

1
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 specifying contract provisions; providing for
17 disbursement and reinvestment of funds;
18 requiring reports, audits, and evaluations;
19 providing for performance expectations;
20 providing conditions for disbursement of funds;
21 limiting the use of funds; providing
22 requirements for reinvestment; providing that
23 the appropriation of funds does not constitute
24 a debt of the state or a subdivision of the
25 state nor does it subject the state or a
26 subdivision to liability; providing legislative
27 intent with respect to creating economic
28 opportunity and improving public health through
29 the establishment of a biomedical research
30 institution; amending s. 20.435, F.S.;
31 providing for the deposit of certain funds into

1 the Biomedical Research Trust Fund within the
2 Department of Health; abrogating provisions
3 relating to the termination of the trust fund;
4 amending s. 403.973, F.S.; specifying that
5 projects that are part of the biomedical
6 research institution and campus are eligible
7 for the expedited permitting process; providing
8 for challenges to state agency action in
9 expedited permitting related to the institution
10 and campus; providing legislative intent with
11 respect to the use of certain funds provided by
12 the Federal Government; requiring the Office of
13 Tourism, Trade, and Economic Development to
14 request certain disbursements; providing for
15 the reversion of funds to the General Revenue
16 Fund under certain circumstances; describing
17 the authority of the county in which a facility
18 established under the act is located with
19 respect to water and wastewater facilities;
20 providing for an extension of the contract
21 deadline under certain circumstances in which
22 the grantee cannot meet the conditions of the
23 contract; amending s. 288.1088, F.S., relating
24 to the Quick Action Closing Fund; requiring a
25 recommendation by the Executive Office of the
26 Governor; providing requirements for such
27 recommendation; providing appropriations;
28 providing an effective date.

29
30 Be It Enacted by the Legislature of the State of Florida:
31

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

3 288.955 Scripps Florida Funding Corporation.--

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

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

7 (b) "Corporation" means the Scripps Florida Funding
8 Corporation created under this section.

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

14 (2) CREATION.--

15 (a) There is created a not-for-profit corporation
16 known as the Scripps Florida Funding Corporation, which shall
17 be registered, incorporated, organized, and operated under
18 chapter 617.

19 (b) The corporation is not a unit or entity of state
20 government. However, the corporation is subject to the
21 provisions of s. 24, Art. I of the State Constitution and
22 chapter 119, relating to public meetings and records, and the
23 provisions of chapter 286 relating to public meetings and
24 records.

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

27 (d) The corporation shall hire or contract for all
28 staff necessary to the proper execution of its powers and
29 duties within the funds appropriated to implement this section
30 and shall require that all officers, directors, and employees
31 of the corporation comply with the code of ethics for public

1 officers and employees under part III of chapter 112. In no
2 case may the corporation expend more than \$300,000 in the
3 first year and \$200,000 per year thereafter for staffing and
4 necessary administrative expenditures, including, but not
5 limited to, travel and per diem and audit expenditures, using
6 funds appropriated to implement this section.

7 (e) The Office of Tourism, Trade, and Economic
8 Development shall provide administrative support to the
9 corporation as requested by the corporation. In the event of
10 the dissolution of the corporation, the office shall be the
11 corporation's successor in interest and shall assume all
12 rights, duties, and obligations of the corporation under any
13 contract to which the corporation is then a party and under
14 law.

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

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

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

10 (b) Each member of the board of directors shall serve
11 for a term of 4 years, except that initially the Governor, the
12 President of the Senate, and the Speaker of the House of
13 Representatives each shall appoint one member for a term of 1
14 year, one member for a term of 2 years, and one member for a
15 term of 4 years to achieve staggered terms among the members
16 of the board. A member is not eligible for reappointment to
17 the board, except, however, that a member appointed to an
18 initial term of 1 year or 2 years may be reappointed for an
19 additional term of 4 years, and a person appointed to fill a
20 vacancy with 2 years or less remaining on the term may be
21 reappointed for an additional term of 4 years. The Governor,
22 the President of the Senate, and the Speaker of the House of
23 Representatives shall make their initial appointments to the
24 board by November 15, 2003.

