

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 providing that certain retail businesses are
24 eligible businesses under the Urban High-Crime
25 Area Job Tax Credit Program; amending s.
26 220.03, F.S.; expanding enterprise zone
27 corporate tax credit to JTPA or WAGES Program
28 participants not residing in an enterprise
29 zone; amending s. 220.181, F.S.; requiring
30 documentation; amending s. 288.075, F.S.;
31 replacing a reference to the Department of

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

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10 F.S.; eliminating an historical reference to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

1 private funding requirements for Enterprise
2 Florida, Inc.; providing for partial release of
3 funds placed in reserve under specified
4 circumstances; amending s. 288.9618, F.S.;
5 limiting the amount of appropriations for the
6 microenterprise program that may be used for
7 administrative expenses; creating s. 288.9958,
8 F.S.; establishing the PRIDE Job Placement
9 Incentive Program; directing Enterprise
10 Florida, Inc., to examine the current and
11 potential economic development contribution of
12 the biotechnology industry and other health
13 technology industries to this state; requiring
14 Enterprise Florida, Inc., to report to the
15 Legislature on findings and recommendations;
16 providing for designation of an enterprise zone
17 that encompasses a brownfield project under
18 certain circumstances; amending s. 370.28,
19 F.S.; providing that a business located in an
20 enterprise zone in a community impacted by net
21 limitations is eligible for the maximum sales
22 tax exemption for building materials used in
23 the rehabilitation of real property in an
24 enterprise zone, for business property used in
25 an enterprise zone, and for electrical energy
26 used in an enterprise zone, and the maximum
27 enterprise zone property tax credit against the
28 corporate income tax, if a specified percentage
29 of its employees are residents of the
30 jurisdiction of the county, rather than of the
31 enterprise zone; requiring businesses eligible

1 to receive certain tax credits to apply for
2 such credits by a time certain; amending s.
3 414.25, F.S.; extending the expiration date;
4 requiring Enterprise Florida, Inc., to develop
5 a strategic plan designed to help Florida
6 capitalize on economic opportunities with the
7 Caribbean and South Africa; requiring
8 Enterprise Florida, Inc., to develop a master
9 plan for integrating international trade and
10 reverse investment resources; prescribing
11 procedures, content, and a submission deadline
12 related to such plan; requiring Enterprise
13 Florida, Inc., in conjunction with the Office
14 of Tourism, Trade, and Economic Development, to
15 prepare a plan to promote foreign direct
16 investment in Florida; prescribing procedures,
17 content, and a submission deadline related to
18 such plan; requiring Enterprise Florida, Inc.,
19 to develop a strategic plan that will allow
20 Florida to capitalize on the economic
21 opportunities associated with a post-embargo
22 Cuba; amending s. 14.2015, F.S.; relating to
23 the disbursement of certain funds by the Office
24 of Tourism, Trade, and Economic Development;
25 requiring reports; amending s. 15.18, F.S.;
26 providing for coordination of international
27 activities of the Department of State; amending
28 s. 55.604, F.S.; requiring foreign judgments to
29 be filed with the Secretary of State; amending
30 s. 55.605, F.S.; requiring the Secretary of
31 State to create and maintain a specified list

1 relative to foreign money judgments; amending
2 s. 15.18, F.S.; requiring the Secretary of
3 State to maintain lists relating to foreign
4 money judgments; creating s. 257.34, F.S.;
5 creating the Florida State International
6 Archive; Providing requirements for the
7 archive; providing for access to the archive;
8 amending s. 288.8175, F.S.; authorizing linkage
9 institutes to competitively apply for Targeted
10 Market Pilot Projects Grants; creating s.
11 288.9530, F.S.; providing for the creation of
12 the Florida Business Expansion Corporation to
13 provide business expansion assistance to
14 businesses in the state having job growth or
15 emerging technology potential; creating s.
16 288.9531, F.S.; providing for powers and duties
17 of the corporation; creating s. 288.9532, F.S.,
18 and s. 288.9533, F.S.; creating the corporation
19 board of directors and providing for their
20 powers and duties; creating s. 288.9534, F.S.;
21 providing that the corporation contracts with
22 an experienced management company to administer
23 and perform the duties of the corporation;
24 creating s. 288.9535, F.S.; creating the
25 Florida Business Expansion Account to receive
26 state, federal, and private financial resources
27 for the purpose of funding the objectives of
28 the corporation; creating s. 288.9536, F.S.;
29 providing for the reporting and review
30 requirements of the corporation; creating Part
31 IV of ch. 721; creating s. 721.96, F.S.;

1 providing a purpose for the commissioners of
2 deeds; creating s. 721.97, F.S.; authorizing
3 the appointment of commissioners of deed;
4 providing authority; ratifying certain actions
5 of commissioners of deeds; creating s. 721.98,
6 F.S.; limiting powers of the Division of
7 Florida Land Sales, Condominiums, and Mobile
8 Homes; amending s. 288.012, F.S., relating to
9 State of Florida foreign offices; directing
10 each office to report annually to the Office of
11 Tourism, Trade, and Economic Development on
12 activities and accomplishments; prescribing the
13 contents of such reports; authorizing the
14 Office of Tourism, Trade, and Economic
15 Development to contract with Enterprise
16 Florida, Inc., for the award of Inner City
17 Redevelopment Assistance Grants; amending s.
18 212.097, F.S.; relating to the Urban High-Crime
19 Job tax credit; permitting legislative review
20 of the program; providing for local government
21 reimbursement to the state under certain
22 circumstances; providing an effective date.

23

24 Be It Enacted by the Legislature of the State of Florida:

25

26 Section 1. Subsection (6) of section 14.2015, Florida
27 Statutes, is amended to read:28 14.2015 Office of Tourism, Trade, and Economic
29 Development; creation; powers and duties.--30 (6)(a) In order to improve the state's regulatory
31 environment, the Office of Tourism, Trade, and Economic

1 Development shall consider the impact of agency rules on
2 businesses, provide one-stop permit information and
3 assistance, and serve as an advocate for businesses,
4 particularly small businesses, in their dealings with state
5 agencies.

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

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

11 1. Review proposed agency actions for impacts on small
12 businesses and offer alternatives to mitigate such impacts, as
13 provided in s. 120.54.

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

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

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

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

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

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

6 (II) Assistance in the completion of such
7 applications.

8 (III) Centralized collection of any permit fees and
9 distribution of such fees to agencies.

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

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

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

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

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

10 7. Determine, upon request, the status of a particular
11 permit application.

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

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

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

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

1 that was not identified, if the applicant submits an
2 application for each such permit within 60 days after written
3 notification from the agency responsible for issuing the
4 permit.

5 Section 2. Paragraph (h) of subsection (5) of section
6 212.08, Florida Statutes, is amended to read:

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

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

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

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

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

28 a. The name and address of the business claiming the
29 refund.

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1 b. The identifying number assigned pursuant to s.
2 290.0065 to the enterprise zone in which the business is
3 located.

4 c. A specific description of the property for which a
5 refund is sought, including its serial number or other
6 permanent identification number.

7 d. The location of the property.

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

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

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

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

1 transmitted to the executive director of the Department of
2 Revenue. The business shall be responsible for forwarding a
3 certified application to the department within the time
4 specified in subparagraph 4.

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

8 5. The provisions of s. 212.095 do not apply to any
9 refund application made pursuant to this paragraph. The amount
10 refunded on purchases of business property under this
11 paragraph shall be the lesser of 97 percent of the sales tax
12 paid on such business property or \$5,000, or, if no less than
13 20 percent of the employees of the business are residents of
14 an enterprise zone, excluding temporary and part-time
15 employees, the amount refunded on purchases of business
16 property under this paragraph shall be the lesser of 97
17 percent of the sales tax paid on such business property or
18 \$10,000. A refund approved pursuant to this paragraph shall be
19 made within 30 days of formal approval by the department of
20 the application for the refund. No refund shall be granted
21 under this paragraph unless the amount to be refunded exceeds
22 \$100 in sales tax paid on purchases made within a 60-day time
23 period.

