

By the Committee on Commerce, Economic Opportunities, and Consumer Services; and Senators Atwater and Klein

310-647-04

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. The Governor, the  
19 President of the Senate, and the Speaker of the House of  
20 Representatives shall make their initial appointments to the  
21 board by November 30, 2003.

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

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

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

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

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

23       (g) Each member of the board of directors shall serve  
24 without compensation.

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

1 officer appointed the member, may remove a member for  
2 malfeasance, misfeasance, neglect of duty, incompetence,  
3 permanent inability to perform official duties, unexcused  
4 absence from three consecutive meetings of the board, arrest  
5 or indictment for a crime that is a felony or a misdemeanor  
6 involving theft or a crime of dishonesty, or pleading nolo  
7 contendere to, or being found guilty of, any crime.

8 (i) Notwithstanding the terms of service prescribed in  
9 paragraph (b), each member of the board of directors serves at  
10 the pleasure of the officer who appointed that member, and the  
11 Governor, the President of the Senate, or the Speaker of the  
12 House of Representatives, as appropriate, may remove a member  
13 at will prior to the expiration of the member's term.

14 (5) ORGANIZATION; MEETINGS.--

15 (a)1. The board of directors shall annually elect a  
16 chairperson and a vice chairperson from among the board's  
17 members. The members, by an affirmative vote of at least seven  
18 of the nine members, may remove a member from the position of  
19 chairperson or vice chairperson prior to the expiration of his  
20 or her term as chairperson or vice chairperson. His or her  
21 successor shall be elected to serve for the balance of the  
22 removed chairperson's or vice chairperson's term.

23 2. The chairperson is responsible to ensure that  
24 records are kept of the proceedings of the board of directors  
25 and is the custodian of all books, documents, and papers filed  
26 with the board; the minutes of meetings of the board; and the  
27 official seal of the corporation.

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

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

6           3. A member of the board may participate in a meeting  
7 of the board by telephone or videoconference through which  
8 each member may hear every other member.

9           (6) POWERS AND DUTIES.--The corporation is organized  
10 to receive, hold, invest, administer, and disburse funds  
11 appropriated by the Legislature in support of this section and  
12 to disburse any income generated from the investment of these  
13 funds consistent with the purpose and provisions of this  
14 section. In addition to the powers and duties prescribed in  
15 chapter 617 and the articles and bylaws adopted under that  
16 chapter, the corporation:

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

20           (b) May enter into leases and contracts for the  
21 purchase of real property and hold notes, mortgages,  
22 guarantees, or security agreements to secure the performance  
23 of obligations of the grantee under the contract.

24           (c) May perform all acts and things necessary or  
25 convenient to carry out the powers expressly granted in this  
26 section and a contract entered into between the corporation  
27 and the grantee.

28           (d) May carry forward any unexpended state  
29 appropriations into succeeding fiscal years.

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

4           (f) Shall disburse funds pursuant to the provisions of  
5 this section and a contract entered into between the  
6 corporation and the grantee.

7           (g) Shall receive and review reports and financial  
8 documentation provided by the grantee to ensure compliance  
9 with the provisions of this section and provisions of the  
10 contract.

11           (h) Shall prepare an annual report as prescribed in  
12 subsection (13).

13           (7) INVESTMENT OF FUNDS.--The corporation must enter  
14 into an agreement with the State Board of Administration under  
15 which funds received by the corporation from the Office of  
16 Tourism, Trade, and Economic Development which are not  
17 disbursed to the grantee shall be invested by the State Board  
18 of Administration on behalf of the corporation in an annuity  
19 product or in a fixed-return investment fund authorized under  
20 s. 215.47(1).

21           (8) CONTRACT.--

22           (a) By March 15, 2004, the corporation shall negotiate  
23 and execute a contract with the grantee governing the  
24 disbursement and use of funds under this section. The  
25 corporation may not execute the contract unless the contract  
26 is approved by the affirmative vote of at least seven of the  
27 nine members of the board of directors. At least 14 days  
28 before execution of the contract, The Scripps Research  
29 Institute must submit to the board, the Governor, the  
30 President of the Senate, and the Speaker of the House of  
31 Representatives an organizational plan, in a form and manner



1 prescribed by the board, for the establishment of a  
2 state-of-the-art biomedical research institution and campus in  
3 this state, and the board must submit a copy of the proposed  
4 contract to the Governor, the President of the Senate, and the  
5 Speaker of the House of Representatives.

