

By the Committees on Appropriations; Commerce, Economic Opportunities, and Consumer Services; and Senators Atwater, Klein and Aronberg

309-658-04

1 A bill to be entitled
2 An act relating to economic development;
3 creating s. 288.955, F.S.; creating the Scripps
4 Florida Funding Corporation to facilitate the
5 establishment and operation of a biomedical
6 research institution for the purposes of
7 enhancing education and research and promoting
8 economic development and diversity; providing
9 for its board of directors; prohibiting
10 conflicts of interest; providing penalties;
11 providing powers and duties of the corporation;
12 providing for investment of funds; requiring an
13 operating plan; requiring the corporation and
14 Scripps Florida or another entity operating
15 such an institution to enter into a contract;
16 providing for disbursement and reinvestment of
17 funds; requiring reports, audits, and
18 evaluations; providing for performance measures
19 as conditions for disbursement of funds;
20 limiting the use of funds; providing that the
21 appropriation of funds does not constitute a
22 debt of the state or a subdivision of the state
23 nor does it subject the state or a subdivision
24 to liability; creating the Joint Legislative
25 Committee on Biomedical Investment Oversight;
26 providing its membership and duties; providing
27 legislative intent with respect to creating
28 economic opportunity and improving public
29 health through the establishment of a
30 biomedical research institution; amending s.
31 403.973, F.S.; specifying that projects that

1 are part of the biomedical research institution
2 and campus are eligible for the expedited
3 permitting process; providing for challenges to
4 state agency action in expedited permitting
5 related to the institution and campus;
6 providing for the reversion of funds to the
7 General Revenue Fund under certain
8 circumstances; providing for an extension of
9 the contract deadline under certain
10 circumstances in which the grantee cannot meet
11 the conditions of the contract; amending s.
12 288.1088, F.S., relating to the Quick Action
13 Closing Fund; requiring a recommendation by the
14 Executive Office of the Governor; providing
15 requirements for such recommendation; providing
16 appropriations; providing an effective date.

17

18 Be It Enacted by the Legislature of the State of Florida:

19

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

22 288.955 Scripps Florida Funding Corporation.--

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

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

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

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

1 (2) CREATION.--

2 (a) There is created a not-for-profit corporation
3 known as the Scripps Florida Funding Corporation, which shall
4 be registered, incorporated, organized, and operated under
5 chapter 617.

6 (b) The corporation is not a unit or entity of state
7 government. However, the corporation is subject to the
8 provisions of s. 24, Art. I of the State Constitution and
9 chapter 119, relating to public meetings and records, and the
10 provisions of chapter 286 relating to public meetings and
11 records.

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

14 (d) The corporation shall hire or contract for all
15 staff necessary to the proper execution of its powers and
16 duties within the funds appropriated to implement this section
17 and shall require that all officers, directors, and employees
18 of the corporation comply with the code of ethics for public
19 officers and employees under part III of chapter 112. In no
20 case may the corporation expend more than \$200,000 per year
21 for staffing using funds appropriated to implement this
22 section.

23 (e) The Office of Tourism, Trade, and Economic
24 Development shall provide administrative support to the
25 corporation as requested by the corporation.

26 (3) PURPOSE.--The corporation shall be organized to
27 receive, hold, invest, administer, and disburse funds
28 appropriated by the Legislature for the establishment and
29 operation of a state-of-the-art biomedical research
30 institution and campus in this state by The Scripps Research
31 Institute. The corporation shall safeguard the state's

1 commitment of financial support by ensuring that, as a
2 condition for the receipt of these funds, the grantee meets
3 its contractual obligations. In this manner, the corporation
4 shall facilitate and oversee the state goal and public purpose
5 of providing financial support for the institution and campus
6 in order to expand the amount and prominence of biomedical
7 research conducted in this state, provide an inducement for
8 high-technology businesses to locate in this state, create
9 educational opportunities through access to and partnerships
10 with the institution, and promote improved health care through
11 the scientific outcomes of the institution.

