 14 days before
216 execution of the contract, The Scripps Research Institute must
217 submit to the board, the Governor, the President of the Senate,
218 and the Speaker of the House of Representatives an
219 organizational plan, in a form and manner prescribed by the
220 board, for the establishment of a state-of-the-art biomedical
221 research institution and campus in this state, and the board
222 must submit a copy of the proposed contract to the Governor, the
223 President of the Senate, and the Speaker of the House of
224 Representatives.

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

226 1. Specifying the procedures and schedules that govern the
227 disbursement of funds under this section and specifying the

883759

Amendment No. (for drafter's use only)

228 conditions or deliverables that the grantee must satisfy before
229 the release of each disbursement.

230 2. Requiring the grantee to submit to the corporation a
231 business plan in a form and manner prescribed by the
232 corporation.

233 3. Prohibiting the grantee from establishing other
234 biomedical science or research facilities in any state other
235 than this state or California for a period of 12 years from the
236 commencement of the contract or until payment in full of the
237 total payment amount required under subsection (12), whichever
238 occurs first. Nothing in this subparagraph shall prohibit the
239 grantee from establishing or engaging in normal collaborative
240 activities with other organizations.

241 4. Governing the ownership of or security interests in
242 real property and personal property, including, but not limited
243 to, research equipment, obtained through the financial support
244 of state or local government, including a provision that in the
245 event of a breach of the contract or in the event the grantee
246 ceases operations in this state, such property purchased with
247 state funds shall revert to the state and such property
248 purchased with local funds shall revert to the local governing
249 authority.

250 5. Requiring the grantee to be an equal opportunity
251 employer.

252 6. Requiring the grantee to maintain a policy of awarding
253 preference in employment to residents of this state, as defined
254 by law, except for professional scientific staff positions
255 requiring a doctoral degree, post-doctoral training positions,
256 and graduate student positions.

883759

Amendment No. (for drafter's use only)

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

260 8. Requiring the grantee to work collaboratively with the
261 state's public and private postsecondary educational
262 institutions and not-for-profit research institutions.

263 9. Requiring the grantee to participate in employee-
264 recruitment activities at a minimum of five public or private
265 universities or community colleges in this state every year
266 during the duration of the contract.

267 10. Requiring the grantee to use the Internet-based job-
268 listing system of the Agency for Workforce Innovation in
269 advertising employment opportunities.

270 11. Requiring the grantee to establish accredited science
271 degree programs.

272 12. Requiring the grantee to establish internship programs
273 to create learning opportunities for educators and secondary and
274 postsecondary students, including graduate and doctoral
275 students.

276 13. Requiring the grantee to submit data to the
277 corporation on its activities and performance during each fiscal
278 year and to provide to the corporation an annual accounting of
279 the expenditure of funds disbursed under this section.

280 14. Authorizing the grantee, when feasible, to use
281 information submitted by it to the Federal Government or to
282 other organizations awarding research grants to the grantee to
283 help meet reporting requirements imposed under this section or
284 the contract, if the information satisfies the reporting
285 standards of this section and the contract.

883759

Amendment No. (for drafter's use only)

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

291 16. Requiring the grantee to progress in the creation of
292 the total number of jobs prescribed in subparagraph 15. on the
293 following schedule: at least 38 positions in the first year, 168
294 positions in the second year, 280 positions in the third year,
295 367 positions in the fourth year, 436 positions in the fifth
296 year, 500 positions in the sixth year, and 545 positions in the
297 seventh year. The board may allow the grantee to deviate
298 downward from such employee levels by 25 percent in any year, to
299 allow the grantee flexibility in achieving the objectives set
300 forth in the business plan provided to the corporation; however,
301 the grantee must have no fewer than 545 positions by the end of
302 the seventh year.

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

305 18. Requiring the grantee to agree to compliance standards
306 under which the corporation can review relevant records to
307 ensure the grantee's financial and operational compliance with
308 the provisions of this section and the contract.

