

By the Committees on Fiscal Policy; Commerce and Economic Opportunities; and Senator Kirkpatrick

309-2188-99

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. 288.816, F.S.; creating a sister
10 city grant program under the Department of
11 State; prescribing application procedures and
12 criteria; directing the department to adopt
13 rules; amending s. 288.901, F.S.; expanding an
14 employee lease program under Enterprise
15 Florida, Inc.; revising the membership and
16 appointment process for the board of directors
17 of Enterprise Florida, Inc.; amending s.
18 288.9015, F.S.; specifying responsibilities for
19 Enterprise Florida, Inc., relating to rural
20 communities and distressed urban communities,
21 evaluation of the state's competitiveness, and
22 the needs of small and minority businesses;
23 eliminating a requirement for preparation of a
24 business guide and checklist; amending s.
25 288.90151, F.S.; expressing legislative intent
26 on the return-on-investment of public funds in
27 Enterprise Florida, Inc.; specifying
28 private-sector support for Enterprise Florida,
29 Inc.; requiring a report on the results of
30 customer satisfaction survey; amending s.
31 288.903, F.S.; revising the required membership

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

1 288.95155, 288.9519, 288.9520, 288.9603,
2 288.9604, 288.9614, 288.9618, F.S.; conforming
3 to the dissolution of certain boards; repealing
4 s. 288.902, F.S., which relates to the
5 Enterprise Florida Nominating Council;
6 repealing s. 288.9512, F.S., which relates to
7 the technology development board; repealing s.
8 288.9513, F.S., which relates to the
9 organization of the technology development
10 board; repealing s. 288.9514, F.S., which
11 relates to powers and authority of the
12 technology development board; repealing s.
13 288.9516, F.S., which relates to the annual
14 report of the technology development board;
15 repealing s. 288.9611, F.S., which relates to
16 the capital development board; repealing s.
17 288.9612, F.S., which relates to the
18 organization of the capital development board;
19 repealing s. 288.9613, F.S., which relates to
20 the powers and authority of the capital
21 development board; repealing s. 288.9615, F.S.,
22 which relates to the annual report of the
23 capital development board; providing for the
24 continuation of certain contracts; providing
25 for the transfer of certain property; directing
26 Enterprise Florida, Inc., to assume
27 responsibilities of the technology development
28 and capital development boards; directing the
29 Division of Statutory Revision to redesignate
30 certain parts in the Florida Statutes; amending
31 s. 288.99, F.S.; specifying that tax credits

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

1 for funding under the Florida Seaport
2 Transportation and Economic Development Program
3 must be consistent with port master plans;
4 exempting certain port transportation
5 facilities and projects from review as
6 developments of regional impact; amending s.
7 311.09, F.S.; declaring that projects eligible
8 for funding under the Florida Seaport
9 Transportation and Economic Development Program
10 are presumed to be in the public interest;
11 creating s. 311.101, F.S.; creating the Office
12 of Seaport and Freight Mobility Development
13 within the Office of the State Public
14 Transportation Administrator; providing duties
15 and responsibilities; creating s. 311.102,
16 F.S.; creating the Office of Seaport and
17 Freight Mobility Planning within the Office of
18 the Secretary of the Department of Community
19 Affairs; providing duties and responsibilities;
20 creating s. 311.20, F.S.; creating the
21 Northwest Florida Seaport Transportation and
22 Economic Development Council; providing for
23 membership of the council; requiring the
24 council to develop a strategic regional
25 development plan; prescribing powers of the
26 council; providing for staffing of the council;
27 amending s. 320.20, F.S., relating to the
28 disposition of motor vehicle license tax
29 moneys; providing for a portion of such moneys
30 to be deposited in the State Transportation
31 Trust Fund and used to fund the Florida Seaport

1 Transportation and Economic Development Program
2 and seaport intermodal access projects of
3 statewide significance; providing for
4 distributing such funds on a matching basis;
5 authorizing such funds to be used for the
6 payment of bonds and other forms of
7 indebtedness; requiring that certain
8 distributions of funds be approved by the
9 Florida Seaport Transportation and Economic
10 Development Council; amending s. 311.11, F.S.;
11 providing that the Florida Seaport
12 Transportation and Economic Development Council
13 shall develop a Seaport Training and Employment
14 Program; providing legislative purposes and
15 requirements for the program; creating s.
16 311.14, F.S.; directing the Florida Seaport
17 Transportation and Economic Development Council
18 to develop freight-mobility and trade-corridor
19 plans; amending s. 315.02, F.S.; redefining the
20 term "port facilities" to include certain
21 storage facilities used for warehousing,
22 storage, and distribution of cargo; amending s.
23 380.06, F.S.; exempting certain port projects
24 from review as developments of regional impact;
25 amending s. 380.24, F.S.; making the Department
26 of Environmental Protection exclusively
27 responsible for permitting and enforcement of
28 dredged-material management and other related
29 activities; providing an exception; creating
30 the Americas Campaign; providing legislative
31 findings related to international trade;

1 prescribing the elements of the Americas
2 Campaign; designating a Campaign Council;
3 providing for funding of the Americas Campaign;
4 amending s. 117.01, F.S.; providing the
5 proceeds of the application and commission fees
6 paid by notaries public to be deposited into
7 the Grants and Donations Trust Fund of the
8 Department of State; amending s. 117.103, F.S.;
9 providing procedures and effect relating to
10 issuance of certified copies of certificates of
11 notary public commission; amending s. 118.10,
12 F.S.; revising the definition and purposes of
13 "authentic act" governing civil-law notaries;
14 providing for a presumption of correctness of
15 matters incorporated into authentic acts;
16 authorizing civil-law notaries to authenticate
17 documents, transactions, events, conditions, or
18 occurrences; expanding the rulemaking authority
19 of the Secretary of State governing civil-law
20 notaries; authorizing the Secretary of State to
21 test the legal knowledge of a civil-law notary
22 applicant under certain circumstances; creating
23 s. 118.12, F.S.; authorizing the issuance of
24 certificates of notarial authority and
25 apostilles to civil-law notaries; amending s.
26 15.18, F.S.; providing for coordination of
27 international activities of the Department of
28 State; requiring the Secretary of State to
29 maintain lists relating to foreign money
30 judgments; amending s. 55.604, F.S.; requiring
31 that foreign judgments be filed with the

1 Secretary of State; amending s. 55.605, F.S.;
2 requiring the Secretary of State to create and
3 maintain a specified list relative to foreign
4 money judgments; creating s. 257.34, F.S.;
5 creating the Florida International Archive and
6 Repository; providing requirements for the
7 archive; providing for access to the archive;
8 reviving, reenacting, and amending s. 288.012,
9 F.S., relating to establishment and operation
10 of foreign offices by the Office of Tourism,
11 Trade, and Economic Development; abrogating the
12 repeal of the section; requiring offices to
13 report annually on activities and
14 accomplishments; prescribing the content of the
15 reports; providing for future review of foreign
16 offices; requiring Enterprise Florida, Inc., to
17 develop a master plan for integrating
18 international trade and reverse investment
19 resources; prescribing procedures, content, and
20 a submission deadline related to the plan;
21 requiring Enterprise Florida, Inc., in
22 conjunction with the Office of Tourism, Trade,
23 and Economic Development, to prepare a plan to
24 promote foreign direct investment in Florida;
25 prescribing procedures, content, and a
26 submission deadline related to the plan;
27 requiring Enterprise Florida, Inc., to develop
28 a strategic plan that will allow Florida to
29 capitalize on the economic opportunities
30 associated with a free Cuba; amending s.
31 288.1045, F.S.; conforming the limitation on

1 the amount of tax refunds approved for payment
2 under the qualified defense contractor tax
3 refund program to the amount appropriated by
4 the Legislature for such refunds; correcting
5 references relating to program administration;
6 amending ss. 212.097, 212.098, F.S.; clarifying
7 the definition of an "eligible business" under
8 the Urban High-Crime Area Job Tax Credit
9 Program and the Rural Job Tax Credit Program;
10 providing that certain call centers or similar
11 customer service operations are eligible
12 businesses under these programs; providing that
13 certain retail businesses are eligible
14 businesses under the Urban High-Crime Area Job
15 Tax Credit Program; making the implementation
16 of a specified provision contingent upon
17 specific appropriations; providing an effective
18 date.

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

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

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

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

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1 (2) The purpose of the Office of Tourism, Trade, and
2 Economic Development is to assist the Governor in working with
3 the Legislature, state agencies, business leaders, and
4 economic development professionals to formulate and implement
5 coherent and consistent policies and strategies designed to
6 provide economic opportunities for all Floridians. To
7 accomplish such purposes, the Office of Tourism, Trade, and
8 Economic Development shall:

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

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

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

28 (d) Facilitate the direct involvement of the Governor
29 and the Lieutenant Governor in economic development projects
30 designed to create, expand, and retain Florida businesses and
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1 to recruit worldwide business, as well as in other
2 job-creating efforts.

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

15 (f) Plan and conduct at least one meeting ~~three~~
16 ~~meetings~~ per calendar year of leaders in business, government,
17 and economic development called by the Governor to address the
18 business climate in the state, develop a common vision for the
19 economic future of the state, and identify economic
20 development efforts to fulfill that vision.

21 (g)1. Administer the Florida Enterprise Zone Act under
22 ss. 290.001-290.016, the community contribution tax credit
23 program under ss. 220.183 and 624.5105, the tax refund program
24 for qualified target industry businesses under s. 288.106, the
25 tax-refund program for qualified defense contractors under s.
26 288.1045, contracts for transportation projects under s.
27 288.063, the sports franchise facility program under s.
28 288.1162, the professional golf hall of fame facility program
29 under s. 288.1168, the expedited permitting process under s.
30 403.973 ~~Florida Jobs Siting Act under ss. 403.950-403.972,~~ the
31 Rural Community Development Revolving Loan Fund under s.

1 288.065, the Regional Rural Development Grants Program under
2 s. 288.018, the Certified Capital Company Act under s. 288.99,
3 the Florida State Rural Development Council, ~~and~~ the Rural
4 Economic Development Initiative, and other programs that are
5 specifically assigned to the office by law, by the
6 appropriations process, or by the Governor. Notwithstanding
7 any other provisions of law, the office may expend interest
8 earned from the investment of program funds deposited in the
9 Economic Development Trust Fund, the Grants and Donations
10 Trust Fund, the Brownfield Property Ownership Clearance
11 Assistance Revolving Loan Trust Fund, and the Economic
12 Development Transportation Trust Fund to contract for the
13 administration of the programs, or portions of the programs,
14 enumerated in this paragraph or assigned to the office by law,
15 by the appropriations process, or by the Governor. Such
16 expenditures shall be subject to review under chapter 216.

17 2. The office may enter into contracts in connection
18 with the fulfillment of its duties concerning the Florida
19 First Business Bond Pool under chapter 159, tax incentives
20 under chapters 212 and 220, tax incentives under the Certified
21 Capital Company Act in chapter 288, foreign offices under
22 chapter 288, the Enterprise Zone program under chapter 290,
23 the Seaport Employment Training program under chapter 311, the
24 Florida Professional Sports Team License Plates under chapter
25 320, Spaceport Florida under chapter 331, ~~Job Siting and~~
26 Expedited Permitting under chapter 403, and in carrying out
27 other functions that are specifically assigned to the office
28 by law, by the appropriations process, or by the Governor.

29 (h) Serve as contract administrator for the state with
30 respect to contracts with Enterprise Florida, Inc., the
31 Florida Commission on Tourism, and all direct-support

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

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

22 (j) Adopt ~~Promulgate~~ rules, as necessary, to carry out
23 its functions in connection with the administration of the
24 Qualified Target Industry program, the Qualified Defense
25 Contractor program, the Certified Capital Company Act, the
26 Enterprise Zone program, and the Florida First Business Bond
27 pool.

28 (3) The Chief Inspector General, as defined in s.
29 14.32:

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

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

6 (c) Shall receive and investigate complaints of fraud,
7 abuses, and deficiencies relating to programs and operations
8 of public-private partnerships.

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

13 (e) Shall monitor public-private partnerships for
14 compliance with the terms and conditions of contracts with the
15 Office of Tourism, Trade, and Economic Development and report
16 noncompliance to the Governor.

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

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

23 (4) The director of the Office of Tourism, Trade, and
24 Economic Development shall designate a position within the
25 office to advocate and coordinate the interests of minority
26 businesses. The person in this position shall report to the
27 director and shall be the primary point of contact for the
28 office on issues and projects important to the recruitment,
29 creation, preservation, and growth of minority businesses.

30 (5) The director of the Office of Tourism, Trade, and
31 Economic Development shall designate a position within the

1 office to advocate and coordinate the interests of rural
2 communities in the state. The person in this position shall
3 report to the director and shall be the primary point of
4 contact for the office on issues and projects important to the
5 economic capacity of Florida's rural communities.

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

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

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

18 1. Review proposed agency actions for impacts on small
19 businesses and offer alternatives to mitigate such impacts, as
20 provided in s. 120.54.

21 2. In consultation with the Governor's rules
22 ombudsman, make recommendations to agencies on any existing
23 and proposed rules for alleviating unnecessary or
24 disproportionate adverse effects to businesses.

25 3. Make recommendations to the Legislature and to
26 agencies for improving permitting procedures affecting
27 business activities in the state. By October 1, 1997, and
28 annually thereafter, the Office of Tourism, Trade, and
29 Economic Development shall submit a report to the Legislature
30 containing the following:

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

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

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

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

12 (II) Assistance in the completion of such
13 applications.

14 (III) Centralized collection of any permit fees and
15 distribution of such fees to agencies.

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

18
19 If the Legislature establishes such a registry, subsequent
20 annual reports must cover the status and performance of this
21 registry.

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

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

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

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

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

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

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

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

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

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

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

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

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

9 1. ~~Programs that have a substantial economic~~
10 ~~significance, giving emphasis to programs that benefit the~~
11 ~~state as a whole.~~

12 2. ~~Programs with a high potential for match funding~~
13 ~~from nonstate sources.~~

14 3. ~~Economic development programs for which no other~~
15 ~~state grants are available.~~

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

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

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

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

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

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

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

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

25 288.095 Economic Development Trust Fund.--

26 (3)(a) ~~Contingent upon an annual appropriation by the~~
27 ~~Legislature,~~The Office of Tourism, Trade, and Economic
28 Development may approve applications for certification tax
29 refunds pursuant to ss. 288.1045(3) and ss. 288.1045, 288.106,
30 and 288.107. However, in no case may the total state share of
31 tax refund payments scheduled in all active certifications for

1 any one fiscal year exceed \$35 million. ~~The office may not~~
2 ~~approve tax refunds in excess of the amount appropriated to~~
3 ~~the Economic Development Incentives Account for such tax~~
4 ~~refunds, for a fiscal year pursuant to paragraph (b).~~

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

25 Section 4. Section 288.106, Florida Statutes, 1998
26 Supplement, is amended to read:

27 288.106 Tax refund program for qualified target
28 industry businesses.--

29 (1) LEGISLATIVE FINDINGS AND DECLARATIONS.--The
30 Legislature finds that attracting, retaining, and providing
31 favorable conditions for the growth of target industries

1 provides high-quality employment opportunities for citizens of
2 this state and enhances the economic foundations of this
3 state. It is the policy of this state to encourage the growth
4 of a high-value-added employment and economic base by
5 providing tax refunds to qualified target industry businesses
6 that create new high-wage employment opportunities in this
7 state by expanding existing businesses within this state or by
8 bringing new businesses to this state.

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

10 (a) "Account" means the Economic Development
11 Incentives Account within the Economic Development Trust Fund
12 established under s. 288.095.

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

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

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

28 (e) "Office" means the Office of Tourism, Trade, and
29 Economic Development.

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

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

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

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

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

28 (k) "Local financial support exemption option" means
29 the option to exercise an exemption from the local financial
30 support requirement available to any applicant whose project
31 is located in a county with a population of 75,000 or fewer or

1 a county with a population of 100,000 or fewer which is
2 contiguous to a county with a population of 75,000 or fewer
3 ~~designated by the Rural Economic Development Initiative.~~ Any
4 applicant that exercises this option shall not be eligible for
5 more than 80 percent of the total tax refunds allowed such
6 applicant under this section.

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

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

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

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

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

26 2. Stability.--The industry should not be subject to
27 periodic layoffs, whether due to seasonality or sensitivity to
28 volatile economic variables such as weather. The industry
29 should also be relatively resistant to recession, so that the
30 demand for products of this industry is not necessarily
31 subject to decline during an economic downturn.

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

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

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

15 6. Economic benefits.--The industry should have strong
16 positive impacts on or benefits to the state and regional
17 economies.