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

28 7. If the department determines that the business
29 property is used outside an enterprise zone within 3 years
30 from the date of purchase, the amount of taxes refunded to the
31 business purchasing such business property shall immediately

1 be due and payable to the department by the business, together
2 with the appropriate interest and penalty, computed from the
3 date of purchase, in the manner provided by this chapter.

4 Notwithstanding this subparagraph, business property used
5 exclusively in:

- 6 a. Licensed commercial fishing vessels,
- 7 b. Fishing guide boats, or
- 8 c. Ecotourism guide boats

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

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

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

- 28 a. Property classified as 3-year property under s.
29 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

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1 b. Industrial machinery and equipment as defined in
2 sub-subparagraph (b)6.a. and eligible for exemption under
3 paragraph (b); and

4 c. Building materials as defined in sub-subparagraph
5 (g)8.a.

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

8 Section 3. Subsection (1) and paragraph (a) of
9 subsection (3) of section 212.096, Florida Statutes, are
10 amended to read:

11 212.096 Sales, rental, storage, use tax; enterprise
12 zone jobs credit against sales tax.--

13 (1) For the purposes of the credit provided in this
14 section:

15 (a) "Eligible business" means any sole proprietorship,
16 firm, partnership, corporation, bank, savings association,
17 estate, trust, business trust, receiver, syndicate, or other
18 group or combination, or successor business, located in an
19 enterprise zone. An eligible business does not include any
20 business which has claimed the credit permitted under s.
21 220.181 for any new business employee first beginning
22 employment with the business after July 1, 1995.

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

28 (c) "New employee" means a person residing in an
29 enterprise zone, a qualified Job Training Partnership Act
30 classroom training participant, or a WAGES Program participant
31 who begins employment with an eligible business after July 1,

1 1995, and who has not been previously employed within the
2 preceding 12 months by the eligible business, or a successor
3 eligible business, claiming the credit allowed by this
4 section.

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

14 (3) In order to claim this credit, an eligible
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, including
21 the identifying number assigned pursuant to s. 290.0065 to the
22 enterprise zone in which the employee resides if the new
23 employee is a person residing in an enterprise zone, and, if
24 applicable, documentation that the employee is a qualified Job
25 Training Partnership Act classroom training participant or a
26 WAGES Program participant.

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

29 212.097 Urban High-Crime Area Job Tax Credit
30 Program.--

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

1 (a) "Eligible business" means any sole proprietorship,
2 firm, partnership, or corporation that is located in a
3 qualified county and is predominantly engaged in, or is
4 headquarters for a business predominantly engaged in,
5 activities usually provided for consideration by firms
6 classified within the following standard industrial
7 classifications: SIC 01 through SIC 09 (agriculture,
8 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);
9 SIC 52 through SIC 57 and SIC 59 (retail);SIC 422 (public
10 warehousing and storage); SIC 70 (hotels and other lodging
11 places); SIC 7391 (research and development); SIC 7992 (public
12 golf courses); and SIC 7996 (amusement parks). A call center
13 or similar customer service operation that services a
14 multistate market or international market is also an eligible
15 business.Excluded from eligible receipts are receipts from
16 retail sales, except such receipts for SIC 52 through SIC 57
17 and SIC 59 (retail),hotels and other lodging places
18 classified in SIC 70, public golf courses in SIC 7992, and
19 amusement parks in SIC 7996. For purposes of this paragraph,
20 the term "predominantly" means that more than 50 percent of
21 the business's gross receipts from all sources is generated by
22 those activities usually provided for consideration by firms
23 in the specified standard industrial classification. The
24 determination of whether the business is located in a
25 qualified high-crime area and the tier ranking of that area
26 must be based on the date of application for the credit under
27 this section. Commonly owned and controlled entities are to be
28 considered a single business entity.

29 (b) "Qualified employee" means any employee of an
30 eligible business who performs duties in connection with the
31 operations of the business on a regular, full-time basis for

1 an average of at least 36 hours per week for at least 3 months
2 within the qualified high-crime area in which the eligible
3 business is located. An owner or partner of the eligible
4 business is not a qualified employee. The term also includes
5 an employee leased from an employee leasing company licensed
6 under chapter 468, if such employee has been continuously
7 leased to the employer for an average of at least 36 hours per
8 week for more than 6 months.

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

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

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

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

27 2. Highest reported crime volume and rate of specific
28 property crimes such as business and residential burglary,
29 motor vehicle theft, and vandalism;

30 3. Highest percentage of reported index crimes that
31 are violent in nature;

1 4. Highest overall index crime volume for the area;
2 and

3 5. Highest overall index crime rate for the geographic
4 area.

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

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

12 212.098 Rural Job Tax Credit Program.--

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

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

1 that more than 50 percent of the business's gross receipts
2 from all sources is generated by those activities usually
3 provided for consideration by firms in the specified standard
4 industrial classification. The determination of whether the
5 business is located in a qualified county and the tier ranking
6 of that county must be based on the date of application for
7 the credit under this section. Commonly owned and controlled
8 entities are to be considered a single business entity.

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

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

23 1. Highest unemployment rate for the most recent
24 36-month period.

25 2. Lowest per capita income for the most recent
26 36-month period.

27 3. Highest percentage of residents whose incomes are
28 below the poverty level, based upon the most recent data
29 available.

30 4. Average weekly manufacturing wage, based upon the
31 most recent data available.

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

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

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

17 Section 6. Paragraph (q) of subsection (1) of section
18 220.03, Florida Statutes, is amended to read:

19 220.03 Definitions.--

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

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

1 claiming the credit pursuant to s. 220.181. A person shall be
2 deemed to be employed by such a business if the person
3 performs duties in connection with the operations of the
4 business on a full-time basis, provided she or he is
5 performing such duties for an average of at least 36 hours per
6 week each month, or a part-time basis, provided she or he is
7 performing such duties for an average of at least 20 hours per
8 week each month throughout the year. The person must be
9 performing such duties at a business site located in an
10 enterprise zone. The provisions of this paragraph shall expire
11 and be void on June 30, 2005.

12 Section 7. Paragraph (a) of subsection (2) of section
13 220.181, Florida Statutes, is amended to read:

14 220.181 Enterprise zone jobs credit.--

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

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

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

30 288.075 Confidentiality of records.--

31

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

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

1 court of competent jurisdiction and, in the opinion of the
2 court, proves need for access to such documents. This
3 exemption expires October 2, 2001, and is subject to review by
4 the Legislature under the Open Government Sunset Review Act of
5 1995 in accordance with s. 119.15.

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

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

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

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

23 288.095 Economic Development Trust Fund.--

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

31

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

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

1 Development shall also include a separate analysis of the
2 impact of such tax refunds on state enterprise zones
3 designated pursuant to s. 290.0065. By December 1 of each
4 year, the board of directors of Enterprise Florida, Inc.,
5 shall review and comment on the report, and the board shall
6 submit the report, together with the comments of the board, to
7 the Governor, the President of the Senate, and the Speaker of
8 the House of Representatives. The report must discuss whether
9 the authority and moneys appropriated by the Legislature to
10 the Economic Development Incentives Account were managed and
11 expended in a prudent, fiducially sound manner.

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

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

21 Section 10. Section 288.1045, Florida Statutes, is
22 amended to read:

23 288.1045 Qualified defense contractor tax refund
24 program.--

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

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

1 (b) "Average wage in the area" means the average of
2 all wages and salaries in the state, the county, or in the
3 standard metropolitan area in which the business unit is
4 located.

