

CHAMBER ACTION

The Committee on Appropriations recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to the establishment of a biomedical research institution and campus; creating s. 288.955, F.S.; providing definitions; creating the Scripps Florida Funding Corporation to facilitate the establishment and operation of a biomedical research institution for the purposes of enhancing education and research and promoting economic development and diversity; providing for a board of directors; prohibiting conflicts of interest; providing penalties; providing powers and duties of the corporation; providing for investment of funds; requiring an operating plan; requiring the corporation and a grantee entity to enter into a contract; providing contract requirements; providing for performance expectations and performance measures; providing requirements and criteria; providing for disbursement and reinvestment of funds; requiring reports, audits, and evaluations; limiting the use of funds; providing that the appropriation of funds does not constitute a debt of the state or a subdivision of the

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29 | state nor does it subject the state or a subdivision to  
 30 | liability; providing for extension of certain deadlines in  
 31 | certain situations in which the grantee cannot meet  
 32 | contract conditions with limitations; providing for  
 33 | resumption of such deadlines; amending s. 20.435, F.S.;  
 34 | providing for additional funds to be deposited into the  
 35 | Biomedical Research Trust Fund; deleting a provision for  
 36 | future termination date of the fund; amending s. 403.973,  
 37 | F.S.; specifying that projects that are part of the  
 38 | biomedical research institution and campus are eligible  
 39 | for the expedited permitting process; providing for  
 40 | challenges to state agency action in expedited permitting  
 41 | related to the institution and campus; providing  
 42 | legislative intent with respect to creating economic  
 43 | opportunity and improving public health through the  
 44 | establishment of a biomedical research institution;  
 45 | providing an appropriation; providing an effective date.

47 | Be It Enacted by the Legislature of the State of Florida:

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

51 | 288.955 Scripps Florida Funding Corporation.--

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

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

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

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

62 (2) CREATION.--

63 (a) There is created a not-for-profit corporation known as  
 64 the Scripps Florida Funding Corporation, which shall be  
 65 registered, incorporated, organized, and operated under chapter  
 66 617. All provisions of chapter 617 apply to the corporation,  
 67 except if the provisions of chapter 617 conflict with the  
 68 provisions of this section, this section shall control.

69 (b) The corporation is subject to the provisions of s. 24,  
 70 Art. I of the State Constitution and chapter 119, relating to  
 71 public meetings and records, and the provisions of chapter 286  
 72 relating to public meetings and records.

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

75 (d) The corporation shall hire or contract for all staff  
 76 necessary to the proper execution of its powers and duties  
 77 within the funds appropriated to implement this section and  
 78 shall require that all officers, directors, and employees of the  
 79 corporation comply with the code of ethics for public officers  
 80 and employees under part III of chapter 112. In no case may the  
 81 corporation expend more than \$400,000 in the first year and  
 82 \$200,000 per year thereafter for staffing and necessary  
 83 administrative expenditures using funds appropriated to  
 84 implement this section.

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85 (e) The Office of Tourism, Trade, and Economic Development  
 86 shall provide routine or incidental administrative support to  
 87 the corporation as requested by the corporation. In the event of  
 88 the dissolution of the corporation, the office shall be the  
 89 corporation's successor in interest and shall assume all rights,  
 90 duties, and obligations of the corporation under any contract to  
 91 which the corporation is then a party and under law.

92 (3) PURPOSE.--The corporation shall be organized to  
 93 receive, hold, invest, administer, and disburse funds  
 94 appropriated by the Legislature for the establishment and  
 95 operation of a state-of-the-art biomedical research institution  
 96 and campus in this state by The Scripps Research Institute. The  
 97 corporation shall safeguard the state's commitment of financial  
 98 support by ensuring that, as a condition for the receipt of  
 99 these funds, the grantee meets its contractual obligations. In  
 100 this manner, the corporation shall facilitate and oversee the  
 101 state goal and public purpose of providing financial support for  
 102 the institution and campus in order to expand the amount and  
 103 prominence of biomedical research conducted in this state,  
 104 provide an inducement for high-technology businesses to locate  
 105 in this state, create educational opportunities through access  
 106 to and partnerships with the institution, and promote improved  
 107 health care through the scientific outcomes of the institution.