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

14 (a) The board of directors shall consist of nine
15 voting members, of whom the Governor shall appoint three, the
16 President of the Senate shall appoint three, and the Speaker
17 of the House of Representatives shall appoint three. The
18 director of the Office of Tourism, Trade, and Economic
19 Development or the director's designee shall serve as an
20 ex-officio, nonvoting member of the board of directors.

21 (b) Each member of the board of directors shall serve
22 for a term of 4 years, except that initially the Governor, the
23 President of the Senate, and the Speaker of the House of
24 Representatives each shall appoint one member for a term of 1
25 year, one member for a term of 2 years, and one member for a
26 term of 4 years to achieve staggered terms among the members
27 of the board. A member is not eligible for reappointment to
28 the board, except, however, that a member appointed to an
29 initial term of 1 year or 2 years may be reappointed for an
30 additional term of 4 years. The Governor, the President of the
31 Senate, and the Speaker of the House of Representatives shall

1 make their initial appointments to the board by November 30,
2 2003.

3 (c) The Governor, the President of the Senate, or the
4 Speaker of the House of Representatives, respectively, shall
5 fill a vacancy on the board of directors, according to who
6 appointed the member whose vacancy is to be filled or whose
7 term has expired. A vacancy that occurs before the scheduled
8 expiration of the term of the member shall be filled for the
9 remainder of the unexpired term.

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

14 (e) A person may not be appointed to the board of
15 directors if he or she has had any interest, direct or
16 indirect, in any contract, franchise, privilege, or other
17 benefit granted by The Scripps Research Institute or any of
18 its affiliate organizations within 5 years before appointment.
19 A person appointed to the board of directors must agree to
20 refrain from having any interest, direct or indirect, in any
21 contract, franchise, privilege, or other benefit granted by
22 The Scripps Research Institute or any of its affiliate
23 organizations during the term of his or her appointment and
24 for 5 years after the termination of such appointment. It is a
25 misdemeanor of the first degree, punishable as provided in s.
26 775.083 or s. 775.084, for a person to accept appointment to
27 the board of directors in violation of this paragraph or to
28 accept an interest in any contract, franchise, privilege, or
29 other benefit granted by the institution or affiliate within 5
30 years after the termination of his or her service on the
31 board.

1 (f) Each member of the board of directors shall serve
2 without compensation.

3 (g) Each member of the board of directors is
4 accountable for the proper performance of the duties of
5 office, and each member owes a fiduciary duty to the people of
6 the state to ensure that funds provided in furtherance of this
7 section are disbursed and used as prescribed by law and
8 contract. The Governor, the President of the Senate, or the
9 Speaker of the House of Representatives, according to which
10 officer appointed the member, may remove a member for
11 malfeasance, misfeasance, neglect of duty, incompetence,
12 permanent inability to perform official duties, unexcused
13 absence from three consecutive meetings of the board, arrest
14 or indictment for a crime that is a felony or a misdemeanor
15 involving theft or a crime of dishonesty, or pleading nolo
16 contendere to, or being found guilty of, any crime.

17 (h) Notwithstanding the terms of service prescribed in
18 paragraph (b), each member of the board of directors serves at
19 the pleasure of the officer who appointed that member, and the
20 Governor, the President of the Senate, or the Speaker of the
21 House of Representatives, as appropriate, may remove a member
22 at will prior to the expiration of the member's term.

23 (5) ORGANIZATION; MEETINGS.--

24 (a)1. The board of directors shall annually elect a
25 chairperson and a vice chairperson from among the board's
26 members. The members may remove a member from the position of
27 chairperson or vice chairperson prior to the expiration of his
28 or her term as chairperson or vice chairperson. His or her
29 successor shall be elected to serve for the balance of the
30 removed chairperson's or vice chairperson's term.

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1 2. The chairperson is responsible to ensure that
2 records are kept of the proceedings of the board of directors
3 and is the custodian of all books, documents, and papers filed
4 with the board; the minutes of meetings of the board; and the
5 official seal of the corporation.

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

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

14 3. A member of the board may participate in a meeting
15 of the board by telephone or videoconference through which
16 each member may hear every other member.

