

1
2 An act relating to commerce; amending s. 11.62,
3 F.S.; providing criteria for evaluating
4 proposals for new regulation of a profession or
5 occupation based on the effect of such
6 regulation on job creation or retention;
7 requiring proponents of legislation to regulate
8 a profession or occupation not already
9 regulated to provide additional cost
10 information; amending ss. 455.201, 455.517,
11 F.S.; prohibiting the Department of Business
12 and Professional Regulation and the Department
13 of Health and their regulatory boards from
14 creating any regulation that has an
15 unreasonable effect on job creation or
16 retention or on employment opportunities;
17 providing for evaluation of proposals to
18 increase the regulation of already regulated
19 professions to determine the effect of such
20 regulation on job creation or retention and
21 employment opportunities; creating s. 455.2035,
22 F.S.; providing rulemaking authority to the
23 Department of Business and Professional
24 Regulation for the regulation of any profession
25 under its jurisdiction which does not have a
26 regulatory board; creating s. 455.2123, F.S.;
27 authorizing the use of distance learning to
28 satisfy continuing education requirements;
29 creating s. 455.2124, F.S.; authorizing
30 proration of continuing education requirements;
31 amending s. 455.213, F.S.; requiring

1 fingerprint cards with applications for
2 registration, certification, or licensure in
3 certain professions; providing for use of such
4 cards for criminal history record checks of
5 applicants; amending s. 468.453, F.S.; applying
6 such fingerprint card requirements to
7 applicants for licensure as an athlete agent;
8 amending s. 475.175, F.S.; applying such
9 fingerprint card requirements to persons
10 applying to take the examination for licensure
11 as a real estate broker or salesperson;
12 amending s. 475.615, F.S.; applying such
13 fingerprint card requirements to applicants for
14 registration, certification, or licensure as a
15 real estate appraiser; creating s. 455.2255,
16 F.S.; providing for the department to classify
17 disciplinary actions according to severity;
18 providing for the periodic clearing of certain
19 violations from the disciplinary record;
20 amending s. 455.227, F.S.; providing for denial
21 or renewal of a license under certain
22 circumstances; amending s. 455.564, F.S.;
23 clarifying continuing education requirements;
24 amending s. 477.013, F.S.; redefining the terms
25 "cosmetology" and "specialty" and defining the
26 terms "body wrapping" and "skin care services";
27 amending s. 477.0132, F.S.; requiring
28 registration of persons whose occupation or
29 practice is body wrapping; requiring a
30 registration fee and certain education;
31 amending s. 477.026, F.S.; providing for the

1 registration fee; amending s. 477.0265, F.S.;
2 prohibiting advertising or implying that skin
3 care services or body wrapping have any
4 relationship to the practice of massage
5 therapy; providing penalties; amending s.
6 477.029, F.S.; prohibiting holding oneself out
7 as a body wrapper unless licensed, registered,
8 or otherwise authorized under chapter 477,
9 F.S.; providing penalties; providing rulemaking
10 authority; amending ss. 455.209, 455.221,
11 455.541, and 455.594, F.S.; revising provisions
12 relating to the provision of legal services for
13 regulatory boards under the Department of
14 Business and Professional Regulation and the
15 Department of Health; providing for the funding
16 of such services; amending ss. 458.347 and
17 459.022, F.S., relating to physician
18 assistants, to conform; creating s. 455.2177,
19 F.S.; requiring the department to establish a
20 system to monitor licensee compliance with
21 applicable continuing education requirements;
22 authorizing the department to contract with one
23 or more vendors for the monitoring of
24 compliance with applicable continuing education
25 requirements by all licensees within one or
26 more professions regulated by the department;
27 providing contract terms and conditions;
28 providing for funding of contracts; providing
29 sanctions for failure to comply and requiring
30 notice thereof; providing for disposition of
31 fine revenues; providing for exclusivity of

1 sanctions over certain other disciplinary
2 provisions; providing for a dispute resolution
3 process; providing for suspension of a contract
4 for failure of a vendor to meet its contract
5 obligations; providing for waiver under
6 specified circumstances; providing rulemaking
7 authority; creating s. 455.2178, F.S.;
8 providing requirements of continuing education
9 providers with respect to cooperating with such
10 vendors; providing conditions on approval of
11 continuing education providers; providing for
12 revocation of provider approval for failure to
13 comply; providing rulemaking authority;
14 creating s. 455.2179, F.S.; providing limits on
15 continuing education provider approval;
16 providing for cease and desist orders and
17 revocation of provider approval thereunder;
18 amending s. 455.2281, F.S.; providing for
19 allocation of certain funds to cover the costs
20 of continuing education compliance monitoring;
21 providing for crediting, by profession, fines
22 collected under the compliance monitoring
23 system; providing for inclusion of financial
24 and statistical data resulting from compliance
25 monitoring as a separate category in the
26 department's quarterly management report to
27 each board; amending s. 455.224, F.S.;
28 providing for adoption by the department of
29 rules to permit the issuance of citations,
30 whether or not there is a board; amending s.
31 468.4315, F.S.; authorizing the Regulatory

1 Council of Community Association Managers to
2 adopt rules relating to continuing education
3 providers; amending s. 477.019, F.S.; revising
4 provisions relating to continuing education
5 requirements of cosmetologists; amending s.
6 14.2015, F.S.; revising provisions relating to
7 the powers and duties of the Office of Tourism,
8 Trade, and Economic Development; providing for
9 the office to facilitate the involvement of the
10 Governor and Lieutenant Governor in
11 job-creating efforts; revising program
12 cross-references; deleting provisions relating
13 to the expenditure of funds for general
14 economic development grants; authorizing the
15 expenditure of certain interest earnings in
16 order to contract for the administration of
17 programs; reducing the number of meetings of
18 leaders in business, government, and economic
19 development which the office must convene
20 annually; eliminating a required report on the
21 status of certain contracts; creating the
22 Office of Urban Opportunity within the Office
23 of Tourism, Trade, and Economic Development;
24 providing for the appointment of a director of
25 the Office of Urban Opportunity; prescribing
26 the purpose of the office; providing duties of
27 the Office of Tourism, Trade, and Economic
28 Development with respect to amateur athletics
29 and the entertainment industry; creating s.
30 288.125, F.S.; defining "entertainment
31 industry"; creating s. 288.1251, F.S.; creating

1 the Office of the Film Commissioner; providing
2 procedure for selection of the Film
3 Commissioner; providing powers and duties of
4 the office; creating s. 288.1252, F.S.;
5 creating the Florida Film Advisory Council
6 within the Office of Tourism, Trade, and
7 Economic Development of the Executive Office of
8 the Governor; providing purpose, membership,
9 terms, organization, powers, and duties of the
10 council; creating s. 288.1253, F.S.; providing
11 definitions; requiring the Office of Tourism,
12 Trade, and Economic Development to adopt rules
13 by which it may make specified expenditures for
14 expenses incurred in connection with the
15 performance of the duties of the Office of the
16 Film Commissioner; requiring approval of such
17 rules by the Comptroller; requiring an annual
18 report; authorizing the acceptance and use of
19 specified goods and services by employees and
20 representatives of the Office of the Film
21 Commissioner; providing certain requirements
22 with respect to claims for expenses; providing
23 a penalty for false or fraudulent claims;
24 providing for civil liability; creating the
25 21st Century Digital Television and Education
26 Task Force; providing membership; providing
27 duties; providing for a report; amending s.
28 288.1229, F.S.; revising the purposes of the
29 direct-support organization authorized to
30 assist the Office of Tourism, Trade, and
31 Economic Development in the promotion and

1 development of the sports industry and related
2 industries; specifying the duties of the
3 direct-support organization with respect to the
4 promotion of the sports industry, amateur
5 sports, and physical fitness; revising
6 provisions relating to the board of directors;
7 providing requirements with respect to the
8 Sunshine State Games; providing authority of
9 the Executive Office of the Governor with
10 respect to the use of specified property,
11 facilities, and personal services; amending s.
12 320.08058, F.S.; revising provisions relating
13 to the Florida United States Olympic Committee
14 license plate to remove references to the
15 Sunshine State Games Foundation; revising the
16 distribution of annual use fees from the sale
17 of the Florida United States Olympic Committee
18 license plate; providing for the reversion of
19 funds and property of the Sunshine State Games
20 Foundation, Inc., and the Florida Governor's
21 Council on Physical Fitness and Amateur Sports
22 to the direct-support organization; specifying
23 use of such funds and property; repealing s.
24 14.22, F.S.; removing provisions relating to
25 the Florida Governor's Council on Physical
26 Fitness and Amateur Sports within the Office of
27 the Governor, the Sunshine State Games,
28 national and international amateur athletic
29 competitions and Olympic development centers,
30 direct-support organizations, and the Olympics
31 and Pan American Games Task Force; amending s.

1 288.108, F.S.; correcting a cross reference;
2 repealing s. 288.051, F.S., which provides a
3 short title; repealing s. 288.052, F.S.,
4 relating to legislative findings and intent
5 with respect to the "Florida Film and
6 Television Investment Act"; repealing s.
7 288.053, F.S., relating to the Florida Film and
8 Television Investment Board; repealing s.
9 288.054, F.S., relating to the administration
10 and powers of the Florida Film and Television
11 Investment Board; repealing s. 288.055, F.S.,
12 relating to the Florida Film and Investment
13 Trust Fund; repealing s. 288.056, F.S.,
14 relating to conditions for film and television
15 investment by the board; repealing s. 288.057,
16 F.S., which requires an annual report by the
17 board; repealing s. 288.1228, F.S., relating to
18 the direct-support organization authorized by
19 the Office of Tourism, Trade, and Economic
20 Development to assist in the promotion and
21 development of the entertainment industry;
22 repealing s. 288.12285, F.S., relating to
23 confidentiality of identities of donors to the
24 direct-support organization; appropriating
25 positions to the Executive Office of the
26 Governor; amending s. 288.1221, F.S.; revising
27 legislative intent; amending s. 288.1222, F.S.;
28 clarifying a definition; amending s. 288.1223,
29 F.S.; specifying application of a limitation on
30 terms of certain members of the Florida
31 Commission on Tourism; clarifying meeting and

1 vice chair election provisions; amending s.
2 288.1224, F.S.; deleting obsolete provisions;
3 specifying categories of matching private funds
4 for certain purposes; specifying staff support
5 for the Florida Commission on Tourism;
6 providing for responsibilities of staff;
7 prohibiting the commission from employing
8 staff; deleting provisions relating to an
9 advisory committee for the commission; amending
10 s. 288.1226, F.S.; requiring the Florida
11 Tourism Industry Marketing Corporation to
12 provide staff support to the Florida Commission
13 on Tourism; specifying that the president and
14 chief executive officer shall serve without
15 compensation as executive director; renumbering
16 and amending s. 335.166, F.S.; removing the
17 Welcome Centers Office from the Department of
18 Transportation; transferring administrative and
19 fiscal responsibility for welcome center staff
20 from the Department of Transportation to the
21 Florida Commission on Tourism for employment
22 through the Florida Tourism Industry Marketing
23 Corporation by a designated time; requiring the
24 corporation to administer and operate welcome
25 centers; providing for maintenance and
26 improvements to welcome centers; repealing s.
27 335.165, F.S., relating to welcome stations and
28 the payment for improvements by the Department
29 of Commerce; providing for the transfer of
30 welcome center tangible personal property to
31 the Florida Commission on Tourism; requiring

1 the creation of an advisory committee on
2 nature-based tourism and heritage tourism;
3 prescribing the membership and duties of the
4 committee; requiring the incorporation of
5 nature-based tourism and heritage tourism into
6 the tourism marketing plan; creating s.
7 163.055, F.S.; creating the Local Government
8 Financial Technical Assistance Program;
9 providing legislative findings and declaration;
10 requiring the Comptroller to enter into certain
11 contracts; providing for review of contract
12 proposals; providing for fiscal oversight by
13 the Comptroller; providing for an annual
14 performance review; providing for a report;
15 amending s. 163.01, F.S.; allowing local
16 government self-insurance reserves to be used
17 to guarantee local government obligations under
18 certain circumstances; amending s. 288.0251,
19 F.S.; changing authority to contract for
20 Florida's international volunteer corps to the
21 Department of State from the Office of Tourism,
22 Trade, and Economic Development; amending s.
23 288.095, F.S.; revising criteria for approval
24 of applications for tax refunds for economic
25 development purposes by the Office of Tourism,
26 Trade, and Economic Development; limiting the
27 amount of refunds that may be made in a fiscal
28 year; amending s. 288.106, F.S.; revising
29 criteria for approval of tax refunds under the
30 tax-refund program for qualified target
31 industry businesses; redefining the terms

1 "expansion of an existing business," "local
2 financial support exemption option," and "rural
3 county"; defining the term "authorized local
4 economic development agency" and "rural
5 community"; extending the refund program to
6 additional counties; revising the amount of
7 refunds; revising the time periods to which
8 certain refunds apply; revising application
9 requirements; providing requirements for waiver
10 of minimum standards; prescribing duties of the
11 office director; authorizing acceptance of the
12 value of certain land conveyed as part of the
13 required local financial support; amending s.
14 288.901, F.S.; revising the membership and
15 appointment process for the board of directors
16 of Enterprise Florida, Inc.; amending s.
17 288.9015, F.S.; specifying responsibilities for
18 Enterprise Florida, Inc., relating to rural
19 communities and distressed urban communities,
20 evaluation of the state's competitiveness, and
21 the needs of small and minority businesses;
22 amending s. 288.90151, F.S.; expressing
23 legislative intent on the return-on-investment
24 of public funds in Enterprise Florida, Inc.;
25 specifying private-sector support for
26 Enterprise Florida, Inc.; prescribing the
27 state's operating investment in Enterprise
28 Florida, Inc.; requiring compliance with
29 performance measures; requiring a report on the
30 results of a customer satisfaction survey;
31 requiring development of a methodology for

1 establishing and reporting on
2 return-on-investment; amending s. 288.903,
3 F.S.; revising the required membership of the
4 executive committee of Enterprise Florida,
5 Inc.; deleting certain prescribed powers and
6 duties of the president; requiring a
7 performance-based contract in order to exceed
8 certain employee compensation levels; amending
9 s. 288.904, F.S.; prescribing terms of certain
10 contracts executed by Enterprise Florida, Inc.;
11 authorizing Enterprise Florida, Inc., to create
12 and dissolve advisory committees and similar
13 organizations; requiring the creation of
14 advisory committees on international business
15 and small business; prescribing the purpose and
16 procedures of such committees; providing for
17 reimbursement of expenses; amending s. 288.905,
18 F.S.; revising the duties of the board of
19 directors of Enterprise Florida, Inc.; revising
20 the required content of the board's strategic
21 plan; requiring the involvement of certain
22 local and regional economic development
23 organizations and rural and urban organizations
24 in the policies of Enterprise Florida, Inc.;
25 revising the date for a review of Enterprise
26 Florida, Inc., by the Office of Program Policy
27 Analysis and Government Accountability;
28 removing provisions relating to deposit of
29 funds in certain depositories; amending s.
30 288.906, F.S.; revising requirements for the
31 annual report of Enterprise Florida, Inc.;

1 expanding the audit authority of the Auditor
2 General to include advisory committees or
3 similar groups created by Enterprise Florida,
4 Inc.; amending ss. 288.9415, 288.9511,
5 288.9515, 288.95155, 288.9519, 288.9520,
6 288.9603, 288.9604, 288.9614, 288.9618, F.S.;
7 conforming to the dissolution of certain
8 boards; repealing s. 288.902, F.S., which
9 relates to the Enterprise Florida Nominating
10 Council; repealing s. 288.9412, F.S., which
11 relates to the International Trade and Economic
12 Development Board; repealing s. 288.9413, F.S.,
13 which relates to the organization of the
14 International Trade and Economic Development
15 Board; repealing s. 288.9414, F.S., which
16 relates to the powers and authority of the
17 International Trade and Economic Development
18 Board; repealing s. 288.942, F.S., which
19 relates to the grant review panel; repealing s.
20 288.9510, F.S., which relates to legislative
21 intent on the Enterprise Florida Innovation
22 Partnership; repealing s. 288.9512, F.S., which
23 relates to the technology development board;
24 repealing s. 288.9513, F.S., which relates to
25 the organization of the technology development
26 board; repealing s. 288.9514, F.S., which
27 relates to powers and authority of the
28 technology development board; repealing s.
29 288.9516, F.S., which relates to the annual
30 report of the technology development board;
31 repealing s. 288.9611, F.S., which relates to

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

1 renumbering, and amending s. 446.601, F.S.;

2 conforming cross-references; deleting

3 provisions governing services of One-Stop

4 Career Centers; revising components of the

5 state's workforce development strategy;

6 transferring, renumbering, and amending s.

7 446.604, F.S.; providing for the state's

8 One-Stop Career Center customer service

9 delivery strategy; specifying partners;

10 providing for oversight and operation of

11 centers by regional workforce development

12 boards and center operators; providing for

13 memorandums of understanding; directing funds

14 for direct customer service costs; providing

15 for notification; providing for electronic

16 service delivery; authorizing Intensive Service

17 Accounts and Individual Training Accounts and

18 providing specifications; transferring,

19 renumbering, and amending s. 288.9620, F.S.;

20 providing for membership of the Workforce

21 Development Board pursuant to federal law;

22 providing for committees; requiring financial

23 disclosure; authorizing the board as the

24 Workforce Investment Board; specifying

25 functions, duties, and responsibilities;

26 providing for noncompliance notification;

27 providing for carryover of funds; requiring a

28 performance measurement system and reporting of

29 such; transferring, renumbering, and amending

30 s. 446.602, F.S.; providing for membership of

31 regional workforce development boards pursuant

1 to federal law; prohibiting certain activities
2 that create a conflict of interest; providing
3 for transition; providing for performance and
4 compliance review; correcting organizational
5 name references; requiring a local plan;
6 providing for oversight of One-Stop Career
7 Centers; authorizing local committees;
8 establishing high skills/high wages committees;
9 transferring, renumbering, and amending s.
10 446.607, F.S.; conforming cross-references;
11 providing for consolidated board membership
12 requirements; transferring, renumbering, and
13 amending s. 446.603, F.S.; conforming
14 cross-references; expanding the scope of the
15 Untried Worker Placement and Employment
16 Incentive Act; abrogating scheduled repeal of
17 program; creating s. 288.9956, F.S.; providing
18 principles for implementing the federal
19 Workforce Investment Act of 1998; providing for
20 a 5-year plan; specifying funding distribution;
21 creating the Incumbent Worker Training Program;
22 providing program requirements; requiring a
23 report; authorizing the Workforce Development
24 Board to contract for administrative services
25 related to federal funding; specifying
26 contractual agreements; providing for
27 indemnification; providing for settlement
28 authority; providing for compliance with
29 federal law; providing for workforce
30 development review; providing for termination
31 of set-aside; creating s. 288.9957, F.S.;

1 requiring designation of the Florida Youth
2 Workforce Council; providing for membership and
3 duties; providing for allocation of funds;
4 creating s. 288.9958, F.S.; requiring
5 appointment of the Employment, Occupation, and
6 Performance Information Coordinating Committee;
7 providing for membership and duties; providing
8 for services and staff; creating s. 288.9959,
9 F.S.; requiring appointment of the Operational
10 Design and Technology Procurement Committee;
11 providing for membership and duties; providing
12 for services and staff; amending s. 414.026,
13 F.S.; conforming a cross-reference; repealing
14 s. 446.20, F.S., which provides for
15 administration of responsibilities under the
16 federal Job Training Partnership Act; repealing
17 s. 446.205, F.S., which provides for a Job
18 Training Partnership Act family drop-out
19 prevention program; repealing s. 446.605, F.S.,
20 which provides for applicability of the
21 Workforce Florida Act of 1996; repealing s.
22 446.606, F.S., which provides for designation
23 of primary service providers; providing for
24 severability; amending s. 220.191, F.S.;
25 providing that credits may be granted against
26 premium tax liability under the capital
27 investment tax credit program; specifying that
28 an insurance company claiming premium tax
29 credits under such program is not required to
30 pay additional retaliatory tax under s.
31 624.5091, F.S.; amending s. 163.3178, F.S.;

1 requiring certain ports to identify certain
2 spoil disposal sites; requiring such ports to
3 prepare comprehensive master plans; amending s.
4 163.3187, F.S.; exempting comprehensive plan
5 amendments for port transportation facilities
6 and projects from a time limitation; amending
7 s. 253.77, F.S.; exempting certain ports from
8 paying certain fees for activities involving
9 the use of sovereign lands; providing that
10 certain government agencies shall be granted a
11 consent of use or easement for certain land
12 upon request; amending s. 288.8155, F.S.;
13 providing that the International Trade Data
14 Resource and Research Center be incorporated as
15 a private nonprofit corporation, and not be a
16 unit or entity of state government; providing
17 for the creation and constitution of a board of
18 directors of the center; authorizing the center
19 to acquire patents, copyrights, and trademarks
20 on its property and publications; creating s.
21 311.14, F.S.; directing the Florida Seaport
22 Transportation and Economic Development Council
23 to develop freight-mobility and trade-corridor
24 plans; amending s. 315.02, F.S.; redefining the
25 term "port facilities" to include certain
26 storage facilities used for warehousing,
27 storage, and distribution of cargo; amending s.
28 380.06, F.S.; exempting certain port projects
29 from review as developments of regional impact;
30 amending s. 15.16, F.S.; authorizing the
31 Secretary of State to issue apostilles;

1 authorizing a fee; amending s. 117.103, F.S.;
2 providing procedures and effect relating to
3 issuance of certified copies of certificates of
4 notary public commission; amending s. 118.10,
5 F.S.; revising the definition and purposes of
6 "authentic act" governing civil-law notaries;
7 providing for a presumption of correctness of
8 matters incorporated into authentic acts;
9 authorizing civil-law notaries to authenticate
10 documents, transactions, events, conditions, or
11 occurrences; expanding the rulemaking authority
12 of the Secretary of State governing civil-law
13 notaries; authorizing the Secretary of State to
14 test the legal knowledge of a civil-law notary
15 applicant under certain circumstances; creating
16 s. 118.12, F.S.; authorizing the issuance of
17 certificates of notarial authority and
18 apostilles to civil-law notaries; amending s.
19 15.18, F.S.; providing for coordination of
20 international activities of the Department of
21 State; requiring the Secretary of State to
22 maintain lists relating to foreign money
23 judgments; amending s. 55.604, F.S.; requiring
24 that foreign judgments be filed with the
25 Secretary of State; amending s. 55.605, F.S.;
26 requiring the Secretary of State to create and
27 maintain a specified list relative to foreign
28 money judgments; creating s. 257.34, F.S.;
29 creating the Florida International Archive and
30 Repository; providing requirements for the
31 archive; providing for access to the archive;

1 providing for fees; providing for rules;
2 reviving, reenacting, and amending s. 288.012,
3 F.S., relating to establishment and operation
4 of foreign offices by the Office of Tourism,
5 Trade, and Economic Development; abrogating the
6 repeal of the section; requiring offices to
7 report annually on activities and
8 accomplishments; prescribing the content of the
9 reports; providing for future review of foreign
10 offices; requiring Enterprise Florida, Inc., to
11 develop a master plan for integrating
12 international trade and reverse investment
13 resources; prescribing procedures, content, and
14 a submission deadline related to the plan;
15 requiring Enterprise Florida, Inc., in
16 conjunction with the Office of Tourism, Trade,
17 and Economic Development, to prepare a plan to
18 promote foreign direct investment in Florida;
19 prescribing procedures, content, and a
20 submission deadline related to the plan;
21 requiring Enterprise Florida, Inc., to develop
22 a strategic plan that will allow Florida to
23 capitalize on the economic opportunities
24 associated with a free Cuba; amending s.
25 288.1045, F.S.; conforming the limitation on
26 the amount of tax refunds approved for payment
27 under the qualified defense contractor tax
28 refund program to the amount appropriated by
29 the Legislature for such refunds; correcting
30 references relating to program administration;
31 extending the expiration date for certification

1 for such refunds; amending ss. 212.097 and
2 212.098, F.S.; clarifying the definition of an
3 "eligible business" under the Urban High-Crime
4 Area Job Tax Credit Program and the Rural Job
5 Tax Credit Program; providing that certain call
6 centers or similar customer service operations
7 are eligible businesses under these programs;
8 authorizing the recommendation of additions to
9 or deletions from the list of eligible
10 businesses; providing that certain retail
11 businesses are eligible businesses under the
12 Urban High-Crime Area Job Tax Credit Program;
13 creating the Institute on Urban Policy and
14 Commerce at Florida Agricultural and Mechanical
15 University; providing its purposes and duties;
16 providing for the establishment of regional
17 urban centers; requiring annual reports by the
18 institute and the Governor; providing intent
19 with respect to rural communities; amending s.
20 163.3177, F.S.; providing requirements for the
21 future land use element of a local government
22 comprehensive plan with respect to rural areas;
23 amending s. 186.502, F.S.; providing that a
24 regional planning council shall have a duty to
25 assist local governments with economic
26 development; amending s. 186.504, F.S.;
27 providing that the ex officio, nonvoting
28 membership of each regional planning council
29 shall include a representative nominated by
30 Enterprise Florida, Inc., and the Office of
31 Tourism, Trade, and Economic Development;

1 amending s. 186.505, F.S.; authorizing the use
2 of regional planning council personnel,
3 consultants, or technical or professional
4 assistants to help local governments with
5 economic development activities; amending s.
6 288.018, F.S.; authorizing the Office of
7 Tourism, Trade, and Economic Development to
8 approve regional rural development grants on an
9 annual basis; increasing the maximum amount of
10 each grant award; increasing the total amount
11 that may be expended annually for such grants;
12 amending s. 288.065, F.S.; revising the
13 population criteria for local government
14 participation in the Rural Community
15 Development Revolving Loan Fund; prescribing
16 conditions under which repayments of principal
17 and interest under the Rural Community
18 Development Revolving Loan Fund may be retained
19 by a unit of local government; creating s.
20 288.0655, F.S.; creating the Rural
21 Infrastructure Fund for infrastructure projects
22 in rural communities; authorizing grants for
23 infrastructure projects and related studies;
24 requiring the development of guidelines;
25 providing that funds appropriated for such
26 infrastructure fund shall not be subject to
27 reversion; creating the Rural Economic
28 Development Initiative within the office and
29 providing its duties and responsibilities;
30 directing specified agencies to select a
31 representative to work with the initiative;