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

110 (a) The board of directors shall consist of nine voting  
 111 members, of whom the Governor shall appoint three, the President  
 112 of the Senate shall appoint three, and the Speaker of the House

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113 of Representatives shall appoint three. All members must be  
 114 appointed no later than November 15, 2003. The director of the  
 115 Office of Tourism, Trade, and Economic Development or the  
 116 director's designee shall serve as an ex-officio, nonvoting  
 117 member of the board of directors.

118 (b)1. Members of the board of directors appointed by the  
 119 Governor shall serve for terms of 4 years, except, initially the  
 120 Governor shall appoint one member for a term of 1 year, one  
 121 member for a term of 2 years, and one member for a term of 3  
 122 years to achieve staggered terms among the members of the board.

123 2. Members of the board of directors appointed by the  
 124 President of the Senate and the Speaker of the House of  
 125 Representatives shall be appointed for 2-year terms and shall  
 126 serve at the pleasure of the appointing officer.

127 (c) A member is eligible for reappointment to the board of  
 128 directors; however, no member may serve for more than two terms.

129 (d) The Governor, the President of the Senate, or the  
 130 Speaker of the House of Representatives, respectively, shall  
 131 fill a vacancy on the board of directors, according to who  
 132 appointed the member whose vacancy is to be filled or whose term  
 133 has expired. A vacancy that occurs before the scheduled  
 134 expiration of the term of the member shall be filled for the  
 135 remainder of the unexpired term.

136 (e) Each member of the board of directors who is not  
 137 otherwise required to file financial disclosure under s. 8, Art.  
 138 II of the State Constitution or s. 112.3144 shall file  
 139 disclosure of financial interests under s. 112.3145.

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140       (f) A person may not be appointed to the board of  
 141 directors if he or she has had any direct interest in any  
 142 contract, franchise, privilege, or other benefit granted by The  
 143 Scripps Research Institute or any of its affiliate organizations  
 144 within 5 years before appointment. A person appointed to the  
 145 board of directors must agree to refrain from having any direct  
 146 interest in any contract, franchise, privilege, or other benefit  
 147 granted by The Scripps Research Institute or any of its  
 148 affiliate organizations during the term of his or her  
 149 appointment and for 5 years after the termination of such  
 150 appointment. It is a misdemeanor of the first degree, punishable  
 151 as provided in s. 775.083 or s. 775.084, for a person to accept  
 152 appointment to the board of directors in violation of this  
 153 paragraph or to accept an interest in any contract, franchise,  
 154 privilege, or other benefit granted by the institution or  
 155 affiliate within 5 years after the termination of his or her  
 156 service on the board.

157       (g) Each member of the board of directors shall serve  
 158 without compensation but shall receive travel and per diem  
 159 expenses as provided in s. 112.061.

160       (h) Each member of the board of directors is accountable  
 161 for the proper performance of the duties of his or her office,  
 162 and each member owes a fiduciary duty to the people of the state  
 163 to ensure that funds provided in furtherance of this section are  
 164 disbursed and used as prescribed by law and contract.

165       (5) ORGANIZATION; MEETINGS.--

166       (a)1. The board of directors shall annually elect a  
 167 chairperson and a vice chairperson from among the board's

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168 members. The members, by an affirmative vote of at least seven  
 169 of the nine members, may remove a member from the position of  
 170 chairperson or vice chairperson prior to the expiration of his  
 171 or her term as chairperson or vice chairperson. His or her  
 172 successor shall be elected to serve for the balance of the  
 173 removed chairperson's or vice chairperson's term.

174 2. The chairperson is responsible for ensuring that  
 175 records are kept of the proceedings, of the board of directors,  
 176 and is the custodian of all books, documents, and papers filed  
 177 with the board, the minutes of meetings of the board, and the  
 178 official seal of the corporation.

