



# Journal of the Senate

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Thursday, October 23, 2003

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## CALL TO ORDER

The Senate was called to order by President King at 10:00 a.m. in lieu of 9:00 a.m. A quorum present—39:

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wise

Excused: Senators Wilson, Haridopolos and Villalobos after 4:00 p.m.

## PRAYER

The following prayer was offered by Senator Crist:

Let us pray. O Heavenly Father, it is written that when two or more are gathered together in prayer that our voices are stronger than one. We come here today and pray for divine wisdom to make wise decisions and wise choices on behalf of the people who have sent us here. We pray that our deliberation be respectful and productive and that we do the business of the people in a professional manner. We give thanks for the opportunities to serve, Father, and finally we pray for Terri Schiavo, may your will be done. It is through our individual faiths that we pray to you today. Amen.

## PLEDGE

Senator Lawson led the Senate in the pledge of allegiance to the flag of the United States of America.

## INTRODUCTION AND REFERENCE OF BILLS

### FIRST READING

#### Motion

On motion by Senator Lee, by the required constitutional two-thirds vote of the membership the following bill was admitted for introduction outside the purview of the Governor's call:

By Senators Bennett, Lynn, Fasano, Webster, Argenziano and Siplin—

**SB 22-E**—A bill to be entitled An act relating to increasing funding for the Florida Education Finance Program through a partial reduction of tax credits for contributions to nonprofit scholarship-funding organizations based on estimated student enrollment; specifying the total amount of tax credits and carryforward tax credits that may be granted for the 2003-2004 fiscal year; providing an appropriation; providing for the allocation of such appropriation for the 2003-2004 fiscal year; providing an effective date.

—was referred to the Committee on Appropriations

## MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Lee, the rules were waived and the Committee on Appropriations was granted permission to add **SB 22-E** to the agenda at the meeting scheduled for 12:00 noon to 12:30 p.m. this day.

## SPECIAL RECOGNITION

The President recognized Senator Alex Diaz de la Portilla and congratulated him on his recent marriage. President King appointed Senators Argenziano, Jones, Lee, Pruitt and Smith to escort the new bride, Claudia Davant Diaz de la Portilla, to Senator Diaz de la Portilla's desk. The President also introduced special guests Fabiola Diaz, the Senator's mother, and Marvin and Reba Davant, Claudia's parents, who were present in the chamber.

## INTRODUCTION OF FORMER SENATOR

The President recognized former Senator and newly elected Representative, Dr. Donald Sullivan, who was present in the chamber.

## SPECIAL ORDER CALENDAR

On motion by Senator Atwater, by two-thirds vote—

**CS for CS for SB 6-E**—A bill to be entitled An act relating to economic development; creating s. 288.955, F.S.; creating the Scripps Florida Funding Corporation to facilitate the establishment and operation of a biomedical research institution for the purposes of enhancing education and research and promoting economic development and diversity; providing for its board of directors; prohibiting conflicts of interest; providing penalties; providing powers and duties of the corporation; providing for investment of funds; requiring an operating plan; requiring the corporation and Scripps Florida or another entity operating such an institution to enter into a contract; providing for disbursement and investment of funds; requiring reports, audits, and evaluations; providing for performance measures as conditions for disbursement of funds; limiting the use of funds; providing that the appropriation of funds does not

constitute a debt of the state or a subdivision of the state nor does it subject the state or a subdivision to liability; creating the Joint Legislative Committee on Biomedical Investment Oversight; providing its membership and duties; providing legislative intent with respect to creating economic opportunity and improving public health through the establishment of a biomedical research institution; amending s. 403.973, F.S.; specifying that projects that are part of the biomedical research institution and campus are eligible for the expedited permitting process; providing for challenges to state agency action in expedited permitting related to the institution and campus; providing for the reversion of funds to the General Revenue Fund under certain circumstances; providing for an extension of the contract deadline under certain circumstances in which the grantee cannot meet the conditions of the contract; amending s. 288.1088, F.S., relating to the Quick Action Closing Fund; requiring a recommendation by the Executive Office of the Governor; providing requirements for such recommendation; providing appropriations; providing an effective date.

—was read the second time by title.

Senators Atwater and Klein offered the following amendment which was moved by Senator Atwater:

**Amendment 1 (394116)**—On page 2, line 20 through page 8, line 26, delete those lines and insert:

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

288.955 *Scripps Florida Funding Corporation.*—

(1) **DEFINITIONS.**—As used in this section, the term:

(a) “Contract” means the contract executed between the corporation and the grantee under this section.

(b) “Corporation” means the Scripps Florida Funding Corporation created under this section.

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

(2) **CREATION.**—

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

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

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

(d) The corporation shall hire or contract for all staff necessary to the proper execution of its powers and duties within the funds appropriated to implement this section and shall require that all officers, directors, and employees of the corporation comply with the code of ethics for public officers and employees under part III of chapter 112. In no case may the corporation expend more than \$300,000 in the first year and \$200,000 per year thereafter for staffing and necessary administrative expenditures, including, but not limited to, travel and per diem and audit expenditures, using funds appropriated to implement this section.

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

(3) **PURPOSE.**—The corporation shall be organized to receive, hold, invest, administer, and disburse funds appropriated by the Legislature for the establishment and operation of a state-of-the-art biomedical research institution and campus in this state by The Scripps Research Institute. The corporation shall safeguard the state’s commitment of financial support by ensuring that, as a condition for the receipt of these

funds, the grantee meets its contractual obligations. In this manner, the corporation shall facilitate and oversee the state goal and public purpose of providing financial support for the institution and campus in order to expand the amount and prominence of biomedical research conducted in this state, provide an inducement for high-technology businesses to locate in this state, create educational opportunities through access to and partnerships with the institution, and promote improved health care through the scientific outcomes of the institution.

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

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

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

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

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

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

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

(g) Each member of the board of directors is accountable for the proper performance of the duties of office, and each member owes a fiduciary duty to the people of the state to ensure that funds provided in furtherance of this section are disbursed and used as prescribed by law and contract. The Governor may remove a member the Governor appointed for malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, unexcused absence from three consecutive meetings of the board, arrest or indictment for a crime that is a felony or a misdemeanor involving theft or a crime of dishonesty, or pleading nolo contendere to, or being found guilty of, any crime.

(h) Notwithstanding the terms of service prescribed in paragraph (b), each member of the board of directors appointed by the President of the Senate or the Speaker of the House of Representatives shall serve at the pleasure of the respective appointing officer.

## (5) ORGANIZATION; MEETINGS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Lee moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (525782)**—On page 5, lines 12-29, delete those lines and insert:

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

**Amendment 1** as amended was adopted.

Senators Atwater and Klein offered the following amendments which were moved by Senator Atwater and adopted:

**Amendment 2 (044362)**—On page 15, line 23 through page 17, line 25, delete those lines and insert:

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

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

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

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

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

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

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

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

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

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

(14) PROGRAM EVALUATION.—

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

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

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

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

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

(b) Before January 1, 2010, the Office of Program

**Amendment 3 (952696)(with title amendment)**—On page 18, line 21 through page 19, line 7, delete those lines.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 24-26, delete those lines and insert: to liability; providing

Senators Atwater and Klein offered the following amendments which were moved by Senator Klein and adopted:

**Amendment 4 (551674)(with title amendment)**—On page 19, between lines 7 and 8, insert:

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

20.435 Department of Health; trust funds.—

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

(h) Biomedical Research Trust Fund.