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

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

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

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

28 (g) "Jobs" means full-time equivalent positions,
29 consistent with the use of such terms by the Department of
30 Labor and Employment Security for the purpose of unemployment
31 compensation tax, resulting directly from a project in this

1 state. This number does not include temporary construction
2 jobs involved with the construction of facilities for the
3 project.

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

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

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

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

18 (l) "Taxable year" means the same as in s.
19 220.03(1)(z).

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

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

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

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

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

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

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

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

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

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

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

27 (d) Contingent upon an annual appropriation by the
28 Legislature, the director ~~secretary~~ may approve not more ~~than~~
29 ~~the lesser of \$25 million~~ in tax refunds than ~~or~~ the amount
30 appropriated to the Economic Development Trust Fund for tax
31

1 refunds, for a fiscal year pursuant to subsection (5) and s.
2 288.095.

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

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

18 1. Taxes on sales, use, and other transactions paid
19 pursuant to chapter 212.

20 2. Corporate income taxes paid pursuant to chapter
21 220.

22 3. Intangible personal property taxes paid pursuant to
23 chapter 199.

24 4. Emergency excise taxes paid pursuant to chapter
25 221.

26 5. Excise taxes paid on documents pursuant to chapter
27 201.

28 6. Ad valorem taxes paid, as defined in s.
29 220.03(1)(a) on June 1, 1996.

30
31

1 However, a qualified applicant may not receive a tax refund
2 pursuant to this section for any amount of credit, refund, or
3 exemption granted such contractor for any of such taxes. If a
4 refund for such taxes is provided by the office ~~Department of~~
5 ~~Commerce,~~ which taxes are subsequently adjusted by the
6 application of any credit, refund, or exemption granted to the
7 qualified applicant other than that provided in this section,
8 the qualified applicant shall reimburse the Economic
9 Development Trust Fund for the amount of such credit, refund,
10 or exemption. A qualified applicant must notify and tender
11 payment to the office ~~Department of Commerce~~ within 20 days
12 after receiving a credit, refund, or exemption, other than
13 that provided in this section.

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

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

30 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
31 DETERMINATION.--

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

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

20 1. The applicant's federal employer identification
21 number, the applicant's Florida sales tax registration number,
22 and a notarized signature of an officer of the applicant.

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

27 3. The Department of Defense contract numbers of the
28 contract to be consolidated, the new Department of Defense
29 contract number, or the "RFP" number of a proposed Department
30 of Defense contract.

31

1 4. The date the contract was executed or is expected
2 to be executed, and the date the contract is due to expire or
3 is expected to expire.

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

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

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

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

15 9. The amount of:

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

18 b. Corporate income taxes paid pursuant to chapter
19 220;

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

22 d. Emergency excise taxes paid pursuant to chapter
23 221;

24 e. Excise taxes paid on documents pursuant to chapter
25 201; and

26 f. Ad valorem taxes paid

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

1 10. The estimated amount of tax refunds to be claimed
2 in each fiscal year.

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

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

20 13. Any additional information requested by the office
21 division.

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

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

30 2. The permanent location of the manufacturing,
31 assembling, fabricating, research, development, or design

1 facility in this state at which the project is or is to be
2 located.

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

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

9 5. The commencement date for the nondefense production
10 operations in this state.

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

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

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

21 9. The amount of:

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

24 b. Corporate income taxes paid pursuant to chapter
25 220;

26 c. Intangible personal property taxes paid pursuant to
27 chapter 199;

28 d. Emergency excise taxes paid pursuant to chapter
29 221;

30 e. Excise taxes paid on documents pursuant to chapter
31 201; and

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

7 10. The estimated amount of tax refunds to be claimed
8 in each fiscal year.

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

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

26 13. Any additional information requested by the office
27 ~~division~~.

28 (d) Applications for certification based on a contract
29 for reuse of a defense-related facility must be submitted to
30 the office ~~division~~ as prescribed by the office ~~Department of~~
31

1 ~~Commerce~~ and must include, but are not limited to, the
2 following information:

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

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

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

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

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

21 6. The commencement date for project operations under
22 the contract in this state.

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

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

28 9. The amount of:

29 a. Taxes on sales, use, and other transactions paid
30 pursuant to chapter 212.

31

1 b. Corporate income taxes paid pursuant to chapter
2 220.

3 c. Intangible personal property taxes paid pursuant to
4 chapter 199.

5 d. Emergency excise taxes paid pursuant to chapter
6 221.

7 e. Excise taxes paid on documents pursuant to chapter
8 201.

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

13 10. The estimated amount of tax refunds to be claimed
14 in each fiscal year.

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

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

1 13. Any additional information requested by the office
2 ~~division~~.

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

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

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

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

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

24 5. A business unit of the applicant must have derived
25 not less than 70 percent of its gross receipts in this state
26 from Department of Defense contracts over the applicant's last
27 fiscal year, and must have derived not less than 80 percent of
28 its gross receipts in this state from Department of Defense
29 contracts over the 5 years preceding the date an application
30 is submitted pursuant to this section. This subparagraph does
31

1 not apply to any application for certification based on a
2 contract for reuse of a defense-related facility.

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

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

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

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

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

23 4. The local commitment and support for the project
24 and applicant.

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

28 6. The dependence of the local community on the
29 defense industry.

30 7. The impact of any tax refunds granted pursuant to
31 this section on the viability of the project and the

1 probability that the project will occur in this state if such
2 tax refunds are granted to the applicant, taking into account
3 the expected long-term commitment of the applicant to economic
4 growth and employment in this state.

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

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

22 (h) Within 30 days after receipt of the office's
23 ~~division's~~ findings and evaluation, the director ~~secretary~~
24 shall enter a final order that either approves or disapproves
25 an application. The decision must be in writing and provide
26 the justifications for either approval or disapproval. If
27 appropriate, the director ~~secretary~~ shall enter into a written
28 agreement with the qualified applicant pursuant to subsection
29 (4).

30 (i) The director ~~secretary~~ may not enter any final
31 order that certifies any applicant as a qualified applicant

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

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

13 (4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND
14 AGREEMENT.--

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

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

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

29 3. An agreement with the office department allowing
30 the office department to review and verify the financial and
31 personnel records of the qualified applicant to ascertain

1 whether the qualified applicant is complying with the
2 requirements of this section.

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

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

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

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

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

22
23 "This agreement is neither a general obligation
24 of the State of Florida, nor is it backed by
25 the full faith and credit of the State of
26 Florida. Payment of tax refunds are conditioned
27 on and subject to specific annual
28 appropriations by the Florida Legislature of
29 funds sufficient to pay amounts authorized in
30 s. 288.1045 ~~s. 288.104~~, Florida Statutes."
31

1 (5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE
2 CONTRACTOR.--

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

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

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

1 abatement, and the limitations in subsection (2) and paragraph
2 (3)(h) shall be reduced by the amount of any such tax
3 abatement. A report listing all sources of the local financial
4 support shall be provided to the office ~~division~~ when such
5 support is paid to the Economic Development Trust Fund.

6 (d) The director ~~secretary~~, with assistance from the
7 office ~~division~~, the Department of Revenue, and the Department
8 of Labor and Employment Security, shall determine the amount
9 of the tax refund that is authorized for the qualified
10 applicant for the fiscal year in a written final order within
11 30 days after the date the claim for the annual tax refund is
12 received by the office ~~Department of Commerce~~.

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

30 (f) Upon approval of the tax refund pursuant to
31 paragraphs (c) and (d), the Comptroller shall issue a warrant

1 for the amount included in the final order. In the event of
2 any appeal of the final order, the Comptroller may not issue a
3 warrant for a refund to the qualified applicant until the
4 conclusion of all appeals of the final order.

