



Committee on Economic Development

**Monday, March 19, 2007
2:00 p.m. – 5:00 p.m.
Reed Hall**

Committee Action

**Marco Rubio
Speaker**

**Rep. Don Davis
Chair**

COMMITTEE MEETING REPORT
Committee on Economic Development

3/19/2007 2:00:00PM

Location: Reed Hall (102 HOB)

Attendance:

| | <i>Present</i> | <i>Absent</i> | <i>Excused</i> |
|-------------------|----------------|---------------|----------------|
| Don Davis (Chair) | | | X |
| Gary Aubuchon | X | | |
| Marti Coley | X | | |
| Michael Grant | X | | |
| Dick Kravitz | X | | |
| John Legg | X | | |
| Seth McKeel | X | | |
| Frank Peterman | | X | |
| Ari Porth | X | | |
| Betty Reed | X | | |
| Totals: | 8 | 1 | 1 |

Committee meeting was reported out: Monday, March 19, 2007 3:19:13PM

COMMITTEE MEETING REPORT
Committee on Economic Development

3/19/2007 2:00:00PM

Location: Reed Hall (102 HOB)

HB 979 : Use of the Term "Chamber of Commerce"

| | Yea | Nay | No Vote | Absentee | |
|----------------------|-----|----------------------|---------|----------|-----|
| | | | | Yea | Nay |
| Gary Aubuchon | X | | | | |
| Marti Coley | X | | | | |
| Michael Grant | X | | | | |
| Dick Kravitz | X | | | | |
| John Legg | X | | | | |
| Seth McKeel | X | | | | |
| Frank Peterman | | | X | | |
| Ari Porth | X | | | | |
| Betty Reed | X | | | | |
| Don Davis (Chair) | | | X | | |
| Total Yeas: 8 | | Total Nays: 0 | | | |

Appearances:

Stella Tokar - Proponent

Miramar Pembroke Pines Regional Chamber of Commerce
 10100 Pines Blvd.
 Pembroke Pines FL
 Phone: (954) 432-9808

Michelle Stills - Proponent

Florida Association Chamber Professionals
 P.O. Box 4895
 Winter Park FL 32793
 Phone: (407) 677-8480

Doug Wheeler (Lobbyist) - Proponent

Florida Chamber of Commerce
 Phone: (850) 521-1254

Committee meeting was reported out: Monday, March 19, 2007 3:19:13PM

COMMITTEE MEETING REPORT
Committee on Economic Development

3/19/2007 2:00:00PM

Location: Reed Hall (102 HOB)

HB 1287 : Florida Research Commercialization Matching Grant Program

Favorable With Amendments

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|-----------------------------------------|------------|------------|----------------|-------------------------|-------------------------|
| Gary Aubuchon | X | | | | |
| Marti Coley | X | | | | |
| Michael Grant | | | X | | |
| Dick Kravitz | X | | | | |
| John Legg | X | | | | |
| Seth McKeel | | | X | | |
| Frank Peterman | | | X | | |
| Ari Porth | X | | | | |
| Betty Reed | X | | | | |
| Don Davis (Chair) | | | X | | |
| Total Yeas: 6 Total Nays: 0 | | | | | |

Appearances:

Linda Kennedy (Lobbyist) - Proponent
 Technological Research and Development Center
 Phone: (850) 445-2746

Committee meeting was reported out: Monday, March 19, 2007 3:19:13PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 1287

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N) 3/19/07
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER _____

1 Council/Committee hearing bill: Committee on Economic
2 Development
3 Representative Ross offered the following:
4

Amendment (with title amendment)

7 Section 1. Section 288.9552, Florida Statutes, is created
8 to read:

9 288.9552 Florida Research Commercialization Matching Grant
10 Program.--

11 (1) PURPOSE; GOALS AND OBJECTIVES; CREATION OF PROGRAM.--

12 (a) The purpose of this program is to increase the amount
13 of federal funding coming to this state that will produce the
14 kind of distinctive technologies that drive today's knowledge-
15 based economy. By leveraging federal, state, and private-sector
16 resources, the program intends to accelerate the innovation
17 process and more efficiently transform research results into
18 products in the marketplace.

19 (b) The program is specifically targeted to be a catalyst
20 for small or startup companies that can take advantage of
21 federal and state partnerships to accelerate their growth and
22 market penetration by helping to overcome the funding gap that

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 many small companies based in this state face. Specific goals
24 and objectives include:

25 1. Increasing the amount of federal research moneys
26 received by small businesses in this state through awards from
27 the Small Business Innovation Research Program and Small
28 Business Technology Transfer Program of the United States Small
29 Business Administration's Office of Technology.

30 2. Accelerating new technology-based products' entry into
31 the marketplace.

32 3. Producing additional technology-based jobs for the
33 state.

34 4. Providing leveraged resources to increase the
35 effectiveness and success of applicants' projects.

36 5. Speeding commercialization of promising technologies.

37 6. Encouraging the establishment and growth of high-
38 quality, advanced technology firms in the state.

39 7. Accelerating deal flow and enhancing the state's
40 investment infrastructure.

41 (c) Pursuant to paragraph (a), the Legislature creates the
42 Florida Research Commercialization Matching Grant Program to
43 accomplish the goals and objectives specified in paragraph (b).

44 (2) DEFINITIONS.—As used in this section, the term "program"
45 means the Florida Research Commercialization Matching Grant
46 Program created by this section.

47 (3) STATEWIDE ADVISORY COMMITTEE.— A statewide advisory
48 committee is created to develop programmatic policy, ensure
49 statewide applicability of the program, establish grant award
50 criteria, approve grant awards, review program progress and
51 results, and communicate program results to state policymakers.

52 (a) The committee shall consist of 15 members representing
53 the diverse geography of the state. The Governor, President of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

54 the Senate, and Speaker of the House of Representatives shall
55 each appoint one member from each the following categories:
56 Florida university technology commercialization organizations,
57 research institutes in the state, the state's early-stage
58 venture capital community, and entrepreneurs representing a
59 Florida startup company. In addition, the Governor shall appoint
60 one member representing a regional technology development
61 organization in the state and one member of the board of the
62 Florida Research Consortium. The chair of the Enterprise
63 Florida, Inc., Technology Entrepreneurship and Capital Board
64 Committee shall serve on the committee. Committee members shall
65 elect the chair of the committee. Seats vacated on the committee
66 shall be filled in the same manner in which they were appointed.

67 (b) Members of the committee shall serve without
68 compensation but shall be entitled to receive per diem and
69 travel expenses in accordance with s. 112.061 while in
70 performance of their duties.

71 (c) Enterprise Florida, Inc., shall provide staff support
72 for the committee.

73 (d) The committee shall hold its initial meeting no later
74 than October 1, 2007. Subsequent meetings shall be held upon the
75 call of the chair.

76 (e) Beginning September 1, 2008, and annually thereafter,
77 the committee shall transmit an annual report to the Governor,
78 the President of the Senate, and the Speaker of the House of
79 Representatives for the prior fiscal year.

80 (4) FIDUCIARY ACTOR.—Enterprise Florida, Inc., shall accept
81 moneys appropriated by the Legislature for providing grants
82 under the program. No more than 10 percent of legislative
83 appropriations for the program may be used for administrative
84 purposes. Enterprise Florida, Inc., shall disburse moneys

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

85 awarded to a grant awardee upon approval by the statewide
86 advisory committee, demonstration by the awardee that it has
87 obtained a federal Small Business Innovation Research Program or
88 Small Business Technology Transfer Program Phase II award, and
89 the execution of a performance contract by the awardee.
90 Unallocated legislative appropriations for the program at the
91 end of the fiscal year shall carry forward to succeeding fiscal
92 years pursuant to s. 288.904(1)(j).