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

8 1. Specifying the procedures and schedules that govern  
9 the disbursement of funds under this section and specifying  
10 the conditions or deliverables that the grantee must satisfy  
11 before the release of each disbursement.

12 2. Requiring the grantee to submit to the corporation  
13 a strategic plan in a form and manner prescribed by the  
14 corporation.

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

21 4. Governing the ownership of or security interests in  
22 real property and personal property, including, but not  
23 limited to, research equipment, obtained through the financial  
24 support of state or local government, including the  
25 disposition of this property in the event of a breach of the  
26 contract or in the event the grantee ceases operations in this  
27 state.

28 5. Requiring the grantee, to the maximum extent  
29 possible, to award preference in employment to residents of  
30 this state, as defined by law, and requiring the grantee to be  
31 an equal opportunity employer.

1           6. Requiring the grantee to coordinate and comply with  
2 the contracting requirements adopted by the Office of Supplier  
3 Diversity under s. 287.09451 and with the ordinances,  
4 including any small-business ordinances, enacted by the county  
5 in which the biomedical research institution and campus are  
6 located in this state.

7           7. Requiring the grantee, to the extent it is cost  
8 effective, to make purchases from vendors in this state.

9           8. Requiring the grantee to use its best reasonable  
10 efforts to work collaboratively with the state's research  
11 institutions and public and private postsecondary educational  
12 institutions.

13           9. Requiring the grantee to participate in  
14 employee-recruitment activities at at least seven public  
15 universities and seven community colleges in this state every  
16 year during the duration of the contract. In selecting the  
17 universities and community colleges, the grantee must, to the  
18 maximum extent possible, concentrate recruitment efforts on a  
19 statewide basis.

20           10. Requiring the grantee to use the Internet-based  
21 job-listing system of the Agency for Workforce Innovation in  
22 advertising employment opportunities.

23           11. Requiring the grantee to establish accredited  
24 science degree programs.

25           12. Requiring the grantee to establish internship  
26 programs to create learning opportunities for educators and  
27 secondary, postsecondary, graduate, and doctoral students.

28           13. Requiring the grantee to submit data to the  
29 corporation on the activities and performance during each  
30 fiscal year and to provide to the corporation an annual  
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1 accounting of the expenditure of funds disbursed under this  
2 section.

3 14. Authorizing the grantee, when feasible, to use  
4 information submitted by it to the Federal Government or to  
5 other organizations awarding research grants to the grantee to  
6 help meet reporting requirements imposed under this section or  
7 the contract, if the information satisfies the reporting  
8 standards of this section and the contract.

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

14 16. Requiring the grantee to progress in the creation  
15 of the total number of jobs prescribed in subparagraph 13. on  
16 the following schedule: 38 positions in the 1st year, 168  
17 positions in the 2nd year, 280 positions in the 3rd year, 367  
18 positions in the 4th year, 436 positions in the 5th year, 500  
19 positions in the 6th year, and 545 positions in the 7th year.  
20 The board may allow the grantee to deviate downward from such  
21 employee levels by 25 percent in any year, to allow the  
22 grantee flexibility in achieving the objectives set forth in  
23 the business plan provided to the corporation; however, the  
24 grantee must have no fewer than 545 positions by the end of  
25 the 7th year.

26 17. Requiring the grantee to authorize the Office of  
27 Program Policy Analysis and Government Accountability to  
28 inspect the records of the grantee to evaluate the compliance  
29 of the grantee with law and the contract or to otherwise  
30 evaluate the performance of the grantee.

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1           18. Requiring the grantee to purchase liability  
2 insurance and governing the coverage level of such insurance.

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

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

13           (a) The number of jobs created and the average  
14 salaries paid.

15           (b) The number and dollar value of research grants  
16 obtained from the Federal Government or sources other than the  
17 State of Florida.

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

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

25           (e) The number and value of licensing agreements  
26 executed by the grantee.

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

29           (g) The number of collaborative agreements reached and  
30 maintained with research institutions and colleges and  
31 universities in this state.

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

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

5           (j) The number of spin-off businesses created in this  
6 state as a result of commercialization of the research of the  
7 grantee.

8           (k) The number of businesses recruited to this state  
9 by the grantee.