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

10 (6) ADMINISTRATION.--

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

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

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

28 (d) By December 1 of each year, the office ~~department~~
29 shall submit a complete and detailed report to the Governor,
30 the President of the Senate, and the Speaker of the House of
31 Representatives of all tax refunds paid under this section,

1 including analyses of benefits and costs, types of projects
2 supported, employment and investment created, geographic
3 distribution of tax refunds granted, and minority business
4 participation. The report must indicate whether the moneys
5 appropriated by the Legislature to the qualified applicant tax
6 refund program were expended in a prudent, fiducially sound
7 manner.

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

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

12 288.106 Tax refund program for qualified target
13 industry businesses.--

14 (4) APPLICATION AND APPROVAL PROCESS.--

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

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

1 specific justification for the waiver recommendation must be
2 explained. If the director elects to waive the wage
3 requirement, the waiver must be stated in writing and the
4 reasons for granting the waiver must be explained.

5 2. The target industry business's project must result
6 in the creation of at least 10 jobs at such project and, if an
7 expansion of an existing business, must result in a net
8 increase in employment of not less than 10 percent at such
9 business. Notwithstanding the definition of the term

10 "expansion of an existing business" under paragraph (2)(g), at
11 the request of the local governing body recommending the
12 project and Enterprise Florida, Inc., the office may define an
13 "expansion of an existing business" in a rural city, a rural
14 county, or an enterprise zone as the expansion of a business
15 resulting in a net increase in employment of less than 10
16 percent at such business, if the merits of the individual
17 project or the specific circumstances in the community in
18 relationship to the project warrant such action. If the local
19 governing body and Enterprise Florida, Inc., make such a
20 request, it must be transmitted in writing and the specific
21 justification for the request must be explained. If the
22 director elects to accept such request, such election must be
23 stated in writing and the reason for granting the request must
24 be explained.

25 3. The business activity or product for the
26 applicant's project is within an industry or industries that
27 have been identified by the office to be high-value-added
28 industries that contribute to the area and to the economic
29 growth of the state and that produce a higher standard of
30 living for citizens of this state in the new global economy or
31

1 that can be shown to make an equivalent contribution to the
2 area and state's economic progress.

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

5 288.1221 Legislative intent.--

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

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

25 288.1222 Definitions.--For the purposes of ss.
26 288.017, 288.121-288.1226, and 288.124, the term:

27 (2) "Tourist" means any person who participates in
28 trade or recreation activities outside the county ~~country~~ of
29 his or her permanent residence or who rents or leases
30 transient living quarters or accommodations as described in s.
31 125.0104(3)(a).

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

3 288.1223 Florida Commission on Tourism; creation;
4 purpose; membership.--

5 (2)

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

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

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

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

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

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

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

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

29 2. Applications submitted to the division must include
30 a requested grant amount and a detailed plan governing the
31 proposed use of the grant award. The division shall review

1 each application and shall submit award recommendations to the
2 Secretary of Environmental Protection for final approval.

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

10 4. Eligible uses of grant awards include:

11 a. Marketing ecotourism sites;

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

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

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

20 Section 16. Section 288.90151, Florida Statutes, is
21 amended to read:

22 288.90151 Funding for contracting with Enterprise
23 Florida, Inc.--

24 (1)(a) From funds appropriated from the General
25 Revenue Fund to the Office of Tourism, Trade, and Economic
26 Development for the purpose of annually contracting with
27 Enterprise Florida, Inc., 10 percent of such funds for the
28 fiscal year 1996-1997, 20 percent of such funds for the fiscal
29 year 1997-1998, 30 percent of such funds for the fiscal year
30 1998-1999, 40 percent of such funds for the fiscal year
31 1999-2000, and 50 percent of such funds for the fiscal year

1 2000-2001 shall be placed in reserve by the Executive Office
2 of the Governor. The funds may be released through a budget
3 amendment, in accordance with chapter 216, as requested by
4 Enterprise Florida, Inc., through the Office of Tourism,
5 Trade, and Economic Development if Enterprise Florida, Inc.,
6 has provided sufficient documentation that the same amount of
7 matching private funds as the amount placed in reserve has
8 been contributed during the same fiscal year to Enterprise
9 Florida, Inc., in support of its economic development efforts.
10 If sufficient documentation is not provided by the end of the
11 fiscal year, such funds shall revert back to the General
12 Revenue Fund.

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

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

27 (2) Prior to the 1999 Regular Session of the
28 Legislature, the Office of Program Policy Analysis and
29 Government Accountability shall conduct a review of the
30 contributions made to Enterprise Florida, Inc., during the
31 prior 3 years pursuant to this section. The review must be

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

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

31

1 Section 17. Subsection (3) is added to section
2 288.9618, Florida Statutes, to read:

3 288.9618 Microenterprises.--

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

10 Section 18. Section 288.9958, Florida Statutes, is
11 created to read:

12 288.9958 PRIDE Job Placement Incentive Program.--

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

31

1 (2) The PRIDE Job Placement Incentive Program is
2 created to encourage the use of the corporation's expertise
3 and resources, including correctional facilities, in job
4 training and employment assistance in the economic development
5 of the state. The program shall be administered by the
6 Workforce Development Board of Enterprise Florida, Inc. The
7 Workforce Development Board shall adopt guidelines for the
8 administration of this program. Awarding of grants is
9 dependent upon legislative appropriation.

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

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

27 (c) Grants may not be issued for the employment of
28 individuals who have participated in a prison rehabilitative
29 industry program longer than 6 months in the 2 years prior to
30 employment.

31

1 (d) WAGES participants eligible for employment in the
2 PRIDE Job Placement Incentive Program must be referred by
3 local WAGES coalitions to the corporation authorized by
4 chapter 946.

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

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

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

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

1 Section 19. As part of the sector strategy approach to
2 economic development planning identified in section
3 288.905(2)(j), Florida Statutes, Enterprise Florida, Inc.,
4 shall examine the current and potential economic development
5 contribution of the biotechnology industry and other health
6 technology industries to this state. In conducting this
7 examination, Enterprise Florida, Inc., shall work in
8 conjunction with representatives of the biotechnology industry
9 and other health technology industries in this state. Such
10 examination shall include, but is not limited to, an
11 identification of impediments to the maintenance and growth of
12 these industries in this state. One of the issues Enterprise
13 Florida, Inc., shall consider is whether there are impediments
14 to the transfer of technology stemming from the state's
15 policies governing the working relationships between
16 university scientists and private businesses. Enterprise
17 Florida, Inc., shall also consider issues related to tax
18 policies applicable to these industries, the capital and
19 financing needs of these industries, and the research and
20 development needs of these industries, as well as any other
21 issues that Enterprise Florida, Inc., and the private-sector
22 representatives deem significant. Enterprise Florida, Inc.,
23 shall report to the Legislature on its findings by October 1,
24 1998, including any recommendations for legislative or other
25 action to improve the business climate for these industries.

26 Section 20. Notwithstanding any provision of law to
27 the contrary, the governing body of a municipality or county
28 containing a United States Environmental Protection Agency
29 brownfield pilot project that was designated as of May 1,
30 1997, may apply to the Office of Tourism, Trade, and Economic
31 Development for designation of one enterprise zone

1 encompassing the brownfield pilot project if the project is
2 located in a county with a population less than one million.
3 The application must be submitted by December 31, 1999, and
4 must comply with the requirements of section 290.0055, Florida
5 Statutes, except section 290.0055(3), Florida Statutes.
6 Notwithstanding the provisions of section 290.0065, Florida
7 Statutes, limiting the total number of enterprise zones
8 designated and the number of enterprise zones within a
9 population category, the Office of Tourism, Trade, and
10 Economic Development shall designate one enterprise zone under
11 this section if the zone is consistent with the limitations
12 imposed under this section. The Office of Tourism, Trade, and
13 Economic Development shall establish the initial effective
14 date of the enterprise zone designated pursuant to this
15 section.

