

## M E M O R A N D U M

TO: Triumph Gulf Coast, Inc., Board of Directors  
FROM: Scott Remington, General Counsel  
DATE: April 27, 2018  
RE: Use of Triumph Funds for Private Economic Development Projects

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### QUESTIONS PRESENTED & SUMMARY OF ANALYSES

The primary question presented for consideration is *whether the Triumph Board may make an award to a private entity for a private for-profit economic development project.*

Secondarily, the following questions are also considered:

- *Can Triumph funds be awarded to a public entity for the acquisition or construction of improvements which will be located in-whole or in-part on privately owned property whether profit or non-profit?*
- *If allowed, what particular conditions or restrictions, if any, should be applied to awards to private entities or awards to public entities for construction of facilities, improvements, or acquisition of personal property or other services which will be located, in-whole or in-part, on private property?*

Based on a careful reading of the Gulf Coast Economic Corridor Act, Sections 288.80-288.8018, *Florida Statutes* (2017) (the “Act”), the answer to the primary question is a highly qualified yes. The Board may legally make an award to a private entity as part of a public-private partnership serving a public purpose. Beyond that, the Act may be read in such a way that *legally* the Board has the power to make an award to fund a private entity for private economic development projects. However, the consequences of making such an award may jeopardize the good standing of the Board with the Legislature and Auditor General and imperil future appropriations to Triumph Gulf Coast.

### HISTORY

In 2013, the Legislature created the “Gulf Coast Economic Corridor Act” (the “Act”) to provide a long-term source of funding for economic recovery and enhancement efforts in the Gulf Coast region. The Act was intended to help businesses, individuals, and local governments recover from the Deepwater Horizon oil spill. The Act created Triumph Gulf Coast, Inc. (“Triumph”), a non-profit corporation, administratively housed under the Department of Economic Opportunity.

Under the 2013 Act, Triumph was authorized to make awards to projects and programs for economic recovery, diversification, and enhancement regardless of whether the award was to a public or private entity. The Act was significantly revised in 2017. Absent the 2017 revision, this memorandum would not be necessary. The 2017 amendment, coupled with the public statements made by legislators

regarding the intent of the revised Act, suggest that after the 2017 revisions no Triumph funds may be awarded to private companies for purely private economic development projects.

#### **CHANGES IN LEGISLATIVE LANGUAGE**

There are two distinct changes to the Act in 2017 which suggest the Legislature sought to curtail or eliminate private economic development projects from Triumph eligibility.

First, Section 288.8017, *Florida Statutes* (2013) specifically identified a list of award categories, which Triumph may fulfill. In 2017, the Legislature eliminated two specific funding categories listed therein which were primarily for the benefit of private corporations, to wit:

(b) Payment of impact fees imposed within disproportionately affected counties.

.....

(e) Economic development projects in the disproportionately affected counties.

Impact fees relate exclusively to private development; as such, it is reasonable to assume the Legislature did not want Triumph to make awards for this purpose. Likewise, the broadly defined “economic development projects” category encompassed virtually all private economic development projects and proposals. By eliminating these two categories of eligible awards, the list of awards remaining in the Act is narrowly defined to exclude most, if not all, private projects and highlights a list of public uses. The remaining list of eligible awards after the 2017 changes is:

(a) Ad valorem tax rate reduction within disproportionately affected counties.

(b) Local match requirements of s. 288.0655, F.S. (Rural Infrastructure Fund) for projects in the disproportionately affected counties.

(c) Public infrastructure projects for construction, expansion, or maintenance which are shown to enhance economic recovery, diversification, and enhancement of the disproportionately affected counties.

(d) Grants to local governments in the disproportionately affected counties to establish and maintain equipment and trained personnel for local action plans of response to respond to disasters, such as plans created for the Coastal Impacts Assistance Program.

(e) Grants to support programs that prepare students for future occupations and careers at K-20 institutions that have campuses in the disproportionately affected counties.

(f) Grants to support programs that provide participants in the disproportionately affected counties with transferrable, sustainable workforce skills that are not confined to a single employer.

(g) Grants to the tourism entity created under s. 288.1226, F.S., for the purpose of advertising and promoting tourism and Fresh From Florida, and grants to promote workforce and infrastructure, on behalf of all of the disproportionately affected counties.

Second, the 2017 Act further revised the criteria established in 2013 for prioritizing programs and projects, deleting five specific criteria from the list of priorities to be considered by Triumph in making awards. Not surprisingly, four of the five criteria removed (the “Deleted Criteria”) were primarily geared toward private economic development projects. The Deleted Criteria include:

(c) Expand high growth industries or establish new high growth industries in the region.