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

22 (f) Each member of the board of directors shall serve
23 without compensation, but shall receive travel and per diem
24 expenses as provided in s. 112.061 while in the performance of
25 his or her duties.

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

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

9 (5) ORGANIZATION; MEETINGS.--

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

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

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

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

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

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

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

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

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

23 (d) May make expenditures, from funds provided by this
24 state, including any necessary administrative expenditures
25 consistent with its powers.

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

29 (f) Shall disburse funds pursuant to the provisions of
30 this section and a contract entered into between the
31 corporation and the grantee.

1 (g) Shall receive and review reports and financial
2 documentation provided by the grantee to ensure compliance
3 with the provisions of this section and provisions of the
4 contract.

5 (h) Shall prepare an annual report as prescribed in
6 subsection (14).

7 (7) INVESTMENT OF FUNDS.--The corporation must enter
8 into an agreement with the State Board of Administration under
9 which funds received by the corporation from the Office of
10 Tourism, Trade, and Economic Development which are not
11 disbursed to the grantee shall be invested by the State Board
12 of Administration on behalf of the corporation. Funds shall be
13 invested in suitable instruments authorized under s. 215.47
14 and specified in investment guidelines established and agreed
15 to by the State Board of Administration and the corporation.

16 (8) CONTRACT.--

17 (a) By January 30, 2004, the corporation shall
18 negotiate and execute a contract with the grantee for a term
19 of 20 years. Such contract shall govern the disbursement and
20 use of funds under this section. The board may, by a simple
21 majority vote, authorize one 45-day extension of this
22 deadline. The corporation may not execute the contract unless
23 the contract is approved by the affirmative vote of at least
24 seven of the nine members of the board of directors. At least
25 14 days before execution of the contract, The Scripps Research
26 Institute must submit to the board, the Governor, the
27 President of the Senate, and the Speaker of the House of
28 Representatives an organizational plan, in a form and manner
29 prescribed by the board, for the establishment of a
30 state-of-the-art biomedical research institution and campus in
31 this state, and the board must submit a copy of the proposed

1 contract to the Governor, the President of the Senate, and the
2 Speaker of the House of Representatives.

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

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

9 2. Requiring the grantee to submit to the corporation
10 a business plan in a form and manner prescribed by the
11 corporation.

12 3. Prohibiting The Scripps Research Institute or the
13 grantee from establishing other biomedical science or research
14 facilities in any state other than this state or California
15 for a period of 12 years from the commencement of the
16 contract. Nothing in this subparagraph shall prohibit the
17 grantee from establishing or engaging in normal collaborative
18 activities with other organizations.

19 4. Governing the ownership of or security interests in
20 real property and personal property, including, but not
21 limited to, research equipment, obtained through the financial
22 support of state or local government, including a provision
23 that in the event of a breach of the contract or in the event
24 the grantee ceases operations in this state, such property
25 purchased with state funds shall revert to the state and such
26 property purchased with local funds shall revert to the local
27 governing authority.

28 5. Requiring the grantee to be an equal opportunity
29 employer.

30 6. Requiring the grantee to maintain a policy of
31 awarding preference in employment to residents of this state,

1 as defined by law, except for professional scientific staff
2 positions requiring a doctoral degree, postdoctoral training
3 positions, and graduate student positions.

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

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

10 9. Requiring the grantee to establish accredited
11 science degree programs.

12 10. Requiring the grantee to establish internship
13 programs to create learning opportunities for educators and
14 secondary, postsecondary, graduate, and doctoral students.

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

20 12. Establishing that the corporation shall review the
21 activities of the grantee to assess the grantee's financial
22 and operational compliance with the provisions of the contract
23 and with relevant provisions of law.

24 13. Authorizing the grantee, when feasible, to use
25 information submitted by it to the Federal Government or to
26 other organizations awarding research grants to the grantee to
27 help meet reporting requirements imposed under this section or
28 the contract, if the information satisfies the reporting
29 standards of this section and the contract.