1 providing for the recommendation and
2 designation of rural areas of critical economic
3 concern; providing for the waiver of certain
4 economic development incentive criteria with
5 respect to such areas; requiring execution of a
6 memorandum of agreement as a condition to
7 designation as a rural area of critical
8 economic concern; providing for an annual
9 report; authorizing the Office of Tourism,
10 Trade, and Economic Development to accept and
11 administer moneys appropriated for grants to
12 assist rural communities to develop and
13 implement strategic economic development plans;
14 providing for review of grant applications;
15 amending s. 378.601, F.S.; exempting specified
16 heavy mining operations from requirements for
17 development-of-regional-impact review under
18 certain circumstances; directing the Florida
19 Fish and Wildlife Conservation Commission to
20 provide assistance related to promotion and
21 development of nature-based recreation;
22 creating s. 230.23027, F.S.; establishing the
23 Small School District Stabilization Program;
24 providing eligibility criteria; providing for
25 priority for a best financial management
26 practices review of participating districts;
27 providing for stabilization grants and other
28 assistance; creating s. 290.0069, F.S.;
29 directing the Office of Tourism, Trade, and
30 Economic Development to designate a pilot
31 project area within an enterprise zone;

1 providing qualifications for such area;
2 providing that certain businesses in such area
3 are eligible for credits against the tax on
4 sales, use, and other transactions and
5 corporate income tax; providing for computation
6 of such credits; providing application
7 procedures and requirements; providing
8 rulemaking authority; requiring a review and
9 report by the Office of Program Policy Analysis
10 and Government Accountability; providing for
11 future repeal and revocation of such
12 designation; amending s. 288.980, F.S.;
13 providing legislative intent; providing for the
14 role of the Florida Defense Alliance; providing
15 funding; removing a limitation on the amount of
16 a grant under the Florida Military Installation
17 Reuse Planning and Marketing Grant Program;
18 increasing a grant limitation with respect to
19 the Florida Defense Planning Grant Program;
20 reducing the amount of matching funds required
21 under certain grant programs; creating the
22 Retention of Military Installations Program;
23 providing an appropriation to implement the
24 program for military installations in certain
25 counties and providing for use of such funds;
26 providing a cap on the payment of
27 administrative expenses from certain grants;
28 providing an appropriation for certain military
29 base retention programs; creating the Quick
30 Action Closing Fund within the Office of
31 Tourism, Trade, and Economic Development;

1 directing Enterprise Florida, Inc., to evaluate
2 proposals for use of funds for certain business
3 facilities and make recommendations to the
4 office; requiring approval by the Governor;
5 providing requirements for recommendations for
6 approval and release of funds; providing for a
7 contract between the director of the office and
8 an approved business with respect to payment of
9 such funds; providing legislative findings with
10 respect to the economic health of small
11 communities; providing conditions for
12 determining when a state of economic emergency
13 exists in a community; providing for
14 notification by a local government entity to
15 the Governor, the office, and Enterprise
16 Florida, Inc., when such conditions exist;
17 authorizing the Governor to waive eligibility
18 criteria for certain programs or activities and
19 take other action to resolve the economic
20 emergency; providing for return of certain
21 funds in Florida First Capital Finance
22 Corporation, Inc., to the State Treasury;
23 providing appropriations from such funds to the
24 Florida-Korea Economic Cooperation Committee
25 and to the San Carlos Institute of Key West;
26 amending s. 425.04, F.S.; authorizing an
27 electric cooperative to provide any energy or
28 nonenergy services to its membership; amending
29 s. 196.012, F.S.; providing that a business
30 that is receiving an economic development ad
31 valorem tax exemption from a county and that is

1 situated on property annexed into a
2 municipality qualifies as a "new business" for
3 ad valorem tax exemption purposes; amending s.
4 196.1995, F.S.; providing that the annexing
5 municipality may grant an economic development
6 ad valorem tax exemption to said business for
7 the same duration as the county exemption;
8 authorizing the Department of Labor and
9 Employment Security to offer voluntary
10 reduction-in-force payment to certain
11 employees; requiring a plan to meet specified
12 criteria; requiring legislative review;
13 amending s. 548.002, F.S.; providing
14 definitions; amending s. 548.003, F.S.;
15 changing the name of the commission to the
16 Florida State Boxing Commission; assigning the
17 commission to the Department of Business and
18 Professional Regulation for administrative and
19 fiscal accountability purposes only; providing
20 procedures for filling vacancies on commission;
21 expanding scope of rules; eliminating branch
22 offices; requiring selection of vice chair;
23 providing for removal of commission members for
24 specified absences; providing accountability
25 for commission members; increasing compensation
26 rate for attendance of meetings; authorizing
27 membership and participation by the commission
28 in specified associations; providing rulemaking
29 authority; amending s. 548.004, F.S.; providing
30 for an executive director employed by the
31 department; providing additional duties of the

1 executive director; eliminating the appointment
2 of deputies; requiring electronic recording of
3 commission proceedings; requiring the
4 department to provide assistance to the
5 commission under certain circumstances;
6 creating s. 548.005, F.S.; requiring the
7 department to oversee the activities of the
8 commission; providing for long-range policy
9 planning, and preparation of plans, reports,
10 and recommendations; requiring submission to
11 the Governor and Legislature; amending s.
12 548.006, F.S.; providing that matches shall be
13 held in accordance with commission rules;
14 amending s. 548.007, F.S.; providing for
15 applicability of the act to toughman and badman
16 competitions; amending s. 548.008, F.S.;
17 prohibiting professional or amateur toughman
18 and badman competitions; providing a penalty;
19 amending s. 548.014, F.S.; requiring surety
20 bond to apply to promoters or foreign
21 copromoters; increasing the minimum amount for
22 surety bond; revising options to surety bond;
23 eliminating a filing fee; amending ss. 548.025,
24 548.041, and 548.042, F.S.; removing provisions
25 relating to amateurs and amateur matches;
26 amending s. 548.043, F.S.; revising provisions
27 regulating weights, classes, and gloves;
28 amending s. 548.045, F.S.; revising provisions
29 relating to the medical advisory council;
30 revising terms of council members; amending s.
31 548.046, F.S.; revising the time for

1 examination of participants by physician and
2 filing of physician report; amending s.
3 548.053, F.S.; revising provisions relating to
4 distribution of purses to participants;
5 requiring promoters and managers to retain
6 certain information for a designated time;
7 amending s. 548.054, F.S.; designating those
8 persons authorized to order the surrender of a
9 purse or the withholding of a manager's share;
10 amending s. 548.057, F.S.; providing for
11 appointment of judges at a boxing match;
12 requiring certain qualifications for referees,
13 judges, and officials; removing the requirement
14 that scorecards be turned in at the end of each
15 contest; amending ss. 548.05, 548.071, and
16 548.077, F.S., to conform; amending s. 218.503,
17 F.S.; authorizing certain municipalities to
18 impose a discretionary per-vehicle surcharge on
19 the gross revenues of the sale, lease, or
20 rental of space at parking facilities within
21 the municipality that are open for use to the
22 public; providing for use of surcharge
23 proceeds; amending s. 626.022, F.S.; providing
24 an exception from certain insurance licensing
25 requirements for certified public accountants
26 acting within the scope of their profession;
27 repealing ss. 282.74, 282.745 and 117.20,
28 Florida Statutes; providing effective dates.

29
30 Be It Enacted by the Legislature of the State of Florida:
31

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

3 14.2015 Office of Tourism, Trade, and Economic
4 Development; creation; powers and duties.--

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

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

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

26 (a)(b) Contract, notwithstanding the provisions of
27 part I of chapter 287, with the direct-support organization
28 created under s. 288.1229 to guide, stimulate, and promote the
29 sports industry in the state, to promote the participation of
30 Florida's citizens in amateur athletic competition, and to
31

1 promote Florida as a host for national and international
2 amateur athletic competitions.

3 (b)~~(c)~~ Monitor the activities of public-private
4 partnerships and state agencies in order to avoid duplication
5 and promote coordinated and consistent implementation of
6 programs in areas including, but not limited to, tourism;
7 international trade and investment; business recruitment,
8 creation, retention, and expansion; minority and small
9 business development; and rural community development.

10 (c)~~(d)~~ Facilitate the direct involvement of the
11 Governor and the Lieutenant Governor in economic development
12 projects designed to create, expand, and retain Florida
13 businesses and to recruit worldwide business, as well as in
14 other job-creating efforts.

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

27 (e)~~(f)~~ Plan and conduct at least one meeting ~~three~~
28 ~~meetings~~ per calendar year of leaders in business, government,
29 and economic development called by the Governor to address the
30 business climate in the state, develop a common vision for the
31

1 economic future of the state, and identify economic
2 development efforts to fulfill that vision.

3 (f)~~(g)~~1. Administer the Florida Enterprise Zone Act
4 under ss. 290.001-290.016, the community contribution tax
5 credit program under ss. 220.183 and 624.5105, the tax refund
6 program for qualified target industry businesses under s.
7 288.106, the tax-refund program for qualified defense
8 contractors under s. 288.1045, contracts for transportation
9 projects under s. 288.063, the sports franchise facility
10 program under s. 288.1162, the professional golf hall of fame
11 facility program under s. 288.1168, the expedited permitting
12 process under s. 403.973 ~~Florida Jobs Siting Act under ss.~~
13 ~~403.950-403.972~~, the Rural Community Development Revolving
14 Loan Fund under s. 288.065, the Regional Rural Development
15 Grants Program under s. 288.018, the Certified Capital Company
16 Act under s. 288.99, the Florida State Rural Development
17 Council, ~~and~~ the Rural Economic Development Initiative, and
18 other programs that are specifically assigned to the office by
19 law, by the appropriations process, or by the Governor.
20 Notwithstanding any other provisions of law, the office may
21 expend interest earned from the investment of program funds
22 deposited in the Economic Development Trust Fund, the Grants
23 and Donations Trust Fund, the Brownfield Property Ownership
24 Clearance Assistance Revolving Loan Trust Fund, and the
25 Economic Development Transportation Trust Fund to contract for
26 the administration of the programs, or portions of the
27 programs, enumerated in this paragraph or assigned to the
28 office by law, by the appropriations process, or by the
29 Governor. Such expenditures shall be subject to review under
30 chapter 216.
31

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

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

29 (h) Provide administrative oversight for the Office of
30 the Film Commissioner, created under s. 288.1251, to develop,
31 promote, and provide services to the state's entertainment

1 industry and to administratively house the Florida Film
2 Advisory Council created under s. 288.1252.

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, the
9 Office of the Film Commissioner, and the direct-support
10 organization ~~organizations~~ created to promote the
11 ~~entertainment and sports~~ industry industries.

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

18 (3) The Chief Inspector General, as defined in s.
19 14.32:

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

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

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

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

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 the strategic
2 plan for the Office of the Film Commissioner and each contract
3 entered into for delivery of programs authorized by this act.

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

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

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

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

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

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

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

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

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

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

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

30 ~~(d) The office shall not award any new grant which~~
31 ~~will, in whole or in part, inure to the personal benefit of~~

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

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

8 Section 2. Section 288.125, Florida Statutes, is
9 created to read:

10 288.125 Definitions.--For the purposes of sections
11 288.1251 through 288.1258, the term "entertainment industry"
12 means those persons or entities engaged in the operation of
13 motion picture or television studios or recording studios;
14 those persons or entities engaged in the preproduction,
15 production, or postproduction of motion pictures, made-for-TV
16 motion pictures, television series, commercial advertising,
17 music videos, or sound recordings; and those persons or
18 entities providing products or services directly related to
19 the preproduction, production, or postproduction of motion
20 pictures, made-for-TV motion pictures, television series,
21 commercial advertising, music videos, or sound recordings,
22 including, but not limited to, the broadcast industry.

23 Section 3. Section 288.1251, Florida Statutes, is
24 created to read:

25 288.1251 Promotion and development of entertainment
26 industry; Office of the Film Commissioner; creation; purpose;
27 powers and duties.--

28 (1) CREATION.--

29 (a) There is hereby created within the Office of
30 Tourism, Trade, and Economic Development the Office of the
31 Film Commissioner for the purpose of developing, marketing,

1 promoting, and providing services to the state's entertainment
2 industry.

3 (b) The Office of Tourism, Trade, and Economic
4 Development shall conduct a national search for a qualified
5 person to fill the position of Film Commissioner, and the
6 Executive Director of the Office of Tourism, Trade, and
7 Economic Development shall hire the Film Commissioner.
8 Guidelines for selection of the Film Commissioner shall
9 include, but not be limited to, the Film Commissioner having
10 the following:

11 1. A working knowledge of the equipment, personnel,
12 financial, and day-to-day production operations of the
13 industries to be served by the office;

14 2. Marketing and promotion experience related to the
15 industries to be served by the office;

16 3. Experience working with a variety of individuals
17 representing large and small entertainment-related businesses,
18 industry associations, local community entertainment industry
19 liaisons, and labor organizations; and

20 4. Experience working with a variety of state and
21 local governmental agencies.

22 (2) POWERS AND DUTIES.--

23 (a) The Office of the Film Commissioner, in
24 performance of its duties, shall:

25 1. In consultation with the Florida Film Advisory
26 Council, develop and implement a 5-year strategic plan to
27 guide the activities of the Office of the Film Commissioner in
28 the areas of entertainment industry development, marketing,
29 promotion, liaison services, field office administration, and
30 information. The plan, to be developed by no later than June
31 30, 2000, shall:

- 1 a. Be annual in construction and ongoing in nature.
2 b. Include recommendations relating to the
3 organizational structure of the office.
4 c. Include an annual budget projection for the office
5 for each year of the plan.
6 d. Include an operational model for the office to use
7 in implementing programs for rural and urban areas designed
8 to:
9 (I) Develop and promote the state's entertainment
10 industry.
11 (II) Have the office serve as a liaison between the
12 entertainment industry and other state and local governmental
13 agencies, local film commissions, and labor organizations.
14 (III) Gather statistical information related to the
15 state's entertainment industry.
16 (IV) Provide information and service to businesses,
17 communities, organizations, and individuals engaged in
18 entertainment industry activities.
19 (V) Administer field offices outside the state and
20 coordinate with regional offices maintained by counties and
21 regions of the state, as described in sub-sub-subparagraph
22 (II), as necessary.
23 e. Include performance standards and measurable
24 outcomes for the programs to be implemented by the office.
25 f. Include an assessment of, and make recommendations
26 on, the feasibility of creating an alternative public-private
27 partnership for the purpose of contracting with such a
28 partnership for the administration of the state's
29 entertainment industry promotion, development, marketing, and
30 service programs.
31

1 2. Develop, market, and facilitate a smooth working
2 relationship between state agencies and local governments in
3 cooperation with local film commission offices for
4 out-of-state and indigenous entertainment industry production
5 entities.

6 3. Implement a structured methodology prescribed for
7 coordinating activities of local offices with each other and
8 the commissioner's office.

9 4. Represent the state's indigenous entertainment
10 industry to key decisionmakers within the national and
11 international entertainment industry, and to state and local
12 officials.

13 5. Prepare an inventory and analysis of the state's
14 entertainment industry, including, but not limited to,
15 information on crew, related businesses, support services, job
16 creation, talent, and economic impact and coordinate with
17 local offices to develop an information tool for common use.

18 6. Represent key decisionmakers within the national
19 and international entertainment industry to the indigenous
20 entertainment industry and to state and local officials.

21 7. Serve as liaison between entertainment industry
22 producers and labor organizations.

23 8. Identify, solicit, and recruit entertainment
24 production opportunities for the state.

25 9. Assist rural communities and other small
26 communities in the state in developing the expertise and
27 capacity necessary for such communities to develop, market,
28 promote, and provide services to the state's entertainment
29 industry.

30 (b) The Office of the Film Commissioner, in the
31 performance of its duties, may:

1 1. Conduct or contract for specific promotion and
2 marketing functions, including, but not limited to, production
3 of a statewide directory, production and maintenance of an
4 Internet web site, establishment and maintenance of a
5 toll-free number, organization of trade show participation,
6 and appropriate cooperative marketing opportunities.

7 2. Conduct its affairs, carry on its operations,
8 establish offices, and exercise the powers granted by this act
9 in any state, territory, district, or possession of the United
10 States.

11 3. Carry out any program of information, special
12 events, or publicity designed to attract entertainment
13 industry to Florida.

14 4. Develop relationships and leverage resources with
15 other public and private organizations or groups in their
16 efforts to publicize to the entertainment industry in this
17 state, other states, and other countries the depth of
18 Florida's entertainment industry talent, crew, production
19 companies, production equipment resources, related businesses,
20 and support services, including the establishment of and
21 expenditure for a program of cooperative advertising with
22 these public and private organizations and groups in
23 accordance with the provisions of chapter 120.

24 5. Provide and arrange for reasonable and necessary
25 promotional items and services for such persons as the office
26 deems proper in connection with the performance of the
27 promotional and other duties of the office.

28 6. Prepare an annual economic impact analysis on
29 entertainment industry-related activities in the state.

30 Section 4. Section 288.1252, Florida Statutes, is
31 created to read:

1 288.1252 Florida Film Advisory Council; creation;
2 purpose; membership; powers and duties.--

3 (1) CREATION.--There is hereby created within the
4 Office of Tourism, Trade, and Economic Development of the
5 Executive Office of the Governor, for administrative purposes
6 only, the Florida Film Advisory Council.

7 (2) PURPOSE.--The purpose of the council shall be to
8 serve as an advisory body to the Office of Tourism, Trade, and
9 Economic Development and to the Office of the Film
10 Commissioner to provide these offices with industry insight
11 and expertise related to developing, marketing, promoting, and
12 providing service to the state's entertainment industry.

13 (3) MEMBERSHIP.--

14 (a) The council shall consist of 17 members, seven to
15 be appointed by the Governor, five to be appointed by the
16 President of the Senate, and five to be appointed by the
17 Speaker of the House of Representatives, with the initial
18 appointments being made no later than August 1, 1999.

19 (b) When making appointments to the council, the
20 Governor, the President of the Senate, and the Speaker of the
21 House of Representatives shall appoint persons who are
22 residents of the state and who are highly knowledgeable of,
23 active in, and recognized leaders in Florida's motion picture,
24 television, video, sound recording, or other entertainment
25 industries. These persons shall include, but not be limited
26 to, representatives of local film commissions, representatives
27 of entertainment associations, a representative of the
28 broadcast industry, representatives of labor organizations in
29 the entertainment industry, and board chairs, presidents,
30 chief executive officers, chief operating officers, or persons
31 of comparable executive position or stature of leading or

1 otherwise important entertainment industry businesses and
2 offices. Council members shall be appointed in such a manner
3 as to equitably represent the broadest spectrum of the
4 entertainment industry and geographic areas of the state.

5 (c) Council members shall serve for 4-year terms,
6 except that the initial terms shall be staggered:

7 1. The Governor shall appoint one member for a 1-year
8 term, two members for 2-year terms, two members for 3-year
9 terms, and two members for 4-year terms.

10 2. The President of the Senate shall appoint one
11 member for a 1-year term, one member for a 2-year term, two
12 members for 3-year terms, and one member for a 4-year term.

13 3. The Speaker of the House of Representatives shall
14 appoint one member for a 1-year term, one member for a 2-year
15 term, two members for 3-year terms, and one member for a
16 4-year term.

17 (d) Subsequent appointments shall be made by the
18 official who appointed the council member whose expired term
19 is to be filled.

20 (e) The Film Commissioner, a representative of
21 Enterprise Florida, Inc., and a representative of the Florida
22 Tourism Industry Marketing Corporation shall serve as ex
23 officio, nonvoting members of the council, and shall be in
24 addition to the 17 appointed members of the council.

25 (f) Absence from three consecutive meetings shall
26 result in automatic removal from the council.

27 (g) A vacancy on the council shall be filled for the
28 remainder of the unexpired term by the official who appointed
29 the vacating member.

30 (h) No more than one member of the council may be an
31 employee of any one company, organization, or association.

1 (i) Any member shall be eligible for reappointment but
2 may not serve more than two consecutive terms.

3 (4) MEETINGS; ORGANIZATION.--

4 (a) The council shall meet no less frequently than
5 once each quarter of the calendar year, but may meet more
6 often as set by the council.

7 (b) The council shall annually elect one member to
8 serve as chair of the council and one member to serve as vice
9 chair. The Office of the Film Commissioner shall provide
10 staff assistance to the council, which shall include, but not
11 be limited to, keeping records of the proceedings of the
12 council, and serving as custodian of all books, documents, and
13 papers filed with the council.

14 (c) A majority of the members of the council shall
15 constitute a quorum.

16 (d) Members of the council shall serve without
17 compensation, but shall be entitled to reimbursement for per
18 diem and travel expenses in accordance with s. 112.061 while
19 in performance of their duties.

20 (5) POWERS AND DUTIES.--The Florida Film Advisory
21 Council shall have all the powers necessary or convenient to
22 carry out and effectuate the purposes and provisions of this
23 act, including, but not limited to, the power to:

24 (a) Adopt bylaws for the governance of its affairs and
25 the conduct of its business.

26 (b) Advise and consult with the Office of the Film
27 Commissioner on the content, development, and implementation
28 of the 5-year strategic plan to guide the activities of the
29 office.

30 (c) Review the Film Commissioner's administration of
31 the programs related to the strategic plan, and advise the

1 commissioner on the programs and any changes that might be
2 made to better meet the strategic plan.

3 (d) Consider and study the needs of the entertainment
4 industry for the purpose of advising the commissioner and the
5 Office of Tourism, Trade, and Economic Development.

6 (e) Identify and make recommendations on state agency
7 and local government actions that may have an impact on the
8 entertainment industry or that may appear to industry
9 representatives as an official state or local action affecting
10 production in the state.

11 (f) Consider all matters submitted to it by the
12 commissioner and the Office of Tourism, Trade, and Economic
13 Development.

14 (g) Advise and consult with the commissioner and the
15 Office of Tourism, Trade, and Economic Development, at their
16 request or upon its own initiative, regarding the
17 promulgation, administration, and enforcement of all laws and
18 rules relating to the entertainment industry.

19 (h) Suggest policies and practices for the conduct of
20 business by the Office of the Film Commissioner or by the
21 Office of Tourism, Trade, and Economic Development that will
22 improve internal operations affecting the entertainment
23 industry and will enhance the economic development initiatives
24 of the state for the industry.

25 (i) Appear on its own behalf before boards,
26 commissions, departments, or other agencies of municipal,
27 county, or state government, or the Federal Government.

28 Section 5. Section 288.1253, Florida Statutes, is
29 created to read:

30 288.1253 Travel and entertainment expenses.--

31 (1) As used in this section:

1 (a) "Business client" means any person, other than a
2 state official or state employee, who receives the services of
3 representatives of the Office of the Film Commissioner in
4 connection with the performance of its statutory duties,
5 including persons or representatives of entertainment industry
6 companies considering location, relocation, or expansion of an
7 entertainment industry business within the state.

8 (b) "Entertainment expenses" means the actual,
9 necessary, and reasonable costs of providing hospitality for
10 business clients or guests, which costs are defined and
11 prescribed by rules adopted by the Office of Tourism, Trade,
12 and Economic Development, subject to approval by the
13 Comptroller.

14 (c) "Guest" means a person, other than a state
15 official or state employee, authorized by the Office of
16 Tourism, Trade, and Economic Development to receive the
17 hospitality of the Office of the Film Commissioner in
18 connection with the performance of its statutory duties.

19 (d) "Travel expenses" means the actual, necessary, and
20 reasonable costs of transportation, meals, lodging, and
21 incidental expenses normally incurred by a traveler, which
22 costs are defined and prescribed by rules adopted by the
23 Office of Tourism, Trade, and Economic Development, subject to
24 approval by the Comptroller.

25 (2) Notwithstanding the provisions of s. 112.061, the
26 Office of Tourism, Trade, and Economic Development shall adopt
27 rules by which it may make expenditures by advancement or
28 reimbursement, or a combination thereof, to:

29 (a) The Governor, the Lieutenant Governor, security
30 staff of the Governor or Lieutenant Governor, the Film
31 Commissioner, or staff of the Office of the Film Commissioner

1 for travel expenses or entertainment expenses incurred by such
2 individuals solely and exclusively in connection with the
3 performance of the statutory duties of the Office of the Film
4 Commissioner.

5 (b) The Governor, the Lieutenant Governor, security
6 staff of the Governor or Lieutenant Governor, the Film
7 Commissioner, or staff of the Office of the Film Commissioner
8 for travel expenses or entertainment expenses incurred by such
9 individuals on behalf of guests, business clients, or
10 authorized persons as defined in s. 112.061(2)(e) solely and
11 exclusively in connection with the performance of the
12 statutory duties of the Office of the Film Commissioner.

13 (c) Third-party vendors for the travel or
14 entertainment expenses of guests, business clients, or
15 authorized persons as defined in s. 112.061(2)(e) incurred
16 solely and exclusively while such persons are participating in
17 activities or events carried out by the Office of the Film
18 Commissioner in connection with that office's statutory
19 duties.

20
21 The rules shall be subject to approval by the Comptroller
22 prior to promulgation. The rules shall require the submission
23 of paid receipts, or other proof of expenditure prescribed by
24 the Comptroller, with any claim for reimbursement and shall
25 require, as a condition for any advancement of funds, an
26 agreement to submit paid receipts or other proof of
27 expenditure and to refund any unused portion of the
28 advancement within 15 days after the expense is incurred or,
29 if the advancement is made in connection with travel, within
30 10 working days after the traveler's return to headquarters.
31 However, with respect to an advancement of funds made solely

1 for travel expenses, the rules may allow paid receipts or
2 other proof of expenditure to be submitted, and any unused
3 portion of the advancement to be refunded, within 10 working
4 days after the traveler's return to headquarters. Operational
5 or promotional advancements, as defined in s. 288.35(4),
6 obtained pursuant to this section shall not be commingled with
7 any other state funds.

