

1                                   A bill to be entitled  
2           An act relating to economic development;  
3           amending s. 14.2015, F.S.; revising the  
4           reporting requirements of the Office of  
5           Tourism, Trade, and Economic Development  
6           relating to permits and rules; authorizing the  
7           Office of Tourism, Trade, and Economic  
8           Development to coordinate establishment of a  
9           one-stop permit registry; amending s. 212.08,  
10          F.S.; exempting certain property based in  
11          enterprise zones from the sales tax under  
12          certain circumstances; amending s. 212.096,  
13          F.S.; expanding enterprise zone sales tax  
14          credit to JTPA or WAGES Program participants  
15          not residing in an enterprise zone; requiring  
16          documentation; amending ss. 212.097 and  
17          212.098, F.S.; clarifying the definition of a  
18          "new business" under the Urban High-Crime Area  
19          Job Tax Credit Program and the Rural Job Tax  
20          Credit Program; providing that certain call  
21          centers or similar customer service operations  
22          are eligible businesses under these programs;  
23          amending s. 220.03, F.S.; expanding enterprise  
24          zone corporate tax credit to JTPA or WAGES  
25          Program participants not residing in an  
26          enterprise zone; amending s. 220.181, F.S.;  
27          requiring documentation; amending s. 288.075,  
28          F.S.; replacing a reference to the Department  
29          of Commerce with a reference to the Office of  
30          Tourism, Trade, and Economic Development in the  
31          definition of "economic development agency"

1 under a provision relating to the  
2 confidentiality of certain economic development  
3 information; specifying that the prohibition  
4 against contracting with entities that have  
5 requested confidentiality concerning certain  
6 economic development information does not apply  
7 to a public officer or employee or an economic  
8 development agency employee acting in his or  
9 her official capacity; amending s. 288.095,  
10 F.S.; establishing a cap on the total amount of  
11 the state share of tax refunds which may be  
12 approved for a single fiscal year under the tax  
13 refund programs for qualified defense  
14 contractors, qualified target industry  
15 businesses, and brownfield redevelopment;  
16 amending s. 288.1045, F.S.; conforming the  
17 limitation on the amount of tax refunds  
18 approved for payment under the qualified  
19 defense contractor tax refund program to the  
20 amount appropriated by the Legislature for such  
21 refunds; correcting references relating to  
22 program administration; amending s. 288.106,  
23 F.S.; authorizing a reduced employment  
24 threshold for expanding businesses in certain  
25 rural areas or enterprise zones under the tax  
26 refund program for qualified target industry  
27 businesses; amending s. 288.1221, F.S.;  
28 conforming legislative intent on the time  
29 period covered by a tourism promotion marketing  
30 plan to the time period covered by the  
31 marketing plan prepared by the Florida

1 Commission on Tourism under s. 288.1224, F.S.;  
2 amending s. 288.1222, F.S.; revising the  
3 definition of "tourist" to clarify that the  
4 term applies to a person participating in trade  
5 or recreation activities outside the county of  
6 permanent residence; amending s. 288.1223,  
7 F.S.; eliminating an historical reference to  
8 the first meeting of the Florida Commission on  
9 Tourism; providing that the commission shall  
10 meet at least quarterly; providing that the  
11 commission shall elect a vice chairman  
12 annually; providing legislative findings and  
13 intent on the potential economic development  
14 benefits of ecotourism; authorizing the  
15 Division of Recreation and Parks of the  
16 Department of Environmental Protection, subject  
17 to legislative appropriation, to establish an  
18 ecotourism promotion program; providing for  
19 eligible uses of funds under such program;  
20 authorizing funds to be used to award  
21 ecotourism promotion grants; prescribing grant  
22 application procedures and eligible uses of  
23 grant awards; amending s. 479.261, F.S.;  
24 expanding the logo sign program to include  
25 certain heritage, historic, or scenic trails;  
26 amending s. 288.90151, F.S.; revising the  
27 matching private funding requirements for  
28 Enterprise Florida, Inc.; providing for partial  
29 release of funds placed in reserve under  
30 specified circumstances; amending s. 288.9618,  
31 F.S.; limiting the amount of appropriations for

1 the microenterprise program that may be used  
2 for administrative expenses; creating s.  
3 288.9958, F.S.; establishing the PRIDE Job  
4 Placement Incentive Program; directing  
5 Enterprise Florida, Inc., to examine the  
6 current and potential economic development  
7 contribution of the biotechnology industry and  
8 other health technology industries to this  
9 state; requiring Enterprise Florida, Inc., to  
10 report to the Legislature on findings and  
11 recommendations; providing for designation of  
12 an enterprise zone that encompasses a  
13 brownfield project under certain circumstances;  
14 amending s. 370.28, F.S.; providing that a  
15 business located in an enterprise zone in a  
16 community impacted by net limitations is  
17 eligible for the maximum sales tax exemption  
18 for building materials used in the  
19 rehabilitation of real property in an  
20 enterprise zone, for business property used in  
21 an enterprise zone, and for electrical energy  
22 used in an enterprise zone, and the maximum  
23 enterprise zone property tax credit against the  
24 corporate income tax, if a specified percentage  
25 of its employees are residents of the  
26 jurisdiction of the county, rather than of the  
27 enterprise zone; requiring businesses eligible  
28 to receive certain tax credits to apply for  
29 such credits by a time certain; amending s.  
30 414.25, F.S.; extending the expiration date;  
31 requiring Enterprise Florida, Inc., to develop

1 a strategic plan designed to help Florida  
2 capitalize on economic opportunities with the  
3 Caribbean and South Africa; requiring  
4 Enterprise Florida, Inc., to develop a master  
5 plan for integrating international trade and  
6 reverse investment resources; prescribing  
7 procedures, content, and a submission deadline  
8 related to such plan; requiring Enterprise  
9 Florida, Inc., in conjunction with the Office  
10 of Tourism, Trade, and Economic Development, to  
11 prepare a plan to promote foreign direct  
12 investment in Florida; prescribing procedures,  
13 content, and a submission deadline related to  
14 such plan; requiring Enterprise Florida, Inc.,  
15 to develop a strategic plan that will allow  
16 Florida to capitalize on the economic  
17 opportunities associated with a post-embargo  
18 Cuba; amending s. 14.2015, F.S.; relating to  
19 the disbursement of certain funds by the Office  
20 of Tourism, Trade, and Economic Development;  
21 requiring reports; amending s. 15.18, F.S.;  
22 providing for coordination of international  
23 activities of the Department of State; amending  
24 s. 55.604, F.S.; requiring foreign judgments to  
25 be filed with the Secretary of State; amending  
26 s. 55.605, F.S.; requiring the Secretary of  
27 State to create and maintain a specified list  
28 relative to foreign money judgments; amending  
29 s. 15.18, F.S.; requiring the Secretary of  
30 State to maintain lists relating to foreign  
31 money judgments; creating s. 257.34, F.S.;

1           creating the Florida State International  
2           Archive; Providing requirements for the  
3           archive; providing for access to the archive;  
4           amending s. 288.8175, F.S.; authorizing linkage  
5           institutes to competitively apply for Targeted  
6           Market Pilot Projects Grants; creating s.  
7           288.9530, F.S.; providing for the creation of  
8           the Florida Business Expansion Corporation to  
9           provide business expansion assistance to  
10          businesses in the state having job growth or  
11          emerging technology potential; creating s.  
12          288.9531, F.S.; providing for powers and duties  
13          of the corporation; creating s. 288.9532, F.S.,  
14          and s. 288.9533, F.S.; creating the corporation  
15          board of directors and providing for their  
16          powers and duties; creating s. 288.9534, F.S.;  
17          providing that the corporation contracts with  
18          an experienced management company to administer  
19          and perform the duties of the corporation;  
20          creating s. 288.9535, F.S.; creating the  
21          Florida Business Expansion Account to receive  
22          state, federal, and private financial resources  
23          for the purpose of funding the objectives of  
24          the corporation; creating s. 288.9536, F.S.;  
25          providing for the reporting and review  
26          requirements of the corporation; creating Part  
27          IV of ch. 721; creating s. 721.96, F.S.;  
28          providing a purpose for the commissioners of  
29          deeds; creating s. 721.97, F.S.; authorizing  
30          the appointment of commissioners of deed;  
31          providing authority; ratifying certain actions

1 of commissioners of deeds; creating s. 721.98,  
2 F.S.; limiting powers of the Division of  
3 Florida Land Sales, Condominiums, and Mobile  
4 Homes; amending s. 288.012, F.S., relating to  
5 State of Florida foreign offices; directing  
6 each office to report annually to the Office of  
7 Tourism, Trade, and Economic Development on  
8 activities and accomplishments; prescribing the  
9 contents of such reports; authorizing the  
10 Office of Tourism, Trade, and Economic  
11 Development to contract with Enterprise  
12 Florida, Inc., for the award of Inner City  
13 Redevelopment Assistance Grants; amending s.  
14 212.097, F.S.; relating to the Urban High-Crime  
15 Job tax credit; permitting legislative review  
16 of the program; providing for local government  
17 reimbursement to the state under certain  
18 circumstances; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Subsection (6) of section 14.2015, Florida  
23 Statutes, is amended to read:

24 14.2015 Office of Tourism, Trade, and Economic  
25 Development; creation; powers and duties.--

26 (6)(a) In order to improve the state's regulatory  
27 environment, the Office of Tourism, Trade, and Economic  
28 Development shall consider the impact of agency rules on  
29 businesses, provide one-stop permit information and  
30 assistance, and serve as an advocate for businesses,

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1 particularly small businesses, in their dealings with state  
2 agencies.

3 (b) As used in this subsection, the term "permit"  
4 means any approval of an agency required as a condition of  
5 operating a business in this state, including, but not limited  
6 to, licenses and registrations.

7 (c) The office shall have powers and duties to:

8 1. Review proposed agency actions for impacts on small  
9 businesses and offer alternatives to mitigate such impacts, as  
10 provided in s. 120.54.

11 2. In consultation with the Governor's rules  
12 ombudsman, make recommendations to agencies on any existing  
13 and proposed rules for alleviating unnecessary or  
14 disproportionate adverse effects to businesses.

15 3. Make recommendations to the Legislature and to  
16 agencies for improving permitting procedures affecting  
17 business activities in the state. By October 1, 1997, and  
18 annually thereafter as part of the report prepared pursuant to  
19 paragraph (2)(e), the Office of Tourism, Trade, and Economic  
20 Development shall ~~submit a~~ report to the Legislature on  
21 ~~containing~~ the following:

22 a. An identification and description of methods to  
23 eliminate, consolidate, simplify, or expedite permits.

24 b. An identification and description of those agency  
25 rules repealed or modified during each calendar year to  
26 improve the regulatory climate for businesses operating in the  
27 state.

28 c. A recommendation for an operating plan and funding  
29 level for establishing an automated one-stop permit registry  
30 to provide the following services:

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1 (I) Access by computer network to all permit  
2 applications and approval requirements of each state agency.

3 (II) Assistance in the completion of such  
4 applications.

5 (III) Centralized collection of any permit fees and  
6 distribution of such fees to agencies.

7 (IV) Submission of application data and circulation of  
8 such data among state agencies by computer network.

9  
10 Subject to legislative appropriation, the Office of Tourism,  
11 Trade, and Economic Development is authorized to coordinate  
12 the establishment of such a one-stop permit registry,  
13 including, but not limited to, working with all appropriate  
14 state agencies on the implementation of the operating plan.~~If~~  
15 ~~the Legislature establishes~~ such a registry is established,  
16 subsequent annual reports to the Legislature from the Office  
17 of Tourism, Trade, and Economic Development pursuant to this  
18 paragraph must cover the status and performance of this  
19 registry.

20 4. Serve as a clearinghouse for information on which  
21 permits are required for a particular business and on the  
22 respective application process, including criteria applied in  
23 making a determination on a permit application. Each state  
24 agency that requires a permit, license, or registration for a  
25 business shall submit to the Office of Tourism, Trade, and  
26 Economic Development by August 1 of each year a list of the  
27 types of businesses and professions that it regulates and of  
28 each permit, license, or registration that it requires for a  
29 type of business or profession.

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1           5. Obtain information and permit applications from  
2 agencies and provide such information and permit applications  
3 to the public.

4           6. Arrange, upon request, informal conferences between  
5 a business and an agency to clarify regulatory requirements or  
6 standards or to identify and address problems in the permit  
7 review process.

8           7. Determine, upon request, the status of a particular  
9 permit application.

10          8. Receive complaints and suggestions concerning  
11 permitting policies and activities of governmental agencies  
12 which affect businesses.

13           (d) Use of the services authorized in this subsection  
14 does not preclude a person or business from dealing directly  
15 with an agency.

16           (e) In carrying out its duties under this subsection,  
17 the Office of Tourism, Trade, and Economic Development may  
18 consult with state agency personnel appointed to serve as  
19 economic development liaisons under s. 288.021.

20           (f) The office shall clearly represent that its  
21 services are advisory, informational, and facilitative only.  
22 Advice, information, and assistance rendered by the office  
23 does not relieve any person or business from the obligation to  
24 secure a required permit. The office is not liable for any  
25 consequences resulting from the failure to issue or to secure  
26 a required permit. However, an applicant who uses the services  
27 of the office and who receives a written statement identifying  
28 required state permits relating to a business activity may not  
29 be assessed a penalty for failure to obtain a state permit  
30 that was not identified, if the applicant submits an  
31 application for each such permit within 60 days after written

1 notification from the agency responsible for issuing the  
2 permit.

3 Section 2. Paragraph (h) of subsection (5) of section  
4 212.08, Florida Statutes, is amended to read:

5 212.08 Sales, rental, use, consumption, distribution,  
6 and storage tax; specified exemptions.--The sale at retail,  
7 the rental, the use, the consumption, the distribution, and  
8 the storage to be used or consumed in this state of the  
9 following are hereby specifically exempt from the tax imposed  
10 by this chapter.

11 (5) EXEMPTIONS; ACCOUNT OF USE.--

12 (h) Business property used in an enterprise zone.--

13 1. Beginning July 1, 1995, business property purchased  
14 for use by businesses located in an enterprise zone which is  
15 subsequently used in an enterprise zone shall be exempt from  
16 the tax imposed by this chapter. This exemption inures to the  
17 business only through a refund of previously paid taxes. A  
18 refund shall be authorized upon an affirmative showing by the  
19 taxpayer to the satisfaction of the department that the  
20 requirements of this paragraph have been met.

21 2. To receive a refund, the business must file under  
22 oath with the governing body or enterprise zone development  
23 agency having jurisdiction over the enterprise zone where the  
24 business is located, as applicable, an application which  
25 includes:

26 a. The name and address of the business claiming the  
27 refund.

28 b. The identifying number assigned pursuant to s.  
29 290.0065 to the enterprise zone in which the business is  
30 located.

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1           c. A specific description of the property for which a  
2 refund is sought, including its serial number or other  
3 permanent identification number.

4           d. The location of the property.

5           e. The sales invoice or other proof of purchase of the  
6 property, showing the amount of sales tax paid, the date of  
7 purchase, and the name and address of the sales tax dealer  
8 from whom the property was purchased.

9           f. Whether the business is a small business as defined  
10 by s. 288.703(1).

11           g. If applicable, the name and address of each  
12 permanent employee of the business, including, for each  
13 employee who is a resident of an enterprise zone, the  
14 identifying number assigned pursuant to s. 290.0065 to the  
15 enterprise zone in which the employee resides.