309 19. Requiring the grantee to allow the corporation to
310 retain an independent certified public accountant licensed in
311 this state pursuant to chapter 473 to inspect the records of the
312 grantee in order to audit the expenditure of funds disbursed to
313 the grantee. The independent certified public accountant may not

Amendment No. (for drafter's use only)

314 disclose any confidential or proprietary scientific information
315 of the grantee.

316 20. Requiring the grantee to purchase liability insurance
317 and governing the coverage level of such insurance.

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

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

331 (a) The average salaries paid.

332 (b) The number and dollar value of research grants
333 obtained from the Federal Government or sources other than this
334 state.

335 (c) The percentage of total research dollars received by
336 The Scripps Research Institute from sources other than this
337 state which is used to conduct research activities by the
338 grantee in this state.

339 (d) The number or value of patents obtained by the
340 grantee.

341 (e) The number or value of licensing agreements executed
342 by the grantee.

883759

Amendment No. (for drafter's use only)

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

345 (g) The number of agreements reached and maintained with
346 colleges and universities in this state.

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

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

351 (j) The number or value of spinoff businesses created in
352 this state as a result of commercialization of the research of
353 the grantee.

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

356 (l) The development of policies to promote supplier
357 diversity using the guidelines of the Office of Supplier
358 Diversity under s. 287.09451; compliance with ordinances,
359 including, but not limited to, small-business county ordinances,
360 applicable to the biomedical research institution and campus;
361 and the designation of a representative to coordinate with the
362 Office of Supplier Diversity.

363
364 The contract shall require the grantee to provide information to
365 the corporation on the progress in meeting these performance
366 expectations on an annual basis.

367 (10) DISBURSEMENT CONDITIONS.--In addition to the
368 provisions prescribed in subsection (8), the contract between
369 the corporation and the grantee shall include disbursement
370 conditions that must be satisfied by the grantee as a condition
371 for the continued disbursement of funds under this section. A

883759

Amendment No. (for drafter's use only)

372 determination that a condition has not been met for purposes of
373 disbursement shall be made by affirmative vote of at least five
374 of the nine members of the board of directors of the
375 corporation. These disbursement conditions shall be negotiated
376 between the corporation and the grantee and may not be designed
377 to impede the ability of the grantee to attain full operational
378 status. The disbursement conditions may be appropriately varied
379 as to timeframes, numbers, values, and percentages. The
380 disbursement conditions shall include, but are not limited to,
381 the following:

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

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

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

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

395 (e) No later than 18 months after occupying its permanent
396 facility in this state, the grantee will establish a program for
397 qualified graduate students from universities in this state
398 permitting them access to the facility for doctoral, thesis-
399 related research.

Amendment No. (for drafter's use only)

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

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

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

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

412 (j) Beginning June 2004, the grantee will commence
413 collaborative efforts with the public and private universities
414 of this state and will continue cooperative collaboration
415 through the term of the agreement.

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

420 (l) Beginning June 2004, the grantee will commence
421 collaboration efforts with the Office of Tourism, Trade, and
422 Economic Development by complying with reasonable requests by
423 the office for cooperation in the office's economic development
424 efforts in the biomedical/biotechnical industry. No later than
425 July 2004, the grantee will designate a person who shall be
426 charged with assisting in these collaborative efforts.

427 (11) DISBURSEMENTS.--

Amendment No. (for drafter's use only)

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

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

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

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

443 3. The grantee commits a material default or breach of the
444 contract, as defined and governed by the contract. Determination
445 of material default or breach of contract shall require the
446 affirmative vote of at least seven of the nine members of the
447 board.

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

454 (12) REINVESTMENT OF ECONOMIC STIMULUS FUNDS IN THE
455 BIOMEDICAL RESEARCH TRUST FUND.--The contract between the

Amendment No. (for drafter's use only)

456 corporation and the grantee shall require the grantee to
457 reinvest a portion of its revenues as follows:

458 (a) The grantee shall reinvest 15 percent of the net
459 royalty revenues, including the revenues from the sale of stock,
460 received by The Scripps Research Institute from the licensing or
461 transfer of inventions, methods, processes, and other patentable
462 discoveries conceived or reduced to practice using the grantee's
463 Florida facilities or Florida employees, in whole or in part,
464 and to which the grantee becomes entitled during the 20 years
465 following the effective date of the contract between the
466 corporation and the grantee. For purposes of this paragraph, the
467 term "net royalty revenues" means all royalty revenues less the
468 cost of obtaining, maintaining, and enforcing related patent and
469 intellectual property rights, both foreign and domestic.

