

By the Committee on Commerce and Economic Opportunities; and  
Senator Kirkpatrick

310-2037A-99

1                                   A bill to be entitled  
2           An act relating to economic development;  
3           amending s. 14.2015, F.S.; revising provisions  
4           relating to the powers and duties of the Office  
5           of Tourism, Trade, and Economic Development;  
6           providing for the office to facilitate the  
7           involvement of the Governor and Lieutenant  
8           Governor in job-creating efforts; revising  
9           program cross-references; deleting provisions  
10          relating to the expenditure of funds for  
11          general economic development grants;  
12          authorizing the expenditure of certain interest  
13          earnings in order to contract for the  
14          administration of programs; reducing the number  
15          of meetings of leaders in business, government,  
16          and economic development which the office must  
17          convene annually; eliminating a required report  
18          on the status of certain contracts; amending s.  
19          288.0251, F.S.; changing authority to contract  
20          for Florida's international volunteer corps to  
21          the Department of State from the Office of  
22          Tourism, Trade, and Economic Development;  
23          amending s. 288.095, F.S.; revising criteria  
24          for approval of applications for tax refunds  
25          for economic development purposes by the Office  
26          of Tourism, Trade, and Economic Development;  
27          limiting the amount of refunds that may be made  
28          in a fiscal year; amending s. 288.106, F.S.;  
29          revising criteria for approval of tax refunds  
30          under the tax-refund program for qualified  
31          target industry businesses; redefining the

1 terms "expansion of an existing business,"  
2 "local financial support exemption option," and  
3 "rural county"; defining the term "authorized  
4 local economic development agency"; extending  
5 the refund program to additional counties;  
6 revising the amount of refunds; providing  
7 requirements for waiver of minimum standards;  
8 prescribing duties of the office director;  
9 amending s. 288.901, F.S.; expanding an  
10 employee lease program under Enterprise  
11 Florida, Inc.; revising the membership and  
12 appointment process for the board of directors  
13 of Enterprise Florida, Inc.; amending s.  
14 288.9015, F.S.; specifying responsibilities for  
15 Enterprise Florida, Inc., relating to rural  
16 communities and distressed urban communities,  
17 evaluation of the state's competitiveness, and  
18 the needs of small and minority businesses;  
19 eliminating a requirement for preparation of a  
20 business guide and checklist; amending s.  
21 288.90151, F.S.; expressing legislative intent  
22 on the return-on-investment of public funds in  
23 Enterprise Florida, Inc.; specifying  
24 private-sector support for Enterprise Florida,  
25 Inc.; requiring a report on the results of  
26 customer satisfaction survey; amending s.  
27 288.903, F.S.; revising the required membership  
28 of the executive committee of Enterprise  
29 Florida, Inc.; deleting certain prescribed  
30 powers and duties of the president; requiring a  
31 performance-based contract in order to exceed

1 certain employee compensation levels; amending  
2 s. 288.904, F.S.; prescribing terms of certain  
3 contracts executed by Enterprise Florida, Inc.;  
4 authorizing Enterprise Florida, Inc., to create  
5 and dissolve advisory committees and similar  
6 organizations; amending s. 288.905, F.S.;  
7 clarifying the duties of the board of directors  
8 of Enterprise Florida, Inc.; eliminating  
9 provisions governing the content of the board's  
10 strategic plan; requiring involvement of  
11 certain local and regional economic development  
12 organizations and rural and urban organizations  
13 in the policies of Enterprise Florida, Inc.;  
14 revising the date for a review of Enterprise  
15 Florida, Inc., by the Office of Program Policy  
16 Analysis and Government Accountability;  
17 amending s. 288.906, F.S.; revising  
18 requirements for the annual report of  
19 Enterprise Florida, Inc.; amending s. 288.9412,  
20 F.S.; revising the membership of the board of  
21 directors of the International Trade and  
22 Economic Development Board; amending s.  
23 288.9414, F.S.; revising the powers and  
24 authority of the board; requiring the board to  
25 convene an annual meeting of economic  
26 development and international trade development  
27 stakeholders; amending ss. 288.9511, 288.9515,  
28 288.95155, 288.9520, 288.9603, 288.9604,  
29 288.9614, 288.9618, F.S.; conforming to the  
30 dissolution of certain boards; repealing s.  
31 288.902, F.S., which relates to the Enterprise

1 Florida Nominating Council; repealing s.  
2 288.9512, F.S., which relates to the technology  
3 development board; repealing s. 288.9513, F.S.,  
4 which relates to the organization of the  
5 technology development board; repealing s.  
6 288.9514, F.S., which relates to powers and  
7 authority of the technology development board;  
8 repealing s. 288.9516, F.S., which relates to  
9 the annual report of the technology development  
10 board; repealing s. 288.9611, F.S., which  
11 relates to the capital development board;  
12 repealing s. 288.9612, F.S., which relates to  
13 the organization of the capital development  
14 board; repealing s. 288.9613, F.S., which  
15 relates to the powers and authority of the  
16 capital development board; repealing s.  
17 288.9615, F.S., which relates to the annual  
18 report of the capital development board;  
19 providing for the continuation of certain  
20 contracts; providing for the transfer of  
21 certain property; directing Enterprise Florida,  
22 Inc., to assume responsibilities of the  
23 technology development and capital development  
24 boards; directing the Division of Statutory  
25 Revision to redesignate certain parts in the  
26 Florida Statutes; amending s. 288.99, F.S.;  
27 specifying that tax credits vested under the  
28 Certified Capital Company Act are not to be  
29 considered in ratemaking proceedings involving  
30 a certified investor; redefining the term  
31 "transferee" for purposes of allocating unused

1 premium tax credits; amending s. 220.191, F.S.;  
2 providing that credits may be granted against  
3 premium tax liability under the capital  
4 investment tax credit program; specifying that  
5 an insurance company claiming premium tax  
6 credits under such program is not required to  
7 pay additional retaliatory tax under s.  
8 624.5091, F.S.; amending s. 163.3178, F.S.;  
9 requiring certain ports to identify certain  
10 spoil disposal sites; requiring such ports to  
11 prepare comprehensive master plans; amending s.  
12 163.3187, F.S.; exempting comprehensive plan  
13 amendments for port transportation facilities  
14 and projects from a time limitation; amending  
15 s. 253.77, F.S.; exempting certain ports from  
16 paying fees for activities involving the use of  
17 sovereign lands; amending s. 288.8155, F.S.;  
18 providing that the International Trade Data  
19 Resource and Research Center be incorporated as  
20 a private nonprofit corporation, and not be a  
21 unit or entity of state government; providing  
22 for the creation and constitution of a board of  
23 directors of the center; authorizing the center  
24 to acquire patents, copyrights, and trademarks  
25 on its property and publications; amending s.  
26 311.07, F.S.; providing that projects eligible  
27 for funding under the Florida Seaport  
28 Transportation and Economic Development Program  
29 must be consistent with port master plans;  
30 exempting certain port transportation  
31 facilities and projects from review as

1           developments of regional impact; amending s.  
2           311.09, F.S.; declaring that projects eligible  
3           for funding under the Florida Seaport  
4           Transportation and Economic Development Program  
5           are presumed to be in the public interest;  
6           amending s. 311.11, F.S.; providing that the  
7           Florida Seaport Transportation and Economic  
8           Development Council shall develop a Seaport  
9           Training and Employment Program; providing  
10          legislative purposes and requirements for the  
11          program; creating s. 311.14, F.S.; directing  
12          the Florida Seaport Transportation and Economic  
13          Development Council to develop freight-mobility  
14          and trade-corridor plans; amending s. 380.06,  
15          F.S.; exempting certain port projects from  
16          review as developments of regional impact;  
17          amending s. 380.24, F.S.; making the Department  
18          of Environmental Protection exclusively  
19          responsible for permitting and enforcement of  
20          dredged-material management and other related  
21          activities; creating the Americas Campaign;  
22          providing legislative findings related to  
23          international trade; prescribing the elements  
24          of the Americas Campaign; designating a  
25          Campaign Council; providing for funding of the  
26          Americas Campaign; providing an effective date.

27  
28       Be It Enacted by the Legislature of the State of Florida:

29  
30                Section 1.   Section 14.2015, Florida Statutes, 1998  
31       Supplement, is amended to read:

1           14.2015 Office of Tourism, Trade, and Economic  
2 Development; creation; powers and duties.--

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

8           (2) The purpose of the Office of Tourism, Trade, and  
9 Economic Development is to assist the Governor in working with  
10 the Legislature, state agencies, business leaders, and  
11 economic development professionals to formulate and implement  
12 coherent and consistent policies and strategies designed to  
13 provide economic opportunities for all Floridians. To  
14 accomplish such purposes, the Office of Tourism, Trade, and  
15 Economic Development shall:

16           (a) Contract, notwithstanding the provisions of part I  
17 of chapter 287, with the direct-support organization created  
18 under s. 288.1228, or a designated Florida not-for-profit  
19 corporation whose board members have had prior experience in  
20 promoting, throughout the state, the economic development of  
21 the Florida motion picture, television, radio, video,  
22 recording, and entertainment industries, to guide, stimulate,  
23 and promote the entertainment industry in the state.

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

28           (c) Monitor the activities of public-private  
29 partnerships and state agencies in order to avoid duplication  
30 and promote coordinated and consistent implementation of  
31 programs in areas including, but not limited to, tourism;

1 international trade and investment; business recruitment,  
2 creation, retention, and expansion; minority and small  
3 business development; and rural community development.

4 (d) Facilitate the direct involvement of the Governor  
5 and the Lieutenant Governor in economic development projects  
6 designed to create, expand, and retain Florida businesses and  
7 to recruit worldwide business, as well as in other  
8 job-creating efforts.

9 (e) Assist the Governor, in cooperation with  
10 Enterprise Florida, Inc., and the Florida Commission on  
11 Tourism, in preparing an annual report to the Legislature on  
12 the state of the business climate in Florida and on the state  
13 of economic development in Florida which will include the  
14 identification of problems and the recommendation of  
15 solutions. This report shall be submitted to the President of  
16 the Senate, the Speaker of the House of Representatives, the  
17 Senate Minority Leader, and the House Minority Leader by  
18 January 1 of each year, and it shall be in addition to the  
19 Governor's message to the Legislature under the State  
20 Constitution and any other economic reports required by law.

21 (f) Plan and conduct at least one meeting ~~three~~  
22 ~~meetings~~ per calendar year of leaders in business, government,  
23 and economic development called by the Governor to address the  
24 business climate in the state, develop a common vision for the  
25 economic future of the state, and identify economic  
26 development efforts to fulfill that vision.

27 (g)1. Administer the Florida Enterprise Zone Act under  
28 ss. 290.001-290.016, the community contribution tax credit  
29 program under ss. 220.183 and 624.5105, the tax refund program  
30 for qualified target industry businesses under s. 288.106, the  
31 tax-refund program for qualified defense contractors under s.



1 288.1045, contracts for transportation projects under s.  
2 288.063, the sports franchise facility program under s.  
3 288.1162, the professional golf hall of fame facility program  
4 under s. 288.1168, the expedited permitting process under s.  
5 403.973 Florida Jobs Siting Act under ~~ss. 403.950-403.972~~, the  
6 Rural Community Development Revolving Loan Fund under s.  
7 288.065, the Regional Rural Development Grants Program under  
8 s. 288.018, the Certified Capital Company Act under s. 288.99,  
9 the Florida State Rural Development Council, ~~and~~ the Rural  
10 Economic Development Initiative, and other programs that are  
11 specifically assigned to the office by law, by the  
12 appropriations process, or by the Governor. Notwithstanding  
13 any other provisions of law, the office may expend interest  
14 earned from the investment of program funds deposited in the  
15 Economic Development Trust Fund, the Grants and Donations  
16 Trust Fund, the Brownfield Property Ownership Clearance  
17 Assistance Revolving Loan Trust Fund, and the Economic  
18 Development Transportation Trust Fund to contract for the  
19 administration of the programs, or portions of the programs,  
20 enumerated in this paragraph or assigned to the office by law,  
21 by the appropriations process, or by the Governor. Such  
22 expenditures shall be subject to review under chapter 216.

23         2. The office may enter into contracts in connection  
24 with the fulfillment of its duties concerning the Florida  
25 First Business Bond Pool under chapter 159, tax incentives  
26 under chapters 212 and 220, tax incentives under the Certified  
27 Capital Company Act in chapter 288, foreign offices under  
28 chapter 288, the Enterprise Zone program under chapter 290,  
29 the Seaport Employment Training program under chapter 311, the  
30 Florida Professional Sports Team License Plates under chapter  
31 320, Spaceport Florida under chapter 331, ~~Job Siting and~~

1 Expedited Permitting under chapter 403, and in carrying out  
2 other functions that are specifically assigned to the office  
3 by law, by the appropriations process, or by the Governor.

4 (h) Serve as contract administrator for the state with  
5 respect to contracts with Enterprise Florida, Inc., the  
6 Florida Commission on Tourism, and all direct-support  
7 organizations under this act, excluding those relating to  
8 tourism. To accomplish the provisions of this act and  
9 applicable provisions of chapter 288, and notwithstanding the  
10 provisions of part I of chapter 287, the office shall enter  
11 into specific contracts with Enterprise Florida, Inc., the  
12 Florida Commission on Tourism, and other appropriate  
13 direct-support organizations. Such contracts may be multiyear  
14 and shall include specific performance measures for each year.  
15 ~~The office shall provide the President of the Senate and the~~  
16 ~~Speaker of the House of Representatives with a report by~~  
17 ~~February 1 of each year on the status of these contracts,~~  
18 ~~including the extent to which specific contract performance~~  
19 ~~measures have been met by these contractors.~~

20 (i) Prepare and submit as a separate budget entity a  
21 unified budget request for tourism, trade, and economic  
22 development in accordance with chapter 216 for, and in  
23 conjunction with, Enterprise Florida, Inc., and its boards,  
24 the Florida Commission on Tourism and its direct-support  
25 organization, the Florida Black Business Investment Board, and  
26 the direct-support organizations created to promote the  
27 entertainment and sports industries.

28 (j) Adopt ~~Promulgate~~ rules, as necessary, to carry out  
29 its functions in connection with the administration of the  
30 Qualified Target Industry program, the Qualified Defense  
31 Contractor program, the Certified Capital Company Act, the

1 Enterprise Zone program, and the Florida First Business Bond  
2 pool.

3 (3) The Chief Inspector General, as defined in s.  
4 14.32:

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

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

10 (c) Shall receive and investigate complaints of fraud,  
11 abuses, and deficiencies relating to programs and operations  
12 of public-private partnerships.

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

17 (e) Shall monitor public-private partnerships for  
18 compliance with the terms and conditions of contracts with the  
19 Office of Tourism, Trade, and Economic Development and report  
20 noncompliance to the Governor.