16           3. Within 10 working days after receipt of an  
17 application, the governing body or enterprise zone development  
18 agency shall review the application to determine if it  
19 contains all the information required pursuant to subparagraph  
20 2. and meets the criteria set out in this paragraph. The  
21 governing body or agency shall certify all applications that  
22 contain the information required pursuant to subparagraph 2.  
23 and meet the criteria set out in this paragraph as eligible to  
24 receive a refund. If applicable, the governing body or agency  
25 shall also certify if 20 percent of the employees of the  
26 business are residents of an enterprise zone, excluding  
27 temporary and part-time employees. The certification shall be  
28 in writing, and a copy of the certification shall be  
29 transmitted to the executive director of the Department of  
30 Revenue. The business shall be responsible for forwarding a  
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1 certified application to the department within the time  
2 specified in subparagraph 4.

3 4. An application for a refund pursuant to this  
4 paragraph must be submitted to the department within 6 months  
5 after the business property is purchased.

6 5. The provisions of s. 212.095 do not apply to any  
7 refund application made pursuant to this paragraph. The amount  
8 refunded on purchases of business property under this  
9 paragraph shall be the lesser of 97 percent of the sales tax  
10 paid on such business property or \$5,000, or, if no less than  
11 20 percent of the employees of the business are residents of  
12 an enterprise zone, excluding temporary and part-time  
13 employees, the amount refunded on purchases of business  
14 property under this paragraph shall be the lesser of 97  
15 percent of the sales tax paid on such business property or  
16 \$10,000. A refund approved pursuant to this paragraph shall be  
17 made within 30 days of formal approval by the department of  
18 the application for the refund. No refund shall be granted  
19 under this paragraph unless the amount to be refunded exceeds  
20 \$100 in sales tax paid on purchases made within a 60-day time  
21 period.

22 6. The department shall adopt rules governing the  
23 manner and form of refund applications and may establish  
24 guidelines as to the requisites for an affirmative showing of  
25 qualification for exemption under this paragraph.

26 7. If the department determines that the business  
27 property is used outside an enterprise zone within 3 years  
28 from the date of purchase, the amount of taxes refunded to the  
29 business purchasing such business property shall immediately  
30 be due and payable to the department by the business, together  
31 with the appropriate interest and penalty, computed from the

1 date of purchase, in the manner provided by this chapter.

2 Notwithstanding this subparagraph, business property used  
3 exclusively in:

4 a. Licensed commercial fishing vessels,

5 b. Fishing guide boats, or

6 c. Ecotourism guide boats

7  
8 that leave and return to a fixed location within an area  
9 designated under s. 370.28 are eligible for the exemption  
10 provided under this paragraph if all requirements of this  
11 paragraph are met. Such vessels and boats must be owned by a  
12 business that is eligible to receive the exemption provided  
13 under this paragraph. This exemption does not apply to the  
14 purchase of a vessel or boat.

15 8. The department shall deduct an amount equal to 10  
16 percent of each refund granted under the provisions of this  
17 paragraph from the amount transferred into the Local  
18 Government Half-cent Sales Tax Clearing Trust Fund pursuant to  
19 s. 212.20 for the county area in which the business property  
20 is located and shall transfer that amount to the General  
21 Revenue Fund.

22 9. For the purposes of this exemption, "business  
23 property" means new or used property defined as "recovery  
24 property" in s. 168(c) of the Internal Revenue Code of 1954,  
25 as amended, except:

26 a. Property classified as 3-year property under s.  
27 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

28 b. Industrial machinery and equipment as defined in  
29 sub-subparagraph (b)6.a. and eligible for exemption under  
30 paragraph (b); and

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1 c. Building materials as defined in sub-subparagraph  
2 (g)8.a.

3 10. The provisions of this paragraph shall expire and  
4 be void on December 31, 2005.

5 Section 3. Subsection (1) and paragraph (a) of  
6 subsection (3) of section 212.096, Florida Statutes, are  
7 amended to read:

8 212.096 Sales, rental, storage, use tax; enterprise  
9 zone jobs credit against sales tax.--

10 (1) For the purposes of the credit provided in this  
11 section:

12 (a) "Eligible business" means any sole proprietorship,  
13 firm, partnership, corporation, bank, savings association,  
14 estate, trust, business trust, receiver, syndicate, or other  
15 group or combination, or successor business, located in an  
16 enterprise zone. An eligible business does not include any  
17 business which has claimed the credit permitted under s.  
18 220.181 for any new business employee first beginning  
19 employment with the business after July 1, 1995.

20 (b) "Month" means either a calendar month or the time  
21 period from any day of any month to the corresponding day of  
22 the next succeeding month or, if there is no corresponding day  
23 in the next succeeding month, the last day of the succeeding  
24 month.

25 (c) "New employee" means a person residing in an  
26 enterprise zone, a qualified Job Training Partnership Act  
27 classroom training participant, or a WAGES Program participant  
28 who begins employment with an eligible business after July 1,  
29 1995, and who has not been previously employed within the  
30 preceding 12 months by the eligible business, or a successor  
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1 eligible business, claiming the credit allowed by this  
2 section.

3  
4 A person shall be deemed to be employed if the person performs  
5 duties in connection with the operations of the business on a  
6 regular, full-time basis, provided the person is performing  
7 such duties for an average of at least 36 hours per week each  
8 month, or a part-time basis, provided the person is performing  
9 such duties for an average of at least 20 hours per week each  
10 month throughout the year. The person must be performing such  
11 duties at a business site located in the enterprise zone.

12 (3) In order to claim this credit, an eligible  
13 business must file under oath with the governing body or  
14 enterprise zone development agency having jurisdiction over  
15 the enterprise zone where the business is located, as  
16 applicable, a statement which includes:

17 (a) For each new employee for whom this credit is  
18 claimed, the employee's name and place of residence, including  
19 the identifying number assigned pursuant to s. 290.0065 to the  
20 enterprise zone in which the employee resides if the new  
21 employee is a person residing in an enterprise zone, and, if  
22 applicable, documentation that the employee is a qualified Job  
23 Training Partnership Act classroom training participant or a  
24 WAGES Program participant.

25 Section 4. Subsection (2) of section 212.097, Florida  
26 Statutes, is amended to read:

27 212.097 Urban High-Crime Area Job Tax Credit  
28 Program.--

29 (2) As used in this section, the term:

30 (a) "Eligible business" means any sole proprietorship,  
31 firm, partnership, or corporation that is located in a



1 qualified county and is predominantly engaged in, or is  
2 headquarters for a business predominantly engaged in,  
3 activities usually provided for consideration by firms  
4 classified within the following standard industrial  
5 classifications: SIC 01 through SIC 09 (agriculture,  
6 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);  
7 SIC 422 (public warehousing and storage); SIC 70 (hotels and  
8 other lodging places); SIC 7391 (research and development);  
9 SIC 7992 (public golf courses); and SIC 7996 (amusement  
10 parks). A call center or similar customer service operation  
11 that services a multistate market or an international market  
12 is also an eligible business. Excluded from eligible receipts  
13 are receipts from retail sales, except such receipts for  
14 hotels and other lodging places classified in SIC 70, public  
15 golf courses in SIC 7992, and amusement parks in SIC 7996.  
16 For purposes of this paragraph, the term "predominantly" means  
17 that more than 50 percent of the business's gross receipts  
18 from all sources is generated by those activities usually  
19 provided for consideration by firms in the specified standard  
20 industrial classification. The determination of whether the  
21 business is located in a qualified high-crime area and the  
22 tier ranking of that area must be based on the date of  
23 application for the credit under this section. Commonly owned  
24 and controlled entities are to be considered a single business  
25 entity.

26 (b) "Qualified employee" means any employee of an  
27 eligible business who performs duties in connection with the  
28 operations of the business on a regular, full-time basis for  
29 an average of at least 36 hours per week for at least 3 months  
30 within the qualified high-crime area in which the eligible  
31 business is located. An owner or partner of the eligible

1 business is not a qualified employee. The term also includes  
2 an employee leased from an employee leasing company licensed  
3 under chapter 468, if such employee has been continuously  
4 leased to the employer for an average of at least 36 hours per  
5 week for more than 6 months.

6 (c) "New business" means any eligible business first  
7 beginning operation on a site in a qualified high-crime area  
8 and clearly separate from any other commercial or business  
9 operation of the business entity within a qualified high-crime  
10 area. A business entity that operated an eligible business  
11 within a qualified high-crime area within the 48 months before  
12 the period provided for application by subsection (3)~~date~~  
13 shall not be considered a new business.

14 (d) "Existing business" means any eligible business  
15 that does not meet the criteria for a new business.

16 (e) "Qualified high-crime area" means an area selected  
17 by the Office of Tourism, Trade, and Economic Development in  
18 the following manner: every third year, the office shall rank  
19 and tier those areas nominated under subsection (8), according  
20 to the following prioritized criteria:

21 1. Highest arrest rates within the geographic area for  
22 violent crime and for such other crimes as drug sale, drug  
23 possession, prostitution, vandalism, and civil disturbances;

24 2. Highest reported crime volume and rate of specific  
25 property crimes such as business and residential burglary,  
26 motor vehicle theft, and vandalism;

27 3. Highest percentage of reported index crimes that  
28 are violent in nature;

29 4. Highest overall index crime volume for the area;

30 and

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1           5. Highest overall index crime rate for the geographic  
2 area.

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4 Tier-one areas are ranked 1 through 5 and represent the  
5 highest crime areas according to this ranking. Tier-two areas  
6 are ranked 6 through 10 according to this ranking. Tier-three  
7 areas are ranked 11 through 15.

8           Section 5. Subsection (2) of section 212.098, Florida  
9 Statutes, is amended to read:

10           212.098 Rural Job Tax Credit Program.--

11           (2) As used in this section, the term:

12           (a) "Eligible business" means any sole proprietorship,  
13 firm, partnership, or corporation that is located in a  
14 qualified county and is predominantly engaged in, or is  
15 headquarters for a business predominantly engaged in,  
16 activities usually provided for consideration by firms  
17 classified within the following standard industrial  
18 classifications: SIC 01 through SIC 09 (agriculture,  
19 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);  
20 SIC 422 (public warehousing and storage); SIC 70 (hotels and  
21 other lodging places); SIC 7391 (research and development);  
22 SIC 7992 (public golf courses); and SIC 7996 (amusement  
23 parks). A call center or similar customer service operation  
24 that services a multistate market or an international market  
25 is also an eligible business. Excluded from eligible receipts  
26 are receipts from retail sales, except such receipts for  
27 hotels and other lodging places classified in SIC 70, public  
28 golf courses in SIC 7992, and amusement parks in SIC 7996.  
29 For purposes of this paragraph, the term "predominantly" means  
30 that more than 50 percent of the business's gross receipts  
31 from all sources is generated by those activities usually

1 provided for consideration by firms in the specified standard  
2 industrial classification. The determination of whether the  
3 business is located in a qualified county and the tier ranking  
4 of that county must be based on the date of application for  
5 the credit under this section. Commonly owned and controlled  
6 entities are to be considered a single business entity.

7 (b) "Qualified employee" means any employee of an  
8 eligible business who performs duties in connection with the  
9 operations of the business on a regular, full-time basis for  
10 an average of at least 36 hours per week for at least 3 months  
11 within the qualified county in which the eligible business is  
12 located. An owner or partner of the eligible business is not a  
13 qualified employee.

14 (c) "Qualified county" means a county that has a  
15 population of fewer than 75,000 persons, or any county that  
16 has a population of 100,000 or less and is contiguous to a  
17 county that has a population of less than 75,000, selected in  
18 the following manner: every third year, the Office of  
19 Tourism, Trade, and Economic Development shall rank and tier  
20 the state's counties according to the following four factors:

- 21 1. Highest unemployment rate for the most recent  
22 36-month period.
- 23 2. Lowest per capita income for the most recent  
24 36-month period.
- 25 3. Highest percentage of residents whose incomes are  
26 below the poverty level, based upon the most recent data  
27 available.
- 28 4. Average weekly manufacturing wage, based upon the  
29 most recent data available.

30  
31

1 Tier-one qualified counties are those ranked 1 through 5 and  
2 represent the state's least-developed counties according to  
3 this ranking. Tier-two qualified counties are those ranked 6  
4 through 10, and tier-three counties are those ranked 11  
5 through 15.

6 (d) "New business" means any eligible business first  
7 beginning operation on a site in a qualified county and  
8 clearly separate from any other commercial or business  
9 operation of the business entity within a qualified county. A  
10 business entity that operated an eligible business within a  
11 qualified county within the 48 months before the period  
12 provided for application by subsection (3)~~date~~ shall not be  
13 considered a new business.

14 (e) "Existing business" means any eligible business  
15 that does not meet the criteria for a new business.

16 Section 6. Paragraph (q) of subsection (1) of section  
17 220.03, Florida Statutes, is amended to read:

18 220.03 Definitions.--

19 (1) SPECIFIC TERMS.--When used in this code, and when  
20 not otherwise distinctly expressed or manifestly incompatible  
21 with the intent thereof, the following terms shall have the  
22 following meanings:

23 (q) "New employee," for the purposes of the enterprise  
24 zone jobs credit, means a person residing in an enterprise  
25 zone, a qualified Job Training Partnership Act classroom  
26 training participant, or a WAGES Program participant employed  
27 at a business located in an enterprise zone who begins  
28 employment in the operations of the business after July 1,  
29 1995, and who has not been previously employed within the  
30 preceding 12 months by the business or a successor business  
31 claiming the credit pursuant to s. 220.181. A person shall be

1 deemed to be employed by such a business if the person  
2 performs duties in connection with the operations of the  
3 business on a full-time basis, provided she or he is  
4 performing such duties for an average of at least 36 hours per  
5 week each month, or a part-time basis, provided she or he is  
6 performing such duties for an average of at least 20 hours per  
7 week each month throughout the year. The person must be  
8 performing such duties at a business site located in an  
9 enterprise zone. The provisions of this paragraph shall expire  
10 and be void on June 30, 2005.

11 Section 7. Paragraph (a) of subsection (2) of section  
12 220.181, Florida Statutes, is amended to read:

13 220.181 Enterprise zone jobs credit.--

14 (2) When filing for an enterprise zone jobs credit, a  
15 business must file under oath with the governing body or  
16 enterprise zone development agency having jurisdiction over  
17 the enterprise zone where the business is located, as  
18 applicable, a statement which includes:

19 (a) For each new employee for whom this credit is  
20 claimed, the employee's name and place of residence during the  
21 taxable year, including the identifying number assigned  
22 pursuant to s. 290.0065 to the enterprise zone in which the  
23 new employee resides if the new employee is a person residing  
24 in an enterprise zone, and, if applicable, documentation that  
25 the employee is a qualified Job Training Partnership Act  
26 classroom training participant or a WAGES Program participant.

27 Section 8. Section 288.075, Florida Statutes, is  
28 amended to read:

29 288.075 Confidentiality of records.--

30 (1) As used in this section, the term "economic  
31 development agency" means the Office of Tourism, Trade, and

1 Economic Development Division of Economic Development of the  
2 ~~Department of Commerce~~, any industrial development authority  
3 created in accordance with part III of chapter 159 or by  
4 special law, the public economic development agency that  
5 advises the county commission on the issuance of industrial  
6 revenue bonds of a county that does not have an industrial  
7 development authority created in accordance with part III of  
8 chapter 159 or by special law, or any research and development  
9 authority created in accordance with part V of chapter 159.  
10 The term also includes any private agency, person,  
11 partnership, corporation, or business entity when authorized  
12 by the state, a municipality, or a county to promote the  
13 general business interests or industrial interests of the  
14 state or that municipality or county.

