

527-162AXA-05 Bill No. CS for CS for SB 1566, 1st Eng.  
Amendment No. \_\_\_\_ (for drafter's use only)

Senate CHAMBER ACTION House

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ORIGINAL STAMP BELOW

Representative(s) Bradley, K. Smith, Valdes, Fuller, and Hart  
offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

Section 1. Section 14.2015, Florida Statutes, 1998  
Supplement, is amended to read:

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

(1) The Office of Tourism, Trade, and Economic  
Development is created within the Executive Office of the  
Governor. The director of the Office of Tourism, Trade, and  
Economic Development shall be appointed by and serve at the  
pleasure of the Governor.

(2) The purpose of the Office of Tourism, Trade, and  
Economic Development is to assist the Governor in working with  
the Legislature, state agencies, business leaders, and  
economic development professionals to formulate and implement  
coherent and consistent policies and strategies designed to

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1 provide economic opportunities for all Floridians. To  
2 accomplish such purposes, the Office of Tourism, Trade, and  
3 Economic Development shall:

4 (a) Contract, notwithstanding the provisions of part I  
5 of chapter 287, with the direct-support organization created  
6 under s. 288.1228, or a designated Florida not-for-profit  
7 corporation whose board members have had prior experience in  
8 promoting, throughout the state, the economic development of  
9 the Florida motion picture, television, radio, video,  
10 recording, and entertainment industries, to guide, stimulate,  
11 and promote the entertainment industry in the state.

12 (b) Contract, notwithstanding the provisions of part I  
13 of chapter 287, with the direct-support organization created  
14 under s. 288.1229 to guide, stimulate, and promote the sports  
15 industry in the state.

16 (c) Monitor the activities of public-private  
17 partnerships and state agencies in order to avoid duplication  
18 and promote coordinated and consistent implementation of  
19 programs in areas including, but not limited to, tourism;  
20 international trade and investment; business recruitment,  
21 creation, retention, and expansion; minority and small  
22 business development; and rural community development.

23 (d) Facilitate the direct involvement of the Governor  
24 and the Lieutenant Governor in economic development projects  
25 designed to create, expand, and retain Florida businesses and  
26 to recruit worldwide business, as well as in other  
27 job-creating efforts.

28 (e) Assist the Governor, in cooperation with  
29 Enterprise Florida, Inc., and the Florida Commission on  
30 Tourism, in preparing an annual report to the Legislature on  
31 the state of the business climate in Florida and on the state

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1 of economic development in Florida which will include the  
 2 identification of problems and the recommendation of  
 3 solutions. This report shall be submitted to the President of  
 4 the Senate, the Speaker of the House of Representatives, the  
 5 Senate Minority Leader, and the House Minority Leader by  
 6 January 1 of each year, and it shall be in addition to the  
 7 Governor's message to the Legislature under the State  
 8 Constitution and any other economic reports required by law.

9 (f) Plan and conduct at least one meeting ~~three~~  
 10 ~~meetings~~ per calendar year of leaders in business, government,  
 11 and economic development called by the Governor to address the  
 12 business climate in the state, develop a common vision for the  
 13 economic future of the state, and identify economic  
 14 development efforts to fulfill that vision.

15 (g)1. Administer the Florida Enterprise Zone Act under  
 16 ss. 290.001-290.016, the community contribution tax credit  
 17 program under ss. 220.183 and 624.5105, the tax refund program  
 18 for qualified target industry businesses under s. 288.106, the  
 19 tax-refund program for qualified defense contractors under s.  
 20 288.1045, contracts for transportation projects under s.  
 21 288.063, the sports franchise facility program under s.  
 22 288.1162, the professional golf hall of fame facility program  
 23 under s. 288.1168, the expedited permitting process under s.  
 24 403.973 ~~Florida Jobs Siting Act under ss. 403.950-403.972~~, the  
 25 Rural Community Development Revolving Loan Fund under s.  
 26 288.065, the Regional Rural Development Grants Program under  
 27 s. 288.018, the Certified Capital Company Act under s. 288.99,  
 28 the Florida State Rural Development Council, ~~and~~ the Rural  
 29 Economic Development Initiative, and other programs that are  
 30 specifically assigned to the office by law, by the  
 31 appropriations process, or by the Governor. Notwithstanding

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1 any other provisions of law, the office may expend interest  
2 earned from the investment of program funds deposited in the  
3 Economic Development Trust Fund, the Grants and Donations  
4 Trust Fund, the Brownfield Property Ownership Clearance  
5 Assistance Revolving Loan Trust Fund, and the Economic  
6 Development Transportation Trust Fund to contract for the  
7 administration of the programs, or portions of the programs,  
8 enumerated in this paragraph or assigned to the office by law,  
9 by the appropriations process, or by the Governor. Such  
10 expenditures shall be subject to review under chapter 216.

11 2. The office may enter into contracts in connection  
12 with the fulfillment of its duties concerning the Florida  
13 First Business Bond Pool under chapter 159, tax incentives  
14 under chapters 212 and 220, tax incentives under the Certified  
15 Capital Company Act in chapter 288, foreign offices under  
16 chapter 288, the Enterprise Zone program under chapter 290,  
17 the Seaport Employment Training program under chapter 311, the  
18 Florida Professional Sports Team License Plates under chapter  
19 320, Spaceport Florida under chapter 331, ~~Job Siting and~~  
20 Expedited Permitting under chapter 403, and in carrying out  
21 other functions that are specifically assigned to the office  
22 by law, by the appropriations process, or by the Governor.

23 (h) Serve as contract administrator for the state with  
24 respect to contracts with Enterprise Florida, Inc., the  
25 Florida Commission on Tourism, and all direct-support  
26 organizations under this act, excluding those relating to  
27 tourism. To accomplish the provisions of this act and  
28 applicable provisions of chapter 288, and notwithstanding the  
29 provisions of part I of chapter 287, the office shall enter  
30 into specific contracts with Enterprise Florida, Inc., the  
31 Florida Commission on Tourism, and other appropriate

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1 direct-support organizations. Such contracts may be multiyear  
2 and shall include specific performance measures for each year.  
3 ~~The office shall provide the President of the Senate and the~~  
4 ~~Speaker of the House of Representatives with a report by~~  
5 ~~February 1 of each year on the status of these contracts,~~  
6 ~~including the extent to which specific contract performance~~  
7 ~~measures have been met by these contractors.~~

8 (i) Prepare and submit as a separate budget entity a  
9 unified budget request for tourism, trade, and economic  
10 development in accordance with chapter 216 for, and in  
11 conjunction with, Enterprise Florida, Inc., and its boards,  
12 the Florida Commission on Tourism and its direct-support  
13 organization, the Florida Black Business Investment Board, and  
14 the direct-support organizations created to promote the  
15 entertainment and sports industries.

16 (j) ~~Adopt~~ Promulgate rules, as necessary, to carry out  
17 its functions in connection with the administration of the  
18 Qualified Target Industry program, the Qualified Defense  
19 Contractor program, the Certified Capital Company Act, the  
20 Enterprise Zone program, and the Florida First Business Bond  
21 pool.

22 (3) The Chief Inspector General, as defined in s.  
23 14.32:

24 (a) Shall advise public-private partnerships in their  
25 development, utilization, and improvement of internal control  
26 measures necessary to ensure fiscal accountability.

27 (b) May conduct, direct, and supervise audits relating  
28 to the programs and operations of public-private partnerships.

29 (c) Shall receive and investigate complaints of fraud,  
30 abuses, and deficiencies relating to programs and operations  
31 of public-private partnerships.

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1 (d) May request and have access to any records, data,  
2 and other information of public-private partnerships that the  
3 Chief Inspector General deems necessary to carry out his or  
4 her responsibilities with respect to accountability.

5 (e) Shall monitor public-private partnerships for  
6 compliance with the terms and conditions of contracts with the  
7 Office of Tourism, Trade, and Economic Development and report  
8 noncompliance to the Governor.

9 (f) Shall advise public-private partnerships in the  
10 development, utilization, and improvement of performance  
11 measures for the evaluation of their operations.

12 (g) Shall review and make recommendations for  
13 improvements in the actions taken by public-private  
14 partnerships to meet performance standards.

15 (4) The director of the Office of Tourism, Trade, and  
16 Economic Development shall designate a position within the  
17 office to advocate and coordinate the interests of minority  
18 businesses. The person in this position shall report to the  
19 director and shall be the primary point of contact for the  
20 office on issues and projects important to the recruitment,  
21 creation, preservation, and growth of minority businesses.

22 (5) The director of the Office of Tourism, Trade, and  
23 Economic Development shall designate a position within the  
24 office to advocate and coordinate the interests of rural  
25 communities in the state. The person in this position shall  
26 report to the director and shall be the primary point of  
27 contact for the office on issues and projects important to the  
28 economic capacity of Florida's rural communities.

29 (6)(a) In order to improve the state's regulatory  
30 environment, the Office of Tourism, Trade, and Economic  
31 Development shall consider the impact of agency rules on

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1 businesses, provide one-stop permit information and  
2 assistance, and serve as an advocate for businesses,  
3 particularly small businesses, in their dealings with state  
4 agencies.

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

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

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

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

17 3. Make recommendations to the Legislature and to  
18 agencies for improving permitting procedures affecting  
19 business activities in the state. By October 1, 1997, and  
20 annually thereafter, the Office of Tourism, Trade, and  
21 Economic Development shall submit a report to the Legislature  
22 containing the following:

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

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

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

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

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

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

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

9  
10 If the Legislature establishes such a registry, subsequent  
11 annual reports must cover the status and performance of this  
12 registry.

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

23 5. Obtain information and permit applications from  
24 agencies and provide such information and permit applications  
25 to the public.

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

30 7. Determine, upon request, the status of a particular  
31 permit application.



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1 8. Receive complaints and suggestions concerning  
2 permitting policies and activities of governmental agencies  
3 which affect businesses.

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

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

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

25 (7) The Office of Tourism, Trade, and Economic  
26 Development shall develop performance measures, standards, and  
27 sanctions for each program it administers under this act and,  
28 in conjunction with the applicable entity, for each program  
29 for which it contracts with another entity under this act.  
30 The performance measures, standards, and sanctions shall be  
31 developed in consultation with the legislative appropriations

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1 committees and the appropriate substantive committees, and are  
2 subject to the review and approval process provided in s.  
3 216.177. The approved performance measures, standards, and  
4 sanctions shall be included and made a part of each contract  
5 entered into for delivery of programs authorized by this act.

6 (8) The Office of Tourism, Trade, and Economic  
7 Development shall ensure that the contract between the Florida  
8 Commission on Tourism and the commission's direct-support  
9 organization contains a provision to provide the data on the  
10 visitor counts and visitor profiles used in revenue  
11 estimating, employing the same methodology used in fiscal year  
12 1995-1996 by the Department of Commerce. The Office of  
13 Tourism, Trade, and Economic Development and the Florida  
14 Commission on Tourism must reach agreement with the Consensus  
15 Estimating Conference principals before making any changes in  
16 methodology used or information gathered.

17 (9)(a) The Office of Urban Opportunity is created  
18 within the Office of Tourism, Trade, and Economic Development.  
19 The director of the Office of Urban Opportunity shall be  
20 appointed by and serve at the pleasure of the Governor.

21 (b) The purpose of the Office of Urban Opportunity  
22 shall be to administer the Front Porch Florida initiative, a  
23 comprehensive, community-based urban core redevelopment  
24 program that will empower urban core residents to craft  
25 solutions to the unique challenges of each designated  
26 community.

27 ~~(9)(a) Subject to the cooperative recommendations of~~  
28 ~~Enterprise Florida, Inc., and the Florida Commission on~~  
29 ~~Tourism and also to the approval of the Governor, the Office~~  
30 ~~of Tourism, Trade, and Economic Development is authorized to~~  
31 ~~expend appropriated state and federal funds for general~~

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1 ~~economic development grants. The office shall establish~~  
2 ~~criteria for the award of grants, including criteria relating~~  
3 ~~to highest economic return for the state as a whole, or a~~  
4 ~~particular region, county, city, or community, ability to~~  
5 ~~properly administer grant funds, and such other matters deemed~~  
6 ~~necessary and appropriate to further the purposes of this~~  
7 ~~subsection. The office shall expend all funds in accordance~~  
8 ~~with state law and shall use such appropriations to supplement~~  
9 ~~the financial support of:~~  
10       1. ~~Programs that have a substantial economic~~  
11 ~~significance, giving emphasis to programs that benefit the~~  
12 ~~state as a whole.~~  
13       2. ~~Programs with a high potential for match funding~~  
14 ~~from nonstate sources.~~  
15       3. ~~Economic development programs for which no other~~  
16 ~~state grants are available.~~  
17       4. ~~Rural areas and distressed urban areas.~~  
18       (b) ~~Grants shall be made by contract with any~~  
19 ~~nonprofit corporation or local or state governmental entity.~~  
20 ~~Of the total amount of funds available from all sources for~~  
21 ~~grants, 70 percent of such funds shall be awarded on a~~  
22 ~~50-percent matching basis. Up to 30 percent of such funds~~  
23 ~~available may be awarded on a nonmatching basis.~~  
24       (c) ~~In administering grants, contracts, and funds~~  
25 ~~appropriated for economic development programs, the office may~~  
26 ~~release moneys in advance on a quarterly basis. By the end of~~  
27 ~~the contract period, the grantee or contractee shall furnish~~  
28 ~~to the office a complete and accurate accounting of how all~~  
29 ~~grant funds were expended. Postaudits to be conducted by an~~  
30 ~~independent certified public accountant may be required in~~  
31 ~~accordance with criteria adopted by the office.~~

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1 ~~(d) The office shall not award any new grant which~~  
 2 ~~will, in whole or in part, inure to the personal benefit of~~  
 3 ~~any board member of Enterprise Florida, Inc., or the Florida~~  
 4 ~~Commission on Tourism during that member's term of office, if~~  
 5 ~~the board member participated in the vote of the board or~~  
 6 ~~panel thereof recommending the award. However, this subsection~~  
 7 ~~does not prohibit the office from awarding a grant to an~~  
 8 ~~entity with which a board member is associated.~~

9 ~~(e) This subsection is repealed on July 1, 1999.~~

10 Section 2. Section 288.0251, Florida Statutes, is  
 11 amended to read:

12 288.0251 International development outreach activities  
 13 in Latin America and Caribbean Basin.--The Department of State  
 14 Office of Tourism, Trade, and Economic Development may  
 15 contract for the implementation of Florida's international  
 16 volunteer corps to provide short-term training and technical  
 17 assistance activities in Latin America and the Caribbean  
 18 Basin. The entity contracted under this section must require  
 19 that such activities be conducted by qualified volunteers who  
 20 are citizens of the state. The contracting agency must have a  
 21 statewide focus and experience in coordinating international  
 22 volunteer programs.

23 Section 3. Paragraphs (a) and (b) of subsection (3) of  
 24 section 288.095, Florida Statutes, are amended to read:

25 288.095 Economic Development Trust Fund.--

26 (3)(a) ~~Contingent upon an annual appropriation by the~~  
 27 ~~Legislature,~~The Office of Tourism, Trade, and Economic  
 28 Development may approve applications for certification tax  
 29 refunds pursuant to ss. 288.1045(3) and ss. 288.1045, 288.106,  
 30 and 288.107. However, the total state share of tax refund  
 31 payments scheduled in all active certifications for fiscal

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1 year 2000-2001 shall not exceed \$24 million. The state share  
2 of tax refund payments scheduled in all active certifications  
3 for fiscal year 2001-2002 and each subsequent year shall not  
4 exceed \$30 million.~~The office may not approve tax refunds in~~  
5 ~~excess of the amount appropriated to the Economic Development~~  
6 ~~Incentives Account for such tax refunds, for a fiscal year~~  
7 ~~pursuant to paragraph (b).~~

8 (b) The total amount of tax refund claims ~~refunds~~  
9 approved for payment by the Office of Tourism, Trade, and  
10 Economic Development based on actual project performance may  
11 ~~pursuant to ss. 288.1045, 288.106, and 288.107~~ shall not  
12 exceed the amount appropriated to the Economic Development  
13 Incentives Account for such purposes for the fiscal year. In  
14 the event the Legislature does not appropriate an amount  
15 sufficient to satisfy projections by the office for tax  
16 refunds under ss. 288.1045 and ~~288.106, and 288.107~~ in a  
17 fiscal year, the Office of Tourism, Trade, and Economic  
18 Development shall, not later than July 15 of such year,  
19 determine the proportion of each refund claim which shall be  
20 paid by dividing the amount appropriated for tax refunds for  
21 the fiscal year by the projected total of refund claims for  
22 the fiscal year. The amount of each claim for a tax refund  
23 shall be multiplied by the resulting quotient. If, after the  
24 payment of all such refund claims, funds remain in the  
25 Economic Development Incentives Account for tax refunds, the  
26 office shall recalculate the proportion for each refund claim  
27 and adjust the amount of each claim accordingly.

28 Section 4. Section 288.106, Florida Statutes, 1998  
29 Supplement, is amended to read:

30 288.106 Tax refund program for qualified target  
31 industry businesses.--

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1 (1) LEGISLATIVE FINDINGS AND DECLARATIONS.--The  
2 Legislature finds that attracting, retaining, and providing  
3 favorable conditions for the growth of target industries  
4 provides high-quality employment opportunities for citizens of  
5 this state and enhances the economic foundations of this  
6 state. It is the policy of this state to encourage the growth  
7 of a high-value-added employment and economic base by  
8 providing tax refunds to qualified target industry businesses  
9 that create new high-wage employment opportunities in this  
10 state by expanding existing businesses within this state or by  
11 bringing new businesses to this state.

12 (2) DEFINITIONS.--As used in this section:

13 (a) "Account" means the Economic Development  
14 Incentives Account within the Economic Development Trust Fund  
15 established under s. 288.095.

16 (b) "Average private sector wage in the area" means  
17 the statewide private sector average wage or the average of  
18 all private sector wages and salaries in the county or in the  
19 standard metropolitan area in which the business is located.

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

26 (d) "Corporate headquarters business" means an  
27 international, national, or regional headquarters office of a  
28 multinational or multistate business enterprise or national  
29 trade association, whether separate from or connected with  
30 other facilities used by such business.

31 (e) "Office" means the Office of Tourism, Trade, and

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1 Economic Development.

2 (f) "Enterprise zone" means an area designated as an  
3 enterprise zone pursuant to s. 290.0065.

4 (g) "Expansion of an existing business" means the  
5 expansion of an existing Florida a business by or through  
6 additions to real and personal property ~~on a site colocated~~  
7 ~~with a commercial or industrial operation owned by the same~~  
8 ~~business~~, resulting in a net increase in employment of not  
9 less than 10 percent at such business.

10 (h) "Fiscal year" means the fiscal year of the state.

11 (i) "Jobs" means full-time equivalent positions, as  
12 such terms are consistent with terms used by the Department of  
13 Labor and Employment Security and the United States Department  
14 of Labor for purposes of unemployment compensation tax  
15 administration and employment estimation, resulting directly  
16 from a project in this state. This number shall not include  
17 temporary construction jobs involved with the construction of  
18 facilities for the project or any jobs which have previously  
19 been included in any application for tax refunds under s.  
20 288.104 or this section.

21 (j) "Local financial support" means funding from local  
22 sources, public or private, which is paid to the Economic  
23 Development Trust Fund and which is equal to 20 percent of the  
24 annual tax refund for a qualified target industry business. A  
25 qualified target industry business may not provide, directly  
26 or indirectly, more than 5 percent of such funding in any  
27 fiscal year. The sources of such funding may not include,  
28 directly or indirectly, state funds appropriated from the  
29 General Revenue Fund or any state trust fund, excluding tax  
30 revenues shared with local governments pursuant to law.

31 (k) "Local financial support exemption option" means

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1 the option to exercise an exemption from the local financial  
2 support requirement available to any applicant whose project  
3 is located in a county with a population of 75,000 or fewer or  
4 a county with a population of 100,000 or fewer which is  
5 contiguous to a county with a population of 75,000 or fewer  
6 ~~designated by the Rural Economic Development Initiative~~. Any  
7 applicant that exercises this option shall not be eligible for  
8 more than 80 percent of the total tax refunds allowed such  
9 applicant under this section.

10 (l) "New business" means a business which heretofore  
11 did not exist in this state, first beginning operations on a  
12 site located in this state and clearly separate from any other  
13 commercial or industrial operations owned by the same  
14 business.

15 (m) "Project" means the creation of a new business or  
16 expansion of an existing business.

17 (n) "Director" means the Director of the Office of  
18 Tourism, Trade, and Economic Development.

19 (o) "Target industry business" means a corporate  
20 headquarters business or any business that is engaged in one  
21 of the target industries identified pursuant to the following  
22 criteria developed by the office in consultation with  
23 Enterprise Florida, Inc.:

24 1. Future growth.--Industry forecasts should indicate  
25 strong expectation for future growth in both employment and  
26 output, according to the most recent available data. Special  
27 consideration should be given to Florida's growing access to  
28 international markets or to replacing imports.

29 2. Stability.--The industry should not be subject to  
30 periodic layoffs, whether due to seasonality or sensitivity to  
31 volatile economic variables such as weather. The industry



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1 should also be relatively resistant to recession, so that the  
2 demand for products of this industry is not necessarily  
3 subject to decline during an economic downturn.

4 3. High wage.--The industry should pay relatively high  
5 wages compared to statewide or area averages.

6 4. Market and resource independent.--The location of  
7 industry businesses should not be dependent on Florida markets  
8 or resources as indicated by industry analysis.

9 5. Industrial base diversification and  
10 strengthening.--The industry should contribute toward  
11 expanding or diversifying the state's or area's economic base,  
12 as indicated by analysis of employment and output shares  
13 compared to national and regional trends. Special  
14 consideration should be given to industries that strengthen  
15 regional economies by adding value to basic products or  
16 building regional industrial clusters as indicated by industry  
17 analysis.

18 6. Economic benefits.--The industry should have strong  
19 positive impacts on or benefits to the state and regional  
20 economies.

21  
22 The office, in consultation with Enterprise Florida, Inc.,  
23 shall develop a list of such target industries annually and  
24 submit such list as part of the final agency legislative  
25 budget request submitted pursuant to s. 216.023(1). A target  
26 industry business may not include any industry engaged in  
27 retail activities; any electrical utility company; any  
28 phosphate or other solid minerals severance, mining, or  
29 processing operation; any oil or gas exploration or production  
30 operation; or any firm subject to regulation by the Division  
31 of Hotels and Restaurants of the Department of Business and

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1 Professional Regulation.

2 (p) "Taxable year" means taxable year as defined in s.  
3 220.03(1)(z).

4 (q) "Qualified target industry business" means a  
5 target industry business that has been approved by the  
6 director to be eligible for tax refunds pursuant to this  
7 section.

8 (r) "Rural county" means a county with a population of  
9 75,000 or fewer or a county with a population of 100,000 or  
10 fewer which is contiguous to a county with a population of  
11 75,000 or fewer less.

12 (s) "Rural city" means a city with a population of  
13 10,000 or less, or a city with a population of greater than  
14 10,000 but less than 20,000 which has been determined by the  
15 Office of Tourism, Trade, and Economic Development to have  
16 economic characteristics such as, but not limited to, a  
17 significant percentage of residents on public assistance, a  
18 significant percentage of residents with income below the  
19 poverty level, or a significant percentage of the city's  
20 employment base in agriculture-related industries.

21 (t) "Rural community" means:

- 22 1. A county with a population of 75,000 or less.  
23 2. A county with a population of 100,000 or less that  
24 is contiguous to a county with a population of 75,000 or less.  
25 3. A municipality within a county described in  
26 subparagraph 1. or subparagraph 2.

27  
28 For purposes of this paragraph, population shall be determined  
29 in accordance with the most recent official estimate pursuant  
30 to s. 186.901.

31 (u) "Authorized local economic development agency"

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1 means any public or private entity, including those defined in  
2 s. 288.075, authorized by a county or municipality to promote  
3 the general business or industrial interests of that county or  
4 municipality.

5 (3) TAX REFUND; ELIGIBLE AMOUNTS.--

6 (a) There shall be allowed, from the account, a refund  
7 to a qualified target industry business for the amount of  
8 eligible taxes certified by the director which were paid by  
9 such business. The total amount of refunds for all fiscal  
10 years for each qualified target industry business must be  
11 determined pursuant to subsection (4). The annual amount of a  
12 refund to a qualified target industry business must be  
13 determined pursuant to subsection (6).

14 (b) Upon approval by the director, a qualified target  
15 industry business shall be allowed tax refund payments equal  
16 to \$3,000 times the number of jobs specified in the tax refund  
17 agreement under subparagraph (5)(a)1., or equal to \$6,000  
18 times the number of jobs if the project is located in a rural  
19 county or an enterprise zone. Further, a qualified target  
20 industry business shall be allowed additional tax refund  
21 payments equal to \$1,000 times the number of jobs specified in  
22 the tax refund agreement under subparagraph (5)(a)1., if such  
23 jobs pay an annual average wage of at least 150 percent of the  
24 average private-sector wage in the area, or equal to \$2,000  
25 times the number of jobs if such jobs pay an annual average  
26 wage of at least 200 percent of the average private-sector  
27 wage in the area.~~The director may approve a qualified target~~  
28 ~~industry business to receive tax refund payments of up to~~  
29 ~~\$5,000 times the number of jobs specified in the tax refund~~  
30 ~~agreement under subparagraph (5)(a)1., or up to \$7,500 times~~  
31 ~~the number of jobs if the project is located in an enterprise~~

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1 ~~zone.~~A qualified target industry business may not receive  
2 refund payments of more than 25 percent of the total tax  
3 refunds specified in the tax refund agreement under  
4 subparagraph (5)(a)1. in any fiscal year. Further, a qualified  
5 target industry business may not receive more than \$1.5  
6 million in refunds under this section in any single fiscal  
7 year, or more than \$2.5 million in any single fiscal year if  
8 the project is located in an enterprise zone. A qualified  
9 target industry may not receive more than \$5 million in refund  
10 payments under this section in all fiscal years, or more than  
11 \$7.5 million if the project is located in an enterprise zone.  
12 Funds made available pursuant to this section may not be  
13 expended in connection with the relocation of a business from  
14 one community to another community in this state unless the  
15 Office of Tourism, Trade, and Economic Development determines  
16 that without such relocation the business will move outside  
17 this state or determines that the business has a compelling  
18 economic rationale for the relocation and that the relocation  
19 will create additional jobs.

20 (c) After entering into a tax refund agreement under  
21 subsection (5), a qualified target industry business may:

22 1. Receive refunds from the account for the following  
23 taxes due and paid by that business beginning with the first  
24 taxable year of the business which begins after entering into  
25 the agreement:

26 ~~1. Taxes on sales, use, and other transactions under~~  
27 ~~chapter 212.~~

28 ~~a.2.~~ Corporate income taxes under chapter 220.

29 ~~3. Intangible personal property taxes under chapter~~  
30 ~~199.~~

31 ~~4. Emergency excise taxes under chapter 221.~~

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1 ~~5. Excise taxes on documents under chapter 201.~~  
2 ~~6. Ad valorem taxes paid, as defined in s. 220.03(1).~~  
3 ~~b.7. Insurance premium tax under s. 624.509.~~  
4 2. Receive refunds from the account for the following  
5 taxes due and paid by that business after entering into the  
6 agreement:  
7 a. Taxes on sales, use, and other transactions under  
8 chapter 212.  
9 b. Intangible personal property taxes under chapter  
10 199.  
11 c. Emergency excise taxes under chapter 221.  
12 d. Excise taxes on documents under chapter 201.  
13 e. Ad valorem taxes paid, as defined in s. 220.03(1).  
14 (d) However, a qualified target industry business may  
15 not receive a refund under this section for any amount of  
16 credit, refund, or exemption granted to that business for any  
17 of such taxes. If a refund for such taxes is provided by the  
18 office, which taxes are subsequently adjusted by the  
19 application of any credit, refund, or exemption granted to the  
20 qualified target industry business other than as provided in  
21 this section, the business shall reimburse the account for the  
22 amount of that credit, refund, or exemption. A qualified  
23 target industry business shall notify and tender payment to  
24 the office within 20 days after receiving any credit, refund,  
25 or exemption other than one provided in this section.  
26 (e)(d) A qualified target industry business that  
27 fraudulently claims a refund under this section:  
28 1. Is liable for repayment of the amount of the refund  
29 to the account, plus a mandatory penalty in the amount of 200  
30 percent of the tax refund which shall be deposited into the  
31 General Revenue Fund.

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1 2. Is guilty of a felony of the third degree,  
2 punishable as provided in s. 775.082, s. 775.083, or s.  
3 775.084.

4 (4) APPLICATION AND APPROVAL PROCESS.--

5 (a) To apply for certification as a qualified target  
6 industry business under this section, the business must file  
7 an application with the office before the business has made  
8 the decision to locate a new business in this state or before  
9 the business had made the decision to expand an existing  
10 business in this state. The application shall include, but is  
11 not limited to, the following information:

12 1. The applicant's federal employer identification  
13 number and the applicant's state sales tax registration  
14 number.

15 2. The permanent location of the applicant's facility  
16 in this state at which the project is or is to be located.

17 3. A description of the type of business activity or  
18 product covered by the project, including four-digit SIC codes  
19 for all activities included in the project.

