

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Esposito offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 1587-2423 and insert:

5 ~~5.6.~~ International trade and business development programs  
6 established under s. 288.012 or funded under s. 288.826.

7 (d) By January 1, 2019, and every 3 years thereafter, an  
8 analysis of the grant and entrepreneur initiative programs  
9 established under s. 295.22(3)(d) and (e).

10 (4) Pursuant to the schedule established in subsection  
11 (2), OPPAGA shall evaluate each program over the previous 3  
12 years for its effectiveness and value to the taxpayers of this  
13 state and include recommendations on each program for

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14 consideration by the Legislature. The analysis may include  
15 relevant economic development reports or analyses prepared by  
16 the department of ~~Economic Opportunity, Enterprise Florida,~~  
17 ~~Inc.~~ or local or regional economic development organizations, ~~+~~  
18 interviews with the parties involved, ~~+~~ or any other relevant  
19 data.

20 Section 35. Paragraph (b) of subsection (4) of section  
21 288.001, Florida Statutes, is amended to read:

22 288.001 The Florida Small Business Development Center  
23 Network.—

24 (4) STATEWIDE ADVISORY BOARD.—

25 (b) The statewide advisory board shall consist of 19  
26 members from across the state. At least 12 members must be  
27 representatives of the private sector who are knowledgeable of  
28 the needs and challenges of small businesses. The members must  
29 represent various segments and industries of the economy in this  
30 state and must bring knowledge and skills to the statewide  
31 advisory board which would enhance the board's collective  
32 knowledge of small business assistance needs and challenges.  
33 Minority and gender representation must be considered when  
34 making appointments to the board. The board must include the  
35 following members:

36 1. Three members appointed from the private sector by the  
37 President of the Senate.

38 2. Three members appointed from the private sector by the

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39 Speaker of the House of Representatives.

40 3. Three members appointed from the private sector by the  
41 Governor.

42 4. Three members appointed from the private sector by the  
43 network's statewide director.

44 5. One member appointed by the host institution.

45 6. The Secretary of Commerce ~~The President of Enterprise~~  
46 ~~Florida, Inc.,~~ or his or her designee.

47 7. The Chief Financial Officer or his or her designee.

48 8. The President of the Florida Chamber of Commerce or his  
49 or her designee.

50 9. The Small Business Development Center Project Officer  
51 from the U.S. Small Business Administration at the South Florida  
52 District Office or his or her designee.

53 10. The executive director of the National Federation of  
54 Independent Businesses, Florida, or his or her designee.

55 11. The executive director of the Florida United Business  
56 Association or his or her designee.

57 Section 36. Subsections (1) and (2) of section 288.005,  
58 Florida Statutes, are renumbered as subsections (2) and (1),  
59 respectively, and subsections (6) through (9) are added to that  
60 section to read:

61 288.005 Definitions.—As used in this chapter, the term:

62 (6) "Target industry business" means a corporate  
63 headquarters business or any business that is engaged in one of

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64 the target industries identified pursuant to the following  
65 criteria developed by the department:

66 (a) Future growth.—The industry forecast indicates strong  
67 expectation for future growth in employment and output,  
68 according to the most recent available data. Special  
69 consideration shall be given to businesses that export goods to,  
70 or provide services in, international markets and businesses  
71 that replace domestic and international imports of goods or  
72 services.

73 (b) Stability.—The industry is not subject to periodic  
74 layoffs, whether due to seasonality or sensitivity to volatile  
75 economic variables such as weather. The industry is also  
76 relatively resistant to recession, so that the demand for  
77 products of this industry is not typically subject to decline  
78 during an economic downturn.

79 (c) High wage.—The industry pays relatively high wages  
80 compared to statewide or area averages.

81 (d) Market and resource independent.—The industry business  
82 location is not dependent on markets or resources in the state  
83 as indicated by industry analysis, except for businesses in the  
84 renewable energy industry.

85 (e) Industrial base diversification and strengthening.—The  
86 industry contributes toward expanding or diversifying the  
87 state's or area's economic base, as indicated by analysis of  
88 employment and output shares compared to national and regional

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89 trends. Special consideration shall be given to industries that  
90 strengthen regional economies by adding value to basic products  
91 or building regional industrial clusters as indicated by  
92 industry analysis. Special consideration shall also be given to  
93 the development of strong industrial clusters that include  
94 defense and homeland security businesses.

95 (f) Positive economic impact.—The industry has strong  
96 positive economic impacts on or benefits to the state or  
97 regional economies. Special consideration shall be given to  
98 industries that facilitate the development of the state as a hub  
99 for domestic and global trade and logistics.

100  
101 The term does not include any business engaged in retail  
102 industry activities; any electrical utility company as defined  
103 in s. 366.02(4); any phosphate or other solid minerals  
104 severance, mining, or processing operation; any oil or gas  
105 exploration or production operation; or any business subject to  
106 regulation by the Division of Hotels and Restaurants of the  
107 Department of Business and Professional Regulation. Any business  
108 classified under NAICS code 5611, related to office  
109 administrative services, or NAICS code 5614, related to business  
110 support services, may be considered a target industry business  
111 only after the local governing body and the Department of  
112 Commerce determine that within the community in which the  
113 business may locate, conditions exist that affect the fiscal and

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114 economic viability of the local community or area, including,  
115 but not limited to, low per capita income, high unemployment,  
116 high underemployment, and a lack of year-round stable employment  
117 opportunities, and such conditions may be improved by the  
118 business locating in such community. By January 1 of every 3rd  
119 year, beginning January 1, 2011, the department, in consultation  
120 with economic development organizations, the State University  
121 System, local governments, employee and employer organizations,  
122 market analysts, and economists, shall review and, as  
123 appropriate, revise the list of target industries and submit the  
124 list to the Governor, the President of the Senate, and the  
125 Speaker of the House of Representatives.