470 Reinvestment payments under this paragraph shall commence no
471 later than 6 months after the grantee has received the final
472 disbursement under the contract and shall continue until the
473 maximum reinvestment has been paid.

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

484

883759

Amendment No. (for drafter's use only)

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

505 (13) USE OF FUNDS.--

506 (a) Funds appropriated in furtherance of this section may
507 not be disbursed or expended for activities that are not
508 primarily related to the establishment or operation of the
509 grantee in this state, except upon approval of the affirmative
510 vote of at least seven of the nine members of the board of
511 directors.

Amendment No. (for drafter's use only)

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

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

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

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

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

525 (d) Information on the number and salary level of jobs
526 created by the grantee, including the number and salary level of
527 jobs created for residents of this state.

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

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

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

538 (h) A description of the status of the performance
539 expectations under subsection (9) and the disbursement
540 conditions under subsection (10).

883759

Amendment No. (for drafter's use only)

541
542 The corporation shall submit the report to the Governor, the
543 President of the Senate, and the Speaker of the House of
544 Representatives.

545 (15) PROGRAM EVALUATION.--

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

553 1. Performance of the Office of Tourism, Trade, and
554 Economic Development in disbursing funds appropriated under this
555 section.

556 2. Performance of the corporation in managing and
557 enforcing the contract with the grantee.

558 3. Compliance by the corporation with the provisions of
559 this section and the provisions of the contract.

560 4. Economic activity generated through funds disbursed
561 under the contract.

562 (b) Before January 1, 2010, the Office of Program Policy
563 Analysis and Government Accountability shall update the report
564 required under this subsection. In addition to addressing the
565 items prescribed in paragraph (a), the updated report shall
566 include a recommendation on whether the Legislature should
567 retain the statutory authority for the corporation.

568

Amendment No. (for drafter's use only)

569 A report of each audit's findings and recommendations shall be
570 submitted to the Governor, the President of the Senate, and the
571 Speaker of the House of Representatives.

572 (16) LIABILITY.--

573 (a) The appropriation or disbursement of funds under this
574 section does not constitute a debt, liability, or obligation of
575 the State of Florida, any political subdivision thereof, or the
576 corporation, or a pledge of the faith and credit of the state or
577 of any such political subdivision.

578 (b) The appropriation, disbursement, or receipt of funds
579 under this section does not subject the State of Florida, any
580 political subdivision thereof, or the corporation to liability
581 related to the research activities and research products of the
582 grantee.

583 (17) FORCE MAJEURE.--Notwithstanding any other provisions
584 of this section, if the grantee is prevented from timely
585 achieving any deadlines set forth in this section due to its
586 inability to occupy its permanent facility in this state within
587 2 years after entering into the memorandum of agreement pursuant
588 to s. 403.973 as a result of permitting delays and related
589 administrative or judicial proceedings, acts of God, labor
590 disturbances, or other similar events beyond the control of the
591 grantee, the deadline shall be extended by the number of days by
592 which the grantee was delayed in commencing its occupancy of its
593 permanent facility in this state. In no event shall the
594 extension be for more than 4 years. Upon occurrence of a force
595 majeure event, the corporation shall continue to fund the
596 grantee at a level that permits the corporation to sustain its
597 current level of operations until the force majeure event ceases

883759

Amendment No. (for drafter's use only)

598 and the grantee is able to resume the contract schedule which
599 governs disbursement.

600 Section 2. Paragraph (h) of subsection (1) of section
601 20.435, Florida Statutes, is amended to read:

602 20.435 Department of Health; trust funds.--

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

605 (h) Biomedical Research Trust Fund.