17 (6) POWERS AND DUTIES.--The corporation is organized
18 to receive, hold, invest, administer, and disburse funds
19 appropriated by the Legislature in support of this section and
20 to disburse any income generated from the investment of these
21 funds consistent with the purpose and provisions of this
22 section. In addition to the powers and duties prescribed in
23 chapter 617 and the articles and bylaws adopted under that
24 chapter, the corporation:

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

28 (b) May enter into leases and contracts for the
29 purchase of real property and hold notes, mortgages,
30 guarantees, or security agreements to secure the performance
31 of obligations of the grantee under the contract.

1 (c) May perform all acts and things necessary or
2 convenient to carry out the powers expressly granted in this
3 section and a contract entered into between the corporation
4 and the grantee.

5 (d) May carry forward any unexpended state
6 appropriations into succeeding fiscal years.

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

10 (f) Shall disburse funds pursuant to the provisions of
11 this section and a contract entered into between the
12 corporation and the grantee.

13 (g) Shall receive and review reports and financial
14 documentation provided by the grantee to ensure compliance
15 with the provisions of this section and provisions of the
16 contract.

17 (h) Shall prepare an annual report as prescribed in
18 subsection (13).

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

27 (8) CONTRACT.--

28 (a) By March 15, 2004, the corporation shall negotiate
29 and execute a contract with the grantee governing the
30 disbursement and use of funds under this section. The
31 corporation may not execute the contract unless the contract

1 is approved by the affirmative vote of at least seven of the
2 nine members of the board of directors. At least 14 days
3 before execution of the contract, The Scripps Research
4 Institute must submit to the board, the Governor, the
5 President of the Senate, and the Speaker of the House of
6 Representatives an organizational plan, in a form and manner
7 prescribed by the board, for the establishment of a
8 state-of-the-art biomedical research institution and campus in
9 this state, and the board must submit a copy of the proposed
10 contract to the Governor, the President of the Senate, and the
11 Speaker of the House of Representatives.

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

14 1. Specifying the procedures and schedules that govern
15 the disbursement of funds under this section and specifying
16 the conditions or deliverables that the grantee must satisfy
17 before the release of each disbursement.

18 2. Requiring the grantee to submit to the corporation
19 a strategic plan in a form and manner prescribed by the
20 corporation.

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

27 4. Governing the ownership of or security interests in
28 real property and personal property, including, but not
29 limited to, research equipment, obtained through the financial
30 support of state or local government, including a provision
31 that in the event of a breach of the contract or in the event

1 the grantee ceases operations in this state, such property
2 purchased with state funds shall revert to the state and such
3 property purchased with local funds shall revert to the local
4 governing authority.

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

9 6. Requiring the grantee to coordinate and comply with
10 the contracting requirements adopted by the Office of Supplier
11 Diversity under s. 287.09451 and with the ordinances,
12 including any small-business ordinances, enacted by the county
13 in which the biomedical research institution and campus are
14 located in this state.

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

17 8. Requiring the grantee to use its best reasonable
18 efforts to work collaboratively with research institutions in
19 the state and public and private postsecondary educational
20 institutions in the state, including, but not limited to, the
21 University of Miami and the historically black institutions.

22 9. Requiring the grantee to participate in
23 employee-recruitment activities at at least seven public
24 universities, seven community colleges, and the University of
25 Miami and the historically black institutions in this state
26 every year during the duration of the contract. In selecting
27 the universities and community colleges, the grantee must, to
28 the maximum extent possible, concentrate recruitment efforts
29 on a statewide basis.

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1 10. Requiring the grantee to use the Internet-based
2 job-listing system of the Agency for Workforce Innovation in
3 advertising employment opportunities.

4 11. Requiring the grantee to establish accredited
5 science degree programs.

6 12. Requiring the grantee to establish internship
7 programs to create learning opportunities for educators and
8 secondary, postsecondary, graduate, and doctoral students.

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

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

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

25 16. Requiring the grantee to progress in the creation
26 of the total number of jobs prescribed in subparagraph 15. on
27 the following schedule: 38 positions in the 1st year, 168
28 positions in the 2nd year, 280 positions in the 3rd year, 367
29 positions in the 4th year, 436 positions in the 5th year, 500
30 positions in the 6th year, and 545 positions in the 7th year.
31 The board may allow the grantee to deviate downward from such

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

6 17. Requiring the grantee to authorize the Office of
7 Program Policy Analysis and Government Accountability to
8 inspect the records of the grantee to evaluate the compliance
9 of the grantee with law and the contract or to otherwise
10 evaluate the performance of the grantee.