30 14. Requiring the grantee during the first 7 years of
31 the contract to create 545 positions and to acquire associated

1 research equipment for the grantee's facility in this state,
2 and pay for related maintenance of the equipment, in a total
3 amount of not less than \$45 million.

4 15. Requiring the grantee to progress in the creation
5 of the total number of jobs prescribed in subparagraph 14. on
6 the following schedule: At least 38 positions in the 1st year,
7 168 positions in the 2nd year, 280 positions in the 3rd year,
8 367 positions in the 4th year, 436 positions in the 5th year,
9 500 positions in the 6th year, and 545 positions in the 7th
10 year. The board may allow the grantee to deviate downward from
11 such employee levels by 25 percent in any year, to allow the
12 grantee flexibility in achieving the objectives set forth in
13 the business plan provided to the corporation; however, the
14 grantee must have no fewer than 545 positions by the end of
15 the 7th year.

16 16. Requiring the grantee to allow the corporation to
17 retain an independent certified public accountant licensed in
18 this state pursuant to chapter 473 to inspect the records of
19 the grantee in order to audit the expenditure of funds
20 disbursed to the grantee. The independent certified public
21 accountant shall not disclose any confidential or proprietary
22 scientific information of the grantee.

23 17. Requiring the grantee to purchase liability
24 insurance and governing the coverage level of such insurance.

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

28 (9) PERFORMANCE EXPECTATIONS.--In addition to the
29 provisions prescribed in subsection (8), the contract between
30 the corporation and the grantee shall include a provision that
31 the grantee, in cooperation with the Office of Tourism, Trade,

1 and Economic Development, shall report to the corporation on
2 performance expectations that reflect the aspirations of the
3 Governor and the Legislature for the benefits accruing to this
4 state as a result of the funds appropriated pursuant to this
5 section. These shall include, but are not limited to,
6 performance expectations addressing:

7 (a) The number and dollar value of research grants
8 obtained from the Federal Government or sources other than
9 this state.

10 (b) The percentage of total research dollars received
11 by The Scripps Research Institute from sources other than this
12 state which is used to conduct research activities by the
13 grantee in this state.

14 (c) The number or value of patents obtained by the
15 grantee.

16 (d) The number or value of licensing agreements
17 executed by the grantee.

18 (e) The extent to which research conducted by the
19 grantee results in commercial applications.

20 (f) The number of collaborative agreements reached and
21 maintained with colleges and universities in this state and
22 with research institutions in this state, including agreements
23 that foster participation in research opportunities by public
24 and private colleges and universities and research
25 institutions in this state with significant minority
26 populations, including historically black colleges and
27 universities.

28 (g) The number of collaborative partnerships
29 established and maintained with businesses in this state.

30 (h) The total amount of funding received by the
31 grantee from sources other than the State of Florida.

1 (i) The number or value of spin off businesses created
2 in this state as a result of commercialization of the research
3 of the grantee.

4 (j) The number or value of businesses recruited to
5 this state by the grantee.

6 (k) The establishment and implementation of policies
7 to promote supplier diversity using the guidelines developed
8 by the Office of Supplier Diversity under s. 287.09451 and to
9 comply with the ordinances, including any small-business
10 ordinances, enacted by the county and which are applicable to
11 the biomedical research institution and campus located in this
12 state.

13 (l) The designation by the grantee of a representative
14 to coordinate with the Office of Supplier Diversity.

15 (m) The establishment and implementation of a program
16 to conduct workforce recruitment activities at public and
17 private colleges and universities and community colleges in
18 this state which request the participation of the grantee.

19
20 The contract shall require the grantee to provide information
21 to the corporation on the progress in meeting these
22 performance expectation on an annual basis. It is the intent
23 of the Legislature that, in fulfilling its obligation to work
24 with Florida's public and private colleges and universities,
25 Scripps Florida work with such colleges and universities
26 regardless of size.