. . . . .

(f) Have investment commitments from private equity or private venture capital funds.

(g) Provide or encourage seed stage investments in start-up companies.

(h) Provide advice and technical assistance to companies on restructuring existing management, operations, or production to attract advantageous business opportunities.

As a result of these changes, the Legislature more narrowly defined the list of priorities it desired Triumph to consider when contemplating awards. The operative language that remains in Section 288.8017(2), *Florida Statutes* (2017), setting forth the legislative priorities for economic recovery, diversification, and enhancement describes projects and programs that:

(a) Generate maximum estimated economic benefits, based on tools and models not generally employed by economic input-output analyses, including cost-benefit, return-on-investment, or dynamic scoring techniques to determine how the long-term economic growth potential of the disproportionately affected counties may be enhanced by the investment.

(b) Increase household income in the disproportionately affected counties above national average household income.

(c) Leverage or further enhance key regional assets, including educational institutions, research facilities, and military bases.

(d) Partner with local governments to provide funds, infrastructure, land, or other assistance for the project.

(e) Benefit the environment, in addition to the economy.

(f) Provide outcome measures.

(g) Partner with K-20 educational institutions or school districts located within the disproportionately affected counties as of January 1, 2017.

- (h) Are recommended by the board of county commissioners of the county in which the project or program will be located.
- (i) Partner with convention and visitor bureaus, tourist development councils, or chambers of commerce located within the disproportionately affected counties.

Once again, these deletions make clear that the Legislature intended to curtail or severely limit, the eligibility of private corporations to receive funds from Triumph for private economic development projects; however, the fact that the word “*Partner*” was left in subparagraphs (d), (g) & (i) of Section 288.8017(2), *Florida Statutes* (2017), leaves open the possibility for public-private partnerships in which a private entity may participate in an award as part of such a partnership. Whether or not this priority is met or established and a public purpose is served would be a project-by-project determination.

#### **EXTRA-LEGISLATIVE COMMENTS**

The 2017 Amendments to the Act originated from HB 7077 filed by Representatives Trumbull, Beshears, Drake, Williamson, White, Ingram, Cortes, and Plakon. The bill was assigned to a special legislative committee created by Speaker Richard Corcoran and chaired by Representative Jay Trumbull. The Select House Committee on Triumph Gulf Coast included the entire House delegation representing the eight disproportionately impacted Florida counties—which all happened to be co-sponsors of the proposed statutory amendments. Leading up to the 2017 legislative session, as well as during and after, several members of the Legislature, including the Select House Committee, made public statements regarding their intent in proposing the changes.

For instance, Speaker Corcoran remarked in local media that he would rather see [state economic development incentives] spent on public education and infrastructure, noting, “I think people are tired and weary of corporate welfare<sup>1</sup> and inside deals and the government picking winners and losers and the rest of us are on the outside looking in.” Rick Outzen, “Speaker Wants to End Corporate Welfare,” *In Weekly*, June 22, 2016.

Likewise, the chair of the Select Committee on Triumph, Representative Jay Trumbull, stated prior to the start of the session that “[t]he House is adamantly against economic incentives, and that isn’t going to change for the foreseeable future, . . . [w]e do believe there are many opportunities to spend the money in ways that don’t have to be direct incentives[.]” Tom McLaughlin, “House, Senate differ on role of Triumph Gulf Coast,” *NWF Daily News*, January 13, 2017. Several of his fellow Select Committee members shared this sentiment, one issuing the statement: “Proud to serve with Jay Trumbull as he chairs the select committee to oversee BP funds and make sure BP money isn’t wasted

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<sup>1</sup> “Corporate Welfare” is a phrase used to compare incentive payments and subsidies to private companies with welfare payments made to the poor. The term is often used to describe the manner in which government money is granted to private companies in terms of direct payments, tax breaks, waiver of impact fees, etc.

on political whims and corporate welfare by the Triumph Gulf Coast Board. Representative Halsey Beshears, *Facebook Post*, December 14, 2016.

The attitude of the Florida House did not waiver or change during the 2017 legislative session. In fact, the House's attitude toward making awards to private companies appeared to galvanize during the session with Representative Trumbull remarking at one point that before any Triumph money went to "a business that was not affected by the oil spill" he would propose an amendment to dole out the \$300,000,000.00 directly to every man, woman, and child that lives in the eight county area. John Henderson, "Triumph Negotiations Near Finish Line," *Panama City News-Herald*, April 22, 2017.