20 4. The number of full-time equivalent jobs in this  
21 state that are or will be dedicated to the project and the  
22 average wage of those jobs. If more than one type of business  
23 activity or product is included in the project, the number of  
24 jobs and average wage for those jobs must be separately stated  
25 for each type of business activity or product.

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

28 6. The anticipated commencement date of the project.

29 ~~7. The amount of:~~

30 ~~a. Taxes on sales, use, and other transactions paid~~  
31 ~~under chapter 212.~~

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1           ~~b. Corporate income taxes paid under chapter 220;~~  
2           ~~c. Intangible personal property taxes paid under~~  
3 ~~chapter 199;~~  
4           ~~d. Emergency excise taxes paid under chapter 221; and~~  
5           ~~e. Excise taxes on documents paid under chapter 201.~~  
6           ~~8. The estimated amount of tax refunds to be claimed~~  
7 ~~in each fiscal year.~~  
8           ~~7.9.~~ A brief statement concerning the role that the  
9 tax refunds requested will play in the decision of the  
10 applicant to locate or expand in this state.  
11           ~~8.10.~~ An estimate of the proportion of the sales  
12 resulting from the project that will be made outside this  
13 state.  
14           ~~9.11.~~ A resolution adopted by the governing board of  
15 the county or municipality in which the project will be  
16 located, which resolution recommends that certain types of  
17 businesses be approved as a qualified target industry business  
18 and states that the commitments of local financial support  
19 necessary for the target industry business exist. In advance  
20 of the passage of such resolution, the office may also accept  
21 an official letter from an authorized local economic  
22 development agency that endorses the proposed target industry  
23 project and pledges that sources of local financial support  
24 for such project exist. For the purposes of making pledges of  
25 local financial support under this subsection, the authorized  
26 local economic development agency shall be officially  
27 designated by the passage of a one-time resolution by the  
28 local governing authority. ~~Before adoption of the resolution,~~  
29 ~~the governing board may review the proposed public or private~~  
30 ~~sources of such support and determine whether the proposed~~  
31 ~~sources of local financial support can be provided.~~

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1 ~~10.12.~~ Any additional information requested by the  
2 office.

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

6 1. The jobs proposed to be provided under the  
7 application, pursuant to subparagraph (a)4., must pay an  
8 estimated annual average wage equaling at least 115 percent of  
9 the average private sector wage in the area where the business  
10 is to be located or the statewide private sector average wage.  
11 The office may waive this average wage requirement at the  
12 request of the local governing body recommending the project  
13 and Enterprise Florida, Inc. The wage requirement may only be  
14 waived for a project located in a brownfield area designated  
15 under s. 376.80 or in a rural city or county or in an  
16 enterprise zone and only when 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 recommendation, it must be transmitted in writing and the  
21 specific justification for the waiver recommendation must be  
22 explained. If the director elects to waive the wage  
23 requirement, the waiver must be stated in writing and the  
24 reasons for granting the waiver must be explained.

25 2. The target industry business's project must result  
26 in the creation of at least 10 jobs at such project and, if an  
27 expansion of an existing business, must result in a net  
28 increase in employment of not less than 10 percent at such  
29 business. Notwithstanding the definition of the term  
30 "expansion of an existing business" in paragraph (2)(g), at  
31 the request of the local governing body recommending the



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1 project and Enterprise Florida, Inc., the office may define an  
2 "expansion of an existing business" in a rural community or an  
3 enterprise zone as the expansion of a business resulting in a  
4 net increase in employment of less than 10 percent at such  
5 business if the merits of the individual project or the  
6 specific circumstances in the community in relationship to the  
7 project warrant such action. If the local governing body and  
8 Enterprise Florida, Inc., make such a request, it must be  
9 transmitted in writing and the specific justification for the  
10 request must be explained. If the director elects to grant  
11 such request, such election must be stated in writing and the  
12 reason for granting the request must be explained.

13 3. The business activity or product for the  
14 applicant's project is within an industry or industries that  
15 have been identified by the office to be high-value-added  
16 industries that contribute to the area and to the economic  
17 growth of the state and that produce a higher standard of  
18 living for citizens of this state in the new global economy or  
19 that can be shown to make an equivalent contribution to the  
20 area and state's economic progress. The director must approve  
21 requests to waive the wage requirement for brownfield areas  
22 designated under s. 376.80 unless it is demonstrated that such  
23 action is not in the public interest.

24 (c) Each application meeting the requirements of  
25 paragraph (b) must be submitted to the office for  
26 determination of eligibility. The office shall review and  
27 evaluate each application based on, but not limited to, the  
28 following criteria:

29 1. Expected contributions to the state strategic  
30 economic development plan adopted by Enterprise Florida, Inc.,  
31 taking into account the long-term effects of the project and

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1 of the applicant on the state economy.

2 2. The economic benefit of the jobs created by the  
3 project in this state, taking into account the cost and  
4 average wage of each job created.

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

7 4. The local commitment and support for the project.

8 5. The effect of the project on the local community,  
9 taking into account the unemployment rate for the county where  
10 the project will be located.

11 6. The effect of any tax refunds granted pursuant to  
12 this section on the viability of the project and the  
13 probability that the project will be undertaken in this state  
14 if such tax refunds are granted to the applicant, taking into  
15 account the expected long-term commitment of the applicant to  
16 economic growth and employment in this state.

17 7. The expected long-term commitment to this state  
18 resulting from the project.

19 8. A review of the business's past activities in this  
20 state or other states, including whether such business has  
21 been subjected to criminal or civil fines and penalties.  
22 Nothing in this subparagraph shall require the disclosure of  
23 confidential information.

24 (d) The office shall forward its written findings and  
25 evaluation concerning each application meeting the  
26 requirements of paragraph (b) to the director within 45  
27 calendar days after receipt of a complete application. The  
28 office shall notify each target industry business when its  
29 application is complete, and of the time when the 45-day  
30 period begins. In its written report to the director, the  
31 office shall specifically address each of the factors

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1 specified in paragraph (c) and shall make a specific  
2 assessment with respect to the minimum requirements  
3 established in paragraph (b). The office shall include in its  
4 report projections of the tax refund claim that will be sought  
5 by the target industry business in each fiscal year based on  
6 the information submitted in the application.

7 (e)1. Within 30 days after receipt of the office's  
8 findings and evaluation, the director shall issue a letter of  
9 certification ~~enter a final order~~ that either approves or  
10 disapproves the application of the target industry business.  
11 The decision must be in writing and must provide the  
12 justifications for approval or disapproval.

13 2. If appropriate, the director shall enter into a  
14 written agreement with the qualified target industry business  
15 pursuant to subsection (5).

16 (f) The director may not certify ~~enter a final order~~  
17 ~~that certifies~~ any target industry business as a qualified  
18 target industry business if the value of tax refunds to be  
19 included in that letter of certification ~~final order~~ exceeds  
20 the available amount of authority to certify new businesses  
21 ~~enter final orders~~ as determined in s. 288.095(3). However, if  
22 the commitments of local financial support represent less than  
23 20 percent of the eligible tax refund payments, or to  
24 otherwise preserve the viability and fiscal integrity of the  
25 program, the director may certify a qualified target industry  
26 business to receive tax refund payments of less than the  
27 allowable amounts specified in paragraph (3)(b). A letter of  
28 certification ~~final order~~ that approves an application must  
29 specify the maximum amount of tax refund that will be  
30 available to the qualified industry business in each fiscal  
31 year and the total amount of tax refunds that will be

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1 available to the business for all fiscal years.

2 (g) Nothing in this section shall create a presumption  
3 that an applicant will receive any tax refunds under this  
4 section. However, the office may issue nonbinding opinion  
5 letters, upon the request of prospective applicants, as to the  
6 applicants' eligibility and the potential amount of refunds.

7 (5) TAX REFUND AGREEMENT.--

8 (a) Each qualified target industry business must enter  
9 into a written agreement with the office which specifies, at a  
10 minimum:

11 1. The total number of full-time equivalent jobs in  
12 this state that will be dedicated to the project, the average  
13 wage of those jobs, the definitions that will apply for  
14 measuring the achievement of these terms during the pendency  
15 of the agreement, and a time schedule or plan for when such  
16 jobs will be in place and active in this state. This  
17 information must be the same as the information contained in  
18 the application submitted by the business under subsection  
19 (4).

20 2. The maximum amount of tax refunds which the  
21 qualified target industry business is eligible to receive on  
22 the project and the maximum amount of a tax refund that the  
23 qualified target industry business is eligible to receive in  
24 each fiscal year.

25 3. That the office may review and verify the financial  
26 and personnel records of the qualified target industry  
27 business to ascertain whether that business is in compliance  
28 with this section.

29 4. The date after which, in each fiscal year, the  
30 qualified target industry business may file an annual claim  
31 under subsection (6).

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1 5. That local financial support will be annually  
2 available and will be paid to the account. The director may  
3 not enter into a written agreement with a qualified target  
4 industry business if the local financial support resolution is  
5 not passed by the local governing authority within 90 days  
6 after he or she has issued the letter of certification under  
7 subsection (4).

8 (b) Compliance with the terms and conditions of the  
9 agreement is a condition precedent for the receipt of a tax  
10 refund each year. The failure to comply with the terms and  
11 conditions of the tax refund agreement results in the loss of  
12 eligibility for receipt of all tax refunds previously  
13 authorized under this section and the revocation by the  
14 director of the certification of the business entity as a  
15 qualified target industry business.

16 (c) The agreement must be signed by the director and  
17 by an authorized officer of the qualified target industry  
18 business within 120 ~~30~~ days after the issuance of the letter  
19 of certification ~~entry of a final order certifying the~~  
20 ~~business entity as a qualified target industry business~~ under  
21 subsection (4), but not before passage and receipt of the  
22 resolution of local financial support.

23 (d) The agreement must contain the following legend,  
24 clearly printed on its face in bold type of not less than 10  
25 points in size: "This agreement is neither a general  
26 obligation of the State of Florida, nor is it backed by the  
27 full faith and credit of the State of Florida. Payment of tax  
28 refunds are conditioned on and subject to specific annual  
29 appropriations by the Florida Legislature of moneys sufficient  
30 to pay amounts authorized in section 288.106, Florida  
31 Statutes."

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1 (6) ANNUAL CLAIM FOR REFUND.--

2 (a) A qualified target industry business that has  
3 entered into a tax refund agreement with the office under  
4 subsection (5) may apply once each fiscal year to the office  
5 for a tax refund. The application must be made on or after the  
6 date specified in that agreement.

7 (b) The claim for refund by the qualified target  
8 industry business must include a copy of all receipts  
9 pertaining to the payment of taxes for which the refund is  
10 sought and data related to achievement of each performance  
11 item specified in the tax refund agreement. The amount  
12 requested as a tax refund may not exceed the amount specified  
13 for that fiscal year in that agreement.

14 (c) A tax refund may not be approved for a qualified  
15 target industry business unless the required local financial  
16 support has been paid into the account in that fiscal year. If  
17 the local financial support provided is less than 20 percent  
18 of the approved tax refund, the tax refund must be reduced. In  
19 no event may the tax refund exceed an amount that is equal to  
20 5 times the amount of the local financial support received.  
21 Further, funding from local sources includes any tax abatement  
22 granted to that business under s. 196.1995 or the appraised  
23 market value of municipal or county land conveyed or provided  
24 at a discount to that business. ~~and~~ The amount of any tax  
25 refund for such business approved under this section must be  
26 reduced by the amount of any such tax abatement granted or the  
27 value of the land granted; and the limitations in subsection  
28 (3) and paragraph (4)(f) must be reduced by the amount of any  
29 such tax abatement or the value of the land granted. A report  
30 listing all sources of the local financial support shall be  
31 provided to the office when such support is paid to the

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1 account.

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

8 (e) The director, with such assistance as may be  
9 required from the office, the Department of Revenue, or the  
10 Department of Labor and Employment Security, shall specify by  
11 written final order the amount of the tax refund that is  
12 authorized for the qualified target industry business for the  
13 fiscal year within 30 days after the date that the claim for  
14 the annual tax refund is received by the office.

15 (f) The total amount of tax refund claims ~~refunds~~  
16 approved by the director under this section in any fiscal year  
17 must not exceed the amount authorized under s. 288.095(3).

18 (g) Upon approval of the tax refund under paragraphs  
19 (c), (d), and (e), the Comptroller shall issue a warrant for  
20 the amount specified in the final order. If the final order is  
21 appealed, the Comptroller may not issue a warrant for a refund  
22 to the qualified target industry business until the conclusion  
23 of all appeals of that order.

24 (7) ADMINISTRATION.--

25 (a) The office is authorized to verify information  
26 provided in any claim submitted for tax credits under this  
27 section with regard to employment and wage levels or the  
28 payment of the taxes to the appropriate agency or authority,  
29 including the Department of Revenue, the Department of Labor  
30 and Employment Security, or any local government or authority.

31 (b) To facilitate the process of monitoring and

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1 auditing applications made under this program, the office may  
2 provide a list of qualified target industry businesses to the  
3 Department of Revenue, to the Department of Labor and  
4 Employment Security, or to any local government or authority.  
5 The office may request the assistance of those entities with  
6 respect to monitoring the payment of the taxes listed in  
7 subsection (3).

8 (8) EXPIRATION.--This section expires June 30, 2004.  
9 Section 5. Section 288.901, Florida Statutes, is  
10 amended to read:

11 288.901 Enterprise Florida, Inc.; creation;  
12 membership; organization; meetings; disclosure.--

13 (1) There is created a not-for-profit nonprofit  
14 corporation, to be known as "Enterprise Florida, Inc.," which  
15 shall be registered, incorporated, organized, and operated in  
16 compliance with chapter 617, and which shall not be a unit or  
17 entity of state government. The Legislature determines,  
18 however, that public policy dictates that Enterprise Florida,  
19 Inc., operate in the most open and accessible manner  
20 consistent with its public purpose. To this end, the  
21 Legislature specifically declares that Enterprise Florida,  
22 Inc., and its boards and advisory committees or similar groups  
23 created by Enterprise Florida, Inc., are subject to the  
24 provisions of chapter 119, relating to public records and  
25 those provisions of chapter 286 relating to public meetings  
26 and records.

27 (2) Enterprise Florida, Inc., shall establish one or  
28 more corporate offices, at least one of which shall be located  
29 in Leon County. ~~Persons employed by the Department of Commerce~~  
30 ~~on the day prior to July 1, 1996, whose jobs are privatized,~~  
31 ~~shall be given preference, if qualified, for similar jobs at~~



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1 ~~Enterprise Florida, Inc. When practical, those jobs shall be~~  
2 ~~located in Leon County. All available resources, including~~  
3 ~~telecommuting, must be employed to minimize the negative~~  
4 ~~impact on the Leon County economy caused by job losses~~  
5 ~~associated with the privatization of the Department of~~  
6 ~~Commerce.~~The Department of Management Services may establish  
7 a lease agreement program under which Enterprise Florida,  
8 Inc., may hire any individual who, as of June 30, 1996, is  
9 employed by the Department of Commerce or who, as of January  
10 1, 1997, is employed by the Executive Office of the Governor  
11 and has responsibilities specifically in support of the  
12 Workforce Development Board established under s. 288.9620.  
13 Under such agreement, the employee shall retain his or her  
14 status as a state employee but shall work under the direct  
15 supervision of Enterprise Florida, Inc. Retention of state  
16 employee status shall include the right to participate in the  
17 Florida Retirement System. The Department of Management  
18 Services shall establish the terms and conditions of such  
19 lease agreements.

20 (3) Enterprise Florida, Inc., shall be governed by a  
21 board of directors. The board of directors shall consist of  
22 the following members:

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

24 (b) The Commissioner of Education or the  
25 commissioner's designee.

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

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

31 (e) A member of the House of Representatives, who

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1 shall be appointed by the Speaker of the House of  
2 Representatives as an ex officio member of the board and serve  
3 at the pleasure of the Speaker.

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

6 ~~(g) The chairperson of the board for capital~~  
7 ~~development.~~

8 ~~(h) The chairperson of the board for technology~~  
9 ~~development.~~

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

12 ~~(g)(j) Twelve members from the private sector, six of~~  
13 whom shall be appointed by the Governor, three of whom shall  
14 be appointed by the President of the Senate, and three of whom  
15 shall be appointed by the Speaker of the House of  
16 Representatives. All appointees are subject to Senate  
17 confirmation. In making such appointments, the Governor, the  
18 President of the Senate, and the Speaker of the House of  
19 Representatives shall ensure that the composition of the board  
20 is reflective of the diversity of Florida's business  
21 community, and to the greatest degree possible shall include,  
22 but not be limited to, individuals representing large  
23 companies, small companies, minority companies, and  
24 individuals representing municipal, county, or regional  
25 economic development organizations. Of the 12 members from the  
26 private sector, 7 must have significant experience in  
27 international business, with expertise in the areas of  
28 transportation, finance, law, and manufacturing. The Governor,  
29 the President of the Senate, and the Speaker of the House of  
30 Representatives shall also consider whether the current board  
31 members, together with potential appointees, reflect the

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1 racial, ethnic, and gender diversity, as well as the  
2 geographic distribution, of the population of the state.

3 (h)(k) The Secretary of State or the secretary's  
4 designee.

5 (4)(a) Vacancies on the board shall be filled by  
6 appointment by the Governor, the President of the Senate, or  
7 the Speaker of the House of Representatives, respectively,  
8 depending on who appointed the member whose vacancy is to be  
9 filled or whose term has expired.~~Members appointed to the~~  
10 ~~board before July 1, 1996, shall serve the remainder of their~~  
11 ~~unexpired terms. Vacancies occurring after July 1, 1996, as a~~  
12 ~~result of the annual expiration of terms, shall be filled in~~  
13 ~~the following manner and sequence.~~

14 1. ~~Of the first three vacancies, the Governor shall~~  
15 ~~appoint one member, the President of the Senate shall appoint~~  
16 ~~one member, and the Speaker of the House of Representatives~~  
17 ~~shall appoint one member.~~

18 2. ~~Of the second three vacancies, the Governor shall~~  
19 ~~appoint one member, the President of the Senate shall appoint~~  
20 ~~one member, and the Speaker of the House of Representatives~~  
21 ~~shall appoint one member.~~

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

25 4. ~~Of the fourth three vacancies, the Speaker of the~~  
26 ~~House of Representatives shall appoint one member and the~~  
27 ~~Governor shall appoint two members.~~

28  
29 ~~Thereafter, any vacancies which occur will be filled by the~~  
30 ~~Governor, the President of the Senate, or the Speaker of the~~  
31 ~~House of Representatives, respectively, depending on who~~

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1 ~~appointed the member whose vacancy is to be filled or whose~~  
2 ~~term has expired.~~

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

7 ~~(c) Of the six members appointed by the Governor, one~~  
8 ~~shall be, at the time of appointment, a board member of a~~  
9 ~~community development corporation meeting the requirements of~~  
10 ~~s. 290.035, and one shall be representative of the~~  
11 ~~international business community. Of the three members~~  
12 ~~appointed by the President of the Senate and Speaker of the~~  
13 ~~House of Representatives, respectively, one each shall be~~  
14 ~~representative of the international business community, and~~  
15 ~~one each shall be an executive director of a local economic~~  
16 ~~development council.~~

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

19 ~~(6) The initial appointments to the board of directors~~  
20 ~~shall be made by the Governor from a list of nominees~~  
21 ~~submitted by the Enterprise Florida Nominating Council.~~  
22 ~~Thereafter, appointments shall be made by the Governor, the~~  
23 ~~President of the Senate, and the Speaker of the House of~~  
24 ~~Representatives from a list of nominees submitted by the~~  
25 ~~remaining appointive members of the board of directors. The~~  
26 ~~board of directors shall take into consideration the current~~  
27 ~~membership of the board and shall select nominees who are~~  
28 ~~reflective of the diverse nature of Florida's business~~  
29 ~~community, including, but not limited to, individuals~~  
30 ~~representing large companies, small companies, minority~~  
31 ~~companies, companies engaged in international business~~

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1 ~~efforts, companies engaged in domestic business efforts, and~~  
2 ~~individuals representing municipal, county, or regional~~  
3 ~~economic development organizations. The board shall also~~  
4 ~~consider whether the current board members, together with~~  
5 ~~potential appointees, reflect the racial, ethnic, and gender~~  
6 ~~diversity, as well as the geographic distribution, of the~~  
7 ~~population of the state.~~

8       (6)~~(7)~~ Appointive members may be removed by the  
9 Governor, the President of the Senate, or the Speaker of the  
10 House of Representatives, respectively, for cause. Absence  
11 from three consecutive meetings results in automatic removal.

12       (7)~~(8)~~ The Governor shall serve as chairperson of the  
13 board of directors. The board of directors shall biennially  
14 elect one of its appointive members as vice chairperson. The  
15 president shall keep a record of the proceedings of the board  
16 of directors and is the custodian of all books, documents, and  
17 papers filed with the board of directors, the minutes of the  
18 board of directors, and the official seal of Enterprise  
19 Florida, Inc.

20       (8)~~(9)~~ The board of directors shall meet at least four  
21 times each year, upon the call of the chairperson, at the  
22 request of the vice chairperson, or at the request of a  
23 majority of the membership. A majority of the total number of  
24 all directors fixed by subsection (3) shall constitute a  
25 quorum. The board of directors may take official action by a  
26 majority vote of the members present at any meeting at which a  
27 quorum is present.

28       (9)~~(10)~~ Members of the board of directors shall serve  
29 without compensation, but members, the president, and staff  
30 may be reimbursed for all reasonable, necessary, and actual  
31 expenses, as determined by the board of directors of

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1 Enterprise Florida, Inc.

2 ~~(10)(11)~~ Each member of the board of directors of  
3 Enterprise Florida, Inc., ~~who was appointed after June 30,~~  
4 ~~1992, and~~ who is not otherwise required to file financial  
5 disclosure pursuant to s. 8, Art. II of the State Constitution  
6 or s. 112.3144, shall file disclosure of financial interests  
7 pursuant to s. 112.3145.

8 ~~(11)(12)~~ Notwithstanding the provisions of subsection  
9 (3), the board of directors may by resolution appoint at-large  
10 members to the board from the private sector, each of whom may  
11 serve a 1-year term. At-large members shall have the powers  
12 and duties of other members of the board, except that they may  
13 not serve on an executive committee. An at-large member is  
14 eligible for reappointment but may not vote on his or her own  
15 reappointment. An at-large member shall be eligible to fill  
16 vacancies occurring among private-sector ~~private sector~~  
17 appointees under subsection (3).

18 Section 6. Section 288.9015, Florida Statutes, is  
19 amended to read:

20 288.9015 Enterprise Florida, Inc.; purpose; duties.--

21 (1) Enterprise Florida, Inc., is the principal  
22 economic development organization for the state. It shall be  
23 the responsibility of Enterprise Florida, Inc., to provide  
24 leadership for business development in Florida by aggressively  
25 establishing a unified approach to Florida's efforts of  
26 international trade and reverse investment; by aggressively  
27 marketing the state as a probusiness location for potential  
28 new investment; and by aggressively assisting in the ~~creation,~~  
29 ~~retention,~~and expansion of existing businesses and the  
30 creation of new businesses. In support of this effort,  
31 Enterprise Florida, Inc., may develop and implement specific

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1 programs or strategies that address the creation, expansion,  
2 and retention of Florida business; the development of import  
3 and export trade; and the recruitment of worldwide business.

4 (2) It shall be the responsibility of Enterprise  
5 Florida, Inc., to aggressively market Florida's rural  
6 communities and distressed urban communities as locations for  
7 potential new investment, to aggressively assist in the  
8 retention and expansion of existing businesses in these  
9 communities, and to aggressively assist these communities in  
10 the identification and development of new economic development  
11 opportunities for job creation ~~promote and strengthen the~~  
12 ~~creation and growth of small and minority businesses and to~~  
13 ~~increase the opportunities for short-term and long-term rural~~  
14 ~~economic development.~~

15 (3) It shall be the responsibility of Enterprise  
16 Florida, Inc., through the Workforce Development Board,to  
17 develop a comprehensive approach to workforce development that  
18 will result in better employment opportunities for the  
19 residents of this state. Such comprehensive approach must  
20 include:

21 (a) Creating and maintaining a highly skilled  
22 workforce that is capable of responding to rapidly changing  
23 technology and diversified market opportunities.

24 (b) Training, educating, and assisting target  
25 populations, such as those who are economically disadvantaged  
26 or who participate in the WAGES Program or otherwise receive  
27 public assistance to become independent, self-reliant, and  
28 self-sufficient. This approach must ensure the effective use  
29 of federal, state, local, and private resources in reducing  
30 the need for public assistance.

31 (4) It shall be the responsibility of Enterprise

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1 Florida, Inc., to assess, on an ongoing basis, Florida's  
2 economic development competitiveness as measured against other  
3 business locations, to identify and regularly reevaluate  
4 Florida's economic development strengths and weaknesses, and  
5 to incorporate such information into the strategic planning  
6 process under s. 288.904.

7 (5) Enterprise Florida, Inc., shall incorporate the  
8 needs of small and minority businesses into the  
9 economic-development, international-trade and  
10 reverse-investment, and workforce-development responsibilities  
11 assigned to the organization by this section.

12 (6)(4) Enterprise Florida, Inc., shall not endorse any  
13 candidate for any elected public office, nor shall it  
14 contribute moneys to the campaign of any such candidate.

15 (7)(5) As part of its business development and  
16 marketing responsibilities, Enterprise Florida, Inc., shall  
17 prepare a business guide and checklist that contains basic  
18 information on the federal, state, and local requirements for  
19 starting and operating a business in this state. The guide and  
20 checklist must describe how additional information can be  
21 obtained on any such requirements and shall include, to the  
22 extent feasible, the names, addresses, and telephone numbers  
23 of appropriate government agency representatives. The guide  
24 and checklist must also contain information useful to persons  
25 who may be starting a business for the first time, including,  
26 but not limited to, information on business structure,  
27 financing, and planning.

28 Section 7. Section 288.903, Florida Statutes, is  
29 amended to read:

30 288.903 Board of directors of Enterprise Florida,  
31 Inc.; president; employees.--



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1 (1) The president of Enterprise Florida, Inc., shall  
2 be appointed by the board of directors and shall serve at the  
3 pleasure of the Governor. The board of directors shall  
4 establish and adjust the compensation of the president. The  
5 president is the chief administrative and operational officer  
6 of the board of directors and of Enterprise Florida, Inc., and  
7 shall direct and supervise the administrative affairs of the  
8 board of directors and any other boards of Enterprise Florida,  
9 Inc. The board of directors may delegate to its president  
10 those powers and responsibilities it deems appropriate, except  
11 for the appointment of a president.

12 (2) The board of directors may establish an executive  
13 committee consisting of the chairperson or a designee, the  
14 vice chairperson, ~~chair~~ and as many additional members of the  
15 board of directors as the board deems appropriate, except that  
16 such committee must have a minimum of five members. ~~One member~~  
17 ~~of the executive committee shall be selected by each of the~~  
18 ~~following: the Governor, the President of the Senate, and the~~  
19 ~~Speaker of the House of Representatives. Remaining members of~~  
20 ~~the executive committee shall be selected by the board of~~  
21 ~~directors.~~ The executive committee shall have such authority  
22 as the board of directors delegates to it, except that the  
23 board may not delegate the authority to hire or fire the  
24 president or the authority to establish or adjust the  
25 compensation paid to the president.

26 ~~(3) The president:~~

27 ~~(a) May contract with or employ legal and technical~~  
28 ~~experts and such other employees, both permanent and~~  
29 ~~temporary, as authorized by the board of directors.~~

30 ~~(b) Shall employ and supervise the president of any~~  
31 ~~board established within the Enterprise Florida, Inc.,~~

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1 ~~corporate structure and shall coordinate the activities of any~~  
2 ~~such boards.~~

3 ~~(c) Shall attend all meetings of the board of~~  
4 ~~directors.~~

5 ~~(d) Shall cause copies to be made of all minutes and~~  
6 ~~other records and documents of the board of directors and~~  
7 ~~shall certify that such copies are true copies. All persons~~  
8 ~~dealing with the board of directors may rely upon such~~  
9 ~~certifications.~~

10 ~~(e) Shall be responsible for coordinating and~~  
11 ~~advocating the interests of rural, minority, and small~~  
12 ~~businesses within Enterprise Florida, Inc., its boards, and in~~  
13 ~~all its economic development efforts.~~

14 ~~(f) Shall administer the finances of Enterprise~~  
15 ~~Florida, Inc., and its boards to ensure appropriate~~  
16 ~~accountability and the prudent use of public and private~~  
17 ~~funds.~~

18 ~~(g) Shall be the chief spokesperson for Enterprise~~  
19 ~~Florida, Inc., regarding economic development efforts in the~~  
20 ~~state.~~

21 ~~(h) Shall coordinate all activities and~~  
22 ~~responsibilities of Enterprise Florida, Inc., with respect to~~  
23 ~~participants in the WAGES Program.~~

24 ~~(i) Shall supervise and coordinate the collection,~~  
25 ~~research, and analysis of information for Enterprise Florida,~~  
26 ~~Inc., and its boards.~~

27 ~~(3)(4)~~ The board of directors of Enterprise Florida,  
28 Inc., and its officers shall be responsible for the prudent  
29 use of all public and private funds and shall ensure that the  
30 use of such funds is in accordance with all applicable laws,  
31 bylaws, or contractual requirements. No employee of Enterprise

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1 Florida, Inc., may receive compensation for employment which  
2 exceeds the salary paid to the Governor, unless the board of  
3 directors and the employee have executed a contract that  
4 prescribes specific, measurable performance outcomes for the  
5 employee, the satisfaction of which provides the basis for the  
6 award of incentive payments that increase the employee's total  
7 compensation to a level above the salary paid to the Governor.