27 (10) DISBURSEMENT CONDITIONS.--In addition to the
28 provisions prescribed in subsection (8), the contract between
29 the corporation and the grantee shall include disbursement
30 conditions that must be satisfied by the grantee as a
31 condition for the continued disbursement of funds under this

1 section. These disbursement conditions shall be negotiated
2 between the corporation and the grantee and shall not be
3 designed to impede the ability of the grantee to attain full
4 operational status. The disbursement conditions may be
5 appropriately varied as to timeframes, numbers, values, and
6 percentages. The disbursement conditions shall include, but
7 are not limited to, the following areas:

8 (a) Demonstrate creation of jobs and report on the
9 average salaries paid.

10 (b) Beginning 18 months after the grantee's occupancy
11 of its permanent facility, the grantee shall annually obtain
12 \$100,000 of nonstate funding for each full-time equivalent
13 tenured-track faculty member employed at the Florida facility.

14 (c) No later than 3 years after the grantee's
15 occupancy of its permanent facility, the grantee shall apply
16 to the relevant accrediting agency for accreditation of its
17 Florida graduate program.

18 (d) The grantee shall purchase equipment for its
19 Florida facility as scheduled in its contract with the
20 corporation.

21 (e) No later than 18 months after occupying its
22 permanent facility, the grantee shall establish a program for
23 qualified graduate students from Florida universities
24 permitting them access to the facility for doctoral,
25 thesis-related research.

26 (f) No later than 18 months after occupancy of the
27 permanent facility, the grantee shall establish a summer
28 internship for high school students.

29 (g) No later than 3 years after occupancy of the
30 permanent facility, the grantee shall establish a research
31 program for middle and high school teachers.

1 (h) No later than 18 months after occupancy of the
2 permanent facility, the grantee shall establish a program for
3 adjunct professors.

4 (i) No later than 6 months after commissioning its high
5 throughput technology, the grantee shall establish a program
6 to allow open access for qualified science projects.

7 (j) Beginning June 2004, the grantee shall commence
8 collaborative efforts with Florida public and private colleges
9 and universities, and shall continue cooperative collaboration
10 through the term of the agreement.

11 (k) Beginning 18 months after the grantee occupies the
12 permanent facility, the grantee shall establish an annual
13 seminar series featuring a review of the science work done by
14 the grantee and its collaborators at the Florida facility.

15 (l) Beginning June 2004, the grantee shall commence
16 collaboration efforts with the Office of Tourism, Trade, and
17 Economic Development by complying with reasonable requests for
18 cooperation in economic development efforts in the
19 biomed/biotech industry. No later than July 2004, the grantee
20 shall designate a person who shall be charged with assisting
21 in these collaborative efforts.

22 (11) DISBURSEMENTS.--

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

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

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

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

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

10 Determination of material default or breach of contract shall
11 require the affirmative vote of at least seven of the nine
12 members of the board.

13 (c) Each disbursement by the corporation to the
14 grantee under this section is conditioned upon the affirmative
15 approval of at least five 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 (12) USE OF FUNDS.--

20 (a) Funds appropriated in furtherance of this section
21 may not be disbursed or expended for activities that do not
22 principally benefit or that are not directly related to the
23 establishment or operation of the grantee in this state,
24 except upon approval of the affirmative vote of at least seven
25 of the nine members of the board of 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 (c) The grantee must provide for separate accounts for
31 any funds appropriated in furtherance of this section and

1 separate books and records relating to the Scripps Research
2 Institute's Florida operation.

3 (13) REINVESTMENT.--

4 (a) The grantee shall reinvest 15 percent of the net
5 royalty revenues, including the revenues from the sale of
6 stock, received by The Scripps Research Institute from the
7 licensing or transfer of inventions, methods, processes, and
8 other patentable discoveries conceived or reduced to practice
9 using the grantee's Florida facilities or Florida employees,
10 in whole or in part, and to which the grantee becomes entitled
11 during the 20 years following the effective date of the
12 contract between the corporation and the grantee. For purposes
13 of this paragraph, the term "net royalty revenues" means all
14 royalty revenues less the cost of obtaining, maintaining, and
15 enforcing related patent and intellectual property rights,
16 both foreign and domestic. Reinvestment payments under this
17 paragraph shall commence no later than 6 months after the
18 grantee has received the final disbursement under the contract
19 and shall continue until the maximum reinvestment has been
20 paid.