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

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

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

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 30, after the semicolon (;) insert: amending s. 20.435, F.S.; providing for the deposit of certain funds into the Biomedical Research Trust Fund within the Department of Health; abrogating provisions relating to the termination of the trust fund;

**Amendment 5 (545794)**—On page 19, line 8 through page 20, line 28, delete those lines and insert:

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

403.973 Expedited permitting; comprehensive plan amendments.—

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

1. Businesses creating at least 100 jobs, or

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

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

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

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

3. The amount of capital investment; and

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

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

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

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

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

**Amendment 6 (215566)(with title amendment)**—On page 21, line 28 through line 23, line 20, delete those lines and insert:

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

(2) *For fiscal year 2003-2004, the sum of \$310 million is appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development for the purpose of funding for the Scripps Florida Funding Corporation created under this act in the special category Grants and Aids to the Scripps Florida Funding Corporation. Notwithstanding sections 216.181(16) and 216.351, Florida Statutes, the Office of Tourism, Trade, and Economic Development shall request disbursement from the Chief Financial Officer of \$300,000 to cover the staffing and administrative expenses of the corporation as soon as the corporation is formed. Notwithstanding sections 216.181(16) and 216.351, Florida Statutes, the Office of Tourism, Trade, and Economic Development shall request disbursement from the Chief Financial Officer of the balance of the appropriation to the corporation in one lump sum upon the execution of the contract between the Scripps Florida Funding Corporation and the*

grantee, and such disbursement shall be subject to a contract executed between the office and the corporation. In the event the corporation and the grantee are unable to execute the contract after reasonable efforts, all funds appropriated to the corporation in furtherance of this act shall revert to the General Revenue Fund unallocated. In the event that the contract is terminated for breach or otherwise, all funds not yet disbursed to the grantee shall be immediately returned to the General Revenue Fund unallocated.

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

And the title is amended as follows:

On page 2, line 5, after the semicolon (;) insert: providing legislative intent with respect to the use of certain funds provided by the Federal Government; requiring the Office of Tourism, Trade, and Economic Development to request certain disbursements;

Senator Miller moved the following amendment which failed:

**Amendment 7 (302784)**—On page 25, between lines 8 and 9, insert:

Section 12. *For the 2003–2004 fiscal year, the sum of \$40 million is appropriated from nonrecurring general revenue to grants and aids for community colleges. These funds shall be allocated to community colleges in a manner that is proportionate to the distribution of funds appropriated in Specific Appropriation 101 in chapter 2003-397, Laws of Florida.*

(Redesignate subsequent sections.)

Senator Campbell moved the following amendment which failed:

**Amendment 8 (380256)(with title amendment)**—On page 25, between lines 8 and 9, insert:

Section 12. *For the 2003-2004 fiscal year, the sum of \$25 million is appropriated from nonrecurring general revenue to the Office of Tourism, Trade, and Economic Development to provide for the establishment of the Small Business Florida Initiative within the office. Under the Small Business Florida Initiative, the Office of Tourism, Trade, and Economic Development is authorized to provide start-up and expansion grants to small businesses or minority business enterprises, as defined in section 288.703, Florida Statutes. The director shall include proposed performance conditions that qualified small business and minority business enterprises must meet to obtain grants under the Small Business Florida Initiative.*

(1) *To be eligible for consideration to receive a grant under the Small Business Florida Initiative, a business must submit a written request to the Office of Tourism, Trade, and Economic Development after the qualifying business has made the decision to start up or expand in this state. The request shall include, but is not limited to, the following information:*

(a) *The applicant's federal employer identification number, unemployment account number, and state sales tax registration number. If these numbers are not available at the time of application, they must be submitted to the office in writing prior to the disbursement of any payments under this section.*

(b) *The location in this state at which the small business or minority business enterprise project is located or is to be located.*

(c) *A description of the type of business activity, product, or research and development the project, including four-digit NAICS codes for all activities included in the project.*

(d) *The business's projected investment in the project.*

(e) *The total investment, from all sources, in the project.*

(f) *The number of net new full-time-equivalent Florida jobs the small business or minority business enterprise anticipates each year included in the project and the average wage of those jobs.*

(g) *The anticipated commencement date of the project.*

(h) *A detailed explanation of why the Small Business Florida Initiative is needed to induce the business to expand or start up in the state.*

(2) *To qualify for review by the office, the eligible Small Business Florida Initiative business must, at a minimum, establish the following to the satisfaction of the office:*

(a) *The jobs proposed to be provided under the application must pay an estimated annual average wage equaling the average private sector wage in the area where the business is to be located or the statewide private sector average wage. The wage requirement may only be waived for a project located in a brownfield area designated under section 376.80, Florida Statutes, in a rural city or county, or in an enterprise zone and only when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action.*

(b) *A small business or a minority business enterprise must document to the office that it provides health insurance, as defined in section 624.603, Florida Statutes, for its employees to be eligible to receive a Small Business Florida Initiative grant.*

(3) *The office may negotiate the proposed amount of a Small Business Florida Initiative business grant for any single qualified Small Business Florida Initiative business. In negotiating such award, the office shall consider the amount of the incentive needed in conjunction with other relevant applicant impact and cost information and analysis. No more than \$250,000 may be awarded for any one qualified Small Business Florida Initiative business. To be considered for any Small Business Florida Initiative grant over \$100,000, a qualified Small Business Florida Initiative business application must include the creation of a minimum of 100 jobs and provide health insurance to its employees.*

(4) *The director shall recommend approval or disapproval of a project for receipt of a grant under the Small Business Florida Initiative to the Governor. In recommending a project, the director shall include proposed performance conditions that the project must meet to obtain incentive funds and any other conditions that must be met prior to the receipt of any incentive funds.*

(5) *The Office of Tourism, Trade, and Economic Development shall provide a report on the performance of the Small Business Florida Initiative grant program in assisting small businesses and minority business enterprises with expansion and start-up activity to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 16, following the semicolon (;) insert: providing for the Small Business Florida Initiative within the Office of Tourism, Trade, and Economic Development; providing eligibility requirements for grants under the initiative; providing for reports;

Senators Hill and Bullard offered the following amendment which was moved by Senator Hill and failed:

**Amendment 9 (405618)**—On page 25, between lines 8 and 9, insert:

Section 12. *For the 2003-2004 fiscal year, the sum of \$20 million is appropriated from nonrecurring general revenue to the Agency for Health Care Administration to provide comprehensive health insurance coverage to Title XXI children eligible under the Florida Kidcare Program. Notwithstanding any language contained in the 2003-2004 General Appropriations Act, including, but not limited to, Specific Appropriations 144 through 147, such funds shall be used during fiscal year 2003-2004:*

(1) *To provide Kidcare benefits and coverage for Title XXI eligible children on the waiting list as of the effective date of this act.*

(2) For Title XXI eligible children not on the waiting list as of the effective date of this act but for whom application is subsequently made for Kidcare benefits.

(3) To prevent disenrollment of children currently enrolled in Title XXI programs.

In order to maximize federal funds, the agency is authorized in compliance with chapter 216, Florida Statutes, additional budget authority to expand existing programs using increased federal funding through Title XXI of the Social Security Act.

(Redesignate subsequent sections.)

Senators Atwater and Klein offered the following amendment which was moved by Senator Atwater:

**Amendment 10 (885350)(with title amendment)**—On page 8, line 27 through page 15, line 22, delete those lines and insert:

(8) CONTRACT.—

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

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

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

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

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

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

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

6. Requiring the grantee to maintain a policy of awarding preference in employment to residents of this state, as defined by law, except for professional scientific staff positions requiring a doctoral degree, postdoctoral training positions, and graduate student positions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) The number of collaborative agreements reached and maintained with colleges and universities in this state and with research institutions in this state.

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

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

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

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

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

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

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

The contract shall require the grantee to provide information to the corporation on the progress in meeting these performance expectation on an annual basis.

(10) **DISBURSEMENT CONDITIONS.**—In addition to the provisions prescribed in subsection (8), the contract between the corporation and the grantee shall include disbursement conditions that must be satisfied by the grantee as a condition for the continued disbursement of funds under this section. These disbursement conditions shall be negotiated between the corporation and the grantee and shall not be designed to impede the ability of the grantee to attain full operational status. The disbursement conditions may be appropriately varied as to timeframes, numbers, values, and percentages. The disbursement conditions shall include, but are not limited to, the following areas:

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

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

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

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

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

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

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

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

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

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

(k) Beginning 18 months after the grantee occupies the permanent facility, the grantee shall establish an annual seminar series featuring a

review of the science work done by the grantee and its collaborators at the Florida facility.