At the end of the session, Representative Trumbull released a statement to the press highlighting the changes to the Act, remarking:

We passed legislation that will ensure the lion's share of BP settlement funds goes to the Florida residents who suffered the most . . . very soon, millions of dollars will be available to the eight counties most affected by the spill to use on projects that will make us even stronger—projects for needed infrastructure improvements, education programs, and job training.

Representative Jay Trumbull, *Official Press Release*, April 20, 2017

Representative Trumbull's statement stresses that the funds appropriated to Triumph were intended for public infrastructure, education, and job training. There was no statement issued at the time suggesting the funds were intended to be awarded to private businesses.

During the session, there was no confusion regarding the legislative intent of the proposed changes. Senator Gainer initially opposed the House amendments.<sup>2</sup> Likewise, local economic development leaders disagreed with the concept that private economic development projects and incentives be excluded from eligibility under Triumph. The Florida Chamber of Commerce wrote to the Legislature that the proposed amendment to the Act "prohibits these non-taxpayer dollars from being used for economic diversification or tourism marketing efforts[.]" Tom McLaughlin, "Chambers of Commerce Oppose Existing Legislation," *Panama City News Herald*, April 14, 2017. The Florida Chamber of Commerce maintained that adoption of the 2017 Act would "put Northwest Florida at a competitive disadvantage." *Id.* Despite the public sentiment at the time, the attitude of Speaker Corcoran and the Select Committee prevailed in the Legislature. As such, the amendments to the Act passed the House and Senate unanimously.

#### **OPPORTUNITIES TO FUND PRIVATE ECONOMIC DEVELOPMENT PROJECTS**

Despite the unambiguous language of delegation members and the seemingly clear and intentional changes to the portions of the Act describing "Awards;" there remains a plausible reading of the statute that provides a path for Triumph to make awards to private companies for private economic development projects. However, this path is fraught with peril as it will require the Board to take positions directly contrary to those taken by the Legislature with regard to "priorities for economic

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<sup>2</sup> Senator Gainer recently penned a letter to Chair Gaetz offering thoughts on the interpretation of the Act. A copy of said correspondence is attached hereto as **Exhibit D**.

recovery, diversity, and enhancement” as well as make awards to projects that were specifically eliminated from the statute. Nevertheless, the statute can be liberally read and interpreted to reach that conclusion. Whether or not this is advisable from a policy perspective is not a legal decision, but rather up to the collective political calculus of the Board.

To fund private projects under this interpretation, Triumph must first utilize the authority delegated to it under Section 288.8013(7), *Florida Statutes* (2017), to “establish and review priorities for economic recovery, diversification, and enhancement of the disproportionately affected counties.” Pursuant to this statutory authority, the Triumph Board can establish new priorities—or re-establish the Deleted Criteria. The implications of reversing a legislative decision such as this are beyond the scope of a legal opinion.

Likewise, Section 288.8013(7), *Florida Statutes* (2017) purports to authorize the Board to “determine use of funds available.” This could be read as a broad authorization to the Board which allows it to establish new award categories or read conservatively as limiting the authorization of the Board to determine the use of funds narrowly within those designated by the Legislature in Section 288.8017(1) *Florida Statutes* (2017). Once again, how the Legislature would react to the Board taking the broad view of this language is unclear. While it is one thing for the Board to create a new category of funding to meet the recovery priorities, it may be something different to revive funding categories specifically eliminated by the Legislature. Nevertheless, the language is sufficiently vague and ambiguous to allow for this interpretation.

#### **PRIOR REQUESTS FOR CLARIFICATION**

As a result of the ambiguity in the Act and statements such as those highlighted above, Chair Gaetz directed Counsel for Triumph to reach out to the current leaders of the House and Senate for additional guidance. A copy of correspondence to the Presiding Officers dated January 18, 2018, is attached hereto as **Exhibit A** for your easy reference. House leadership did not respond to the request for clarification. Senate leadership responded but failed to offer any substantive guidance. A copy of the response from the Senate President’s office is attached hereto as **Exhibit B**.

