

By Senator Atwater

41-591E-04

1 A bill to be entitled
2 An act relating to establishment of a
3 biomedical research institution and campus;
4 creating s. 288.955, F.S.; creating the Scripps
5 Florida Funding Corporation to facilitate the
6 establishment and operation of a biomedical
7 research institution for the purposes of
8 enhancing education and research and promoting
9 economic development and diversity; providing
10 for its board of directors; prohibiting
11 conflicts of interest; providing penalties;
12 providing powers and duties of the corporation;
13 providing for investment of funds; requiring an
14 operating plan; requiring the corporation and
15 Scripps Florida or another entity operating
16 such an institution to enter into a contract;
17 providing for disbursement and reinvestment of
18 funds; requiring reports, audits, and
19 evaluations; providing for performance measures
20 as conditions for disbursement of funds;
21 limiting the use of funds; providing that the
22 appropriation of funds does not constitute a
23 debt of the state or a subdivision of the state
24 nor does it subject the state or a subdivision
25 to liability; creating the Joint Legislative
26 Committee on Biomedical Investment Oversight;
27 providing its membership and duties; providing
28 legislative intent with respect to creating
29 economic opportunity and improving public
30 health through the establishment of a
31 biomedical research institution; amending s.

1 403.973, F.S.; specifying that projects that
2 are part of the biomedical research institution
3 and campus are eligible for the expedited
4 permitting process; providing for challenges to
5 state agency action in expedited permitting
6 related to the institution and campus;
7 providing an appropriation; providing an
8 effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 288.955, Florida Statutes, is
13 created to read:

14 288.955 Scripps Florida Funding Corporation.--

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

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

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

20 (c) "Grantee" means Scripps Florida or a division,
21 subsidiary, affiliate, or entity formed by The Scripps
22 Research Institute to establish a state-of-the-art biomedical
23 research institution and campus in this state.

24 (2) CREATION.--

25 (a) There is created a not-for-profit corporation
26 known as the Scripps Florida Funding Corporation, which shall
27 be registered, incorporated, organized, and operated under
28 chapter 617.

29 (b) The corporation is not a unit or entity of state
30 government. However, the corporation is subject to the
31 provisions of s. 24, Art. I of the State Constitution and

1 chapter 119, relating to public meetings and records, and the
2 provisions of chapter 286 relating to public meetings and
3 records.

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

6 (d) The corporation shall hire or contract for all
7 staff necessary to the proper execution of its powers and
8 duties within the funds appropriated to implement this section
9 and shall require that all officers, directors, and employees
10 of the corporation comply with the code of ethics for public
11 officers and employees under part III of chapter 112. In no
12 case may the corporation expend more than \$200,000 per year
13 for staffing using funds appropriated to implement this
14 section.

15 (e) The Office of Tourism, Trade, and Economic
16 Development shall provide administrative support to the
17 corporation as requested by the corporation.

18 (3) PURPOSE.--The corporation shall be organized to
19 receive, hold, invest, administer, and disburse funds
20 appropriated by the Legislature for the establishment and
21 operation of a state-of-the-art biomedical research
22 institution and campus in this state by The Scripps Research
23 Institute. The corporation shall safeguard the state's
24 commitment of financial support by ensuring that, as a
25 condition for the receipt of these funds, the grantee meets
26 its contractual obligations. In this manner, the corporation
27 shall facilitate and oversee the state goal and public purpose
28 of providing financial support for the institution and campus
29 in order to expand the amount and prominence of biomedical
30 research conducted in this state, provide an inducement for
31 high-technology businesses to locate in this state, create

1 educational opportunities through access to and partnerships
2 with the institution, and promote improved health care through
3 the scientific outcomes of the institution.

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

6 (a) The board of directors shall consist of nine
7 voting members, of whom the Governor shall appoint three, the
8 President of the Senate shall appoint three, and the Speaker
9 of the House of Representatives shall appoint three. The
10 director of the Office of Tourism, Trade, and Economic
11 Development or the director's designee shall serve as an
12 ex-officio, nonvoting member of the board of directors.

13 (b) Each member of the board of directors shall serve
14 for a term of 2 years, except that initially the Governor, the
15 President of the Senate, and the Speaker of the House of
16 Representatives each shall appoint one member for a term of 1
17 year and two members for terms of 2 years to achieve staggered
18 terms among the members of the board.

19 (c) A member is eligible for reappointment to the
20 board of directors; however, no member may serve for a total
21 period of more than 4 years.