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

(11) **DISBURSEMENTS.**—

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

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

1. The grantee is no longer operating in this state;
2. The grantee has failed to commit in writing to maintain operations in the state for the succeeding year; or
3. The grantee commits a material default or breach of the contract, as defined and governed by the contract. Determination of material default or breach of contract shall require the affirmative vote of at least seven of the nine members of the board.

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

(12) **USE OF FUNDS.**—

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

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

(13) **REINVESTMENT.**—

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

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

All reinvestment payments made pursuant to this section shall be remitted to the state for deposit in the Biomedical Research Trust Fund or, if

such fund has ceased to exist, in another trust fund that supports biomedical research, as determined by law. The maximum reinvestment required of the grantee pursuant to this subsection shall not exceed \$200 million. At such time as the reinvestment payments equal \$155 million or the contract expires, whichever is earlier, the board of the corporation shall determine whether the performance expectations and disbursement conditions have been met. If the board determines that the performance expectations and disbursement conditions have been met, the amount of \$200 million shall be reduced to \$155 million. The grantee shall annually submit a schedule of the shares of stock held by it as payment of the royalty referred to in paragraph (a) and report on any trades or activity concerning such stock. The grantee's obligations under this subsection shall survive the expiration or termination of the contract between the corporation and the grantee.

(Renumber subsequent subsections.)

And the title is amended as follows:

On page 1, lines 13-20, delete those lines and insert: operating plan; requiring the corporation and Scripps Florida or another entity operating such an institution to enter into a contract; specifying contract provisions; providing for disbursement and reinvestment of funds; requiring reports, audits, and evaluations; providing for performance expectations; providing conditions for disbursement of funds; limiting the use of funds; providing requirements for reinvestment; providing that the

#### MOTION

On motion by Senator Dawson, the rules were waived to allow the following amendment to be considered:

Senators Dawson, Miller, Siplin, Bullard, Lawson, Klein and Atwater offered the following amendment to **Amendment 10** which was moved by Senator Dawson and adopted:

**Amendment 10A (293264)**—On page 6, line 19, following the period (.) insert: *It is the intent of the Legislature that, in fulfilling its obligation to work with Florida's public and private colleges and universities, Scripps Florida work with such colleges and universities regardless of size.*

#### MOTION

On motion by Senator Wasserman Schultz, the rules were waived to allow the following amendment to be considered:

Senators Wasserman Schultz and Campbell offered the following amendment to **Amendment 10** which was moved by Senator Wasserman Schultz and adopted:

**Amendment 10B (493414)**—On page 9, line 14, delete "primarily" and insert: *directly*

On motion by Senator Atwater, further consideration of **CS for CS for SB 6-E** with pending **Amendment 10 (885350)** as amended was deferred.

### RECESS

On motion by Senator Lee, the Senate recessed at 11:54 a.m. to reconvene at 1:15 p.m. or upon call of the President.

### AFTERNOON SESSION

The Senate was called to order by the President at 1:34 p.m. A quorum present—38:

Mr. President	Cowin	Jones
Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Atwater	Diaz de la Portilla	Lee
Bennett	Dockery	Lynn
Bullard	Fasano	Margolis
Campbell	Garcia	Miller
Carlton	Geller	Peaden
Clary	Haridopolos	Posey
Constantine	Hill	Pruitt

Saunders	Smith	Webster
Sebesta	Villalobos	Wise
Siplin	Wasserman Schultz	

#### MOTION

On motion by Senator Lee, by two-thirds vote **SB 22-E** was placed on the Special Order Calendar.

### SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

**CS for CS for SB 6-E**—A bill to be entitled An act relating to economic development; creating s. 288.955, F.S.; creating the Scripps Florida Funding Corporation to facilitate the establishment and operation of a biomedical research institution for the purposes of enhancing education and research and promoting economic development and diversity; providing for its board of directors; prohibiting conflicts of interest; providing penalties; providing powers and duties of the corporation; providing for investment of funds; requiring an operating plan; requiring the corporation and Scripps Florida or another entity operating such an institution to enter into a contract; providing for disbursement and reinvestment of funds; requiring reports, audits, and evaluations; providing for performance measures as conditions for disbursement of funds; limiting the use of funds; providing that the appropriation of funds does not constitute a debt of the state or a subdivision of the state nor does it subject the state or a subdivision to liability; creating the Joint Legislative Committee on Biomedical Investment Oversight; providing its membership and duties; providing legislative intent with respect to creating economic opportunity and improving public health through the establishment of a biomedical research institution; amending s. 403.973, F.S.; specifying that projects that are part of the biomedical research institution and campus are eligible for the expedited permitting process; providing for challenges to state agency action in expedited permitting related to the institution and campus; providing for the reversion of funds to the General Revenue Fund under certain circumstances; providing for an extension of the contract deadline under certain circumstances in which the grantee cannot meet the conditions of the contract; amending s. 288.1088, F.S., relating to the Quick Action Closing Fund; requiring a recommendation by the Executive Office of the Governor; providing requirements for such recommendation; providing appropriations; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 10 (885350)** as amended.

#### MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment to **Amendment 10** which was adopted:

**Amendment 10C (953204)**—On page 9, between lines 21 and 22, insert:

(c) *The grantee must provide for separate accounts for any funds appropriated in furtherance of this section and separate books and records relating to the Scripps Research Institute's Florida operation.*

**Amendment 10** as amended was adopted.

#### MOTION

On motion by Senator Hill, the rules were waived to allow the following amendment to be considered:

Senators Hill, Aronberg, Bullard, Campbell, Dawson, Geller, Klein, Lawson, Margolis, Miller, Siplin, Smith and Wasserman Schultz offered the following amendment which was moved by Senator Hill:

**Amendment 11 (185716)**—On page 25, between lines 8 and 9, insert:

Section 12. *For the 2003-2004 fiscal year, the sum of \$50 million is appropriated from nonrecurring general revenue to the Agency for Work-*

force Innovation to fund Florida Citizen Soldier matching grants to private-sector employers in this state which continue to provide wages to employees who are serving in the United States Armed Forces Reserves or the Florida National Guard while such employees are on federal active duty, provided that the employees are residents of this state during the period of such federal active duty. Grants shall be provided for monthly wages paid to employees for the actual period of federal active duty, but in no case shall grants be provided for any federal active duty prior to January 1, 2003, or subsequent to June 30, 2004. The monthly grant per employee may not exceed one-half of the monthly wages paid by the employer to the employee at the level paid prior to the employee being called to federal active duty, minus the amount of active duty base pay and benefit package. The agency shall develop a plan subject to the notice, review, and objection procedures of section 216.177, Florida Statutes, to implement the application and payment processes for such matching grants.

(Redesignate subsequent sections.)

Further consideration of **Amendment 11** was deferred.

#### MOTION

On motion by Senator Lee, the rules were waived and time of recess was extended until completion of the Special Order Calendar and Messages from the House.

#### MOTION

On motion by Senator Klein, the rules were waived to allow the following amendment to be considered:

Senator Klein moved the following amendment which was adopted:

**Amendment 12 (803118)(with title amendment)**—On page 21, between lines 27 and 28, insert:

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

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 8, following the semicolon (;) insert: describing the authority of the county in which a facility established under the act is located with respect to water and wastewater facilities;

#### MOTION

Senator Siplin moved that the rules be waived to allow consideration of the late filed amendment 624986. The motion failed, therefore the amendment was not considered.

#### MOTION

On motion by Senator Pruitt, the rules were waived to allow the following amendment to be considered:

Senators Pruitt and Lee offered the following amendment which was moved by Senator Pruitt:

**Amendment 13 (384144)**—On page 24, line 8 through page 25, line 8, delete sections 7-11 and renumber subsequent sections.

#### MOTION

On motion by Senator Smith, the rules were waived to allow the following amendment to be considered:

Senators Smith, Jones, Lawson, Peaden, Clary, Wasserman Schultz and Lee offered the following substitute amendment which was moved by Senator Smith and adopted:

**Amendment 14 (771446)**—On page 24, line 17 through page 25, line 8, delete those lines and insert:

Section 8. *For the 2003–2004 fiscal year, the sum of \$10 million is appropriated from nonrecurring general revenue to state universities for the Bioengineering and Life Sciences Research Park at the University of South Florida.*

(Redesignate subsequent sections.)