93 (5) PROGRAM ADMINISTRATOR.—Enterprise Florida, Inc., may
94 serve as program administrator or contract for performance of
95 all or some of its functions with an experienced third-party.
96 The responsibilities of the program administrator include, but
97 are not limited to:

98 (a) Establishing and coordinating the grant selection
99 committee;

100 (b) Administering the grant selection process, including,
101 but not limited to, issuing open call requests for grant
102 applications and receiving, reviewing, and processing grant
103 applications;

104 (c) Serving as grant contract manager for grant awardees;

105 (d) Reporting program progress and results and programmatic
106 recommendations for change to the statewide advisory committee;

107 (e) Establishing a technical assistance network composed
108 of, at a minimum, small business development centers, technology
109 incubators, and university technology transfer offices within
110 the state. Network members shall market the program and
111 facilitate participation in the program; and

112 (f) Establishing a mechanism by which information regarding
113 grant awardee projects may be made available to facilitate
114 additional angel, seed, or venture capital investment.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

115 (6) GRANT SELECTION COMMITTEE.—The grant selection
116 committee shall consist of at least five members, chosen by the
117 program administrator, who are experienced in conducting,
118 reviewing, and evaluating research and development projects for
119 commercialization potential or who have a successful track
120 record in developing technology commercialization programs or
121 managing investments in early-stage companies. Responsibilities
122 of the grant selection committee include reviewing grant
123 applications pursuant to adopted grant criteria, recommending
124 grant awardees and amounts to the statewide advisory committee,
125 and performing other duties as required by the program
126 administrator. The amount of each grant award may be no less
127 than \$100,000 and no more than \$250,000.

128 (7) APPLICANT ELIGIBILITY GUIDELINES.--

129 (a) An applicant must be a corporation registered with the
130 Secretary of State to operate in this state. If an applicant is
131 a non-Florida company, any state award is contingent upon the
132 applicant successfully registering to do business in this state.

133 (b) An applicant must be a small company for which a state
134 matching grant is necessary for project development and
135 implementation.

136 (c) An applicant must have received a federal Small
137 Business Innovation Research Program or Small Business
138 Technology Transfer Program Phase I award and have received an
139 invitation to submit an application for a Phase II award. If a
140 Phase II award has already been issued, the end date of the
141 federal award must be identified and justification must be
142 provided as to how these additional funds will enhance, not
143 supplant, the existing award.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

144 (d) An applicant must identify all sources of project
145 funding. Project funding must satisfy the following
146 requirements:

147 1. At least 20 percent of total project funding must come
148 from the federal government.

149 2. No more than 25 percent of total project funding may be
150 provided by the program. Program grants must not diminish the
151 amount of funds committed by other project partners.

152 3. At least 25 percent of total project funding must be
153 provided from sources other than the program and the federal
154 government. Applicant or partner funding may be used to satisfy
155 this requirement. Funds may be either cash or in-kind.

156 (e) Applicant projects funded by the program must be
157 conducted in this state.

158 Section 2. The sum of \$5 million is appropriated from the
159 General Revenue Fund to Enterprise Florida, Inc., for the
160 purpose of funding the activities of the Florida Research
161 Commercialization Matching Grant Program during the 2007-2008
162 fiscal year.

163 Section 3. This act shall take effect July 1, 2007.

164
165

166 ===== T I T L E A M E N D M E N T =====

167 Remove the entire title and insert:

168 An act relating to the Florida Research Commercialization
169 Matching Grant Program; creating s. 288.9552, F.S.; providing
170 legislative findings and intent; creating the program; providing
171 definitions; creating a statewide advisory committee for certain
172 purposes; requiring reports; designating a fiduciary actor;
173 providing for program administrative costs, award disbursement,
174 and carry forward of program funding; providing for a program

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

175 administrator; providing responsibilities; creating a grant
176 selection committee; providing responsibilities; providing
177 applicant eligibility guidelines; providing an appropriation;
178 providing an effective date.

COMMITTEE MEETING REPORT
Committee on Economic Development

3/19/2007 2:00:00PM

Location: Reed Hall (102 HOB)

HB 1301 : Workforce Services

| | | | | | |
|-------------------------------------|----------------------------------|----------------------|----------------|-------------------------|-------------------------|
| <input checked="" type="checkbox"/> | <i>Favorable With Amendments</i> | | | | |
| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
| Gary Aubuchon | X | | | | |
| Marti Coley | X | | | | |
| Michael Grant | X | | | | |
| Dick Kravitz | X | | | | |
| John Legg | X | | | | |
| Seth McKeel | X | | | | |
| Frank Peterman | | | X | | |
| Ari Porth | X | | | | |
| Betty Reed | X | | | | |
| Don Davis (Chair) | | | X | | |
| Total Yeas: 8 | | Total Nays: 0 | | | |

Committee meeting was reported out: Monday, March 19, 2007 3:19:13PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1301

COUNCIL/COMMITTEE ACTION

| | | | |
|-----------------------|----------|-------|---------|
| ADOPTED | ___ | (Y/N) | |
| ADOPTED AS AMENDED | ___ | (Y/N) | |
| ADOPTED W/O OBJECTION | <u>✓</u> | (Y/N) | 3/19/07 |
| FAILED TO ADOPT | ___ | (Y/N) | |
| WITHDRAWN | ___ | (Y/N) | |
| OTHER | _____ | | |

1 Council/Committee hearing bill: Committee on Economic
 2 Development
 3 Representative Aubuchon offered the following:

Amendment (with title amendment)

Remove lines 26-55

===== T I T L E A M E N D M E N T =====

Remove lines 3-10 and insert:

445.024, F.S.;

COMMITTEE MEETING REPORT
Committee on Economic Development

3/19/2007 2:00:00PM

Location: Reed Hall (102 HOB)

HB 1521 : Commercialization of Products, Patents, and Processes Resulting from Publicly Supported Research

Favorable With Amendments

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|----------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Gary Aubuchon | X | | | | |
| Marti Coley | X | | | | |
| Michael Grant | | | X | | |
| Dick Kravitz | X | | | | |
| John Legg | X | | | | |
| Seth McKeel | | | X | | |
| Frank Peterman | | | X | | |
| Ari Porth | X | | | | |
| Betty Reed | X | | | | |
| Don Davis (Chair) | | | X | | |
| Total Yeas: 6 | | Total Nays: 0 | | | |

Appearances:

Gabe Sheheane (Lobbyist) - Proponent
 Florida Chamber of Commerce
 Phone: (850) 284-8335

Committee meeting was reported out: Monday, March 19, 2007 3:19:13PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1521

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION (Y/N) 3/19/07
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Committee on Economic
2 Development

3 Representative(s) Harrell offered the following:

4
5 **Amendment**

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 288.956, Florida Statutes, is created
8 to read:

9 288.956 Sure Ventures Commercialization Program.--

10 (1) The Sure Ventures Commercialization Program is
11 established for the purpose of financing the commercialization
12 of products and services developed from the research and
13 development conducted at public universities in this state. The
14 purpose of the program is to enhance the economy of this state:

15 (a) By converting products from research performed at
16 public universities into viable consumer products, and

17 (b) By precipitating the formation of new Florida
18 companies to further develop and sell those products in the
19 commercial marketplace.

20 (2) The Sure Ventures Commercialization Program is
21 designed so that a public university can apply for funding from
22 Sure Ventures Commercialization, Inc., in order to commercially

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 develop products and services resulting from research at the
24 university. Funding from the Sure Ventures Commercialization
25 Trust Fund may be used for a variety of premarketing activities,
26 including, but not limited to, securing patents, establishing
27 start-up companies, developing license agreements, attracting
28 private investment, and supporting other activities that are
29 necessary to establish commercially viable ventures for the
30 marketing and sale of products. Funds may not be used for
31 research or development.