15 (2) Upon written request from a private corporation,  
16 partnership, or person, records of an economic development  
17 agency which contain or would provide information concerning  
18 plans, intentions, or interests of such private corporation,  
19 partnership, or person to locate, relocate, or expand any of  
20 its business activities in this state are confidential and  
21 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
22 Constitution for 24 months after the date an economic  
23 development agency receives a request for confidentiality or  
24 until disclosed by an economic development agency pursuant to  
25 subsection (4) or by the party requesting confidentiality  
26 under this section. Confidentiality must be maintained until  
27 the expiration of the 24-month period or until documents or  
28 information are otherwise disclosed, whichever occurs first.  
29 This confidentiality does not apply when any party petitions a  
30 court of competent jurisdiction and, in the opinion of the  
31 court, proves need for access to such documents. This

1 exemption expires October 2, 2001, and is subject to review by  
2 the Legislature under the Open Government Sunset Review Act of  
3 1995 in accordance with s. 119.15.

4 (3) This section does not waive any provision of  
5 chapter 120 or any other provision of law requiring a public  
6 hearing.

7 (4) A public officer or employee or any person who is  
8 an employee of an economic development agency may not enter  
9 into a binding agreement with any corporation, partnership, or  
10 person who has requested confidentiality of information  
11 pursuant to this section, until 90 days after such information  
12 is made public, unless such public officer or employee or  
13 economic development agency employee is acting in an official  
14 capacity.

15 (5) Any person who is an employee of an economic  
16 development agency who violates the provisions of this section  
17 is guilty of a misdemeanor of the second degree, punishable as  
18 provided in s. 775.082 or s. 775.083.

19 Section 9. Subsection (3) of section 288.095, Florida  
20 Statutes, is amended to read:

21 288.095 Economic Development Trust Fund.--

22 (3)(a) Contingent upon an annual appropriation by the  
23 Legislature, the Office of Tourism, Trade, and Economic  
24 Development may approve tax refunds pursuant to ss. 288.1045,  
25 288.106, and 288.107. ~~The office may not approve tax refunds~~  
26 ~~in excess of the amount appropriated to the Economic~~  
27 ~~Development Incentives Account for such tax refunds, for a~~  
28 ~~fiscal year pursuant to paragraph (b).~~

29 (b) The combined total amount of the state share of  
30 tax refunds approved by the Office of Tourism, Trade, and  
31 Economic Development pursuant to ss. 288.1045, 288.106, and



1 288.107 for a single fiscal year shall not exceed the lesser  
2 of \$30 million or the amount appropriated to the Economic  
3 Development Incentives Account for such state share of tax  
4 refunds purposes for the fiscal year. In the event the  
5 Legislature does not appropriate an amount sufficient to  
6 satisfy projections by the office for tax refunds under ss.  
7 288.1045, 288.106, and 288.107 in a fiscal year, the Office of  
8 Tourism, Trade, and Economic Development shall, not later than  
9 July 15 of such year, determine the proportion of each refund  
10 claim which shall be paid by dividing the amount appropriated  
11 for tax refunds for the fiscal year by the projected total of  
12 refund claims for the fiscal year. The amount of each claim  
13 for a tax refund shall be multiplied by the resulting  
14 quotient. If, after the payment of all such refund claims,  
15 funds remain in the Economic Development Incentives Account  
16 for tax refunds, the office shall recalculate the proportion  
17 for each refund claim and adjust the amount of each claim  
18 accordingly.

19 (c) By September 30 of each year, the Office of  
20 Tourism, Trade, and Economic Development shall submit a  
21 complete and detailed report to the board of directors of  
22 Enterprise Florida, Inc., created under part VII of this  
23 chapter, of all applications received, final decisions issued,  
24 tax refund agreements executed, and tax refunds paid or other  
25 payments made under all programs funded out of the Economic  
26 Development Incentives Account, including analyses of benefits  
27 and costs, types of projects supported, and employment and  
28 investment created. The Office of Tourism, Trade, and Economic  
29 Development shall also include a separate analysis of the  
30 impact of such tax refunds on state enterprise zones  
31 designated pursuant to s. 290.0065. By December 1 of each

1 year, the board of directors of Enterprise Florida, Inc.,  
2 shall review and comment on the report, and the board shall  
3 submit the report, together with the comments of the board, to  
4 the Governor, the President of the Senate, and the Speaker of  
5 the House of Representatives. The report must discuss whether  
6 the authority and moneys appropriated by the Legislature to  
7 the Economic Development Incentives Account were managed and  
8 expended in a prudent, fiducially sound manner.

9 (d) Moneys in the Economic Development Incentives  
10 Account may be used only to pay tax refunds and other payments  
11 authorized under s. 288.1045, s. 288.106, or s. 288.107.

12 (e) The Office of Tourism, Trade, and Economic  
13 Development may adopt rules necessary to carry out the  
14 provisions of this subsection, including rules providing for  
15 the use of moneys in the Economic Development Incentives  
16 Account and for the administration of the Economic Development  
17 Incentives Account.

18 Section 10. Section 288.1045, Florida Statutes, is  
19 amended to read:

20 288.1045 Qualified defense contractor tax refund  
21 program.--

22 (1) DEFINITIONS.--As used in this section:

23 (a) "Consolidation of a Department of Defense  
24 contract" means the consolidation of one or more of an  
25 applicant's facilities under one or more Department of Defense  
26 contracts either from outside this state or from inside and  
27 outside this state, into one or more of the applicant's  
28 facilities inside this state.

29 (b) "Average wage in the area" means the average of  
30 all wages and salaries in the state, the county, or in the  
31

1 standard metropolitan area in which the business unit is  
2 located.

3 (c) "Applicant" means any business entity that holds a  
4 valid Department of Defense contract or any business entity  
5 that is a subcontractor under a valid Department of Defense  
6 contract or any business entity that holds a valid contract  
7 for the reuse of a defense-related facility, including all  
8 members of an affiliated group of corporations as defined in  
9 s. 220.03(1)(b).

10 (d) "Office"~~"Division"~~ means the Office of Tourism,  
11 Trade, and Economic Development ~~Division of Economic~~  
12 ~~Development of the Department of Commerce.~~

13 (e) "Department of Defense contract" means a  
14 competitively bid Department of Defense contract or a  
15 competitively bid federal agency contract issued on behalf of  
16 the Department of Defense for manufacturing, assembling,  
17 fabricating, research, development, or design with a duration  
18 of 2 or more years, but excluding any contract to provide  
19 goods, improvements to real or tangible property, or services  
20 directly to or for any particular military base or  
21 installation in this state.

22 (f) "New Department of Defense contract" means a  
23 Department of Defense contract entered into after the date  
24 application for certification as a qualified applicant is made  
25 and after January 1, 1994.

26 (g) "Jobs" means full-time equivalent positions,  
27 consistent with the use of such terms by the Department of  
28 Labor and Employment Security for the purpose of unemployment  
29 compensation tax, resulting directly from a project in this  
30 state. This number does not include temporary construction  
31

1 jobs involved with the construction of facilities for the  
2 project.

3 (h) "Nondefense production jobs" means employment  
4 exclusively for activities that, directly or indirectly, are  
5 unrelated to the Department of Defense.

6 (i) "Project" means any business undertaking in this  
7 state under a new Department of Defense contract,  
8 consolidation of a Department of Defense contract, or  
9 conversion of defense production jobs over to nondefense  
10 production jobs or reuse of defense-related facilities.

11 (j) "Qualified applicant" means an applicant that has  
12 been approved by the director ~~secretary~~ to be eligible for tax  
13 refunds pursuant to this section.

14 (k) "Director" ~~"Secretary"~~ means the director of the  
15 Office of Tourism, Trade, and Economic Development ~~Secretary~~  
16 ~~of Commerce~~.

17 (l) "Taxable year" means the same as in s.  
18 220.03(1)(z).

19 (m) "Fiscal year" means the fiscal year of the state.

20 (n) "Business unit" means an employing unit, as  
21 defined in s. 443.036, that is registered with the Department  
22 of Labor and Employment Security for unemployment compensation  
23 purposes or means a subcategory or division of an employing  
24 unit that is accepted by the Department of Labor and  
25 Employment Security as a reporting unit.

26 (o) "Local financial support" means funding from local  
27 sources, public or private, which is paid to the Economic  
28 Development Trust Fund and which is equal to 20 percent of the  
29 annual tax refund for a qualified applicant. Local financial  
30 support may include excess payments made to a utility company  
31 under a designated program to allow decreases in service by

1 the utility company under conditions, regardless of when  
2 application is made. A qualified applicant may not provide,  
3 directly or indirectly, more than 5 percent of such funding in  
4 any fiscal year. The sources of such funding may not include,  
5 directly or indirectly, state funds appropriated from the  
6 General Revenue Fund or any state trust fund, excluding tax  
7 revenues shared with local governments pursuant to law.

8 (p) "Contract for reuse of a defense-related facility"  
9 means a contract with a duration of 2 or more years for the  
10 use of a facility for manufacturing, assembling, fabricating,  
11 research, development, or design of tangible personal  
12 property, but excluding any contract to provide goods,  
13 improvements to real or tangible property, or services  
14 directly to or for any particular military base or  
15 installation in this state. Such facility must be located  
16 within a port, as defined in s. 313.21, and have been occupied  
17 by a business entity that held a valid Department of Defense  
18 contract or occupied by any branch of the Armed Forces of the  
19 United States, within 1 year of any contract being executed  
20 for the reuse of such facility. A contract for reuse of a  
21 defense-related facility may not include any contract for  
22 reuse of such facility for any Department of Defense contract  
23 for manufacturing, assembling, fabricating, research,  
24 development, or design.

25 (q) "Local financial support exemption option" means  
26 the option to exercise an exemption from the local financial  
27 support requirement available to any applicant whose project  
28 is located in a county designated by the Rural Economic  
29 Development Initiative, if the county commissioners of the  
30 county in which the project will be located adopt a resolution  
31 requesting that the applicant's project be exempt from the

1 local financial support requirement. Any applicant that  
2 exercises this option is not eligible for more than 80 percent  
3 of the total tax refunds allowed such applicant under this  
4 section.

5 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.--

6 (a) There shall be allowed, from the Economic  
7 Development Trust Fund, a refund to a qualified applicant for  
8 the amount of eligible taxes certified by the director  
9 ~~secretary~~ which were paid by such qualified applicant. The  
10 total amount of refunds for all fiscal years for each  
11 qualified applicant shall be determined pursuant to subsection  
12 (3). The annual amount of a refund to a qualified applicant  
13 shall be determined pursuant to subsection (5).

14 (b) A qualified applicant may not be qualified for any  
15 project to receive more than \$5,000 times the number of jobs  
16 provided in the tax refund agreement pursuant to subparagraph  
17 (4)(a)1. A qualified applicant may not receive refunds of more  
18 than 25 percent of the total tax refunds provided in the tax  
19 refund agreement pursuant to subparagraph (4)(a)1. in any  
20 fiscal year, provided that no qualified applicant may receive  
21 more than \$2.5 million in tax refunds pursuant to this section  
22 in any fiscal year.

23 (c) A qualified applicant may not receive more than  
24 \$7.5 million in tax refunds pursuant to this section in all  
25 fiscal years.

26 (d) Contingent upon an annual appropriation by the  
27 Legislature, the director ~~secretary~~ may approve not more ~~than~~  
28 ~~the lesser of \$25 million~~ in tax refunds than ~~or~~ the amount  
29 appropriated to the Economic Development Trust Fund for tax  
30 refunds, for a fiscal year pursuant to subsection (5) and s.  
31 288.095.

1           (e) For the first 6 months of each fiscal year, the  
2 director ~~secretary~~ shall set aside 30 percent of the amount  
3 appropriated for refunds pursuant to this section by the  
4 Legislature to provide tax refunds only to qualified  
5 applicants who employ 500 or fewer full-time employees in this  
6 state. Any unencumbered funds remaining undisbursed from this  
7 set-aside at the end of the 6-month period may be used to  
8 provide tax refunds for any qualified applicants pursuant to  
9 this section.

10           (f) After entering into a tax refund agreement  
11 pursuant to subsection (4), a qualified applicant may receive  
12 refunds from the Economic Development Trust Fund for the  
13 following taxes due and paid by the qualified applicant  
14 beginning with the applicant's first taxable year that begins  
15 after entering into the agreement:

16           1. Taxes on sales, use, and other transactions paid  
17 pursuant to chapter 212.

18           2. Corporate income taxes paid pursuant to chapter  
19 220.

20           3. Intangible personal property taxes paid pursuant to  
21 chapter 199.

22           4. Emergency excise taxes paid pursuant to chapter  
23 221.

24           5. Excise taxes paid on documents pursuant to chapter  
25 201.

26           6. Ad valorem taxes paid, as defined in s.  
27 220.03(1)(a) on June 1, 1996.

28  
29 However, a qualified applicant may not receive a tax refund  
30 pursuant to this section for any amount of credit, refund, or  
31 exemption granted such contractor for any of such taxes. If a

1 refund for such taxes is provided by the office ~~Department of~~  
2 ~~Commerce~~, which taxes are subsequently adjusted by the  
3 application of any credit, refund, or exemption granted to the  
4 qualified applicant other than that provided in this section,  
5 the qualified applicant shall reimburse the Economic  
6 Development Trust Fund for the amount of such credit, refund,  
7 or exemption. A qualified applicant must notify and tender  
8 payment to the office ~~Department of Commerce~~ within 20 days  
9 after receiving a credit, refund, or exemption, other than  
10 that provided in this section.

11 (g) Any qualified applicant who fraudulently claims  
12 this refund is liable for repayment of the refund to the  
13 Economic Development Trust Fund plus a mandatory penalty of  
14 200 percent of the tax refund which shall be deposited into  
15 the General Revenue Fund. Any qualified applicant who  
16 fraudulently claims this refund commits a felony of the third  
17 degree, punishable as provided in s. 775.082, s. 775.083, or  
18 s. 775.084.

19 (h) Funds made available pursuant to this section may  
20 not be expended in connection with the relocation of a  
21 business from one community to another community in this state  
22 unless the Office of Tourism, Trade, and Economic Development  
23 determines that without such relocation the business will move  
24 outside this state or determines that the business has a  
25 compelling economic rationale for the relocation which creates  
26 additional jobs.

27 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY  
28 DETERMINATION.--

29 (a) To apply for certification as a qualified  
30 applicant pursuant to this section, an applicant must file an  
31 application with the office ~~division~~ which satisfies the



1 requirements of paragraphs (b) and (e), paragraphs (c) and  
2 (e), or paragraphs (d) and (e). An applicant may not apply for  
3 certification pursuant to this section after a proposal has  
4 been submitted for a new Department of Defense contract, after  
5 the applicant has made the decision to consolidate an existing  
6 Department of Defense contract in this state for which such  
7 applicant is seeking certification, or after the applicant has  
8 made the decision to convert defense production jobs to  
9 nondefense production jobs for which such applicant is seeking  
10 certification.

11 (b) Applications for certification based on the  
12 consolidation of a Department of Defense contract or a new  
13 Department of Defense contract must be submitted to the office  
14 ~~division~~ as prescribed by the office ~~Department of Commerce~~  
15 and must include, but are not limited to, the following  
16 information:

17 1. The applicant's federal employer identification  
18 number, the applicant's Florida sales tax registration number,  
19 and a notarized signature of an officer of the applicant.