#### MOTION

On motion by Senator Siplin, the rules were waived to allow the following amendment to be considered:

Senator Siplin moved the following amendment which failed:

**Amendment 15 (843830)**—On page 25, between lines 8 and 9, insert:

Section 12. *For the 2003-2004 fiscal year, the sum of \$100 million is appropriated from nonrecurring general revenue for public schools to be allocated to school districts based on full-time-equivalent student enrollment and used to fund equal bonuses to all full time teachers and associated matching costs.*

(Redesignate subsequent sections.)

#### RECONSIDERATION OF AMENDMENT

On motion by Senator Atwater, the Senate reconsidered the vote by which **Amendment 10 (885350)** as amended was adopted.

#### MOTION

On motion by Senator Wasserman Schultz, the rules were waived to allow the following amendment to be considered:

Senators Wasserman Schultz, Campbell and Atwater offered the following amendment to **Amendment 10** which was moved by Senator Wasserman Schultz and adopted:

**Amendment 10D (775132)**—On page 9, line 13, following “activities” insert: *that do not principally benefit or*

Further consideration of **Amendment 10 (885350)** as amended was deferred.

The Senate resumed consideration of **Amendment 11 (185716)** which failed.

On motion by Senator Atwater, further consideration of **CS for CS for SB 6-E** with pending **Amendment 10 (885350)** as amended was deferred.

On motion by Senator Constantine, by two-thirds vote—

**CS for SB 8-E**—A bill to be entitled An act relating to public records and meetings; creating s. 288.9551, F.S.; creating an exemption from public records and public meetings requirements for certain information held by the Scripps Florida Funding Corporation or the Office of Tourism, Trade, and Economic Development; creating an exemption from public records requirements for specified research materials and actual and potential trade secrets; creating an exemption from public records requirements for other proprietary business information; creating an exemption for information made confidential under the laws of other states or nations or pursuant to federal law; creating an exemption from public meetings requirements for meetings of the governing board of directors of the Scripps Florida Funding Corporation at which exempt records are presented or discussed; providing for interagency exchange of confidential information; providing a penalty; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Senator Constantine moved the following amendment:

**Amendment 1 (092800)(with title amendment)**—On page 2, line 17 through page 4, line 3, delete those lines and insert:

(b) *Agreements and proposals to receive funding, including grant applications; however, those portions of such agreements and proposals to receive funding, including grant applications, that do not contain information made exempt by paragraph (a) of this subsection, shall not be confidential and exempt upon issuance of the report that is made after the conclusion of the project for which funding was provided. The exemption created in this paragraph specifically excludes any agreement by the Scripps Florida Funding Corporation to release funds to The Scripps Research Institute or grantee.*

(c) *Materials that relate to the recruitment of scientists and researchers; and the identity of donors or potential donors.*

(d) *Any information received from a person or another state or nation or the Federal Government which is otherwise confidential or exempt pursuant to that state's or nation's laws or pursuant to federal law.*

(e) *Personal identifying information of individuals who participate in human trials or experiments.*

(f) *Any medical or health records relating to participants in clinical trials.*

(3) *That portion of a meeting of the board of directors of the Scripps Florida Funding Corporation or the Office of Tourism, Trade and Economic Development at which information is presented or discussed which is confidential and exempt under subsection (2) is closed to the public and exempt from s. 24(b), Art. I of the State Constitution and s. 286.011.*

(4) *Any records generated during those portions of the board meetings which are closed to the public under subsection (2), such as minutes, tape recordings, videotapes, transcriptions, or notes are confidential and exempt from s. 24, Art. I of the State Constitution and s. 119.07(1).*

(5) *Public employees shall be permitted to inspect and copy records or information that is made exempt and confidential under this section exclusively for the performance of their public duties. Public employees receiving this exempt and confidential information must maintain the confidentiality of the information. Any such public employee receiving confidential information who violates this subsection commits a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.*

(6) *The Scripps Research Institute or grantee as defined in s. 288.955, is a private, not-for-profit entity and as such is not subject to ch. 119 or s. 286.011. If a court nonetheless determines that The Scripps Research Institute or grantee is acting on behalf of an agency, by virtue of its contract under s. 288.955, or otherwise, such that it is subject to s. 24, Art. I of the State Constitution and s. 119.07(1) and s. 286.011, the exemptions from the public records and meetings requirements provided by this section shall apply equally to the same records and meetings when held by The Scripps Research Institute or grantee.*

(7) *At the time that any record or information made confidential and exempt by this section, or portion thereof, is legally available or subject to public disclosure for any other reason, that record or information, or portion thereof, shall no longer be confidential and exempt and shall be made available for inspection and copying.*

(8) *This section is subject to the Open Government*

And the title is amended as follows:

On page 1, lines 19-25, delete those lines and insert: *Funding Corporation and the Office of Tourism, Trade and Economic Development at which exempt records are presented or discussed; providing access to exempt or confidential information under specified circumstances; providing a penalty; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.*

## MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senator Constantine moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (754582)**—On page 2, line 17, delete (2) and insert: (3)

**Amendment 1** as amended was adopted.

Senator Constantine moved the following amendment which was adopted:

**Amendment 2 (870518)**—On page 6, line 4 through page 8, line 2, delete those lines and insert: *necessity to make exempt and confidential agreements and proposals to receive funding, including grant applications, until after the conclusion of the project and the issuance of a report, while maintaining the exemption for proprietary information provided for in s. 288.955(2)(a) in those agreements and grant applications. If these records are not protected during the application process and during the time work on the project is ongoing, the grantee would be at a competitive disadvantage in competing for those funds. Further, it is a public necessity to make exempt and confidential materials that relate to the recruitment of scientists and researchers. If this information is not protected, it could adversely affect the ability of the grantee to attract the highest quality scientists and researchers to The Scripps Research Institute or grantee by permitting competitors to determine what the terms of employment negotiations for scientists and researchers are and to outbid The Scripps Research Institute or grantee. This would adversely affect the program and defeat its purpose. Furthermore, oversight and accountability for hiring of scientists and researchers is maintained through the requirement in s. 288.955 that reports on average compensation, numbers and types of personnel be provided to the Scripps Florida Funding Corporation or the Office of Tourism, Trade and Economic Development.*

(4) *The Legislature also finds that it is a public necessity to protect the identity of donors and potential donors to The Scripps Research Institute or grantee because some donors wish to remain anonymous and if their identity is not protected they would not make donations. Such donations provide additional funding for research and may provide additional reinvestment funds to the state. Thus, the identity of the donors must be protected in order to enhance and ensure the continuation of such funding and donations.*

(5) *The Legislature also finds that it is a public necessity to make confidential and exempt from public disclosure any information received from a person, another state, the Federal Government, or another nation which is confidential or exempt from disclosure pursuant to the laws of that state, nation, or the Federal Government. Failure to protect such information would inhibit scientific research by The Scripps Research Institute or grantee because other persons, states, the Federal Government, or nations could be unwilling to share information and research if it could be released. Without protecting such information, The Scripps Research Institute or grantee would be on an unequal footing in the biomedical industry as compared with research competitors that are not required to disclose confidential and exempt information, and thus operate to the economic detriment of the State.*

(6) *The Legislature also finds that it is a public necessity to make confidential and exempt from public disclosure personal identifying information of individuals who participate in human trials or experiments and any medical or health records relating to patients, participants, or clients which are held by the Scripps Florida Funding Corporation, The Scripps Research Institute or grantee, or the Office of Tourism, Trade, and Economic Development. Compilation of this information is necessary to conduct scientific research but could be damaging to those persons who have volunteered or otherwise agreed to participate. Such persons might be denied health insurance, suffer employment discrimination, and experience other personal problems and embarrassment if this highly sensitive and personal information were to be made public. If potential volunteers, patients, or clients feared that such consequences could be suffered by participating in human trials and other scientific research, they might refuse to participate, which would adversely affect biomedical research by The Scripps Research Institute or grantee and place those entities on an unequal footing with other research institutes that protect this information, and thus operate to the economic detriment of the state.*