8 (3) The Office of Tourism, Trade, and Economic
9 Development shall prepare an annual report of the expenditures
10 of the Office of the Film Commissioner and provide such report
11 to the Legislature no later than December 30 of each year for
12 the expenditures of the previous fiscal year. The report shall
13 consist of a summary of all travel, entertainment, and
14 incidental expenses incurred within the United States and all
15 travel, entertainment, and incidental expenses incurred
16 outside the United States, as well as a summary of all
17 successful projects that developed from such travel.

18 (4) The Office of the Film Commissioner and its
19 employees and representatives, when authorized, may accept and
20 use complimentary travel, accommodations, meeting space,
21 meals, equipment, transportation, and any other goods or
22 services necessary for or beneficial to the performance of the
23 office's duties and purposes, so long as such acceptance or
24 use is not in conflict with part III of chapter 112. The
25 Office of Tourism, Trade, and Economic Development shall, by
26 rule, develop internal controls to ensure that such goods or
27 services accepted or used pursuant to this subsection are
28 limited to those that will assist solely and exclusively in
29 the furtherance of the office's goals and are in compliance
30 with part III of chapter 112.

31

1 (5) Any claim submitted under this section shall not
2 be required to be sworn to before a notary public or other
3 officer authorized to administer oaths, but any claim
4 authorized or required to be made under any provision of this
5 section shall contain a statement that the expenses were
6 actually incurred as necessary travel or entertainment
7 expenses in the performance of official duties of the Office
8 of the Film Commissioner and shall be verified by written
9 declaration that it is true and correct as to every material
10 matter. Any person who willfully makes and subscribes to any
11 claim which he or she does not believe to be true and correct
12 as to every material matter or who willfully aids or assists
13 in, procures, or counsels or advises with respect to, the
14 preparation or presentation of a claim pursuant to this
15 section that is fraudulent or false as to any material matter,
16 whether or not such falsity or fraud is with the knowledge or
17 consent of the person authorized or required to present the
18 claim, commits a misdemeanor of the second degree, punishable
19 as provided in s. 775.082 or s. 775.083. Whoever receives an
20 advancement or reimbursement by means of a false claim is
21 civilly liable, in the amount of the overpayment, for the
22 reimbursement of the public fund from which the claim was
23 paid.

24 Section 6. 21st Century Digital Television and
25 Education Task Force; membership; duties.--

26 (1) The 21st Century Digital Television and Education
27 Task Force is created to serve through February 1, 2000. The
28 task force is created within the Office of Tourism, Trade, and
29 Economic Development, which shall provide staff support for
30 the activities of the task force. The task force shall
31 consist of the following members:

- 1 (a) Two members to be appointed by the Governor.
2 (b) Two members of the Senate, or their designees, to
3 be appointed by the President of the Senate.
4 (c) Two members of the House of Representatives, or
5 their designees, to be appointed by the Speaker of the House
6 of Representatives.
7 (d) The Commissioner of Education or the
8 commissioner's designee.
9 (e) The Chancellor of the State University System or
10 the chancellor's designee.
11 (f) The Executive Director of the State Community
12 College System or the executive director's designee.
13 (g) The President of the Independent Colleges and
14 Universities of Florida or the president's designee.
15 (h) A representative of Enterprise Florida, Inc., with
16 knowledge on workforce development and economic development
17 issues.
18 (i) The Film Commissioner within the Office of
19 Tourism, Trade, and Economic Development.
20 (2) Each appointed member of the task force shall
21 serve at the pleasure of the appointing official. A vacancy on
22 the task force shall be filled in the same manner as the
23 original appointment.
24 (3) The task force shall elect a chair from among its
25 members. A vacancy in the chair of the task force must be
26 filled for the remainder of the unexpired term by election by
27 the task force members.
28 (4) The task force shall meet as necessary, at the
29 call of the chair or at the call of a quorum of the task
30 force, and at the time and place designated by the chair. A
31 quorum is necessary for the purpose of conducting official

1 business of the task force. Six members of the task force
2 shall constitute a quorum. The task force shall use accepted
3 rules of procedure to conduct its meetings and shall keep a
4 complete record of each meeting.

5 (5) Members of the task force shall receive no
6 compensation for their services, but shall be entitled to
7 receive per diem and travel expenses as provided in s.
8 112.061, Florida Statutes.

9 (6) The task force shall act as an advisory body and
10 shall make recommendations to the Governor and the Legislature
11 on a coordinated plan to carry out the legislative intent of
12 this section. The task force shall have the following duties:

13 (a) To devise a plan to recruit the following industry
14 segments to locate in Florida:

15 1. Digital programmers and producers, including
16 companies involved in the production, marketing, and
17 development of digital content, as well as studios, networks,
18 and television stations.

19 2. Companies involved in the transmission of digital
20 media, including television broadcasters; cable and satellite
21 companies; television, theater, and film industry members;
22 Internet content providers; web site producers; and other
23 information service providers.

24 3. Digital television equipment manufacturers,
25 including makers of digital video cameras, audio equipment,
26 transmission equipment, television sets, set-top boxes and
27 related hardware, monitors, displays, tapes, and discs.

28 4. Companies involved in the research and development
29 of new and innovative digital television equipment, consumer
30 electronics, prototypes, and products.

31

1 (b) To investigate and recommend strong economic
2 incentives to encourage the digital industry segments
3 described in subparagraph (a)1. to locate and compete in
4 Florida.

5 (c) To devise a plan to create and maintain higher
6 education opportunities for students wishing to enter the
7 digital television field. At a minimum, the plan shall
8 consider and address the following:

9 1. The extent to which higher education opportunities
10 are currently available to students in the areas of digital
11 production, transmission, manufacturing, and research and
12 development.

13 2. The workforce needs of the digital television
14 industry segments described in subparagraph (a)1.

15 3. Recommendations and an operational plan for
16 creating and maintaining higher education opportunities in
17 digital television production, transmission, manufacturing,
18 and research and development.

19 4. Any other recommendations to encourage and promote
20 the development of a skilled workforce in digital broadcast
21 communications and high-definition television.

22 (d) To recommend methods to hasten the conversion of
23 existing commercial television studios and soundstages from
24 analog to digital technology.

25 (e) To recommend a means to fund the cost of
26 converting public broadcast stations from analog to digital
27 technology, including a grant program for Florida Public
28 Television.

29 (f) To issue a report to the Legislature no later than
30 February 1, 2000, summarizing its findings, stating its
31 conclusions, and proposing its recommendations.

1 Section 7. Subsections (1) and (2) of section
2 288.1229, Florida Statutes, are amended, and subsections (8)
3 and (9) are added to that section, to read:

4 288.1229 Promotion and development of sports-related
5 industries and amateur athletics; direct-support organization;
6 powers and duties.--

7 (1) The Office of Tourism, Trade, and Economic
8 Development may authorize a direct-support organization to
9 assist the office in:

10 (a) The promotion and development of the sports
11 industry and related industries for the purpose of improving
12 the economic presence of these industries in Florida.

13 (b) The promotion of amateur athletic participation
14 for the citizens of Florida and the promotion of Florida as a
15 host for national and international amateur athletic
16 competitions for the purpose of encouraging and increasing the
17 direct and ancillary economic benefits of amateur athletic
18 events and competitions.

19 (2) To be authorized as a direct-support organization,
20 an organization must:

21 (a) Be incorporated as a corporation not for profit
22 pursuant to chapter 617.

23 (b) Be governed by a board of directors, which must
24 consist of up to 15 members appointed by the Governor and up
25 to 15 members appointed by the existing board of directors.
26 In making appointments, the board must consider a potential
27 member's background in community service and sports activism
28 in, and financial support of, the sports industry,
29 professional sports, or organized amateur athletics. Members
30 must be residents of the state and highly knowledgeable about
31 or active in professional or organized amateur sports. The

1 board must contain representatives of all geographical regions
2 of the state and must represent ethnic and gender diversity.
3 The terms of office of the members shall be 4 years. No
4 member may serve more than two consecutive terms. The
5 Governor may remove any member for cause and shall fill all
6 vacancies that occur.

7 (c) Have as its purpose, as stated in its articles of
8 incorporation, to receive, hold, invest, and administer
9 property; to raise funds and receive gifts; and to promote and
10 develop the sports industry and related industries for the
11 purpose of increasing the economic presence of these
12 industries in Florida.

13 (d) Have a prior determination by the Office of
14 Tourism, Trade, and Economic Development that the organization
15 will benefit the office and act in the best interests of the
16 state as a direct-support organization to the office.

17 (8) To promote amateur sports and physical fitness,
18 the direct-support organization shall:

19 (a) Develop, foster, and coordinate services and
20 programs for amateur sports for the people of Florida.

21 (b) Sponsor amateur sports workshops, clinics,
22 conferences, and other similar activities.

23 (c) Give recognition to outstanding developments and
24 achievements in, and contributions to, amateur sports.

25 (d) Encourage, support, and assist local governments
26 and communities in the development of or hosting of local
27 amateur athletic events and competitions.

28 (e) Promote Florida as a host for national and
29 international amateur athletic competitions. As part of this
30 effort, the direct-support organization shall:

31

1 1. Assist and support Florida cities or communities
2 bidding or seeking to host the Summer Olympics or Pan American
3 Games.

4 2. Annually report to the Governor, the President of
5 the Senate, and the Speaker of the House of Representatives on
6 the status of the efforts of cities or communities bidding to
7 host the Summer Olympics or Pan American Games, including, but
8 not limited to, current financial and infrastructure status,
9 projected financial and infrastructure needs, and
10 recommendations for satisfying the unmet needs and fulfilling
11 the requirements for a successful bid in any year that the
12 Summer Olympics or Pan American Games are held in this state.

13 (f) Develop a statewide program of amateur athletic
14 competition to be known as the "Sunshine State Games."

15 (g) Continue the successful amateur sports programs
16 previously conducted by the Florida Governor's Council on
17 Physical Fitness and Amateur Sports created under s. 14.22.

18 (h) Encourage and continue the use of volunteers in
19 its amateur sports programs to the maximum extent possible.

20 (i) Develop, foster, and coordinate services and
21 programs designed to encourage the participation of Florida's
22 youth in Olympic sports activities and competitions.

23 (j) Foster and coordinate services and programs
24 designed to contribute to the physical fitness of the citizens
25 of Florida.

26 (9)(a) The Sunshine State Games shall be patterned
27 after the Summer Olympics with variations as necessitated by
28 availability of facilities, equipment, and expertise. The
29 games shall be designed to encourage the participation of
30 athletes representing a broad range of age groups, skill
31 levels, and Florida communities. Participants shall be

1 residents of this state. Regional competitions shall be held
2 throughout the state, and the top qualifiers in each sport
3 shall proceed to the final competitions to be held at a site
4 in the state with the necessary facilities and equipment for
5 conducting the competitions.

6 (b) The Executive Office of the Governor is authorized
7 to permit the use of property, facilities, and personal
8 services of or at any State University System facility or
9 institution by the direct-support organization operating the
10 Sunshine State Games. For the purposes of this paragraph,
11 personal services includes full-time or part-time personnel as
12 well as payroll processing.

13 Section 8. Paragraph (a) of subsection (6) of section
14 320.08058, Florida Statutes, 1998 Supplement, is amended to
15 read:

16 320.08058 Specialty license plates.--

17 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE
18 PLATES.--

19 (a) Because the United States Olympic Committee has
20 selected this state to participate in a combined fundraising
21 program that provides for one-half of all money raised through
22 volunteer giving to stay in this state and be administered by
23 the direct-support organization established under s. 288.1229
24 ~~Sunshine State Games Foundation~~ to support amateur sports, and
25 because the United States Olympic Committee and the
26 direct-support organization ~~Sunshine State Games Foundation~~
27 are nonprofit organizations dedicated to providing athletes
28 with support and training and preparing athletes of all ages
29 and skill levels for sports competition, and because the
30 direct-support organization ~~Sunshine State Games Foundation~~
31 assists in the bidding for sports competitions that provide

1 significant impact to the economy of this state, and the
2 Legislature supports the efforts of the United States Olympic
3 Committee and the direct-support organization ~~Florida Sunshine~~
4 ~~State Games Foundation~~, the Legislature establishes a Florida
5 United States Olympic Committee license plate for the purpose
6 of providing a continuous funding source to support this
7 worthwhile effort. Florida United States Olympic Committee
8 license plates must contain the official United States Olympic
9 Committee logo and must bear a design and colors that are
10 approved by the department. The word "Florida" must be
11 centered at the top of the plate.

12 (b) The license plate annual use fees are to be
13 annually distributed as follows:

14 1. The first \$5 million collected annually must be
15 paid to the direct-support organization ~~Florida Governor's~~
16 ~~Council on Physical Fitness and Amateur Sports~~ to be
17 distributed as follows:

18 a. Fifty percent must be distributed to the
19 direct-support organization to be used ~~Sunshine State Games~~
20 ~~Foundation~~ for Florida's Sunshine State Games Olympic Sports
21 ~~Festival for Amateur Athletes~~.

22 b. Fifty percent must be distributed to the United
23 States Olympic Committee.

24 2. Any additional fees must be deposited into the
25 General Revenue Fund.

26 Section 9. Any funds or property held in trust by the
27 Sunshine State Games Foundation, Inc., and the Florida
28 Governor's Council on Physical Fitness and Amateur Sports
29 shall revert to the direct-support organization created under
30 s. 288.1229, Florida Statutes, upon expiration or cancellation
31 of the contract with the Sunshine State Games Foundation,

1 Inc., and the Florida Governor's Council on Physical Fitness
2 and Amateur Sports, to be used for the promotion of amateur
3 sports in Florida.

4 Section 10. Section 14.22, Florida Statutes, is
5 repealed.

6 Section 11. Paragraph (e) of subsection (6) of section
7 288.108, Florida Statutes, is amended to read:

8 288.108 High-impact business.--

9 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT
10 SECTORS.--

11 (e) The study and its findings and recommendations and
12 the recommendations gathered from the sector-business network
13 must be discussed and considered during ~~at least one of the~~
14 meeting ~~quarterly meetings~~ required in s. 14.2015(2)(e)(h).

15 Section 12. Sections 288.051, 288.052, 288.053,
16 288.054, 288.055, 288.056, 288.057, 288.1228, and 288.12285,
17 Florida Statutes, are repealed.

18 Section 13. Effective July 1, 1999, three
19 full-time-equivalent positions are hereby appropriated to the
20 Executive Office of the Governor in order to implement the
21 provisions of this act relating to the Office of the Film
22 Commissioner.

23 Section 14. Subsection (1) of section 288.1221,
24 Florida Statutes, is amended to read:

25 288.1221 Legislative intent.--

26 (1) It is the intent of the Legislature to establish a
27 public-private partnership to provide policy direction to and
28 technical expertise in the promotion and marketing of the
29 state's tourism attributes. The Legislature further intends to
30 authorize this partnership to recommend the tenets of an
31 industry standard 4-year ~~5-year~~ marketing plan for an annual

1 marketing plan for tourism promotion and recommend a
2 comparable organizational structure to carry out such a plan.
3 The Legislature intends to have such a plan funded by that
4 portion of the rental car surcharge annually dedicated to the
5 Tourism Promotional Trust Fund, pursuant to s. 212.0606, and
6 by the tourism industry. ~~The Legislature intends that the
7 exercise of this authority by the public-private partnership
8 shall take into consideration the recommendations made to the
9 1992 Legislature in the report submitted by the Florida
10 Tourism Commission created pursuant to chapter 91-31, Laws of
11 Florida.~~

12 Section 15. Subsection (2) of section 288.1222,
13 Florida Statutes, is amended to read:

14 288.1222 Definitions.--For the purposes of ss.
15 288.017, 288.121-288.1226, and 288.124, the term:

16 (2) "Tourist" means any person who participates in
17 trade or recreation activities outside the county ~~country~~ of
18 his or her permanent residence or who rents or leases
19 transient living quarters or accommodations as described in s.
20 125.0104(3)(a).

21 Section 16. Paragraphs (e), (f), and (g) of subsection
22 (2) of section 288.1223, Florida Statutes, are amended to
23 read:

24 288.1223 Florida Commission on Tourism; creation;
25 purpose; membership.--

26 (2)

27 (e) General tourism-industry-related members shall be
28 limited to two 4-year full consecutive terms. This limitation
29 applies to terms begun after June 30, 1996.

30 (f) The commission shall ~~hold its first meeting no~~
31 ~~later than September 1992 and must~~ meet at least quarterly. A

1 majority of the members shall constitute a quorum for the
2 purpose of conducting business.

3 (g) The Governor shall serve as chair of the
4 commission. The commission shall annually ~~biennially~~ elect one
5 of its tourism-industry-related members as vice chair, who
6 shall preside in the absence of the chair.

7 Section 17. Paragraphs (a), (c), and (d) of subsection
8 (4) and subsection (11) of section 288.1224, Florida Statutes,
9 are amended, and subsections (12) and (13) are added to that
10 section, to read:

11 288.1224 Powers and duties.--The commission:

12 (4)(a) ~~Shall, no later than December 31, 1996,~~
13 recommend the tenets of a 4-year marketing plan to sustain
14 tourism growth, which plan shall be annual in construction and
15 ongoing in nature. ~~The initial plan shall use as its model~~
16 ~~the marketing plan recommended by the Florida Tourism~~
17 ~~Commission, created pursuant to chapter 91-31, Laws of~~
18 ~~Florida, and presented to the Legislature.~~ Any annual
19 revisions of such a plan shall carry forward the concepts of
20 the remaining 3-year portion of that plan and consider a
21 continuum portion to preserve the 4-year timeframe of the
22 plan. ~~Such plan shall be submitted to the President of the~~
23 ~~Senate, the Speaker of the House of Representatives, the~~
24 ~~Senate Minority Leader, and the House Minority Leader no later~~
25 ~~than January 1, 1997.~~

26 (c) The plan shall include provisions for the
27 direct-support organization to reach the targeted one-to-one
28 match of private to public contributions within a period of 4
29 calendar years after the implementation date of the plan. For
30 the purposes of calculating the required one-to-one match,
31 matching private funds shall be divided into four categories.

1 The first category is direct cash contributions, which
2 include, but are not limited to, cash derived from strategic
3 alliances, contributions of stocks and bonds, and partnership
4 contributions. The second category is fees for services, which
5 include, but are not limited to, event participation,
6 research, and brochure placement and transparencies. The
7 third category is cooperative advertising, which is the value
8 based on cost of contributed productions, air time, and print
9 space. The fourth category is in-kind contributions, which
10 include, but are not limited to, the value of strategic
11 alliance services contributed, the value of loaned employees,
12 discounted service fees, items contributed for use in
13 promotions, and radio or television air time or print space
14 for promotions. The value of air time or print space shall be
15 calculated by taking the actual time or space and multiplying
16 by the nonnegotiated unit price for that specific time or
17 space which is known as the media equivalency value. In order
18 to avoid duplication in determining media equivalency value,
19 only the value of the promotion itself shall be included; the
20 value of the items contributed for the promotion shall not be
21 included. Documentation for the components of the four
22 categories of private match shall be kept on file for
23 inspection as determined necessary.

24 (d) The plan shall include recommendations regarding
25 specific performance standards and measurable outcomes. ~~By~~
26 ~~July 1, 1997, the Florida Commission on Tourism, in~~
27 ~~consultation with the Office of Program Policy Analysis and~~
28 ~~Government Accountability, shall establish performance-measure~~
29 ~~outcomes~~ for the commission and its direct-support
30 organization. The commission, in consultation with the Office
31 of Program Policy Analysis and Government Accountability,

1 shall develop a plan for monitoring its operations to ensure
2 that performance data are maintained and supported by records
3 of the organization.

4 (11) Shall receive staff support from the Florida
5 Tourism Industry Marketing Corporation and shall not employ
6 any additional staff. The president and chief executive
7 officer of the Florida Tourism Industry Marketing Corporation
8 shall serve without compensation as the executive director of
9 the commission. As executive director, he or she shall have
10 the authority to conduct any official business of the
11 commission, as authorized by the commission. ~~Shall create an~~
12 ~~advisory committee of the commission which shall be charged~~
13 ~~with developing a regionally based plan to protect and promote~~
14 ~~all of the natural, coastal, historical, cultural, and~~
15 ~~commercial tourism assets of this state.~~

16 ~~(a) Members of the advisory committee shall be~~
17 ~~appointed by the chair of the commission and shall include~~
18 ~~representatives of the commission, the Departments of~~
19 ~~Agriculture, Environmental Protection, Community Affairs,~~
20 ~~Transportation, and State, the Florida Greenways Coordinating~~
21 ~~Council, the Florida Game and Freshwater Fish Commission, and,~~
22 ~~as deemed appropriate by the chair of the commission,~~
23 ~~representatives from other federal, state, regional, local,~~
24 ~~and private sector associations representing environmental,~~
25 ~~historical, cultural, recreational, and tourism-related~~
26 ~~activities.~~

27 ~~(b) The advisory committee shall submit its plan to~~
28 ~~the commission by December 1, 1997.~~

29 ~~(c) The commission shall review and make~~
30 ~~recommendations on the plan, including recommending any~~
31

1 ~~legislation considered necessary for implementing the plan, to~~
2 ~~the Legislature by January 1, 1998.~~

3 (12) Shall establish a statewide advisory committee of
4 the commission to assist the commission with implementation of
5 a plan to protect and promote all of the natural, coastal,
6 historical, and cultural tourism assets of this state. The
7 duties of the committee shall include, but are not limited to,
8 helping to develop and review nature-based tourism and
9 heritage tourism policies, coordinate governmental and
10 private-sector interests in nature-based tourism and heritage
11 tourism, and integrate federal, state, regional, and local
12 nature-based tourism and heritage tourism marketing
13 strategies. The chairman of the commission shall appoint
14 members of the advisory committee based upon recommendations
15 from the commission. Members shall include:

16 (a) A representative of each of the following state
17 governmental organizations: the Department of Agriculture, the
18 Department of Environmental Protection, the Department of
19 Community Affairs, the Department of Transportation, the
20 Department of State, the Florida Greenways Coordinating
21 Council, and the Florida Fish and Wildlife Conservation
22 Commission.

23 (b) A representative of Enterprise Florida, Inc.

24 (c) Representatives of regional nature-based tourism
25 or heritage tourism committees or associations that are
26 established by local tourism organizations throughout the
27 state.

28 (d) Representatives of the private sector with
29 experience in environmental, historical, cultural,
30 recreational, or other tourism-related activities.

31

1 (e) Representatives of two not-for-profit
2 environmental organizations with expertise in environmental
3 resource protection and land management.

4 (f) A representative from a local economic development
5 organization serving a rural community.

6 (g) A representative from a local economic development
7 organization serving a nonrural community.

8 (h) Representatives from any other organizations that
9 the chairman of the commission, based upon recommendations
10 from the commission, deems appropriate.

11 (13) Shall incorporate nature-based tourism and
12 heritage tourism components into its comprehensive tourism
13 marketing plan for the state, including, but not limited to:

14 (a) Promoting travel experiences that combine visits
15 to commercial destinations in the state with visits to
16 nature-based or heritage-based sites in the state;

17 (b) Promoting travel experiences that combine visits
18 to multiple nature-based or heritage-based sites within a
19 region or within two or more regions in the state;

20 (c) Assisting local and regional tourism organizations
21 in incorporating nature-based tourism and heritage tourism
22 components into local marketing plans and in establishing
23 cooperative local or regional advisory committees on
24 nature-based tourism and heritage tourism;

25 (d) Working with local and regional tourism
26 organizations to identify nature-based tourism and heritage
27 tourism sites, including identifying private-sector businesses
28 engaged in activities supporting or related to nature-based
29 tourism and heritage tourism; and

30 (e) Providing guidance to local and regional economic
31 development organizations on the identification, enhancement,

1 and promotion of nature-based tourism and heritage tourism
2 assets as a component of the overall job-creating efforts of
3 such organizations.

4
5 The marketing plan shall include specific provisions for
6 directing tourism promotion resources toward promotion and
7 development of nature-based tourism and heritage tourism. The
8 marketing plan shall also include provisions specifically
9 addressing promotion and development of nature-based tourism
10 and heritage tourism in rural communities in the state.

11 Section 18. Paragraphs (h) through (n) of subsection
12 (5) of section 288.1226, Florida Statutes, are renumbered as
13 paragraphs (i) through (o), respectively, and a new paragraph
14 (h) is added to said subsection to read:

15 288.1226 Florida Tourism Industry Marketing
16 Corporation; use of property; board of directors; duties;
17 audit.--

18 (5) POWERS AND DUTIES.--The corporation, in the
19 performance of its duties:

20 (h) Shall provide staff support to the Florida
21 Commission on Tourism. The president and chief executive
22 officer of the Florida Tourism Industry Marketing Corporation
23 shall serve without compensation as the executive director of
24 the commission.