21 (b) The grantee shall reinvest 15 percent of the gross
22 revenues it receives from naming opportunities associated with
23 any facility it builds in this state. For purposes of this
24 section, the term "naming opportunities" includes charitable
25 donations from any person or entity in consideration for the
26 right to have all or a portion of the facility named for or in
27 the memory of any person, living or dead, or for any entity.
28 The obligation to make reinvestment payments under this
29 section shall commence upon the execution of the contract
30 between the corporation and the grantee.

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1 All reinvestment payments made pursuant to this section shall
2 be remitted to the state for deposit in the Biomedical
3 Research Trust Fund or, if such fund has ceased to exist, in
4 another trust fund that supports biomedical research, as
5 determined by law. The maximum reinvestment required of the
6 grantee pursuant to this subsection shall not exceed \$200
7 million. At such time as the reinvestment payments equal \$155
8 million or the contract expires, whichever is earlier, the
9 board of the corporation shall determine whether the
10 performance expectations and disbursement conditions have been
11 met. If the board determines that the performance expectations
12 and disbursement conditions have been met, the amount of \$200
13 million shall be reduced to \$155 million. The grantee shall
14 annually submit a schedule of the shares of stock held by it
15 as payment of the royalty referred to in paragraph (a) and
16 report on any trades or activity concerning such stock. The
17 grantee's obligations under this subsection shall survive the
18 expiration or termination of the contract between the
19 corporation and the grantee.

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

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

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

28 (c) An accounting of expenditures by the grantee
29 during the fiscal year of funds disbursed under this section.
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1 (d) Information on the number and salary level of jobs
2 created by the grantee, including the number and salary level
3 of jobs created for residents of this state.

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

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

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

14 (h) A description of the status of the performance
15 expectations under subsection (9) and the disbursement
16 conditions under subsection (10).

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 (15) PROGRAM EVALUATION.--

22 (a) Before January 1, 2007, 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 and the corporation relating to the
26 provisions of this section. The audit shall assess the
27 implementation and outcomes of activities under this section.
28 At a minimum, the audit shall address:

29 1. Performance of the Office of Tourism, Trade, and
30 Economic Development in disbursing funds appropriated under
31 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. Economic activity generated through funds disbursed
6 under the contract.

7 (b) Before January 1, 2010, the Office of Program
8 Policy Analysis and Government Accountability shall update the
9 report required under this subsection. In addition to
10 addressing the items prescribed in paragraph (a), the updated
11 report shall include a recommendation on whether the
12 Legislature should retain the statutory authority for the
13 corporation.

14
15 A report of each audit's findings and recommendations shall be
16 submitted to the Governor, the President of the Senate, and
17 the Speaker of the House of Representatives. In completing the
18 performance audits required under this subsection, the Office
19 of Program Policy Analysis and Government Accountability shall
20 maximize the use of reports submitted by the grantee to the
21 Federal Government or to other organizations awarding research
22 grants to the grantee.

23 (16) LIABILITY.--

24 (a) The appropriation or disbursement of funds under
25 this section does not constitute a debt, liability, or
26 obligation of the State of Florida, any political subdivision
27 thereof, or the corporation or a pledge of the faith and
28 credit of the state or of any such political subdivision.

29 (b) The appropriation or disbursement of funds under
30 this section does not subject the State of Florida, any
31 political subdivision thereof, or the corporation to liability

1 related to the research activities and research products of
2 the grantee.

3 Section 2. Paragraph (h) of subsection (1) of section
4 20.435, Florida Statutes, is amended to read:

5 20.435 Department of Health; trust funds.--

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

8 (h) Biomedical Research Trust Fund.