126 (7) "Tourism marketing" means any effort exercised to  
127 attract domestic and international visitors from outside the  
128 state to destinations in this state and to stimulate Florida  
129 resident tourism to areas within the state.

130 (8) "Tourist" means any person who participates in trade  
131 or recreation activities outside the county of his or her  
132 permanent residence or who rents or leases transient living  
133 quarters or accommodations as described in s. 125.0104(3)(a).

134 (9) "County destination marketing organization" means a  
135 public or private agency that is funded by local option tourist  
136 development tax revenues under s. 125.0104, or local option  
137 convention development tax revenues under s. 212.0305, and is  
138 officially designated by a county commission to market and

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139 promote the area for tourism or convention business or, in any  
140 county that has not levied such taxes, a public or private  
141 agency that is officially designated by the county commission to  
142 market and promote the area for tourism or convention business.

143 Section 37. Section 288.012, Florida Statutes, are amended  
144 to read:

145 288.012 State of Florida international offices; direct-  
146 support organization.—The Legislature finds that the expansion  
147 of international trade and tourism is vital to the overall  
148 health and growth of the economy of this state. This expansion  
149 is hampered by the lack of technical and business assistance,  
150 financial assistance, and information services for businesses in  
151 this state. The Legislature finds that these businesses could be  
152 assisted by providing these services at State of Florida  
153 international offices. The Legislature further finds that the  
154 accessibility and provision of services at these offices can be  
155 enhanced through cooperative agreements or strategic alliances  
156 between private businesses and state, local, and international  
157 governmental entities.

158 (1) The department is authorized to:

159 (a) Establish and operate offices in other countries for  
160 the purpose of promoting trade and economic development  
161 opportunities of the state, and promoting the gathering of trade  
162 data information and research on trade opportunities in specific  
163 countries.

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164 (b) Enter into agreements with governmental and private  
165 sector entities to establish and operate offices in other  
166 countries which contain provisions that may conflict with the  
167 general laws of the state pertaining to the purchase of office  
168 space, employment of personnel, and contracts for services. When  
169 agreements pursuant to this section are made which set  
170 compensation in another country's currency, such agreements  
171 shall be subject to the requirements of s. 215.425, but the  
172 purchase of another country's currency by the department to meet  
173 such obligations shall be subject only to s. 216.311.

174 (2) Each international office shall have in place an  
175 operational plan approved by the participating boards or other  
176 governing authority, a copy of which shall be provided to the  
177 department. These operating plans shall be reviewed and updated  
178 each fiscal year and shall include, at a minimum, the following:

179 (a) Specific policies and procedures encompassing the  
180 entire scope of the operation and management of each office.

181 (b) A comprehensive, commercial strategic plan identifying  
182 marketing opportunities and industry sector priorities for the  
183 country in which an international office is located.

184 (c) Provisions for access to information for Florida  
185 businesses related to trade leads and inquiries.

186 (d) Identification of new and emerging market  
187 opportunities for Florida businesses. This information shall be

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188 provided either free of charge or on a fee basis with fees set  
189 only to recover the costs of providing the information.

190 (e) Provision of access for Florida businesses to  
191 international trade assistance services provided by state and  
192 local entities, seaport and airport information, and other  
193 services identified by the department.

194 (f) Qualitative and quantitative performance measures for  
195 each office, including, but not limited to, the number of  
196 businesses assisted, the number of trade leads and inquiries  
197 generated, the number of international buyers and importers  
198 contacted, and the amount and type of marketing conducted.

199 (3) Each international office shall annually submit to the  
200 department ~~Enterprise Florida, Inc.~~, a complete and detailed  
201 report on its activities and accomplishments during the previous  
202 fiscal year. ~~for inclusion in the annual report required under~~  
203 ~~s. 288.906. In the format and by the annual date prescribed by~~  
204 ~~Enterprise Florida, Inc.~~, The report must set forth information  
205 on:

206 (a) The number of Florida companies assisted.

207 (b) The number of inquiries received about investment  
208 opportunities in this state.

209 (c) The number of trade leads generated.

210 (d) The number of investment projects announced.

211 (e) The estimated U.S. dollar value of sales  
212 confirmations.

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- 213 (f) The number of representation agreements.
- 214 (g) The number of company consultations.
- 215 (h) Barriers or other issues affecting the effective  
216 operation of the office.
- 217 (i) Changes in office operations which are planned for the  
218 current fiscal year.
- 219 (j) Marketing activities conducted.
- 220 (k) Strategic alliances formed with organizations in the  
221 country in which the office is located.
- 222 (l) Activities conducted with Florida's other  
223 international offices.
- 224 (m) Any other information that the office believes would  
225 contribute to an understanding of its activities.
- 226 (4) The department ~~of Economic Opportunity~~, in connection  
227 with the establishment, operation, and management of any of its  
228 offices located in another country, is exempt from the  
229 provisions of ss. 255.21, 255.25, and 255.254 relating to  
230 leasing of buildings; ss. 283.33 and 283.35 relating to bids for  
231 printing; ss. 287.001-287.20 relating to purchasing and motor  
232 vehicles; and ss. 282.003-282.00515 and 282.702-282.7101  
233 relating to communications, and from all statutory provisions  
234 relating to state employment.
- 235 (a) The department may exercise such exemptions only upon  
236 prior approval of the Governor.

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237 (b) If approval for an exemption under this section is  
238 granted as an integral part of a plan of operation for a  
239 specified international office, such action shall constitute  
240 continuing authority for the department to exercise the  
241 exemption, but only in the context and upon the terms originally  
242 granted. Any modification of the approved plan of operation with  
243 respect to an exemption contained therein must be resubmitted to  
244 the Governor for his or her approval. An approval granted to  
245 exercise an exemption in any other context shall be restricted  
246 to the specific instance for which the exemption is to be  
247 exercised.