8 Section 8. Subsection (1) of section 288.904, Florida  
9 Statutes, is amended to read:

10 288.904 Powers of the board of directors of Enterprise  
11 Florida, Inc.--

12 (1) The board of directors of Enterprise Florida,  
13 Inc., shall have the power to:

14 (a) Secure funding for programs and activities of  
15 Enterprise Florida, Inc., and its boards from federal, state,  
16 local, and private sources and from fees charged for services  
17 and published materials and solicit, receive, hold, invest,  
18 and administer any grant, payment, or gift of funds or  
19 property and make expenditures consistent with the powers  
20 granted to it.

21 (b)1. Make and enter into contracts and other  
22 instruments necessary or convenient for the exercise of its  
23 powers and functions, except that any contract made with an  
24 organization represented ~~on the nominating council or on the~~  
25 board of directors must be approved by a two-thirds vote of  
26 the entire board of directors, and the board member  
27 representing such organization shall abstain from voting. No  
28 more than 65 percent of the dollar value of all contracts or  
29 other agreements entered into in any fiscal year, exclusive of  
30 grant programs, shall be made with an organization represented  
31 on the ~~nominating council or the~~ board of directors. An

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1 organization represented on the board ~~or on the nominating~~  
2 ~~council~~ may not enter into a contract to receive a  
3 state-funded economic development incentive or similar grant,  
4 unless such incentive award is specifically endorsed by a  
5 two-thirds vote of the entire board. The board member  
6 representing such organization, if applicable, shall abstain  
7 from voting and refrain from discussing the issue with other  
8 members of the board. No more than 50 percent of the dollar  
9 value of grants issued by the board in any fiscal year may go  
10 to businesses associated with board members.

11 2. A contract that Enterprise Florida, Inc., executes  
12 with a person or organization under which such person or  
13 organization agrees to perform economic-development services  
14 or similar business-assistance services on behalf of  
15 Enterprise Florida, Inc., or on behalf of the state must  
16 include provisions requiring that such person or organization  
17 report on performance, account for proper use of funds  
18 provided under the contract, coordinate with other components  
19 of state and local economic development systems, and avoid  
20 duplication of existing state and local services and  
21 activities.

22 (c) Sue and be sued, and appear and defend in all  
23 actions and proceedings, in its corporate name to the same  
24 extent as a natural person.

25 (d) Adopt, use, and alter a common corporate seal for  
26 Enterprise Florida, Inc., and its boards. Notwithstanding any  
27 provisions of chapter 617 to the contrary, this seal is not  
28 required to contain the words "corporation not for profit."

29 (e) Elect or appoint such officers and agents as its  
30 affairs require and allow them reasonable compensation.

31 (f) Adopt, amend, and repeal bylaws, not inconsistent

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1 with the powers granted to it or the articles of  
2 incorporation, for the administration of the affairs of  
3 Enterprise Florida, Inc., and the exercise of its corporate  
4 powers.

5 (g) Acquire, enjoy, use, and dispose of patents,  
6 copyrights, and trademarks and any licenses, royalties, and  
7 other rights or interests thereunder or therein.

8 (h) Do all acts and things necessary or convenient to  
9 carry out the powers granted to it.

10 (i) Use the state seal, notwithstanding the provisions  
11 of s. 15.03, when appropriate, to establish that Enterprise  
12 Florida, Inc., is the principal economic, workforce, and trade  
13 development organization for the state, and for other standard  
14 corporate identity applications. Use of the state seal is not  
15 to replace use of a corporate seal as provided in this  
16 section.

17 (j) Carry forward any unexpended state appropriations  
18 into succeeding fiscal years.

19 (k) Procure insurance or require bond against any loss  
20 in connection with the property of Enterprise Florida, Inc.,  
21 and its boards, in such amounts and from such insurers as is  
22 necessary or desirable.

23 (l) Create and dissolve advisory committees, working  
24 groups, task forces, or similar organizations, as necessary to  
25 carry out the mission of Enterprise Florida, Inc. By August 1,  
26 1999, Enterprise Florida, Inc., shall establish an advisory  
27 committee on international business issues, and an advisory  
28 committee on small business issues. These committees shall be  
29 comprised of individuals representing the private sector and  
30 the public sector with expertise in the respective subject  
31 areas. The purpose of the committees shall be to guide and

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1 advise Enterprise Florida, Inc., on the development and  
2 implementation of policies, strategies, programs, and  
3 activities affecting international business and small  
4 business. The advisory committee on international business and  
5 the advisory committee on small business shall meet at the  
6 call of the chair or vice chair of the board of directors of  
7 Enterprise Florida, Inc., but shall meet at least quarterly.  
8 Meetings of the advisory committee on international business  
9 and the advisory committee on small business may be held  
10 telephonically; however, meetings of the committees that are  
11 held in person shall be rotated at different locations around  
12 the state to ensure participation of local and regional  
13 economic development practitioners and other members of the  
14 public. Members of advisory committees, working groups, task  
15 forces, or similar organizations created by Enterprise  
16 Florida, Inc., shall serve without compensation, but may be  
17 reimbursed for reasonable, necessary, and actual expenses, as  
18 determined by the board of directors of Enterprise Florida,  
19 Inc.

20 Section 9. Section 288.905, Florida Statutes, is  
21 amended to read:

22 288.905 Duties of the board of directors of Enterprise  
23 Florida, Inc.--

24 (1) In the performance of its functions and duties,  
25 the board of directors may establish, and implement, and  
26 manage policies, strategies, and programs for Enterprise  
27 Florida, Inc., and its boards. These policies, strategies, and  
28 programs shall promote business formation, expansion,  
29 recruitment, and retention through aggressive marketing;  
30 international development and export assistance; and workforce  
31 development, which together lead to more and better jobs with

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1 higher wages for all geographic regions and communities of the  
2 state, including rural areas and urban-core areas, and for all  
3 residents, including minorities.In developing such policies,  
4 strategies, and programs, the board of directors shall solicit  
5 advice from and consider the recommendations of its boards,  
6 any advisory committees or similar groups created by  
7 Enterprise Florida, Inc., and local and regional partners.

8 (2) The board of directors shall, in conjunction with  
9 the Office of Tourism, Trade, and Economic Development, the  
10 Office of Urban Opportunities, and local and regional economic  
11 development partners, develop a strategic plan for economic  
12 development for the State of Florida. Such plan shall be  
13 submitted to the Governor, the President of the Senate, the  
14 Speaker of the House of Representatives, the Senate Minority  
15 Leader, and the House Minority Leader ~~by January 1, 1997,~~ and  
16 shall be updated or modified before January 1 of each year,  
17 ~~1998, and annually thereafter.~~ The plan must be approved by  
18 the board of directors prior to submission to the Governor and  
19 Legislature. ~~The plan shall include, but is not limited to:~~

20 (3)(a) The strategic plan required under this section  
21 shall include, but is not limited to, strategies for the  
22 promotion of business formation, expansion, recruitment, and  
23 retention through aggressive marketing, international  
24 development and export assistance, and workforce development  
25 programs which lead to more and better jobs and higher wages  
26 for all geographic regions and disadvantaged communities and  
27 populations of the state, including rural areas, minority  
28 businesses, and urban core areas. Further, the strategic plan  
29 shall give consideration to the economic diversity of the  
30 state and its regions and their associated industrial clusters  
31 and develop realistic policies and programs to further their

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1 development.

2 ~~(a) Allocation of public and private resources to~~  
3 ~~specific activities that will return the greatest benefit to~~  
4 ~~the economy of this state. Including delineation on the amount~~  
5 ~~of funds that should be expended on each component of the~~  
6 ~~plan.~~

7 ~~(b) Identification of programs that will enhance the~~  
8 ~~capabilities of small and minority businesses. The plan~~  
9 ~~should include ways to improve and increase the access to~~  
10 ~~information, services, and assistance for small and minority~~  
11 ~~businesses.~~

12 (b)(c)1. The strategic plan required under this  
13 section shall include specific Specific provisions for the  
14 stimulation of economic development and job creation in rural  
15 areas and midsize cities and counties of the state. ~~These~~  
16 ~~provisions shall include, but are not limited to, the~~  
17 ~~identification of all rural counties in the state and rural~~  
18 ~~cities located in nonrural counties; the identification of all~~  
19 ~~midsize cities and counties in the state; the identification~~  
20 ~~of the economic development and job creation goals of the~~  
21 ~~rural cities and counties and midsize cities; the~~  
22 ~~identification of rural areas of critical concern; the~~  
23 ~~identification of specific local, state, and federal financial~~  
24 ~~and technical assistance resources available to rural cities~~  
25 ~~and counties and midsize cities and counties for economic and~~  
26 ~~community development; the identification of private sector~~  
27 ~~resources available to rural cities and counties and midsize~~  
28 ~~cities and counties for economic and community development;~~  
29 ~~and specific methods for the use of the resources identified~~  
30 ~~in the plan to meet the goals identified in the plan.~~

31 2. Enterprise Florida, Inc., shall involve the local



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1 governments, local and regional economic development  
2 organizations, and of the cities and counties identified  
3 ~~pursuant to subparagraph 1., as well as any other local,~~  
4 state, and federal economic, international, and workforce  
5 ~~rural~~ development entities, both public and private, in  
6 developing and carrying out policies, strategies, and  
7 programs, seeking to partner and collaborate to produce  
8 enhanced public benefit at a lesser cost any provisions.

9 ~~(d)1. Specific provisions for the stimulation of~~  
10 ~~economic development and job creation in small businesses and~~  
11 ~~minority businesses. These provisions shall include, but are~~  
12 ~~not limited to, the identification of federal, state, and~~  
13 ~~local financial and technical resources available for small~~  
14 ~~businesses and minority businesses; and specific methods for~~  
15 ~~the use of the resources identified in the plan to meet the~~  
16 ~~goal of job creation in small businesses and minority~~  
17 ~~businesses in the state.~~

18 3.2. Enterprise Florida, Inc., shall involve rural,  
19 urban, small-business, and minority-business local, state, and  
20 ~~federal small business and minority business~~ development  
21 agencies and organizations, both public and private, in  
22 developing and carrying out policies, strategies, and programs  
23 ~~any provisions.~~

24 ~~(c)(e)~~ The strategic plan required under this section  
25 shall include the creation ~~Creation~~ of workforce training  
26 programs that lead to better employment opportunities and  
27 higher wages.

28 ~~(f) Promotion of business formation, expansion,~~  
29 ~~recruitment, and retention, including programs that enhance~~  
30 ~~access to appropriate forms of financing for businesses in~~  
31 ~~this state.~~

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1           ~~(d)(g)~~ The strategic plan required under this section  
2 shall include the promotion ~~Promotion~~ of the successful  
3 long-term economic development of the state with increased  
4 emphasis in market research and information to local economic  
5 development entities and generation of foreign investment in  
6 the state that creates jobs with above-average wages,  
7 internationalization of this state, with strong emphasis in  
8 reverse investment that creates high wage jobs for the state  
9 and its many regions, including programs that establish viable  
10 overseas markets, generate foreign investment, assist in  
11 meeting the financing requirements of export-ready firms,  
12 broaden opportunities for international joint venture  
13 relationships, use the resources of academic and other  
14 institutions, coordinate trade assistance and facilitation  
15 services, and facilitate availability of and access to  
16 education and training programs which will assure requisite  
17 skills and competencies necessary to compete successfully in  
18 the global marketplace.

19           ~~(h) Promotion of the growth of high technology and~~  
20 ~~other value-added industries and jobs.~~

21           ~~(i) Addressing the needs of blighted inner-city~~  
22 ~~communities that have unacceptable levels of unemployment and~~  
23 ~~economic disinvestment, with the ultimate goal of creating~~  
24 ~~jobs for the residents of such communities.~~

25           ~~(e)(j)~~ The strategic plan required under this section  
26 shall include the identification of ~~Identifying~~ business  
27 sectors that are of current or future importance to the  
28 state's economy and to the state's worldwide business image,  
29 and development of ~~developing~~ specific strategies to promote  
30 the development of such sectors.

31           ~~(4)(a)(3)(a)~~ The strategic plan shall also include

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1 recommendations regarding specific performance standards and  
2 measurable outcomes. ~~By July 1, 1997,~~Enterprise Florida,  
3 Inc., in consultation with the Office of Tourism, Trade, and  
4 Economic Development and the Office of Program Policy Analysis  
5 and Government Accountability, shall establish  
6 performance-measure outcomes for Enterprise Florida, Inc., and  
7 its boards and advisory committees. Enterprise Florida, Inc.,  
8 in consultation with the Office of Tourism, Trade, and  
9 Economic Development and the Office of Program Policy Analysis  
10 and Government Accountability, shall develop a plan for  
11 monitoring its operations to ensure that performance data are  
12 maintained and supported by records of the organization. On a  
13 biennial basis,~~By July 1, 1998, and biennially thereafter,~~  
14 Enterprise Florida, Inc., in consultation with the Office of  
15 Tourism, Trade, and Economic Development and the Office of  
16 Program Policy Analysis and Government Accountability, shall  
17 review the performance-measure outcomes for Enterprise  
18 Florida, Inc., and its boards, and make any appropriate  
19 modifications to them. In developing measurable objectives and  
20 performance outcomes, Enterprise Florida, Inc., shall consider  
21 the effect of its programs, activities, and services on its  
22 client population. Enterprise Florida, Inc., shall establish  
23 standards such as job growth among client firms, growth in the  
24 number and strength of businesses within targeted sectors,  
25 client satisfaction, including the satisfaction of its local  
26 and regional economic development partners,~~venture capital~~  
27 ~~dollars invested in small and minority businesses,~~businesses  
28 retained and recruited statewide and within rural and urban  
29 core communities, employer wage growth, ~~minority business~~  
30 ~~participation in technology assistance and development~~  
31 ~~programs,~~and increased export sales among client companies to

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1 use in evaluating performance toward accomplishing the mission  
2 of Enterprise Florida, Inc.

3 (b) The performance standards and measurable outcomes  
4 established and regularly reviewed by Enterprise Florida,  
5 Inc., under this subsection must also include benchmarks and  
6 goals to measure the impact of state economic development  
7 policies and programs. Such benchmarks and goals may include,  
8 but are not limited to:

9 1. Net annual job growth rate in this state compared  
10 to neighboring southern states and the United States as a  
11 whole.

12 2. Unemployment rate in this state compared to  
13 neighboring southern states and the United States as a whole.

14 3. Wage distribution based on the percentage of people  
15 working in this state who earned 15 percent below the state  
16 average, within 15 percent of the state average, and 15  
17 percent or more above the state average.

18 4. Annual percentage of growth in the production of  
19 goods and services within Florida compared to neighboring  
20 southern states and the United States as a whole.

21 5. Changes in jobs in this state by major industry  
22 based on the percentage of growth or decline in the number of  
23 full-time or part-time jobs in this state.

24 6. Number of new business startups in this state.

25 7. Goods produced in this state that are exported to  
26 other countries.

27 8. Capital investment for commercial and industrial  
28 purposes, agricultural production and processing, and  
29 international trade.

30 (c) Prior to the 2002 ~~1999~~ Regular Session of the  
31 Legislature, the Office of Program Policy Analysis and

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1 Government Accountability shall conduct a review of Enterprise  
2 Florida, Inc., and its boards and shall submit a report by  
3 January 1, 2002, to the President of the Senate, the Speaker  
4 of the House of Representatives, the Senate Minority Leader,  
5 and the House Minority Leader. The review shall be  
6 comprehensive in its scope, but, at a minimum, must be  
7 conducted in such a manner as to specifically determine:  
8 1. The progress towards achieving the established  
9 outcomes.  
10 2. The circumstances contributing to the  
11 organization's ability to achieve, not achieve, or exceed its  
12 established outcomes.  
13 ~~3. The progress towards achieving the established~~  
14 ~~goals of the Cypress Equity Fund and whether the strategy~~  
15 ~~underlying the fund is appropriate.~~  
16 3.4. Whether it would be sound public policy to  
17 continue or discontinue funding the organization, and the  
18 consequences of discontinuing the organization. ~~The report~~  
19 ~~shall be submitted by January 1, 1999, to the President of the~~  
20 ~~Senate, the Speaker of the House of Representatives, the~~  
21 ~~Senate Minority Leader, and the House Minority Leader.~~  
22 ~~(d) Prior to the 2003 Regular Session of the~~  
23 ~~Legislature, the Office of Program Policy Analysis and~~  
24 ~~Government Accountability, shall conduct another review of~~  
25 ~~Enterprise Florida, Inc., and its boards using the criteria in~~  
26 ~~paragraph (c). The report shall be submitted by January 1,~~  
27 ~~2003, to the President of the Senate, the Speaker of the House~~  
28 ~~of Representatives, the Senate Minority Leader, and the House~~  
29 ~~Minority Leader.~~  
30 (5)(4) The board of directors shall coordinate and  
31 collaborate ~~the economic development activities and policies~~

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1 ~~of Enterprise Florida, Inc., with local municipal, county, and~~  
2 ~~regional economic development organizations, which shall be to~~  
3 ~~establish and further develop the role of local economic~~  
4 ~~development organizations as the state's primary~~  
5 ~~service-delivery agents for the direct delivery of economic~~  
6 ~~development and international development services. ~~Where~~~~  
7 ~~feasible, the board shall work with regional economic~~  
8 ~~development organizations in the delivery of services of~~  
9 ~~Enterprise Florida, Inc., and its boards.~~

10 ~~(5) Enterprise Florida, Inc., shall deposit into~~  
11 ~~African-American-qualified public depositories and~~  
12 ~~Hispanic-American-qualified public depositories a portion of~~  
13 ~~any moneys received by Enterprise Florida, Inc., and its~~  
14 ~~boards from the state.~~

15 (6) Any employee leased by Enterprise Florida, Inc.,  
16 from the state, or any employee who derives his or her salary  
17 from funds appropriated by the Legislature, may not receive a  
18 pay raise or bonus in excess of a pay raise or bonus that is  
19 received by similarly situated state employees. However, this  
20 subsection does not prohibit the payment of a pay raise or  
21 bonus from funds received from sources other than the Florida  
22 Legislature.

23 Section 10. Section 288.906, Florida Statutes, is  
24 amended to read:

25 288.906 Annual report of Enterprise Florida, Inc.;  
26 audits; confidentiality.--

27 (1) Prior to December 1 of each year, Enterprise  
28 Florida, Inc., shall submit to the Governor, the President of  
29 the Senate, the Speaker of the House of Representatives, the  
30 Senate Minority Leader, and the House Minority Leader a  
31 complete and detailed report including, but not limited to:

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1 (a) A description of the operations and  
2 accomplishments of Enterprise Florida, Inc., and its boards  
3 and advisory committees or similar groups created by  
4 Enterprise Florida, Inc., and an identification of any major  
5 trends, initiatives, or developments affecting the performance  
6 of any program or activity.

7 (b) An evaluation of progress towards achieving  
8 organizational goals and specific performance outcomes, both  
9 short-term and long-term, established pursuant to s. 288.905.

10 (c) Methods for implementing and funding the  
11 operations of Enterprise Florida, Inc., and its boards.

12 ~~(d) A description of the operations and~~  
13 ~~accomplishments of Enterprise Florida, Inc., and its boards,~~  
14 ~~with respect to furthering the development and viability of~~  
15 ~~small and minority businesses, including any accomplishments~~  
16 ~~relating to capital access and technology and business~~  
17 ~~development programs.~~

18 (d)(e) A description of the operations and  
19 accomplishments of Enterprise Florida, Inc., and its boards  
20 with respect to aggressively marketing Florida's rural  
21 communities and distressed urban communities as locations for  
22 potential new investment and job creation, aggressively  
23 assisting in the creation, retention, and expansion of  
24 existing businesses and job growth in these communities, and  
25 aggressively assisting these communities in the identification  
26 and development of new economic-development opportunities  
27 ~~furthering the development and viability of rural cities and~~  
28 ~~counties, and midsize cities and counties in this state.~~

29 (e)(f) A description and evaluation of the operations  
30 and accomplishments of Enterprise Florida, Inc., and its  
31 boards with respect to interaction with local and private

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1 economic development organizations, including an  
2 identification of any specific programs or activities which  
3 promoted the activities of such organizations and an  
4 identification of any specific programs or activities which  
5 promoted a comprehensive and coordinated approach to economic  
6 development in this state.

7 ~~(f)(g)~~ An assessment of employee training and job  
8 creation that directly benefits participants in the WAGES  
9 Program.

10 ~~(g)(h)~~ An annual compliance and financial audit of  
11 accounts and records by an independent certified public  
12 accountant at the end of its most recent fiscal year performed  
13 in accordance with rules adopted by the Auditor General.

14  
15 The detailed report required by this subsection shall also  
16 include the information identified in paragraphs ~~(a)-(g)~~  
17 ~~(a)-(h)~~, if applicable, for any board established within the  
18 corporate structure of Enterprise Florida, Inc.

19 (2)(a) The Auditor General may, pursuant to his or her  
20 own authority or at the direction of the Joint Legislative  
21 Auditing Committee, conduct an audit of Enterprise Florida,  
22 Inc., including any of its boards, advisory committees or  
23 similar groups created by Enterprise Florida, Inc., and  
24 programs. The audit or report may not reveal the identity of  
25 any person who has anonymously made a donation to Enterprise  
26 Florida, Inc., pursuant to paragraph (b).

27 (b) The identity of a donor or prospective donor to  
28 Enterprise Florida, Inc., who desires to remain anonymous and  
29 all information identifying such donor or prospective donor  
30 are confidential and exempt from the provisions of s.  
31 119.07(1) and s. 24(a), Art. I of the State Constitution. Such



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1 anonymity shall be maintained in the auditor's report.

2 Section 11. Subsection (3) of section 288.9415,  
3 Florida Statutes, is amended to read:

4 288.9415 International Trade Grants.--

5 (3) ~~The International Trade and Economic Development~~  
6 ~~Board of~~ Enterprise Florida, Inc., shall review each  
7 application for a grant to promote international trade and  
8 shall submit annually to the Office of Tourism, Trade, and  
9 Economic Development for approval lists of all recommended  
10 applications ~~that are recommended by the International Trade~~  
11 ~~and Economic Development Board~~ for the award of grants,  
12 arranged in order of priority. The Office of Tourism, Trade,  
13 and Economic Development may allocate grants only for projects  
14 that are approved or for which funds are appropriated by the  
15 Legislature. Projects approved and recommended by Enterprise  
16 Florida, Inc., ~~the International Trade and Economic~~  
17 ~~Development Board~~ which are not funded by the Legislature  
18 shall be retained on the project list for the following grant  
19 cycle only. All projects that are retained shall be required  
20 to submit such information as may be required by the Office of  
21 Tourism, Trade, and Economic Development as of the established  
22 deadline date of the latest grant cycle in order to adequately  
23 reflect the most current status of the project.

24 Section 12. Section 288.9511, Florida Statutes, is  
25 amended to read:

26 288.9511 Definitions.--As used in ss.

27 288.9511-288.9517, the term:

28 (1) "Educational institutions" means Florida technical  
29 institutes and vocational schools, and public and private  
30 community colleges, colleges, and universities in the state.

31 (2) "Enterprise" means a firm with its principal place

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1 of business in this state which is engaged, or proposes to be  
2 engaged, in this state in agricultural industries,  
3 natural-resource-based or other manufacturing, research and  
4 development, or the provision of knowledge-based services.

5 ~~(3) "Board" means the technology development board.~~

6 (3)~~(4)~~ "Person" means any individual, partnership,  
7 corporation, or joint venture that carries on business, or  
8 proposes to carry on business, within the state.

9 (4)~~(5)~~ "Product" means any product, device, technique,  
10 or process that is, or may be, developed or marketed  
11 commercially; the term does not refer, however, to basic  
12 research, but rather to products, devices, techniques, or  
13 processes that have advanced beyond the theoretical stage and  
14 are in a prototype or industry practice stage.

15 (5)~~(6)~~ "Qualified security" means a public or private  
16 financial arrangement that involves any note, security,  
17 debenture, evidence of indebtedness, certificate of interest  
18 of participation in any profit-sharing agreement,  
19 preorganization certificate or subscription, transferable  
20 security, investment contract, certificate of deposit for a  
21 security, certificate of interest or participation in a patent  
22 or application thereof, or in royalty or other payments under  
23 such a patent or application, or, in general, any interest or  
24 instrument commonly known as a security or any certificate  
25 for, receipt for, guarantee of, or option warrant or right to  
26 subscribe to or purchase any of the foregoing to the extent  
27 allowed by law.

28 (6)~~(7)~~ "Technology application" means the introduction  
29 and adaptation of off-the-shelf technologies and  
30 state-of-the-art management practices to the specific  
31 circumstances of an individual firm.

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1           ~~(7)~~~~(8)~~ "Technology commercialization" means the  
2 process of bringing an investment-grade technology out of an  
3 enterprise, university, or federal laboratory for first-run  
4 application in the marketplace.

5           ~~(8)~~~~(9)~~ "Technology development" means strategically  
6 focused research aimed at developing investment-grade  
7 technologies essential to market competitiveness.

8           Section 13. Section 288.9515, Florida Statutes, is  
9 amended to read:

10           288.9515 Authorized ~~programs of~~ technology development  
11 ~~programs board~~.--

12           (1) Enterprise Florida, Inc., ~~The board~~ may create a  
13 technology applications services service, and may to be called  
14 ~~the Florida Innovation Alliance. The Florida Innovation~~  
15 ~~Alliance shall~~ serve as an umbrella organization for  
16 technology applications service providers throughout the state  
17 which provide critical, managerial, technological, scientific,  
18 and related financial and business expertise essential for  
19 international and domestic competitiveness to small-sized and  
20 medium-sized manufacturing and knowledge-based service firms.  
21 Enterprise Florida, Inc., ~~The board~~ is authorized the  
22 following powers in order to carry out these ~~the~~ functions of  
23 ~~the Florida Innovation Alliance~~:

24           (a) Providing communication and coordination services  
25 among technology applications service providers throughout the  
26 state.

27           (b) Providing coordinated marketing services to  
28 small-sized and medium-sized manufacturers in the state on  
29 behalf of, and in partnership with, technology applications  
30 service providers.

31           (c) Securing additional sources of funds on behalf of,

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1 and in partnership with, technology applications service  
2 providers.

3 (d) Developing plans and policies to assist  
4 small-sized and medium-sized manufacturing companies or other  
5 knowledge-based firms in Florida.

6 (e) Entering into contracts with technology  
7 applications service providers for expanded availability of  
8 high-quality assistance to small-sized and medium-sized  
9 manufacturing companies or knowledge-based service firms,  
10 including, but not limited to, technological, human resources  
11 development, market planning, finance, and interfirm  
12 collaboration. Enterprise Florida, Inc., ~~The board~~ shall  
13 ensure that all contracts in excess of \$20,000 for the  
14 delivery of such assistance to Florida firms shall be based on  
15 competitive requests for proposals and. ~~The board~~ shall  
16 establish clear standards for the delivery of services under  
17 such contracts. Such standards include, but are not limited  
18 to:

19 1. The ability and capacity to deliver services in  
20 sufficient quality and quantity.

21 2. The ability and capacity to deliver services in a  
22 timely manner.

23 3. The ability and capacity to meet the needs of firms  
24 in the proposed market area.

25 (f) Assisting other educational institutions,  
26 enterprises, or the entities providing business assistance to  
27 small-sized and medium-sized manufacturing enterprises.

28 (g) Establishing a system to evaluate the  
29 effectiveness and efficiency of technology applications  
30 ~~Florida Innovation Alliance~~ services provided to small-sized  
31 and medium-sized enterprises.

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1 (h) Establishing special education and informational  
2 programs for Florida enterprises and for educational  
3 institutions and enterprises providing business assistance to  
4 Florida enterprises.

5 (i) Evaluating and documenting the needs of firms in  
6 this state for technology application services, and developing  
7 means to ensure that these needs are met, consistent with the  
8 powers provided for in this subsection.

9 (j) Maintaining an office in such place or places as  
10 ~~the board recommends and~~ the board of directors of Enterprise  
11 Florida, Inc., approves.

12 (k) Making and executing contracts with any person,  
13 enterprise, educational institution, association, or any other  
14 entity necessary or convenient for the performance of its  
15 duties and the exercise of the ~~board's~~ powers and functions of  
16 Enterprise Florida, Inc., under this subsection.

17 (l) Receiving funds from any source to carry out the  
18 purposes of providing technology applications services ~~the~~  
19 ~~Florida Innovation Alliance~~, including, but not limited to,  
20 gifts or grants from any department, agency, or  
21 instrumentality of the United States or of the state, or any  
22 enterprise or person, for any purpose consistent with the  
23 provisions of this subsection ~~the Florida Innovation Alliance~~.

24 ~~(m) Acquiring or selling, conveying, leasing,~~  
25 ~~exchanging, transferring, or otherwise disposing of the~~  
26 ~~alliance's property or interest therein.~~

27 (2) When choosing contractors under this section,  
28 preference shall be given to existing institutions,  
29 organizations, and enterprises so long as these existing  
30 institutions, organizations, and enterprises demonstrate the  
31 ability to perform at standards established by Enterprise

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1 Florida, Inc.,~~the board~~ under paragraph (1)(e). Neither the  
2 provisions of ss. 288.9511-288.9517 nor the actions taken by  
3 Enterprise Florida, Inc., ~~under this section of the alliance~~  
4 shall impair or hinder the operations, performance, or  
5 resources of any existing institution, organization, or  
6 enterprise.