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

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

27 (4) The director of the Office of Tourism, Trade, and  
28 Economic Development shall designate a position within the  
29 office to advocate and coordinate the interests of minority  
30 businesses. The person in this position shall report to the  
31 director and shall be the primary point of contact for the

1 office on issues and projects important to the recruitment,  
2 creation, preservation, and growth of minority businesses.

3 (5) The director of the Office of Tourism, Trade, and  
4 Economic Development shall designate a position within the  
5 office to advocate and coordinate the interests of rural  
6 communities in the state. The person in this position shall  
7 report to the director and shall be the primary point of  
8 contact for the office on issues and projects important to the  
9 economic capacity of Florida's rural communities.

10 (6)(a) In order to improve the state's regulatory  
11 environment, the Office of Tourism, Trade, and Economic  
12 Development shall consider the impact of agency rules on  
13 businesses, provide one-stop permit information and  
14 assistance, and serve as an advocate for businesses,  
15 particularly small businesses, in their dealings with state  
16 agencies.

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

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

22 1. Review proposed agency actions for impacts on small  
23 businesses and offer alternatives to mitigate such impacts, as  
24 provided in s. 120.54.

25 2. In consultation with the Governor's rules  
26 ombudsman, make recommendations to agencies on any existing  
27 and proposed rules for alleviating unnecessary or  
28 disproportionate adverse effects to businesses.

29 3. Make recommendations to the Legislature and to  
30 agencies for improving permitting procedures affecting  
31 business activities in the state. By October 1, 1997, and

1 annually thereafter, the Office of Tourism, Trade, and  
2 Economic Development shall submit a report to the Legislature  
3 containing the following:

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

6 b. An identification and description of those agency  
7 rules repealed or modified during each calendar year to  
8 improve the regulatory climate for businesses operating in the  
9 state.

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

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

15 (II) Assistance in the completion of such  
16 applications.

17 (III) Centralized collection of any permit fees and  
18 distribution of such fees to agencies.

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

21  
22 If the Legislature establishes such a registry, subsequent  
23 annual reports must cover the status and performance of this  
24 registry.

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

1 types of businesses and professions that it regulates and of  
2 each permit, license, or registration that it requires for a  
3 type of business or profession.

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

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

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

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

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

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

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

1 be assessed a penalty for failure to obtain a state permit  
2 that was not identified, if the applicant submits an  
3 application for each such permit within 60 days after written  
4 notification from the agency responsible for issuing the  
5 permit.

6 (7) The Office of Tourism, Trade, and Economic  
7 Development shall develop performance measures, standards, and  
8 sanctions for each program it administers under this act and,  
9 in conjunction with the applicable entity, for each program  
10 for which it contracts with another entity under this act.  
11 The performance measures, standards, and sanctions shall be  
12 developed in consultation with the legislative appropriations  
13 committees and the appropriate substantive committees, and are  
14 subject to the review and approval process provided in s.  
15 216.177. The approved performance measures, standards, and  
16 sanctions shall be included and made a part of each contract  
17 entered into for delivery of programs authorized by this act.

18 (8) The Office of Tourism, Trade, and Economic  
19 Development shall ensure that the contract between the Florida  
20 Commission on Tourism and the commission's direct-support  
21 organization contains a provision to provide the data on the  
22 visitor counts and visitor profiles used in revenue  
23 estimating, employing the same methodology used in fiscal year  
24 1995-1996 by the Department of Commerce. The Office of  
25 Tourism, Trade, and Economic Development and the Florida  
26 Commission on Tourism must reach agreement with the Consensus  
27 Estimating Conference principals before making any changes in  
28 methodology used or information gathered.

29 ~~(9)(a) Subject to the cooperative recommendations of~~  
30 ~~Enterprise Florida, Inc., and the Florida Commission on~~  
31 ~~Tourism and also to the approval of the Governor, the Office~~

1 ~~of Tourism, Trade, and Economic Development is authorized to~~  
2 ~~expend appropriated state and federal funds for general~~  
3 ~~economic development grants. The office shall establish~~  
4 ~~criteria for the award of grants, including criteria relating~~  
5 ~~to highest economic return for the state as a whole, or a~~  
6 ~~particular region, county, city, or community, ability to~~  
7 ~~properly administer grant funds, and such other matters deemed~~  
8 ~~necessary and appropriate to further the purposes of this~~  
9 ~~subsection. The office shall expend all funds in accordance~~  
10 ~~with state law and shall use such appropriations to supplement~~  
11 ~~the financial support of:~~

12       1. ~~Programs that have a substantial economic~~  
13 ~~significance, giving emphasis to programs that benefit the~~  
14 ~~state as a whole.~~

15       2. ~~Programs with a high potential for match funding~~  
16 ~~from nonstate sources.~~

17       3. ~~Economic development programs for which no other~~  
18 ~~state grants are available.~~

19       4. ~~Rural areas and distressed urban areas.~~

20       (b) ~~Grants shall be made by contract with any~~  
21 ~~nonprofit corporation or local or state governmental entity.~~  
22 ~~Of the total amount of funds available from all sources for~~  
23 ~~grants, 70 percent of such funds shall be awarded on a~~  
24 ~~50-percent matching basis. Up to 30 percent of such funds~~  
25 ~~available may be awarded on a nonmatching basis.~~

26       (c) ~~In administering grants, contracts, and funds~~  
27 ~~appropriated for economic development programs, the office may~~  
28 ~~release moneys in advance on a quarterly basis. By the end of~~  
29 ~~the contract period, the grantee or contractee shall furnish~~  
30 ~~to the office a complete and accurate accounting of how all~~  
31 ~~grant funds were expended. Postaudits to be conducted by an~~



1 ~~independent certified public accountant may be required in~~  
2 ~~accordance with criteria adopted by the office.~~

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

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

12 Section 2. Section 288.0251, Florida Statutes, is  
13 amended to read:

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

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

27 288.095 Economic Development Trust Fund.--

28 (3)(a) ~~Contingent upon an annual appropriation by the~~  
29 ~~Legislature,~~The Office of Tourism, Trade, and Economic  
30 Development may approve applications for certification tax  
31 refunds pursuant to ss. 288.1045(3) and ss. 288.1045, 288.106,

1 ~~and 288.107. However, in no case may the total state share of~~  
2 ~~tax refund payments scheduled in all active certifications for~~  
3 ~~any one fiscal year exceed \$35 million. The office may not~~  
4 ~~approve tax refunds in excess of the amount appropriated to~~  
5 ~~the Economic Development Incentives Account for such tax~~  
6 ~~refunds, for a fiscal year pursuant to paragraph (b).~~

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

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

29 288.106 Tax refund program for qualified target  
30 industry businesses.--

31

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

1 (e) "Office" means the Office of Tourism, Trade, and  
2 Economic Development.

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

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

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

12 (i) "Jobs" means full-time equivalent positions, as  
13 such terms are consistent with terms used by the Department of  
14 Labor and Employment Security and the United States Department  
15 of Labor for purposes of unemployment compensation tax  
16 administration and employment estimation, resulting directly  
17 from a project in this state. This number shall not include  
18 temporary construction jobs involved with the construction of  
19 facilities for the project or any jobs which have previously  
20 been included in any application for tax refunds under s.  
21 288.104 or this section.

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

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

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

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

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

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

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

30           2. Stability.--The industry should not be subject to  
31 periodic layoffs, whether due to seasonality or sensitivity to

1 | volatile economic variables such as weather. The industry  
2 | should also be relatively resistant to recession, so that the  
3 | demand for products of this industry is not necessarily  
4 | subject to decline during an economic downturn.

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

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

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

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

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

1 of Hotels and Restaurants of the Department of Business and  
2 Professional Regulation.

3 (p) "Taxable year" means taxable year as defined in s.  
4 220.03(1)(z).

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

9 (r) "Rural county" means a county with a population of  
10 75,000 or fewer or a county with a population of 100,000 or  
11 fewer which is contiguous to a county with a population of  
12 75,000 or fewer less.

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

22 (t) "Authorized local economic development agency"  
23 means any public or private entity, including those defined in  
24 s. 288.075, authorized by a county or municipality to promote  
25 the general business or industrial interests of that county or  
26 municipality.

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

28 (a) There shall be allowed, from the account, a refund  
29 to a qualified target industry business for the amount of  
30 eligible taxes certified by the director which were paid by  
31 such business. The total amount of refunds for all fiscal

1 years for each qualified target industry business must be  
2 determined pursuant to subsection (4). The annual amount of a  
3 refund to a qualified target industry business must be  
4 determined pursuant to subsection (6).

5       (b) Upon approval by the director, a qualified target  
6 industry business shall be allowed tax refund payments equal  
7 to \$3,000 times the number of jobs specified in the tax refund  
8 agreement under subparagraph (5)(a)1., or equal to \$6,000  
9 times the number of jobs if the project is located in a rural  
10 county or an enterprise zone. Further, a qualified target  
11 industry business shall be allowed additional tax refund  
12 payments equal to \$1,000 times the number of jobs specified in  
13 the tax refund agreement under subparagraph (5)(a)1., if such  
14 jobs pay an annual average wage of at least 150 percent of the  
15 average private-sector wage in the area, or equal to \$2,000  
16 times the number of jobs if such jobs pay an annual average  
17 wage of at least 200 percent of the average private-sector  
18 wage in the area.~~The director may approve a qualified target~~  
19 ~~industry business to receive tax refund payments of up to~~  
20 ~~\$5,000 times the number of jobs specified in the tax refund~~  
21 ~~agreement under subparagraph (5)(a)1., or up to \$7,500 times~~  
22 ~~the number of jobs if the project is located in an enterprise~~  
23 ~~zone.~~A qualified target industry business may not receive  
24 refund payments of more than 25 percent of the total tax  
25 refunds specified in the tax refund agreement under  
26 subparagraph (5)(a)1. in any fiscal year. Further, a qualified  
27 target industry business may not receive more than \$1.5  
28 million in refunds under this section in any single fiscal  
29 year, or more than \$2.5 million in any single fiscal year if  
30 the project is located in an enterprise zone. A qualified  
31 target industry may not receive more than \$5 million in refund



1 payments under this section in all fiscal years, or more than  
2 \$7.5 million if the project is located in an enterprise zone.  
3 Funds made available pursuant to this section may not be  
4 expended in connection with the relocation of a business from  
5 one community to another community in this state unless the  
6 Office of Tourism, Trade, and Economic Development determines  
7 that without such relocation the business will move outside  
8 this state or determines that the business has a compelling  
9 economic rationale for the relocation and that the relocation  
10 will create additional jobs.

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

13 1. Receive refunds from the account for the following  
14 taxes due and paid by that business beginning with the first  
15 taxable year of the business which begins after entering into  
16 the agreement:

17 ~~1. Taxes on sales, use, and other transactions under~~  
18 ~~chapter 212.~~

19 a.2. Corporate income taxes under chapter 220.

20 ~~3. Intangible personal property taxes under chapter~~  
21 ~~199.~~

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

23 ~~5. Excise taxes on documents under chapter 201.~~

24 ~~6. Ad valorem taxes paid, as defined in s. 220.03(1).~~

25 b.7. Insurance premium tax under s. 624.509.

26 2. Receive refunds from the account for the following  
27 taxes due and paid by that business after entering into the  
28 agreement:

29 a. Taxes on sales, use, and other transactions under  
30 chapter 212.

31

1           b. Intangible personal property taxes under chapter  
2 199.

3           c. Emergency excise taxes under chapter 221.

4           d. Excise taxes on documents under chapter 201.

5           e. Ad valorem taxes paid, as defined in s. 220.03(1).

6           (d) However, a qualified target industry business may  
7 not receive a refund under this section for any amount of  
8 credit, refund, or exemption granted to that business for any  
9 of such taxes. If a refund for such taxes is provided by the  
10 office, which taxes are subsequently adjusted by the  
11 application of any credit, refund, or exemption granted to the  
12 qualified target industry business other than as provided in  
13 this section, the business shall reimburse the account for the  
14 amount of that credit, refund, or exemption. A qualified  
15 target industry business shall notify and tender payment to  
16 the office within 20 days after receiving any credit, refund,  
17 or exemption other than one provided in this section.

18           (e)~~(d)~~ A qualified target industry business that  
19 fraudulently claims a refund under this section:

20           1. Is liable for repayment of the amount of the refund  
21 to the account, plus a mandatory penalty in the amount of 200  
22 percent of the tax refund which shall be deposited into the  
23 General Revenue Fund.

24           2. Is guilty of a felony of the third degree,  
25 punishable as provided in s. 775.082, s. 775.083, or s.  
26 775.084.

27           (4) APPLICATION AND APPROVAL PROCESS.--

28           (a) To apply for certification as a qualified target  
29 industry business under this section, the business must file  
30 an application with the office before the business has made  
31 the decision to locate a new business in this state or before

1 the business had made the decision to expand an existing  
2 business in this state. The application shall include, but is  
3 not limited to, the following information:

4 1. The applicant's federal employer identification  
5 number and the applicant's state sales tax registration  
6 number.

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

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

12 4. The number of full-time equivalent jobs in this  
13 state that are or will be dedicated to the project and the  
14 average wage of those jobs. If more than one type of business  
15 activity or product is included in the project, the number of  
16 jobs and average wage for those jobs must be separately stated  
17 for each type of business activity or product.

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

20 6. The anticipated commencement date of the project.

21 ~~7. The amount of:~~

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

24 ~~b. Corporate income taxes paid under chapter 220;~~

25 ~~c. Intangible personal property taxes paid under~~  
26 ~~chapter 199;~~

27 ~~d. Emergency excise taxes paid under chapter 221; and~~

28 ~~e. Excise taxes on documents paid under chapter 201.~~

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

31

1           ~~7.9.~~ A brief statement concerning the role that the  
2 tax refunds requested will play in the decision of the  
3 applicant to locate or expand in this state.

4           ~~8.10.~~ An estimate of the proportion of the sales  
5 resulting from the project that will be made outside this  
6 state.

7           ~~9.11.~~ A resolution adopted by the governing board of  
8 the county or municipality in which the project will be  
9 located, which resolution recommends that certain types of  
10 businesses be approved as a qualified target industry business  
11 and states that the commitments of local financial support  
12 necessary for the target industry business exist. In advance  
13 of the passage of such resolution, the office may also accept  
14 an official letter from an authorized local economic  
15 development agency that endorses the proposed target industry  
16 project and pledges that sources of local financial support  
17 for such project exist. For the purposes of making pledges of  
18 local financial support under this subsection, the authorized  
19 local economic development agency shall be officially  
20 designated by the passage of a one-time resolution by the  
21 local governing authority. ~~Before adoption of the resolution,~~  
22 ~~the governing board may review the proposed public or private~~  
23 ~~sources of such support and determine whether the proposed~~  
24 ~~sources of local financial support can be provided.~~

25           ~~10.12.~~ Any additional information requested by the  
26 office.