9 1. Funds to be credited to the trust fund shall
10 consist of funds deposited pursuant to s. 215.5601. Funds
11 shall be used for the purposes of the James and Esther King
12 Biomedical Research Program as specified in ss.s.215.5602
13 and 288.955. The trust fund is exempt from the service charges
14 imposed by s. 215.20.

15 2. Notwithstanding the provisions of s. 216.301 and
16 pursuant to s. 216.351, any balance in the trust fund at the
17 end of any fiscal year shall remain in the trust fund at the
18 end of the year and shall be available for carrying out the
19 purposes of the trust fund.

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

22 Section 3. Subsections (3), (7), and (15) of section
23 403.973, Florida Statutes, are amended to read:

24 403.973 Expedited permitting; comprehensive plan
25 amendments.--

26 (3)(a) The Governor, through the office, shall direct
27 the creation of regional permit action teams, for the purpose
28 of expediting review of permit applications and local
29 comprehensive plan amendments submitted by:

30 1. Businesses creating at least 100 jobs, or
31

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

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

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

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

25 3. The amount of capital investment; and

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

28 (c) At the request of a county or municipal
29 government, the office or a Quick Permitting County may
30 certify projects located in counties where the ratio of new
31 jobs per participant in the welfare transition program, as

1 determined by Workforce Florida, Inc., is less than one or
2 otherwise critical, as eligible for the expedited permitting
3 process. Such projects must meet the numerical job creation
4 criteria of this subsection, but the jobs created by the
5 project do not have to be high-wage jobs that diversify the
6 state's economy.

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

9 (e) Projects that are part of the state-of-the-art
10 biomedical research institution and campus to be established
11 in this state by the grantee under s. 288.955 are eligible for
12 the expedited permitting process, if the projects are
13 designated as part of the institution or campus by the board
14 of county commissioners of the county in which the institution
15 and campus are established.

16 (7) The local government shall hold a duly noticed
17 public hearing to execute a memorandum of agreement for each
18 qualified project. Notwithstanding any other provision of law,
19 and at the option of the local government, the workshop
20 provided for in subsection (6) may be conducted on the same
21 date as the public hearing held under this subsection.The
22 memorandum of agreement that a local government signs shall
23 include a provision identifying necessary local government
24 procedures and time limits that will be modified to allow for
25 the local government decision on the project within 90 days.
26 The memorandum of agreement applies to projects, on a
27 case-by-case basis, that qualify for special review and
28 approval as specified in this section. The memorandum of
29 agreement must make it clear that this expedited permitting
30 and review process does not modify, qualify, or otherwise
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1 alter existing local government nonprocedural standards for
2 permit applications, unless expressly authorized by law.

3 (15)(a) Challenges to state agency action in the
4 expedited permitting process for projects processed under this
5 section are subject to the summary hearing provisions of s.
6 120.574, except that the administrative law judge's decision,
7 as provided in s. 120.574(2)(f), shall be in the form of a
8 recommended order and shall not constitute the final action of
9 the state agency. In those proceedings where the action of
10 only one agency of the state is challenged, the agency of the
11 state shall issue the final order within 10 working days of
12 receipt of the administrative law judge's recommended order.
13 In those proceedings where the actions of more than one agency
14 of the state are challenged, the Governor shall issue the
15 final order within 10 working days of receipt of the
16 administrative law judge's recommended order. The
17 participating agencies of the state may opt at the preliminary
18 hearing conference to allow the administrative law judge's
19 decision to constitute the final agency action. If a
20 participating local government agrees to participate in the
21 summary hearing provisions of s. 120.574 for purposes of
22 review of local government comprehensive plan amendments, s.
23 163.3184(9) and (10) apply.

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

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1 summary hearing, regardless of whether the parties agree to
2 the summary proceeding.