7 (3) Enterprise Florida, Inc.,~~The board~~ may create a  
8 technology development financing fund, to be called the  
9 Florida Technology Research Investment Fund. The fund shall  
10 increase technology development in this state by investing in  
11 technology development projects that have the potential to  
12 generate investment-grade technologies of importance to the  
13 state's economy as evidenced by the willingness of private  
14 businesses to coinvest in such projects. Enterprise Florida,  
15 Inc.,~~The board~~ may also demonstrate and develop effective  
16 approaches to, and benefits of, commercially oriented research  
17 collaborations between businesses, universities, and state and  
18 federal agencies and organizations. Enterprise Florida, Inc.,  
19 ~~The board~~ shall endeavor to maintain the fund as a  
20 self-supporting fund once the fund is sufficiently capitalized  
21 as reflected in the minimum funding report required in s.  
22 288.9516. The technology research investment projects may  
23 include, but are not limited to:

24 (a) Technology development projects expected to lead  
25 to a specific investment-grade technology that is of  
26 importance to industry in this state.

27 (b) Technology development centers and facilities  
28 expected to generate a stream of products and processes with  
29 commercial application of importance to industry in this  
30 state.

31 (c) Technology development projects that have, or are

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1 currently using, other federal or state funds such as federal  
2 Small Business Innovation Research awards.

3 (4) Enterprise Florida, Inc., ~~The board~~ shall invest  
4 moneys contained in the Florida Technology Research Investment  
5 Fund in technology application research or for technology  
6 development projects that have the potential for commercial  
7 market application. The partnership shall coordinate any  
8 investment in any space-related technology projects with the  
9 Spaceport Florida Authority and the Technological Research and  
10 Development Authority.

11 (a) The investment of moneys contained in the Florida  
12 Technology Research Investment Fund is limited to investments  
13 in qualified securities in which a private enterprise in this  
14 state coinvests at least 40 percent of the total project  
15 costs, in conjunction with other cash or noncash investments  
16 from state educational institutions, state and federal  
17 agencies, or other institutions.

18 (b) For the purposes of this fund, qualified  
19 securities include loans, loans convertible to equity, equity,  
20 loans with warrants attached that are beneficially owned by  
21 the board, royalty agreements, or any other contractual  
22 arrangement in which the board is providing scientific and  
23 technological services to any federal, state, county, or  
24 municipal agency, or to any individual, corporation,  
25 enterprise, association, or any other entity involving  
26 technology development.

27 (c) Not more than \$175,000 or 5 percent of the  
28 revenues generated by investment of moneys contained in the  
29 Florida Technology Research Investment Fund, whichever is  
30 greater, may be used to pay ~~the partnership's~~ operating  
31 expenses associated with operation of the Florida Technology

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1 Research Investment Fund.

2 (d) In the event of liquidation or dissolution of  
3 Enterprise Florida, Inc., or the Florida Technology Research  
4 Investment Fund, any rights or interests in a qualified  
5 security or portion of a qualified security purchased with  
6 moneys invested by the State of Florida shall vest in the  
7 state, under the control of the State Board of Administration.  
8 The state is entitled to, in proportion to the amount of  
9 investment in the fund by the state, any balance of funds  
10 remaining in the Florida Technology Research Investment Fund  
11 after payment of all debts and obligations upon liquidation or  
12 dissolution of Enterprise Florida, Inc., or the fund.

13 (e) The investment of funds contained in the Florida  
14 Technology Research Investment Fund does not constitute a  
15 debt, liability, or obligation of the State of Florida or of  
16 any political subdivision thereof, or a pledge of the faith  
17 and credit of the state or of any such political subdivision.

18 (5) Enterprise Florida, Inc., ~~The board~~ may create  
19 technology commercialization programs in partnership with  
20 private enterprises, educational institutions, and other  
21 institutions to increase the rate at which technologies with  
22 potential commercial application are moved from university,  
23 public, and industry laboratories into the marketplace. Such  
24 programs shall be created based upon research to be conducted  
25 by Enterprise Florida, Inc ~~the board~~.

26 Section 14. Section 288.95155, Florida Statutes, 1998  
27 Supplement, is amended to read:

28 288.95155 Florida Small Business Technology Growth  
29 Program.--

30 (1) The Florida Small Business Technology Growth  
31 Program is hereby established to provide financial assistance



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1 to businesses in this state having high job growth and  
2 emerging technology potential and fewer than 100 employees.  
3 The program shall be administered and managed by ~~the~~  
4 ~~technology development board~~ of Enterprise Florida, Inc.

5 (2) Enterprise Florida, Inc., ~~The board~~ shall  
6 establish a separate small business technology growth account  
7 in the Florida Technology Research Investment Fund for  
8 purposes of this section. Moneys in the account shall consist  
9 of appropriations by the Legislature, proceeds of any  
10 collateral used to secure such assistance, transfers, fees  
11 assessed for providing or processing such financial  
12 assistance, grants, interest earnings, earnings on financial  
13 assistance, and any moneys transferred to the account by the  
14 Department of Community Affairs from the Economic Opportunity  
15 Trust Fund for use in qualifying energy projects.

16 (3) Pursuant to s. 216.351, the amount of any moneys  
17 appropriated to the account which are unused at the end of the  
18 fiscal year shall not be subject to reversion under s.  
19 216.301. All moneys in the account are continuously  
20 appropriated to the account and may be used for loan  
21 guarantees, letter of credit guarantees, cash reserves for  
22 loan and letter of credit guarantees, payments of claims  
23 pursuant to contracts for guarantees, subordinated loans,  
24 loans with warrants, royalty investments, equity investments,  
25 and operations of the program. Any claim against the program  
26 shall be paid solely from the account. Neither the credit nor  
27 the taxing power of the state shall be pledged to secure the  
28 account or moneys in the account, other than from moneys  
29 appropriated or assigned to the account, and the state shall  
30 not be liable or obligated in any way for any claims against  
31 the account or, ~~against the technology development board, or~~

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1 ~~against~~ Enterprise Florida, Inc.

2 (4) Awards of assistance from the program shall be  
3 ~~finalized at meetings of the technology development board and~~  
4 ~~shall be~~ subject to the policies and procedures of Enterprise  
5 Florida, Inc. Enterprise Florida, Inc., ~~The board~~ shall  
6 leverage at least one dollar of matching investment for each  
7 dollar awarded from the program. Enterprise Florida, Inc., ~~The~~  
8 ~~board~~ shall give the highest priority to moderate-risk and  
9 high-risk ventures that offer the greatest opportunity for  
10 compelling economic development impact. Enterprise Florida,  
11 Inc., ~~The board~~ shall establish for each award a risk-reward  
12 timetable that profiles the risks of the assistance, estimates  
13 the potential economic development impact, and establishes a  
14 timetable for reviewing the success or failure of the  
15 assistance. By December 31 of each year, Enterprise Florida,  
16 Inc., ~~the board~~ shall evaluate, on a portfolio basis, the  
17 results of all awards of assistance made from the program  
18 during the year.

19 (5) By January 1 of each year, Enterprise Florida,  
20 Inc., ~~the board~~ shall prepare a report on the financial status  
21 of the program and the account and shall submit a copy of the  
22 report to the board of directors of Enterprise Florida, Inc.,  
23 the appropriate legislative committees responsible for  
24 economic development oversight, and the appropriate  
25 legislative appropriations subcommittees. The report shall  
26 specify the assets and liabilities of the account within the  
27 current fiscal year and shall include a portfolio update that  
28 lists all of the businesses assisted, the private dollars  
29 leveraged by each business assisted, and the growth in sales  
30 and in employment of each business assisted.

31 Section 15. Section 288.9519, Florida Statutes, is

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1 amended to read:

2 288.9519 Not-for-profit corporation.--

3 (1) It is the intent of the Legislature to promote the  
4 development of the state economy and to authorize the  
5 establishment of a not-for-profit organization that shall  
6 promote the competitiveness and profitability of  
7 high-technology business and industry through technology  
8 development projects of importance to specific manufacturing  
9 sectors in this state. This not-for-profit corporation shall  
10 work cooperatively with Enterprise Florida, Inc., the  
11 ~~technology development board~~ and shall avoid duplicating the  
12 activities, programs, and functions of Enterprise Florida,  
13 Inc. the board.

14 (2) In addition to all other powers and authority, not  
15 explicitly prohibited by statutes, this not-for-profit  
16 organization has the following powers and duties:

17 (a) To receive funds appropriated to the organization  
18 by the Legislature. Such funds may not duplicate funds  
19 appropriated to Enterprise Florida, Inc. the technology  
20 ~~development board~~ but shall serve to further the advancement  
21 of the state economy, jointly and collaboratively with  
22 Enterprise Florida, Inc. the board.

23 (b) To submit a legislative budget request through a  
24 state agency.

25 (c) To accept gifts, grants, donations, expenses,  
26 in-kind services, or other goods or services for carrying out  
27 its purposes, and to expend such funds or assets in any legal  
28 manner according to the terms and conditions of acceptance and  
29 without interference, control, or restraint by the state.

30 (d) To carry forward any unexpended state  
31 appropriations into succeeding fiscal years.

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1 Section 16. Section 288.9520, Florida Statutes, is  
2 amended to read:

3 288.9520 Public records exemption.--Materials that  
4 relate to methods of manufacture or production, potential  
5 trade secrets, potentially patentable material, actual trade  
6 secrets, business transactions, financial and proprietary  
7 information, and agreements or proposals to receive funding  
8 that are received, generated, ascertained, or discovered by  
9 Enterprise Florida, Inc.,~~the technology development board,~~  
10 including its affiliates or subsidiaries and partnership  
11 participants, such as private enterprises, educational  
12 institutions, and other organizations, are confidential and  
13 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.  
14 I of the State Constitution, except that a recipient of  
15 Enterprise Florida, Inc.,~~board~~ research funds shall make  
16 available, upon request, the title and description of the  
17 research project, the name of the researcher, and the amount  
18 and source of funding provided for the project.

19 Section 17. Subsection (10) of section 288.9603,  
20 Florida Statutes, is amended to read:

21 288.9603 Definitions.--

22 (10) "Partnership" means the Enterprise Florida, Inc  
23 ~~capital development board created under s. 288.9611.~~

24 Section 18. Subsections (2) and (3) of section  
25 288.9604, Florida Statutes, are amended to read:

26 288.9604 Creation of the authority.--

27 (2) A city or county of Florida shall be selected by a  
28 search committee of Enterprise Florida, Inc ~~the capital~~  
29 ~~development board~~. This city or county shall be authorized to  
30 activate the corporation. The search committee shall be  
31 composed of two commercial banking representatives, the Senate

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1 member of the partnership, the House of Representatives member  
2 of the partnership, and a member who is an industry or  
3 economic development professional.

4 (3) Upon activation of the corporation, the Governor,  
5 subject to confirmation by the Senate, shall appoint the board  
6 of directors of the corporation, who shall be five in number.  
7 The terms of office for the directors shall be for 4 years,  
8 except that three of the initial directors shall be designated  
9 to serve terms of 1, 2, and 3 years, respectively, from the  
10 date of their appointment, and all other directors shall be  
11 designated to serve terms of 4 years from the date of their  
12 appointment. A vacancy occurring during a term shall be filled  
13 for the unexpired term. A director shall be eligible for  
14 reappointment. At least three of the directors of the  
15 corporation shall be bankers who have been selected by the  
16 Governor from a list of bankers who were nominated by ~~the~~  
17 Enterprise Florida, Inc. ~~capital development board~~, and one of  
18 the directors shall be an economic development specialist. The  
19 chairperson of the Florida Black Business Investment Board  
20 shall be an ex officio member of the board of the corporation.

21 Section 19. Section 288.9614, Florida Statutes, is  
22 amended to read:

23 288.9614 Authorized programs.--Enterprise Florida,  
24 Inc., ~~The capital development board~~ may take any action that  
25 it deems necessary to achieve the purposes of this act in  
26 partnership with private enterprises, public agencies, and  
27 other organizations, including, but not limited to, efforts to  
28 address the long-term debt needs of small-sized and  
29 medium-sized firms, to address the needs of microenterprises,  
30 to expand availability of venture capital, and to increase  
31 international trade and export finance opportunities for firms

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1 critical to achieving the purposes of this act.

2 Section 20. Subsection (1) of section 288.9618,  
3 Florida Statutes, is amended to read:

4 288.9618 Microenterprises.--

5 (1) Subject to specific appropriations in the General  
6 Appropriations Act, the Office of Tourism, Trade, and Economic  
7 Development may contract with ~~the Enterprise Florida Capital~~  
8 ~~Development Board~~ or some other appropriate not-for-profit or  
9 governmental organization for any action that the office deems  
10 necessary to foster the development of microenterprises in the  
11 state. As used within this section, microenterprises are  
12 extremely small business enterprises which enable low and  
13 moderate income individuals to achieve self-sufficiency  
14 through self-employment. Microenterprise programs are those  
15 which provide at least one of the following: small amounts of  
16 capital, business training, and technical assistance. Where  
17 feasible, the office or organizations under contract with the  
18 office shall work in cooperation with other organizations  
19 active in the study and support of microenterprises. Such  
20 actions may include, but are not limited to:

21 (a) Maintaining a network of communication and  
22 coordination among existing microenterprise lending and  
23 assistance programs throughout the state.

24 (b) Providing information and technical help to  
25 community-based or regional organizations attempting to  
26 establish new microenterprise programs.

27 (c) Encouraging private sector investment in  
28 microenterprises and microenterprise lending programs.

29 (d) Fostering mentoring and networking relationships  
30 among microenterprises and other businesses and public bodies  
31 in order to give microenterprises access to management advice

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1 and business leads.

2 (e) Incorporating microenterprise components into the  
3 capital development programs and other business development  
4 programs operated by Enterprise Florida, Inc., and its  
5 affiliates.

6 (f) Providing organizational, financial, and marketing  
7 support for conferences, workshops, or similar events that  
8 focus on microenterprise development.

9 (g) Establishing a program and guidelines for the  
10 award of matching grants on a competitive basis to support the  
11 operational expenses of not-for-profit organizations and  
12 government agencies that are engaged in microenterprise  
13 lending and other microenterprise assistance activities.

14 (h) Coordinating with other organizations to ensure  
15 that participants in the WAGES Program are given opportunities  
16 to create microenterprises.

17 Section 21. Sections 288.902, 288.9412, 288.9413,  
18 288.9414, 288.942, 288.9510, 288.9512, 288.9513, 288.9514,  
19 288.9516, 288.9611, 288.9612, 288.9613, and 288.9615, Florida  
20 Statutes, are repealed.

21 Section 22. (1) Notwithstanding any other provision  
22 of law, any contract or interagency agreement existing on or  
23 before the effective date of this section between the  
24 International Trade and Economic Development Board, the  
25 Technology Development Board, or the Capital Development Board  
26 of Enterprise Florida, Inc., or entities or agents of those  
27 boards, and other agencies, entities, or persons shall  
28 continue as binding contracts or agreements with Enterprise  
29 Florida, Inc., which is the successor entity responsible for  
30 the program, activity, or functions relative to the contract  
31 or agreement.

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1 (2) Any tangible personal property of the  
2 International Trade and Economic Development Board, the  
3 Technology Development Board, or the Capital Development Board  
4 of Enterprise Florida, Inc., is transferred to Enterprise  
5 Florida, Inc.

6 (3) Enterprise Florida, Inc., may assume  
7 responsibility for any programs or activities of the  
8 International Trade and Economic Development Board, the  
9 Technology Development Board, or the Capital Development Board  
10 in existence as of the effective date of this section and may  
11 determine the appropriate placement of such programs or  
12 activities within the organization.

13 Section 23. The Division of Statutory Revision is  
14 directed to redesignate part VIII of chapter 288, Florida  
15 Statutes, as "Technology Development" and to redesignate part  
16 IX of that chapter as "Capital Development."

17 Section 24. Subsection (1) of section 288.707, Florida  
18 Statutes, is amended to read:

19 288.707 Florida Black Business Investment Board.--

20 (1) The Legislature finds that the public interest of  
21 Florida will be served by the creation and growth of black  
22 business enterprises by:

23 (a) Increasing opportunities for employment of blacks,  
24 as well as the population in general;

25 (b) Providing role models and establishing business  
26 networks for the benefit of future generations of aspiring  
27 black entrepreneurs; ~~and~~

28 (c) Strengthening the economy of the state by  
29 increasing the number of qualified black business enterprises,  
30 which in turn will increase competition in the marketplace and  
31 improve the welfare of economically depressed neighborhoods;



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1 and-

2 (d) Taking measures to increase access of black  
3 businesses to both debt and equity capital.

4 Section 25. Present subsection (17) of section  
5 288.709, Florida Statutes, 1998 Supplement, is redesignated as  
6 subsection (18), and a new subsection (17) is added to that  
7 section to read:

8 288.709 Powers of the Florida Black Business  
9 Investment Board.--The board shall have all the powers  
10 necessary or convenient to carry out and effectuate the  
11 purposes and provisions of ss. 9-21, chapter 85-104, Laws of  
12 Florida, including, but not limited to, the power to:

13 (17) Promote black ownership of financial institutions  
14 in Florida.

15 Section 26. Subsections (2), (3), (6), and (11) of  
16 section 288.99, Florida Statutes, 1998 Supplement, are amended  
17 to read:

18 288.99 Certified Capital Company Act.--

19 (2) PURPOSE.--The primary purpose of this act is to  
20 stimulate a substantial increase in venture capital  
21 investments in this state by providing an incentive for  
22 insurance companies to invest in certified capital companies  
23 in this state which, in turn, will make investments in new  
24 businesses or in expanding businesses, including  
25 minority-owned or minority-operated businesses and businesses  
26 located in a designated Front Porch community, enterprise  
27 zone, urban high-crime area, rural job tax credit county, or  
28 nationally recognized historic district. The increase in  
29 investment capital flowing into new or expanding businesses is  
30 intended to contribute to employment growth, create jobs which  
31 exceed the average wage for the county in which the jobs are

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1 created, and expand or diversify the economic base of this  
2 state.

3 (3) DEFINITIONS.--As used in this section, the term:

4 (a) "Affiliate of an insurance company" means:

5 1. Any person directly or indirectly beneficially  
6 owning, whether through rights, options, convertible  
7 interests, or otherwise, controlling, or holding power to vote  
8 10 percent or more of the outstanding voting securities or  
9 other ownership interests of the insurance company;

10 2. Any person 10 percent or more of whose outstanding  
11 voting securities or other ownership interest is directly or  
12 indirectly beneficially owned, whether through rights,  
13 options, convertible interests, or otherwise, controlled, or  
14 held with power to vote by the insurance company;

15 3. Any person directly or indirectly controlling,  
16 controlled by, or under common control with the insurance  
17 company;

18 4. A partnership in which the insurance company is a  
19 general partner; or

20 5. Any person who is a principal, director, employee,  
21 or agent of the insurance company or an immediate family  
22 member of the principal, director, employee, or agent.

23 (b) "Certified capital" means an investment of cash by  
24 a certified investor in a certified capital company which  
25 fully funds the purchase price of either or both its equity  
26 interest in the certified capital company or a qualified debt  
27 instrument issued by the certified capital company.

28 (c) "Certified capital company" means a corporation,  
29 partnership, or limited liability company which:

30 1. Is certified by the department in accordance with  
31 this act.

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1 2. Receives investments of certified capital.

2 3. Makes qualified investments as its primary  
3 activity.

4 (d) "Certified investor" means any insurance company  
5 subject to premium tax liability pursuant to s. 624.509 that  
6 contributes certified capital.

7 (e) "Department" means the Department of Banking and  
8 Finance.

9 (f) "Director" means the director of the Office of  
10 Tourism, Trade, and Economic Development.

11 (g) "Early stage technology business" means a  
12 qualified business that is involved, at the time of the  
13 certified capital company's initial investment in such  
14 business, in activities related to developing initial product  
15 or service offerings, such as prototype development or the  
16 establishment of initial production or service processes. The  
17 term includes a qualified business that is less than 2 years  
18 old and has, together with its affiliates, less than \$3  
19 million in annual revenues for the fiscal year immediately  
20 preceding the initial investment by the certified capital  
21 company on a consolidated basis, as determined in accordance  
22 with generally accepted accounting principles.

23 (h) "Office" means the Office of Tourism, Trade, and  
24 Economic Development.

25 (i) "Premium tax liability" means any liability  
26 incurred by an insurance company under the provisions of s.  
27 624.509.

28 (j) "Principal" means an executive officer of a  
29 corporation, partner of a partnership, manager of a limited  
30 liability company, or any other person with equivalent  
31 executive functions.

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- 1 (k) "Qualified business" means a business that meets  
2 the following conditions:
- 3 1. The business is headquartered in this state and its  
4 principal business operations are located in this state.
- 5 2. At the time a certified capital company makes an  
6 initial investment in a business, the business is a small  
7 business concern as defined in 13 C.F.R. s. 121.201, "Size  
8 Standards Used to Define Small Business Concerns" of the  
9 United States Small Business Administration which is involved  
10 in manufacturing, processing or assembling products,  
11 conducting research and development, or providing services.
- 12 3. At the time a certified capital company makes an  
13 initial investment in a business, the business certifies in an  
14 affidavit that:
- 15 a. The business is unable to obtain conventional  
16 financing, which means that the business has failed in an  
17 attempt to obtain funding for a loan from a bank or other  
18 commercial lender or that the business cannot reasonably be  
19 expected to qualify for such financing under the standards of  
20 commercial lending;
- 21 b. The business plan for the business projects that  
22 the business is reasonably expected to achieve in excess of  
23 \$25 million in sales revenue within 5 years after the initial  
24 investment, or the business is located in a designated Front  
25 Porch community, enterprise zone, urban high crime area, rural  
26 job tax credit county, or nationally recognized historic  
27 district;
- 28 c. The business will maintain its headquarters in this  
29 state for the next 10 years and any new manufacturing facility  
30 financed by a qualified investment will remain in this state  
31 for the next 10 years, or the business is located in a

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1 designated Front Porch community, enterprise zone, urban high  
2 crime area, rural job tax credit county, or nationally  
3 recognized historic district; and

4 d. The business has fewer than 200 employees and at  
5 least 75 percent of the employees are employed in this state.

6  
7 A business predominantly engaged in retail sales, real estate  
8 development, insurance, banking, lending, oil and gas  
9 exploration, or engaged in professional services provided by  
10 accountants, lawyers, or physicians does not constitute a  
11 qualified business.

12 (l) "Qualified debt instrument" means a debt  
13 instrument, or a hybrid of a debt instrument, issued by a  
14 certified capital company, at par value or a premium, with an  
15 original maturity date of at least 5 years after the date of  
16 issuance, a repayment schedule which is no faster than a level  
17 principal amortization over a 5-year period, and interest,  
18 distribution, or payment features which are not related to the  
19 profitability of the certified capital company or the  
20 performance of the certified capital company's investment  
21 portfolio.

22 (m) "Qualified distribution" means any distribution or  
23 payment to equity holders of a certified capital company for:

24 1. Costs and expenses of forming, syndicating,  
25 managing, and operating the certified capital company,  
26 including an annual management fee in an amount that does not  
27 exceed 2.5 percent of the certified capital of the certified  
28 capital company, plus reasonable and necessary fees in  
29 accordance with industry custom for professional services,  
30 including, but not limited to, legal and accounting services,  
31 related to the operation of the certified capital company.

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1 2. Any projected increase in federal or state taxes,  
2 including penalties and interest related to state and federal  
3 income taxes, of the equity owners of a certified capital  
4 company resulting from the earnings or other tax liability of  
5 the certified capital company to the extent that the increase  
6 is related to the ownership, management, or operation of a  
7 certified capital company.

8 (n) "Qualified investment" means the investment of  
9 cash by a certified capital company in a qualified business  
10 for the purchase of any debt, equity, or hybrid security of  
11 any nature and description whatsoever, including a debt  
12 instrument or security which has the characteristics of debt  
13 but which provides for conversion into equity or equity  
14 participation instruments such as options or warrants.

15 (6) PREMIUM TAX CREDIT; AMOUNT; LIMITATIONS.--

16 (a) Any certified investor who makes an investment of  
17 certified capital shall earn a vested credit against premium  
18 tax liability equal to 100 percent of the certified capital  
19 invested by the certified investor. Certified investors shall  
20 be entitled to use no more than 10 percentage points of the  
21 vested premium tax credit, including any carryforward credits  
22 under this act, per year beginning with premium tax filings  
23 for calendar year 2000. Any premium tax credits not used by  
24 certified investors in any single year may be carried forward  
25 and applied against the premium tax liabilities of such  
26 investors for subsequent calendar years. The carryforward  
27 credit may be applied against subsequent premium tax filings  
28 through calendar year 2017.

29 (b) The credit to be applied against premium tax  
30 liability in any single year may not exceed the premium tax  
31 liability of the certified investor for that taxable year.

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1 (c) A certified investor claiming a credit against  
2 premium tax liability earned through an investment in a  
3 certified capital company shall not be required to pay any  
4 additional retaliatory tax levied pursuant to s. 624.5091 as a  
5 result of claiming such credit. Because credits under this  
6 section are available to a certified investor, s. 624.5091  
7 does not limit such credit in any manner.

8 (d) The amount of tax credits vested under the  
9 Certified Capital Company Act shall not be considered in  
10 ratemaking proceedings involving a certified investor.

11 (11) TRANSFERABILITY.--The claim of a transferee of a  
12 certified investor's unused premium tax credit shall be  
13 permitted in the same manner and subject to the same  
14 provisions and limitations of this act as the original  
15 certified investor. The term "transferee" means any person  
16 who:

17 (a) Through the voluntary sale, assignment, or other  
18 transfer of the business or control of the business of the  
19 certified investor, including the sale or other transfer of  
20 stock or assets by merger, consolidation, or dissolution,  
21 succeeds to all or substantially all of the business and  
22 property of the certified investor;

23 (b) Becomes by operation of law or otherwise the  
24 parent company of the certified investor; ~~or~~

25 (c) Directly or indirectly owns, whether through  
26 rights, options, convertible interests, or otherwise,  
27 controls, or holds power to vote 10 percent or more of the  
28 outstanding voting securities or other ownership interest of  
29 the certified investor;—

30 (d) Is a subsidiary of the certified investor or 10  
31 percent or more of whose outstanding voting securities or

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1 other ownership interest are directly or indirectly owned,  
2 whether through rights, options, convertible interests, or  
3 otherwise, by the certified investor; or

4 (e) Directly or indirectly controls, is controlled by,  
5 or is under the common control with the certified investor.

6 Section 27. Subsection (2) of section 220.191, Florida  
7 Statutes, 1998 Supplement, is amended to read:

8 220.191 Capital investment tax credit.--

9 (2) An annual credit against the tax imposed by this  
10 chapter shall be granted to any qualifying business in an  
11 amount equal to 5 percent of the eligible capital costs  
12 generated by a qualifying project, for a period not to exceed  
13 20 years beginning with the commencement of operations of the  
14 project. The tax credit shall be granted against only the  
15 corporate income tax liability or the premium tax liability  
16 generated by or arising out of the qualifying project, and the  
17 sum of all tax credits provided pursuant to this section shall  
18 not exceed 100 percent of the eligible capital costs of the  
19 project. In no event may any credit granted under this section  
20 be carried forward or backward by any qualifying business with  
21 respect to a subsequent or prior year. The annual tax credit  
22 granted under this section shall not exceed the following  
23 percentages of the annual corporate income tax liability or  
24 the premium tax liability generated by or arising out of a  
25 qualifying project:

26 (a) One hundred percent for a qualifying project which  
27 results in a cumulative capital investment of at least \$100  
28 million.

29 (b) Seventy-five percent for a qualifying project  
30 which results in a cumulative capital investment of at least  
31 \$50 million but less than \$100 million.



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1 (c) Fifty percent for a qualifying project which  
2 results in a cumulative capital investment of at least \$25  
3 million but less than \$50 million.

4  
5 A qualifying project which results in a cumulative capital  
6 investment of less than \$25 million is not eligible for the  
7 capital investment tax credit. An insurance company claiming a  
8 credit against premium tax liability under this program shall  
9 not be required to pay any additional retaliatory tax levied  
10 pursuant to s. 624.5091 as a result of claiming such credit.  
11 Because credits under this section are available to an  
12 insurance company, s. 624.5091 does not limit such credit in  
13 any manner.

14 Section 28. Subsection (7) of section 163.3178,  
15 Florida Statutes, is amended to read:

16 163.3178 Coastal management.--

17 (7) Each port listed in s. 311.09(1) and each local  
18 government in the coastal area which has spoil disposal  
19 responsibilities shall provide for or identify disposal sites  
20 for dredged materials in the future land use and port elements  
21 of the local comprehensive plan as needed to assure proper  
22 long-term management of material dredged from navigation  
23 channels, sufficient long-range disposal capacity,  
24 environmental sensitivity and compatibility, and reasonable  
25 cost and transportation. The disposal site selection criteria  
26 shall be developed in consultation with navigation and inlet  
27 districts and other appropriate state and federal agencies and  
28 the public. For areas owned or controlled by ports listed in  
29 s. 311.09(1) and proposed port expansion areas, compliance  
30 with the provisions of this subsection shall be achieved  
31 through comprehensive master plans prepared by each port and

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1 integrated with the appropriate local plan pursuant to  
2 paragraph (2)(k).