On motion by Senator Klein, by two-thirds vote **CS for SB 8-E** as amended was read the third time by title, passed by the required constitutional two-thirds vote of the members present, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Diaz de la Portilla	Miller
Alexander	Fasano	Peaden
Argenziano	Garcia	Posey
Atwater	Geller	Pruitt
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wise
Dawson	Margolis	

Nays—3

Campbell	Dockery	Siplin
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Votes Recorded:

October 23, 2003: Yea—Aronberg

On motion by Senator Alexander, by two-thirds vote—

**CS for SB 18-E**—A bill to be entitled An act relating to phosphate mining; amending s. 211.3103, F.S.; amending the tax on phosphate rock; providing for the distribution of tax proceeds; deleting obsolete provisions; amending s. 378.021, F.S.; directing the Department of Environmental Protection to amend the master reclamation plan; amending s. 378.031, F.S.; providing additional intent concerning reclamation activities; amending s. 378.035, F.S.; amending authorized uses of funds deposited in the Nonmandatory Land Reclamation Trust Fund; removing requirements for a reserve; limiting reclamation expenditures for fiscal year 2003-2004; amending s. 378.036, F.S.; creating a not-for-profit partnership to assist in phosphate reclamation; providing duties of the partnership; providing for the administration of partnership funds; amending s. 378.212, F.S.; providing authority for a variance for certain reclamation activities; amending s. 378.404, F.S.; allowing variances for water supply development; amending s. 403.4154, F.S.; providing criminal penalties for certain violations; prohibiting the distribution of certain company assets under specified circumstances; providing for the declaration of an imminent hazard if certain financial conditions exist; providing limited liability for entities assisting in the abatement of imminent hazards; amending a provision granting certain rebates of phosphate fees; amending s. 403.4155, F.S.; directing that rules be developed for financial assurance, interim stack management, and stack closure; requiring the Department of Environmental Protection to conduct a study; providing funds for the study; providing for the transfer of certain funds from the Nonmandatory Land Reclamation Trust Fund to the General Revenue Fund, the Minerals Trust Fund, and the Nonmandatory Land Reclamation Trust Fund; providing an appropriation for the funding of a study by the Florida Institute of Phosphate Research; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendments which were adopted:

**Amendment 1 (913814)**—On page 27, line 2, before the period (.) insert: *, and must include criteria to evaluate the adequacy of the demonstration of financial responsibility.*

**Amendment 2 (070870)**—On page 27, line 5, after the period (.) insert: *These costs shall be verified by an independent third party.*

On motion by Senator Miller, by two-thirds vote **CS for SB 18-E** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Lynn

Votes Recorded:

October 23, 2003: Yea—Aronberg

The Senate resumed consideration of—

**CS for CS for SB 6-E**—A bill to be entitled An act relating to economic development; creating s. 288.955, F.S.; creating the Scripps Florida Funding Corporation to facilitate the establishment and operation of a biomedical research institution for the purposes of enhancing education and research and promoting economic development and diversity; providing for its board of directors; prohibiting conflicts of interest; providing penalties; providing powers and duties of the corporation; providing for investment of funds; requiring an operating plan; requiring the corporation and Scripps Florida or another entity operating such an institution to enter into a contract; providing for disbursement and reinvestment of funds; requiring reports, audits, and evaluations; providing for performance measures as conditions for disbursement of funds; limiting the use of funds; providing that the appropriation of funds does not constitute a debt of the state or a subdivision of the state nor does it subject the state or a subdivision to liability; creating the Joint Legislative Committee on Biomedical Investment Oversight; providing its membership and duties; providing legislative intent with respect to creating economic opportunity and improving public health through the establishment of a biomedical research institution; amending s. 403.973, F.S.; specifying that projects that are part of the biomedical research institution and campus are eligible for the expedited permitting process; providing for challenges to state agency action in expedited permitting related to the institution and campus; providing for the reversion of funds to the General Revenue Fund under certain circumstances; providing for an extension of the contract deadline under certain circumstances in which the grantee cannot meet the conditions of the contract; amending s. 288.1088, F.S., relating to the Quick Action Closing Fund; requiring a recommendation by the Executive Office of the Governor; providing requirements for such recommendation; providing appropriations; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 10 (885350)** as amended.

**MOTION**

On motion by Senator Miller, the rules were waived to allow the following amendment to be considered:

Senators Miller, Dawson, Klein, Atwater, Diaz de la Portilla, Villalobos, Garcia and Bullard offered the following amendment to **Amendment 10** which was moved by Senator Miller and adopted:

**Amendment 10E (760774)**—On page 5, line 24, before the period insert: *, including agreements that foster participation in research opportunities by public and private colleges and universities and research institutions in this state with significant minority populations, including historically black colleges and universities*

**Amendment 10** as amended was adopted.

On motion by Senator Klein, by two-thirds vote **CS for CS for SB 6-E** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Dawson	Peaden
Alexander	Diaz de la Portilla	Posey
Argenziano	Fasano	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Jones	Smith
Campbell	Klein	Villalobos
Carlton	Lawson	Wasserman Schultz
Clary	Lee	Webster
Constantine	Lynn	Wise
Cowin	Margolis	
Crist	Miller	

Nays—4

Dockery	Hill	Siplin
Garcia		

Votes Recorded:

October 23, 2003: Yea—Aronberg

On motion by Senator Saunders, by two-thirds vote—

**CS for SB's 14-E and 16-E**—A bill to be entitled An act relating to workers' compensation; providing that any licensee under ch. 489, F.S., who forms a corporation in order to become eligible for an exemption from certain requirements for workers' compensation coverage is not required to obtain approval for a change of status or for a qualified business organization license under ch. 489, F.S., until July 1, 2004; providing that such a licensee is not in violation of ch. 440, ch. 489, or ch. 553, F.S., solely because such approval has not been obtained before that date; specifying that applications for licensure and for a change of status are subject to the requirements of s. 120.60, F.S.; enunciating the timeframes within which the Department of Business and Professional Regulation must request additional information and approve or deny such applications; providing an effective date.

—was read the second time by title.

## MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment:

**Amendment 1 (295258)(with title amendment)**—On page 3, between lines 16 and 17, insert:

Section 2. Subsection (9) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(9) "Corporate officer" or "officer of a corporation" means any person who fills an office provided for in the corporate charter or articles of incorporation filed with the Division of Corporations of the Department of State or as permitted or required by chapter 607. *As to persons engaged in the construction industry, the term "officer of a corporation" includes a member owning at least 10 percent of a limited liability company created and approved under chapter 608.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: amending s. 440.02, F.S.; redefining the term "corporate officer" for purposes of ch. 440, F.S.;

## MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (505830)**—On page 1, line 17, after the period (.) delete "Subsection" and insert: Effective January 1, 2004, subsection

**Amendment 1** as amended was adopted.

On motion by Senator Klein, by two-thirds vote **CS for SB's 14-E and 16-E** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

Votes Recorded:

October 23, 2003: Yea—Aronberg

On motion by Senator Saunders, by two-thirds vote **HB 23-E** was withdrawn from the Committee on Regulated Industries.

On motion by Senator Saunders, by two-thirds vote—

**HB 23-E**—A bill to be entitled An act relating to engineering; amending s. 471.003, F.S.; exempting certain persons in the defense, space, and aerospace industries from licensure under ch. 471, F.S.; amending s. 471.005, F.S.; defining the terms "space or aerospace company" and "defense company"; amending s. 471.031, F.S.; clarifying that certain persons who are exempt from licensure may practice engineering; clarifying which professional titles such exempt persons may use; providing an effective date.

—a companion measure, was substituted for **SB 2-E** and by two-thirds vote read the second time by title. On motion by Senator Klein, by two-thirds vote **HB 23-E** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

Votes Recorded:

October 23, 2003: Yea—Aronberg

On motion by Senator Jones, by two-thirds vote **HB 43-E** was withdrawn from the Committee on Appropriations.