32 Section 2. Section 288.9561, Florida Statutes, is created
33 to read:

34 288.9561 Sure Ventures Commercialization, Inc.--

35 (1) CREATION.--There is created Sure Ventures
36 Commercialization, Inc., a not-for-profit corporation, which
37 shall be registered, incorporated, organized, and operated under
38 chapter 617 with Enterprise Florida, Inc., as its sole member.

39 (a) The corporation is not a unit of state government or a
40 political subdivision of the state. However, the Legislature
41 declares that the corporation is subject to s. 24, Art. I of the
42 State Constitution and chapter 119, relating to public records,
43 and the provisions of chapter 286 relating to public meetings
44 and records. Furthermore, all officers, directors, and employees
45 of the corporation must comply with the code of ethics for
46 public officers and employees under part III of chapter 112.

47 (b) The corporation shall adopt suitable articles of
48 incorporation and bylaws and must establish at least one
49 corporate office in this state and appoint a registered agent.

50 (c) The corporation may hire or contract for all personnel
51 necessary to properly execute the powers and duties bestowed
52 upon it within the funds appropriated to implement ss. 288.956-
53 288.9566. Using funds appropriated to implement this section,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

54 the corporation may not expend more than \$1 million each year
55 for personnel and necessary administrative expenditures,
56 including, but not limited to, travel and per diem, legal fees,
57 consultant's fees, rents and utilities, and audit fees.

58 (d) Subject to appropriations, Enterprise Florida, Inc.,
59 shall contract to provide administrative support to the
60 corporation as requested by the corporation. If the corporation
61 is dissolved, Enterprise Florida, Inc., becomes the
62 corporation's successor in interest and assumes all rights,
63 duties, and obligations of the corporation under any contract to
64 which the corporation is then a party and under law.

65 (2) PURPOSE.--The corporation shall be organized to
66 administer a commercialization grants program as defined herein
67 with funding from the Sure Ventures commercialization Trust
68 Fund, and the corporation is authorized to receive, hold,
69 invest, administer, and disburse funds appropriated by the
70 Legislature.

71 (3) BOARD; MEMBERSHIP.--The corporation shall be governed
72 by a board of directors.

73 (a) The board of directors shall consist of nine voting
74 members, of whom the Governor shall appoint three, the President
75 of the Senate shall appoint three, and the Speaker of the House
76 of Representatives shall appoint three.

77 (b) As a candidate to be selected to the board of
78 directors, an individual must have prior experience with and
79 demonstrated expertise and competence in early stage business
80 investment, corporate management, the fiduciary management of
81 investment funds, or the commercialization of research products.
82 The individual must also demonstrate competence with respect to
83 the administration and management of a publicly listed company,
84 or experience and competence in public accounting, auditing, and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

85 fiduciary responsibilities. A board member may not have an
86 interest in any grant proposal submitted to the corporation.

87 (c) Each member of the board of directors shall be
88 appointed to a term of 4 years, except that for the initial
89 appointments the Governor, the President of the Senate, and the
90 Speaker of the House of Representatives each shall appoint one
91 member for a term of 1 year, one member for a term of 2 years,
92 and one member for a term of 4 years in order to achieve
93 staggered terms among the members of the board. A member is not
94 eligible for reappointment to the board, except that a member
95 appointed to an initial term of 1 year or 2 years may be
96 reappointed for an additional term of 4 years, and a person
97 appointed to fill a vacancy having 2 years or less remaining on
98 the term may be reappointed for an additional term of 4 years.
99 The Governor, the President of the Senate, and the Speaker of
100 the House of Representatives shall make their initial
101 appointments to the board by October 1, 2007.

102 (d) The Governor, the President of the Senate, or the
103 Speaker of the House of Representatives, respectively, shall
104 fill a vacancy on the board of directors, according to who
105 appointed the member whose vacancy is to be filled or whose term
106 has expired. A vacancy that occurs before the scheduled
107 expiration of the term of the member shall be filled for the
108 remainder of the unexpired term. A board member whose term has
109 expired shall continue to serve until his or her replacement has
110 been appointed.

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

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

115 (f)1. A person appointed to the board of directors must
116 agree to refrain from having any direct interest in any
117 contract, franchise, privilege, or other benefit arising from a
118 university project receiving financing from the board during the
119 term of his or her appointment and for 2 years after the
120 termination of the appointment.

121 2. If a person accepts a direct interest in any contract,
122 franchise, privilege, or other benefit granted by the
123 institution, an affiliate or corporation benefited by Sure
124 Commercialization grant proceeds within 2 years after the
125 termination of his or her service on the board, the person
126 commits a misdemeanor of the first degree, punishable as
127 provided in s. 775.083 or s. 775.084.

128 (g) Members of the board of directors shall receive no
129 compensation for their services but are entitled to receive
130 reimbursement for necessary expenses, including travel and per
131 diem expenses, incurred in the performance of their duties.

132 (h) Each member of the board of directors is accountable
133 for the proper performance of his or her duties of office, and
134 each member owes a fiduciary duty to the people of the state to
135 ensure that funds provided in furtherance of this section are
136 disbursed and used as prescribed by law and contract and in the
137 best interests of the state.

138 (i) The Governor, the President of the Senate, or the
139 Speaker of the House of Representatives, according to which
140 officer appointed the member, may remove a member for
141 malfeasance, misfeasance, neglect of duty, incompetence,
142 permanent inability to perform official duties, unexcused
143 absence from three consecutive meetings of the board, arrest or
144 indictment for a crime that is a felony or a misdemeanor

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

145 involving theft or a crime of dishonesty, or pleading nolo
146 contendere to, or being found guilty of, any crime.

147 (4) ORGANIZATION; MEETINGS.--

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

156 2. The chairperson shall ensure that records are kept of
157 the proceedings of the board of directors and is the custodian
158 of all books, documents, and papers filed with the board; the
159 minutes of meetings of the board; and the official seal of the
160 corporation.

161 (b)1. The board of directors shall meet upon the call of
162 the chairperson or at the request of a majority of the members,
163 but not less than twice each calendar year if a university
164 request for funding under this section is pending.

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

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

173 (5) POWERS AND DUTIES.--The corporation shall be organized
174 to receive, hold, invest, administer, and disburse funds
175 appropriated by the Legislature in support of ss. 288.956-

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

176 288.9566 and to disburse any income generated from the
177 investment of these funds consistent with the purpose and
178 provisions of this section. In addition to the powers and duties
179 prescribed in chapter 617 and the articles and bylaws adopted
180 under that chapter, the corporation:

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

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

188 (c) May perform all acts and things necessary or
189 convenient to carry out the powers expressly granted in ss.
190 288.956-288.9566 and any contract entered into between the
191 corporation and a university.

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

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

198 (f) Shall disburse funds under this section and any
199 contract entered into between the corporation and a university.

200 (g) Shall receive and review reports and financial
201 documentation provided by a university to ensure compliance with
202 this section and the contract.

203 (h) Shall prepare an annual report as prescribed in
204 subsection (8).

205 (i) May accept gifts, grants, donations, in-kind services,
206 or other goods and services for carrying out its purposes.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

207 (6) INVESTMENT OF FUNDS.--The corporation is authorized to
208 enter into an agreement with the State Board of Administration
209 under which funds received by the corporation which are not
210 disbursed to a university or invested must be invested by the
211 State Board of Administration on behalf of the corporation.
212 Funds shall be invested in suitable instruments authorized under
213 s. 215.47 and specified in investment guidelines established and
214 agreed to by the State Board of Administration and the
215 corporation.

216 (7) CONTRACTS FOR THE AWARD OF GRANTS.--

217 (a) The corporation shall negotiate and execute contracts
218 with universities governing the terms of grants provided under
219 ss. 288.956-288.9566. Grants shall be approved by two thirds
220 vote of the board of directors when a quorum is present at a
221 duly noticed meeting.

