

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; creating
19 the Office of Urban Opportunity within the
20 Office of Tourism, Trade, and Economic
21 Development; providing for the appointment of a
22 director of the Office of Urban Opportunity;
23 prescribing the purpose of the office; amending
24 s. 288.0251, F.S.; changing authority to
25 contract for Florida's international volunteer
26 corps to the Department of State from the
27 Office of Tourism, Trade, and Economic
28 Development; amending s. 288.095, F.S.;
29 revising criteria for approval of applications
30 for tax refunds for economic development
31 purposes by the Office of Tourism, Trade, and

1 Economic Development; limiting the amount of
2 refunds that may be made in a fiscal year;
3 amending s. 288.106, F.S.; revising criteria
4 for approval of tax refunds under the
5 tax-refund program for qualified target
6 industry businesses; redefining the terms
7 "expansion of an existing business," "local
8 financial support exemption option," and "rural
9 county"; defining the term "authorized local
10 economic development agency" and "rural
11 community"; extending the refund program to
12 additional counties; revising the amount of
13 refunds; providing requirements for waiver of
14 minimum standards; prescribing duties of the
15 office director; amending s. 288.816, F.S.;
16 creating a sister city grant program under the
17 Department of State; prescribing application
18 procedures and criteria; directing the
19 department to adopt rules; amending s. 288.901,
20 F.S.; expanding an employee lease program under
21 Enterprise Florida, Inc.; revising the
22 membership and appointment process for the
23 board of directors of Enterprise Florida, Inc.;
24 amending s. 288.9015, F.S.; specifying
25 responsibilities for Enterprise Florida, Inc.,
26 relating to rural communities and distressed
27 urban communities, evaluation of the state's
28 competitiveness, and the needs of small and
29 minority businesses; amending s. 288.90151,
30 F.S.; expressing legislative intent on the
31 return-on-investment of public funds in

1 Enterprise Florida, Inc.; specifying
2 private-sector support for Enterprise Florida,
3 Inc.; prescribing the state's operating
4 investment in Enterprise Florida, Inc.;
5 requiring compliance with performance measures;
6 requiring a report on the results of customer
7 satisfaction survey; amending s. 288.903, F.S.;
8 revising the required membership of the
9 executive committee of Enterprise Florida,
10 Inc.; deleting certain prescribed powers and
11 duties of the president; requiring a
12 performance-based contract in order to exceed
13 certain employee compensation levels; amending
14 s. 288.904, F.S.; prescribing terms of certain
15 contracts executed by Enterprise Florida, Inc.;
16 authorizing Enterprise Florida, Inc., to create
17 and dissolve advisory committees and similar
18 organizations; requiring the creation of
19 advisory committees on international business
20 and small business; prescribing the purpose and
21 procedures of such committees; providing for
22 reimbursement of expenses; amending s. 288.905,
23 F.S.; revising the duties of the board of
24 directors of Enterprise Florida, Inc.; revising
25 the required content of the board's strategic
26 plan; requiring the involvement of certain
27 local and regional economic development
28 organizations and rural and urban organizations
29 in the policies of Enterprise Florida, Inc.;
30 revising the date for a review of Enterprise
31 Florida, Inc., by the Office of Program Policy

1 Analysis and Government Accountability;
2 amending s. 288.906, F.S.; revising
3 requirements for the annual report of
4 Enterprise Florida, Inc.; expanding the audit
5 authority of the Auditor General to include
6 advisory committees or similar groups created
7 by Enterprise Florida, Inc.; amending ss.
8 288.9415, 288.9511, 288.9515, 288.95155,
9 288.9519, 288.9520, 288.9603, 288.9604,
10 288.9614, 288.9618, F.S.; conforming to the
11 dissolution of certain boards; repealing s.
12 288.902, F.S., which relates to the Enterprise
13 Florida Nominating Council; repealing s.
14 288.9412, F.S., which relates to the
15 International Trade and Economic Development
16 Board; repealing s. 288.9413, F.S., which
17 relates to the organization of the
18 International Trade and Economic Development
19 Board; repealing s. 288.9414, F.S., which
20 relates to the powers and authority of the
21 International Trade and Economic Development
22 Board; repealing s. 288.942, F.S., which
23 relates to the grant review panel; repealing s.
24 288.9510, F.S., which relates to legislative
25 intent on the Enterprise Florida Innovation
26 Partnership; repealing s. 288.9512, F.S., which
27 relates to the technology development board;
28 repealing s. 288.9513, F.S., which relates to
29 the organization of the technology development
30 board; repealing s. 288.9514, F.S., which
31 relates to powers and authority of the

1 technology development board; repealing s.
2 288.9516, F.S., which relates to the annual
3 report of the technology development board;
4 repealing s. 288.9611, F.S., which relates to
5 the capital development board; repealing s.
6 288.9612, F.S., which relates to the
7 organization of the capital development board;
8 repealing s. 288.9613, F.S., which relates to
9 the powers and authority of the capital
10 development board; repealing s. 288.9615, F.S.,
11 which relates to the annual report of the
12 capital development board; providing for the
13 continuation of certain contracts; providing
14 for the transfer of certain property;
15 authorizing Enterprise Florida, Inc., to assume
16 responsibilities of certain repealed boards;
17 directing the Division of Statutory Revision to
18 redesignate certain parts in the Florida
19 Statutes; amending s. 288.707, F.S.; directing
20 the Florida Black Business Investment Board to
21 increase access to capital for black
22 businesses; amending s. 288.709, F.S.; revising
23 the powers of the Black Business Investment
24 Board; amending s. 288.99, F.S.; revising
25 definitions related to the Certified Capital
26 Company Act; specifying that tax credits vested
27 under the Certified Capital Company Act are not
28 to be considered in ratemaking proceedings
29 involving a certified investor; redefining the
30 term "transferee" for purposes of allocating
31 unused premium tax credits; directing the

1 Division of Statutory Revision to designate
2 certain sections of the Florida Statutes as
3 part XI, relating to Workforce Development;
4 transferring, renumbering, and amending s.
5 446.601, F.S.; conforming cross-references;
6 deleting provisions governing services of
7 One-Stop Career Centers; revising components of
8 the state's workforce development strategy;
9 transferring, renumbering, and amending s.
10 446.604, F.S.; providing for the state's
11 One-Stop Career Center customer service
12 delivery strategy; specifying partners;
13 providing for oversight and operation of
14 centers by regional workforce development
15 boards and center operators; providing for
16 transfer of responsibilities; providing for
17 assigning and leasing of employees; directing
18 funds for direct customer service costs;
19 providing for employment preference; providing
20 for memorandums of understanding and sanctions;
21 providing for electronic service delivery;
22 authorizing Intensive Service Accounts and
23 Individual Training Accounts and providing
24 specifications; transferring, renumbering, and
25 amending s. 288.9620, F.S.; providing for
26 membership of the Florida Workforce Development
27 Board pursuant to federal law; providing for
28 committees; requiring financial disclosure;
29 authorizing the board as the Workforce
30 Investment Board; specifying functions, duties,
31 and responsibilities; providing for sanctions;

1 providing for carryover of funds; requiring a
2 performance measurement system and reporting of
3 such; transferring, renumbering, and amending
4 s. 446.602, F.S.; providing for membership of
5 regional workforce development boards pursuant
6 to federal law; prohibiting certain activities
7 that create a conflict of interest; providing
8 for transition; providing for performance and
9 compliance review; correcting organizational
10 name references; requiring a local plan;
11 providing for oversight of One-Stop Career
12 Centers; authorizing local committees;
13 establishing high skills/high wages committees;
14 transferring, renumbering, and amending s.
15 446.607, F.S.; conforming cross-references;
16 providing for consolidated board membership
17 requirements; transferring, renumbering, and
18 amending s. 446.603, F.S.; conforming
19 cross-references; expanding the scope of the
20 Untried Worker Placement and Employment
21 Incentive Act; abrogating scheduled repeal of
22 program; creating s. 288.9956, F.S.; providing
23 principles for implementing the federal
24 Workforce Investment Act of 1998; providing for
25 a 5-year plan; specifying funding distribution;
26 creating the Incumbent Worker Training Program;
27 providing program requirements; requiring a
28 report; authorizing the Workforce Development
29 Board to contract for administrative services
30 related to federal funding; specifying
31 contractual agreements; providing for

1 indemnification; providing for settlement
2 authority; providing for compliance with
3 federal law; providing for workforce
4 development review; providing for termination
5 of state set-aside; creating s. 288.9957, F.S.;
6 requiring designation of the Florida Youth
7 Workforce Council; providing for membership and
8 duties; providing for allocation of funds;
9 creating s. 288.9958, F.S.; requiring
10 appointment of the Employment, Occupation, and
11 Performance Information Coordinating Committee;
12 providing for membership and duties; providing
13 for services and staff; creating s. 288.9959,
14 F.S.; requiring appointment of the Operational
15 Design and Technology Procurement Committee;
16 providing for membership and duties; providing
17 for services and staff; amending s. 414.026,
18 F.S.; conforming a cross-reference; repealing
19 s. 446.20, F.S., which provides for
20 administration of responsibilities under the
21 federal Job Training Partnership Act; repealing
22 s. 446.205, F.S., which provides for a Job
23 Training Partnership Act family drop-out
24 prevention program; repealing s. 446.605, F.S.,
25 which provides for applicability of the
26 Workforce Florida Act of 1996; repealing s.
27 446.606, F.S., which provides for designation
28 of primary service providers; providing for
29 severability; amending s. 220.191, F.S.;
30 providing that credits may be granted against
31 premium tax liability under the capital

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

1 from review as developments of regional impact;
2 amending s. 311.09, F.S.; declaring that
3 projects eligible for funding under the Florida
4 Seaport Transportation and Economic Development
5 Program are presumed to be in the public
6 interest; creating s. 311.101, F.S.; creating
7 the Office of Seaport and Freight Mobility
8 Development within the Office of the State
9 Public Transportation Administrator; providing
10 duties and responsibilities; creating s.
11 311.102, F.S.; creating the Office of Seaport
12 and Freight Mobility Planning within the Office
13 of the Secretary of the Department of Community
14 Affairs; providing duties and responsibilities;
15 creating s. 311.20, F.S.; creating the
16 Northwest Florida Seaport Transportation and
17 Economic Development Council; providing for
18 membership of the council; requiring the
19 council to develop a strategic regional
20 development plan; prescribing powers of the
21 council; providing for staffing of the council;
22 amending s. 311.11, F.S.; providing that the
23 Florida Seaport Transportation and Economic
24 Development Council shall develop a Seaport
25 Training and Employment Program; providing
26 legislative purposes and requirements for the
27 program; creating s. 311.14, F.S.; directing
28 the Florida Seaport Transportation and Economic
29 Development Council to develop freight-mobility
30 and trade-corridor plans; amending s. 315.02,
31 F.S.; redefining the term "port facilities" to

1 include certain storage facilities used for
2 warehousing, storage, and distribution of
3 cargo; amending s. 380.06, F.S.; exempting
4 certain port projects from review as
5 developments of regional impact; creating the
6 Americas Campaign; providing legislative
7 findings related to international trade;
8 prescribing the elements of the Americas
9 Campaign; designating a Campaign Council;
10 providing for funding of the Americas Campaign;
11 amending s. 117.01, F.S.; providing the
12 proceeds of the application and commission fees
13 paid by notaries public to be deposited into
14 the Grants and Donations Trust Fund of the
15 Department of State; amending s. 15.16, F.S.;
16 authorizing the Secretary of State to issue
17 apostilles; authorizing a fee; amending s.
18 117.103, F.S.; providing procedures and effect
19 relating to issuance of certified copies of
20 certificates of notary public commission;
21 amending s. 118.10, F.S.; revising the
22 definition and purposes of "authentic act"
23 governing civil-law notaries; providing for a
24 presumption of correctness of matters
25 incorporated into authentic acts; authorizing
26 civil-law notaries to authenticate documents,
27 transactions, events, conditions, or
28 occurrences; expanding the rulemaking authority
29 of the Secretary of State governing civil-law
30 notaries; authorizing the Secretary of State to
31 test the legal knowledge of a civil-law notary

1 applicant under certain circumstances; creating
2 s. 118.12, F.S.; authorizing the issuance of
3 certificates of notarial authority and
4 apostilles to civil-law notaries; amending s.
5 15.18, F.S.; providing for coordination of
6 international activities of the Department of
7 State; requiring the Secretary of State to
8 maintain lists relating to foreign money
9 judgments; amending s. 55.604, F.S.; requiring
10 that foreign judgments be filed with the
11 Secretary of State; amending s. 55.605, F.S.;
12 requiring the Secretary of State to create and
13 maintain a specified list relative to foreign
14 money judgments; creating s. 257.34, F.S.;
15 creating the Florida International Archive and
16 Repository; providing requirements for the
17 archive; providing for access to the archive;
18 reviving, reenacting, and amending s. 288.012,
19 F.S., relating to establishment and operation
20 of foreign offices by the Office of Tourism,
21 Trade, and Economic Development; abrogating the
22 repeal of the section; requiring offices to
23 report annually on activities and
24 accomplishments; prescribing the content of the
25 reports; providing for future review of foreign
26 offices; requiring Enterprise Florida, Inc., to
27 develop a master plan for integrating
28 international trade and reverse investment
29 resources; prescribing procedures, content, and
30 a submission deadline related to the plan;
31 requiring Enterprise Florida, Inc., in

1 conjunction with the Office of Tourism, Trade,
2 and Economic Development, to prepare a plan to
3 promote foreign direct investment in Florida;
4 prescribing procedures, content, and a
5 submission deadline related to the plan;
6 requiring Enterprise Florida, Inc., to develop
7 a strategic plan that will allow Florida to
8 capitalize on the economic opportunities
9 associated with a free Cuba; amending s.
10 288.1045, F.S.; conforming the limitation on
11 the amount of tax refunds approved for payment
12 under the qualified defense contractor tax
13 refund program to the amount appropriated by
14 the Legislature for such refunds; correcting
15 references relating to program administration;
16 amending ss. 212.097, 212.098, F.S.; clarifying
17 the definition of an "eligible business" under
18 the Urban High-Crime Area Job Tax Credit
19 Program and the Rural Job Tax Credit Program;
20 providing that certain call centers or similar
21 customer service operations are eligible
22 businesses under these programs; authorizing
23 the recommendation of additions to or deletions
24 from the list of eligible businesses; providing
25 that certain retail businesses are eligible
26 businesses under the Urban High-Crime Area Job
27 Tax Credit Program; creating the Institute on
28 Urban Policy and Commerce at Florida
29 Agricultural and Mechanical University;
30 providing its purposes and duties; providing
31 for the establishment of regional urban

1 centers; requiring annual reports by the
2 institute and the Governor; creating s.
3 339.081, F.S.; creating a Workforce and
4 Economic Development Transportation Program
5 within the Department of Transportation;
6 providing for program funding; providing for
7 project selection; providing an appropriation;
8 providing a short title; providing intent;
9 amending s. 163.3177, F.S.; providing
10 requirements for the future land use element of
11 a local government comprehensive plan with
12 respect to rural areas; amending s. 186.502,
13 F.S.; providing that a regional planning
14 council shall have a duty to assist local
15 governments with economic development; amending
16 s. 186.504, F.S.; providing that the ex
17 officio, nonvoting membership of each regional
18 planning council shall include a representative
19 nominated by Enterprise Florida, Inc., and the
20 Office of Tourism, Trade, and Economic
21 Development; amending s. 186.505, F.S.;
22 authorizing the use of regional planning
23 council personnel, consultants, or technical or
24 professional assistants to help local
25 governments with economic development
26 activities; amending s. 288.018, F.S.;
27 authorizing the Office of Tourism, Trade, and
28 Economic Development to approve regional rural
29 development grants on an annual basis;
30 increasing the maximum amount of each grant
31 award; increasing the total amount that may be

1 expended annually for such grants; amending s.
2 288.065, F.S.; revising the population criteria
3 for local government participation in the Rural
4 Community Development Revolving Loan Fund;
5 prescribing conditions under which repayments
6 of principal and interest under the Rural
7 Community Development Revolving Loan Fund may
8 be retained by a unit of local government;
9 creating s. 288.0655, F.S.; creating the Rural
10 Infrastructure Fund for infrastructure projects
11 in rural communities; providing for an annual
12 deposit in the Economic Development Trust Fund
13 in support of such infrastructure fund;
14 authorizing grants for infrastructure projects
15 and related studies; requiring the development
16 of guidelines; providing that funds
17 appropriated for such infrastructure fund shall
18 not be subject to reversion; amending s.
19 320.20, F.S.; requiring the deposit of a
20 certain amount of motor vehicle registration
21 funds in the Economic Development Trust Fund in
22 support of the Rural Infrastructure Fund;
23 prescribing the manner in which such funds may
24 be used; prohibiting diversion of such funds;
25 creating the Rural Economic Development
26 Initiative within the office and providing its
27 duties and responsibilities; directing
28 specified agencies to select a representative
29 to work with the initiative; providing for the
30 recommendation and designation of rural areas
31 of critical economic concern; providing for the

1 waiver of certain criteria and rules with
2 respect to such areas; providing for the
3 commitment of certain services, resources,
4 benefits, and staffing with respect to such
5 areas; requiring execution of a memorandum of
6 agreement as a condition to designation as a
7 rural area of critical economic concern;
8 providing for an annual report; authorizing the
9 Office of Tourism, Trade, and Economic
10 Development to accept and administer moneys
11 appropriated for grants to assist rural
12 communities to develop and implement strategic
13 economic development plans; providing for
14 review of grant applications; authorizing the
15 Department of Community Affairs to establish a
16 grant program to assist rural counties in
17 financing studies regarding the establishment
18 of municipal service taxing or benefit units;
19 providing for rules; providing an
20 appropriation; amending s. 236.081, F.S.;
21 providing an exclusion under the computation of
22 school district required local effort for
23 certain nonpayment of property taxes in a rural
24 area of critical economic concern; amending s.
25 378.601, F.S.; exempting specified heavy mining
26 operations from requirements for
27 development-of-regional-impact review under
28 certain circumstances; directing the Florida
29 Fish and Wildlife Conservation Commission to
30 provide assistance related to promotion and
31 development of nature-based recreation;

1 specifying a minimum percentage of funds to be
2 allocated to economic development under the
3 Florida Small Cities Community Development
4 Block Grant Program; creating s. 230.23027,
5 F.S.; establishing the Small School District
6 Stabilization Program; providing for a best
7 financial management practices review of
8 certain small districts; creating s. 290.0069,
9 F.S.; directing the Office of Tourism, Trade,
10 and Economic Development to designate a pilot
11 project area within an enterprise zone;
12 providing qualifications for such area;
13 providing that certain businesses in such area
14 are eligible for credits against the tax on
15 sales, use, and other transactions and
16 corporate income tax; providing for computation
17 of such credits; providing application
18 procedures and requirements; providing
19 rulemaking authority; requiring a review and
20 report by the Office of Program Policy Analysis
21 and Government Accountability; providing for
22 future repeal and revocation of such
23 designation; making the implementation of a
24 specified provision contingent upon specific
25 appropriations; amending s. 288.980, F.S.;
26 providing legislative intent; providing for the
27 role of the Florida Defense Alliance; providing
28 funding; removing a limitation on the amount of
29 a grant under the Florida Military Installation
30 Reuse Planning and Marketing Grant Program;
31 increasing a grant limitation with respect to

1 the Florida Defense Planning Grant Program;
2 reducing the amount of matching funds required
3 under certain grant programs; creating the
4 Retention of Military Installations Program;
5 providing eligibility criteria; providing a cap
6 on the payment of administrative expenses from
7 certain grants; providing an appropriation;
8 providing an effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:
11

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

14 14.2015 Office of Tourism, Trade, and Economic
15 Development; creation; powers and duties.--

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

21 (2) The purpose of the Office of Tourism, Trade, and
22 Economic Development is to assist the Governor in working with
23 the Legislature, state agencies, business leaders, and
24 economic development professionals to formulate and implement
25 coherent and consistent policies and strategies designed to
26 provide economic opportunities for all Floridians. To
27 accomplish such purposes, the Office of Tourism, Trade, and
28 Economic Development shall:

29 (a) Contract, notwithstanding the provisions of part I
30 of chapter 287, with the direct-support organization created
31 under s. 288.1228, or a designated Florida not-for-profit

1 corporation whose board members have had prior experience in
2 promoting, throughout the state, the economic development of
3 the Florida motion picture, television, radio, video,
4 recording, and entertainment industries, to guide, stimulate,
5 and promote the entertainment industry in the state.

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

10 (c) Monitor the activities of public-private
11 partnerships and state agencies in order to avoid duplication
12 and promote coordinated and consistent implementation of
13 programs in areas including, but not limited to, tourism;
14 international trade and investment; business recruitment,
15 creation, retention, and expansion; minority and small
16 business development; and rural community development.

17 (d) Facilitate the direct involvement of the Governor
18 and the Lieutenant Governor in economic development projects
19 designed to create, expand, and retain Florida businesses and
20 to recruit worldwide business, as well as in other
21 job-creating efforts.

22 (e) Assist the Governor, in cooperation with
23 Enterprise Florida, Inc., and the Florida Commission on
24 Tourism, in preparing an annual report to the Legislature on
25 the state of the business climate in Florida and on the state
26 of economic development in Florida which will include the
27 identification of problems and the recommendation of
28 solutions. This report shall be submitted to the President of
29 the Senate, the Speaker of the House of Representatives, the
30 Senate Minority Leader, and the House Minority Leader by
31 January 1 of each year, and it shall be in addition to the

1 Governor's message to the Legislature under the State
2 Constitution and any other economic reports required by law.

3 (f) Plan and conduct at least one meeting ~~three~~
4 ~~meetings~~ per calendar year of leaders in business, government,
5 and economic development called by the Governor to address the
6 business climate in the state, develop a common vision for the
7 economic future of the state, and identify economic
8 development efforts to fulfill that vision.

9 (g)1. Administer the Florida Enterprise Zone Act under
10 ss. 290.001-290.016, the community contribution tax credit
11 program under ss. 220.183 and 624.5105, the tax refund program
12 for qualified target industry businesses under s. 288.106, the
13 tax-refund program for qualified defense contractors under s.
14 288.1045, contracts for transportation projects under s.
15 288.063, the sports franchise facility program under s.
16 288.1162, the professional golf hall of fame facility program
17 under s. 288.1168, the expedited permitting process under s.
18 403.973 ~~Florida Jobs Siting Act under ss. 403.950-403.972,~~ the
19 Rural Community Development Revolving Loan Fund under s.
20 288.065, the Regional Rural Development Grants Program under
21 s. 288.018, the Certified Capital Company Act under s. 288.99,
22 the Florida State Rural Development Council, ~~and~~ the Rural
23 Economic Development Initiative, and other programs that are
24 specifically assigned to the office by law, by the
25 appropriations process, or by the Governor. Notwithstanding
26 any other provisions of law, the office may expend interest
27 earned from the investment of program funds deposited in the
28 Economic Development Trust Fund, the Grants and Donations
29 Trust Fund, the Brownfield Property Ownership Clearance
30 Assistance Revolving Loan Trust Fund, and the Economic
31 Development Transportation Trust Fund to contract for the

1 administration of the programs, or portions of the programs,
2 enumerated in this paragraph or assigned to the office by law,
3 by the appropriations process, or by the Governor. Such
4 expenditures shall be subject to review under chapter 216.

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

17 (h) Serve as contract administrator for the state with
18 respect to contracts with Enterprise Florida, Inc., the
19 Florida Commission on Tourism, and all direct-support
20 organizations under this act, excluding those relating to
21 tourism. To accomplish the provisions of this act and
22 applicable provisions of chapter 288, and notwithstanding the
23 provisions of part I of chapter 287, the office shall enter
24 into specific contracts with Enterprise Florida, Inc., the
25 Florida Commission on Tourism, and other appropriate
26 direct-support organizations. Such contracts may be multiyear
27 and shall include specific performance measures for each year.
28 ~~The office shall provide the President of the Senate and the~~
29 ~~Speaker of the House of Representatives with a report by~~
30 ~~February 1 of each year on the status of these contracts,~~
31

1 ~~including the extent to which specific contract performance~~
2 ~~measures have been met by these contractors.~~

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

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

17 (3) The Chief Inspector General, as defined in s.
18 14.32:

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

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

24 (c) Shall receive and investigate complaints of fraud,
25 abuses, and deficiencies relating to programs and operations
26 of public-private partnerships.

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

31

1 (e) Shall monitor public-private partnerships for
2 compliance with the terms and conditions of contracts with the
3 Office of Tourism, Trade, and Economic Development and report
4 noncompliance to the Governor.

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

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

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

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

25 (6)(a) In order to improve the state's regulatory
26 environment, the Office of Tourism, Trade, and Economic
27 Development shall consider the impact of agency rules on
28 businesses, provide one-stop permit information and
29 assistance, and serve as an advocate for businesses,
30 particularly small businesses, in their dealings with state
31 agencies.

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

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

6 1. Review proposed agency actions for impacts on small
7 businesses and offer alternatives to mitigate such impacts, as
8 provided in s. 120.54.

9 2. In consultation with the Governor's rules
10 ombudsman, make recommendations to agencies on any existing
11 and proposed rules for alleviating unnecessary or
12 disproportionate adverse effects to businesses.

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

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

21 b. An identification and description of those agency
22 rules repealed or modified during each calendar year to
23 improve the regulatory climate for businesses operating in the
24 state.

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

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

30 (II) Assistance in the completion of such
31 applications.

1 (III) Centralized collection of any permit fees and
2 distribution of such fees to agencies.

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

5
6 If the Legislature establishes such a registry, subsequent
7 annual reports must cover the status and performance of this
8 registry.

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

19 5. Obtain information and permit applications from
20 agencies and provide such information and permit applications
21 to the public.

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

26 7. Determine, upon request, the status of a particular
27 permit application.

28 8. Receive complaints and suggestions concerning
29 permitting policies and activities of governmental agencies
30 which affect businesses.

31

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

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

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

22 (7) The Office of Tourism, Trade, and Economic
23 Development shall develop performance measures, standards, and
24 sanctions for each program it administers under this act and,
25 in conjunction with the applicable entity, for each program
26 for which it contracts with another entity under this act.
27 The performance measures, standards, and sanctions shall be
28 developed in consultation with the legislative appropriations
29 committees and the appropriate substantive committees, and are
30 subject to the review and approval process provided in s.
31 216.177. The approved performance measures, standards, and

1 sanctions shall be included and made a part of each contract
2 entered into for delivery of programs authorized by this act.

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

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

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

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

1 ~~particular region, county, city, or community, ability to~~
2 ~~properly administer grant funds, and such other matters deemed~~
3 ~~necessary and appropriate to further the purposes of this~~
4 ~~subsection. The office shall expend all funds in accordance~~
5 ~~with state law and shall use such appropriations to supplement~~
6 ~~the financial support of:~~

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

10 ~~2. Programs with a high potential for match funding~~
11 ~~from nonstate sources.~~

12 ~~3. Economic development programs for which no other~~
13 ~~state grants are available.~~

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

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

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

29 ~~(d) The office shall not award any new grant which~~
30 ~~will, in whole or in part, inure to the personal benefit of~~
31 ~~any board member of Enterprise Florida, Inc., or the Florida~~

1 ~~Commission on Tourism during that member's term of office, if~~
2 ~~the board member participated in the vote of the board or~~
3 ~~panel thereof recommending the award. However, this subsection~~
4 ~~does not prohibit the office from awarding a grant to an~~
5 ~~entity with which a board member is associated.~~

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

7 Section 2. Section 288.0251, Florida Statutes, is
8 amended to read:

9 288.0251 International development outreach activities
10 in Latin America and Caribbean Basin.--The Department of State
11 ~~Office of Tourism, Trade, and Economic Development~~ may
12 contract for the implementation of Florida's international
13 volunteer corps to provide short-term training and technical
14 assistance activities in Latin America and the Caribbean
15 Basin. The entity contracted under this section must require
16 that such activities be conducted by qualified volunteers who
17 are citizens of the state. The contracting agency must have a
18 statewide focus and experience in coordinating international
19 volunteer programs.