18
19 The office, in consultation with Enterprise Florida, Inc.,
20 shall develop a list of such target industries annually and
21 submit such list as part of the final agency legislative
22 budget request submitted pursuant to s. 216.023(1). A target
23 industry business may not include any industry engaged in
24 retail activities; any electrical utility company; any
25 phosphate or other solid minerals severance, mining, or
26 processing operation; any oil or gas exploration or production
27 operation; or any firm subject to regulation by the Division
28 of Hotels and Restaurants of the Department of Business and
29 Professional Regulation.

30 (p) "Taxable year" means taxable year as defined in s.
31 220.03(1)(z).

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

5 (r) "Rural county" means a county with a population of
6 75,000 or fewer or a county with a population of 100,000 or
7 fewer which is contiguous to a county with a population of
8 75,000 or fewer ~~less~~.

9 (s) "Rural city" means a city with a population of
10 10,000 or less, or a city with a population of greater than
11 10,000 but less than 20,000 which has been determined by the
12 Office of Tourism, Trade, and Economic Development to have
13 economic characteristics such as, but not limited to, a
14 significant percentage of residents on public assistance, a
15 significant percentage of residents with income below the
16 poverty level, or a significant percentage of the city's
17 employment base in agriculture-related industries.

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

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

24 (a) There shall be allowed, from the account, a refund
25 to a qualified target industry business for the amount of
26 eligible taxes certified by the director which were paid by
27 such business. The total amount of refunds for all fiscal
28 years for each qualified target industry business must be
29 determined pursuant to subsection (4). The annual amount of a
30 refund to a qualified target industry business must be
31 determined pursuant to subsection (6).

1 (b) Upon approval by the director, a qualified target
2 industry business shall be allowed tax refund payments equal
3 to \$3,000 times the number of jobs specified in the tax refund
4 agreement under subparagraph (5)(a)1., or equal to \$6,000
5 times the number of jobs if the project is located in a rural
6 county or an enterprise zone. Further, a qualified target
7 industry business shall be allowed additional tax refund
8 payments equal to \$1,000 times the number of jobs specified in
9 the tax refund agreement under subparagraph (5)(a)1., if such
10 jobs pay an annual average wage of at least 150 percent of the
11 average private-sector wage in the area, or equal to \$2,000
12 times the number of jobs if such jobs pay an annual average
13 wage of at least 200 percent of the average private-sector
14 wage in the area.~~The director may approve a qualified target~~
15 ~~industry business to receive tax refund payments of up to~~
16 ~~\$5,000 times the number of jobs specified in the tax refund~~
17 ~~agreement under subparagraph (5)(a)1., or up to \$7,500 times~~
18 ~~the number of jobs if the project is located in an enterprise~~
19 ~~zone.~~A qualified target industry business may not receive
20 refund payments of more than 25 percent of the total tax
21 refunds specified in the tax refund agreement under
22 subparagraph (5)(a)1. in any fiscal year. Further, a qualified
23 target industry business may not receive more than \$1.5
24 million in refunds under this section in any single fiscal
25 year, or more than \$2.5 million in any single fiscal year if
26 the project is located in an enterprise zone. A qualified
27 target industry may not receive more than \$5 million in refund
28 payments under this section in all fiscal years, or more than
29 \$7.5 million if the project is located in an enterprise zone.
30 Funds made available pursuant to this section may not be
31 expended in connection with the relocation of a business from

1 one community to another community in this state unless the
2 Office of Tourism, Trade, and Economic Development determines
3 that without such relocation the business will move outside
4 this state or determines that the business has a compelling
5 economic rationale for the relocation and that the relocation
6 will create additional jobs.

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

9 1. Receive refunds from the account for the following
10 taxes due and paid by that business beginning with the first
11 taxable year of the business which begins after entering into
12 the agreement:

13 ~~1. Taxes on sales, use, and other transactions under~~
14 ~~chapter 212.~~

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

16 ~~3. Intangible personal property taxes under chapter~~
17 ~~199.~~

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

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

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

21 ~~b.7. Insurance premium tax under s. 624.509.~~

22 2. Receive refunds from the account for the following
23 taxes due and paid by that business after entering into the
24 agreement:

25 a. Taxes on sales, use, and other transactions under
26 chapter 212.

27 b. Intangible personal property taxes under chapter
28 199.

29 c. Emergency excise taxes under chapter 221.

30 d. Excise taxes on documents under chapter 201.

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

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

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

15 1. Is liable for repayment of the amount of the refund
16 to the account, plus a mandatory penalty in the amount of 200
17 percent of the tax refund which shall be deposited into the
18 General Revenue Fund.

19 2. Is guilty of a felony of the third degree,
20 punishable as provided in s. 775.082, s. 775.083, or s.
21 775.084.

22 (4) APPLICATION AND APPROVAL PROCESS.--

23 (a) To apply for certification as a qualified target
24 industry business under this section, the business must file
25 an application with the office before the business has made
26 the decision to locate a new business in this state or before
27 the business had made the decision to expand an existing
28 business in this state. The application shall include, but is
29 not limited to, the following information:

30
31

- 1 1. The applicant's federal employer identification
2 number and the applicant's state sales tax registration
3 number.
- 4 2. The permanent location of the applicant's facility
5 in this state at which the project is or is to be located.
- 6 3. A description of the type of business activity or
7 product covered by the project, including four-digit SIC codes
8 for all activities included in the project.
- 9 4. The number of full-time equivalent jobs in this
10 state that are or will be dedicated to the project and the
11 average wage of those jobs. If more than one type of business
12 activity or product is included in the project, the number of
13 jobs and average wage for those jobs must be separately stated
14 for each type of business activity or product.
- 15 5. The total number of full-time equivalent employees
16 employed by the applicant in this state.
- 17 6. The anticipated commencement date of the project.
- 18 ~~7. The amount of:~~
- 19 ~~a. Taxes on sales, use, and other transactions paid~~
20 ~~under chapter 212;~~
- 21 ~~b. Corporate income taxes paid under chapter 220;~~
- 22 ~~c. Intangible personal property taxes paid under~~
23 ~~chapter 199;~~
- 24 ~~d. Emergency excise taxes paid under chapter 221; and~~
- 25 ~~e. Excise taxes on documents paid under chapter 201.~~
- 26 ~~8. The estimated amount of tax refunds to be claimed~~
27 ~~in each fiscal year.~~
- 28 7.9. A brief statement concerning the role that the
29 tax refunds requested will play in the decision of the
30 applicant to locate or expand in this state.
- 31

1 ~~8.10.~~ An estimate of the proportion of the sales
2 resulting from the project that will be made outside this
3 state.

4 ~~9.11.~~ A resolution adopted by the governing board of
5 the county or municipality in which the project will be
6 located, which resolution recommends that certain types of
7 businesses be approved as a qualified target industry business
8 and states that the commitments of local financial support
9 necessary for the target industry business exist. In advance
10 of the passage of such resolution, the office may also accept
11 an official letter from an authorized local economic
12 development agency that endorses the proposed target industry
13 project and pledges that sources of local financial support
14 for such project exist. For the purposes of making pledges of
15 local financial support under this subsection, the authorized
16 local economic development agency shall be officially
17 designated by the passage of a one-time resolution by the
18 local governing authority. ~~Before adoption of the resolution,~~
19 ~~the governing board may review the proposed public or private~~
20 ~~sources of such support and determine whether the proposed~~
21 ~~sources of local financial support can be provided.~~

22 ~~10.12.~~ Any additional information requested by the
23 office.

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

27 1. The jobs proposed to be provided under the
28 application, pursuant to subparagraph (a)4., must pay an
29 estimated annual average wage equaling at least 115 percent of
30 the average private sector wage in the area where the business
31 is to be located or the statewide private sector average wage.

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

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

1 director elects to grant such request, such election must be
2 stated in writing and the reason for granting the request must
3 be explained.

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

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

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

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

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

29 4. The local commitment and support for the project.
30
31

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

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

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

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

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

31

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. Present subsections (4), (5), and (6) of
6 section 288.816, Florida Statutes, are redesignated as
7 subsections (5), (6), and (7), respectively, and a new
8 subsection (4) is added to that section to read:

9 288.816 Intergovernmental relations.--

10 (4)(a) There is created under the Department of State
11 a sister city grants program to provide support and financial
12 assistance to those municipalities and counties in this state
13 which develop international affiliations with foreign
14 governments, or political subdivisions thereof, important to
15 the diplomatic, cultural, historic, and economic development
16 of this state. Under this program, the Department of State may
17 accept and administer moneys appropriated to it for providing
18 grants to municipalities and counties that have registered
19 sister city affiliations with the department under subsection
20 (3).

21 (b) A municipality or county that has registered a
22 sister city affiliation with the department under subsection
23 (3) may apply for a grant of state funds to support programs
24 under its sister city affiliation which benefit the
25 international relations of this state through the interchange
26 of people, ideas, and culture between the foreign government,
27 or a political subdivision thereof, and this state.

28 (c) The Office of International Affairs within the
29 Department of State shall review each application that is
30 submitted under paragraph (b) and shall submit annually to the
31 Secretary of State for approval lists of all applications that

1 are recommended by the Office of International Affairs for the
2 award of grants, arranged in order of priority. When
3 recommending applications, the Office of International Affairs
4 shall seek the advice of the Office of Tourism, Trade, and
5 Economic Development and Enterprise Florida, Inc., to maximize
6 the use of sister city affiliations to enhance tourism,
7 international trade, and economic development in this state.
8 The Office of International Affairs may allocate grants only
9 for sister city affiliations that are approved or for which
10 funds are appropriated by the Legislature. Projects approved
11 and recommended by the Secretary of State which are not funded
12 by the Legislature shall be retained on the project list for
13 the following grant cycle only. All projects that are retained
14 shall be required to submit such information as may be
15 required by the department as of the established deadline date
16 of the latest grant cycle in order to adequately reflect the
17 most current status of the project.

18 (d) The Department of State shall adopt rules
19 prescribing the criteria to be applied by the Office of
20 International Affairs in recommending applications for the
21 award of grants and rules providing for the administration of
22 the other provisions of this subsection. When adopting these
23 criteria, preference shall be given to a municipality or
24 county that has a sister city affiliation with a foreign
25 government, or a political subdivision thereof, within a
26 nation to which the Office of Tourism, Trade, and Economic
27 Development or Enterprise Florida, Inc., has performed a trade
28 mission or plans to perform a trade mission, or within a
29 nation that the Office of Tourism, Trade, and Economic
30 Development or Enterprise Florida, Inc., has otherwise

31

1 identified as being strategically important to the state's
2 trade and reverse investment goals.

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

5 288.901 Enterprise Florida, Inc.; creation;
6 membership; organization; meetings; disclosure.--

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

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

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

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

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

18 ~~(b) The Commissioner of Education or the~~
19 ~~commissioner's designee.~~

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

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

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

29 (d)(f) The vice chairperson of the board of directors
30 of the International Trade and Economic Development Board for
31 international trade and economic development.

1 ~~(g) The chairperson of the board for capital~~
2 ~~development.~~

3 ~~(h) The chairperson of the board for technology~~
4 ~~development.~~

5 (e)(i) The chairperson of the board of directors of
6 the Workforce Development Board for workforce development.

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

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

15 (h) The Comptroller.

16 (i) The head of a state agency, who shall be appointed
17 by the Governor and serve at the pleasure of the Governor.

18 (j) One additional member from the private sector, who
19 shall be appointed by the President of the Senate for a term
20 of 2 years.

21 (k) One additional member from the private sector, who
22 shall be appointed by the Speaker of the House of
23 Representatives for a term of 2 years.

24

25 In making appointments to the board of directors, the
26 Governor, the President of the Senate, and the Speaker of the
27 House of Representatives shall consider whether the membership
28 of the board reflects the racial, ethnic, and gender
29 diversity, as well as the geographic distribution, of the
30 population of the state.

31

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

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

25 ~~(4)(a) Members appointed to the board before July 1,~~
26 ~~1996, shall serve the remainder of their unexpired terms.~~
27 ~~Vacancies occurring on the board of directors after July 1,~~
28 ~~1996, as a result of the annual expiration of terms, or~~
29 ~~otherwise, shall be filled by the Governor, the President of~~
30 ~~the Senate, or the Speaker of the House of Representatives,~~
31

1 respectively, depending on who appointed the member whose
2 vacancy is to be filled.~~in the following manner and sequence.~~

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

7 ~~2. Of the second three vacancies, the Governor shall~~
8 ~~appoint one member, the President of the Senate shall appoint~~
9 ~~one member, and the Speaker of the House of Representatives~~
10 ~~shall appoint one member.~~

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

14 ~~4. Of the fourth three vacancies, the Speaker of the~~
15 ~~House of Representatives shall appoint one member and the~~
16 ~~Governor shall appoint two members.~~

17
18 ~~Thereafter, any vacancies which occur will be filled by the~~
19 ~~Governor, the President of the Senate, or the Speaker of the~~
20 ~~House of Representatives, respectively, depending on who~~
21 ~~appointed the member whose vacancy is to be filled or whose~~
22 ~~term has expired.~~

23 ~~(b) Members appointed by the Governor, the President~~
24 ~~of the Senate, and the Speaker of the House of Representatives~~
25 ~~shall be appointed for terms of 4 years. Any member is~~
26 ~~eligible for reappointment.~~

27 ~~(c) Of the six members appointed by the Governor, one~~
28 ~~shall be, at the time of appointment, a board member of a~~
29 ~~community development corporation meeting the requirements of~~
30 ~~s. 290.035, and one shall be representative of the~~
31 ~~international business community. Of the three members~~

1 ~~appointed by the President of the Senate and Speaker of the~~
2 ~~House of Representatives, respectively, one each shall be~~
3 ~~representative of the international business community, and~~
4 ~~one each shall be an executive director of a local economic~~
5 ~~development council.~~

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

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

29 (6)(7) Appointive members may be removed by the
30 Governor, the President of the Senate, or the Speaker of the
31

1 House of Representatives, respectively, for cause. Absence
2 from three consecutive meetings results in automatic removal.

3 (7)~~(8)~~ The Governor shall serve as chairperson of the
4 board of directors. The board of directors shall biennially
5 elect one of its appointive members as vice chairperson. The
6 president shall keep a record of the proceedings of the board
7 of directors and is the custodian of all books, documents, and
8 papers filed with the board of directors, the minutes of the
9 board of directors, and the official seal of Enterprise
10 Florida, Inc.

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

19 (9)~~(10)~~ Members of the board of directors shall serve
20 without compensation, but members, the president, and staff
21 may be reimbursed for all reasonable, necessary, and actual
22 expenses, as determined by the board of directors of
23 Enterprise Florida, Inc.

24 (10)~~(11)~~ Each member of the board of directors of
25 Enterprise Florida, Inc., ~~who was appointed after June 30,~~
26 ~~1992, and~~ who is not otherwise required to file financial
27 disclosure pursuant to s. 8, Art. II of the State Constitution
28 or s. 112.3144, shall file disclosure of financial interests
29 pursuant to s. 112.3145.

30 (11)~~(12)~~ Notwithstanding the provisions of subsection
31 (3), the board of directors may by resolution appoint at-large

1 members to the board from the private sector, each of whom may
2 serve a 1-year term. At-large members shall have the powers
3 and duties of other members of the board, except that they may
4 not serve on an executive committee. An at-large member is
5 eligible for reappointment but may not vote on his or her own
6 reappointment. An at-large member shall be eligible to fill
7 vacancies occurring among private-sector ~~private sector~~
8 appointees under subsection (3).

9 Section 7. Section 288.9015, Florida Statutes, is
10 amended to read:

11 288.9015 Enterprise Florida, Inc.; purpose; duties.--

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

26 (2) It shall be the responsibility of Enterprise
27 Florida, Inc., to aggressively market Florida's rural
28 communities and distressed urban communities as locations for
29 potential new investment, to aggressively assist in the
30 retention and expansion of existing businesses in these
31 communities, and to aggressively assist these communities in

1 the identification and development of new economic development
2 opportunities for job creation ~~promote and strengthen the~~
3 ~~creation and growth of small and minority businesses and to~~
4 ~~increase the opportunities for short-term and long-term rural~~
5 ~~economic development.~~

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

12 (a) Creating and maintaining a highly skilled
13 workforce that is capable of responding to rapidly changing
14 technology and diversified market opportunities.

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

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

29 (5) Enterprise Florida, Inc., shall incorporate the
30 needs of small and minority businesses into the
31 economic-development, international-trade and

1 reverse-investment, and workforce-development responsibilities
2 assigned to the organization by this section.

3 ~~(6)(4)~~ Enterprise Florida, Inc., shall not endorse any
4 candidate for any elected public office, nor shall it
5 contribute moneys to the campaign of any such candidate.