20 2. The permanent location of the manufacturing,  
21 assembling, fabricating, research, development, or design  
22 facility in this state at which the project is or is to be  
23 located.

24 3. The Department of Defense contract numbers of the  
25 contract to be consolidated, the new Department of Defense  
26 contract number, or the "RFP" number of a proposed Department  
27 of Defense contract.

28 4. The date the contract was executed or is expected  
29 to be executed, and the date the contract is due to expire or  
30 is expected to expire.

31

1           5. The commencement date for project operations under  
2 the contract in this state.

3           6. The number of full-time equivalent jobs in this  
4 state which are or will be dedicated to the project during the  
5 year and the average wage of such jobs.

6           7. The total number of full-time equivalent employees  
7 employed by the applicant in this state.

8           8. The percentage of the applicant's gross receipts  
9 derived from Department of Defense contracts during the 5  
10 taxable years immediately preceding the date the application  
11 is submitted.

12           9. The amount of:

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

15           b. Corporate income taxes paid pursuant to chapter  
16 220;

17           c. Intangible personal property taxes paid pursuant to  
18 chapter 199;

19           d. Emergency excise taxes paid pursuant to chapter  
20 221;

21           e. Excise taxes paid on documents pursuant to chapter  
22 201; and

23           f. Ad valorem taxes paid  
24

25 during the 5 fiscal years immediately preceding the date of  
26 the application, and the projected amounts of such taxes to be  
27 due in the 3 fiscal years immediately following the date of  
28 the application.

29           10. The estimated amount of tax refunds to be claimed  
30 in each fiscal year.  
31

1           11. A brief statement concerning the applicant's need  
2 for tax refunds, and the proposed uses of such refunds by the  
3 applicant.

4           12. A resolution adopted by the county commissioners  
5 of the county in which the project will be located, which  
6 recommends the applicant be approved as a qualified applicant,  
7 and which indicates that the necessary commitments of local  
8 financial support for the applicant exist. Prior to the  
9 adoption of the resolution, the county commission may review  
10 the proposed public or private sources of such support and  
11 determine whether the proposed sources of local financial  
12 support can be provided or, for any applicant whose project is  
13 located in a county designated by the Rural Economic  
14 Development Initiative, a resolution adopted by the county  
15 commissioners of such county requesting that the applicant's  
16 project be exempt from the local financial support  
17 requirement.

18           13. Any additional information requested by the office  
19 division.

20           (c) Applications for certification based on the  
21 conversion of defense production jobs to nondefense production  
22 jobs must be submitted to the office division as prescribed by  
23 the office ~~Department of Commerce~~ and must include, but are  
24 not limited to, the following information:

25           1. The applicant's federal employer identification  
26 number, the applicant's Florida sales tax registration number,  
27 and a notarized signature of an officer of the applicant.

28           2. The permanent location of the manufacturing,  
29 assembling, fabricating, research, development, or design  
30 facility in this state at which the project is or is to be  
31 located.

1           3. The Department of Defense contract numbers of the  
2 contract under which the defense production jobs will be  
3 converted to nondefense production jobs.

4           4. The date the contract was executed, and the date  
5 the contract is due to expire or is expected to expire, or was  
6 canceled.

7           5. The commencement date for the nondefense production  
8 operations in this state.

9           6. The number of full-time equivalent jobs in this  
10 state which are or will be dedicated to the nondefense  
11 production project during the year and the average wage of  
12 such jobs.

13           7. The total number of full-time equivalent employees  
14 employed by the applicant in this state.

15           8. The percentage of the applicant's gross receipts  
16 derived from Department of Defense contracts during the 5  
17 taxable years immediately preceding the date the application  
18 is submitted.

19           9. The amount of:

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

22           b. Corporate income taxes paid pursuant to chapter  
23 220;

24           c. Intangible personal property taxes paid pursuant to  
25 chapter 199;

26           d. Emergency excise taxes paid pursuant to chapter  
27 221;

28           e. Excise taxes paid on documents pursuant to chapter  
29 201; and

30           f. Ad valorem taxes paid  
31

1 during the 5 fiscal years immediately preceding the date of  
2 the application, and the projected amounts of such taxes to be  
3 due in the 3 fiscal years immediately following the date of  
4 the application.

5         10. The estimated amount of tax refunds to be claimed  
6 in each fiscal year.

7         11. A brief statement concerning the applicant's need  
8 for tax refunds, and the proposed uses of such refunds by the  
9 applicant.

10         12. A resolution adopted by the county commissioners  
11 of the county in which the project will be located, which  
12 recommends the applicant be approved as a qualified applicant,  
13 and which indicates that the necessary commitments of local  
14 financial support for the applicant exist. Prior to the  
15 adoption of the resolution, the county commission may review  
16 the proposed public or private sources of such support and  
17 determine whether the proposed sources of local financial  
18 support can be provided or, for any applicant whose project is  
19 located in a county designated by the Rural Economic  
20 Development Initiative, a resolution adopted by the county  
21 commissioners of such county requesting that the applicant's  
22 project be exempt from the local financial support  
23 requirement.

24         13. Any additional information requested by the office  
25 division.

26         (d) Applications for certification based on a contract  
27 for reuse of a defense-related facility must be submitted to  
28 the office division as prescribed by the office ~~Department of~~  
29 ~~Commerce~~ and must include, but are not limited to, the  
30 following information:

31

1           1. The applicant's Florida sales tax registration  
2 number and a notarized signature of an officer of the  
3 applicant.

4           2. The permanent location of the manufacturing,  
5 assembling, fabricating, research, development, or design  
6 facility in this state at which the project is or is to be  
7 located.

8           3. The business entity holding a valid Department of  
9 Defense contract or branch of the Armed Forces of the United  
10 States that previously occupied the facility, and the date  
11 such entity last occupied the facility.

12           4. A copy of the contract to reuse the facility, or  
13 such alternative proof as may be prescribed by the office  
14 ~~department~~ that the applicant is seeking to contract for the  
15 reuse of such facility.

16           5. The date the contract to reuse the facility was  
17 executed or is expected to be executed, and the date the  
18 contract is due to expire or is expected to expire.

19           6. The commencement date for project operations under  
20 the contract in this state.

21           7. The number of full-time equivalent jobs in this  
22 state which are or will be dedicated to the project during the  
23 year and the average wage of such jobs.

24           8. The total number of full-time equivalent employees  
25 employed by the applicant in this state.

26           9. The amount of:

27           a. Taxes on sales, use, and other transactions paid  
28 pursuant to chapter 212.

29           b. Corporate income taxes paid pursuant to chapter  
30 220.

31

1 c. Intangible personal property taxes paid pursuant to  
2 chapter 199.

3 d. Emergency excise taxes paid pursuant to chapter  
4 221.

5 e. Excise taxes paid on documents pursuant to chapter  
6 201.

7 f. Ad valorem taxes paid during the 5 fiscal years  
8 immediately preceding the date of the application, and the  
9 projected amounts of such taxes to be due in the 3 fiscal  
10 years immediately following the date of the application.

11 10. The estimated amount of tax refunds to be claimed  
12 in each fiscal year.

13 11. A brief statement concerning the applicant's need  
14 for tax refunds, and the proposed uses of such refunds by the  
15 applicant.

16 12. A resolution adopted by the county commissioners  
17 of the county in which the project will be located, which  
18 recommends the applicant be approved as a qualified applicant,  
19 and which indicates that the necessary commitments of local  
20 financial support for the applicant exist. Prior to the  
21 adoption of the resolution, the county commission may review  
22 the proposed public or private sources of such support and  
23 determine whether the proposed sources of local financial  
24 support can be provided or, for any applicant whose project is  
25 located in a county designated by the Rural Economic  
26 Development Initiative, a resolution adopted by the county  
27 commissioners of such county requesting that the applicant's  
28 project be exempt from the local financial support  
29 requirement.

30 13. Any additional information requested by the office  
31 division.

1           (e) To qualify for review by the office ~~division~~, the  
2 application of an applicant must, at a minimum, establish the  
3 following to the satisfaction of the office ~~division~~:

4           1. The jobs proposed to be provided under the  
5 application, pursuant to subparagraph (b)6. or subparagraph  
6 (c)6., must pay an estimated annual average wage equaling at  
7 least 115 percent of the average wage in the area where the  
8 project is to be located.

9           2. The consolidation of a Department of Defense  
10 contract must result in a net increase of at least 25 percent  
11 in the number of jobs at the applicant's facilities in this  
12 state or the addition of at least 80 jobs at the applicant's  
13 facilities in this state.

14           3. The conversion of defense production jobs to  
15 nondefense production jobs must result in net increases in  
16 nondefense employment at the applicant's facilities in this  
17 state.

18           4. The Department of Defense contract cannot allow the  
19 business to include the costs of relocation or retooling in  
20 its base as allowable costs under a cost-plus, or similar,  
21 contract.

22           5. A business unit of the applicant must have derived  
23 not less than 70 percent of its gross receipts in this state  
24 from Department of Defense contracts over the applicant's last  
25 fiscal year, and must have derived not less than 80 percent of  
26 its gross receipts in this state from Department of Defense  
27 contracts over the 5 years preceding the date an application  
28 is submitted pursuant to this section. This subparagraph does  
29 not apply to any application for certification based on a  
30 contract for reuse of a defense-related facility.

31



1           6. The reuse of a defense-related facility must result  
2 in the creation of at least 100 jobs at such facility.

3           (f) Each application meeting the requirements of  
4 paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs  
5 (d) and (e) must be submitted to the office ~~division~~ for a  
6 determination of eligibility. The office ~~division~~ shall  
7 review, evaluate, and score each application based on, but not  
8 limited to, the following criteria:

9           1. Expected contributions to the state strategic  
10 economic development plan adopted by Enterprise Florida, Inc.,  
11 taking into account the extent to which the project  
12 contributes to the state's high-technology base, and the  
13 long-term impact of the project and the applicant on the  
14 state's economy.

15           2. The economic benefit of the jobs created or  
16 retained by the project in this state, taking into account the  
17 cost and average wage of each job created or retained, and the  
18 potential risk to existing jobs.

19           3. The amount of capital investment to be made by the  
20 applicant in this state.

21           4. The local commitment and support for the project  
22 and applicant.

23           5. The impact of the project on the local community,  
24 taking into account the unemployment rate for the county where  
25 the project will be located.

26           6. The dependence of the local community on the  
27 defense industry.

28           7. The impact of any tax refunds granted pursuant to  
29 this section on the viability of the project and the  
30 probability that the project will occur in this state if such  
31 tax refunds are granted to the applicant, taking into account

1 the expected long-term commitment of the applicant to economic  
2 growth and employment in this state.

3 8. The length of the project, or the expected  
4 long-term commitment to this state resulting from the project.

5 (g) The office ~~division~~ shall forward its written  
6 findings and evaluation on each application meeting the  
7 requirements of paragraphs (b) and (e), paragraphs (c) and  
8 (e), or paragraphs (d) and (e) to the director ~~secretary~~  
9 within 60 calendar days of receipt of a complete application.  
10 The office ~~division~~ shall notify each applicant when its  
11 application is complete, and when the 60-day period begins. In  
12 its written report to the director ~~secretary~~, the office  
13 ~~division~~ shall specifically address each of the factors  
14 specified in paragraph (f), and shall make a specific  
15 assessment with respect to the minimum requirements  
16 established in paragraph (e). The office ~~division~~ shall  
17 include in its report projections of the tax refund claims  
18 that will be sought by the applicant in each fiscal year based  
19 on the information submitted in the application.

20 (h) Within 30 days after receipt of the office's  
21 ~~division's~~ findings and evaluation, the director ~~secretary~~  
22 shall enter a final order that either approves or disapproves  
23 an application. The decision must be in writing and provide  
24 the justifications for either approval or disapproval. If  
25 appropriate, the director ~~secretary~~ shall enter into a written  
26 agreement with the qualified applicant pursuant to subsection  
27 (4).

28 (i) The director ~~secretary~~ may not enter any final  
29 order that certifies any applicant as a qualified applicant  
30 when the value of tax refunds to be included in that final  
31 order exceeds the available amount of authority to enter final

1 ~~orders as determined in s. 288.095(3) aggregate amount of tax~~  
2 ~~refunds for all qualified applicants projected by the division~~  
3 ~~in any fiscal year exceeds the lesser of \$25 million or the~~  
4 ~~amount appropriated for tax refunds for that fiscal year. A~~  
5 final order that approves an application must specify the  
6 maximum amount of a tax refund that is to be available to the  
7 contractor in each fiscal year and the total amount of tax  
8 refunds for all fiscal years.

9 (j) This section does not create a presumption that an  
10 applicant should receive any tax refunds under this section.

11 (4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND  
12 AGREEMENT.--

13 (a) A qualified applicant shall enter into a written  
14 agreement with the office department containing, but not  
15 limited to, the following:

16 1. The total number of full-time equivalent jobs in  
17 this state that are or will be dedicated to the qualified  
18 applicant's project, the average wage of such jobs, the  
19 definitions that will apply for measuring the achievement of  
20 these terms during the pendency of the agreement, and a time  
21 schedule or plan for when such jobs will be in place and  
22 active in this state. This information must be the same as the  
23 information contained in the application submitted by the  
24 contractor pursuant to subsection (3).

25 2. The maximum amount of a refund that the qualified  
26 applicant is eligible to receive in each fiscal year.

27 3. An agreement with the office department allowing  
28 the office department to review and verify the financial and  
29 personnel records of the qualified applicant to ascertain  
30 whether the qualified applicant is complying with the  
31 requirements of this section.

1           4. The date after which, each fiscal year, the  
2 qualified applicant may file an annual claim pursuant to  
3 subsection (5).

4           5. That local financial support shall be annually  
5 available and will be paid to the Economic Development Trust  
6 Fund.

7           (b) Compliance with the terms and conditions of the  
8 agreement is a condition precedent for receipt of tax refunds  
9 each year. The failure to comply with the terms and conditions  
10 of the agreement shall result in the loss of eligibility for  
11 receipt of all tax refunds previously authorized pursuant to  
12 this section, and the revocation of the certification as a  
13 qualified applicant by the director ~~secretary~~.

14           (c) The agreement shall be signed by the director  
15 ~~secretary~~ and the authorized officer of the qualified  
16 applicant.

17           (d) The agreement must contain the following legend,  
18 clearly printed on its face in bold type of not less than 10  
19 points:

20  
21           "This agreement is neither a general obligation  
22 of the State of Florida, nor is it backed by  
23 the full faith and credit of the State of  
24 Florida. Payment of tax refunds are conditioned  
25 on and subject to specific annual  
26 appropriations by the Florida Legislature of  
27 funds sufficient to pay amounts authorized in  
28 s. 288.1045 ~~s. 288.104~~, Florida Statutes."

29  
30           (5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE  
31 CONTRACTOR.--

1           (a) Qualified applicants who have entered into a  
2 written agreement with the office ~~department~~ pursuant to  
3 subsection (4) and who have entered into a valid new  
4 Department of Defense contract, commenced the consolidation of  
5 a Department of Defense contract, commenced the conversion of  
6 defense production jobs to nondefense production jobs or who  
7 have entered into a valid contract for reuse of a  
8 defense-related facility may apply once each fiscal year to  
9 the office ~~Department of Commerce~~ for tax refunds. The  
10 application must be made on or after the date contained in the  
11 agreement entered into pursuant to subsection (4) and must  
12 include a notarized signature of an officer of the applicant.