16 Section 21. Subsection (4) of section 370.28, Florida
17 Statutes, is amended, and subsection (5) is added to that
18 section to read:

19 370.28 Enterprise zone designation; communities
20 adversely impacted by net limitations.--

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

1 temporary and part-time employees, must be residents of an
2 enterprise zone for the business to qualify for the maximum
3 exemption or credit provided in ss. 212.08(5)(g) and (h) and
4 (15) and 220.182, a business that is located in an enterprise
5 zone designated pursuant to this section shall be qualified
6 for those maximum exemptions or credits if no less than 20
7 percent of such employees of the business are residents of the
8 jurisdiction of the county within which the enterprise zone is
9 located. All other provisions of ss. 212.08(5)(g) and (h) and
10 (15) and 220.182 apply to such business.

11 (5) Notwithstanding the time limitations contained in
12 chapters 212 and 220, a business eligible to receive tax
13 credits under this section from January 1, 1997, to June 1,
14 1998, must submit an application for the tax credits by
15 December 1, 1998. All other requirements of the enterprise
16 zone program apply to such a business.

17 Section 22. Section 414.25, Florida Statutes, is
18 amended to read:

19 414.25 Exemption from leased real property
20 requirements.--In order to facilitate implementation of this
21 chapter with respect to establishing jobs and benefits
22 offices, the Department of Labor and Employment Security and
23 the Department of Children and Family Services are exempt from
24 the requirements of s. 255.25 which relate to the procurement
25 of leased real property. This exemption expires June 30, 2000
26 ~~1998~~.

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

29 479.261 Logo sign program.--

30 (1) The department shall establish a logo sign program
31 for the rights-of-way of the interstate highway system to

1 provide information to motorists about available gas, food,
2 lodging, and camping services at interchanges, through the use
3 of business logos, and may include additional interchanges
4 under the program. A logo sign for nearby attractions may be
5 added to this program if allowed by federal rules. An
6 attraction as used in this chapter is defined as an
7 establishment, site, facility, or landmark which is open a
8 minimum of 5 days a week for 52 weeks a year; which charges an
9 admission for entry; which has as its principal focus
10 family-oriented entertainment, cultural, educational,
11 recreational, scientific, or historical activities; and which
12 is publicly recognized as a bona fide tourist attraction.
13 However, the permits for businesses seeking to participate in
14 the attractions logo sign program shall be awarded by the
15 department annually to the highest bidders, notwithstanding
16 the limitation on fees in subsection (5), which are qualified
17 for available space at each qualified location, but the fees
18 therefor may not be less than the fees established for logo
19 participants in other logo categories. The department shall,
20 if approved by the Federal Highway Administration, institute a
21 sign program to recognize regional or local heritage,
22 historic, or scenic trails at interchanges on the interstate
23 highway system.

24 Section 24. Enterprise Florida, Inc., shall prepare a
25 strategic plan designed to allow Florida to capitalize on the
26 economic opportunities associated with the Caribbean nations
27 and South Africa. The plan should recognize the historical and
28 cultural ties between this state and such areas and should
29 focus on building a long-term economic relationship between
30 these communities. The plan should also recognize existing
31 economic infrastructure in Florida that could be applied

1 toward trade and other business activities with the Caribbean
2 and South Africa. In developing this plan, Enterprise Florida,
3 Inc., shall solicit the participation and input of individuals
4 who have expertise on these areas and their economies,
5 including, but not limited to, business leaders in Florida who
6 have had previous business experience in these areas. The plan
7 may include recommendations for legislative action necessary
8 to implement the strategic plan. The plan must be submitted to
9 the Governor and Legislature before January 1, 1999.

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

31

1 Section 26. Enterprise Florida, Inc., in conjunction
2 with the Office of Tourism, Trade, and Economic Development,
3 shall prepare a plan for promoting direct investment in
4 Florida by foreign businesses. This plan must assess and
5 inventory Florida's strengths as a location for foreign direct
6 investment and must include a detailed strategy for
7 capitalizing upon those strengths. In developing the plan,
8 Enterprise Florida, Inc., shall focus on businesses with
9 site-election criteria that are consistent with Florida's
10 business climate, businesses likely to facilitate the
11 transshipment of goods through Florida or to export
12 Florida-produced goods from the state, and businesses that
13 complement or correspond to those industries identified as
14 part of the sector-strategy approach to economic development
15 required under section 288.905, Florida Statutes. The plan
16 must also identify weaknesses in Florida's ability to attract
17 foreign direct investment and must include a detailed strategy
18 for addressing those weaknesses. The plan may include
19 recommendations for legislative action designed to enhance
20 Florida's ability to attract foreign direct investment. In
21 developing the plan, Enterprise Florida, Inc., shall solicit
22 the participation and input of entities that have expertise
23 and experience in foreign direct investment. The plan, which
24 Enterprise Florida, Inc., may include within the annual update
25 or modification to the strategic plan required under section
26 288.905, Florida Statutes, must be submitted to the
27 Legislature and the Governor before January 1, 1999.

28 Section 27. In anticipation of the day that the people
29 of Cuba are no longer denied the inalienable rights and
30 freedom that all men and women should be guaranteed,
31 Enterprise Florida, Inc., shall prepare a strategic plan

1 designed to allow Florida to capitalize on the economic
2 opportunities associated with a free Cuba. The plan should
3 recognize the historical and cultural ties between this state
4 and Cuba and should focus on building a long-term economic
5 relationship between these communities. The plan should also
6 recognize existing economic infrastructure in Florida that
7 could be applied toward trade and other business activities
8 with Cuba. The plan should identify specific preparatory steps
9 to be taken in advance of a lifting of the trade embargo with
10 Cuba. In developing this plan, Enterprise Florida, Inc., shall
11 solicit the participation and input of individuals who have
12 expertise on Cuba and its economy, including, but not limited
13 to, business leaders in Florida who have had previous business
14 experience in Cuba. The plan may include recommendations for
15 legislative action necessary to implement the strategic plan.
16 The plan must be submitted to the Governor and Legislature
17 before January 1, 1999.

18 Section 28. Subsection (9) is added to section
19 14.2015, Florida Statutes, to read:

20 14.2015 Office of Tourism, Trade, and Economic
21 Development; creation; powers and duties.--

22 (9) The Office of Tourism, Trade, and Economic
23 Development shall ensure the prompt disbursement of funds when
24 responsible for the disbursement of funds. When such funds
25 have not been disbursed on or before legislatively or
26 contractually prescribed disbursement dates, or within 30 days
27 of the beginning of the state fiscal year, whichever is
28 applicable, the Office of Tourism, Trade, and Economic
29 Development shall notify the President of the Senate and the
30 Speaker of the House of Representatives of the fact that such
31 funds have not been disbursed, along with a brief description

1 of the reasons for the delay in disbursement. At the end of
2 each succeeding 30 day period that such funds remain
3 undisbursed, the Office of Tourism, Trade, and Economic
4 Development shall provide a supplemental report to the
5 President of the Senate and the Speaker of the House of
6 Representatives with a brief description of the reasons for
7 the continued delay in disbursement.

8 Section 29. Section 15.18, Florida Statutes, is
9 amended to read:

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

28 (1) Disseminate any information pertaining to the
29 State of Florida which promotes the state's cultural assets.
30
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1 (2) Plan and carry out activities designed to cause
2 improved cultural and governmental programs and exchanges with
3 foreign countries.

4 (3) Plan and implement cultural and social activities
5 for visiting foreign heads of state, diplomats, dignitaries,
6 and exchange groups.