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

19 Section 8. Section 288.90151, Florida Statutes, is
20 amended to read:

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

23 288.90151 Return on Investment from Activities of
24 Enterprise Florida, Inc.--

25 (1) The public funds appropriated each year for the
26 operation of Enterprise Florida, Inc., are invested in this
27 public-private partnership to enhance international trade and
28 economic development, to spur job-creating investments, to
29 create new employment opportunities for Floridians, and to
30 prepare Floridians for those jobs. This policy will be the
31

1 Legislature's priority consideration when reviewing the
2 return-on-investment for Enterprise Florida, Inc.

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

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

11 (4)(a) The state's operating investment in Enterprise
12 Florida, Inc., is the budget contracted by the Office of
13 Tourism, Trade, and Economic Development to Enterprise
14 Florida, Inc., less funding that is subsequently awarded to
15 businesses or organizations as incentives or grants and less
16 funding that is directed by the Legislature to be
17 subcontracted to a specific recipient.

18 (b) The board of directors of Enterprise Florida,
19 Inc., shall adopt for each upcoming fiscal year an operating
20 budget for the organization that specifies the intended uses
21 of the state's operating investment, the anticipated
22 coordinated operations with local economic development
23 organizations, and the projected private-sector support in
24 operating Enterprise Florida, Inc. At least \$2 million of such
25 budget shall be in the form of private-sector cash support.
26 The state's operating investment shall total no more than 50
27 percent of the actual annual operating budget of Enterprise
28 Florida, Inc. Any portion of the state-appropriated operating
29 investment in excess of this percentage must be returned to
30 the state at the end of the fiscal year.

31

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

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

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

7 (c) Expenditures, services, support, or contributions
8 that augment the operating expenditures or assets of
9 Enterprise Florida, Inc., including, but not limited to: an
10 individual's time and expertise; sponsored publications;
11 private-sector staff services; payment for advertising
12 placements; sponsorship of events; sponsored or joint
13 research; discounts on leases or purchases; mission or program
14 sponsorship; and co-payments, stock, warrants, royalties, or
15 other private resources dedicated to the operations of
16 Enterprise Florida, Inc.

17 (6) Enterprise Florida, Inc., shall fully comply with
18 the performance measures, standards, and sanctions in its
19 contracts with the Office of Tourism, Trade, and Economic
20 Development under ss. 14.2015(2)(h) and 14.2015(7). The
21 Office of Tourism, Trade, and Economic Development shall
22 ensure, to the maximum extent possible, that the contract
23 performance measures are consistent with performance measures
24 that the office is required to develop and track under
25 performance-based program budgeting.

26 (7) As part of the annual report required under s.
27 288.906, Enterprise Florida, Inc., shall provide the
28 Legislature with information quantifying the public's
29 return-on-investment as described in this section for fiscal
30 year 1997-1998 and each subsequent fiscal year. The annual
31 report shall also include the results of a

1 customer-satisfaction survey of businesses served, as well as
2 the lead economic development staff person of each local
3 economic development organization that employs a full-time or
4 part-time staff person.

5 (8) Enterprise Florida, Inc., in consultation with the
6 Office of Program Policy Analysis and Government
7 Accountability, shall hire a private accounting firm to
8 develop the methodology for establishing and reporting
9 return-on-investment as described in this section and to
10 develop, analyze, and report on the results of the
11 customer-satisfaction survey. The Office of Program Policy
12 Analysis and Government Accountability shall review and offer
13 feedback on the methodology before it is implemented. The
14 private accounting firm shall certify whether the applicable
15 statements in the annual report comply with this subsection.

16 Section 9. Section 288.903, Florida Statutes, is
17 amended to read:

18 288.903 Board of directors of Enterprise Florida,
19 Inc.; president; employees.--

20 (1) The president of Enterprise Florida, Inc., shall
21 be appointed by the board of directors and shall serve at the
22 pleasure of the board of directors. The board of directors
23 shall establish and adjust the compensation of the president.
24 The president is the chief administrative and operational
25 officer of the board of directors and of Enterprise Florida,
26 Inc., and shall direct and supervise the administrative
27 affairs of the board of directors and any other boards of
28 Enterprise Florida, Inc. The board of directors may delegate
29 to its president those powers and responsibilities it deems
30 appropriate, except for the appointment of a president.

31

1 (2) The board of directors may establish an executive
2 committee consisting of the chairperson, the vice chairperson,
3 ~~chair~~ and as many additional members of the board of directors
4 as the board deems appropriate, except that such committee
5 must have a minimum of five members. ~~One member of the~~
6 ~~executive committee shall be selected by each of the~~
7 ~~following: the Governor, the President of the Senate, and the~~
8 ~~Speaker of the House of Representatives. Remaining members of~~
9 ~~the executive committee shall be selected by the board of~~
10 ~~directors.~~The executive committee shall have such authority
11 as the board of directors delegates to it, except that the
12 board may not delegate the authority to hire or fire the
13 president or the authority to establish or adjust the
14 compensation paid to the president.

15 ~~(3) The president:~~

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

19 ~~(b) Shall employ and supervise the president of any~~
20 ~~board established within the Enterprise Florida, Inc.,~~
21 ~~corporate structure and shall coordinate the activities of any~~
22 ~~such boards.~~

23 ~~(c) Shall attend all meetings of the board of~~
24 ~~directors.~~

25 ~~(d) Shall cause copies to be made of all minutes and~~
26 ~~other records and documents of the board of directors and~~
27 ~~shall certify that such copies are true copies. All persons~~
28 ~~dealing with the board of directors may rely upon such~~
29 ~~certifications.~~

30 ~~(e) Shall be responsible for coordinating and~~
31 ~~advocating the interests of rural, minority, and small~~

1 ~~businesses within Enterprise Florida, Inc., its boards, and in~~
2 ~~all its economic development efforts.~~

3 ~~(f) Shall administer the finances of Enterprise~~
4 ~~Florida, Inc., and its boards to ensure appropriate~~
5 ~~accountability and the prudent use of public and private~~
6 ~~funds.~~

7 ~~(g) Shall be the chief spokesperson for Enterprise~~
8 ~~Florida, Inc., regarding economic development efforts in the~~
9 ~~state.~~

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

13 ~~(i) Shall supervise and coordinate the collection,~~
14 ~~research, and analysis of information for Enterprise Florida,~~
15 ~~Inc., and its boards.~~

16 ~~(3)(4)~~ The board of directors of Enterprise Florida,
17 Inc., and its officers shall be responsible for the prudent
18 use of all public and private funds and shall ensure that the
19 use of such funds is in accordance with all applicable laws,
20 bylaws, or contractual requirements. No employee of Enterprise
21 Florida, Inc., may receive compensation for employment which
22 exceeds the salary paid to the Governor, unless the board of
23 directors and the employee have executed a contract that
24 prescribes specific, measurable performance outcomes for the
25 employee, the satisfaction of which provides the basis for the
26 award of incentive payments that increase the employee's total
27 compensation to a level above the salary paid to the Governor.

28 Section 10. Subsection (1) of section 288.904, Florida
29 Statutes, is amended to read:

30 288.904 Powers of the board of directors of Enterprise
31 Florida, Inc.--

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

3 (a) Secure funding for programs and activities of
4 Enterprise Florida, Inc., and its boards from federal, state,
5 local, and private sources and from fees charged for services
6 and published materials and solicit, receive, hold, invest,
7 and administer any grant, payment, or gift of funds or
8 property and make expenditures consistent with the powers
9 granted to it.

10 (b)1. Make and enter into contracts and other
11 instruments necessary or convenient for the exercise of its
12 powers and functions, except that any contract made with an
13 organization represented ~~on the nominating council or on the~~
14 board of directors must be approved by a two-thirds vote of
15 the entire board of directors, and the board member
16 representing such organization shall abstain from voting. No
17 more than 65 percent of the dollar value of all contracts or
18 other agreements entered into in any fiscal year, exclusive of
19 grant programs, shall be made with an organization represented
20 on the ~~nominating council or the~~ board of directors. An
21 organization represented on the board ~~or on the nominating~~
22 ~~council~~ may not enter into a contract to receive a
23 state-funded economic development incentive or similar grant,
24 unless such incentive award is specifically endorsed by a
25 two-thirds vote of the entire board. The board member
26 representing such organization, if applicable, shall abstain
27 from voting and refrain from discussing the issue with other
28 members of the board. No more than 50 percent of the dollar
29 value of grants issued by the board in any fiscal year may go
30 to businesses associated with board members.

31

1 2. A contract that Enterprise Florida, Inc., executes
2 with a person or organization under which such person or
3 organization agrees to perform economic-development services
4 or similar business-assistance services on behalf of
5 Enterprise Florida, Inc., or on behalf of the state must
6 include provisions requiring that such person or organization
7 report on performance, account for proper use of funds
8 provided under the contract, coordinate with other components
9 of state and local economic development systems, and avoid
10 duplication of existing state and local services and
11 activities.

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

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

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

21 (f) Adopt, amend, and repeal bylaws, not inconsistent
22 with the powers granted to it or the articles of
23 incorporation, for the administration of the affairs of
24 Enterprise Florida, Inc., and the exercise of its corporate
25 powers.

26 (g) Acquire, enjoy, use, and dispose of patents,
27 copyrights, and trademarks and any licenses, royalties, and
28 other rights or interests thereunder or therein.

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

31

1 (i) Use the state seal, notwithstanding the provisions
2 of s. 15.03, when appropriate, to establish that Enterprise
3 Florida, Inc., is the principal economic, workforce, and trade
4 development organization for the state, and for other standard
5 corporate identity applications. Use of the state seal is not
6 to replace use of a corporate seal as provided in this
7 section.

8 (j) Carry forward any unexpended state appropriations
9 into succeeding fiscal years.

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

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

17 Section 11. Section 288.905, Florida Statutes, is
18 amended to read:

19 288.905 Duties of the board of directors of Enterprise
20 Florida, Inc.--

21 (1) In the performance of its functions and duties,
22 the board of directors may establish, ~~and~~ implement, and
23 manage policies, strategies, and programs for Enterprise
24 Florida, Inc., and its boards. These policies, strategies, and
25 programs shall promote business formation, expansion,
26 recruitment, and retention through aggressive marketing;
27 international development and export assistance; and workforce
28 development, which together lead to more and better jobs with
29 higher wages for all geographic regions and communities of the
30 state, including rural areas and urban-core areas, and for all
31 residents, including minorities. In developing such policies,

1 strategies, and programs, the board of directors shall solicit
2 advice from and consider the recommendations of its boards and
3 any advisory committees or similar groups created by
4 Enterprise Florida, Inc.

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

16 (a) ~~Allocation of public and private resources to~~
17 ~~specific activities that will return the greatest benefit to~~
18 ~~the economy of this state. Including delineation on the amount~~
19 ~~of funds that should be expended on each component of the~~
20 ~~plan.~~

21 (b) ~~Identification of programs that will enhance the~~
22 ~~capabilities of small and minority businesses. The plan~~
23 ~~should include ways to improve and increase the access to~~
24 ~~information, services, and assistance for small and minority~~
25 ~~businesses.~~

26 (c)1. ~~Specific provisions for the stimulation of~~
27 ~~economic development and job creation in rural areas and~~
28 ~~midsize cities and counties of the state. These provisions~~
29 ~~shall include, but are not limited to, the identification of~~
30 ~~all rural counties in the state and rural cities located in~~
31 ~~nonrural counties; the identification of all midsize cities~~

1 ~~and counties in the state; the identification of the economic~~
2 ~~development and job creation goals of the rural cities and~~
3 ~~counties and midsize cities; the identification of rural areas~~
4 ~~of critical concern; the identification of specific local,~~
5 ~~state, and federal financial and technical assistance~~
6 ~~resources available to rural cities and counties and midsize~~
7 ~~cities and counties for economic and community development;~~
8 ~~the identification of private sector resources available to~~
9 ~~rural cities and counties and midsize cities and counties for~~
10 ~~economic and community development; and specific methods for~~
11 ~~the use of the resources identified in the plan to meet the~~
12 ~~goals identified in the plan.~~

13 (3)2. Enterprise Florida, Inc., shall involve the
14 local governments, local and regional economic development
15 organizations, and of the cities and counties identified
16 pursuant to subparagraph 1., as well as any other local,
17 state, and federal economic, international, and workforce
18 rural development entities, both public and private, in
19 developing and carrying out policies, strategies, and
20 programs, seeking to partner and collaborate to produce
21 enhanced public benefit at a lesser cost any provisions.

22 ~~(d)1.~~ ~~Specific provisions for the stimulation of~~
23 ~~economic development and job creation in small businesses and~~
24 ~~minority businesses. These provisions shall include, but are~~
25 ~~not limited to, the identification of federal, state, and~~
26 ~~local financial and technical resources available for small~~
27 ~~businesses and minority businesses; and specific methods for~~
28 ~~the use of the resources identified in the plan to meet the~~
29 ~~goal of job creation in small businesses and minority~~
30 ~~businesses in the state.~~

31

1 (4)2. Enterprise Florida, Inc., shall involve rural,
2 urban, small-business, and minority-business local, state, and
3 ~~federal small business and minority business~~ development
4 agencies and organizations, both public and private, in
5 developing and carrying out policies, strategies, and programs
6 ~~any provisions.~~

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

9 ~~(f) Promotion of business formation, expansion,~~
10 ~~recruitment, and retention, including programs that enhance~~
11 ~~access to appropriate forms of financing for businesses in~~
12 ~~this state.~~

13 ~~(g) Promotion of the successful long-term~~
14 ~~internationalization of this state, including programs that~~
15 ~~establish viable overseas markets, generate foreign~~
16 ~~investment, assist in meeting the financing requirements of~~
17 ~~export-ready firms, broaden opportunities for international~~
18 ~~joint venture relationships, use the resources of academic and~~
19 ~~other institutions, coordinate trade assistance and~~
20 ~~facilitation services, and facilitate availability of and~~
21 ~~access to education and training programs which will assure~~
22 ~~requisite skills and competencies necessary to compete~~
23 ~~successfully in the global marketplace.~~

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

26 ~~(i) Addressing the needs of blighted inner-city~~
27 ~~communities that have unacceptable levels of unemployment and~~
28 ~~economic disinvestment, with the ultimate goal of creating~~
29 ~~jobs for the residents of such communities.~~

30 ~~(j) Identifying business sectors that are of current~~
31 ~~or future importance to the state's economy and to the state's~~

1 ~~worldwide business image, and developing specific strategies~~
2 ~~to promote the development of such sectors.~~

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

1 ~~participation in technology assistance and development~~
2 ~~programs~~, and increased export sales among client companies to
3 use in evaluating performance toward accomplishing the mission
4 of Enterprise Florida, Inc.

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

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

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

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

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

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

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

27 7. Goods produced in this state that are exported to
28 other countries.

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

1 (c) Prior to the 2002 ~~1999~~ Regular Session of the
2 Legislature, the Office of Program Policy Analysis and
3 Government Accountability shall conduct a review of Enterprise
4 Florida, Inc., and its boards and shall submit a report by
5 January 1, 2002, to the President of the Senate, the Speaker
6 of the House of Representatives, the Senate Minority Leader,
7 and the House Minority Leader. The review shall be
8 comprehensive in its scope, but, at a minimum, must be
9 conducted in such a manner as to specifically determine:

10 1. The progress towards achieving the established
11 outcomes.

12 2. The circumstances contributing to the
13 organization's ability to achieve, not achieve, or exceed its
14 established outcomes.

15 ~~3. The progress towards achieving the established~~
16 ~~goals of the Cypress Equity Fund and whether the strategy~~
17 ~~underlying the fund is appropriate.~~

18 ~~3.4. Whether it would be sound public policy to~~
19 ~~continue or discontinue funding the organization, and the~~
20 ~~consequences of discontinuing the organization. The report~~
21 ~~shall be submitted by January 1, 1999, to the President of the~~
22 ~~Senate, the Speaker of the House of Representatives, the~~
23 ~~Senate Minority Leader, and the House Minority Leader.~~

24 ~~(d) Prior to the 2003 Regular Session of the~~
25 ~~Legislature, the Office of Program Policy Analysis and~~
26 ~~Government Accountability, shall conduct another review of~~
27 ~~Enterprise Florida, Inc., and its boards using the criteria in~~
28 ~~paragraph (c). The report shall be submitted by January 1,~~
29 ~~2003, to the President of the Senate, the Speaker of the House~~
30 ~~of Representatives, the Senate Minority Leader, and the House~~
31 ~~Minority Leader.~~

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

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

17 (7)~~(6)~~ Any employee leased by Enterprise Florida,
18 Inc., from the state, or any employee who derives his or her
19 salary from funds appropriated by the Legislature, may not
20 receive a pay raise or bonus in excess of a pay raise or bonus
21 that is received by similarly situated state employees.
22 However, this subsection does not prohibit the payment of a
23 pay raise or bonus from funds received from sources other than
24 the Florida Legislature.