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

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

227 2. Requiring the university to expend 95 percent of grant
228 proceeds for described uses in the approved grant application
229 and not otherwise reduce grant proceeds with facilities charges
230 or fees by the university.

231 3. Requiring the university to submit data to the
232 corporation concerning the activities and performance of
233 projects funded under this section and to provide to the
234 corporation an annual accounting of the expenditure of funds
235 disbursed under this section by August 1 of each year until one
236 year elapses from the university's final disbursement of all
237 grant funds received from the Sure commercialization program.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

238 (8) ANNUAL REPORT.--By December 1 of each year, the
239 corporation shall prepare a report of the activities and
240 outcomes under ss. 288.956-288.9566 for the preceding fiscal
241 year and submit the report to the Governor, the President of the
242 Senate, and the Speaker of the House of Representatives. The
243 report, at a minimum, must include:

244 (a) An accounting of the amount of grants awarded and
245 disbursed during the preceding fiscal year by project and
246 university.

247 (b) Project level summaries of the information reported by
248 grant recipients in paragraph (7)(b).

249 (c) A description of the benefits to this state resulting
250 from the grant program, including the number of businesses
251 created, associated industries started, and the growth of
252 related research projects at the university.

253 (d) An independent audit of the corporation's financial
254 statements, which should include a statement of operations that
255 reports receipts and expenditures during the preceding fiscal
256 year for personnel, administration, and operational costs of the
257 corporation.

258 (e) A description of those projects funded by the grant
259 program in which two or more universities are working
260 cooperatively together to avoid duplicating the activities,
261 programs, and functions of the cooperating universities and to
262 leverage the expertise offered by other universities.

263 (9) LIABILITY.--

264 (a) The appropriation or disbursement of funds under this
265 section does not constitute a debt, liability, or obligation of
266 the state, any political subdivision of the state, or the
267 corporation or a pledge of the faith and credit of the state or
268 of any political subdivision of the state.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

269 (b) The appropriation or disbursement of funds under this
270 section does not subject the state, any political subdivision of
271 the state, or the corporation to liability related to the
272 research activities, commercialization activities, and research
273 products that receive funding under this section.

274 (10) DEBT.--The corporation may not incur debt. This
275 prohibition includes long-term leases, promissory notes, loans,
276 lease-purchase agreements, certificates of participation, the
277 sale of bonds or revenue bonds, or the award or commitment to
278 award grants in excess of the unencumbered cash balance in the
279 Sure Ventures Commercialization Trust Fund.

280 Section 3. Section 288.9562, Florida Statutes, is created
281 to read:

282 288.9562 Sure Ventures Commercialization Grant
283 Program.--The Sure Ventures Commercialization Grant Program is
284 established to provide early stage capital funding from the Sure
285 Ventures Commercialization Trust Fund in support of the
286 commercialization of university research products. Grants from
287 the Sure Ventures Commercialization Trust Fund shall be
288 disbursed under the following categories:

289 (1) Phase One grants, which may not exceed \$50,000 per
290 project, may be used to assist with early market research,
291 independent evaluation, consultation, and other initial
292 activities that may be required to develop an initial business
293 model for a university research product having the potential for
294 commercialization.

295 (2) Phase Two grants, which may not exceed \$100,000 per
296 project, may be used to match private investment in a university
297 research commercialization proposal. The university proposal
298 must have been successfully evaluated and developed into a level
299 of readiness contemplated for projects that have received Phase

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

300 One grants. Phase Two grants shall be used to develop a complete
301 business plan for the commercialization of a university research
302 product. For a Phase Two grant proposal, the university must
303 document the availability of \$1 in private support for each \$1
304 in state funding requested.

305 (3) Phase Three grants, which may not exceed \$250,000 per
306 project, may be used to match private investment relating to the
307 implementation of a completed business plan for a university
308 research product. For a Phase Three grant proposal, the
309 university must document the availability of \$1 in private
310 support for each \$1 in state funding requested.

311 Section 4. Section 288.9563, Florida Statutes, is created
312 to read:

313 288.9563 Sure Ventures Commercialization grants;
314 application and approval procedures.--

315 (1) A university, or any two or more universities, upon
316 approval by an authorized officer of the university, may submit
317 a request to Sure Ventures Commercialization, Inc., for a grant
318 to facilitate the commercialization of a university research
319 product or the commercialization of a patent held by a
320 university.

321 (2) Subject to the availability of trust funds, the
322 corporation shall periodically solicit specific proposals from
323 universities for grants to be funded by the corporation.

324 (a)1. The corporation shall meet at least once every 6
325 months for the purpose of evaluating the grant proposals and for
326 awarding grants if the uncommitted balance in the Sure Ventures
327 Commercialization Trust Fund exceeds \$750,000.

328 2. The minimum time between the date when the notice for
329 the solicitation for proposals is issued and the date when the
330 finished proposal is received by the corporation may not be less

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

331 than 60 days. The corporation must approve or deny a completed
332 proposal not more than 60 days after receiving the proposal.

333 3. The board of directors, by a majority vote, may
334 increase the time allotted to approve or deny the submitted
335 proposals by an additional 60 days when complex proposals
336 require additional time for proper evaluation.

337 (b)1. The board shall establish guidelines prescribing the
338 criteria and format for proposed projects submitted by
339 universities.

340 2. A university need not receive prior stage grants to be
341 eligible for phase two or phase three grants.

342 (3) When evaluating the projects submitted for funding
343 support through Sure Ventures Commercialization, Inc., the board
344 must consider the following criteria:

345 (a) The potential return to the university which may be
346 reasonably assumed based on the business case presented in
347 support of the proposed project;

348 (b) The potential for the creation of high-wage jobs
349 resulting from the success of the proposed project;

350 (c) The potential of the proposed project to address
351 pressing needs of the residents of the state;

352 (d) The potential of the proposed project to "spin-off"
353 other related business enterprises;

354 (e) The potential of the proposed project to enhance the
355 economic competitiveness of the state and the university; and

356 (f) The technical, financial, organizational, and
357 marketing feasibility of the project and its business plan.

358 (4) The proposed project must be evaluated on its
359 individual merits.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

360 Section 5. Sections 288.9621, 288.9622, 288.9623,
361 288.9624, 288.9625, 288.9626, and 288.9628, Florida Statutes,
362 are created to read:

363 288.9621 Short title.--Sections 288.9621-288.9629 may be
364 cited as the "SURE Venture Capital Act."

365 288.9622 Findings and intent.--

366 (1) The Legislature finds and declares that there is need
367 to increase the availability of seed capital and early stage
368 venture equity capital for emerging companies in this state
369 which are commercializing state university research, technology,
370 or patents, or commercializing in this state any other state-
371 supported research organization's technology, products, or
372 patents, including, without limitation, enterprises in life
373 sciences, information technology, advanced manufacturing
374 processes, aviation and aerospace, and homeland security and
375 defense, as well as other strategic technologies.

376 (2) It is the intent of the Legislature that ss. 288.9621-
377 288.9629 serve to mobilize investment in a broad variety of
378 Florida-based, new technology companies within diversified
379 industries; retain private-sector investment criteria focused on
380 rate of return; use the services of a highly qualified manager
381 in the venture capital industry; facilitate the organization of
382 the SURE Venture Capital Fund as a coinvestor in seed and early
383 stage companies; market products developed in state universities
384 and other publicly funded entities located in this state; and
385 precipitate capital investment and extensions of credit to and
386 in the SURE Venture Capital Fund, and it is the further intent
387 of the Legislature that an institute be created to mentor,
388 market, and attract capital to such commercialization ventures.

389 (3) It is the intent of the Legislature to mobilize
390 venture equity capital for investment in such a manner as to

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

391 result in a significant potential to create new businesses and
392 jobs in this state which are based on high-growth-potential
393 technologies, products, or services and which will further
394 diversify the economy of this state.