3 Section 29. Paragraph (h) is added to subsection (1)  
4 of section 163.3187, Florida Statutes, 1998 Supplement, and  
5 paragraph (a) of subsection (6) of that section is amended, to  
6 read:

7 163.3187 Amendment of adopted comprehensive plan.--

8 (1) Amendments to comprehensive plans adopted pursuant  
9 to this part may be made not more than two times during any  
10 calendar year, except:

11 (h) Any comprehensive plan amendments for port  
12 transportation facilities and projects that are eligible for  
13 funding by the Florida Seaport Transportation and Economic  
14 Development Council pursuant to s. 311.07.

15 (6)(a) No local government may amend its comprehensive  
16 plan after the date established by the state land planning  
17 agency for adoption of its evaluation and appraisal report  
18 unless it has submitted its report or addendum to the state  
19 land planning agency as prescribed by s. 163.3191, except for  
20 plan amendments described in paragraph (1)(b) or paragraph  
21 (1)(h).

22 Section 30. Subsection (4) is added to section 253.77,  
23 Florida Statutes, to read:

24 253.77 State lands; state agency authorization for use  
25 prohibited without consent of agency in which title vested;  
26 concurrent processing requirements.--

27 (4) Notwithstanding any other provision of this  
28 chapter, chapter 373, or chapter 403, for activities  
29 authorized by a permit or exemption pursuant to chapter 373 or  
30 chapter 403, ports listed in s. 403.021(9)(b) and inland  
31 navigation districts created pursuant to s. 374.975(3) shall

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1 not be required to pay any fees for activities involving the  
2 use of sovereign lands, including leases, easements, or  
3 consents of use, except application fees including, but not  
4 limited to, those required by chapter 161, chapter 253,  
5 chapter 373, or chapter 403. Further, any federal, state, or  
6 local agency or political subdivision that otherwise qualifies  
7 for an exemption under chapter 373 or chapter 403 shall be  
8 granted a consent of use or public easement for land owned by  
9 the Board of Trustees of the Internal Improvement Trust Fund  
10 or any water management district upon request and legal  
11 description of the affected land.

12 Section 31. Section 288.8155, Florida Statutes, is  
13 amended to read:

14 (Substantial rewording of section. See  
15 s. 288.8155, F.S., for present text.)

16 288.8155 International Trade Data Resource and  
17 Research Center.--Enterprise Florida, Inc., and the Florida  
18 Seaport Transportation and Economic Development Council shall  
19 establish a comprehensive trade data resource and research  
20 center to be known as the "International Trade Data Resource  
21 and Research Center." The center shall be incorporated as a  
22 private nonprofit corporation operated in compliance with  
23 chapter 617, and shall not be a unit or entity of state  
24 government.

25 (1) The center shall be governed by a board of  
26 directors composed of the following members: one  
27 representative appointed by Enterprise Florida, Inc., one  
28 representative appointed by the Florida Seaport Transportation  
29 and Economic Development Council, and one representative  
30 appointed by the Office of Tourism, Trade, and Economic  
31 Development.

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1 (2) In addition to all powers authorized pursuant to  
2 chapter 617, the center shall have the power to:

3 (a) Develop a state-wide trade information system that  
4 may include, but is not limited to, timely import and export  
5 information; trade opportunities; intermodal transportation  
6 information that measures cargo flow by transportation mode;  
7 commodity trends; trade activity between Florida and specific  
8 countries; and other information as determined by the board of  
9 directors.

10 (b) Develop an Internet based electronic commerce  
11 system designed to facilitate international trade in the  
12 Americas.

13 (c) Provide research on trade opportunities in  
14 specific countries.

15 (d) Provide any other terms and conditions required to  
16 effect the intent of the Legislature to ensure the general  
17 availability of trade data and research to Florida users and  
18 to promote the development of a center for the purposes  
19 enumerated in this section.

20 (e) Make and enter into contracts and other  
21 instruments with public or private-sector entities, domestic  
22 or foreign, necessary or convenient for the purpose of  
23 exercising or performing its powers and functions.

24 (f) Secure funding for the programs and activities of  
25 the center from federal, state, local, or private sources, and  
26 enter into contracts that provide terms and conditions to  
27 secure such funding.

28 (g) Charge fees for services, programs, and activities  
29 developed pursuant to this section and for published  
30 materials.

31 (h) Solicit, receive, hold, invest, and administer any

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1 grant, payment, or gift of funds or property and make  
2 expenditures consistent with the powers granted to it.

3 (i) Acquire, enjoy, use, and dispose of patents,  
4 copyrights, and trademarks and any licenses, royalties, and  
5 other rights or interests thereunder or therein.

6 (3) Information produced by the center will be made  
7 available to Enterprise Florida, Inc., the Florida Seaport  
8 Transportation and Economic Development Council, the Office of  
9 Tourism, Trade, and Economic Development, and state agencies  
10 under such terms as decided by the board of directors.

11 Section 32. Section 311.14, Florida Statutes, is  
12 created to read:

13 311.14 Seaport freight-mobility planning.--

14 (1) The Florida Seaport Transportation and Economic  
15 Development Council, in cooperation with the Office of the  
16 State Public Transportation Administrator within the  
17 Department of Transportation, shall develop freight-mobility  
18 and trade-corridor plans to assist in making freight-mobility  
19 investments that contribute to the economic growth of the  
20 state. Such plans should enhance the integration and  
21 connectivity of the transportation system across and between  
22 transportation modes throughout Florida for people and  
23 freight.

24 (2) The Office of the State Public Transportation  
25 Administrator shall act to integrate freight-mobility and  
26 trade-corridor plans into the Florida Transportation Plan  
27 developed pursuant to s. 339.155 and into the plans and  
28 programs of metropolitan planning organizations as provided in  
29 s. 339.175. The office may also provide assistance in  
30 expediting the transportation permitting process relating to  
31 the construction of seaport freight-mobility projects located

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1 outside the physical borders of seaports. The Department of  
2 Transportation may contract, as provided in s. 334.044, with  
3 any port listed in s. 311.09(1) or any such other statutorily  
4 authorized seaport entity to act as an agent in the  
5 construction of seaport freight-mobility projects.

6 Section 33. Subsection (6) of section 315.02, Florida  
7 Statutes, is amended to read:

8 315.02 Definitions.--As used in this law, the  
9 following words and terms shall have the following meanings:

10 (6) The term "port facilities" shall mean and shall  
11 include harbor, shipping, and port facilities, and  
12 improvements of every kind, nature, and description,  
13 including, but without limitation, channels, turning basins,  
14 jetties, breakwaters, public landings, wharves, docks,  
15 markets, parks, recreational facilities, structures,  
16 buildings, piers, storage facilities, including facilities  
17 that may be used for warehouse, storage, and distribution of  
18 cargo transported or to be transported through an airport or  
19 port facility, public buildings and plazas, anchorages,  
20 utilities, bridges, tunnels, roads, causeways, and any and all  
21 property and facilities necessary or useful in connection with  
22 the foregoing, and any one or more or any combination thereof  
23 and any extension, addition, betterment or improvement of any  
24 thereof.

25 Section 34. Paragraph (h) is added to subsection (24)  
26 of section 380.06, Florida Statutes, 1998 Supplement, to read:

27 380.06 Developments of regional impact.--

28 (24) STATUTORY EXEMPTIONS.--

29 (h) Expansion to port harbors, spoil disposal sites,  
30 navigation channels, turning basins, harbor berths, and other  
31 related inwater harbor facilities of ports listed in s.

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1 403.021(9)(b), port transportation facilities and projects  
2 listed in s. 311.07(3)(b), and intermodal transportation  
3 facilities identified pursuant to s. 311.09(3) are exempt from  
4 the provisions of this section when such expansions, projects,  
5 or facilities are consistent with comprehensive master plans  
6 that are in compliance with the provisions of s. 163.3178.

7 Section 35. Subsection (6) is added to section 15.16,  
8 Florida Statutes, to read:

9 15.16 Reproduction of records; admissibility in  
10 evidence; electronic receipt and transmission of records;  
11 certification; acknowledgment.--

12 (6) The Secretary of State is authorized to issue  
13 apostilles. The Secretary of State shall have the sole  
14 authority to establish, in conformity with the laws of the  
15 United States, the requirements and procedures for the  
16 issuance of apostilles and may charge a fee for the issuance  
17 of an apostille not to exceed \$10 per apostille.

18 Section 36. Section 117.103, Florida Statutes, 1998  
19 Supplement, is amended to read:

20 117.103 Certification of notary's authority by  
21 Secretary of State.--A notary public is not required to record  
22 his or her notary public commission in an office of a clerk of  
23 the circuit court. If certification of the notary public's  
24 commission is required, it must be obtained from the Secretary  
25 of State. Upon the receipt of a written request, ~~the notarized~~  
26 ~~document,~~ and a fee of \$10 payable to the Secretary of State,  
27 the Secretary of State shall provide a certified copy of the  
28 notary public's original certificate of commission which shall  
29 be legally sufficient to establish the notary public's  
30 authority to provide the services specifically authorized for  
31 a notary public by the Florida Statutes, and shall issue a

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1 certificate of notarial authority, the contents of which shall  
2 be determined by the Secretary of State and shall establish  
3 for third parties the extent of the legal authority of the  
4 notary public.~~certificate of notarial authority. Documents~~  
5 ~~destined for countries participating in an International~~  
6 ~~Treaty called the Hague Convention require an Apostille, and~~  
7 ~~that requirement shall be determined by the Secretary of~~  
8 ~~State.~~

9 Section 37. Section 118.10, Florida Statutes, 1998  
10 Supplement, is amended to read:

11 118.10 Civil-law notary.--

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

13 (a) "Authentic act" means an instrument executed by a  
14 civil-law notary referencing this section, which includes the  
15 particulars and capacities to act of the transacting party or  
16 parties, a confirmation of the full text of the instrument,  
17 the signatures of the party or parties or legal equivalent  
18 thereof, and the signature and seal of a civil-law notary as  
19 prescribed by the Florida Secretary of State.

20 (b) "Civil-law notary" means a person who is a member  
21 in good standing of The Florida Bar, who has practiced law for  
22 at least 5 years, and who is appointed by the Secretary of  
23 State as a civil-law notary.

24 (c) "Protocol" means a registry maintained by a  
25 civil-law notary in which the acts of the civil-law notary are  
26 archived.

27 (2) The Secretary of State shall have the power to  
28 appoint civil-law notaries and administer this section.

29 (3) A civil-law notary is authorized to issue  
30 authentic acts and thereby may authenticate or certify any  
31 document, transaction, event, condition, or occurrence. The



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1 contents of an authentic act and matters incorporated therein  
2 shall be presumed correct. A civil-law notary may also  
3 administer an oath and make a certificate thereof when it is  
4 necessary for execution of any writing or document to be  
5 attested, protested, or published under the seal of a notary  
6 public. A civil-law notary may also take acknowledgements of  
7 deeds and other instruments of writing for record, and  
8 solemnize the rites of matrimony, as fully as other officers  
9 of this state. A civil-law notary is not authorized to issue  
10 authentic acts for use in a jurisdiction if the United States  
11 Department of State has determined that the jurisdiction does  
12 not have diplomatic relations with the United States or is a  
13 terrorist country, or if trade with the jurisdiction is  
14 prohibited under the Trading With the Enemy Act of 1917, as  
15 amended, 50 U.S.C. ss. 1, et seq.

16 (4) The authentic acts, oaths and acknowledgements,  
17 and solemnizations of a civil-law notary shall be recorded in  
18 the civil-law notary's protocol in a manner prescribed by the  
19 Secretary of State.

20 (5) The Secretary of State may adopt rules  
21 prescribing:

22 (a) The form and content of authentic acts, oaths and  
23 acknowledgments, solemnizations, and signatures and seals or  
24 their legal equivalents ~~for authentic acts;~~

25 (b) Procedures for the permanent archiving of  
26 authentic acts, maintaining records of acknowledgments, oaths  
27 and solemnizations, and procedures for the administration of  
28 oaths and taking of acknowledgments and for solemnizations;

29 (c) The charging of reasonable fees to be retained by  
30 the Secretary of State for the purpose of administering this  
31 section;

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1 (d) Educational requirements and procedures for  
2 testing applicants' knowledge of all matters relevant to the  
3 appointment, authority, duties, or legal or ethical  
4 responsibilities of a civil-law notary ~~the effects and~~  
5 ~~consequences associated with authentic acts;~~

6 (e) Procedures for the disciplining of civil-law  
7 notaries, including, but not limited to, the suspension and  
8 revocation of appointments for failure to comply with the  
9 requirements of chapter 118 or the rules of the Department of  
10 State, for misrepresentation or fraud regarding the civil-law  
11 notary's authority, the effect of the civil-law notary's  
12 authentic acts, or the identities or acts of the parties to a  
13 transaction; ~~and~~

14 (f) Bonding or errors and omissions insurance  
15 requirements, or both, for civil-law notaries; and

16 (g)~~(f)~~ Other matters necessary for administering this  
17 section.

18 (6) The Secretary of State shall not regulate or,  
19 ~~discipline or attempt to discipline, or establish any~~  
20 ~~educational requirements for~~ any civil-law notary for, or with  
21 regard to, any action or conduct that would constitute the  
22 practice of law in this state, except by agreement with The  
23 Florida Bar. The Secretary of State shall not establish as a  
24 prerequisite to the appointment of a civil-law notary any test  
25 containing any question that inquires of the applicant's  
26 knowledge regarding the practice of law in the United States,  
27 unless such test is offered in connection with an educational  
28 program approved by The Florida Bar for continuing legal  
29 education credit ~~except by agreement with The Florida Bar.~~

30 (7) The powers of civil-law notaries include, but are  
31 not limited to, all of the powers of a notary public under any

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1 law of this state.

2 (8) This section shall not be construed as abrogating  
3 the provisions of any other act relating to notaries public,  
4 attorneys, or the practice of law in this state.

5 Section 38. Section 118.12, Florida Statutes, is  
6 created to read:

7 118.12 Certification of civil-law notary's authority;  
8 apostilles.--If certification of a civil-law notary's  
9 authority is necessary for a particular document or  
10 transaction, it must be obtained from the Secretary of State.  
11 Upon the receipt of a written request from a civil-law notary,  
12 a copy of the document, and a fee of \$10 payable to the  
13 Secretary of State, the Secretary of State shall provide a  
14 certification of the civil-law notary's authority which may be  
15 used in support of the document submitted and any related  
16 transaction. Documents destined for countries participating  
17 in an International Treaty called the Hague Convention may  
18 require an apostille and the Secretary of State shall, upon  
19 receiving a written request from a civil-law notary, a copy of  
20 the document, and a fee of \$10 payable to the Secretary of  
21 State, provide an apostille conforming to the requirements of  
22 the Hague Convention and including such other matters as the  
23 Secretary of State may establish by rule.

24 Section 39. Section 15.18, Florida Statutes, is  
25 amended to read:

26 15.18 International and cultural relations.--The  
27 Divisions of Cultural Affairs, Historical Resources, and  
28 Library and Information Services of the Department of State  
29 promote programs having substantial cultural, artistic, and  
30 indirect economic significance that emphasize American  
31 creativity. The Secretary of State, as the head administrator

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1 of these divisions, shall hereafter be known as "Florida's  
2 Chief Cultural Officer." As this officer, the Secretary of  
3 State is encouraged to initiate and develop relationships  
4 between the state and foreign cultural officers, their  
5 representatives, and other foreign governmental officials in  
6 order to promote Florida as the center of American creativity.  
7 The Secretary of State shall coordinate international  
8 activities pursuant to this section with Enterprise Florida,  
9 Inc., and any other organization the secretary deems  
10 appropriate ~~the Florida International Affairs Commission~~. For  
11 the accomplishment of this purpose, the Secretary of State  
12 shall have the power and authority to:

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

15 (2) Plan and carry out activities designed to cause  
16 improved cultural and governmental programs and exchanges with  
17 foreign countries.

18 (3) Plan and implement cultural and social activities  
19 for visiting foreign heads of state, diplomats, dignitaries,  
20 and exchange groups.

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

24 (5) Establish and maintain the list prescribed in s.  
25 55.605(2)(g), relating to recognition of foreign money  
26 judgments.

27 ~~(6)(5)~~ Serve as the liaison with all foreign consular  
28 and ambassadorial corps, as well as international  
29 organizations, that are consistent with the purposes of this  
30 section.

31 ~~(7)(6)~~ Provide, arrange, and make expenditures for the

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1 achievement of any or all of the purposes specified in this  
2 section.

3 ~~(8)(7)~~ Notwithstanding the provisions of part I of  
4 chapter 287, promulgate rules for entering into contracts  
5 which are primarily for promotional services and events, which  
6 may include commodities involving a service. Such rules shall  
7 include the authority to negotiate costs with the offerors of  
8 such services and commodities who have been determined to be  
9 qualified on the basis of technical merit, creative ability,  
10 and professional competency. The rules shall only apply to the  
11 expenditure of funds donated for promotional services and  
12 events. Expenditures of appropriated funds shall be made only  
13 in accordance with part I of chapter 287.

14 Section 40. Subsections (1) and (6) of section 55.604,  
15 Florida Statutes, are amended to read:

16 55.604 Recognition and enforcement.--Except as  
17 provided in s. 55.605, a foreign judgment meeting the  
18 requirements of s. 55.603 is conclusive between the parties to  
19 the extent that it grants or denies recovery of a sum of  
20 money. Procedures for recognition and enforceability of a  
21 foreign judgment shall be as follows:

22 (1) The foreign judgment shall be filed with the  
23 Department of State and the clerk of the court and recorded in  
24 the public records in the county or counties where enforcement  
25 is sought. The filing with the Department of State shall not  
26 create a lien on any property.

27 (a) At the time of the recording of a foreign  
28 judgment, the judgment creditor shall make and record with the  
29 clerk of the circuit court an affidavit setting forth the  
30 name, social security number, if known, and last known  
31 post-office address of the judgment debtor and of the judgment

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1 creditor.

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

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

22 Section 41. Paragraph (g) of subsection (2) of section  
23 55.605, Florida Statutes, is amended to read:

24 55.605 Grounds for nonrecognition.--

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

26 (g) The foreign jurisdiction where judgment was  
27 rendered would not give recognition to a similar judgment  
28 rendered in this state. For purposes of this paragraph, the  
29 Secretary of State shall establish and maintain a list of  
30 foreign jurisdictions where the condition specified in this  
31 paragraph has been found to apply.

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1 Section 42. Section 257.34, Florida Statutes, is  
2 created to read:  
3 257.34 Florida International Archive and Repository.--  
4 (1) There is created within the Division of Library  
5 and Information Services of the Department of State the  
6 Florida International Archive and Repository for the  
7 preservation of those public records, as defined in s.  
8 119.011(1), manuscripts, international judgments involving  
9 disputes between domestic and foreign businesses, and all  
10 other public matters that the department or the Florida  
11 Council of International Development deems relevant to  
12 international issues. It is the duty and responsibility of the  
13 division to:  
14 (a) Organize and administer the Florida International  
15 Archive and Repository.  
16 (b) Preserve and administer records that are  
17 transferred to its custody; accept, arrange, and preserve  
18 them, according to approved archival and repository practices;  
19 and permit them, at reasonable times and under the supervision  
20 of the division, to be inspected, examined, and copied. All  
21 public records transferred to the custody of the division are  
22 subject to the provisions of s. 119.07(1).  
23 (c) Assist the records and information management  
24 program in the determination of retention values for records.  
25 (d) Cooperate with and assist, insofar as practicable,  
26 state institutions, departments, agencies, counties,  
27 municipalities, and individuals engaged in internationally  
28 related activities.  
29 (e) Provide a public research room where, under rules  
30 established by the division, the materials in the  
31 international archive and repository may be studied.

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1 (f) Conduct, promote, and encourage research in  
2 international trade, government, and culture and maintain a  
3 program of information, assistance, coordination, and guidance  
4 for public officials, educational institutions, libraries, the  
5 scholarly community, and the general public engaged in such  
6 research.

7 (g) Cooperate with and, insofar as practicable, assist  
8 agencies, libraries, institutions, and individuals in projects  
9 concerned with internationally related issues and preserve  
10 original materials relating to internationally related issues.

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

14 (2) Any agency is authorized and empowered to turn  
15 over to the division any record no longer in current official  
16 use. The division may accept such record and provide for its  
17 administration and preservation as provided in this section  
18 and, upon acceptance, be considered the legal custodian of  
19 such record. The division may direct and effect the transfer  
20 to the archives of any records that are determined by the  
21 division to have such historical or other value to warrant  
22 their continued preservation or protection, unless the head of  
23 the agency that has custody of the records certifies in  
24 writing to the division that the records must be retained in  
25 the agency's custody for use in the conduct of the regular  
26 current business of the agency.

27 (3) Title to any record transferred to the Florida  
28 International Archive and Repository, as authorized in this  
29 chapter, is vested in the division.

30 (4) The division shall make certified copies under  
31 seal of any record transferred to it upon the application of



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1 any person, and the certificates shall have the same force and  
2 effect as if made by the agency from which the record was  
3 received. The division may charge a fee for this service based  
4 upon the cost of service.

5 (5) The division may establish and maintain a schedule  
6 of fees for services that may include, but need not be limited  
7 to, restoration of materials, storage of materials, special  
8 research services, and publications.

9 (6) The division shall establish and maintain a  
10 mechanism by which the information contained within the  
11 Florida International Archive and Repository may be accessed  
12 by computer via the World Wide Web. In doing so, the division  
13 shall take whatever measures it deems appropriate to ensure  
14 the validity, quality, and safety of the information being  
15 accessed.

16 (7) The division shall adopt rules necessary to  
17 implement this section.

18 (8) The Florida Council of International Development  
19 may select materials for inclusion in the Florida  
20 International Archive and Repository and shall be consulted  
21 closely by the division in all matters relating to its  
22 establishment and maintenance.

23 Section 43. Notwithstanding section 3 of chapter  
24 89-150, section 112 of chapter 90-201, and section 53 of  
25 chapter 91-5, Laws of Florida, section 288.012, Florida  
26 Statutes, is not repealed but is revived, reenacted, and  
27 amended to read:

28 288.012 State of Florida foreign offices.--The  
29 Legislature finds that the expansion of international trade  
30 and tourism is vital to the overall health and growth of the  
31 economy of this state. This expansion is hampered by the lack

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1 of technical and business assistance, financial assistance,  
2 and information services for businesses in this state. The  
3 Legislature finds that these businesses could be assisted by  
4 providing these services at State of Florida foreign offices.  
5 The Legislature further finds that the accessibility and  
6 provision of services at these offices can be enhanced through  
7 cooperative agreements or strategic alliances between state  
8 entities, local entities, foreign entities, and private  
9 businesses.

10 (1) The Office of Tourism, Trade, and Economic  
11 Development is authorized to:

12 (a) Establish and operate offices in foreign countries  
13 for the purpose of promoting the trade and economic  
14 development of the state, and promoting the gathering of trade  
15 data information and research on trade opportunities in  
16 specific countries.

17 (b) Enter into agreements with governmental and  
18 private sector entities to establish and operate offices in  
19 foreign countries containing provisions which may be in  
20 conflict with general laws of the state pertaining to the  
21 purchase of office space, employment of personnel, and  
22 contracts for services. When agreements pursuant to this  
23 section are made which set compensation in foreign currency,  
24 such agreements shall be subject to the requirements of s.  
25 215.425, but the purchase of foreign currency by the Office of  
26 Tourism, Trade, and Economic Development to meet such  
27 obligations shall be subject only to s. 216.311.

28 (c) By September 1, 1997, the Office of Tourism,  
29 Trade, and Economic Development shall develop a plan for the  
30 disposition of the current foreign offices and the development  
31 and location of additional foreign offices. The plan shall

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1 include, but is not limited to, a determination of the level  
2 of funding needed to operate the current offices and any  
3 additional offices and whether any of the current offices need  
4 to be closed or relocated. Enterprise Florida, Inc., the  
5 Florida Tourism Commission, the Florida Ports Council, the  
6 Department of State, the Department of Citrus, and the  
7 Department of Agriculture shall assist the Office of Tourism,  
8 Trade, and Economic Development in the preparation of the  
9 plan. All parties shall cooperate on the disposition or  
10 establishment of the offices and ensure that needed space,  
11 technical assistance, and support services are provided to  
12 such entities at such foreign offices.

13 (2) By June 30, 1998, each foreign office shall have  
14 in place an operational plan approved by the participating  
15 boards or other governing authority, a copy of which shall be  
16 provided to the Office of Tourism, Trade, and Economic  
17 Development. These operating plans shall be reviewed and  
18 updated each fiscal year and shall include, at a minimum, the  
19 following:

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

22 (b) A comprehensive, commercial strategic plan  
23 identifying marketing opportunities and industry sector  
24 priorities for the foreign country or area in which a foreign  
25 office is located.

26 (c) Provisions for access to information for Florida  
27 businesses through the Florida Trade Data Center. Each  
28 foreign office shall obtain and forward trade leads and  
29 inquiries to the center on a regular basis as called for in  
30 the plan pursuant to paragraph (1)(c).

31 (d) Identification of new and emerging market

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1 opportunities for Florida businesses. Each foreign office  
2 shall provide the Florida Trade Data Center with a compilation  
3 of foreign buyers and importers in industry sector priority  
4 areas on an annual basis. In return, the Florida Trade Data  
5 Center shall make available to each foreign office, and to the  
6 entities identified in paragraph (1)(c), trade industry,  
7 commodity, and opportunity information as specified in the  
8 plan required in that paragraph. This information shall be  
9 provided to the offices and the entities identified in  
10 paragraph (1)(c) either free of charge or on a fee basis with  
11 fees set only to recover the costs of providing the  
12 information.

13 (e) Provision of access for Florida businesses to the  
14 services of the Florida Trade Data Center, international trade  
15 assistance services provided by state and local entities,  
16 seaport and airport information, and other services identified  
17 in the plan pursuant to paragraph (1)(c).

18 (f) Qualitative and quantitative performance measures  
19 for each office including, but not limited to, the number of  
20 businesses assisted, the number of trade leads and inquiries  
21 generated, the number of foreign buyers and importers  
22 contacted, and the amount and type of marketing conducted.

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

29 (a) The number of Florida companies assisted.

30 (b) The number of inquiries received about investment  
31 opportunities in this state.

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- 1           (c) The number of trade leads generated.
- 2           (d) The number of investment projects announced.
- 3           (e) The estimated U.S. dollar value of sales
- 4 confirmations.
- 5           (f) The number of representation agreements.
- 6           (g) The number of company consultations.
- 7           (h) Barriers or other issues affecting the effective
- 8 operation of the office.
- 9           (i) Changes in office operations which are planned for
- 10 the current fiscal year.
- 11           (j) Marketing activities conducted.
- 12           (k) Strategic alliances formed with organizations in
- 13 the country in which the office is located.
- 14           (l) Activities conducted with other Florida foreign
- 15 offices.
- 16           (m) Any other information that the office believes
- 17 would contribute to an understanding of its activities.
- 18           (4)(3) The Office of Tourism, Trade, and Economic
- 19 Development, in connection with the establishment, operation,
- 20 and management of any of its offices located in a foreign
- 21 country, is exempt from the provisions of ss. 255.21, 255.25,
- 22 and 255.254 relating to leasing of buildings; ss. 283.33 and
- 23 283.35 relating to bids for printing; ss. 287.001-287.20
- 24 relating to purchasing and motor vehicles; and ss.
- 25 282.003-282.111 relating to communications, and from all
- 26 statutory provisions relating to state employment.
- 27           (a) The Office of Tourism, Trade, and Economic
- 28 Development may exercise such exemptions only upon prior
- 29 approval of the Governor.
- 30           (b) If approval for an exemption under this section is
- 31 granted as an integral part of a plan of operation for a

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1 specified foreign office, such action shall constitute  
2 continuing authority for the Office of Tourism, Trade, and  
3 Economic Development to exercise the exemption, but only in  
4 the context and upon the terms originally granted. Any  
5 modification of the approved plan of operation with respect to  
6 an exemption contained therein must be resubmitted to the  
7 Governor for his or her approval. An approval granted to  
8 exercise an exemption in any other context shall be restricted  
9 to the specific instance for which the exemption is to be  
10 exercised.

11 (c) As used in this subsection, the term "plan of  
12 operation" means the plan developed pursuant to subsection  
13 (2).

14 (d) Upon final action by the Governor with respect to  
15 a request to exercise the exemption authorized in this  
16 subsection, the Office of Tourism, Trade, and Economic  
17 Development shall report such action, along with the original  
18 request and any modifications thereto, to the President of the  
19 Senate and the Speaker of the House of Representatives within  
20 30 days.

21 ~~(5)(4)~~ Where feasible and appropriate, and subject to  
22 s. 288.1224(10), foreign offices established and operated  
23 under this section may provide one-stop access to the economic  
24 development, trade, and tourism information, services, and  
25 programs of the state. Where feasible and appropriate, and  
26 subject to s. 288.1224(10), such offices may also be  
27 collocated with other foreign offices of the state.