On motion by Senator Jones, by two-thirds vote—

**HB 43-E**—A bill to be entitled An act relating to unclaimed lottery prize money; requiring that specified unclaimed prize money be transferred to the Educational Enhancement Trust Fund; providing an appropriation from the trust fund to community colleges as matching funds for certain private donations; providing an appropriation from the trust fund to state universities as matching funds for certain private donations; providing for the allocation of such funds; providing an effective date.

—a companion measure, was substituted for **SB 10-E** and by two-thirds vote read the second time by title. On motion by Senator Klein, by two-thirds vote **HB 43-E** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

Votes Recorded:

October 23, 2003: Yea—Aronberg

Consideration of **SJR 4-E** was deferred.

On motion by Senator Pruitt, by two-thirds vote **HB 5-E** was withdrawn from the Committee on Appropriations.

On motion by Senator Pruitt, by two-thirds vote—

**HB 5-E**—A bill to be entitled An act relating to the Biomedical Research Trust Fund; providing legislative findings and intent; re-creating the Biomedical Research Trust Fund within the Department of Health; carrying forward current balances and continuing current sources and uses thereof; providing for future review and termination; amending s. 20.435, F.S.; respecifying a future termination provision; providing a contingent effective date.

—a companion measure, was substituted for **SB 20-E** and by two-thirds vote read the second time by title. On motion by Senator Klein, by two-thirds vote **HB 5-E** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Crist	Lawson
Alexander	Dawson	Lee
Argenziano	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Bennett	Fasano	Miller
Bullard	Garcia	Peadar
Campbell	Geller	Posey
Carlton	Haridopolos	Pruitt
Clary	Hill	Saunders
Constantine	Jones	Sebesta
Cowin	Klein	Siplin

Smith	Wasserman Schultz	Wise
Villalobos	Webster	

Nays—None

Votes Recorded:

October 23, 2003: Yea—Aronberg

On motion by Senator Bennett, by two-thirds vote—

**SB 22-E**—A bill to be entitled An act relating to increasing funding for the Florida Education Finance Program through a partial reduction of tax credits for contributions to nonprofit scholarship-funding organizations based on estimated student enrollment; specifying the total amount of tax credits and carryforward tax credits that may be granted for the 2003-2004 fiscal year; providing an appropriation; providing for the allocation of such appropriation for the 2003-2004 fiscal year; providing an effective date.

—was read the second time by title. On motion by Senator Klein, by two-thirds vote **SB 22-E** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peadar
Argenziano	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wasserman Schultz
Cowin	Lee	Webster
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

Votes Recorded:

October 23, 2003: Yea—Aronberg

### MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Lee, the Legislative Budget Commission was granted permission to meet following a one-hour notice to take up the agenda previously noticed.

### RECESS

On motion by Senator Lee, the Senate recessed at 3:46 p.m. to reconvene upon call of the President.

### EVENING SESSION

The Senate was called to order by the President at 7:08 p.m. A quorum present—33:

Mr. President	Constantine	Klein
Alexander	Cowin	Lawson
Argenziano	Crist	Lee
Atwater	Dawson	Lynn
Bennett	Diaz de la Portilla	Margolis
Bullard	Dockery	Miller
Campbell	Geller	Peadar
Carlton	Hill	Posey
Clary	Jones	Pruitt

Saunders  
Sebesta

Siplin  
Smith

Wasserman Schultz  
Wise

By direction of the President, the rules were waived and the Senate reverted to—

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 6-E, with amendment(s), and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for CS for SB 6-E**—A bill to be entitled An act relating to economic development; creating s. 288.955, F.S.; creating the Scripps Florida Funding Corporation to facilitate the establishment and operation of a biomedical research institution for the purposes of enhancing education and research and promoting economic development and diversity; providing for its board of directors; prohibiting conflicts of interest; providing penalties; providing powers and duties of the corporation; providing for investment of funds; requiring an operating plan; requiring the corporation and Scripps Florida or another entity operating such an institution to enter into a contract; specifying contract provisions; providing for disbursement and reinvestment of funds; requiring reports, audits, and evaluations; providing for performance expectations; providing conditions for disbursement of funds; limiting the use of funds; providing requirements for reinvestment; providing that the appropriation of funds does not constitute a debt of the state or a subdivision of the state nor does it subject the state or a subdivision to liability; providing legislative intent with respect to creating economic opportunity and improving public health through the establishment of a biomedical research institution; amending s. 20.435, F.S.; providing for the deposit of certain funds into the Biomedical Research Trust Fund within the Department of Health; abrogating provisions relating to the termination of the trust fund; amending s. 403.973, F.S.; specifying that projects that are part of the biomedical research institution and campus are eligible for the expedited permitting process; providing for challenges to state agency action in expedited permitting related to the institution and campus; providing legislative intent with respect to the use of certain funds provided by the Federal Government; requiring the Office of Tourism, Trade, and Economic Development to request certain disbursements; providing for the reversion of funds to the General Revenue Fund under certain circumstances; describing the authority of the county in which a facility established under the act is located with respect to water and wastewater facilities; providing for an extension of the contract deadline under certain circumstances in which the grantee cannot meet the conditions of the contract; amending s. 288.1088, F.S., relating to the Quick Action Closing Fund; requiring a recommendation by the Executive Office of the Governor; providing requirements for such recommendation; providing appropriations; providing an effective date.

### House Amendment 1 (385229) to Senate Amendment 14 (771446)—

Amendment to Unengrossed Senate Amendment (771446) (with title amendment)

On page 1, lines 20 through 23,

remove: all of said lines,

and insert:

Section 8. Effective July 1, 2004, paragraph (d) of subsection (6) of section 212.20, Florida Statutes, as amended by section 92 of chapter 2003-402, Laws of Florida, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Ecosystem Management and Restoration Trust Fund to be used for water quality improvement and water restoration projects.

3. After the distribution under subparagraphs 1. and 2., 8.814 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred pursuant to this subparagraph to the Local Government Half-cent Sales Tax Clearing Trust Fund shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less \$5,000 each month, which shall be added to the amount calculated in subparagraph 4. and distributed accordingly.

4. After the distribution under subparagraphs 1., 2., and 3., 0.095 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. After the distributions under subparagraphs 1., 2., 3., and 4., 2.0440 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6. After the distributions under subparagraphs 1., 2., 3., and 4., 1.3409 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

7. Of the remaining proceeds:

a. In each fiscal year, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties shall begin each fiscal year on or before January 5th and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment shall continue until such time that the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards prior to July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 prior to July 1, 2000.

b. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed

monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6). However, a certified applicant is entitled to receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

c. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

e. *The department shall distribute monthly to units of local government that have been certified as owning eligible convention centers pursuant to s. 288.1171 an amount equal to one-half of the proceeds, as defined in paragraph (5)(a), received and collected in the previous month by the department under the provisions of this chapter which are generated by such eligible convention centers and remitted on the sales and use tax returns of eligible convention centers. The total distribution to each unit of local government may not exceed \$3 million per state fiscal year. Distributions shall begin 60 days following notification of certification by the Office of Tourism, Trade, and Economic Development pursuant to s. 288.1171 and shall continue for not more than 30 years. Distributions shall be used solely to encourage and provide economic development for the attraction, recruitment, and retention of corporate headquarters and of high-technology, manufacturing, research and development, entertainment, and tourism industries as designated by the unit of local government by resolution of its governing body.*

8. All other proceeds shall remain with the General Revenue Fund.

Section 9. Effective July 1, 2004, section 288.1171, Florida Statutes, is created to read:

*288.1171 Convention centers owned by units of local government; certification as owning eligible convention centers; duties.—*

(1) *The Office of Tourism, Trade, and Economic Development shall serve as the state agency for screening applicants for state funding pursuant to s. 212.20(6)(d)7.e. and for certifying an applicant as owning an eligible convention center.*

(2) *The Office of Tourism, Trade, and Economic Development shall adopt rules pursuant to ss. 120.536(1) and 120.54 for the receipt and processing of applications for funding pursuant to s. 212.20(6)(d)7.e.*