11 18. Requiring the grantee to purchase liability
12 insurance and governing the coverage level of such insurance.

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

16 (9) PERFORMANCE MEASURES.--In addition to the
17 provisions prescribed in subsection (8), the contract between
18 the corporation and the grantee shall include performance
19 measures that must be satisfied by the grantee as a condition
20 for the continued disbursement of funds under this section,
21 which performance measures may include:

22 (a) Jobs created and the average salaries paid.

23 (b) Research grants obtained from the Federal
24 Government or sources other than the State of Florida.

25 (c) Partnerships with economic development entities,
26 including the Office of Tourism, Trade, and Economic
27 Development, Enterprise Florida, Inc., and other local
28 agencies.

29 (d) National recognition of graduate programs.

30 (e) Equipment purchased.

31 (f) Graduate student placements.

- 1 (g) Summer intern programs.
2 (h) Programs for adjunct professors.
3 (i) Joint graduate programs.
4 (j) Open access to qualified science projects.
5 (k) Collaboration with research institutions and
6 colleges and universities in this state, including, but not
7 limited to, the University of Miami and the historically black
8 institutions.

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10 The board shall be responsible for determining the appropriate
11 measures and standards to be included in the contract,
12 including determining at what stage in the establishment and
13 operation of the grantee each measure should be used and
14 determining under what conditions new measures should be
15 incorporated into the contract or existing measures revised.
16 The contract shall require the grantee to provide information
17 on these measures on an annual basis.

18 (10) DISBURSEMENTS.--

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

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

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

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

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

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

11 (11) USE OF FUNDS.--

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

19 (b) No funds appropriated in furtherance of this
20 section may be used for the purpose of lobbying any branch or
21 agency of state government or any political subdivision of the
22 state.

23 (12) REINVESTMENT.--

24 (a) The contract between the corporation and the
25 grantee shall require the grantee to reinvest to the
26 Biomedical Research Trust Fund of the Department of Health a
27 portion of the grantee's revenues.

28 1. Beginning no later than 6 months after the
29 corporation has made the final disbursement to the grantee,
30 the grantee shall reinvest each year 15 percent of its net
31 royalty revenues generated from inventions, methods,

1 processes, and other patentable activities developed in whole
2 or in part at the grantee's facilities in this state within 20
3 years from the commencement of the contract.

4 2. Beginning with the execution of the contract, the
5 grantee shall reinvest each year 15 percent of the gross
6 revenues it receives from naming opportunities associated with
7 any facility to be built in this state for the grantee or any
8 affiliate or successor in interest of the grantee. For the
9 purposes of this subparagraph, the term "naming opportunities"
10 means charitable donations from any person or entity in
11 consideration for the right to have all or a portion of the
12 facility named for or in memory of any person, living or dead.

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14 All reinvestment payments made under this paragraph shall be
15 deposited in the Biomedical Research Trust Fund. The total
16 amount that the grantee must reinvest under this paragraph may
17 not exceed \$155 million or the total amount of disbursements
18 received by the grantee, whichever is less.

19 (b) The contract shall also contain provisions
20 requiring the grantee to begin payments to the trust fund
21 before the year 2012 if the grantee is financially able to do
22 so without jeopardizing its operation.

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

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

29 (b) An accounting of the amount of funds disbursed
30 during the preceding fiscal year to the grantee and a

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1 description of the satisfaction of contract deliverables by
2 the grantee which served as the basis for the disbursements.

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

5 (d) Information on the number of jobs created by the
6 grantee.

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

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

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

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

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

27 (j) An assessment of the extent to which the grantee
28 is meeting its performance measures in accordance with
29 subsection (9).

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1 The corporation shall submit the report to the Governor, the
2 President of the Senate, and the Speaker of the House of
3 Representatives.