28 ~~(6)(5)~~ The Office of Tourism, Trade, and Economic  
29 Development is authorized to make and to enter into contracts  
30 with Enterprise Florida, Inc., and the Florida Commission on  
31 Tourism to carry out the provisions of this section. The

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1 authority, duties, and exemptions provided in this section  
2 apply to Enterprise Florida, Inc., and the Florida Commission  
3 on Tourism to the same degree and subject to the same  
4 conditions as applied to the Office of Tourism, Trade, and  
5 Economic Development. To the greatest extent possible, such  
6 contracts shall include provisions for cooperative agreements  
7 or strategic alliances between state entities, foreign  
8 entities, local entities, and private businesses to operate  
9 foreign offices.

10 Section 44. By December 31, 2001, the Legislature  
11 shall review Florida's foreign offices, including, but not  
12 limited to, those offices established and operated under  
13 sections 288.012 and 288.1224, Florida Statutes, to determine  
14 whether the state is experiencing effective international  
15 trade, investment, and tourism representation through such  
16 offices.

17 Section 45. Enterprise Florida, Inc., shall develop a  
18 master plan for integrating public-sector and private-sector  
19 international trade and reverse investment resources, in order  
20 that businesses may obtain comprehensive assistance and  
21 information in the most productive and efficient manner. The  
22 scope of this plan shall include, but need not be limited to,  
23 resources related to the provision of trade information, such  
24 as trade leads and reverse investment opportunities, trade  
25 counseling, and trade financing services. In developing the  
26 master plan, Enterprise Florida, Inc., shall solicit the  
27 participation and input of organizations providing these  
28 resources, the consumers of these resources, and others who  
29 have expertise and experience in international trade and  
30 reverse investment. The master plan may include  
31 recommendations for legislative action designed to enhance the

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1 delivery of international trade and reverse investment  
2 assistance. The master plan, which Enterprise Florida, Inc.,  
3 may include within the annual update or modification to the  
4 strategic plan required under section 288.905, Florida  
5 Statutes, must be submitted to the Legislature and the  
6 Governor before January 1, 2000.

7 Section 46. Enterprise Florida, Inc., in conjunction  
8 with the Office of Tourism, Trade, and Economic Development,  
9 shall prepare a plan for promoting direct investment in  
10 Florida by foreign businesses. This plan must assess and  
11 inventory Florida's strengths as a location for foreign direct  
12 investment and must include a detailed strategy for  
13 capitalizing upon those strengths. In developing the plan,  
14 Enterprise Florida, Inc., shall focus on businesses with site  
15 selection criteria that are consistent with Florida's business  
16 climate, businesses likely to facilitate the transshipment of  
17 goods through Florida or to export Florida produced goods from  
18 the state, and businesses that complement or correspond to  
19 those industries identified as part of the sector strategy  
20 approach to economic development required under s. 288.905,  
21 Florida Statutes. The plan must also identify weaknesses in  
22 Florida's ability to attract foreign direct investment and  
23 must include a detailed strategy for addressing those  
24 weaknesses. The plan may include recommendations for  
25 legislative action designed to enhance Florida's ability to  
26 attract foreign direct investment. In developing the plan,  
27 Enterprise Florida, Inc., shall solicit the participation and  
28 input of entities that have expertise and experience in  
29 foreign direct investment. The plan, which Enterprise Florida,  
30 Inc., may include within the annual update or modification to  
31 the strategic plan required under s. 288.905, Florida



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1 Statutes, must be submitted to the Legislature and the  
2 Governor before January 1, 2000.

3 Section 47. In anticipation of the day when the people  
4 of Cuba are no longer denied the inalienable rights and  
5 freedom that all men and women should be guaranteed,  
6 Enterprise Florida, Inc., shall prepare a strategic plan  
7 designed to allow Florida to capitalize on the economic  
8 opportunities associated with a free Cuba. The plan should  
9 recognize the historical and cultural ties between this state  
10 and Cuba and should focus on building a long-term economic  
11 relationship between these communities. The plan should also  
12 recognize existing economic infrastructure in Florida that  
13 could be applied toward trade and other business activities  
14 with Cuba. The plan should identify specific preparatory steps  
15 to be taken in advance of a lifting of the trade embargo with  
16 Cuba. In developing this plan, Enterprise Florida, Inc., shall  
17 solicit the participation and input of individuals who have  
18 expertise concerning Cuba and its economy, including, but not  
19 limited to, business leaders in Florida who have had previous  
20 business experience in Cuba. The plan may include  
21 recommendations for legislative action necessary to implement  
22 the strategic plan. The plan must be submitted to the Governor  
23 and Legislature before January 1, 2000.

24 Section 48. Effective June 30, 1999, section 288.1045,  
25 Florida Statutes, is amended to read:

26 288.1045 Qualified defense contractor tax refund  
27 program.--

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

29 (a) "Consolidation of a Department of Defense  
30 contract" means the consolidation of one or more of an  
31 applicant's facilities under one or more Department of Defense

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1 contracts either from outside this state or from inside and  
2 outside this state, into one or more of the applicant's  
3 facilities inside this state.

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

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

15 (d) "Office"~~"Division"~~ means the Office of Tourism,  
16 Trade, and Economic Development ~~Division of Economic~~  
17 ~~Development of the Department of Commerce.~~

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

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

31 (g) "Jobs" means full-time equivalent positions,

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1 consistent with the use of such terms by the Department of  
2 Labor and Employment Security for the purpose of unemployment  
3 compensation tax, resulting directly from a project in this  
4 state. This number does not include temporary construction  
5 jobs involved with the construction of facilities for the  
6 project.

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

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

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

18 (k) "Director" ~~"Secretary"~~ means the director of the  
19 Office of Tourism, Trade, and Economic Development ~~Secretary~~  
20 ~~of Commerce~~.

21 (l) "Taxable year" means the same as in s.  
22 220.03(1)(z).

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

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

30 (o) "Local financial support" means funding from local  
31 sources, public or private, which is paid to the Economic

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1 Development Trust Fund and which is equal to 20 percent of the  
2 annual tax refund for a qualified applicant. Local financial  
3 support may include excess payments made to a utility company  
4 under a designated program to allow decreases in service by  
5 the utility company under conditions, regardless of when  
6 application is made. A qualified applicant may not provide,  
7 directly or indirectly, more than 5 percent of such funding in  
8 any fiscal year. The sources of such funding may not include,  
9 directly or indirectly, state funds appropriated from the  
10 General Revenue Fund or any state trust fund, excluding tax  
11 revenues shared with local governments pursuant to law.

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

29 (q) "Local financial support exemption option" means  
30 the option to exercise an exemption from the local financial  
31 support requirement available to any applicant whose project

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1 is located in a county designated by the Rural Economic  
2 Development Initiative, if the county commissioners of the  
3 county in which the project will be located adopt a resolution  
4 requesting that the applicant's project be exempt from the  
5 local financial support requirement. Any applicant that  
6 exercises this option is not eligible for more than 80 percent  
7 of the total tax refunds allowed such applicant under this  
8 section.

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

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

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

27 (c) A qualified applicant may not receive more than  
28 \$7.5 million in tax refunds pursuant to this section in all  
29 fiscal years.

30 (d) Contingent upon an annual appropriation by the  
31 Legislature, the director ~~secretary~~ may approve not more than

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1 ~~the lesser of \$25 million in tax refunds than~~ or the amount  
2 appropriated to the Economic Development Trust Fund for tax  
3 refunds, for a fiscal year pursuant to subsection (5) and s.  
4 288.095.

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

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

- 20 1. Taxes on sales, use, and other transactions paid  
21 pursuant to chapter 212.
- 22 2. Corporate income taxes paid pursuant to chapter  
23 220.
- 24 3. Intangible personal property taxes paid pursuant to  
25 chapter 199.
- 26 4. Emergency excise taxes paid pursuant to chapter  
27 221.
- 28 5. Excise taxes paid on documents pursuant to chapter  
29 201.
- 30 6. Ad valorem taxes paid, as defined in s.  
31 220.03(1)(a) on June 1, 1996.

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

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

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

31 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY

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1 DETERMINATION.--

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

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

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

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

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



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- 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.

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- 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

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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

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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 ~~Commerce~~ and must include, but are not limited to, the

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1 following information:

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

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

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

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

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

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

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

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

27 9. The amount of:

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

30 b. Corporate income taxes paid pursuant to chapter  
31 220.

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- 1 c. Intangible personal property taxes paid pursuant to  
2 chapter 199.
- 3 d. Emergency excise taxes paid pursuant to chapter  
4 221.
- 5 e. Excise taxes paid on documents pursuant to chapter  
6 201.
- 7 f. Ad valorem taxes paid during the 5 fiscal years  
8 immediately preceding the date of the application, and the  
9 projected amounts of such taxes to be due in the 3 fiscal  
10 years immediately following the date of the application.
- 11 10. The estimated amount of tax refunds to be claimed  
12 in each fiscal year.
- 13 11. A brief statement concerning the applicant's need  
14 for tax refunds, and the proposed uses of such refunds by the  
15 applicant.
- 16 12. A resolution adopted by the county commissioners  
17 of the county in which the project will be located, which  
18 recommends the applicant be approved as a qualified applicant,  
19 and which indicates that the necessary commitments of local  
20 financial support for the applicant exist. Prior to the  
21 adoption of the resolution, the county commission may review  
22 the proposed public or private sources of such support and  
23 determine whether the proposed sources of local financial  
24 support can be provided or, for any applicant whose project is  
25 located in a county designated by the Rural Economic  
26 Development Initiative, a resolution adopted by the county  
27 commissioners of such county requesting that the applicant's  
28 project be exempt from the local financial support  
29 requirement.
- 30 13. Any additional information requested by the office  
31 division.

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

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

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

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

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

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

31 6. The reuse of a defense-related facility must result

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1 in the creation of at least 100 jobs at such facility.

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

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

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

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

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

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

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

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



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1 growth and employment in this state.

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

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

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

27 (i) The director ~~secretary~~ may not enter any final  
28 order that certifies any applicant as a qualified applicant  
29 when the value of tax refunds to be included in that final  
30 order exceeds the available amount of authority to enter final  
31 orders as determined in s. 288.095(3) ~~aggregate amount of tax~~

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

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

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

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

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

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

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

31 4. The date after which, each fiscal year, the

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1 qualified applicant may file an annual claim pursuant to  
2 subsection (5).

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

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

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

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

19  
20 "This agreement is neither a general obligation  
21 of the State of Florida, nor is it backed by  
22 the full faith and credit of the State of  
23 Florida. Payment of tax refunds are conditioned  
24 on and subject to specific annual  
25 appropriations by the Florida Legislature of  
26 funds sufficient to pay amounts authorized in  
27 s. 288.1045 ~~s. 288.104~~, Florida Statutes."  
28

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

31 (a) Qualified applicants who have entered into a

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

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

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

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1 support shall be provided to the office division when such  
2 support is paid to the Economic Development Trust Fund.

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

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

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

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1 conclusion of all appeals of the final order.

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

7 (6) ADMINISTRATION.--

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

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

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

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

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1 participation. The report must indicate whether the moneys  
2 appropriated by the Legislature to the qualified applicant tax  
3 refund program were expended in a prudent, fiducially sound  
4 manner.

5 (7) EXPIRATION.--An applicant may not be certified as  
6 qualified under this section after June 30, 2004 ~~1999~~.

7 Section 49. Subsection (2) of section 212.097, Florida  
8 Statutes, 1998 Supplement, is amended to read:

9 212.097 Urban High-Crime Area Job Tax Credit  
10 Program.--

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

12 (a) "Eligible business" means any sole proprietorship,  
13 firm, partnership, or corporation that is located in a  
14 qualified county and is predominantly engaged in, or is  
15 headquarters for a business predominantly engaged in,  
16 activities usually provided for consideration by firms  
17 classified within the following standard industrial  
18 classifications: SIC 01 through SIC 09 (agriculture,  
19 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);  
20 SIC 52 through SIC 57 and SIC 59 (retail); SIC 422 (public  
21 warehousing and storage); SIC 70 (hotels and other lodging  
22 places); SIC 7391 (research and development); SIC 7992 (public  
23 golf courses); and SIC 7996 (amusement parks). A call center  
24 or similar customer service operation that services a  
25 multistate market or international market is also an eligible  
26 business. In addition, the Office of Tourism, Trade, and  
27 Economic Development may, as part of its final budget request  
28 submitted pursuant to s. 216.023, recommend additions to or  
29 deletions from the list of standard industrial classifications  
30 used to determine an eligible business, and the Legislature  
31 may implement such recommendations. Excluded from eligible

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1 receipts are receipts from retail sales, except such receipts  
2 for SIC 52 through SIC 57 and SIC 59 (retail)hotels and other  
3 lodging places classified in SIC 70, public golf courses in  
4 SIC 7992, and amusement parks in SIC 7996. For purposes of  
5 this paragraph, the term "predominantly" means that more than  
6 50 percent of the business's gross receipts from all sources  
7 is generated by those activities usually provided for  
8 consideration by firms in the specified standard industrial  
9 classification. The determination of whether the business is  
10 located in a qualified high-crime area and the tier ranking of  
11 that area must be based on the date of application for the  
12 credit under this section. Commonly owned and controlled  
13 entities are to be considered a single business entity.

14 (b) "Qualified employee" means any employee of an  
15 eligible business who performs duties in connection with the  
16 operations of the business on a regular, full-time basis for  
17 an average of at least 36 hours per week for at least 3 months  
18 within the qualified high-crime area in which the eligible  
19 business is located. An owner or partner of the eligible  
20 business is not a qualified employee. The term also includes  
21 an employee leased from an employee leasing company licensed  
22 under chapter 468, if such employee has been continuously  
23 leased to the employer for an average of at least 36 hours per  
24 week for more than 6 months.

25 (c) "New business" means any eligible business first  
26 beginning operation on a site in a qualified high-crime area  
27 and clearly separate from any other commercial or business  
28 operation of the business entity within a qualified high-crime  
29 area. A business entity that operated an eligible business  
30 within a qualified high-crime area within the 48 months before  
31 the period provided for application by subsection (3) is not



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1 considered a new business.

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

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

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

12 2. Highest reported crime volume and rate of specific  
13 property crimes such as business and residential burglary,  
14 motor vehicle theft, and vandalism;

15 3. Highest percentage of reported index crimes that  
16 are violent in nature;

17 4. Highest overall index crime volume for the area;  
18 and

19 5. Highest overall index crime rate for the geographic  
20 area.

21  
22 Tier-one areas are ranked 1 through 5 and represent the  
23 highest crime areas according to this ranking. Tier-two areas  
24 are ranked 6 through 10 according to this ranking. Tier-three  
25 areas are ranked 11 through 15.

26 Section 50. Paragraph (a) of subsection (2) of section  
27 212.098, Florida Statutes, 1998 Supplement, is amended to  
28 read:

29 212.098 Rural Job Tax Credit Program.--

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

31 (a) "Eligible business" means any sole proprietorship,

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1 firm, partnership, or corporation that is located in a  
2 qualified county and is predominantly engaged in, or is  
3 headquarters for a business predominantly engaged in,  
4 activities usually provided for consideration by firms  
5 classified within the following standard industrial  
6 classifications: SIC 01 through SIC 09 (agriculture,  
7 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);  
8 SIC 422 (public warehousing and storage); SIC 70 (hotels and  
9 other lodging places); SIC 7391 (research and development);  
10 SIC 7992 (public golf courses); and SIC 7996 (amusement  
11 parks). A call center or similar customer service operation  
12 that services a multistate market or an international market  
13 is also an eligible business. In addition, the Office of  
14 Tourism, Trade, and Economic Development may, as part of its  
15 final budget request submitted pursuant to s. 216.023,  
16 recommend additions to or deletions from the list of standard  
17 industrial classifications used to determine an eligible  
18 business, and the Legislature may implement such  
19 recommendations. Excluded from eligible receipts are receipts  
20 from retail sales, except such receipts for hotels and other  
21 lodging places classified in SIC 70, public golf courses in  
22 SIC 7992, and amusement parks in SIC 7996. For purposes of  
23 this paragraph, the term "predominantly" means that more than  
24 50 percent of the business's gross receipts from all sources  
25 is generated by those activities usually provided for  
26 consideration by firms in the specified standard industrial  
27 classification. The determination of whether the business is  
28 located in a qualified county and the tier ranking of that  
29 county must be based on the date of application for the credit  
30 under this section. Commonly owned and controlled entities are  
31 to be considered a single business entity.

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1           Section 51. (1) There is created the Institute on  
2 Urban Policy and Commerce as a Type I Institute under the  
3 Board of Regents at Florida Agricultural and Mechanical  
4 University to improve the quality of life in urban communities  
5 through research, teaching, and outreach activities.

6           (2) The major purposes of the institute are to pursue  
7 basic and applied research on urban policy issues confronting  
8 the inner-city areas and neighborhoods in the state; to  
9 influence the equitable allocation and stewardship of federal,  
10 state, and local financial resources; to train a new  
11 generation of civic leaders and university students interested  
12 in approaches to community planning and design; to assist with  
13 the planning, development, and capacity building of urban area  
14 nonprofit organizations and government agencies; to develop  
15 and maintain a database relating to inner-city areas; and to  
16 support the community development efforts of inner-city areas,  
17 neighborhood-based organizations, and municipal agencies.

18           (3) The institute shall research and recommend  
19 strategies concerning critical issues facing the underserved  
20 population in urban communities, including, but not limited  
21 to, transportation and physical infrastructure; affordable  
22 housing; tourism and commerce; environmental restoration; job  
23 development and retention; child care; public health;  
24 life-long learning; family intervention; public safety; and  
25 community relations.

26           (4) The institute may establish regional urban centers  
27 to be located in the inner cities of St. Petersburg, Tampa,  
28 Jacksonville, Orlando, West Palm Beach, Fort Lauderdale,  
29 Miami, Daytona Beach, and Pensacola to assist urban  
30 communities on critical economic, social, and educational  
31 problems affecting the underserved population.

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1 (5) Before January 1 of each year, the institute shall  
2 submit a report of its critical findings and recommendations  
3 for the prior year to the President of the Senate, the Speaker  
4 of the House of Representatives, and the appropriate  
5 committees of the Legislature. The report shall be titled "The  
6 State of Unmet Needs in Florida's Urban Communities" and shall  
7 include, but is not limited to, a recommended list of  
8 resources that could be made available for revitalizing urban  
9 communities; significant accomplishments and activities of the  
10 institute; and recommendations concerning the expansion,  
11 improvement, or termination of the institute.

12 (6) The Governor shall submit an annual report to the  
13 Legislature on the unmet needs in the state's urban  
14 communities.

15 Section 52. Legislative intent.--

16 (1) The Legislature finds and declares that because of  
17 climate, tourism, industrialization, technological advances,  
18 federal and state government policies, transportation, and  
19 migration, Florida's urban communities have grown rapidly over  
20 the past 40 years. This growth and prosperity, however, have  
21 not been shared by Florida's rural communities, although they  
22 are the stewards of the vast majority of the land and natural  
23 resources. Without this land and these resources, the state's  
24 growth and prosperity cannot continue. In short, successful  
25 rural communities are essential to the overall success of the  
26 state's economy.

27 (2) The Legislature further finds and declares that  
28 many rural areas of the state are experiencing not only a lack  
29 of growth, but severe and sustained economic distress. Median  
30 household incomes are significantly less than the state's  
31 median household income level. Job creation rates trail those

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1 in more urbanized areas. In many cases, rural counties have  
2 lost jobs, which handicaps local economies and drains wealth  
3 from these communities. These and other factors, including  
4 government policies, amplify and compound social, health, and  
5 community problems, making job creation and economic  
6 development even more difficult. Moreover, the Legislature  
7 finds that traditional program and service delivery is often  
8 hampered by the necessarily rigid structure of the programs  
9 themselves and the lack of local resources.

10 (3) It is the intent of the Legislature to provide for  
11 the most efficient and effective delivery of programs of  
12 assistance and support to rural communities, including the  
13 use, where appropriate, of regulatory flexibility through  
14 multiagency coordination and adequate funding. Therefore, the  
15 Legislature determines and declares that the provisions of  
16 this act fulfill an important state interest.

17 Section 53. Paragraph (a) of subsection (6) of section  
18 163.3177, Florida Statutes, 1998 Supplement, is amended to  
19 read:

20 163.3177 Required and optional elements of  
21 comprehensive plan; studies and surveys.--

22 (6) In addition to the requirements of subsections  
23 (1)-(5), the comprehensive plan shall include the following  
24 elements:

25 (a) A future land use plan element designating  
26 proposed future general distribution, location, and extent of  
27 the uses of land for residential uses, commercial uses,  
28 industry, agriculture, recreation, conservation, education,  
29 public buildings and grounds, other public facilities, and  
30 other categories of the public and private uses of land. The  
31 future land use plan shall include standards to be followed in

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1 the control and distribution of population densities and  
2 building and structure intensities. The proposed  
3 distribution, location, and extent of the various categories  
4 of land use shall be shown on a land use map or map series  
5 which shall be supplemented by goals, policies, and measurable  
6 objectives. Each land use category shall be defined in terms  
7 of the types of uses included and specific standards for the  
8 density or intensity of use. The future land use plan shall  
9 be based upon surveys, studies, and data regarding the area,  
10 including the amount of land required to accommodate  
11 anticipated growth; the projected population of the area; the  
12 character of undeveloped land; the availability of public  
13 services; ~~and~~ the need for redevelopment, including the  
14 renewal of blighted areas and the elimination of nonconforming  
15 uses which are inconsistent with the character of the  
16 community; and, in rural communities, the need for job  
17 creation, capital investment, and economic development that  
18 will strengthen and diversify the community's economy. The  
19 future land use plan may designate areas for future planned  
20 development use involving combinations of types of uses for  
21 which special regulations may be necessary to ensure  
22 development in accord with the principles and standards of the  
23 comprehensive plan and this act. In addition, for rural  
24 communities, the amount of land designated for future planned  
25 industrial use shall be based upon surveys and studies that  
26 reflect the need for job creation, capital investment, and the  
27 necessity to strengthen and diversify the local economies, and  
28 shall not be limited solely by the projected population of the  
29 rural community.The future land use plan of a county may also  
30 designate areas for possible future municipal incorporation.  
31 The land use maps or map series shall generally identify and

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1 depict historic district boundaries and shall designate  
2 historically significant properties meriting protection. The  
3 future land use element must clearly identify the land use  
4 categories in which public schools are an allowable use. When  
5 delineating the land use categories in which public schools  
6 are an allowable use, a local government shall include in the  
7 categories sufficient land proximate to residential  
8 development to meet the projected needs for schools in  
9 coordination with public school boards and may establish  
10 differing criteria for schools of different type or size.  
11 Each local government shall include lands contiguous to  
12 existing school sites, to the maximum extent possible, within  
13 the land use categories in which public schools are an  
14 allowable use. All comprehensive plans must comply with this  
15 paragraph no later than October 1, 1999, or the deadline for  
16 the local government evaluation and appraisal report,  
17 whichever occurs first. The failure by a local government to  
18 comply with this requirement will result in the prohibition of  
19 the local government's ability to amend the local  
20 comprehensive plan as provided by s. 163.3187(6). An amendment  
21 proposed by a local government for purposes of identifying the  
22 land use categories in which public schools are an allowable  
23 use is exempt from the limitation on the frequency of plan  
24 amendments contained in s. 163.3187. The future land use  
25 element shall include criteria which encourage the location of  
26 schools proximate to urban residential areas to the extent  
27 possible and shall require that the local government seek to  
28 collocate public facilities, such as parks, libraries, and  
29 community centers, with schools to the extent possible.

30 Section 54. Subsection (5) is added to section  
31 186.502, Florida Statutes, to read:

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1 186.502 Legislative findings; public purpose.--

2 (5) The regional planning council shall have a duty to  
3 assist local governments with activities designed to promote  
4 and facilitate economic development in the geographic area  
5 covered by the council.

6 Section 55. Subsection (4) of section 186.504, Florida  
7 Statutes, is amended to read:

8 186.504 Regional planning councils; creation;  
9 membership.--

10 (4) In addition to voting members appointed pursuant  
11 to paragraph (2)(c), the Governor shall appoint the following  
12 ex officio nonvoting members to each regional planning  
13 council:

14 (a) A representative of the Department of  
15 Transportation.

16 (b) A representative of the Department of  
17 Environmental Protection.

18 (c) A representative nominated by Enterprise Florida,  
19 Inc., and the Office of Tourism, Trade, and Economic  
20 Development of the Department of Commerce.

21 (d) A representative of the appropriate water  
22 management district or districts.

23  
24 The Governor may also appoint ex officio nonvoting members  
25 representing appropriate metropolitan planning organizations  
26 and regional water supply authorities.

27 Section 56. Subsection (25) is added to section  
28 186.505, Florida Statutes, to read:

29 186.505 Regional planning councils; powers and  
30 duties.--Any regional planning council created hereunder shall  
31 have the following powers:



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1 (25) To use personnel, consultants, or technical or  
2 professional assistants of the council to help local  
3 governments within the geographic area covered by the council  
4 conduct economic development activities.

5 Section 57. Subsections (1) and (3) of section  
6 288.018, Florida Statutes, are amended to read:

7 288.018 Regional Rural Development Grants Program.--

8 (1) The Office of Tourism, Trade, and Economic  
9 Development shall establish a matching grant program to  
10 provide funding to regionally based economic development  
11 organizations representing rural counties and communities for  
12 the purpose of building the professional capacity of their  
13 organizations. The Office of Tourism, Trade, and Economic  
14 Development is authorized to approve, on an annual basis,  
15 grants to such regionally based economic development  
16 organizations. The maximum amount an organization may receive  
17 in any year will be \$35,000, or \$100,000 in a rural area of  
18 critical economic concern recommended by the Rural Economic  
19 Development Initiative and designated by the Governor, ~~\$20,000~~  
20 and must be matched each year by an equivalent amount of  
21 nonstate resources.

22 (3) The Office of Tourism, Trade, and Economic  
23 Development may expend up to \$600,000 ~~\$100,000~~ each fiscal  
24 year from funds appropriated to the Rural Community  
25 Development Revolving Loan Fund for the purposes outlined in  
26 this section.

27 Section 58. Subsection (2) of section 288.065, Florida  
28 Statutes, is amended to read:

29 288.065 Rural Community Development Revolving Loan  
30 Fund.--

31 (2) The program shall provide for long-term loans,

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1 loan guarantees, and loan loss reserves to units of local  
2 governments within counties with populations of 75,000 or less  
3 ~~than 50,000~~, or any county that has a population of 100,000 or  
4 less and is contiguous to a county with a population of 75,000  
5 or less than 50,000, as determined by the most recent official  
6 estimate pursuant to s. 186.901, residing in incorporated and  
7 unincorporated areas of the county. Requests for loans shall  
8 be made by application to the Office of Tourism, Trade, and  
9 Economic Development. Loans shall be made pursuant to  
10 agreements specifying the terms and conditions agreed to  
11 between the local government and the Office of Tourism, Trade,  
12 and Economic Development. The loans shall be the legal  
13 obligations of the local government. All repayments of  
14 principal and interest shall be returned to the loan fund and  
15 made available for loans to other applicants. However, in a  
16 rural area of critical economic concern designated by the  
17 Governor, and upon approval by the Office of Tourism, Trade,  
18 and Economic Development, repayments of principal and interest  
19 may be retained by a unit of local government if such  
20 repayments are dedicated and matched to fund regionally based  
21 economic development organizations representing the rural area  
22 of critical economic concern.

23 Section 59. Section 288.0655, Florida Statutes, is  
24 created to read:

25 288.0655 Rural Infrastructure Fund.--

26 (1) There is created within the Office of Tourism,  
27 Trade, and Economic Development the Rural Infrastructure Fund  
28 to facilitate the planning, preparing, and financing of  
29 infrastructure projects in rural communities which will  
30 encourage job creation, capital investment, and the  
31 strengthening and diversification of rural economies by

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1 promoting tourism, trade, and economic development.  
2 (2)(a) Funds appropriated by the Legislature shall be  
3 distributed by the office through a grant program that  
4 maximizes the use of federal, local, and private resources,  
5 including, but not limited to, those available under the Small  
6 Cities Community Development Block Grant Program.  
7 (b) To facilitate access of rural communities and  
8 rural areas of critical economic concern as defined by the  
9 Rural Economic Development Initiative to infrastructure  
10 funding programs of the Federal Government, such as those  
11 offered by the U.S. Department of Agriculture and the U.S.  
12 Department of Commerce, the office may award grants to  
13 applicants for such federal programs for up to 30 percent of  
14 the total infrastructure project cost. Eligible projects must  
15 be related to specific job-creating opportunities. Eligible  
16 uses of funds shall include improvements to public  
17 infrastructure for industrial or commercial sites and upgrades  
18 to or development of public tourism infrastructure. Authorized  
19 infrastructure may include the following public or  
20 public-private partnership facilities: storm water systems;  
21 telecommunications facilities; roads or other remedies to  
22 transportation impediments; nature-based tourism facilities;  
23 or other physical requirements necessary to facilitate  
24 tourism, trade, and economic development activities in the  
25 community. Authorized infrastructure may also include  
26 publicly-owned self-powered nature-based tourism facilities  
27 and additions to the distribution facilities of the existing  
28 natural gas utility as defined in s. 366.04(3)(c), the  
29 existing electric utility as defined in s. 366.02, or the  
30 existing water or wastewater utility as defined in s.  
31 367.021(12), or any other existing water or wastewater

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1 facility, which owns a gas or electric distribution system or  
2 a water or wastewater system in this state where:  
3 1. A contribution-in-aid of construction is required  
4 to serve public or public-private partnership facilities under  
5 the tariffs of any natural gas, electric, water or wastewater  
6 utility as defined herein; and  
7 2. Such utilities as defined herein are willing and  
8 able to provide such service.  
9 (c) To facilitate timely response and induce the  
10 location or expansion of specific job creating opportunities,  
11 the office may award grants for infrastructure feasibility  
12 studies, design and engineering activities, or other  
13 infrastructure planning and preparation activities. Authorized  
14 grants shall be up to \$50,000 for an employment project with a  
15 business committed to create at least 100 jobs, up to \$150,000  
16 for an employment project with a business committed to create  
17 at least 300 jobs, and up to \$300,000 for a project in a rural  
18 area of critical economic concern. Grants awarded under this  
19 paragraph may be used in conjunction with grants awarded under  
20 paragraph (b), provided that the total amount of both grants  
21 does not exceed 30 percent of the total project cost. In  
22 evaluating applications under this paragraph, the office shall  
23 consider the extent to which the application seeks to minimize  
24 administrative and consultant expenses.  
25 (d) By September 1, 1999, the office shall pursue  
26 execution of a memorandum of agreement with the U.S.  
27 Department of Agriculture under which state funds available  
28 through the Rural Infrastructure Fund may be advanced, in  
29 excess of the prescribed state share, for a project that has  
30 received from the department a preliminary determination of  
31 eligibility for federal financial support. State funds in

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1 excess of the prescribed state share which are advanced  
2 pursuant to this paragraph and the memorandum of agreement  
3 shall be reimbursed when funds are awarded under an  
4 application for federal funding.