25 Section 12. Subsection (1) of section 288.906, Florida
26 Statutes, is amended to read:

27 288.906 Annual report of Enterprise Florida, Inc.;
28 audits; confidentiality.--

29 (1) Prior to December 1 of each year, Enterprise
30 Florida, Inc., shall submit to the Governor, the President of
31 the Senate, the Speaker of the House of Representatives, the

1 Senate Minority Leader, and the House Minority Leader a
2 complete and detailed report including, but not limited to:

3 (a) A description of the operations and
4 accomplishments of Enterprise Florida, Inc., and its boards,
5 and an identification of any major trends, initiatives, or
6 developments affecting the performance of any program or
7 activity.

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

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

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

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

30 (e)(f) A description and evaluation of the operations
31 and accomplishments of Enterprise Florida, Inc., and its

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

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

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

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

20 Section 13. Section 288.9412, Florida Statutes, is
21 amended to read:

22 288.9412 International Trade and Economic Development
23 Board.--

24 (1) There is created within the not-for-profit
25 ~~nonprofit~~ corporate structure of Enterprise Florida, Inc., a
26 not-for-profit nonprofit public-private board known as the
27 Florida International Trade and Economic Development Board the
28 purpose of which shall be to advise and assist the state of
29 Florida, as well as local and regional economic development
30 organizations, in promoting and developing international trade
31 and reverse investment; marketing the state for potential new

1 investment; and creating, expanding, and retaining Florida
2 businesses.

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

6 (a) The Lieutenant Governor or the Lieutenant
7 Governor's designee.

8 (b) The president of the Florida Chamber of Commerce
9 or the president's designee.

10 (c) The Secretary of State or the secretary's
11 designee.

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

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

17 (f) A member of the House of Representatives, who
18 shall be appointed by the Speaker of the House of
19 Representatives as an ex officio member of the board and serve
20 at the pleasure of the Speaker of the House of
21 Representatives.

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

24 (h)~~(g)~~ Members to be appointed by the Governor,
25 subject to confirmation by the Senate, consisting of the
26 following:

27 1. The chairperson of the World Trade Association of
28 Florida or the chairperson's designee.

29 2. Two representatives from the state's deepwater
30 ports, chosen from a list of three names submitted to the
31 Governor by the Florida Ports Council. One representative

1 shall be from the Gulf of Mexico coast ports, and one
2 representative shall be from the Atlantic coast ports.

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

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

7 5. A person having extensive experience in foreign
8 language instruction or international education.

9 6. The chairperson of the International Law Section of
10 The Florida Bar or the chairperson's designee.

11 7. The chairperson of the Florida International
12 Banking Association or the chairperson's designee.

13 8. A representative of a company in this state that is
14 actively engaged in the manufacture of products in this state
15 for sale in foreign markets.

16 9. A member of the Florida Citrus Commission
17 experienced in the exportation of citrus products who owns,
18 operates, or is employed by a major company in this state that
19 is actively engaged in the exportation of citrus products from
20 this state to international markets.

21 10. A representative of a major multinational company
22 with offices in this state.

23 11. The chairperson of the Latin Chamber of Commerce
24 of the United States or the chairperson's designee.

25 12. A representative of the state's commercial banking
26 industry, or a representative otherwise having expertise on
27 capital-development issues.

28 13. A representative of emerging technology-based
29 businesses, or a representative otherwise having expertise on
30 technology-development issues.

31

1 14. Three representatives of local economic
2 development organizations reflecting the geographic diversity
3 of the state.

4 15. A small-business person who is active in
5 international business.

6 ~~(h) Nine to 11 members from the public and private~~
7 ~~sector, consisting of one member representing a municipal~~
8 ~~economic development organization, one member representing a~~
9 ~~county economic development organization, one member~~
10 ~~representing a regional economic development organization, one~~
11 ~~member representing an international economic development~~
12 ~~organization, and one member who, at the time of appointment,~~
13 ~~is a board member of a community development corporation that~~
14 ~~meets the requirements of s. 290.035, with the remaining~~
15 ~~members representing, and being actively involved in, Florida~~
16 ~~business, who shall be appointed by the Governor, subject to~~
17 ~~Senate confirmation.~~

18 ~~(3) Members appointed by the Governor shall be~~
19 ~~appointed for terms of 4 years, except that, in making the~~
20 ~~initial appointments, the Governor shall appoint three to five~~
21 ~~members for terms of 4 years, three members for terms of 3~~
22 ~~years, and three members for terms of 2 years.~~

23 ~~(4) The chair and vice chair of Enterprise Florida,~~
24 ~~Inc., shall jointly select a list of nominees for appointment~~
25 ~~to the board from a slate of candidates submitted by~~
26 ~~Enterprise Florida, Inc. The chair and vice chair of~~
27 ~~Enterprise Florida, Inc., may request that additional~~
28 ~~candidates be submitted by Enterprise Florida, Inc., if the~~
29 ~~chair and vice chair cannot agree on a list of nominees~~
30 ~~submitted. Appointments to the board of directors shall be~~
31 ~~made by the Governor from the list of nominees jointly~~

1 ~~selected by the chair and vice chair of Enterprise Florida,~~
2 ~~Inc.~~Appointees shall represent all geographic regions of the
3 state, including both urban and rural regions. The importance
4 of minority and gender representation shall be considered when
5 making nominations for each position on the board of
6 directors.

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

11 (5)~~(6)~~ A vacancy on the board shall be filled for the
12 remainder of the unexpired term in the same manner as the
13 original appointment.

14 (6)~~(7)~~ A member may be removed by the Governor for
15 cause. Absence from three consecutive meetings results in
16 automatic removal.

17 Section 14. Section 288.9414, Florida Statutes, is
18 amended to read:

19 288.9414 Powers and authority of board of directors of
20 International Trade and Economic Development Board.--

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

25 (a) Advising and assisting in formulating and
26 coordinating the state's economic development policy, both
27 domestically and internationally, consistent with the policies
28 of the board of directors of Enterprise Florida, Inc.

29 (b) Using a corporate seal.

30 (c) Advising and assisting local and regional
31 economic-development organizations in promoting and developing

1 international trade and reverse investment, in marketing the
2 state for potential new investment, and in creating,
3 expanding, and retaining Florida businesses in developing the
4 ~~state's economic development strategic planning process.~~

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

7 (e) Reporting to the board of directors of Enterprise
8 Florida, Inc., regarding its functions, duties,
9 recommendations, and responsibilities.

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

12 (g) Contracting with public and private entities as
13 necessary to further the directives of this act, except that
14 any contract made with an organization represented on the
15 nominating council or on the board of directors must be
16 approved by a two-thirds vote of the entire board of
17 directors, and the board member representing such organization
18 shall abstain from voting. No more than 65 percent of the
19 dollar value of all contracts or other agreements entered into
20 in any fiscal year, exclusive of grant programs, shall be made
21 with an organization represented on the nominating council or
22 the board of directors. An organization represented on the
23 board or on the nominating council may not enter into a
24 contract to receive a state-funded economic development
25 incentive or similar grant, unless such incentive award is
26 specifically endorsed by a two-thirds vote of the entire
27 board. The board member representing such organization, if
28 applicable, shall abstain from voting and refrain from
29 discussing the issue with other members of the board. No more
30 than 50 percent of the dollar value of grants issued by the
31

1 board in any fiscal year may go to businesses associated with
2 board members.

3 (h) Carrying forward any unexpended state
4 appropriations into succeeding fiscal years.

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

8 ~~1. Its operations and accomplishments during the~~
9 ~~fiscal year.~~

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

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

13 ~~4. A copy of an annual financial and compliance audit~~
14 ~~of its accounts and records conducted by an independent~~
15 ~~certified public accountant performed in accordance with rules~~
16 ~~adopted by the Auditor General.~~

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

19 (3) The board shall annually convene in the fall a
20 meeting of economic development and international trade
21 development stakeholders to review the state of economic
22 development and international trade development in Florida and
23 to generate specific recommendations and priorities for
24 consideration by the Legislature. This meeting shall serve as
25 a precursor to the meeting of leaders in business, government,
26 and economic development under s. 14.2015. In identifying and
27 inviting participants in the stakeholders meeting, the board
28 shall seek to include individuals having expertise on the
29 various components integral to successful economic development
30 and international trade development for the state.~~Develop~~
31 ~~intensive export assistance programs for small and~~

1 ~~medium-sized export firms. The partnership, through~~
2 ~~Enterprise Florida, Inc., may enter into contractual relations~~
3 ~~with export-ready firms and may impose fees or other charges~~
4 ~~for services provided.~~

5 Section 15. Section 288.9511, Florida Statutes, is
6 amended to read:

7 288.9511 Definitions.--As used in ss.
8 288.9511-288.9517, the term:

9 (1) "Educational institutions" means Florida technical
10 institutes and vocational schools, and public and private
11 community colleges, colleges, and universities in the state.

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

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

18 (3)~~(4)~~ "Person" means any individual, partnership,
19 corporation, or joint venture that carries on business, or
20 proposes to carry on business, within the state.

21 (4)~~(5)~~ "Product" means any product, device, technique,
22 or process that is, or may be, developed or marketed
23 commercially; the term does not refer, however, to basic
24 research, but rather to products, devices, techniques, or
25 processes that have advanced beyond the theoretical stage and
26 are in a prototype or industry practice stage.

27 (5)~~(6)~~ "Qualified security" means a public or private
28 financial arrangement that involves any note, security,
29 debenture, evidence of indebtedness, certificate of interest
30 of participation in any profit-sharing agreement,
31 preorganization certificate or subscription, transferable

1 security, investment contract, certificate of deposit for a
2 security, certificate of interest or participation in a patent
3 or application thereof, or in royalty or other payments under
4 such a patent or application, or, in general, any interest or
5 instrument commonly known as a security or any certificate
6 for, receipt for, guarantee of, or option warrant or right to
7 subscribe to or purchase any of the foregoing to the extent
8 allowed by law.

9 (6)(7) "Technology application" means the introduction
10 and adaptation of off-the-shelf technologies and
11 state-of-the-art management practices to the specific
12 circumstances of an individual firm.

13 (7)(8) "Technology commercialization" means the
14 process of bringing an investment-grade technology out of an
15 enterprise, university, or federal laboratory for first-run
16 application in the marketplace.

17 (8)(9) "Technology development" means strategically
18 focused research aimed at developing investment-grade
19 technologies essential to market competitiveness.

20 Section 16. Section 288.9515, Florida Statutes, is
21 amended to read:

22 288.9515 Authorized ~~programs of~~ technology development
23 programs board.--

24 (1) Enterprise Florida, Inc., ~~The board~~ may create a
25 technology applications services service, ~~and may to be called~~
26 ~~the Florida Innovation Alliance. The Florida Innovation~~
27 ~~Alliance shall~~ serve as an umbrella organization for
28 technology applications service providers throughout the state
29 which provide critical, managerial, technological, scientific,
30 and related financial and business expertise essential for
31 international and domestic competitiveness to small-sized and

1 medium-sized manufacturing and knowledge-based service firms.
2 Enterprise Florida, Inc., ~~The board~~ is authorized the
3 following powers in order to carry out these ~~the~~ functions of
4 ~~the Florida Innovation Alliance~~:

5 (a) Providing communication and coordination services
6 among technology applications service providers throughout the
7 state.

8 (b) Providing coordinated marketing services to
9 small-sized and medium-sized manufacturers in the state on
10 behalf of, and in partnership with, technology applications
11 service providers.

12 (c) Securing additional sources of funds on behalf of,
13 and in partnership with, technology applications service
14 providers.

15 (d) Developing plans and policies to assist
16 small-sized and medium-sized manufacturing companies or other
17 knowledge-based firms in Florida.

18 (e) Entering into contracts with technology
19 applications service providers for expanded availability of
20 high-quality assistance to small-sized and medium-sized
21 manufacturing companies or knowledge-based service firms,
22 including, but not limited to, technological, human resources
23 development, market planning, finance, and interfirm
24 collaboration. Enterprise Florida, Inc., ~~The board~~ shall
25 ensure that all contracts in excess of \$20,000 for the
26 delivery of such assistance to Florida firms shall be based on
27 competitive requests for proposals and. ~~The board~~ shall
28 establish clear standards for the delivery of services under
29 such contracts. Such standards include, but are not limited
30 to:

31

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

3 2. The ability and capacity to deliver services in a
4 timely manner.

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

7 (f) Assisting other educational institutions,
8 enterprises, or the entities providing business assistance to
9 small-sized and medium-sized manufacturing enterprises.

10 (g) Establishing a system to evaluate the
11 effectiveness and efficiency of technology applications
12 ~~Florida Innovation Alliance~~ services provided to small-sized
13 and medium-sized enterprises.

14 (h) Establishing special education and informational
15 programs for Florida enterprises and for educational
16 institutions and enterprises providing business assistance to
17 Florida enterprises.

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

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

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

30 (l) Receiving funds from any source to carry out the
31 purposes of providing technology applications services ~~the~~

1 ~~Florida Innovation Alliance~~, including, but not limited to,
2 gifts or grants from any department, agency, or
3 instrumentality of the United States or of the state, or any
4 enterprise or person, for any purpose consistent with the
5 provisions of this subsection ~~the Florida Innovation Alliance~~.

6 ~~(m) Acquiring or selling, conveying, leasing,~~
7 ~~exchanging, transferring, or otherwise disposing of the~~
8 ~~alliance's property or interest therein.~~

9 (2) When choosing contractors under this section,
10 preference shall be given to existing institutions,
11 organizations, and enterprises so long as these existing
12 institutions, organizations, and enterprises demonstrate the
13 ability to perform at standards established by Enterprise
14 Florida, Inc., ~~the board~~ under paragraph (1)(e). Neither the
15 provisions of ss. 288.9511-288.9517 nor the actions taken by
16 Enterprise Florida, Inc., under this section ~~of the alliance~~
17 shall impair or hinder the operations, performance, or
18 resources of any existing institution, organization, or
19 enterprise.

20 (3) Enterprise Florida, Inc., ~~The board~~ may create a
21 technology development financing fund, to be called the
22 Florida Technology Research Investment Fund. The fund shall
23 increase technology development in this state by investing in
24 technology development projects that have the potential to
25 generate investment-grade technologies of importance to the
26 state's economy as evidenced by the willingness of private
27 businesses to coinvest in such projects. Enterprise Florida,
28 Inc., ~~The board~~ may also demonstrate and develop effective
29 approaches to, and benefits of, commercially oriented research
30 collaborations between businesses, universities, and state and
31 federal agencies and organizations. Enterprise Florida, Inc.,

1 ~~The board~~ shall endeavor to maintain the fund as a
2 self-supporting fund once the fund is sufficiently capitalized
3 as reflected in the minimum funding report required in s.
4 288.9516. The technology research investment projects may
5 include, but are not limited to:
6 (a) Technology development projects expected to lead
7 to a specific investment-grade technology that is of
8 importance to industry in this state.
9 (b) Technology development centers and facilities
10 expected to generate a stream of products and processes with
11 commercial application of importance to industry in this
12 state.
13 (c) Technology development projects that have, or are
14 currently using, other federal or state funds such as federal
15 Small Business Innovation Research awards.
16 (4) Enterprise Florida, Inc., ~~The board~~ shall invest
17 moneys contained in the Florida Technology Research Investment
18 Fund in technology application research or for technology
19 development projects that have the potential for commercial
20 market application. The partnership shall coordinate any
21 investment in any space-related technology projects with the
22 Spaceport Florida Authority and the Technological Research and
23 Development Authority.
24 (a) The investment of moneys contained in the Florida
25 Technology Research Investment Fund is limited to investments
26 in qualified securities in which a private enterprise in this
27 state coinvests at least 40 percent of the total project
28 costs, in conjunction with other cash or noncash investments
29 from state educational institutions, state and federal
30 agencies, or other institutions.
31

1 (b) For the purposes of this fund, qualified
2 securities include loans, loans convertible to equity, equity,
3 loans with warrants attached that are beneficially owned by
4 the board, royalty agreements, or any other contractual
5 arrangement in which the board is providing scientific and
6 technological services to any federal, state, county, or
7 municipal agency, or to any individual, corporation,
8 enterprise, association, or any other entity involving
9 technology development.

10 (c) Not more than \$175,000 or 5 percent of the
11 revenues generated by investment of moneys contained in the
12 Florida Technology Research Investment Fund, whichever is
13 greater, may be used to pay ~~the partnership's~~ operating
14 expenses associated with operation of the Florida Technology
15 Research Investment Fund.

16 (d) In the event of liquidation or dissolution of
17 Enterprise Florida, Inc., or the Florida Technology Research
18 Investment Fund, any rights or interests in a qualified
19 security or portion of a qualified security purchased with
20 moneys invested by the State of Florida shall vest in the
21 state, under the control of the State Board of Administration.
22 The state is entitled to, in proportion to the amount of
23 investment in the fund by the state, any balance of funds
24 remaining in the Florida Technology Research Investment Fund
25 after payment of all debts and obligations upon liquidation or
26 dissolution of Enterprise Florida, Inc., or the fund.