Chair Gaetz did receive separate unsolicited letters from the local House Delegation and the local Senate Delegation. This correspondence further evidences the murky nature of this issue and demonstrates that no clear answer exists. For instance, in the letter from the local House delegation, the members seemed to equivocate on the earlier positions taken with regard to Triumph making awards to private entities, stating “as long as the project falls within the list of priorities for awards established by the Legislature” an award to a private entity would be eligible. A copy of the House correspondence is attached hereto as **Exhibit C**. It is difficult to square this comment with the amendments made to the statute in 2017 relating to legislative priorities. It is also unclear whether the local delegation believes Triumph has the authority under Section 288.8013(7), *Florida Statutes* (2017),

to “establish and review priorities for economic recovery” independent of the Legislature. From this perspective the House letter raises as many questions as it answers.<sup>3</sup>

Correspondence directed to Chair Gaetz from the local Senate delegation accurately cites portions of the Act and suggests the Board has much broader discretion to make awards to private entities than suggested by the House delegation. A copy of the letter from the Senate Delegation is attached hereto as **Exhibit D**. The Senate version suggests that the list of eligible projects in Section 288.8017, *Florida Statutes* (2017), is not “intended to be an exclusive listing” of awards; however, the letter does not address whether those categories specifically removed from the list by the Legislature remain valid projects and programs. If these projects and programs remain eligible—why did the Legislature unanimously remove them in 2017? Viewed together, along with the silence from House leadership, the correspondence unfortunately does not provide a clear path forward for the Board.

Adding to the uncertainty—particularly in the House—it appears that incoming House leadership does not view incentives for private corporations any more favorably than Speaker Corcoran. In a profile of incoming Speaker Jose Oliva he “made it clear he will not moderate the small-government, no-tax, anti-corporate welfare policies Corcoran has pursued.” Mary Ellen Klas, “From Cigar Czar to House Speaker, Miami’s Jose Oliva chosen for powerful post,” *Miami Herald*, October 10, 2017.

#### **AUDIT RISKS**

Pursuant to Section 288.8018, *Florida Statutes* (2017), Triumph is subject to annual audits to ensure compliance with state and federal laws related to receipt and expenditure of the funds appropriated to Triumph. The annual audits are performed by the Warren Averitt accounting firm. Further, every two (2) years, the Auditor General of the State of Florida is required to conduct an operational audit evaluating the Triumph Board’s compliance with state and federal law.

While Counsel feels confident in the conclusion that public-private partnerships remain eligible to receive awards of Triumph funding, Counsel recognizes that a reasonable argument could be made that Triumph exceeded its authority by establishing or relying on priorities specifically rejected by the Legislature and deleted from the statute. The same argument could be made with regard to the Board reversing the Legislature’s elimination of categories of eligible awards. A negative Auditor General Report may have additional negative ramifications for Triumph now or in the future. As such, if the Board elects to establish new priorities for economic recovery or establish new award categories it must weigh this risk when making that determination.

#### **CONCLUSION**

In conclusion, it is the opinion of your General Counsel that the Act in its current form provides a manner and method to fund private entities through public-private-partnerships; however, the Act does

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<sup>3</sup> Moreover, the House letter includes language to suggest that Triumph projects with private components must contain “public access.” It is unclear where or why this reference is included in the letter. The term “public access” does not appear in the Act except in describing the manner in which Triumph must operate and maintain a website [Section 288.8016(4), *Florida Statutes* (2017)]. It is unclear what is meant by use of the term “public access” in this context.

not allow for direct awards to private entities for private projects. While there is a liberal manner in which to interpret the statute to allow the Board to develop and create a mechanism to fund private economic development projects, the risk of an adverse opinion from the Auditor General or difference of opinion with the Legislature suggests the Board should proceed with extreme caution in doing so.

Therefore, if the Board would like to expand the list of eligible awards to include purely private economic development projects, it is Counsel's recommendation that the Board seek amendment to the language of the Act before making such awards.

With regard to the secondary issues: Can Triumph funds be awarded to a public entity for the acquisition or construction of improvements which will be located in-whole or in-part on privately owned property whether profit or non-profit? The opinion of counsel is that the answer is yes—if done pursuant to a public-private partnership which in the Board's opinion meets the priorities for awards established by the Legislature and fulfills a public purpose.

Finally, if allowed, what particular conditions or restrictions, if any, should be applied to awards to private entities or awards to public entities for construction of facilities, improvements, or acquisition of personal property or other services which will be located, in-whole or in-part, on private property? If the Board determines to make an award to a private entity for a private economic development project or as part of a public-private partnership, the Board should use strict scrutiny to ensure the program or project proposed serves a broader public purpose and squarely and fully meets the statutory priorities for recovery. Further, the Board should consider requiring a significant private sector match for any proposed public-private partnership and establish strong and easily enforceable claw back provisions to ensure private sector partners meet or exceed the obligations undertaken for the public good.