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

22 288.095 Economic Development Trust Fund.--

23 (3)(a) ~~Contingent upon an annual appropriation by the~~
24 ~~Legislature,~~The Office of Tourism, Trade, and Economic
25 Development may approve applications for certification tax
26 refunds pursuant to ss. 288.1045(3) and ss. 288.1045, 288.1067
27 and 288.107. However, in no case may the total state share of
28 tax refund payments scheduled in all active certifications for
29 any one fiscal year exceed \$35 million. ~~The office may not~~
30 ~~approve tax refunds in excess of the amount appropriated to~~
31

1 ~~the Economic Development Incentives Account for such tax~~
2 ~~refunds, for a fiscal year pursuant to paragraph (b).~~

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

23 Section 4. Section 288.106, Florida Statutes, 1998
24 Supplement, is amended to read:

25 288.106 Tax refund program for qualified target
26 industry businesses.--

27 (1) LEGISLATIVE FINDINGS AND DECLARATIONS.--The
28 Legislature finds that attracting, retaining, and providing
29 favorable conditions for the growth of target industries
30 provides high-quality employment opportunities for citizens of
31 this state and enhances the economic foundations of this

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

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

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

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

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

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

26 (e) "Office" means the Office of Tourism, Trade, and
27 Economic Development.

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

30 (g) "Expansion of an existing business" means the
31 expansion of an existing Florida ~~a~~ business by or through

1 additions to real and personal property ~~on a site colocated~~
2 ~~with a commercial or industrial operation owned by the same~~
3 ~~business~~, resulting in a net increase in employment of not
4 less than 10 percent at such business.

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

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

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

26 (k) "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 with a population of 75,000 or fewer or
30 a county with a population of 100,000 or fewer which is
31 contiguous to a county with a population of 75,000 or fewer

1 ~~designated by the Rural Economic Development Initiative.~~ Any
2 applicant that exercises this option shall not be eligible for
3 more than 80 percent of the total tax refunds allowed such
4 applicant under this section.

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

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

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

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

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

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

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

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

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

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

16
17 The office, in consultation with Enterprise Florida, Inc.,
18 shall develop a list of such target industries annually and
19 submit such list as part of the final agency legislative
20 budget request submitted pursuant to s. 216.023(1). A target
21 industry business may not include any industry engaged in
22 retail activities; any electrical utility company; any
23 phosphate or other solid minerals severance, mining, or
24 processing operation; any oil or gas exploration or production
25 operation; or any firm subject to regulation by the Division
26 of Hotels and Restaurants of the Department of Business and
27 Professional Regulation.

28 (p) "Taxable year" means taxable year as defined in s.
29 220.03(1)(z).

30 (q) "Qualified target industry business" means a
31 target industry business that has been approved by the

1 director to be eligible for tax refunds pursuant to this
2 section.

3 (r) "Rural county" means a county with a population of
4 75,000 or fewer or a county with a population of 100,000 or
5 fewer which is contiguous to a county with a population of
6 75,000 or fewer ~~less~~.

7 (s) "Rural city" means a city with a population of
8 10,000 or less, or a city with a population of greater than
9 10,000 but less than 20,000 which has been determined by the
10 Office of Tourism, Trade, and Economic Development to have
11 economic characteristics such as, but not limited to, a
12 significant percentage of residents on public assistance, a
13 significant percentage of residents with income below the
14 poverty level, or a significant percentage of the city's
15 employment base in agriculture-related industries.

16 (t) "Rural community" means:

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

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

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

22
23 For purposes of this paragraph, population shall be determined
24 in accordance with the most recent official estimate pursuant
25 to s. 186.901.

26 (u) "Authorized local economic development agency"
27 means any public or private entity, including those defined in
28 s. 288.075, authorized by a county or municipality to promote
29 the general business or industrial interests of that county or
30 municipality.

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

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

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

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

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

17 1. Receive refunds from the account for the following
18 taxes due and paid by that business beginning with the first
19 taxable year of the business which begins after entering into
20 the agreement:

21 ~~1. Taxes on sales, use, and other transactions under~~
22 ~~chapter 212.~~

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

24 ~~3. Intangible personal property taxes under chapter~~
25 ~~199.~~

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

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

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

29 b.7. Insurance premium tax under s. 624.509.
30
31

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

4 a. Taxes on sales, use, and other transactions under
5 chapter 212.

6 b. Intangible personal property taxes under chapter
7 199.

8 c. Emergency excise taxes under chapter 221.

9 d. Excise taxes on documents under chapter 201.

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

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

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

25 1. Is liable for repayment of the amount of the refund
26 to the account, plus a mandatory penalty in the amount of 200
27 percent of the tax refund which shall be deposited into the
28 General Revenue Fund.

29 2. Is guilty of a felony of the third degree,
30 punishable as provided in s. 775.082, s. 775.083, or s.
31 775.084.

1 (4) APPLICATION AND APPROVAL PROCESS.--

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

9 1. The applicant's federal employer identification
10 number and the applicant's state sales tax registration
11 number.

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

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

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

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

25 6. The anticipated commencement date of the project.

26 ~~7. The amount of:~~

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

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

30 ~~c. Intangible personal property taxes paid under~~
31 ~~chapter 199;~~

1 ~~d. Emergency excise taxes paid under chapter 221; and~~
2 ~~e. Excise taxes on documents paid under chapter 201.~~
3 ~~8. The estimated amount of tax refunds to be claimed~~
4 ~~in each fiscal year.~~

5 7.9. A brief statement concerning the role that the
6 tax refunds requested will play in the decision of the
7 applicant to locate or expand in this state.

8 8.10. An estimate of the proportion of the sales
9 resulting from the project that will be made outside this
10 state.

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

29 10.12. Any additional information requested by the
30 office.
31

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (5) TAX REFUND AGREEMENT.--

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

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

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

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

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

31

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

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

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

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

1 (6) ANNUAL CLAIM FOR REFUND.--

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

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

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

1 provided to the office when such support is paid to the
2 account.

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

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

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

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

25 (7) ADMINISTRATION.--

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

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

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

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

14 288.816 Intergovernmental relations.--

15 (4)(a) There is created under the Department of State
16 a sister city grants program to provide support and financial
17 assistance to those municipalities and counties in this state
18 which develop international affiliations with foreign
19 governments, or political subdivisions thereof, important to
20 the diplomatic, cultural, historic, and economic development
21 of this state. Under this program, the Department of State may
22 accept and administer moneys appropriated to it for providing
23 grants to municipalities and counties that have registered
24 sister city affiliations with the department under subsection
25 (3).

26 (b) A municipality or county that has registered a
27 sister city affiliation with the department under subsection
28 (3) may apply for a grant of state funds to support programs
29 under its sister city affiliation which benefit the
30 international relations of this state through the interchange
31

1 of people, ideas, and culture between the foreign government,
2 or a political subdivision thereof, and this state.

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

24 (d) The Department of State shall adopt rules
25 prescribing the criteria to be applied by the Office of
26 International Affairs in recommending applications for the
27 award of grants and rules providing for the administration of
28 the other provisions of this subsection. When adopting these
29 criteria, preference shall be given to a municipality or
30 county that has a sister city affiliation with a foreign
31 government, or a political subdivision thereof, within a

1 nation to which the Office of Tourism, Trade, and Economic
2 Development or Enterprise Florida, Inc., has performed a trade
3 mission or plans to perform a trade mission, or within a
4 nation that the Office of Tourism, Trade, and Economic
5 Development or Enterprise Florida, Inc., has otherwise
6 identified as being strategically important to the state's
7 trade and reverse investment goals.

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

10 288.901 Enterprise Florida, Inc.; creation;
11 membership; organization; meetings; disclosure.--

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

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

1 ~~located in Leon County. All available resources, including~~
2 ~~telecommuting, must be employed to minimize the negative~~
3 ~~impact on the Leon County economy caused by job losses~~
4 ~~associated with the privatization of the Department of~~
5 ~~Commerce.~~The Department of Management Services may establish
6 a lease agreement program under which Enterprise Florida,
7 Inc., may hire any individual who, as of June 30, 1996, is
8 employed by the Department of Commerce or who, as of January
9 1, 1997, is employed by the Executive Office of the Governor
10 or, as of June 30, 1999, by the Department of Labor and
11 Employment Security or the Department of Children and Family
12 Services and has responsibilities specifically in support of
13 the Workforce Development Board established under s. 288.9620.
14 Under such agreement, the employee shall retain his or her
15 status as a state employee but shall work under the direct
16 supervision of Enterprise Florida, Inc. Retention of state
17 employee status shall include the right to participate in the
18 Florida Retirement System. The Department of Management
19 Services shall establish the terms and conditions of such
20 lease agreements.

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

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

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

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

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

1 (e) A member of the House of Representatives, who
2 shall be appointed by the Speaker of the House of
3 Representatives as an ex officio member of the board and serve
4 at the pleasure of the Speaker.

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

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

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

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

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

1 members, together with potential appointees, reflect the
2 racial, ethnic, and gender diversity, as well as the
3 geographic distribution, of the population of the state.

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

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

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

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

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

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

29
30 ~~Thereafter, any vacancies which occur will be filled by the~~
31 ~~Governor, the President of the Senate, or the Speaker of the~~

1 ~~House of Representatives, respectively, depending on who~~
2 ~~appointed the member whose vacancy is to be filled or whose~~
3 ~~term has expired.~~

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

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

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

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

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

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

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

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

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

1 expenses, as determined by the board of directors of
2 Enterprise Florida, Inc.

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

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

19 Section 7. Section 288.9015, Florida Statutes, is
20 amended to read:

21 288.9015 Enterprise Florida, Inc.; purpose; duties.--

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

1 Enterprise Florida, Inc., may develop and implement specific
2 programs or strategies that address the creation, expansion,
3 and retention of Florida business; the development of import
4 and export trade; and the recruitment of worldwide business.

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

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

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

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

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

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

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

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

29 Section 8. Section 288.90151, Florida Statutes, is
30 amended to read:

31 (Substantial rewording of section. See

1 s. 288.90151, F.S., for present text.)

2 288.90151 Return on Investment from Activities of
3 Enterprise Florida, Inc.--

4 (1) The public funds appropriated each year for the
5 operation of Enterprise Florida, Inc., are invested in this
6 public-private partnership to enhance international trade and
7 economic development, to spur job-creating investments, to
8 create new employment opportunities for Floridians, and to
9 prepare Floridians for those jobs. This policy will be the
10 Legislature's priority consideration when reviewing the
11 return-on-investment for Enterprise Florida, Inc.

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

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

20 (4)(a) The state's operating investment in Enterprise
21 Florida, Inc., is the budget contracted by the Office of
22 Tourism, Trade, and Economic Development to Enterprise
23 Florida, Inc., less funding that is directed by the
24 Legislature to be subcontracted to a specific recipient.

25 (b) The board of directors of Enterprise Florida,
26 Inc., shall adopt for each upcoming fiscal year an operating
27 budget for the organization that specifies the intended uses
28 of the state's operating investment and a plan for securing
29 private sector support to Enterprise Florida, Inc. Each fiscal
30 year private sector support to Enterprise Florida, Inc., shall
31 equal no less than 100 percent of the state's operating

1 investment, including at least \$1 million in cash as defined
2 in subsection (5)(a), and an additional \$1 million in cash as
3 defined in subsection (5)(a), (b), and (c).

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

6 (a) Cash given directly to Enterprise Florida, Inc.,
7 for its operating budget;

8 (b) Cash jointly raised by Enterprise Florida, Inc.,
9 and a local economic development organization, a group of such
10 organizations or a statewide business organization that
11 supports collaborative projects;

12 (c) Cash generated by products or services of
13 Enterprise Florida, Inc.; and

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

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

1 performance measures are consistent with performance measures
2 that the office is required to develop and track under
3 performance-based program budgeting.

4 (7) As part of the annual report required under s.
5 288.906, Enterprise Florida, Inc., shall provide the
6 Legislature with information quantifying the public's
7 return-on-investment as described in this section for fiscal
8 year 1997-1998 and each subsequent fiscal year. The annual
9 report shall also include the results of a
10 customer-satisfaction survey of businesses served, as well as
11 the lead economic development staff person of each local
12 economic development organization that employs a full-time or
13 part-time staff person.

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

26 Section 9. Section 288.903, Florida Statutes, is
27 amended to read:

28 288.903 Board of directors of Enterprise Florida,
29 Inc.; president; employees.--

30 (1) The president of Enterprise Florida, Inc., shall
31 be appointed by the board of directors and shall serve at the

1 pleasure of the board of directors. The board of directors
2 shall establish and adjust the compensation of the president.

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

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

24 ~~(3) The president:~~

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

28 ~~(b) Shall employ and supervise the president of any~~
29 ~~board established within the Enterprise Florida, Inc.,~~
30 ~~corporate structure and shall coordinate the activities of any~~
31 ~~such boards.~~

1 ~~(c) Shall attend all meetings of the board of~~
2 ~~directors.~~

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

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

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

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

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

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

25 ~~(3)(4)~~ The board of directors of Enterprise Florida,
26 Inc., and its officers shall be responsible for the prudent
27 use of all public and private funds and shall ensure that the
28 use of such funds is in accordance with all applicable laws,
29 bylaws, or contractual requirements. No employee of Enterprise
30 Florida, Inc., may receive compensation for employment which
31 exceeds the salary paid to the Governor, unless the board of

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

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

8 288.904 Powers of the board of directors of Enterprise
9 Florida, Inc.--

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

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

19 (b)1. Make and enter into contracts and other
20 instruments necessary or convenient for the exercise of its
21 powers and functions, except that any contract made with an
22 organization represented ~~on the nominating council or on the~~
23 board of directors must be approved by a two-thirds vote of
24 the entire board of directors, and the board member
25 representing such organization shall abstain from voting. No
26 more than 65 percent of the dollar value of all contracts or
27 other agreements entered into in any fiscal year, exclusive of
28 grant programs, shall be made with an organization represented
29 on the ~~nominating council or the~~ board of directors. An
30 organization represented on the board ~~or on the nominating~~
31 ~~council~~ may not enter into a contract to receive a

1 state-funded economic development incentive or similar grant,
2 unless such incentive award is specifically endorsed by a
3 two-thirds vote of the entire board. The board member
4 representing such organization, if applicable, shall abstain
5 from voting and refrain from discussing the issue with other
6 members of the board. No more than 50 percent of the dollar
7 value of grants issued by the board in any fiscal year may go
8 to businesses associated with board members.

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

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

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

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

29 (f) Adopt, amend, and repeal bylaws, not inconsistent
30 with the powers granted to it or the articles of
31 incorporation, for the administration of the affairs of

1 Enterprise Florida, Inc., and the exercise of its corporate
2 powers.

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

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

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

15 (j) Carry forward any unexpended state appropriations
16 into succeeding fiscal years.

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

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

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

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

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

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

1 residents, including minorities.In developing such policies,
2 strategies, and programs, the board of directors shall solicit
3 advice from and consider the recommendations of its boards,
4 any advisory committees or similar groups created by
5 Enterprise Florida, Inc., and local and regional partners.

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

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

31

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

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

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

30 2. Enterprise Florida, Inc., shall involve ~~the~~ local
31 ~~governments, local and regional economic development~~

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

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

17 ~~3.2.~~ Enterprise Florida, Inc., shall involve rural,
18 urban, small-business, and minority-business ~~local, state, and~~
19 ~~federal small business and minority business~~ development
20 agencies and organizations, both public and private, in
21 developing and carrying out policies, strategies, and programs
22 ~~any provisions.~~

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

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

31

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

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

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

25 (e)(j) Identifying business sectors that are of
26 current or future importance to the state's economy and to the
27 state's worldwide business image, and developing specific
28 strategies to promote the development of such sectors.

29 (4)(a)(3)(a) The strategic plan shall also include
30 recommendations regarding specific performance standards and
31 measurable outcomes. ~~By July 1, 1997,~~ Enterprise Florida,

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

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

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

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

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

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

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

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

23 7. Goods produced in this state that are exported to
24 other countries.

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

28 (c) Prior to the 2002 ~~1999~~ Regular Session of the
29 Legislature, the Office of Program Policy Analysis and
30 Government Accountability shall conduct a review of Enterprise
31 Florida, Inc., and its boards and shall submit a report by

1 January 1, 2002, to the President of the Senate, the Speaker
2 of the House of Representatives, the Senate Minority Leader,
3 and the House Minority Leader. The review shall be
4 comprehensive in its scope, but, at a minimum, must be
5 conducted in such a manner as to specifically determine:

6 1. The progress towards achieving the established
7 outcomes.

8 2. The circumstances contributing to the
9 organization's ability to achieve, not achieve, or exceed its
10 established outcomes.

11 ~~3. The progress towards achieving the established~~
12 ~~goals of the Cypress Equity Fund and whether the strategy~~
13 ~~underlying the fund is appropriate.~~

14 ~~3.4.~~ Whether it would be sound public policy to
15 continue or discontinue funding the organization, and the
16 consequences of discontinuing the organization. ~~The report~~
17 ~~shall be submitted by January 1, 1999, to the President of the~~
18 ~~Senate, the Speaker of the House of Representatives, the~~
19 ~~Senate Minority Leader, and the House Minority Leader.~~

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

28 ~~(5)(4)~~ The board of directors shall coordinate and
29 collaborate ~~the economic development activities and policies~~
30 ~~of Enterprise Florida, Inc., with local municipal, county, and~~
31 regional economic development organizations, which shall be to

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

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

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

21 Section 12. Section 288.906, Florida Statutes, is
22 amended to read:

23 288.906 Annual report of Enterprise Florida, Inc.;
24 audits; confidentiality.--

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

30 (a) A description of the operations and
31 accomplishments of Enterprise Florida, Inc., and its boards

1 and advisory committees or similar groups created by
2 Enterprise Florida, Inc., and an identification of any major
3 trends, initiatives, or developments affecting the performance
4 of any program or activity.

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

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

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

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

27 (e)(f) A description and evaluation of the operations
28 and accomplishments of Enterprise Florida, Inc., and its
29 boards with respect to interaction with local and private
30 economic development organizations, including an
31 identification of any specific programs or activities which

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

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

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

12

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

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

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

31

1 Section 13. Subsection (3) of section 288.9415,
2 Florida Statutes, is amended to read:

3 288.9415 International Trade Grants.--

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

23 Section 14. Section 288.9511, Florida Statutes, is
24 amended to read:

25 288.9511 Definitions.--As used in ss.
26 288.9511-288.9517, the term:

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

30 (2) "Enterprise" means a firm with its principal place
31 of business in this state which is engaged, or proposes to be

1 engaged, in this state in agricultural industries,
2 natural-resource-based or other manufacturing, research and
3 development, or the provision of knowledge-based services.

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

5 (3)~~(4)~~ "Person" means any individual, partnership,
6 corporation, or joint venture that carries on business, or
7 proposes to carry on business, within the state.

8 (4)~~(5)~~ "Product" means any product, device, technique,
9 or process that is, or may be, developed or marketed
10 commercially; the term does not refer, however, to basic
11 research, but rather to products, devices, techniques, or
12 processes that have advanced beyond the theoretical stage and
13 are in a prototype or industry practice stage.

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

27 (6)~~(7)~~ "Technology application" means the introduction
28 and adaptation of off-the-shelf technologies and
29 state-of-the-art management practices to the specific
30 circumstances of an individual firm.

31

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

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

8 Section 15. Section 288.9515, Florida Statutes, is
9 amended to read:

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

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

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

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

31

1 (c) Securing additional sources of funds on behalf of,
2 and in partnership with, technology applications service
3 providers.

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

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

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

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

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

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

29 (g) Establishing a system to evaluate the
30 effectiveness and efficiency of technology applications

31

1 ~~Florida Innovation Alliance~~ services provided to small-sized
2 and medium-sized enterprises.

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

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

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

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

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

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

29 (2) When choosing contractors under this section,
30 preference shall be given to existing institutions,
31 organizations, and enterprises so long as these existing

1 institutions, organizations, and enterprises demonstrate the
2 ability to perform at standards established by Enterprise
3 Florida, Inc.,~~the board~~ under paragraph (1)(e). Neither the
4 provisions of ss. 288.9511-288.9517 nor the actions taken by
5 Enterprise Florida, Inc., under this section ~~of the alliance~~
6 shall impair or hinder the operations, performance, or
7 resources of any existing institution, organization, or
8 enterprise.

9 (3) Enterprise Florida, Inc.,~~The board~~ may create a
10 technology development financing fund, to be called the
11 Florida Technology Research Investment Fund. The fund shall
12 increase technology development in this state by investing in
13 technology development projects that have the potential to
14 generate investment-grade technologies of importance to the
15 state's economy as evidenced by the willingness of private
16 businesses to coinvest in such projects. Enterprise Florida,
17 Inc.,~~The board~~ may also demonstrate and develop effective
18 approaches to, and benefits of, commercially oriented research
19 collaborations between businesses, universities, and state and
20 federal agencies and organizations. Enterprise Florida, Inc.,
21 ~~The board~~ shall endeavor to maintain the fund as a
22 self-supporting fund once the fund is sufficiently capitalized
23 as reflected in the minimum funding report required in s.
24 288.9516. The technology research investment projects may
25 include, but are not limited to:

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

29 (b) Technology development centers and facilities
30 expected to generate a stream of products and processes with
31

1 commercial application of importance to industry in this
2 state.

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

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

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

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

30 (c) Not more than \$175,000 or 5 percent of the
31 revenues generated by investment of moneys contained in the

1 Florida Technology Research Investment Fund, whichever is
2 greater, may be used to pay ~~the partnership's~~ operating
3 expenses associated with operation of the Florida Technology
4 Research Investment Fund.

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

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

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

29 Section 16. Section 288.95155, Florida Statutes, 1998
30 Supplement, is amended to read:

31

1 288.95155 Florida Small Business Technology Growth
2 Program.--

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

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

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

1 account or moneys in the account, other than from moneys
2 appropriated or assigned to the account, and the state shall
3 not be liable or obligated in any way for any claims against
4 the account or, ~~against the technology development board, or~~
5 ~~against~~ Enterprise Florida, Inc.

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

23 (5) By January 1 of each year, Enterprise Florida,
24 Inc., ~~the board~~ shall prepare a report on the financial status
25 of the program and the account and shall submit a copy of the
26 report to the board of directors of Enterprise Florida, Inc.,
27 the appropriate legislative committees responsible for
28 economic development oversight, and the appropriate
29 legislative appropriations subcommittees. The report shall
30 specify the assets and liabilities of the account within the
31 current fiscal year and shall include a portfolio update that

1 lists all of the businesses assisted, the private dollars
2 leveraged by each business assisted, and the growth in sales
3 and in employment of each business assisted.

4 Section 17. Section 288.9519, Florida Statutes, is
5 amended to read:

6 288.9519 Not-for-profit corporation.--

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

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

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

27 (b) To submit a legislative budget request through a
28 state agency.

29 (c) To accept gifts, grants, donations, expenses,
30 in-kind services, or other goods or services for carrying out
31 its purposes, and to expend such funds or assets in any legal

1 manner according to the terms and conditions of acceptance and
2 without interference, control, or restraint by the state.

3 (d) To carry forward any unexpended state
4 appropriations into succeeding fiscal years.

5 Section 18. Section 288.9520, Florida Statutes, is
6 amended to read:

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

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

25 288.9603 Definitions.--

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

28 Section 20. Subsections (2) and (3) of section
29 288.9604, Florida Statutes, are amended to read:

30 288.9604 Creation of the authority.--

31

1 (2) A city or county of Florida shall be selected by a
2 search committee of Enterprise Florida, Inc ~~the capital~~
3 ~~development board~~. This city or county shall be authorized to
4 activate the corporation. The search committee shall be
5 composed of two commercial banking representatives, the Senate
6 member of the partnership, the House of Representatives member
7 of the partnership, and a member who is an industry or
8 economic development professional.

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

26 Section 21. Section 288.9614, Florida Statutes, is
27 amended to read:

28 288.9614 Authorized programs.--Enterprise Florida,
29 Inc. ~~The capital development board~~ may take any action that
30 it deems necessary to achieve the purposes of this act in
31 partnership with private enterprises, public agencies, and

1 other organizations, including, but not limited to, efforts to
2 address the long-term debt needs of small-sized and
3 medium-sized firms, to address the needs of microenterprises,
4 to expand availability of venture capital, and to increase
5 international trade and export finance opportunities for firms
6 critical to achieving the purposes of this act.

7 Section 22. Subsection (1) of section 288.9618,
8 Florida Statutes, is amended to read:

9 288.9618 Microenterprises.--

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

26 (a) Maintaining a network of communication and
27 coordination among existing microenterprise lending and
28 assistance programs throughout the state.

29 (b) Providing information and technical help to
30 community-based or regional organizations attempting to
31 establish new microenterprise programs.

1 (c) Encouraging private sector investment in
2 microenterprises and microenterprise lending programs.

3 (d) Fostering mentoring and networking relationships
4 among microenterprises and other businesses and public bodies
5 in order to give microenterprises access to management advice
6 and business leads.

7 (e) Incorporating microenterprise components into the
8 capital development programs and other business development
9 programs operated by Enterprise Florida, Inc., and its
10 affiliates.

11 (f) Providing organizational, financial, and marketing
12 support for conferences, workshops, or similar events that
13 focus on microenterprise development.

14 (g) Establishing a program and guidelines for the
15 award of matching grants on a competitive basis to support the
16 operational expenses of not-for-profit organizations and
17 government agencies that are engaged in microenterprise
18 lending and other microenterprise assistance activities.

19 (h) Coordinating with other organizations to ensure
20 that participants in the WAGES Program are given opportunities
21 to create microenterprises.

22 Section 23. Sections 288.902, 288.9412, 288.9413,
23 288.9414, 288.942, 288.9510, 288.9512, 288.9513, 288.9514,
24 288.9516, 288.9611, 288.9612, 288.9613, and 288.9615, Florida
25 Statutes, are repealed.

26 Section 24. (1) Notwithstanding any other provision
27 of law, any contract or interagency agreement existing on or
28 before the effective date of this act between the
29 International Trade and Economic Development Board, the
30 Technology Development Board, or the Capital Development Board
31 of Enterprise Florida, Inc., or entities or agents of those

1 boards, and other agencies, entities, or persons shall
2 continue as binding contracts or agreements with Enterprise
3 Florida, Inc., which is the successor entity responsible for
4 the program, activity, or functions relative to the contract
5 or agreement.

6 (2) Any tangible personal property of the
7 International Trade and Economic Development Board, the
8 Technology Development Board, or the Capital Development Board
9 of Enterprise Florida, Inc., is transferred to Enterprise
10 Florida, Inc.

11 (3) Enterprise Florida, Inc., may assume
12 responsibility for any programs or activities of the
13 International Trade and Economic Development Board, the
14 Technology Development Board, or the Capital Development Board
15 in existence as of the effective date of this act and may
16 determine the appropriate placement of such programs or
17 activities within the organization.

18 Section 25. The Division of Statutory Revision is
19 directed to redesignate part VIII of chapter 288, Florida
20 Statutes, as "Technology Development" and to redesignate part
21 IX of that chapter as "Capital Development."

22 Section 26. Subsection (1) of section 288.707, Florida
23 Statutes, is amended to read:

24 288.707 Florida Black Business Investment Board.--

25 (1) The Legislature finds that the public interest of
26 Florida will be served by the creation and growth of black
27 business enterprises by:

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

30
31

1 (b) Providing role models and establishing business
2 networks for the benefit of future generations of aspiring
3 black entrepreneurs; ~~and~~

4 (c) Strengthening the economy of the state by
5 increasing the number of qualified black business enterprises,
6 which in turn will increase competition in the marketplace and
7 improve the welfare of economically depressed neighborhoods;
8 and-

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

11 Section 27. Present subsection (17) of section
12 288.709, Florida Statutes, 1998 Supplement, is redesignated as
13 subsection (19), and new subsections (17) and (18) are added
14 to that section to read:

15 288.709 Powers of the Florida Black Business
16 Investment Board.--The board shall have all the powers
17 necessary or convenient to carry out and effectuate the
18 purposes and provisions of ss. 9-21, chapter 85-104, Laws of
19 Florida, including, but not limited to, the power to:

20 (17) Promote black ownership of financial institutions
21 in Florida.

22 (18) Take, hold, and improve property, including real
23 property.

24 Section 28. Subsections (3), (6), and (11) of section
25 288.99, Florida Statutes, 1998 Supplement, are amended to
26 read:

27 288.99 Certified Capital Company Act.--

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

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

30 1. Any person directly or indirectly beneficially
31 owning, whether through rights, options, convertible

1 interests, or otherwise, controlling, or holding power to vote
2 10 percent or more of the outstanding voting securities or
3 other ownership interests of the insurance company;

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

9 3. Any person directly or indirectly controlling,
10 controlled by, or under common control with the insurance
11 company;

12 4. A partnership in which the insurance company is a
13 general partner; or

14 5. Any person who is a principal, director, employee,
15 or agent of the insurance company or an immediate family
16 member of the principal, director, employee, or agent.

17 (b) "Certified capital" means an investment of cash by
18 a certified investor in a certified capital company which
19 fully funds the purchase price of either or both its equity
20 interest in the certified capital company or a qualified debt
21 instrument issued by the certified capital company.