25 Section 19. Effective upon this act becoming a law,
26 section 335.166, Florida Statutes, is renumbered as section
27 288.12265, Florida Statutes, and amended to read:

28 288.12265 ~~335.166~~ Welcome centers ~~Office~~.--

29 (1) Effective July 1, 1999, responsibility for the
30 welcome centers ~~Office~~ is assigned to the Florida Commission
31 on Tourism which shall contract with the commission's

1 direct-support organization to employ all welcome center
2 staff. On or before June 30, 1999, all welcome center staff
3 shall be offered employment through the direct-support
4 organization at the same salary such staff received through
5 the Department of Transportation, prior to July 1, 1999, but
6 with the same benefits provided by the direct-support
7 organization to the organization's employees. Welcome center
8 employees shall have until January 1, 2000, to choose to be
9 employed by the direct-support organization or to remain
10 employed by the state. Those employees who choose to remain
11 employed by the state may continue to be assigned by the
12 Department of Transportation to the welcome centers until June
13 30, 2001. Upon vacating a career service position by a career
14 service employee, the position shall be abolished. The
15 agreement between the Department of Transportation and the
16 Florida Commission on Tourism concerning the funding of
17 positions in the welcome centers shall continue until all
18 welcome center employees are employed by the direct-support
19 organization, or until those employees choosing to remain
20 employed by the state have found other state employment, or
21 until June 30, 2001, whichever occurs first ~~Department of~~
22 ~~Transportation for administrative and fiscal accountability~~
23 ~~purposes, but it shall otherwise function independently of the~~
24 ~~control, supervision, and direction of the Department of~~
25 ~~Transportation.~~

26 (2) Effective July 1, 1999, the Florida Commission on
27 Tourism, through its direct-support organization, shall
28 administer and operate the welcome centers. Pursuant to a
29 contract with the Department of Transportation, the commission
30 shall be responsible for routine repair, replacement, or
31 improvement and the day-to-day management of interior areas

1 occupied by the welcome centers. All other repairs,
2 replacements, or improvements to the welcome centers shall be
3 the responsibility of the Department of Transportation shall
4 ~~provide direction for the administration of the Welcome~~
5 ~~Centers Office and direction for the operation of the welcome~~
6 ~~centers. Funding for the office shall be solely from the~~
7 ~~rental car surcharge provided to the Tourism Promotional Trust~~
8 ~~Fund pursuant to s. 212.0606(2), through a nonoperating~~
9 ~~transfer to the State Transportation Trust Fund or contract~~
10 ~~with the commission or the commission's direct-support~~
11 ~~organization.~~

12 Section 20. Section 335.165, Florida Statutes, is
13 repealed.

14 Section 21. The welcome center tangible personal
15 property transferred to the Department of Transportation
16 pursuant to section 4 of chapter 96-320, Laws of Florida, is
17 hereby transferred to the Florida Commission on Tourism.

18 Section 22. Effective upon this act becoming a law,
19 section 163.055, Florida Statutes, is created to read:

20 163.055 Local Government Financial Technical
21 Assistance Program.--

22 (1) Among municipalities and special districts, the
23 Legislature finds that:

24 (a) Florida is a state comprised of 400 municipalities
25 and almost 1,000 special districts statewide.

26 (b) Of the 400 municipalities in the state, over 200
27 have a population under 5,000.

28 (c) State and federal mandates will continue to place
29 additional funding demands on all municipalities and special
30 districts.

31

1 (d) State government lacks the specific technical
2 expertise or resources to effectively perform ongoing
3 educational support and financial emergency detection or
4 assistance.

5 (2) Recognizing the findings in subsection (1), the
6 Legislature declares that:

7 (a) The fiscal challenges confronting various
8 municipalities and special districts require an investment
9 that will facilitate efforts to improve the productivity and
10 efficiency of their financial structures and operating
11 procedures.

12 (b) Current and additional revenue enhancements
13 authorized by the Legislature should be managed and
14 administered using appropriate management practices and
15 expertise.

16 (3) The purpose of this section is to provide
17 technical assistance to municipalities and special districts
18 to enable them to implement workable solutions to financially
19 related problems.

20 (4) The Comptroller shall enter into contracts with
21 program providers who shall:

22 (a) Be a public agency or private, nonprofit
23 corporation, association, or entity.

24 (b) Use existing resources, services, and information
25 that are available from state or local agencies, universities,
26 or the private sector.

27 (c) Seek and accept funding from any public or private
28 source.

29 (d) Annually submit information to assist the
30 Legislative Committee on Intergovernmental Relations in
31

1 preparing a performance review that will include a analysis of
2 the effectiveness of the program.

3 (e) Assist municipalities and independent special
4 districts in developing alternative revenue sources.

5 (f) Provide for an annual independent financial audit
6 of the program, if the program receives funding.

7 (g) Provide assistance to municipalities and special
8 districts in the areas of financial management, accounting,
9 investing, budgeting, and debt issuance.

10 (h) Develop a needs assessment to determine where
11 assistance should be targeted, and to establish a priority
12 system to deliver assistance to those jurisdictions most in
13 need through the most economical means available.

14 (i) Provide financial emergency assistance upon
15 direction from the Executive Office of the Governor pursuant
16 to s. 218.503.

17 (5)(a) The Comptroller shall issue a request for
18 proposals to provide assistance to municipalities and special
19 districts. At the request of the Comptroller, the Legislative
20 Committee on Intergovernmental Relations shall assist in the
21 preparation of the request for proposals.

22 (b) The Comptroller shall review each contract
23 proposal submitted.

24 (c) The Legislative Committee on Intergovernmental
25 Relations shall review each contract proposal and submit to
26 the Comptroller, in writing, advisory comments and
27 recommendations, citing with specificity the reasons for its
28 recommendations.

29 (d) The Comptroller and the Legislative Committee on
30 Intergovernmental Relations shall consider the following
31 factors in reviewing contract proposals:

1 1. The demonstrated capacity of the provider to
2 conduct needs assessments and implement the program as
3 proposed.

4 2. The number of municipalities and special districts
5 to be served under the proposal.

6 3. The cost of the program as specified in a proposed
7 budget.

8 4. The short-term and long-term benefits of the
9 assistance to municipalities and special districts.

10 5. The form and extent to which existing resources,
11 services, and information that are available from state and
12 local agencies, universities, and the private sector will be
13 used by the provider under the contract.

14 (6) A decision of the Comptroller to award a contract
15 under this section is final and shall be in writing with a
16 copy provided to the Legislative Committee on
17 Intergovernmental Relations.

18 (7) The Comptroller may enter into contracts and
19 agreements with other state and local agencies and with any
20 person, association, corporation, or entity other than the
21 program providers, for the purpose of administering this
22 section.

23 (8) The Comptroller shall provide fiscal oversight to
24 ensure that funds expended for the program are used in
25 accordance with the contracts entered into pursuant to
26 subsection (4).

27 (9) The Legislative Committee on Intergovernmental
28 Relations shall annually conduct a performance review of the
29 program. The findings of the review shall be presented in a
30 report submitted to the Governor, the President of the Senate,
31

1 the Speaker of the House of Representatives, and the
2 Comptroller by January 15 of each year.

3 Section 23. Effective upon this act becoming a law,
4 paragraph (d) of subsection (7) of section 163.01, Florida
5 Statutes, is amended to read:

6 163.01 Florida Interlocal Cooperation Act of 1969.--
7 (7)(d) Notwithstanding the provisions of paragraph
8 (c), any separate legal entity created pursuant to this
9 section and controlled by the municipalities or counties of
10 this state or by one or more municipality and one or more
11 county of this state, the membership of which consists or is
12 to consist of municipalities only, counties only, or one or
13 more municipality and one or more county, may, for the purpose
14 of financing or refinancing any capital projects, exercise all
15 powers in connection with the authorization, issuance, and
16 sale of bonds. Notwithstanding any limitations provided in
17 this section, all of the privileges, benefits, powers, and
18 terms of part I of chapter 125, part II of chapter 166, and
19 part I of chapter 159 shall be fully applicable to such
20 entity. Bonds issued by such entity shall be deemed issued on
21 behalf of the counties or municipalities which enter into loan
22 agreements with such entity as provided in this paragraph.
23 Any loan agreement executed pursuant to a program of such
24 entity shall be governed by the provisions of part I of
25 chapter 159 or, in the case of counties, part I of chapter
26 125, or in the case of municipalities and charter counties,
27 part II of chapter 166. Proceeds of bonds issued by such
28 entity may be loaned to counties or municipalities of this
29 state or a combination of municipalities and counties, whether
30 or not such counties or municipalities are also members of the
31 entity issuing the bonds. The issuance of bonds by such

1 entity to fund a loan program to make loans to municipalities
2 or counties or a combination of municipalities and counties
3 with one another for capital projects to be identified
4 subsequent to the issuance of the bonds to fund such loan
5 programs is deemed to be a paramount public purpose. Any
6 entity so created may also issue bond anticipation notes, as
7 provided by s. 215.431, in connection with the authorization,
8 issuance, and sale of such bonds. In addition, the governing
9 body of such legal entity may also authorize bonds to be
10 issued and sold from time to time and may delegate, to such
11 officer, official, or agent of such legal entity as the
12 governing body of such legal entity may select, the power to
13 determine the time; manner of sale, public or private;
14 maturities; rate or rates of interest, which may be fixed or
15 may vary at such time or times and in accordance with a
16 specified formula or method of determination; and other terms
17 and conditions as may be deemed appropriate by the officer,
18 official, or agent so designated by the governing body of such
19 legal entity. However, the amounts and maturities of such
20 bonds and the interest rate or rates of such bonds shall be
21 within the limits prescribed by the governing body of such
22 legal entity and its resolution delegating to such officer,
23 official, or agent the power to authorize the issuance and
24 sale of such bonds. A local government self-insurance fund
25 established under this section may financially guarantee bonds
26 or bond anticipation notes issued or loans made under this
27 subsection. Bonds issued pursuant to this paragraph may be
28 validated as provided in chapter 75. The complaint in any
29 action to validate such bonds shall be filed only in the
30 Circuit Court for Leon County. The notice required to be
31 published by s. 75.06 shall be published only in Leon County,

1 and the complaint and order of the circuit court shall be
2 served only on the State Attorney of the Second Judicial
3 Circuit and on the state attorney of each circuit in each
4 county where the public agencies which were initially a party
5 to the agreement are located. Notice of such proceedings shall
6 be published in the manner and the time required by s. 75.06
7 in Leon County and in each county where the public agencies
8 which were initially a party to the agreement are located.
9 Obligations of any county or municipality pursuant to a loan
10 agreement as described in this paragraph may be validated as
11 provided in chapter 75.

12 Section 24. Section 288.0251, Florida Statutes, is
13 amended to read:

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

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

27 288.095 Economic Development Trust Fund.--

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

1 ~~and 288.107.~~ However, the total state share of tax refund
2 payments scheduled in all active certifications for fiscal
3 year 2000-2001 shall not exceed \$24 million. The state share
4 of tax refund payments scheduled in all active certifications
5 for fiscal year 2001-2002 and each subsequent year shall not
6 exceed \$30 million.~~The office may not approve tax refunds in~~
7 ~~excess of the amount appropriated to the Economic Development~~
8 ~~Incentives Account for such tax refunds, for a fiscal year~~
9 ~~pursuant to paragraph (b).~~

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

30 Section 26. Section 288.106, Florida Statutes, 1998
31 Supplement, is amended to read:

1 288.106 Tax refund program for qualified target
2 industry businesses.--

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

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

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

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

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

28 (d) "Corporate headquarters business" means an
29 international, national, or regional headquarters office of a
30 multinational or multistate business enterprise or national
31

1 trade association, whether separate from or connected with
2 other facilities used by such business.

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

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

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

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

14 (i) "Jobs" means full-time equivalent positions, as
15 such terms are consistent with terms used by the Department of
16 Labor and Employment Security and the United States Department
17 of Labor for purposes of unemployment compensation tax
18 administration and employment estimation, resulting directly
19 from a project in this state. This number shall not include
20 temporary construction jobs involved with the construction of
21 facilities for the project or any jobs which have previously
22 been included in any application for tax refunds under s.
23 288.104 or this section.

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

1 General Revenue Fund or any state trust fund, excluding tax
2 revenues shared with local governments pursuant to law.

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

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

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

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

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

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

1 2. Stability.--The industry should not be subject to
2 periodic layoffs, whether due to seasonality or sensitivity to
3 volatile economic variables such as weather. The industry
4 should also be relatively resistant to recession, so that the
5 demand for products of this industry is not necessarily
6 subject to decline during an economic downturn.

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

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

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

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

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

1 processing operation; any oil or gas exploration or production
2 operation; or any firm subject to regulation by the Division
3 of Hotels and Restaurants of the Department of Business and
4 Professional Regulation.

5 (p) "Taxable year" means taxable year as defined in s.
6 220.03(1)(z).

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

11 (r) "Rural county" means a county with a population of
12 75,000 or fewer or a county with a population of 100,000 or
13 fewer which is contiguous to a county with a population of
14 75,000 or fewer ~~less~~.

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

24 (t) "Rural community" means:

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

30
31

1 For purposes of this paragraph, population shall be determined
2 in accordance with the most recent official estimate pursuant
3 to s. 186.901.

4 (u) "Authorized local economic development agency"
5 means any public or private entity, including those defined in
6 s. 288.075, authorized by a county or municipality to promote
7 the general business or industrial interests of that county or
8 municipality.

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

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

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

1 ~~industry business to receive tax refund payments of up to~~
2 ~~\$5,000 times the number of jobs specified in the tax refund~~
3 ~~agreement under subparagraph (5)(a)1., or up to \$7,500 times~~
4 ~~the number of jobs if the project is located in an enterprise~~
5 ~~zone.~~ A qualified target industry business may not receive
6 refund payments of more than 25 percent of the total tax
7 refunds specified in the tax refund agreement under
8 subparagraph (5)(a)1. in any fiscal year. Further, a qualified
9 target industry business may not receive more than \$1.5
10 million in refunds under this section in any single fiscal
11 year, or more than \$2.5 million in any single fiscal year if
12 the project is located in an enterprise zone. A qualified
13 target industry may not receive more than \$5 million in refund
14 payments under this section in all fiscal years, or more than
15 \$7.5 million if the project is located in an enterprise zone.
16 Funds made available pursuant to this section may not be
17 expended in connection with the relocation of a business from
18 one community to another community in this state unless the
19 Office of Tourism, Trade, and Economic Development determines
20 that without such relocation the business will move outside
21 this state or determines that the business has a compelling
22 economic rationale for the relocation and that the relocation
23 will create additional jobs.

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

26 1. Receive refunds from the account for the following
27 taxes due and paid by that business beginning with the first
28 taxable year of the business which begins after entering into
29 the agreement:

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

1 ~~a.2.~~ Corporate income taxes under chapter 220.
2 ~~3. Intangible personal property taxes under chapter~~
3 ~~199.~~
4 ~~4. Emergency excise taxes under chapter 221.~~
5 ~~5. Excise taxes on documents under chapter 201.~~
6 ~~6. Ad valorem taxes paid, as defined in s. 220.03(1).~~
7 ~~b.7.~~ Insurance premium tax under s. 624.509.
8 2. Receive refunds from the account for the following
9 taxes due and paid by that business after entering into the
10 agreement:
11 a. Taxes on sales, use, and other transactions under
12 chapter 212.
13 b. Intangible personal property taxes under chapter
14 199.
15 c. Emergency excise taxes under chapter 221.
16 d. Excise taxes on documents under chapter 201.
17 e. Ad valorem taxes paid, as defined in s. 220.03(1).
18 (d) However, a qualified target industry business may
19 not receive a refund under this section for any amount of
20 credit, refund, or exemption granted to that business for any
21 of such taxes. If a refund for such taxes is provided by the
22 office, which taxes are subsequently adjusted by the
23 application of any credit, refund, or exemption granted to the
24 qualified target industry business other than as provided in
25 this section, the business shall reimburse the account for the
26 amount of that credit, refund, or exemption. A qualified
27 target industry business shall notify and tender payment to
28 the office within 20 days after receiving any credit, refund,
29 or exemption other than one provided in this section.
30 (e)(d) A qualified target industry business that
31 fraudulently claims a refund under this section:

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

5 2. Is guilty of a felony of the third degree,
6 punishable as provided in s. 775.082, s. 775.083, or s.
7 775.084.

8 (4) APPLICATION AND APPROVAL PROCESS.--

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

16 1. The applicant's federal employer identification
17 number and the applicant's state sales tax registration
18 number.

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

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

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

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

- 1 6. The anticipated commencement date of the project.
2 ~~7. The amount of:~~
3 a. ~~Taxes on sales, use, and other transactions paid~~
4 ~~under chapter 212;~~
5 b. ~~Corporate income taxes paid under chapter 220;~~
6 c. ~~Intangible personal property taxes paid under~~
7 ~~chapter 199;~~
8 d. ~~Emergency excise taxes paid under chapter 221; and~~
9 e. ~~Excise taxes on documents paid under chapter 201.~~
10 ~~8. The estimated amount of tax refunds to be claimed~~
11 ~~in each fiscal year.~~
12 7.9. A brief statement concerning the role that the
13 tax refunds requested will play in the decision of the
14 applicant to locate or expand in this state.
15 ~~8.10.~~ An estimate of the proportion of the sales
16 resulting from the project that will be made outside this
17 state.
18 9.11. A resolution adopted by the governing board of
19 the county or municipality in which the project will be
20 located, which resolution recommends that certain types of
21 businesses be approved as a qualified target industry business
22 and states that the commitments of local financial support
23 necessary for the target industry business exist. In advance
24 of the passage of such resolution, the office may also accept
25 an official letter from an authorized local economic
26 development agency that endorses the proposed target industry
27 project and pledges that sources of local financial support
28 for such project exist. For the purposes of making pledges of
29 local financial support under this subsection, the authorized
30 local economic development agency shall be officially
31 designated by the passage of a one-time resolution by the

1 local governing authority. ~~Before adoption of the resolution,~~
2 ~~the governing board may review the proposed public or private~~
3 ~~sources of such support and determine whether the proposed~~
4 ~~sources of local financial support can be provided.~~

5 10.12. Any additional information requested by the
6 office.

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

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

29 2. The target industry business's project must result
30 in the creation of at least 10 jobs at such project and, if an
31 expansion of an existing business, must result in a net

1 increase in employment of not less than 10 percent at such
2 business. Notwithstanding the definition of the term
3 "expansion of an existing business" in paragraph (2)(g), at
4 the request of the local governing body recommending the
5 project and Enterprise Florida, Inc., the office may define an
6 "expansion of an existing business" in a rural community or an
7 enterprise zone as the expansion of a business resulting in a
8 net increase in employment of less than 10 percent at such
9 business if the merits of the individual project or the
10 specific circumstances in the community in relationship to the
11 project warrant such action. If the local governing body and
12 Enterprise Florida, Inc., make such a request, it must be
13 transmitted in writing and the specific justification for the
14 request must be explained. If the director elects to grant
15 such request, such election must be stated in writing and the
16 reason for granting the request must be explained.

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

28 (c) Each application meeting the requirements of
29 paragraph (b) must be submitted to the office for
30 determination of eligibility. The office shall review and
31

1 evaluate each application based on, but not limited to, the
2 following criteria:

- 3 1. Expected contributions to the state strategic
4 economic development plan adopted by Enterprise Florida, Inc.,
5 taking into account the long-term effects of the project and
6 of the applicant on the state economy.
- 7 2. The economic benefit of the jobs created by the
8 project in this state, taking into account the cost and
9 average wage of each job created.
- 10 3. The amount of capital investment to be made by the
11 applicant in this state.
- 12 4. The local commitment and support for the project.
- 13 5. The effect of the project on the local community,
14 taking into account the unemployment rate for the county where
15 the project will be located.
- 16 6. The effect of any tax refunds granted pursuant to
17 this section on the viability of the project and the
18 probability that the project will be undertaken in this state
19 if such tax refunds are granted to the applicant, taking into
20 account the expected long-term commitment of the applicant to
21 economic growth and employment in this state.
- 22 7. The expected long-term commitment to this state
23 resulting from the project.
- 24 8. A review of the business's past activities in this
25 state or other states, including whether such business has
26 been subjected to criminal or civil fines and penalties.
27 Nothing in this subparagraph shall require the disclosure of
28 confidential information.
- 29 (d) The office shall forward its written findings and
30 evaluation concerning each application meeting the
31 requirements of paragraph (b) to the director within 45

1 calendar days after receipt of a complete application. The
2 office shall notify each target industry business when its
3 application is complete, and of the time when the 45-day
4 period begins. In its written report to the director, the
5 office shall specifically address each of the factors
6 specified in paragraph (c) and shall make a specific
7 assessment with respect to the minimum requirements
8 established in paragraph (b). The office shall include in its
9 report projections of the tax refund claim that will be sought
10 by the target industry business in each fiscal year based on
11 the information submitted in the application.

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

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

21 (f) The director may not certify ~~enter a final order~~
22 ~~that certifies~~ any target industry business as a qualified
23 target industry business if the value of tax refunds to be
24 included in that letter of certification ~~final order~~ exceeds
25 the available amount of authority to certify new businesses
26 ~~enter final orders~~ as determined in s. 288.095(3). However, if
27 the commitments of local financial support represent less than
28 20 percent of the eligible tax refund payments, or to
29 otherwise preserve the viability and fiscal integrity of the
30 program, the director may certify a qualified target industry
31 business to receive tax refund payments of less than the

1 allowable amounts specified in paragraph (3)(b). A letter of
2 certification ~~final order~~ that approves an application must
3 specify the maximum amount of tax refund that will be
4 available to the qualified industry business in each fiscal
5 year and the total amount of tax refunds that will be
6 available to the business for all fiscal years.

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

12 (5) TAX REFUND AGREEMENT.--

13 (a) Each qualified target industry business must enter
14 into a written agreement with the office which specifies, at a
15 minimum:

16 1. The total number of full-time equivalent jobs in
17 this state that will be dedicated to the project, the average
18 wage of those jobs, the definitions that will apply for
19 measuring the achievement of these terms during the pendency
20 of the agreement, and a time schedule or plan for when such
21 jobs will be in place and active in this state. This
22 information must be the same as the information contained in
23 the application submitted by the business under subsection
24 (4).

25 2. The maximum amount of tax refunds which the
26 qualified target industry business is eligible to receive on
27 the project and the maximum amount of a tax refund that the
28 qualified target industry business is eligible to receive in
29 each fiscal year.

30 3. That the office may review and verify the financial
31 and personnel records of the qualified target industry

1 business to ascertain whether that business is in compliance
2 with this section.

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

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

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

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

28 (d) The agreement must contain the following legend,
29 clearly printed on its face in bold type of not less than 10
30 points in size: "This agreement is neither a general
31 obligation of the State of Florida, nor is it backed by the

1 full faith and credit of the State of Florida. Payment of tax
2 refunds are conditioned on and subject to specific annual
3 appropriations by the Florida Legislature of moneys sufficient
4 to pay amounts authorized in section 288.106, Florida
5 Statutes."

6 (6) ANNUAL CLAIM FOR REFUND.--

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

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

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

1 value of the land granted; and the limitations in subsection
2 (3) and paragraph (4)(f) must be reduced by the amount of any
3 such tax abatement or the value of the land granted. A report
4 listing all sources of the local financial support shall be
5 provided to the office when such support is paid to the
6 account.

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

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

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

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

29 (7) ADMINISTRATION.--

30 (a) The office is authorized to verify information
31 provided in any claim submitted for tax credits under this

1 section with regard to employment and wage levels or the
2 payment of the taxes to the appropriate agency or authority,
3 including the Department of Revenue, the Department of Labor
4 and Employment Security, or any local government or authority.

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

13 (8) EXPIRATION.--This section expires June 30, 2004.
14 Section 27. Section 288.901, Florida Statutes, is
15 amended to read:

16 288.901 Enterprise Florida, Inc.; creation;
17 membership; organization; meetings; disclosure.--

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

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

25 (3) Enterprise Florida, Inc., shall be governed by a
26 board of directors. The board of directors shall consist of
27 the following members:

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

29 (b) The Commissioner of Education or the
30 commissioner's designee.

31

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

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

6 (e) A member of the House of Representatives, who
7 shall be appointed by the Speaker of the House of
8 Representatives as an ex officio member of the board and serve
9 at the pleasure of the Speaker.

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

12 ~~(g) The chairperson of the board for capital~~
13 ~~development.~~

14 ~~(h) The chairperson of the board for technology~~
15 ~~development.~~

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

18 ~~(g)~~(j) Twelve members from the private sector, six of
19 whom shall be appointed by the Governor, three of whom shall
20 be appointed by the President of the Senate, and three of whom
21 shall be appointed by the Speaker of the House of
22 Representatives. All appointees are subject to Senate
23 confirmation. In making such appointments, the Governor, the
24 President of the Senate, and the Speaker of the House of
25 Representatives shall ensure that the composition of the board
26 is reflective of the diversity of Florida's business
27 community, and to the greatest degree possible shall include,
28 but not be limited to, individuals representing large
29 companies, small companies, minority companies, and
30 individuals representing municipal, county, or regional
31 economic development organizations. Of the 12 members from the

1 private sector, 7 must have significant experience in
2 international business, with expertise in the areas of
3 transportation, finance, law, and manufacturing. The Governor,
4 the President of the Senate, and the Speaker of the House of
5 Representatives shall also consider whether the current board
6 members, together with potential appointees, reflect the
7 racial, ethnic, and gender diversity, as well as the
8 geographic distribution, of the population of the state.

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

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

20 1. ~~Of the first three vacancies, the Governor shall~~
21 ~~appoint one member, the President of the Senate shall appoint~~
22 ~~one member, and the Speaker of the House of Representatives~~
23 ~~shall appoint one member.~~

24 2. ~~Of the second three vacancies, the Governor shall~~
25 ~~appoint one member, the President of the Senate shall appoint~~
26 ~~one member, and the Speaker of the House of Representatives~~
27 ~~shall appoint one member.~~

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

31

1 ~~4. Of the fourth three vacancies, the Speaker of the~~
2 ~~House of Representatives shall appoint one member and the~~
3 ~~Governor shall appoint two members.~~

4
5 ~~Thereafter, any vacancies which occur will be filled by the~~
6 ~~Governor, the President of the Senate, or the Speaker of the~~
7 ~~House of Representatives, respectively, depending on who~~
8 ~~appointed the member whose vacancy is to be filled or whose~~
9 ~~term has expired.~~

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

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

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

26 ~~(6) The initial appointments to the board of directors~~
27 ~~shall be made by the Governor from a list of nominees~~
28 ~~submitted by the Enterprise Florida Nominating Council.~~
29 ~~Thereafter, appointments shall be made by the Governor, the~~
30 ~~President of the Senate, and the Speaker of the House of~~
31 ~~Representatives from a list of nominees submitted by the~~

1 ~~remaining appointive members of the board of directors. The~~
2 ~~board of directors shall take into consideration the current~~
3 ~~membership of the board and shall select nominees who are~~
4 ~~reflective of the diverse nature of Florida's business~~
5 ~~community, including, but not limited to, individuals~~
6 ~~representing large companies, small companies, minority~~
7 ~~companies, companies engaged in international business~~
8 ~~efforts, companies engaged in domestic business efforts, and~~
9 ~~individuals representing municipal, county, or regional~~
10 ~~economic development organizations. The board shall also~~
11 ~~consider whether the current board members, together with~~
12 ~~potential appointees, reflect the racial, ethnic, and gender~~
13 ~~diversity, as well as the geographic distribution, of the~~
14 ~~population of the state.~~

15 (6)~~(7)~~ Appointive members may be removed by the
16 Governor, the President of the Senate, or the Speaker of the
17 House of Representatives, respectively, for cause. Absence
18 from three consecutive meetings results in automatic removal.