248 (c) As used in this subsection, the term "plan of  
249 operation" means the plan developed pursuant to subsection (2).

250 (d) Upon final action by the Governor with respect to a  
251 request to exercise the exemption authorized in this subsection,  
252 the department shall report such action, along with the original  
253 request and any modifications thereto, to the President of the  
254 Senate and the Speaker of the House of Representatives within 30  
255 days.

256 (5) Where feasible and appropriate, international offices  
257 established and operated under this section may provide one-stop  
258 access to the economic development, trade, and tourism  
259 information, services, and programs of the state. Where feasible  
260 and appropriate, such offices may also be collocated with other  
261 international offices of the state.

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262           ~~(6) The department is authorized to make and to enter into~~  
263 ~~contracts with Enterprise Florida, Inc., to carry out the~~  
264 ~~provisions of this section. The authority, duties, and~~  
265 ~~exemptions provided in this section apply to Enterprise Florida,~~  
266 ~~Inc., to the same degree and subject to the same conditions as~~  
267 ~~applied to the department. To the greatest extent possible, such~~  
268 ~~contracts shall include provisions for cooperative agreements or~~  
269 ~~strategic alliances between private businesses and state,~~  
270 ~~international, and local governmental entities to operate~~  
271 ~~international offices.~~

272           (a) The department shall establish a direct-support  
273 organization, organized as a nonprofit under chapter 617 and  
274 recognized under s. 501(c)(3) of the Internal Revenue Code, that  
275 is authorized to make and to enter into contracts with the  
276 department to carry out the provisions of this section; assist  
277 with the coordination of international trade development  
278 efforts; and assist in development and planning related to  
279 foreign investment, international partnerships, and other  
280 international business and trade development. The organization  
281 shall operate under a written contract with the department. The  
282 organization is exempt from paying fees under s. 617.0122.

283           (b) The department must approve the articles of  
284 incorporation and bylaws of the direct-support organization,  
285 which shall include the formation of a board of directors and  
286 the development of an implementation plan that supports the

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287 goals of this section in coordination with the department, which  
288 must be completed within 30 days of formation of Florida  
289 International Trade, Inc. Such direct-support organization shall  
290 be designated Florida International Trade, Inc.

291 (c) Florida International Trade, Inc., is a direct-support  
292 organization of the department that may contract with the  
293 department to provide assistance, funding, and promotional  
294 support for international offices, trade and promotion,  
295 development and planning related to foreign investment,  
296 international partnerships, and other international business and  
297 trade development in conjunction with the department.

298 (d) The following provisions shall govern the creation,  
299 use, powers, and duties of Florida International Trade, Inc.:

300 1. The department shall enter into a contract with Florida  
301 International Trade, Inc., which shall specify the approval of  
302 the department, the powers and duties of Florida International  
303 Trade, Inc., and rules with which the direct-support  
304 organization must comply.

305 2. As specified in the contract between the department and  
306 Florida International Trade, Inc., the department may authorize,  
307 without charge, appropriate use of property, facilities, and  
308 personnel of the department by Florida International Trade, Inc.  
309 The use shall be for the approved purposes as identified in the  
310 contract between the department and Florida International Trade,  
311 Inc.

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312 3. The department shall prescribe by contract conditions  
313 with which Florida International Trade, Inc., must comply in  
314 order to use property, facilities, or personnel of the  
315 department. Such conditions shall provide for budget and audit  
316 review and oversight by the department.

317 4. The department may not authorize the use of property,  
318 facilities, or personnel of department by Florida International  
319 Trade, Inc., that does not provide equal employment  
320 opportunities to all persons regardless of race, color,  
321 religion, sex, age, or national origin.

322 (7) Florida International Trade, Inc., may conduct  
323 programs and activities; raise funds; request and receive  
324 grants, gifts, and bequests of money; acquire, receive, hold,  
325 invest, and administer, in its own name, securities, funds,  
326 objects of value, or other property, real or personal; and make  
327 expenditures to or for the direct or indirect benefit of Florida  
328 International Trade, Inc., if such furthers the duties and  
329 mission of Florida International Trade, Inc., and is in the best  
330 interests of this state.

331 (8) Florida International Trade, Inc., shall provide for  
332 an annual financial audit in accordance with s. 215.981.

333 (9) All moneys received by Florida International Trade,  
334 Inc., shall be deposited into an account of the direct-support  
335 organization and shall be used by the organization in a manner

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336 consistent with the goals of Florida International Trade, Inc.,  
337 or a designated program.

338 (10) The department may terminate its contract with  
339 Florida International Trade, Inc., at any time if the department  
340 determines that the direct-support organization no longer meets  
341 the objectives of this section.

342 (11) Upon termination of Florida International Trade,  
343 Inc., the assets of Florida International Trade, Inc., shall be  
344 distributed pursuant to its articles of incorporation or bylaws  
345 or, if not provided for, to the department.

346 (12) The Legislature determines it is in the public  
347 interest and reflects the state's public policy that Florida  
348 International Trade, Inc., operate in the most open and  
349 accessible manner consistent with its public purposes. As such,  
350 its divisions, boards, and advisory councils, or similar  
351 entities created or managed by Florida International Trade,  
352 Inc., are subject to the provisions of chapter 119 relating to  
353 public records and those provisions of chapter 286 relating to  
354 public meetings and records.