395 288.9623 Definitions.--As used in ss. 288.9621-288.9629:

396 (1) "Board" means the board of trustees of the SURE Trust.

397 (2) "Certificate" means a contract between the trust and a
398 designated investor or lender evidencing the terms of a
399 guarantee or incentive granted to a designated investor.

400 (3) "Designated investor" means a person, other than the
401 board, who purchases an equity interest in the SURE Venture
402 Capital Fund, who is a party to a certificate, or who is a
403 lender to the SURE Venture Capital Fund.

404 (4) "SURE Trust" or "trust" means a state beneficiary
405 public trust created under ss. 288.9621-288.9629.

406 (5) "SURE Venture Capital Fund" or "fund" means the
407 private, for-profit limited liability company in which a
408 designated investor purchases an equity interest or to which a
409 designated investor extends credit.

410 (6) "SURE Fund Board" or "directorship" means the board of
411 directors of the SURE Venture Capital Fund.

412 (7) "Tax credit" means a contingent tax credit issued
413 under ss. 288.9621-288.9629 or subsequent legislative action
414 which is available to offset tax liabilities imposed by this
415 state if the proceeds of the tax are payable to the General
416 Revenue Fund. A tax credit is not eligible to offset tax
417 liabilities imposed by a political subdivision within this
418 state.

419 288.9624 SURE Trust.--

420 (1) PUBLIC TRUST.--The SURE Trust is created as a state
421 beneficiary public trust to be administered by the board. The

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

422 exercise by the board of powers conferred by this part is deemed
423 and held to be the performance of essential public purposes.

424 (2) PUBLIC RECORDS AND MEETINGS.--

425 (a) The trust is not a unit of state government or a
426 political subdivision of the state. However, the Legislature
427 declares that the trust is subject to s. 24, Art. I of the State
428 Constitution and chapter 119, relating to public records, and
429 the provisions of chapter 286 relating to public meetings and
430 records. Furthermore, all officers, trustees, and employees of
431 the trust must comply with the code of ethics for public
432 officers and employees under part III of chapter 112.

433 (b) The trust must establish at least one corporate office
434 in this state and appoint a registered agent.

435 (c) The trust may hire or contract for all personnel
436 necessary to properly execute the powers and duties bestowed
437 upon it within the funds appropriated to implement ss. 288.9621-
438 288.9629. Using funds appropriated to implement this section,
439 the trust may not expend more than \$1 million each year for
440 personnel and necessary administrative expenditures, including,
441 but not limited to, travel and per diem, legal fees,
442 consultant's fees, rents and utilities, and audit fees.

443 (d) Subject to appropriations, Enterprise Florida, Inc.,
444 shall reasonably contract to provide administrative support to
445 the trust as requested by the trust. If the trust is dissolved,
446 Enterprise Florida, Inc., becomes the trust's successor in
447 interest and assumes all rights, duties, and obligations of the
448 trust under any contract to which the trust is then a party and
449 under law.

450 (3) PURPOSE.--The trust shall be organized to receive,
451 hold, invest, administer, and disburse funds appropriated by the
452 Legislature; to receive and hold transferable tax credits; to

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

453 issue guarantees or pledge tax credits for guarantee of funds
454 borrowed by or invested in the SURE Venture Capital Fund; and to
455 liquidate tax credits as may be necessary to effect performance
456 on any guarantee.

457 (4) BOARD; MEMBERSHIP.--The trust shall be governed by a
458 board of trustees.

459 (a) The board of trustees shall consist of nine voting
460 trustees, of whom the Governor shall appoint three, the
461 President of the Senate shall appoint three, and the Speaker of
462 the House of Representatives shall appoint three.

463 (b) As a candidate to be selected to the board of
464 trustees, an individual must have prior experience with and
465 demonstrated expertise and competence in early stage business
466 investment, corporate management, the supervision of early stage
467 investment managers, venture capital investment, management of
468 entrepreneurial companies, the fiduciary management of
469 investment funds, or the commercialization of research products.
470 The individual must also demonstrate competence with respect to
471 the administration and management of a publicly listed company,
472 or experience and competence in public accounting, auditing, and
473 fiduciary responsibilities. A trustee may not have an ownership
474 interest in any entity to which a certificate is issued or have
475 any business relationship with any investment manager hired by
476 the SURE Venture Capital Fund.

477 (c) Each trustee of the board of trustees shall be
478 appointed to a term of 4 years, except that for the initial
479 appointments the Governor, the President of the Senate, and the
480 Speaker of the House of Representatives shall each appoint one
481 trustee for a term of 1 year, one trustee for a term of 2 years,
482 and one trustee for a term of 4 years in order to achieve
483 staggered terms among the trustees of the board. A trustee is

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

484 not eligible for reappointment to the board, except that a
485 trustee appointed to an initial term of 1 year or 2 years may be
486 reappointed for an additional term of 4 years, and a person
487 appointed to fill a vacancy having 2 years or less remaining on
488 the term may be reappointed for an additional term of 4 years.
489 The Governor, the President of the Senate, and the Speaker of
490 the House of Representatives shall make their initial
491 appointments to the board by October 1, 2007.

492 (d) The Governor, the President of the Senate, or the
493 Speaker of the House of Representatives, respectively, shall
494 fill a vacancy on the board of trustees, according to who
495 appointed the trustee whose vacancy is to be filled or whose
496 term has expired. A vacancy that occurs before the scheduled
497 expiration of the term of the trustee shall be filled for the
498 remainder of the unexpired term. A trustee whose term has
499 expired shall continue to serve until his or her replacement has
500 been appointed.

501 (e) Each trustee who is not otherwise required to file
502 financial disclosure under s. 8, Art. II of the State
503 Constitution or s. 112.3144 shall file disclosure of financial
504 interests under s. 112.3145.

505 (f)1. A trustee appointed to the board must agree to
506 refrain from having any direct interest in any contract,
507 franchise, privilege, or other benefit arising from the trust,
508 the SURE Venture Capital Fund, or a project or company receiving
509 investment from the SURE Venture Capital Fund during the term of
510 his or her appointment and for 2 years after the termination of
511 the appointment.

512 2. If a trustee accepts a direct interest in any contract,
513 franchise, privilege, or other benefit as prohibited in
514 subparagraph 1. within 2 years after the termination of his or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

515 her service on the board, the trustee commits a misdemeanor of
516 the first degree, punishable as provided in s. 775.083 or s.
517 775.084.

518 (g) A trustee may not receive compensation for his or her
519 services, but is entitled to receive reimbursement for necessary
520 expenses, including travel and per diem expenses, incurred in
521 the performance of his or her duties.

522 (h) A trustee is accountable for the proper performance of
523 the duties of office, and each trustee owes a fiduciary duty to
524 the people of the state to ensure that funds or tax credits
525 provided in furtherance of ss. 288.9621-288.9629 are disbursed
526 and used as prescribed by law and contract and in the best
527 interests of the state.

528 (i) The Governor, the President of the Senate, or the
529 Speaker of the House of Representatives, according to which
530 officer appointed the trustee, may remove a trustee for
531 malfeasance, misfeasance, neglect of duty, incompetence,
532 permanent inability to perform official duties, unexcused
533 absence from three consecutive meetings of the board, arrest or
534 indictment for a crime that is a felony or a misdemeanor
535 involving theft or a crime of dishonesty, or pleading nolo
536 contendere to, or being found guilty of, any crime.

537 (5) ORGANIZATION; MEETINGS.--

538 (a)1. The board of trustees shall annually elect a
539 chairperson and a vice chairperson from among the board's
540 trustees. The trustees may, by a vote of five of the nine board
541 trustees, remove a trustee from the position of chairperson or
542 vice chairperson before the expiration of his or her term as
543 chairperson or vice chairperson. His or her successor shall be
544 elected to serve for the balance of the removed chairperson's or
545 vice chairperson's term.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

546 2. The chairperson is responsible for ensuring that
547 records are kept of the proceedings of the board of trustees and
548 is the custodian of all books, documents, and papers filed with
549 the board; the minutes of meetings of the board; and the
550 official seal of the trust.