19 (7)~~(8)~~ The Governor shall serve as chairperson of the
20 board of directors. The board of directors shall biennially
21 elect one of its appointive members as vice chairperson. The
22 president shall keep a record of the proceedings of the board
23 of directors and is the custodian of all books, documents, and
24 papers filed with the board of directors, the minutes of the
25 board of directors, and the official seal of Enterprise
26 Florida, Inc.

27 (8)~~(9)~~ The board of directors shall meet at least four
28 times each year, upon the call of the chairperson, at the
29 request of the vice chairperson, or at the request of a
30 majority of the membership. A majority of the total number of
31 all directors fixed by subsection (3) shall constitute a

1 quorum. The board of directors may take official action by a
2 majority vote of the members present at any meeting at which a
3 quorum is present.

4 (9)~~(10)~~ Members of the board of directors shall serve
5 without compensation, but members, the president, and staff
6 may be reimbursed for all reasonable, necessary, and actual
7 expenses, as determined by the board of directors of
8 Enterprise Florida, Inc.

9 (10)~~(11)~~ Each member of the board of directors of
10 Enterprise Florida, Inc., ~~who was appointed after June 30,~~
11 ~~1992, and~~ who is not otherwise required to file financial
12 disclosure pursuant to s. 8, Art. II of the State Constitution
13 or s. 112.3144, shall file disclosure of financial interests
14 pursuant to s. 112.3145.

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

25 Section 28. Section 288.9015, Florida Statutes, is
26 amended to read:

27 288.9015 Enterprise Florida, Inc.; purpose; duties.--

28 (1) Enterprise Florida, Inc., is the principal
29 economic development organization for the state. It shall be
30 the responsibility of Enterprise Florida, Inc., to provide
31 leadership for business development in Florida by aggressively

1 establishing a unified approach to Florida's efforts of
2 international trade and reverse investment; by aggressively
3 marketing the state as a probusiness location for potential
4 new investment; and by aggressively assisting in the ~~creation,~~
5 ~~retention,~~and expansion of existing businesses and the
6 creation of new businesses. In support of this effort,
7 Enterprise Florida, Inc., may develop and implement specific
8 programs or strategies that address the creation, expansion,
9 and retention of Florida business; the development of import
10 and export trade; and the recruitment of worldwide business.

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

22 (3) It shall be the responsibility of Enterprise
23 Florida, Inc., through the Workforce Development Board,to
24 develop a comprehensive approach to workforce development that
25 will result in better employment opportunities for the
26 residents of this state. Such comprehensive approach must
27 include:

28 (a) Creating and maintaining a highly skilled
29 workforce that is capable of responding to rapidly changing
30 technology and diversified market opportunities.

31

1 (b) Training, educating, and assisting target
2 populations, such as those who are economically disadvantaged
3 or who participate in the WAGES Program or otherwise receive
4 public assistance to become independent, self-reliant, and
5 self-sufficient. This approach must ensure the effective use
6 of federal, state, local, and private resources in reducing
7 the need for public assistance.

8 (4) It shall be the responsibility of Enterprise
9 Florida, Inc., to assess, on an ongoing basis, Florida's
10 economic development competitiveness as measured against other
11 business locations, to identify and regularly reevaluate
12 Florida's economic development strengths and weaknesses, and
13 to incorporate such information into the strategic planning
14 process under s. 288.904.

15 (5) Enterprise Florida, Inc., shall incorporate the
16 needs of small and minority businesses into the
17 economic-development, international-trade and
18 reverse-investment, and workforce-development responsibilities
19 assigned to the organization by this section.

20 ~~(6)(4)~~ Enterprise Florida, Inc., shall not endorse any
21 candidate for any elected public office, nor shall it
22 contribute moneys to the campaign of any such candidate.

23 ~~(7)(5)~~ As part of its business development and
24 marketing responsibilities, Enterprise Florida, Inc., shall
25 prepare a business guide and checklist that contains basic
26 information on the federal, state, and local requirements for
27 starting and operating a business in this state. The guide and
28 checklist must describe how additional information can be
29 obtained on any such requirements and shall include, to the
30 extent feasible, the names, addresses, and telephone numbers
31 of appropriate government agency representatives. The guide

1 and checklist must also contain information useful to persons
2 who may be starting a business for the first time, including,
3 but not limited to, information on business structure,
4 financing, and planning.

5 Section 29. Section 288.90151, Florida Statutes, is
6 amended to read:

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

9 288.90151 Return on Investment from Activities of
10 Enterprise Florida, Inc.--

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

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

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

27 (4)(a) The state's operating investment in Enterprise
28 Florida, Inc., is the budget contracted by the Office of
29 Tourism, Trade, and Economic Development to Enterprise
30 Florida, Inc., less funding that is directed by the
31 Legislature to be subcontracted to a specific recipient.

1 (b) The board of directors of Enterprise Florida,
2 Inc., shall adopt for each upcoming fiscal year an operating
3 budget for the organization that specifies the intended uses
4 of the state's operating investment and a plan for securing
5 private sector support to Enterprise Florida, Inc. Each fiscal
6 year private sector support to Enterprise Florida, Inc., shall
7 equal no less than 100 percent of the state's operating
8 investment, including at least \$1 million in cash as defined
9 in subsection (5)(a), and an additional \$400,000 in cash as
10 defined in subsection (5)(a), (b), and (c).

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

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

15 (b) Cash jointly raised by Enterprise Florida, Inc.,
16 and a local economic development organization, a group of such
17 organizations or a statewide business organization that
18 supports collaborative projects;

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

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

31

1 royalties, or other private resources dedicated to Enterprise
2 Florida, Inc.

3 (6) Enterprise Florida, Inc., shall fully comply with
4 the performance measures, standards, and sanctions in its
5 contracts with the Office of Tourism, Trade, and Economic
6 Development under ss. 14.2015(2)(h) and 14.2015(7). The
7 Office of Tourism, Trade, and Economic Development shall
8 ensure, to the maximum extent possible, that the contract
9 performance measures are consistent with performance measures
10 that the office is required to develop and track under
11 performance-based program budgeting.

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

22 (8) Enterprise Florida, Inc., in consultation with the
23 Office of Program Policy Analysis and Government
24 Accountability, shall hire a private accounting firm to
25 develop the methodology for establishing and reporting
26 return-on-investment and in-kind contributions as described in
27 this section and to develop, analyze, and report on the
28 results of the customer-satisfaction survey. The Office of
29 Program Policy Analysis and Government Accountability shall
30 review and offer feedback on the methodology before it is
31 implemented. The private accounting firm shall certify

1 whether the applicable statements in the annual report comply
2 with this subsection.

3 Section 30. Section 288.903, Florida Statutes, is
4 amended to read:

5 288.903 Board of directors of Enterprise Florida,
6 Inc.; president; employees.--

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

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

1 ~~(3) The president:~~

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

5 ~~(b) Shall employ and supervise the president of any~~
6 ~~board established within the Enterprise Florida, Inc.,~~
7 ~~corporate structure and shall coordinate the activities of any~~
8 ~~such boards.~~

9 ~~(c) Shall attend all meetings of the board of~~
10 ~~directors.~~

11 ~~(d) Shall cause copies to be made of all minutes and~~
12 ~~other records and documents of the board of directors and~~
13 ~~shall certify that such copies are true copies. All persons~~
14 ~~dealing with the board of directors may rely upon such~~
15 ~~certifications.~~

16 ~~(e) Shall be responsible for coordinating and~~
17 ~~advocating the interests of rural, minority, and small~~
18 ~~businesses within Enterprise Florida, Inc., its boards, and in~~
19 ~~all its economic development efforts.~~

20 ~~(f) Shall administer the finances of Enterprise~~
21 ~~Florida, Inc., and its boards to ensure appropriate~~
22 ~~accountability and the prudent use of public and private~~
23 ~~funds.~~

24 ~~(g) Shall be the chief spokesperson for Enterprise~~
25 ~~Florida, Inc., regarding economic development efforts in the~~
26 ~~state.~~

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

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31

1 ~~(i) Shall supervise and coordinate the collection,~~
2 ~~research, and analysis of information for Enterprise Florida,~~
3 ~~Inc., and its boards.~~

4 (3)(4) The board of directors of Enterprise Florida,
5 Inc., and its officers shall be responsible for the prudent
6 use of all public and private funds and shall ensure that the
7 use of such funds is in accordance with all applicable laws,
8 bylaws, or contractual requirements. No employee of Enterprise
9 Florida, Inc., may receive compensation for employment which
10 exceeds the salary paid to the Governor, unless the board of
11 directors and the employee have executed a contract that
12 prescribes specific, measurable performance outcomes for the
13 employee, the satisfaction of which provides the basis for the
14 award of incentive payments that increase the employee's total
15 compensation to a level above the salary paid to the Governor.

16 Section 31. Subsection (1) of section 288.904, Florida
17 Statutes, is amended to read:

18 288.904 Powers of the board of directors of Enterprise
19 Florida, Inc.--

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

22 (a) Secure funding for programs and activities of
23 Enterprise Florida, Inc., and its boards from federal, state,
24 local, and private sources and from fees charged for services
25 and published materials and solicit, receive, hold, invest,
26 and administer any grant, payment, or gift of funds or
27 property and make expenditures consistent with the powers
28 granted to it.

29 (b)1. Make and enter into contracts and other
30 instruments necessary or convenient for the exercise of its
31 powers and functions, except that any contract made with an

1 organization represented ~~on the nominating council or~~ on the
2 board of directors must be approved by a two-thirds vote of
3 the entire board of directors, and the board member
4 representing such organization shall abstain from voting. No
5 more than 65 percent of the dollar value of all contracts or
6 other agreements entered into in any fiscal year, exclusive of
7 grant programs, shall be made with an organization represented
8 on the ~~nominating council or the~~ board of directors. An
9 organization represented on the board ~~or on the nominating~~
10 ~~council~~ may not enter into a contract to receive a
11 state-funded economic development incentive or similar grant,
12 unless such incentive award is specifically endorsed by a
13 two-thirds vote of the entire board. The board member
14 representing such organization, if applicable, shall abstain
15 from voting and refrain from discussing the issue with other
16 members of the board. No more than 50 percent of the dollar
17 value of grants issued by the board in any fiscal year may go
18 to businesses associated with board members.

19 2. A contract that Enterprise Florida, Inc., executes
20 with a person or organization under which such person or
21 organization agrees to perform economic-development services
22 or similar business-assistance services on behalf of
23 Enterprise Florida, Inc., or on behalf of the state must
24 include provisions requiring that such person or organization
25 report on performance, account for proper use of funds
26 provided under the contract, coordinate with other components
27 of state and local economic development systems, and avoid
28 duplication of existing state and local services and
29 activities.

30
31

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

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

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

10 (f) Adopt, amend, and repeal bylaws, not inconsistent
11 with the powers granted to it or the articles of
12 incorporation, for the administration of the affairs of
13 Enterprise Florida, Inc., and the exercise of its corporate
14 powers.

15 (g) Acquire, enjoy, use, and dispose of patents,
16 copyrights, and trademarks and any licenses, royalties, and
17 other rights or interests thereunder or therein.

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

20 (i) Use the state seal, notwithstanding the provisions
21 of s. 15.03, when appropriate, to establish that Enterprise
22 Florida, Inc., is the principal economic, workforce, and trade
23 development organization for the state, and for other standard
24 corporate identity applications. Use of the state seal is not
25 to replace use of a corporate seal as provided in this
26 section.

27 (j) Carry forward any unexpended state appropriations
28 into succeeding fiscal years.

29 (k) Procure insurance or require bond against any loss
30 in connection with the property of Enterprise Florida, Inc.,
31

1 and its boards, in such amounts and from such insurers as is
2 necessary or desirable.

3 (1) Create and dissolve advisory committees, working
4 groups, task forces, or similar organizations, as necessary to
5 carry out the mission of Enterprise Florida, Inc. By August 1,
6 1999, Enterprise Florida, Inc., shall establish an advisory
7 committee on international business issues, and an advisory
8 committee on small business issues. These committees shall be
9 comprised of individuals representing the private sector and
10 the public sector with expertise in the respective subject
11 areas. The purpose of the committees shall be to guide and
12 advise Enterprise Florida, Inc., on the development and
13 implementation of policies, strategies, programs, and
14 activities affecting international business and small
15 business. The advisory committee on international business and
16 the advisory committee on small business shall meet at the
17 call of the chair or vice chair of the board of directors of
18 Enterprise Florida, Inc., but shall meet at least quarterly.
19 Meetings of the advisory committee on international business
20 and the advisory committee on small business may be held
21 telephonically; however, meetings of the committees that are
22 held in person shall be rotated at different locations around
23 the state to ensure participation of local and regional
24 economic development practitioners and other members of the
25 public. Members of advisory committees, working groups, task
26 forces, or similar organizations created by Enterprise
27 Florida, Inc., shall serve without compensation, but may be
28 reimbursed for reasonable, necessary, and actual expenses, as
29 determined by the board of directors of Enterprise Florida,
30 Inc.

31

1 Section 32. Section 288.905, Florida Statutes, is
2 amended to read:

3 288.905 Duties of the board of directors of Enterprise
4 Florida, Inc.--

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

20 (2) The board of directors shall, in conjunction with
21 the Office of Tourism, Trade, and Economic Development, the
22 Office of Urban Opportunities, and local and regional economic
23 development partners, develop a strategic plan for economic
24 development for the State of Florida. Such plan shall be
25 submitted to the Governor, the President of the Senate, the
26 Speaker of the House of Representatives, the Senate Minority
27 Leader, and the House Minority Leader ~~by January 1, 1997,~~ and
28 shall be updated or modified before January 1 of each year,
29 ~~1998, and annually thereafter.~~ The plan must be approved by
30 the board of directors prior to submission to the Governor and
31 Legislature. ~~The plan shall include, but is not limited to:~~

1 (3)(a) The strategic plan required under this section
2 shall include, but is not limited to, strategies for the
3 promotion of business formation, expansion, recruitment, and
4 retention through aggressive marketing, international
5 development and export assistance, and workforce development
6 programs which lead to more and better jobs and higher wages
7 for all geographic regions and disadvantaged communities and
8 populations of the state, including rural areas, minority
9 businesses, and urban core areas. Further, the strategic plan
10 shall give consideration to the economic diversity of the
11 state and its regions and their associated industrial clusters
12 and develop realistic policies and programs to further their
13 development.

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

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

24 (b)(c)1. The strategic plan required under this
25 section shall include specific Specific provisions for the
26 stimulation of economic development and job creation in rural
27 areas and midsize cities and counties of the state. These
28 provisions shall include, but are not limited to, the
29 identification of all rural counties in the state and rural
30 cities located in nonrural counties; the identification of all
31 midsize cities and counties in the state; the identification

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

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

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

30 ~~3.2.~~ Enterprise Florida, Inc., shall involve rural,
31 urban, small-business, and minority-business ~~local, state, and~~

1 ~~federal small business and minority business~~ development
2 agencies and organizations, both public and private, in
3 developing and carrying out policies, strategies, and programs
4 ~~any provisions~~.

5 ~~(c)(e)~~ The strategic plan required under this section
6 shall include the creation ~~Creation~~ of workforce training
7 programs that lead to better employment opportunities and
8 higher wages.

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

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

31

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

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

7 (e)(j) The strategic plan required under this section
8 shall include the identification of ~~Identifying~~ business
9 sectors that are of current or future importance to the
10 state's economy and to the state's worldwide business image,
11 and development of ~~developing~~ specific strategies to promote
12 the development of such sectors.

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

13 ~~(5)(4)~~ The board of directors shall coordinate and
14 collaborate ~~the economic development activities and policies~~
15 ~~of Enterprise Florida, Inc., with local municipal, county, and~~
16 ~~regional economic development organizations, which shall be to~~
17 ~~establish and further develop the role of local economic~~
18 ~~development organizations as the state's primary~~
19 ~~service-delivery agents for the direct delivery of economic~~
20 ~~development and international development services. Where~~
21 ~~feasible, the board shall work with regional economic~~
22 ~~development organizations in the delivery of services of~~
23 ~~Enterprise Florida, Inc., and its boards.~~

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

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

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

6 Section 33. Section 288.906, Florida Statutes, is
7 amended to read:

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

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

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

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

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

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

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

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

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

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

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

31

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

3 (2)(a) The Auditor General may, pursuant to his or her
4 own authority or at the direction of the Joint Legislative
5 Auditing Committee, conduct an audit of Enterprise Florida,
6 Inc., including any of its boards, advisory committees or
7 similar groups created by Enterprise Florida, Inc., and
8 programs. The audit or report may not reveal the identity of
9 any person who has anonymously made a donation to Enterprise
10 Florida, Inc., pursuant to paragraph (b).

11 (b) The identity of a donor or prospective donor to
12 Enterprise Florida, Inc., who desires to remain anonymous and
13 all information identifying such donor or prospective donor
14 are confidential and exempt from the provisions of s.
15 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
16 anonymity shall be maintained in the auditor's report.

17 Section 34. Subsection (3) of section 288.9415,
18 Florida Statutes, is amended to read:

19 288.9415 International Trade Grants.--

20 (3) ~~The International Trade and Economic Development~~
21 ~~Board of~~ Enterprise Florida, Inc., shall review each
22 application for a grant to promote international trade and
23 shall submit annually to the Office of Tourism, Trade, and
24 Economic Development for approval lists of all recommended
25 ~~applications that are recommended by the International Trade~~
26 ~~and Economic Development Board~~ for the award of grants,
27 arranged in order of priority. The Office of Tourism, Trade,
28 and Economic Development may allocate grants only for projects
29 that are approved or for which funds are appropriated by the
30 Legislature. Projects approved and recommended by Enterprise
31 Florida, Inc., ~~the International Trade and Economic~~

1 ~~Development Board~~ which are not funded by the Legislature
2 shall be retained on the project list for the following grant
3 cycle only. All projects that are retained shall be required
4 to submit such information as may be required by the Office of
5 Tourism, Trade, and Economic Development as of the established
6 deadline date of the latest grant cycle in order to adequately
7 reflect the most current status of the project.

8 Section 35. Section 288.9511, Florida Statutes, is
9 amended to read:

10 288.9511 Definitions.--As used in ss.

11 288.9511-288.9517, the term:

12 (1) "Educational institutions" means Florida technical
13 institutes and vocational schools, and public and private
14 community colleges, colleges, and universities in the state.

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

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

21 (3)~~(4)~~ "Person" means any individual, partnership,
22 corporation, or joint venture that carries on business, or
23 proposes to carry on business, within the state.

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

30 (5)~~(6)~~ "Qualified security" means a public or private
31 financial arrangement that involves any note, security,

1 debenture, evidence of indebtedness, certificate of interest
2 of participation in any profit-sharing agreement,
3 preorganization certificate or subscription, transferable
4 security, investment contract, certificate of deposit for a
5 security, certificate of interest or participation in a patent
6 or application thereof, or in royalty or other payments under
7 such a patent or application, or, in general, any interest or
8 instrument commonly known as a security or any certificate
9 for, receipt for, guarantee of, or option warrant or right to
10 subscribe to or purchase any of the foregoing to the extent
11 allowed by law.

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

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

20 (8)~~(9)~~ "Technology development" means strategically
21 focused research aimed at developing investment-grade
22 technologies essential to market competitiveness.

23 Section 36. Section 288.9515, Florida Statutes, is
24 amended to read:

25 288.9515 Authorized ~~programs of~~ technology development
26 programs board.--

27 (1) Enterprise Florida, Inc., ~~The board~~ may create a
28 technology applications services service, ~~and may to be called~~
29 ~~the Florida Innovation Alliance. The Florida Innovation~~
30 ~~Alliance shall~~ serve as an umbrella organization for
31 technology applications service providers throughout the state

1 which provide critical, managerial, technological, scientific,
2 and related financial and business expertise essential for
3 international and domestic competitiveness to small-sized and
4 medium-sized manufacturing and knowledge-based service firms.

5 Enterprise Florida, Inc.,~~The board~~ is authorized the
6 following powers in order to carry out these ~~the~~ functions of
7 ~~the Florida Innovation Alliance~~:

8 (a) Providing communication and coordination services
9 among technology applications service providers throughout the
10 state.

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

15 (c) Securing additional sources of funds on behalf of,
16 and in partnership with, technology applications service
17 providers.

18 (d) Developing plans and policies to assist
19 small-sized and medium-sized manufacturing companies or other
20 knowledge-based firms in Florida.

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

1 such contracts. Such standards include, but are not limited
2 to:

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

5 2. The ability and capacity to deliver services in a
6 timely manner.

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

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

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

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

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

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

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

1 (1) Receiving funds from any source to carry out the
2 purposes of providing technology applications services ~~the~~
3 ~~Florida Innovation Alliance~~, including, but not limited to,
4 gifts or grants from any department, agency, or
5 instrumentality of the United States or of the state, or any
6 enterprise or person, for any purpose consistent with the
7 provisions of this subsection ~~the Florida Innovation Alliance~~.

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

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

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

1 collaborations between businesses, universities, and state and
2 federal agencies and organizations. Enterprise Florida, Inc.,
3 ~~The board~~ shall endeavor to maintain the fund as a
4 self-supporting fund once the fund is sufficiently capitalized
5 as reflected in the minimum funding report required in s.
6 288.9516. The technology research investment projects may
7 include, but are not limited to:

8 (a) Technology development projects expected to lead
9 to a specific investment-grade technology that is of
10 importance to industry in this state.

11 (b) Technology development centers and facilities
12 expected to generate a stream of products and processes with
13 commercial application of importance to industry in this
14 state.

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

18 (4) Enterprise Florida, Inc., ~~The board~~ shall invest
19 moneys contained in the Florida Technology Research Investment
20 Fund in technology application research or for technology
21 development projects that have the potential for commercial
22 market application. The partnership shall coordinate any
23 investment in any space-related technology projects with the
24 Spaceport Florida Authority and the Technological Research and
25 Development Authority.

26 (a) The investment of moneys contained in the Florida
27 Technology Research Investment Fund is limited to investments
28 in qualified securities in which a private enterprise in this
29 state coinvests at least 40 percent of the total project
30 costs, in conjunction with other cash or noncash investments

31

1 from state educational institutions, state and federal
2 agencies, or other institutions.

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

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

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

29 (e) The investment of funds contained in the Florida
30 Technology Research Investment Fund does not constitute a
31 debt, liability, or obligation of the State of Florida or of

1 any political subdivision thereof, or a pledge of the faith
2 and credit of the state or of any such political subdivision.

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

11 Section 37. Section 288.95155, Florida Statutes, 1998
12 Supplement, is amended to read:

13 288.95155 Florida Small Business Technology Growth
14 Program.--

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

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

1 (3) Pursuant to s. 216.351, the amount of any moneys
2 appropriated to the account which are unused at the end of the
3 fiscal year shall not be subject to reversion under s.
4 216.301. All moneys in the account are continuously
5 appropriated to the account and may be used for loan
6 guarantees, letter of credit guarantees, cash reserves for
7 loan and letter of credit guarantees, payments of claims
8 pursuant to contracts for guarantees, subordinated loans,
9 loans with warrants, royalty investments, equity investments,
10 and operations of the program. Any claim against the program
11 shall be paid solely from the account. Neither the credit nor
12 the taxing power of the state shall be pledged to secure the
13 account or moneys in the account, other than from moneys
14 appropriated or assigned to the account, and the state shall
15 not be liable or obligated in any way for any claims against
16 the account ~~or against the technology development board, or~~
17 ~~against~~ Enterprise Florida, Inc.

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

1 Inc., ~~the board~~ shall evaluate, on a portfolio basis, the
2 results of all awards of assistance made from the program
3 during the year.

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

16 Section 38. Section 288.9519, Florida Statutes, is
17 amended to read:

18 288.9519 Not-for-profit corporation.--

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

30
31

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

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

10 (b) To submit a legislative budget request through a
11 state agency.

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

17 (d) To carry forward any unexpended state
18 appropriations into succeeding fiscal years.

19 Section 39. Section 288.9520, Florida Statutes, is
20 amended to read:

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

1 I of the State Constitution, except that a recipient of
2 Enterprise Florida, Inc., ~~board~~ research funds shall make
3 available, upon request, the title and description of the
4 research project, the name of the researcher, and the amount
5 and source of funding provided for the project.

6 Section 40. Subsection (10) of section 288.9603,
7 Florida Statutes, is amended to read:

8 288.9603 Definitions.--

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

11 Section 41. Subsections (2) and (3) of section
12 288.9604, Florida Statutes, are amended to read:

13 288.9604 Creation of the authority.--

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

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

1 reappointment. At least three of the directors of the
2 corporation shall be bankers who have been selected by the
3 Governor from a list of bankers who were nominated by ~~the~~
4 Enterprise Florida, Inc. ~~capital development board~~, and one of
5 the directors shall be an economic development specialist. The
6 chairperson of the Florida Black Business Investment Board
7 shall be an ex officio member of the board of the corporation.

8 Section 42. Section 288.9614, Florida Statutes, is
9 amended to read:

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

20 Section 43. Subsection (1) of section 288.9618,
21 Florida Statutes, is amended to read:

22 288.9618 Microenterprises.--

23 (1) Subject to specific appropriations in the General
24 Appropriations Act, the Office of Tourism, Trade, and Economic
25 Development may contract with ~~the Enterprise Florida Capital~~
26 ~~Development Board~~ or some other appropriate not-for-profit or
27 governmental organization for any action that the office deems
28 necessary to foster the development of microenterprises in the
29 state. As used within this section, microenterprises are
30 extremely small business enterprises which enable low and
31 moderate income individuals to achieve self-sufficiency

1 through self-employment. Microenterprise programs are those
2 which provide at least one of the following: small amounts of
3 capital, business training, and technical assistance. Where
4 feasible, the office or organizations under contract with the
5 office shall work in cooperation with other organizations
6 active in the study and support of microenterprises. Such
7 actions may include, but are not limited to:

8 (a) Maintaining a network of communication and
9 coordination among existing microenterprise lending and
10 assistance programs throughout the state.