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

24 1. Is certified by the department in accordance with
25 this act.

26 2. Receives investments of certified capital.

27 3. Makes qualified investments as its primary
28 activity.

29 (d) "Certified investor" means any insurance company
30 subject to premium tax liability pursuant to s. 624.509 that
31 contributes certified capital.

1 (e) "Department" means the Department of Banking and
2 Finance.

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

5 (g) "Early stage technology business" means a
6 qualified business that is involved, at the time of the
7 certified capital company's initial investment in such
8 business, in activities related to developing initial product
9 or service offerings, such as prototype development or the
10 establishment of initial production or service processes. The
11 term includes a qualified business that is less than 2 years
12 old and has, together with its affiliates, less than \$3
13 million in annual revenues for the fiscal year immediately
14 preceding the initial investment by the certified capital
15 company on a consolidated basis, as determined in accordance
16 with generally accepted accounting principles. The term also
17 includes the Florida Black Business Investment Board, any
18 entity majority owned by the Florida Black Business Investment
19 Board, or any entity in which the Florida Black Business
20 Investment Board holds a majority voting interest on the board
21 of directors.

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

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

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

31

1 (k) "Qualified business" means a business that meets
2 the following conditions:

3 1. The business is headquartered in this state and its
4 principal business operations are located in this state.

5 2. At the time a certified capital company makes an
6 initial investment in a business, the business is a small
7 business concern as defined in 13 C.F.R. s. 121.201, "Size
8 Standards Used to Define Small Business Concerns" of the
9 United States Small Business Administration which is involved
10 in manufacturing, processing or assembling products,
11 conducting research and development, or providing services.

12 3. At the time a certified capital company makes an
13 initial investment in a business, the business certifies in an
14 affidavit that:

15 a. The business is unable to obtain conventional
16 financing, which means that the business has failed in an
17 attempt to obtain funding for a loan from a bank or other
18 commercial lender or that the business cannot reasonably be
19 expected to qualify for such financing under the standards of
20 commercial lending;

21 b. The business plan for the business projects that
22 the business is reasonably expected to achieve in excess of
23 \$25 million in sales revenue within 5 years after the initial
24 investment;

25 c. The business will maintain its headquarters in this
26 state for the next 10 years and any new manufacturing facility
27 financed by a qualified investment will remain in this state
28 for the next 10 years; and

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

31

1 For purposes of this subsection, the term "Qualified Business"
2 also includes the Florida Black Business Investment Board, any
3 entity majority owned by the Florida Black Business Investment
4 Board, or any entity in which the Florida Black Business
5 Investment Board holds a majority voting interest on the board
6 of directors.A business predominantly engaged in retail
7 sales, real estate development, insurance, banking, lending,
8 oil and gas exploration, or engaged in professional services
9 provided by accountants, lawyers, or physicians does not
10 constitute a qualified business.

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 Section 29. Sections 288.9950, 288.9951, 288.9952,
7 288.9953, 288.9954, 288.9955, 288.9956, 288.9957, 288.9958,
8 and 288.9959, Florida Statutes, are designated as part XI of
9 chapter 288, Florida Statutes, and the Division of Statutory
10 Revision is requested to designate that part "Workforce
11 Development."

12 Section 30. Section 446.601, Florida Statutes, is
13 transferred, renumbered as section 288.9950, Florida Statutes,
14 and amended to read:

15 288.9950 ~~446.601~~ Workforce Florida Act of 1996 ~~Short~~
16 ~~title; legislative intent.--~~

17 (1) This section may be cited as the "Workforce
18 Florida Act of 1996."

19 (2) The goal of this section is to utilize the
20 workforce development system to upgrade dramatically
21 Floridians' workplace skills, economically benefiting the
22 workforce, employers, and the state.

23 (3) These principles should guide the state's efforts:

24 (a) Floridians must upgrade their skills to succeed in
25 today's workplace.

26 (b) In business, workforce skills are the key
27 competitive advantage.

28 (c) Workforce skills will be Florida's key
29 job-creating incentive for business.

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1 (d) Budget cuts, efficiency, effectiveness, and
2 accountability mandate the consolidation of program services
3 and the elimination of unwarranted duplication.

4 (e) Streamlined state and local partnerships must
5 focus on outcomes, not process.

6 (f) Locally designed, customer-focused, market-driven
7 service delivery works best.

8 (g) Job training curricula must be developed in
9 concert with the input and needs of existing employers and
10 businesses, and must consider the anticipated demand for
11 targeted job opportunities, as specified by the Occupational
12 Forecasting Conference under s. 216.136.

13 (h) Job placement, job retention, and
14 return-on-investment should control workforce development
15 expenditures and be a part of the measure for success and
16 failure.

17 (i) Success will be rewarded and failure will have
18 consequences.

19 (j) Job placement success will be publicly measured
20 and reported to the Legislature.

21 (k) Apprenticeship programs, pursuant to s. 446.011,
22 which provide a valuable opportunity for preparing citizens
23 for productive employment, will be encouraged.

24 (l) Self-employment and small business ownership will
25 be options that each worker can pursue.

26 (4) The workforce development strategy shall be
27 designed by the Workforce Development Board ~~Enterprise Florida~~
28 ~~Jobs and Education Partnership~~ pursuant to s. 288.9952 ~~s.~~
29 ~~288.0475~~, and shall be centered around the strategies ~~four~~
30 ~~integrated strategic components~~ of First Jobs/First Wages

31

1 ~~One-Stop Career Centers, School-to-Work, Welfare-to-Work, and~~
2 ~~High Skills/High Wages Wage Jobs.~~

3 (a) First Jobs/First Wages is the state's strategy to
4 promote successful entry into the workforce through education
5 and workplace experience that lead to self-sufficiency and
6 career advancement. The components of the strategy include
7 efforts that enlist business, education, and community support
8 for students to achieve long-term career goals, ensuring that
9 young people have the academic and occupational skills
10 required to succeed in the workplace. The strategy also
11 includes the Work and Gain Economic Self-sufficiency (WAGES)
12 effort that is the state's welfare-to-work program designed
13 and developed by the WAGES Program State Board of Directors.

14 ~~(a) One-Stop Career Centers are the state's initial~~
15 ~~customer-service contact strategy for offering every Floridian~~
16 ~~access, through service sites, telephone, or computer~~
17 ~~networks, to the following services:~~

- 18 ~~1. Job search, referral, and placement assistance.~~
- 19 ~~2. Career counseling and educational planning.~~
- 20 ~~3. Consumer reports on service providers.~~
- 21 ~~4. Recruitment and eligibility determination.~~
- 22 ~~5. Support services, including child care and~~
23 ~~transportation.~~
- 24 ~~6. Employability skills training.~~
- 25 ~~7. Adult education and basic skills training.~~
- 26 ~~8. Technical training leading to a certification and~~
27 ~~degree.~~
- 28 ~~9. Claim filing for unemployment compensation~~
29 ~~services.~~
- 30 ~~10. Temporary income, health, nutritional, and housing~~
31 ~~assistance.~~

1 ~~11. Child care and transportation assistance to gain~~
2 ~~employment.~~

3 ~~12. Other appropriate and available workforce~~
4 ~~development services.~~

5 ~~(b) School-to-Work is the state's youth and adult~~
6 ~~workforce education strategy for coordinating business,~~
7 ~~education, and the community to support students in achieving~~
8 ~~long-term career goals, and for ensuring the workforce is~~
9 ~~prepared with the academic and occupational skills required~~
10 ~~for success.~~

11 ~~(c) Welfare-to-Work is the state's strategy for~~
12 ~~encouraging self-sufficiency and minimizing dependence upon~~
13 ~~public assistance by emphasizing job placement and transition~~
14 ~~support services for welfare recipients.~~

15 ~~(b)(d) High Skills/High Wages Wage is the state's~~
16 ~~strategy for aligning education and training programs with~~
17 ~~high-paying, high-demand occupations that advance individuals'~~
18 ~~careers, build a more skilled workforce, and enhance Florida's~~
19 ~~efforts to attract and expand job-creating business the~~
20 ~~Occupational Forecasting Conference under s. 216.136, for~~
21 ~~meeting the job demands of the state's existing businesses,~~
22 ~~and for providing a ready workforce which is integral to the~~
23 ~~state's economic development goal of attracting new and~~
24 ~~expanding businesses.~~

25 (5) The workforce development system shall utilize a
26 charter process approach aimed at encouraging local design and
27 control of service delivery and targeted activities. The
28 Workforce Development Board ~~Enterprise Florida Jobs and~~
29 ~~Education Partnership~~ shall be responsible for granting
30 charters to regional workforce development boards that
31 ~~Regional Workforce Development Boards~~ which have a membership

1 consistent with the requirements of federal and state law and
2 that ~~which~~ have developed a plan consistent with the state's
3 workforce development strategy ~~and with the strategic~~
4 ~~components of One-Stop Career Centers, School-to-Work,~~
5 ~~Welfare-to-Work, and High Skills/High Wage.~~ The plan shall
6 specify methods for allocating the resources and programs in a
7 manner that eliminates unwarranted duplication, minimizes
8 administrative costs, meets the existing job market demands
9 and the job market demands resulting from successful economic
10 development activities, ensures access to quality workforce
11 development services for all Floridians, and maximizes
12 successful outcomes. As part of the charter process, the
13 Workforce Development Board ~~Enterprise Florida Jobs and~~
14 ~~Education Partnership~~ shall establish incentives for effective
15 coordination of federal and state programs, outline rewards
16 for successful job placements, and institute collaborative
17 approaches among local service providers. Local
18 decisionmaking and control shall be important components for
19 inclusion in this charter application.

20 Section 31. Section 446.604, Florida Statutes, is
21 transferred, renumbered as section 288.9951, Florida Statutes,
22 and amended to read:

23 288.9951 ~~446.604~~ One-Stop Career Centers.--

24 (1) One-Stop Career Centers comprise the state's
25 initial customer-service delivery system for offering every
26 Floridian access, through service sites or telephone or
27 computer networks, to the following services:

28 (a) Job search, referral, and placement assistance.

29 (b) Career counseling and educational planning.

30 (c) Consumer reports on service providers.

31 (d) Recruitment and eligibility determination.

1 (e) Support services, including child care and
2 transportation assistance to gain employment.

3 (f) Employability skills training.

4 (g) Adult education and basic skills training.

5 (h) Technical training leading to a certification and
6 degree.

7 (i) Claim filing for unemployment compensation
8 services.

9 (j) Temporary income, health, nutritional, and housing
10 assistance.

11 (k) Other appropriate and available workforce
12 development services.

13 (2) In addition to the mandatory partners identified
14 in Pub. L. No. 105-220, Food Stamp Employment and Training,
15 Food Stamp work programs, and WAGES/TANF programs shall
16 participate as partners in each One-Stop Career Center. Each
17 partner is prohibited from operating independently from a
18 One-Stop Career Center unless approved by the regional
19 workforce development board. Services provided by partners who
20 are not physically located in a One-Stop Career Center must be
21 approved by the regional workforce development board.

22 (3) Subject to a process designed by the Workforce
23 Development Board, and in compliance with Pub. L. No. 105-220,
24 regional workforce development boards shall designate One-Stop
25 Career Center operators. A regional workforce development
26 board may retain its current One-Stop Career Center operator
27 without further procurement action where the board has
28 established a One-Stop Career Center that has complied with
29 federal and state law.

30 (4) Notwithstanding any other provision of law,
31 effective July 1, 1999, regional workforce development boards

1 shall assume responsibility for, and contract for the delivery
2 of, employment services authorized by Wagner-Peyser, except
3 that for fiscal year 1999-2000, the contract must be with the
4 Department of Labor and Employment Security. Contracts must be
5 performance-based, dedicating 15 percent of the funds to
6 performance payments. Performance payments shall be based on
7 performance measures developed by the Workforce Development
8 Board. Prior to the execution of a contract for employment
9 services with entities other than the Department of Labor and
10 Employment Security, the regional workforce development board
11 must develop a transition plan to be approved by the Workforce
12 Development Board. Such plan must include assurances, to be
13 affirmed by the Workforce Development Board through the
14 approval of the plan, that employment services will be
15 delivered in compliance with federal law.

16 (a) The Workforce Development Board may direct the
17 Department of Labor and Employment Security to provide such
18 services and to assign or lease staff to the regional
19 workforce development boards' One-Stop Career Centers as are
20 necessary to maintain services and to comply with federal and
21 state workforce development requirements. Leased employees
22 from the department shall work under the management of a
23 One-Stop Career Center operator, but shall retain their state
24 employment status, including the right to participate in the
25 Florida Retirement System and the State Group Insurance
26 Program.

27 (b) Unless otherwise required by federal law, at least
28 90 percent of the Wagner-Peyser funding must go into direct
29 customer service costs.

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1 (c) Employment services must be provided through
2 One-Stop Career Centers, and managed by One-Stop Career Center
3 operators.

4 (d) Career service employees of the Department of
5 Labor and Employment Security who are subject to layoff due to
6 the enactment of this act shall be given priority
7 consideration for employment by the regional workforce
8 development boards' One-Stop Career Center operators.

9 (5) One-Stop Career Center partners identified in
10 subsection (2) shall enter into a Memorandum of Understanding
11 pursuant to Pub. L. No. 105-220, Title I, s. 121, with the
12 regional workforce development board. Failure of a local
13 partner to participate cannot unilaterally block the majority
14 of partners from moving forward with their One-Stop Career
15 Centers, and the Workforce Development Board, pursuant to s.
16 288.9952(4)(d), may recommend sanction of a local partner that
17 fails to participate.

18 (6) To the maximum extent possible, core services, as
19 defined by Pub. L. No. 105-220, shall be provided
20 electronically, utilizing existing systems and public
21 libraries. To expand electronic capabilities, the Workforce
22 Development Board, working with regional workforce development
23 boards, shall develop a centralized help center to assist
24 regional workforce development boards in fulfilling core
25 services, minimizing the need for fixed-site One-Stop Career
26 Centers.

27 (7) Intensive services and training provided pursuant
28 to Pub. L. No. 105-220, shall be provided to individuals
29 through Intensive Service Accounts and Individual Training
30 Accounts. The Workforce Development Board shall develop, by
31 July 1, 1999, an implementation plan, including identification

1 of initially eligible training providers, transition
2 guidelines, and criteria for use of these accounts. Individual
3 Training Accounts must be compatible with Individual
4 Development Accounts for education allowed in federal and
5 state welfare reform statutes.

6 (8)(a) Individual Training Accounts must be expended
7 on programs that prepare people to enter high-wage occupations
8 identified by the Occupational Forecasting Conference created
9 by s. 216.136, and on other programs as approved by the
10 Workforce Development Board.

11 (b) For each approved training program, regional
12 workforce development boards, in consultation with training
13 providers, shall establish a fair-market purchase price to be
14 paid through an Individual Training Account. The purchase
15 price must be based on prevailing costs and reflect local
16 economic factors, program complexity, and program benefits,
17 including time to beginning of training and time to
18 completion. The price shall ensure the fair participation of
19 public and nonpublic postsecondary educational institutions as
20 authorized service providers and shall prohibit the use of
21 unlawful remuneration to the student in return for attending
22 an institution. Unlawful remuneration does not include student
23 financial assistance programs.

24 (c) The Workforce Development Board shall review
25 Individual Training Account pricing schedules developed by
26 regional workforce development boards and present findings and
27 recommendations for process improvement to the President of
28 the Senate and the Speaker of the House of Representatives by
29 January 1, 2000.

30 (d) To the maximum extent possible, training providers
31 shall use funding sources other than the funding provided

1 under Pub. L. No. 105-220. A performance outcome related to
2 alternative financing obtained by the training provider shall
3 be established by the Workforce Development Board and used for
4 performance evaluation purposes. The performance evaluation
5 must take into consideration the number of alternative funding
6 sources.

7 (e) Training services provided through Individual
8 Training Accounts must be performance-based, with successful
9 job placement triggering full payment.

10 (f) The accountability measures to be used in
11 documenting competencies acquired by the participant during
12 training shall be literacy completion points and occupational
13 completion points. Literacy completion points refers to the
14 academic or workforce readiness competencies that qualify a
15 person for further basic education, vocational education, or
16 for employment. Occupational completion points refers to the
17 vocational competencies that qualify a person to enter an
18 occupation that is linked to a vocational program.

19 (9)(a)(1) The Department of Management Services,
20 working with the Workforce Development Board, shall coordinate
21 among the agencies a plan for a One-Stop Career Center
22 Electronic Network made up of One-Stop Career Centers that are
23 operated by the Department of Labor and Employment Security,
24 the Department of Health and Rehabilitative Services, the
25 Department of Education, and other authorized public or
26 private for-profit or not-for-profit agents. The plan shall
27 identify resources within existing revenues to establish and
28 support this ~~such~~ electronic network for service delivery that
29 includes the Florida Communities Network.

30 (b)(2) The network shall assure that a uniform method
31 is used to determine eligibility for and management of

1 services provided by agencies that conduct workforce
2 development activities. The Department of Management Services
3 shall develop strategies to allow access to the databases and
4 information management systems of the following systems in
5 order to link information in those databases with the One-Stop
6 Career Centers:

7 1.(a) The Unemployment Compensation System of the
8 Department of Labor and Employment Security.

9 2.(b) The Job Service System of the Department of
10 Labor and Employment Security.

11 3.(c) The FLORIDA System and the components related to
12 WAGES ~~Aid to Families with Dependent Children~~, food stamps,
13 and Medicaid eligibility.

14 4.(d) The Workers' Compensation System of the
15 Department of Labor and Employment Security.

16 5.(e) The Student Financial Assistance System of the
17 Department of Education.

18 6.(f) Enrollment in the public postsecondary education
19 system.

20
21 The systems shall be fully coordinated at both the state and
22 local levels by January 1, 2000 ~~July 1, 1999~~.

23 Section 32. Section 288.9620, Florida Statutes, is
24 transferred, renumbered as section 288.9952, Florida Statutes,
25 and amended to read:

26 (Substantial rewording of section. See
27 s. 288.9620, F.S., for present text.)

28 288.9952 Workforce Development Board.--

29 (1) There is created within the not-for-profit
30 corporate structure of Enterprise Florida, Inc., a
31 not-for-profit public-private Workforce Development Board. The

1 purpose of the Workforce Development Board is to design and
2 implement strategies that help Floridians enter, remain in,
3 and advance in the workplace, becoming more highly skilled and
4 successful, benefiting these Floridians, Florida businesses,
5 and the entire state.

6 (2)(a) The Workforce Development Board shall be
7 governed by a 25-voting-member board of directors whose
8 membership and appointment must be consistent with Pub. L. No.
9 105-220, Title I, s. 111(b), and contain three representatives
10 of organized labor. Notwithstanding s. 114.05(f), the Governor
11 may appoint members of the current board to serve on the
12 reconstituted board as required by this section. By June 1,
13 1999, the Workforce Development Board will provide to the
14 Governor a transition plan to incorporate the changes required
15 by this act and Pub. L. No. 105-220, specifying the timeframe
16 and manner of changes to the board. This plan shall govern the
17 transition, unless otherwise notified by the Governor. The
18 importance of minority and gender representation shall be
19 considered when making appointments to the board. Additional
20 members may be appointed when necessary to conform to the
21 requirements of Pub. L. No. 105-220.

22 (b) The board of directors of the Workforce
23 Development Board shall be chaired by a board member
24 designated by the Governor pursuant to Pub. L. No. 105-220.

25 (c) Private-sector members appointed by the Governor
26 must be appointed for four-year, staggered terms.
27 Public-sector members appointed by the Governor must be
28 appointed to 4-year terms. Members appointed by the Governor
29 serve at the pleasure of the Governor.

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1 (d) The Governor shall appoint members to the board of
2 directors of the Workforce Development Board within 30 days
3 after the receipt of nominations.

4 (e) A member of the board of directors of the
5 Workforce Development Board may be removed by the Governor for
6 cause. Absence from three consecutive meetings results in
7 automatic removal. The chair of the Workforce Development
8 Board shall notify the Governor of such absences.

9 (3)(a) The president of the Workforce Development
10 Board shall be hired by the president of Enterprise Florida,
11 Inc., and shall serve in the capacity of an executive director
12 and secretary of the Workforce Development Board.

13 (b) The board of directors of the Workforce
14 Development Board shall meet at least quarterly and at other
15 times upon call of its chair.

16 (c) A majority of the total current membership of the
17 board of directors of the Workforce Development Board
18 comprises a quorum of the board.

19 (d) A majority of those voting is required to organize
20 and conduct the business of the Workforce Development Board,
21 except that a majority of the entire board of directors of the
22 Workforce Development Board is required to adopt or amend the
23 operational plan.

24 (e) Except as delegated or authorized by the board of
25 directors of the Workforce Development Board, individual
26 members have no authority to control or direct the operations
27 of the Workforce Development Board or the actions of its
28 officers and employees, including the president.

29 (f) The board of directors of the Workforce
30 Development Board may delegate to its president those powers
31 and responsibilities it deems appropriate.

1 (g) Members of the board of directors of the Workforce
2 Development Board and its committees shall serve without
3 compensation, but these members, the president, and all
4 employees of the Workforce Development Board may be reimbursed
5 for all reasonable, necessary, and actual expenses, as
6 determined by the board of directors of Enterprise Florida,
7 Inc.

8 (h) The board of directors of the Workforce
9 Development Board may establish an executive committee
10 consisting of the chair and at least two additional board
11 members selected by the board of directors. The executive
12 committee shall have such authority as the board of directors
13 of the Workforce Development Board delegates to it, except
14 that the board of directors may not delegate to the executive
15 committee authority to take action that requires approval by a
16 majority of the entire board of directors.

17 (i) The board of directors of the Workforce
18 Development Board may appoint committees to fulfill its
19 responsibilities, to comply with federal requirements, or to
20 obtain technical assistance, and must incorporate members of
21 regional workforce development boards into its structure.

22 (j) Each member of the board of directors of the
23 Workforce Development Board who is not otherwise required to
24 file a financial disclosure pursuant to s. 8, Art. II of the
25 State Constitution or s. 112.3144 must file disclosure of
26 financial interests pursuant to s. 112.3145.

27 (4) The Workforce Development Board shall have all the
28 powers and authority, not explicitly prohibited by statute,
29 necessary or convenient to carry out and effectuate the
30 purposes as determined by statute, Pub. L. No. 105-220, and
31 the Governor, as well as its functions, duties, and

1 responsibilities, including, but not limited to, the
2 following:

3 (a) Serving as the state's Workforce Investment Board
4 pursuant to Pub. L. No. 105-220. Unless otherwise required by
5 federal law, at least 90 percent of the workforce development
6 funding must go into direct customer service costs. Of the
7 allowable administrative overhead, appropriate amounts shall
8 be expended to procure independent job-placement evaluations.
9 (b) Contracting with public and private entities as
10 necessary to further the directives of this section, except
11 that any contract made with an organization represented on the
12 board of directors of Enterprise Florida, Inc., or on the
13 board of directors of the Workforce Development Board must be
14 approved by a two-thirds vote of the entire board of directors
15 of the Workforce Development Board, and, if applicable, the
16 board member representing such organization shall abstain from
17 voting. No more than 65 percent of the dollar value of all
18 contracts or other agreements entered into in any fiscal year,
19 exclusive of grant programs, shall be made with an
20 organization represented on the board of directors of
21 Enterprise Florida, Inc., or the board of directors of the
22 Workforce Development Board. An organization represented on
23 the board of directors of the Workforce Development Board or
24 on the board of directors of Enterprise Florida, Inc., may not
25 enter into a contract to receive a state-funded economic
26 development incentive or similar grant unless such incentive
27 award is specifically endorsed by a two-thirds vote of the
28 entire board of directors of the Workforce Development Board.
29 The member of the board of directors of the Workforce
30 Development Board representing such organization, if
31 applicable, shall abstain from voting and refrain from

1 discussing the issue with other members of the board. No more
2 than 50 percent of the dollar value of grants issued by the
3 board in any fiscal year may go to businesses associated with
4 members of the board of directors of the Workforce Development
5 Board.

6 (c) Providing an annual report to the board of
7 directors of Enterprise Florida, Inc., by November 1 that
8 includes a copy of an annual financial and compliance audit of
9 its accounts and records conducted by an independent certified
10 public accountant and performed in accordance with rules
11 adopted by the Auditor General.

12 (d) Notifying the Governor, the President of the
13 Senate, and the Speaker of the House of Representatives of
14 noncompliance by agencies or obstruction of the board's
15 efforts by agencies. For such actions, the board may recommend
16 sanctions to the Governor, the President of the Senate, and
17 the Speaker of House of Representatives, including but not
18 limited to: disqualification or suspension of an agency from
19 participation in workforce development programs; designating
20 an agency ineligible for workforce grants, awards, or funding;
21 and penalties. Through the Office of Planning and Budgeting,
22 the Office of the Governor shall enforce such sanctions as
23 approved by the Governor, the President of the Senate, and the
24 Speaker of the House of Representatives.

25 (e) Ensuring that the state does not waste valuable
26 training resources. Thus, the board shall direct that all
27 resources, including equipment purchased for training
28 Workforce Investment Act clients, be available for use at all
29 times by eligible populations as first priority users. At
30 times when eligible populations are not available, such
31

1 resources shall be used for any other state authorized
2 education and training purpose.

3 (5) Notwithstanding s. 216.351, to allow time for
4 documenting program performance, funds allocated for the
5 incentives in s. 239.249 must be carried forward to the next
6 fiscal year and must be awarded for the current year's
7 performance, unless federal law requires the funds to revert
8 at the year's end.

9 (6) The Workforce Development Board may take action
10 that it deems necessary to achieve the purposes of this
11 section and consistent with the policies of the board of
12 directors of Enterprise Florida, Inc., in partnership with
13 private enterprises, public agencies, and other organizations.
14 The Workforce Development Board shall advise and make
15 recommendations to the board of directors of Enterprise
16 Florida, Inc., and through that board of directors to the
17 State Board of Education and the Legislature concerning action
18 needed to bring about the following benefits to the state's
19 social and economic resources:

20 (a) A state employment, education, and training policy
21 that ensures that programs to prepare workers are responsive
22 to present and future business and industry needs and
23 complement the initiatives of Enterprise Florida, Inc.

24 (b) A funding system that provides incentives to
25 improve the outcomes of vocational education programs, and of
26 registered apprenticeship and work-based learning programs,
27 and that focuses resources on occupations related to new or
28 emerging industries that add greatly to the value of the
29 state's economy.

30 (c) A comprehensive approach to the education and
31 training of target populations such as those who have

1 disabilities, are economically disadvantaged, receive public
2 assistance, are not proficient in English, or are dislocated
3 workers. This approach should ensure the effective use of
4 federal, state, local, and private resources in reducing the
5 need for public assistance.

6 (d) The designation of Institutes of Applied
7 Technology composed of public and private postsecondary
8 institutions working together with business and industry to
9 ensure that technical and vocational education programs use
10 the most advanced technology and instructional methods
11 available and respond to the changing needs of business and
12 industry. Of the funds reserved for activities of the
13 Workforce Investment Act at the state level, \$500,000 shall be
14 reserved for an institute of applied technology in
15 construction excellence, which shall be a demonstration
16 project on the development of such institutes. The institute,
17 once established, shall contract with the Workforce
18 Development Board to provide a coordinated approach to
19 workforce development in this industry.

20 (e) A system to project and evaluate labor market
21 supply and demand using the results of the Occupational
22 Forecasting Conference created in s. 216.136 and the career
23 education performance standards identified under s. 239.233.

24 (f) A review of the performance of public programs
25 that are responsible for economic development, education,
26 employment, and training. The review must include an analysis
27 of the return on investment of these programs.

28 (7) By December 1 of each year, Enterprise Florida,
29 Inc., shall submit to the Governor, the President of the
30 Senate, the Speaker of the House of Representatives, the
31 Senate Minority Leader, and the House Minority Leader a

1 complete and detailed report by the Workforce Development
2 Board setting forth:

3 (a) The audit in subsection (8), if conducted.

4 (b) The operations and accomplishments of the
5 partnership including the programs or entities listed in
6 subsection (6).

7 (8) The Auditor General may, pursuant to his or her
8 own authority or at the direction of the Legislative Auditing
9 Committee, conduct an audit of the Workforce Development Board
10 or the programs or entities created by the Workforce
11 Development Board.

12 (9) The Workforce Development Board, in collaboration
13 with the regional workforce development boards and appropriate
14 state agencies and local public and private service providers,
15 and in consultation with the Office of Program Policy Analysis
16 and Government Accountability, shall establish uniform
17 measures and standards to gauge the performance of the
18 workforce development strategy. These measures and standards
19 must be organized into three outcome tiers.