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

182 2. A majority of the voting members of the board of  
 183 directors constitutes a quorum. Except as otherwise provided in  
 184 this section, the board may take official action by a majority  
 185 vote of the members present at any meeting at which a quorum is  
 186 present. Members may not vote by proxy.

187 3. A member of the board may participate in a meeting of  
 188 the board by telephone or videoconference through which each  
 189 member may hear every other member.

190 (6) POWERS AND DUTIES.--The corporation is organized to  
 191 receive, hold, invest, administer, and disburse funds  
 192 appropriated by the Legislature in support of this section and  
 193 to disburse any income generated from the investment of these  
 194 funds consistent with the purpose and provisions of this  
 195 section. In addition to the powers and duties prescribed in

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196 chapter 617 and the articles and bylaws adopted under that  
 197 chapter, the corporation:

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

201 (b) May make expenditures, from funds provided by this  
 202 state, including any necessary administrative expenditures  
 203 consistent with its powers.

204 (c) May enter into leases and contracts for the purchase  
 205 of real property and hold notes, mortgages, guarantees, or  
 206 security agreements to secure the performance of obligations of  
 207 the grantee under the contract.

208 (d) May perform all acts and things necessary or  
 209 convenient to carry out the powers expressly granted in this  
 210 section and a contract entered into between the corporation and  
 211 the grantee.

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

215 (f) Shall disburse funds pursuant to the provisions of  
 216 this section and a contract entered into between the corporation  
 217 and the grantee.

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

221 (h) Shall prepare an annual report as prescribed in  
 222 subsection (14).

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223       (7) INVESTMENT OF FUNDS.--The corporation must enter into  
 224 an agreement with the State Board of Administration under which  
 225 funds received by the corporation from the Office of Tourism,  
 226 Trade, and Economic Development which are not disbursed to the  
 227 grantee shall be invested by the State Board of Administration  
 228 on behalf of the corporation. Funds shall be invested in  
 229 suitable instruments authorized under s. 215.47 and specified in  
 230 investment guidelines established and agreed to by the State  
 231 Board of Administration and the corporation.

232       (8) CONTRACT.--

233       (a) Within 90 days after the last board member is  
 234 appointed, the corporation shall negotiate and execute a  
 235 contract with the grantee governing the disbursement and use of  
 236 funds under this section. If no contract has been executed by  
 237 such date, all unexpended funds shall revert and be returned to  
 238 the Working Capital Fund of the state. The corporation may not  
 239 execute the contract unless the contract is approved by the  
 240 affirmative vote of at least seven of the nine members of the  
 241 board of directors. At least 14 days before execution of the  
 242 contract, The Scripps Research Institute must submit to the  
 243 board, the Governor, the President of the Senate, and the  
 244 Speaker of the House of Representatives an organizational plan,  
 245 in a form and manner prescribed by the board, for the  
 246 establishment of a state-of-the-art biomedical research  
 247 institution and campus in this state, and the board must submit  
 248 a copy of the proposed contract to the Governor, the President  
 249 of the Senate, and the Speaker of the House of Representatives.

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

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251 | 1. Specifying the procedures and schedules that govern the  
 252 | disbursement of funds under this section and specifying the  
 253 | conditions or deliverables that the grantee must satisfy before  
 254 | the release of each disbursement.

255 | 2. Requiring the grantee to submit to the corporation a  
 256 | strategic plan in a form and manner prescribed by the  
 257 | corporation.

258 | 3. Prohibiting The Scripps Research Institute or the  
 259 | grantee from establishing other biomedical science or research  
 260 | facilities in any state other than this state or California for  
 261 | a period of 7 years from the commencement of the contract or  
 262 | until payment in full of the total payment amount required under  
 263 | subsection (12), whichever occurs first. For the period of 15  
 264 | years after the commencement of the contract, the grantee shall  
 265 | not establish in any state other than this state or California  
 266 | an institute using high through-put technology. Nothing in this  
 267 | subparagraph shall prohibit the grantee from establishing or  
 268 | engaging in normal collaborative activities with other  
 269 | organizations.