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

30           1. The jobs proposed to be provided under the  
31 application, pursuant to subparagraph (a)4., must pay an

1 estimated annual average wage equaling at least 115 percent of  
2 the average private sector wage in the area where the business  
3 is to be located or the statewide private sector average wage.  
4 The office may waive this average wage requirement at the  
5 request of the local governing body recommending the project  
6 and Enterprise Florida, Inc. The wage requirement may only be  
7 waived for a project located in a brownfield area designated  
8 under s. 376.80 or in a rural city or county or in an  
9 enterprise zone and only when the merits of the individual  
10 project or the specific circumstances in the community in  
11 relationship to the project warrant such action. If the local  
12 governing body and Enterprise Florida, Inc., make such a  
13 recommendation, it must be transmitted in writing and the  
14 specific justification for the waiver recommendation must be  
15 explained. If the director elects to waive the wage  
16 requirement, the waiver must be stated in writing and the  
17 reasons for granting the waiver must be explained.

18           2. The target industry business's project must result  
19 in the creation of at least 10 jobs at such project and, if an  
20 expansion of an existing business, must result in a net  
21 increase in employment of not less than 10 percent at such  
22 business. Notwithstanding the definition of the term  
23 "expansion of an existing business" in paragraph (2)(g), at  
24 the request of the local governing body recommending the  
25 project and Enterprise Florida, Inc., the office may define an  
26 "expansion of an existing business" in a rural city, a rural  
27 county, or an enterprise zone as the expansion of a business  
28 resulting in a net increase in employment of less than 10  
29 percent at such business if the merits of the individual  
30 project or the specific circumstances in the community in  
31 relationship to the project warrant such action. If the local

1 governing body and Enterprise Florida, Inc., make such a  
2 request, it must be transmitted in writing and the specific  
3 justification for the request must be explained. If the  
4 director elects to grant such request, such election must be  
5 stated in writing and the reason for granting the request must  
6 be explained.

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

18           (c) Each application meeting the requirements of  
19 paragraph (b) must be submitted to the office for  
20 determination of eligibility. The office shall review and  
21 evaluate each application based on, but not limited to, the  
22 following criteria:

23           1. Expected contributions to the state strategic  
24 economic development plan adopted by Enterprise Florida, Inc.,  
25 taking into account the long-term effects of the project and  
26 of the applicant on the state economy.

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

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

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

2           5. The effect of the project on the local community,  
3 taking into account the unemployment rate for the county where  
4 the project will be located.

5           6. The effect of any tax refunds granted pursuant to  
6 this section on the viability of the project and the  
7 probability that the project will be undertaken in this state  
8 if such tax refunds are granted to the applicant, taking into  
9 account the expected long-term commitment of the applicant to  
10 economic growth and employment in this state.

11           7. The expected long-term commitment to this state  
12 resulting from the project.

13           8. A review of the business's past activities in this  
14 state or other states, including whether such business has  
15 been subjected to criminal or civil fines and penalties.  
16 Nothing in this subparagraph shall require the disclosure of  
17 confidential information.

18           (d) The office shall forward its written findings and  
19 evaluation concerning each application meeting the  
20 requirements of paragraph (b) to the director within 45  
21 calendar days after receipt of a complete application. The  
22 office shall notify each target industry business when its  
23 application is complete, and of the time when the 45-day  
24 period begins. In its written report to the director, the  
25 office shall specifically address each of the factors  
26 specified in paragraph (c) and shall make a specific  
27 assessment with respect to the minimum requirements  
28 established in paragraph (b). The office shall include in its  
29 report projections of the tax refund claim that will be sought  
30 by the target industry business in each fiscal year based on  
31 the information submitted in the application.

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

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

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

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



1           (5) TAX REFUND AGREEMENT.--

2           (a) Each qualified target industry business must enter  
3 into a written agreement with the office which specifies, at a  
4 minimum:

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

14           2. The maximum amount of tax refunds which the  
15 qualified target industry business is eligible to receive on  
16 the project and the maximum amount of a tax refund that the  
17 qualified target industry business is eligible to receive in  
18 each fiscal year.

19           3. That the office may review and verify the financial  
20 and personnel records of the qualified target industry  
21 business to ascertain whether that business is in compliance  
22 with this section.

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

26           5. That local financial support will be annually  
27 available and will be paid to the account. The director may  
28 not enter into a written agreement with a qualified target  
29 industry business if the local financial support resolution is  
30 not passed by the local governing authority within 90 days

31

1 after he has issued the letter of certification under  
2 subsection (4).

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

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

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

27 (6) ANNUAL CLAIM FOR REFUND.--

28 (a) A qualified target industry business that has  
29 entered into a tax refund agreement with the office under  
30 subsection (5) may apply once each fiscal year to the office  
31

1 for a tax refund. The application must be made on or after the  
2 date specified in that agreement.

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

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

29 (d) A prorated tax refund, less a 5-percent penalty,  
30 shall be approved for a qualified target industry business  
31 provided all other applicable requirements have been satisfied

1 and the business proves to the satisfaction of the director  
2 that it has achieved at least 80 percent of its projected  
3 employment.

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

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

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

20 (7) ADMINISTRATION.--

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

27 (b) To facilitate the process of monitoring and  
28 auditing applications made under this program, the office may  
29 provide a list of qualified target industry businesses to the  
30 Department of Revenue, to the Department of Labor and  
31 Employment Security, or to any local government or authority.

1 The office may request the assistance of those entities with  
2 respect to monitoring the payment of the taxes listed in  
3 subsection (3).

4 (8) EXPIRATION.--This section expires June 30, 2004.

5 Section 5. Section 288.901, Florida Statutes, is  
6 amended to read:

7 288.901 Enterprise Florida, Inc.; creation;  
8 membership; organization; meetings; disclosure.--

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

21 (2) Enterprise Florida, Inc., shall establish one or  
22 more corporate offices, at least one of which shall be located  
23 in Leon County. ~~Persons employed by the Department of Commerce~~  
24 ~~on the day prior to July 1, 1996, whose jobs are privatized,~~  
25 ~~shall be given preference, if qualified, for similar jobs at~~  
26 ~~Enterprise Florida, Inc. When practical, those jobs shall be~~  
27 ~~located in Leon County. All available resources, including~~  
28 ~~telecommuting, must be employed to minimize the negative~~  
29 ~~impact on the Leon County economy caused by job losses~~  
30 ~~associated with the privatization of the Department of~~  
31 ~~Commerce.~~The Department of Management Services may establish

1 a lease agreement program under which Enterprise Florida,  
2 Inc., may hire any individual who, as of June 30, 1996, is  
3 employed by the Department of Commerce or who, as of January  
4 1, 1997, is employed by the Executive Office of the Governor  
5 or, as of June 30, 1999, by the Department of Labor and  
6 Employment Security or the Department of Children and Family  
7 Services and has responsibilities specifically in support of  
8 the Workforce Development Board established under s. 288.9620.  
9 Under such agreement, the employee shall retain his or her  
10 status as a state employee but shall work under the direct  
11 supervision of Enterprise Florida, Inc. Retention of state  
12 employee status shall include the right to participate in the  
13 Florida Retirement System. The Department of Management  
14 Services shall establish the terms and conditions of such  
15 lease agreements.

16 (3) Enterprise Florida, Inc., shall be governed by a  
17 board of directors. The board of directors shall consist of  
18 the following members:

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

20 ~~(b) The Commissioner of Education or the~~  
21 ~~commissioner's designee.~~

22 ~~(c) The Secretary of Labor and Employment Security or~~  
23 ~~the secretary's designee.~~

24 (b)~~(d)~~ A member of the Senate, who shall be appointed  
25 by the President of the Senate as an ex officio member of the  
26 board and serve at the pleasure of the President.

27 (c)~~(e)~~ A member of the House of Representatives, who  
28 shall be appointed by the Speaker of the House of  
29 Representatives as an ex officio member of the board and serve  
30 at the pleasure of the Speaker.

31

1           ~~(d)(f)~~ The vice chairperson of the board of directors  
2 of the International Trade and Economic Development Board for  
3 international trade and economic development.

4           ~~(g) The chairperson of the board for capital~~  
5 ~~development.~~

6           ~~(h) The chairperson of the board for technology~~  
7 ~~development.~~

8           ~~(e)(i)~~ The vice chairperson of the board of directors  
9 of the Workforce Development Board for workforce development.

10           (f) A private-sector member, other than the vice  
11 chairperson, from the board of directors of the International  
12 Trade and Economic Development Board, who shall be appointed  
13 by the Governor and serve at the pleasure of the Governor.

14           (g) A private-sector member, other than the vice  
15 chairperson, from the board of directors of the Workforce  
16 Development Board, who shall be appointed by the Governor and  
17 serve at the pleasure of the Governor.

18           (h) Two additional members, at least one of whom must  
19 be from the private sector, who shall be appointed by the  
20 Governor for a term of 3 years.

21           (i) One additional member from the private sector, who  
22 shall be appointed by the President of the Senate for a term  
23 of 2 years.

24           (j) One additional member from the private sector, who  
25 shall be appointed by the Speaker of the House of  
26 Representatives for a term of 2 years.

27           ~~(j) Twelve members from the private sector, six of~~  
28 ~~whom shall be appointed by the Governor, three of whom shall~~  
29 ~~be appointed by the President of the Senate, and three of whom~~  
30 ~~shall be appointed by the Speaker of the House of~~  
31 ~~Representatives. All appointees are subject to Senate~~

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

18 ~~(k) The Secretary of State or the secretary's~~  
19 ~~designee.~~

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

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



1           ~~2. Of the second three vacancies, the Governor shall~~  
2 ~~appoint one member, the President of the Senate shall appoint~~  
3 ~~one member, and the Speaker of the House of Representatives~~  
4 ~~shall appoint one member.~~

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

8           ~~4. Of the fourth three vacancies, the Speaker of the~~  
9 ~~House of Representatives shall appoint one member and the~~  
10 ~~Governor shall appoint two members.~~

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

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

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

31

1           (5) A vacancy on the board of directors which is not  
2 due to the expiration of the member's term shall be filled for  
3 the remainder of the unexpired term.

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

24           (6)~~(7)~~ Appointive members may be removed by the  
25 Governor, the President of the Senate, or the Speaker of the  
26 House of Representatives, respectively, for cause. Absence  
27 from three consecutive meetings results in automatic removal.

28           (7)~~(8)~~ The Governor shall serve as chairperson of the  
29 board of directors. The board of directors shall biennially  
30 elect one of its appointive members as vice chairperson. The  
31 president shall keep a record of the proceedings of the board

1 of directors and is the custodian of all books, documents, and  
2 papers filed with the board of directors, the minutes of the  
3 board of directors, and the official seal of Enterprise  
4 Florida, Inc.

5 (8)~~(9)~~ The board of directors shall meet at least four  
6 times each year, upon the call of the chairperson, at the  
7 request of the vice chairperson, or at the request of a  
8 majority of the membership. A majority of the total number of  
9 all directors fixed by subsection (3) shall constitute a  
10 quorum. The board of directors may take official action by a  
11 majority vote of the members present at any meeting at which a  
12 quorum is present.

13 (9)~~(10)~~ Members of the board of directors shall serve  
14 without compensation, but members, the president, and staff  
15 may be reimbursed for all reasonable, necessary, and actual  
16 expenses, as determined by the board of directors of  
17 Enterprise Florida, Inc.

18 (10)~~(11)~~ Each member of the board of directors of  
19 Enterprise Florida, Inc., ~~who was appointed after June 30,~~  
20 ~~1992,~~ and who is not otherwise required to file financial  
21 disclosure pursuant to s. 8, Art. II of the State Constitution  
22 or s. 112.3144, shall file disclosure of financial interests  
23 pursuant to s. 112.3145.

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

1 vacancies occurring among private-sector ~~private sector~~  
2 appointees under subsection (3).

3 Section 6. Section 388.9015, Florida Statutes, is  
4 amended to read:

5 288.9015 Enterprise Florida, Inc.; purpose; duties.--

6 (1) Enterprise Florida, Inc., is the principal  
7 economic development organization for the state. It shall be  
8 the responsibility of Enterprise Florida, Inc., to provide  
9 leadership for business development in Florida by aggressively  
10 establishing a unified approach to Florida's efforts of  
11 international trade and reverse investment; by aggressively  
12 marketing the state as a probusiness location for potential  
13 new investment; and by aggressively assisting in the ~~creation,~~  
14 ~~retention,~~and expansion of existing businesses and the  
15 creation of new businesses. In support of this effort,  
16 Enterprise Florida, Inc., may develop and implement specific  
17 programs or strategies that address the creation, expansion,  
18 and retention of Florida business; the development of import  
19 and export trade; and the recruitment of worldwide business.

20 (2) It shall be the responsibility of Enterprise  
21 Florida, Inc., to aggressively market Florida's rural  
22 communities and distressed urban communities as locations for  
23 potential new investment, to aggressively assist in the  
24 retention and expansion of existing businesses in these  
25 communities, and to aggressively assist these communities in  
26 the identification and development of new economic development  
27 opportunities for job creation ~~promote and strengthen the~~  
28 ~~creation and growth of small and minority businesses and to~~  
29 ~~increase the opportunities for short-term and long-term rural~~  
30 ~~economic development~~.

31

1           (3) It shall be the responsibility of Enterprise  
2 Florida, Inc., through the Workforce Development Board, to  
3 develop a comprehensive approach to workforce development that  
4 will result in better employment opportunities for the  
5 residents of this state. Such comprehensive approach must  
6 include:

7           (a) Creating and maintaining a highly skilled  
8 workforce that is capable of responding to rapidly changing  
9 technology and diversified market opportunities.

10           (b) Training, educating, and assisting target  
11 populations, such as those who are economically disadvantaged  
12 or who participate in the WAGES Program or otherwise receive  
13 public assistance to become independent, self-reliant, and  
14 self-sufficient. This approach must ensure the effective use  
15 of federal, state, local, and private resources in reducing  
16 the need for public assistance.

17           (4) It shall be the responsibility of Enterprise  
18 Florida, Inc., to assess, on an ongoing basis, Florida's  
19 economic development competitiveness as measured against other  
20 business locations, to identify and regularly reevaluate  
21 Florida's economic development strengths and weaknesses, and  
22 to incorporate such information into the strategic planning  
23 process under s. 288.904.

24           (5) Enterprise Florida, Inc., shall incorporate the  
25 needs of small and minority businesses into the  
26 economic-development, international-trade and  
27 reverse-investment, and workforce-development responsibilities  
28 assigned to the organization by this section.

29           (6)~~(4)~~ Enterprise Florida, Inc., shall not endorse any  
30 candidate for any elected public office, nor shall it  
31 contribute moneys to the campaign of any such candidate.