20 (a) The first tier of measures must be organized to
21 provide benchmarks for system-wide outcomes. The Workforce
22 Development Board must, in collaboration with the Office of
23 Program Policy Analysis and Government Accountability,
24 establish goals for the tier-one outcomes. System-wide
25 outcomes may include employment in occupations demonstrating
26 continued growth in wages; continued employment after 3, 6,
27 12, and 24 months; reduction in and elimination of public
28 assistance reliance; job placement; employer satisfaction; and
29 positive return on investment of public resources.

30 (b) The second tier of measures must be organized to
31 provide a set of benchmark outcomes for One-Stop Career

1 Centers and each of the strategic components of the workforce
2 development strategy. A set of standards and measures must be
3 developed for One-Stop Career Centers, youth employment
4 activities, WAGES, and High Skills/High Wages, targeting the
5 specific goals of each particular strategic component. Cost
6 per entered employment, earnings at placement, retention in
7 employment, job placement, and entered employment rate must be
8 included among the performance outcome measures.

9 1. Appropriate measures for One-Stop Career Centers
10 may include direct job placements at minimum wage, at a wage
11 level established by the Occupational Forecasting Conference,
12 and at a wage level above the level established by the
13 Occupational Forecasting Conference.

14 2. Appropriate measures for youth employment
15 activities may include the number of students enrolling in and
16 completing work-based programs, including apprenticeship
17 programs; job placement rate; job retention rate; wage at
18 placement; and wage growth.

19 3. WAGES measures may include job placement rate, job
20 retention rate, wage at placement, wage growth, reduction and
21 elimination of reliance on public assistance, and savings
22 resulting from reduced reliance on public assistance.

23 4. High Skills/High Wages measures may include job
24 placement rate, job retention rate, wage at placement, and
25 wage growth.

26 (c) The third tier of measures must be the operational
27 output measures to be used by the agency implementing
28 programs, and it may be specific to federal requirements. The
29 tier-three measures must be developed by the agencies
30 implementing programs, and the Workforce Development Board may
31 be consulted in this effort. Such measures must be reported to

1 the Workforce Development Board by the appropriate
2 implementing agency.

3 (d) Regional differences must be reflected in the
4 establishment of performance goals and may include job
5 availability, unemployment rates, average worker wage, and
6 available employable population. All performance goals must be
7 derived from the goals, principles, and strategies established
8 in the Workforce Florida Act of 1996.

9 (e) Job placement must be reported pursuant to s.
10 229.8075. Positive outcomes for providers of education and
11 training must be consistent with ss. 239.233 and 239.245.

12 (f) The uniform measures of success that are adopted
13 by the Workforce Development Board or the regional workforce
14 development boards must be developed in a manner that provides
15 for an equitable comparison of the relative success or failure
16 of any service provider in terms of positive outcomes.

17 (g) By October 15 of each year, the Workforce
18 Development Board shall provide the Legislature with a report
19 detailing the performance of Florida's workforce development
20 system, as reflected in the three-tier measurement system.
21 Additionally, this report must benchmark Florida outcomes, at
22 all tiers, against other states that collect data similarly.

23 Section 33. Section 446.602, Florida Statutes, is
24 transferred, renumbered as section 288.9953, Florida Statutes,
25 and amended to read:

26 288.9953 ~~446.602~~ Regional Workforce Development
27 Boards.--

28 (1) One regional workforce development board ~~Regional~~
29 ~~Workforce Development Board~~ shall be appointed in each
30 designated service delivery area and shall serve as the local
31 workforce investment board pursuant to Pub. L. No. 105-220.

1 The membership ~~and responsibilities~~ of the board shall be
2 consistent with Pub. L. No. 105-220, Title I, s. 117(b), and
3 contain three representatives of organized labor. A member of
4 a regional workforce development board may not vote on a
5 matter under consideration by the board regarding the
6 provision of services by such member, or by an entity that
7 such member represents; vote on a matter that would provide
8 direct financial benefit to such member or the immediate
9 family of such member; or engage in any other activity
10 determined by the Governor to constitute a conflict of
11 interest as specified in the state plan.97-300, as amended.
12 ~~The board shall be appointed by the chief elected official or~~
13 ~~his or her designee of the local county or city governing~~
14 ~~bodies or consortiums of county and/or city governmental units~~
15 ~~that exist through interlocal agreements and shall include:~~
16 (a) ~~At least 51 percent of the members of each board~~
17 ~~being from the private sector and being chief executives,~~
18 ~~chief operating officers, owners of business concerns, or~~
19 ~~other private sector executives with substantial management or~~
20 ~~policy responsibility.~~
21 (b) ~~Representatives of organized labor and~~
22 ~~community-based organizations, who shall constitute not less~~
23 ~~than 15 percent of the board members.~~
24 (c) ~~Representatives of educational agencies, including~~
25 ~~presidents of local community colleges, superintendents of~~
26 ~~local school districts, licensed private postsecondary~~
27 ~~educational institutions participating in vocational education~~
28 ~~and job training in the state and conducting programs on the~~
29 ~~Occupational Forecasting Conference list or a list validated~~
30 ~~by the Regional Workforce Development Board; vocational~~
31 ~~rehabilitation agencies; economic development agencies; public~~

1 ~~assistance agencies; and public employment service. One of~~
2 ~~the representatives from licensed private postsecondary~~
3 ~~educational institutions shall be from a degree-granting~~
4 ~~institution, and one from an institution offering certificate~~
5 ~~or diploma programs. One of these members shall be a~~
6 ~~nonprofit, community-based organization which provides direct~~
7 ~~job training and placement services to hard-to-serve~~
8 ~~individuals including the target population of people with~~
9 ~~disabilities.~~

10
11 ~~The current Private Industry Council may be restructured, by~~
12 ~~local agreement, to meet the criteria for a Regional Workforce~~
13 ~~Development Board.~~

14 (2) The Workforce Development Board will determine the
15 timeframe and manner of changes to the regional workforce
16 development boards as required by this act and Pub. L. No.
17 105-220.

18 (3) The Workforce Development Board shall assign staff
19 to meet with each regional workforce development board
20 annually to review the board's performance and to certify that
21 the board is in compliance with applicable state and federal
22 law.

23 (4)~~(2)~~ In addition to the duties and functions
24 specified by the Workforce Development Board ~~Enterprise~~
25 ~~Florida Jobs and Education Partnership~~ and by the interlocal
26 agreement approved by the local county or city governing
27 bodies, the regional workforce development board ~~Regional~~
28 ~~Workforce Development Board~~ shall have the following
29 responsibilities:

30 (a) Develop, submit, ratify, or amend ~~Review, approve,~~
31 ~~and ratify~~ the local ~~Job Training Partnership Act~~ plan

1 pursuant to Pub. L. No. 105-220, Title I, s. 118 ~~which also~~
2 ~~must be signed by the chief elected officials.~~

3 (b) Conclude agreements necessary to designate the
4 fiscal agent and administrative entity.

5 (c) Complete assurances required for the Workforce
6 Development Board ~~Enterprise Florida Jobs and Education~~
7 ~~Partnership~~ charter process and provide ongoing oversight
8 related to administrative costs, duplicated services, career
9 counseling, economic development, equal access, compliance and
10 accountability, and performance outcomes.

11 (d) Oversee One-Stop Career Centers in its local area.

12 (5)(3) ~~The~~ Workforce Development Board ~~Enterprise~~
13 ~~Florida Jobs and Education Partnership~~ shall, ~~by January 1,~~
14 ~~1997,~~ design and implement a training program for the regional
15 workforce development boards ~~Regional Workforce Development~~
16 ~~Boards~~ to familiarize board members with the state's workforce
17 development goals and strategies.

18
19 The regional workforce development board ~~Regional Workforce~~
20 ~~Development Board~~ shall designate all local service providers
21 and shall not transfer this authority to a third party. In
22 order to exercise independent oversight, the regional
23 workforce development board ~~Regional Workforce Development~~
24 ~~Board~~ shall not be a direct provider of intake, assessment,
25 eligibility determinations, or other direct provider services.

26 (6) Regional workforce development boards may appoint
27 local committees to obtain technical assistance on issues of
28 importance, including those issues affecting older workers.

29 (7) Each regional workforce development board shall
30 establish a high skills/high wages committee consisting of
31 five private-sector business representatives, including the

1 regional workforce development board chair; the presidents of
2 all community colleges within the board's region; those
3 district school superintendents with authority for conducting
4 postsecondary educational programs within the region; and a
5 representative from a nonpublic postsecondary educational
6 institution that is an authorized individual training account
7 provider within the region. The business representatives other
8 than the board chair need not be members of the regional
9 workforce development board.

10 (a) During fiscal year 1999-2000, each high
11 skills/high wages committee shall submit, quarterly,
12 recommendations to the Workforce Development Board related to:

13 1. Policies to enhance the responsiveness of high
14 skills/high wages programs in its region to business and
15 economic development opportunities.

16 2. Integrated use of state education and federal
17 workforce development funds to enhance the training and
18 placement of designated population individuals with local
19 businesses and industries.

20 (b) After fiscal year 1999-2000, the Workforce
21 Development Board has the discretion to decrease the frequency
22 of reporting by the high skills/high wages committees, but the
23 committees shall meet and submit any recommendations at least
24 annually.

25 (c) Annually, the Workforce Development Board shall
26 compile all the recommendations of the high skills/high wages
27 committees, research their feasibility, and make
28 recommendations to the Governor, the President of the Senate,
29 and the Speaker of the House of Representatives.

30

31

1 Section 34. Section 446.607, Florida Statutes, is
2 transferred, renumbered as section 288.9954, Florida Statutes,
3 and amended to read:

4 288.9954 ~~446.607~~ Consultation, consolidation, and
5 coordination.--The Workforce Development Board ~~Enterprise~~
6 ~~Florida Jobs and Education Partnership~~ and the WAGES Program
7 State Board of Directors ~~any state public assistance policy~~
8 ~~board established pursuant to law~~ shall consult with each
9 other in developing each of their statewide implementation
10 plans and strategies. The regional workforce development
11 boards ~~Regional Workforce Development Boards~~ and local WAGES
12 coalitions ~~any local public assistance policy boards~~
13 ~~established pursuant to law~~ may elect to consolidate into one
14 board provided that the consolidated board membership complies
15 with the requirements of Pub. L. No. 105-220, Title I, s.
16 117(b)97-300, ~~as amended~~, and with any other law delineating
17 the membership requirements for either of the separate boards.
18 The regional workforce development boards ~~Regional Workforce~~
19 ~~Development Boards~~ and local WAGES coalitions ~~any respective~~
20 ~~local public assistance policy board established pursuant to~~
21 ~~law~~ shall collaboratively coordinate, to the maximum extent
22 possible, the local services and activities provided by and
23 through each of these boards and coalitions and their
24 designated local service providers.

25 Section 35. Section 446.603, Florida Statutes, is
26 transferred, renumbered as section 288.9955, Florida Statutes,
27 and amended to read:

28 288.9955 ~~446.603~~ Untried Worker Placement and
29 Employment Incentive Act.--

30 (1) This section may be cited as the "Untried Worker
31 Placement and Employment Incentive Act."

1 (2) For purposes of this section, the term "untried
2 worker" means a person who is a hard-to-place participant in
3 the Work and Gain Economic Self-sufficiency Program (WAGES)
4 ~~welfare-to-work programs of the Department of Labor and~~
5 ~~Employment Security or the Department of Health and~~
6 ~~Rehabilitative Services~~ because he or she has ~~they have~~
7 limitations associated with the long-term receipt of welfare
8 and difficulty in sustaining employment, particularly because
9 of physical or mental disabilities.

10 ~~(3) The Department of Labor and Employment Security~~
11 ~~and the Department of Health and Rehabilitative Services,~~
12 ~~working with the Enterprise Florida Jobs and Education~~
13 ~~Partnership, shall develop five Untried Worker Placement and~~
14 ~~Employment Incentive pilot projects in at least five different~~
15 ~~counties.~~

16 ~~(3)(4) Incentive~~ In these pilots, ~~incentive~~ payments
17 may will be made to for-profit or not-for-profit agents
18 selected by local WAGES coalitions ~~the Regional Workforce~~
19 ~~Development Boards~~ who successfully place untried workers in
20 full-time employment for 6 months with an employer after the
21 employee successfully completes a probationary placement of no
22 more than 6 months with that employer. Full-time employment
23 that includes health care benefits will receive an additional
24 incentive payment.

25 ~~(4)(5) The for-profit and not-for-profit agents shall~~
26 ~~contract to provide services for no more than 1 year.~~
27 ~~Contracts may be renewed upon successful review by the~~
28 ~~contracting agent.~~

29 ~~(5)(6) Incentives must be paid according to the~~ The
30 ~~Department of Labor and Employment Security and the Department~~
31 ~~of Health and Rehabilitative Services, working with the~~

1 ~~Enterprise Florida Jobs and Education Partnership, shall~~
2 ~~develop an~~ incentive schedule developed by the Department of
3 Labor and Employment Security and the Department of Children
4 and Family Services which ~~that~~ costs the state less per
5 placement than the state's 12-month expenditure on a welfare
6 recipient.

7 (6)~~(7)~~ During an untried worker's probationary
8 placement, the for-profit or not-for-profit agent shall be the
9 employer of record of that untried worker, and shall provide
10 workers' compensation and unemployment compensation coverage
11 as provided by law. The business employing the untried worker
12 through the agent may be eligible to apply for any tax
13 credits, wage supplementation, wage subsidy, or employer
14 payment for that employee that are authorized in law or by
15 agreement with the employer. After satisfactory completion of
16 such a probationary period, an untried worker shall not be
17 considered an untried worker.

18 (7)~~(8)~~ This section shall not be used for the purpose
19 of displacing or replacing an employer's regular employees,
20 and shall not interfere with executed collective bargaining
21 agreements. Untried workers shall be paid by the employer at
22 the same rate as similarly situated and assessed workers in
23 the same place of employment.

24 (8)~~(9)~~ An employer that demonstrates a pattern of
25 unsuccessful placements shall be disqualified from
26 participation in these pilots because of poor return on the
27 public's investment.

28 (9)~~(10)~~ ~~The Department of Labor and Employment~~
29 ~~Security and the Department of Health and Rehabilitative~~
30 ~~Services, working with the Enterprise Florida Jobs and~~
31 ~~Education Partnership, may offer to~~ Any employer that chooses

1 to employ untried workers is eligible to receive such
2 incentives and benefits that are available and provided in
3 law, as long as the long-term, cost savings can be quantified
4 with each such additional inducement.

5 ~~(11) Unless otherwise reenacted, this section shall be~~
6 ~~repealed on July 1, 1999.~~

7 Section 36. Section 288.9956, Florida Statutes, is
8 created to read:

9 288.9956 Implementation of the federal Workforce
10 Investment Act of 1998.--

11 (1) WORKFORCE INVESTMENT ACT PRINCIPLES.--The state's
12 approach to implementing the federal Workforce Investment Act
13 of 1998, Pub. L. No. 105-220, should have six elements:

14 (a) Streamlining Services--Florida's employment and
15 training programs must be coordinated and consolidated at
16 locally managed One-Stop Career Centers.

17 (b) Empowering Individuals--Eligible participants will
18 make informed decisions, choosing the qualified training
19 program that best meets their needs.

20 (c) Universal Access--Through One-Stop Career Centers,
21 every Floridian will have access to employment services.

22 (d) Increased Accountability--The state, localities,
23 and training providers will be held accountable for their
24 performance.

25 (e) Local Board and Private Sector Leadership--Local
26 boards will focus on strategic planning, policy development,
27 and oversight of the local system, choosing local managers to
28 direct the operational details of their One-Stop Career
29 Centers.

30 (f) Local Flexibility and Integration--Localities will
31 have exceptional flexibility to build on existing reforms.

1 Unified planning will free local groups from conflicting
2 micro-management, while waivers and WorkFlex will allow local
3 innovations.

4 (2) FIVE-YEAR PLAN.--The Workforce Development Board
5 shall prepare and submit a 5-year plan, which includes
6 secondary vocational education, to fulfill the early
7 implementation requirements of Pub. L. No. 105-220 and
8 applicable state statutes. Mandatory federal partners and
9 optional federal partners, including the WAGES Program State
10 Board of Directors, shall be fully involved in designing the
11 plan's One-Stop Career Center system strategy. The plan shall
12 detail a process to clearly define each program's statewide
13 duties and role relating to the system. Any optional federal
14 partner may immediately choose to fully integrate its
15 program's plan with this plan, which shall, notwithstanding
16 any other state provisions, fulfill all their state planning
17 and reporting requirements as they relate to One-Stop Career
18 Centers. The plan shall detail a process that would fully
19 integrate all federally mandated and optional partners by the
20 second year of the plan. All optional federal program partners
21 in the planning process shall be mandatory participants in the
22 second year of the plan.

23 (3) FUNDING.--

24 (a) Title I, Workforce Investment Act of 1998 funds;
25 Wagner-Peyser funds; and NAFTA/Trade Act funds will be
26 expended based on the Workforce Development Board's 5-year
27 plan. The plan shall outline and direct the method used to
28 administer and coordinate various funds and programs that are
29 operated by various agencies. The following provisions shall
30 also apply to these funds:

31

1 1. At least 50 percent of the Title I funds for Adults
2 and Dislocated Workers that are passed through to regional
3 workforce development boards shall be allocated to Individual
4 Training Accounts unless a regional workforce development
5 board obtains a waiver from the Workforce Development Board.
6 Tuition, fees, and performance-based incentive awards paid in
7 compliance with Florida's Performance-Based Incentive Fund
8 Program qualify as an Individual Training Account expenditure,
9 as do other programs developed by regional workforce
10 development boards in compliance with the Workforce
11 Development Board's policies.

12 2. Twenty-five percent of Wagner-Peyser funds shall be
13 allocated to Intensive Services Accounts unless a regional
14 workforce development board obtains a waiver from the
15 Workforce Development Board. Except where prohibited by
16 federal law, or approved by the Workforce Development Board,
17 all core services provided pursuant to Pub. L. No. 105-220
18 shall be funded using Wagner-Peyser funds.

19 3. Fifteen percent of Title I funding shall be
20 retained at the state level and shall be dedicated to state
21 administration and used to design, develop, induce, and fund
22 innovative Individual Training Account pilots, demonstrations,
23 and programs. Eligible state administration costs include the
24 costs of: funding of the Workforce Development Board and
25 Workforce Development Board's staff; operating fiscal,
26 compliance, and management accountability systems through the
27 Workforce Development Board; conducting evaluation and
28 research on workforce development activities; and providing
29 technical and capacity building assistance to regions at the
30 direction of the Workforce Development Board. Notwithstanding
31 s. 288.9952, such administrative costs shall not exceed 25

1 percent of these funds. Seventy percent of these funds shall
2 be allocated to Individual Training Accounts for: the Minority
3 Teacher Education Scholars program, the Certified Teacher-Aide
4 program, the Self-Employment Institute, and other Individual
5 Training Accounts designed and tailored by the Workforce
6 Development Board, including, but not limited to, programs for
7 incumbent workers, displaced homemakers, nontraditional
8 employment, empowerment zones, and enterprise zones. The
9 Workforce Development Board shall design, adopt, and fund
10 Individual Training Accounts for distressed urban and rural
11 communities. The remaining 5 percent shall be reserved for the
12 Incumbent Worker Training Program.

13 4. The Incumbent Worker Training Program is created
14 for the purpose of providing grant funding for continuing
15 education and training of incumbent employees at existing
16 Florida businesses. The program will provide reimbursement
17 grants to businesses that pay for preapproved, direct,
18 training-related costs.

19 a. The Incumbent Worker Training Program will be
20 administered by a private business organization, known as the
21 grant administrator, under contract with the Workforce
22 Development Board.

23 b. To be eligible for the program's grant funding, a
24 business must have been in operation in Florida for a minimum
25 of 1 year prior to the application for grant funding; have at
26 least one full-time employee; demonstrate financial viability;
27 and be current on all state tax obligations. Priority for
28 funding shall be given to businesses with 25 employees or
29 fewer, businesses in rural areas, businesses in distressed
30 inner-city areas, or businesses whose grant proposals
31 represent a significant upgrade in employee skills.

1 c. All costs reimbursed by the program must be
2 preapproved by the grant administrator. The program will not
3 reimburse businesses for trainee wages, the purchase of
4 capital equipment, or the purchase of any item or service that
5 may possibly be used outside the training project. A business
6 approved for a grant may be reimbursed for preapproved,
7 direct, training-related costs including tuition and fees;
8 books and classroom materials; and administrative costs not to
9 exceed 5 percent of the grant amount.

10 d. A business that is selected to receive grant
11 funding must provide a matching contribution to the training
12 project, including but not limited to, wages paid to trainees
13 or the purchase of capital equipment used in the training
14 project; must sign an agreement with the grant administrator
15 to complete the training project as proposed in the
16 application; must keep accurate records of the project's
17 implementation process; and must submit monthly or quarterly
18 reimbursement requests with required documentation.

19 e. All Incumbent Worker Training Program grant
20 projects shall be performance-based with specific measurable
21 performance outcomes, including completion of the training
22 project and job retention. The grant administrator shall
23 withhold the final payment to the grantee until a final grant
24 report is submitted and all performance criteria specified in
25 the grant contract have been achieved.

26 f. The Workforce Development Board is authorized to
27 establish guidelines necessary to implement the Incumbent
28 Worker Training Program.

29 g. No more than 10 percent of the Incumbent Worker
30 Training Program's appropriation may be used for
31 administrative purposes.

1 h. The grant administrator is required to submit a
2 report to the Workforce Development Board and the Legislature
3 on the financial and general operations of the Incumbent
4 Worker Training Program. Such report will be due before
5 December 1 of any fiscal year for which the program is funded
6 by the Legislature.

7 5. At least 50 percent of Rapid Response funding shall
8 be dedicated to Intensive Services Accounts and Individual
9 Training Accounts for dislocated workers and incumbent workers
10 who are at risk of dislocation. The Workforce Development
11 Board shall also maintain an Emergency Preparedness Fund from
12 Rapid Response funds which will immediately issue Intensive
13 Service Accounts and Individual Training Accounts as well as
14 other federally authorized assistance to eligible victims of
15 natural or other disasters. The state shall retain a limited
16 reserve of Rapid Response funds for rapid response activities
17 at the state level. All Rapid Response funds must be expended
18 based on a plan developed by the Workforce Development Board.

19 (b) The administrative entity for Title I, Workforce
20 Investment Act of 1998 funds, Wagner Peyser, and Rapid
21 Response activities, will be determined by the Workforce
22 Development Board. The administrative entity will provide
23 services through a contractual agreement with the Workforce
24 Development Board. The terms and conditions of the agreement
25 may include, but are not limited to, the following:

26 1. All policy direction to regional workforce
27 development boards regarding Title I programs, Wagner Peyser,
28 and Rapid Response activities shall emanate from the Workforce
29 Development Board.

30 2. Any policies by a state agency acting as an
31 administrative entity which may materially impact local

1 workforce boards, local governments, or educational
2 institutions must be promulgated under chapter 120.

3 3. The administrative entity will operate under a
4 procedures manual, approved by the Workforce Development
5 Board, addressing: financial services including cash
6 management, accounting, and auditing; procurement; management
7 information system services; and federal and state compliance
8 monitoring, including quality control.

9 4. State Career Service employees in the Department of
10 Labor and Employment Security may be leased or assigned to the
11 administrative entity to provide administrative and
12 professional functions.

13 (4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED
14 MODIFICATIONS.--

15 (a) The Workforce Development Board may provide
16 indemnification from audit liabilities to regional workforce
17 development boards that act in full compliance with state law
18 and the board's policies.

19 (b) The Workforce Development Board may negotiate and
20 settle all outstanding issues with the U.S. Department of
21 Labor relating to decisions made by the Workforce Development
22 Board and the Legislature with regard to the Job Training
23 Partnership Act, making settlements and closing out all JTPA
24 program year grants before the repeal of the act June 30,
25 2000.

26 (c) The Workforce Development Board may make
27 modifications to the state's plan, policies, and procedures to
28 comply with federally mandated requirements that in its
29 judgment must be complied with to maintain funding provided
30 pursuant to Pub. L. No. 105-220. The board shall notify in
31 writing the Governor, the President of the Senate, and the

1 Speaker of the House of Representatives within 30 days of any
2 such changes or modifications.

3 (5) The Department of Labor and Employment Security
4 shall phase-down JTPA duties before the federal program is
5 abolished July 1, 2000. Outstanding accounts and issues shall
6 be promptly closed out after this date.

7 (6) LONG-TERM CONSOLIDATION OF WORKFORCE
8 DEVELOPMENT.--

9 (a) The Workforce Development Board may recommend
10 workforce-related divisions, bureaus, units, programs, duties,
11 commissions, boards, and councils that can be eliminated,
12 consolidated, or privatized.

13 (b) By December 31, 1999, the Office of Program Policy
14 Analysis and Government Accountability shall review the
15 workforce development system, identifying divisions, bureaus,
16 units, programs, duties, commissions, boards, and councils
17 that could be eliminated, consolidated, or privatized. The
18 office shall submit preliminary findings by December 31, 1999,
19 and its final report and recommendations by January 31, 2000,
20 to the President of the Senate and the Speaker of the House of
21 Representatives. As part of the report, the Office of Program
22 Policy Analysis and Government Accountability shall
23 specifically identify, by funding stream, indirect,
24 administrative, management information system, and overhead
25 costs of the Department of Labor and Employment Security.

26 (7) TERMINATION OF STATE SET-ASIDE.--The Department of
27 Education and the Department of Elderly Affairs shall keep any
28 unexpended JTPA Section 123 (Education Coordination) or JTPA
29 IIA (Services for Older Adults) funds to closeout their
30 education and coordination activities. The Workforce
31 Development Board shall develop guidelines under which the

1 departments may negotiate with the regional workforce
2 development boards to provide continuation of activities and
3 services currently conducted with the JTPA Section 123 or JTPA
4 IIA funds.

5 Section 37. Section 288.9957, Florida Statutes, is
6 created to read:

7 288.9957 Florida Youth Workforce Council.--

8 (1) The chairman of the Workforce Development Board
9 shall designate the Florida Youth Workforce Council from
10 representatives of distressed inner-city and rural communities
11 who have demonstrated experience working with at-risk youth,
12 and representatives of public and private groups, including,
13 but not limited to, School-to-Work Advisory Councils, the
14 National Guard, Childrens' Services Councils, Juvenile Welfare
15 Boards, the Apprenticeship Council, Juvenile Justice Advisory
16 Boards, and other federal and state programs that target
17 youth, to advise the board on youth programs and to implement
18 Workforce Development Board strategies for young people.

19 (2) The Florida Youth Workforce Council shall oversee
20 the development of regional youth workforce councils, as a
21 subgroup of each regional workforce development board, which
22 will be responsible for developing required local plans
23 relating to youth, recommending providers of youth activities
24 to be awarded grants by the regional workforce development
25 board, conducting oversight of these providers, and
26 coordinating youth activities in the region.

27 (3) Resources awarded to regions for youth activities
28 shall fund community activities including the Minority Teacher
29 Education Scholars program, the Certified Teacher-Aide
30 program, and the "About Face" program of the Department of
31 Military Affairs, as well as other programs designed and

1 tailored by the regional youth workforce council and regional
2 workforce development board.

3 (4) Regional youth workforce councils must leverage
4 other program funds in order to enlist youth workforce program
5 stakeholders in their community in upgrading each
6 stakeholder's effectiveness through collaborative planning,
7 implementation, and funding.

8 (5) The Florida Youth Workforce Council shall report
9 annually by December 1 to the Workforce Development Board the
10 total aggregate funding impact of this effort, including the
11 inventory of collaborative funding partners in each region and
12 their contributions.

13 (6) Ten percent of youth funds allocated under Pub. L.
14 No. 105-220 to the regional workforce development boards shall
15 be used to leverage public schools' dropout-prevention funds
16 through performance payments for outcomes specified by the
17 Workforce Development Board.

18 Section 38. Section 288.9958, Florida Statutes, is
19 created to read:

20 288.9958 Employment, Occupation, and Performance
21 Information Coordinating Committee.--

22 (1) By July 15, 1999, the chairman of the Workforce
23 Development Board shall appoint an Employment, Occupation, and
24 Performance Information Coordinating Committee, which shall
25 assemble all employment, occupational, and performance
26 information from workforce development partners into a single
27 integrated informational system. The committee shall include
28 representatives from the Bureau of Labor Market and
29 Performance Information, Florida Education and Training
30 Placement Information Program, and the State Occupational

31

1 Forecasting Conference, as well as other public or private
2 members with information expertise.

3 (2) The committee shall initially focus on the timely
4 provision of data necessary for planning, consumer reports,
5 and performance accountability reports necessary for the
6 selection of training service providers, as well as state and
7 local board program assessment, completing these tasks no
8 later than October 1, 1999.