(3) *As used in this section, the term "eligible convention center" means a publicly owned facility having exhibition space in excess of 60,000 square feet, the primary function of which is to host meetings, conventions, or trade shows.*

(4) *Prior to certifying an applicant as owning an eligible convention center, the Office of Tourism, Trade, and Economic Development must determine that:*

(a) *The unit of local government, as defined in s. 218.369, owns an eligible convention center.*

(b) *The convention center contains more than 60,000 square feet of exhibit space.*

(c) *The unit of local government in which the convention center is located has certified by resolution after a public hearing that the application serves a public purpose pursuant to subsection (7).*

(d) *The convention center is located in a county that is levying a tourist development tax pursuant to s. 125.0104.*

(5) *Upon certification of an applicant, the Office of Tourism, Trade, and Economic Development shall notify the executive director of the Department of Revenue of such certification by means of an official letter granting certification. The Department of Revenue may not begin distributing proceeds until 60 days following notice by the Office of Tourism, Trade, and Economic Development that a unit of local government has been certified as owning an eligible convention center.*

(6) *No applicant previously certified under any provision of this section who has received proceeds under such certification shall be eligible for an additional certification.*

(7) *A unit of local government certified as owning an eligible convention center may use proceeds provided pursuant to s. 212.20(6)(d)7.e. solely to encourage and provide economic development for the attraction, recruitment, and retention of corporate headquarters and of high-technology, manufacturing, research and development, entertainment, and tourism industries as designated by the unit of local government by resolution of its governing body.*

(8) *The Department of Revenue may audit as provided in s. 213.34 to verify that the distributions pursuant to this section have been expended as required in this section. Such information is subject to the confidentiality requirements of chapter 213. If the Department of Revenue determines that the distributions have not been expended as required by this section, it may pursue recovery of such proceeds pursuant to the laws and rules governing the assessment of taxes.*

(9) *Failure to use the proceeds as provided in this section shall be grounds for revoking certification.*

(10) *The provisions of this section shall apply only to facilities existing and operating on the effective date of this act.*

Section 10. *There are hereby appropriated for fiscal year 2003-2004 the following amounts to the Office of Tourism, Trade, and Economic Development for strategic economic development programs and initiatives:*

(1) *The sum of \$10 million from the General Revenue Fund to the Quick Action Closing Fund created in s. 288.1088, Florida Statutes.*

(2) *The sum of \$5 million from the General Revenue Fund to the entertainment industry financial incentive program created in s. 288.1254, Florida Statutes.*

(3) *The sum of \$6 million from the General Revenue Fund to the Quick Action Closing Fund created in s. 288.1088, Florida Statutes, all of which shall be used to fund projects in rural communities as defined in s. 288.0656(2)(b), Florida Statutes.*

(4) *The sum of \$4 million from the General Revenue Fund to the Rural Infrastructure Fund created in s. 288.0655, Florida Statutes.*

(5) *The sum of \$7.5 million from the General Revenue Fund for fixed capital outlay military base retention projects allocated to the following bases: Tyndall (\$1 million), Mayport (\$1 million), McDill (\$1 million), and \$4.5 for projects approved pursuant to s. 288.980, Florida Statutes.*

(6) *The sum of \$2.5 million from the General Revenue Fund to fund the first ranked fixed capital outlay project of the Regional Cultural Facilities Program Rollover Priority List from fiscal year 2003-2004, which was developed in accordance with IT-1.001(20), Florida Administrative Code.*

(7) *The sum of \$1 million from the General Revenue Fund to the Mote Marine Laboratory for scientific research to prevent harmful algal blooms for the purpose of enhancing Florida seafood production.*

(8) *The sum of \$8 million from the General Revenue Fund for the purpose of providing a one-time fixed capital outlay grant to the University of South Florida to acquire the Fowler Avenue South site as part of its Bioengineering and Life Sciences Research Park.*

(9) *The sum of \$5,000 from the General Revenue Fund for the purpose of developing a plan to implement the convention center sales tax rebate program as established in sections 5 and 6.*

(10) *The sum of \$3 million from the General Revenue Fund for the purpose of providing one-time grants to further biotechnology research, training, and facilities to the following institutions as follows:*

- (a) *Edward Waters College, \$1 million.*
- (b) *Bethune-Cookman College, \$1 million.*
- (c) *Florida Memorial College, \$1 million.*

(11) *The sum of \$1 million from the General Revenue Fund for the purpose of providing a one-time grant to the Free Trade Areas of the Americas, Inc., to host the ministerial summit and secure the permanent secretariat.*

And the title is amended as follows:

Remove the entire title, and insert:

A bill to be entitled An act relating to economic development strategic initiatives; creating s. 288.955, F.S.; creating the Scripps Florida Funding Corporation to facilitate the establishment and operation of a biomedical research institution for the purposes of enhancing education and research and promoting economic development and diversity; providing for its board of directors; prohibiting conflicts of interest; providing penalties; providing powers and duties of the corporation; providing for investment of funds; requiring an operating plan; requiring the corporation and Scripps Florida or another entity operating such an institution to enter into a contract; providing for disbursement and reinvestment of funds; requiring reports, audits, and evaluations; providing for performance measures as conditions for disbursement of funds; limiting the use of funds; providing that the appropriation of funds does not constitute a debt of the state or a subdivision of the state nor does it subject the state or a subdivision to liability; creating the Joint Legislative Committee on Biomedical Investment Oversight; providing its membership and duties; providing legislative intent with respect to creating economic opportunity and improving public health through the establishment of a biomedical research institution; amending s. 403.973, F.S.; specifying that projects that are part of the biomedical research institution and campus are eligible for the expedited permitting process; providing for challenges to state agency action in expedited permitting related to the institution and campus; providing for the reversion of funds to the General Revenue Fund under certain circumstances; providing for an extension of the contract deadline under certain circumstances in which the grantee cannot meet the conditions of the contract; amending s. 288.1088, F.S., relating to the Quick Action Closing Fund; requiring a recommendation by the Executive Office of the Governor; providing requirements for such recommendation; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to specified units of local government owning eligible convention centers; creating s. 288.1171, F.S.; providing for certification of units of local government owning eligible convention centers by the Office of Tourism, Trade, and Economic Development; requiring the office to adopt specified rules; providing a definition; providing requirements for certification; providing for use of proceeds distributed to units of local government under the act; providing for audits by the Department of Revenue; providing for revocation of certification; providing application; providing appropriations; providing effective dates.

Senators Pruitt, Lee and Smith offered the following amendment which was moved by Senator Pruitt and adopted:

**Senate Amendment 1 (881262) to House Amendment 1 (385229) to Senate Amendment 14 (771446)**—On page 1, line 6 through page 12, line 314, delete those lines and on page 1, line 6, insert: On page 1, lines 16-23, delete those lines, and insert:

On page 24, line 8 through page 25, line 8, delete sections 7-11 and renumber subsequent sections.

On motion by Senator Pruitt, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment.

**CS for CS for SB 6-E** passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Mr. President	Cowin	Miller
Alexander	Crist	Peaden
Argenziano	Dawson	Posey
Atwater	Diaz de la Portilla	Pruitt
Bennett	Geller	Saunders
Bullard	Jones	Sebesta
Campbell	Klein	Smith
Carlton	Lee	Wasserman Schultz
Clary	Lynn	Wise
Constantine	Margolis	

Nays—3

Dockery	Hill	Lawson
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Votes Recorded:

October 23, 2003: Yea—Aronberg, Villalobos

October 28, 2003: Yea—Fasano

## PAIR

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Haridopolos on CS for CS for SB 6-E. If he were present he would vote “yea” and I would vote “nay”.