27 (e) The investment of funds contained in the Florida
28 Technology Research Investment Fund does not constitute a
29 debt, liability, or obligation of the State of Florida or of
30 any political subdivision thereof, or a pledge of the faith
31 and credit of the state or of any such political subdivision.

1 (5) Enterprise Florida, Inc.,~~The board~~ may create
2 technology commercialization programs in partnership with
3 private enterprises, educational institutions, and other
4 institutions to increase the rate at which technologies with
5 potential commercial application are moved from university,
6 public, and industry laboratories into the marketplace. Such
7 programs shall be created based upon research to be conducted
8 by the board.

9 Section 17. Section 288.95155, Florida Statutes, 1998
10 Supplement, is amended to read:

11 288.95155 Florida Small Business Technology Growth
12 Program.--

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

19 (2) Enterprise Florida, Inc.,~~The board~~ shall
20 establish a separate small business technology growth account
21 in the Florida Technology Research Investment Fund for
22 purposes of this section. Moneys in the account shall consist
23 of appropriations by the Legislature, proceeds of any
24 collateral used to secure such assistance, transfers, fees
25 assessed for providing or processing such financial
26 assistance, grants, interest earnings, earnings on financial
27 assistance, and any moneys transferred to the account by the
28 Department of Community Affairs from the Economic Opportunity
29 Trust Fund for use in qualifying energy projects.

30 (3) Pursuant to s. 216.351, the amount of any moneys
31 appropriated to the account which are unused at the end of the

1 fiscal year shall not be subject to reversion under s.
2 216.301. All moneys in the account are continuously
3 appropriated to the account and may be used for loan
4 guarantees, letter of credit guarantees, cash reserves for
5 loan and letter of credit guarantees, payments of claims
6 pursuant to contracts for guarantees, subordinated loans,
7 loans with warrants, royalty investments, equity investments,
8 and operations of the program. Any claim against the program
9 shall be paid solely from the account. Neither the credit nor
10 the taxing power of the state shall be pledged to secure the
11 account or moneys in the account, other than from moneys
12 appropriated or assigned to the account, and the state shall
13 not be liable or obligated in any way for any claims against
14 the account ~~or against the technology development board, or~~
15 ~~against~~ Enterprise Florida, Inc.

16 (4) Awards of assistance from the program shall be
17 finalized ~~at meetings of the technology development board and~~
18 ~~shall be~~ subject to the policies and procedures of Enterprise
19 Florida, Inc. Enterprise Florida, Inc., ~~The board~~ shall
20 leverage at least one dollar of matching investment for each
21 dollar awarded from the program. Enterprise Florida, Inc., ~~The~~
22 ~~board~~ shall give the highest priority to moderate-risk and
23 high-risk ventures that offer the greatest opportunity for
24 compelling economic development impact. Enterprise Florida,
25 Inc., ~~The board~~ shall establish for each award a risk-reward
26 timetable that profiles the risks of the assistance, estimates
27 the potential economic development impact, and establishes a
28 timetable for reviewing the success or failure of the
29 assistance. By December 31 of each year, Enterprise Florida,
30 Inc., ~~the board~~ shall evaluate, on a portfolio basis, the
31

1 results of all awards of assistance made from the program
2 during the year.

3 (5) By January 1 of each year, Enterprise Florida,
4 Inc., ~~the board~~ shall prepare a report on the financial status
5 of the program and the account and shall submit a copy of the
6 report to the board of directors of Enterprise Florida, Inc.,
7 the appropriate legislative committees responsible for
8 economic development oversight, and the appropriate
9 legislative appropriations subcommittees. The report shall
10 specify the assets and liabilities of the account within the
11 current fiscal year and shall include a portfolio update that
12 lists all of the businesses assisted, the private dollars
13 leveraged by each business assisted, and the growth in sales
14 and in employment of each business assisted.

15 Section 18. Section 288.9519, Florida Statutes, is
16 amended to read:

17 288.9519 Not-for-profit corporation.--

18 (1) It is the intent of the Legislature to promote the
19 development of the state economy and to authorize the
20 establishment of a not-for-profit organization that shall
21 promote the competitiveness and profitability of
22 high-technology business and industry through technology
23 development projects of importance to specific manufacturing
24 sectors in this state. This not-for-profit corporation shall
25 work cooperatively with Enterprise Florida, Inc., ~~the~~
26 ~~technology development board~~ and shall avoid duplicating the
27 activities, programs, and functions of Enterprise Florida,
28 Inc. ~~the board.~~

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

1 (a) To receive funds appropriated to the organization
2 by the Legislature. Such funds may not duplicate funds
3 appropriated to Enterprise Florida, Inc.~~the technology~~
4 ~~development board~~ but shall serve to further the advancement
5 of the state economy, jointly and collaboratively with
6 Enterprise Florida, Inc.~~the board.~~

7 (b) To submit a legislative budget request through a
8 state agency.

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

14 (d) To carry forward any unexpended state
15 appropriations into succeeding fiscal years.

16 Section 19. Section 288.9520, Florida Statutes, is
17 amended to read:

18 288.9520 Public records exemption.--Materials that
19 relate to methods of manufacture or production, potential
20 trade secrets, potentially patentable material, actual trade
21 secrets, business transactions, financial and proprietary
22 information, and agreements or proposals to receive funding
23 that are received, generated, ascertained, or discovered by
24 Enterprise Florida, Inc.~~the technology development board~~,
25 including its affiliates or subsidiaries and partnership
26 participants, such as private enterprises, educational
27 institutions, and other organizations, are confidential and
28 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
29 I of the State Constitution, except that a recipient of
30 Enterprise Florida, Inc.~~board~~ research funds shall make
31 available, upon request, the title and description of the

1 research project, the name of the researcher, and the amount
2 and source of funding provided for the project.

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

5 288.9603 Definitions.--

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

8 Section 21. Subsections (2) and (3) of section
9 288.9604, Florida Statutes, are amended to read:

10 288.9604 Creation of the authority.--

11 (2) A city or county of Florida shall be selected by a
12 search committee of Enterprise Florida, Inc ~~the capital~~
13 ~~development board~~. This city or county shall be authorized to
14 activate the corporation. The search committee shall be
15 composed of two commercial banking representatives, the Senate
16 member of the partnership, the House of Representatives member
17 of the partnership, and a member who is an industry or
18 economic development professional.

19 (3) Upon activation of the corporation, the Governor,
20 subject to confirmation by the Senate, shall appoint the board
21 of directors of the corporation, who shall be five in number.
22 The terms of office for the directors shall be for 4 years,
23 except that three of the initial directors shall be designated
24 to serve terms of 1, 2, and 3 years, respectively, from the
25 date of their appointment, and all other directors shall be
26 designated to serve terms of 4 years from the date of their
27 appointment. A vacancy occurring during a term shall be filled
28 for the unexpired term. A director shall be eligible for
29 reappointment. At least three of the directors of the
30 corporation shall be bankers who have been selected by the
31 Governor from a list of bankers who were nominated by ~~the~~

1 ~~Enterprise Florida, Inc. capital development board~~, and one of
2 the directors shall be an economic development specialist. The
3 chairperson of the Florida Black Business Investment Board
4 shall be an ex officio member of the board of the corporation.

5 Section 22. Section 288.9614, Florida Statutes, is
6 amended to read:

7 288.9614 Authorized programs.--Enterprise Florida,
8 Inc., ~~The capital development board~~ may take any action that
9 it deems necessary to achieve the purposes of this act in
10 partnership with private enterprises, public agencies, and
11 other organizations, including, but not limited to, efforts to
12 address the long-term debt needs of small-sized and
13 medium-sized firms, to address the needs of microenterprises,
14 to expand availability of venture capital, and to increase
15 international trade and export finance opportunities for firms
16 critical to achieving the purposes of this act.

17 Section 23. Subsection (1) of section 288.9618,
18 Florida Statutes, is amended to read:

19 288.9618 Microenterprises.--

20 (1) Subject to specific appropriations in the General
21 Appropriations Act, the Office of Tourism, Trade, and Economic
22 Development may contract with ~~the Enterprise Florida Capital~~
23 ~~Development Board~~ or some other appropriate not-for-profit or
24 governmental organization for any action that the office deems
25 necessary to foster the development of microenterprises in the
26 state. As used within this section, microenterprises are
27 extremely small business enterprises which enable low and
28 moderate income individuals to achieve self-sufficiency
29 through self-employment. Microenterprise programs are those
30 which provide at least one of the following: small amounts of
31 capital, business training, and technical assistance. Where

1 feasible, the office or organizations under contract with the
2 office shall work in cooperation with other organizations
3 active in the study and support of microenterprises. Such
4 actions may include, but are not limited to:

5 (a) Maintaining a network of communication and
6 coordination among existing microenterprise lending and
7 assistance programs throughout the state.

8 (b) Providing information and technical help to
9 community-based or regional organizations attempting to
10 establish new microenterprise programs.

11 (c) Encouraging private sector investment in
12 microenterprises and microenterprise lending programs.

13 (d) Fostering mentoring and networking relationships
14 among microenterprises and other businesses and public bodies
15 in order to give microenterprises access to management advice
16 and business leads.

17 (e) Incorporating microenterprise components into the
18 capital development programs and other business development
19 programs operated by Enterprise Florida, Inc., and its
20 affiliates.

21 (f) Providing organizational, financial, and marketing
22 support for conferences, workshops, or similar events that
23 focus on microenterprise development.

24 (g) Establishing a program and guidelines for the
25 award of matching grants on a competitive basis to support the
26 operational expenses of not-for-profit organizations and
27 government agencies that are engaged in microenterprise
28 lending and other microenterprise assistance activities.

29 (h) Coordinating with other organizations to ensure
30 that participants in the WAGES Program are given opportunities
31 to create microenterprises.

1 Section 24. Sections 288.902, 288.9512, 288.9513,
2 288.9514, 288.9516, 288.9611, 288.9612, 288.9613, and
3 288.9615, Florida Statutes, are repealed.

4 Section 25. (1) Notwithstanding any other provision
5 of law, any contract or interagency agreement existing on or
6 before the effective date of this act between the Technology
7 Development Board or the Capital Development Board of
8 Enterprise Florida, Inc., or entities or agents of those
9 boards, and other agencies, entities, or persons shall
10 continue as binding contracts or agreements with Enterprise
11 Florida, Inc., which is the successor entity responsible for
12 the program, activity, or functions relative to the contract
13 or agreement.

14 (2) Any tangible personal property of the Technology
15 Development Board or the Capital Development Board of
16 Enterprise Florida, Inc., is transferred to Enterprise
17 Florida, Inc.

18 (3) Enterprise Florida, Inc., shall assume
19 responsibility for any programs or activities of the
20 Technology Development Board and the Capital Development Board
21 in existence as of the effective date of this act and shall
22 determine the appropriate placement of such programs or
23 activities within the organization. Enterprise Florida, Inc.,
24 shall ensure that placement of such programs or activities
25 within the organization does not jeopardize the continuation
26 or renewal of any nonstate funding supporting such programs.
27 Enterprise Florida, Inc., shall assume responsibility for the
28 purposes and missions of the Technology Development Board and
29 the Capital Development Board, including, but not limited to,
30 fostering the growth of high-technology and other value-added
31 industries and jobs in the state, providing leadership for the

1 creation of innovation-driven firms in the state, and building
2 access to financial markets for firms critical to fulfillment
3 of the economic development goals of the state. Enterprise
4 Florida, Inc., shall integrate these technology development
5 and capital development purposes and missions into the
6 organization's principal purpose and mission of business
7 recruitment, business retention and expansion, international
8 trade and reverse investment, and workforce development.

9 Section 26. The Division of Statutory Revision is
10 directed to redesignate part VIII of chapter 288, Florida
11 Statutes, as "Technology Development" and to redesignate part
12 IX of that chapter as "Capital Development."

13 Section 27. Subsections (6) and (11) of section
14 288.99, Florida Statutes, 1998 Supplement, are amended to
15 read:

16 288.99 Certified Capital Company Act.--

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

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

31

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

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

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

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

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

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

28 (c) Directly or indirectly owns, whether through
29 rights, options, convertible interests, or otherwise,
30 controls, or holds power to vote 10 percent or more of the
31

1 outstanding voting securities or other ownership interest of
2 the certified investor; ~~or-~~

3 (d) Is a subsidiary of the certified investor or 10
4 percent or more of whose outstanding voting securities or
5 other ownership interest are directly or indirectly owned,
6 whether through rights, options, convertible interests, or
7 otherwise, by the certified investor.

8 Section 28. Subsection (2) of section 220.191, Florida
9 Statutes, 1998 Supplement, is amended to read:

10 220.191 Capital investment tax credit.--

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

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

31

1 (b) Seventy-five percent for a qualifying project
2 which results in a cumulative capital investment of at least
3 \$50 million but less than \$100 million.

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

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

17 Section 29. Subsection (7) of section 163.3178,
18 Florida Statutes, is amended to read:

19 163.3178 Coastal management.--

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

1 s. 311.09(1) and proposed port expansion areas, compliance
2 with the provisions of this subsection shall be achieved
3 through comprehensive master plans prepared by each port and
4 integrated with the appropriate local plan pursuant to
5 paragraph (2)(k).

6 Section 30. Paragraph (h) is added to subsection (1)
7 of section 163.3187, Florida Statutes, 1998 Supplement, and
8 paragraph (a) of subsection (6) of that section is amended, to
9 read:

10 163.3187 Amendment of adopted comprehensive plan.--

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

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

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

25 Section 31. Subsection (4) is added to section 253.77,
26 Florida Statutes, to read:

27 253.77 State lands; state agency authorization for use
28 prohibited without consent of agency in which title vested;
29 concurrent processing requirements.--

30 (4) Notwithstanding any other provision of this
31 chapter, chapter 373, or chapter 403, for activities

1 authorized by a permit or exemption pursuant to chapter 373 or
2 chapter 403, ports listed in s. 403.021(9)(b) and inland
3 navigation districts created pursuant to s. 374.975(3) shall
4 not be required to pay any fees for activities involving the
5 use of sovereign lands, including leases, easements, or
6 consents of use.

7 Section 32. Section 288.8155, Florida Statutes, is
8 amended to read:

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

11 288.8155 International Trade Data Resource and
12 Research Center.--Enterprise Florida, Inc., and the Florida
13 Seaport Transportation and Economic Development Council shall
14 establish a comprehensive trade data resource and research
15 center to be known as the "International Trade Data Resource
16 and Research Center." The center shall be incorporated as a
17 private nonprofit corporation operated in compliance with
18 chapter 617, and shall not be a unit or entity of state
19 government.

20 (1) The center shall be governed by a board of
21 directors composed of the following members: one
22 representative appointed by Enterprise Florida, Inc., one
23 representative appointed by the Florida Seaport Transportation
24 and Economic Development Council, and one representative
25 appointed by the Office of Tourism, Trade, and Economic
26 Development.

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

29 (a) Develop a state-wide trade information system that
30 may include, but is not limited to, timely import and export
31 information; trade opportunities; intermodal transportation

1 information that measures cargo flow by transportation mode;
2 commodity trends; trade activity between Florida and specific
3 countries; and other information as determined by the board of
4 directors.

5 (b) Develop an Internet based electronic commerce
6 system designed to facilitate international trade in the
7 Americas.

8 (c) Provide research on trade opportunities in
9 specific countries.

10 (d) Provide any other terms and conditions required to
11 effect the intent of the Legislature to ensure the general
12 availability of trade data and research to Florida users and
13 to promote the development of a center for the purposes
14 enumerated in this section.

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

19 (f) Secure funding for the programs and activities of
20 the center from federal, state, local, or private sources, and
21 enter into contracts that provide terms and conditions to
22 secure such funding.

23 (g) Charge fees for services, programs, and activities
24 developed pursuant to this section and for published
25 materials.

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

29 (i) Acquire, enjoy, use, and dispose of patents,
30 copyrights, and trademarks and any licenses, royalties, and
31 other rights or interests thereunder or therein.

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

6 Section 33. Section 311.07, Florida Statutes, is
7 amended to read:

8 311.07 Florida seaport transportation and economic
9 development funding.--

10 (1) There is created the Florida Seaport
11 Transportation and Economic Development Program within the
12 Department of Transportation to finance port transportation or
13 port facilities and projects that will improve the movement
14 and intermodal transportation of cargo or passengers in
15 commerce and trade and that will support the interests,
16 purposes, and requirements of ports located in this state.

17 (2) A minimum of \$8 million per year shall be made
18 available from the State Transportation Trust Fund to fund the
19 Florida Seaport Transportation and Economic Development
20 Program.