9 (3) By December 1, 1999, the committee shall establish
10 outcome measures that enable an assessment of the Workforce
11 Development Board's coordinating and oversight
12 responsibilities.

13 (4) By June 30, 2000, the committee shall develop an
14 integrated and comprehensive accountability system that can be
15 used to evaluate and report on the effectiveness of Florida's
16 workforce development system as required by state law.

17 (5) To ensure the fulfillment of these requirements,
18 the Workforce Development Board may direct the Department of
19 Labor and Employment Security, the Department of Education,
20 and the Department of Children and Family Services to provide
21 such services and assign such staff to this committee as it
22 deems necessary until June 30, 2000.

23 Section 39. Section 288.9959, Florida Statutes, is
24 created to read:

25 288.9959 Operational Design and Technology Procurement
26 Committee.--

27 (1) The chairman of the Workforce Development Board
28 shall appoint an Operational Design and Technology Procurement
29 Committee, which shall assemble representatives from the
30 regional workforce development boards, board staff, and the
31 staff of the WAGES State Board of Directors to design and

1 develop a model operational design and technology procurement
2 strategy for One-Stop Career Centers to ensure that services
3 from region to region are consistent for customers, that
4 customer service technology is compatible, and that
5 procurement expenditures, where possible, are aggregated to
6 obtain economies and efficiencies.

7 (2) The committee shall initially focus on designing a
8 uniform intake procedure for all One-Stop Career Centers; on
9 the design and delivery of customer reports on eligible
10 training providers; on the design of Intensive Services
11 Accounts, Individual Training Accounts, and Individual
12 Development Accounts; on enhancing availability of electronic
13 One-Stop Career Center core services; and on the development
14 of One-Stop Career Center model operating procedures.

15 (3) To ensure the fulfillment of these requirements,
16 the Workforce Development Board may direct the Department of
17 Labor and Employment Security, the Department of Education,
18 and the Department of Children and Family Services to provide
19 such services and assign such staff to this committee as it
20 deems necessary until June 30, 2000.

21 Section 40. Paragraph (a) of subsection (2) of section
22 414.026, Florida Statutes, 1998 Supplement, is amended to
23 read:

24 414.026 WAGES Program State Board of Directors.--

25 (2)(a) The board of directors shall be composed of the
26 following members:

- 27 1. The Commissioner of Education, or the
28 commissioner's designee.
- 29 2. The Secretary of Children and Family Services.
- 30 3. The Secretary of Health.
- 31 4. The Secretary of Labor and Employment Security.

- 1 5. The Secretary of Community Affairs.
- 2 6. The Secretary of Transportation, or the secretary's
3 designee.
- 4 7. The director of the Office of Tourism, Trade, and
5 Economic Development.
- 6 8. The president of the Enterprise Florida workforce
7 development board, established under s. 288.9952 ~~s. 288.9620~~.
- 8 9. The chief executive officer of the Florida Tourism
9 Industry Marketing Corporation, established under s. 288.1226.
- 10 10. Nine members appointed by the Governor, as
11 follows:
- 12 a. Six members shall be appointed from a list of ten
13 nominees, of which five must be submitted by the President of
14 the Senate and five must be submitted by the Speaker of the
15 House of Representatives. The list of five nominees submitted
16 by the President of the Senate and the Speaker of the House of
17 Representatives must each contain at least three individuals
18 employed in the private sector, two of whom must have
19 management experience. One of the five nominees submitted by
20 the President of the Senate and one of the five nominees
21 submitted by the Speaker of the House of Representatives must
22 be an elected local government official who shall serve as an
23 ex officio nonvoting member.
- 24 b. Three members shall be at-large members appointed
25 by the Governor.
- 26 c. Of the nine members appointed by the Governor, at
27 least six must be employed in the private sector and of these,
28 at least five must have management experience.
- 29
- 30 The members appointed by the Governor shall be appointed to
31 4-year, staggered terms. Within 60 days after a vacancy occurs

1 on the board, the Governor shall fill the vacancy of a member
2 appointed from the nominees submitted by the President of the
3 Senate and the Speaker of the House of Representatives for the
4 remainder of the unexpired term from one nominee submitted by
5 the President of the Senate and one nominee submitted by the
6 Speaker of the House of Representatives. Within 60 days after
7 a vacancy of a member appointed at-large by the Governor
8 occurs on the board, the Governor shall fill the vacancy for
9 the remainder of the unexpired term. The composition of the
10 board must generally reflect the racial, gender, and ethnic
11 diversity of the state as a whole.

12 Section 41. Sections 446.20, 446.205, 446.605, and
13 446.606, Florida Statutes, are repealed effective June 30,
14 2000.

15 Section 42. If any provision of sections 29 through 41
16 of this act or the application thereof to any person or
17 circumstance is held invalid, the invalidity does not affect
18 other provisions or applications of the act which can be given
19 effect without the invalid provision or application, and to
20 this end the provisions of this act are declared severable.

21 Section 43. Subsection (2) of section 220.191, Florida
22 Statutes, 1998 Supplement, is amended to read:

23 220.191 Capital investment tax credit.--

24 (2) An annual credit against the tax imposed by this
25 chapter shall be granted to any qualifying business in an
26 amount equal to 5 percent of the eligible capital costs
27 generated by a qualifying project, for a period not to exceed
28 20 years beginning with the commencement of operations of the
29 project. The tax credit shall be granted against only the
30 corporate income tax liability or the premium tax liability
31 generated by or arising out of the qualifying project, and the

1 sum of all tax credits provided pursuant to this section shall
2 not exceed 100 percent of the eligible capital costs of the
3 project. In no event may any credit granted under this section
4 be carried forward or backward by any qualifying business with
5 respect to a subsequent or prior year. The annual tax credit
6 granted under this section shall not exceed the following
7 percentages of the annual corporate income tax liability or
8 the premium tax liability generated by or arising out of a
9 qualifying project:

10 (a) One hundred percent for a qualifying project which
11 results in a cumulative capital investment of at least \$100
12 million.

13 (b) Seventy-five percent for a qualifying project
14 which results in a cumulative capital investment of at least
15 \$50 million but less than \$100 million.

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

19

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

29 Section 44. Subsection (7) of section 163.3178,
30 Florida Statutes, is amended to read:

31 163.3178 Coastal management.--

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

18 Section 45. Paragraph (h) is added to subsection (1)
19 of section 163.3187, Florida Statutes, 1998 Supplement, and
20 paragraph (a) of subsection (6) of that section is amended, to
21 read:

22 163.3187 Amendment of adopted comprehensive plan.--

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

26 (h) Any comprehensive plan amendments for port
27 transportation facilities and projects that are eligible for
28 funding by the Florida Seaport Transportation and Economic
29 Development Council pursuant to s. 311.07.

30 (6)(a) No local government may amend its comprehensive
31 plan after the date established by the state land planning

1 agency for adoption of its evaluation and appraisal report
2 unless it has submitted its report or addendum to the state
3 land planning agency as prescribed by s. 163.3191, except for
4 plan amendments described in paragraph (1)(b) or paragraph
5 (1)(h).

6 Section 46. Subsection (4) is added to section 253.77,
7 Florida Statutes, to read:

8 253.77 State lands; state agency authorization for use
9 prohibited without consent of agency in which title vested;
10 concurrent processing requirements.--

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

19 Section 47. Section 288.8155, Florida Statutes, is
20 amended to read:

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

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

1 (1) The center shall be governed by a board of
2 directors composed of the following members: one
3 representative appointed by Enterprise Florida, Inc., one
4 representative appointed by the Florida Seaport Transportation
5 and Economic Development Council, and one representative
6 appointed by the Office of Tourism, Trade, and Economic
7 Development.

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

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

17 (b) Develop an Internet based electronic commerce
18 system designed to facilitate international trade in the
19 Americas.

20 (c) Provide research on trade opportunities in
21 specific countries.

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

27 (e) Make and enter into contracts and other
28 instruments with public or private-sector entities, domestic
29 or foreign, necessary or convenient for the purpose of
30 exercising or performing its powers and functions.
31

1 (f) Secure funding for the programs and activities of
2 the center from federal, state, local, or private sources, and
3 enter into contracts that provide terms and conditions to
4 secure such funding.

5 (g) Charge fees for services, programs, and activities
6 developed pursuant to this section and for published
7 materials.

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

11 (i) Acquire, enjoy, use, and dispose of patents,
12 copyrights, and trademarks and any licenses, royalties, and
13 other rights or interests thereunder or therein.

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

19 Section 48. Section 311.07, Florida Statutes, is
20 amended to read:

21 311.07 Florida seaport transportation and economic
22 development funding.--

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

30 (2) A minimum of \$8 million per year shall be made
31 available from the State Transportation Trust Fund to fund the

1 Florida Seaport Transportation and Economic Development
2 Program.

3 (3)(a) Program funds shall be used to fund approved
4 projects on a 50-50 matching basis with any of the deepwater
5 ports, as listed in s. 403.021(9)(b), which is governed by a
6 public body or any other deepwater port which is governed by a
7 public body and which complies with the water quality
8 provisions of s. 403.061, the comprehensive master plan
9 requirements of s. 163.3178(2)(k), the local financial
10 management and reporting provisions of part III of chapter
11 218, and the auditing provisions of s. 11.45(3)(a)4. Program
12 funds also may be used by the Seaport Transportation and
13 Economic Development Council to develop with the Florida Trade
14 Data Center ~~such~~ trade data, trade market, and shipping
15 information products that ~~which~~ will assist Florida's seaports
16 and international trade.

17 (b) Projects eligible for funding by grants under the
18 program are limited to the following port transportation
19 facilities and ~~or port transportation~~ projects that
20 accommodate freight movement and storage capacity or cruise
21 capacity excluding transient lodging facilities:

22 1. Transportation facilities within the jurisdiction
23 of the port.

24 2. The dredging or deepening of channels, turning
25 basins, or harbors.

26 3. The construction or rehabilitation of wharves,
27 docks, structures, jetties, piers, storage facilities, cruise
28 terminals, automated people mover systems, or any facilities
29 necessary or useful in connection with any of the foregoing.
30
31

1 4. The acquisition of container cranes or other
2 mechanized equipment used in the movement of cargo or
3 passengers in international commerce.

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

7 6. The acquisition, improvement, enlargement, or
8 extension of existing port facilities, consistent with port
9 master plans in compliance with s. 163.3178.

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

19 8. Transportation facilities as defined in s.
20 334.03(31) which are not otherwise part of the Department of
21 Transportation's adopted work program.

22 9. Seaport intermodal access projects identified in
23 the 5-year Florida Seaport Mission Plan as provided in s.
24 311.09(3).

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

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

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

7 (b) Trade corridor or systemwide freight mobility
8 plans.

9 ~~(4) A port eligible for matching funds under the~~
10 ~~program may receive a distribution of not more than \$7 million~~
11 ~~during any 1 calendar year and a distribution of not more than~~
12 ~~\$30 million during any 5-calendar-year period.~~

13 (5) Any port which receives funding under the program
14 shall institute procedures to ensure that jobs created as a
15 result of the state funding shall be subject to equal
16 opportunity hiring practices in the manner provided in s.
17 110.112.

18 (6) The Department of Transportation shall ensure that
19 ~~subject~~ any project that receives funds pursuant to this
20 section and s. 320.20 is audited to a final audit. The
21 department may adopt rules and perform such other acts as are
22 necessary or convenient to ensure that the ~~final~~ audits are
23 conducted and that any deficiency or questioned costs noted by
24 the audit are resolved.

25 Section 49. Subsections (1), (4), (9), (11), and (12)
26 of section 311.09, Florida Statutes, are amended to read:

27 311.09 Florida Seaport Transportation and Economic
28 Development Council.--

29 (1) The Florida Seaport Transportation and Economic
30 Development Council is created within the Department of
31 Transportation. The council consists of the following 17

1 members: the port director, or the port director's designee,
2 of each of the ports of Jacksonville, Port Canaveral, Fort
3 Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St.
4 Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
5 West, and Fernandina; the secretary of the Department of
6 Transportation or his or her designee ~~as an ex officio~~
7 ~~nonvoting member~~; the director of the Office of Tourism,
8 Trade, and Economic Development or his or her designee ~~as an~~
9 ~~ex officio nonvoting member~~; and the secretary of the
10 Department of Community Affairs or his or her designee ~~as an~~
11 ~~ex officio nonvoting member~~.

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

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

29 (11) The council shall create a committee composed of
30 a representative from the Department of Community Affairs, a
31 representative from the Department of Transportation, a

1 representative from the Office of Tourism, Trade, and Economic
2 Development, and a representative from the council selected by
3 the voting membership to review a project modification. The
4 committee shall establish criteria to be used in the review of
5 a project modification. The committee, acting for the council,
6 shall determine the impact of such modification and whether it
7 requires that the project be resubmitted to the council for
8 approval or disapproval pursuant to subsection (5).

9 (12)~~(11)~~ The council shall meet at the call of its
10 chairperson, at the request of a majority of its membership,
11 or at such times as may be prescribed in its bylaws. However,
12 the council must meet at least semiannually. A majority of
13 voting members of the council constitutes a quorum for the
14 purpose of transacting the business of the council. All
15 members of the council are voting members ~~except for members~~
16 ~~representing the Department of Transportation; the Department~~
17 ~~of Community Affairs; and the Office of Tourism, Trade, and~~
18 ~~Economic Development.~~ A vote of the majority of the voting
19 members present is sufficient for any action of the council,
20 except that a member representing the Department of
21 Transportation, the Department of Community Affairs, or the
22 Office of Tourism, Trade, and Economic Development may vote to
23 overrule any action of the council approving a project
24 pursuant to subsection (5). The ~~unless the~~ bylaws of the
25 council require a greater vote for a particular action.

26 (13)~~(12)~~ Members of the council shall serve without
27 compensation but are entitled to receive reimbursement for per
28 diem and travel expenses as provided in s. 112.061. The
29 council may elect to provide an administrative staff to
30 provide services to the council on matters relating to the
31 Florida Seaport Transportation and Economic Development

1 Program and the council. The cost for such administrative
2 services shall be paid by all ports that receive funding from
3 the Florida Seaport Transportation and Economic Development
4 Program, based upon a pro rata formula measured by each
5 recipient's share of the funds as compared to the total funds
6 disbursed to all recipients during the year. The share of
7 costs for administrative services shall be paid in its total
8 amount by the recipient port upon execution by the port and
9 the Department of Transportation of a joint participation
10 agreement for each council-approved project, or as otherwise
11 directed by the council, and such payment is in addition to
12 the matching funds required to be paid by the recipient port.

13 Section 50. Section 311.101, Florida Statutes, is
14 created to read:

15 311.101 Department of Transportation; Seaport and
16 Intermodal Development.--

17 (1) There is created, within the Office of the State
18 Public Transportation Administrator of the Department of
19 Transportation, the Office of Seaport and Intermodal
20 Development, to enhance this state's global competitiveness,
21 productivity, and efficiency in international trade and the
22 movement of people and goods to and from its intermodal
23 facilities. The Office of Seaport Development and Intermodal
24 Development shall:

25 (a) Advise and assist the State Public Transportation
26 Administrator and the Secretary of Transportation in all
27 seaport and intermodal matters.

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

30 (c) Review candidate projects approved by the Florida
31 Seaport Transportation and Economic Development Council to

1 determine consistency with the Florida Transportation Plan and
2 the department's adopted work program pursuant to s.
3 311.09(7).

4 (d) Review, for consistency pursuant to s. 311.09(7),
5 seaport intermodal access projects, as described in s.
6 341.053(5) and funded pursuant to s. 320.20(4) and (5).

7 (e) Review any proposed project scope modification
8 made to eligible projects approved by the Florida Seaport
9 Transportation and Economic Development Council, pursuant to
10 s. 311.09(11).

11 (f) Direct required audit reviews pursuant to s.
12 311.07(6) of any project that receives funds pursuant to this
13 chapter.

14 (g) Administer seaport and intermodal development
15 activities of the department, pursuant to ss. 311.14, 320.20,
16 and 341.053.

17 (h) Carry out any other seaport and intermodal
18 activities assigned to it by the Secretary of Transportation
19 to work cooperatively with the Florida Seaport Transportation
20 and Economic Development Council and others in administering
21 provisions pursuant to chapter 311 and ss. 320.20 and 341.053.

22 (2) By February 1 of each year, the Department of
23 Transportation shall submit to the Governor, the President of
24 the Senate, and the Speaker of the House of Representatives a
25 detailed report on state seaport development efforts conducted
26 during the year.

27 Section 51. Section 311.102, Florida Statutes, is
28 created to read:

29 311.102 Department of Community Affairs; Seaport and
30 Freight Mobility Planning.--There is created, within the
31 Department of Community Affairs, the Office of Seaport and

1 Freight Mobility Planning to enhance this state's global
2 competitiveness, productivity, and efficiency in international
3 trade and the movement of people and cargo to and from its
4 seaports. The Office of Seaport and Freight Mobility Planning
5 shall:

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

9 (2) Review eligible projects approved by the Florida
10 Seaport Transportation and Economic Development Council to
11 determine consistency with local government comprehensive
12 plans and consistency with port master plans, pursuant to s.
13 311.09(6).

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

17 (4) Review and recommend actions required to achieve
18 consistency between the intermodal transportation components
19 of port master plans, local comprehensive plans, the 5-year
20 Florida Seaport Mission Plan developed pursuant to s.
21 311.09(3), the Florida Transportation Plan developed pursuant
22 to s. 339.155, and M.P.O. plans and programs as provided in s.
23 339.175.

24 (5) Ensure, to the greatest extent possible, that the
25 actions and review functions of the department, with respect
26 to ports listed in s. 311.09(1), do not duplicate the actions
27 and review functions of federal agencies, other state
28 agencies, water management districts, and the Fish and
29 Wildlife Conservation Commission.

30 Section 52. Section 311.20, Florida Statutes, is
31 created to read:

1 311.20 Northwest Florida Seaport Transportation and
2 Economic Development Council.--

3 (1) There is created the Northwest Florida Seaport
4 Transportation and Economic Development Council as a
5 corporation not-for-profit pursuant to chapter 617. The
6 purpose of the council is to enhance economic development in
7 the northwest Florida region by creating jobs and increasing
8 cargo flow and port revenues at the three ports in the region
9 and the regional communities.

10 (2)(a) The council shall consist of the following
11 members: the port director of the port of Panama City or his
12 or her designee; the port director of the port of Pensacola or
13 his or her designee; the port director of the port of Port St.
14 Joe or his or her designee; the director of the Office of
15 Tourism, Trade, and Economic Development or his or her
16 designee; and a representative from Enterprise Florida, Inc.
17 The members of the council may appoint up to four ex-officio
18 nonvoting members.

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

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

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

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

28 (c) An identification of specific transportation and
29 economic development projects that create jobs and increase
30 cargo flow and port revenues at the three ports and the
31 regional communities. Subject to specific appropriation by the

1 Legislature, the council may grant funds for the development
2 of such projects.

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

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

8 (b) Purchase, receive, hold, lease, or otherwise
9 acquire, and sell, convey, transfer, lease, or otherwise
10 dispose of, real property and personal property together with
11 rights and privileges as are incidental and appurtenant
12 thereto.

13 (c) Contract with public-sector or private-sector
14 entities for the purpose of exercising or performing its
15 powers and functions.

16 (5) The council may appoint an executive director, and
17 the executive director may employ staff authorized by the
18 council. The compensation of the executive director and staff
19 shall be set by the council.

20 Section 53. Section 311.11, Florida Statutes, is
21 amended to read:

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

24 311.11 Seaport Training and Employment Program.--The
25 Florida Seaport Transportation and Economic Development
26 Council shall develop and implement a Seaport Training and
27 Employment Program. The purpose of the program shall be to
28 stimulate and support seaport training and employment programs
29 that foster employment opportunities in port, maritime, and
30 transportation industries, and for such other training,
31 educational, and information services as are required to

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

8 Section 54. Section 311.14, Florida Statutes, is
9 created to read:

10 311.14 Seaport freight-mobility planning.--

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

21 (2) The Office of the State Public Transportation
22 Administrator shall act to integrate freight-mobility and
23 trade-corridor plans into the Florida Transportation Plan
24 developed pursuant to s. 339.155 and into the plans and
25 programs of metropolitan planning organizations as provided in
26 s. 339.175. The office may also provide assistance in
27 expediting the transportation permitting process relating to
28 the construction of seaport freight-mobility projects located
29 outside the physical borders of seaports. The Department of
30 Transportation may contract, as provided in s. 334.044, with
31 any port listed in s. 311.09(1) or any such other statutorily

1 authorized seaport entity to act as an agent in the
2 construction of seaport freight-mobility projects.

3 Section 55. Subsection (6) of section 315.02, Florida
4 Statutes, is amended to read:

5 315.02 Definitions.--As used in this law, the
6 following words and terms shall have the following meanings:

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

22 Section 56. Paragraph (h) is added to subsection (24)
23 of section 380.06, Florida Statutes, 1998 Supplement, to read:

24 380.06 Developments of regional impact.--

25 (24) STATUTORY EXEMPTIONS.--

26 (h) Expansion to port harbors, spoil disposal sites,
27 navigation channels, turning basins, harbor berths, and other
28 related inwater harbor facilities of ports listed in s.
29 403.021(9)(b), port transportation facilities and projects
30 listed in s. 311.07(3)(b), and intermodal transportation
31 facilities identified pursuant to s. 311.09(3) are exempt from

1 the provisions of this section when such expansions, projects,
2 or facilities are consistent with comprehensive master plans
3 that are in compliance with the provisions of s. 163.3178.

4 Section 57. Americas Campaign.--

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

31

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

3 (a) Strategic Targeting.--By September 1, 1999, the
4 Governor, after consultation with the Legislature, the
5 Secretary of State, Enterprise Florida, Inc., and
6 representatives of Florida's international business community
7 and international organizations, shall, by executive order,
8 designate three countries as the development targets of this
9 campaign. These Latin American or Caribbean countries shall be
10 in the Governor's judgment the optimum targets for rapid
11 enhancement and expansion of international relations,
12 business, trade, and reverse investment over the next 4 years.

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

30 (c) Trade Policy.--The director of the Office of
31 Tourism, Trade, and Economic Development shall have lead

1 responsibility for Florida's efforts to review, profile, and
2 improve the trade policy and trade relations with these
3 countries, working with the Department of State, the
4 Department of Agriculture and Consumer Affairs, the Department
5 of Citrus, Enterprise Florida, Inc., and other federal, state,
6 and local agencies to ensure that increased trade with these
7 targeted countries can swiftly occur and any existing barriers
8 are minimized or removed.

9 (d) Trade Information.--The director of the
10 International Trade Data Resource and Research Center shall
11 have the lead responsibility for upgrading Florida's trade
12 information capacity with these countries, providing import
13 and export data, trade opportunities, and intermodal
14 transportation profiles; commodity trends; and trade activity,
15 working with the Department of Agriculture and Consumer
16 Affairs, the Department of Citrus, Enterprise Florida, Inc.,
17 and other federal, state, and local agencies.

18 (e) Finance and Capital.--The director of the Florida
19 Export Finance Corporation shall have the lead responsibility
20 for the campaign's international finance strategy with these
21 targeted countries, working with the Comptroller and other
22 federal, state, and local agencies to provide technical
23 assistance and financing options to the businesses and
24 communities, working with these targeted countries.

25 (f) Intermodal Transportation.--The director of the
26 Florida Seaport Transportation and Economic Development
27 Council, working with the Florida Airports Managers
28 Association, the Department of Transportation, the Florida
29 Chamber Foundation, and other federal, state, and local
30 agencies shall have the lead responsibility to devise a
31 strategy to prepare and enhance Florida intermodal

1 infrastructure that relates and links with these countries to
2 ensure that the state's trade transportation infrastructure
3 can effectively handle increasing trade with them and that the
4 trade transportation infrastructure of the targeted countries
5 is compatible with the trade transportation infrastructure in
6 Florida.

7 (g) International Reverse Investment and Trade
8 Expansion.--The president of the International Trade and
9 Economic Development Board of Enterprise Florida, Inc.,
10 working with local economic development organizations and
11 other federal, state, and local agencies, shall have the lead
12 responsibility for providing reverse investment and trade
13 expansion assistance to local businesses through local
14 economic development organizations or local chambers of
15 commerce in each community that has a Sister Cities
16 relationship in a targeted country, and for providing
17 necessary assistance in each of the targeted countries through
18 foreign office or development agents.

19 (h) Campaign Coordination.--The Governor, acting
20 through the director of the Office of Tourism, Trade and
21 Economic Development, shall ensure that the elements of this
22 campaign are coordinated. The director may enlist or assign
23 the staff or resources of any agency under the direction of
24 the Governor to assemble research and information or to
25 provide assistance in this campaign.

26 (3) CAMPAIGN COUNCIL.--The lead agents for the
27 Americas Campaign designated in paragraphs (2)(a)-(g) shall
28 comprise the Americas Campaign Planning Council. Funding
29 collected but not currently dedicated to a trust fund under
30 section 212.0606, Florida Statutes, shall be deposited in the
31 Florida International Trade and Promotion Trust Fund for use

1 and distribution by the council, based on a budget amendment
2 developed by the council and submitted by the director of the
3 Office of Tourism, Trade, and Economic Development. The
4 Americas Campaign is not intended to divert or redirect
5 existing trade or international development efforts or
6 expenditures. It is intended to provide new focus, new
7 intensity, and new resources to the three most promising
8 countries in Latin America and the Caribbean.

9 Section 58. Subsection (2) of section 117.01, Florida
10 Statutes, 1998 Supplement, is amended to read:

11 117.01 Appointment, application, suspension,
12 revocation, application fee, bond, and oath.--

13 (2) The application for appointment shall be signed
14 and sworn to by the applicant and shall be accompanied by an
15 application a fee of \$25, together with the \$10 commission fee
16 required by s. 113.01, and a surcharge of \$4, which \$4 is
17 appropriated to the Executive Office of the Governor to be
18 used to educate and assist notaries public. The Executive
19 Office of the Governor may contract with private vendors to
20 provide the services set forth in this section. Effective July
21 1, 2000, the funds collected from the \$25 application fee and
22 the \$10 commission fee shall be deposited into the Grants and
23 Donations Trust Fund within the Department of State. The
24 unencumbered balance from these funds at the close of each
25 fiscal year may not exceed \$300,000. Any funds in excess of
26 this amount shall be transferred unallocated to the General
27 Revenue Fund. However, no commission fee shall be required for
28 the issuance of a commission as a notary public to a veteran
29 who served during a period of wartime service, as defined in
30 s. 1.01(14), and who has been rated by the United States
31 Government or the United States Department of Veterans Affairs

1 or its predecessor to have a disability rating of 50 percent
2 or more; such a disability is subject to verification by the
3 Secretary of State, who has authority to adopt reasonable
4 procedures to implement this act. The oath of office and
5 notary bond required by this section shall also accompany the
6 application and shall be in a form prescribed by the
7 Department of State which shall require, but not be limited
8 to, the following information: full name, residence address
9 and telephone number, business address and telephone number,
10 date of birth, race, sex, social security number, citizenship
11 status, driver's license number or the number of other
12 official state-issued identification, affidavit of good
13 character from someone unrelated to the applicant who has
14 known the applicant for 1 year or more, a list of all
15 professional licenses and commissions issued by the state
16 during the previous 10 years and a statement as to whether or
17 not the applicant has had such license or commission revoked
18 or suspended, and a statement as to whether or not the
19 applicant has been convicted of a felony, and, if there has
20 been a conviction, a statement of the nature of the felony and
21 restoration of civil rights. The applicant may not use a
22 fictitious or assumed name other than a nickname on an
23 application for commission. The application shall be
24 maintained by the Department of State for the full term of a
25 notary commission. A notary public shall notify, in writing,
26 the Department of State of any change in his or her business
27 address, home telephone number, business telephone number,
28 home address, or criminal record within 60 days after such
29 change. The Governor may require any other information he or
30 she deems necessary for determining whether an applicant is
31 eligible for a notary public commission. Each applicant must

1 swear or affirm on the application that the information on the
2 application is true and correct.

3 Section 59. Implementation of section 117.01(2),
4 Florida Statutes, as amended by this act, is contingent upon a
5 Specific Appropriation for Fiscal Year 1999-2000.