1           ~~(5) As part of its business development and marketing~~  
2 ~~responsibilities, Enterprise Florida, Inc., shall prepare a~~  
3 ~~business guide and checklist that contains basic information~~  
4 ~~on the federal, state, and local requirements for starting and~~  
5 ~~operating a business in this state. The guide and checklist~~  
6 ~~must describe how additional information can be obtained on~~  
7 ~~any such requirements and shall include, to the extent~~  
8 ~~feasible, the names, addresses, and telephone numbers of~~  
9 ~~appropriate government agency representatives. The guide and~~  
10 ~~checklist must also contain information useful to persons who~~  
11 ~~may be starting a business for the first time, including, but~~  
12 ~~not limited to, information on business structure, financing,~~  
13 ~~and planning.~~

14           Section 7. Section 288.90151, Florida Statutes, is  
15 amended to read:

16           (Substantial rewording of section. See  
17           s. 288.90151, F.S., for present text.)

18           288.90151 Return on Investment from Activities of  
19 Enterprise Florida, Inc.--

20           (1) The public funds appropriated each year for the  
21 operation of Enterprise Florida, Inc., are invested in this  
22 public-private partnership to enhance international trade and  
23 economic development, to spur job-creating investments, to  
24 create new employment opportunities for Floridians, and to  
25 prepare Floridians for those jobs. This policy will be the  
26 Legislature's priority consideration when reviewing the  
27 return-on-investment for Enterprise Florida, Inc.

28           (2) It is also the intent of the Legislature that  
29 Enterprise Florida, Inc., coordinate its operations with local  
30 economic-development organizations to maximize the state and  
31 local return-on-investment to create jobs for Floridians.

1           (3) It is further the intent of the Legislature to  
2 maximize private-sector support in operating Enterprise  
3 Florida, Inc., as an endorsement of its value and as an  
4 enhancement of its efforts.

5           (4) The operating investment in Enterprise Florida,  
6 Inc., is the budget contracted by the Office of Tourism,  
7 Trade, and Economic Development to Enterprise Florida, Inc.,  
8 less funding that is subsequently awarded to businesses or  
9 organizations as incentives or grants and less funding that is  
10 directed by the Legislature to be subcontracted to a specific  
11 recipient.

12           (5) Private-sector support in operating Enterprise  
13 Florida, Inc., includes:

14           (a) Cash and in-kind contributions that mirror the  
15 state's operating investment;

16           (b) Revenues generated by products or services of  
17 Enterprise Florida, Inc.; and

18           (c) Expenditures, services, support, or contributions  
19 that augment the operating expenditures or assets of  
20 Enterprise Florida, Inc., including, but not limited to: an  
21 individual's time and expertise; sponsored publications;  
22 private-sector staff services; payment for advertising  
23 placements; sponsorship of events; sponsored or joint  
24 research; discounts on leases or purchases; mission or program  
25 sponsorship; and co-payments, stock, warrants, royalties, or  
26 other private resources dedicated to the operations of  
27 Enterprise Florida, Inc.

28           (6) Enterprise Florida, Inc., shall fully comply with  
29 the performance measures, standards, and sanctions in its  
30 contracts with the Office of Tourism, Trade, and Economic  
31 Development under ss. 14.2015(2)(h) and 14.2015(7). The

1 Office of Tourism, Trade, and Economic Development shall  
2 ensure, to the maximum extent possible, that the contract  
3 performance measures are consistent with performance measures  
4 that the office is required to develop and track under  
5 performance-based program budgeting.

6 (7) As part of the annual report required under s.  
7 288.906, Enterprise Florida, Inc., shall provide the  
8 Legislature with information quantifying the public's  
9 return-on-investment as described in this section for fiscal  
10 year 1997-1998 and each subsequent fiscal year. The annual  
11 report shall also include the results of a  
12 customer-satisfaction survey of businesses served, as well as  
13 the lead economic development staff person of each local  
14 economic development organization that employs a full-time or  
15 part-time staff person.

16 (8) Enterprise Florida, Inc., in consultation with the  
17 Office of Program Policy Analysis and Government  
18 Accountability, shall hire a private accounting firm to  
19 develop the methodology for establishing and reporting  
20 return-on-investment as described in this section and to  
21 develop, analyze, and report on the results of the  
22 customer-satisfaction survey. The Office of Program Policy  
23 Analysis and Government Accountability shall review and offer  
24 feedback on the methodology before it is implemented. The  
25 private accounting firm shall certify whether the applicable  
26 statements in the annual report comply with this subsection.

27 Section 8. Section 288.903, Florida Statutes, is  
28 amended to read:

29 288.903 Board of directors of Enterprise Florida,  
30 Inc.; president; employees.--

31



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

12           (2) The board of directors may establish an executive  
13 committee consisting of the chairperson, the vice chairperson,  
14 ~~chair~~ and as many additional members of the board of directors  
15 as the board deems appropriate, except that such committee  
16 must have a minimum of five members. ~~One member of the~~  
17 ~~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.,~~

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

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 9. 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

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

1 (f) Adopt, amend, and repeal bylaws, not inconsistent  
2 with the powers granted to it or the articles of  
3 incorporation, for the administration of the affairs of  
4 Enterprise Florida, Inc., and the exercise of its corporate  
5 powers.

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

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

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

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

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

24 (l) Create and dissolve advisory committees, working  
25 groups, task forces, or similar organizations, as necessary to  
26 carry out the mission of Enterprise Florida, Inc.

27 Section 10. Section 288.905, Florida Statutes, is  
28 amended to read:

29 288.905 Duties of the board of directors of Enterprise  
30 Florida, Inc.--  
31

1           (1) In the performance of its functions and duties,  
2 the board of directors may establish, and implement, and  
3 manage policies, strategies, and programs for Enterprise  
4 Florida, Inc., and its boards. These policies, strategies, and  
5 programs shall promote business formation, expansion,  
6 recruitment, and retention through aggressive marketing;  
7 international development and export assistance; and workforce  
8 development, which together lead to more and better jobs with  
9 higher wages for all geographic regions and communities of the  
10 state, including rural areas and urban-core areas, and for all  
11 residents, including minorities. In developing such policies,  
12 strategies, and programs, the board of directors shall solicit  
13 advice from and consider the recommendations of its boards and  
14 any advisory committees or similar groups created by  
15 Enterprise Florida, Inc.

16           (2) The board of directors shall, in conjunction with  
17 the Office of Tourism, Trade, and Economic Development,  
18 develop a strategic plan for economic development for the  
19 State of Florida. Such plan shall be submitted to the  
20 Governor, the President of the Senate, the Speaker of the  
21 House of Representatives, the Senate Minority Leader, and the  
22 House Minority Leader ~~by January 1, 1997,~~ and shall be updated  
23 or modified ~~before January 1, 1998,~~ and annually thereafter.  
24 The plan must be approved by the board of directors prior to  
25 submission to the Governor and Legislature. ~~The plan shall~~  
26 ~~include, but is not limited to:~~

27           ~~(a) Allocation of public and private resources to~~  
28 ~~specific activities that will return the greatest benefit to~~  
29 ~~the economy of this state. Including delineation on the amount~~  
30 ~~of funds that should be expended on each component of the~~  
31 ~~plan.~~

1           ~~(b) Identification of programs that will enhance the~~  
2 ~~capabilities of small and minority businesses. The plan~~  
3 ~~should include ways to improve and increase the access to~~  
4 ~~information, services, and assistance for small and minority~~  
5 ~~businesses.~~

6           ~~(c)1. Specific provisions for the stimulation of~~  
7 ~~economic development and job creation in rural areas and~~  
8 ~~midsize cities and counties of the state. These provisions~~  
9 ~~shall include, but are not limited to, the identification of~~  
10 ~~all rural counties in the state and rural cities located in~~  
11 ~~nonrural counties; the identification of all midsize cities~~  
12 ~~and counties in the state; the identification of the economic~~  
13 ~~development and job creation goals of the rural cities and~~  
14 ~~counties and midsize cities; the identification of rural areas~~  
15 ~~of critical concern; the identification of specific local,~~  
16 ~~state, and federal financial and technical assistance~~  
17 ~~resources available to rural cities and counties and midsize~~  
18 ~~cities and counties for economic and community development;~~  
19 ~~the identification of private sector resources available to~~  
20 ~~rural cities and counties and midsize cities and counties for~~  
21 ~~economic and community development; and specific methods for~~  
22 ~~the use of the resources identified in the plan to meet the~~  
23 ~~goals identified in the plan.~~

24           ~~(3)2. Enterprise Florida, Inc., shall involve the~~  
25 ~~local governments, local and regional economic development~~  
26 ~~organizations, and of the cities and counties identified~~  
27 ~~pursuant to subparagraph 1., as well as any other local,~~  
28 ~~state, and federal economic, international, and workforce~~  
29 ~~rural development entities, both public and private, in~~  
30 ~~developing and carrying out policies, strategies, and~~

31

1 programs, seeking to partner and collaborate to produce  
2 enhanced public benefit at a lesser cost ~~any provisions.~~

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

12 (4)2. Enterprise Florida, Inc., shall involve rural,  
13 urban, small-business, and minority-business ~~local, state, and~~  
14 ~~federal small business and minority business~~ development  
15 agencies and organizations, both public and private, in  
16 developing and carrying out policies, strategies, and programs  
17 ~~any provisions.~~

18 ~~(e) Creation of workforce training programs that lead~~  
19 ~~to better employment opportunities and higher wages.~~

20 ~~(f) Promotion of business formation, expansion,~~  
21 ~~recruitment, and retention, including programs that enhance~~  
22 ~~access to appropriate forms of financing for businesses in~~  
23 ~~this state.~~

24 ~~(g) Promotion of the successful long-term~~  
25 ~~internationalization of this state, including programs that~~  
26 ~~establish viable overseas markets, generate foreign~~  
27 ~~investment, assist in meeting the financing requirements of~~  
28 ~~export-ready firms, broaden opportunities for international~~  
29 ~~joint venture relationships, use the resources of academic and~~  
30 ~~other institutions, coordinate trade assistance and~~  
31 ~~facilitation services, and facilitate availability of and~~



1 ~~access to education and training programs which will assure~~  
2 ~~requisite skills and competencies necessary to compete~~  
3 ~~successfully in the global marketplace.~~

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

6 ~~(i) Addressing the needs of blighted inner-city~~  
7 ~~communities that have unacceptable levels of unemployment and~~  
8 ~~economic disinvestment, with the ultimate goal of creating~~  
9 ~~jobs for the residents of such communities.~~

10 ~~(j) Identifying business sectors that are of current~~  
11 ~~or future importance to the state's economy and to the state's~~  
12 ~~worldwide business image, and developing specific strategies~~  
13 ~~to promote the development of such sectors.~~

14 ~~(5)(a)(3)(a)~~ The strategic plan shall ~~also~~ include  
15 recommendations regarding specific performance standards and  
16 measurable outcomes. ~~By July 1, 1997,~~Enterprise Florida,  
17 Inc., in consultation with the Office of Program Policy  
18 Analysis and Government Accountability, shall establish  
19 performance-measure outcomes for Enterprise Florida, Inc., and  
20 its boards. Enterprise Florida, Inc., in consultation with the  
21 Office of Tourism, Trade, and Economic Development and the  
22 Office of Program Policy Analysis and Government  
23 Accountability, shall develop a plan for monitoring its  
24 operations to ensure that performance data are maintained and  
25 supported by records of the organization. On a biennial basis,  
26 ~~By July 1, 1998, and biennially thereafter,~~Enterprise  
27 Florida, Inc., in consultation with the Office of Tourism,  
28 Trade, and Economic Development and the Office of Program  
29 Policy Analysis and Government Accountability, shall review  
30 the performance-measure outcomes for Enterprise Florida, Inc.,  
31 and its boards, and make any appropriate modifications to

1 them. In developing measurable objectives and performance  
2 outcomes, Enterprise Florida, Inc., shall consider the effect  
3 of its programs, activities, and services on its client  
4 population. Enterprise Florida, Inc., shall establish  
5 standards such as job growth among client firms, growth in the  
6 number and strength of businesses within targeted sectors,  
7 client satisfaction, including the satisfaction of its local  
8 and regional economic development partners,~~venture capital~~  
9 ~~dollars invested in small and minority businesses,~~ businesses  
10 retained and recruited statewide and within rural and urban  
11 core communities, employer wage growth, ~~minority business~~  
12 ~~participation in technology assistance and development~~  
13 ~~programs,~~ and increased export sales among client companies to  
14 use in evaluating performance toward accomplishing the mission  
15 of Enterprise Florida, Inc.

16 (b) The performance standards and measurable outcomes  
17 established and regularly reviewed by Enterprise Florida,  
18 Inc., under this subsection must also include benchmarks and  
19 goals to measure the impact of state economic development  
20 policies and programs. Such benchmarks and goals may include,  
21 but are not limited to:

22 1. Net annual job growth rate in this state compared  
23 to neighboring southern states and the United States as a  
24 whole.

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

27 3. Wage distribution based on the percentage of people  
28 working in this state who earned 15 percent below the state  
29 average, within 15 percent of the state average, and 15  
30 percent or more above the state average.

31

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

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

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

8           7. Goods produced in this state that are exported to  
9 other countries.

10          8. Capital investment for commercial and industrial  
11 purposes, agricultural production and processing, and  
12 international trade.

13          (c) Prior to the 2002 ~~1999~~ Regular Session of the  
14 Legislature, the Office of Program Policy Analysis and  
15 Government Accountability shall conduct a review of Enterprise  
16 Florida, Inc., and its boards and shall submit a report by  
17 January 1, 2002, to the President of the Senate, the Speaker  
18 of the House of Representatives, the Senate Minority Leader,  
19 and the House Minority Leader. The review shall be  
20 comprehensive in its scope, but, at a minimum, must be  
21 conducted in such a manner as to specifically determine:

22           1. The progress towards achieving the established  
23 outcomes.

24           2. The circumstances contributing to the  
25 organization's ability to achieve, not achieve, or exceed its  
26 established outcomes.

27           ~~3. The progress towards achieving the established~~  
28 ~~goals of the Cypress Equity Fund and whether the strategy~~  
29 ~~underlying the fund is appropriate.~~

30           ~~3.4.~~ Whether it would be sound public policy to  
31 continue or discontinue funding the organization, and the

1 consequences of discontinuing the organization. ~~The report~~  
2 ~~shall be submitted by January 1, 1999, to the President of the~~  
3 ~~Senate, the Speaker of the House of Representatives, the~~  
4 ~~Senate Minority Leader, and the House Minority Leader.~~

5 ~~(d) Prior to the 2003 Regular Session of the~~  
6 ~~Legislature, the Office of Program Policy Analysis and~~  
7 ~~Government Accountability, shall conduct another review of~~  
8 ~~Enterprise Florida, Inc., and its boards using the criteria in~~  
9 ~~paragraph (c). The report shall be submitted by January 1,~~  
10 ~~2003, to the President of the Senate, the Speaker of the House~~  
11 ~~of Representatives, the Senate Minority Leader, and the House~~  
12 ~~Minority Leader.~~

13 ~~(6)(4) The board of directors shall coordinate and~~  
14 ~~collaborate the economic development activities and policies~~  
15 ~~of Enterprise Florida, Inc., with local municipal, county, and~~  
16 ~~regional economic development organizations, which shall be to~~  
17 ~~establish and further develop the role of local economic~~  
18 ~~development organizations as the state's primary~~  
19 ~~service-delivery agents for the direct delivery of economic~~  
20 ~~development and international development services. ~~Where~~~~  
21 ~~feasible, the board shall work with regional economic~~  
22 ~~development organizations in the delivery of services of~~  
23 ~~Enterprise Florida, Inc., and its boards.~~

24 ~~(5) Enterprise Florida, Inc., shall deposit into~~  
25 ~~African-American-qualified public depositories and~~  
26 ~~Hispanic-American-qualified public depositories a portion of~~  
27 ~~any moneys received by Enterprise Florida, Inc., and its~~  
28 ~~boards from the state.~~

29 ~~(7)(6) Any employee leased by Enterprise Florida,~~  
30 ~~Inc., from the state, or any employee who derives his or her~~  
31 ~~salary from funds appropriated by the Legislature, may not~~

1 receive a pay raise or bonus in excess of a pay raise or bonus  
2 that is received by similarly situated state employees.  
3 However, this subsection does not prohibit the payment of a  
4 pay raise or bonus from funds received from sources other than  
5 the Florida Legislature.