5 (e) To enable local governments to access the  
6 resources available pursuant to s. 403.973(16), the office may  
7 award grants for surveys, feasibility studies, and other  
8 activities related to the identification and preclearance  
9 review of land which is suitable for preclearance review.

10 Authorized grants under this paragraph shall not exceed  
11 \$75,000 each, except in the case of a project in a rural area  
12 of critical economic concern, in which case the grant shall  
13 not exceed \$300,000. Any funds awarded under this paragraph  
14 must be matched at a level of 50 percent with local funds,  
15 except that any funds awarded for a project in a rural area of  
16 critical economic concern must be matched at a level of 33  
17 percent with local funds. In evaluating applications under  
18 this paragraph, the office shall consider the extent to which  
19 the application seeks to minimize administrative and  
20 consultant expenses.

21 (3) The office, in consultation with Enterprise  
22 Florida, Inc., VISIT Florida, the Department of Environmental  
23 Protection, and the Florida Fish and Wildlife Conservation  
24 Commission, as appropriate, shall review applications and  
25 evaluate the economic benefit of the projects and their  
26 long-term viability. The office shall have final approval for  
27 any grant under this section and must make a grant decision  
28 within 30 days of receiving a completed application.

29 (4) By September 1, 1999, the office shall, in  
30 consultation with the organizations listed in subsection (3),  
31 and other organizations, develop guidelines and criteria

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1 governing submission of applications for funding, review and  
2 evaluation of such applications, and approval of funding under  
3 this section. The office shall consider factors including, but  
4 not limited to, the project's potential for enhanced job  
5 creation or increased capital investment, the demonstration of  
6 local public and private commitment, the location of the  
7 project in an enterprise zone, the location of the project in  
8 a community development corporation service area as defined in  
9 s. 290.035(2), the location of the project in a county  
10 designated under s. 212.097, the unemployment rate of the  
11 surrounding area, and the poverty rate of the community.

12 (5) Notwithstanding the provisions of s. 216.301,  
13 funds appropriated for the purposes of this section shall not  
14 be subject to reversion.

15 Section 60. Rural Economic Development Initiative.--

16 (1) The Rural Economic Development Initiative, known  
17 as "REDI," is created within the Office of Tourism, Trade, and  
18 Economic Development, and the participation of state and  
19 regional agencies in this initiative is authorized.

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

21 (a) "Economic distress" means conditions affecting the  
22 fiscal and economic viability of a rural community, including  
23 such factors as low per capita income, low per capita taxable  
24 values, high unemployment, high underemployment, low weekly  
25 earned wages compared to the state average, low housing values  
26 compared to the state average, high percentages of the  
27 population receiving public assistance, high poverty levels  
28 compared to the state average, and a lack of year-round stable  
29 employment opportunities.

30 (b) "Rural community" means:

31 1. A county with a population of 75,000 or less.

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1 2. A county with a population of 100,000 or less that  
2 is contiguous to a county with a population of 75,000 or less.

3 3. A municipality within a county described in  
4 subparagraph 1. or subparagraph 2.

5 4. An unincorporated federal enterprise community or  
6 an incorporated rural city with a population of 25,000 or less  
7 and an employment base focused on traditional agricultural or  
8 resource-based industries, located in a county not defined as  
9 rural, which has at least three or more of the economic  
10 distress factors identified in paragraph (2)(a) and verified  
11 by the Office of Tourism, Trade, and Economic Development.

12  
13 For purposes of this paragraph, population shall be determined  
14 in accordance with the most recent official estimate pursuant  
15 to section 186.901, Florida Statutes.

16 (3) REDI shall be responsible for coordinating and  
17 focusing the efforts and resources of state and regional  
18 agencies on the problems which affect the fiscal, economic,  
19 and community viability of Florida's economically distressed  
20 rural communities, working with local governments,  
21 community-based organizations, and private organizations that  
22 have an interest in the growth and development of these  
23 communities to find ways to balance environmental and growth  
24 management issues with local needs.

25 (4) REDI shall review and evaluate the impact of  
26 statutes and rules on rural communities and shall work to  
27 minimize any adverse impact.

28 (5) REDI shall facilitate better access to state  
29 resources by promoting direct access and referrals to  
30 appropriate state and regional agencies and statewide  
31 organizations. REDI may undertake outreach, capacity-building,

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1 and other advocacy efforts to improve conditions in rural  
2 communities. These activities may include sponsorship of  
3 conferences and achievement awards.

4 (6)(a) No later than August 1, 1999, the head of each  
5 of the following agencies and organizations shall designate a  
6 high-level staff person from within the agency or organization  
7 to serve as the REDI representative for the agency or  
8 organization:

- 9 1. The Department of Community Affairs.
- 10 2. The Department of Transportation.
- 11 3. The Department of Environmental Protection.
- 12 4. The Department of Agriculture and Consumer
- 13 Services.
- 14 5. The Department of State.
- 15 6. The Department of Health.
- 16 7. The Department of Children and Family Services.
- 17 8. The Department of Corrections.
- 18 9. The Department of Labor and Employment Security.
- 19 10. The Department of Education.
- 20 11. The Fish and Wildlife Conservation Commission.
- 21 12. Each water management district.
- 22 13. Enterprise Florida, Inc.
- 23 14. The Florida Commission on Tourism or VISIT
- 24 Florida.
- 25 15. The Florida Regional Planning Council Association.
- 26 16. The Florida State Rural Development Council.
- 27 17. The Institute of Food and Agricultural Sciences

28 (IFAS).

29  
30 An alternate for each designee shall also be chosen, and the  
31 names of the designees and alternates shall be sent to the



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1 director of the Office of Tourism, Trade, and Economic  
2 Development.

3 (b) Each REDI representative must have comprehensive  
4 knowledge of his or her agency's functions, both regulatory  
5 and service in nature, and of the state's economic goals,  
6 policies, and programs. This person shall be the primary point  
7 of contact for his or her agency with REDI on issues and  
8 projects relating to economically distressed rural communities  
9 and with regard to expediting project review, shall ensure a  
10 prompt effective response to problems arising with regard to  
11 rural issues, and shall work closely with the other REDI  
12 representatives in the identification of opportunities for  
13 preferential awards of program funds and allowances and waiver  
14 of program requirements when necessary to encourage and  
15 facilitate long-term private capital investment and job  
16 creation.

17 (c) The REDI representatives shall work with REDI in  
18 the review and evaluation of statutes and rules for adverse  
19 impact on rural communities and the development of alternative  
20 proposals to mitigate that impact.

21 (d) Each REDI representative shall be responsible for  
22 ensuring that each district office or facility of his or her  
23 agency is informed about the Rural Economic Development  
24 Initiative and for providing assistance throughout the agency  
25 in the implementation of REDI activities.

26 (7) REDI may recommend to the Governor up to three  
27 rural areas of critical economic concern. A rural area of  
28 critical economic concern must be a rural community, or a  
29 region composed of such, that has been adversely affected by  
30 an extraordinary economic event or a natural disaster or that  
31 presents a unique economic development opportunity of regional

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1 impact that will create more than 1,000 jobs over a 5-year  
2 period. The Governor may by executive order designate up to  
3 three rural areas of critical economic concern which will  
4 establish these areas as priority assignments for REDI as well  
5 as to allow the Governor, acting through REDI, to waive  
6 criteria, requirements, or similar provisions of any economic  
7 development incentive. Such incentives shall include, but not  
8 be limited to: the Qualified Target Industry Tax Refund  
9 Program under section 288.106, Florida Statutes, the Quick  
10 Response Training Program under section 288.047, Florida  
11 Statutes, the WAGES Quick Response Training Program under  
12 section 288.047(10), Florida Statutes, transportation projects  
13 under section 288.063, Florida Statutes, the brownfield  
14 redevelopment bonus refund under section 288.107, Florida  
15 Statutes, and the rural job tax credit program under sections  
16 212.098 and 220.1895, Florida Statutes. Designation as a rural  
17 area of critical economic concern under this subsection shall  
18 be contingent upon the execution of a memorandum of agreement  
19 among the Office of Tourism, Trade, and Economic Development,  
20 the governing body of the county, and the governing bodies of  
21 any municipalities to be included within a rural area of  
22 critical economic concern. Such agreement shall specify the  
23 terms and conditions of the designation, including, but not  
24 limited to, the duties and responsibilities of the county and  
25 any participating municipalities to take actions designed to  
26 facilitate the retention and expansion of existing businesses  
27 in the area, as well as the recruitment of new businesses to  
28 the area.

29 (8) REDI shall submit a report to the Governor, the  
30 President of the Senate, and the Speaker of the House of  
31 Representatives each year on or before February 1 on all REDI

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1 activities. This report shall include a status report on all  
2 projects currently being coordinated through REDI, the number  
3 of preferential awards and allowances made pursuant to this  
4 section, the dollar amount of such awards, and the names of  
5 the recipients. The report shall also include a description of  
6 all waivers of program requirements granted. The report shall  
7 also include information as to the economic impact of the  
8 projects coordinated by REDI.

9 Section 61. Florida rural economic development  
10 strategy grants.--

11 (1) As used in this section, the term "rural  
12 community" means:

13 (a) A county with a population of 75,000 or less.

14 (b) A county with a population of 100,000 or less that  
15 is contiguous to a county with a population of 75,000 or less.

16 (c) A municipality within a county described in  
17 paragraph (a) or paragraph (b).

18  
19 For purposes of this subsection, population shall be  
20 determined in accordance with the most recent official  
21 estimate pursuant to section 186.901, Florida Statutes.

22 (2) The Office of Tourism, Trade, and Economic  
23 Development may accept and administer moneys appropriated to  
24 the office for providing grants to assist rural communities to  
25 develop and implement strategic economic development plans.

26 (3) A rural community, an economic development  
27 organization in a rural area, or a regional organization  
28 representing at least one rural community or such economic  
29 development organizations may apply for such grants.

30 (4) Enterprise Florida, Inc., and VISIT Florida, shall  
31 establish criteria for reviewing grant applications. These

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1 criteria shall include, but are not limited to, the degree of  
2 participation and commitment by the local community and the  
3 application's consistency with local comprehensive plans or  
4 the application's proposal to ensure such consistency. The  
5 International Trade and Economic Development Board of  
6 Enterprise Florida, Inc., and VISIT Florida, shall review each  
7 application for a grant and shall submit annually to the  
8 office for approval a list of all applications that are  
9 recommended by the board and VISIT Florida, arranged in order  
10 of priority. The office may approve grants only to the extent  
11 that funds are appropriated for such grants by the  
12 Legislature.

13 Section 62. Subsection (5) of section 378.601, Florida  
14 Statutes, is amended to read:

15 378.601 Heavy minerals.--

16 (5) Any heavy mineral mining operation which annually  
17 mines less than 500 acres and whose proposed consumption of  
18 water is 3 million gallons per day or less shall not be  
19 required to undergo development of regional impact review  
20 pursuant to s. 380.06, provided permits and plan approvals  
21 pursuant to either this section and part IV of chapter 373, or  
22 s. 378.901, are issued. This subsection applies only in the  
23 following circumstances:

24 (a) Mining is conducted in counties where the operator  
25 has conducted heavy mineral mining activities prior to March  
26 1, 1997; and

27 (b) The operator of the heavy mineral mining operation  
28 has executed a developer agreement pursuant to s. 380.032 or  
29 has received a development order under s. 380.06(15) as of  
30 March 1, 1997. Lands mined pursuant to this section need not  
31 be the subject of the developer agreement or development

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1 order.

2 Section 63. The Florida Fish and Wildlife Conservation  
3 Commission is directed to assist the Florida Commission on  
4 Tourism; the Florida Tourism Industry Marketing Corporation,  
5 doing business as VISIT Florida; convention and visitor  
6 bureaus; tourist development councils; economic development  
7 organizations; and local governments through the provision of  
8 marketing advice, technical expertise, promotional support,  
9 and product development related to nature-based recreation and  
10 sustainable use of natural resources. In carrying out this  
11 responsibility, the Florida Fish and Wildlife Conservation  
12 Commission shall focus its efforts on fostering nature-based  
13 recreation in rural communities and regions encompassing rural  
14 communities. As used in this section, the term "nature-based  
15 recreation" means leisure activities related to the state's  
16 lands, waters, and fish and wildlife resources, including, but  
17 not limited to, wildlife viewing, fishing, hiking, canoeing,  
18 kayaking, camping, hunting, backpacking, and nature  
19 photography.

20 Section 64. Section 288.980, Florida Statutes, 1998  
21 Supplement, is amended to read:

22 288.980 Military base retention; legislative intent;  
23 grants program.--

24 (1)(a) It is the intent of this state to provide the  
25 necessary means to assist communities with military  
26 installations that would be adversely affected by federal base  
27 realignment or closure actions. It is further the intent to  
28 encourage communities to initiate a coordinated program of  
29 response and plan of action in advance of future actions of  
30 the federal Base Realignment and Closure Commission. It is  
31 critical that closure-vulnerable communities develop such a

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1 program to preserve affected military installations. The  
2 Legislature hereby recognizes that the state needs to  
3 coordinate all efforts that can facilitate the retention of  
4 all remaining military installations in the state.The  
5 Legislature, therefore, declares that providing such  
6 assistance to support the defense-related initiatives within  
7 this section is a public purpose for which public money may be  
8 used.

9 (b) The Florida Defense Alliance, an organization  
10 within Enterprise Florida, is designated as the organization  
11 to ensure that Florida, its resident military bases and  
12 missions, and its military host communities are in competitive  
13 positions as the United States continues its defense  
14 realignment and downsizing. The defense alliance shall serve  
15 as an overall advisory body for Enterprise Florida  
16 defense-related activity. The Florida Defense Alliance shall  
17 receive funding from appropriations made for that purpose  
18 administered by the Office of Tourism, Trade, and Economic  
19 Development.

20 (2)(a) The Office of Tourism, Trade, and Economic  
21 Development is authorized to award grants from any funds  
22 available to it to support activities related to the retention  
23 of military installations potentially affected by federal base  
24 closure or realignment.

25 (b) The term "activities" as used in this section  
26 means studies, presentations, analyses, plans, and modeling.  
27 ~~Travel and costs incidental thereto, and Staff salaries, are~~  
28 not considered an "activity" for which grant funds may be  
29 awarded. Travel costs and costs incidental thereto incurred by  
30 a grant recipient shall be considered an "activity" for which  
31 grant funds may be awarded.

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1 (c) Except for grants issued pursuant to the Florida  
2 Military Installation Reuse Planning and Marketing Grant  
3 Program as described in (3)(c), the amount of any grant  
4 provided to an applicant may not exceed \$250,000. The Office  
5 of Tourism, Trade, and Economic Development shall require that  
6 an applicant:

7 1. Represent a local government with a military  
8 installation or military installations that could be adversely  
9 affected by federal base realignment or closure.

10 2. Agree to match at least 30 ~~50~~ percent of any grant  
11 awarded.

12 3. Prepare a coordinated program or plan of action  
13 delineating how the eligible project will be administered and  
14 accomplished.

15 4. Provide documentation describing the potential for  
16 realignment or closure of a military installation located in  
17 the applicant's community and the adverse impacts such  
18 realignment or closure will have on the applicant's community.

19 (d) In making grant awards the office shall consider,  
20 at a minimum, the following factors:

21 1. The relative value of the particular military  
22 installation in terms of its importance to the local and state  
23 economy relative to other military installations vulnerable to  
24 closure.

25 2. The potential job displacement within the local  
26 community should the military installation be closed.

27 3. The potential adverse impact on industries and  
28 technologies which service the military installation.

29 (3) The Florida Economic Reinvestment Initiative is  
30 established to respond to the need for this state and  
31 defense-dependent communities in this state to develop

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1 alternative economic diversification strategies to lessen  
2 reliance on national defense dollars in the wake of base  
3 closures and reduced federal defense expenditures and the need  
4 to formulate specific base reuse plans and identify any  
5 specific infrastructure needed to facilitate reuse. The  
6 initiative shall consist of the following three distinct grant  
7 programs to be administered by the Office of Tourism, Trade,  
8 and Economic Development:

9 (a) The Florida Defense Planning Grant Program,  
10 through which funds shall be used to analyze the extent to  
11 which the state is dependent on defense dollars and defense  
12 infrastructure and prepare alternative economic development  
13 strategies. The state shall work in conjunction with  
14 defense-dependent communities in developing strategies and  
15 approaches that will help communities make the transition from  
16 a defense economy to a nondefense economy. Grant awards may  
17 not exceed \$250,000~~\$100,000~~ per applicant and shall be  
18 available on a competitive basis.

19 (b) The Florida Defense Implementation Grant Program,  
20 through which funds shall be made available to  
21 defense-dependent communities to implement the diversification  
22 strategies developed pursuant to paragraph (a). Eligible  
23 applicants include defense-dependent counties and cities, and  
24 local economic development councils located within such  
25 communities. Grant awards may not exceed \$100,000 per  
26 applicant and shall be available on a competitive basis.  
27 Awards shall be matched on a one-to-one basis.

28 (c) The Florida Military Installation Reuse Planning  
29 and Marketing Grant Program, through which funds shall be used  
30 to help counties, cities, and local economic development  
31 councils develop and implement plans for the reuse of closed



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1 or realigned military installations, including any necessary  
2 infrastructure improvements needed to facilitate reuse and  
3 related marketing activities. ~~Grant awards are limited to not~~  
4 ~~more than \$100,000 per eligible applicant and made available~~  
5 ~~through a competitive process. Awards shall be matched on a~~  
6 ~~one-to-one basis.~~

7  
8 Applications for grants under this subsection must include a  
9 coordinated program of work or plan of action delineating how  
10 the eligible project will be administered and accomplished,  
11 which must include a plan for ensuring close cooperation  
12 between civilian and military authorities in the conduct of  
13 the funded activities and a plan for public involvement.

14 (4)(a) The Defense-Related Business Adjustment Program  
15 is hereby created. The Director of the Office of Tourism,  
16 Trade, and Economic Development shall coordinate the  
17 development of the Defense-Related Business Adjustment  
18 Program. Funds shall be available to assist defense-related  
19 companies in the creation of increased commercial technology  
20 development through investments in technology. Such  
21 technology must have a direct impact on critical state needs  
22 for the purpose of generating investment-grade technologies  
23 and encouraging the partnership of the private sector and  
24 government defense-related business adjustment. The following  
25 areas shall receive precedence in consideration for funding  
26 commercial technology development: law enforcement or  
27 corrections, environmental protection, transportation,  
28 education, and health care. Travel and costs incidental  
29 thereto, and staff salaries, are not considered an "activity"  
30 for which grant funds may be awarded.

31 (b) The office shall require that an applicant:

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1 1. Be a defense-related business that could be  
2 adversely affected by federal base realignment or closure or  
3 reduced defense expenditures.

4 2. Agree to match at least 50 percent of any funds  
5 awarded by the department in cash or in-kind services. Such  
6 match shall be directly related to activities for which the  
7 funds are being sought.

8 3. Prepare a coordinated program or plan delineating  
9 how the funds will be administered.

10 4. Provide documentation describing how  
11 defense-related realignment or closure will adversely impact  
12 defense-related companies.

13 (5) The Retention of Military Installations Program is  
14 created. The Director of the Office of Tourism, Trade, and  
15 Economic Development shall coordinate and implement this  
16 program. The sum of \$1.2 million is appropriated from the  
17 General Revenue Fund for fiscal year 1999-2000 to the Office  
18 of Tourism, Trade, and Economic Development to implement this  
19 program for military installations located in counties with a  
20 population greater than 824,000. The funds shall be used to  
21 assist military installations potentially affected by federal  
22 base closure or realignment in covering current operating  
23 costs in an effort to retain the installation in this state.  
24 An eligible military installation for this program shall  
25 include a provider of simulation solutions for warfighting  
26 experimentation, testing, and training which employs at least  
27 500 civilian and military employees and has been operating in  
28 the state for a period of more than 10 years, or a joint  
29 military command in a constitutional charter county as defined  
30 by s. 125.001(1).

31 (6)+5) The director may award nonfederal matching

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1 funds specifically appropriated for construction, maintenance,  
2 and analysis of a Florida defense workforce database. Such  
3 funds will be used to create a registry of worker skills that  
4 can be used to match the worker needs of companies that are  
5 relocating to this state or to assist workers in relocating to  
6 other areas within this state where similar or related  
7 employment is available.

8 (7) Payment of administrative expenses shall be  
9 limited to no more than 10 percent of any grants issued  
10 pursuant to this section.

11 (8)(6) The Office of Tourism, Trade, and Economic  
12 Development shall establish guidelines to implement and carry  
13 out the purpose and intent of this section.

14 Section 65. Section 230.23027, Florida Statutes, is  
15 created to read:

16 230.23027 Small School District Stabilization  
17 Program.--

18 (1) There is created the Small School District  
19 Stabilization Program to assist school districts in rural  
20 communities that document economic conditions or other  
21 significant community influences that negatively impact the  
22 school district. The purpose of the program is to provide  
23 technical assistance and financial support to maintain the  
24 stability of the educational program in the school district. A  
25 rural community means a county with a population of 75,000 or  
26 less; or a county with a population of 100,000 or less that is  
27 contiguous to a county with a population of 75,000 or less.

28 (2) In order to participate in this program, a school  
29 district must be located in a rural area of critical economic  
30 concern designated by the Executive Office of the Governor,  
31 and the school board must submit a resolution to the Office of

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1 Tourism, Trade, and Economic Development requesting  
2 participation in the program. A rural area of critical  
3 economic concern must be a rural community, or a region  
4 composed of such, that has been adversely affected by an  
5 extraordinary economic event or a natural disaster or that  
6 presents a unique economic development concern or opportunity  
7 of regional impact. The resolution must be accompanied with  
8 documentation of the economic conditions in the community,  
9 provide information indicating the negative impact of these  
10 conditions on the school district's financial stability, and  
11 the school district must participate in a best financial  
12 management practices review to determine potential  
13 efficiencies that could be implemented to reduce program costs  
14 in the district.

15 (3) The Office of Tourism, Trade, and Economic  
16 Development, in consultation with the Department of Education,  
17 shall review the resolution and other information required by  
18 subsection (2) and determine whether the school district is  
19 eligible to participate in the program. Factors influencing  
20 the office's determination may include, but are not limited  
21 to, reductions in the county tax roll resulting from business  
22 closures or other causes, or a reduction in student enrollment  
23 due to business closures or impacts in the local economy.

24 (4) Effective July 1, 2000, and thereafter, when the  
25 Office of Tourism, Trade, and Economic Development authorizes  
26 a school district to participate in the program, the  
27 Legislature may give priority to that district for a best  
28 financial management practices review in the school district,  
29 as authorized in s. 11.515, to the extent that funding is  
30 provided annually for such purpose in the General  
31 Appropriations Act. The scope of the review shall be as set

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1 forth in s. 11.515.

2 (5) Effective July 1, 2000, and thereafter, the  
3 Department of Education may award the school district a  
4 stabilization grant intended to protect the district from  
5 continued financial reductions. The amount of the grant will  
6 be determined by the Department of Education and may be  
7 equivalent to the amount of the decline in revenues projected  
8 for the next fiscal year. In addition, the Office of Tourism,  
9 Trade, and Economic Development may implement a rural economic  
10 development initiative to identify the economic factors that  
11 are negatively impacting the community and may consult with  
12 Enterprise Florida, Inc., in developing a plan to assist the  
13 county with its economic transition. The grant will be  
14 available to the school district for a period of up to 5 years  
15 to the extent that funding is provided for such purpose in the  
16 General Appropriations Act.

17 (6) Based on the availability of funds the Office of  
18 Tourism, Trade, and Economic Development or the Department of  
19 Education may enter into contracts or issue grants necessary  
20 to implement the program.

21 Section 66. Section 290.0069, Florida Statutes, is  
22 created to read:

23 290.0069 Designation of enterprise zone pilot project  
24 area.--

25 (1) The Office of Tourism, Trade, and Economic  
26 Development shall designate one pilot project area within one  
27 state enterprise zone. The Office of Tourism, Trade, and  
28 Economic Development shall select a pilot project area by July  
29 1, 1999, which meets the following qualifications:

30 (a) The area is contained within an enterprise zone  
31 that is composed of one contiguous area and is placed in the

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1 category delineated in s. 290.0065(3)(a)1.

2 (b) The local government having jurisdiction over the  
3 enterprise zone grants economic development ad valorem tax  
4 exemptions in the enterprise zone pursuant to s. 196.1995, and  
5 electrical energy public service tax exemptions pursuant to s.  
6 166.231(8).

7 (c) The local government having jurisdiction over the  
8 enterprise zone has developed a plan for revitalizing the  
9 pilot project area or for revitalizing an area within the  
10 enterprise zone that contains the pilot project area, and has  
11 committed at least \$5 million to redevelop an area including  
12 the pilot project area.

13 (d) The pilot project area is contiguous and is  
14 limited to no more than 70 acres, or equivalent square miles,  
15 to avoid a dilution of additional state assistance and  
16 effectively concentrate these additional resources on  
17 revitalizing the acute area of economic distress.

18 (e) The pilot project area contains a diverse cluster  
19 or grouping of facilities or space for a mix of retail,  
20 restaurant, or service related businesses necessary to an  
21 overall revitalization of surrounding neighborhoods through  
22 community involvement, investment, and enhancement of  
23 employment markets.

24 (2)(a) Beginning December 1, 1999, no more than four  
25 businesses located within the pilot project area are eligible  
26 for a credit against any tax due for a taxable year under  
27 chapters 212 and 220.

28 (b) The credit shall be computed as \$5,000 times the  
29 number of full-time employees of the business and \$2,500 times  
30 the number of part-time employees of the business. For  
31 purposes of this section, a person shall be deemed to be

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1 employed by such a business on a full-time basis if the person  
2 performs duties in connection with the operations of the  
3 business for an average of at least 36 hours per week each  
4 month, or on a part-time basis if the person is performing  
5 such duties for an average of at least 20 hours per week each  
6 month throughout the year. The person must be performing such  
7 duties at a business site located in the pilot project area.

8 (c) The total amount of tax credits that may be  
9 granted under this section is \$1 million annually. In the  
10 event the Office of Tourism, Trade, and Economic Development  
11 receives applications that total more than \$1 million in any  
12 year, the director shall prorate the amount of tax credit each  
13 applicant is eligible to receive to ensure that all eligible  
14 applicants receive a tax credit.

15 (d) In order to be eligible to apply to the Office of  
16 Tourism, Trade, and Economic Development for tax credits under  
17 this section a business must:

18 1. Have entered into a contract with the developer of  
19 the diverse cluster or grouping of facilities or space located  
20 in the pilot project area, governing lease of commercial space  
21 in a facility.

22 2. Have commenced operations in the facility after  
23 July 1, 1999, and before July 1, 2000.

24 3. Be a business predominantly engaged in activities  
25 usually provided for consideration by firms classified under  
26 the Standard Industrial Classification Manual Industry Number  
27 5311, Industry Number 5399, or Industry Number 7832.

28 (e) All applications for the granting of the tax  
29 credits allowed under this section shall require the prior  
30 approval of the director of the Office of Tourism, Trade, and  
31 Economic Development. The director shall establish one

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1 submittal date each year for the receipt of applications for  
2 such tax credits.

3 (f) Any business wishing to receive tax credits  
4 pursuant to this section must submit an application to the  
5 Office of Tourism, Trade, and Economic Development which sets  
6 forth the business name and address and the number of  
7 employees of the business.

8 (g) The decision of the director shall be in writing,  
9 and, if approved, the application shall state the maximum  
10 credits allowable to the business. A copy of the decision  
11 shall be transmitted to the executive director of the  
12 Department of Revenue, who shall apply such credits to the tax  
13 liabilities of the business firm.

14 (h) If any credit granted pursuant to this section is  
15 not fully used in any one year because of insufficient tax  
16 liability on the part of the business, the unused amount may  
17 be carried forward for a period not to exceed 5 years.

