

Bill No. CS for CS for SB 1566

Amendment No. ____

CHAMBER ACTION

Senate

House

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Senator Kirkpatrick moved the following amendment:

Senate Amendment

On page 43, line 3, through page 50, line 8, delete those lines

and insert:

Section 6. Section 288.901, Florida Statutes, is amended to read:

288.901 Enterprise Florida, Inc.; creation; membership; organization; meetings; disclosure.--

(1) There is created a not-for-profit ~~nonprofit~~ corporation, to be known as "Enterprise Florida, Inc.," which shall be registered, incorporated, organized, and operated in compliance with chapter 617, and which shall not be a unit or entity of state government. The Legislature determines, however, that public policy dictates that Enterprise Florida, Inc., operate in the most open and accessible manner consistent with its public purpose. To this end, the Legislature specifically declares that Enterprise Florida, Inc., and its boards and advisory committees or similar groups

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1 created by Enterprise Florida, Inc., are subject to the
2 provisions of chapter 119, relating to public records and
3 those provisions of chapter 286 relating to public meetings
4 and records.

5 (2) Enterprise Florida, Inc., shall establish one or
6 more corporate offices, at least one of which shall be located
7 in Leon County. ~~Persons employed by the Department of Commerce~~
8 ~~on the day prior to July 1, 1996, whose jobs are privatized,~~
9 ~~shall be given preference, if qualified, for similar jobs at~~
10 ~~Enterprise Florida, Inc. When practical, those jobs shall be~~
11 ~~located in Leon County. All available resources, including~~
12 ~~telecommuting, must be employed to minimize the negative~~
13 ~~impact on the Leon County economy caused by job losses~~
14 ~~associated with the privatization of the Department of~~
15 ~~Commerce.~~The Department of Management Services may establish
16 a lease agreement program under which Enterprise Florida,
17 Inc., may hire any individual who, as of June 30, 1996, is
18 employed by the Department of Commerce or who, as of January
19 1, 1997, is employed by the Executive Office of the Governor
20 or, as of June 30, 1999, by the Department of Labor and
21 Employment Security or the Department of Children and Family
22 Services and has responsibilities specifically in support of
23 the Workforce Development Board established under s. 288.9620.
24 Under such agreement, the employee shall retain his or her
25 status as a state employee but shall work under the direct
26 supervision of Enterprise Florida, Inc. Retention of state
27 employee status shall include the right to participate in the
28 Florida Retirement System. The Department of Management
29 Services shall establish the terms and conditions of such
30 lease agreements.

31 (3) Enterprise Florida, Inc., shall be governed by a

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1 board of directors. The board of directors shall consist of
2 the following members:

3 (a) The Governor or the Governor's designee.

4 (b) The Commissioner of Education or the
5 commissioner's designee.

6 (c) The Secretary of Labor and Employment Security or
7 the secretary's designee.

8 (d) A member of the Senate, who shall be appointed by
9 the President of the Senate as an ex officio member of the
10 board and serve at the pleasure of the President.

11 (e) A member of the House of Representatives, who
12 shall be appointed by the Speaker of the House of
13 Representatives as an ex officio member of the board and serve
14 at the pleasure of the Speaker.

15 ~~(f) The chairperson of the board for international~~
16 ~~trade and economic development.~~

17 ~~(g) The chairperson of the board for capital~~
18 ~~development.~~

19 ~~(h) The chairperson of the board for technology~~
20 ~~development.~~

21 ~~(f)(i)~~ (i) The chairperson of the board of directors of
22 the Workforce Development Board ~~for workforce development.~~

23 ~~(g)(j)~~ (j) Twelve members from the private sector, six of
24 whom shall be appointed by the Governor, three of whom shall
25 be appointed by the President of the Senate, and three of whom
26 shall be appointed by the Speaker of the House of
27 Representatives. All appointees are subject to Senate
28 confirmation. In making such appointments, the Governor, the
29 President of the Senate, and the Speaker of the House of
30 Representatives shall ensure that the composition of the board
31 is reflective of the diversity of Florida's business

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1 community, and to the greatest degree possible shall include,
2 but not be limited to, individuals representing large
3 companies, small companies, minority companies, and
4 individuals representing municipal, county, or regional
5 economic development organizations. Of the 12 members from the
6 private sector, 7 must have significant experience in
7 international business, with expertise in the areas of
8 transportation, finance, law, and manufacturing. The Governor,
9 the President of the Senate, and the Speaker of the House of
10 Representatives shall also consider whether the current board
11 members, together with potential appointees, reflect the
12 racial, ethnic, and gender diversity, as well as the
13 geographic distribution, of the population of the state.

14 (h)~~(k)~~ The Secretary of State or the secretary's
15 designee.