6 Section 60. Subsection (6) is added to section 15.16,
7 Florida Statutes, to read:

8 15.16 Reproduction of records; admissibility in
9 evidence; electronic receipt and transmission of records;
10 certification; acknowledgment.--

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

17 Section 61. Section 117.103, Florida Statutes, is
18 amended to read:

19 117.103 Certification of notary's authority by
20 Secretary of State.--A notary public is not required to record
21 his or her notary public commission in an office of a clerk of
22 the circuit court. If certification of the notary public's
23 commission is required, it must be obtained from the Secretary
24 of State. Upon the receipt of a written request, ~~the notarized~~
25 ~~document~~, and a fee of \$10 payable to the Secretary of State,
26 the Secretary of State shall provide a certified copy of the
27 notary public's original certificate of commission which shall
28 be legally sufficient to establish the notary public's
29 authority to provide the services specifically authorized for
30 a notary public by the Florida Statutes, and shall issue a
31 certificate of notarial authority, the contents of which shall

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

8 Section 62. Section 118.10, Florida Statutes, is
9 amended to read:

10 118.10 Civil-law notary.--

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

30

31

1 (7) The powers of civil-law notaries include, but are
2 not limited to, all of the powers of a notary public under any
3 law of this state.

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

7 Section 63. Section 118.42, Florida Statutes, is
8 created to read:

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

26 Section 64. Section 15.18, Florida Statutes, is
27 amended to read:

28 15.18 International and cultural relations.--The
29 Divisions of Cultural Affairs, Historical Resources, and
30 Library and Information Services of the Department of State
31 promote programs having substantial cultural, artistic, and

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

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

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

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

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

26 (5) Establish and maintain the list prescribed in s.
27 55.605(2)(g), relating to recognition of foreign money
28 judgments.

29 ~~(6)(5)~~ Serve as the liaison with all foreign consular
30 and ambassadorial corps, as well as international
31

1 organizations, that are consistent with the purposes of this
2 section.

3 ~~(7)(6)~~ Provide, arrange, and make expenditures for the
4 achievement of any or all of the purposes specified in this
5 section.

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

17 Section 65. Subsections (1) and (6) of section 55.604,
18 Florida Statutes, are amended to read:

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

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

30 (a) At the time of the recording of a foreign
31 judgment, the judgment creditor shall make and record with the

1 clerk of the circuit court an affidavit setting forth the
2 name, social security number, if known, and last known
3 post-office address of the judgment debtor and of the judgment
4 creditor.

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

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

25 Section 66. Paragraph (g) of subsection (2) of section
26 55.605, Florida Statutes, is amended to read:

27 55.605 Grounds for nonrecognition.--

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

29 (g) The foreign jurisdiction where judgment was
30 rendered would not give recognition to a similar judgment
31 rendered in this state. For purposes of this paragraph, the

1 Secretary of State shall establish and maintain a list of
2 foreign jurisdictions where the condition specified in this
3 paragraph has been found to apply.

4 Section 67. Section 257.34, Florida Statutes, is
5 created to read:

6 257.34 Florida International Archive and Repository.--

7 (1) There is created within the Division of Library
8 and Information Services of the Department of State the
9 Florida International Archive and Repository for the
10 preservation of those public records, as defined in s.
11 119.011(1), manuscripts, international judgments involving
12 disputes between domestic and foreign businesses, and all
13 other public matters that the department or the Florida
14 Council of International Development deem relevant to
15 international issues. It is the duty and responsibility of the
16 division to:

17 (a) Organize and administer the Florida International
18 Archive and Repository;

19 (b) Preserve and administer records that are
20 transferred to its custody; accept, arrange, and preserve
21 them, according to approved archival and repository practices;
22 and permit them, at reasonable times and under the supervision
23 of the division, to be inspected, examined, and copied. All
24 public records transferred to the custody of the division are
25 subject to the provisions of s. 119.07(1).

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

28 (d) Cooperate with and assist insofar as practicable
29 state institutions, departments, agencies, counties,
30 municipalities, and individuals engaged in internationally
31 related activities;

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

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

10 (g) Cooperate with and, insofar as practicable, assist
11 agencies, libraries, institutions, and individuals in projects
12 concerned with internationally related issues and preserve
13 original materials relating to internationally related issues;
14 and

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

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

31

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

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

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

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

21 (7) The division shall adopt rules necessary to
22 implement this section.

23 (8) The Florida Council of International Development
24 may select materials for inclusion in the Florida
25 International Archive and Repository and shall be consulted
26 closely by the division in all matters relating to its
27 establishment and maintenance.

28 Section 68. Notwithstanding section 3 of chapter
29 89-150, section 112 of chapter 90-201, and section 53 of
30 chapter 91-5, Laws of Florida, section 288.012, Florida
31

1 Statutes, is not repealed but is revived, reenacted, and
2 amended to read:

3 288.012 State of Florida foreign offices.--The
4 Legislature finds that the expansion of international trade
5 and tourism is vital to the overall health and growth of the
6 economy of this state. This expansion is hampered by the lack
7 of technical and business assistance, financial assistance,
8 and information services for businesses in this state. The
9 Legislature finds that these businesses could be assisted by
10 providing these services at State of Florida foreign offices.
11 The Legislature further finds that the accessibility and
12 provision of services at these offices can be enhanced through
13 cooperative agreements or strategic alliances between state
14 entities, local entities, foreign entities, and private
15 businesses.

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

18 (a) Establish and operate offices in foreign countries
19 for the purpose of promoting the trade and economic
20 development of the state, and promoting the gathering of trade
21 data information and research on trade opportunities in
22 specific countries.

23 (b) Enter into agreements with governmental and
24 private sector entities to establish and operate offices in
25 foreign countries containing provisions which may be in
26 conflict with general laws of the state pertaining to the
27 purchase of office space, employment of personnel, and
28 contracts for services. When agreements pursuant to this
29 section are made which set compensation in foreign currency,
30 such agreements shall be subject to the requirements of s.
31 215.425, but the purchase of foreign currency by the Office of

1 Tourism, Trade, and Economic Development to meet such
2 obligations shall be subject only to s. 216.311.

3 (c) By September 1, 1997, the Office of Tourism,
4 Trade, and Economic Development shall develop a plan for the
5 disposition of the current foreign offices and the development
6 and location of additional foreign offices. The plan shall
7 include, but is not limited to, a determination of the level
8 of funding needed to operate the current offices and any
9 additional offices and whether any of the current offices need
10 to be closed or relocated. Enterprise Florida, Inc., the
11 Florida Tourism Commission, the Florida Ports Council, the
12 Department of State, the Department of Citrus, and the
13 Department of Agriculture shall assist the Office of Tourism,
14 Trade, and Economic Development in the preparation of the
15 plan. All parties shall cooperate on the disposition or
16 establishment of the offices and ensure that needed space,
17 technical assistance, and support services are provided to
18 such entities at such foreign offices.

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

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

28 (b) A comprehensive, commercial strategic plan
29 identifying marketing opportunities and industry sector
30 priorities for the foreign country or area in which a foreign
31 office is located.

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

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

19 (e) Provision of access for Florida businesses to the
20 services of the Florida Trade Data Center, international trade
21 assistance services provided by state and local entities,
22 seaport and airport information, and other services identified
23 in the plan pursuant to paragraph (1)(c).

24 (f) Qualitative and quantitative performance measures
25 for each office including, but not limited to, the number of
26 businesses assisted, the number of trade leads and inquiries
27 generated, the number of foreign buyers and importers
28 contacted, and the amount and type of marketing conducted.

29 (3) By October 1 of each year, each foreign office
30 shall submit to the Office of Tourism, Trade, and Economic
31 Development a complete and detailed report on its activities

1 and accomplishments during the preceding fiscal year. In a
2 format provided by Enterprise Florida, Inc., the report must
3 set forth information on:
4 (a) The number of Florida companies assisted.
5 (b) The number of inquiries received about investment
6 opportunities in this state.
7 (c) The number of trade leads generated.
8 (d) The number of investment projects announced.
9 (e) The estimated U.S. dollar value of sales
10 confirmations.
11 (f) The number of representation agreements.
12 (g) The number of company consultations.
13 (h) Barriers or other issues affecting the effective
14 operation of the office.
15 (i) Changes in office operations which are planned for
16 the current fiscal year.
17 (j) Marketing activities conducted.
18 (k) Strategic alliances formed with organizations in
19 the country in which the office is located.
20 (l) Activities conducted with other Florida foreign
21 offices.
22 (m) Any other information that the office believes
23 would contribute to an understanding of its activities.
24 (4)(3) The Office of Tourism, Trade, and Economic
25 Development, in connection with the establishment, operation,
26 and management of any of its offices located in a foreign
27 country, is exempt from the provisions of ss. 255.21, 255.25,
28 and 255.254 relating to leasing of buildings; ss. 283.33 and
29 283.35 relating to bids for printing; ss. 287.001-287.20
30 relating to purchasing and motor vehicles; and ss.
31

1 282.003-282.111 relating to communications, and from all
2 statutory provisions relating to state employment.

3 (a) The Office of Tourism, Trade, and Economic
4 Development may exercise such exemptions only upon prior
5 approval of the Governor.

6 (b) If approval for an exemption under this section is
7 granted as an integral part of a plan of operation for a
8 specified foreign office, such action shall constitute
9 continuing authority for the Office of Tourism, Trade, and
10 Economic Development to exercise the exemption, but only in
11 the context and upon the terms originally granted. Any
12 modification of the approved plan of operation with respect to
13 an exemption contained therein must be resubmitted to the
14 Governor for his or her approval. An approval granted to
15 exercise an exemption in any other context shall be restricted
16 to the specific instance for which the exemption is to be
17 exercised.

18 (c) As used in this subsection, the term "plan of
19 operation" means the plan developed pursuant to subsection
20 (2).

21 (d) Upon final action by the Governor with respect to
22 a request to exercise the exemption authorized in this
23 subsection, the Office of Tourism, Trade, and Economic
24 Development shall report such action, along with the original
25 request and any modifications thereto, to the President of the
26 Senate and the Speaker of the House of Representatives within
27 30 days.

28 (5)~~(4)~~ Where feasible and appropriate, and subject to
29 s. 288.1224(10), foreign offices established and operated
30 under this section may provide one-stop access to the economic
31 development, trade, and tourism information, services, and

1 programs of the state. Where feasible and appropriate, and
2 subject to s. 288.1224(10), such offices may also be
3 collocated with other foreign offices of the state.

4 ~~(6)(5)~~ The Office of Tourism, Trade, and Economic
5 Development is authorized to make and to enter into contracts
6 with Enterprise Florida, Inc., and the Florida Commission on
7 Tourism to carry out the provisions of this section. The
8 authority, duties, and exemptions provided in this section
9 apply to Enterprise Florida, Inc., and the Florida Commission
10 on Tourism to the same degree and subject to the same
11 conditions as applied to the Office of Tourism, Trade, and
12 Economic Development. To the greatest extent possible, such
13 contracts shall include provisions for cooperative agreements
14 or strategic alliances between state entities, foreign
15 entities, local entities, and private businesses to operate
16 foreign offices.

17 Section 69. By December 31, 2001, the Legislature
18 shall review Florida's foreign offices, including, but not
19 limited to, those offices established and operated under
20 sections 288.012 and 288.1224, Florida Statutes, to determine
21 whether the state is experiencing effective international
22 trade, investment, and tourism representation through such
23 offices.

24 Section 70. Enterprise Florida, Inc., shall develop a
25 master plan for integrating public-sector and private-sector
26 international-trade and reverse-investment resources, in order
27 that businesses may obtain comprehensive assistance and
28 information in the most productive and efficient manner. The
29 scope of this plan shall include, but need not be limited to,
30 resources related to the provision of trade information, such
31 as trade leads and reverse investment opportunities, trade

1 counseling, and trade financing services. In developing the
2 master plan, Enterprise Florida, Inc., shall solicit the
3 participation and input of organizations providing these
4 resources, the consumers of these resources, and others who
5 have expertise and experience in international trade and
6 reverse investment. The master plan may include
7 recommendations for legislative action designed to enhance the
8 delivery of international-trade and reverse-investment
9 assistance. The master plan, which Enterprise Florida, Inc.,
10 may include within the annual update or modification to the
11 strategic plan required under section 288.905, Florida
12 Statutes, must be submitted to the Legislature and the
13 Governor before January 1, 2000.

14 Section 71. Enterprise Florida, Inc., in conjunction
15 with the Office of Tourism, Trade, and Economic Development,
16 shall prepare a plan for promoting direct investment in
17 Florida by foreign businesses. This plan must assess and
18 inventory Florida's strengths as a location for foreign direct
19 investment and must include a detailed strategy for
20 capitalizing upon those strengths. In developing the plan,
21 Enterprise Florida, Inc., shall focus on businesses with
22 site-election criteria that are consistent with Florida's
23 business climate, businesses likely to facilitate the
24 trans-shipment of goods through Florida or to export
25 Florida-produced goods from the state, and businesses that
26 complement or correspond to those industries identified as
27 part of the sector-strategy approach to economic development
28 required under section 288.905, Florida Statutes. The plan
29 must also identify weaknesses in Florida's ability to attract
30 foreign direct investment and must include a detailed strategy
31 for addressing those weaknesses. The plan may include

1 recommendations for legislative action designed to enhance
2 Florida's ability to attract foreign direct investment. In
3 developing the plan, Enterprise Florida, Inc., shall solicit
4 the participation and input of entities that have expertise
5 and experience in foreign direct investment. The plan, which
6 Enterprise Florida, Inc., may include within the annual update
7 or modification to the strategic plan required under section
8 288.905, Florida Statutes, must be submitted to the
9 Legislature and the Governor before January 1, 2000.

10 Section 72. In anticipation of the day when the people
11 of Cuba are no longer denied the inalienable rights and
12 freedom that all men and women should be guaranteed,
13 Enterprise Florida, Inc., shall prepare a strategic plan
14 designed to allow Florida to capitalize on the economic
15 opportunities associated with a free Cuba. The plan should
16 recognize the historical and cultural ties between this state
17 and Cuba and should focus on building a long-term economic
18 relationship between these communities. The plan should also
19 recognize existing economic infrastructure in Florida that
20 could be applied toward trade and other business activities
21 with Cuba. The plan should identify specific preparatory steps
22 to be taken in advance of a lifting of the trade embargo with
23 Cuba. In developing this plan, Enterprise Florida, Inc., shall
24 solicit the participation and input of individuals who have
25 expertise concerning Cuba and its economy, including, but not
26 limited to, business leaders in Florida who have had previous
27 business experience in Cuba. The plan may include
28 recommendations for legislative action necessary to implement
29 the strategic plan. The plan must be submitted to the Governor
30 and Legislature before January 1, 2000.

31

1 Section 73. Section 288.1045, Florida Statutes, is
2 amended to read:

3 288.1045 Qualified defense contractor tax refund
4 program.--

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

6 (a) "Consolidation of a Department of Defense
7 contract" means the consolidation of one or more of an
8 applicant's facilities under one or more Department of Defense
9 contracts either from outside this state or from inside and
10 outside this state, into one or more of the applicant's
11 facilities inside this state.

12 (b) "Average wage in the area" means the average of
13 all wages and salaries in the state, the county, or in the
14 standard metropolitan area in which the business unit is
15 located.

16 (c) "Applicant" means any business entity that holds a
17 valid Department of Defense contract or any business entity
18 that is a subcontractor under a valid Department of Defense
19 contract or any business entity that holds a valid contract
20 for the reuse of a defense-related facility, including all
21 members of an affiliated group of corporations as defined in
22 s. 220.03(1)(b).

23 (d) "Office"~~"Division"~~ means the Office of Tourism,
24 Trade, and Economic Development ~~Division of Economic~~
25 ~~Development of the Department of Commerce.~~

26 (e) "Department of Defense contract" means a
27 competitively bid Department of Defense contract or a
28 competitively bid federal agency contract issued on behalf of
29 the Department of Defense for manufacturing, assembling,
30 fabricating, research, development, or design with a duration
31 of 2 or more years, but excluding any contract to provide

1 goods, improvements to real or tangible property, or services
2 directly to or for any particular military base or
3 installation in this state.

4 (f) "New Department of Defense contract" means a
5 Department of Defense contract entered into after the date
6 application for certification as a qualified applicant is made
7 and after January 1, 1994.

8 (g) "Jobs" means full-time equivalent positions,
9 consistent with the use of such terms by the Department of
10 Labor and Employment Security for the purpose of unemployment
11 compensation tax, resulting directly from a project in this
12 state. This number does not include temporary construction
13 jobs involved with the construction of facilities for the
14 project.

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

18 (i) "Project" means any business undertaking in this
19 state under a new Department of Defense contract,
20 consolidation of a Department of Defense contract, or
21 conversion of defense production jobs over to nondefense
22 production jobs or reuse of defense-related facilities.

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

26 (k) "Director"~~"Secretary"~~ means the director of the
27 Office of Tourism, Trade, and Economic Development ~~Secretary~~
28 ~~of Commerce~~.

29 (l) "Taxable year" means the same as in s.
30 220.03(1)(z).

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

1 (n) "Business unit" means an employing unit, as
2 defined in s. 443.036, that is registered with the Department
3 of Labor and Employment Security for unemployment compensation
4 purposes or means a subcategory or division of an employing
5 unit that is accepted by the Department of Labor and
6 Employment Security as a reporting unit.

7 (o) "Local financial support" means funding from local
8 sources, public or private, which is paid to the Economic
9 Development Trust Fund and which is equal to 20 percent of the
10 annual tax refund for a qualified applicant. Local financial
11 support may include excess payments made to a utility company
12 under a designated program to allow decreases in service by
13 the utility company under conditions, regardless of when
14 application is made. A qualified applicant may not provide,
15 directly or indirectly, more than 5 percent of such funding in
16 any fiscal year. The sources of such funding may not include,
17 directly or indirectly, state funds appropriated from the
18 General Revenue Fund or any state trust fund, excluding tax
19 revenues shared with local governments pursuant to law.

20 (p) "Contract for reuse of a defense-related facility"
21 means a contract with a duration of 2 or more years for the
22 use of a facility for manufacturing, assembling, fabricating,
23 research, development, or design of tangible personal
24 property, but excluding any contract to provide goods,
25 improvements to real or tangible property, or services
26 directly to or for any particular military base or
27 installation in this state. Such facility must be located
28 within a port, as defined in s. 313.21, and have been occupied
29 by a business entity that held a valid Department of Defense
30 contract or occupied by any branch of the Armed Forces of the
31 United States, within 1 year of any contract being executed

1 for the reuse of such facility. A contract for reuse of a
2 defense-related facility may not include any contract for
3 reuse of such facility for any Department of Defense contract
4 for manufacturing, assembling, fabricating, research,
5 development, or design.

6 (q) "Local financial support exemption option" means
7 the option to exercise an exemption from the local financial
8 support requirement available to any applicant whose project
9 is located in a county designated by the Rural Economic
10 Development Initiative, if the county commissioners of the
11 county in which the project will be located adopt a resolution
12 requesting that the applicant's project be exempt from the
13 local financial support requirement. Any applicant that
14 exercises this option is not eligible for more than 80 percent
15 of the total tax refunds allowed such applicant under this
16 section.

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

18 (a) There shall be allowed, from the Economic
19 Development Trust Fund, a refund to a qualified applicant for
20 the amount of eligible taxes certified by the director
21 ~~secretary~~ which were paid by such qualified applicant. The
22 total amount of refunds for all fiscal years for each
23 qualified applicant shall be determined pursuant to subsection
24 (3). The annual amount of a refund to a qualified applicant
25 shall be determined pursuant to subsection (5).

26 (b) A qualified applicant may not be qualified for any
27 project to receive more than \$5,000 times the number of jobs
28 provided in the tax refund agreement pursuant to subparagraph
29 (4)(a)1. A qualified applicant may not receive refunds of more
30 than 25 percent of the total tax refunds provided in the tax
31 refund agreement pursuant to subparagraph (4)(a)1. in any

1 fiscal year, provided that no qualified applicant may receive
2 more than \$2.5 million in tax refunds pursuant to this section
3 in any fiscal year.

4 (c) A qualified applicant may not receive more than
5 \$7.5 million in tax refunds pursuant to this section in all
6 fiscal years.

7 (d) Contingent upon an annual appropriation by the
8 Legislature, the director ~~secretary~~ may approve not more than
9 ~~the lesser of \$25 million~~ in tax refunds than ~~or~~ the amount
10 appropriated to the Economic Development Trust Fund for tax
11 refunds, for a fiscal year pursuant to subsection (5) and s.
12 288.095.

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

22 (f) After entering into a tax refund agreement
23 pursuant to subsection (4), a qualified applicant may receive
24 refunds from the Economic Development Trust Fund for the
25 following taxes due and paid by the qualified applicant
26 beginning with the applicant's first taxable year that begins
27 after entering into the agreement:

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

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

1 3. Intangible personal property taxes paid pursuant to
2 chapter 199.

3 4. Emergency excise taxes paid pursuant to chapter
4 221.

5 5. Excise taxes paid on documents pursuant to chapter
6 201.

7 6. Ad valorem taxes paid, as defined in s.
8 220.03(1)(a) on June 1, 1996.

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

23 (g) Any qualified applicant who fraudulently claims
24 this refund is liable for repayment of the refund to the
25 Economic Development Trust Fund plus a mandatory penalty of
26 200 percent of the tax refund which shall be deposited into
27 the General Revenue Fund. Any qualified applicant who
28 fraudulently claims this refund commits a felony of the third
29 degree, punishable as provided in s. 775.082, s. 775.083, or
30 s. 775.084.

31

1 (h) Funds made available pursuant to this section may
2 not be expended in connection with the relocation of a
3 business from one community to another community in this state
4 unless the Office of Tourism, Trade, and Economic Development
5 determines that without such relocation the business will move
6 outside this state or determines that the business has a
7 compelling economic rationale for the relocation which creates
8 additional jobs.

9 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
10 DETERMINATION.--

11 (a) To apply for certification as a qualified
12 applicant pursuant to this section, an applicant must file an
13 application with the office ~~division~~ which satisfies the
14 requirements of paragraphs (b) and (e), paragraphs (c) and
15 (e), or paragraphs (d) and (e). An applicant may not apply for
16 certification pursuant to this section after a proposal has
17 been submitted for a new Department of Defense contract, after
18 the applicant has made the decision to consolidate an existing
19 Department of Defense contract in this state for which such
20 applicant is seeking certification, or after the applicant has
21 made the decision to convert defense production jobs to
22 nondefense production jobs for which such applicant is seeking
23 certification.

24 (b) Applications for certification based on the
25 consolidation of a Department of Defense contract or a new
26 Department of Defense contract must be submitted to the office
27 ~~division~~ as prescribed by the office ~~Department of Commerce~~
28 and must include, but are not limited to, the following
29 information:
30
31

- 1 1. The applicant's federal employer identification
2 number, the applicant's Florida sales tax registration number,
3 and a notarized signature of an officer of the applicant.
- 4 2. The permanent location of the manufacturing,
5 assembling, fabricating, research, development, or design
6 facility in this state at which the project is or is to be
7 located.
- 8 3. The Department of Defense contract numbers of the
9 contract to be consolidated, the new Department of Defense
10 contract number, or the "RFP" number of a proposed Department
11 of Defense contract.
- 12 4. The date the contract was executed or is expected
13 to be executed, and the date the contract is due to expire or
14 is expected to expire.
- 15 5. The commencement date for project operations under
16 the contract in this state.
- 17 6. The number of full-time equivalent jobs in this
18 state which are or will be dedicated to the project during the
19 year and the average wage of such jobs.
- 20 7. The total number of full-time equivalent employees
21 employed by the applicant in this state.
- 22 8. The percentage of the applicant's gross receipts
23 derived from Department of Defense contracts during the 5
24 taxable years immediately preceding the date the application
25 is submitted.
- 26 9. The amount of:
 - 27 a. Taxes on sales, use, and other transactions paid
28 pursuant to chapter 212;
 - 29 b. Corporate income taxes paid pursuant to chapter
30 220;
- 31

1 c. Intangible personal property taxes paid pursuant to
2 chapter 199;
3 d. Emergency excise taxes paid pursuant to chapter
4 221;
5 e. Excise taxes paid on documents pursuant to chapter
6 201; and
7 f. Ad valorem taxes paid
8
9 during the 5 fiscal years immediately preceding the date of
10 the application, and the projected amounts of such taxes to be
11 due in the 3 fiscal years immediately following the date of
12 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 (c) Applications for certification based on the
4 conversion of defense production jobs to nondefense production
5 jobs must be submitted to the office division as prescribed by
6 the office ~~Department of Commerce~~ and must include, but are
7 not limited to, the following information:

8 1. The applicant's federal employer identification
9 number, the applicant's Florida sales tax registration number,
10 and a notarized signature of an officer of the applicant.

11 2. The permanent location of the manufacturing,
12 assembling, fabricating, research, development, or design
13 facility in this state at which the project is or is to be
14 located.

15 3. The Department of Defense contract numbers of the
16 contract under which the defense production jobs will be
17 converted to nondefense production jobs.

18 4. The date the contract was executed, and the date
19 the contract is due to expire or is expected to expire, or was
20 canceled.

21 5. The commencement date for the nondefense production
22 operations in this state.

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

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

29 8. The percentage of the applicant's gross receipts
30 derived from Department of Defense contracts during the 5
31

1 taxable years immediately preceding the date the application
2 is submitted.

3 9. The amount of:

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

6 b. Corporate income taxes paid pursuant to chapter
7 220;

8 c. Intangible personal property taxes paid pursuant to
9 chapter 199;

10 d. Emergency excise taxes paid pursuant to chapter
11 221;

12 e. Excise taxes paid on documents pursuant to chapter
13 201; and

14 f. Ad valorem taxes paid
15

16 during the 5 fiscal years immediately preceding the date of
17 the application, and the projected amounts of such taxes to be
18 due in the 3 fiscal years immediately following the date of
19 the application.

20 10. The estimated amount of tax refunds to be claimed
21 in each fiscal year.

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

25 12. A resolution adopted by the county commissioners
26 of the county in which the project will be located, which
27 recommends the applicant be approved as a qualified applicant,
28 and which indicates that the necessary commitments of local
29 financial support for the applicant exist. Prior to the
30 adoption of the resolution, the county commission may review
31 the proposed public or private sources of such support and

1 determine whether the proposed sources of local financial
2 support can be provided or, for any applicant whose project is
3 located in a county designated by the Rural Economic
4 Development Initiative, a resolution adopted by the county
5 commissioners of such county requesting that the applicant's
6 project be exempt from the local financial support
7 requirement.

8 13. Any additional information requested by the office
9 ~~division~~.

10 (d) Applications for certification based on a contract
11 for reuse of a defense-related facility must be submitted to
12 the office division as prescribed by the office ~~Department of~~
13 ~~Commerce~~ and must include, but are not limited to, the
14 following information:

15 1. The applicant's Florida sales tax registration
16 number and a notarized signature of an officer of the
17 applicant.

18 2. The permanent location of the manufacturing,
19 assembling, fabricating, research, development, or design
20 facility in this state at which the project is or is to be
21 located.

22 3. The business entity holding a valid Department of
23 Defense contract or branch of the Armed Forces of the United
24 States that previously occupied the facility, and the date
25 such entity last occupied the facility.

26 4. A copy of the contract to reuse the facility, or
27 such alternative proof as may be prescribed by the office
28 ~~department~~ that the applicant is seeking to contract for the
29 reuse of such facility.

30
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1 5. The date the contract to reuse the facility was
2 executed or is expected to be executed, and the date the
3 contract is due to expire or is expected to expire.

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

6 7. 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 8. The total number of full-time equivalent employees
10 employed by the applicant in this state.

11 9. The amount of:

12 a. Taxes on sales, use, and other transactions paid
13 pursuant to chapter 212.

14 b. Corporate income taxes paid pursuant to chapter
15 220.

16 c. Intangible personal property taxes paid pursuant to
17 chapter 199.

18 d. Emergency excise taxes paid pursuant to chapter
19 221.

20 e. Excise taxes paid on documents pursuant to chapter
21 201.

22 f. Ad valorem taxes paid during the 5 fiscal years
23 immediately preceding the date of the application, and the
24 projected amounts of such taxes to be due in the 3 fiscal
25 years immediately following the date of the application.

26 10. The estimated amount of tax refunds to be claimed
27 in each fiscal year.

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

31

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

15 13. Any additional information requested by the office
16 ~~division~~.

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

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

25 2. The consolidation of a Department of Defense
26 contract must result in a net increase of at least 25 percent
27 in the number of jobs at the applicant's facilities in this
28 state or the addition of at least 80 jobs at the applicant's
29 facilities in this state.

30 3. The conversion of defense production jobs to
31 nondefense production jobs must result in net increases in

1 nondefense employment at the applicant's facilities in this
2 state.