21 (3)(a) Program funds shall be used to fund approved
22 projects on a 50-50 matching basis with any of the deepwater
23 ports, as listed in s. 403.021(9)(b), which is governed by a
24 public body or any other deepwater port which is governed by a
25 public body and which complies with the water quality
26 provisions of s. 403.061, the comprehensive master plan
27 requirements of s. 163.3178(2)(k), the local financial
28 management and reporting provisions of part III of chapter
29 218, and the auditing provisions of s. 11.45(3)(a)4. Program
30 funds also may be used by the Seaport Transportation and
31 Economic Development Council to develop with the Florida Trade

1 Data Center ~~such~~ trade data, trade market, and shipping
2 information products that ~~which~~ will assist Florida's seaports
3 and international trade.

4 (b) Projects eligible for funding by grants under the
5 program are limited to the following port transportation
6 facilities and ~~or port transportation~~ projects that
7 accommodate freight movement and storage capacity or cruise
8 capacity:

9 1. Transportation facilities within the jurisdiction
10 of the port.

11 2. The dredging or deepening of channels, turning
12 basins, or harbors.

13 3. The construction or rehabilitation of wharves,
14 docks, structures, jetties, piers, storage facilities, cruise
15 terminals, automated people mover systems, or any facilities
16 necessary or useful in connection with any of the foregoing.

17 4. The acquisition of container cranes or other
18 mechanized equipment used in the movement of cargo or
19 passengers in international commerce.

20 5. The acquisition of land to be used for port
21 purposes, consistent with port master plans in compliance with
22 s. 163.3178.

23 6. The acquisition, improvement, enlargement, or
24 extension of existing port facilities, consistent with port
25 master plans in compliance with s. 163.3178.

26 7. Environmental protection projects which are
27 necessary because of requirements imposed by a state agency as
28 a condition of a permit or other form of state approval; which
29 are necessary for environmental mitigation required as a
30 condition of a state, federal, or local environmental permit;
31 which are necessary for the acquisition of spoil disposal

1 sites and improvements to existing and future spoil sites; or
2 which result from the funding of eligible projects listed
3 herein.

4 8. Transportation facilities as defined in s.
5 334.03(31) which are not otherwise part of the Department of
6 Transportation's adopted work program.

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

10 (c) To be eligible for consideration by the council
11 pursuant to this section, a project must be consistent with
12 the port comprehensive master plan which is incorporated as
13 part of the approved local government comprehensive plan as
14 required by s. 163.3178(2)(k) or other provisions of the Local
15 Government Comprehensive Planning and Land Development
16 Regulation Act, part II of chapter 163.

17 (4) Program funds may also be used to fund:

18 (a) Construction or rehabilitation of port facilities,
19 as defined in s. 315.02, in ports listed in s. 311.09(1) with
20 operating revenues of \$5 million or less, if such projects
21 create economic development opportunities, capital
22 improvements, and positive financial returns to the port.

23 (b) Trade corridor or systemwide freight mobility
24 plans.

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

29 (5) Any port which receives funding under the program
30 shall institute procedures to ensure that jobs created as a
31 result of the state funding shall be subject to equal

1 opportunity hiring practices in the manner provided in s.
2 110.112.

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

10 Section 34. Subsections (1), (4), (9), (11), and (12)
11 of section 311.09, Florida Statutes, are amended to read:

12 311.09 Florida Seaport Transportation and Economic
13 Development Council.--

14 (1) The Florida Seaport Transportation and Economic
15 Development Council is created within the Department of
16 Transportation. The council consists of the following 17
17 members: the port director, or the port director's designee,
18 of each of the ports of Jacksonville, Port Canaveral, Fort
19 Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St.
20 Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
21 West, and Fernandina; the secretary of the Department of
22 Transportation or his or her designee ~~as an ex officio~~
23 ~~nonvoting member~~; the director of the Office of Tourism,
24 Trade, and Economic Development or his or her designee ~~as an~~
25 ~~ex officio nonvoting member~~; and the secretary of the
26 Department of Community Affairs or his or her designee ~~as an~~
27 ~~ex officio nonvoting member~~.

28 (4) The council shall adopt rules for evaluating
29 projects that ~~which~~ may be funded under s. 311.07. The rules
30 shall provide criteria for evaluating the economic benefit of
31 the project, measured by the potential for the proposed

1 project to maintain or increase cargo flow, cruise passenger
2 movement, international commerce, port revenues, and the
3 number of jobs for the port's local community.

4 (9) The council shall review the findings of the
5 Department of Community Affairs; the Office of Tourism, Trade,
6 and Economic Development; and the Department of
7 Transportation. Projects found to be inconsistent pursuant to
8 subsections (6), (7), and (8) and projects which have been
9 determined not to offer an economic benefit to the state
10 pursuant to subsection (8) shall not be included in the list
11 of projects to be funded. Projects that are found to be
12 consistent, pursuant to subsections (6), (7), and (8), are
13 presumed to be in the public interest.

14 (11) The council shall create a committee composed of
15 a representative from the Department of Community Affairs, a
16 representative from the Department of Transportation, a
17 representative from the Office of Tourism, Trade, and Economic
18 Development, and a representative from the council selected by
19 the voting membership to review a project modification. The
20 committee shall establish criteria to be used in the review of
21 a project modification. The committee, acting for the council,
22 shall determine the impact of such modification and whether it
23 requires that the project be resubmitted to the council for
24 approval or disapproval pursuant to subsection (5).

25 (12)~~(11)~~ The council shall meet at the call of its
26 chairperson, at the request of a majority of its membership,
27 or at such times as may be prescribed in its bylaws. However,
28 the council must meet at least semiannually. A majority of
29 voting members of the council constitutes a quorum for the
30 purpose of transacting the business of the council. All
31 members of the council are voting members ~~except for members~~

1 ~~representing the Department of Transportation; the Department~~
2 ~~of Community Affairs; and the Office of Tourism, Trade, and~~
3 ~~Economic Development.~~ A vote of the majority of the voting
4 members present is sufficient for any action of the council,
5 except that a member representing the Department of
6 Transportation, the Department of Community Affairs, or the
7 Office of Tourism, Trade, and Economic Development may vote to
8 overrule any action of the council approving a project
9 pursuant to subsection (5). ~~The unless the~~ bylaws of the
10 council require a greater vote for a particular action.

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

29 Section 35. Section 311.101, Florida Statutes, is
30 created to read:

31

1 311.101 Department of Transportation; Seaport and
2 Intermodal Development.--

3 (1) There is created, within the Office of the State
4 Public Transportation Administrator of the Department of
5 Transportation, the Office of Seaport and Intermodal
6 Development, to enhance this state's global competitiveness,
7 productivity, and efficiency in international trade and the
8 movement of people and goods to and from its intermodal
9 facilities. The Office of Seaport Development and Intermodal
10 Development shall:

11 (a) Advise and assist the State Public Transportation
12 Administrator and the Secretary of Transportation in all
13 seaport and intermodal matters.

14 (b) Coordinate the activities of the department and
15 its district offices regarding seaport and intermodal matters.

16 (c) Review candidate projects approved by the Florida
17 Seaport Transportation and Economic Development Council to
18 determine consistency with the Florida Transportation Plan and
19 the department's adopted work program pursuant to s.
20 311.09(7).

21 (d) Review, for consistency pursuant to s. 311.09(7),
22 seaport intermodal access projects, as described in s.
23 341.053(5) and funded pursuant to s. 320.20(4) and (5).

24 (e) Review any proposed project scope modification
25 made to eligible projects approved by the Florida Seaport
26 Transportation and Economic Development Council, pursuant to
27 s. 311.09(11).

28 (f) Direct required audit reviews pursuant to s.
29 311.07(6) of any project that receives funds pursuant to this
30 chapter.

31

1 (g) Administer seaport and intermodal development
2 activities of the department, pursuant to ss. 311.14, 320.20,
3 and 341.053.

4 (h) Carry out any other seaport and intermodal
5 activities assigned to it by the Secretary of Transportation
6 to work cooperatively with the Florida Seaport Transportation
7 and Economic Development Council and others in administering
8 provisions pursuant to chapter 311 and ss. 320.20 and 341.053.

9 (2) By February 1 of each year, the Department of
10 Transportation shall submit to the Governor, the President of
11 the Senate, and the Speaker of the House of Representatives a
12 detailed report on state seaport development efforts conducted
13 during the year.

14 Section 36. Section 311.102, Florida Statutes, is
15 created to read:

16 311.102 Department of Community Affairs; Seaport and
17 Freight Mobility Planning.--There is created, within the
18 Department of Community Affairs, the Office of Seaport and
19 Freight Mobility Planning to enhance this state's global
20 competitiveness, productivity, and efficiency in international
21 trade and the movement of people and cargo to and from its
22 seaports. The Office of Seaport and Freight Mobility Planning
23 shall:

24 (1) Review port comprehensive master plans and provide
25 technical assistance to ports as necessary to maintain
26 compliance with s. 163.3178(2)(k).

27 (2) Review eligible projects approved by the Florida
28 Seaport Transportation and Economic Development Council to
29 determine consistency with local government comprehensive
30 plans and consistency with port master plans, pursuant to s.
31 311.09(6).

1 (3) Coordinate coastal consistency review, pursuant to
2 the provisions of s. 380.23(3), of activities, uses, and
3 projects potentially affecting ports listed in s. 311.09(1).

4 (4) Review and recommend actions required to achieve
5 consistency between the intermodal transportation components
6 of port master plans, local comprehensive plans, the 5-year
7 Florida Seaport Mission Plan developed pursuant to s.
8 311.09(3), the Florida Transportation Plan developed pursuant
9 to s. 339.155, and M.P.O. plans and programs as provided in s.
10 339.175.

11 (5) Ensure, to the greatest extent possible, that the
12 actions and review functions of the department, with respect
13 to ports listed in s. 311.09(1), do not duplicate the actions
14 and review functions of federal agencies, other state
15 agencies, water management districts, and the Fish and
16 Wildlife Conservation Commission.

17 Section 37. Section 311.20, Florida Statutes, is
18 created to read:

19 311.20 Northwest Florida Seaport Transportation and
20 Economic Development Council.--

21 (1) There is created the Northwest Florida Seaport
22 Transportation and Economic Development Council as a
23 corporation not-for-profit pursuant to chapter 617. The
24 purpose of the council is to enhance economic development in
25 the northwest Florida region by creating jobs and increasing
26 cargo flow and port revenues at the three ports in the region
27 and the regional communities.

28 (2)(a) The council shall consist of the following
29 members: the port director of the port of Panama City or his
30 or her designee; the port director of the port of Pensacola or
31 his or her designee; the port director of the port of Port St.

1 Joe or his or her designee; the director of the Office of
2 Tourism, Trade, and Economic Development or his or her
3 designee; and a representative from Enterprise Florida, Inc.
4 The members of the council may appoint up to four ex-officio
5 nonvoting members.

6 (b) Members of the council shall serve without
7 compensation but may receive reimbursement for per diem and
8 travel expenses as provided in s. 112.061.

9 (3) The council shall develop a comprehensive
10 strategic regional development plan that includes:

11 (a) A marketing strategy for development at the three
12 ports and their respective communities;

13 (b) A review of multi-modal transportation
14 requirements for the region; and

15 (c) An identification of specific transportation and
16 economic development projects that create jobs and increase
17 cargo flow and port revenues at the three ports and the
18 regional communities. Subject to specific appropriation by the
19 Legislature, the council may grant funds for the development
20 of such projects.

21 (4) The council shall have all the powers necessary
22 and convenient to administer this section, including the power
23 to:

24 (a) Solicit, receive, hold, invest, and administer any
25 grant, payment, or gift of funds or property.

26 (b) Purchase, receive, hold, lease, or otherwise
27 acquire, and sell, convey, transfer, lease, or otherwise
28 dispose of, real property and personal property together with
29 rights and privileges as are incidental and appurtenant
30 thereto.

31

1 (c) Contract with public-sector or private-sector
2 entities for the purpose of exercising or performing its
3 powers and functions.

4 (5) The council may appoint an executive director, and
5 the executive director may employ staff authorized by the
6 council. The compensation of the executive director and staff
7 shall be set by the council.

8 Section 38. Present subsections (4) and (5) of section
9 320.20, Florida Statutes, are redesignated as subsections (5)
10 and (6), respectively, and a new subsection (4) is added to
11 that section, to read:

12 320.20 Disposition of license tax moneys.--The revenue
13 derived from the registration of motor vehicles, including any
14 delinquent fees and excluding those revenues collected and
15 distributed under the provisions of s. 320.081, must be
16 distributed monthly, as collected, as follows:

17 (4) Notwithstanding any other provision of law, except
18 for subsections (1), (2), (3), and (5), on July 1, 1999, and
19 annually thereafter, \$10 million shall be deposited in the
20 State Transportation Trust Fund solely for the purposes of
21 funding the Florida Seaport Transportation and Economic
22 Development Program, as provided in chapter 311, and for
23 funding seaport intermodal access projects of statewide
24 significance, as provided in s. 341.053. Such revenues shall
25 be distributed to any port listed in s. 311.09(1), to be used
26 for funding projects on a matching basis as follows:

27 (a) For seaport intermodal access projects as
28 described in s. 341.053(5), which are identified in the 5-year
29 Florida Seaport Mission Plan under s. 311.09(3), funding shall
30 require a 25-percent match of the funds received under this
31

1 subsection. Matching funds may come from any port funds,
2 federal funds, local funds, or private funds.

3 (b) For seaport intermodal access projects that
4 involve the dredging or deepening of channels, turning basins,
5 or harbors or the rehabilitation of wharves, docks, or similar
6 structures, funding shall require a 25-percent match of the
7 funds received under this subsection. Matching funds may come
8 from any port funds, federal funds, local funds, or private
9 funds.

10 (c) For seaport projects as described in s.
11 311.07(3)(b), including on-port gateway road/rail intermodal
12 projects, funding shall require a 50-percent match of the
13 funds received under this subsection. Matching funds may come
14 from any port funds, federal funds, local funds, or private
15 funds.

16 (d) For seaport projects identified and approved
17 pursuant to s. 311.20(3), funding shall require a 25-percent
18 match of the funds received under this subsection. Matching
19 funds may come from any port funds, federal funds, local
20 funds, or private funds. Such revenues may be assigned,
21 pledged, or set aside as a trust for the payment of principal
22 or interest on bonds, tax anticipation certificates, or any
23 other form of indebtedness issued by an individual port or
24 appropriate local government having jurisdiction thereof, or
25 collectively by interlocal agreement among any of the ports,
26 or used to purchase credit support to permit such borrowings.
27 However, such debt if not a general obligation of the state.
28 The state covenants with holders of such revenue bonds or
29 other instruments of indebtedness that it will not repeal or
30 impair or amend this subsection in any manner that will
31 materially and adversely affect the rights of holders as long

1 as bonds authorized by this subsection are outstanding. Any
2 revenues that are not pledged to the repayment of bonds as
3 authorized by this section may be used for purposes authorized
4 under the Florida Seaport Transportation and Economic
5 Development Program. This revenue source is in addition to any
6 amounts provided for and appropriated in accordance with s.
7 311.07 and subsection (3). The Florida Seaport Transportation
8 and Economic Development Council shall approve distribution of
9 funds to ports for projects that have been approved pursuant
10 to s. 311.09(5)-(9), or for seaport intermodal access projects
11 identified in the 5-year Florida Seaport Mission Plan, as
12 provided in s. 311.09(3) and mutually agreed upon by the
13 council and the Department of Transportation. The council and
14 the Department of Transportation are authorized to perform
15 acts required to administer this subsection. To enable the
16 ports to cooperate to their mutual advantage, the governing
17 body of each port may exercise powers provided to
18 municipalities or counties in s. 163.01(7)(d), subject to the
19 provisions of chapter 311 and any special acts pertaining to
20 the port. The use of funds provided under this subsection is
21 limited to eligible projects listed in this subsection. The
22 provisions of s. 311.07(4) do not apply to any funds received
23 under this subsection.

24 Section 39. Section 311.11, Florida Statutes, is
25 amended to read:

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

28 311.11 Seaport Training and Employment Program.--The
29 Florida Seaport Transportation and Economic Development
30 Council shall develop and implement a Seaport Training and
31 Employment Program. The purpose of the program shall be to

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

12 Section 40. Section 311.14, Florida Statutes, is
13 created to read:

14 311.14 Seaport freight-mobility planning.--

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

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

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

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

17 Section 41. Subsection (6) of section 315.02, Florida
18 Statutes, is amended to read:

19 315.02 Definitions.--As used in this law, the
20 following words and terms shall have the following meanings:

21 (6) The term "port facilities" shall mean and shall
22 include harbor, shipping, and port facilities, and
23 improvements of every kind, nature, and description,
24 including, but without limitation, channels, turning basins,
25 jetties, breakwaters, public landings, wharves, docks,
26 markets, parks, recreational facilities, structures,
27 buildings, piers, storage facilities, including facilities
28 that may be used for warehouse, storage, and distribution of
29 cargo transported or to be transported through an airport or
30 port facility, public buildings and plazas, anchorages,
31 utilities, bridges, tunnels, roads, causeways, and any and all

1 property and facilities necessary or useful in connection with
2 the foregoing, and any one or more or any combination thereof
3 and any extension, addition, betterment or improvement of any
4 thereof.