551 (b)1. The board of trustees shall meet upon the call of
552 the chairperson or at the request of a majority of the trustees,
553 but not less than twice each calendar year and more frequently
554 if necessary to promptly act on a request for matched
555 investment.

556 2. A majority of the voting trustees of the board
557 constitutes a quorum. Except as otherwise provided in this
558 section, the board may take official action by a majority vote
559 of the trustees present at any meeting at which a quorum is
560 present. Trustees may not vote by proxy.

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

564 (6) POWERS AND DUTIES.--The trust shall be organized to
565 receive and hold transferable tax credits; to issue guarantees
566 or pledge tax credits for guarantee of funds borrowed by or
567 invested in the SURE Venture Capital Fund; to liquidate tax
568 credits as may be necessary to effect performance on any
569 guarantee; and to receive, hold, invest, administer, and
570 disburse funds appropriated by the Legislature and shall
571 disburse any income generated from the investment of these funds
572 consistent with the purpose and provisions of ss. 288.9621-
573 288.9629. In addition to any other powers and duties ascribed to
574 the trust in ss. 288.9621-288.9629, the trust:

575 (a) May make and enter into contracts and assume any other
576 functions that are necessary to carry out the trust's purpose.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

577 (b) May enter into leases and contracts and execute notes,
578 mortgages, guarantees, or security agreements to secure the
579 performance of a contract or certificate.

580 (c) May perform all acts and things necessary or
581 convenient to carry out the powers expressly granted in ss.
582 288.9621-288.9629 and perform on a contract or certificate
583 agreement entered into between the trust and a designated
584 investor.

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

588 (e) Shall indemnify, and purchase and maintain insurance
589 on behalf of, trustees, officers, and employees of the trust
590 against any personal liability or accountability.

591 (f) Shall disburse funds under this section and any
592 contract entered into between the trust and a designated
593 investor.

594 (g) Shall receive and review reports and financial
595 documentation provided by the SURE Venture Capital Fund to
596 ensure compliance with ss. 288.9621-288.9626 and any
597 certificate.

598 (h) Shall prepare an annual report as prescribed in
599 subsection (8).

600 (i) May accept gifts, grants, donations, in-kind services,
601 or other goods and services for carrying out its purposes.

602 (7) INVESTMENT OF FUNDS.--The trust and fund must enter
603 into an agreement with the State Board of Administration under
604 which funds received by the trust which are not disbursed to a
605 university or invested must be invested by the State Board of
606 Administration on behalf of the trust. Moneys shall be invested
607 in suitable instruments authorized under s. 215.47 and specified

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

608 in investment guidelines established and agreed to by the State
609 Board of Administration and the trust.

610 (8) ANNUAL REPORT.--By December 1 of each year, the trust
611 shall prepare a report of the activities and outcomes of the
612 trust and submit the report to the Governor, the President of
613 the Senate, and the Speaker of the House of Representatives. The
614 report, at a minimum, must include:

615 (a) An accounting of the amount of grants and proposals
616 awarded and disbursed during the preceding fiscal year by
617 project and university.

618 (b) Information concerning the amount and nature of
619 economic activity in this state generated through university and
620 other state-supported research projects receiving funding from
621 the trust.

622 (c) Project summaries of the information reported by grant
623 recipients in paragraph (b).

624 (d) A description of the benefits to this state resulting
625 from the trust program, including the number of businesses
626 created, associated industries started, and the growth of
627 related research projects.

628 (e) The amount of certificates issued the previous fiscal
629 year and the total certificates outstanding.

630 (f) Independently audited financial statements, including
631 statements that show receipts and expenditures during the
632 preceding fiscal year for personnel, administration, and
633 operational costs of the trust.

634 (g) A description of any sale of tax certificates and any
635 sale of tax certificates that is reasonably anticipated by the
636 board to meet its certificate obligations.

637 (9) LIABILITY.--The appropriation or disbursement of funds
638 under this section does not constitute a debt, liability, or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

639 obligation of the state or any political subdivision of the
640 state or a pledge of the faith and credit of the state or any
641 political subdivision of the state.

642 (10) ACTIVITIES.--The board may engage consultants, expend
643 funds, invest funds, contract, bond or insure against loss,
644 provide guarantees or other incentives, hold transferable tax
645 credits, sell tax credits, or enter into any financial or other
646 transaction or perform any other act necessary to carry out its
647 purpose under ss. 288.9621-288.9629.

648 (11) TAX CREDITS.--The board, in conjunction with the
649 Department of Revenue, shall develop a system for registration
650 of any tax credits received by the trust and transferred under
651 ss. 288.9621-288.9629. The board shall also create a system of
652 documentation that permits verification that any tax credit
653 claimed upon a tax return is validly held by the person claiming
654 such tax credit and properly taken in the year of claim and that
655 any transfers of the tax credit are made in accordance with the
656 requirements of ss. 288.9621-288.9629.

657 (12) EMPLOYEES.--If the board elects to hire employees,
658 such persons shall be selected by the board based upon knowledge
659 and leadership in the field for which the person performs
660 services for the board. The board shall charge fees for its
661 guarantees to designated investors or for other services such
662 that the board's operations may be conducted without subsequent
663 legislative appropriation.

664 288.9625 Issuance of tax credits.--

665 (1) The trust shall receive and hold for the purposes of
666 ss. 288.9621-288.9629 tax credits that may be used to reduce any
667 tax liability imposed by the state under chapter 212, chapter
668 220, s. 624.509, or s. 624.510. The total amount of tax credits
669 issued and transferred to the trust is \$50 million. The tax

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

670 credits shall be transferable by the board as provided in this
671 section if such transferred tax credit is not exercisable before
672 July 1, 2012, or after July 1, 2037.

673 (2) The board may transfer and sell tax credits solely for
674 the purpose of fulfilling, in whole or in part, any certificate
675 obligation issued by the board. The board shall immediately
676 notify the Governor, the President of the Senate, the Speaker of
677 the House of Representatives, and the Department of Revenue, in
678 writing, if any tax credit is transferred. The board shall be
679 notified immediately of any transfers of tax credits by persons
680 or businesses other than the board and shall notify the
681 Department of Revenue, in writing, of such transfers.

682 (3) (a) The board shall ensure that no more than \$15
683 million in tax credits is transferred, which may be claimed and
684 used to reduce taxes payable to the General Revenue Fund for any
685 single state fiscal year. The board shall clearly indicate upon
686 the face of the document transferring the tax credit the
687 principal amount of the tax credit and the state fiscal year or
688 years during which the credit may be claimed.

689 (b) Tax credits may be transferred in increments of no
690 less than \$100,000. A copy of the document transferring the tax
691 credit shall be transmitted to the executive director of the
692 Department of Revenue, who shall allow the credit to be claimed
693 against tax liabilities of the person or business consistent
694 with the terms appearing in the transfer document.

695 (4) If the tax liabilities of the taxpayer are
696 insufficient to exhaust the tax credit for which the taxpayer is
697 eligible, the balance of the tax credit may be refunded by the
698 state. If a tax credit granted under this section is not claimed
699 in the year designated for claiming the credit on the transfer
700 document, any return for the year in which the credit was

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

701 eligible to be claimed may be amended to claim the credit within
702 the time specified by ss. 95.091 and 215.26.

703 (5) Persons or businesses to which tax credits under this
704 section are transferred shall retain documentation supporting
705 eligibility to claim the tax credits and evidence of the
706 transfer of the tax credits, if applicable, until the time
707 provided to audit the tax returns on which the tax credits were
708 claimed has passed.