355 (13) The president, senior managers, and members of the  
356 board of directors of Florida International Trade, Inc., are  
357 subject to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135;  
358 and 112.3143(2). For purposes of applying ss. 112.313(1)-(8),  
359 (10), (12), and (15); 112.3135; and 112.3143(2) to activities of  
360 the president, senior managers, and members of the board of

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361 directors, those persons shall be considered public officers or  
362 employees and the corporation shall be considered their agency.  
363 The exemption set forth in s. 112.313(12) for advisory boards  
364 applies to the members of Florida International Trade, Inc.,  
365 board of directors. Further, each member of the board of  
366 directors who is not otherwise required to file financial  
367 disclosures pursuant to s. 8, Art. II of the State Constitution  
368 or s. 112.3144, shall file disclosure of financial interests  
369 pursuant to s. 112.3145.

370 (14) Florida International Trade, Inc., shall act as the  
371 international trade and travel mission organization for the  
372 state, utilizing private sector and public sector expertise in  
373 collaboration with the department.

374 (15) Florida International Trade, Inc., shall enter into a  
375 performance-based contract with the department, pursuant to s.  
376 20.60, which includes annual measurements of the performance of  
377 Florida International Trade, Inc.

378 (16) Florida International Trade, Inc., shall be governed  
379 by a board of directors. The Secretary of Commerce, or his or  
380 her designee, shall appoint a president of the board. The board  
381 of directors shall be appointed by the president of the board.

382 (a) Appointed members must represent and reflect the  
383 state's interest in international trade and development efforts,  
384 and have experience or knowledge that will assist in development  
385 and planning related to foreign investment, international

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386 partnerships, and other international business and trade  
387 development. All appointments must be made by December 1, 2023.  
388 Members shall serve for a term of 4 years. However, if members  
389 of the Legislature are appointed to the board, those members  
390 shall serve until the expiration of their legislative term and  
391 may be reappointed once. A vacancy shall be filled for the  
392 remainder of the unexpired term in the same manner as the  
393 initial appointment. All members of the board are eligible for  
394 reappointment. A member who serves in the Legislature may  
395 participate in all activities but may only vote on matters that  
396 are advisory.

397 (b) The Secretary of Commerce, or his or her designee,  
398 shall serve as the ex officio, nonvoting executive director of  
399 the board.

400 (c) The board of directors shall meet at least quarterly  
401 and at other times upon the call of the chair, and may use any  
402 method of telecommunications to conduct, or establish a quorum  
403 at, its meetings or the meetings of a subcommittee or other  
404 subdivision if the public is given proper notice of the  
405 telecommunications meeting and provided reasonable access to  
406 observe and, if appropriate, to participate.

407 (d) A majority of the total current membership of the  
408 board of directors constitutes a quorum of the board.

409 (e) Members of the board of directors, and the board's  
410 subcommittees or other subdivisions shall serve without

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411 compensation; however, the members may be reimbursed for  
412 reasonable, necessary, and actual travel expenses pursuant to s.  
413 112.061.

414 (17) The department must determine and annually certify  
415 that the direct-support organization is complying with the terms  
416 of the contract and is doing so consistent with the goals and  
417 purposes of the organization and in the best interests of the  
418 state. The organization is required to annually submit to the  
419 department its federal Internal Revenue Service Application for  
420 Recognition of Exemption form (Form 1023) and federal Internal  
421 Revenue Service Return of Organization Exempt from Income Tax  
422 form (Form 990); an annual budget for approval by the  
423 department; and an annual financial audit in accordance with s.  
424 215.981.

425 (18) The fiscal year of the direct-support organization  
426 begins on July 1 of each year and ends on June 30 of the  
427 following year. By August 15 of each fiscal year, the department  
428 shall submit a proposed operating budget for the direct-support  
429 organization, including amounts to be expended on international  
430 offices, trade missions, events, other operating capital outlay,  
431 salaries and benefits for each employee, and contributions and  
432 expenditures, to the Governor, the President of the Senate, and  
433 the Speaker of the House of Representatives.

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434 (19) Subsections (6) through (18) and this subsection are  
435 repealed October 1, 2028, unless reviewed and saved from repeal  
436 by the Legislature.

437 Section 38. Section 288.017, Florida Statutes, is amended  
438 to read:

439 288.017 Cooperative advertising matching grants program.—

440 (1) The Florida Tourism Industry Marketing Corporation  
441 ~~Enterprise Florida, Inc.,~~ is authorized to establish a  
442 cooperative advertising matching grants program and, pursuant  
443 thereto, to make expenditures and enter into contracts with  
444 local governments and nonprofit corporations for the purpose of  
445 publicizing the tourism advantages of the state. The department,  
446 based on recommendations from the corporation ~~Enterprise~~  
447 ~~Florida, Inc.,~~ shall have final approval of grants awarded  
448 through this program. ~~Enterprise Florida, Inc., may contract~~  
449 ~~with its direct support organization to administer the program.~~

450 (2) The total annual allocation of funds for this grant  
451 program may not exceed \$40,000. Each grant awarded under the  
452 program shall be limited to no more than \$2,500 and shall be  
453 matched by nonstate dollars. All grants shall be restricted to  
454 local governments and nonprofit corporations serving and located  
455 in municipalities having a population of 50,000 persons or less  
456 or in counties with an unincorporated area having a population  
457 of 200,000 persons or less.

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458 (3) The Florida Tourism Marketing Corporation ~~Enterprise~~  
459 ~~Florida, Inc.,~~ shall conduct an annual competitive selection  
460 process for the award of grants under the program. In  
461 determining its recommendations for the grant awards, the  
462 corporation ~~commission~~ shall consider the demonstrated need of  
463 the applicant for advertising assistance, the feasibility and  
464 projected benefit of the applicant's proposal, the amount of  
465 nonstate funds that will be leveraged, and such other criteria  
466 as the department ~~commission~~ deems appropriate. In evaluating  
467 grant applications, the department shall consider  
468 recommendations from the corporation ~~Enterprise Florida, Inc.~~  
469 The department, however, has final approval authority for any  
470 grant under this section.