5 Section 42. Paragraph (h) is added to subsection (24)
6 of section 380.06, Florida Statutes, 1998 Supplement, to read:

7 380.06 Developments of regional impact.--

8 (24) STATUTORY EXEMPTIONS.--

9 (h) Expansion to port harbors, spoil disposal sites,
10 navigation channels, turning basins, harbor berths, and other
11 related inwater harbor facilities of ports listed in s.
12 403.021(9)(b), port transportation facilities and projects
13 listed in s. 311.07(3)(b), and intermodal transportation
14 facilities identified pursuant to s. 311.09(3) are exempt from
15 the provisions of this section when such expansions, projects,
16 or facilities are consistent with comprehensive master plans
17 that are in compliance with the provisions of s. 163.3178.

18 Section 43. Section 380.24, Florida Statutes, is
19 amended to read:

20 380.24 Local government participation.--Units of local
21 government abutting the Gulf of Mexico or the Atlantic Ocean,
22 or which include or are contiguous to waters of the state
23 where marine species of vegetation listed by rule as ratified
24 in s. 373.4211 constitute the dominant plant community, shall
25 develop a coastal zone protection element pursuant to s.
26 163.3177. Such units of local government shall be eligible to
27 receive technical assistance from the state in preparing
28 coastal zone protection elements and shall be the only units
29 of local government eligible to apply to the department for
30 available financial assistance. Local government participation
31 in the coastal management program authorized by this act shall

1 be voluntary. All permitting and enforcement under the
2 provisions of chapters 161, 253, and 403 and part IV of
3 chapter 373 of dredging, dredged-material management and other
4 related activities, port transportation facilities and
5 projects listed in s. 311.07(3)(b), and intermodal
6 transportation facilities identified pursuant to s. 320.20(4)
7 ~~subject to permit under the provisions of chapters 161 and 253~~
8 ~~and part IV of chapter 373~~ for deepwater ports identified in
9 s. 403.021(9)(b) shall be done exclusively through the
10 Department of Environmental Protection except that where a
11 deepwater port is a department of a county government such
12 permitting and enforcement actions shall be done exclusively
13 through a state-approved local pollution-control program. If
14 the permitting and enforcement actions taken by the Department
15 of Environmental Protection or the local pollution-control
16 program conflict with actions taken by any other agency of
17 government having authority to regulate the activities of such
18 ports, the actions taken by the department or local
19 pollution-control program shall govern ~~consistent with the~~
20 ~~provisions of s. 403.021(9).~~

21 Section 44. Americas Campaign.--

22 (1) FINDINGS.--The Legislature finds and declares that
23 Latin America and the Caribbean have become the
24 fastest-emerging market region in the world. The region has
25 been reducing and simplifying its tariff rates and eliminating
26 most quotas, and, therefore, allowing greater import volumes.
27 Increased import competition is forcing local companies and
28 industries to modernize, which fuels the expansion of capital
29 goods and high-technology imports. Demand for U.S. and
30 Florida consumer goods will also expand as Latin America's
31 middle class grows due to rising real wages and greater

1 employment opportunities. Florida's Latin American trading
2 partners are rapidly making their economies more dynamic by
3 privatizing large state enterprises in telecommunications,
4 energy, and manufacturing. Florida is the leading state in
5 expanding U.S. trade relations with Latin America and the
6 Caribbean. One out of every three dollars worth of U.S.
7 exports to the region moves through the State of Florida. To
8 capture expected increases in trade over the next 7 years, the
9 trade infrastructure must be expanded and modernized to meet
10 growing competition from trade centers in the United States
11 and elsewhere. Florida's past international efforts have been
12 energetic but fragmented and diffused. The Legislature finds
13 that in order for Florida to maintain its lead and to win
14 expanding trade with Latin America and the Caribbean, each
15 existing element of Florida's international strategy must be
16 assembled into a deliberate and coordinated Americas Campaign.

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

19 (a) Strategic Targeting.--By September 1, 1999, the
20 Governor, after consultation with the Legislature, the
21 Secretary of State, Enterprise Florida, Inc., and
22 representatives of Florida's international business community
23 and international organizations, shall, by executive order,
24 designate three countries as the development targets of this
25 campaign. These Latin American or Caribbean countries shall be
26 in the Governor's judgment the optimum targets for rapid
27 enhancement and expansion of international relations,
28 business, trade, and reverse investment over the next 4 years.

29 (b) Intergovernmental Engagement and
30 Relationships.--The Secretary of State, working with
31 postsecondary institution linkage institutes, the Florida

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

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

25 (d) Trade Information.--The director of the
26 International Trade Data Resource and Research Center shall
27 have the lead responsibility for upgrading Florida's trade
28 information capacity with these countries, providing import
29 and export data, trade opportunities, and intermodal
30 transportation profiles; commodity trends; and trade activity,
31 working with the Department of Agriculture and Consumer

1 Affairs, the Department of Citrus, Enterprise Florida, Inc.,
2 and other federal, state, and local agencies.

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

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

23 (g) International Reverse Investment and Trade
24 Expansion.--The president of the International Trade and
25 Economic Development Board of Enterprise Florida, Inc.,
26 working with local economic development organizations and
27 other federal, state, and local agencies, shall have the lead
28 responsibility for providing reverse investment and trade
29 expansion assistance to local businesses through local
30 economic development organizations or local chambers of
31 commerce in each community that has a Sister Cities

1 relationship in a targeted country, and for providing
2 necessary assistance in each of the targeted countries through
3 foreign office or development agents.

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

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

25 Section 45. Subsection (2) of section 117.01, Florida
26 Statutes, 1998 Supplement, is amended to read:

27 117.01 Appointment, application, suspension,
28 revocation, application fee, bond, and oath.--

29 (2) The application for appointment shall be signed
30 and sworn to by the applicant and shall be accompanied by an
31 application ~~a~~ fee of \$25, together with the \$10 commission fee

1 required by s. 113.01, and a surcharge of \$4, which \$4 is
2 appropriated to the Executive Office of the Governor to be
3 used to educate and assist notaries public. The Executive
4 Office of the Governor may contract with private vendors to
5 provide the services set forth in this section. Effective July
6 1, 2000, the funds collected from the \$25 application fee and
7 the \$10 commission fee shall be deposited into the Grants and
8 Donations Trust Fund within the Department of State. The
9 unencumbered balance from these funds at the close of each
10 fiscal year may not exceed \$300,000. Any funds in excess of
11 this amount shall be transferred unallocated to the General
12 Revenue Fund. However, no commission fee shall be required for
13 the issuance of a commission as a notary public to a veteran
14 who served during a period of wartime service, as defined in
15 s. 1.01(14), and who has been rated by the United States
16 Government or the United States Department of Veterans Affairs
17 or its predecessor to have a disability rating of 50 percent
18 or more; such a disability is subject to verification by the
19 Secretary of State, who has authority to adopt reasonable
20 procedures to implement this act. The oath of office and
21 notary bond required by this section shall also accompany the
22 application and shall be in a form prescribed by the
23 Department of State which shall require, but not be limited
24 to, the following information: full name, residence address
25 and telephone number, business address and telephone number,
26 date of birth, race, sex, social security number, citizenship
27 status, driver's license number or the number of other
28 official state-issued identification, affidavit of good
29 character from someone unrelated to the applicant who has
30 known the applicant for 1 year or more, a list of all
31 professional licenses and commissions issued by the state

1 during the previous 10 years and a statement as to whether or
2 not the applicant has had such license or commission revoked
3 or suspended, and a statement as to whether or not the
4 applicant has been convicted of a felony, and, if there has
5 been a conviction, a statement of the nature of the felony and
6 restoration of civil rights. The applicant may not use a
7 fictitious or assumed name other than a nickname on an
8 application for commission. The application shall be
9 maintained by the Department of State for the full term of a
10 notary commission. A notary public shall notify, in writing,
11 the Department of State of any change in his or her business
12 address, home telephone number, business telephone number,
13 home address, or criminal record within 60 days after such
14 change. The Governor may require any other information he or
15 she deems necessary for determining whether an applicant is
16 eligible for a notary public commission. Each applicant must
17 swear or affirm on the application that the information on the
18 application is true and correct.

19 Section 46. Implementation of section 117.01(2),
20 Florida Statutes, as amended by this act, is contingent upon a
21 Specific Appropriation for Fiscal Year 1999-2000.

22 Section 47. Section 117.103, Florida Statutes, 1998
23 Supplement, is amended to read:

24 117.103 Certification of notary's authority by
25 Secretary of State.--A notary public is not required to record
26 his or her notary public commission in an office of a clerk of
27 the circuit court. If certification of the notary public's
28 commission is required, it must be obtained from the Secretary
29 of State. Upon the receipt of a written request from a notary
30 public, ~~the notarized document~~, and a fee of \$10 payable to
31 the Secretary of State, the Secretary of State shall provide a

1 certified copy of the notary public's original certificate of
2 commission, which shall be legally sufficient to establish the
3 notary public's authority to provide the services specifically
4 authorized for a notary public by the Florida Statutes, and
5 which may be used in support of domestic transactions
6 ~~certificate of notarial authority. Documents destined for~~
7 ~~countries participating in an International Treaty called the~~
8 ~~Hague Convention require an Apostille, and that requirement~~
9 ~~shall be determined by the Secretary of State.~~

10 Section 48. Subsections (1), (3), (5), and (6) of
11 section 118.10, Florida Statutes, 1998 Supplement, are amended
12 to read:

13 118.10 Civil-law notary.--

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

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

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

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

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

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

16 (5) The Secretary of State may adopt rules
17 prescribing:

18 (a) The form and content of authentic acts, oaths,
19 acknowledgements, solemnizations, and signatures and seals or
20 their legal equivalents ~~for authentic acts~~;

21 (b) Procedures for the permanent archiving of
22 authentic acts, maintaining records of acknowledgments, oaths
23 and solemnizations, and procedures for the administration of
24 oaths and taking of acknowledgments and for solemnizations;

25 (c) The charging of reasonable fees to be retained by
26 the Secretary of State for the purpose of administering this
27 chapter ~~section~~;

28 (d) Educational requirements and procedures for
29 testing applicants' knowledge of all matters relevant to the
30 appointment, authority, duties, or legal or ethical

31

1 responsibilities of a civil-law notary ~~the effects and~~
2 ~~consequences associated with authentic acts;~~

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

11 (f) Bonding or errors-and-omission-insurance
12 requirements for civil-law notaries; and

13 (g)~~(f)~~ Other matters necessary for administering this
14 section.

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

27 Section 49. Section 118.12, Florida Statutes, is
28 created to read:

29 118.12 Certification of civil-law notary's authority;
30 apostilles.--If certification of a civil-law notary's
31 authority is necessary for a particular document or

1 transaction, it must be obtained from the Secretary of State.
2 Upon receipt of a written request from a civil-law notary, a
3 copy of the document, and the fee prescribed by the Secretary
4 of State, the Secretary of State shall provide a certification
5 of the civil-law notary's authority which may be used in
6 support of the document submitted and any related transaction.
7 Documents destined for countries participating in an
8 International Treaty called the Hague Convention may require
9 an apostille and the Secretary of State shall upon receiving a
10 written request from a civil-law notary, a copy of the
11 document, and a fee prescribed by the Secretary of State,
12 provide an apostille conforming to the requirements of the
13 Hague Convention and including such other matters as the
14 Secretary of State may establish by rule. The fee for an
15 apostille or other certification of notarial authority shall
16 not exceed \$10 per document.

17 Section 50. Section 15.18, Florida Statutes, is
18 amended to read:

19 15.18 International and cultural relations.--The
20 Divisions of Cultural Affairs, Historical Resources, and
21 Library and Information Services of the Department of State
22 promote programs having substantial cultural, artistic, and
23 indirect economic significance that emphasize American
24 creativity. The Secretary of State, as the head administrator
25 of these divisions, shall hereafter be known as "Florida's
26 Chief Cultural Officer." As this officer, the Secretary of
27 State is encouraged to initiate and develop relationships
28 between the state and foreign cultural officers, their
29 representatives, and other foreign governmental officials in
30 order to promote Florida as the center of American creativity.
31 The Secretary of State shall coordinate international

1 activities pursuant to this section with Enterprise Florida,
2 Inc., and any other organization the secretary deems
3 appropriate ~~the Florida International Affairs Commission.~~ For
4 the accomplishment of this purpose, the Secretary of State
5 shall have the power and authority to:

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

8 (2) Plan and carry out activities designed to cause
9 improved cultural and governmental programs and exchanges with
10 foreign countries.

11 (3) Plan and implement cultural and social activities
12 for visiting foreign heads of state, diplomats, dignitaries,
13 and exchange groups.

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

17 (5) Establish and maintain the list prescribed in s.
18 55.605(2)(g), relating to recognition of foreign money
19 judgments.

20 (6)~~(5)~~ Serve as the liaison with all foreign consular
21 and ambassadorial corps, as well as international
22 organizations, that are consistent with the purposes of this
23 section.

24 (7)~~(6)~~ Provide, arrange, and make expenditures for the
25 achievement of any or all of the purposes specified in this
26 section.

27 (8)~~(7)~~ Notwithstanding the provisions of part I of
28 chapter 287, promulgate rules for entering into contracts
29 which are primarily for promotional services and events, which
30 may include commodities involving a service. Such rules shall
31 include the authority to negotiate costs with the offerors of

1 such services and commodities who have been determined to be
2 qualified on the basis of technical merit, creative ability,
3 and professional competency. The rules shall only apply to the
4 expenditure of funds donated for promotional services and
5 events. Expenditures of appropriated funds shall be made only
6 in accordance with part I of chapter 287.

7 Section 51. Subsections (1) and (6) of section 55.604,
8 Florida Statutes, are amended to read:

9 55.604 Recognition and enforcement.--Except as
10 provided in s. 55.605, a foreign judgment meeting the
11 requirements of s. 55.603 is conclusive between the parties to
12 the extent that it grants or denies recovery of a sum of
13 money. Procedures for recognition and enforceability of a
14 foreign judgment shall be as follows:

15 (1) The foreign judgment shall be filed with the
16 Department of State and the clerk of the court and recorded in
17 the public records in the county or counties where enforcement
18 is sought. The filing with the Department of State shall not
19 create a lien on any property.

20 (a) At the time of the recording of a foreign
21 judgment, the judgment creditor shall make and record with the
22 clerk of the circuit court an affidavit setting forth the
23 name, social security number, if known, and last known
24 post-office address of the judgment debtor and of the judgment
25 creditor.

26 (b) Promptly upon the recording of the foreign
27 judgment and the affidavit, the clerk shall mail notice of the
28 recording of the foreign judgment, by registered mail with
29 return receipt requested, to the judgment debtor at the
30 address given in the affidavit and shall make a note of the
31 mailing in the docket. The notice shall include the name and

1 address of the judgment creditor and of the judgment
2 creditor's attorney, if any, in this state. In addition, the
3 judgment creditor may mail a notice of the recording of the
4 judgment to the judgment debtor and may record proof of
5 mailing with the clerk. The failure of the clerk to mail
6 notice of recording will not affect the enforcement
7 proceedings if proof of mailing by the judgment creditor has
8 been recorded.

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

15 Section 52. Paragraph (g) of subsection (2) of section
16 55.605, Florida Statutes, is amended to read:

17 55.605 Grounds for nonrecognition.--

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

19 (g) The foreign jurisdiction where judgment was
20 rendered would not give recognition to a similar judgment
21 rendered in this state. For purposes of this paragraph, the
22 Secretary of State shall establish and maintain a list of
23 foreign jurisdictions where the condition specified in this
24 paragraph has been found to apply.

25 Section 53. Section 257.34, Florida Statutes, is
26 created to read:

27 257.34 Florida International Archive and Repository.--

28 (1) There is created within the Division of Library
29 and Information Services of the Department of State the
30 Florida International Archive and Repository for the
31 preservation of those public records, as defined in s.

1 119.011(1), manuscripts, international judgments involving
2 disputes between domestic and foreign businesses, and all
3 other public matters that the department or the Florida
4 Council of International Development deem relevant to
5 international issues. It is the duty and responsibility of the
6 division to:

7 (a) Organize and administer the Florida International
8 Archive and Repository;

9 (b) Preserve and administer records that are
10 transferred to its custody; accept, arrange, and preserve
11 them, according to approved archival and repository practices;
12 and permit them, at reasonable times and under the supervision
13 of the division, to be inspected, examined, and copied. All
14 public records transferred to the custody of the division are
15 subject to the provisions of s. 119.07(1).