709 (6) The Department of Revenue, in conjunction with the
710 board, may adopt rules governing the manner and form of
711 documentation required to claim tax credits granted or
712 transferred under this section and may establish guidelines as
713 to the requisites for an affirmative showing of qualification
714 for tax credits granted or transferred under this section.

715 (7) An insurance company claiming a credit against premium
716 tax liability under this section is not required to pay any
717 additional retaliatory tax levied pursuant to s. 624.5091 as a
718 result of claiming such credit. Because credits under this
719 section are available to an insurance company, s. 624.5091 does
720 not limit such credit in any manner.

721 (8) Any original sale of tax credits by the board shall be
722 by competitive bidding unless the sale is for the full face
723 value of the credits.

724 288.9626 SURE Venture Capital Fund.--

725 (1) (a) At the request of the board, Enterprise Florida,
726 Inc., shall facilitate the creation of the SURE Venture Capital
727 Fund, a private corporation. Enterprise Florida, Inc., shall be
728 the corporation's sole shareholder or member. The corporation is
729 not a public corporation or instrumentality of the state.

730 (b) The purpose of the SURE Venture Capital Fund is to
731 select an early stage venture capital investment advisor,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

732 negotiate for investment capital or loan proceeds from private,
733 institutional, or banking sources having the benefit of
734 guarantees from the SURE Trust and coinvest capital in companies
735 in this state which are accepted into or promoted by the
736 Institute for the Commercialization of Public Research. The fund
737 shall manage its business affairs and conduct business
738 consistent with its organizational documents and the purposes
739 set forth in this section.

740 (2) (a) The vice chair of Enterprise Florida, Inc., shall
741 select from among its sitting board of directors a five-person
742 appointment committee. The appointment committee shall select
743 five initial members of a board of directors for the fund.

744 (b) The persons elected to the initial board of directors
745 by the appointment committee shall include persons who have
746 expertise in the area of the selection and supervision of early
747 stage investment managers or in the fiduciary management of
748 investment funds and other areas of expertise as considered
749 appropriate by the appointment committee.

750 (c) After election of the initial board of directors,
751 vacancies on the board shall be filled by vote of the board of
752 directors of Enterprise Florida, Inc., and board members shall
753 serve terms as provided in the fund's organizational documents.

754 (d) Members of the board are subject to any restrictions
755 on conflicts of interest specified in the organizational
756 documents and may not have an interest in any venture capital
757 investment selected by the corporation under ss. 288.9621-
758 288.9629.

759 (3) The directorate shall organize the SURE Venture
760 Capital Fund, select an early stage venture capital investment
761 manager, negotiate the terms of a contract with the SURE Venture
762 Capital Fund investment manager, execute the contract with the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

763 selected venture capital investment manager on behalf of the
764 SURE Venture Capital Fund, manage the business affairs of the
765 SURE Venture Capital Fund, such as accounting, audit, insurance,
766 and related requirements, solicit and negotiate the terms, and
767 contract for and receive, investment capital or loan proceeds
768 with the assistance of the investment manager and with
769 certificates of guarantee from the SURE Trust, and receive
770 investment returns, pay investors and debtors, and reinvest the
771 investment returns in the fund in order to provide additional
772 venture capital investments designed to result in a significant
773 potential to create new businesses and jobs in this state and
774 further diversify the economy of this state.

775 (4) Upon organization, the board shall conduct a national
776 solicitation for investment plan proposals from qualified
777 venture capital investment managers for the raising and
778 investing of capital by the SURE Venture Capital Fund. Any
779 proposed investment plan must address the applicant's level of
780 experience, quality of management, investment philosophy and
781 process, provability of success in fundraising, prior investment
782 fund results, and plan for achieving the purposes of ss.
783 288.9621-288.9629. The board shall select only venture capital
784 investment managers having demonstrated expertise in the
785 management of and investment in companies.

786 (5) A member of the board of directors shall receive no
787 compensation for his or her services, but is entitled to receive
788 reimbursement for necessary expenses, including travel and per
789 diem expenses, incurred in the performance of his or her duties.

790 (6) The fund shall have all powers granted under its
791 organizational documents and shall indemnify members to the
792 broadest extent permissible under the laws of this state.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

793 (7) The fund may negotiate any and all terms and
794 conditions for its investments. The fund shall invest directly
795 only in companies in this state which are accepted into or
796 promoted by the Institute for the Commercialization of Public
797 Research. The fund shall invest only if additional private
798 capital is invested in an amount equal to or greater than the
799 investment of the fund, the fund's reasonable due diligence
800 determines that the company is viable and has prospects for
801 profitable operations, and the company has manifested its intent
802 to remain located in this state. Not more than 15 percent of the
803 fund's accessible capital may be invested in one company
804 project.

805 (8) If the fund is liquidated or has returned all capital
806 to designated investors in accordance with contractual
807 agreements, or if the guarantee capacity of the corporation, at
808 the sole discretion of the board, is sufficient for additional
809 certificates, a new funding of the SURE Venture Capital Fund may
810 be implemented for subsequent venture capital investments. If
811 the board takes exception to an additional funding, such
812 additional funding may be implemented only without the benefit
813 of certificates from the board.

814 (9) The directorate shall issue an annual report
815 concerning the activities conducted by the SURE Venture Capital
816 Fund and present the report to the SURE Trust by November 15 for
817 inclusion in the board's report to the Governor, the President
818 of the Senate, and the Speaker of the House of Representatives.
819 The annual report must include, but need not be limited to, a
820 copy of the independent audit of the fund, the number of
821 investments made or committed during the fiscal year, the amount
822 of debt or capital in or committed to the fund for which
823 certificates have been issued by the board, and a general

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

824 description of the companies receiving investment by the fund
825 and their associated industry.

826 288.9628 Institute for the Commercialization of Public
827 Research.--There is established the Institute for the
828 Commercialization of Public Research.

829 (1) It is the intent of the Legislature that the Institute
830 for the Commercialization of Public Research be established in
831 this state. Enterprise Florida, Inc., shall issue a request for
832 proposals to public universities in this state requesting
833 proposals to fulfill the purposes of the institute as described
834 in this section and provide for its physical location in a major
835 metropolitan area in South Florida with extensive commercial air
836 service to facilitate access by venture capital providers.
837 Enterprise Florida, Inc., shall review the proposals in a
838 committee appointed by its board of directors which shall make a
839 recommendation for final selection. Final approval of the
840 selected proposal must be by the board of directors of
841 Enterprise Florida, Inc., at one of its duly noticed meetings.

842 (2) (a) The purpose of the institute is to assist in the
843 commercialization of products developed by the research and
844 development activities of publicly supported universities and
845 colleges, research institutes, and other publicly supported
846 organizations within the state.

847 (b) To be eligible for assistance, the company or
848 organization attempting to commercialize its product must be
849 accepted by the institute before receiving the institute's
850 assistance. The institute shall receive recommendations from any
851 publicly supported organization that a company that is
852 commercializing the research, technology, or patents from a
853 qualifying publicly supported organization should be accepted
854 into the institute.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

855 (c) The institute shall thereafter review the business
856 plans and technology information of each such recommended
857 company. If accepted, the institute shall mentor the company,
858 develop marketing information on the company, and use its
859 resources to attract capital investment into the company, as
860 well as bring other resources to the company which may foster
861 its effective management, growth, capitalization, technology
862 protection, marketing, or business success.

863 (3) The institute shall:

864 (a) Maintain a centralized location to showcase companies
865 and their technologies and products;

866 (b) Develop an efficient process to inventory and
867 publicize companies and products that have been accepted by the
868 institute for commercialization;

869 (c) Routinely communicate with private investors and
870 venture capital organizations regarding the investment
871 opportunities in its showcased companies;

872 (d) Facilitate meetings between prospective investors and
873 eligible organizations in the institute;

874 (e) Hire full-time staff who understand relevant
875 technologies needed to market companies to the angel investors
876 and venture capital investment community;

877 (f) Operate within an allocated annual budget of \$1
878 million or less; and

879 (g) Develop cooperative relationships with publicly
880 supported organizations all of which work together to provide
881 resources or special knowledge that is likely to be helpful to
882 institute companies.