270 | 4. Governing the ownership of or security interests in  
 271 | real property and personal property, including, but not limited  
 272 | to, research equipment, obtained through the financial support  
 273 | of state or local government, including a provision that in the  
 274 | event of a breach of the contract or in the event the grantee  
 275 | ceases operations in this state, such property purchased with  
 276 | state funds shall revert to the state and such property  
 277 | purchased with local funds shall revert to the local governing  
 278 | authority.

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279        5. Requiring the grantee to maintain a policy of awarding  
 280 preference in employment for nonscientific positions to  
 281 residents of this state, as defined by law, and to be an equal  
 282 opportunity employer.

283        6. Requiring the grantee to maintain a policy of making  
 284 purchases from vendors in this state, to the extent it is cost-  
 285 effective and scientifically sound.

286        7. Requiring the grantee to work collaboratively with the  
 287 state's public and private postsecondary educational  
 288 institutions and not-for-profit research institutions.

289        8. Requiring the grantee to participate in employee-  
 290 recruitment activities at a minimum of five public or private  
 291 universities or community colleges in this state every year  
 292 during the duration of the contract.

293        9. Requiring the grantee to use the Internet-based job-  
 294 listing system of the Agency for Workforce Innovation in  
 295 advertising employment opportunities.

296        10. Requiring the grantee to establish accredited science  
 297 degree programs.

298        11. Requiring the grantee to establish internship programs  
 299 to create learning opportunities for educators and secondary and  
 300 postsecondary students, including graduate and doctoral  
 301 students.

302        12. Requiring the grantee to submit data to the  
 303 corporation on its activities and performance during each fiscal  
 304 year and to provide to the corporation an annual accounting of  
 305 the expenditure of funds disbursed under this section.

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306 13. Authorizing the grantee, when feasible, to use  
 307 information submitted by it to the Federal Government or to  
 308 other organizations awarding research grants to the grantee to  
 309 help meet reporting requirements imposed under this section or  
 310 the contract, if the information satisfies the reporting  
 311 standards of this section and the contract.

312 14. Requiring the grantee during the first 7 years of the  
 313 contract to create 545 positions and to acquire associated  
 314 research equipment for the grantee's facility in this state, and  
 315 pay for related maintenance of the equipment, in a total amount  
 316 of not less than \$45 million.

317 15. Requiring the grantee to progress in the creation of  
 318 the total number of jobs prescribed in subparagraph 14. on the  
 319 following schedule: 38 positions in the first year, 168  
 320 positions in the second year, 280 positions in the third year,  
 321 367 positions in the fourth year, 436 positions in the fifth  
 322 year, 500 positions in the sixth year, and 545 positions in the  
 323 seventh year. The board may allow the grantee to deviate from  
 324 such employee levels by 25 percent in any year, to allow the  
 325 grantee flexibility in achieving the objectives set forth in the  
 326 business plan provided to the corporation; however, the grantee  
 327 must have no fewer than 545 positions by the end of the seventh  
 328 year.

329 16. Requiring the grantee's expenditure of funds to be  
 330 consistent with legislative intent as provided in this act.

331 17. Requiring the grantee to allow the corporation to  
 332 retain an independent national accounting firm to inspect the  
 333 records of the grantee in order to audit the expenditure of

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334 funds disbursed to the grantee. The independent national  
 335 accounting firm shall not disclose any confidential or  
 336 proprietary scientific information of the grantee.

337 18. Requiring the grantee to purchase liability insurance  
 338 and governing the coverage level of such insurance.

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

342 (9) PERFORMANCE EXPECTATIONS.--In addition to the  
 343 provisions prescribed in subsection (8), the contract between  
 344 the corporation and the grantee shall include a provision that  
 345 the grantee, in cooperation with the Office of Tourism, Trade,  
 346 and Economic Development, shall report to the corporation on  
 347 performance expectations that reflect the aspirations of the  
 348 Governor and the Legislature for the benefits accruing to this  
 349 state as a result of the funds appropriated pursuant to this  
 350 section. These shall include, but are not limited to,  
 351 performance expectations addressing:

352 (a) The number of jobs created and the average salaries  
 353 paid.