4 (14) PROGRAM EVALUATION.--

5 (a) Before January 1, 2006, the Office of Program
6 Policy Analysis and Government Accountability shall conduct a
7 performance audit of the Office of Tourism, Trade, and
8 Economic Development, the corporation, and the grantee
9 relating to the provisions of this section. The audit shall
10 assess the implementation and outcomes of activities under
11 this section. At a minimum, the audit shall address:

12 1. Performance of the Office of Tourism, Trade, and
13 Economic Developments in providing oversight for funds
14 appropriated under this section.

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

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

19 4. Performance by the grantee under the contract.

20 5. Economic activity generated through funds disbursed
21 under the contract, including, but not limited to, the number
22 of jobs created by the grantee.

23 6. The nature and level of interaction between the
24 grantee and educational institutions in the state.

25 (b) Before January 1, 2008, the Office of Program
26 Policy Analysis and Government Accountability shall update the
27 report required under this subsection. In addition to
28 addressing the items prescribed in paragraph (a), the updated
29 report shall include a recommendation on whether the
30 Legislature should retain the statutory authority for the
31 corporation.

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2 A report of each audit's findings and recommendations shall be
3 submitted to the Governor, the President of the Senate, and
4 the Speaker of the House of Representatives. In completing the
5 performance audits required under this subsection, the Office
6 of Program Policy Analysis and Government Accountability shall
7 maximize the use of reports submitted by the grantee to the
8 Federal Government or to other organizations awarding research
9 grants to the grantee.

10 (15) LIABILITY.--

11 (a) The appropriation or disbursement of funds under
12 this section does not constitute a debt, liability, or
13 obligation of the State of Florida, any political subdivision
14 thereof, or the corporation or a pledge of the faith and
15 credit of the state or of any such political subdivision.

16 (b) The appropriation or disbursement of funds under
17 this section does not subject the State of Florida, any
18 political subdivision thereof, or the corporation to liability
19 related to the research activities and research products of
20 the grantee.

21 Section 2. Joint Legislative Committee on Biomedical
22 Investment Oversight.--A Joint Legislative Committee on
23 Biomedical Investment Oversight is created to monitor the
24 economic development incentives and policy regarding the
25 biotechnology industry and related health and science fields,
26 including, but not limited to, implementation of the Scripps
27 Florida Funding Corporation and the corporation's contract
28 with the designated grantee under section 288.955, Florida
29 Statutes. The committee shall be composed of six members:
30 three Senators appointed by the President of the Senate and
31 three members of the House of Representatives appointed by the

1 Speaker of the House of Representatives. The chair and vice
2 chair shall be appointed for 1-year terms with the
3 appointments alternating between the President of the Senate
4 and the Speaker of the House of Representatives. The chair and
5 the vice chair may not be members of the same house of the
6 Legislature. Staff, at the discretion of the chair, may be
7 assigned to the committee.

8 Section 3. Subsections (3) and (15) of section
9 403.973, Florida Statutes, are amended to read:

10 403.973 Expedited permitting; comprehensive plan
11 amendments.--

12 (3)(a) The Governor, through the office, shall direct
13 the creation of regional permit action teams, for the purpose
14 of expediting review of permit applications and local
15 comprehensive plan amendments submitted by:

- 16 1. Businesses creating at least 100 jobs, or
- 17 2. Businesses creating at least 50 jobs if the project
18 is located in an enterprise zone, or in a county having a
19 population of less than 75,000 or in a county having a
20 population of less than 100,000 which is contiguous to a
21 county having a population of less than 75,000, as determined
22 by the most recent decennial census, residing in incorporated
23 and unincorporated areas of the county, or

24 (b) On a case-by-case basis and at the request of a
25 county or municipal government, the office may certify as
26 eligible for expedited review a project not meeting the
27 minimum job creation thresholds but creating a minimum of 10
28 jobs. The recommendation from the governing body of the county
29 or municipality in which the project may be located is
30 required in order for the office to certify that any project
31 is eligible for expedited review under this paragraph. When

1 considering projects that do not meet the minimum job creation
2 thresholds but that are recommended by the governing body in
3 which the project may be located, the office shall consider
4 economic impact factors that include, but are not limited to:

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

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

10 3. The amount of capital investment; and

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

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

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

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

29 (15)(a) Challenges to state agency action in the
30 expedited permitting process for projects processed under this
31 section are subject to the summary hearing provisions of s.