10  
11 The contract shall require the grantee to provide information  
12 on these measures on an annual basis.

13           (10) DISBURSEMENTS.--

14           (a) The corporation shall disburse funds to the  
15 grantee over a period of 7 calendar years starting in the  
16 calendar year beginning January 1, 2004, under the terms and  
17 conditions of the contract. The corporation shall complete  
18 disbursement of the total amount of funds payable to the  
19 grantee under the contract no later than December 31, 2010,  
20 unless the grantee fails to satisfy the terms and conditions  
21 of the contract. Any funds of the corporation that are not  
22 disbursed by December 31, 2010, shall be paid to the  
23 Biomedical Research Trust Fund of the Department of Health.

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

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

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

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

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1       (c) Each disbursement by the corporation to the  
2 grantee under this section is conditioned upon the affirmative  
3 approval of at least seven of the nine members of the board of  
4 directors and upon demonstration by the grantee that it has  
5 met the particular contractual deliverables that are the basis  
6 for that disbursement.

7       (11) USE OF FUNDS.--

8       (a) Funds appropriated in furtherance of this section  
9 may not be expended outside of this state. However, upon the  
10 approval of seven of the nine members of the board, funds may  
11 be used outside this state for research, services, or  
12 equipment that is directly related to the establishment or  
13 operation of the grantee in this state and is not reasonably  
14 available in this state.

15       (b) No funds appropriated in furtherance of this  
16 section may be used for the purpose of lobbying any branch or  
17 agency of state government or any political subdivision of the  
18 state.

19       (12) REPAYMENT.--

20       (a) The contract between the corporation and the  
21 grantee shall require the grantee to pay a portion of the  
22 grantee's revenues to the state for deposit into the  
23 Biomedical Research Trust Fund. Beginning in the year 2012,  
24 the grantee shall repay the state \$155 million, or the total  
25 amount received by the grantee from the state, whichever is  
26 less. The contract shall require the grantee to repay the  
27 amount due in 15 equal annual installments. The board may  
28 delay repayments or amend the contract if the board determines  
29 by an affirmative vote of seven of the nine members that  
30 making the payment would jeopardize the grantee's ability to  
31 operate.

1           (b) The contract shall also contain provisions  
2 requiring the grantee to begin payments to the trust fund  
3 before the year 2012 if the grantee is financially able to do  
4 so without jeopardizing its operation.

5           (c) The contract also shall contain provisions  
6 requiring the grantee to pay to the trust fund an amount equal  
7 to the total amount of disbursements received under this  
8 section if the grantee ceases to operate in this state before  
9 the year 2019.

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

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

16           (b) An accounting of the amount of funds disbursed  
17 during the preceding fiscal year to the grantee and a  
18 description of the satisfaction of contract deliverables by  
19 the grantee which served as the basis for the disbursements.

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

22           (d) Information on the number of jobs created by the  
23 grantee.

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

26           (f) A detailed assessment of the progress in achieving  
27 the return on investment associated with the grantee, as  
28 projected by economists on behalf of the Executive Office of  
29 Governor, of an additional \$3.2 billion in gross state product  
30 over a 15-year period, including an assessment of factors  
31

1 affecting the ability and likelihood to meet the projected  
2 return on investment.

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

7 (h) A compliance and financial audit of the accounts  
8 and records of the grantee, related to the expenditure of  
9 funds under this section, at the end of the preceding fiscal  
10 year conducted by an independent certified public accountant.

11 (i) An assessment of the grantee's ability to comply  
12 with the requirement to make repayment in accordance with  
13 subsection (12).

14 (j) An assessment of the extent to which the grantee  
15 is meeting its performance measures in accordance with  
16 subsection (9).

17

18 The corporation shall submit the report to the Governor, the  
19 President of the Senate, and the Speaker of the House of  
20 Representatives.

21 (14) PROGRAM EVALUATION.--

22 (a) Before January 1, 2006, the Office of Program  
23 Policy Analysis and Government Accountability shall conduct a  
24 performance audit of the Office of Tourism, Trade, and  
25 Economic Development, the corporation, and the grantee  
26 relating to the provisions of this section. The audit shall  
27 assess the implementation and outcomes of activities under  
28 this section. At a minimum, the audit shall address:

29 1. Performance of the Office of Tourism, Trade, and  
30 Economic Developments in providing oversight for funds  
31 appropriated under this section.