Scott A. Remington  
President / Managing Partner  
Direct (850) 432-2399  
sremington@clarkpartington.com

January 18, 2018

**VIA HAND DELIVERY**

The Honorable Joe Negron  
Senate President  
305 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

The Honorable Richard Corcoran  
Speaker of Florida House of Representatives  
420 The Capitol  
402 South Monroe Street  
Tallahassee, FL 32399-1300

Dear Mr. President and Mr. Speaker,

This firm represents Triumph Gulf Coast, Inc., as General Counsel with respect to the Gulf Coast Economic Corridor Act. Its Chairman, Senator Don Gaetz, requested we reach out to each of you for guidance on ensuring Triumph Gulf Coast is meeting the expectations and requirements set forth in the Act.

The Gulf Coast Economic Corridor Act passed in 2013 and amended during the 2016 session establishes Triumph Gulf Coast as the entity authorized and directed to deploy certain BP economic damage settlement funds to enhance and diversify the economy of the eight Northwest Florida coastal counties disproportionately affected by the Deepwater Horizon oil spill.

The Triumph Gulf Coast Board of Directors is currently reviewing more than one hundred requests for project funding from public and private entities. Prior to awarding funds, the Board is seeking guidance on a subject likely to arise in our deliberations:

- ***Can Triumph funds be awarded to a private corporation or entity, whether profit or non-profit?***
- ***Can Triumph funds be awarded to a public entity for the acquisition or construction of improvements which will be located, in-whole or in-part, on privately owned property, whether profit or non-profit?***

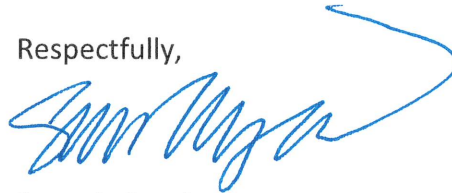
Exhibit A

- ***If allowed, what particular conditions or restrictions, if any, should be applied to awards to private entities or awards to public entities for construction of facilities, improvements, or acquisition of personal property or other services which will be located, in-whole or in-part, on private property?***

The Board is committed to fulfilling the intention of the Legislature as we carry out our important and transformational mission. Your continued guidance or that of your general counsels will be most helpful to us in being faithful to our mission.

With warm best wishes,

Respectfully,



Scott A. Remington

*General Counsel to Triumph Gulf Coast, Inc.*

cc: Legislative Delegation

Senator Doug Broxson  
Senator George Gainer  
Senator Bill Montford  
Representative Jay Trumbull  
Representative Halsey Beshears  
Representative Brad Drake  
Representative Clay Ingram  
Representative Mel Ponder  
Representative Frank White  
Representative Jayer Williamson

Triumph Board Members

Mr. Allan Bense, Chair  
Honorable Don Gaetz, Vice Chair  
Mr. Stan Connally, Jr.  
Dr. Pam Dana  
Mr. Steven Riggs, IV  
Mr. Jason Shoaf

Ms. Susan Skelton  
Ms. Cori Henderson  
Dr. Rick Harper



## THE FLORIDA SENATE

*Location*

302 The Capitol

*Mailing Address*

404 South Monroe Street  
Tallahassee, Florida 32399-1100

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

February 8, 2018

Scott A. Remington, Esquire  
Clark Partington  
106 E. College Avenue, Suite 600  
Tallahassee, Florida 32301

Dear Mr. Remington:

We are in receipt of your letter to President Negron and Speaker Corcoran dated January 18. On behalf of Triumph Gulf Coast, Inc., you have posed three general questions regarding the appropriateness of awards to private corporations/entities, whether profit or non-profit; the acquisition/construction of improvements on privately owned property, whether profit or non-profit; and whether particular conditions or restrictions should be applied to certain awards.

While we appreciate the Triumph Gulf Coast Board of Directors (the Board) sincerity in fulfilling the intent of the Legislature and acknowledge their specific request for guidance as to the questions posed, such determinations should be made utilizing the deliberative and transparent process provided for under the Gulf Coast Economic Corridor Act (2013). The Legislature provided the framework for a long-term source of funding for efforts of economic recovery and enhancement in the Gulf Coast Region and trust the Board will diligently follow that process as it fulfills its mission.

Sincerely,

A handwritten signature in black ink that reads "Dawn K. Roberts".