354 (b) The number and dollar value of research grants  
 355 obtained from the Federal Government or sources other than this  
 356 state.

357 (c) The percentage of total research dollars received by  
 358 The Scripps Research Institute from sources other than this  
 359 state which is used to conduct research activities by the  
 360 grantee in this state.

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- 361        (d) The number or value of patents obtained by the  
 362 grantee.
- 363        (e) The number or value of licensing agreements executed  
 364 by the grantee.
- 365        (f) The extent to which research conducted by the grantee  
 366 results in commercial applications.
- 367        (g) The number of agreements reached and maintained with  
 368 colleges and universities in this state.
- 369        (h) The number of collaborative partnerships established  
 370 and maintained with businesses in this state.
- 371        (i) The total amount of funding received by the grantee  
 372 from sources other than the State of Florida.
- 373        (j) The number or value of spin off businesses created in  
 374 this state as a result of commercialization of the research of  
 375 the grantee.
- 376        (k) The number or value of businesses recruited to this  
 377 state by the grantee.
- 378
- 379 The contract shall require the grantee to provide information to  
 380 the corporation on the progress in meeting these performance  
 381 expectations on an annual basis.
- 382        (10) PERFORMANCE MEASURES.--In addition to the provisions  
 383 prescribed in subsection (8), the contract between the  
 384 corporation and the grantee shall include performance measures  
 385 that must be satisfied by the grantee as a condition for the  
 386 continued disbursement of funds under this section. These  
 387 performance measures shall be negotiated between the corporation  
 388 and the grantee and shall not be designed to impede the ability

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389 of the grantee to attain full operational status. The  
 390 performance measures may be appropriately varied as to  
 391 timeframes, numbers, values, and percentages. The performance  
 392 measures shall include, but are not limited to, the following  
 393 areas:

- 394 (a) Recognized graduate programs.
- 395 (b) Equipment purchased or obtained.
- 396 (c) Graduate student placements.
- 397 (d) Intern programs.
- 398 (e) Adjunct professor programs.
- 399 (f) Joint graduate programs.
- 400 (g) Access to science projects.

401 (11) DISBURSEMENTS.--

402 (a) The corporation shall disburse funds to the grantee  
 403 over a period of 7 calendar years starting in the calendar year  
 404 beginning January 1, 2004, under the terms and conditions of the  
 405 contract. The corporation shall complete disbursement of the  
 406 total amount of funds payable to the grantee under the contract  
 407 no later than December 31, 2010, unless the grantee fails to  
 408 satisfy the terms and conditions of the contract. Any funds of  
 409 the corporation that are not disbursed by December 31, 2010,  
 410 shall be returned to the state and deposited into the Biomedical  
 411 Research Trust Fund of the Department of Health.

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

- 414 1. The grantee is no longer fully operating in this state;
- 415 2. The grantee has failed to commit in writing to maintain  
 416 full operations in the state for the succeeding year; or

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417 3. The grantee commits a material default or breach of the  
 418 contract, as defined and governed by the contract. Determination  
 419 of material default or breach of contract shall require the  
 420 affirmative vote of at least seven of the nine members of the  
 421 board.

422 (c) Each disbursement by the corporation to the grantee  
 423 under this section is conditioned upon the affirmative approval  
 424 of a majority of the board of directors.

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

429 (a) The grantee shall reinvest 15 percent of the net  
 430 royalty revenues and of the revenues from the sale of stock  
 431 received by the Scripps Research Institute from the licensing or  
 432 transfer of inventions, methods, processes, and other patentable  
 433 activities conceived or reduced to practice using facilities or  
 434 employees of the grantee during the 20 years following the  
 435 execution of the contract between the corporation and the  
 436 grantee. For purposes of this paragraph, the term "net royalty  
 437 revenues" means all royalty revenues less the cost of obtaining,  
 438 maintaining, and enforcing related patent and intellectual  
 439 property rights, both foreign and domestic. Reinvestment  
 440 payments under this subsection shall commence no later than 6  
 441 months after the grantee has received the final disbursement  
 442 under the contract and continue until the grantee has reinvested  
 443 15 percent of all the net royalty revenues and proceeds from the

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444 sale of stock related to the grantee's first 20 years of  
 445 operation after the execution of the contract.