16 (4)(a) Vacancies on the board shall be filled by
17 appointment by the Governor, the President of the Senate, or
18 the Speaker of the House of Representatives, respectively,
19 depending on who appointed the member whose vacancy is to be
20 filled or whose term has expired.~~Members appointed to the~~
21 ~~board before July 1, 1996, shall serve the remainder of their~~
22 ~~unexpired terms. Vacancies occurring after July 1, 1996, as a~~
23 ~~result of the annual expiration of terms, shall be filled in~~
24 ~~the following manner and sequence.~~

25 1. ~~Of the first three vacancies, the Governor shall~~
26 ~~appoint one member, the President of the Senate shall appoint~~
27 ~~one member, and the Speaker of the House of Representatives~~
28 ~~shall appoint one member.~~

29 2. ~~Of the second three vacancies, the Governor shall~~
30 ~~appoint one member, the President of the Senate shall appoint~~
31 ~~one member, and the Speaker of the House of Representatives~~

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1 ~~shall appoint one member.~~

2 ~~3. Of the third three vacancies, the President of the~~
3 ~~Senate shall appoint one member and the Governor shall appoint~~
4 ~~two members.~~

5 ~~4. Of the fourth three vacancies, the Speaker of the~~
6 ~~House of Representatives shall appoint one member and the~~
7 ~~Governor shall appoint two members.~~

8
9 ~~Thereafter, any vacancies which occur will be filled by the~~
10 ~~Governor, the President of the Senate, or the Speaker of the~~
11 ~~House of Representatives, respectively, depending on who~~
12 ~~appointed the member whose vacancy is to be filled or whose~~
13 ~~term has expired.~~

14 (b) Members appointed by the Governor, the President
15 of the Senate, and the Speaker of the House of Representatives
16 shall be appointed for terms of 4 years. Any member is
17 eligible for reappointment.

18 ~~(c) Of the six members appointed by the Governor, one~~
19 ~~shall be, at the time of appointment, a board member of a~~
20 ~~community development corporation meeting the requirements of~~
21 ~~s. 290.035, and one shall be representative of the~~
22 ~~international business community. Of the three members~~
23 ~~appointed by the President of the Senate and Speaker of the~~
24 ~~House of Representatives, respectively, one each shall be~~
25 ~~representative of the international business community, and~~
26 ~~one each shall be an executive director of a local economic~~
27 ~~development council.~~

28 (5) A vacancy on the board of directors shall be
29 filled for the remainder of the unexpired term.

30 ~~(6) The initial appointments to the board of directors~~
31 ~~shall be made by the Governor from a list of nominees~~

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1 ~~submitted by the Enterprise Florida Nominating Council.~~
2 ~~Thereafter, appointments shall be made by the Governor, the~~
3 ~~President of the Senate, and the Speaker of the House of~~
4 ~~Representatives from a list of nominees submitted by the~~
5 ~~remaining appointive members of the board of directors. The~~
6 ~~board of directors shall take into consideration the current~~
7 ~~membership of the board and shall select nominees who are~~
8 ~~reflective of the diverse nature of Florida's business~~
9 ~~community, including, but not limited to, individuals~~
10 ~~representing large companies, small companies, minority~~
11 ~~companies, companies engaged in international business~~
12 ~~efforts, companies engaged in domestic business efforts, and~~
13 ~~individuals representing municipal, county, or regional~~
14 ~~economic development organizations. The board shall also~~
15 ~~consider whether the current board members, together with~~
16 ~~potential appointees, reflect the racial, ethnic, and gender~~
17 ~~diversity, as well as the geographic distribution, of the~~
18 ~~population of the state.~~

19 (6)~~(7)~~ Appointive members may be removed by the
20 Governor, the President of the Senate, or the Speaker of the
21 House of Representatives, respectively, for cause. Absence
22 from three consecutive meetings results in automatic removal.

23 (7)~~(8)~~ The Governor shall serve as chairperson of the
24 board of directors. The board of directors shall biennially
25 elect one of its appointive members as vice chairperson. The
26 president shall keep a record of the proceedings of the board
27 of directors and is the custodian of all books, documents, and
28 papers filed with the board of directors, the minutes of the
29 board of directors, and the official seal of Enterprise
30 Florida, Inc.

31 (8)~~(9)~~ The board of directors shall meet at least four

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1 times each year, upon the call of the chairperson, at the
2 request of the vice chairperson, or at the request of a
3 majority of the membership. A majority of the total number of
4 all directors fixed by subsection (3) shall constitute a
5 quorum. The board of directors may take official action by a
6 majority vote of the members present at any meeting at which a
7 quorum is present.

8 (9)~~(10)~~ Members of the board of directors shall serve
9 without compensation, but members, the president, and staff
10 may be reimbursed for all reasonable, necessary, and actual
11 expenses, as determined by the board of directors of
12 Enterprise Florida, Inc.

13 (10)~~(11)~~ Each member of the board of directors of
14 Enterprise Florida, Inc., ~~who was appointed after June 30,~~
15 ~~1992, and~~ who is not otherwise required to file financial
16 disclosure pursuant to s. 8, Art. II of the State Constitution
17 or s. 112.3144, shall file disclosure of financial interests
18 pursuant to s. 112.3145.

19 (11)~~(12)~~ Notwithstanding the provisions of subsection
20 (3), the board of directors may by resolution appoint at-large
21 members to the board from the private sector, each of whom may
22 serve a 1-year term. At-large members shall have the powers
23 and duties of other members of the board, except that they may
24 not serve on an executive committee. An at-large member is
25 eligible for reappointment but may not vote on his or her own
26 reappointment. An at-large member shall be eligible to fill
27 vacancies occurring among private-sector ~~private sector~~
28 appointees under subsection (3).

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