1 120.574, except that the administrative law judge's decision,
2 as provided in s. 120.574(2)(f), shall be in the form of a
3 recommended order and shall not constitute the final action of
4 the state agency. In those proceedings where the action of
5 only one agency of the state is challenged, the agency of the
6 state shall issue the final order within 10 working days of
7 receipt of the administrative law judge's recommended order.
8 In those proceedings where the actions of more than one agency
9 of the state are challenged, the Governor shall issue the
10 final order within 10 working days of receipt of the
11 administrative law judge's recommended order. The
12 participating agencies of the state may opt at the preliminary
13 hearing conference to allow the administrative law judge's
14 decision to constitute the final agency action. If a
15 participating local government agrees to participate in the
16 summary hearing provisions of s. 120.574 for purposes of
17 review of local government comprehensive plan amendments, s.
18 163.3184(9) and (10) apply.

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

28 Section 4. (1) It is the intent of the Legislature to
29 use a portion of the funds provided by the Federal Government
30 under section 401(b) of the Jobs and Growth Tax Relief
31 Reconciliation Act of 2003 for the essential governmental

1 service of improving economic opportunities available to the
2 people of this state by attracting new or expanding businesses
3 to, and retaining businesses in, the state. Additionally, the
4 Legislature recognizes that the state spends billions of
5 dollars each year to treat major illnesses such as coronary
6 artery disease, Alzheimer's disease, diabetes, autoimmune
7 diseases, and cancer. It is further the intent of the
8 Legislature to use the funds so provided to advance the
9 essential government service of improving the health of the
10 people of this state by promoting research and development for
11 the prediction, treatment, prevention, and cure of disease.
12 Funding provided under this section will serve these essential
13 government services and help accelerate the development of
14 biomedical research and development projects in the state.

15 (2) For fiscal year 2003-2004, the sum of \$310 million
16 is appropriated from the General Revenue Fund to the Office of
17 Tourism, Trade, and Economic Development for the purpose of
18 funding for the Scripps Florida Funding Corporation created
19 under this act in the special category Grants and Aids to the
20 Scripps Florida Funding Corporation. Notwithstanding sections
21 216.181(16) and 216.351, Florida Statutes, the Office of
22 Tourism, Trade, and Economic Development shall disburse the
23 full appropriation to the corporation in one lump sum upon the
24 execution of the contract between the Scripps Florida Funding
25 Corporation and the grantee, and such disbursement shall be
26 subject to a contract executed between the office and the
27 corporation. In the event the corporation and the grantee are
28 unable to execute the contract after reasonable efforts, all
29 funds appropriated to the corporation in furtherance of this
30 act shall revert to the General Revenue Fund unallocated. In
31 the event that the contract is terminated for breach or

1 otherwise, all funds not yet disbursed to the grantee shall be
2 immediately returned to the General Revenue Fund unallocated.

3 Section 5. Force majeure.--Notwithstanding any other
4 provisions contained in this act, if the grantee is prevented
5 from timely achieving any deadlines set forth in this act due
6 to its inability to occupy its permanent Florida facility
7 within 2 years after entering into the memorandum of agreement
8 pursuant to section 403.973, Florida Statutes, as a result of
9 permitting delays, administrative or judicial proceedings,
10 acts of God, labor disturbances, or other similar events
11 beyond the control of the grantee, the deadline shall be
12 extended by the number of days by which the grantee was
13 delayed in commencing its occupancy of its permanent Florida
14 facility. In no event shall the extension be for more than 4
15 years. Upon the occurrence of a force majeure event, the
16 Scripps Florida Funding Corporation shall continue to fund the
17 grantee at a level that permits it to sustain its current
18 level of operations until the force majeure event ceases and
19 the grantee is able to resume the contract schedule governing
20 disbursement.