446 (b) The grantee shall reinvest 15 percent of the gross  
 447 revenues it receives from "naming opportunities" associated with  
 448 any facility it builds in this state. For purposes of this  
 449 section, the term "naming opportunities" includes charitable  
 450 donations from any person in consideration for the right to have  
 451 all or a portion of the facility named for or in the memory of  
 452 any person, living or dead, or for any entity. The obligation to  
 453 make reinvestment payments under this section shall commence  
 454 upon the execution of the contract between the corporation and  
 455 the grantee.

456  
 457 All reinvestment payments made pursuant to this section shall be  
 458 remitted to the state for deposit in the Biomedical Research  
 459 Trust Fund, or if such fund has ceased to exist, in another  
 460 trust fund that supports biomedical research, as determined by  
 461 law. The total amount that the grantee must reinvest pursuant to  
 462 this subsection shall not exceed \$200,000,000. At such time as  
 463 the reinvestment payments equal \$155,000,000 or the contract  
 464 expires, whichever is earlier, the board of the corporation  
 465 shall determine whether the performance expectations and  
 466 performance measures have been met. If the board determines that  
 467 the performance expectations and performance measures have been  
 468 met, the amount of \$200,000,000 shall be reduced to  
 469 \$155,000,000.

470 (13) USE OF FUNDS.--

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471 (a) Funds appropriated in furtherance of this section may  
 472 not be disbursed or expended for activities that are not  
 473 primarily related to the establishment or operation of the  
 474 grantee in this state, except upon approval of the affirmative  
 475 vote of at least seven of the nine members of the board of  
 476 directors.

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

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

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

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

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

490 (d) Information on the number and salary level of jobs  
 491 created by the grantee, including the number and salary level of  
 492 jobs created for residents of this state.

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

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

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

503 (h) A description of the status of the performance  
 504 expectations under subsection (9) and the performance measures  
 505 under subsection (10).

506  
 507 The corporation shall submit the report to the Governor, the  
 508 President of the Senate, and the Speaker of the House of  
 509 Representatives.

510 (15) PROGRAM EVALUATION.--

511 (a) Before January 1, 2007, the Office of Program Policy  
 512 Analysis and Government Accountability shall conduct a  
 513 performance audit of the Office of Tourism, Trade, and Economic  
 514 Development and the corporation relating to the provisions of  
 515 this section. The audit shall assess the implementation and  
 516 outcomes of activities under this section. At a minimum, the  
 517 audit shall address:

518 1. Performance of the Office of Tourism, Trade, and  
 519 Economic Development in disbursing funds appropriated under this  
 520 section.

521 2. Performance of the corporation in managing and  
 522 enforcing the contract with the grantee.

523 3. Compliance by the corporation with the provisions of  
 524 this section and the provisions of the contract.

525 4. Economic activity generated through funds disbursed  
 526 under the contract.

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527 (b) Before January 1, 2010, the Office of Program Policy  
 528 Analysis and Government Accountability shall update the report  
 529 required under this subsection. In addition to addressing the  
 530 items prescribed in paragraph (a), the updated report shall  
 531 include a recommendation on whether the Legislature should  
 532 retain the statutory authority for the corporation.

533  
 534 A report of each audit's findings and recommendations shall be  
 535 submitted to the Governor, the President of the Senate, and the  
 536 Speaker of the House of Representatives.

537 (16) LIABILITY.--

538 (a) The appropriation or disbursement of funds under this  
 539 section does not constitute a debt, liability, or obligation of  
 540 the State of Florida, any political subdivision thereof, or the  
 541 corporation, or a pledge of the faith and credit of the state or  
 542 of any such political subdivision.

543 (b) The appropriation, disbursement, or receipt of funds  
 544 under this section does not subject the State of Florida, any  
 545 political subdivision thereof, or the corporation to liability  
 546 related to the research activities and research products of the  
 547 grantee.