471 Section 39. Subsection (4) of section 288.018, Florida  
472 Statutes, is amended to read:

473 288.018 Regional Rural Development Grants Program.—

474 (4) The department may expend up to \$750,000 each fiscal  
475 year from funds appropriated to the Rural Community Development  
476 Revolving Loan Fund for the purposes outlined in this section.  
477 ~~The department may contract with Enterprise Florida, Inc., for~~  
478 ~~the administration of the purposes specified in this section.~~  
479 ~~Funds released to Enterprise Florida, Inc., for this purpose~~  
480 ~~shall be released quarterly and shall be calculated based on the~~  
481 ~~applications in process.~~

482 Section 40. Subsections (1), (9), and (10) of section

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483 288.047, Florida Statutes, are amended, to read:

484 288.047 Quick-response training for economic development.—

485 (1) The Quick-Response Training Program is created to meet  
486 the workforce-skill needs of existing, new, and expanding  
487 industries. The program shall be administered by CareerSource  
488 Florida, Inc., in conjunction with ~~Enterprise Florida, Inc., and~~  
489 the Department of Education. CareerSource Florida, Inc., shall  
490 adopt guidelines for the administration of this program, shall  
491 provide technical services, and shall identify businesses that  
492 seek services through the program. ~~CareerSource Florida, Inc.,~~  
493 ~~may contract with Enterprise Florida, Inc., or administer this~~  
494 ~~program directly, if it is determined that such an arrangement~~  
495 ~~maximizes the amount of the Quick Response grant going to direct~~  
496 ~~services.~~

497 ~~(9) Notwithstanding any other provision of law, eligible~~  
498 ~~matching contributions received under this section from the~~  
499 ~~Quick-Response Training Program may be counted toward the~~  
500 ~~private sector support of Enterprise Florida, Inc., under s.~~  
501 ~~288.904.~~

502 ~~(10) CareerSource Florida, Inc., and Enterprise Florida,~~  
503 ~~Inc., shall coordinate and cooperate in administering this~~  
504 ~~section so that any division of responsibility between the two~~  
505 ~~organizations which relates to marketing or administering the~~  
506 ~~Quick-Response Training Program is not apparent to a business~~  
507 ~~that inquires about or applies for funding under this section. A~~

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508 ~~business shall be provided with a single point of contact for~~  
509 ~~information and assistance.~~

510 Section 41. Subsections (1) and (4) of section 288.061,  
511 Florida Statutes, are amended to read:

512 288.061 Economic development incentive application  
513 process.—

514 (1) Upon receiving a submitted economic development  
515 incentive application, the Division of Economic Strategie  
516 ~~Business~~ Development of the department of ~~Economic Opportunity~~  
517 ~~and designated staff of Enterprise Florida, Inc.,~~ shall review  
518 the application to ensure that the application is complete,  
519 whether and what type of state and local permits may be  
520 necessary for the applicant's project, whether it is possible to  
521 waive such permits, and what state incentives and amounts of  
522 such incentives may be available to the applicant. The  
523 department shall recommend to the Secretary of Commerce Economic  
524 ~~Opportunity~~ to approve or disapprove an applicant business. If  
525 review of the application demonstrates that the application is  
526 incomplete, the secretary shall notify the applicant business  
527 within the first 5 business days after receiving the  
528 application.

529 (4) The department shall validate contractor performance  
530 and report such validation in the annual incentives report  
531 required under s. 288.0065 ~~s. 288.907~~.

532 Section 42. Subsection (5) of section 288.0655, Florida

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533 Statutes, is renumbered as subsection (4), and paragraph (e) of  
534 subsection (2) and subsection (3) and present subsection (4) of  
535 that section are amended, to read:

536 288.0655 Rural Infrastructure Fund.—

537 (2)

538 (e) To enable local governments to access the resources  
539 available pursuant to s. 403.973(17) ~~s. 403.973(18)~~, the  
540 department may award grants for surveys, feasibility studies,  
541 and other activities related to the identification and  
542 preclearance review of land which is suitable for preclearance  
543 review. Authorized grants under this paragraph may not exceed  
544 \$75,000 each, except in the case of a project in a rural area of  
545 opportunity, in which case the grant may not exceed \$300,000.  
546 Any funds awarded under this paragraph must be matched at a  
547 level of 50 percent with local funds, except that any funds  
548 awarded for a project in a rural area of opportunity must be  
549 matched at a level of 33 percent with local funds. If an  
550 application for funding is for a catalyst site, as defined in s.  
551 288.0656, the requirement for local match may be waived pursuant  
552 to the process in s. 288.06561. In evaluating applications under  
553 this paragraph, the department shall consider the extent to  
554 which the application seeks to minimize administrative and  
555 consultant expenses.

556 (3) The department, in consultation with ~~Enterprise~~  
557 ~~Florida, Inc.,~~ the Florida Tourism Industry Marketing

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558 Corporation, the Department of Environmental Protection, and the  
 559 Florida Fish and Wildlife Conservation Commission, as  
 560 appropriate, shall review and certify applications pursuant to  
 561 s. 288.061. The review shall include an evaluation of the  
 562 economic benefit of the projects and their long-term viability.  
 563 The department shall have final approval for any grant under  
 564 this section.