21 Section 6. Paragraph (b) of subsection (3) of section
22 288.1088, Florida Statutes, is amended to read:

23 288.1088 Quick Action Closing Fund.--

24 (3)

25 (b) Upon receipt of the evaluation and recommendation
26 from Enterprise Florida, Inc., the director shall recommend
27 approval or disapproval of a project for receipt of funds from
28 the Quick Action Closing Fund to the Governor. In recommending
29 a project, the director shall include proposed performance
30 conditions that the project must meet to obtain incentive
31 funds. The Governor shall consult with the President of the

1 Senate and the Speaker of the House of Representatives before
2 giving final approval for a project. The Executive Office of
3 the Governor shall recommend approval of a project and the
4 release of funds pursuant to the legislative consultation and
5 review requirements set forth in s. 216.177. The
6 recommendation must include proposed performance conditions
7 that the project must meet in order to obtain funds.

8 Section 7. For the 2003-2004 fiscal year, the sum of
9 \$10 million is appropriated from nonrecurring general revenue
10 to state universities for infrastructure improvements to the
11 National High Magnetic Field Laboratory. From this
12 appropriation, \$7.5 million shall be allocated to Florida
13 State University and \$2.5 million shall be allocated to the
14 University of Florida to address infrastructure requirements
15 identified in consultation with the National High Magnetic
16 Field Laboratory Executive Committee.

17 Section 8. For the 2003-2004 fiscal year, the sum of
18 \$5 million is appropriated from nonrecurring general revenue
19 to the Office of Tourism, Trade, and Economic Development for
20 the Military Base Retention Grants Program pursuant to section
21 288.980, Florida Statutes.

22 Section 9. For the 2003-2004 fiscal year, the sum of
23 \$10 million is appropriated from nonrecurring general revenue
24 to the Office of Tourism, Trade, and Economic Development for
25 the Entertainment Industry Financial Incentive Program
26 pursuant to section 288.1254, Florida Statutes.

27 Section 10. For the 2003-2004 fiscal year, the sum of
28 \$5 million is appropriated from nonrecurring general revenue
29 to the Office of Tourism, Trade, and Economic Development and
30 shall be allocated as follows: \$3 million for the Rural
31 Infrastructure Fund pursuant to section 288.0655, Florida

1 Statutes, and \$2 million for the Rural Community Development
2 Revolving Loan Fund pursuant to section 288.065, Florida
3 Statutes.

4 Section 11. For the 2003-2004 fiscal year, the sum of
5 \$10 million is appropriated from nonrecurring general revenue
6 to the Office of Tourism, Trade, and Economic Development for
7 the Quick Action Closing Fund pursuant to section 288.1088,
8 Florida Statutes.

9 Section 12. This act shall take effect upon becoming a
10 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 6-E

4 The committee substitute makes the following significant changes
to
4 CS/SB 6-E:

5 Removes provisions requiring the grantee to repay the state
6 for all state funds provided to it if the grantee leaves or
ceases operations in this state before 2019.

7 Revises the terms of the funding corporation's board of
8 directors.

9 Includes a force majeure provision to allow the grantee to
10 continue receiving funding to continue current operations
11 resulting from certain events beyond its control.

12 Authorizes a vote of five of the nine board members of the
13 funding corporation, instead of a vote of seven of the nine
14 board members, to authorize the grantee to use state funds
15 outside of the state or to make disbursements to the grantee.

16 Authorizes the chair and vice chair of the funding corporation
17 to be removed by a simple majority vote.

18 Requires the grantee to use its best efforts to work
19 collaboratively with the University of Miami and historically
20 black colleges, in addition to other research institutions and
21 public and private post secondary educational institutions in
22 this state.

23 Removes repayment provisions, but requires the grantee to
24 reinvest up to \$155 million in the Biomedical Research Trust
25 Fund from a portion of its revenues from royalties and naming
26 rights.

27 Requires the approval and release of funds from the Quick
28 Action Closing Fund to be made through the legislative
29 consultation and review requirements under s. 216.177, F.S.

30 Makes appropriations for the National High Magnetic Field
31 Laboratory, the Military Base Retention Grants Program, the
Entertainment Industry Financial Incentive Program, the Rural
Infrastructure Fund, the Rural Community Development Revolving
Loan Fund, and the Quick Action Closing Fund.