3 Section 4. Notwithstanding any other provision of law,
4 the county in which the projects that are part of or ancillary
5 to the state-of-the-art biomedical research institution and
6 campus to be established in this state by the grantee under
7 section 288.955, Florida Statutes, are to be located shall
8 have the exclusive right, which right may be assigned in whole
9 or in part by the governing body of the county in its sole
10 discretion, to provide water and wastewater services to such
11 projects to the extent deemed necessary by the governing body
12 of the county. The county may plan, acquire, construct,
13 reconstruct, enlarge or extend, operate, and maintain water
14 and wastewater systems and facilities within or without the
15 boundaries of such projects for the provision of water and
16 wastewater services.

17 Section 5. (1) It is the intent of the Legislature to
18 use a portion of the funds provided by the Federal Government
19 under section 401(b) of the Jobs and Growth Tax Relief
20 Reconciliation Act of 2003 for the essential governmental
21 service of improving economic opportunities available to the
22 people of this state by attracting new or expanding businesses
23 to, and retaining businesses in, the state. Additionally, the
24 Legislature recognizes that the state spends billions of
25 dollars each year to treat major illnesses such as coronary
26 artery disease, Alzheimer's disease, diabetes, autoimmune
27 diseases, and cancer. It is further the intent of the
28 Legislature to use the funds so provided to advance the
29 essential government service of improving the health of the
30 people of this state by promoting research and development for
31 the prediction, treatment, prevention, and cure of disease.

1 Funding provided under this section will serve these essential
2 government services and help accelerate the development of
3 biomedical research and development projects in the state.

4 (2) For fiscal year 2003-2004, the sum of \$310 million
5 is appropriated from the General Revenue Fund to the Office of
6 Tourism, Trade, and Economic Development for the purpose of
7 funding for the Scripps Florida Funding Corporation created
8 under this act in the special category Grants and Aids to the
9 Scripps Florida Funding Corporation. Notwithstanding sections
10 216.181(16) and 216.351, Florida Statutes, the Office of
11 Tourism, Trade, and Economic Development shall request
12 disbursement from the Chief Financial Officer of \$300,000 to
13 cover the staffing and administrative expenses of the
14 corporation as soon as the corporation is formed.

15 Notwithstanding sections 216.181(16) and 216.351, Florida
16 Statutes, the Office of Tourism, Trade, and Economic
17 Development shall request disbursement from the Chief
18 Financial Officer of the balance of the appropriation to the
19 corporation in one lump sum upon the execution of the contract
20 between the Scripps Florida Funding Corporation and the
21 grantee, and such disbursement shall be subject to a contract
22 executed between the office and the corporation. In the event
23 the corporation and the grantee are unable to execute the
24 contract after reasonable efforts, all funds appropriated to
25 the corporation in furtherance of this act shall revert to the
26 General Revenue Fund unallocated. In the event that the
27 contract is terminated for breach or otherwise, all funds not
28 yet disbursed to the grantee shall be immediately returned to
29 the General Revenue Fund unallocated.

30 Section 6. Force majeure.--Notwithstanding any other
31 provisions contained in this act, if the grantee is prevented

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

17 Section 7. Paragraph (b) of subsection (3) of section
18 288.1088, Florida Statutes, is amended to read:

19 288.1088 Quick Action Closing Fund.--

20 (3)

21 (b) Upon receipt of the evaluation and recommendation
22 from Enterprise Florida, Inc., the director shall recommend
23 approval or disapproval of a project for receipt of funds from
24 the Quick Action Closing Fund to the Governor. In recommending
25 a project, the director shall include proposed performance
26 conditions that the project must meet to obtain incentive
27 funds. The Governor shall consult with the President of the
28 Senate and the Speaker of the House of Representatives before
29 giving final approval for a project. The Executive Office of
30 the Governor shall recommend approval of a project and the
31 release of funds pursuant to the legislative consultation and

1 review requirements set forth in s. 216.177. The
2 recommendation must include proposed performance conditions
3 that the project must meet in order to obtain funds.

4 Section 8. This act shall take effect upon becoming a
5 law.

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