565 ~~(4) By September 1, 2021, the department shall, in~~  
 566 ~~consultation with the organizations listed in subsection (3),~~  
 567 ~~and other organizations, reevaluate existing guidelines and~~  
 568 ~~criteria governing submission of applications for funding,~~  
 569 ~~review and evaluation of such applications, and approval of~~  
 570 ~~funding under this section. The department shall consider~~  
 571 ~~factors including, but not limited to, the project's potential~~  
 572 ~~for enhanced job creation or increased capital investment, the~~  
 573 ~~demonstration and level of local public and private commitment,~~  
 574 ~~whether the project is located in a community development~~  
 575 ~~corporation service area, or in an urban high-crime area as~~  
 576 ~~designated under s. 212.097, the unemployment rate of the county~~  
 577 ~~in which the project would be located, and the poverty rate of~~  
 578 ~~the community.~~

579 Section 43. Paragraph (a) of subsection (6) and paragraphs  
 580 (a) and (c) of subsection (7) of section 288.0656, Florida  
 581 Statutes, are amended to read:

582 288.0656 Rural Economic Development Initiative.—

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583 (6) (a) By August 1 of each year, the head of each of the  
584 following agencies and organizations shall designate a deputy  
585 secretary or higher-level staff person from within the agency or  
586 organization to serve as the REDI representative for the agency  
587 or organization:

- 588 1. The Department of Transportation.
- 589 2. The Department of Environmental Protection.
- 590 3. The Department of Agriculture and Consumer Services.
- 591 4. The Department of State.
- 592 5. The Department of Health.
- 593 6. The Department of Children and Families.
- 594 7. The Department of Corrections.
- 595 8. The Department of Education.
- 596 9. The Department of Juvenile Justice.
- 597 10. The Fish and Wildlife Conservation Commission.
- 598 11. Each water management district.
- 599 ~~12. Enterprise Florida, Inc.~~
- 600 ~~12.13.~~ CareerSource Florida, Inc.
- 601 ~~13.14.~~ VISIT Florida.
- 602 ~~14.15.~~ The Florida Regional Planning Council Association.
- 603 ~~15.16.~~ The Agency for Health Care Administration.
- 604 ~~16.17.~~ The Institute of Food and Agricultural Sciences  
605 (IFAS).

606  
607 An alternate for each designee shall also be chosen, and the

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608 names of the designees and alternates shall be sent to the  
609 Secretary of Commerce ~~Economic Opportunity~~.

610 (7)

611 (a) REDI may recommend to the Governor up to three rural  
612 areas of opportunity. The Governor may by executive order  
613 designate up to three rural areas of opportunity which will  
614 establish these areas as priority assignments for REDI as well  
615 as to allow the Governor, acting through REDI, to waive  
616 criteria, requirements, or similar provisions of any economic  
617 development incentive. Such incentives shall include, but are  
618 not limited to, ~~the Qualified Target Industry Tax Refund Program~~  
619 ~~under s. 288.106,~~ the Quick Response Training Program under s.  
620 288.047, the Quick Response Training Program for participants in  
621 the welfare transition program under s. 288.047(8),  
622 ~~transportation projects under s. 339.2821,~~ the brownfield  
623 redevelopment bonus refund under s. 288.107, and the rural job  
624 tax credit program under ss. 212.098 and 220.1895.

625 (c) Each rural area of opportunity may designate catalyst  
626 projects, provided that each catalyst project is specifically  
627 recommended by REDI, ~~identified as a catalyst project by~~  
628 ~~Enterprise Florida, Inc.,~~ and confirmed as a catalyst project by  
629 the department. All state agencies and departments shall use all  
630 available tools and resources to the extent permissible by law  
631 to promote the creation and development of each catalyst project  
632 and the development of catalyst sites.

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633 Section 44. Section 288.0658, Florida Statutes, is amended  
634 to read:

635 288.0658 Nature-based recreation; promotion and other  
636 assistance by Fish and Wildlife Conservation Commission.—The  
637 Florida Fish and Wildlife Conservation Commission is directed to  
638 assist ~~Enterprise Florida, Inc.;~~ the Florida Tourism Industry  
639 Marketing Corporation, doing business as VISIT Florida;  
640 convention and visitor bureaus, and tourist development councils, and  
641 economic development organizations, and local governments  
642 through the provision of marketing advice, technical expertise,  
643 promotional support, and product development related to nature-  
644 based recreation and sustainable use of natural resources. In  
645 carrying out this responsibility, the Florida Fish and Wildlife  
646 Conservation Commission shall focus its efforts on fostering  
647 nature-based recreation in rural communities and regions  
648 encompassing rural communities. As used in this section, the  
649 term "nature-based recreation" means leisure activities related  
650 to the state's lands, waters, and fish and wildlife resources,  
651 including, but not limited to, wildlife viewing, fishing,  
652 hiking, canoeing, kayaking, camping, hunting, backpacking, and  
653 nature photography.

654 Section 45. Subsection (6) of section 288.075, Florida  
655 Statutes, is amended to read:

656 288.075 Confidentiality of records.—

657 (6) ECONOMIC INCENTIVE PROGRAMS.—

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658 (a) The following information held by an economic  
659 development agency pursuant to the administration of an economic  
660 incentive program for qualified businesses is confidential and  
661 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
662 Constitution for a period not to exceed the duration of the  
663 incentive agreement, including an agreement authorizing a tax  
664 refund or tax credit, or upon termination of the incentive  
665 agreement:

666 1. The percentage of the business's sales occurring  
667 outside this state and, ~~for businesses applying under s.~~  
668 ~~288.1045, the percentage of the business's gross receipts~~  
669 ~~derived from Department of Defense contracts during the 5 years~~  
670 ~~immediately preceding the date the business's application is~~  
671 ~~submitted.~~

672 2. An individual employee's personal identifying  
673 information that is held as evidence of the achievement or  
674 nonachievement of the wage requirements of the tax refund, tax  
675 credit, or incentive agreement programs or of the job creation  
676 requirements of such programs.