22 (d) The Governor, the President of the Senate, or the
23 Speaker of the House of Representatives, respectively, shall
24 fill a vacancy on the board of directors, according to who
25 appointed the member whose vacancy is to be filled or whose
26 term has expired. A vacancy that occurs before the scheduled
27 expiration of the term of the member shall be filled for the
28 remainder of the unexpired term.

29 (e) Each member of the board of directors who is not
30 otherwise required to file financial disclosure under s. 8,
31

1 Art. II of the State Constitution or s. 112.3144 shall file
2 disclosure of financial interests under s. 112.3145.

3 (f) A person may not be appointed to the board of
4 directors if he or she has had any interest, direct or
5 indirect, in any contract, franchise, privilege, or other
6 benefit granted by The Scripps Research Institute or any of
7 its affiliate organizations within 5 years before appointment.

8 A person appointed to the board of directors must agree to
9 refrain from having any interest, direct or indirect, in any
10 contract, franchise, privilege, or other benefit granted by
11 The Scripps Research Institute or any of its affiliate
12 organizations during the term of his or her appointment and
13 for 5 years after the termination of such appointment. It is a
14 misdemeanor of the first degree, punishable as provided in s.
15 775.083 or s. 775.084, for a person to accept appointment to
16 the board of directors in violation of this paragraph or to
17 accept an interest in any contract, franchise, privilege, or
18 other benefit granted by the institution or affiliate within 5
19 years after the termination of his or her service on the
20 board.

21 (g) Each member of the board of directors shall serve
22 without compensation.

23 (h) Each member of the board of directors is
24 accountable for the proper performance of the duties of
25 office, and each member owes a fiduciary duty to the people of
26 the state to ensure that funds provided in furtherance of this
27 section are disbursed and used as prescribed by law and
28 contract. The Governor, the President of the Senate, or the
29 Speaker of the House of Representatives, according to which
30 officer appointed the member, may remove a member for
31 malfeasance, misfeasance, neglect of duty, incompetence,

1 permanent inability to perform official duties, unexcused
2 absence from three consecutive meetings of the board, arrest
3 or indictment for a crime that is a felony or a misdemeanor
4 involving theft or a crime of dishonesty, or pleading nolo
5 contendere to, or being found guilty of, any crime.

6 (5) ORGANIZATION; MEETINGS.--

7 (a)1. The board of directors shall annually elect a
8 chairperson and a vice chairperson from among the board's
9 members. The members, by an affirmative vote of at least seven
10 of the nine members, may remove a member from the position of
11 chairperson or vice chairperson prior to the expiration of his
12 or her term as chairperson or vice chairperson. His or her
13 successor shall be elected to serve for the balance of the
14 removed chairperson's or vice chairperson's term.

15 2. The chairperson is responsible to ensure that
16 records are kept of the proceedings of the board of directors
17 and is the custodian of all books, documents, and papers filed
18 with the board; the minutes of meetings of the board; and the
19 official seal of the corporation.

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

23 2. A majority of the voting members of the board of
24 directors constitutes a quorum. Except as otherwise provided
25 in this section, the board may take official action by a
26 majority vote of the members present at any meeting at which a
27 quorum is present. Members may not vote by proxy.

28 3. A member of the board may participate in a meeting
29 of the board by telephone or videoconference through which
30 each member may hear every other member.

31

1 (6) POWERS AND DUTIES.--The corporation is organized
2 to receive, hold, invest, administer, and disburse funds
3 appropriated by the Legislature in support of this section and
4 to disburse any income generated from the investment of these
5 funds consistent with the purpose and provisions of this
6 section. In addition to the powers and duties prescribed in
7 chapter 617 and the articles and bylaws adopted under that
8 chapter, the corporation:

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

12 (b) May enter into leases and contracts for the
13 purchase of real property and hold notes, mortgages,
14 guarantees, or security agreements to secure the performance
15 of obligations of the grantee under the contract.

16 (c) May perform all acts and things necessary or
17 convenient to carry out the powers expressly granted in this
18 section and a contract entered into between the corporation
19 and the grantee.

20 (d) May carry forward any unexpended state
21 appropriations into succeeding fiscal years.

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

25 (f) Shall disburse funds pursuant to the provisions of
26 this section and a contract entered into between the
27 corporation and the grantee.

28 (g) Shall receive and review reports and financial
29 documentation provided by the grantee to ensure compliance
30 with the provisions of this section and provisions of the
31 contract.