6 Section 11. Subsection (1) of section 288.906, Florida  
7 Statutes, is amended to read:

8 288.906 Annual report of Enterprise Florida, Inc.;  
9 audits; confidentiality.--

10 (1) Prior to December 1 of each year, Enterprise  
11 Florida, Inc., shall submit to the Governor, the President of  
12 the Senate, the Speaker of the House of Representatives, the  
13 Senate Minority Leader, and the House Minority Leader a  
14 complete and detailed report including, but not limited to:

15 (a) A description of the operations and  
16 accomplishments of Enterprise Florida, Inc., and its boards,  
17 and an identification of any major trends, initiatives, or  
18 developments affecting the performance of any program or  
19 activity.

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

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

25 ~~(d) A description of the operations and~~  
26 ~~accomplishments of Enterprise Florida, Inc., and its boards,~~  
27 ~~with respect to furthering the development and viability of~~  
28 ~~small and minority businesses, including any accomplishments~~  
29 ~~relating to capital access and technology and business~~  
30 ~~development programs.~~

31

1           ~~(d)(e)~~ A description of the operations and  
2 accomplishments of Enterprise Florida, Inc., and its boards  
3 with respect to aggressively marketing Florida's rural  
4 communities and distressed urban communities as locations for  
5 potential new investment, aggressively assisting in the  
6 retention and expansion of existing businesses in these  
7 communities, and aggressively assisting these communities in  
8 the identification and development of new economic-development  
9 opportunities ~~furthering the development and viability of~~  
10 ~~rural cities and counties, and midsize cities and counties in~~  
11 ~~this state.~~

12           ~~(e)(f)~~ A description and evaluation of the operations  
13 and accomplishments of Enterprise Florida, Inc., and its  
14 boards with respect to interaction with local and private  
15 economic development organizations, including an  
16 identification of any specific programs or activities which  
17 promoted the activities of such organizations and an  
18 identification of any specific programs or activities which  
19 promoted a comprehensive and coordinated approach to economic  
20 development in this state.

21           ~~(f)(g)~~ An assessment of employee training and job  
22 creation that directly benefits participants in the WAGES  
23 Program.

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

28  
29 The detailed report required by this subsection shall also  
30 include the information identified in paragraphs ~~(a)-(g)~~  
31

1 ~~(a)-(h)~~, if applicable, for any board established within the  
2 corporate structure of Enterprise Florida, Inc.

3 Section 12. Section 288.9412, Florida Statutes, is  
4 amended to read:

5 288.9412 International Trade and Economic Development  
6 Board.--

7 (1) There is created within the not-for-profit  
8 ~~nonprofit~~ corporate structure of Enterprise Florida, Inc., a  
9 not-for-profit ~~nonprofit~~ public-private board known as the  
10 Florida International Trade and Economic Development Board the  
11 purpose of which shall be to advise and assist local and  
12 regional economic development organizations in promoting and  
13 developing international trade and reverse investment;  
14 marketing the state for potential new investment; and  
15 creating, expanding, and retaining Florida businesses.

16 (2) The International Trade and Economic Development  
17 Board shall be governed by a board of directors. The board of  
18 directors shall consist of the following members:

19 (a) The Lieutenant Governor or the Lieutenant  
20 Governor's designee.

21 (b) The president of the Florida Chamber of Commerce  
22 or the president's designee.

23 (c) The Secretary of State or the secretary's  
24 designee.

25 (d) The chairperson of the Florida State Rural  
26 Development Council or the chairperson's designee.

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

30 (f) A member of the House of Representatives, who  
31 shall be appointed by the Speaker of the House of

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

4 (g) The chairperson of the Black Business Investment  
5 Board or the chairperson's designee.

6 (h)~~(g)~~ Members to be appointed by the Governor,  
7 subject to confirmation by the Senate, consisting of the  
8 following:

9 1. The chairperson of the World Trade Association of  
10 Florida or the chairperson's designee.

11 2. Two representatives from the state's deepwater  
12 ports, chosen from a list of three names submitted to the  
13 Governor by the Florida Ports Council. One representative  
14 shall be from the Gulf of Mexico coast ports, and one  
15 representative shall be from the Atlantic coast ports.

16 3. The chairperson of the Florida Airport Managers  
17 Association or the chairperson's designee.

18 4. The chairperson of the Florida Custom Brokers and  
19 Forwarders Association or the chairperson's designee.

20 5. A person having extensive experience in foreign  
21 language instruction or international education.

22 6. The chairperson of the International Law Section of  
23 The Florida Bar or the chairperson's designee.

24 7. The chairperson of the Florida International  
25 Banking Association or the chairperson's designee.

26 8. A representative of a company in this state that is  
27 actively engaged in the manufacture of products in this state  
28 for sale in foreign markets.

29 9. A member of the Florida Citrus Commission  
30 experienced in the exportation of citrus products who owns,  
31 operates, or is employed by a major company in this state that



1 is actively engaged in the exportation of citrus products from  
2 this state to international markets.

3 10. A representative of a major multinational company  
4 with offices in this state.

5 11. The chairperson of the Latin Chamber of Commerce  
6 of the United States or the chairperson's designee.

7 12. A representative of the state's commercial banking  
8 industry, or a representative otherwise having expertise on  
9 capital-development issues.

10 13. A representative of emerging technology-based  
11 businesses, or a representative otherwise having expertise on  
12 technology-development issues.

13 14. Four representatives of local economic development  
14 organizations reflecting the geographic diversity of the  
15 state.

16 ~~(h) Nine to 11 members from the public and private~~  
17 ~~sector, consisting of one member representing a municipal~~  
18 ~~economic development organization, one member representing a~~  
19 ~~county economic development organization, one member~~  
20 ~~representing a regional economic development organization, one~~  
21 ~~member representing an international economic development~~  
22 ~~organization, and one member who, at the time of appointment,~~  
23 ~~is a board member of a community development corporation that~~  
24 ~~meets the requirements of s. 290.035, with the remaining~~  
25 ~~members representing, and being actively involved in, Florida~~  
26 ~~business, who shall be appointed by the Governor, subject to~~  
27 ~~Senate confirmation.~~

28 (3) Members appointed by the Governor shall be  
29 appointed for terms of 4 years, ~~except that, in making the~~  
30 ~~initial appointments, the Governor shall appoint three to five~~  
31

1 ~~members for terms of 4 years, three members for terms of 3~~  
2 ~~years, and three members for terms of 2 years.~~

3         ~~(4) The chair and vice chair of Enterprise Florida,~~  
4 ~~Inc., shall jointly select a list of nominees for appointment~~  
5 ~~to the board from a slate of candidates submitted by~~  
6 ~~Enterprise Florida, Inc. The chair and vice chair of~~  
7 ~~Enterprise Florida, Inc., may request that additional~~  
8 ~~candidates be submitted by Enterprise Florida, Inc., if the~~  
9 ~~chair and vice chair cannot agree on a list of nominees~~  
10 ~~submitted. Appointments to the board of directors shall be~~  
11 ~~made by the Governor from the list of nominees jointly~~  
12 ~~selected by the chair and vice chair of Enterprise Florida,~~  
13 ~~Inc. Appointees shall represent all geographic regions of the~~  
14 ~~state, including both urban and rural regions. The importance~~  
15 ~~of minority and gender representation shall be considered when~~  
16 ~~making nominations for each position on the board of~~  
17 ~~directors.~~

18         ~~(5) The Governor shall appoint the initial 9 to 11~~  
19 ~~members from the public and private sector to the board within~~  
20 ~~30 days after receipt of the nominations from the chair and~~  
21 ~~vice chair of Enterprise Florida, Inc.~~

22         (5)~~(6)~~ A vacancy on the board shall be filled for the  
23 remainder of the unexpired term in the same manner as the  
24 original appointment.

25         (6)~~(7)~~ A member may be removed by the Governor for  
26 cause. Absence from three consecutive meetings results in  
27 automatic removal.

28         Section 13. Section 288.9414, Florida Statutes, is  
29 amended to read:

30         288.9414 Powers and authority of board of directors of  
31 International Trade and Economic Development Board.--

1           (1) The board shall have all the powers and authority  
2 not explicitly prohibited by statute necessary or convenient  
3 to carry out and effectuate its functions, duties, and  
4 responsibilities, including, but not limited to:

5           (a) Advising and assisting in formulating and  
6 coordinating the state's economic development policy, both  
7 domestically and internationally, consistent with the policies  
8 of the board of directors of Enterprise Florida, Inc.

9           (b) Using a corporate seal.

10           (c) Advising and assisting local and regional  
11 economic-development organizations in promoting and developing  
12 international trade and reverse investment, in marketing the  
13 state for potential new investment, and in creating,  
14 expanding, and retaining Florida businesses in developing the  
15 state's economic development strategic planning process.

16           (d) Evaluating the performance and effectiveness of  
17 the state's economic development programs.

18           (e) Reporting to the board of directors of Enterprise  
19 Florida, Inc., regarding its functions, duties,  
20 recommendations, and responsibilities.

21           (f) Soliciting, borrowing, accepting, receiving, and  
22 investing funds from any public or private source.

23           (g) Contracting with public and private entities as  
24 necessary to further the directives of this act, except that  
25 any contract made with an organization represented on the  
26 nominating council or on the board of directors must be  
27 approved by a two-thirds vote of the entire board of  
28 directors, and the board member representing such organization  
29 shall abstain from voting. No more than 65 percent of the  
30 dollar value of all contracts or other agreements entered into  
31 in any fiscal year, exclusive of grant programs, shall be made

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

13 (h) Carrying forward any unexpended state  
14 appropriations into succeeding fiscal years.

15 (i) Providing an annual report to the board of  
16 directors of Enterprise Florida, Inc., by November 1 of each  
17 year which includes a setting forth:

18 ~~1. Its operations and accomplishments during the~~  
19 ~~fiscal year.~~

20 ~~2. Its business and operations plan.~~

21 ~~3. Its assets and liabilities at the end of its most~~  
22 ~~recent fiscal year.~~

23 ~~4. A copy of an annual financial and compliance audit~~  
24 ~~of its accounts and records conducted by an independent~~  
25 ~~certified public accountant performed in accordance with rules~~  
26 ~~adopted by the Auditor General.~~

27 (2) The board shall design specific programs or  
28 entities to address the actions listed in subsection (1).

29 (3) The board shall annually convene in the fall a  
30 meeting of economic development and international trade  
31 development stakeholders to review the state of economic

1 development and international trade development in Florida and  
2 to generate specific recommendations and priorities for  
3 consideration by the Legislature. This meeting shall serve as  
4 a precursor to the meeting of leaders in business, government,  
5 and economic development under s. 14.2015. In identifying and  
6 inviting participants in the stakeholders meeting, the board  
7 shall seek to include individuals having expertise on the  
8 various components integral to successful economic development  
9 and international trade development for the state.~~Develop~~  
10 ~~intensive export assistance programs for small and~~  
11 ~~medium-sized export firms. The partnership, through~~  
12 ~~Enterprise Florida, Inc., may enter into contractual relations~~  
13 ~~with export-ready firms and may impose fees or other charges~~  
14 ~~for services provided.~~

15 Section 14. Section 288.9511, Florida Statutes, is  
16 amended to read:

17 288.9511 Definitions.--As used in ss.  
18 288.9511-288.9517, the term:

19 (1) "Educational institutions" means Florida technical  
20 institutes and vocational schools, and public and private  
21 community colleges, colleges, and universities in the state.

22 (2) "Enterprise" means a firm with its principal place  
23 of business in this state which is engaged, or proposes to be  
24 engaged, in this state in agricultural industries,  
25 natural-resource-based or other manufacturing, research and  
26 development, or the provision of knowledge-based services.

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

28 (3)(4) "Person" means any individual, partnership,  
29 corporation, or joint venture that carries on business, or  
30 proposes to carry on business, within the state.

31

1           (4)~~(5)~~ "Product" means any product, device, technique,  
2 or process that is, or may be, developed or marketed  
3 commercially; the term does not refer, however, to basic  
4 research, but rather to products, devices, techniques, or  
5 processes that have advanced beyond the theoretical stage and  
6 are in a prototype or industry practice stage.

7           (5)~~(6)~~ "Qualified security" means a public or private  
8 financial arrangement that involves any note, security,  
9 debenture, evidence of indebtedness, certificate of interest  
10 of participation in any profit-sharing agreement,  
11 preorganization certificate or subscription, transferable  
12 security, investment contract, certificate of deposit for a  
13 security, certificate of interest or participation in a patent  
14 or application thereof, or in royalty or other payments under  
15 such a patent or application, or, in general, any interest or  
16 instrument commonly known as a security or any certificate  
17 for, receipt for, guarantee of, or option warrant or right to  
18 subscribe to or purchase any of the foregoing to the extent  
19 allowed by law.

20           (6)~~(7)~~ "Technology application" means the introduction  
21 and adaptation of off-the-shelf technologies and  
22 state-of-the-art management practices to the specific  
23 circumstances of an individual firm.

24           (7)~~(8)~~ "Technology commercialization" means the  
25 process of bringing an investment-grade technology out of an  
26 enterprise, university, or federal laboratory for first-run  
27 application in the marketplace.

28           (8)~~(9)~~ "Technology development" means strategically  
29 focused research aimed at developing investment-grade  
30 technologies essential to market competitiveness.

31

1 Section 15. Section 288.9515, Florida Statutes, is  
2 amended to read:

3 288.9515 Authorized ~~programs~~ of technology development  
4 programs ~~board~~.--

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

17 (a) Providing communication and coordination services  
18 among technology applications service providers throughout the  
19 state.

20 (b) Providing coordinated marketing services to  
21 small-sized and medium-sized manufacturers in the state on  
22 behalf of, and in partnership with, technology applications  
23 service providers.