606 1. Funds to be credited to the trust fund shall consist of
607 funds deposited pursuant to ss. s. 215.5601 and 288.955. Funds
608 shall be used for the purposes of the James and Esther King
609 Biomedical Research Program as specified in s. 215.5602. The
610 trust fund is exempt from the service charges imposed by s.
611 215.20.

612 2. Notwithstanding the provisions of s. 216.301 and
613 pursuant to s. 216.351, any balance in the trust fund at the end
614 of any fiscal year shall remain in the trust fund at the end of
615 the year and shall be available for carrying out the purposes of
616 the trust fund.

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

619 Section 3. Subsections (3), (7), and (15) of section
620 403.973, Florida Statutes, are amended to read:

621 403.973 Expedited permitting; comprehensive plan
622 amendments.--

623 (3)(a) The Governor, through the office, shall direct the
624 creation of regional permit action teams, for the purpose of
625 expediting review of permit applications and local comprehensive
626 plan amendments submitted by:

883759

Amendment No. (for drafter's use only)

627 1. Businesses creating at least 100 jobs, or

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

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

647 1. The proposed wage and skill levels relative to those
648 existing in the area in which the project may be located;

649 2. The project's potential to diversify and strengthen the
650 area's economy;

651 3. The amount of capital investment; and

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

654 (c) At the request of a county or municipal government,
655 the office or a Quick Permitting County may certify projects

883759

Amendment No. (for drafter's use only)

656 located in counties where the ratio of new jobs per participant
657 in the welfare transition program, as determined by Workforce
658 Florida, Inc., is less than one or otherwise critical, as
659 eligible for the expedited permitting process. Such projects
660 must meet the numerical job creation criteria of this
661 subsection, but the jobs created by the project do not have to
662 be high-wage jobs that diversify the state's economy.

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

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

670 (7) The local government shall hold a duly noticed public
671 hearing to execute a memorandum of agreement for each qualified
672 project. Notwithstanding any other provision of law, and at the
673 option of the local government, the workshop provided for in
674 subsection (6) may be conducted on the same date as the public
675 hearing held under this subsection. The memorandum of agreement
676 that a local government signs shall include a provision
677 identifying necessary local government procedures and time
678 limits that will be modified to allow for the local government
679 decision on the project within 90 days. The memorandum of
680 agreement applies to projects, on a case-by-case basis, that
681 qualify for special review and approval as specified in this
682 section. The memorandum of agreement must make it clear that
683 this expedited permitting and review process does not modify,
684 qualify, or otherwise alter existing local government

883759

Amendment No. (for drafter's use only)

685 nonprocedural standards for permit applications, unless
686 expressly authorized by law.

687 (15)(a) Challenges to state agency action in the expedited
688 permitting process for projects processed under this section are
689 subject to the summary hearing provisions of s. 120.574, except
690 that the administrative law judge's decision, as provided in s.
691 120.574(2)(f), shall be in the form of a recommended order and
692 shall not constitute the final action of the state agency. In
693 those proceedings where the action of only one agency of the
694 state is challenged, the agency of the state shall issue the
695 final order within 10 working days of receipt of the
696 administrative law judge's recommended order. In those
697 proceedings where the actions of more than one agency of the
698 state are challenged, the Governor shall issue the final order
699 within 10 working days of receipt of the administrative law
700 judge's recommended order. The participating agencies of the
701 state may opt at the preliminary hearing conference to allow the
702 administrative law judge's decision to constitute the final
703 agency action. If a participating local government agrees to
704 participate in the summary hearing provisions of s. 120.574 for
705 purposes of review of local government comprehensive plan
706 amendments, s. 163.3184(9) and (10) apply.

707 (b) Challenges to state agency action in the expedited
708 permitting process for establishment of a state-of-the-art
709 biomedical research institution and campus in this state by the
710 grantee under s. 288.955 are subject to the same requirements as
711 challenges brought under paragraph (a), except that,
712 notwithstanding s. 120.574, summary proceedings must be
713 conducted within 30 days after a party files the motion for

883759

Amendment No. (for drafter's use only)

714 summary hearing, regardless of whether the parties agree to the
715 summary proceeding.