Dawn K. Roberts  
General Counsel

DKR/mp

Exhibit B



## Florida House of Representatives

March 12, 2018

Senator Don Gaetz, Chairman  
Speaker Allan Bense  
Mr. Stan W. Connally, Jr.  
Mr. Stephen Riggs, IV  
Triumph Gulf Coast, Inc.  
P.O. Box 12007  
Tallahassee, FL 32317

Mr. Ben Lee  
Mr. Jason Shoaf  
Dr. Pam Dana

Re: Triumph Fund Awards

Dear Chairman Gaetz and Triumph Board Members:

We are writing in response to your letter dated January 18, 2018 in which you request guidance from the Legislature on subjects likely to arise during the review and deliberation of Triumph project funding requests.

Section 288.8017 addresses the granting of awards. Subsection (1) identifies the priorities of the Legislature regarding the awarding of Triumph funds by stating, "Triumph Gulf Coast, Inc. shall make awards from available funds to projects or programs that meet the priorities for economic recovery, diversification, and enhancement of the disproportionately affected counties." The following addresses your specific questions:

- Section 288.8017 does not prohibit awarding project funding to a private corporation or entity, whether profit or non-profit, as long as the project falls within the list of priorities for awards established by the Legislature.
- Triumph funds may be awarded to a public entity, whether profit or non-profit, for the acquisition or construction of improvements which will be located, in whole or in part, on privately owned property, as long as the award has a public purpose and includes public access.
- The Triumph Board should establish conditions and restrictions sufficient to protect the public interest.

We appreciate the commitment of the Triumph Board to award funding to projects that will most closely mirror the intent of the award statute and most effectively transform the disproportionately affected counties.

Exhibit C



## Florida House of Representatives

A handwritten signature in cursive script, appearing to read "H Beshears", written over a horizontal line.

Halsey Beshears  
State Representative District 7

A handwritten signature in cursive script, appearing to read "Jay Trumbull", written over a horizontal line.

Jay Trumbull  
State Representative District 6

A handwritten signature in cursive script, appearing to read "Brad Drake", written over a horizontal line.

Brad Drake  
State Representative District 5

A handwritten signature in cursive script, appearing to read "Frank White", written over a horizontal line.

Frank White  
State Representative District 2

A handwritten signature in cursive script, appearing to read "Clay Ingram", written over a horizontal line.

Clay Ingram  
State Representative District 1

A handwritten signature in cursive script, appearing to read "Jayer Williamson", written over a horizontal line.

Jayer Williamson  
State Representative District 3

A handwritten signature in cursive script, appearing to read "Mel Ponder", written over a horizontal line.

Mel Ponder  
State Representative District 4





**SENATOR GEORGE GAINER**  
**STATE SENATOR DISTRICT II**

March 5, 2018

Senator Don Gaetz, Chairman  
Speaker Allan Bense  
Mr. Stan W. Connally, Jr.

Mr. Ben Lee  
Mr. Jason Shoaf  
Dr. Pam Dana

Triumph Gulf Coast, Inc.  
P.O. Box 12007  
Tallahassee, FL 32317

Re: Triumph Fund Awards

Dear Chairman Gaetz and Members,

This letter is written in response to your letter dated January 18, 2018 in which the Triumph Gulf Coast Board of Directors seeks guidance on the award of Triumph funds. The law does not differentiate between funding projects on public or private land or funding public or private entities. Awardees are defined as a "**person, organization**, or local government granted an award..." [Emphasis Added] It is not our intent to grow the size of local governments or special districts but to expand economic opportunities across all sectors of the economy. Section 288.8011, F.S. expresses our intent to help "**businesses, individuals, and local governments** in the Gulf Coast region recover". [Emphasis Added]

Section 288.8017, F.S. states "Triumph Gulf Coast, Inc., shall make awards from available funds to projects or programs that meet the priorities for economic recovery, diversification, and enhancement of the disproportionately affected counties. Awards may be provided for..." [Emphasis Added] The list of awards is not intended to be an exclusive listing.

In connection with question 3, you are encouraged to approach each award on the basis of its unique facts and circumstances. For example, if the award is to a private entity, claw back provisions similar to those commonly used by the Department of Economic Opportunity could be considered unless the award relates to a public purpose. If the award is to a governmental entity or special district that is not a conduit for funding to a private entity, claw back provisions might not be appropriate. However, it should be clearly understood that the Act does not require imposition of specific conditions or restrictions as long as the requirements of Section 288.8017(3) and (4), F.S. are satisfied.

We look forward to awards for sustainable, transformational projects that contribute to the wellbeing of Florida's future.

Senator George Gainer

Senator Doug Broxson

Senator Bill Montford

Exhibit D