11 (b) Providing information and technical help to
12 community-based or regional organizations attempting to
13 establish new microenterprise programs.

14 (c) Encouraging private sector investment in
15 microenterprises and microenterprise lending programs.

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

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

24 (f) Providing organizational, financial, and marketing
25 support for conferences, workshops, or similar events that
26 focus on microenterprise development.

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

1 (h) Coordinating with other organizations to ensure
2 that participants in the WAGES Program are given opportunities
3 to create microenterprises.

4 Section 44. Sections 288.902, 288.9412, 288.9413,
5 288.9414, 288.942, 288.9510, 288.9512, 288.9513, 288.9514,
6 288.9516, 288.9611, 288.9612, 288.9613, and 288.9615, Florida
7 Statutes, are repealed.

8 Section 45. (1) Notwithstanding any other provision
9 of law, any contract or interagency agreement existing on or
10 before the effective date of this section between the
11 International Trade and Economic Development Board, the
12 Technology Development Board, or the Capital Development Board
13 of Enterprise Florida, Inc., or entities or agents of those
14 boards, and other agencies, entities, or persons shall
15 continue as binding contracts or agreements with Enterprise
16 Florida, Inc., which is the successor entity responsible for
17 the program, activity, or functions relative to the contract
18 or agreement.

19 (2) Any tangible personal property of the
20 International Trade and Economic Development Board, the
21 Technology Development Board, or the Capital Development Board
22 of Enterprise Florida, Inc., is transferred to Enterprise
23 Florida, Inc.

24 (3) Enterprise Florida, Inc., may assume
25 responsibility for any programs or activities of the
26 International Trade and Economic Development Board, the
27 Technology Development Board, or the Capital Development Board
28 in existence as of the effective date of this section and may
29 determine the appropriate placement of such programs or
30 activities within the organization.

31

1 Section 46. The Division of Statutory Revision is
2 directed to redesignate part VIII of chapter 288, Florida
3 Statutes, as "Technology Development" and to redesignate part
4 IX of that chapter as "Capital Development."

5 Section 47. Subsection (1) of section 288.707, Florida
6 Statutes, is amended to read:

7 288.707 Florida Black Business Investment Board.--

8 (1) The Legislature finds that the public interest of
9 Florida will be served by the creation and growth of black
10 business enterprises by:

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

13 (b) Providing role models and establishing business
14 networks for the benefit of future generations of aspiring
15 black entrepreneurs; ~~and~~

16 (c) Strengthening the economy of the state by
17 increasing the number of qualified black business enterprises,
18 which in turn will increase competition in the marketplace and
19 improve the welfare of economically depressed neighborhoods;
20 ~~and-~~

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

23 Section 48. Present subsection (17) of section
24 288.709, Florida Statutes, 1998 Supplement, is redesignated as
25 subsection (18), and a new subsection (17) is added to that
26 section to read:

27 288.709 Powers of the Florida Black Business
28 Investment Board.--The board shall have all the powers
29 necessary or convenient to carry out and effectuate the
30 purposes and provisions of ss. 9-21, chapter 85-104, Laws of
31 Florida, including, but not limited to, the power to:

1 (17) Promote black ownership of financial institutions
2 in Florida.

3 (18) Take, hold and improve property including real
4 property.

5 Section 49. Subsections (2), (3), (6), and (11) of
6 section 288.99, Florida Statutes, 1998 Supplement, are amended
7 to read:

8 288.99 Certified Capital Company Act.--

9 (2) PURPOSE.--The primary purpose of this act is to
10 stimulate a substantial increase in venture capital
11 investments in this state by providing an incentive for
12 insurance companies to invest in certified capital companies
13 in this state which, in turn, will make investments in new
14 businesses or in expanding businesses, including
15 minority-owned or minority-operated businesses and businesses
16 located in a designated Front Porch community, enterprise
17 zone, urban high-crime area, rural job tax credit county, or
18 nationally recognized historic district. The increase in
19 investment capital flowing into new or expanding businesses is
20 intended to contribute to employment growth, create jobs which
21 exceed the average wage for the county in which the jobs are
22 created, and expand or diversify the economic base of this
23 state.

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

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

26 1. Any person directly or indirectly beneficially
27 owning, whether through rights, options, convertible
28 interests, or otherwise, controlling, or holding power to vote
29 10 percent or more of the outstanding voting securities or
30 other ownership interests of the insurance company;

31

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

6 3. Any person directly or indirectly controlling,
7 controlled by, or under common control with the insurance
8 company;

9 4. A partnership in which the insurance company is a
10 general partner; or

11 5. Any person who is a principal, director, employee,
12 or agent of the insurance company or an immediate family
13 member of the principal, director, employee, or agent.

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

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

21 1. Is certified by the department in accordance with
22 this act.

23 2. Receives investments of certified capital.

24 3. Makes qualified investments as its primary
25 activity.

26 (d) "Certified investor" means any insurance company
27 subject to premium tax liability pursuant to s. 624.509 that
28 contributes certified capital.

29 (e) "Department" means the Department of Banking and
30 Finance.

31

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

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

20 (h) "Office" means the Office of Tourism, Trade, and
21 Economic Development.

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

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

29 (k) "Qualified business" means a business that meets
30 the following conditions:

31

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

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

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

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

19 b. The business plan for the business projects that
20 the business is reasonably expected to achieve in excess of
21 \$25 million in sales revenue within 5 years after the initial
22 investment, or the business is located in a designated Front
23 Porch community, enterprise zone, urban high crime area, rural
24 job tax credit county, or nationally recognized historic
25 district;

26 c. The business will maintain its headquarters in this
27 state for the next 10 years and any new manufacturing facility
28 financed by a qualified investment will remain in this state
29 for the next 10 years, or the business is located in a
30 designated Front Porch community, enterprise zone, urban high
31

1 crime area, rural job tax credit county, or nationally
2 recognized historic district; and

3 d. The business has fewer than 200 employees and at
4 least 75 percent of the employees are employed in this state.
5 For purposes of this subsection, the term "Qualified Business"
6 also includes the Florida Black Business Investment Board, any
7 entity majority owned by the Florida Black Business Investment
8 Board, or any entity in which the Florida black Business
9 Investment Board holds a majority voting interest on the board
10 of directors.

11
12 A business predominantly engaged in retail sales, real estate
13 development, insurance, banking, lending, oil and gas
14 exploration, or engaged in professional services provided by
15 accountants, lawyers, or physicians does not constitute a
16 qualified business.

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

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

29 1. Costs and expenses of forming, syndicating,
30 managing, and operating the certified capital company,
31 including an annual management fee in an amount that does not

1 exceed 2.5 percent of the certified capital of the certified
2 capital company, plus reasonable and necessary fees in
3 accordance with industry custom for professional services,
4 including, but not limited to, legal and accounting services,
5 related to the operation of the certified capital company.

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

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

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

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

1 credit may be applied against subsequent premium tax filings
2 through calendar year 2017.

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

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

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

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

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

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

30 (c) Directly or indirectly owns, whether through
31 rights, options, convertible interests, or otherwise,

1 controls, or holds power to vote 10 percent or more of the
2 outstanding voting securities or other ownership interest of
3 the certified investor; ~~or~~

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

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

11 Section 50. Sections 288.9950, 288.9951, 288.9952,
12 288.9953, 288.9954, 288.9955, 288.9956, 288.9957, 288.9958,
13 and 288.9959, Florida Statutes, are designated as part XI of
14 chapter 288, Florida Statutes, and the Division of Statutory
15 Revision is requested to designate that part "Workforce
16 Development."

17 Section 51. Section 446.601, Florida Statutes, is
18 transferred, renumbered as section 288.9950, Florida Statutes,
19 and amended to read:

20 288.9950 ~~446.601~~ Workforce Florida Act of 1996 ~~Short~~
21 ~~title; legislative intent.--~~

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

24 (2) The goal of this section is to utilize the
25 workforce development system to upgrade dramatically
26 Floridians' workplace skills, economically benefiting the
27 workforce, employers, and the state.

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

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

31

1 (b) In business, workforce skills are the key
2 competitive advantage.

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

5 (d) Budget cuts, efficiency, effectiveness, and
6 accountability mandate the consolidation of program services
7 and the elimination of unwarranted duplication.

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

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

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

17 (h) Job placement, job retention, and
18 return-on-investment should control workforce development
19 expenditures and be a part of the measure for success and
20 failure.

21 (i) Success will be rewarded and failure will have
22 consequences.

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

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

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

30 (4) The workforce development strategy shall be
31 designed by the Workforce Development Board ~~Enterprise Florida~~

1 ~~Jobs and Education Partnership~~ pursuant to s. 288.9952 ~~s.~~
2 ~~288.0475~~, and shall be centered around the strategies ~~four~~
3 ~~integrated strategic components~~ of First Jobs/First Wages
4 ~~One-Stop Career Centers, School-to-Work, Welfare-to-Work, and~~
5 ~~High Skills/High Wages Wage Jobs.~~

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

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

- 21 ~~1. Job search, referral, and placement assistance.~~
- 22 ~~2. Career counseling and educational planning.~~
- 23 ~~3. Consumer reports on service providers.~~
- 24 ~~4. Recruitment and eligibility determination.~~
- 25 ~~5. Support services, including child care and~~
26 ~~transportation.~~
- 27 ~~6. Employability skills training.~~
- 28 ~~7. Adult education and basic skills training.~~
- 29 ~~8. Technical training leading to a certification and~~
30 ~~degree.~~

31

1 ~~9. Claim filing for unemployment compensation~~
2 ~~services.~~

3 ~~10. Temporary income, health, nutritional, and housing~~
4 ~~assistance.~~

5 ~~11. Child care and transportation assistance to gain~~
6 ~~employment.~~

7 ~~12. Other appropriate and available workforce~~
8 ~~development services.~~

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

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

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

29 (5) The workforce development system shall utilize a
30 charter process approach aimed at encouraging local design and
31 control of service delivery and targeted activities. The

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

24 Section 52. Section 446.604, Florida Statutes, is
25 transferred, renumbered as section 288.9951, Florida Statutes,
26 and amended to read:

27 288.9951 ~~446.604~~ One-Stop Career Centers.--

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

- 1 (a) Job search, referral, and placement assistance.
2 (b) Career counseling and educational planning.
3 (c) Consumer reports on service providers.
4 (d) Recruitment and eligibility determination.
5 (e) Support services, including child care and
6 transportation assistance to gain employment.
7 (f) Employability skills training.
8 (g) Adult education and basic skills training.
9 (h) Technical training leading to a certification and
10 degree.
11 (i) Claim filing for unemployment compensation
12 services.
13 (j) Temporary income, health, nutritional, and housing
14 assistance.
15 (k) Other appropriate and available workforce
16 development services.
17 (2) In addition to the mandatory partners identified
18 in Pub. L. No. 105-220, Food Stamp Employment and Training,
19 Food Stamp work programs, and WAGES/TANF programs shall, upon
20 approval by the Governor of a transition plan prepared by the
21 Workforce Development Board in collaboration with the WAGES
22 Program State Board of Directors, participate as partners in
23 each One-Stop Career Center. Based on this plan, each partner
24 is prohibited from operating independently from a One-Stop
25 Career Center unless approved by the regional workforce
26 development board. Services provided by partners who are not
27 physically located in a One-Stop Career Center must be
28 approved by the regional workforce development board.
29 (3) Subject to a process designed by the Workforce
30 Development Board, and in compliance with Pub. L. No. 105-220,
31 regional workforce development boards shall designate One-Stop

1 Career Center operators. A regional workforce development
2 board may retain its current One-Stop Career Center operator
3 without further procurement action where the board has
4 established a One-Stop Career Center that has complied with
5 federal and state law.

6 (4) Notwithstanding any other provision of law,
7 effective July 1, 1999, regional workforce development boards
8 shall enter into a memorandum of understanding with the
9 Department of Labor and Employment Security for the delivery
10 of employment services authorized by Wagner-Peyser. For fiscal
11 year 1999-2000, the memorandum of understanding with the
12 Department of Labor and Employment Security must be
13 performance-based, dedicating 15 percent of the funds to
14 performance payments. Performance payments shall be based on
15 performance measures developed by the Workforce Development
16 Board.

17 (a) Unless otherwise required by federal law, at least
18 90 percent of the Wagner-Peyser funding must go into direct
19 customer service costs.

20 (b) Employment services must be provided through
21 One-Stop Career Centers, under the guidance of One-Stop Career
22 Center operators.

23 (5) One-Stop Career Center partners identified in
24 subsection (2) shall enter into a memorandum of understanding
25 pursuant to Pub. L. No. 105-220, Title I, s. 121, with the
26 regional workforce development board. Failure of a local
27 partner to participate cannot unilaterally block the majority
28 of partners from moving forward with their One-Stop Career
29 Centers, and the Workforce Development Board, pursuant to s.
30 288.9952(4)(d), may make notification of a local partner that
31 fails to participate.

1 (6) To the extent possible, core services, as defined
2 by Pub. L. No. 105-220, shall be provided electronically,
3 utilizing existing systems and public libraries. To expand
4 electronic capabilities, the Workforce Development Board,
5 working with regional workforce development boards, shall
6 develop a centralized help center to assist regional workforce
7 development boards in fulfilling core services, minimizing the
8 need for fixed-site One-Stop Career Centers.

9 (7) Intensive services and training provided pursuant
10 to Pub. L. No. 105-220, shall be provided to individuals
11 through Intensive Service Accounts and Individual Training
12 Accounts. The Workforce Development Board shall develop, by
13 July 1, 1999, an implementation plan, including identification
14 of initially eligible training providers, transition
15 guidelines, and criteria for use of these accounts. Individual
16 Training Accounts must be compatible with Individual
17 Development Accounts for education allowed in federal and
18 state welfare reform statutes.

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

24 (b) For each approved training program, regional
25 workforce development boards, in consultation with training
26 providers, shall establish a fair-market purchase price to be
27 paid through an Individual Training Account. The purchase
28 price must be based on prevailing costs and reflect local
29 economic factors, program complexity, and program benefits,
30 including time to beginning of training and time to
31 completion. The price shall ensure the fair participation of

1 public and nonpublic postsecondary educational institutions as
2 authorized service providers and shall prohibit the use of
3 unlawful remuneration to the student in return for attending
4 an institution. Unlawful remuneration does not include student
5 financial assistance programs.

6 (c) The Workforce Development Board shall review
7 Individual Training Account pricing schedules developed by
8 regional workforce development boards and present findings and
9 recommendations for process improvement to the President of
10 the Senate and the Speaker of the House of Representatives by
11 January 1, 2000.

12 (d) To the maximum extent possible, training providers
13 shall use funding sources other than the funding provided
14 under Pub. L. No. 105-220. A performance outcome related to
15 alternative financing obtained by the training provider shall
16 be established by the Workforce Development Board and used for
17 performance evaluation purposes. The performance evaluation
18 must take into consideration the number of alternative funding
19 sources.

20 (e) Training services provided through Individual
21 Training Accounts must be performance-based, with successful
22 job placement triggering full payment.

23 (f) The accountability measures to be used in
24 documenting competencies acquired by the participant during
25 training shall be literacy completion points and occupational
26 completion points. Literacy completion points refers to the
27 academic or workforce readiness competencies that qualify a
28 person for further basic education, vocational education, or
29 for employment. Occupational completion points refers to the
30 vocational competencies that qualify a person to enter an
31 occupation that is linked to a vocational program.

1 (9)(a)(1) The Department of Management Services,
2 working with the Workforce Development Board, shall coordinate
3 among the agencies a plan for a One-Stop Career Center
4 Electronic Network made up of One-Stop Career Centers that are
5 operated by ~~the Department of Labor and Employment Security,~~
6 ~~the Department of Health and Rehabilitative Services, the~~
7 ~~Department of Education,~~ and other authorized public or
8 private for-profit or not-for-profit agents. The plan shall
9 identify resources within existing revenues to establish and
10 support this ~~such~~ electronic network for service delivery that
11 includes the Florida Communities Network.

12 (b)(2) The network shall assure that a uniform method
13 is used to determine eligibility for and management of
14 services provided by agencies that conduct workforce
15 development activities. The Department of Management Services
16 shall develop strategies to allow access to the databases and
17 information management systems of the following systems in
18 order to link information in those databases with the One-Stop
19 Career Centers:

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

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

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

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

29 5.(e) The Student Financial Assistance System of the
30 Department of Education.

31

1 ~~6.(f)~~ Enrollment in the public postsecondary education
2 system.

3
4 The systems shall be fully coordinated at both the state and
5 local levels by January 1, 2000 ~~July 1, 1999~~.

6 Section 53. Section 288.9620, Florida Statutes, is
7 transferred, renumbered as section 288.9952, Florida Statutes,
8 and amended to read:

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

11 288.9952 Workforce Development Board.--

12 (1) There is created within the not-for-profit
13 corporate structure of Enterprise Florida, Inc., a
14 not-for-profit public-private Workforce Development Board. The
15 purpose of the Workforce Development Board is to design and
16 implement strategies that help Floridians enter, remain in,
17 and advance in the workplace, becoming more highly skilled and
18 successful, benefiting these Floridians, Florida businesses,
19 and the entire state.

20 (2)(a) The Workforce Development Board shall be
21 governed by a 25-voting-member board of directors whose
22 membership and appointment must be consistent with Pub. L. No.
23 105-220, Title I, s. 111(b), and contain three representatives
24 of organized labor. Notwithstanding s. 114.05(f), the Governor
25 may appoint members of the current board to serve on the
26 reconstituted board as required by this section. By June 1,
27 1999, the Workforce Development Board will provide to the
28 Governor a transition plan to incorporate the changes required
29 by this act and Pub. L. No. 105-220, specifying the timeframe
30 and manner of changes to the board. This plan shall govern the
31 transition, unless otherwise notified by the Governor. The

1 importance of minority and gender representation shall be
2 considered when making appointments to the board. Additional
3 members may be appointed when necessary to conform to the
4 requirements of Pub. L. No. 105-220.

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

8 (c) Private-sector members appointed by the Governor
9 must be appointed for four-year, staggered terms.

10 Public-sector members appointed by the Governor must be
11 appointed to 4-year terms. Members appointed by the Governor
12 serve at the pleasure of the Governor.

13 (d) The Governor shall appoint members to the board of
14 directors of the Workforce Development Board within 30 days
15 after the receipt of nominations.

16 (e) A member of the board of directors of the
17 Workforce Development Board may be removed by the Governor for
18 cause. Absence from three consecutive meetings results in
19 automatic removal. The chair of the Workforce Development
20 Board shall notify the Governor of such absences.

21 (3)(a) The president of the Workforce Development
22 Board shall be hired by the president of Enterprise Florida,
23 Inc., and shall serve in the capacity of an executive director
24 and secretary of the Workforce Development Board.

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

28 (c) A majority of the total current membership of the
29 board of directors of the Workforce Development Board
30 comprises a quorum of the board.

31

1 (d) A majority of those voting is required to organize
2 and conduct the business of the Workforce Development Board,
3 except that a majority of the entire board of directors of the
4 Workforce Development Board is required to adopt or amend the
5 operational plan.

6 (e) Except as delegated or authorized by the board of
7 directors of the Workforce Development Board, individual
8 members have no authority to control or direct the operations
9 of the Workforce Development Board or the actions of its
10 officers and employees, including the president.

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

14 (g) Members of the board of directors of the Workforce
15 Development Board and its committees shall serve without
16 compensation, but these members, the president, and all
17 employees of the Workforce Development Board may be reimbursed
18 for all reasonable, necessary, and actual expenses, as
19 determined by the board of directors of Enterprise Florida,
20 Inc.

21 (h) The board of directors of the Workforce
22 Development Board may establish an executive committee
23 consisting of the chair and at least two additional board
24 members selected by the board of directors. The executive
25 committee shall have such authority as the board of directors
26 of the Workforce Development Board delegates to it, except
27 that the board of directors may not delegate to the executive
28 committee authority to take action that requires approval by a
29 majority of the entire board of directors.

30 (i) The board of directors of the Workforce
31 Development Board may appoint committees to fulfill its

1 responsibilities, to comply with federal requirements, or to
2 obtain technical assistance, and must incorporate members of
3 regional workforce development boards into its structure.

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

9 (4) The Workforce Development Board shall have all the
10 powers and authority, not explicitly prohibited by statute,
11 necessary or convenient to carry out and effectuate the
12 purposes as determined by statute, Pub. L. No. 105-220, and
13 the Governor, as well as its functions, duties, and
14 responsibilities, including, but not limited to, the
15 following:

16 (a) Serving as the state's Workforce Investment Board
17 pursuant to Pub. L. No. 105-220. Unless otherwise required by
18 federal law, at least 90 percent of the workforce development
19 funding must go into direct customer service costs. Of the
20 allowable administrative overhead, appropriate amounts shall
21 be expended to procure independent job-placement evaluations.

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

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

19 (c) Providing an annual report to the board of
20 directors of Enterprise Florida, Inc., by November 1 that
21 includes a copy of an annual financial and compliance audit of
22 its accounts and records conducted by an independent certified
23 public accountant and performed in accordance with rules
24 adopted by the Auditor General.

25 (d) Notifying the Governor, the President of the
26 Senate, and the Speaker of the House of Representatives of
27 noncompliance by agencies or obstruction of the board's
28 efforts by agencies. Upon such notification, the Executive
29 Office of the Governor shall assist agencies to bring them
30 into compliance with board objectives.

31

1 (e) Ensuring that the state does not waste valuable
2 training resources. Thus, the board shall direct that all
3 resources, including equipment purchased for training
4 Workforce Investment Act clients, be available for use at all
5 times by eligible populations as first priority users. At
6 times when eligible populations are not available, such
7 resources shall be used for any other state authorized
8 education and training purpose.

9 (5) Notwithstanding s. 216.351, to allow time for
10 documenting program performance, funds allocated for the
11 incentives in s. 239.249 must be carried forward to the next
12 fiscal year and must be awarded for the current year's
13 performance, unless federal law requires the funds to revert
14 at the year's end.

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

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

30 (b) A funding system that provides incentives to
31 improve the outcomes of vocational education programs, and of

1 registered apprenticeship and work-based learning programs,
2 and that focuses resources on occupations related to new or
3 emerging industries that add greatly to the value of the
4 state's economy.

5 (c) A comprehensive approach to the education and
6 training of target populations such as those who have
7 disabilities, are economically disadvantaged, receive public
8 assistance, are not proficient in English, or are dislocated
9 workers. This approach should ensure the effective use of
10 federal, state, local, and private resources in reducing the
11 need for public assistance.

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

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

30 (f) A review of the performance of public programs
31 that are responsible for economic development, education,

1 employment, and training. The review must include an analysis
2 of the return on investment of these programs.

3 (7) By December 1 of each year, Enterprise Florida,
4 Inc., shall submit to the Governor, the President of the
5 Senate, the Speaker of the House of Representatives, the
6 Senate Minority Leader, and the House Minority Leader a
7 complete and detailed report by the Workforce Development
8 Board setting forth:

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

10 (b) The operations and accomplishments of the
11 partnership including the programs or entities listed in
12 subsection (6).

13 (8) The Auditor General may, pursuant to his or her
14 own authority or at the direction of the Legislative Auditing
15 Committee, conduct an audit of the Workforce Development Board
16 or the programs or entities created by the Workforce
17 Development Board.

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

26 (a) The first tier of measures must be organized to
27 provide benchmarks for system-wide outcomes. The Workforce
28 Development Board must, in collaboration with the Office of
29 Program Policy Analysis and Government Accountability,
30 establish goals for the tier-one outcomes. System-wide
31 outcomes may include employment in occupations demonstrating

1 continued growth in wages; continued employment after 3, 6,
2 12, and 24 months; reduction in and elimination of public
3 assistance reliance; job placement; employer satisfaction; and
4 positive return on investment of public resources.

5 (b) The second tier of measures must be organized to
6 provide a set of benchmark outcomes for One-Stop Career
7 Centers and each of the strategic components of the workforce
8 development strategy. A set of standards and measures must be
9 developed for One-Stop Career Centers, youth employment
10 activities, WAGES, and High Skills/High Wages, targeting the
11 specific goals of each particular strategic component. Cost
12 per entered employment, earnings at placement, retention in
13 employment, job placement, and entered employment rate must be
14 included among the performance outcome measures.

15 1. Appropriate measures for One-Stop Career Centers
16 may include direct job placements at minimum wage, at a wage
17 level established by the Occupational Forecasting Conference,
18 and at a wage level above the level established by the
19 Occupational Forecasting Conference.

20 2. Appropriate measures for youth employment
21 activities may include the number of students enrolling in and
22 completing work-based programs, including apprenticeship
23 programs; job placement rate; job retention rate; wage at
24 placement; and wage growth.

25 3. WAGES measures may include job placement rate, job
26 retention rate, wage at placement, wage growth, reduction and
27 elimination of reliance on public assistance, and savings
28 resulting from reduced reliance on public assistance.

29 4. High Skills/High Wages measures may include job
30 placement rate, job retention rate, wage at placement, and
31 wage growth.

1 (c) The third tier of measures must be the operational
2 output measures to be used by the agency implementing
3 programs, and it may be specific to federal requirements. The
4 tier-three measures must be developed by the agencies
5 implementing programs, and the Workforce Development Board may
6 be consulted in this effort. Such measures must be reported to
7 the Workforce Development Board by the appropriate
8 implementing agency.

9 (d) Regional differences must be reflected in the
10 establishment of performance goals and may include job
11 availability, unemployment rates, average worker wage, and
12 available employable population. All performance goals must be
13 derived from the goals, principles, and strategies established
14 in the Workforce Florida Act of 1996.

15 (e) Job placement must be reported pursuant to s.
16 229.8075. Positive outcomes for providers of education and
17 training must be consistent with ss. 239.233 and 239.245.