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

734 (2) For fiscal year 2003-2004, the sum of \$310 million is
735 appropriated from the General Revenue Fund to the Office of
736 Tourism, Trade, and Economic Development for the purpose of
737 funding the Scripps Florida Funding Corporation created under
738 this act in the special category Grants and Aids to the Scripps
739 Florida Funding Corporation. Notwithstanding ss. 216.181(16) and
740 216.351, Florida Statutes, the Office of Tourism, Trade, and
741 Economic Development shall disburse \$300,000 to cover the
742 staffing and administrative expenses of the corporation as soon

883759

Amendment No. (for drafter's use only)

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

756 Section 5. Effective July 1, 2004, paragraph (d) of
757 subsection (6) of section 212.20, Florida Statutes, as amended
758 by section 92 of chapter 2003-402, Laws of Florida, is amended
759 to read:

760 212.20 Funds collected, disposition; additional powers of
761 department; operational expense; refund of taxes adjudicated
762 unconstitutionally collected.--

763 (6) Distribution of all proceeds under this chapter and s.
764 202.18(1)(b) and (2)(b) shall be as follows:

765 (d) The proceeds of all other taxes and fees imposed
766 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
767 and (2)(b) shall be distributed as follows:

768 1. In any fiscal year, the greater of \$500 million, minus
769 an amount equal to 4.6 percent of the proceeds of the taxes
770 collected pursuant to chapter 201, or 5 percent of all other
771 taxes and fees imposed pursuant to this chapter or remitted

883759

Amendment No. (for drafter's use only)

772 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
773 monthly installments into the General Revenue Fund.

774 2. Two-tenths of one percent shall be transferred to the
775 Ecosystem Management and Restoration Trust Fund to be used for
776 water quality improvement and water restoration projects.

777 3. After the distribution under subparagraphs 1. and 2.,
778 8.814 percent of the amount remitted by a sales tax dealer
779 located within a participating county pursuant to s. 218.61
780 shall be transferred into the Local Government Half-cent Sales
781 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to
782 be transferred pursuant to this subparagraph to the Local
783 Government Half-cent Sales Tax Clearing Trust Fund shall be
784 reduced by 0.1 percent, and the department shall distribute this
785 amount to the Public Employees Relations Commission Trust Fund
786 less \$5,000 each month, which shall be added to the amount
787 calculated in subparagraph 4. and distributed accordingly.

788 4. After the distribution under subparagraphs 1., 2., and
789 3., 0.095 percent shall be transferred to the Local Government
790 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
791 to s. 218.65.

792 5. After the distributions under subparagraphs 1., 2., 3.,
793 and 4., 2.0440 percent of the available proceeds pursuant to
794 this paragraph shall be transferred monthly to the Revenue
795 Sharing Trust Fund for Counties pursuant to s. 218.215.

796 6. After the distributions under subparagraphs 1., 2., 3.,
797 and 4., 1.3409 percent of the available proceeds pursuant to
798 this paragraph shall be transferred monthly to the Revenue
799 Sharing Trust Fund for Municipalities pursuant to s. 218.215. If
800 the total revenue to be distributed pursuant to this

883759

Amendment No. (for drafter's use only)

801 subparagraph is at least as great as the amount due from the
802 Revenue Sharing Trust Fund for Municipalities and the Municipal
803 Financial Assistance Trust Fund in state fiscal year 1999-2000,
804 no municipality shall receive less than the amount due from the
805 Revenue Sharing Trust Fund for Municipalities and the Municipal
806 Financial Assistance Trust Fund in state fiscal year 1999-2000.
807 If the total proceeds to be distributed are less than the amount
808 received in combination from the Revenue Sharing Trust Fund for
809 Municipalities and the Municipal Financial Assistance Trust Fund
810 in state fiscal year 1999-2000, each municipality shall receive
811 an amount proportionate to the amount it was due in state fiscal
812 year 1999-2000.