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

7 5. A business unit of the applicant must have derived
8 not less than 70 percent of its gross receipts in this state
9 from Department of Defense contracts over the applicant's last
10 fiscal year, and must have derived not less than 80 percent of
11 its gross receipts in this state from Department of Defense
12 contracts over the 5 years preceding the date an application
13 is submitted pursuant to this section. This subparagraph does
14 not apply to any application for certification based on a
15 contract for reuse of a defense-related facility.

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

18 (f) Each application meeting the requirements of
19 paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs
20 (d) and (e) must be submitted to the office ~~division~~ for a
21 determination of eligibility. The office ~~division~~ shall
22 review, evaluate, and score each application based on, but not
23 limited to, the following criteria:

24 1. Expected contributions to the state strategic
25 economic development plan adopted by Enterprise Florida, Inc.,
26 taking into account the extent to which the project
27 contributes to the state's high-technology base, and the
28 long-term impact of the project and the applicant on the
29 state's economy.

30 2. The economic benefit of the jobs created or
31 retained by the project in this state, taking into account the

1 cost and average wage of each job created or retained, and the
2 potential risk to existing jobs.

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

5 4. The local commitment and support for the project
6 and applicant.

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

10 6. The dependence of the local community on the
11 defense industry.

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

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

20 (g) The office division shall forward its written
21 findings and evaluation on each application meeting the
22 requirements of paragraphs (b) and (e), paragraphs (c) and
23 (e), or paragraphs (d) and (e) to the director secretary
24 within 60 calendar days of receipt of a complete application.
25 The office division shall notify each applicant when its
26 application is complete, and when the 60-day period begins. In
27 its written report to the director secretary, the office
28 division shall specifically address each of the factors
29 specified in paragraph (f), and shall make a specific
30 assessment with respect to the minimum requirements
31 established in paragraph (e). The office division shall

1 include in its report projections of the tax refund claims
2 that will be sought by the applicant in each fiscal year based
3 on the information submitted in the application.

4 (h) Within 30 days after receipt of the office's
5 ~~division's~~ findings and evaluation, the director ~~secretary~~
6 shall enter a final order that either approves or disapproves
7 an application. The decision must be in writing and provide
8 the justifications for either approval or disapproval. If
9 appropriate, the director ~~secretary~~ shall enter into a written
10 agreement with the qualified applicant pursuant to subsection
11 (4).

12 (i) The director ~~secretary~~ may not enter any final
13 order that certifies any applicant as a qualified applicant
14 when the value of tax refunds to be included in that final
15 order exceeds the available amount of authority to enter final
16 orders as determined in s. 288.095(3)~~aggregate amount of tax~~
17 ~~refunds for all qualified applicants projected by the division~~
18 ~~in any fiscal year exceeds the lesser of \$25 million or the~~
19 ~~amount appropriated for tax refunds for that fiscal year.~~ A
20 final order that approves an application must specify the
21 maximum amount of a tax refund that is to be available to the
22 contractor in each fiscal year and the total amount of tax
23 refunds for all fiscal years.

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

26 (4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND
27 AGREEMENT.--

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

31

1 1. The total number of full-time equivalent jobs in
2 this state that are or will be dedicated to the qualified
3 applicant's project, the average wage of such jobs, the
4 definitions that will apply for measuring the achievement of
5 these terms during the pendency of the agreement, and a time
6 schedule or plan for when such jobs will be in place and
7 active in this state. This information must be the same as the
8 information contained in the application submitted by the
9 contractor pursuant to subsection (3).

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

12 3. An agreement with the office ~~department~~ allowing
13 the office ~~department~~ to review and verify the financial and
14 personnel records of the qualified applicant to ascertain
15 whether the qualified applicant is complying with the
16 requirements of this section.

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

20 5. That local financial support shall be annually
21 available and will be paid to the Economic Development Trust
22 Fund.

23 (b) Compliance with the terms and conditions of the
24 agreement is a condition precedent for receipt of tax refunds
25 each year. The failure to comply with the terms and conditions
26 of the agreement shall result in the loss of eligibility for
27 receipt of all tax refunds previously authorized pursuant to
28 this section, and the revocation of the certification as a
29 qualified applicant by the director ~~secretary~~.

30
31

1 (c) The agreement shall be signed by the director
2 ~~secretary~~ and the authorized officer of the qualified
3 applicant.

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

7
8 "This agreement is neither a general obligation
9 of the State of Florida, nor is it backed by
10 the full faith and credit of the State of
11 Florida. Payment of tax refunds are conditioned
12 on and subject to specific annual
13 appropriations by the Florida Legislature of
14 funds sufficient to pay amounts authorized in
15 s. 288.1045 ~~s. 288.104~~, Florida Statutes."
16

17 (5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE
18 CONTRACTOR.--

19 (a) Qualified applicants who have entered into a
20 written agreement with the office ~~department~~ pursuant to
21 subsection (4) and who have entered into a valid new
22 Department of Defense contract, commenced the consolidation of
23 a Department of Defense contract, commenced the conversion of
24 defense production jobs to nondefense production jobs or who
25 have entered into a valid contract for reuse of a
26 defense-related facility may apply once each fiscal year to
27 the office ~~Department of Commerce~~ for tax refunds. The
28 application must be made on or after the date contained in the
29 agreement entered into pursuant to subsection (4) and must
30 include a notarized signature of an officer of the applicant.
31

1 (b) The claim for refund by the qualified applicant
2 must include a copy of all receipts pertaining to the payment
3 of taxes for which a refund is sought, and data related to
4 achieving each performance item contained in the tax refund
5 agreement pursuant to subsection (4). The amount requested as
6 a tax refund may not exceed the amount for the fiscal year in
7 the written agreement entered pursuant to subsection (4).

8 (c) A tax refund may not be approved for any qualified
9 applicant unless local financial support has been paid to the
10 Economic Development Trust Fund in that fiscal year. If the
11 local financial support is less than 20 percent of the
12 approved tax refund, the tax refund shall be reduced. The tax
13 refund paid may not exceed 5 times the local financial support
14 received. Funding from local sources includes tax abatement
15 under s. 196.1995 provided to a qualified applicant. The
16 amount of any tax refund for an applicant approved under this
17 section shall be reduced by the amount of any such tax
18 abatement, and the limitations in subsection (2) and paragraph
19 (3)(h) shall be reduced by the amount of any such tax
20 abatement. A report listing all sources of the local financial
21 support shall be provided to the office ~~division~~ when such
22 support is paid to the Economic Development Trust Fund.

23 (d) The director ~~secretary~~, with assistance from the
24 office ~~division~~, the Department of Revenue, and the Department
25 of Labor and Employment Security, shall determine the amount
26 of the tax refund that is authorized for the qualified
27 applicant for the fiscal year in a written final order within
28 30 days after the date the claim for the annual tax refund is
29 received by the office ~~Department of Commerce~~.

30 (e) The total amount of tax refunds approved by the
31 director ~~secretary~~ under this section in any fiscal year may

1 not exceed the amount appropriated to the Economic Development
2 Trust Fund for such purposes for the fiscal year. If the
3 Legislature does not appropriate an amount sufficient to
4 satisfy projections by the office ~~division~~ for tax refunds in
5 a fiscal year, the director ~~secretary~~ shall, not later than
6 July 15 of such year, determine the proportion of each refund
7 claim which shall be paid by dividing the amount appropriated
8 for tax refunds for the fiscal year by the projected total
9 amount of refund claims for the fiscal year. The amount of
10 each claim for a tax refund shall be multiplied by the
11 resulting quotient. If, after the payment of all such refund
12 claims, funds remain in the Economic Development Trust Fund
13 for tax refunds, the director ~~secretary~~ shall recalculate the
14 proportion for each refund claim and adjust the amount of each
15 claim accordingly.

16 (f) Upon approval of the tax refund pursuant to
17 paragraphs (c) and (d), the Comptroller shall issue a warrant
18 for the amount included in the final order. In the event of
19 any appeal of the final order, the Comptroller may not issue a
20 warrant for a refund to the qualified applicant until the
21 conclusion of all appeals of the final order.

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

27 (6) ADMINISTRATION.--

28 (a) The office ~~may department~~ shall adopt rules
29 pursuant to chapter 120 for the administration of this
30 section.

31

1 (b) The office ~~department~~ may verify information
2 provided in any claim submitted for tax credits under this
3 section with regard to employment and wage levels or the
4 payment of the taxes with the appropriate agency or authority
5 including the Department of Revenue, the Department of Labor
6 and Employment Security, or any local government or authority.

7 (c) To facilitate the process of monitoring and
8 auditing applications made under this program, the office
9 ~~department~~ may provide a list of qualified applicants to the
10 Department of Revenue, the Department of Labor and Employment
11 Security, or to any local government or authority. The office
12 ~~department~~ may request the assistance of said entities with
13 respect to monitoring the payment of the taxes listed in
14 subsection (2).

15 (d) By December 1 of each year, the office ~~department~~
16 shall submit a complete and detailed report to the Governor,
17 the President of the Senate, and the Speaker of the House of
18 Representatives of all tax refunds paid under this section,
19 including analyses of benefits and costs, types of projects
20 supported, employment and investment created, geographic
21 distribution of tax refunds granted, and minority business
22 participation. The report must indicate whether the moneys
23 appropriated by the Legislature to the qualified applicant tax
24 refund program were expended in a prudent, fiducially sound
25 manner.

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

28 Section 74. Subsection (2) of section 212.097, Florida
29 Statutes, 1998 Supplement, is amended to read:

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

1 (2) As used in this section, the term:
2 (a) "Eligible business" means any sole proprietorship,
3 firm, partnership, or corporation that is located in a
4 qualified county and is predominantly engaged in, or is
5 headquarters for a business predominantly engaged in,
6 activities usually provided for consideration by firms
7 classified within the following standard industrial
8 classifications: SIC 01 through SIC 09 (agriculture,
9 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);
10 SIC 52 through SIC 57 and SIC 59 (retail); SIC 422 (public
11 warehousing and storage); SIC 70 (hotels and other lodging
12 places); SIC 7391 (research and development); SIC 7992 (public
13 golf courses); and SIC 7996 (amusement parks). A call center
14 or similar customer service operation that services a
15 multistate market or international market is also an eligible
16 business. In addition, the Office of Tourism, Trade, and
17 Economic Development may, as part of its final budget request
18 submitted pursuant to s. 216.023, recommend additions to or
19 deletions from the list of standard industrial classifications
20 used to determine an eligible business, and the Legislature
21 may implement such recommendations. Excluded from eligible
22 receipts are receipts from retail sales, except such receipts
23 for SIC 52 through SIC 57 and SIC 59 (retail) hotels and other
24 lodging places classified in SIC 70, public golf courses in
25 SIC 7992, and amusement parks in SIC 7996. For purposes of
26 this paragraph, the term "predominantly" means that more than
27 50 percent of the business's gross receipts from all sources
28 is generated by those activities usually provided for
29 consideration by firms in the specified standard industrial
30 classification. The determination of whether the business is
31 located in a qualified high-crime area and the tier ranking of

1 that area must be based on the date of application for the
2 credit under this section. Commonly owned and controlled
3 entities are to be considered a single business entity.

4 (b) "Qualified employee" means any employee of an
5 eligible business who performs duties in connection with the
6 operations of the business on a regular, full-time basis for
7 an average of at least 36 hours per week for at least 3 months
8 within the qualified high-crime area in which the eligible
9 business is located. An owner or partner of the eligible
10 business is not a qualified employee. The term also includes
11 an employee leased from an employee leasing company licensed
12 under chapter 468, if such employee has been continuously
13 leased to the employer for an average of at least 36 hours per
14 week for more than 6 months.

15 (c) "New business" means any eligible business first
16 beginning operation on a site in a qualified high-crime area
17 and clearly separate from any other commercial or business
18 operation of the business entity within a qualified high-crime
19 area. A business entity that operated an eligible business
20 within a qualified high-crime area within the 48 months before
21 the period provided for application by subsection (3) is not
22 considered a new business.

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

25 (e) "Qualified high-crime area" means an area selected
26 by the Office of Tourism, Trade, and Economic Development in
27 the following manner: every third year, the office shall rank
28 and tier those areas nominated under subsection (8), according
29 to the following prioritized criteria:
30
31

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

4 2. Highest reported crime volume and rate of specific
5 property crimes such as business and residential burglary,
6 motor vehicle theft, and vandalism;

7 3. Highest percentage of reported index crimes that
8 are violent in nature;

9 4. Highest overall index crime volume for the area;
10 and

11 5. Highest overall index crime rate for the geographic
12 area.

13
14 Tier-one areas are ranked 1 through 5 and represent the
15 highest crime areas according to this ranking. Tier-two areas
16 are ranked 6 through 10 according to this ranking. Tier-three
17 areas are ranked 11 through 15.

18 Section 75. Paragraph (a) of subsection (2) of section
19 212.098, Florida Statutes, 1998 Supplement, is amended to
20 read:

21 212.098 Rural Job Tax Credit Program.--

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

23 (a) "Eligible business" means any sole proprietorship,
24 firm, partnership, or corporation that is located in a
25 qualified county and is predominantly engaged in, or is
26 headquarters for a business predominantly engaged in,
27 activities usually provided for consideration by firms
28 classified within the following standard industrial
29 classifications: SIC 01 through SIC 09 (agriculture,
30 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);
31 SIC 422 (public warehousing and storage); SIC 70 (hotels and

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

24 Section 76. (1) There is created the Institute on
25 Urban Policy and Commerce as a Type I Institute under the
26 Board of Regents at Florida Agricultural and Mechanical
27 University to improve the quality of life in urban communities
28 through research, teaching, and outreach activities.

29 (2) The major purposes of the institute are to pursue
30 basic and applied research on urban policy issues confronting
31 the inner-city areas and neighborhoods in the state; to

1 influence the equitable allocation and stewardship of federal,
2 state, and local financial resources; to train a new
3 generation of civic leaders and university students interested
4 in approaches to community planning and design; to assist with
5 the planning, development, and capacity building of urban area
6 nonprofit organizations and government agencies; to develop
7 and maintain a database relating to inner-city areas; and to
8 support the community development efforts of inner-city areas,
9 neighborhood-based organizations, and municipal agencies.

10 (3) The institute shall research and recommend
11 strategies concerning critical issues facing the underserved
12 population in urban communities, including, but not limited
13 to, transportation and physical infrastructure; affordable
14 housing; tourism and commerce; environmental restoration; job
15 development and retention; child care; public health;
16 life-long learning; family intervention; public safety; and
17 community relations.

18 (4) The institute may establish regional urban centers
19 to be located in the inner cities of St. Petersburg, Tampa,
20 Jacksonville, Orlando, West Palm Beach, Fort Lauderdale,
21 Miami, Daytona Beach, and Pensacola to assist urban
22 communities on critical economic, social, and educational
23 problems affecting the underserved population.

24 (5) Before January 1 of each year, the institute shall
25 submit a report of its critical findings and recommendations
26 for the prior year to the President of the Senate, the Speaker
27 of the House of Representatives, and the appropriate
28 committees of the Legislature. The report shall be titled "The
29 State of Unmet Needs in Florida's Urban Communities" and shall
30 include, but is not limited to, a recommended list of
31 resources that could be made available for revitalizing urban

1 communities; significant accomplishments and activities of the
2 institute; and recommendations concerning the expansion,
3 improvement, or termination of the institute.

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

7 Section 77. Section 339.081, Florida Statutes, is
8 created to read:

9 339.081 Workforce and Economic Development
10 Transportation Program; program funding; funding
11 eligibility.--

12 (1) There is created within the Department of
13 Transportation the Workforce and Economic Development
14 Transportation Program.

15 (2) Program funding shall be as follows:

16 (a) For Fiscal Year 1999-2000, up to \$50 million.

17 1. Of such funds, 50 percent will be allocated to
18 projects of regional significance which promote economic
19 development.

20 2. The remaining 50 percent shall be allocated for the
21 purpose of economic development and creating jobs for WAGES
22 participants.

23 (b) For Fiscal Year 2000-2001, up to \$75 million.

24 1. Of such funds, 60 percent will be allocated to
25 projects of regional significance which promote economic
26 development.

27 2. The remaining 40 percent shall be allocated for the
28 purpose of economic development and creating jobs for WAGES
29 participants.

30 (c) For Fiscal Year 2001-2002, and for each year
31 thereafter, up to \$100 million adjusted annually by the change

1 in the Consumer Price Index as compared to the previous fiscal
2 year.

3 1. Of such funds, 60 percent will be allocated to
4 projects of regional significance which promote economic
5 development.

6 2. The remaining 40 percent shall be allocated for the
7 purpose of economic development and creating jobs for WAGES
8 participants.

9 (3) Project selection shall be in accordance with s.
10 288.063 or s. 414.030, and funds shall be transferred from the
11 Department of Transportation to the Office of Tourism, Trade,
12 and Economic Development as needed to finance selected
13 projects.

14 Section 78. The sum of \$50 million is hereby
15 appropriated for Fiscal Year 1999-2000 from the State
16 Transportation Trust Fund to the Department of Transportation
17 for the Workforce and Economic Development Transportation
18 Program under section 339.081, Florida Statutes.

19 Section 79. Legislative intent.--

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

31

1 (2) The Legislature further finds and declares that
2 many rural areas of the state are experiencing not only a lack
3 of growth, but severe and sustained economic distress. Median
4 household incomes are significantly less than the state's
5 median household income level. Job creation rates trail those
6 in more urbanized areas. In many cases, rural counties have
7 lost jobs, which handicaps local economies and drains wealth
8 from these communities. These and other factors, including
9 government policies, amplify and compound social, health, and
10 community problems, making job creation and economic
11 development even more difficult. Moreover, the Legislature
12 finds that traditional program and service delivery is often
13 hampered by the necessarily rigid structure of the programs
14 themselves and the lack of local resources.

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

22 Section 80. Paragraph (a) of subsection (6) of section
23 163.3177, Florida Statutes, 1998 Supplement, is amended to
24 read:

25 163.3177 Required and optional elements of
26 comprehensive plan; studies and surveys.--

27 (6) In addition to the requirements of subsections
28 (1)-(5), the comprehensive plan shall include the following
29 elements:

30 (a) A future land use plan element designating
31 proposed future general distribution, location, and extent of

1 the uses of land for residential uses, commercial uses,
2 industry, agriculture, recreation, conservation, education,
3 public buildings and grounds, other public facilities, and
4 other categories of the public and private uses of land. The
5 future land use plan shall include standards to be followed in
6 the control and distribution of population densities and
7 building and structure intensities. The proposed
8 distribution, location, and extent of the various categories
9 of land use shall be shown on a land use map or map series
10 which shall be supplemented by goals, policies, and measurable
11 objectives. Each land use category shall be defined in terms
12 of the types of uses included and specific standards for the
13 density or intensity of use. The future land use plan shall
14 be based upon surveys, studies, and data regarding the area,
15 including the amount of land required to accommodate
16 anticipated growth; the projected population of the area; the
17 character of undeveloped land; the availability of public
18 services; ~~and~~ the need for redevelopment, including the
19 renewal of blighted areas and the elimination of nonconforming
20 uses which are inconsistent with the character of the
21 community; and, in rural communities, the need for job
22 creation, capital investment, and economic development that
23 will strengthen and diversify the community's economy. The
24 future land use plan may designate areas for future planned
25 development use involving combinations of types of uses for
26 which special regulations may be necessary to ensure
27 development in accord with the principles and standards of the
28 comprehensive plan and this act. In addition, for rural
29 communities, the amount of land designated for future planned
30 industrial use shall be based upon surveys and studies that
31 reflect the need for job creation, capital investment, and the

1 necessity to strengthen and diversify the local economies, and
2 shall not be limited solely by the projected population of the
3 rural community.The future land use plan of a county may also
4 designate areas for possible future municipal incorporation.
5 The land use maps or map series shall generally identify and
6 depict historic district boundaries and shall designate
7 historically significant properties meriting protection. The
8 future land use element must clearly identify the land use
9 categories in which public schools are an allowable use. When
10 delineating the land use categories in which public schools
11 are an allowable use, a local government shall include in the
12 categories sufficient land proximate to residential
13 development to meet the projected needs for schools in
14 coordination with public school boards and may establish
15 differing criteria for schools of different type or size.
16 Each local government shall include lands contiguous to
17 existing school sites, to the maximum extent possible, within
18 the land use categories in which public schools are an
19 allowable use. All comprehensive plans must comply with this
20 paragraph no later than October 1, 1999, or the deadline for
21 the local government evaluation and appraisal report,
22 whichever occurs first. The failure by a local government to
23 comply with this requirement will result in the prohibition of
24 the local government's ability to amend the local
25 comprehensive plan as provided by s. 163.3187(6). An amendment
26 proposed by a local government for purposes of identifying the
27 land use categories in which public schools are an allowable
28 use is exempt from the limitation on the frequency of plan
29 amendments contained in s. 163.3187. The future land use
30 element shall include criteria which encourage the location of
31 schools proximate to urban residential areas to the extent

1 possible and shall require that the local government seek to
2 collocate public facilities, such as parks, libraries, and
3 community centers, with schools to the extent possible.

4 Section 81. Subsection (5) is added to section
5 186.502, Florida Statutes, to read:

6 186.502 Legislative findings; public purpose.--

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

11 Section 82. Subsection (4) of section 186.504, Florida
12 Statutes, is amended to read:

13 186.504 Regional planning councils; creation;
14 membership.--

15 (4) In addition to voting members appointed pursuant
16 to paragraph (2)(c), the Governor shall appoint the following
17 ex officio nonvoting members to each regional planning
18 council:

19 (a) A representative of the Department of
20 Transportation.

21 (b) A representative of the Department of
22 Environmental Protection.

23 (c) A representative nominated by Enterprise Florida,
24 Inc., and the Office of Tourism, Trade, and Economic
25 Development of the Department of Commerce.

26 (d) A representative of the appropriate water
27 management district or districts.

28
29 The Governor may also appoint ex officio nonvoting members
30 representing appropriate metropolitan planning organizations
31 and regional water supply authorities.

1 Section 83. Subsection (25) is added to section
2 186.505, Florida Statutes, to read:

3 186.505 Regional planning councils; powers and
4 duties.--Any regional planning council created hereunder shall
5 have the following powers:

6 (25) To use personnel, consultants, or technical or
7 professional assistants of the council to help local
8 governments within the geographic area covered by the council
9 conduct economic development activities.

10 Section 84. Subsections (1) and (3) of section
11 288.018, Florida Statutes, are amended to read:

12 288.018 Regional Rural Development Grants Program.--

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

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

1 Section 85. Subsection (2) of section 288.065, Florida
2 Statutes, is amended to read:

3 288.065 Rural Community Development Revolving Loan
4 Fund.--

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

28 Section 86. Section 288.0655, Florida Statutes, is
29 created to read:

30 288.0655 Rural Infrastructure Fund.--
31

1 (1) There is created within the Office of Tourism,
2 Trade, and Economic Development the Rural Infrastructure Fund
3 to facilitate the planning, preparing, and financing of
4 infrastructure projects in rural communities which will
5 encourage job creation, capital investment, and the
6 strengthening and diversification of rural economies by
7 promoting tourism, trade, and economic development.

8 (2) On July 1, 1999, and annually thereafter, \$8
9 million shall be deposited in the Economic Development Trust
10 Fund, as provided in s. 320.20(5), solely for the purpose of
11 funding the Rural Infrastructure Fund.

12 (3)(a) Funds under this section shall be distributed
13 by the office through a grant program that maximizes the use
14 of federal, local, and private resources, including, but not
15 limited to, those available under the Small Cities Community
16 Development Block Grant Program.

17 (b) To facilitate access of rural communities and
18 rural areas of critical economic concern as defined by the
19 Rural Economic Development Initiative to infrastructure
20 funding programs of the Federal Government, such as those
21 offered by the U.S. Department of Agriculture and the U.S.
22 Department of Commerce, the office may award grants to
23 applicants for such federal programs for up to 30 percent of
24 the total infrastructure project cost. Eligible projects must
25 be related to specific job-creating opportunities. Eligible
26 uses of funds shall include improvements to public
27 infrastructure for industrial or commercial sites and upgrades
28 to or development of public tourism infrastructure. Authorized
29 infrastructure may include the following public or
30 public-private partnership facilities: storm water systems;
31 telecommunications facilities; roads or other remedies to

1 transportation impediments; nature-based tourism facilities;
2 or other physical requirements necessary to facilitate
3 tourism, trade, and economic development activities in the
4 community. Authorized infrastructure may also include
5 publicly-owned self-powered nature-based tourism facilities
6 and additions to the distribution facilities of the existing
7 natural gas utility as defined in s. 366.04(3)(c), the
8 existing electric utility as defined in s. 366.02, or the
9 existing water or wastewater utility as defined in s.
10 367.021(12), or any other existing water or wastewater
11 facility, which owns a gas or electric distribution system or
12 a water or wastewater system in this state where:

13 1. A contribution-in-aid of construction is required
14 to serve public or public-private partnership facilities under
15 the tariffs of any natural gas, electric, water or wastewater
16 utility as defined herein; and

17 2. Such utilities as defined herein are willing and
18 able to provide such service.

19 (c) To facilitate timely response and induce the
20 location or expansion of specific job creating opportunities,
21 the office may award grants for infrastructure feasibility
22 studies, design and engineering activities, or other
23 infrastructure planning and preparation activities. Authorized
24 grants shall be up to \$50,000 for an employment project with a
25 business committed to create at least 100 jobs, up to \$150,000
26 for an employment project with a business committed to create
27 at least 300 jobs, and up to \$300,000 for a project in a rural
28 area of critical economic concern. Grants awarded under this
29 paragraph may be used in conjunction with grants awarded under
30 paragraph (b), provided that the total amount of both grants
31 does not exceed 30 percent of the total project cost. In

1 evaluating applications under this paragraph, the office shall
2 consider the extent to which the application seeks to minimize
3 administrative and consultant expenses.

4 (d) By September 1, 1999, the office shall pursue
5 execution of a memorandum of agreement with the U.S.
6 Department of Agriculture under which state funds available
7 through the Rural Infrastructure Fund may be advanced, in
8 excess of the prescribed state share, for a project that has
9 received from the department a preliminary determination of
10 eligibility for federal financial support. State funds in
11 excess of the prescribed state share which are advanced
12 pursuant to this paragraph and the memorandum of agreement
13 shall be reimbursed when funds are awarded under an
14 application for federal funding.

15 (e) To enable local governments to access the
16 resources available pursuant to s. 403.973(16), the office may
17 award grants for surveys, feasibility studies, and other
18 activities related to the identification and preclearance
19 review of land which is suitable for preclearance review.
20 Authorized grants under this paragraph shall not exceed
21 \$75,000 each, except in the case of a project in a rural area
22 of critical economic concern, in which case the grant shall
23 not exceed \$300,000. Any funds awarded under this paragraph
24 must be matched at a level of 50 percent with local funds,
25 except that any funds awarded for a project in a rural area of
26 critical economic concern must be matched at a level of 33
27 percent with local funds. In evaluating applications under
28 this paragraph, the office shall consider the extent to which
29 the application seeks to minimize administrative and
30 consultant expenses.

31

1 (4) The office, in consultation with Enterprise
2 Florida, Inc., VISIT Florida, the Department of Environmental
3 Protection, and the Florida Fish and Wildlife Conservation
4 Commission, as appropriate, shall review applications and
5 evaluate the economic benefit of the projects and their
6 long-term viability. The office shall have final approval for
7 any grant under this section and must make a grant decision
8 within 30 days of receiving a completed application.

9 (5) By September 1, 1999, the office shall, in
10 consultation with the organizations listed in subsection (4),
11 and other organizations, develop guidelines and criteria
12 governing submission of applications for funding, review and
13 evaluation of such applications, and approval of funding under
14 this section. The office shall consider factors including, but
15 not limited to, the project's potential for enhanced job
16 creation or increased capital investment, the demonstration of
17 local public and private commitment, the location of the
18 project in an enterprise zone, the location of the project in
19 a community development corporation service area as defined in
20 s. 290.035(2), the location of the project in a county
21 designated under s. 212.097, the unemployment rate of the
22 surrounding area, and the poverty rate of the community.

23 (6) Notwithstanding the provisions of s. 216.301,
24 funds appropriated for the purposes of this section shall not
25 be subject to reversion.