548 (17) FORCE MAJEURE.--Notwithstanding any other provisions  
 549 of this section, if the grantee is prevented from timely  
 550 achieving any deadlines set forth in this section due to its  
 551 inability to occupy its permanent facility in this state within  
 552 2 years after entering into the memorandum of agreement pursuant  
 553 to s. 403.973 as a result of permitting delays and related  
 554 administrative or judicial proceedings, acts of God, labor

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555 disturbances, or other similar events beyond the control of the  
 556 grantee, the deadline shall be extended by the number of days by  
 557 which the grantee was delayed in commencing its occupancy of its  
 558 permanent facility in this state. In no event shall the  
 559 extension be for more than 4 years. Upon occurrence of a force  
 560 majeure event, the corporation shall continue to fund the  
 561 grantee at a level that permits the corporation to sustain its  
 562 current level of operations until the force majeure event ceases  
 563 and the grantee is able to resume the contract schedule which  
 564 governs disbursement.

565 Section 2. Paragraph (h) of subsection (1) of section  
 566 20.435, Florida Statutes, is amended to read:

567 20.435 Department of Health; trust funds.--

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

570 (h) Biomedical Research Trust Fund.

571 1. Funds to be credited to the trust fund shall consist of  
 572 funds deposited pursuant to ss. ~~s.~~ 215.5601 and 288.955. Funds  
 573 shall be used for the purposes of the James and Esther King  
 574 Biomedical Research Program as specified in s. 215.5602. The  
 575 trust fund is exempt from the service charges imposed by s.  
 576 215.20.

577 2. Notwithstanding the provisions of s. 216.301 and  
 578 pursuant to s. 216.351, any balance in the trust fund at the end  
 579 of any fiscal year shall remain in the trust fund at the end of  
 580 the year and shall be available for carrying out the purposes of  
 581 the trust fund.

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582 | ~~3. The trust fund shall, unless terminated sooner, be~~  
 583 | ~~terminated on July 1, 2004.~~

584 | Section 3. Subsections (3), (7), and (15) of section  
 585 | 403.973, Florida Statutes, are amended to read:

586 | 403.973 Expedited permitting; comprehensive plan  
 587 | amendments.--

588 | (3)(a) The Governor, through the office, shall direct the  
 589 | creation of regional permit action teams, for the purpose of  
 590 | expediting review of permit applications and local comprehensive  
 591 | plan amendments submitted by:

- 592 | 1. Businesses creating at least 100 jobs, or
- 593 | 2. Businesses creating at least 50 jobs if the project is  
 594 | located in an enterprise zone, or in a county having a  
 595 | population of less than 75,000 or in a county having a  
 596 | population of less than 100,000 which is contiguous to a county  
 597 | having a population of less than 75,000, as determined by the  
 598 | most recent decennial census, residing in incorporated and  
 599 | unincorporated areas of the county, or

600 | (b) On a case-by-case basis and at the request of a county  
 601 | or municipal government, the office may certify as eligible for  
 602 | expedited review a project not meeting the minimum job creation  
 603 | thresholds but creating a minimum of 10 jobs. The recommendation  
 604 | from the governing body of the county or municipality in which  
 605 | the project may be located is required in order for the office  
 606 | to certify that any project is eligible for expedited review  
 607 | under this paragraph. When considering projects that do not meet  
 608 | the minimum job creation thresholds but that are recommended by  
 609 | the governing body in which the project may be located, the

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610 office shall consider economic impact factors that include, but  
611 are not limited to:

- 612 1. The proposed wage and skill levels relative to those
- 613 existing in the area in which the project may be located;
- 614 2. The project's potential to diversify and strengthen the
- 615 area's economy;
- 616 3. The amount of capital investment; and
- 617 4. The number of jobs that will be made available for
- 618 persons served by the welfare transition program.

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

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

630 (e) Projects that are part of or associated with the  
631 state-of-the-art biomedical research institution and campus to  
632 be established in this state by the grantee under s. 288.955 are  
633 eligible for the expedited permitting process.