13           (b) The claim for refund by the qualified applicant  
14 must include a copy of all receipts pertaining to the payment  
15 of taxes for which a refund is sought, and data related to  
16 achieving each performance item contained in the tax refund  
17 agreement pursuant to subsection (4). The amount requested as  
18 a tax refund may not exceed the amount for the fiscal year in  
19 the written agreement entered pursuant to subsection (4).

20           (c) A tax refund may not be approved for any qualified  
21 applicant unless local financial support has been paid to the  
22 Economic Development Trust Fund in that fiscal year. If the  
23 local financial support is less than 20 percent of the  
24 approved tax refund, the tax refund shall be reduced. The tax  
25 refund paid may not exceed 5 times the local financial support  
26 received. Funding from local sources includes tax abatement  
27 under s. 196.1995 provided to a qualified applicant. The  
28 amount of any tax refund for an applicant approved under this  
29 section shall be reduced by the amount of any such tax  
30 abatement, and the limitations in subsection (2) and paragraph  
31 (3)(h) shall be reduced by the amount of any such tax

1 abatement. A report listing all sources of the local financial  
2 support shall be provided to the office ~~division~~ when such  
3 support is paid to the Economic Development Trust Fund.

4 (d) The director ~~secretary~~, with assistance from the  
5 office ~~division~~, the Department of Revenue, and the Department  
6 of Labor and Employment Security, shall determine the amount  
7 of the tax refund that is authorized for the qualified  
8 applicant for the fiscal year in a written final order within  
9 30 days after the date the claim for the annual tax refund is  
10 received by the office ~~Department of Commerce~~.

11 (e) The total amount of tax refunds approved by the  
12 director ~~secretary~~ under this section in any fiscal year may  
13 not exceed the amount appropriated to the Economic Development  
14 Trust Fund for such purposes for the fiscal year. If the  
15 Legislature does not appropriate an amount sufficient to  
16 satisfy projections by the office ~~division~~ for tax refunds in  
17 a fiscal year, the director ~~secretary~~ shall, not later than  
18 July 15 of such year, determine the proportion of each refund  
19 claim which shall be paid by dividing the amount appropriated  
20 for tax refunds for the fiscal year by the projected total  
21 amount of refund claims for the fiscal year. The amount of  
22 each claim for a tax refund shall be multiplied by the  
23 resulting quotient. If, after the payment of all such refund  
24 claims, funds remain in the Economic Development Trust Fund  
25 for tax refunds, the director ~~secretary~~ shall recalculate the  
26 proportion for each refund claim and adjust the amount of each  
27 claim accordingly.

28 (f) Upon approval of the tax refund pursuant to  
29 paragraphs (c) and (d), the Comptroller shall issue a warrant  
30 for the amount included in the final order. In the event of  
31 any appeal of the final order, the Comptroller may not issue a

1 warrant for a refund to the qualified applicant until the  
2 conclusion of all appeals of the final order.

3 (g) A prorated tax refund, less a 5 percent penalty,  
4 shall be approved for a qualified applicant provided all other  
5 applicable requirements have been satisfied and the applicant  
6 proves to the satisfaction of the director that it has  
7 achieved at least 80 percent of its projected employment.

8 (6) ADMINISTRATION.--

9 (a) The office ~~may department shall~~ adopt rules  
10 pursuant to chapter 120 for the administration of this  
11 section.

12 (b) The office ~~department~~ may verify information  
13 provided in any claim submitted for tax credits under this  
14 section with regard to employment and wage levels or the  
15 payment of the taxes with the appropriate agency or authority  
16 including the Department of Revenue, the Department of Labor  
17 and Employment Security, or any local government or authority.

18 (c) To facilitate the process of monitoring and  
19 auditing applications made under this program, the office  
20 ~~department~~ may provide a list of qualified applicants to the  
21 Department of Revenue, the Department of Labor and Employment  
22 Security, or to any local government or authority. The office  
23 ~~department~~ may request the assistance of said entities with  
24 respect to monitoring the payment of the taxes listed in  
25 subsection (2).

26 (d) By December 1 of each year, the office ~~department~~  
27 shall submit a complete and detailed report to the Governor,  
28 the President of the Senate, and the Speaker of the House of  
29 Representatives of all tax refunds paid under this section,  
30 including analyses of benefits and costs, types of projects  
31 supported, employment and investment created, geographic

1 distribution of tax refunds granted, and minority business  
2 participation. The report must indicate whether the moneys  
3 appropriated by the Legislature to the qualified applicant tax  
4 refund program were expended in a prudent, fiducially sound  
5 manner.

6 (7) EXPIRATION.--An applicant may not be certified as  
7 qualified under this section after June 30, 1999.

8 Section 11. Paragraph (b) of subsection (4) of section  
9 288.106, Florida Statutes, is amended to read:

10 288.106 Tax refund program for qualified target  
11 industry businesses.--

12 (4) APPLICATION AND APPROVAL PROCESS.--

13 (b) To qualify for review by the office, the  
14 application of a target industry business must, at a minimum,  
15 establish the following to the satisfaction of the office:

16 1. The jobs proposed to be provided under the  
17 application, pursuant to subparagraph (a)4., must pay an  
18 estimated annual average wage equaling at least 115 percent of  
19 the average private sector wage in the area where the business  
20 is to be located or the statewide private sector average wage.  
21 The office may waive this average wage requirement at the  
22 request of the local governing body recommending the project  
23 and Enterprise Florida, Inc. The wage requirement may only be  
24 waived for a project located in a rural city or county or in  
25 an enterprise zone and only when the merits of the individual  
26 project or the specific circumstances in the community in  
27 relationship to the project warrant such action. If the local  
28 governing body and Enterprise Florida, Inc., make such a  
29 recommendation, it must be transmitted in writing and the  
30 specific justification for the waiver recommendation must be  
31 explained. If the director elects to waive the wage



1 requirement, the waiver must be stated in writing and the  
2 reasons for granting the waiver must be explained.

3           2. The target industry business's project must result  
4 in the creation of at least 10 jobs at such project and, if an  
5 expansion of an existing business, must result in a net  
6 increase in employment of not less than 10 percent at such  
7 business. Notwithstanding the definition of the term  
8 "expansion of an existing business" under paragraph (2)(g), at  
9 the request of the local governing body recommending the  
10 project and Enterprise Florida, Inc., the office may define an  
11 "expansion of an existing business" in a rural city, a rural  
12 county, or an enterprise zone as the expansion of a business  
13 resulting in a net increase in employment of less than 10  
14 percent at such business, if the merits of the individual  
15 project or the specific circumstances in the community in  
16 relationship to the project warrant such action. If the local  
17 governing body and Enterprise Florida, Inc., make such a  
18 request, it must be transmitted in writing and the specific  
19 justification for the request must be explained. If the  
20 director elects to accept such request, such election must be  
21 stated in writing and the reason for granting the request must  
22 be explained.

23           3. The business activity or product for the  
24 applicant's project is within an industry or industries that  
25 have been identified by the office to be high-value-added  
26 industries that contribute to the area and to the economic  
27 growth of the state and that produce a higher standard of  
28 living for citizens of this state in the new global economy or  
29 that can be shown to make an equivalent contribution to the  
30 area and state's economic progress.

31

1           Section 12. Subsection (1) of section 288.1221,  
2 Florida Statutes, is amended to read:

3           288.1221 Legislative intent.--

4           (1) It is the intent of the Legislature to establish a  
5 public-private partnership to provide policy direction to and  
6 technical expertise in the promotion and marketing of the  
7 state's tourism attributes. The Legislature further intends to  
8 authorize this partnership to recommend the tenets of an  
9 industry standard 4-year ~~5-year~~ marketing plan for an annual  
10 marketing plan for tourism promotion and recommend a  
11 comparable organizational structure to carry out such a plan.  
12 The Legislature intends to have such a plan funded by that  
13 portion of the rental car surcharge annually dedicated to the  
14 Tourism Promotional Trust Fund, pursuant to s. 212.0606, and  
15 by the tourism industry. The Legislature intends that the  
16 exercise of this authority by the public-private partnership  
17 shall take into consideration the recommendations made to the  
18 1992 Legislature in the report submitted by the Florida  
19 Tourism Commission created pursuant to chapter 91-31, Laws of  
20 Florida.

21           Section 13. Subsection (2) of section 288.1222,  
22 Florida Statutes, is amended to read:

23           288.1222 Definitions.--For the purposes of ss.  
24 288.017, 288.121-288.1226, and 288.124, the term:

25           (2) "Tourist" means any person who participates in  
26 trade or recreation activities outside the county ~~country~~ of  
27 his or her permanent residence or who rents or leases  
28 transient living quarters or accommodations as described in s.  
29 125.0104(3)(a).

30           Section 14. Paragraphs (f) and (g) of subsection (2)  
31 of section 288.1223, Florida Statutes, are amended to read:

1           288.1223 Florida Commission on Tourism; creation;  
2 purpose; membership.--

3           (2)

4           (f) The commission shall ~~hold its first meeting no~~  
5 ~~later than September 1992 and must~~ meet at least quarterly. A  
6 majority of the members shall constitute a quorum for the  
7 purpose of conducting business.

8           (g) The Governor shall serve as chair of the  
9 commission. The commission shall annually ~~biennially~~ elect one  
10 of its tourism-industry-related members as vice chair, who  
11 shall preside in the absence of the chair.

12           Section 15. (1) The Legislature finds that tourism  
13 associated with the natural, cultural, and historical assets  
14 of this state constitutes one of the fastest growing segments  
15 of the travel and tourism industry. Such ecotourism and  
16 heritage tourism hold significant potential for contributing  
17 to the economic well-being of this state and its citizens  
18 through the generation of revenues and the creation of jobs.  
19 The Legislature further finds that there are opportunities to  
20 promote travel experiences that link this state's traditional  
21 travel destinations with its ecotourism or heritage tourism  
22 destinations and to promote travel experiences that link  
23 ecotourism or heritage tourism destinations within a county or  
24 among multiple counties. Overarching these findings is the  
25 Legislature's recognition that the state's ecotourism and  
26 heritage tourism assets must be preserved and maintained if  
27 they are to be enjoyed by future generations. It is the intent  
28 of the Legislature to encourage the promotion of sustainable  
29 ecotourism and heritage tourism in this state.

30           (2) Subject to specific appropriation in the General  
31 Appropriations Act, the Division of Recreation and Parks of

1 the Department of Environmental Protection is authorized to  
2 establish an ecotourism promotion program designed to  
3 encourage and facilitate visitation to state parks and to  
4 other natural resources in the state, while also safeguarding  
5 that such visitation does not jeopardize the environmental  
6 value or the sustainability of the resources. Funds  
7 appropriated for this program may be used to:

8 (a) Make infrastructure improvements within and to, or  
9 otherwise rehabilitate, state parks or other natural resources  
10 under the jurisdiction of the division;

11 (b) Develop and distribute marketing materials  
12 describing ecotourism resources under the jurisdiction of the  
13 division, including the proximity of the resources to  
14 commercial tourism sites in a region or to other ecotourism  
15 sites in a region in order to encourage travel experiences  
16 that link these sites; or

17 (c) Award ecotourism promotion grants to assist  
18 localities and regions in promoting ecotourism or the economic  
19 development activities related to such tourism.

20 1. An eligible grant applicant is a governmental or  
21 not-for-profit tourism or economic development organization in  
22 this state. An application may be submitted jointly on behalf  
23 of a combination of such organizations, in which case the  
24 organizations together shall be deemed to be one applicant. An  
25 organization may not participate in the submission of more  
26 than one application.

27 2. Applications submitted to the division must include  
28 a requested grant amount and a detailed plan governing the  
29 proposed use of the grant award. The division shall review  
30 each application and shall submit award recommendations to the  
31 Secretary of Environmental Protection for final approval.

1           3. The division shall establish guidelines for  
2 administering this program and shall establish criteria for  
3 the competitive evaluation of grant applications. Evaluation  
4 criteria must include, but need not be limited to, the extent  
5 to which the plan submitted with the application links tourism  
6 sites within the community or region or links tourism sites  
7 within two or more communities or regions.

8           4. Eligible uses of grant awards include:

9           a. Marketing ecotourism sites;

10           b. Marketing areas as appropriate sites for the  
11 location or expansion of businesses that are engaged in or  
12 that facilitate ecotourism activities; or

13           c. Establishing local or regional ecotourism and  
14 heritage tourism advisory and promotion organizations for  
15 specific state parks.

16           5. Each grant awarded to an applicant under this  
17 program shall not exceed \$30,000.

18           Section 16. Section 288.90151, Florida Statutes, is  
19 amended to read:

20           288.90151 Funding for contracting with Enterprise  
21 Florida, Inc.--

22           (1)(a) From funds appropriated from the General  
23 Revenue Fund to the Office of Tourism, Trade, and Economic  
24 Development for the purpose of annually contracting with  
25 Enterprise Florida, Inc., 10 percent of such funds for the  
26 fiscal year 1996-1997, 20 percent of such funds for the fiscal  
27 year 1997-1998, 30 percent of such funds for the fiscal year  
28 1998-1999, 40 percent of such funds for the fiscal year  
29 1999-2000, and 50 percent of such funds for the fiscal year  
30 2000-2001 shall be placed in reserve by the Executive Office  
31 of the Governor. The funds may be released through a budget

1 amendment, in accordance with chapter 216, as requested by  
2 Enterprise Florida, Inc., through the Office of Tourism,  
3 Trade, and Economic Development if Enterprise Florida, Inc.,  
4 has provided sufficient documentation that the same amount of  
5 matching private funds as the amount placed in reserve has  
6 been contributed during the same fiscal year to Enterprise  
7 Florida, Inc., in support of its economic development efforts.  
8 If sufficient documentation is not provided by the end of the  
9 fiscal year, such funds shall revert back to the General  
10 Revenue Fund.

11 (b) In fiscal years 1999-2000 and 2000-2001, 50  
12 percent of the funds placed in reserve may be released by the  
13 same budget amendment process if Enterprise Florida, Inc., has  
14 provided sufficient documentation that the amount of matching  
15 private funds contributed during the same fiscal year to  
16 Enterprise Florida, Inc., is equal to 75 percent of the funds  
17 placed in reserve. The remaining funds in reserve may be  
18 released by the same budget amendment process if Enterprise  
19 Florida, Inc., meets the requirements of paragraph (a).

20  
21 In each fiscal year, at least 55 percent of the matching  
22 private funds required to be documented under this subsection  
23 must be comprised of the first category of matching private  
24 funds described in subsection (3).

25 (2) Prior to the 1999 Regular Session of the  
26 Legislature, the Office of Program Policy Analysis and  
27 Government Accountability shall conduct a review of the  
28 contributions made to Enterprise Florida, Inc., during the  
29 prior 3 years pursuant to this section. The review must be  
30 conducted in such a manner as to determine the amount and type  
31 of matching private funds contributed and the circumstances

1 affecting the ability to achieve or not achieve the specified  
2 amount of matching private funds for each year. Based on this  
3 information and historical data, the Office of Program Policy  
4 Analysis and Governmental Accountability shall determine  
5 whether the funding levels of matching private funds for  
6 fiscal year 1999-2000, and fiscal year 2000-2001, as specified  
7 in this section, are appropriate. This report shall be  
8 submitted by January 1, 1999, to the President of the Senate,  
9 the Speaker of the House of Representatives, the Senate  
10 Minority Leader, and the House Minority Leader.