1 (h) Shall prepare an annual report as prescribed in
2 subsection (13).

3 (7) INVESTMENT OF FUNDS.--The corporation must enter
4 into an agreement with the State Board of Administration under
5 which funds received by the corporation from the Office of
6 Tourism, Trade, and Economic Development which are not
7 disbursed to the grantee shall be invested by the State Board
8 of Administration on behalf of the corporation in an annuity
9 product or in a fixed-return investment fund authorized under
10 s. 215.47(1).

11 (8) CONTRACT.--

12 (a) By March 15, 2004, the corporation shall negotiate
13 and execute a contract with the grantee governing the
14 disbursement and use of funds under this section. The
15 corporation may not execute the contract unless the contract
16 is approved by the affirmative vote of at least seven of the
17 nine members of the board of directors. At least 14 days
18 before execution of the contract, The Scripps Research
19 Institute must submit to the board, the Governor, the
20 President of the Senate, and the Speaker of the House of
21 Representatives an organizational plan, in a form and manner
22 prescribed by the board, for the establishment of a
23 state-of-the-art biomedical research institution and campus in
24 this state, and the board must submit a copy of the proposed
25 contract to the Governor, the President of the Senate, and the
26 Speaker of the House of Representatives.

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

29 1. Specifying the procedures and schedules that govern
30 the disbursement of funds under this section and specifying
31

1 the conditions or deliverables that the grantee must satisfy
2 before the release of each disbursement.

3 2. Requiring the grantee to submit to the corporation
4 a strategic plan in a form and manner prescribed by the
5 corporation.

6 3. Prohibiting The Scripps Research Institute or the
7 grantee from establishing other biomedical science or research
8 facilities in any state other than this state or California
9 for a period of 15 years from the commencement of the contract
10 or until payment in full of the total payment amount required
11 under subsection (12), whichever occurs first.

12 4. Governing the ownership of or security interests in
13 real property and personal property, including, but not
14 limited to, research equipment, obtained through the financial
15 support of state or local government, including the
16 disposition of this property in the event of a breach of the
17 contract or in the event the grantee ceases operations in this
18 state.

19 5. Requiring the grantee, to the maximum extent
20 possible, to award preference in employment to residents of
21 this state, as defined by law, and requiring the grantee, to
22 the maximum extent possible, to be an equal opportunity
23 employer.

24 6. Requiring the grantee, to the extent it is cost
25 effective, to make purchases from vendors in this state.

26 7. Requiring the grantee to work collaboratively with
27 the state's public and private postsecondary educational
28 institutions.

29 8. Requiring the grantee to participate in
30 employee-recruitment activities at at least five public
31

1 universities or community colleges in this state every year
2 during the duration of the contract.

3 9. Requiring the grantee to use the Internet-based
4 job-listing system of the Agency for Workforce Innovation in
5 advertising employment opportunities.

6 10. Requiring the grantee to establish accredited
7 science degree programs.

8 11. Requiring the grantee to establish internship
9 programs to create learning opportunities for educators and
10 secondary, postsecondary, graduate, and doctoral students.

11 12. Requiring the grantee to submit data to the
12 corporation on the activities and performance during each
13 fiscal year and to provide to the corporation an annual
14 accounting of the expenditure of funds disbursed under this
15 section.

16 13. Authorizing the grantee, when feasible, to use
17 information submitted by it to the Federal Government or to
18 other organizations awarding research grants to the grantee to
19 help meet reporting requirements imposed under this section or
20 the contract, if the information satisfies the reporting
21 standards of this section and the contract.

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

27 15. Requiring the grantee to progress in the creation
28 of the total number of jobs prescribed in subparagraph 13. on
29 the following schedule: 38 positions in the 1st year, 168
30 positions in the 2nd year, 280 positions in the 3rd year, 367
31 positions in the 4th year, 436 positions in the 5th year, 500

1 positions in the 6th year, and 545 positions in the 7th year.
2 The board may allow the grantee to deviate from such employee
3 levels by 25 percent in any year, to allow the grantee
4 flexibility in achieving the objectives set forth in the
5 business plan provided to the corporation; however, the
6 grantee must have no fewer than 545 positions by the end of
7 the 7th year.

8 16. Requiring the grantee to authorize the Auditor
9 General and the Office of Program Policy Analysis and
10 Government Accountability to inspect the records of the
11 grantee to audit the expenditure of funds disbursed to the
12 grantee, evaluate the compliance of the grantee with law and
13 contract, or otherwise evaluate the performance of the
14 grantee.