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

10 (5) Establish and maintain the list prescribed in s.
11 55.605(2)(g), relating to recognition of foreign money
12 judgments.

13 ~~(6)(5)~~ Serve as the liaison with all foreign consular
14 and ambassadorial corps, as well as international
15 organizations, that are consistent with the purposes of this
16 section.

17 ~~(7)(6)~~ Provide, arrange, and make expenditures for the
18 achievement of any or all of the purposes specified in this
19 section.

20 ~~(8)(7)~~ Notwithstanding the provisions of part I of
21 chapter 287, promulgate rules for entering into contracts
22 which are primarily for promotional services and events, which
23 may include commodities involving a service. Such rules shall
24 include the authority to negotiate costs with the offerors of
25 such services and commodities who have been determined to be
26 qualified on the basis of technical merit, creative ability,
27 and professional competency. The rules shall only apply to the
28 expenditure of funds donated for promotional services and
29 events. Expenditures of appropriated funds shall be made only
30 in accordance with part I of chapter 287.

31

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

3 55.604 Recognition and enforcement.--Except as
4 provided in s. 55.605, a foreign judgment meeting the
5 requirements of s. 55.603 is conclusive between the parties to
6 the extent that it grants or denies recovery of a sum of
7 money. Procedures for recognition and enforceability of a
8 foreign judgment shall be as follows:

9 (1) The foreign judgment shall be filed with the
10 Department of State and the clerk of the court and recorded in
11 the public records in the county or counties where enforcement
12 is sought. The filing with the Department of State shall not
13 create a lien on any property.

14 (a) At the time of the recording of a foreign
15 judgment, the judgment creditor shall make and record with the
16 clerk of the circuit court an affidavit setting forth the
17 name, social security number, if known, and last known
18 post-office address of the judgment debtor and of the judgment
19 creditor.

20 (b) Promptly upon the recording of the foreign
21 judgment and the affidavit, the clerk shall mail notice of the
22 recording of the foreign judgment, by registered mail with
23 return receipt requested, to the judgment debtor at the
24 address given in the affidavit and shall make a note of the
25 mailing in the docket. The notice shall include the name and
26 address of the judgment creditor and of the judgment
27 creditor's attorney, if any, in this state. In addition, the
28 judgment creditor may mail a notice of the recording of the
29 judgment to the judgment debtor and may record proof of
30 mailing with the clerk. The failure of the clerk to mail
31 notice of recording will not affect the enforcement

1 proceedings if proof of mailing by the judgment creditor has
2 been recorded.

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

9 Section 31. Paragraph (g) of subsection (2) of section
10 55.605, Florida Statutes, is amended to read:

11 55.605 Grounds for nonrecognition.--

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

13 (g) The foreign jurisdiction where judgment was
14 rendered would not give recognition to a similar judgment
15 rendered in this state. For purposes of this paragraph, the
16 Secretary of State shall establish and maintain a list of
17 foreign jurisdictions where the condition specified in this
18 paragraph has been found to apply.

19 Section 32. Section 5. Section 257.34, Florida
20 Statutes, is created to read:

21 257.34 Florida State International Archive and
22 Repository.--

23 (1) There is created within the Division of Library
24 and Information Services of the Department of State the
25 Florida International Archive and Repository for the
26 preservation of those public records, as defined in s.
27 119.011(1), manuscripts, international judgements involving
28 disputes between domestic and foreign businesses, and all
29 other public matters the department or the Florida Council of
30 International Development deems relevant to international
31 issues. It is the duty and responsibility of the division to:

1 (a) Organize and administer the Florida State
2 International Archive and Repository;

3 (b) Preserve and administer such records as shall be
4 transferred to its custody; accept, arrange, and preserve
5 them, according to approved archival and repository practices;
6 and permit them, at reasonable times and under the supervision
7 of the division, to be inspected, examined, and copied. All
8 public records transferred to the custody of the division
9 shall be subject to the provisions of s. 119.07(1).

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

12 (d) Cooperate with and assist insofar as practicable
13 state institutions, departments, agencies, counties,
14 municipalities, and individuals engaged in international
15 related activities;

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

19 (f) Conduct, promote, and encourage research in
20 international trade, government, and culture and maintain a
21 program of information, assistance, coordination, and guidance
22 for public officials, educational institutions, libraries, the
23 scholarly community, and the general public engaged in such
24 research;

25 (g) Cooperate with and, insofar as practicable, assist
26 agencies, libraries, institutions, and individuals in projects
27 designed to promote international related issues and preserve
28 original materials relating to international related issues;
29 and

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

4 (2) Any agency is authorized and empowered to turn
5 over to the division any record no longer in current official
6 use. The division, in its discretion, is authorized to accept
7 such record and, having done so, shall provide for its
8 administration and preservation as herein provided and, upon
9 acceptance, shall be considered the legal custodian of such
10 record. The division is empowered to direct and effect the
11 transfer to the archives of any records that are determined by
12 the division to have such historical or other value to warrant
13 their continued preservation or protection, unless the head of
14 the agency which has custody of the records certifies in
15 writing to the division that the records shall be retained in
16 the agency's custody for use in the conduct of the regular
17 current business of the agency.

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

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

27 (5) The division may establish and maintain a schedule
28 of fees for services which shall include, but not be limited
29 to, restoration of materials, storage of materials, special
30 research services, and publications.

31

1 (6) The division shall establish and maintain a
2 mechanism by which the information contained within the
3 Florida State International Archive and Repository may be
4 accessed by computer via the World Wide Web. In doing so, the
5 division shall take whatever measures it deems appropriate to
6 insure the validity, quality and safety of the information
7 being accessed.

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

10 (8) The Florida Council of International Development
11 may select materials for inclusion in the Florida State
12 International Archive and Repository and shall be consulted
13 closely by the division in all matters relating to its
14 establishment and maintenance.

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

19 288.012 State of Florida foreign offices.--The
20 Legislature finds that the expansion of international trade
21 and tourism is vital to the overall health and growth of the
22 economy of this state. This expansion is hampered by the lack
23 of technical and business assistance, financial assistance,
24 and information services for businesses in this state. The
25 Legislature finds that these businesses could be assisted by
26 providing these services at State of Florida foreign offices.
27 The Legislature further finds that the accessibility and
28 provision of services at these offices can be enhanced through
29 cooperative agreements or strategic alliances between state
30 entities, local entities, foreign entities, and private
31 businesses.

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

7 (a) The number of Florida companies assisted.

8 (b) The number of inquiries received about investment
9 opportunities in this state.

10 (c) The number of trade leads generated.

11 (d) The number of investment projects announced.

12 (e) The estimated U.S. dollar value of sales
13 confirmations.

14 (f) The number of representation agreements.

15 (g) The number of company consultations.

16 (h) Barriers or other issues affecting the effective
17 operation of the office.

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

20 (j) Marketing activities conducted.

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

23 (l) Activities conducted with other Florida foreign
24 offices.

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

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

29 288.8175 Linkage institutes between postsecondary
30 institutions in this state and foreign countries.--

31

1 (9) The Department of Education shall review and make
2 linkage-institute budget requests to the Governor and the
3 Legislature. State appropriations for institutes created under
4 this section must be made by a single lump-sum line item to
5 the department, which must apportion the funds among the
6 various institutes in accordance with criteria established by
7 the department. The linkage institutes shall be eligible to
8 apply on a competitive basis to the Office of Tourism, Trade,
9 and Economic Development for the Targeted Market Pilot Project
10 Grants Program as defined in s. 14.2015, designed to improve
11 short and long term international business opportunities for
12 Florida businesses.