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

18 (d) Cooperate with and assist insofar as practicable
19 state institutions, departments, agencies, counties,
20 municipalities, and individuals engaged in internationally
21 related activities;

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

25 (f) Conduct, promote, and encourage research in
26 international trade, government, and culture and maintain a
27 program of information, assistance, coordination, and guidance
28 for public officials, educational institutions, libraries, the
29 scholarly community, and the general public engaged in such
30 research;

31

1 (g) Cooperate with and, insofar as practicable, assist
2 agencies, libraries, institutions, and individuals in projects
3 concerned with internationally related issues and preserve
4 original materials relating to internationally related issues;
5 and

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

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

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

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

31

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

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

12 (7) The division shall adopt rules necessary to
13 implement this section.

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

19 Section 54. Notwithstanding section 3 of chapter
20 89-150, section 112 of chapter 90-201, and section 53 of
21 chapter 91-5, Laws of Florida, section 288.012, Florida
22 Statutes, is not repealed but is revived, reenacted, and
23 amended to read:

24 288.012 State of Florida foreign offices.--The
25 Legislature finds that the expansion of international trade
26 and tourism is vital to the overall health and growth of the
27 economy of this state. This expansion is hampered by the lack
28 of technical and business assistance, financial assistance,
29 and information services for businesses in this state. The
30 Legislature finds that these businesses could be assisted by
31 providing these services at State of Florida foreign offices.

1 The Legislature further finds that the accessibility and
2 provision of services at these offices can be enhanced through
3 cooperative agreements or strategic alliances between state
4 entities, local entities, foreign entities, and private
5 businesses.

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

8 (a) Establish and operate offices in foreign countries
9 for the purpose of promoting the trade and economic
10 development of the state, and promoting the gathering of trade
11 data information and research on trade opportunities in
12 specific countries.

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

24 (c) By September 1, 1997, the Office of Tourism,
25 Trade, and Economic Development shall develop a plan for the
26 disposition of the current foreign offices and the development
27 and location of additional foreign offices. The plan shall
28 include, but is not limited to, a determination of the level
29 of funding needed to operate the current offices and any
30 additional offices and whether any of the current offices need
31 to be closed or relocated. Enterprise Florida, Inc., the

1 Florida Tourism Commission, the Florida Ports Council, the
2 Department of State, the Department of Citrus, and the
3 Department of Agriculture shall assist the Office of Tourism,
4 Trade, and Economic Development in the preparation of the
5 plan. All parties shall cooperate on the disposition or
6 establishment of the offices and ensure that needed space,
7 technical assistance, and support services are provided to
8 such entities at such foreign offices.

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

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

18 (b) A comprehensive, commercial strategic plan
19 identifying marketing opportunities and industry sector
20 priorities for the foreign country or area in which a foreign
21 office is located.

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

27 (d) Identification of new and emerging market
28 opportunities for Florida businesses. Each foreign office
29 shall provide the Florida Trade Data Center with a compilation
30 of foreign buyers and importers in industry sector priority
31 areas on an annual basis. In return, the Florida Trade Data

1 Center shall make available to each foreign office, and to the
2 entities identified in paragraph (1)(c), trade industry,
3 commodity, and opportunity information as specified in the
4 plan required in that paragraph. This information shall be
5 provided to the offices and the entities identified in
6 paragraph (1)(c) either free of charge or on a fee basis with
7 fees set only to recover the costs of providing the
8 information.

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

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

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

25 (a) The number of Florida companies assisted.

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

28 (c) The number of trade leads generated.

29 (d) The number of investment projects announced.

30 (e) The estimated U.S. dollar value of sales
31 confirmations.

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

1 modification of the approved plan of operation with respect to
2 an exemption contained therein must be resubmitted to the
3 Governor for his or her approval. An approval granted to
4 exercise an exemption in any other context shall be restricted
5 to the specific instance for which the exemption is to be
6 exercised.

7 (c) As used in this subsection, the term "plan of
8 operation" means the plan developed pursuant to subsection
9 (2).

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

17 (5)~~(4)~~ Where feasible and appropriate, and subject to
18 s. 288.1224(10), foreign offices established and operated
19 under this section may provide one-stop access to the economic
20 development, trade, and tourism information, services, and
21 programs of the state. Where feasible and appropriate, and
22 subject to s. 288.1224(10), such offices may also be
23 collocated with other foreign offices of the state.

24 (6)~~(5)~~ The Office of Tourism, Trade, and Economic
25 Development is authorized to make and to enter into contracts
26 with Enterprise Florida, Inc., and the Florida Commission on
27 Tourism to carry out the provisions of this section. The
28 authority, duties, and exemptions provided in this section
29 apply to Enterprise Florida, Inc., and the Florida Commission
30 on Tourism to the same degree and subject to the same
31 conditions as applied to the Office of Tourism, Trade, and

1 Economic Development. To the greatest extent possible, such
2 contracts shall include provisions for cooperative agreements
3 or strategic alliances between state entities, foreign
4 entities, local entities, and private businesses to operate
5 foreign offices.

6 Section 55. By December 31, 2001, the Legislature
7 shall review Florida's foreign offices, including, but not
8 limited to, those offices established and operated under
9 sections 288.012 and 288.1224, Florida Statutes, to determine
10 whether the state is experiencing effective international
11 trade, investment, and tourism representation through such
12 offices.

13 Section 56. Enterprise Florida, Inc., shall develop a
14 master plan for integrating public-sector and private-sector
15 international-trade and reverse-investment resources, in order
16 that businesses may obtain comprehensive assistance and
17 information in the most productive and efficient manner. The
18 scope of this plan shall include, but need not be limited to,
19 resources related to the provision of trade information, such
20 as trade leads and reverse investment opportunities, trade
21 counseling, and trade financing services. In developing the
22 master plan, Enterprise Florida, Inc., shall solicit the
23 participation and input of organizations providing these
24 resources, the consumers of these resources, and others who
25 have expertise and experience in international trade and
26 reverse investment. The master plan may include
27 recommendations for legislative action designed to enhance the
28 delivery of international-trade and reverse-investment
29 assistance. The master plan, which Enterprise Florida, Inc.,
30 may include within the annual update or modification to the
31 strategic plan required under section 288.905, Florida

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

3 Section 57. Enterprise Florida, Inc., in conjunction
4 with the Office of Tourism, Trade, and Economic Development,
5 shall prepare a plan for promoting direct investment in
6 Florida by foreign businesses. This plan must assess and
7 inventory Florida's strengths as a location for foreign direct
8 investment and must include a detailed strategy for
9 capitalizing upon those strengths. In developing the plan,
10 Enterprise Florida, Inc., shall focus on businesses with
11 site-election criteria that are consistent with Florida's
12 business climate, businesses likely to facilitate the
13 trans-shipment of goods through Florida or to export
14 Florida-produced goods from the state, and businesses that
15 complement or correspond to those industries identified as
16 part of the sector-strategy approach to economic development
17 required under section 288.905, Florida Statutes. The plan
18 must also identify weaknesses in Florida's ability to attract
19 foreign direct investment and must include a detailed strategy
20 for addressing those weaknesses. The plan may include
21 recommendations for legislative action designed to enhance
22 Florida's ability to attract foreign direct investment. In
23 developing the plan, Enterprise Florida, Inc., shall solicit
24 the participation and input of entities that have expertise
25 and experience in foreign direct investment. The plan, which
26 Enterprise Florida, Inc., may include within the annual update
27 or modification to the strategic plan required under section
28 288.905, Florida Statutes, must be submitted to the
29 Legislature and the Governor before January 1, 2000.

30 Section 58. In anticipation of the day when the people
31 of Cuba are no longer denied the inalienable rights and

1 freedom that all men and women should be guaranteed,
2 Enterprise Florida, Inc., shall prepare a strategic plan
3 designed to allow Florida to capitalize on the economic
4 opportunities associated with a free Cuba. The plan should
5 recognize the historical and cultural ties between this state
6 and Cuba and should focus on building a long-term economic
7 relationship between these communities. The plan should also
8 recognize existing economic infrastructure in Florida that
9 could be applied toward trade and other business activities
10 with Cuba. The plan should identify specific preparatory steps
11 to be taken in advance of a lifting of the trade embargo with
12 Cuba. In developing this plan, Enterprise Florida, Inc., shall
13 solicit the participation and input of individuals who have
14 expertise concerning Cuba and its economy, including, but not
15 limited to, business leaders in Florida who have had previous
16 business experience in Cuba. The plan may include
17 recommendations for legislative action necessary to implement
18 the strategic plan. The plan must be submitted to the Governor
19 and Legislature before January 1, 2000.

20 Section 59. Section 288.1045, Florida Statutes, is
21 amended to read:

22 288.1045 Qualified defense contractor tax refund
23 program.--

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30
31

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

15 9. The amount of:

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

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

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

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

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

26 f. Ad valorem taxes paid

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 9. The amount of:

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

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

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

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

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

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

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

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

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

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

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

1 ~~Commerce~~ and must include, but are not limited to, the
2 following information:
3 1. The applicant's Florida sales tax registration
4 number and a notarized signature of an officer of the
5 applicant.
6 2. The permanent location of the manufacturing,
7 assembling, fabricating, research, development, or design
8 facility in this state at which the project is or is to be
9 located.
10 3. The business entity holding a valid Department of
11 Defense contract or branch of the Armed Forces of the United
12 States that previously occupied the facility, and the date
13 such entity last occupied the facility.
14 4. A copy of the contract to reuse the facility, or
15 such alternative proof as may be prescribed by the office
16 ~~department~~ that the applicant is seeking to contract for the
17 reuse of such facility.
18 5. The date the contract to reuse the facility was
19 executed or is expected to be executed, and the date the
20 contract is due to expire or is expected to expire.
21 6. The commencement date for project operations under
22 the contract in this state.
23 7. The number of full-time equivalent jobs in this
24 state which are or will be dedicated to the project during the
25 year and the average wage of such jobs.
26 8. The total number of full-time equivalent employees
27 employed by the applicant in this state.
28 9. The amount of:
29 a. Taxes on sales, use, and other transactions paid
30 pursuant to chapter 212.
31

- 1 b. Corporate income taxes paid pursuant to chapter
2 220.
- 3 c. Intangible personal property taxes paid pursuant to
4 chapter 199.
- 5 d. Emergency excise taxes paid pursuant to chapter
6 221.
- 7 e. Excise taxes paid on documents pursuant to chapter
8 201.
- 9 f. Ad valorem taxes paid during the 5 fiscal years
10 immediately preceding the date of the application, and the
11 projected amounts of such taxes to be due in the 3 fiscal
12 years immediately following the date of the application.
- 13 10. The estimated amount of tax refunds to be claimed
14 in each fiscal year.
- 15 11. A brief statement concerning the applicant's need
16 for tax refunds, and the proposed uses of such refunds by the
17 applicant.
- 18 12. A resolution adopted by the county commissioners
19 of the county in which the project will be located, which
20 recommends the applicant be approved as a qualified applicant,
21 and which indicates that the necessary commitments of local
22 financial support for the applicant exist. Prior to the
23 adoption of the resolution, the county commission may review
24 the proposed public or private sources of such support and
25 determine whether the proposed sources of local financial
26 support can be provided or, for any applicant whose project is
27 located in a county designated by the Rural Economic
28 Development Initiative, a resolution adopted by the county
29 commissioners of such county requesting that the applicant's
30 project be exempt from the local financial support
31 requirement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (6) ADMINISTRATION.--

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

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

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

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

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

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

10 Section 60. Subsection (2) of section 212.097, Florida
11 Statutes, 1998 Supplement, is amended to read:

12 212.097 Urban High-Crime Area Job Tax Credit
13 Program.--

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

15 (a) "Eligible business" means any sole proprietorship,
16 firm, partnership, or corporation that is located in a
17 qualified county and is predominantly engaged in, or is
18 headquarters for a business predominantly engaged in,
19 activities usually provided for consideration by firms
20 classified within the following standard industrial
21 classifications: SIC 01 through SIC 09 (agriculture,
22 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);
23 SIC 52 through SIC 57 and SIC 59 (retail); SIC 422 (public
24 warehousing and storage); SIC 70 (hotels and other lodging
25 places); SIC 7391 (research and development); SIC 7992 (public
26 golf courses); and SIC 7996 (amusement parks). A call center
27 or similar customer service operation that services a
28 multistate market or international market is also an eligible
29 business. Excluded from eligible receipts are receipts from
30 retail sales, except such receipts for SIC 52 through SIC 57
31 and SIC 59 (retail) hotels and other lodging places classified

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

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

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

31

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

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

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

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

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

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

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

20
21 Tier-one areas are ranked 1 through 5 and represent the
22 highest crime areas according to this ranking. Tier-two areas
23 are ranked 6 through 10 according to this ranking. Tier-three
24 areas are ranked 11 through 15.

25 Section 61. Paragraph (a) of subsection (2) of section
26 212.098, Florida Statutes, 1998 Supplement, is amended to
27 read:

28 212.098 Rural Job Tax Credit Program.--

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

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

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

25 Section 62. The implementation of section 44, created
26 by this act, which creates Americas Campaign is contingent
27 upon a specific appropriation for Fiscal Year 1999-2000.

28 Section 63. This act shall take effect July 1, 1999.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 1566

4 Creates a sister city grant program under the Department of
5 State. The grant program would allow local governments to
6 apply for funds to support their sister city
7 programs/activities.

8 Further revises the membership of the board of directors of
9 Enterprise Florida, Inc. Provides for inclusion of the
10 Comptroller and an agency head appointed by the Governor.
11 Provides a statement that board membership should consider
12 racial, ethnic, gender, and population diversity.

13 Restores language in current statute that requires Enterprise
14 Florida, Inc., to prepare a business guide and checklist.

15 Revises provisions regarding the public investment in
16 Enterprise Florida, Inc. Specifies that state investment
17 cannot equal more than 50 percent of EFI's actual operating
18 budget. Requires the EFI budget to include at least \$2
19 million in private cash.

20 Clarifies that the role of the Enterprise Florida
21 International Trade and Economic Development Board is to
22 assist the state as well as local economic development
23 organizations.

24 Further revises the membership of the board of directors of
25 the International Trade and Economic Development Board.
26 Reduces the proposed number of local economic development
27 organization representatives and adds a small business person
28 with trade experience.

29 Provides for \$10 million in transportation dollars to be set
30 aside annually for ports activities funding. This is in
31 addition to funding streams already provided in statute.

Clarifies that funding under the seaport transportation and
economic development program should be expended on projects
that accommodate freight movement and storage capacity or
cruise capacity.

Specifies that program funds may also be used for construction
or rehabilitation at smaller ports, and provides that funds
may be used to finance trade corridor or system-wide freight
mobility plans.

Requires the Florida Seaport Transportation and Economic
Development Council to create a project modification review
committee composed of various agency representatives and a
port representative. The committee will review modifications
are to any project and determine if it needs to be resubmitted
to the FSTED council for approval

Creates the Office of Seaport and Intermodal Development
within the Department of Transportation.

Creates the Office of Seaport Freight Mobility Planning within

1 Department of Community Affairs.

2

3 Creates Northwest Florida Seaport Transportation and Economic
4 Development Council, consisting of the ports of Pensacola,
5 Panama City, and Port St. Joe, as well as EFI and OTTED.
6 Revises the definition of the term "port facilities" to
7 include certain storage facilities used for warehousing,
8 storage, and distribution of cargo.

9 Requires that the implementation of the Americas Campaign is
10 contingent upon a specific appropriation for Fiscal Year
11 1999-2000.

12 Creates an international archive in the Department of State;
13 provides for the filing of certain foreign money judgments
14 with the department; requires Enterprise Florida, Inc., to
15 conduct several international studies; includes call centers
16 within the scope of the urban high crime and rural job tax
17 credit programs and includes certain retail businesses in the
18 urban high crime tax credit program; abrogates the repeal of
19 the foreign office statute and requires the reporting of
20 certain information by the offices; and abrogates the
21 scheduled 1999 repeal of the Qualified Defense Contractor tax
22 refund program and conforms administrative references for the
23 program.

24 Provides that fees paid by notaries public collected pursuant
25 to section 117.01(2), F.S., shall be deposited into the Grants
26 and Donations Trust Fund in the Department of State and
27 requires that the implementation of section 117.01(2), which
28 would transfer the fees to the Department of State, is
29 contingent upon a specific appropriation for FY 1999-2000.

30 Amends procedures related to issuance of certified copies of
31 notary public commission; expands the rule-making authority of
the Secretary of State governing civil-law notaries;
authorizes the Secretary of State to test the legal knowledge
of a civil-law notary applicant under certain circumstances;
authorizes the issuance of certificates of notarial authority
and apostilles to civil-law notaries.

Provides an exception to the Department of Environmental
Protection's (DEP) exclusive responsibility for permitting
and enforcement actions related to deep-water ports, in the
case of a deep water port that is a department of a county.

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