15 17. Requiring the grantee to purchase liability
16 insurance and governing the coverage level of such insurance.

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

20 (9) PERFORMANCE MEASURES.--In addition to the
21 provisions prescribed in subsection (8), the contract between
22 the corporation and the grantee shall include performance
23 measures that must be satisfied by the grantee as a condition
24 for the continued disbursement of funds under this section,
25 including, but not limited to, performance measures
26 addressing:

27 (a) The number of jobs created and the average
28 salaries paid.

29 (b) The number and dollar value of research grants
30 obtained from the Federal Government or sources other than the
31 State of Florida.

1 (c) The percentage of total research dollars received
2 by The Scripps Research Institute from sources other than the
3 State of Florida which is used to conduct research activities
4 by the grantee in this state; however, this measure must
5 specify that the grantee will use at least 20 percent of such
6 research dollars in this state by 2011.

7 (d) The number of patents obtained by the grantee.

8 (e) The number and value of licensing agreements
9 executed by the grantee.

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

12 (g) The number of collaborative agreements reached and
13 maintained with colleges and universities in this state.

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

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

18 (j) The number of spin-off businesses created in this
19 state as a result of commercialization of the research of the
20 grantee.

21 (k) The number of businesses recruited to this state
22 by the grantee.

23
24 The contract shall require the grantee to provide information
25 on these measures on an annual basis.

26 (10) DISBURSEMENTS.--

27 (a) The corporation shall disburse funds to the
28 grantee over a period of 7 calendar years starting in the
29 calendar year beginning January 1, 2004, under the terms and
30 conditions of the contract. The corporation shall complete
31 disbursement of the total amount of funds payable to the

1 grantee under the contract no later than December 31, 2010,
2 unless the grantee fails to satisfy the terms and conditions
3 of the contract. Any funds of the corporation that are not
4 disbursed by December 31, 2010, shall be paid to the
5 Biomedical Research Trust Fund of the Department of Health.

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

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

9 2. The grantee has failed to commit in writing to
10 maintain operations in the state for the succeeding year; or

11 3. The grantee commits a material default or breach of
12 the contract, as defined and governed by the contract.

13 (c) Each disbursement by the corporation to the
14 grantee under this section is conditioned upon the affirmative
15 approval of at least seven of the nine members of the board of
16 directors and upon demonstration by the grantee that it has
17 met the particular contractual deliverables that are the basis
18 for that disbursement.

19 (11) USE OF FUNDS.--

20 (a) Funds appropriated in furtherance of this section
21 may not be disbursed or expended for activities that are not
22 directly related to the establishment or operation of the
23 grantee in this state, except upon approval of the affirmative
24 vote of at least seven of the nine members of the board of
25 directors.

26 (b) No funds appropriated in furtherance of this
27 section may be used for the purpose of lobbying any branch or
28 agency of state government or any political subdivision of the
29 state.

30 (12) REPAYMENT.--

31

1 (a) The contract between the corporation and the
2 grantee shall require the grantee to pay a portion of the
3 grantee's revenues to the state for deposit into the
4 Biomedical Research Trust Fund. Beginning in the year 2012,
5 the grantee shall repay the state \$155 million, or the total
6 amount received by the grantee from the state, whichever is
7 less. The contract shall require the grantee to repay the
8 amount due in 15 equal annual installments. The board may
9 delay repayments or amend the contract if the board determines
10 by an affirmative vote of seven of the nine members that
11 making the payment would jeopardize the grantee's ability to
12 operate.

13 (b) The contract shall also contain provisions
14 requiring the grantee to begin payments to the trust fund
15 before the year 2012 if the grantee is financially able to do
16 so without jeopardizing its operation.

17 (c) The contract also shall contain provisions
18 requiring the grantee to pay to the trust fund an amount equal
19 to the total amount of disbursements received under this
20 section if the grantee ceases to operate in this state before
21 the year 2019.

22 (13) ANNUAL REPORT.--By December 1 each year, the
23 corporation shall prepare a report of the activities and
24 outcomes under this section for the preceding fiscal year. The
25 report, at a minimum, must include:

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

28 (b) An accounting of the amount of funds disbursed
29 during the preceding fiscal year to the grantee and a
30 description of the satisfaction of contract deliverables by
31 the grantee which served as the basis for the disbursements.