26 Section 87. Present subsection (5) of section 320.20,
27 Florida Statutes, is redesignated as subsection (6) and a new
28 subsection (5) is added to that section to read:

29 320.20 Disposition of license tax moneys.--The revenue
30 derived from the registration of motor vehicles, including any
31 delinquent fees and excluding those revenues collected and

1 distributed under the provisions of s. 320.081, must be
2 distributed monthly, as collected, as follows:

3 (5) Notwithstanding any other provision of law except
4 subsections (1), (2), (3), and (4), on July 1, 1999, and
5 annually thereafter, \$8 million shall be deposited in the
6 Economic Development Trust Fund under s. 288.095, solely for
7 the purposes of funding the Rural Infrastructure Fund under s.
8 288.0655. Such revenues may be assigned, pledged, or set aside
9 as a trust for the payment of principal or interest on bonds,
10 grant anticipation notes, variable rate demand obligations,
11 including, but not limited to, tax exempt commercial paper and
12 derivative instruments, or any other form of indebtedness, or
13 used to purchase credit support to permit such borrowings,
14 issued by a governing body under s. 163.01(7)(d), or
15 appropriate local government having jurisdiction thereof, or
16 collectively by interlocal agreement among any applicable
17 government; however, such debt shall not constitute a general
18 obligation of the State of Florida. The state does hereby
19 covenant with holders of such revenue bonds or other
20 instruments of indebtedness issued hereunder that it will not
21 repeal or impair or amend in any manner that will materially
22 and adversely affect the rights of such holders so long as
23 bonds authorized by this subsection are outstanding. Any
24 revenues which are not pledged to the repayment of bonds as
25 authorized by this subsection may be utilized for purposes
26 authorized under the Rural Infrastructure Fund. The Office of
27 Tourism, Trade, and Economic Development shall approve
28 distribution of funds for rural infrastructure related to
29 tourism, trade, and economic development. The office and the
30 Department of Transportation are authorized to perform such
31 acts as are required to facilitate and implement the

1 provisions of this subsection. To better enable the counties
2 and the Office of Tourism, Trade, and Economic Development to
3 cooperate to their mutual advantage, the governing body of
4 each government may exercise powers provided to municipalities
5 or counties in s. 163.01(7)(d). The use of funds provided
6 under this subsection is limited to eligible projects listed
7 in s. 288.0655. Unexpended proceeds derived from a project
8 completed with the use of program funds, beyond operating
9 costs and debt service, shall be restricted to further capital
10 improvements consistent with tourism, trade, and economic
11 development infrastructure purposes and for no other purpose.
12 Use of such unexpended proceeds for purposes other than
13 tourism, trade, and economic development infrastructure is
14 prohibited. Any funds deposited in the Economic Development
15 Trust Fund for the purposes of the Rural Infrastructure Fund
16 under s. 288.0655 shall not be diverted to any other purpose.
17 Any such diversion shall trigger immediate repayment to the
18 Economic Development Trust Fund from the Working Capital Trust
19 Fund.

20 Section 88. Rural Economic Development Initiative.--
21 (1) The Rural Economic Development Initiative, known
22 as "REDI," is created within the Office of Tourism, Trade, and
23 Economic Development, and the participation of state and
24 regional agencies in this initiative is authorized.
25 (2) As used in this section, the term:
26 (a) "Economic distress" means conditions affecting the
27 fiscal and economic viability of a rural community, including
28 such factors as low per capita income, low per capita taxable
29 values, high unemployment, high underemployment, low weekly
30 earned wages compared to the state average, low housing values
31 compared to the state average, high percentages of the

1 population receiving public assistance, high poverty levels
2 compared to the state average, and a lack of year-round stable
3 employment opportunities.

4 (b) "Rural community" means:

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

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

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

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

17
18 For purposes of this paragraph, population shall be determined
19 in accordance with the most recent official estimate pursuant
20 to section 186.901, Florida Statutes.

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

30
31

1 (4) REDI shall review and evaluate the impact of
2 statutes and rules on rural communities and shall work to
3 minimize any adverse impact.

4 (5) REDI shall facilitate better access to state
5 resources by promoting direct access and referrals to
6 appropriate state and regional agencies and statewide
7 organizations. REDI may undertake outreach, capacity-building,
8 and other advocacy efforts to improve conditions in rural
9 communities. These activities may include sponsorship of
10 conferences and achievement awards.

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

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

- 1 15. The Florida Regional Planning Council Association.
2 16. The Florida State Rural Development Council.
3 17. The Institute of Food and Agricultural Sciences
4 (IFAS).

5
6 An alternate for each designee shall also be chosen, and the
7 names of the designees and alternates shall be sent to the
8 director of the Office of Tourism, Trade, and Economic
9 Development.

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

24 (c) The REDI representatives shall work with REDI in
25 the review and evaluation of statutes and rules for adverse
26 impact on rural communities and the development of alternative
27 proposals to mitigate that impact.

28 (d) Each REDI representative shall be responsible for
29 ensuring that each district office or facility of his or her
30 agency is informed about the Rural Economic Development
31

1 Initiative and for providing assistance throughout the agency
2 in the implementation of REDI activities.

3 (7) REDI may recommend to the Governor up to three
4 rural areas of critical economic concern. A rural area of
5 critical economic concern must be a rural community, or a
6 region composed of such, that has been adversely affected by
7 an extraordinary economic event or a natural disaster or that
8 presents a unique economic development opportunity of regional
9 impact that will create more than 1,000 jobs over a 5-year
10 period. The Governor may by executive order designate up to
11 three rural areas of critical economic concern which will
12 establish these areas as priority assignments for REDI as well
13 as to allow the Governor, acting through REDI, to:

14 (a) Waive criteria, requirements, or similar
15 provisions of any economic development incentive. Such
16 incentives shall include, but not be limited to: the Qualified
17 Target Industry Tax Refund Program under section 288.106,
18 Florida Statutes, the Quick Response Training Program under
19 section 288.047, Florida Statutes, the WAGES Quick Response
20 Training Program under section 288.047(10), Florida Statutes,
21 transportation projects under section 288.063, Florida
22 Statutes, the brownfield redevelopment bonus refund under
23 section 288.107, Florida Statutes, and the rural job tax
24 credit program under sections 212.098 and 220.1895, Florida
25 Statutes.

26 (b) Waive agency rules to empower the agency to commit
27 and coordinate their resources, staff, or assistance to these
28 rural communities, as well as to suspend procedural
29 requirements of law that do not compromise the public's
30 health, safety, or welfare.

31

1 (c) Provide rapid response assistance, training
2 services, and educational opportunities for employees; develop
3 training programs; and pay tuition or training expenses for
4 employees from resources coordinated by the Workforce
5 Development Board.

6 (d) Commit the resources or benefits of the Rural
7 Community Development Revolving Loan Fund under section
8 288.065, Florida Statutes, the Regional Rural Grants Program
9 under section 288.018, Florida Statutes, the rural job tax
10 credit program under sections 212.098 and 220.1895, Florida
11 Statutes, and the federal Community Development Block Grant
12 Program.

13 (e) Direct the assignment of staffing and resources
14 from Enterprise Florida, Inc.

15
16 Designation as a rural area of critical economic concern under
17 this subsection shall be contingent upon the execution of a
18 memorandum of agreement among the Office of Tourism, Trade,
19 and Economic Development, the governing body of the county,
20 and the governing bodies of any municipalities to be included
21 within a rural area of critical economic concern. Such
22 agreement shall specify the terms and conditions of the
23 designation, including, but not limited to, the duties and
24 responsibilities of the county and any participating
25 municipalities to take actions designed to facilitate the
26 retention and expansion of existing businesses in the area, as
27 well as the recruitment of new businesses to the area.

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

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

8 Section 89. Florida rural economic development
9 strategy grants.--

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

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

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

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

17
18 For purposes of this subsection, population shall be
19 determined in accordance with the most recent official
20 estimate pursuant to section 186.901, Florida Statutes.

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

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

29 (4) Enterprise Florida, Inc., and VISIT Florida, shall
30 establish criteria for reviewing grant applications. These
31 criteria shall include, but are not limited to, the degree of

1 participation and commitment by the local community and the
2 application's consistency with local comprehensive plans or
3 the application's proposal to ensure such consistency. The
4 International Trade and Economic Development Board of
5 Enterprise Florida, Inc., and VISIT Florida, shall review each
6 application for a grant and shall submit annually to the
7 office for approval a list of all applications that are
8 recommended by the board and VISIT Florida, arranged in order
9 of priority. The office may approve grants only to the extent
10 that funds are appropriated for such grants by the
11 Legislature.

12 Section 90. Establishment of municipal service taxing
13 or benefit units; grants to rural counties.--

14 (1) As used in this section, the term "rural county"
15 means a county with a population of 75,000 or fewer persons,
16 determined pursuant to section 186.901, Florida Statutes.

17 (2) Subject to legislative appropriation, the
18 Department of Community Affairs shall establish a grant
19 program to assist any rural county in making a determination
20 whether to establish a municipal service taxing or benefit
21 unit as authorized by section 125.01, Florida Statutes. Under
22 this program, any rural county that is considering the
23 establishment of a municipal service taxing or benefit unit
24 and that wishes to conduct a study to determine the necessity
25 for and advisability of establishing such a unit may apply to
26 the department for a grant to assist in financing the study.
27 If the application is approved by the department, the
28 department may award a grant to the county in an amount equal
29 to 75 percent of the cost of the study, if the county agrees
30 to finance 25 percent of the cost of the study itself. A copy

31

1 of the study shall be submitted to the department within 30
2 days after it is completed.

3 (3) The department shall establish an application form
4 and application procedures and requirements by rule pursuant
5 to chapter 120, Florida Statutes.

6 Section 91. There is appropriated from the General
7 Revenue Fund to the Department of Community Affairs for Fiscal
8 Year 1999-2000 the sum of \$1 million to carry out the purposes
9 of a grant program for rural county municipal service taxing
10 or benefit unit feasibility studies.

11 Section 92. Paragraph (d) of subsection (4) of section
12 236.081, Florida Statutes, 1998 Supplement, is amended to
13 read:

14 236.081 Funds for operation of schools.--If the annual
15 allocation from the Florida Education Finance Program to each
16 district for operation of schools is not determined in the
17 annual appropriations act or the substantive bill implementing
18 the annual appropriations act, it shall be determined as
19 follows:

20 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL
21 EFFORT.--The Legislature shall prescribe the aggregate
22 required local effort for all school districts collectively as
23 an item in the General Appropriations Act for each fiscal
24 year. The amount that each district shall provide annually
25 toward the cost of the Florida Education Finance Program for
26 kindergarten through grade 12 programs shall be calculated as
27 follows:

28 (d) Exclusions ~~Exclusion~~.--

29 1. In those instances in which:

30 a.1. ~~There is litigation either attacking the~~
31 authority of the property appraiser to include certain

1 property on the tax assessment roll as taxable property or
2 contesting the assessed value of certain property on the tax
3 assessment roll, and

4 ~~b.2.~~ The assessed value of the property in contest
5 involves more than 6 percent of the total nonexempt assessment
6 roll,

7
8 the assessed value of the property in contest shall be
9 excluded from the taxable value for school purposes for
10 purposes of computing the district required local effort.

11 2. In those instances in which there is a nonpayment
12 of property taxes in a community designated as a rural area of
13 critical economic concern that exceeds 6 percent of the total
14 nonexempt assessment roll, the assessed value of the property
15 that is the subject of the nonpayment shall be excluded from
16 the taxable value for school purposes for purposes of
17 computing the district required local effort.

18 Section 93. Subsection (5) of section 378.601, Florida
19 Statutes, is amended to read:

20 378.601 Heavy minerals.--

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

29 (a) Mining is conducted in counties where the operator
30 has conducted heavy mineral mining activities prior to March
31 1, 1997; and

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

7 Section 94. The Florida Fish and Wildlife Conservation
8 Commission is directed to assist the Florida Commission on
9 Tourism; the Florida Tourism Industry Marketing Corporation,
10 doing business as VISIT Florida; convention and visitor
11 bureaus; tourist development councils; economic development
12 organizations; and local governments through the provision of
13 marketing advice, technical expertise, promotional support,
14 and product development related to nature-based recreation and
15 sustainable use of natural resources. In carrying out this
16 responsibility, the Florida Fish and Wildlife Conservation
17 Commission shall focus its efforts on fostering nature-based
18 recreation in rural communities and regions encompassing rural
19 communities. As used in this section, the term "nature-based
20 recreation" means leisure activities related to the state's
21 lands, waters, and fish and wildlife resources, including, but
22 not limited to, wildlife viewing, fishing, hiking, canoeing,
23 kayaking, camping, hunting, backpacking, and nature
24 photography.

25 Section 95. Notwithstanding the provisions of section
26 290.044(4), Florida Statutes, regarding the distribution of
27 funds to categories under the Florida Small Cities Community
28 Development Block Grant Program, in no case shall the
29 percentage of funds for the economic development category be
30 less than 40 percent.

31

1 Section 96. Section 288.980, Florida Statutes, 1998
2 Supplement, is amended to read:

3 288.980 Military base retention; legislative intent;
4 grants program.--

5 (1)(a) It is the intent of this state to provide the
6 necessary means to assist communities with military
7 installations that would be adversely affected by federal base
8 realignment or closure actions. It is further the intent to
9 encourage communities to initiate a coordinated program of
10 response and plan of action in advance of future actions of
11 the federal Base Realignment and Closure Commission. It is
12 critical that closure-vulnerable communities develop such a
13 program to preserve affected military installations. The
14 Legislature hereby recognizes that the state needs to
15 coordinate all efforts that can facilitate the retention of
16 all remaining military installations in the state.The
17 Legislature, therefore, declares that providing such
18 assistance to support the defense-related initiatives within
19 this section is a public purpose for which public money may be
20 used.

21 (b) The Florida Defense Alliance, an organization
22 within Enterprise Florida, is designated as the organization
23 to ensure that Florida, its resident military bases and
24 missions, and its military host communities are in competitive
25 positions as the United States continues its defense
26 realignment and downsizing. The defense alliance shall serve
27 as an overall advisory body for Enterprise Florida
28 defense-related activity. The Florida Defense Alliance shall
29 receive funding from appropriations made for that purpose
30 administered by the Office of Tourism, Trade, and Economic
31 Development.

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

6 (b) The term "activities" as used in this section
7 means studies, presentations, analyses, plans, and modeling.
8 ~~Travel and costs incidental thereto, and Staff salaries, are~~
9 not considered an "activity" for which grant funds may be
10 awarded. Travel costs and costs incidental thereto incurred by
11 a grant recipient shall be considered an "activity" for which
12 grant funds may be awarded.

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

19 1. Represent a local government with a military
20 installation or military installations that could be adversely
21 affected by federal base realignment or closure.

22 2. Agree to match at least 30 ~~50~~ percent of any grant
23 awarded.

24 3. Prepare a coordinated program or plan of action
25 delineating how the eligible project will be administered and
26 accomplished.

27 4. Provide documentation describing the potential for
28 realignment or closure of a military installation located in
29 the applicant's community and the adverse impacts such
30 realignment or closure will have on the applicant's community.

31

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

3 1. The relative value of the particular military
4 installation in terms of its importance to the local and state
5 economy relative to other military installations vulnerable to
6 closure.

7 2. The potential job displacement within the local
8 community should the military installation be closed.

9 3. The potential adverse impact on industries and
10 technologies which service the military installation.

11 (3) The Florida Economic Reinvestment Initiative is
12 established to respond to the need for this state and
13 defense-dependent communities in this state to develop
14 alternative economic diversification strategies to lessen
15 reliance on national defense dollars in the wake of base
16 closures and reduced federal defense expenditures and the need
17 to formulate specific base reuse plans and identify any
18 specific infrastructure needed to facilitate reuse. The
19 initiative shall consist of the following three distinct grant
20 programs to be administered by the Office of Tourism, Trade,
21 and Economic Development:

22 (a) The Florida Defense Planning Grant Program,
23 through which funds shall be used to analyze the extent to
24 which the state is dependent on defense dollars and defense
25 infrastructure and prepare alternative economic development
26 strategies. The state shall work in conjunction with
27 defense-dependent communities in developing strategies and
28 approaches that will help communities make the transition from
29 a defense economy to a nondefense economy. Grant awards may
30 not exceed \$250,000~~\$100,000~~ per applicant and shall be
31 available on a competitive basis.

1 (b) The Florida Defense Implementation Grant Program,
2 through which funds shall be made available to
3 defense-dependent communities to implement the diversification
4 strategies developed pursuant to paragraph (a). Eligible
5 applicants include defense-dependent counties and cities, and
6 local economic development councils located within such
7 communities. Grant awards may not exceed \$100,000 per
8 applicant and shall be available on a competitive basis.
9 Awards shall be matched on a one-to-one basis.

10 (c) The Florida Military Installation Reuse Planning
11 and Marketing Grant Program, through which funds shall be used
12 to help counties, cities, and local economic development
13 councils develop and implement plans for the reuse of closed
14 or realigned military installations, including any necessary
15 infrastructure improvements needed to facilitate reuse and
16 related marketing activities. ~~Grant awards are limited to not
17 more than \$100,000 per eligible applicant and made available
18 through a competitive process. Awards shall be matched on a
19 one-to-one basis.~~

20
21 Applications for grants under this subsection must include a
22 coordinated program of work or plan of action delineating how
23 the eligible project will be administered and accomplished,
24 which must include a plan for ensuring close cooperation
25 between civilian and military authorities in the conduct of
26 the funded activities and a plan for public involvement.

27 (4)(a) The Defense-Related Business Adjustment Program
28 is hereby created. The Director of the Office of Tourism,
29 Trade, and Economic Development shall coordinate the
30 development of the Defense-Related Business Adjustment
31 Program. Funds shall be available to assist defense-related

1 companies in the creation of increased commercial technology
2 development through investments in technology. Such
3 technology must have a direct impact on critical state needs
4 for the purpose of generating investment-grade technologies
5 and encouraging the partnership of the private sector and
6 government defense-related business adjustment. The following
7 areas shall receive precedence in consideration for funding
8 commercial technology development: law enforcement or
9 corrections, environmental protection, transportation,
10 education, and health care. Travel and costs incidental
11 thereto, and staff salaries, are not considered an "activity"
12 for which grant funds may be awarded.

13 (b) The office shall require that an applicant:

14 1. Be a defense-related business that could be
15 adversely affected by federal base realignment or closure or
16 reduced defense expenditures.

17 2. Agree to match at least 50 percent of any funds
18 awarded by the department in cash or in-kind services. Such
19 match shall be directly related to activities for which the
20 funds are being sought.

21 3. Prepare a coordinated program or plan delineating
22 how the funds will be administered.

23 4. Provide documentation describing how
24 defense-related realignment or closure will adversely impact
25 defense-related companies.

26 (5) The Retention of Military Installations Program is
27 created. The Director of the Office of Tourism, Trade, and
28 Economic Development shall coordinate and implement this
29 program for military installations located in counties with a
30 population greater than 824,000. Notwithstanding subsection
31 (2), the program shall provide up to \$1.2 million to assist

1 military installations potentially affected by federal base
2 closure or realignment in covering current operating costs in
3 an effort to retain the installation in this state. An
4 eligible military installation for this program shall include
5 a provider of simulation solutions for warfighting
6 experimentation, testing, and training which employs at least
7 500 civilian and military employees and has been operating in
8 the state for a period of more than 10 years or a joint
9 military command in a constitutional charter county as defined
10 in s. 125.001(1).

11 (6)(5) The director may award nonfederal matching
12 funds specifically appropriated for construction, maintenance,
13 and analysis of a Florida defense workforce database. Such
14 funds will be used to create a registry of worker skills that
15 can be used to match the worker needs of companies that are
16 relocating to this state or to assist workers in relocating to
17 other areas within this state where similar or related
18 employment is available.

19 (7) Payment of administrative expenses shall be
20 limited to no more than 10 percent of any grants issued
21 pursuant to this section.

22 (8)(6) The Office of Tourism, Trade, and Economic
23 Development shall establish guidelines to implement and carry
24 out the purpose and intent of this section.

25 Section 97. There is appropriated from the General
26 Revenue Fund to the Office of Tourism, Trade, and Economic
27 Development the sum of \$800,000 to implement the programs
28 described in section 288.980, Florida Statutes. The funding
29 provided pursuant to this section is critical in assisting
30 with the improvement or upgrade of infrastructure (roads,
31 water supply, power grids, communication nets, etc.) around

1 the state's military bases which will be measured in the next
2 round of military base closures. It is the specific intent of
3 the Legislature that a portion of this appropriation be
4 expended to employ a consultant to evaluate the infrastructure
5 needs of Florida military bases in order to provide a baseline
6 and order of priority for the disbursement of funds. This
7 appropriation is in addition to any funds currently available
8 for grants to help local communities.

9 Section 98. Section 230.23027, Florida Statutes, is
10 created to read:

11 230.23027 Small School District Stabilization
12 Program.--

13 (1) There is created the Small School District
14 Stabilization Program to assist school districts in rural
15 communities that document economic conditions or other
16 significant community influences that negatively impact the
17 school district. The purpose of the program is to provide
18 technical assistance and financial support to maintain the
19 stability of the educational program in the school district. A
20 rural community means a county with a population of 75,000 or
21 less; or a county with a population of 100,000 or less that is
22 contiguous to a county with a population of 75,000 or less.

23 (2) In order to participate in this program, a school
24 district must be located in a rural area of critical economic
25 concern designated by the Executive Office of the Governor,
26 and the school board must submit a resolution to the Office of
27 Tourism, Trade, and Economic Development requesting
28 participation in the program. A rural area of critical
29 economic concern must be a rural community, or a region
30 composed of such, that has been adversely affected by an
31 extraordinary economic event or a natural disaster or that

1 presents a unique economic development concern or opportunity
2 of regional impact. The resolution must be accompanied with
3 documentation of the economic conditions in the community,
4 provide information indicating the negative impact of these
5 conditions on the school district's financial stability, and
6 the school district must participate in a best financial
7 management practices review to determine potential
8 efficiencies that could be implemented to reduce program costs
9 in the district.

10 (3) The Office of Tourism, Trade, and Economic
11 Development, in consultation with the Department of Education,
12 shall review the resolution and other information required by
13 subsection (2) and determine whether the school district is
14 eligible to participate in the program. Factors influencing
15 the office's determination may include, but are not limited
16 to, reductions in the county tax roll resulting from business
17 closures or other causes, or a reduction in student enrollment
18 due to business closures or impacts in the local economy.

19 (4) Effective July 1, 2000, and thereafter, when the
20 Office of Tourism, Trade, and Economic Development authorizes
21 a school district to participate in the program, the
22 Legislature may give priority to that district for a best
23 financial management practices review in the school district,
24 as authorized in s. 11.515, to the extent that funding is
25 provided annually for such purpose in the General
26 Appropriations Act. The scope of the review shall be as set
27 forth in s. 11.515.

28 (5) Effective July 1, 2000, and thereafter, the
29 Department of Education may award the school district a
30 stabilization grant intended to protect the district from
31 continued financial reductions. The amount of the grant will

1 be determined by the Department of Education and may be
2 equivalent to the amount of the decline in revenues projected
3 for the next fiscal year. In addition, the Office of Tourism,
4 Trade, and Economic Development may implement a rural economic
5 development initiative to identify the economic factors that
6 are negatively impacting the community and may consult with
7 Enterprise Florida, Inc., in developing a plan to assist the
8 county with its economic transition. The grant will be
9 available to the school district for a period of up to 5 years
10 to the extent that funding is provided for such purpose in the
11 General Appropriations Act.

12 (6) Based on the availability of funds the Office of
13 Tourism, Trade, and Economic Development or the Department of
14 Education may enter into contracts or issue grants necessary
15 to implement the program.

16 Section 99. Section 290.0069, Florida Statutes, is
17 created to read:

18 290.0069 Designation of enterprise zone pilot project
19 area.--

20 (1) The Office of Tourism, Trade, and Economic
21 Development shall designate one pilot project area within one
22 state enterprise zone. The Office of Tourism, Trade, and
23 Economic Development shall select a pilot project area by July
24 1, 1999, which meets the following qualifications:

25 (a) The area is contained within an enterprise zone
26 that is composed of one contiguous area and is placed in the
27 category delineated in s. 290.0065(3)(a)1.

28 (b) The local government having jurisdiction over the
29 enterprise zone grants economic development ad valorem tax
30 exemptions in the enterprise zone pursuant to s. 196.1995, and
31

1 electrical energy public service tax exemptions pursuant to s.
2 166.231(8).

3 (c) The local government having jurisdiction over the
4 enterprise zone has developed a plan for revitalizing the
5 pilot project area or for revitalizing an area within the
6 enterprise zone that contains the pilot project area, and has
7 committed at least \$5 million to redevelop an area including
8 the pilot project area.

9 (d) The pilot project area is contiguous and is
10 limited to no more than 70 acres, or equivalent square miles,
11 to avoid a dilution of additional state assistance and
12 effectively concentrate these additional resources on
13 revitalizing the acute area of economic distress.

14 (e) The pilot project area contains a diverse cluster
15 or grouping of facilities or space for a mix of retail,
16 restaurant, or service related businesses necessary to an
17 overall revitalization of surrounding neighborhoods through
18 community involvement, investment, and enhancement of
19 employment markets.

20 (2)(a) Beginning December 1, 1999, no more than four
21 businesses located within the pilot project area are eligible
22 for a credit against any tax due for a taxable year under
23 chapters 212 and 220.

24 (b) The credit shall be computed as \$5,000 times the
25 number of full-time employees of the business and \$2,500 times
26 the number of part-time employees of the business. For
27 purposes of this section, a person shall be deemed to be
28 employed by such a business on a full-time basis if the person
29 performs duties in connection with the operations of the
30 business for an average of at least 36 hours per week each
31 month, or on a part-time basis if the person is performing

1 such duties for an average of at least 20 hours per week each
2 month throughout the year. The person must be performing such
3 duties at a business site located in the pilot project area.

4 (c) The total amount of tax credits that may be
5 granted under this section is \$1 million annually. In the
6 event the Office of Tourism, Trade, and Economic Development
7 receives applications that total more than \$1 million in any
8 year, the director shall prorate the amount of tax credit each
9 applicant is eligible to receive to ensure that all eligible
10 applicants receive a tax credit.

11 (d) In order to be eligible to apply to the Office of
12 Tourism, Trade, and Economic Development for tax credits under
13 this section a business must:

14 1. Have entered into a contract with the developer of
15 the diverse cluster or grouping of facilities or space located
16 in the pilot project area, governing lease of commercial space
17 in a facility.

18 2. Have commenced operations in the facility after
19 July 1, 1999, and before July 1, 2000.

20 3. Be a business predominantly engaged in activities
21 usually provided for consideration by firms classified under
22 the Standard Industrial Classification Manual Industry Number
23 5311, Industry Number 5399, or Industry Number 7832.

24 (e) All applications for the granting of the tax
25 credits allowed under this section shall require the prior
26 approval of the director of the Office of Tourism, Trade, and
27 Economic Development. The director shall establish one
28 submittal date each year for the receipt of applications for
29 such tax credits.

30 (f) Any business wishing to receive tax credits
31 pursuant to this section must submit an application to the

1 Office of Tourism, Trade, and Economic Development which sets
2 forth the business name and address and the number of
3 employees of the business.

4 (g) The decision of the director shall be in writing,
5 and, if approved, the application shall state the maximum
6 credits allowable to the business. A copy of the decision
7 shall be transmitted to the executive director of the
8 Department of Revenue, who shall apply such credits to the tax
9 liabilities of the business firm.

10 (h) If any credit granted pursuant to this section is
11 not fully used in any one year because of insufficient tax
12 liability on the part of the business, the unused amount may
13 be carried forward for a period not to exceed 5 years.

14 (4) The Office of Tourism, Trade, and Economic
15 Development is authorized to adopt all rules necessary to
16 administer this section, including rules for the approval or
17 disapproval of applications for tax incentives by businesses.

18 (5) The Department of Revenue shall adopt any rules
19 necessary to ensure the orderly implementation and
20 administration of this section.

21 (6) For purposes of this section, "business" and
22 "taxable year" shall have the same meaning as in s. 220.03.

23 (7) Prior to the 2004 Regular Session of the
24 Legislature, the Office of Program Policy Analysis and
25 Government Accountability shall review and evaluate the
26 effectiveness and viability of the pilot project area created
27 under this section, using the research design prescribed
28 pursuant to s. 290.015. The office shall specifically evaluate
29 whether relief from certain taxes induced new investment and
30 development in the area, increased the number of jobs created
31 or retained in the area, induced the renovation,

1 rehabilitation, restoration, improvement, or new construction
2 of businesses or housing within the area, and contributed to
3 the economic viability and profitability of business and
4 commerce located within the area. The office shall submit a
5 report of its findings and recommendations to the Speaker of
6 the House of Representatives and the President of the Senate
7 no later than January 15, 2004.

8 (8) This section shall stand repealed on June 30,
9 2015, and any designation made pursuant to this section shall
10 be revoked on that date.

11 Section 100. The implementation of section 57, created
12 by this act, which creates Americas Campaign is contingent
13 upon a specific appropriation for Fiscal Year 1999-2000.

14 Section 101. This act shall take effect July 1, 1999.