813 7. Of the remaining proceeds:

814 a. In each fiscal year, the sum of \$29,915,500 shall be
815 divided into as many equal parts as there are counties in the
816 state, and one part shall be distributed to each county. The
817 distribution among the several counties shall begin each fiscal
818 year on or before January 5th and shall continue monthly for a
819 total of 4 months. If a local or special law required that any
820 moneys accruing to a county in fiscal year 1999-2000 under the
821 then-existing provisions of s. 550.135 be paid directly to the
822 district school board, special district, or a municipal
823 government, such payment shall continue until such time that the
824 local or special law is amended or repealed. The state covenants
825 with holders of bonds or other instruments of indebtedness
826 issued by local governments, special districts, or district
827 school boards prior to July 1, 2000, that it is not the intent
828 of this subparagraph to adversely affect the rights of those
829 holders or relieve local governments, special districts, or

883759

Amendment No. (for drafter's use only)

830 district school boards of the duty to meet their obligations as
831 a result of previous pledges or assignments or trusts entered
832 into which obligated funds received from the distribution to
833 county governments under then-existing s. 550.135. This
834 distribution specifically is in lieu of funds distributed under
835 s. 550.135 prior to July 1, 2000.

836 b. The department shall distribute \$166,667 monthly
837 pursuant to s. 288.1162 to each applicant that has been
838 certified as a "facility for a new professional sports
839 franchise" or a "facility for a retained professional sports
840 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
841 distributed monthly by the department to each applicant that has
842 been certified as a "facility for a retained spring training
843 franchise" pursuant to s. 288.1162; however, not more than
844 \$208,335 may be distributed monthly in the aggregate to all
845 certified facilities for a retained spring training franchise.
846 Distributions shall begin 60 days following such certification
847 and shall continue for not more than 30 years. Nothing contained
848 in this paragraph shall be construed to allow an applicant
849 certified pursuant to s. 288.1162 to receive more in
850 distributions than actually expended by the applicant for the
851 public purposes provided for in s. 288.1162(6). However, a
852 certified applicant is entitled to receive distributions up to
853 the maximum amount allowable and undistributed under this
854 section for additional renovations and improvements to the
855 facility for the franchise without additional certification.

856 c. Beginning 30 days after notice by the Office of
857 Tourism, Trade, and Economic Development to the Department of
858 Revenue that an applicant has been certified as the professional

883759

Amendment No. (for drafter's use only)

859 golf hall of fame pursuant to s. 288.1168 and is open to the
860 public, \$166,667 shall be distributed monthly, for up to 300
861 months, to the applicant.

862 d. Beginning 30 days after notice by the Office of
863 Tourism, Trade, and Economic Development to the Department of
864 Revenue that the applicant has been certified as the
865 International Game Fish Association World Center facility
866 pursuant to s. 288.1169, and the facility is open to the public,
867 \$83,333 shall be distributed monthly, for up to 168 months, to
868 the applicant. This distribution is subject to reduction
869 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be
870 made, after certification and before July 1, 2000.

871 e. The department shall distribute monthly to units of
872 local government that have been certified as owning eligible
873 convention centers pursuant to s. 288.1171 an amount equal to
874 one-half of the proceeds, as defined in paragraph (5)(a),
875 received and collected in the previous month by the department
876 under the provisions of this chapter which are generated by such
877 eligible convention centers and remitted on the sales and use
878 tax returns of eligible convention centers. The total
879 distribution to each unit of local government may not exceed \$3
880 million per state fiscal year. Distributions shall begin 60 days
881 following notification of certification by the Office of
882 Tourism, Trade, and Economic Development pursuant to s. 288.1171
883 and shall continue for not more than 30 years. Distributions
884 shall be used solely to encourage and provide economic
885 development for the attraction, recruitment, and retention of
886 corporate headquarters and of high-technology, manufacturing,
887 research and development, entertainment, and tourism industries

883759

Amendment No. (for drafter's use only)

888 as designated by the unit of local government by resolution of
889 its governing body.

890 8. All other proceeds shall remain with the General
891 Revenue Fund.