677 3. The amount of:

678 a. Taxes on sales, use, and other transactions paid  
679 pursuant to chapter 212;

680 b. Corporate income taxes paid pursuant to chapter 220;

681 c. Intangible personal property taxes paid pursuant to  
682 chapter 199;

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- 683 d. Insurance premium taxes paid pursuant to chapter 624;
- 684 e. Excise taxes paid on documents pursuant to chapter 201;
- 685 f. Ad valorem taxes paid, as defined in s. 220.03(1); or
- 686 g. State communications services taxes paid pursuant to
- 687 chapter 202.

688

689 However, an economic development agency may disclose in the

690 annual incentives report required under s. 288.0065 ~~s. 288.907~~

691 the aggregate amount of each tax identified in this subparagraph

692 and paid by all businesses participating in each economic

693 incentive program.

694 (b)~~1.~~ The following information held by an economic

695 development agency relating to a specific business participating

696 in an economic incentive program is no longer confidential or

697 exempt 180 days after a final project order for an economic

698 incentive agreement is issued, until a date specified in the

699 final project order, or if the information is otherwise

700 disclosed, whichever occurs first:

- 701 ~~1.a.~~ The name of the qualified business.
- 702 ~~2.b.~~ The total number of jobs the business committed to
- 703 create or retain.
- 704 ~~3.c.~~ The total number of jobs created or retained by the
- 705 business.
- 706 ~~4.d.~~ Notwithstanding s. 213.053(2), the amount of tax
- 707 refunds, tax credits, or incentives awarded to, claimed by, or,

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708 if applicable, refunded to the state by the business.

709 ~~5.e.~~ The anticipated total annual wages of employees the  
710 business committed to hire or retain.

711 ~~2. For a business applying for certification under s.~~  
712 ~~288.1045 which is based on obtaining a new Department of Defense~~  
713 ~~contract, the total number of jobs expected and the amount of~~  
714 ~~tax refunds claimed may not be released until the new Department~~  
715 ~~of Defense contract is awarded.~~

716 Section 46. Paragraphs (a) and (c) of subsection (1),  
717 paragraph (e) of subsection (3), and subsections (6), (7), and  
718 (8) of section 288.076 are amended to read:

719 288.076 Return on investment reporting for economic  
720 development programs.-

721 (1) As used in this section, the term:

722 (a) "Jobs" means full-time equivalent positions,  
723 including, but not limited to, positions obtained from a  
724 temporary employment agency or employee leasing company or  
725 through a union agreement or coemployment under a professional  
726 employer organization agreement, that result directly from a  
727 project in this state. The term does not include temporary  
728 construction jobs involved with the construction of facilities  
729 for the project or any jobs previously included in any  
730 application for tax refunds ~~has the same meaning as provided in~~  
731 ~~s. 288.106(2)(i).~~

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732 (c) "Project" means the creation of a new business or  
733 expansion of an existing business ~~has the same meaning as~~  
734 ~~provided in s. 288.106(2) (m).~~

735 (3) Within 48 hours after expiration of the period of  
736 confidentiality for project information deemed confidential and  
737 exempt pursuant to s. 288.075, the department shall publish the  
738 following information pertaining to each project:

739 (e) *Project performance goals.*—

740 1. The incremental direct jobs attributable to the  
741 project, identifying the number of jobs generated and the number  
742 of jobs retained.

743 2. The number of jobs generated and the number of jobs  
744 retained by the project, and ~~for projects commencing after~~  
745 ~~October 1, 2013,~~ the average annual wage of persons holding such  
746 jobs.

747 3. The incremental direct capital investment in the state  
748 generated by the project.

749 (6) Annually, the department shall publish information  
750 relating to the progress of Quick Action Closing Fund projects  
751 awarded under former s. 288.1088 until all contracts are  
752 complete or terminated ~~, including the average number of days~~  
753 ~~between the date the department receives a completed application~~  
754 ~~and the date on which the application is approved.~~

755 (7)~~(a)~~ Within 48 hours after expiration of the period of  
756 confidentiality provided under s. 288.075, the department shall

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757 publish the contract or agreement described in s. 288.061,  
758 redacted to protect the participant business from disclosure of  
759 information that remains confidential or exempt by law.

760 ~~(b) Within 48 hours after submitting any report of~~  
761 ~~findings and recommendations made pursuant to s. 288.106(7)(d)~~  
762 ~~concerning a business's failure to complete a tax refund~~  
763 ~~agreement pursuant to the tax refund program for qualified~~  
764 ~~target industry businesses, the department shall publish such~~  
765 ~~report.~~

766 ~~(8) For projects completed before October 1, 2013, the~~  
767 ~~department shall compile and, by October 1, 2014, shall publish~~  
768 ~~the information described in subsections (3), (4), and (5), to~~  
769 ~~the extent such information is available and applicable.~~

770 Section 47. Section 288.095, Florida Statutes, is amended  
771 to read:

772 288.095 Economic Development Trust Fund.—

773 (1) The Economic Development Trust Fund is created within  
774 the department ~~of Economic Opportunity~~. Moneys deposited into  
775 the fund must be used only to support the authorized activities  
776 and operations of the department.

777 (2) There is created, within the Economic Development  
778 Trust Fund, the Economic Development Incentives Account. The  
779 Economic Development Incentives Account consists of moneys  
780 appropriated to the account for purposes of the tax incentives  
781 programs authorized under s. 288.107 and former s. 288.106 ~~ss.~~

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782 ~~288.1045 and 288.106~~, and local financial support provided under  
783 former s. 288.106 ~~ss. 288.1045 and 288.106~~. Moneys in the  
784 Economic Development Incentives Account shall be subject to the  
785 provisions of s. 216.301(1) (a).

786 (3) (a) ~~The department may approve applications for~~  
787 ~~certification pursuant to ss. 288.1045(3) and 288.106. However,~~  
788 The total state share of tax refund payments may not exceed \$35  
789 million.