634 (7) The local government shall hold a duly noticed public  
635 hearing to execute a memorandum of agreement for each qualified  
636 project. Notwithstanding any other provision of law, and at the  
637 option of the local government, the workshop provided for in

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638 subsection (6) may be conducted on the same date as the public  
639 hearing held under this subsection. The memorandum of agreement  
640 that a local government signs shall include a provision  
641 identifying necessary local government procedures and time  
642 limits that will be modified to allow for the local government  
643 decision on the project within 90 days. The memorandum of  
644 agreement applies to projects, on a case-by-case basis, that  
645 qualify for special review and approval as specified in this  
646 section. The memorandum of agreement must make it clear that  
647 this expedited permitting and review process does not modify,  
648 qualify, or otherwise alter existing local government  
649 nonprocedural standards for permit applications, unless  
650 expressly authorized by law.

651 (15)(a) Challenges to state agency action in the expedited  
652 permitting process for projects processed under this section are  
653 subject to the summary hearing provisions of s. 120.574, except  
654 that the administrative law judge's decision, as provided in s.  
655 120.574(2)(f), shall be in the form of a recommended order and  
656 shall not constitute the final action of the state agency. In  
657 those proceedings where the action of only one agency of the  
658 state is challenged, the agency of the state shall issue the  
659 final order within 10 working days of receipt of the  
660 administrative law judge's recommended order. In those  
661 proceedings where the actions of more than one agency of the  
662 state are challenged, the Governor shall issue the final order  
663 within 10 working days of receipt of the administrative law  
664 judge's recommended order. The participating agencies of the  
665 state may opt at the preliminary hearing conference to allow the

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666 administrative law judge's decision to constitute the final  
667 agency action. If a participating local government agrees to  
668 participate in the summary hearing provisions of s. 120.574 for  
669 purposes of review of local government comprehensive plan  
670 amendments, s. 163.3184(9) and (10) apply.

671 (b) Challenges to state agency action in the expedited  
672 permitting process for establishment of a state-of-the-art  
673 biomedical research institution and campus in this state by the  
674 grantee under s. 288.955 are subject to the same requirements as  
675 challenges brought under paragraph (a), except that,  
676 notwithstanding s. 120.574, summary proceedings must be  
677 conducted within 30 days after a party files the motion for  
678 summary hearing, regardless of whether the parties agree to the  
679 summary proceeding.

680 Section 4. (1) It is the intent of the Legislature to use  
681 a portion of the funds provided by the Federal Government under  
682 section 401(b) of the Jobs and Growth Tax Relief Reconciliation  
683 Act of 2003 for the essential governmental service of improving  
684 economic opportunities available to the people of this state by  
685 attracting new or expanding businesses to, and retaining  
686 businesses in, the state. Additionally, the Legislature  
687 recognizes that the state spends billions of dollars each year  
688 to treat major illnesses such as coronary artery disease,  
689 Alzheimer's disease, diabetes, autoimmune diseases, and cancer.  
690 It is further the intent of the Legislature to use the funds so  
691 provided to advance the essential government service of  
692 improving the health of the people of this state by promoting  
693 research and development for the prediction, treatment,

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694 prevention, and cure of disease. Funding provided under this  
695 section will serve these essential government services and help  
696 accelerate the development of biomedical research and  
697 development projects in the state.

698 (2) For fiscal year 2003-2004, the sum of \$310 million is  
699 appropriated from the General Revenue Fund to the Office of  
700 Tourism, Trade, and Economic Development for the purpose of  
701 funding the Scripps Florida Funding Corporation created under  
702 this act in the special category Grants and Aids to the Scripps  
703 Florida Funding Corporation. Notwithstanding ss. 216.181(16) and  
704 216.351, Florida Statutes, the Office of Tourism, Trade, and  
705 Economic Development shall disburse \$400,000 to cover the  
706 staffing and administrative expenses of the corporation as soon  
707 as the corporation is formed. The remaining appropriation shall  
708 be disbursed to the corporation in one lump sum, subject to a  
709 contract executed between the Office of Tourism, Trade, and  
710 Economic Development and the corporation.

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