892 Section 6. Effective July 1, 2004, section 288.1171,
893 Florida Statutes, is created to read:

894 288.1171 Convention centers owned by units of local
895 government; certification as owning eligible convention centers;
896 duties.--

897 (1) The Office of Tourism, Trade, and Economic Development
898 shall serve as the state agency for screening applicants for
899 state funding pursuant to s. 212.20(6)(d)7.e. and for certifying
900 an applicant as owning an eligible convention center.

901 (2) The Office of Tourism, Trade, and Economic Development
902 shall adopt rules pursuant to ss. 120.536(1) and 120.54 for the
903 receipt and processing of applications for funding pursuant to
904 s. 212.20(6)(d)7.e.

905 (3) As used in this section, the term "eligible convention
906 center" means a publicly owned facility having exhibition space
907 in excess of 60,000 square feet, the primary function of which
908 is to host meetings, conventions, or trade shows.

909 (4) Prior to certifying an applicant as owning an eligible
910 convention center, the Office of Tourism, Trade, and Economic
911 Development must determine that:

912 (a) The unit of local government, as defined in s.
913 218.369, owns an eligible convention center.

914 (b) The convention center contains more than 60,000 square
915 feet of exhibit space.

883759

Amendment No. (for drafter's use only)

916 (c) The unit of local government in which the convention
917 center is located has certified by resolution after a public
918 hearing that the application serves a public purpose pursuant to
919 subsection (7).

920 (d) The convention center is located in a county that is
921 levying a tourist development tax pursuant to s. 125.0104.

922 (5) Upon certification of an applicant, the Office of
923 Tourism, Trade, and Economic Development shall notify the
924 executive director of the Department of Revenue of such
925 certification by means of an official letter granting
926 certification. The Department of Revenue may not begin
927 distributing proceeds until 60 days following notice by the
928 Office of Tourism, Trade, and Economic Development that a unit
929 of local government has been certified as owning an eligible
930 convention center.

931 (6) No applicant previously certified under any provision
932 of this section who has received proceeds under such
933 certification shall be eligible for an additional certification.

934 (7) A unit of local government certified as owning an
935 eligible convention center may use proceeds provided pursuant to
936 s. 212.20(6)(d)7.e. solely to encourage and provide economic
937 development for the attraction, recruitment, and retention of
938 corporate headquarters and of high-technology, manufacturing,
939 research and development, entertainment, and tourism industries
940 as designated by the unit of local government by resolution of
941 its governing body.

942 (8) The Department of Revenue may audit as provided in s.
943 213.34 to verify that the distributions pursuant to this section
944 have been expended as required in this section. Such information

883759

Amendment No. (for drafter's use only)

945 is subject to the confidentiality requirements of chapter 213.
946 If the Department of Revenue determines that the distributions
947 have not been expended as required by this section, it may
948 pursue recovery of such proceeds pursuant to the laws and rules
949 governing the assessment of taxes.

950 (9) Failure to use the proceeds as provided in this
951 section shall be grounds for revoking certification.

952 Section 7. There are hereby appropriated for fiscal year
953 2003-2004 the following amounts to the Office of Tourism, Trade,
954 and Economic Development for strategic economic development
955 programs and initiatives:

956 (1) The sum of \$10 million from the General Revenue Fund
957 to the Quick Action Closing Fund created in s. 288.1088, Florida
958 Statutes.

959 (2) The sum of \$5 million from the General Revenue Fund to
960 the entertainment industry financial incentive program created
961 in s. 288.1254, Florida Statutes.

962 (3) The sum of \$3 million from the General Revenue Fund to
963 the Quick Action Closing Fund created in s. 288.1088, Florida
964 Statutes, all of which shall be used to fund projects in rural
965 communities as defined in s. 288.0656(2)(b), Florida Statutes.

966 (4) The sum of \$2 million from the General Revenue Fund to
967 the Rural Infrastructure Fund created in s. 288.0655, Florida
968 Statutes.

969 (5) The sum of \$7.5 million from the General Revenue Fund
970 for fixed capital outlay military base retention projects
971 allocated to the following bases: Tyndall (\$2.5 million),
972 Mayport (\$2.5 million), and McDill (\$2.5 million).