883 (4) The institute may not develop or accrue any ownership,
884 royalty, or other such rights over or interest in companies or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

885 products in the institute and shall maintain the secrecy of
886 proprietary information.

887 (5) The institute may not charge for services rendered to
888 state universities and affiliated organizations, community
889 colleges, or state agencies.

890 Section 6. The nonrecurring sum of \$1 million is
891 appropriated from the General Revenue Fund to Sure Ventures
892 Commercialization, Inc., for the purpose of creating and
893 organizing the corporation, implementing a grant program as
894 defined herein and carrying out the administration of the Sure
895 Ventures Commercialization Trust Fund as created by this act
896 during the 2007-2008 fiscal year.

897 Section 7. The nonrecurring sum of \$10 million is
898 appropriated from the General Revenue Fund to the Sure Ventures
899 Commercialization Trust Fund for the purpose of implementing the
900 provisions of this act during the 2007-2008 fiscal year.

901 Section 8. The nonrecurring sum of \$700,000 is
902 appropriated from the General Revenue Fund to the SURE Venture
903 Capital Fund, and the nonrecurring sum of \$300,000 is
904 appropriated to the SURE Trust, for the purpose of initiating
905 activities necessary to implement responsibilities under this
906 act for the 2007-2008 fiscal year.

907 Section 9. The nonrecurring sum of \$100,000 is
908 appropriated to Enterprise Florida and the nonrecurring sum of
909 \$900,000 is appropriated from the General Revenue Fund to the
910 Institute for the Commercialization of Public Research for the
911 purpose of initiating activities necessary to implement the
912 institute and start its operations and meet its responsibilities
913 under this act for the 2007-2008 fiscal year.

914 Section 10. This act shall take effect July 1, 2007.

COMMITTEE MEETING REPORT
Committee on Economic Development

3/19/2007 2:00:00PM

Location: Reed Hall (102 HOB)

HB 1523 : Public Rec. & Meetings/Sure Ventures Commercialization, Inc.

| | <input checked="" type="checkbox"/> | <i>Favorable</i> | | | | |
|----------------------|-------------------------------------|------------------|------------|----------------|-------------------------|-------------------------|
| | | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
| Gary Aubuchon | | X | | | | |
| Marti Coley | | X | | | | |
| Michael Grant | | X | | | | |
| Dick Kravitz | | X | | | | |
| John Legg | | X | | | | |
| Seth McKeel | | | | X | | |
| Frank Peterman | | | | X | | |
| Ari Porth | | X | | | | |
| Betty Reed | | | X | | | |
| Don Davis (Chair) | | | | X | | |
| Total Yeas: 6 | | | | | | |
| Total Nays: 1 | | | | | | |

Committee meeting was reported out: Monday, March 19, 2007 3:19:13PM

COMMITTEE MEETING REPORT
Committee on Economic Development

3/19/2007 2:00:00PM

Location: Reed Hall (102 HOB)

HB 1525 : Sure Ventures Commercialization Trust Fund

Favorable

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|---------------------------------------|------------|------------|----------------|-------------------------|-------------------------|
| Gary Aubuchon | X | | | | |
| Marti Coley | X | | | | |
| Michael Grant | X | | | | |
| Dick Kravitz | X | | | | |
| John Legg | X | | | | |
| Seth McKeel | | | X | | |
| Frank Peterman | | | X | | |
| Ari Porth | X | | | | |
| Betty Reed | X | | | | |
| Don Davis (Chair) | | | X | | |
| Total Yeas: 7 Total Nays: 0 | | | | | |

Committee meeting was reported out: Monday, March 19, 2007 3:19:13PM

COMMITTEE MEETING REPORT
Committee on Economic Development

3/19/2007 2:00:00PM

Location: Reed Hall (102 HOB)

HB 1527 : Public Rec. & Meetings/SURE Venture Capital Fund & Institute for the Commercialization of Public Research

Favorable

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|-----------------------------------------|------------|------------|----------------|-------------------------|-------------------------|
| Gary Aubuchon | X | | | | |
| Marti Coley | X | | | | |
| Michael Grant | X | | | | |
| Dick Kravitz | X | | | | |
| John Legg | X | | | | |
| Seth McKeel | | | X | | |
| Frank Peterman | | | X | | |
| Ari Porth | X | | | | |
| Betty Reed | | X | | | |
| Don Davis (Chair) | | | X | | |
| Total Yeas: 6 Total Nays: 1 | | | | | |

Committee meeting was reported out: Monday, March 19, 2007 3:19:13PM

COMMITTEE MEETING REPORT
Committee on Economic Development

3/19/2007 2:00:00PM

Location: Reed Hall (102 HOB)

HB 1529 : Institute for the Commercialization of Public Research Trust Fund

Favorable

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|-----------------------------------------|------------|------------|----------------|-------------------------|-------------------------|
| Gary Aubuchon | X | | | | |
| Marti Coley | X | | | | |
| Michael Grant | X | | | | |
| Dick Kravitz | X | | | | |
| John Legg | X | | | | |
| Seth McKeel | | | X | | |
| Frank Peterman | | | X | | |
| Ari Porth | X | | | | |
| Betty Reed | X | | | | |
| Don Davis (Chair) | | | X | | |
| Total Yeas: 7 Total Nays: 0 | | | | | |

Committee meeting was reported out: Monday, March 19, 2007 3:19:13PM

COMMITTEE MEETING REPORT
Committee on Economic Development

3/19/2007 2:00:00PM

Location: Reed Hall (102 HOB)

HB 1531 : SURE Venture Capital Trust Fund

Favorable

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|----------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Gary Aubuchon | X | | | | |
| Marti Coley | X | | | | |
| Michael Grant | X | | | | |
| Dick Kravitz | X | | | | |
| John Legg | X | | | | |
| Seth McKeel | X | | | | |
| Frank Peterman | | | X | | |
| Ari Porth | X | | | | |
| Betty Reed | X | | | | |
| Don Davis (Chair) | | | X | | |
| Total Yeas: 8 | | Total Nays: 0 | | | |

Committee meeting was reported out: Monday, March 19, 2007 3:19:13PM

COMMITTEE MEETING REPORT
Committee on Economic Development

3/19/2007 2:00:00PM

Location: Reed Hall (102 HOB)

HB 1543 : Child Care Services

Committee meeting was reported out: Monday, March 19, 2007 3:19:13PM

COMMITTEE MEETING REPORT
Committee on Economic Development

3/19/2007 2:00:00PM

Location: Reed Hall (102 HOB)

Summary:

Committee on Economic Development

Monday March 19, 2007 02:00 pm

| | | | |
|---------|---------------------------|---------|---------|
| HB 979 | Favorable | Yeas: 8 | Nays: 0 |
| HB 1287 | Favorable With Amendments | Yeas: 6 | Nays: 0 |
| HB 1301 | Favorable With Amendments | Yeas: 8 | Nays: 0 |
| HB 1521 | Favorable With Amendments | Yeas: 6 | Nays: 0 |
| HB 1523 | Favorable | Yeas: 6 | Nays: 1 |
| HB 1525 | Favorable | Yeas: 7 | Nays: 0 |
| HB 1527 | Favorable | Yeas: 6 | Nays: 1 |
| HB 1529 | Favorable | Yeas: 7 | Nays: 0 |
| HB 1531 | Favorable | Yeas: 8 | Nays: 0 |

Committee meeting was reported out: **Monday, March 19, 2007 3:19:13PM**