13 Section 35. Section 288.9530, Florida Statutes, is
14 created to read:

15 288.9530 The Florida Business Expansion Corporation.--

16 (1) The Florida Business Expansion Corporation is
17 hereby created as a corporation not-for-profit, to be
18 incorporated under the provisions of chapter 617. The
19 corporation is organized on a nonstock basis. The corporation
20 shall provide business expansion assistance to businesses in
21 this state having job growth or emerging technology potential
22 and fewer than 500 employees. The primary purpose of the
23 corporation shall be to assist such Florida businesses to grow
24 through the development of cross-border transactions which
25 lead to increased revenues, cost reductions, sales or
26 investments for Florida businesses. For purposes of this Act,
27 "cross-border transactions" shall be defined as the formation
28 of joint venture, strategic alliance, investment, technology
29 transfer or licensing, co-development, or other commercial
30 relationships between Florida businesses and non-Florida
31 entities. In providing its services, the corporation shall

1 seek to recover its costs and expenditures of state funds via
2 fee, equity participation, or any other form of revenue
3 generation or recovery, and to achieve the self-sufficiency of
4 its operations. It is the intent of the Legislature that the
5 corporation achieve self-sufficiency within three years of its
6 establishment. For the purposes of this section, the term
7 "self-sufficiency" shall mean that the annual expenses of
8 operation of the corporation shall be less than or equal to
9 the total value of the compensation derived including fee,
10 equity participation, or any other form of revenue generation
11 or recovery from the operations of the corporation by June 30,
12 2001.

13 (2) The corporation is intended to compliment, rather
14 than duplicate, the services and programs of Enterprise
15 Florida, Inc., the Florida Export Finance Corporation, and
16 other existing economic development entities. The corporation
17 programs are to serve small to mid-sized Florida firms in
18 conducting transactions with entities located in other states
19 and nations.

20 Section 36. Section 288.9531, Florida Statutes, is
21 created to read:

22 288.9531 Powers and Duties of the Corporation.--

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

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

29 (b) Locate Florida businesses which are strong
30 candidates for business expansion and match such businesses
31

1 with joint venture or strategic alliance partners, sources of
2 investment capital, or purchasers or licensees of technology;

3 (c) Prepare selected Florida firms to achieve business
4 expansion through preparation of business plans and marketing
5 materials, arranging participation in major domestic and
6 international events targeted towards industry participants
7 and investors, and placement of articles in business press and
8 trade publications;

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

11 (e) Develop, in conjunction with target businesses,
12 criteria for evaluation of potential cross-border transactions
13 or strategic partners;

14 (f) Provide listings of strategic partners which meet
15 agreed-upon criteria;

16 (g) Develop negotiating strategies and marketing
17 materials designed to address the concerns of potential
18 strategic partners;

19 (h) Approach and initiate discussions with potential
20 strategic partners and investors;

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

23 (j) Identify and, in conjunction with associated
24 professionals, provide guidance on critical business and legal
25 issues associated with proposed transactions, including issues
26 relating to transfers of assets, ownership of intellectual
27 property, tax planning, and other relevant matters;

28 (k) Assist in the negotiation of pricing and terms of
29 participation of the parties;

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31

1 (1) Close cross-border transactions on behalf of
2 Florida small and medium-sized firms, and manage outside
3 professionals in the closing of the transaction;

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

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

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

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

14 (b) Types of specific assistance to be rendered to
15 Florida businesses, including detailed descriptions of the
16 specific steps required to provide each type of assistance,
17 and the projected costs of such assistance; and

18 (c) Specific provisions for the self-sufficient
19 operation of the corporation prior to July 1, 2001, including
20 specific projections of the compensation anticipated from
21 generation of successful cross-border transactions.

22 (d) A description of the manner in which the
23 corporation will interact with existing state-sponsored
24 economic development entities.

25 (3) The business plan and the data upon which it is
26 based shall constitute a public record and shall be
27 distributed in a manner which will provide maximum benefit to
28 Florida businesses.

29 Section 37. Section 288.9532, Florida Statutes, is
30 created to read:

31 288.9532 Board of directors.--

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

3 (a) The President of Enterprise Florida, Inc., or his
4 designee;

5 (b) The Comptroller or his designee;

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

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

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

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

13 (2) Notwithstanding the provisions of subsection (1),
14 the board of directors may by resolution appoint to the board
15 up to ten at-large members from the private sector, each of
16 whom shall serve a 2-year term. Minority and gender
17 representation shall be considered when making at-large
18 appointments to the board. At-large members shall have the
19 powers and duties of other members of the board. An at-large
20 member is eligible for reappointment, but may not vote on his
21 or her own reappointment.

22 (3) The board shall ensure that its composition is
23 reflective of the diversity of Florida's business community,
24 and to the greatest degree possible shall include, but not be
25 limited to, individuals representing small and medium-sized
26 businesses, minority businesses, universities and other
27 institutions of higher education, and international and
28 domestic economic development organizations. A majority of
29 at-large members of the board shall have significant
30 experience in international business, with expertise in the
31

1 areas of trade, transportation, finance, law, or
2 manufacturing.

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

7 (5) A majority of currently serving members of the
8 board shall constitute a quorum for purposes of all business
9 of the board.

10 Section 38. Section 288.9533, Florida Statutes, is
11 created to read:

12 288.9533 Powers and Duties of the Board of
13 Directors.--The board shall:

14 (1) Prior to the expenditure of funds from the Florida
15 Business Expansion account, adopt bylaws and internal
16 procedures which are necessary to carry out the
17 responsibilities of the corporation. The articles and bylaws
18 of the corporation shall be reviewed and approved by the
19 Office of Tourism, Trade, and Economic Development prior to
20 final adoption by the board;

21 (2) Hold regularly scheduled meetings, at least
22 quarterly, in order to carry out the objectives and duties of
23 the board;

24 (3) Develop a streamlined application and review
25 process;

26 (4) Adopt rules and policies, including application
27 and award criteria, regarding eligibility of businesses to
28 receive assistance from the corporation. Such rules and
29 policies shall include, but not be limited to, the
30 requirements that the target businesses:

31 (a) Shall have substantial operations in Florida;

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

3 (c) Shall have proven management;

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

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

9 (f) Shall have products or technologies which are
10 potential technology or market leaders with substantial
11 commercial potential in international markets.

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

16 Section 39. Chapter 288.9534, Florida Statutes, is
17 created to read:

18 288.9534 Management of the Corporation.--

19 (1) The activities of the corporation shall be
20 administered under a multiyear contract with a private sector
21 entity selected by the board no later than September 1, 1998.
22 Such company shall have responsibility for performance of all
23 statutory duties of the corporation, under the control and
24 supervision of the board. Potential management companies
25 shall:

26 (a) Have existing operations in Florida, and provide
27 Florida-resident personnel to perform services under the
28 contract;

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

1 (c) Have staff with substantial financial and
2 international affairs experience;

3 (d) Have international offices;

4 (e) Commit to a cash match expenditure of ten percent
5 of the amount of the state contract issued pursuant to this
6 section, with such cash to be provided from the capital of the
7 contractor and expended directly in the pursuit of the
8 statutory purposes of the corporation; and

9 (f) Have substantial experience in as many of the
10 following areas as possible:

11 1. Arrangement of cross-border transactions;

12 2. Development and implementation of market entry
13 strategies for business expansion;

14 3. Preparation of market analyses and strategic plans;

15 and

16 4. Work with foreign and domestic financial
17 institutions, highly regulated industries and foreign
18 governments.

19 (2) The company selected pursuant to this subsection
20 shall provide personnel to serve as officers of the
21 corporation who shall perform on behalf of the corporation all
22 of the customary functions of the offices they occupy.

23 (3) The board shall provide by contract for division
24 with the management company of total compensation derived from
25 the operations of the corporation. Such division shall be made
26 quarterly, and shall involve the total compensation of the
27 corporation which are in excess of the expenses of the
28 corporation for that quarter.