24 (c) Securing additional sources of funds on behalf of,  
25 and in partnership with, technology applications service  
26 providers.

27 (d) Developing plans and policies to assist  
28 small-sized and medium-sized manufacturing companies or other  
29 knowledge-based firms in Florida.

30 (e) Entering into contracts with technology  
31 applications service providers for expanded availability of

1 high-quality assistance to small-sized and medium-sized  
2 manufacturing companies or knowledge-based service firms,  
3 including, but not limited to, technological, human resources  
4 development, market planning, finance, and interfirm  
5 collaboration. Enterprise Florida, Inc., ~~The board~~ shall  
6 ensure that all contracts in excess of \$20,000 for the  
7 delivery of such assistance to Florida firms shall be based on  
8 competitive requests for proposals and. ~~The board~~ shall  
9 establish clear standards for the delivery of services under  
10 such contracts. Such standards include, but are not limited  
11 to:

12 1. The ability and capacity to deliver services in  
13 sufficient quality and quantity.

14 2. The ability and capacity to deliver services in a  
15 timely manner.

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

18 (f) Assisting other educational institutions,  
19 enterprises, or the entities providing business assistance to  
20 small-sized and medium-sized manufacturing enterprises.

21 (g) Establishing a system to evaluate the  
22 effectiveness and efficiency of technology applications  
23 ~~Florida Innovation Alliance~~ services provided to small-sized  
24 and medium-sized enterprises.

25 (h) Establishing special education and informational  
26 programs for Florida enterprises and for educational  
27 institutions and enterprises providing business assistance to  
28 Florida enterprises.

29 (i) Evaluating and documenting the needs of firms in  
30 this state for technology application services, and developing  
31



1 means to ensure that these needs are met, consistent with the  
2 powers provided for in this subsection.

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

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

11 (l) Receiving funds from any source to carry out the  
12 purposes of providing technology applications services ~~the~~  
13 ~~Florida Innovation Alliance~~, including, but not limited to,  
14 gifts or grants from any department, agency, or  
15 instrumentality of the United States or of the state, or any  
16 enterprise or person, for any purpose consistent with the  
17 provisions of this subsection ~~the Florida Innovation Alliance~~.

18 ~~(m) Acquiring or selling, conveying, leasing,~~  
19 ~~exchanging, transferring, or otherwise disposing of the~~  
20 ~~alliance's property or interest therein.~~

21 (2) When choosing contractors under this section,  
22 preference shall be given to existing institutions,  
23 organizations, and enterprises so long as these existing  
24 institutions, organizations, and enterprises demonstrate the  
25 ability to perform at standards established by Enterprise  
26 Florida, Inc., ~~the board~~ under paragraph (1)(e). Neither the  
27 provisions of ss. 288.9511-288.9517 nor the actions taken by  
28 Enterprise Florida, Inc., under this section ~~of the alliance~~  
29 shall impair or hinder the operations, performance, or  
30 resources of any existing institution, organization, or  
31 enterprise.

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

18           (a) Technology development projects expected to lead  
19 to a specific investment-grade technology that is of  
20 importance to industry in this state.

21           (b) Technology development centers and facilities  
22 expected to generate a stream of products and processes with  
23 commercial application of importance to industry in this  
24 state.

25           (c) Technology development projects that have, or are  
26 currently using, other federal or state funds such as federal  
27 Small Business Innovation Research awards.

28           (4) Enterprise Florida, Inc.,~~The board~~ shall invest  
29 moneys contained in the Florida Technology Research Investment  
30 Fund in technology application research or for technology  
31 development projects that have the potential for commercial

1 market application. The partnership shall coordinate any  
2 investment in any space-related technology projects with the  
3 Spaceport Florida Authority and the Technological Research and  
4 Development Authority.

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

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

21 (c) Not more than \$175,000 or 5 percent of the  
22 revenues generated by investment of moneys contained in the  
23 Florida Technology Research Investment Fund, whichever is  
24 greater, may be used to pay ~~the partnership's~~ operating  
25 expenses associated with operation of the Florida Technology  
26 Research Investment Fund.

27 (d) In the event of liquidation or dissolution of  
28 Enterprise Florida, Inc., or the Florida Technology Research  
29 Investment Fund, any rights or interests in a qualified  
30 security or portion of a qualified security purchased with  
31 moneys invested by the State of Florida shall vest in the

1 state, under the control of the State Board of Administration.  
2 The state is entitled to, in proportion to the amount of  
3 investment in the fund by the state, any balance of funds  
4 remaining in the Florida Technology Research Investment Fund  
5 after payment of all debts and obligations upon liquidation or  
6 dissolution of Enterprise Florida, Inc., or the fund.

7 (e) The investment of funds contained in the Florida  
8 Technology Research Investment Fund does not constitute a  
9 debt, liability, or obligation of the State of Florida or of  
10 any political subdivision thereof, or a pledge of the faith  
11 and credit of the state or of any such political subdivision.

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

20 Section 16. Section 288.95155, Florida Statutes, 1998  
21 Supplement, is amended to read:

22 288.95155 Florida Small Business Technology Growth  
23 Program.--

24 (1) The Florida Small Business Technology Growth  
25 Program is hereby established to provide financial assistance  
26 to businesses in this state having high job growth and  
27 emerging technology potential and fewer than 100 employees.  
28 The program shall be administered and managed by ~~the~~  
29 ~~technology development board of~~ Enterprise Florida, Inc.

30 (2) Enterprise Florida, Inc., ~~The board~~ shall  
31 establish a separate small business technology growth account

1 in the Florida Technology Research Investment Fund for  
2 purposes of this section. Moneys in the account shall consist  
3 of appropriations by the Legislature, proceeds of any  
4 collateral used to secure such assistance, transfers, fees  
5 assessed for providing or processing such financial  
6 assistance, grants, interest earnings, earnings on financial  
7 assistance, and any moneys transferred to the account by the  
8 Department of Community Affairs from the Economic Opportunity  
9 Trust Fund for use in qualifying energy projects.

10 (3) Pursuant to s. 216.351, the amount of any moneys  
11 appropriated to the account which are unused at the end of the  
12 fiscal year shall not be subject to reversion under s.  
13 216.301. All moneys in the account are continuously  
14 appropriated to the account and may be used for loan  
15 guarantees, letter of credit guarantees, cash reserves for  
16 loan and letter of credit guarantees, payments of claims  
17 pursuant to contracts for guarantees, subordinated loans,  
18 loans with warrants, royalty investments, equity investments,  
19 and operations of the program. Any claim against the program  
20 shall be paid solely from the account. Neither the credit nor  
21 the taxing power of the state shall be pledged to secure the  
22 account or moneys in the account, other than from moneys  
23 appropriated or assigned to the account, and the state shall  
24 not be liable or obligated in any way for any claims against  
25 the account ~~or against the technology development board, or~~  
26 ~~against~~ Enterprise Florida, Inc.

27 (4) Awards of assistance from the program shall be  
28 finalized ~~at meetings of the technology development board and~~  
29 ~~shall be~~ subject to the policies and procedures of Enterprise  
30 Florida, Inc. Enterprise Florida, Inc., ~~The board~~ shall  
31 leverage at least one dollar of matching investment for each

1 dollar awarded from the program. Enterprise Florida, Inc.,~~The~~  
2 ~~board~~ shall give the highest priority to moderate-risk and  
3 high-risk ventures that offer the greatest opportunity for  
4 compelling economic development impact. Enterprise Florida,  
5 Inc.,~~The board~~ shall establish for each award a risk-reward  
6 timetable that profiles the risks of the assistance, estimates  
7 the potential economic development impact, and establishes a  
8 timetable for reviewing the success or failure of the  
9 assistance. By December 31 of each year, Enterprise Florida,  
10 Inc.,~~the board~~ shall evaluate, on a portfolio basis, the  
11 results of all awards of assistance made from the program  
12 during the year.

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

25 Section 17. Section 288.9520, Florida Statutes, is  
26 amended to read:

27 288.9520 Public records exemption.--Materials that  
28 relate to methods of manufacture or production, potential  
29 trade secrets, potentially patentable material, actual trade  
30 secrets, business transactions, financial and proprietary  
31 information, and agreements or proposals to receive funding

1 that are received, generated, ascertained, or discovered by  
2 Enterprise Florida, Inc., ~~the technology development board~~,  
3 including its affiliates or subsidiaries and partnership  
4 participants, such as private enterprises, educational  
5 institutions, and other organizations, are confidential and  
6 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.  
7 I of the State Constitution, except that a recipient of  
8 Enterprise Florida, Inc., ~~board~~ research funds shall make  
9 available, upon request, the title and description of the  
10 research project, the name of the researcher, and the amount  
11 and source of funding provided for the project.

12 Section 18. Subsection (10) of section 288.9603,  
13 Florida Statutes, is amended to read:

14 288.9603 Definitions.--

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

17 Section 19. Subsections (2) and (3) of section  
18 288.9604, Florida Statutes, are amended to read:

19 288.9604 Creation of the authority.--

20 (2) A city or county of Florida shall be selected by a  
21 search committee of Enterprise Florida, Inc ~~the capital~~  
22 ~~development board~~. This city or county shall be authorized to  
23 activate the corporation. The search committee shall be  
24 composed of two commercial banking representatives, the Senate  
25 member of the partnership, the House of Representatives member  
26 of the partnership, and a member who is an industry or  
27 economic development professional.

28 (3) Upon activation of the corporation, the Governor,  
29 subject to confirmation by the Senate, shall appoint the board  
30 of directors of the corporation, who shall be five in number.  
31 The terms of office for the directors shall be for 4 years,

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

14 Section 20. Section 288.9614, Florida Statutes, is  
15 amended to read:

16 288.9614 Authorized programs.--Enterprise Florida,  
17 Inc., ~~The capital development board~~ may take any action that  
18 it deems necessary to achieve the purposes of this act in  
19 partnership with private enterprises, public agencies, and  
20 other organizations, including, but not limited to, efforts to  
21 address the long-term debt needs of small-sized and  
22 medium-sized firms, to address the needs of microenterprises,  
23 to expand availability of venture capital, and to increase  
24 international trade and export finance opportunities for firms  
25 critical to achieving the purposes of this act.

26 Section 21. Subsection (1) of section 288.9618,  
27 Florida Statutes, is amended to read:

28 288.9618 Microenterprises.--

29 (1) Subject to specific appropriations in the General  
30 Appropriations Act, the Office of Tourism, Trade, and Economic  
31 Development may contract with ~~the Enterprise Florida Capital~~



1 ~~Development Board~~ or some ~~other~~ appropriate not-for-profit or  
2 governmental organization for any action that the office deems  
3 necessary to foster the development of microenterprises in the  
4 state. As used within this section, microenterprises are  
5 extremely small business enterprises which enable low and  
6 moderate income individuals to achieve self-sufficiency  
7 through self-employment. Microenterprise programs are those  
8 which provide at least one of the following: small amounts of  
9 capital, business training, and technical assistance. Where  
10 feasible, the office or organizations under contract with the  
11 office shall work in cooperation with other organizations  
12 active in the study and support of microenterprises. Such  
13 actions may include, but are not limited to:

14 (a) Maintaining a network of communication and  
15 coordination among existing microenterprise lending and  
16 assistance programs throughout the state.

17 (b) Providing information and technical help to  
18 community-based or regional organizations attempting to  
19 establish new microenterprise programs.

20 (c) Encouraging private sector investment in  
21 microenterprises and microenterprise lending programs.

22 (d) Fostering mentoring and networking relationships  
23 among microenterprises and other businesses and public bodies  
24 in order to give microenterprises access to management advice  
25 and business leads.

26 (e) Incorporating microenterprise components into the  
27 capital development programs and other business development  
28 programs operated by Enterprise Florida, Inc., and its  
29 affiliates.

30  
31

1 (f) Providing organizational, financial, and marketing  
2 support for conferences, workshops, or similar events that  
3 focus on microenterprise development.

4 (g) Establishing a program and guidelines for the  
5 award of matching grants on a competitive basis to support the  
6 operational expenses of not-for-profit organizations and  
7 government agencies that are engaged in microenterprise  
8 lending and other microenterprise assistance activities.

9 (h) Coordinating with other organizations to ensure  
10 that participants in the WAGES Program are given opportunities  
11 to create microenterprises.

12 Section 22. Sections 288.902, 288.9512, 288.9513,  
13 288.9514, 288.9516, 288.9611, 288.9612, 288.9613, and  
14 288.9615, Florida Statutes, are repealed.

15 Section 23. (1) Notwithstanding any other provision  
16 of law, any contract or interagency agreement existing on or  
17 before the effective date of this act between the Technology  
18 Development Board or the Capital Development Board of  
19 Enterprise Florida, Inc., or entities or agents of those  
20 boards, and other agencies, entities, or persons shall  
21 continue as binding contracts or agreements with Enterprise  
22 Florida, Inc., which is the successor entity responsible for  
23 the program, activity, or functions relative to the contract  
24 or agreement.

25 (2) Any tangible personal property of the Technology  
26 Development Board or the Capital Development Board of  
27 Enterprise Florida, Inc., is transferred to Enterprise  
28 Florida, Inc.

29 (3) Enterprise Florida, Inc., shall assume  
30 responsibility for any programs or activities of the  
31 Technology Development Board and the Capital Development Board

1 in existence as of the effective date of this act and shall  
2 determine the appropriate placement of such programs or  
3 activities within the organization. Enterprise Florida, Inc.,  
4 shall ensure that placement of such programs or activities  
5 within the organization does not jeopardize the continuation  
6 or renewal of any nonstate funding supporting such programs.  
7 Enterprise Florida, Inc., shall assume responsibility for the  
8 purposes and missions of the Technology Development Board and  
9 the Capital Development Board, including, but not limited to,  
10 fostering the growth of high-technology and other value-added  
11 industries and jobs in the state, providing leadership for the  
12 creation of innovation-driven firms in the state, and building  
13 access to financial markets for firms critical to fulfillment  
14 of the economic development goals of the state. Enterprise  
15 Florida, Inc., shall integrate these technology development  
16 and capital development purposes and missions into the  
17 organization's principal purpose and mission of business  
18 recruitment, business retention and expansion, and workforce  
19 development.

20           Section 24. The Division of Statutory Revision is  
21 directed to redesignate part VIII of chapter 288, Florida  
22 Statutes, as "Technology Development" and to redesignate part  
23 IX of that chapter as "Capital Development."

24           Section 25. Subsections (6) and (11) of section  
25 288.99, Florida Statutes, 1998 Supplement, are amended to  
26 read:

27           288.99 Certified Capital Company Act.--

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

29           (a) Any certified investor who makes an investment of  
30 certified capital shall earn a vested credit against premium  
31 tax liability equal to 100 percent of the certified capital

1 invested by the certified investor. Certified investors shall  
2 be entitled to use no more than 10 percentage points of the  
3 vested premium tax credit, including any carryforward credits  
4 under this act, per year beginning with premium tax filings  
5 for calendar year 2000. Any premium tax credits not used by  
6 certified investors in any single year may be carried forward  
7 and applied against the premium tax liabilities of such  
8 investors for subsequent calendar years. The carryforward  
9 credit may be applied against subsequent premium tax filings  
10 through calendar year 2017.