790 (b) The total amount of tax refund claims approved for  
791 payment by the department based on actual project performance  
792 may not exceed the amount appropriated to the Economic  
793 Development Incentives Account for such purposes for the fiscal  
794 year. Claims for tax refunds under s. 288.107 and former s.  
795 288.106 ~~ss. 288.1045 and 288.106~~ shall be paid in the order the  
796 claims are approved by the department. In the event the  
797 Legislature does not appropriate an amount sufficient to satisfy  
798 the tax refunds under s. 288.107 and former s. 288.106 ~~ss.~~  
799 ~~288.1045 and 288.106~~ in a fiscal year, the department shall pay  
800 the tax refunds from the appropriation for the following fiscal  
801 year. By March 1 of each year, the department shall notify the  
802 legislative appropriations committees of the Senate and House of  
803 Representatives of any anticipated shortfall in the amount of  
804 funds needed to satisfy claims for tax refunds from the  
805 appropriation for the current fiscal year.

806 (c) Moneys in the Economic Development Incentives Account

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807 may be used only to pay tax refunds and make other payments on  
808 agreements executed prior to July 1, 2023, authorized under ~~s.~~  
809 ~~288.1045, s. 288.106, or~~ s. 288.107, or in agreements authorized  
810 under former s. 288.106. The department shall report within 10  
811 days after the end of each quarter to the Office of Policy and  
812 Budget in the Executive Officer of the Governor, the chair of  
813 the Senate Appropriations Committee or its successor, and the  
814 chair of the House of Representatives Appropriations Committee  
815 or its successor regarding the status of payments made for all  
816 economic development programs administered by the department  
817 under this chapter, including s. 288.107 and former s. 288.106.

818 (d) The department may adopt rules necessary to carry out  
819 ~~the provisions of~~ this subsection, including rules providing for  
820 the use of moneys in the Economic Development Incentives Account  
821 and for the administration of the Economic Development  
822 Incentives Account.

823 (4) The department shall create a separate account for  
824 funds transferred from the former Enterprise Florida, Inc., held  
825 for payments for agreements under the Quick Action Closing Fund  
826 under former s. 288.1088 or the Innovation Incentive Program  
827 under former s. 288.1089. The department shall report within 10  
828 days after the end of each quarter to the Office of Policy and  
829 Budget in the Executive Office of the Governor, the chair of the  
830 Senate Appropriations Committee or its successor, and the chair  
831 of the House of Representatives Appropriations Committee or its

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832 successor regarding all escrow activity relating to both  
833 programs, including payments made pursuant to confirmed  
834 performance under the remaining contracts, payments returned to  
835 the state due to noncompliance, and contracts terminated due to  
836 noncompliance. The department must transfer to the General  
837 Revenue Fund any payments returned to the state, whether  
838 returned by the recipient or through action by the department to  
839 administratively or otherwise legally obtain repayment of funds,  
840 and any funds associated with terminated contracts.

841 Section 48. Subsection (2) and paragraph (c) of subsection  
842 (3) of section 288.101, Florida Statutes, as amended by section  
843 25 of chapter 2023-17, Laws of Florida, are amended to read:

844 288.101 Florida Job Growth Grant Fund.—

845 (2) The department ~~and Enterprise Florida, Inc.,~~ may  
846 identify projects, solicit proposals, and make funding  
847 recommendations to the Governor, who is authorized to approve:

848 (a) State or local public infrastructure projects to  
849 promote:

- 850 1. Economic recovery in specific regions of this state;  
851 2. Economic diversification; or  
852 3. Economic enhancement in a targeted industry.

853 (b) State or local public infrastructure projects to  
854 facilitate the development or construction of affordable  
855 housing. This paragraph is repealed July 1, 2033.

856 ~~(c) Infrastructure funding to accelerate the~~

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857 ~~rehabilitation of the Herbert Hoover Dike. The department or the~~  
858 ~~South Florida Water Management District may enter into~~  
859 ~~agreements, as necessary, with the United States Army Corps of~~  
860 ~~Engineers to implement this paragraph.~~

861 (c)-(d) Workforce training grants to support programs at  
862 state colleges and state technical centers that provide  
863 participants with transferable, sustainable workforce skills  
864 applicable to more than a single employer, and for equipment  
865 associated with these programs. The department shall work with  
866 CareerSource Florida, Inc., to ensure programs are offered to  
867 the public based on criteria established by the state college or  
868 state technical center and do not exclude applicants who are  
869 unemployed or underemployed.

871 -----

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

872 Remove lines 50-74 and insert:  
873 deposit and use of certain moneys; authorizing the  
874 department to terminate a certain agreement in certain  
875 circumstances; providing for the distribution of  
876 corporation assets upon termination of the  
877 corporation; declaring that the corporation and  
878 entities thereof are subject to the public records and  
879 public meeting laws of the state; providing that  
880 certain persons are subject to certain ethics and  
881

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882 financial disclosure requirements; requiring the  
883 corporation to enter into a certain contract with the  
884 department; providing for the board of directors of  
885 the corporation and requirements thereof; providing  
886 for meetings of the board of directors; providing that  
887 members of the board of directors shall serve without  
888 compensation but may be reimbursed for certain  
889 expenses; requiring the department to annually take  
890 certain actions; requiring the department to submit a  
891 certain budget by a certain date each fiscal year;  
892 providing for the scheduled repeal of the corporation;  
893 amending ss. 288.017, 288.018, 288.047, 288.061,  
894 288.0655, 288.0656, 288.0658, 288.075, and 288.076,  
895 F.S.; conforming provisions to changes made by the  
896 act; conforming a cross-reference; amending s.  
897 288.095, F.S.; requiring the department to create a  
898 separate account for a specified purpose; requiring  
899 the department to provide certain reports; amending s.

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