*Gary Siplin, 19th District*

## ANNOUNCEMENTS

Senator Lee announced the Legislative Budget Commission will meet Friday, October 24, at 9:00 a.m.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, October 23, 2003: CS for CS for SB 6-E, CS for SB 8-E, CS for SB 18-E, CS for SB's 14-E and 16-E, SB 2-E, SB 10-E, SJR 4-E, SB 20-E

Respectfully submitted,  
*Tom Lee, Chair*

The Committee on Natural Resources recommends the following pass: SB 18-E with 6 amendments

**The bill was referred to the Committee on Appropriations under the original reference.**

The Committee on Appropriations recommends the following pass: SB 10-E, SB 20-E, SB 22-E

**The bills were placed on the calendar.**

The Committee on Appropriations recommends committee substitutes for the following: CS for SB 6-E, SB 18-E

The Committee on Banking and Insurance recommends a committee substitute for the following: Senate Bills 14-E and 16-E

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 8-E

**The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.**

## INTRODUCTION AND REFERENCE OF BILLS

### FIRST READING

By Senators Pruitt and Lynn—

**SB 20-E**—A bill to be entitled An act relating to trust funds; re-creating the Biomedical Research Trust Fund within the Department of Health without modification; carrying forward current balances and continuing current sources and uses thereof; repealing s. 20.435(1)(h)3., F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was referred to the Committee on Appropriations

## COMMITTEE SUBSTITUTES

### FIRST READING

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

**CS for CS for SB 6-E**—A bill to be entitled An act relating to economic development; creating s. 288.955, F.S.; creating the Scripps Florida Funding Corporation to facilitate the establishment and operation of a biomedical research institution for the purposes of enhancing education and research and promoting economic development and diversity; providing for its board of directors; prohibiting conflicts of interest; providing penalties; providing powers and duties of the corporation; providing for investment of funds; requiring an operating plan; requiring the corporation and Scripps Florida or another entity operating such an institution to enter into a contract; providing for disbursement and reinvestment of funds; requiring reports, audits, and evaluations; providing for performance measures as conditions for disbursement of funds; limiting the use of funds; providing that the appropriation of funds does not constitute a debt of the state or a subdivision of the state nor does it subject the state or a subdivision to liability; creating the Joint Legislative Committee on Biomedical Investment Oversight; providing its membership and duties; providing legislative intent with respect to creating economic opportunity and improving public health through the establishment of a biomedical research institution; amending s. 403.973, F.S.; specifying that projects that are part of the biomedical research institution and campus are eligible for the expedited permitting process; providing for challenges to state agency action in expedited permitting related to the institution and campus; providing for the reversion of funds to the General Revenue Fund under certain circumstances; providing for an extension of the contract deadline under certain circumstances in which the grantee cannot meet the conditions of the contract; amending s. 288.1088, F.S., relating to the Quick Action Closing Fund; requiring a recommendation by the Executive Office of the Governor; providing requirements for such recommendation; providing appropriations; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Atwater, Klein and Lynn—

**CS for SB 8-E**—A bill to be entitled An act relating to public records and meetings; creating s. 288.9551, F.S.; creating an exemption from public records and public meetings requirements for certain information held by the Scripps Florida Funding Corporation or the Office of Tourism, Trade, and Economic Development; creating an exemption from public records requirements for specified research materials and actual and potential trade secrets; creating an exemption from public records requirements for other proprietary business information; creating an exemption for information made confidential under the laws of other states or nations or pursuant to federal law; creating an exemption from public meetings requirements for meetings of the governing board of directors of the Scripps Florida Funding Corporation at which exempt records are presented or discussed; providing for interagency exchange of confidential information; providing a penalty; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Banking and Insurance; and Senators Saunders, Cowin, Lynn, Alexander, Dockery, Haridopolos and Pruitt—

**CS for SB's 14-E and 16-E**—A bill to be entitled An act relating to workers' compensation; providing that any licensee under ch. 489, F.S., who forms a corporation in order to become eligible for an exemption from certain requirements for workers' compensation coverage is not required to obtain approval for a change of status or for a qualified business organization license under ch. 489, F.S., until July 1, 2004; providing that such a licensee is not in violation of ch. 440, ch. 489, or ch. 553, F.S., solely because such approval has not been obtained before that date; specifying that applications for licensure and for a change of status are subject to the requirements of s. 120.60, F.S.; enunciating the timeframes within which the Department of Business and Professional Regulation must request additional information and approve or deny such applications; providing an effective date.

By the Committee on Appropriations; and Senators Alexander, Lynn, Dockery, Constantine, Bennett and Argenziano—

**CS for SB 18-E**—A bill to be entitled An act relating to phosphate mining; amending s. 211.3103, F.S.; amending the tax on phosphate rock; providing for the distribution of tax proceeds; deleting obsolete provisions; amending s. 378.021, F.S.; directing the Department of Environmental Protection to amend the master reclamation plan; amending s. 378.031, F.S.; providing additional intent concerning reclamation activities; amending s. 378.035, F.S.; amending authorized uses of funds deposited in the Nonmandatory Land Reclamation Trust Fund; removing requirements for a reserve; limiting reclamation expenditures for fiscal year 2003-2004; amending s. 378.036, F.S.; creating a not-for-profit partnership to assist in phosphate reclamation; providing duties of the partnership; providing for the administration of partnership funds; amending s. 378.212, F.S.; providing authority for a variance for certain reclamation activities; amending s. 378.404, F.S.; allowing variances for water supply development; amending s. 403.4154, F.S.; providing criminal penalties for certain violations; prohibiting the distribution of certain company assets under specified circumstances; providing for the declaration of an imminent hazard if certain financial conditions exist; providing limited liability for entities assisting in the abatement of imminent hazards; amending a provision granting certain rebates of phosphate fees; amending s. 403.4155, F.S.; directing that rules be developed for financial assurance, interim stack management, and stack closure; requiring the Department of Environmental Protection to conduct a study; providing funds for the study; providing for the transfer of certain funds from the Nonmandatory Land Reclamation Trust Fund to the General Revenue Fund, the Minerals Trust Fund, and the Nonmandatory Land Reclamation Trust Fund; providing an appropriation for the funding of a study by the Florida Institute of Phosphate Research; providing an effective date.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed HB 23-E, HB 43-E; has passed by the required Constitutional three-fifths vote of the membership HB 5-E and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representative Paul and others—

**HB 23-E**—A bill to be entitled An act relating to engineering; amending s. 471.003, F.S.; exempting certain persons in the defense, space, and aerospace industries from licensure under ch. 471, F.S.; amending s. 471.005, F.S.; defining the terms "space or aerospace company" and "defense company"; amending s. 471.031, F.S.; clarifying that certain persons who are exempt from licensure may practice engineering; clarifying which professional titles such exempt persons may use; providing an effective date.

—was referred to the Committee on Regulated Industries

By the Committee on Appropriations; and Representative Baxley—

**HB 43-E**—A bill to be entitled An act relating to unclaimed lottery prize money; requiring that specified unclaimed prize money be transferred to the Educational Enhancement Trust Fund; providing an appropriation from the trust fund to community colleges as matching funds for certain private donations; providing an appropriation from the trust fund to state universities as matching funds for certain private donations; providing for the allocation of such funds; providing an effective date.

—was referred to the Committee on Appropriations

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By the Committee on Appropriations; and Representative Green—

**HB 5-E**—A bill to be entitled An act relating to the Biomedical Research Trust Fund; providing legislative findings and intent; re-creating the Biomedical Research Trust Fund within the Department of Health; carrying forward current balances and continuing current sources and uses thereof; providing for future review and termination; amending s. 20.435, F.S.; respecifying a future termination provision; providing a contingent effective date.

—was referred to the Committee on Appropriations

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#### RETURNING MESSAGES—FINAL ACTION

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 18-E.

*John B. Phelps, Clerk*

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 8-E by the required constitutional two-thirds vote of the members present.

*John B. Phelps, Clerk*

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required two-thirds vote of the membership of the House and passed CS for SB’s 14-E and 16-E, and SB 22-E.

*John B. Phelps, Clerk*

The bills contained in the foregoing messages were ordered enrolled.

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of October 21 was corrected and approved.

#### CO-SPONSORS

Senators Alexander—SB 16-E; Lynn—SB 2-E

#### RECESS

On motion by Senator Lee, the Senate recessed at 7:40 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, October 24 or upon call of the President.