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

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

5           4. Performance by the grantee under the contract.

6           5. Economic activity generated through funds disbursed  
7 under the contract, including, but not limited to, the number  
8 of jobs created by the grantee.

9           6. The nature and level of interaction between the  
10 grantee and educational institutions in the state.

11           (b) Before January 1, 2008, the Office of Program  
12 Policy Analysis and Government Accountability shall update the  
13 report required under this subsection. In addition to  
14 addressing the items prescribed in paragraph (a), the updated  
15 report shall include a recommendation on whether the  
16 Legislature should retain the statutory authority for the  
17 corporation.

18  
19 A report of each audit's findings and recommendations shall be  
20 submitted to the Governor, the President of the Senate, and  
21 the Speaker of the House of Representatives. In completing the  
22 performance audits required under this subsection, the Office  
23 of Program Policy Analysis and Government Accountability shall  
24 maximize the use of reports submitted by the grantee to the  
25 Federal Government or to other organizations awarding research  
26 grants to the grantee.

27           (15) LIABILITY.--

28           (a) The appropriation or disbursement of funds under  
29 this section does not constitute a debt, liability, or  
30 obligation of the State of Florida, any political subdivision  
31

1 thereof, or the corporation or a pledge of the faith and  
2 credit of the state or of any such political subdivision.

3 (b) The appropriation or disbursement of funds under  
4 this section does not subject the State of Florida, any  
5 political subdivision thereof, or the corporation to liability  
6 related to the research activities and research products of  
7 the grantee.

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

26 Section 3. Subsections (3) and (15) of section  
27 403.973, Florida Statutes, are amended to read:

28 403.973 Expedited permitting; comprehensive plan  
29 amendments.--

30 (3)(a) The Governor, through the office, shall direct  
31 the creation of regional permit action teams, for the purpose

1 of expediting review of permit applications and local  
2 comprehensive plan amendments submitted by:

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

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

- 23 1. The proposed wage and skill levels relative to  
24 those existing in the area in which the project may be  
25 located;
- 26 2. The project's potential to diversify and strengthen  
27 the area's economy;
- 28 3. The amount of capital investment; and
- 29 4. The number of jobs that will be made available for  
30 persons served by the welfare transition program.

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

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

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

17           (15)(a) Challenges to state agency action in the  
18 expedited permitting process for projects processed under this  
19 section are subject to the summary hearing provisions of s.  
20 120.574, except that the administrative law judge's decision,  
21 as provided in s. 120.574(2)(f), shall be in the form of a  
22 recommended order and shall not constitute the final action of  
23 the state agency. In those proceedings where the action of  
24 only one agency of the state is challenged, the agency of the  
25 state shall issue the final order within 10 working days of  
26 receipt of the administrative law judge's recommended order.  
27 In those proceedings where the actions of more than one agency  
28 of the state are challenged, the Governor shall issue the  
29 final order within 10 working days of receipt of the  
30 administrative law judge's recommended order. The  
31 participating agencies of the state may opt at the preliminary

1 hearing conference to allow the administrative law judge's  
2 decision to constitute the final agency action. If a  
3 participating local government agrees to participate in the  
4 summary hearing provisions of s. 120.574 for purposes of  
5 review of local government comprehensive plan amendments, s.  
6 163.3184(9) and (10) apply.

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

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

1 government services and help accelerate the development of  
2 biomedical research and development projects in the state.

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

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 6-E

The committee substitute for Senate Bill 6-E:

Requires the Governor, the President of the Senate, and the Speaker of the House of Representatives to make appointments to the Scripps Florida Funding Corporation by November 30, 2003, and specifies that these board members serve at the pleasure of the appointing officer.

Requires the grantee to comply with the contracting requirements of the Office of Supplier Diversity and with county ordinances.

Requires the grantee to use its best efforts to collaborate with research institutions and public and private post secondary educational institutions in this state.

Requires the grantee to engage in employee recruitment activities at seven universities and seven community colleges across the state.

Requires that the corporation include, in its annual report, an audit report regarding the grantee's use of state funds conducted by an independent certified public accountant.

Revises the prohibition on the use of state funds outside of this state, to specify that the funds may only be used outside of this state for limited purposes directly related to the establishment or operation of the grantee in this state and with the approval of the board.