11 (3) For the purposes of this section, matching private  
12 funds shall be divided into two categories. The first category  
13 of matching private funds shall include any payment of cash  
14 made ~~in response to a solicitation by~~ Enterprise Florida,  
15 Inc., and used ~~exclusively~~ by Enterprise Florida, Inc., in its  
16 operations or programs, excluding any payment of cash made by  
17 any entity to qualify for any Enterprise Florida, Inc., state,  
18 or local incentive, grant, or loan program, or any cash  
19 received by Enterprise Florida, Inc., pursuant to a grant or  
20 contract. The second category of matching private funds shall  
21 include a conveyance of property, or payment or distribution  
22 of property or anything of value, including contributions  
23 in-kind having an attributable monetary value in any form, and  
24 including any payment of cash not counted within the first  
25 category of matching private funds. Contributions in-kind  
26 include, but are not limited to, goods or services rendered.  
27 The cost of the contribution shall be the reasonable cost to  
28 the sponsor of the goods or services.

29 Section 17. Subsection (3) is added to section  
30 288.9618, Florida Statutes, to read:

31 288.9618 Microenterprises.--

1           (3) Not more than 15 percent of the funds appropriated  
2 each fiscal year for activities under this section may be used  
3 for administrative expenses of the Office of Tourism, Trade,  
4 and Economic Development or for administrative expenses of the  
5 organization with which the office contracts under this  
6 section.

7           Section 18. Section 288.9958, Florida Statutes, is  
8 created to read:

9           288.9958 PRIDE Job Placement Incentive Program.--

10           (1) The Legislature recognizes that the location of  
11 some correctional facilities has been determined by the desire  
12 to provide employment opportunities for residents of  
13 communities that have not experienced the economic growth of  
14 other portions of the state. The Legislature further  
15 recognizes that the corporation authorized by chapter 946 to  
16 manage correctional work programs can provide expertise and  
17 assistance in the areas of on-the-job training and employment  
18 assistance. Partnerships between the state and the corporation  
19 authorized by chapter 946 to manage correctional work programs  
20 may result in increased employment opportunities for local  
21 citizens. To assist the corporation authorized by chapter 946  
22 in economic development initiatives that specifically enhance  
23 the employment opportunities for WAGES participants, the PRIDE  
24 Job Placement Incentive Program is created. The Legislature  
25 hereby permits the corporation authorized by chapter 946 to  
26 participate in the PRIDE Job Training Placement Incentive  
27 Program.

28           (2) The PRIDE Job Placement Incentive Program is  
29 created to encourage the use of the corporation's expertise  
30 and resources, including correctional facilities, in job  
31 training and employment assistance in the economic development



1 of the state. The program shall be administered by the  
2 Workforce Development Board of Enterprise Florida, Inc. The  
3 Workforce Development Board shall adopt guidelines for the  
4 administration of this program. Awarding of grants is  
5 dependent upon legislative appropriation.

6 (a) The Workforce Development Board may authorize a  
7 grant of \$1,000 to the corporation authorized by chapter 946,  
8 or a business working in association with such corporation,  
9 for full-time employment of a WAGES participant in those  
10 workforce development regions and two sites identified by the  
11 Workforce Development Board pursuant to subsection (3). The  
12 incentive payment shall be paid incrementally, with a payment  
13 of \$250 upon initial employment, \$250 at an employment  
14 duration of 6 months, and \$500 at an employment duration of 1  
15 year. Such grants are provided to off-set the costs of  
16 business location and training the local workforce.

17 (b) The Workforce Development Board may authorize a  
18 grant of \$2,400 to the corporation authorized by chapter 946,  
19 or a business working in association with such corporation for  
20 full-time employment of a WAGES participant and when the  
21 corporation provides on-the-job training to the WAGES  
22 participant.

23 (c) Grants may not be issued for the employment of  
24 individuals who have participated in a prison rehabilitative  
25 industry program longer than 6 months in the 2 years prior to  
26 employment.

27 (d) WAGES participants eligible for employment in the  
28 PRIDE Job Placement Incentive Program must be referred by  
29 local WAGES coalitions to the corporation authorized by  
30 chapter 946.

31

1           (3) The Workforce Development Board shall identify  
2 five workforce development regions in the state which have the  
3 least employment opportunities per WAGES participant and, if  
4 approved by the Workforce Development Board, two sites where  
5 the corporation authorized by chapter 946 has facilities or  
6 resources. The five workforce development regions and two  
7 sites, if applicable, designated by the Workforce Development  
8 Board as having the fewest employment opportunities per WAGES  
9 participant are those in which the corporation authorized by  
10 chapter 946 or businesses working in association with such  
11 corporation may be eligible for job placement incentives.

12           (4) Businesses that have accepted a job placement  
13 incentive pursuant to this section may also be eligible to  
14 apply for any tax credits, wage supplementation, wage subsidy,  
15 or employer payment for that employee which are authorized in  
16 law or by agreement with the employer.

17           (5) If approved by the Department of Corrections,  
18 WAGES participants may be employed by the corporation  
19 authorized by chapter 946 in those facilities not operated  
20 within the secured perimeters of the prison grounds that are  
21 managed by such corporation, and in other areas, as approved  
22 by the Department of Corrections. A safety plan for all WAGES  
23 participants in this program must be completed by the  
24 corporation in cooperation with the Department of Corrections.

25           (6) In carrying out the provisions of this section,  
26 the corporation shall be entitled to all the privileges and  
27 immunities as set forth in part II of chapter 946.

28           Section 19. As part of the sector strategy approach to  
29 economic development planning identified in section  
30 288.905(2)(j), Florida Statutes, Enterprise Florida, Inc.,  
31 shall examine the current and potential economic development

1 contribution of the biotechnology industry and other health  
2 technology industries to this state. In conducting this  
3 examination, Enterprise Florida, Inc., shall work in  
4 conjunction with representatives of the biotechnology industry  
5 and other health technology industries in this state. Such  
6 examination shall include, but is not limited to, an  
7 identification of impediments to the maintenance and growth of  
8 these industries in this state. One of the issues Enterprise  
9 Florida, Inc., shall consider is whether there are impediments  
10 to the transfer of technology stemming from the state's  
11 policies governing the working relationships between  
12 university scientists and private businesses. Enterprise  
13 Florida, Inc., shall also consider issues related to tax  
14 policies applicable to these industries, the capital and  
15 financing needs of these industries, and the research and  
16 development needs of these industries, as well as any other  
17 issues that Enterprise Florida, Inc., and the private-sector  
18 representatives deem significant. Enterprise Florida, Inc.,  
19 shall report to the Legislature on its findings by October 1,  
20 1998, including any recommendations for legislative or other  
21 action to improve the business climate for these industries.

22       Section 20. Notwithstanding any provision of law to  
23 the contrary, the governing body of a municipality or county  
24 containing a United States Environmental Protection Agency  
25 brownfield pilot project that was designated as of May 1,  
26 1997, may apply to the Office of Tourism, Trade, and Economic  
27 Development for designation of one enterprise zone  
28 encompassing the brownfield pilot project if the project is  
29 located in a county with a population less than one million.  
30 The application must be submitted by December 31, 1999, and  
31 must comply with the requirements of section 290.0055, Florida

1 Statutes, except section 290.0055(3), Florida Statutes.  
2 Notwithstanding the provisions of section 290.0065, Florida  
3 Statutes, limiting the total number of enterprise zones  
4 designated and the number of enterprise zones within a  
5 population category, the Office of Tourism, Trade, and  
6 Economic Development shall designate one enterprise zone under  
7 this section if the zone is consistent with the limitations  
8 imposed under this section. The Office of Tourism, Trade, and  
9 Economic Development shall establish the initial effective  
10 date of the enterprise zone designated pursuant to this  
11 section.

12 Section 21. Subsection (4) of section 370.28, Florida  
13 Statutes, is amended, and subsection (5) is added to that  
14 section to read:

15 370.28 Enterprise zone designation; communities  
16 adversely impacted by net limitations.--

17 (4) Notwithstanding the enterprise zone residency  
18 requirements set out in ss. 212.096(1)(c) and 220.03(1)(q),  
19 businesses located in enterprise zones designated pursuant to  
20 this section may receive the credit provided under s. 212.096  
21 or s. 220.181 for hiring any person within the jurisdiction of  
22 the county within which ~~nominating community of~~ such  
23 enterprise zone is located. All other provisions of ss.  
24 212.096, 220.03(1)(q), and 220.181 apply to such businesses.  
25 Notwithstanding the requirement specified in ss.  
26 212.08(5)(g)5. and (h)5. and (15)(a) and 220.182(1)(b) that no  
27 less than 20 percent of a business's employees, excluding  
28 temporary and part-time employees, must be residents of an  
29 enterprise zone for the business to qualify for the maximum  
30 exemption or credit provided in ss. 212.08(5)(g) and (h) and  
31 (15) and 220.182, a business that is located in an enterprise

1 zone designated pursuant to this section shall be qualified  
2 for those maximum exemptions or credits if no less than 20  
3 percent of such employees of the business are residents of the  
4 jurisdiction of the county within which the enterprise zone is  
5 located. All other provisions of ss. 212.08(5)(g) and (h) and  
6 (15) and 220.182 apply to such business.

7 (5) Notwithstanding the time limitations contained in  
8 chapters 212 and 220, a business eligible to receive tax  
9 credits under this section from January 1, 1997, to June 1,  
10 1998, must submit an application for the tax credits by  
11 December 1, 1998. All other requirements of the enterprise  
12 zone program apply to such a business.

13 Section 22. Section 414.25, Florida Statutes, is  
14 amended to read:

15 414.25 Exemption from leased real property  
16 requirements.--In order to facilitate implementation of this  
17 chapter with respect to establishing jobs and benefits  
18 offices, the Department of Labor and Employment Security and  
19 the Department of Children and Family Services are exempt from  
20 the requirements of s. 255.25 which relate to the procurement  
21 of leased real property. This exemption expires June 30, 2000  
22 ~~1998~~.

23 Section 23. Subsection (1) of section 479.261, Florida  
24 Statutes, is amended to read:

25 479.261 Logo sign program.--

26 (1) The department shall establish a logo sign program  
27 for the rights-of-way of the interstate highway system to  
28 provide information to motorists about available gas, food,  
29 lodging, ~~and~~ camping services, and regional or local heritage,  
30 historic, or scenic trails at interchanges, through the use of  
31 business logos, and may include additional interchanges under

1 the program. A logo sign for nearby attractions may be added  
2 to this program if allowed by federal rules. An attraction as  
3 used in this chapter is defined as an establishment, site,  
4 facility, or landmark which is open a minimum of 5 days a week  
5 for 52 weeks a year; which charges an admission for entry;  
6 which has as its principal focus family-oriented  
7 entertainment, cultural, educational, recreational,  
8 scientific, or historical activities; and which is publicly  
9 recognized as a bona fide tourist attraction. However, the  
10 permits for businesses seeking to participate in the  
11 attractions logo sign program shall be awarded by the  
12 department annually to the highest bidders, notwithstanding  
13 the limitation on fees in subsection (5), which are qualified  
14 for available space at each qualified location, but the fees  
15 therefor may not be less than the fees established for logo  
16 participants in other logo categories.

17 Section 24. Enterprise Florida, Inc., shall prepare a  
18 strategic plan designed to allow Florida to capitalize on the  
19 economic opportunities associated with the Caribbean nations  
20 and South Africa. The plan should recognize the historical and  
21 cultural ties between this state and such areas and should  
22 focus on building a long-term economic relationship between  
23 these communities. The plan should also recognize existing  
24 economic infrastructure in Florida that could be applied  
25 toward trade and other business activities with the Caribbean  
26 and South Africa. In developing this plan, Enterprise Florida,  
27 Inc., shall solicit the participation and input of individuals  
28 who have expertise on these areas and their economies,  
29 including, but not limited to, business leaders in Florida who  
30 have had previous business experience in these areas. The plan  
31 may include recommendations for legislative action necessary

1 to implement the strategic plan. The plan must be submitted to  
2 the Governor and Legislature before January 1, 1999.

3       Section 25. Enterprise Florida, Inc., shall develop a  
4 master plan for integrating public-sector and private-sector  
5 international-trade and reverse-investment resources, in order  
6 that businesses may obtain comprehensive assistance and  
7 information in the most productive and efficient manner. The  
8 scope of this plan shall include, but need not be limited to,  
9 resources related to the provision of trade information, such  
10 as trade leads and reverse investment opportunities; trade  
11 counseling; and trade financing services. In developing the  
12 master plan, Enterprise Florida, Inc., shall solicit the  
13 participation and input of organizations providing these  
14 resources, the consumers of these resources, and others who  
15 have expertise and experience in international trade and  
16 reverse investment. The master plan may include  
17 recommendations for legislative action designed to enhance the  
18 delivery of international-trade and reverse-investment  
19 assistance. The master plan, which Enterprise Florida, Inc.,  
20 may include within the annual update or modification to the  
21 strategic plan required under section 288.905, Florida  
22 Statutes, must be submitted to the Legislature and the  
23 Governor before January 1, 1999.

24       Section 26. Enterprise Florida, Inc., in conjunction  
25 with the Office of Tourism, Trade, and Economic Development,  
26 shall prepare a plan for promoting direct investment in  
27 Florida by foreign businesses. This plan must assess and  
28 inventory Florida's strengths as a location for foreign direct  
29 investment and must include a detailed strategy for  
30 capitalizing upon those strengths. In developing the plan,  
31 Enterprise Florida, Inc., shall focus on businesses with

1 site-election criteria that are consistent with Florida's  
2 business climate, businesses likely to facilitate the  
3 transshipment of goods through Florida or to export  
4 Florida-produced goods from the state, and businesses that  
5 complement or correspond to those industries identified as  
6 part of the sector-strategy approach to economic development  
7 required under section 288.905, Florida Statutes. The plan  
8 must also identify weaknesses in Florida's ability to attract  
9 foreign direct investment and must include a detailed strategy  
10 for addressing those weaknesses. The plan may include  
11 recommendations for legislative action designed to enhance  
12 Florida's ability to attract foreign direct investment. In  
13 developing the plan, Enterprise Florida, Inc., shall solicit  
14 the participation and input of entities that have expertise  
15 and experience in foreign direct investment. The plan, which  
16 Enterprise Florida, Inc., may include within the annual update  
17 or modification to the strategic plan required under section  
18 288.905, Florida Statutes, must be submitted to the  
19 Legislature and the Governor before January 1, 1999.

20           Section 27. In anticipation of the day that the people  
21 of Cuba are no longer denied the inalienable rights and  
22 freedom that all men and women should be guaranteed,  
23 Enterprise Florida, Inc., shall prepare a strategic plan  
24 designed to allow Florida to capitalize on the economic  
25 opportunities associated with a free Cuba. The plan should  
26 recognize the historical and cultural ties between this state  
27 and Cuba and should focus on building a long-term economic  
28 relationship between these communities. The plan should also  
29 recognize existing economic infrastructure in Florida that  
30 could be applied toward trade and other business activities  
31 with Cuba. The plan should identify specific preparatory steps



1 to be taken in advance of a lifting of the trade embargo with  
2 Cuba. In developing this plan, Enterprise Florida, Inc., shall  
3 solicit the participation and input of individuals who have  
4 expertise on Cuba and its economy, including, but not limited  
5 to, business leaders in Florida who have had previous business  
6 experience in Cuba. The plan may include recommendations for  
7 legislative action necessary to implement the strategic plan.  
8 The plan must be submitted to the Governor and Legislature  
9 before January 1, 1999.