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

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

29 Section 54. Section 446.602, Florida Statutes, is
30 transferred, renumbered as section 288.9953, Florida Statutes,
31 and amended to read:

1 288.9953 ~~446.602~~ Regional Workforce Development
2 Boards.--
3 (1) One regional workforce development board ~~Regional~~
4 ~~Workforce Development Board~~ shall be appointed in each
5 designated service delivery area and shall serve as the local
6 workforce investment board pursuant to Pub. L. No. 105-220.
7 The membership ~~and responsibilities~~ of the board shall be
8 consistent with Pub. L. No. 105-220, Title I, s. 117(b), and
9 contain three representatives of organized labor. A member of
10 a regional workforce development board may not vote on a
11 matter under consideration by the board regarding the
12 provision of services by such member, or by an entity that
13 such member represents; vote on a matter that would provide
14 direct financial benefit to such member or the immediate
15 family of such member; or engage in any other activity
16 determined by the Governor to constitute a conflict of
17 interest as specified in the state plan.97-300, as amended.
18 ~~The board shall be appointed by the chief elected official or~~
19 ~~his or her designee of the local county or city governing~~
20 ~~bodies or consortiums of county and/or city governmental units~~
21 ~~that exist through interlocal agreements and shall include:~~
22 ~~(a) At least 51 percent of the members of each board~~
23 ~~being from the private sector and being chief executives,~~
24 ~~chief operating officers, owners of business concerns, or~~
25 ~~other private sector executives with substantial management or~~
26 ~~policy responsibility.~~
27 ~~(b) Representatives of organized labor and~~
28 ~~community-based organizations, who shall constitute not less~~
29 ~~than 15 percent of the board members.~~
30 ~~(c) Representatives of educational agencies, including~~
31 ~~presidents of local community colleges, superintendents of~~

1 ~~local school districts, licensed private postsecondary~~
2 ~~educational institutions participating in vocational education~~
3 ~~and job training in the state and conducting programs on the~~
4 ~~Occupational Forecasting Conference list or a list validated~~
5 ~~by the Regional Workforce Development Board; vocational~~
6 ~~rehabilitation agencies; economic development agencies; public~~
7 ~~assistance agencies; and public employment service. One of~~
8 ~~the representatives from licensed private postsecondary~~
9 ~~educational institutions shall be from a degree-granting~~
10 ~~institution, and one from an institution offering certificate~~
11 ~~or diploma programs. One of these members shall be a~~
12 ~~nonprofit, community-based organization which provides direct~~
13 ~~job training and placement services to hard-to-serve~~
14 ~~individuals including the target population of people with~~
15 ~~disabilities.~~

16

17 ~~The current Private Industry Council may be restructured, by~~
18 ~~local agreement, to meet the criteria for a Regional Workforce~~
19 ~~Development Board.~~

20 (2) The Workforce Development Board will determine the
21 timeframe and manner of changes to the regional workforce
22 development boards as required by this act and Pub. L. No.
23 105-220.

24 (3) The Workforce Development Board shall assign staff
25 to meet with each regional workforce development board
26 annually to review the board's performance and to certify that
27 the board is in compliance with applicable state and federal
28 law.

29 (4)(2) In addition to the duties and functions
30 specified by the Workforce Development Board Enterprise
31 Florida Jobs and Education Partnership and by the interlocal

1 agreement approved by the local county or city governing
2 bodies, the regional workforce development board ~~Regional~~
3 ~~Workforce Development Board~~ shall have the following
4 responsibilities:

5 (a) Develop, submit, ratify, or amend ~~Review, approve,~~
6 ~~and ratify~~ the local ~~Job Training Partnership Act~~ plan
7 pursuant to Pub. L. No. 105-220, Title I, s. 118 ~~which also~~
8 ~~must be signed by the chief elected officials.~~

9 (b) Conclude agreements necessary to designate the
10 fiscal agent and administrative entity.

11 (c) Complete assurances required for the Workforce
12 Development Board ~~Enterprise Florida Jobs and Education~~
13 ~~Partnership~~ charter process and provide ongoing oversight
14 related to administrative costs, duplicated services, career
15 counseling, economic development, equal access, compliance and
16 accountability, and performance outcomes.

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

18 (5)(3) The Workforce Development Board ~~Enterprise~~
19 ~~Florida Jobs and Education Partnership~~ shall, ~~by January 1,~~
20 ~~1997, design and~~ implement a training program for the regional
21 workforce development boards ~~Regional Workforce Development~~
22 ~~Boards~~ to familiarize board members with the state's workforce
23 development goals and strategies.

24

25 The regional workforce development board ~~Regional Workforce~~
26 ~~Development Board~~ shall designate all local service providers
27 and shall not transfer this authority to a third party. In
28 order to exercise independent oversight, the regional
29 workforce development board ~~Regional Workforce Development~~
30 ~~Board~~ shall not be a direct provider of intake, assessment,
31 eligibility determinations, or other direct provider services.

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

4 (7) Each regional workforce development board shall
5 establish a high skills/high wages committee consisting of
6 five private-sector business representatives, including the
7 regional workforce development board chair; the presidents of
8 all community colleges within the board's region; those
9 district school superintendents with authority for conducting
10 postsecondary educational programs within the region; and a
11 representative from a nonpublic postsecondary educational
12 institution that is an authorized individual training account
13 provider within the region. The business representatives other
14 than the board chair need not be members of the regional
15 workforce development board.

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

19 1. Policies to enhance the responsiveness of high
20 skills/high wages programs in its region to business and
21 economic development opportunities.

22 2. Integrated use of state education and federal
23 workforce development funds to enhance the training and
24 placement of designated population individuals with local
25 businesses and industries.

26 (b) After fiscal year 1999-2000, the Workforce
27 Development Board has the discretion to decrease the frequency
28 of reporting by the high skills/high wages committees, but the
29 committees shall meet and submit any recommendations at least
30 annually.

31

1 (c) Annually, the Workforce Development Board shall
2 compile all the recommendations of the high skills/high wages
3 committees, research their feasibility, and make
4 recommendations to the Governor, the President of the Senate,
5 and the Speaker of the House of Representatives.

6 Section 55. Section 446.607, Florida Statutes, is
7 transferred, renumbered as section 288.9954, Florida Statutes,
8 and amended to read:

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

30
31

1 Section 56. Section 446.603, Florida Statutes, is
2 transferred, renumbered as section 288.9955, Florida Statutes,
3 and amended to read:

4 288.9955 ~~446.603~~ Untried Worker Placement and
5 Employment Incentive Act.--

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

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

17 ~~(3) The Department of Labor and Employment Security~~
18 ~~and the Department of Health and Rehabilitative Services,~~
19 ~~working with the Enterprise Florida Jobs and Education~~
20 ~~Partnership, shall develop five Untried Worker Placement and~~
21 ~~Employment Incentive pilot projects in at least five different~~
22 ~~counties.~~

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

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

5 ~~(5)~~(6) Incentives must be paid according to the ~~The~~
6 ~~Department of Labor and Employment Security and the Department~~
7 ~~of Health and Rehabilitative Services, working with the~~
8 ~~Enterprise Florida Jobs and Education Partnership, shall~~
9 ~~develop an~~ incentive schedule developed by the Department of
10 Labor and Employment Security and the Department of Children
11 and Family Services which ~~that~~ costs the state less per
12 placement than the state's 12-month expenditure on a welfare
13 recipient.

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

25 ~~(7)~~(8) This section shall not be used for the purpose
26 of displacing or replacing an employer's regular employees,
27 and shall not interfere with executed collective bargaining
28 agreements. Untried workers shall be paid by the employer at
29 the same rate as similarly situated and assessed workers in
30 the same place of employment.

31

1 ~~(8)(9)~~ An employer that demonstrates a pattern of
2 unsuccessful placements shall be disqualified from
3 participation in these pilots because of poor return on the
4 public's investment.

5 ~~(9)(10) The Department of Labor and Employment~~
6 ~~Security and the Department of Health and Rehabilitative~~
7 ~~Services, working with the Enterprise Florida Jobs and~~
8 ~~Education Partnership, may offer to~~ Any employer that chooses
9 to employ untried workers is eligible to receive such
10 incentives and benefits that are available and provided in
11 law, as long as the long-term, cost savings can be quantified
12 with each such additional inducement.

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

15 Section 57. Section 288.9956, Florida Statutes, is
16 created to read:

17 288.9956 Implementation of the federal Workforce
18 Investment Act of 1998.--

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

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

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

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

30
31

1 (d) Increased Accountability--The state, localities,
2 and training providers will be held accountable for their
3 performance.

4 (e) Local Board and Private Sector Leadership--Local
5 boards will focus on strategic planning, policy development,
6 and oversight of the local system, choosing local managers to
7 direct the operational details of their One-Stop Career
8 Centers.

9 (f) Local Flexibility and Integration--Localities will
10 have exceptional flexibility to build on existing reforms.
11 Unified planning will free local groups from conflicting
12 micro-management, while waivers and WorkFlex will allow local
13 innovations.

14 (2) FIVE-YEAR PLAN.--The Workforce Development Board
15 shall prepare and submit a 5-year plan, which includes
16 secondary vocational education, to fulfill the early
17 implementation requirements of Pub. L. No. 105-220 and
18 applicable state statutes. Mandatory federal partners and
19 optional federal partners, including the WAGES Program State
20 Board of Directors, shall be fully involved in designing the
21 plan's One-Stop Career Center system strategy. The plan shall
22 detail a process to clearly define each program's statewide
23 duties and role relating to the system. Any optional federal
24 partner may immediately choose to fully integrate its
25 program's plan with this plan, which shall, notwithstanding
26 any other state provisions, fulfill all their state planning
27 and reporting requirements as they relate to One-Stop Career
28 Centers. The plan shall detail a process that would fully
29 integrate all federally mandated and optional partners by the
30 second year of the plan. All optional federal program partners
31

1 in the planning process shall be mandatory participants in the
2 second year of the plan.

3 (3) FUNDING.--

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

11 1. At least 50 percent of the Title I funds for Adults
12 and Dislocated Workers that are passed through to regional
13 workforce development boards shall be allocated to Individual
14 Training Accounts unless a regional workforce development
15 board obtains a waiver from the Workforce Development Board.
16 Tuition, fees, and performance-based incentive awards paid in
17 compliance with Florida's Performance-Based Incentive Fund
18 Program qualify as an Individual Training Account expenditure,
19 as do other programs developed by regional workforce
20 development boards in compliance with the Workforce
21 Development Board's policies.

22 2. Fifteen percent of Title I funding shall be
23 retained at the state level and shall be dedicated to state
24 administration and used to design, develop, induce, and fund
25 innovative Individual Training Account pilots, demonstrations,
26 and programs. Eligible state administration costs include the
27 costs of: funding of the Workforce Development Board and
28 Workforce Development Board's staff; operating fiscal,
29 compliance, and management accountability systems through the
30 Workforce Development Board; conducting evaluation and
31 research on workforce development activities; and providing

1 technical and capacity building assistance to regions at the
2 direction of the Workforce Development Board. Notwithstanding
3 s. 288.9952, such administrative costs shall not exceed 25
4 percent of these funds. Seventy percent of these funds shall
5 be allocated to Individual Training Accounts for: the Minority
6 Teacher Education Scholars program, the Certified Teacher-Aide
7 program, the Self-Employment Institute, and other Individual
8 Training Accounts designed and tailored by the Workforce
9 Development Board, including, but not limited to, programs for
10 incumbent workers, displaced homemakers, nontraditional
11 employment, empowerment zones, and enterprise zones. The
12 Workforce Development Board shall design, adopt, and fund
13 Individual Training Accounts for distressed urban and rural
14 communities. The remaining 5 percent shall be reserved for the
15 Incumbent Worker Training Program.

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

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

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

1 fewer, businesses in rural areas, businesses in distressed
2 inner-city areas, or businesses whose grant proposals
3 represent a significant upgrade in employee skills.

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

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

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

29 f. The Workforce Development Board is authorized to
30 establish guidelines necessary to implement the Incumbent
31 Worker Training Program.

1 g. No more than 10 percent of the Incumbent Worker
2 Training Program's appropriation may be used for
3 administrative purposes.

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

10 4. At least 50 percent of Rapid Response funding shall
11 be dedicated to Intensive Services Accounts and Individual
12 Training Accounts for dislocated workers and incumbent workers
13 who are at risk of dislocation. The Workforce Development
14 Board shall also maintain an Emergency Preparedness Fund from
15 Rapid Response funds which will immediately issue Intensive
16 Service Accounts and Individual Training Accounts as well as
17 other federally authorized assistance to eligible victims of
18 natural or other disasters. At the direction of the Governor,
19 for events that qualify under federal law, these Rapid
20 Response funds shall be released to regional workforce
21 development boards for immediate use. Funding shall also be
22 dedicated to maintain a unit at the state level to respond to
23 Rapid Response emergencies around the state, to work with
24 state emergency management officials, and to work with
25 regional workforce development boards. All Rapid Response
26 funds must be expended based on a plan developed by the
27 Workforce Development Board and approved by the Governor.

28 (b) The administrative entity for Title I, Workforce
29 Investment Act of 1998 funds, and Rapid Response activities,
30 will be determined by the Workforce Development Board, except
31 that the administrative entity for Rapid Response for fiscal

1 year 1999-2000 must be the Department of Labor and Employment
2 Security. The administrative entity will provide services
3 through a contractual agreement with the Workforce Development
4 Board. The terms and conditions of the agreement may include,
5 but are not limited to, the following:

6 1. All policy direction to regional workforce
7 development boards regarding Title I programs and Rapid
8 Response activities shall emanate from the Workforce
9 Development Board.

10 2. Any policies by a state agency acting as an
11 administrative entity which may materially impact local
12 workforce boards, local governments, or educational
13 institutions must be promulgated under chapter 120.

14 3. The administrative entity will operate under a
15 procedures manual, approved by the Workforce Development
16 Board, addressing: financial services including cash
17 management, accounting, and auditing; procurement; management
18 information system services; and federal and state compliance
19 monitoring, including quality control.

20 4. State Career Service employees in the Department of
21 Labor and Employment Security may be leased or assigned to the
22 administrative entity to provide administrative and
23 professional functions.

24 (4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED
25 MODIFICATIONS.--

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

30 (b) The Workforce Development Board may negotiate and
31 settle all outstanding issues with the U.S. Department of

1 Labor relating to decisions made by the Workforce Development
2 Board and the Legislature with regard to the Job Training
3 Partnership Act, making settlements and closing out all JTPA
4 program year grants before the repeal of the act June 30,
5 2000.

6 (c) The Workforce Development Board may make
7 modifications to the state's plan, policies, and procedures to
8 comply with federally mandated requirements that in its
9 judgment must be complied with to maintain funding provided
10 pursuant to Pub. L. No. 105-220. The board shall notify in
11 writing the Governor, the President of the Senate, and the
12 Speaker of the House of Representatives within 30 days of any
13 such changes or modifications.

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

18 (6) LONG-TERM CONSOLIDATION OF WORKFORCE
19 DEVELOPMENT.--

20 (a) The Workforce Development Board may recommend
21 workforce-related divisions, bureaus, units, programs, duties,
22 commissions, boards, and councils that can be eliminated,
23 consolidated, or privatized.

24 (b) By December 31, 1999, the Office of Program Policy
25 Analysis and Government Accountability shall review the
26 workforce development system, identifying divisions, bureaus,
27 units, programs, duties, commissions, boards, and councils
28 that could be eliminated, consolidated, or privatized. The
29 office shall submit preliminary findings by December 31, 1999,
30 and its final report and recommendations by January 31, 2000,
31 to the President of the Senate and the Speaker of the House of

1 Representatives. As part of the report, the Office of Program
2 Policy Analysis and Government Accountability shall
3 specifically identify, by funding stream, indirect,
4 administrative, management information system, and overhead
5 costs of the Department of Labor and Employment Security.

6 (7) TERMINATION OF SET-ASIDE.--For those state and
7 federal set-asides terminated by the federal Workforce
8 Investment Act of 1998, the Department of Education, the
9 Office of Tourism, Trade, and Economic Development within the
10 Executive Office of the Governor, and the Department of Elder
11 Affairs shall keep all unexpended JTPA 123 (Education
12 Coordination), JTPA III (Dislocated Workers), or JTPA IIA
13 (Services for Older Adults) funds to closeout their education
14 and coordination activities. The Workforce Development Board
15 shall develop guidelines under which the departments may
16 negotiate with the regional workforce development boards to
17 provide continuation of activities and services currently
18 conducted with the JTPA Section 123 or JTPA IIA funds.

19 Section 58. Section 288.9957, Florida Statutes, is
20 created to read:

21 288.9957 Florida Youth Workforce Council.--

22 (1) The chairman of the Workforce Development Board
23 shall designate the Florida Youth Workforce Council from
24 representatives of distressed inner-city and rural communities
25 who have demonstrated experience working with at-risk youth,
26 and representatives of public and private groups, including,
27 but not limited to, School-to-Work Advisory Councils, the
28 National Guard, Childrens' Services Councils, Juvenile Welfare
29 Boards, the Apprenticeship Council, Juvenile Justice District
30 Boards, and other federal and state programs that target

31

1 youth, to advise the board on youth programs and to implement
2 Workforce Development Board strategies for young people.

3 (2) The Florida Youth Workforce Council shall oversee
4 the development of regional youth workforce councils, as a
5 subgroup of each regional workforce development board, which
6 will be responsible for developing required local plans
7 relating to youth, recommending providers of youth activities
8 to be awarded grants by the regional workforce development
9 board, conducting oversight of these providers, and
10 coordinating youth activities in the region.

11 (3) Resources awarded to regions for youth activities
12 shall fund community activities including the Minority Teacher
13 Education Scholars program, the Certified Teacher-Aide
14 program, and the "About Face" program of the Department of
15 Military Affairs, as well as other programs designed and
16 tailored by the regional youth workforce council and regional
17 workforce development board.

18 (4) Regional youth workforce councils must leverage
19 other program funds in order to enlist youth workforce program
20 stakeholders in their community in upgrading each
21 stakeholder's effectiveness through collaborative planning,
22 implementation, and funding.

23 (5) The Florida Youth Workforce Council shall report
24 annually by December 1 to the Workforce Development Board the
25 total aggregate funding impact of this effort, including the
26 inventory of collaborative funding partners in each region and
27 their contributions.

28 (6) Ten percent of youth funds allocated under Pub. L.
29 No. 105-220 to the regional workforce development boards shall
30 be used to leverage public schools' dropout-prevention funds
31

1 through performance payments for outcomes specified by the
2 Workforce Development Board.

3 Section 59. Section 288.9958, Florida Statutes, is
4 created to read:

5 288.9958 Employment, Occupation, and Performance
6 Information Coordinating Committee.--

7 (1) By July 15, 1999, the chairman of the Workforce
8 Development Board shall appoint an Employment, Occupation, and
9 Performance Information Coordinating Committee, which shall
10 assemble all employment, occupational, and performance
11 information from workforce development partners into a single
12 integrated informational system. The committee shall include
13 representatives from the Bureau of Labor Market and
14 Performance Information, Florida Education and Training
15 Placement Information Program, and the State Occupational
16 Forecasting Conference, as well as other public or private
17 members with information expertise.

18 (2) The committee shall initially focus on the timely
19 provision of data necessary for planning, consumer reports,
20 and performance accountability reports necessary for the
21 selection of training service providers, as well as state and
22 local board program assessment, completing these tasks no
23 later than October 1, 1999.

24 (3) By December 1, 1999, the committee shall establish
25 outcome measures that enable an assessment of the Workforce
26 Development Board's coordinating and oversight
27 responsibilities.

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

1 (5) To ensure the fulfillment of these requirements,
2 the Workforce Development Board may direct the Department of
3 Labor and Employment Security, the Department of Education,
4 and the Department of Children and Family Services to provide
5 such services and assign such staff to this committee as it
6 deems necessary until June 30, 2000.

7 Section 60. Section 288.9959, Florida Statutes, is
8 created to read:

9 288.9959 Operational Design and Technology Procurement
10 Committee.--

11 (1) The chairman of the Workforce Development Board
12 shall appoint an Operational Design and Technology Procurement
13 Committee, which shall assemble representatives from the
14 regional workforce development boards, board staff, and the
15 staff of the WAGES State Board of Directors to design and
16 develop a model operational design and technology procurement
17 strategy for One-Stop Career Centers to ensure that services
18 from region to region are consistent for customers, that
19 customer service technology is compatible, and that
20 procurement expenditures, where possible, are aggregated to
21 obtain economies and efficiencies.

22 (2) The committee shall initially focus on designing a
23 uniform intake procedure for all One-Stop Career Centers; on
24 the design and delivery of customer reports on eligible
25 training providers; on the design of Intensive Services
26 Accounts, Individual Training Accounts, and Individual
27 Development Accounts; on enhancing availability of electronic
28 One-Stop Career Center core services; and on the development
29 of One-Stop Career Center model operating procedures.

30 (3) To ensure the fulfillment of these requirements,
31 the Workforce Development Board may direct the Department of

1 Labor and Employment Security, the Department of Education,
2 and the Department of Children and Family Services to provide
3 such services and assign such staff to this committee as it
4 deems necessary until June 30, 2000.

5 Section 61. Paragraph (a) of subsection (2) of section
6 414.026, Florida Statutes, 1998 Supplement, is amended to
7 read:

8 414.026 WAGES Program State Board of Directors.--

9 (2)(a) The board of directors shall be composed of the
10 following members:

11 1. The Commissioner of Education, or the
12 commissioner's designee.

13 2. The Secretary of Children and Family Services.

14 3. The Secretary of Health.

15 4. The Secretary of Labor and Employment Security.

16 5. The Secretary of Community Affairs.

17 6. The Secretary of Transportation, or the secretary's
18 designee.

19 7. The director of the Office of Tourism, Trade, and
20 Economic Development.

21 8. The president of the Enterprise Florida workforce
22 development board, established under s. 288.9952 ~~s. 288.9620~~.

23 9. The chief executive officer of the Florida Tourism
24 Industry Marketing Corporation, established under s. 288.1226.

25 10. Nine members appointed by the Governor, as
26 follows:

27 a. Six members shall be appointed from a list of ten
28 nominees, of which five must be submitted by the President of
29 the Senate and five must be submitted by the Speaker of the
30 House of Representatives. The list of five nominees submitted
31 by the President of the Senate and the Speaker of the House of

1 Representatives must each contain at least three individuals
2 employed in the private sector, two of whom must have
3 management experience. One of the five nominees submitted by
4 the President of the Senate and one of the five nominees
5 submitted by the Speaker of the House of Representatives must
6 be an elected local government official who shall serve as an
7 ex officio nonvoting member.

8 b. Three members shall be at-large members appointed
9 by the Governor.

10 c. Of the nine members appointed by the Governor, at
11 least six must be employed in the private sector and of these,
12 at least five must have management experience.

13

14 The members appointed by the Governor shall be appointed to
15 4-year, staggered terms. Within 60 days after a vacancy occurs
16 on the board, the Governor shall fill the vacancy of a member
17 appointed from the nominees submitted by the President of the
18 Senate and the Speaker of the House of Representatives for the
19 remainder of the unexpired term from one nominee submitted by
20 the President of the Senate and one nominee submitted by the
21 Speaker of the House of Representatives. Within 60 days after
22 a vacancy of a member appointed at-large by the Governor
23 occurs on the board, the Governor shall fill the vacancy for
24 the remainder of the unexpired term. The composition of the
25 board must generally reflect the racial, gender, and ethnic
26 diversity of the state as a whole.

27 Section 62. Sections 446.20, 446.205, 446.605, and
28 446.606, Florida Statutes, are repealed effective June 30,
29 2000.

30 Section 63. If any provision of this act or the
31 application thereof to any person or circumstance is held

1 invalid, the invalidity does not affect other provisions or
2 applications of the act which can be given effect without the
3 invalid provision or application, and to this end the
4 provisions of this act are declared severable.

5 Section 64. Subsection (2) of section 220.191, Florida
6 Statutes, 1998 Supplement, is amended to read:

7 220.191 Capital investment tax credit.--

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

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

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

31

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

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

14 Section 65. Subsection (7) of section 163.3178,
15 Florida Statutes, is amended to read:

16 163.3178 Coastal management.--

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

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

3 Section 66. Paragraph (h) is added to subsection (1)
4 of section 163.3187, Florida Statutes, 1998 Supplement, and
5 paragraph (a) of subsection (6) of that section is amended, to
6 read:

7 163.3187 Amendment of adopted comprehensive plan.--

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

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

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

22 Section 67. Subsection (4) is added to section 253.77,
23 Florida Statutes, to read:

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

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

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

12 Section 68. Section 288.8155, Florida Statutes, is
13 amended to read:

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

12 Section 69. Section 311.14, Florida Statutes, is
13 created to read:

14 311.14 Seaport freight-mobility planning.--

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

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

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

7 Section 70. Subsection (6) of section 315.02, Florida
8 Statutes, is amended to read:

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

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

26 Section 71. Paragraph (h) is added to subsection (24)
27 of section 380.06, Florida Statutes, 1998 Supplement, to read:

28 380.06 Developments of regional impact.--

29 (24) STATUTORY EXEMPTIONS.--

30 (h) Expansion to port harbors, spoil disposal sites,
31 navigation channels, turning basins, harbor berths, and other

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

8 Section 72. Subsection (6) is added to section 15.16,
9 Florida Statutes, to read.

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

13 (6) The Secretary of State may issue apostilles
14 conforming to the requirements of the international treaty
15 known as the Hague Convention of 1961 and may charge a fee for
16 the issuance of apostilles not to exceed \$10 per
17 apostille. The Secretary of State has the sole authority in
18 this state to establish, in accordance with the laws of the
19 United States, the requirements and procedures for the
20 issuance of apostilles. The Department of State may adopt
21 rules to implement this subsection.