29 (4) Prior to securing management services for the
30 corporation, staffing of the corporation shall be provided by
31 the Office of Tourism, Trade, and Economic Development, which

1 shall provide to the board by August 7, 1998, a list of
2 candidates qualified and desiring to perform the duties of the
3 management company specified in this section. The Office of
4 Tourism, Trade, and Economic Development shall also have
5 responsibility for the establishment of performance measures
6 and requirements which provide for the performance of the
7 statutory duties of the corporation, as well as the following:

8 (a) Specific outcomes from the performance of the
9 management company, as well as timetables for the
10 accomplishment of such outcomes;

11 (b) Requirements relating to the handling of state
12 funds and providing for third party audit and financial review
13 of the operations of the corporation;

14 (c) Reversion to the state of all assets of the
15 corporation in the event of cessation of operations of the
16 corporation; and

17 (d) Termination of the management company in the event
18 of its failure to perform the duties or deliver the outcomes
19 provided in the management contract.

20 Section 40. Section 288.9535, Florida Statutes, is
21 created to read:

22 288.9535 Florida Business Expansion Account.--

23 (1) The board shall create the Florida Business
24 Expansion account for the purpose of receiving state, federal,
25 and private financial resources, and the return from
26 employment of those resources, and for the purposes of the
27 corporation. The account shall be under the exclusive control
28 of the board.

29 (2) Resources in the account shall be allocated for
30 operating expenses of the corporation and for other
31 statutorily authorized purposes, including costs of research,

1 provision of business assistance to targeted businesses, and
2 other costs.

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

5 (4) The board may establish the account and any
6 sub-accounts necessary and convenient for the operation of the
7 corporation with state or federally chartered financial
8 institutions in this state and may invest the assets of the
9 account in permissible securities.

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

12 (6) All revenues received from the operations of the
13 corporation shall be redeposited in the account to be used to
14 promote the statutory purposes of the corporation.

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

20 (8) Pursuant to s. 216.351, the amount of any moneys
21 appropriated to the account which are unused at the end of the
22 fiscal year shall not be subject to reversion under s.
23 216.301. All moneys in the account are continuously
24 appropriated to the account and may be used for the purposes
25 specified in this section. The Office of Tourism, Trade, and
26 Economic Development shall ensure that all funds in the
27 account shall revert to the state in the event that the
28 corporation is dissolved, ceases operations, or upon the
29 evaluation of the board that such services cannot be provided
30 on a cost-recovery basis. Such a determination shall be made

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1 only after an initial period of program setup and market
2 research of at least one year.

3 Section 41. Section 288.9536, Florida Statutes, is
4 created to read:

5 288.9536 Reporting and Review.--

6 (1) By September 1, 1999, the corporation in
7 cooperation with the Office of Program Policy Analysis and
8 Government Accountability shall develop a research design,
9 including goals and measurable objectives for the corporation,
10 which will provide the Legislature with a quantitative
11 evaluation of the corporation. The corporation shall utilize
12 the monitoring mechanisms and reports developed in the designs
13 and provide these reports to the Governor, the President of
14 the Senate, the Speaker of the House of Representatives, and
15 the Office of Program Policy Analysis and Government
16 Accountability.

17 (2) On January 31, 2000, and on January 31 of each
18 succeeding year, the corporation shall prepare a report on the
19 financial status of the corporation and the account and shall
20 submit a copy of the report to the Governor, the President of
21 the Senate, the Speaker of the House of Representatives, and
22 the President of Enterprise Florida, Inc. The report shall
23 specify the assets and liabilities of the account within the
24 current fiscal year and shall include a list of the businesses
25 assisted, the benefits obtained by each business assisted,
26 including, but not limited to, increased revenues, cost
27 reductions, sales or investment which have been realized by
28 such businesses.

29 (3) Prior to the 2001 regular session of the
30 Legislature, the Office of Program Policy Analysis and
31 Government Accountability shall perform a review and

1 evaluation of the corporation using the research design
2 promulgated pursuant to this section. The report shall review
3 and comment on the operations and accomplishments of the
4 corporation. A report of the findings and recommendations of
5 the Office of Program Policy Analysis and Government
6 Accountability shall be submitted to the President of the
7 Senate and the Speaker of the House of Representatives prior
8 to the 2001 regular session.

9 Section 42. Part IV of chapter 721, Florida Statutes,
10 consisting of sections 721.96, 721.97, and 721.98, is created
11 to read:

12 721.96 Purpose.--The purpose of this part is to
13 provide for the appointment of commissioners of deeds to take
14 acknowledgments, proofs of execution and oaths outside the
15 United States in connection with the execution of any deed,
16 mortgage, deed of trust, contract, power of attorney, or any
17 other agreement, instrument or writing concerning, relating
18 to, or to be used or recorded in connection with a timeshare
19 estate, timeshare license, any property subject to a timeshare
20 plan, or the operation of a timeshare plan located within this
21 state.

22 721.97 Timeshare Commissioner of Deeds.--

23 (1) The Governor may appoint commissioners of deeds to
24 take acknowledgments, proofs of execution or oaths in any
25 foreign country. The term of office shall be for four years.
26 Commissioners of deeds shall have authority to take
27 acknowledgments, proofs of execution and oaths in connection
28 with the execution of any deed, mortgage, deed of trust,
29 contract, power of attorney, or any other writing to be used
30 or recorded in connection with a timeshare estate, timeshare
31 license, any property subject to a timeshare plan, or the

1 operation of a timeshare plan located within this state;
2 provided such instrument or writing is executed outside the
3 United States. Such acknowledgments, proofs of execution and
4 oaths must be taken or made in the manner directed by the laws
5 of this state, including, but not limited to, s. 117.05(4),
6 (5)(a) and (6), and certified by a commissioner of deeds. The
7 certification shall be endorsed on or annexed to the
8 instrument or writing aforesaid and has the same effect as if
9 made or taken by a notary public licensed in this state.

10 (2) Any person seeking to be appointed a commission of
11 deeds shall take and subscribe an oath, before a notary public
12 in this state or any other state, or a person authorized to
13 take oaths in another country, to well and faithfully execute
14 and perform the duties of such commissioner of deeds. The oath
15 shall be filed with the Department of State prior to the
16 person being commissioned.

17 (3) Official acts performed by any previously
18 appointed commissioners of deeds between May 30, 1997, and the
19 effective date of this part, are declared valid as though such
20 official acts were performed in accordance with and under the
21 authority of this part.

22 721.98 Powers of the division.--The division has no
23 duty or authority to regulate, enforce, or ensure compliance
24 with any provision of this part.

25 Section 43. Subject to an appropriation in the General
26 Appropriations Act, the Office of Tourism, Trade, and Economic
27 Development is authorized to contract with Enterprise Florida,
28 Inc., for the award of Inner City Redevelopment Assistance
29 Grants in connection with the urban initiative of Enterprise
30 Florida, Inc. Such grants may only be used to fund economic
31 development in areas that meet or exceed the criteria for

1 areas eligible under the Urban High-Crime Area Job Tax Credit
2 Program pursuant to section 212.097, Florida Statutes.

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

5 212.097 Urban High-Crime Area Job Tax Credit
6 Program.--

7 (18) Applications for credit under this section may be
8 submitted on or after January 1, 1999. Prior to January 1,
9 2000, the Legislature may review all areas designated by local
10 government and approved by the Office of Tourism, Trade, and
11 Economic Development for use of the tax credit. If the
12 Legislature determines that any local government application
13 has been submitted which fails to include the highest crime
14 areas in the county or city, based upon the criteria
15 established in this section, the unit of local government
16 which has applied for the tax credit must reimburse the state
17 in an amount equal to the credit claimed by businesses in the
18 affected jurisdiction.

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