10 Section 28. Subsection (9) is added to section  
11 14.2015, Florida Statutes, to read:

12 14.2015 Office of Tourism, Trade, and Economic  
13 Development; creation; powers and duties.--

14 (9) The Office of Tourism, Trade, and Economic  
15 Development shall ensure the prompt disbursement of funds when  
16 responsible for the disbursement of funds. When such funds  
17 have not been disbursed on or before legislatively or  
18 contractually prescribed disbursement dates, or within 30 days  
19 of the beginning of the state fiscal year, whichever is  
20 applicable, the Office of Tourism, Trade, and Economic  
21 Development shall notify the President of the Senate and the  
22 Speaker of the House of Representatives of the fact that such  
23 funds have not been disbursed, along with a brief description  
24 of the reasons for the delay in disbursement. At the end of  
25 each succeeding 30 day period that such funds remain  
26 undisbursed, the Office of Tourism, Trade, and Economic  
27 Development shall provide a supplemental report to the  
28 President of the Senate and the Speaker of the House of  
29 Representatives with a brief description of the reasons for  
30 the continued delay in disbursement.

31

1           Section 29. Section 15.18, Florida Statutes, is  
2 amended to read:

3           15.18 International and cultural relations.--The  
4 Divisions of Cultural Affairs, Historical Resources, and  
5 Library and Information Services of the Department of State  
6 promote programs having substantial cultural, artistic, and  
7 indirect economic significance that emphasize American  
8 creativity. The Secretary of State, as the head administrator  
9 of these divisions, shall hereafter be known as "Florida's  
10 Chief Cultural Officer." As this officer, the Secretary of  
11 State is encouraged to initiate and develop relationships  
12 between the state and foreign cultural officers, their  
13 representatives, and other foreign governmental officials in  
14 order to promote Florida as the center of American creativity.  
15 The Secretary of State shall coordinate international  
16 activities pursuant to this section with Enterprise Florida,  
17 Inc., and any other organization the secretary deems  
18 appropriate ~~the Florida International Affairs Commission~~. For  
19 the accomplishment of this purpose, the Secretary of State  
20 shall have the power and authority to:

21           (1) Disseminate any information pertaining to the  
22 State of Florida which promotes the state's cultural assets.

23           (2) Plan and carry out activities designed to cause  
24 improved cultural and governmental programs and exchanges with  
25 foreign countries.

26           (3) Plan and implement cultural and social activities  
27 for visiting foreign heads of state, diplomats, dignitaries,  
28 and exchange groups.

29           (4) Encourage and cooperate with other public and  
30 private organizations or groups in their efforts to promote  
31 the cultural advantages of Florida.

1           (5) Establish and maintain the list prescribed in s.  
2 55.605(2)(g), relating to recognition of foreign money  
3 judgments.

4           ~~(6)~~~~(5)~~ Serve as the liaison with all foreign consular  
5 and ambassadorial corps, as well as international  
6 organizations, that are consistent with the purposes of this  
7 section.

8           ~~(7)~~~~(6)~~ Provide, arrange, and make expenditures for the  
9 achievement of any or all of the purposes specified in this  
10 section.

11           ~~(8)~~~~(7)~~ Notwithstanding the provisions of part I of  
12 chapter 287, promulgate rules for entering into contracts  
13 which are primarily for promotional services and events, which  
14 may include commodities involving a service. Such rules shall  
15 include the authority to negotiate costs with the offerors of  
16 such services and commodities who have been determined to be  
17 qualified on the basis of technical merit, creative ability,  
18 and professional competency. The rules shall only apply to the  
19 expenditure of funds donated for promotional services and  
20 events. Expenditures of appropriated funds shall be made only  
21 in accordance with part I of chapter 287.

22           Section 30. Subsections (1) and (6) of section 55.604,  
23 Florida Statutes, are amended to read:

24           55.604 Recognition and enforcement.--Except as  
25 provided in s. 55.605, a foreign judgment meeting the  
26 requirements of s. 55.603 is conclusive between the parties to  
27 the extent that it grants or denies recovery of a sum of  
28 money. Procedures for recognition and enforceability of a  
29 foreign judgment shall be as follows:

30           (1) The foreign judgment shall be filed with the  
31 Department of State and the clerk of the court and recorded in

1 the public records in the county or counties where enforcement  
2 is sought. The filing with the Department of State shall not  
3 create a lien on any property.

4 (a) At the time of the recording of a foreign  
5 judgment, the judgment creditor shall make and record with the  
6 clerk of the circuit court an affidavit setting forth the  
7 name, social security number, if known, and last known  
8 post-office address of the judgment debtor and of the judgment  
9 creditor.

10 (b) Promptly upon the recording of the foreign  
11 judgment and the affidavit, the clerk shall mail notice of the  
12 recording of the foreign judgment, by registered mail with  
13 return receipt requested, to the judgment debtor at the  
14 address given in the affidavit and shall make a note of the  
15 mailing in the docket. The notice shall include the name and  
16 address of the judgment creditor and of the judgment  
17 creditor's attorney, if any, in this state. In addition, the  
18 judgment creditor may mail a notice of the recording of the  
19 judgment to the judgment debtor and may record proof of  
20 mailing with the clerk. The failure of the clerk to mail  
21 notice of recording will not affect the enforcement  
22 proceedings if proof of mailing by the judgment creditor has  
23 been recorded.

24 (6) Once an order recognizing the foreign judgment has  
25 been entered by a court of this state, the order and a copy of  
26 the judgment shall be filed with the Department of State and  
27 may be recorded in any other county of this state without  
28 further notice or proceedings, and shall be enforceable in the  
29 same manner as the judgment of a court of this state.

30 Section 31. Paragraph (g) of subsection (2) of section  
31 55.605, Florida Statutes, is amended to read:

1           55.605 Grounds for nonrecognition.--

2           (2) A foreign judgment need not be recognized if:

3           (g) The foreign jurisdiction where judgment was  
4 rendered would not give recognition to a similar judgment  
5 rendered in this state. For purposes of this paragraph, the  
6 Secretary of State shall establish and maintain a list of  
7 foreign jurisdictions where the condition specified in this  
8 paragraph has been found to apply.

9           Section 32. Section 5. Section 257.34, Florida  
10 Statutes, is created to read:

11           257.34 Florida State International Archive and  
12 Repository.--

13           (1) There is created within the Division of Library  
14 and Information Services of the Department of State the  
15 Florida International Archive and Repository for the  
16 preservation of those public records, as defined in s.  
17 119.011(1), manuscripts, international judgements involving  
18 disputes between domestic and foreign businesses, and all  
19 other public matters the department or the Florida Council of  
20 International Development deems relevant to international  
21 issues. It is the duty and responsibility of the division to:

22           (a) Organize and administer the Florida State  
23 International Archive and Repository;

24           (b) Preserve and administer such records as shall be  
25 transferred to its custody; accept, arrange, and preserve  
26 them, according to approved archival and repository practices;  
27 and permit them, at reasonable times and under the supervision  
28 of the division, to be inspected, examined, and copied. All  
29 public records transferred to the custody of the division  
30 shall be subject to the provisions of s. 119.07(1).

31

1           (c) Assist the records and information management  
2 program in the determination of retention values for records;

3           (d) Cooperate with and assist insofar as practicable  
4 state institutions, departments, agencies, counties,  
5 municipalities, and individuals engaged in international  
6 related activities;

7           (e) Provide a public research room where, under rules  
8 established by the division, the materials in the  
9 international archive and repository may be studied;

10           (f) Conduct, promote, and encourage research in  
11 international trade, government, and culture and maintain a  
12 program of information, assistance, coordination, and guidance  
13 for public officials, educational institutions, libraries, the  
14 scholarly community, and the general public engaged in such  
15 research;

16           (g) Cooperate with and, insofar as practicable, assist  
17 agencies, libraries, institutions, and individuals in projects  
18 designed to promote international related issues and preserve  
19 original materials relating to international related issues;  
20 and

21           (h) Assist and cooperate with the records and  
22 information management program in the training and information  
23 program described in s. 257.36(1)(g).

24           (2) Any agency is authorized and empowered to turn  
25 over to the division any record no longer in current official  
26 use. The division, in its discretion, is authorized to accept  
27 such record and, having done so, shall provide for its  
28 administration and preservation as herein provided and, upon  
29 acceptance, shall be considered the legal custodian of such  
30 record. The division is empowered to direct and effect the  
31 transfer to the archives of any records that are determined by

1 the division to have such historical or other value to warrant  
2 their continued preservation or protection, unless the head of  
3 the agency which has custody of the records certifies in  
4 writing to the division that the records shall be retained in  
5 the agency's custody for use in the conduct of the regular  
6 current business of the agency.

7 (3) Title to any record transferred to the Florida  
8 State International Archive and Repository, as authorized in  
9 this chapter, shall be vested in the division.

10 (4) The division shall make certified copies under  
11 seal of any record transferred to it upon the application of  
12 any person, and said certificates shall have the same force  
13 and effect as if made by the agency from which the record was  
14 received. The division may charge a fee for this service based  
15 upon the cost of service.

16 (5) The division may establish and maintain a schedule  
17 of fees for services which shall include, but not be limited  
18 to, restoration of materials, storage of materials, special  
19 research services, and publications.

20 (6) The division shall establish and maintain a  
21 mechanism by which the information contained within the  
22 Florida State International Archive and Repository may be  
23 accessed by computer via the World Wide Web. In doing so, the  
24 division shall take whatever measures it deems appropriate to  
25 insure the validity, quality and safety of the information  
26 being accessed.

27 (7) The division shall promulgate such rules as are  
28 necessary to implement the provisions of this section.

29 (8) The Florida Council of International Development  
30 may select materials for inclusion in the Florida State  
31 International Archive and Repository and shall be consulted

1 closely by the division in all matters relating to its  
2 establishment and maintenance.

3 Section 33. Present subsections (3), (4), and (5) of  
4 section 288.012, Florida Statutes, are redesignated as  
5 subsections (4), (5), and (6), respectively, and a new  
6 subsection (3) is added to that section to read:

7 288.012 State of Florida foreign offices.--The  
8 Legislature finds that the expansion of international trade  
9 and tourism is vital to the overall health and growth of the  
10 economy of this state. This expansion is hampered by the lack  
11 of technical and business assistance, financial assistance,  
12 and information services for businesses in this state. The  
13 Legislature finds that these businesses could be assisted by  
14 providing these services at State of Florida foreign offices.  
15 The Legislature further finds that the accessibility and  
16 provision of services at these offices can be enhanced through  
17 cooperative agreements or strategic alliances between state  
18 entities, local entities, foreign entities, and private  
19 businesses.

20 (3) By October 1 of each year, each foreign office  
21 shall submit to the Office of Tourism, Trade, and Economic  
22 Development a complete and detailed report on its activities  
23 and accomplishments during the preceding fiscal year. In a  
24 format provided by Enterprise Florida, Inc., the report must  
25 set forth information on:

26 (a) The number of Florida companies assisted.

27 (b) The number of inquiries received about investment  
28 opportunities in this state.

29 (c) The number of trade leads generated.

30 (d) The number of investment projects announced.

31



1           (e) The estimated U.S. dollar value of sales  
2 confirmations.

3           (f) The number of representation agreements.

4           (g) The number of company consultations.

5           (h) Barriers or other issues affecting the effective  
6 operation of the office.

7           (i) Changes in office operations which are planned for  
8 the current fiscal year.

9           (j) Marketing activities conducted.

10           (k) Strategic alliances formed with organizations in  
11 the country in which the office is located.

12           (l) Activities conducted with other Florida foreign  
13 offices.

14           (m) Any other information that the office believes  
15 would contribute to an understanding of its activities.

16           Section 34. Subsection (9) of section 288.8175,  
17 Florida Statutes, is amended to read:

18           288.8175 Linkage institutes between postsecondary  
19 institutions in this state and foreign countries.--

20           (9) The Department of Education shall review and make  
21 linkage-institute budget requests to the Governor and the  
22 Legislature. State appropriations for institutes created under  
23 this section must be made by a single lump-sum line item to  
24 the department, which must apportion the funds among the  
25 various institutes in accordance with criteria established by  
26 the department. The linkage institutes shall be eligible to  
27 apply on a competitive basis to the Office of Tourism, Trade,  
28 and Economic Development for the Targeted Market Pilot Project  
29 Grants Program as defined in s. 14.2015, designed to improve  
30 short and long term international business opportunities for  
31 Florida businesses.

1           Section 35. Section 288.9530, Florida Statutes, is  
2 created to read:

3           288.9530 The Florida Business Expansion Corporation.--

4           (1) The Florida Business Expansion Corporation is  
5 hereby created as a corporation not-for-profit, to be  
6 incorporated under the provisions of chapter 617. The  
7 corporation is organized on a nonstock basis. The corporation  
8 shall provide business expansion assistance to businesses in  
9 this state having job growth or emerging technology potential  
10 and fewer than 500 employees. The primary purpose of the  
11 corporation shall be to assist such Florida businesses to grow  
12 through the development of cross-border transactions which  
13 lead to increased revenues, cost reductions, sales or  
14 investments for Florida businesses. For purposes of this Act,  
15 "cross-border transactions" shall be defined as the formation  
16 of joint venture, strategic alliance, investment, technology  
17 transfer or licensing, co-development, or other commercial  
18 relationships between Florida businesses and non-Florida  
19 entities. In providing its services, the corporation shall  
20 seek to recover its costs and expenditures of state funds via  
21 fee, equity participation, or any other form of revenue  
22 generation or recovery, and to achieve the self-sufficiency of  
23 its operations. It is the intent of the Legislature that the  
24 corporation achieve self-sufficiency within three years of its  
25 establishment. For the purposes of this section, the term  
26 "self-sufficiency" shall mean that the annual expenses of  
27 operation of the corporation shall be less than or equal to  
28 the total value of the compensation derived including fee,  
29 equity participation, or any other form of revenue generation  
30 or recovery from the operations of the corporation by June 30,  
31 2001.

1           (2) The corporation is intended to compliment, rather  
2 than duplicate, the services and programs of Enterprise  
3 Florida, Inc., the Florida Export Finance Corporation, and  
4 other existing economic development entities. The corporation  
5 programs are to serve small to mid-sized Florida firms in  
6 conducting transactions with entities located in other states  
7 and nations.

8           Section 36. Section 288.9531, Florida Statutes, is  
9 created to read:

10           288.9531 Powers and Duties of the Corporation.--

11           (1) In addition to all of the statutory powers of  
12 Florida not-for-profit corporations, the corporation shall  
13 have the power and duty to:

14           (a) Perform analyses of opportunities to Florida  
15 businesses from the formation of stronger and numerous  
16 commercial relationships through cross-border transactions;

17           (b) Locate Florida businesses which are strong  
18 candidates for business expansion and match such businesses  
19 with joint venture or strategic alliance partners, sources of  
20 investment capital, or purchasers or licensees of technology;

21           (c) Prepare selected Florida firms to achieve business  
22 expansion through preparation of business plans and marketing  
23 materials, arranging participation in major domestic and  
24 international events targeted towards industry participants  
25 and investors, and placement of articles in business press and  
26 trade publications;

27           (d) Counsel Florida businesses in the development and  
28 execution of cross-border transactions;

29           (e) Develop, in conjunction with target businesses,  
30 criteria for evaluation of potential cross-border transactions  
31 or strategic partners;

1           (f) Provide listings of strategic partners which meet  
2 agreed-upon criteria;

3           (g) Develop negotiating strategies and marketing  
4 materials designed to address the concerns of potential  
5 strategic partners;

6           (h) Approach and initiate discussions with potential  
7 strategic partners and investors;

8           (i) Present Florida small and medium-sized firms to  
9 potential strategic partners and investors;

10           (j) Identify and, in conjunction with associated  
11 professionals, provide guidance on critical business and legal  
12 issues associated with proposed transactions, including issues  
13 relating to transfers of assets, ownership of intellectual  
14 property, tax planning, and other relevant matters;

15           (k) Assist in the negotiation of pricing and terms of  
16 participation of the parties;

17           (l) Close cross-border transactions on behalf of  
18 Florida small and medium-sized firms, and manage outside  
19 professionals in the closing of the transaction;

20           (m) Handle issues that arise after closing to ensure  
21 continued success of the transaction; and

22           (n) Charge fees, in amounts to be determined by the  
23 board, to defray the operating costs of its programs.