Amendment No. (for drafter's use only)

973 (6) The sum of \$10 million from the General Revenue Fund
974 for the purpose of providing one-time fixed capital outlay
975 grants for infrastructure improvements related to the National
976 High Magnetic Field Laboratory, which shall be allocated as
977 follows: the sum of \$7.5 million shall be allocated to the
978 Florida State University, and the sum of \$2.5 million shall be
979 allocated to the University of Florida.

980 (7) The sum of \$2.5 million from the General Revenue Fund
981 to fund the first ranked fixed capital outlay project of the
982 Regional Cultural Facilities Program Rollover Priority List from
983 fiscal year 2003-2004, which was developed in accordance with
984 1T-1.001(20), Florida Administrative Code.

985 (8) The sum of \$1 million from the General Revenue Fund to
986 the Mote Marine Laboratory for scientific research to prevent
987 harmful algal blooms for the purpose of enhancing Florida
988 seafood production.

989 (9) The sum of \$8 million from the General Revenue Fund
990 for the purpose of providing a one-time fixed capital outlay
991 grant to the University of South Florida to acquire the Fowler
992 Avenue South site as part of its Bioengineering and Life
993 Sciences Research Park.

994 (10) The sum of \$5,000 from the General Revenue Fund for
995 the purpose of developing a plan to implement the convention
996 center sales tax rebate program as established in sections 5 and
997 6.

998 Section 8. Except as otherwise provided herein, this act
999 shall take effect upon becoming a law.

1000
1001 ===== T I T L E A M E N D M E N T =====

Amendment No. (for drafter's use only)

1002 Remove the entire title, and insert:
1003 A bill to be entitled
1004 An act relating to economic development strategic
1005 initiatives; creating s. 288.955, F.S.; providing
1006 definitions; creating the Scripps Florida Funding
1007 Corporation to facilitate the establishment and operation
1008 of a biomedical research institution for the purposes of
1009 enhancing education and research and promoting economic
1010 development and diversity; providing for a board of
1011 directors; prohibiting conflicts of interest; providing
1012 penalties; providing powers and duties of the corporation;
1013 providing for investment of funds; requiring an operating
1014 plan; requiring the corporation and a grantee entity to
1015 enter into a contract; providing contract requirements;
1016 providing for performance expectations and disbursement
1017 conditions; providing requirements and criteria; providing
1018 for disbursement and reinvestment of funds; requiring
1019 reports, audits, and evaluations; limiting the use of
1020 funds; providing that the appropriation of funds does not
1021 constitute a debt of the state or a subdivision of the
1022 state nor does it subject the state or a subdivision to
1023 liability; providing for extension of certain deadlines in
1024 certain situations in which the grantee cannot meet
1025 contract conditions with limitations; providing for
1026 resumption of such deadlines; amending s. 20.435, F.S.;
1027 providing for additional funds to be deposited into the
1028 Biomedical Research Trust Fund; deleting a provision for
1029 future termination date of the fund; amending s. 403.973,
1030 F.S.; specifying that projects that are part of the

883759

Amendment No. (for drafter's use only)

1031 biomedical research institution and campus are eligible
1032 for the expedited permitting process; providing for
1033 challenges to state agency action in expedited permitting
1034 related to the institution and campus; providing
1035 legislative intent with respect to creating economic
1036 opportunity and improving public health through the
1037 establishment of a biomedical research institution;
1038 amending s. 212.20, F.S.; providing for distribution of a
1039 portion of revenues from the tax on sales, use, and other
1040 transactions to specified units of local government owning
1041 eligible convention centers; creating s. 288.1171, F.S.;
1042 providing for certification of units of local government
1043 owning eligible convention centers by the Office of
1044 Tourism, Trade, and Economic Development; requiring the
1045 office to adopt specified rules; providing a definition;
1046 providing requirements for certification; providing for
1047 use of proceeds distributed to units of local government
1048 under the act; providing for audits by the Department of
1049 Revenue; providing for revocation of certification;
1050 providing appropriations; providing effective dates.

1051