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

3 (d) Information on the number of jobs created by the
4 grantee.

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

7 (f) A detailed assessment of the progress in achieving
8 the return on investment associated with the grantee, as
9 projected by economists on behalf of the Executive Office of
10 Governor, of an additional \$3.2 billion in gross state product
11 over a 15-year period, including an assessment of factors
12 affecting the ability and likelihood to meet the projected
13 return on investment.

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

18 (h) An assessment of the grantee's ability to comply
19 with the requirement to make repayment in accordance with
20 subsection (12).

21 (i) An assessment of the extent to which the grantee
22 is meeting its performance measures in accordance with
23 subsection (9).

24
25 The corporation shall submit the report to the Governor, the
26 President of the Senate, and the Speaker of the House of
27 Representatives.

28 (14) PROGRAM EVALUATION.--

29 (a) Before January 1, 2006, the Office of Program
30 Policy Analysis and Government Accountability shall conduct a
31 performance audit of the Office of Tourism, Trade, and

1 Economic Development, the corporation, and the grantee
2 relating to the provisions of this section. The audit shall
3 assess the implementation and outcomes of activities under
4 this section. At a minimum, the audit shall address:

5 1. Performance of the Office of Tourism, Trade, and
6 Economic Developments in providing oversight for funds
7 appropriated under this section.

8 2. Performance of the corporation in managing and
9 enforcing the contract with the grantee.

10 3. Compliance by the corporation with the provisions
11 of this section and the provisions of the contract.

12 4. Performance by the grantee under the contract.

13 5. Economic activity generated through funds disbursed
14 under the contract, including, but not limited to, the number
15 of jobs created by the grantee.

16 6. The nature and level of interaction between the
17 grantee and educational institutions in the state.

18 (b) Before January 1, 2008, the Office of Program
19 Policy Analysis and Government Accountability shall update the
20 report required under this subsection. In addition to
21 addressing the items prescribed in paragraph (a), the updated
22 report shall include a recommendation on whether the
23 Legislature should retain the statutory authority for the
24 corporation.

25
26 A report of each audit's findings and recommendations shall be
27 submitted to the Governor, the President of the Senate, and
28 the Speaker of the House of Representatives. In completing the
29 performance audits required under this subsection, the Office
30 of Program Policy Analysis and Government Accountability shall
31 maximize the use of reports submitted by the grantee to the

1 Federal Government or to other organizations awarding research
2 grants to the grantee.

3 (15) LIABILITY.--

4 (a) The appropriation or disbursement of funds under
5 this section does not constitute a debt, liability, or
6 obligation of the State of Florida, any political subdivision
7 thereof, or the corporation or a pledge of the faith and
8 credit of the state or of any such political subdivision.

9 (b) The appropriation or disbursement of funds under
10 this section does not subject the State of Florida, any
11 political subdivision thereof, or the corporation to liability
12 related to the research activities and research products of
13 the grantee.

14 Section 2. Joint Legislative Committee on Biomedical
15 Investment Oversight.--A Joint Legislative Committee on
16 Biomedical Investment Oversight is created to monitor the
17 economic development incentives and policy regarding the
18 biotechnology industry and related health and science fields,
19 including, but not limited to, implementation of the Scripps
20 Florida Funding Corporation and the corporation's contract
21 with the designated grantee under section 288.955, Florida
22 Statutes. The committee shall be composed of six members:
23 three Senators appointed by the President of the Senate and
24 three members of the House of Representatives appointed by the
25 Speaker of the House of Representatives. The chair and vice
26 chair shall be appointed for 1-year terms with the
27 appointments alternating between the President of the Senate
28 and the Speaker of the House of Representatives. The chair and
29 the vice chair may not be members of the same house of the
30 Legislature. Staff, at the discretion of the chair, may be
31 assigned to the committee.