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

14 (c) A certified investor claiming a credit against  
15 premium tax liability earned through an investment in a  
16 certified capital company shall not be required to pay any  
17 additional retaliatory tax levied pursuant to s. 624.5091 as a  
18 result of claiming such credit. Because credits under this  
19 section are available to a certified investor, s. 624.5091  
20 does not limit such credit in any manner.

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

24 (11) TRANSFERABILITY.--The claim of a transferee of a  
25 certified investor's unused premium tax credit shall be  
26 permitted in the same manner and subject to the same  
27 provisions and limitations of this act as the original  
28 certified investor. The term "transferee" means any person  
29 who:

30 (a) Through the voluntary sale, assignment, or other  
31 transfer of the business or control of the business of the

1 certified investor, including the sale or other transfer of  
2 stock or assets by merger, consolidation, or dissolution,  
3 succeeds to all or substantially all of the business and  
4 property of the certified investor;

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

7 (c) Directly or indirectly owns, whether through  
8 rights, options, convertible interests, or otherwise,  
9 controls, or holds power to vote 10 percent or more of the  
10 outstanding voting securities or other ownership interest of  
11 the certified investor; ~~or-~~

12 (d) Is a subsidiary of the certified investor or 10  
13 percent or more of whose outstanding voting securities or  
14 other ownership interest are directly or indirectly owned,  
15 whether through rights, options, convertible interests, or  
16 otherwise, by the certified investor.

17 Section 26. Subsection (2) of section 220.191, Florida  
18 Statutes, 1998 Supplement, is amended to read:

19 220.191 Capital investment tax credit.--

20 (2) An annual credit against the tax imposed by this  
21 chapter shall be granted to any qualifying business in an  
22 amount equal to 5 percent of the eligible capital costs  
23 generated by a qualifying project, for a period not to exceed  
24 20 years beginning with the commencement of operations of the  
25 project. The tax credit shall be granted against only the  
26 corporate income tax liability or the premium tax liability  
27 generated by or arising out of the qualifying project, and the  
28 sum of all tax credits provided pursuant to this section shall  
29 not exceed 100 percent of the eligible capital costs of the  
30 project. In no event may any credit granted under this section  
31 be carried forward or backward by any qualifying business with

1 respect to a subsequent or prior year. The annual tax credit  
2 granted under this section shall not exceed the following  
3 percentages of the annual corporate income tax liability or  
4 the premium tax liability generated by or arising out of a  
5 qualifying project:

6 (a) One hundred percent for a qualifying project which  
7 results in a cumulative capital investment of at least \$100  
8 million.

9 (b) Seventy-five percent for a qualifying project  
10 which results in a cumulative capital investment of at least  
11 \$50 million but less than \$100 million.

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

15

16 A qualifying project which results in a cumulative capital  
17 investment of less than \$25 million is not eligible for the  
18 capital investment tax credit. An insurance company claiming a  
19 credit against premium tax liability under this program shall  
20 not be required to pay any additional retaliatory tax levied  
21 pursuant to s. 624.5091 as a result of claiming such credit.  
22 Because credits under this section are available to an  
23 insurance company, s. 624.5091 does not limit such credit in  
24 any manner.

25 Section 27. Subsection (7) of section 163.3178,  
26 Florida Statutes, is amended to read:

27 163.3178 Coastal management.--

28 (7) Each port listed in s. 311.09(1) and each local  
29 government in the coastal area which has spoil disposal  
30 responsibilities shall provide for or identify disposal sites  
31 for dredged materials in the future land use and port elements

1 of the local comprehensive plan as needed to assure proper  
2 long-term management of material dredged from navigation  
3 channels, sufficient long-range disposal capacity,  
4 environmental sensitivity and compatibility, and reasonable  
5 cost and transportation. The disposal site selection criteria  
6 shall be developed in consultation with navigation and inlet  
7 districts and other appropriate state and federal agencies and  
8 the public. For areas owned or controlled by ports listed in  
9 s. 311.09(1) and proposed port expansion areas, compliance  
10 with the provisions of this subsection shall be achieved  
11 through comprehensive master plans prepared by each port and  
12 integrated with the appropriate local plan pursuant to  
13 paragraph (2)(k).

14 Section 28. Paragraph (h) is added to subsection (1)  
15 of section 163.3187, Florida Statutes, 1998 Supplement, and  
16 paragraph (a) of subsection (6) of that section is amended, to  
17 read:

18 163.3187 Amendment of adopted comprehensive plan.--

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

22 (h) Any comprehensive plan amendments for port  
23 transportation facilities and projects that are eligible for  
24 funding by the Florida Seaport Transportation and Economic  
25 Development Council pursuant to s. 311.07.

26 (6)(a) No local government may amend its comprehensive  
27 plan after the date established by the state land planning  
28 agency for adoption of its evaluation and appraisal report  
29 unless it has submitted its report or addendum to the state  
30 land planning agency as prescribed by s. 163.3191, except for  
31

1 plan amendments described in paragraph (1)(b) or paragraph  
2 (1)(h).

3 Section 29. Subsection (4) is added to section 253.77,  
4 Florida Statutes, to read:

5 253.77 State lands; state agency authorization for use  
6 prohibited without consent of agency in which title vested;  
7 concurrent processing requirements.--

8 (4) Notwithstanding any other provisions of this  
9 chapter, chapter 373, or chapter 403, for activities  
10 authorized by a permit or exemption pursuant to chapter 373 or  
11 chapter 403, ports listed in s. 403.021(9)(b) and inland  
12 navigation districts created pursuant to s. 374.975(3) shall  
13 not be required to pay any fees for activities involving the  
14 use of sovereign lands, including leases, easements, or  
15 consents of use.

16 Section 30. Section 288.8155, Florida Statutes, is  
17 amended to read:

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

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

29 (1) The center shall be governed by a board of  
30 directors composed of the following members: one  
31 representative appointed by Enterprise Florida, Inc., one



1 representative appointed by the Florida Seaport Transportation  
2 and Economic Development Council, and one representative  
3 appointed by the Office of Tourism, Trade, and Economic  
4 Development.

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

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

14 (b) Develop an Internet based electronic commerce  
15 system designed to facilitate international trade in the  
16 Americas.

17 (c) Provide research on trade opportunities in  
18 specific countries.

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

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

28 (f) Secure funding for the programs and activities of  
29 the center from federal, state, local, or private sources, and  
30 enter into contracts that provide terms and conditions to  
31 secure such funding.

1           (g) Charge fees for services, programs, and activities  
2 developed pursuant to this section and for published  
3 materials.

4           (h) Solicit, receive, hold, invest, and administer any  
5 grant, payment, or gift of funds or property and make  
6 expenditures consistent with the powers granted to it.

7           (i) Acquire, enjoy, use, and dispose of patents,  
8 copyrights, and trademarks and any licenses, royalties, and  
9 other rights or interests thereunder or therein.

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

15           Section 31. Section 311.07, Florida Statutes, is  
16 amended to read:

17           311.07 Florida seaport transportation and economic  
18 development funding.--

19           (1) There is created the Florida Seaport  
20 Transportation and Economic Development Program within the  
21 Department of Transportation to finance port transportation or  
22 port facilities and projects that will improve the movement  
23 and intermodal transportation of cargo or passengers in  
24 commerce and trade and that will support the interests,  
25 purposes, and requirements of ports located in this state.

26           (2) A minimum of \$8 million per year shall be made  
27 available from the State Transportation Trust Fund to fund the  
28 Florida Seaport Transportation and Economic Development  
29 Program.

30           (3)(a) Program funds shall be used to fund approved  
31 projects on a 50-50 matching basis with any of the deepwater

1 ports, as listed in s. 403.021(9)(b), which is governed by a  
2 public body or any other deepwater port which is governed by a  
3 public body and which complies with the water quality  
4 provisions of s. 403.061, the comprehensive master plan  
5 requirements of s. 163.3178(2)(k), the local financial  
6 management and reporting provisions of part III of chapter  
7 218, and the auditing provisions of s. 11.45(3)(a)4. Program  
8 funds also may be used by the Seaport Transportation and  
9 Economic Development Council to develop with the Florida Trade  
10 Data Center such trade data, trade market, and shipping  
11 information products which will assist Florida's seaports and  
12 international trade.

13 (b) Projects eligible for funding by grants under the  
14 program are limited to the following port transportation  
15 facilities and ~~or port transportation~~ projects:

16 1. Transportation facilities within the jurisdiction  
17 of the port.

18 2. The dredging or deepening of channels, turning  
19 basins, or harbors.

20 3. The construction or rehabilitation of wharves,  
21 docks, structures, jetties, piers, storage facilities, cruise  
22 terminals, automated people mover systems, or any facilities  
23 necessary or useful in connection with any of the foregoing  
24 which accommodates freight movement and storage capacity or  
25 cruise capacity.

26 4. The acquisition of container cranes or other  
27 mechanized equipment used in the movement of cargo or  
28 passengers in international commerce.

29 5. The acquisition of land to be used for port  
30 purposes as described in, or consistent with, port master  
31

1 plans which accommodates freight movement and storage capacity  
2 or cruise capacity.

3           6. The acquisition, improvement, enlargement, or  
4 extension of existing port facilities as described in, or  
5 consistent with, port master plans.

6           7. Environmental protection projects which are  
7 necessary because of requirements imposed by a state agency as  
8 a condition of a permit or other form of state approval; which  
9 are necessary for environmental mitigation required as a  
10 condition of a state, federal, or local environmental permit;  
11 which are necessary for the acquisition of spoil disposal  
12 sites and improvements to existing and future spoil sites; or  
13 which result from the funding of eligible projects listed  
14 herein.

15           8. Transportation facilities as defined in s.  
16 334.03(31) which are not otherwise part of the Department of  
17 Transportation's adopted work program.

18           9. Seaport intermodal access projects identified in  
19 the 5-year Florida Seaport Mission Plan as provided in s.  
20 311.09(3).

21           (c) To be eligible for consideration by the council  
22 pursuant to this section, a project must be consistent with  
23 the port comprehensive master plan which is incorporated as  
24 part of the approved local government comprehensive plan as  
25 required by s. 163.3178(2)(k) or other provisions of the Local  
26 Government Comprehensive Planning and Land Development  
27 Regulation Act, part II of chapter 163.

28           ~~(4) A port eligible for matching funds under the~~  
29 ~~program may receive a distribution of not more than \$7 million~~  
30 ~~during any 1 calendar year and a distribution of not more than~~  
31 ~~\$30 million during any 5-calendar-year period.~~

1           ~~(4)~~~~(5)~~ Any port which receives funding under the  
2 program shall institute procedures to ensure that jobs created  
3 as a result of the state funding shall be subject to equal  
4 opportunity hiring practices in the manner provided in s.  
5 110.112.

6           ~~(5)~~~~(6)~~ The Department of Transportation shall subject  
7 any project that receives funds pursuant to this section and  
8 s. 320.20 to a final audit. The department may adopt rules  
9 and perform such other acts as are necessary or convenient to  
10 ensure that the final audits are conducted and that any  
11 deficiency or questioned costs noted by the audit are  
12 resolved.

13           Section 32. Subsections (4), (9), and (12) of section  
14 311.09, Florida Statutes, are amended to read:

15           311.09 Florida Seaport Transportation and Economic  
16 Development Council.--

17           (4) The council shall adopt rules for evaluating  
18 projects which may be funded under s. 311.07. The rules shall  
19 provide criteria for evaluating the economic benefit of the  
20 project, measured by the potential for the proposed project to  
21 maintain or increase cargo flow, cruise passenger movement,  
22 international commerce, port revenues, and the number of jobs  
23 for the port's local community.

24           (9) The council shall review the findings of the  
25 Department of Community Affairs; the Office of Tourism, Trade,  
26 and Economic Development; and the Department of  
27 Transportation. Projects found to be inconsistent pursuant to  
28 subsections (6), (7), and (8) and projects which have been  
29 determined not to offer an economic benefit to the state  
30 pursuant to subsection (8) shall not be included in the list  
31 of projects to be funded. Projects found to be consistent

1 pursuant to subsections (6), (7), and (8) are in the public  
2 interest.

3 (12) Members of the council shall serve without  
4 compensation but are entitled to receive reimbursement for per  
5 diem and travel expenses as provided in s. 112.061. The  
6 council may elect to provide an administrative staff to  
7 provide services to the council on matters relating to the  
8 Florida Seaport Transportation and Economic Development  
9 Program and the council. The cost for such administrative  
10 services shall be paid by all ports that receive funding from  
11 the Florida Seaport Transportation and Economic Development  
12 Program, based upon a pro rata formula measured by each  
13 recipient's share of the funds as compared to the total funds  
14 disbursed to all recipients during the year. The share of  
15 costs for administrative services shall be paid in its total  
16 amount by the recipient port upon execution by the port and  
17 the Department of Transportation of a joint participation  
18 agreement for each council-approved project or as otherwise  
19 directed by the council, and such payment is in addition to  
20 the matching funds required to be paid by the recipient port.

21 Section 33. Section 311.11, Florida Statutes, is  
22 amended to read:

23 (Substantial rewording of section. See  
24 s. 311.11, F.S., for present text.)

25 311.11 Seaport Training and Employment Program.--The  
26 Florida Seaport Transportation and Economic Development  
27 Council shall develop and implement a Seaport Training and  
28 Employment Program. The purpose of the program shall be to  
29 stimulate and support seaport training and employment programs  
30 that foster employment opportunities in port, maritime, and  
31 transportation industries, and for such other training,

1 educational, and information services as are required to  
2 stimulate jobs in the described industries. Funds  
3 appropriated by the Legislature for the grant program may be  
4 used for the purchase of equipment to be used for training  
5 purposes, hiring instructors, and any other purpose associated  
6 with the training program. Funds appropriated by the  
7 Legislature for such purposes may not exceed 50 percent of the  
8 total cost of any training program.

9 Section 34. Section 311.14, Florida Statutes, is  
10 created to read:

11 311.14 Seaport freight-mobility planning.--

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

22 (2) The Office of the State Public Transportation  
23 Administrator shall act to integrate freight-mobility and  
24 trade-corridor plans into the Florida Transportation Plan  
25 developed pursuant to s. 339.155 and into the plans and  
26 programs of metropolitan planning organizations as provided in  
27 s. 339.175. The office may also provide assistance in  
28 expediting the transportation permitting process relating to  
29 the construction of seaport freight-mobility projects located  
30 outside the physical borders of seaports. The Department of  
31 Transportation may contract, as provided in s. 334.044, with

1 any port listed in s. 311.09(1) or any such other statutorily  
2 authorized seaport entity to act as an agent in the  
3 construction of seaport freight-mobility projects.