18 (4) The Office of Tourism, Trade, and Economic  
19 Development is authorized to adopt all rules necessary to  
20 administer this section, including rules for the approval or  
21 disapproval of applications for tax incentives by businesses.

22 (5) The Department of Revenue shall adopt any rules  
23 necessary to ensure the orderly implementation and  
24 administration of this section.

25 (6) For purposes of this section, "business" and  
26 "taxable year" shall have the same meaning as in s. 220.03.

27 (7) Prior to the 2004 Regular Session of the  
28 Legislature, the Office of Program Policy Analysis and  
29 Government Accountability shall review and evaluate the  
30 effectiveness and viability of the pilot project area created  
31 under this section, using the research design prescribed



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1 pursuant to s. 290.015. The office shall specifically evaluate  
2 whether relief from certain taxes induced new investment and  
3 development in the area, increased the number of jobs created  
4 or retained in the area, induced the renovation,  
5 rehabilitation, restoration, improvement, or new construction  
6 of businesses or housing within the area, and contributed to  
7 the economic viability and profitability of business and  
8 commerce located within the area. The office shall submit a  
9 report of its findings and recommendations to the Speaker of  
10 the House of Representatives and the President of the Senate  
11 no later than January 15, 2004.

12 (8) This section shall stand repealed on June 30,  
13 2004, and any designation made pursuant to this section shall  
14 be revoked on that date.

15 Section 67. Quick Action Closing Fund.--

16 (1)(a) The Legislature finds that attracting,  
17 retaining, and providing favorable conditions for the growth  
18 of certain high-impact business facilities provides widespread  
19 economic benefits to the public through high-quality  
20 employment opportunities in such facilities and in related  
21 facilities attracted to the state, through the increased tax  
22 base provided by the high-impact facility and businesses in  
23 related sectors, through an enhanced entrepreneurial climate  
24 in the state and the resulting business and employment  
25 opportunities, and through the stimulation and enhancement of  
26 the state's universities and community colleges. In the global  
27 economy, there exists serious and fierce international  
28 competition for these facilities, and in most instances, when  
29 all available resources for economic development have been  
30 used, the state continues to encounter severe competitive  
31 disadvantages in vying for these high-impact business

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1 facilities.

2 (b) The Legislature therefore declares that sufficient  
3 resources shall be available to respond to extraordinary  
4 economic opportunities and to compete effectively for these  
5 high-impact business facilities.

6 (2) There is created within the Office of Tourism,  
7 Trade, and Economic Development the Quick Action Closing Fund.

8 (3)(a) Enterprise Florida, Inc., shall evaluate  
9 individual proposals for high-impact business facilities and  
10 forward recommendations regarding the use of moneys in the  
11 fund for such facilities to the director of the Office of  
12 Tourism, Trade, and Economic Development. Such evaluation and  
13 recommendation must include, but need not be limited to:

14 1. A description of the type of facility, its business  
15 operation, and the product or service associated with the  
16 facility.

17 2. The number of full-time-equivalent jobs that will  
18 be created by the facility and the total estimated average  
19 annual wages of those jobs.

20 3. The cumulative amount of investment to be dedicated  
21 to the facility within a specified period.

22 4. A statement of any special impacts the facility is  
23 expected to stimulate in a particular business sector in the  
24 state or regional economy or in the state's universities and  
25 community colleges.

26 5. A statement of the role the incentive is expected  
27 to play in the decision of the applicant business to locate or  
28 expand in this state.

29 (b) Upon receipt of the evaluation and recommendation  
30 from Enterprise Florida, Inc., the director shall recommend  
31 approval or disapproval of a project for receipt of funds from

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1 the Quick Action Closing Fund to the Governor. In recommending  
2 a high-impact business facility, the director shall include  
3 proposed performance conditions that the facility must meet to  
4 obtain incentive funds. The Governor shall consult with the  
5 President of the Senate and the Speaker of the House of  
6 Representatives before giving final approval for a project.  
7 The Executive Office of the Governor shall recommend approval  
8 of a project and release of funds pursuant to the legislative  
9 consultation and review requirements set forth in s. 216.177,  
10 Florida Statutes. The recommendation must include proposed  
11 performance conditions the project must meet to obtain funds.

12 (c) Upon the approval of the Governor, the director of  
13 the Office of Tourism, Trade, and Economic Development and the  
14 high-impact business shall enter into a contract that sets  
15 forth the conditions for payment of moneys from the fund. The  
16 contract must include the total amount of funds awarded; the  
17 performance conditions that must be met to obtain the award,  
18 including, but not limited to, net new employment in the  
19 state, average salary, and total capital investment; the  
20 methodology for validating performance; and the schedule of  
21 payments from the fund.

22 Section 68. Response to economic emergencies in small  
23 communities.--

24 (1) The Legislature finds that attracting, retaining,  
25 and providing favorable conditions for businesses which  
26 contribute to the economic health of small communities through  
27 the generation of business and employment opportunities is in  
28 the public interest. The Legislature recognizes that  
29 conditions may exist where criteria for existing economic  
30 development programs prevent some businesses from  
31 participating and that existing criteria should be waived in

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1 order to allow businesses which are significant employers in  
2 these small communities to participate in these programs in  
3 order to improve the economic health of these communities.  
4 The Legislature further recognizes that the loss of an  
5 industry or the inability of a significant employer to open or  
6 reopen a business in a small community creates a state of  
7 economic emergency within that community.  
8 (2) A community is in a state of economic emergency  
9 when any of the following conditions occur:  
10 (a) Closure of a business which is a significant  
11 employer of workers in the community.  
12 (b) Closure of a business which significantly affects  
13 the operations of other businesses which are significant  
14 employers of workers in the community.  
15 (c) A business which would be a significant employer  
16 of workers in the community is unable to open or reopen due to  
17 a lack of economic incentives or a business environment which  
18 is not favorable to the opening or reopening of that business.  
19 (d) The community experiences substantial unemployment  
20 due to the closure of a major industry.  
21 (3) A local government entity shall notify the  
22 Governor, the Office of Tourism, Trade, and Economic  
23 Development, and Enterprise Florida, Inc., when one or more of  
24 the conditions specified in subsection (2) have occurred or  
25 will occur if action is not taken to assist the local  
26 governmental entity or the affected community.  
27 (4) Upon notification that one or more of the  
28 conditions described in subsection (2) exist, the Governor or  
29 his or her designee shall contact the local governmental  
30 entity to determine what actions have been taken by the local  
31 governmental entity or the affected community to resolve the

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1 economic emergency. The Governor has the authority to waive  
2 the eligibility criteria of any program or activity  
3 administered by the Office of Tourism, Trade, and Economic  
4 Development, or Enterprise Florida, Inc., to provide economic  
5 relief to the affected community by granting participation in  
6 such programs or activities. The Governor shall consult with  
7 the President of the Senate and the Speaker of the House of  
8 Representatives and shall take other action, as necessary, to  
9 resolve the economic emergency in the most expedient manner  
10 possible. All actions taken pursuant to this section shall be  
11 within current appropriations and shall have no annualized  
12 impact beyond normal growth.

13 Section 69. Funds in the amount of \$224,750,  
14 originally assigned to the Florida First Capital Finance  
15 Corporation, Inc., to administer hurricane and storm relief  
16 programs and which are presently deposited in Florida First  
17 Capital Finance Corporation Inc., accounts (Suntrust Bank  
18 account numbers 0787000579797; 0787000579805; and  
19 0787000579748) shall be returned to the State Treasury on or  
20 before July 31, 1999. Once these funds are deposited in the  
21 State Treasury, they are appropriated as follows:

22 (1) \$122,000 to the Florida-Korea Economic Cooperation  
23 Committee for expenses related to Florida's hosting of the  
24 annual meeting of the Southeast United States-Korea Economic  
25 Committee in the year 2000.

26 (2) \$102,750 to the San Carlos Institute of Key West,  
27 to enhance its facilities and pay for expenses related to its  
28 newly designated affiliation with the Smithsonian Institution  
29 and to enable it to offer programs and exhibits that will  
30 attract more visitors and to contribute to the economic  
31 development of Key West and the Florida Keys.

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1 Section 70. Section 425.04, Florida Statutes, is  
2 amended to read:  
3 425.04 Powers.--A cooperative shall have power:  
4 (1) To sue and be sued, in its corporate name;  
5 (2) To have perpetual existence;  
6 (3) To adopt a corporate seal and alter the same at  
7 pleasure;  
8 (4) To generate, manufacture, purchase, acquire,  
9 accumulate and transmit electric energy, and to distribute,  
10 sell, supply, and dispose of electric energy in rural areas to  
11 its members, to governmental agencies and political  
12 subdivisions, and to other persons not in excess of 10 percent  
13 of the number of its members; to process, treat, sell, and  
14 dispose of water and water rights; to purchase, construct, own  
15 and operate water systems; to own and operate sanitary sewer  
16 systems; and to supply water and sanitary sewer services.  
17 However, no cooperative shall distribute or sell any  
18 electricity, or electric energy to any person residing within  
19 any town, city or area which person is receiving adequate  
20 central station service or who at the time of commencing such  
21 service, or offer to serve, by a cooperative, is receiving  
22 adequate central station service from any utility agency,  
23 privately or municipally owned individual partnership or  
24 corporation;  
25 (5) To make loans to persons to whom electric energy  
26 is or will be supplied by the cooperative for the purpose of,  
27 and otherwise to assist such person in, wiring their premises  
28 and installing therein electric and plumbing fixtures,  
29 appliances, apparatus and equipment of any and all kinds and  
30 character, and in connection therewith, to purchase, acquire,  
31 lease, sell, distribute, install and repair such electric and

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1 plumbing fixtures, appliances, apparatus and equipment, and to  
2 accept or otherwise acquire, and to sell, assign, transfer,  
3 endorse, pledge, hypothecate and otherwise dispose of notes,  
4 bonds and other evidences of indebtedness and any and all  
5 types of security therefor;

6 (6) To make loans to persons to whom electric energy  
7 is or will be supplied by the cooperative for the purpose of,  
8 and otherwise to assist such persons in, constructing,  
9 maintaining and operating electric refrigeration plants;

10 (7) To become a member in one or more other  
11 cooperatives or corporations or to own stock therein;

12 (8) To construct, purchase, take, receive, lease as  
13 lessee, or otherwise acquire, and to own, hold, use, equip,  
14 maintain, and operate, and to sell, assign, transfer, convey,  
15 exchange, lease as lessor, mortgage, pledge, or otherwise  
16 dispose of or encumber, electric transmission and distribution  
17 lines or systems, electric generating plants, electric  
18 refrigeration plants, lands, buildings, structures, dams,  
19 plants and equipment, and any and all kinds and classes of  
20 real or personal property whatsoever, which shall be deemed  
21 necessary, convenient or appropriate to accomplish the purpose  
22 for which the cooperative is organized;

23 (9) To purchase or otherwise acquire; to own, hold,  
24 use and exercise; and to sell, assign, transfer, convey,  
25 mortgage, pledge, hypothecate, or otherwise dispose of or  
26 encumber, franchises, rights, privileges, licenses,  
27 rights-of-way and easement;

28 (10) To borrow money and otherwise contract  
29 indebtedness; to issue notes, bonds, and other evidences of  
30 indebtedness therefor; and to secure the payment thereof by  
31 mortgage, pledge, deed of trust, or any other encumbrance upon

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1 any or all of its then owned or after-acquired real or  
2 personal property, assets, franchises, revenues or income;  
3 (11) To construct, maintain, and operate electric  
4 transmission and distribution lines along, upon, under and  
5 across all public thoroughfares, including without limitation,  
6 all roads, highways, streets, alleys, bridges and causeways,  
7 and upon, under and across all publicly owned lands, subject,  
8 however, to the requirements in respect of the use of such  
9 thoroughfares and lands that are imposed by the respective  
10 authorities having jurisdiction thereof upon corporations  
11 constructing or operating electric transmission and  
12 distribution lines or systems;

13 (12) To exercise the power of eminent domain in the  
14 manner provided by the laws of this state for the exercise of  
15 that power by corporations constructing or operating electric  
16 transmission and distribution lines or systems;

17 (13) To conduct its business and exercise any or all  
18 of its powers within or without this state;

19 (14) To adopt, amend and repeal bylaws; and

20 (15) To do and perform any and all other acts and  
21 things, and to have and exercise any and all other powers  
22 which may be necessary, convenient or appropriate to  
23 accomplish the purpose for which the cooperative is organized.

24  
25 To promote economic development, an electric cooperative may  
26 provide any energy or nonenergy services to its membership.

27 Section 71. Except as otherwise provided herein, this  
28 act shall take effect July 1, 1999.

29  
30  
31



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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 remove from the title of the bill: the entire title

4

5 and insert in lieu thereof:

6 A bill to be entitled

7 An act relating to economic development;  
8 amending s. 14.2015, F.S.; revising provisions  
9 relating to the powers and duties of the Office  
10 of Tourism, Trade, and Economic Development;  
11 providing for the office to facilitate the  
12 involvement of the Governor and Lieutenant  
13 Governor in job-creating efforts; revising  
14 program cross-references; deleting provisions  
15 relating to the expenditure of funds for  
16 general economic development grants;  
17 authorizing the expenditure of certain interest  
18 earnings in order to contract for the  
19 administration of programs; reducing the number  
20 of meetings of leaders in business, government,  
21 and economic development which the office must  
22 convene annually; eliminating a required report  
23 on the status of certain contracts; creating  
24 the Office of Urban Opportunity within the  
25 Office of Tourism, Trade, and Economic  
26 Development; providing for the appointment of a  
27 director of the Office of Urban Opportunity;  
28 prescribing the purpose of the office; amending  
29 s. 288.0251, F.S.; changing authority to  
30 contract for Florida's international volunteer  
31 corps to the Department of State from the

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1 Office of Tourism, Trade, and Economic  
2 Development; amending s. 288.095, F.S.;  
3 revising criteria for approval of applications  
4 for tax refunds for economic development  
5 purposes by the Office of Tourism, Trade, and  
6 Economic Development; limiting the amount of  
7 refunds that may be made in a fiscal year;  
8 amending s. 288.106, F.S.; revising criteria  
9 for approval of tax refunds under the  
10 tax-refund program for qualified target  
11 industry businesses; redefining the terms  
12 "expansion of an existing business," "local  
13 financial support exemption option," and "rural  
14 county"; defining the term "authorized local  
15 economic development agency" and "rural  
16 community"; extending the refund program to  
17 additional counties; revising the amount of  
18 refunds; revising the time periods to which  
19 certain refunds apply; revising application  
20 requirements; providing requirements for waiver  
21 of minimum standards; prescribing duties of the  
22 office director; authorizing acceptance of the  
23 value of certain land conveyed as part of the  
24 required local financial support; amending s.  
25 288.901, F.S.; revising the membership and  
26 appointment process for the board of directors  
27 of Enterprise Florida, Inc.; amending s.  
28 288.9015, F.S.; specifying responsibilities for  
29 Enterprise Florida, Inc., relating to rural  
30 communities and distressed urban communities,  
31 evaluation of the state's competitiveness, and

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1 the needs of small and minority businesses;  
2 amending s. 288.903, F.S.; revising the  
3 required membership of the executive committee  
4 of Enterprise Florida, Inc.; deleting certain  
5 prescribed powers and duties of the president;  
6 requiring a performance-based contract in order  
7 to exceed certain employee compensation levels;  
8 amending s. 288.904, F.S.; prescribing terms of  
9 certain contracts executed by Enterprise  
10 Florida, Inc.; authorizing Enterprise Florida,  
11 Inc., to create and dissolve advisory  
12 committees and similar organizations; requiring  
13 the creation of advisory committees on  
14 international business and small business;  
15 prescribing the purpose and procedures of such  
16 committees; providing for reimbursement of  
17 expenses; amending s. 288.905, F.S.; revising  
18 the duties of the board of directors of  
19 Enterprise Florida, Inc.; revising the required  
20 content of the board's strategic plan;  
21 requiring the involvement of certain local and  
22 regional economic development organizations and  
23 rural and urban organizations in the policies  
24 of Enterprise Florida, Inc.; revising the date  
25 for a review of Enterprise Florida, Inc., by  
26 the Office of Program Policy Analysis and  
27 Government Accountability; removing provisions  
28 relating to deposit of funds in certain  
29 depositories; amending s. 288.906, F.S.;  
30 revising requirements for the annual report of  
31 Enterprise Florida, Inc.; expanding the audit

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1 authority of the Auditor General to include  
2 advisory committees or similar groups created  
3 by Enterprise Florida, Inc.; amending ss.  
4 288.9415, 288.9511, 288.9515, 288.95155,  
5 288.9519, 288.9520, 288.9603, 288.9604,  
6 288.9614, 288.9618, F.S.; conforming to the  
7 dissolution of certain boards; repealing s.  
8 288.902, F.S., which relates to the Enterprise  
9 Florida Nominating Council; repealing s.  
10 288.9412, F.S., which relates to the  
11 International Trade and Economic Development  
12 Board; repealing s. 288.9413, F.S., which  
13 relates to the organization of the  
14 International Trade and Economic Development  
15 Board; repealing s. 288.9414, F.S., which  
16 relates to the powers and authority of the  
17 International Trade and Economic Development  
18 Board; repealing s. 288.942, F.S., which  
19 relates to the grant review panel; repealing s.  
20 288.9510, F.S., which relates to legislative  
21 intent on the Enterprise Florida Innovation  
22 Partnership; repealing s. 288.9512, F.S., which  
23 relates to the technology development board;  
24 repealing s. 288.9513, F.S., which relates to  
25 the organization of the technology development  
26 board; repealing s. 288.9514, F.S., which  
27 relates to powers and authority of the  
28 technology development board; repealing s.  
29 288.9516, F.S., which relates to the annual  
30 report of the technology development board;  
31 repealing s. 288.9611, F.S., which relates to

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1 the capital development board; repealing s.  
2 288.9612, F.S., which relates to the  
3 organization of the capital development board;  
4 repealing s. 288.9613, F.S., which relates to  
5 the powers and authority of the capital  
6 development board; repealing s. 288.9615, F.S.,  
7 which relates to the annual report of the  
8 capital development board; providing for the  
9 continuation of certain contracts; providing  
10 for the transfer of certain property;  
11 authorizing Enterprise Florida, Inc., to assume  
12 responsibilities of certain repealed boards;  
13 directing the Division of Statutory Revision to  
14 redesignate certain parts in the Florida  
15 Statutes; amending s. 288.707, F.S.; directing  
16 the Florida Black Business Investment Board to  
17 increase access to capital for black  
18 businesses; amending s. 288.709, F.S.; revising  
19 the powers of the Black Business Investment  
20 Board; amending s. 288.99, F.S.; revising the  
21 purpose and definitions related to the  
22 Certified Capital Company Act; specifying that  
23 tax credits vested under the Certified Capital  
24 Company Act are not to be considered in  
25 ratemaking proceedings involving a certified  
26 investor; redefining the term "transferee" for  
27 purposes of allocating unused premium tax  
28 credits; amending s. 220.191, F.S.; providing  
29 that credits may be granted against premium tax  
30 liability under the capital investment tax  
31 credit program; specifying that an insurance

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1 company claiming premium tax credits under such  
2 program is not required to pay additional  
3 retaliatory tax under s. 624.5091, F.S.;  
4 amending s. 163.3178, F.S.; requiring certain  
5 ports to identify certain spoil disposal sites;  
6 requiring such ports to prepare comprehensive  
7 master plans; amending s. 163.3187, F.S.;  
8 exempting comprehensive plan amendments for  
9 port transportation facilities and projects  
10 from a time limitation; amending s. 253.77,  
11 F.S.; exempting certain ports from paying  
12 certain fees for activities involving the use  
13 of sovereign lands; providing that certain  
14 government agencies shall be granted a consent  
15 of use or easement for certain land upon  
16 request; amending s. 288.8155, F.S.; providing  
17 that the International Trade Data Resource and  
18 Research Center be incorporated as a private  
19 nonprofit corporation, and not be a unit or  
20 entity of state government; providing for the  
21 creation and constitution of a board of  
22 directors of the center; authorizing the center  
23 to acquire patents, copyrights, and trademarks  
24 on its property and publications; creating s.  
25 311.14, F.S.; directing the Florida Seaport  
26 Transportation and Economic Development Council  
27 to develop freight-mobility and trade-corridor  
28 plans; amending s. 315.02, F.S.; redefining the  
29 term "port facilities" to include certain  
30 storage facilities used for warehousing,  
31 storage, and distribution of cargo; amending s.

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1 380.06, F.S.; exempting certain port projects  
2 from review as developments of regional impact;  
3 amending s. 15.16, F.S.; authorizing the  
4 Secretary of State to issue apostilles;  
5 authorizing a fee; amending s. 117.103, F.S.;  
6 providing procedures and effect relating to  
7 issuance of certified copies of certificates of  
8 notary public commission; amending s. 118.10,  
9 F.S.; revising the definition and purposes of  
10 "authentic act" governing civil-law notaries;  
11 providing for a presumption of correctness of  
12 matters incorporated into authentic acts;  
13 authorizing civil-law notaries to authenticate  
14 documents, transactions, events, conditions, or  
15 occurrences; expanding the rulemaking authority  
16 of the Secretary of State governing civil-law  
17 notaries; authorizing the Secretary of State to  
18 test the legal knowledge of a civil-law notary  
19 applicant under certain circumstances; creating  
20 s. 118.12, F.S.; authorizing the issuance of  
21 certificates of notarial authority and  
22 apostilles to civil-law notaries; amending s.  
23 15.18, F.S.; providing for coordination of  
24 international activities of the Department of  
25 State; requiring the Secretary of State to  
26 maintain lists relating to foreign money  
27 judgments; amending s. 55.604, F.S.; requiring  
28 that foreign judgments be filed with the  
29 Secretary of State; amending s. 55.605, F.S.;  
30 requiring the Secretary of State to create and  
31 maintain a specified list relative to foreign

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1 money judgments; creating s. 257.34, F.S.;

2 creating the Florida International Archive and

3 Repository; providing requirements for the

4 archive; providing for access to the archive;

5 providing for fees; providing for rules;

6 reviving, reenacting, and amending s. 288.012,

7 F.S., relating to establishment and operation

8 of foreign offices by the Office of Tourism,

9 Trade, and Economic Development; abrogating the

10 repeal of the section; requiring offices to

11 report annually on activities and

12 accomplishments; prescribing the content of the

13 reports; providing for future review of foreign

14 offices; requiring Enterprise Florida, Inc., to

15 develop a master plan for integrating

16 international trade and reverse investment

17 resources; prescribing procedures, content, and

18 a submission deadline related to the plan;

19 requiring Enterprise Florida, Inc., in

20 conjunction with the Office of Tourism, Trade,

21 and Economic Development, to prepare a plan to

22 promote foreign direct investment in Florida;

23 prescribing procedures, content, and a

24 submission deadline related to the plan;

25 requiring Enterprise Florida, Inc., to develop

26 a strategic plan that will allow Florida to

27 capitalize on the economic opportunities

28 associated with a free Cuba; amending s.

29 288.1045, F.S.; conforming the limitation on

30 the amount of tax refunds approved for payment

31 under the qualified defense contractor tax



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1 refund program to the amount appropriated by  
2 the Legislature for such refunds; correcting  
3 references relating to program administration;  
4 extending the expiration date for certification  
5 for such refunds; amending ss. 212.097 and  
6 212.098, F.S.; clarifying the definition of an  
7 "eligible business" under the Urban High-Crime  
8 Area Job Tax Credit Program and the Rural Job  
9 Tax Credit Program; providing that certain call  
10 centers or similar customer service operations  
11 are eligible businesses under these programs;  
12 authorizing the recommendation of additions to  
13 or deletions from the list of eligible  
14 businesses; providing that certain retail  
15 businesses are eligible businesses under the  
16 Urban High-Crime Area Job Tax Credit Program;  
17 creating the Institute on Urban Policy and  
18 Commerce at Florida Agricultural and Mechanical  
19 University; providing its purposes and duties;  
20 providing for the establishment of regional  
21 urban centers; requiring annual reports by the  
22 institute and the Governor; providing intent  
23 with respect to rural communities; amending s.  
24 163.3177, F.S.; providing requirements for the  
25 future land use element of a local government  
26 comprehensive plan with respect to rural areas;  
27 amending s. 186.502, F.S.; providing that a  
28 regional planning council shall have a duty to  
29 assist local governments with economic  
30 development; amending s. 186.504, F.S.;

31 providing that the ex officio, nonvoting

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1 membership of each regional planning council  
2 shall include a representative nominated by  
3 Enterprise Florida, Inc., and the Office of  
4 Tourism, Trade, and Economic Development;  
5 amending s. 186.505, F.S.; authorizing the use  
6 of regional planning council personnel,  
7 consultants, or technical or professional  
8 assistants to help local governments with  
9 economic development activities; amending s.  
10 288.018, F.S.; authorizing the Office of  
11 Tourism, Trade, and Economic Development to  
12 approve regional rural development grants on an  
13 annual basis; increasing the maximum amount of  
14 each grant award; increasing the total amount  
15 that may be expended annually for such grants;  
16 amending s. 288.065, F.S.; revising the  
17 population criteria for local government  
18 participation in the Rural Community  
19 Development Revolving Loan Fund; prescribing  
20 conditions under which repayments of principal  
21 and interest under the Rural Community  
22 Development Revolving Loan Fund may be retained  
23 by a unit of local government; creating s.  
24 288.0655, F.S.; creating the Rural  
25 Infrastructure Fund for infrastructure projects  
26 in rural communities; authorizing grants for  
27 infrastructure projects and related studies;  
28 requiring the development of guidelines;  
29 providing that funds appropriated for such  
30 infrastructure fund shall not be subject to  
31 reversion; creating the Rural Economic

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1 Development Initiative within the office and  
2 providing its duties and responsibilities;  
3 directing specified agencies to select a  
4 representative to work with the initiative;  
5 providing for the recommendation and  
6 designation of rural areas of critical economic  
7 concern; providing for the waiver of certain  
8 economic development incentive criteria with  
9 respect to such areas; requiring execution of a  
10 memorandum of agreement as a condition to  
11 designation as a rural area of critical  
12 economic concern; providing for an annual  
13 report; authorizing the Office of Tourism,  
14 Trade, and Economic Development to accept and  
15 administer moneys appropriated for grants to  
16 assist rural communities to develop and  
17 implement strategic economic development plans;  
18 providing for review of grant applications;  
19 amending s. 378.601, F.S.; exempting specified  
20 heavy mining operations from requirements for  
21 development-of-regional-impact review under  
22 certain circumstances; directing the Florida  
23 Fish and Wildlife Conservation Commission to  
24 provide assistance related to promotion and  
25 development of nature-based recreation;  
26 creating s. 230.23027, F.S.; establishing the  
27 Small School District Stabilization Program;  
28 providing eligibility criteria; providing for  
29 priority for a best financial management  
30 practices review of participating districts;  
31 providing for stabilization grants and other

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1 assistance; creating s. 290.0069, F.S.;

2 directing the Office of Tourism, Trade, and

3 Economic Development to designate a pilot

4 project area within an enterprise zone;

5 providing qualifications for such area;

6 providing that certain businesses in such area

7 are eligible for credits against the tax on

8 sales, use, and other transactions and

9 corporate income tax; providing for computation

10 of such credits; providing application

11 procedures and requirements; providing

12 rulemaking authority; requiring a review and

13 report by the Office of Program Policy Analysis

14 and Government Accountability; providing for

15 future repeal and revocation of such

16 designation; amending s. 288.980, F.S.;

17 providing legislative intent; providing for the

18 role of the Florida Defense Alliance; providing

19 funding; removing a limitation on the amount of

20 a grant under the Florida Military Installation

21 Reuse Planning and Marketing Grant Program;

22 increasing a grant limitation with respect to

23 the Florida Defense Planning Grant Program;

24 reducing the amount of matching funds required

25 under certain grant programs; creating the

26 Retention of Military Installations Program;

27 providing an appropriation to implement the

28 program for military installations in certain

29 counties and providing for use of such funds;

30 providing a cap on the payment of

31 administrative expenses from certain grants;

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1 creating the Quick Action Closing Fund within  
2 the Office of Tourism, Trade, and Economic  
3 Development; directing Enterprise Florida,  
4 Inc., to evaluate proposals for use of funds  
5 for certain business facilities and make  
6 recommendations to the office; requiring  
7 approval by the Governor; providing  
8 requirements for recommendations for approval  
9 and release of funds; providing for a contract  
10 between the director of the office and an  
11 approved business with respect to payment of  
12 such funds; providing legislative findings with  
13 respect to the economic health of small  
14 communities; providing conditions for  
15 determining when a state of economic emergency  
16 exists in a community; providing for  
17 notification by a local government entity to  
18 the Governor, the office, and Enterprise  
19 Florida, Inc., when such conditions exist;  
20 authorizing the Governor to waive eligibility  
21 criteria for certain programs or activities and  
22 take other action to resolve the economic  
23 emergency; providing for return of certain  
24 funds in Florida First Capital Finance  
25 Corporation, Inc., to the State Treasury;  
26 providing appropriations from such funds to the  
27 Florida-Korea Economic Cooperation Committee  
28 and to the San Carlos Institute of Key West;  
29 amending s. 425.04, F.S.; authorizing an  
30 electric cooperative to provide any energy or  
31 nonenergy services to its membership; providing

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effective dates.