24           (2) On or before December 31, 1998, the corporation  
25 shall submit to the Office of Tourism, Trade, and Economic  
26 Development a business plan providing further specifics of its  
27 operations, including, but not limited to, the following:

28           (a) Specific goals and outcomes to be achieved by the  
29 corporation in the accomplishment of its statutory duties;

30           (b) Types of specific assistance to be rendered to  
31 Florida businesses, including detailed descriptions of the

1 specific steps required to provide each type of assistance,  
2 and the projected costs of such assistance; and

3 (c) Specific provisions for the self-sufficient  
4 operation of the corporation prior to July 1, 2001, including  
5 specific projections of the compensation anticipated from  
6 generation of successful cross-border transactions.

7 (d) A description of the manner in which the  
8 corporation will interact with existing state-sponsored  
9 economic development entities.

10 (3) The business plan and the data upon which it is  
11 based shall constitute a public record and shall be  
12 distributed in a manner which will provide maximum benefit to  
13 Florida businesses.

14 Section 37. Section 288.9532, Florida Statutes, is  
15 created to read:

16 288.9532 Board of directors.--

17 (1) The corporation shall have an initial board of  
18 directors consisting of the following persons:

19 (a) The President of Enterprise Florida, Inc., or his  
20 designee;

21 (b) The Comptroller or his designee;

22 (c) The Commissioner of Insurance or his designee;

23 (d) The chair of the Florida Black Business Investment  
24 Board or his designee;

25 (e) The chair of the Florida Export Finance  
26 Corporation or his designee; and

27 (f) The chair of the Florida First Capital Finance  
28 corporation or his designee.

29 (2) Notwithstanding the provisions of subsection (1),  
30 the board of directors may by resolution appoint to the board  
31 up to ten at-large members from the private sector, each of

1 whom shall serve a 2-year term. Minority and gender  
2 representation shall be considered when making at-large  
3 appointments to the board. At-large members shall have the  
4 powers and duties of other members of the board. An at-large  
5 member is eligible for reappointment, but may not vote on his  
6 or her own reappointment.

7 (3) The board shall ensure that its composition is  
8 reflective of the diversity of Florida's business community,  
9 and to the greatest degree possible shall include, but not be  
10 limited to, individuals representing small and medium-sized  
11 businesses, minority businesses, universities and other  
12 institutions of higher education, and international and  
13 domestic economic development organizations. A majority of  
14 at-large members of the board shall have significant  
15 experience in international business, with expertise in the  
16 areas of trade, transportation, finance, law, or  
17 manufacturing.

18 (4) Members of the board of directors shall serve  
19 without compensation, but members, the president, and staff  
20 may be reimbursed for all reasonable, necessary, and actual  
21 expenses, as determined by the board of directors.

22 (5) A majority of currently serving members of the  
23 board shall constitute a quorum for purposes of all business  
24 of the board.

25 Section 38. Section 288.9533, Florida Statutes, is  
26 created to read:

27 288.9533 Powers and Duties of the Board of  
28 Directors.--The board shall:

29 (1) Prior to the expenditure of funds from the Florida  
30 Business Expansion account, adopt bylaws and internal  
31 procedures which are necessary to carry out the

1 responsibilities of the corporation. The articles and bylaws  
2 of the corporation shall be reviewed and approved by the  
3 Office of Tourism, Trade, and Economic Development prior to  
4 final adoption by the board;

5 (2) Hold regularly scheduled meetings, at least  
6 quarterly, in order to carry out the objectives and duties of  
7 the board;

8 (3) Develop a streamlined application and review  
9 process;

10 (4) Adopt rules and policies, including application  
11 and award criteria, regarding eligibility of businesses to  
12 receive assistance from the corporation. Such rules and  
13 policies shall include, but not be limited to, the  
14 requirements that the target businesses:

15 (a) Shall have substantial operations in Florida;

16 (b) Shall have products, business or technology in  
17 existence at the time of application;

18 (c) Shall have proven management;

19 (d) Shall be in a stage of business which is favorable  
20 to expansion of the business into international markets;

21 (e) Shall have products or technologies which have a  
22 substantial potential for beneficial effect on business  
23 expansion, business revenue or employment in Florida; and

24 (f) Shall have products or technologies which are  
25 potential technology or market leaders with substantial  
26 commercial potential in international markets.

27 (5) Proposed awards of assistance shall be reviewed  
28 and approved at meetings of the board. The board shall give  
29 the highest priority to activities that offer the greatest  
30 opportunity for economic development impact and cost recovery.

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1           Section 39. Chapter 288.9534, Florida Statutes, is  
2 created to read:

3           288.9534 Management of the Corporation.--

4           (1) The activities of the corporation shall be  
5 administered under a multiyear contract with a private sector  
6 entity selected by the board no later than September 1, 1998.  
7 Such company shall have responsibility for performance of all  
8 statutory duties of the corporation, under the control and  
9 supervision of the board. Potential management companies  
10 shall:

11           (a) Have existing operations in Florida, and provide  
12 Florida-resident personnel to perform services under the  
13 contract;

14           (b) Have an established record of success in the  
15 creation of cross-border transactions, and at least ten years  
16 of operational experience in such business;

17           (c) Have staff with substantial financial and  
18 international affairs experience;

19           (d) Have international offices;

20           (e) Commit to a cash match expenditure of ten percent  
21 of the amount of the state contract issued pursuant to this  
22 section, with such cash to be provided from the capital of the  
23 contractor and expended directly in the pursuit of the  
24 statutory purposes of the corporation; and

25           (f) Have substantial experience in as many of the  
26 following areas as possible:

27           1. Arrangement of cross-border transactions;

28           2. Development and implementation of market entry  
29 strategies for business expansion;

30           3. Preparation of market analyses and strategic plans;

31 and



1           4. Work with foreign and domestic financial  
2 institutions, highly regulated industries and foreign  
3 governments.

4           (2) The company selected pursuant to this subsection  
5 shall provide personnel to serve as officers of the  
6 corporation who shall perform on behalf of the corporation all  
7 of the customary functions of the offices they occupy.

8           (3) The board shall provide by contract for division  
9 with the management company of total compensation derived from  
10 the operations of the corporation. Such division shall be made  
11 quarterly, and shall involve the total compensation of the  
12 corporation which are in excess of the expenses of the  
13 corporation for that quarter.

14           (4) Prior to securing management services for the  
15 corporation, staffing of the corporation shall be provided by  
16 the Office of Tourism, Trade, and Economic Development, which  
17 shall provide to the board by August 7, 1998, a list of  
18 candidates qualified and desiring to perform the duties of the  
19 management company specified in this section. The Office of  
20 Tourism, Trade, and Economic Development shall also have  
21 responsibility for the establishment of performance measures  
22 and requirements which provide for the performance of the  
23 statutory duties of the corporation, as well as the following:

24           (a) Specific outcomes from the performance of the  
25 management company, as well as timetables for the  
26 accomplishment of such outcomes;

27           (b) Requirements relating to the handling of state  
28 funds and providing for third party audit and financial review  
29 of the operations of the corporation;

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1           (c) Reversion to the state of all assets of the  
2 corporation in the event of cessation of operations of the  
3 corporation; and

4           (d) Termination of the management company in the event  
5 of its failure to perform the duties or deliver the outcomes  
6 provided in the management contract.

7           Section 40. Section 288.9535, Florida Statutes, is  
8 created to read:

9           288.9535 Florida Business Expansion Account.--

10          (1) The board shall create the Florida Business  
11 Expansion account for the purpose of receiving state, federal,  
12 and private financial resources, and the return from  
13 employment of those resources, and for the purposes of the  
14 corporation. The account shall be under the exclusive control  
15 of the board.

16          (2) Resources in the account shall be allocated for  
17 operating expenses of the corporation and for other  
18 statutorily authorized purposes, including costs of research,  
19 provision of business assistance to targeted businesses, and  
20 other costs.

21          (3) Appropriations for the corporation shall be  
22 deposited into the account.

23          (4) The board may establish the account and any  
24 sub-accounts necessary and convenient for the operation of the  
25 corporation with state or federally chartered financial  
26 institutions in this state and may invest the assets of the  
27 account in permissible securities.

28          (5) At all times, the board shall attempt to maximize  
29 the returns on funds in the account.

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1           (6) All revenues received from the operations of the  
2 corporation shall be redeposited in the account to be used to  
3 promote the statutory purposes of the corporation.

4           (7) Under no circumstances shall the credit of the  
5 state be pledged by or on behalf of the corporation, other  
6 than funds appropriated by law to the account, nor shall the  
7 state be liable or obligated in any way for claims on the  
8 account or against the corporation.

9           (8) Pursuant to s. 216.351, the amount of any moneys  
10 appropriated to the account which are unused at the end of the  
11 fiscal year shall not be subject to reversion under s.  
12 216.301. All moneys in the account are continuously  
13 appropriated to the account and may be used for the purposes  
14 specified in this section. The Office of Tourism, Trade, and  
15 Economic Development shall ensure that all funds in the  
16 account shall revert to the state in the event that the  
17 corporation is dissolved, ceases operations, or upon the  
18 evaluation of the board that such services cannot be provided  
19 on a cost-recovery basis. Such a determination shall be made  
20 only after an initial period of program setup and market  
21 research of at least one year.

22           Section 41. Section 288.9536, Florida Statutes, is  
23 created to read:

24           288.9536 Reporting and Review.--

25           (1) By September 1, 1999, the corporation in  
26 cooperation with the Office of Program Policy Analysis and  
27 Government Accountability shall develop a research design,  
28 including goals and measurable objectives for the corporation,  
29 which will provide the Legislature with a quantitative  
30 evaluation of the corporation. The corporation shall utilize  
31 the monitoring mechanisms and reports developed in the designs

1 and provide these reports to the Governor, the President of  
2 the Senate, the Speaker of the House of Representatives, and  
3 the Office of Program Policy Analysis and Government  
4 Accountability.

5 (2) On January 31, 2000, and on January 31 of each  
6 succeeding year, the corporation shall prepare a report on the  
7 financial status of the corporation and the account and shall  
8 submit a copy of the report to the Governor, the President of  
9 the Senate, the Speaker of the House of Representatives, and  
10 the President of Enterprise Florida, Inc. The report shall  
11 specify the assets and liabilities of the account within the  
12 current fiscal year and shall include a list of the businesses  
13 assisted, the benefits obtained by each business assisted,  
14 including, but not limited to, increased revenues, cost  
15 reductions, sales or investment which have been realized by  
16 such businesses.

17 (3) Prior to the 2001 regular session of the  
18 Legislature, the Office of Program Policy Analysis and  
19 Government Accountability shall perform a review and  
20 evaluation of the corporation using the research design  
21 promulgated pursuant to this section. The report shall review  
22 and comment on the operations and accomplishments of the  
23 corporation. A report of the findings and recommendations of  
24 the Office of Program Policy Analysis and Government  
25 Accountability shall be submitted to the President of the  
26 Senate and the Speaker of the House of Representatives prior  
27 to the 2001 regular session.

28 Section 42. Part IV of chapter 721, Florida Statutes,  
29 consisting of sections 721.96, 721.97, and 721.98, is created  
30 to read:  
31

1           721.96 Purpose.--The purpose of this part is to  
2 provide for the appointment of commissioners of deeds to take  
3 acknowledgments, proofs of execution and oaths outside the  
4 United States in connection with the execution of any deed,  
5 mortgage, deed of trust, contract, power of attorney, or any  
6 other agreement, instrument or writing concerning, relating  
7 to, or to be used or recorded in connection with a timeshare  
8 estate, timeshare license, any property subject to a timeshare  
9 plan, or the operation of a timeshare plan located within this  
10 state.

11           721.97 Timeshare Commissioner of Deeds.--

12           (1) The Governor may appoint commissioners of deeds to  
13 take acknowledgments, proofs of execution or oaths in any  
14 foreign country. The term of office shall be for four years.  
15 Commissioners of deeds shall have authority to take  
16 acknowledgments, proofs of execution and oaths in connection  
17 with the execution of any deed, mortgage, deed of trust,  
18 contract, power of attorney, or any other writing to be used  
19 or recorded in connection with a timeshare estate, timeshare  
20 license, any property subject to a timeshare plan, or the  
21 operation of a timeshare plan located within this state;  
22 provided such instrument or writing is executed outside the  
23 United States. Such acknowledgments, proofs of execution and  
24 oaths must be taken or made in the manner directed by the laws  
25 of this state, including, but not limited to, s. 117.05(4),  
26 (5)(a) and (6), and certified by a commissioner of deeds. The  
27 certification shall be endorsed on or annexed to the  
28 instrument or writing aforesaid and has the same effect as if  
29 made or taken by a notary public licensed in this state.

30           (2) Any person seeking to be appointed a commission of  
31 deeds shall take and subscribe an oath, before a notary public

1 in this state or any other state, or a person authorized to  
2 take oaths in another country, to well and faithfully execute  
3 and perform the duties of such commissioner of deeds. The oath  
4 shall be filed with the Department of State prior to the  
5 person being commissioned.

6 (3) Official acts performed by any previously  
7 appointed commissioners of deeds between May 30, 1997, and the  
8 effective date of this part, are declared valid as though such  
9 official acts were performed in accordance with and under the  
10 authority of this part.

11 721.98 Powers of the division.--The division has no  
12 duty or authority to regulate, enforce, or ensure compliance  
13 with any provision of this part.

14 Section 43. Subject to an appropriation in the General  
15 Appropriations Act, the Office of Tourism, Trade, and Economic  
16 Development is authorized to contract with Enterprise Florida,  
17 Inc., for the award of Inner City Redevelopment Assistance  
18 Grants in connection with the urban initiative of Enterprise  
19 Florida, Inc. Such grants may only be used to fund economic  
20 development in areas that meet or exceed the criteria for  
21 areas eligible under the Urban High-Crime Area Job Tax Credit  
22 Program pursuant to section 212.097, Florida Statutes.

23 Section 44. Subsection (18) of section 212.097,  
24 Florida Statutes, is amended to read:

25 212.097 Urban High-Crime Area Job Tax Credit  
26 Program.--

27 (18) Applications for credit under this section may be  
28 submitted on or after January 1, 1999. Prior to January 1,  
29 2000, the Legislature may review all areas designated by local  
30 government and approved by the Office of Tourism, Trade, and  
31 Economic Development for use of the tax credit. If the

1 Legislature determines that any local government application  
2 has been submitted which fails to include the highest crime  
3 areas in the county or city, based upon the criteria  
4 established in this section, the unit of local government  
5 which has applied for the tax credit must reimburse the state  
6 in an amount equal to the credit claimed by businesses in the  
7 affected jurisdiction.

8           Section 45. This act shall take effect July 1, 1998.

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