1 Section 3. Subsections (3) and (15) of section
2 403.973, Florida Statutes, are amended to read:

3 403.973 Expedited permitting; comprehensive plan
4 amendments.--

5 (3)(a) The Governor, through the office, shall direct
6 the creation of regional permit action teams, for the purpose
7 of expediting review of permit applications and local
8 comprehensive plan amendments submitted by:

- 9 1. Businesses creating at least 100 jobs, or
- 10 2. Businesses creating at least 50 jobs if the project
11 is located in an enterprise zone, or in a county having a
12 population of less than 75,000 or in a county having a
13 population of less than 100,000 which is contiguous to a
14 county having a population of less than 75,000, as determined
15 by the most recent decennial census, residing in incorporated
16 and unincorporated areas of the county, or

17 (b) On a case-by-case basis and at the request of a
18 county or municipal government, the office may certify as
19 eligible for expedited review a project not meeting the
20 minimum job creation thresholds but creating a minimum of 10
21 jobs. The recommendation from the governing body of the county
22 or municipality in which the project may be located is
23 required in order for the office to certify that any project
24 is eligible for expedited review under this paragraph. When
25 considering projects that do not meet the minimum job creation
26 thresholds but that are recommended by the governing body in
27 which the project may be located, the office shall consider
28 economic impact factors that include, but are not limited to:

- 29 1. The proposed wage and skill levels relative to
30 those existing in the area in which the project may be
31 located;

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

3 3. The amount of capital investment; and

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

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

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

18 (e) Projects that are part of the state-of-the-art
19 biomedical research institution and campus to be established
20 in this state by the grantee under s. 288.955 are eligible for
21 the expedited permitting process.

22 (15)(a) Challenges to state agency action in the
23 expedited permitting process for projects processed under this
24 section are subject to the summary hearing provisions of s.
25 120.574, except that the administrative law judge's decision,
26 as provided in s. 120.574(2)(f), shall be in the form of a
27 recommended order and shall not constitute the final action of
28 the state agency. In those proceedings where the action of
29 only one agency of the state is challenged, the agency of the
30 state shall issue the final order within 10 working days of
31 receipt of the administrative law judge's recommended order.

1 In those proceedings where the actions of more than one agency
2 of the state are challenged, the Governor shall issue the
3 final order within 10 working days of receipt of the
4 administrative law judge's recommended order. The
5 participating agencies of the state may opt at the preliminary
6 hearing conference to allow the administrative law judge's
7 decision to constitute the final agency action. If a
8 participating local government agrees to participate in the
9 summary hearing provisions of s. 120.574 for purposes of
10 review of local government comprehensive plan amendments, s.
11 163.3184(9) and (10) apply.

12 (b) Challenges to state agency action in the expedited
13 permitting process for establishment of a state-of-the-art
14 biomedical research institution and campus in this state by
15 the grantee under s. 288.955 are subject to the same
16 requirements as challenges brought under paragraph (a), except
17 that, notwithstanding s. 120.574, summary proceedings must be
18 conducted within 30 days after a party files the motion for
19 summary hearing, regardless of whether the parties agree to
20 the summary proceeding.

21 Section 4. (1) It is the intent of the Legislature to
22 use a portion of the funds provided by the Federal Government
23 under section 401(b) of the Jobs and Growth Tax Relief
24 Reconciliation Act of 2003 for the essential governmental
25 service of improving economic opportunities available to the
26 people of this state by attracting new or expanding businesses
27 to, and retaining businesses in, the state. Additionally, the
28 Legislature recognizes that the state spends billions of
29 dollars each year to treat major illnesses such as coronary
30 artery disease, Alzheimer's disease, diabetes, autoimmune
31 diseases, and cancer. It is further the intent of the

1 Legislature to use the funds so provided to advance the
2 essential government service of improving the health of the
3 people of this state by promoting research and development for
4 the prediction, treatment, prevention, and cure of disease.
5 Funding provided under this section will serve these essential
6 government services and help accelerate the development of
7 biomedical research and development projects in the state.

8 (2) For fiscal year 2003-2004, the sum of \$310 million
9 is appropriated from the General Revenue Fund to the Office of
10 Tourism, Trade, and Economic Development for the purpose of
11 funding for the Scripps Florida Funding Corporation created
12 under this act in the special category Grants and Aids to the
13 Scripps Florida Funding Corporation. Notwithstanding sections
14 216.181(16) and 216.351, Florida Statutes, the Office of
15 Tourism, Trade, and Economic Development shall disburse the
16 full appropriation to the corporation in one lump sum by
17 January 1, 2004. The disbursement of funds under this act
18 shall be subject to a contract executed by December 15, 2003,
19 between the office and the corporation.

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

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23 *****

24 SENATE SUMMARY

25 Creates the Scripps Florida Funding Corporation to
26 conduct, facilitate, and encourage biomedical research to
27 eradicate or cure disease. Provides for an expedited
28 permitting process with respect to the facility
29 established for such research. Creates the Joint
30 Legislative Committee on Biomedical Investment Oversight.
31 (See bill for details.)