4 (3) Except when in conflict with the provisions of s.  
5 380.24, relating to the Department of Environmental  
6 Protection, all necessary reviews and approvals, pursuant to  
7 the provisions of chapters 163 and 380, of intermodal  
8 transportation facilities, identified pursuant to s.  
9 320.20(4), of seaports listed in s. 311.09(1) shall be done  
10 exclusively by the Department of Community Affairs. Where such  
11 reviews and approvals are in conflict with actions taken by  
12 any other agency of government, the actions taken by the  
13 department shall govern.

14 Section 35. Paragraph (h) is added to subsection (24)  
15 of section 380.06, Florida Statutes, 1998 Supplement, to read:

16 380.06 Developments of regional impact.--

17 (24) STATUTORY EXEMPTIONS.--

18 (h) Expansion to port harbors, spoil disposal sites,  
19 navigation channels, turning basins, harbor berths, and other  
20 related inwater harbor facilities of ports listed in s.  
21 403.021(9)(b), port transportation facilities and projects  
22 listed in s. 311.07(3)(b), and intermodal transportation  
23 facilities identified pursuant to s. 311.09(3) are exempt from  
24 the provisions of this section when such expansions, projects,  
25 or facilities are consistent with comprehensive master plans  
26 that are in compliance with the provisions of s. 163.3178.

27 Section 36. Section 380.24, Florida Statutes, is  
28 amended to read:

29 380.24 Local government participation.--Units of local  
30 government abutting the Gulf of Mexico or the Atlantic Ocean,  
31 or which include or are contiguous to waters of the state



1 where marine species of vegetation listed by rule as ratified  
2 in s. 373.4211 constitute the dominant plant community, shall  
3 develop a coastal zone protection element pursuant to s.  
4 163.3177. Such units of local government shall be eligible to  
5 receive technical assistance from the state in preparing  
6 coastal zone protection elements and shall be the only units  
7 of local government eligible to apply to the department for  
8 available financial assistance. Local government participation  
9 in the coastal management program authorized by this act shall  
10 be voluntary. All permitting and enforcement under the  
11 provisions of chapters 161, 253, and 403 and part IV of  
12 chapter 373 of dredging, dredged-material management and other  
13 related activities, port transportation facilities and  
14 projects listed in s. 311.07(3)(b), and intermodal  
15 transportation facilities identified pursuant to s. 320.20(4)  
16 ~~subject to permit under the provisions of chapters 161 and 253~~  
17 ~~and part IV of chapter 373 for deepwater ports identified in~~  
18 s. 403.021(9)(b) shall be done exclusively through the  
19 Department of Environmental Protection, and, when such  
20 permitting and enforcement actions taken by the Department of  
21 Environmental Protection are in conflict with actions taken by  
22 any other agency of government having the authority to  
23 regulate the activities of such ports, the actions taken by  
24 the department shall govern consistent with the provisions of  
25 ~~s. 403.021(9).~~

26 Section 37. Americas Campaign.--

27 (1) FINDINGS.--The Legislature finds and declares that  
28 Latin America and the Caribbean have become the  
29 fastest-emerging market region in the world. The region has  
30 been reducing and simplifying its tariff rates and eliminating  
31 most quotas, and, therefore, allowing greater import volumes.

1 Increased import competition is forcing local companies and  
2 industries to modernize, which fuels the expansion of capital  
3 goods and high-technology imports. Demand for U.S. and  
4 Florida consumer goods will also expand as Latin America's  
5 middle class grows due to rising real wages and greater  
6 employment opportunities. Florida's Latin American trading  
7 partners are rapidly making their economies more dynamic by  
8 privatizing large state enterprises in telecommunications,  
9 energy, and manufacturing. Florida is the leading state in  
10 expanding U.S. trade relations with Latin America and the  
11 Caribbean. One out of every three dollars worth of U.S.  
12 exports to the region moves through the State of Florida. To  
13 capture expected increases in trade over the next 7 years, the  
14 trade infrastructure must be expanded and modernized to meet  
15 growing competition from trade centers in the United States  
16 and elsewhere. Florida's past international efforts have been  
17 energetic but fragmented and diffused. The Legislature finds  
18 that in order for Florida to maintain its lead and to win  
19 expanding trade with Latin America and the Caribbean, each  
20 existing element of Florida's international strategy must be  
21 assembled into a deliberate and coordinated Americas Campaign.

22 (2) AMERICAS CAMPAIGN ELEMENTS.--The Americas Campaign  
23 shall have the following elements:

24 (a) Strategic Targeting.--By September 1, 1999, the  
25 Governor, after consultation with the Legislature, the  
26 Secretary of State, Enterprise Florida, Inc., and  
27 representatives of Florida's international business community  
28 and international organizations, shall, by executive order,  
29 designate three countries as the development targets of this  
30 campaign. These Latin American or Caribbean countries shall be  
31 in the Governor's judgment the optimum targets for rapid

1 enhancement and expansion of international relations,  
2 business, trade, and reverse investment over the next 4 years.

3 (b) Intergovernmental Engagement and  
4 Relationships.--The Secretary of State, working with  
5 postsecondary institution linkage institutes, the Florida  
6 Association of Voluntary Agencies for Caribbean Action, the  
7 Sister Cities Program, Visit Florida, and other federal,  
8 state, and local agencies, shall have lead responsibility for  
9 Florida's intergovernmental engagements and relationships with  
10 these targeted countries, building cultural and interpersonal  
11 projects that facilitate broader reverse investment and trade  
12 opportunities for both Florida and each country. The Secretary  
13 of State will develop a targeted list of communities in the  
14 targeted countries, inviting Florida communities, their local  
15 governmental bodies, and their local chambers of commerce to  
16 choose a community to engage and develop as a Sister City. The  
17 Secretary of State will design a package of awards,  
18 inducements, and assistance for communities that choose to  
19 link with these targeted communities.

20 (c) Trade Policy.--The director of the Office of  
21 Tourism, Trade, and Economic Development shall have lead  
22 responsibility for Florida's efforts to review, profile, and  
23 improve the trade policy and trade relations with these  
24 countries, working with the Department of State, the  
25 Department of Agriculture and Consumer Affairs, the Department  
26 of Citrus, Enterprise Florida, Inc., and other federal, state,  
27 and local agencies to ensure that increased trade with these  
28 targeted countries can swiftly occur and any existing barriers  
29 are minimized or removed.

30 (d) Trade Information.--The director of the  
31 International Trade Data Resource and Research Center shall

1 have the lead responsibility for upgrading Florida's trade  
2 information capacity with these countries, providing import  
3 and export data, trade opportunities, and intermodal  
4 transportation profiles; commodity trends; and trade activity,  
5 working with the Department of Agriculture and Consumer  
6 Affairs, the Department of Citrus, Enterprise Florida, Inc.,  
7 and other federal, state, and local agencies.

8 (e) Finance and Capital.--The director of the Florida  
9 Export Finance Corporation shall have the lead responsibility  
10 for the campaign's international finance strategy with these  
11 targeted countries, working with the Comptroller and other  
12 federal, state, and local agencies to provide technical  
13 assistance and financing options to the businesses and  
14 communities, working with these targeted countries.

15 (f) Intermodal Transportation.--The director of the  
16 Florida Seaport Transportation and Economic Development  
17 Council, working with the Florida Airports Managers  
18 Association, the Department of Transportation, the Florida  
19 Chamber Foundation, and other federal, state, and local  
20 agencies shall have the lead responsibility to devise a  
21 strategy to prepare and enhance Florida intermodal  
22 infrastructure that relates and links with these countries to  
23 ensure that the state's trade transportation infrastructure  
24 can effectively handle increasing trade with them and that the  
25 trade transportation infrastructure of the targeted countries  
26 is compatible with the trade transportation infrastructure in  
27 Florida.

28 (g) International Reverse Investment and Trade  
29 Expansion.--The president of the International Trade and  
30 Economic Development Board of Enterprise Florida, Inc.,  
31 working with local economic development organizations and

1 other federal, state, and local agencies, shall have the lead  
2 responsibility for providing reverse investment and trade  
3 expansion assistance to local businesses through local  
4 economic development organizations or local chambers of  
5 commerce in each community that has a Sister Cities  
6 relationship in a targeted country, and for providing  
7 necessary assistance in each of the targeted countries through  
8 foreign office or development agents.

9 (h) Campaign Coordination.--The Governor, acting  
10 through the director of the Office of Tourism, Trade and  
11 Economic Development, shall ensure that the elements of this  
12 campaign are coordinated. The director may enlist or assign  
13 the staff or resources of any agency under the direction of  
14 the Governor to assemble research and information or to  
15 provide assistance in this campaign.

16 (3) CAMPAIGN COUNCIL.--The lead agents for the  
17 Americas Campaign designated in paragraphs (2)(a)-(g) shall  
18 comprise the Americas Campaign Planning Council. Funding  
19 collected but not currently dedicated to a trust fund under  
20 section 212.0606, Florida Statutes, shall be deposited in the  
21 Florida International Trade and Promotion Trust Fund for use  
22 and distribution by the council, based on a budget amendment  
23 developed by the council and submitted by the director of the  
24 Office of Tourism, Trade, and Economic Development. The  
25 Americas Campaign is not intended to divert or redirect  
26 existing trade or international development efforts or  
27 expenditures. It is intended to provide new focus, new  
28 intensity, and new resources to the three most promising  
29 countries in Latin America and the Caribbean.

30 Section 38. This act shall take effect July 1, 1999.

31

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 1566

4 This committee substitute substantially reorganizes Enterprise  
5 Florida, Inc., (EFI). Relating to EFI's reorganization, this  
6 committee substitute:

6           Conforms changes to statutes to reflect the dissolution  
7 of EFI's Technology Development Board and Capital  
8 Development Board. Replaces references to these boards  
9 with references to EFI. Transfers responsibility for the  
10 programs of these boards to EFI. Provides for EFI to  
11 assume any contracts of EFI's capital and technology  
12 development boards. Provides for transfer of property of  
13 these boards to EFI. Repeals statutory authority for  
14 EFI's Nominating Council. Repeals statutory authority  
15 for EFI's Technology Development Board and Capital  
16 Development Board. Directs the Division of Statutory  
17 Revision to redesignate certain parts of the Florida  
18 Statutes as "Technology Development" and "Capital  
19 Development."

14           Expands the employee lease program for Enterprise  
15 Florida, Inc. (EFI) to include certain employees from  
16 the Department of Labor and Employment Security and the  
17 Department of Children and Family Services. Reduces and  
18 revises the membership of the board of directors of EFI,  
19 including removing certain public officials.

17           Rewrites the provisions related to private-sector  
18 contributions to EFI to emphasize return-on-investment  
19 for EFI activities. Specifies that public investment in  
20 EFI is the amount in the OTTED contract with EFI, minus  
21 grants/incentives and minus subcontracts. Requires EFI  
22 to hire a private accounting firm to develop the  
23 methodology for a customer satisfaction survey.

21           Specifies that EFI's president serves at the pleasure of  
22 the board of directors, and specifies that the board  
23 must set compensation of the president. Specifies that  
24 no EFI employee may be paid more than the governor,  
25 unless the excess pay is based on a performance-based  
26 contract with incentive payments.

24           Clarifies EFI's mission with respect to rural and  
25 distressed urban communities. Specifies that EFI shall  
26 incorporate the needs of small and minority businesses  
27 into its core mission of recruitment, retention, and  
28 expansion. Clarifies that EFI programs should relate to  
29 business formation, expansion, recruitment, and  
30 retention, international development and export  
31 assistance, and workforce development.

29           Clarifies the role of EFI's International Trade and  
30 Economic Development Board. Specifies that the board's  
31 role shall include advising and assisting local and  
32 regional economic development organizations. Specifies  
33 authority to advise and assist local and regional  
34 economic development organizations on international

1 trade, reverse investment, economic development  
2 recruitment, retention, expansion, and business  
creation.

3 Also contained in this committee substitute are changes to a  
4 number of economic development related statutes. This  
committee substitute:

5 Revises the powers and duties of the Office of Tourism,  
6 Trade, and Economic Development (OTTED). Authorizes  
7 OTTED to use the interest earnings from specified  
8 program funds to contract out for the administration of  
programs. Transfers authority to contract for an  
international volunteer corps from OTTED to the  
Department of State.

9 Revises the Qualified Target Industry (QTI) Tax Refund  
10 Program, including establishing a cap of \$35 million on  
the state share of tax refunds for any one fiscal year.

11 Amends sections relating to the Certified Capital  
12 Company Act (CAPCO). Expands the definition of the term  
"transferee" for purposes of allocating unused premium  
13 tax credits under the Certified Capital Company Act  
(CAPCOs). Specifies that the amount of tax credits  
14 vested under the Act shall not be considered in  
rate-making proceedings involving a certified investor.

15 Substantially revises existing statute governing the  
16 International Trade Data Resource and Research Center.  
Establishes the center as a private, nonprofit  
17 corporation and not a unit or entity of state  
government.

18 Provides that certain ports and inland navigation  
19 districts shall not be required to pay fees for  
activities involving the use of state lands.  
20 Substantially revises sections relating to the Florida  
Seaport Transportation and Economic Development (FSTED)  
21 Council. Provides exception to prohibition against  
amending comprehensive plans more than twice per year.  
22 The exception is for port transportation facilities and  
projects that are eligible for funding under the Florida  
23 Seaport Transportation and Economic Development Program.

24 Provides specified port projects with an exemption from  
the Developments of Regional Impact (DRI) review.  
25 Specifies that all ports not controlled by local  
governments that have spoil disposal responsibilities  
26 must identify disposal sites in their comprehensive  
master plans, and must be integrated with local  
27 comprehensive plans through existing processes.

28 Provides that the Department of Environmental Protection  
(DEP) is exclusively responsible for permitting and  
29 enforcement of dredging, dredged material management and  
other related activities, port transportation facilities  
30 and intermodal transportation facilities for deep-water  
ports.

31 Creates an "Americas Campaign." Requires the Governor,  
by executive order, to designate three countries as

1 development targets for the campaign. Appropriates  
2 portions of the Rental Car Surcharge (s. 212.0606,  
3 F.S.,) to be deposited in the Florida International  
Trade and Promotion Trust Fund for use and distribution  
by the council.

4 This committee substitute creates s.311.14; amends ss.  
14.2015, 163.3178, 163.3187, 220.191, 253.77, 288.0251,  
5 288.095, 288.106, 288.901, 288.9015, 288.90151, 288.903,  
288.904, 288.905, 288.906, 288.9412, 288.9414, 288.9511,  
6 288.9515, 288.95155, 288.9520, 288.9603, 288.9604, 288.9614,  
288.9618, 288.99, 288.8155, 311.07, 311.09, 311.11, 380.06,  
7 and 380.24; and repeals ss. 288.902, 288.9512, 288.9513,  
288.9514, 288.9516, 288.9611, 288.9612, 288.9613, and 288.9615

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