22 Section 73. Section 117.103, Florida Statutes, 1998
23 Supplement, is amended to read:

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

1 notarial authority, in a form prescribed by the Secretary of
2 State, which shall include a statement explaining the legal
3 qualifications and authority of a notary public in this state
4 ~~certificate of notarial authority. Documents destined for~~
5 ~~countries participating in an International Treaty called the~~
6 ~~Hague Convention require an Apostille, and that requirement~~
7 ~~shall be determined by the Secretary of State.~~

8 Section 74. Subsections (1), (3), (5), and (6) of
9 section 118.10, Florida Statutes, 1998 Supplement, are amended
10 to read:

11 118.10 Civil-law notary.--

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

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

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

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

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

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

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

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

27 (d) Educational requirements and procedures for
28 testing applicants' knowledge of all matters relevant to the
29 appointment, authority, duties or legal or ethical
30 responsibilities of a civil-law notary ~~the effects and~~
31 ~~consequences associated with authentic acts;~~

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

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

11 (g)~~(f)~~ Other matters necessary for administering this
12 section.

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

25 Section 75. Section 118.12, Florida Statutes, is
26 created to read:

27 118.12 Certification of civil-law notary's authority;
28 apostilles.--If certification of a civil-law notary's
29 authority is necessary for a particular document or
30 transaction, it must be obtained from the Secretary of
31 State. Upon the receipt of a written request from a civil-law

1 notary and the fee prescribed by the Secretary of State, the
2 Secretary of State shall issue a certification of the
3 civil-law notary's authority, in a form prescribed by the
4 Secretary of State, which shall include a statement explaining
5 the legal qualifications and authority of a civil-law notary
6 in this state. The fee prescribed for the issuance of the
7 certification under this section or an apostille under s.
8 15.16 may not exceed \$10 per document. The Department of
9 State may adopt rules to implement this section.

10 Section 76. Section 15.18, Florida Statutes, is
11 amended to read:

12 15.18 International and cultural relations.--The
13 Divisions of Cultural Affairs, Historical Resources, and
14 Library and Information Services of the Department of State
15 promote programs having substantial cultural, artistic, and
16 indirect economic significance that emphasize American
17 creativity. The Secretary of State, as the head administrator
18 of these divisions, shall hereafter be known as "Florida's
19 Chief Cultural Officer." As this officer, the Secretary of
20 State is encouraged to initiate and develop relationships
21 between the state and foreign cultural officers, their
22 representatives, and other foreign governmental officials in
23 order to promote Florida as the center of American creativity.
24 The Secretary of State shall coordinate international
25 activities pursuant to this section with Enterprise Florida,
26 Inc., and any other organization the secretary deems
27 appropriate ~~the Florida International Affairs Commission~~. For
28 the accomplishment of this purpose, the Secretary of State
29 shall have the power and authority to:

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

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

4 (3) Plan and implement cultural and social activities
5 for visiting foreign heads of state, diplomats, dignitaries,
6 and exchange groups.

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

10 (5) Establish and maintain the list prescribed in s.
11 55.605(2)(g), relating to recognition of foreign money
12 judgments.

13 ~~(6)(5)~~ Serve as the liaison with all foreign consular
14 and ambassadorial corps, as well as international
15 organizations, that are consistent with the purposes of this
16 section.

17 ~~(7)(6)~~ Provide, arrange, and make expenditures for the
18 achievement of any or all of the purposes specified in this
19 section.

20 ~~(8)(7)~~ Notwithstanding the provisions of part I of
21 chapter 287, promulgate rules for entering into contracts
22 which are primarily for promotional services and events, which
23 may include commodities involving a service. Such rules shall
24 include the authority to negotiate costs with the offerors of
25 such services and commodities who have been determined to be
26 qualified on the basis of technical merit, creative ability,
27 and professional competency. The rules shall only apply to the
28 expenditure of funds donated for promotional services and
29 events. Expenditures of appropriated funds shall be made only
30 in accordance with part I of chapter 287.

31

1 Section 77. Subsections (1) and (6) of section 55.604,
2 Florida Statutes, are amended to read:

3 55.604 Recognition and enforcement.--Except as
4 provided in s. 55.605, a foreign judgment meeting the
5 requirements of s. 55.603 is conclusive between the parties to
6 the extent that it grants or denies recovery of a sum of
7 money. Procedures for recognition and enforceability of a
8 foreign judgment shall be as follows:

9 (1) The foreign judgment shall be filed with the
10 Department of State and the clerk of the court and recorded in
11 the public records in the county or counties where enforcement
12 is sought. The filing with the Department of State shall not
13 create a lien on any property.

14 (a) At the time of the recording of a foreign
15 judgment, the judgment creditor shall make and record with the
16 clerk of the circuit court an affidavit setting forth the
17 name, social security number, if known, and last known
18 post-office address of the judgment debtor and of the judgment
19 creditor.

20 (b) Promptly upon the recording of the foreign
21 judgment and the affidavit, the clerk shall mail notice of the
22 recording of the foreign judgment, by registered mail with
23 return receipt requested, to the judgment debtor at the
24 address given in the affidavit and shall make a note of the
25 mailing in the docket. The notice shall include the name and
26 address of the judgment creditor and of the judgment
27 creditor's attorney, if any, in this state. In addition, the
28 judgment creditor may mail a notice of the recording of the
29 judgment to the judgment debtor and may record proof of
30 mailing with the clerk. The failure of the clerk to mail
31 notice of recording will not affect the enforcement

1 proceedings if proof of mailing by the judgment creditor has
2 been recorded.

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

9 Section 78. Paragraph (g) of subsection (2) of section
10 55.605, Florida Statutes, is amended to read:

11 55.605 Grounds for nonrecognition.--

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

13 (g) The foreign jurisdiction where judgment was
14 rendered would not give recognition to a similar judgment
15 rendered in this state. For purposes of this paragraph, the
16 Secretary of State shall establish and maintain a list of
17 foreign jurisdictions where the condition specified in this
18 paragraph has been found to apply.

19 Section 79. Section 257.34, Florida Statutes, is
20 created to read:

21 257.34 Florida International Archive and Repository.--

22 (1) There is created within the Division of Library
23 and Information Services of the Department of State the
24 Florida International Archive and Repository for the
25 preservation of those public records, as defined in s.
26 119.011(1), manuscripts, international judgments involving
27 disputes between domestic and foreign businesses, and all
28 other public matters that the department or the Florida
29 Council of International Development deems relevant to
30 international issues. It is the duty and responsibility of the
31 division to:

1 (a) Organize and administer the Florida International
2 Archive and Repository.

3 (b) Preserve and administer records that are
4 transferred to its custody; accept, arrange, and preserve
5 them, according to approved archival and repository practices;
6 and permit them, at reasonable times and under the supervision
7 of the division, to be inspected, examined, and copied. All
8 public records transferred to the custody of the division are
9 subject to the provisions of s. 119.07(1).

10 (c) Assist the records and information management
11 program in the determination of retention values for records.

12 (d) Cooperate with and assist, insofar as practicable,
13 state institutions, departments, agencies, counties,
14 municipalities, and individuals engaged in internationally
15 related activities.

16 (e) Provide a public research room where, under rules
17 established by the division, the materials in the
18 international archive and repository may be studied.

19 (f) Conduct, promote, and encourage research in
20 international trade, government, and culture and maintain a
21 program of information, assistance, coordination, and guidance
22 for public officials, educational institutions, libraries, the
23 scholarly community, and the general public engaged in such
24 research.

25 (g) Cooperate with and, insofar as practicable, assist
26 agencies, libraries, institutions, and individuals in projects
27 concerned with internationally related issues and preserve
28 original materials relating to internationally related issues.

29 (h) Assist and cooperate with the records and
30 information management program in the training and information
31 program described in s. 257.36(1)(g).

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

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

17 (4) The division shall make certified copies under
18 seal of any record transferred to it upon the application of
19 any person, and the certificates shall have the same force and
20 effect as if made by the agency from which the record was
21 received. The division may charge a fee for this service based
22 upon the cost of service.

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

27 (6) The division shall establish and maintain a
28 mechanism by which the information contained within the
29 Florida International Archive and Repository may be accessed
30 by computer via the World Wide Web. In doing so, the division
31 shall take whatever measures it deems appropriate to ensure

1 the validity, quality, and safety of the information being
2 accessed.

3 (7) The division shall adopt rules necessary to
4 implement this section.

5 (8) The Florida Council of International Development
6 may select materials for inclusion in the Florida
7 International Archive and Repository and shall be consulted
8 closely by the division in all matters relating to its
9 establishment and maintenance.

10 Section 80. Notwithstanding section 3 of chapter
11 89-150, section 112 of chapter 90-201, and section 53 of
12 chapter 91-5, Laws of Florida, section 288.012, Florida
13 Statutes, is not repealed but is revived, reenacted, and
14 amended to read:

15 288.012 State of Florida foreign offices.--The
16 Legislature finds that the expansion of international trade
17 and tourism is vital to the overall health and growth of the
18 economy of this state. This expansion is hampered by the lack
19 of technical and business assistance, financial assistance,
20 and information services for businesses in this state. The
21 Legislature finds that these businesses could be assisted by
22 providing these services at State of Florida foreign offices.
23 The Legislature further finds that the accessibility and
24 provision of services at these offices can be enhanced through
25 cooperative agreements or strategic alliances between state
26 entities, local entities, foreign entities, and private
27 businesses.

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

30 (a) Establish and operate offices in foreign countries
31 for the purpose of promoting the trade and economic

1 development of the state, and promoting the gathering of trade
2 data information and research on trade opportunities in
3 specific countries.

4 (b) Enter into agreements with governmental and
5 private sector entities to establish and operate offices in
6 foreign countries containing provisions which may be in
7 conflict with general laws of the state pertaining to the
8 purchase of office space, employment of personnel, and
9 contracts for services. When agreements pursuant to this
10 section are made which set compensation in foreign currency,
11 such agreements shall be subject to the requirements of s.
12 215.425, but the purchase of foreign currency by the Office of
13 Tourism, Trade, and Economic Development to meet such
14 obligations shall be subject only to s. 216.311.

15 (c) By September 1, 1997, the Office of Tourism,
16 Trade, and Economic Development shall develop a plan for the
17 disposition of the current foreign offices and the development
18 and location of additional foreign offices. The plan shall
19 include, but is not limited to, a determination of the level
20 of funding needed to operate the current offices and any
21 additional offices and whether any of the current offices need
22 to be closed or relocated. Enterprise Florida, Inc., the
23 Florida Tourism Commission, the Florida Ports Council, the
24 Department of State, the Department of Citrus, and the
25 Department of Agriculture shall assist the Office of Tourism,
26 Trade, and Economic Development in the preparation of the
27 plan. All parties shall cooperate on the disposition or
28 establishment of the offices and ensure that needed space,
29 technical assistance, and support services are provided to
30 such entities at such foreign offices.

31

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

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

10 (b) A comprehensive, commercial strategic plan
11 identifying marketing opportunities and industry sector
12 priorities for the foreign country or area in which a foreign
13 office is located.

14 (c) Provisions for access to information for Florida
15 businesses through the Florida Trade Data Center. Each
16 foreign office shall obtain and forward trade leads and
17 inquiries to the center on a regular basis as called for in
18 the plan pursuant to paragraph (1)(c).

19 (d) Identification of new and emerging market
20 opportunities for Florida businesses. Each foreign office
21 shall provide the Florida Trade Data Center with a compilation
22 of foreign buyers and importers in industry sector priority
23 areas on an annual basis. In return, the Florida Trade Data
24 Center shall make available to each foreign office, and to the
25 entities identified in paragraph (1)(c), trade industry,
26 commodity, and opportunity information as specified in the
27 plan required in that paragraph. This information shall be
28 provided to the offices and the entities identified in
29 paragraph (1)(c) either free of charge or on a fee basis with
30 fees set only to recover the costs of providing the
31 information.

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

6 (f) Qualitative and quantitative performance measures
7 for each office including, but not limited to, the number of
8 businesses assisted, the number of trade leads and inquiries
9 generated, the number of foreign buyers and importers
10 contacted, and the amount and type of marketing conducted.

11 (3) By October 1 of each year, each foreign office
12 shall submit to the Office of Tourism, Trade, and Economic
13 Development a complete and detailed report on its activities
14 and accomplishments during the preceding fiscal year. In a
15 format provided by Enterprise Florida, Inc., the report must
16 set forth information on:

17 (a) The number of Florida companies assisted.

18 (b) The number of inquiries received about investment
19 opportunities in this state.

20 (c) The number of trade leads generated.

21 (d) The number of investment projects announced.

22 (e) The estimated U.S. dollar value of sales
23 confirmations.

24 (f) The number of representation agreements.

25 (g) The number of company consultations.

26 (h) Barriers or other issues affecting the effective
27 operation of the office.

28 (i) Changes in office operations which are planned for
29 the current fiscal year.

30 (j) Marketing activities conducted.

31

1 (k) Strategic alliances formed with organizations in
2 the country in which the office is located.

3 (l) Activities conducted with other Florida foreign
4 offices.

5 (m) Any other information that the office believes
6 would contribute to an understanding of its activities.

7 ~~(4)(3)~~ The Office of Tourism, Trade, and Economic
8 Development, in connection with the establishment, operation,
9 and management of any of its offices located in a foreign
10 country, is exempt from the provisions of ss. 255.21, 255.25,
11 and 255.254 relating to leasing of buildings; ss. 283.33 and
12 283.35 relating to bids for printing; ss. 287.001-287.20
13 relating to purchasing and motor vehicles; and ss.
14 282.003-282.111 relating to communications, and from all
15 statutory provisions relating to state employment.

16 (a) The Office of Tourism, Trade, and Economic
17 Development may exercise such exemptions only upon prior
18 approval of the Governor.

19 (b) If approval for an exemption under this section is
20 granted as an integral part of a plan of operation for a
21 specified foreign office, such action shall constitute
22 continuing authority for the Office of Tourism, Trade, and
23 Economic Development to exercise the exemption, but only in
24 the context and upon the terms originally granted. Any
25 modification of the approved plan of operation with respect to
26 an exemption contained therein must be resubmitted to the
27 Governor for his or her approval. An approval granted to
28 exercise an exemption in any other context shall be restricted
29 to the specific instance for which the exemption is to be
30 exercised.

31

1 (c) As used in this subsection, the term "plan of
2 operation" means the plan developed pursuant to subsection
3 (2).

4 (d) Upon final action by the Governor with respect to
5 a request to exercise the exemption authorized in this
6 subsection, the Office of Tourism, Trade, and Economic
7 Development shall report such action, along with the original
8 request and any modifications thereto, to the President of the
9 Senate and the Speaker of the House of Representatives within
10 30 days.

11 (5)~~(4)~~ Where feasible and appropriate, and subject to
12 s. 288.1224(10), foreign offices established and operated
13 under this section may provide one-stop access to the economic
14 development, trade, and tourism information, services, and
15 programs of the state. Where feasible and appropriate, and
16 subject to s. 288.1224(10), such offices may also be
17 collocated with other foreign offices of the state.

18 (6)~~(5)~~ The Office of Tourism, Trade, and Economic
19 Development is authorized to make and to enter into contracts
20 with Enterprise Florida, Inc., and the Florida Commission on
21 Tourism to carry out the provisions of this section. The
22 authority, duties, and exemptions provided in this section
23 apply to Enterprise Florida, Inc., and the Florida Commission
24 on Tourism to the same degree and subject to the same
25 conditions as applied to the Office of Tourism, Trade, and
26 Economic Development. To the greatest extent possible, such
27 contracts shall include provisions for cooperative agreements
28 or strategic alliances between state entities, foreign
29 entities, local entities, and private businesses to operate
30 foreign offices.

31

1 Section 81. By December 31, 2001, the Legislature
2 shall review Florida's foreign offices, including, but not
3 limited to, those offices established and operated under
4 sections 288.012 and 288.1224, Florida Statutes, to determine
5 whether the state is experiencing effective international
6 trade, investment, and tourism representation through such
7 offices.

8 Section 82. Enterprise Florida, Inc., shall develop a
9 master plan for integrating public-sector and private-sector
10 international trade and reverse investment resources, in order
11 that businesses may obtain comprehensive assistance and
12 information in the most productive and efficient manner. The
13 scope of this plan shall include, but need not be limited to,
14 resources related to the provision of trade information, such
15 as trade leads and reverse investment opportunities, trade
16 counseling, and trade financing services. In developing the
17 master plan, Enterprise Florida, Inc., shall solicit the
18 participation and input of organizations providing these
19 resources, the consumers of these resources, and others who
20 have expertise and experience in international trade and
21 reverse investment. The master plan may include
22 recommendations for legislative action designed to enhance the
23 delivery of international trade and reverse investment
24 assistance. The master plan, which Enterprise Florida, Inc.,
25 may include within the annual update or modification to the
26 strategic plan required under section 288.905, Florida
27 Statutes, must be submitted to the Legislature and the
28 Governor before January 1, 2000.

29 Section 83. Enterprise Florida, Inc., in conjunction
30 with the Office of Tourism, Trade, and Economic Development,
31 shall prepare a plan for promoting direct investment in

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

25 Section 84. In anticipation of the day when the people
26 of Cuba are no longer denied the inalienable rights and
27 freedom that all men and women should be guaranteed,
28 Enterprise Florida, Inc., shall prepare a strategic plan
29 designed to allow Florida to capitalize on the economic
30 opportunities associated with a free Cuba. The plan should
31 recognize the historical and cultural ties between this state

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

15 Section 85. Effective June 30, 1999, section 288.1045,
16 Florida Statutes, is amended to read:

17 288.1045 Qualified defense contractor tax refund
18 program.--

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

20 (a) "Consolidation of a Department of Defense
21 contract" means the consolidation of one or more of an
22 applicant's facilities under one or more Department of Defense
23 contracts either from outside this state or from inside and
24 outside this state, into one or more of the applicant's
25 facilities inside this state.

26 (b) "Average wage in the area" means the average of
27 all wages and salaries in the state, the county, or in the
28 standard metropolitan area in which the business unit is
29 located.

30 (c) "Applicant" means any business entity that holds a
31 valid Department of Defense contract or any business entity

1 that is a subcontractor under a valid Department of Defense
2 contract or any business entity that holds a valid contract
3 for the reuse of a defense-related facility, including all
4 members of an affiliated group of corporations as defined in
5 s. 220.03(1)(b).

6 (d) "Office"~~"Division"~~ means the Office of Tourism,
7 Trade, and Economic Development ~~Division of Economic~~
8 ~~Development of the Department of Commerce.~~

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

18 (f) "New Department of Defense contract" means a
19 Department of Defense contract entered into after the date
20 application for certification as a qualified applicant is made
21 and after January 1, 1994.

22 (g) "Jobs" means full-time equivalent positions,
23 consistent with the use of such terms by the Department of
24 Labor and Employment Security for the purpose of unemployment
25 compensation tax, resulting directly from a project in this
26 state. This number does not include temporary construction
27 jobs involved with the construction of facilities for the
28 project.

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

1 (i) "Project" means any business undertaking in this
2 state under a new Department of Defense contract,
3 consolidation of a Department of Defense contract, or
4 conversion of defense production jobs over to nondefense
5 production jobs or reuse of defense-related facilities.

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

9 (k) "Director" ~~"Secretary"~~ means the director of the
10 Office of Tourism, Trade, and Economic Development ~~Secretary~~
11 ~~of Commerce~~.

12 (l) "Taxable year" means the same as in s.
13 220.03(1)(z).

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

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

21 (o) "Local financial support" means funding from local
22 sources, public or private, which is paid to the Economic
23 Development Trust Fund and which is equal to 20 percent of the
24 annual tax refund for a qualified applicant. Local financial
25 support may include excess payments made to a utility company
26 under a designated program to allow decreases in service by
27 the utility company under conditions, regardless of when
28 application is made. A qualified applicant may not provide,
29 directly or indirectly, more than 5 percent of such funding in
30 any fiscal year. The sources of such funding may not include,
31 directly or indirectly, state funds appropriated from the

1 General Revenue Fund or any state trust fund, excluding tax
2 revenues shared with local governments pursuant to law.

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

20 (q) "Local financial support exemption option" means
21 the option to exercise an exemption from the local financial
22 support requirement available to any applicant whose project
23 is located in a county designated by the Rural Economic
24 Development Initiative, if the county commissioners of the
25 county in which the project will be located adopt a resolution
26 requesting that the applicant's project be exempt from the
27 local financial support requirement. Any applicant that
28 exercises this option is not eligible for more than 80 percent
29 of the total tax refunds allowed such applicant under this
30 section.

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

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

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

18 (c) A qualified applicant may not receive more than
19 \$7.5 million in tax refunds pursuant to this section in all
20 fiscal years.

21 (d) Contingent upon an annual appropriation by the
22 Legislature, the director ~~secretary~~ may approve not more ~~than~~
23 ~~the lesser of \$25 million~~ in tax refunds than ~~or~~ the amount
24 appropriated to the Economic Development Trust Fund for tax
25 refunds, for a fiscal year pursuant to subsection (5) and s.
26 288.095.

27 (e) For the first 6 months of each fiscal year, the
28 director ~~secretary~~ shall set aside 30 percent of the amount
29 appropriated for refunds pursuant to this section by the
30 Legislature to provide tax refunds only to qualified
31 applicants who employ 500 or fewer full-time employees in this

1 state. Any unencumbered funds remaining undisbursed from this
2 set-aside at the end of the 6-month period may be used to
3 provide tax refunds for any qualified applicants pursuant to
4 this section.

5 (f) After entering into a tax refund agreement
6 pursuant to subsection (4), a qualified applicant may receive
7 refunds from the Economic Development Trust Fund for the
8 following taxes due and paid by the qualified applicant
9 beginning with the applicant's first taxable year that begins
10 after entering into the agreement:

11 1. Taxes on sales, use, and other transactions paid
12 pursuant to chapter 212.

13 2. Corporate income taxes paid pursuant to chapter
14 220.

15 3. Intangible personal property taxes paid pursuant to
16 chapter 199.

17 4. Emergency excise taxes paid pursuant to chapter
18 221.

19 5. Excise taxes paid on documents pursuant to chapter
20 201.

21 6. Ad valorem taxes paid, as defined in s.
22 220.03(1)(a) on June 1, 1996.

23

24 However, a qualified applicant may not receive a tax refund
25 pursuant to this section for any amount of credit, refund, or
26 exemption granted such contractor for any of such taxes. If a
27 refund for such taxes is provided by the office ~~Department of~~
28 ~~Commerce~~, which taxes are subsequently adjusted by the
29 application of any credit, refund, or exemption granted to the
30 qualified applicant other than that provided in this section,
31 the qualified applicant shall reimburse the Economic

1 Development Trust Fund for the amount of such credit, refund,
2 or exemption. A qualified applicant must notify and tender
3 payment to the office ~~Department of Commerce~~ within 20 days
4 after receiving a credit, refund, or exemption, other than
5 that provided in this section.

6 (g) Any qualified applicant who fraudulently claims
7 this refund is liable for repayment of the refund to the
8 Economic Development Trust Fund plus a mandatory penalty of
9 200 percent of the tax refund which shall be deposited into
10 the General Revenue Fund. Any qualified applicant who
11 fraudulently claims this refund commits a felony of the third
12 degree, punishable as provided in s. 775.082, s. 775.083, or
13 s. 775.084.

14 (h) Funds made available pursuant to this section may
15 not be expended in connection with the relocation of a
16 business from one community to another community in this state
17 unless the Office of Tourism, Trade, and Economic Development
18 determines that without such relocation the business will move
19 outside this state or determines that the business has a
20 compelling economic rationale for the relocation which creates
21 additional jobs.

22 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
23 DETERMINATION.--

24 (a) To apply for certification as a qualified
25 applicant pursuant to this section, an applicant must file an
26 application with the office ~~division~~ which satisfies the
27 requirements of paragraphs (b) and (e), paragraphs (c) and
28 (e), or paragraphs (d) and (e). An applicant may not apply for
29 certification pursuant to this section after a proposal has
30 been submitted for a new Department of Defense contract, after
31 the applicant has made the decision to consolidate an existing

1 Department of Defense contract in this state for which such
2 applicant is seeking certification, or after the applicant has
3 made the decision to convert defense production jobs to
4 nondefense production jobs for which such applicant is seeking
5 certification.

6 (b) Applications for certification based on the
7 consolidation of a Department of Defense contract or a new
8 Department of Defense contract must be submitted to the office
9 ~~division~~ as prescribed by the office ~~Department of Commerce~~
10 and must include, but are not limited to, the following
11 information:

12 1. The applicant's federal employer identification
13 number, the applicant's Florida sales tax registration number,
14 and a notarized signature of an officer of the applicant.

15 2. The permanent location of the manufacturing,
16 assembling, fabricating, research, development, or design
17 facility in this state at which the project is or is to be
18 located.

19 3. The Department of Defense contract numbers of the
20 contract to be consolidated, the new Department of Defense
21 contract number, or the "RFP" number of a proposed Department
22 of Defense contract.

23 4. The date the contract was executed or is expected
24 to be executed, and the date the contract is due to expire or
25 is expected to expire.

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

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

31

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

3 8. The percentage of the applicant's gross receipts
4 derived from Department of Defense contracts during the 5
5 taxable years immediately preceding the date the application
6 is submitted.

7 9. The amount of:

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

10 b. Corporate income taxes paid pursuant to chapter
11 220;

12 c. Intangible personal property taxes paid pursuant to
13 chapter 199;

14 d. Emergency excise taxes paid pursuant to chapter
15 221;

16 e. Excise taxes paid on documents pursuant to chapter
17 201; and

18 f. Ad valorem taxes paid

19

20 during the 5 fiscal years immediately preceding the date of
21 the application, and the projected amounts of such taxes to be
22 due in the 3 fiscal years immediately following the date of
23 the application.

24 10. The estimated amount of tax refunds to be claimed
25 in each fiscal year.

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

29 12. A resolution adopted by the county commissioners
30 of the county in which the project will be located, which
31 recommends the applicant be approved as a qualified applicant,

1 and which indicates that the necessary commitments of local
2 financial support for the applicant exist. Prior to the
3 adoption of the resolution, the county commission may review
4 the proposed public or private sources of such support and
5 determine whether the proposed sources of local financial
6 support can be provided or, for any applicant whose project is
7 located in a county designated by the Rural Economic
8 Development Initiative, a resolution adopted by the county
9 commissioners of such county requesting that the applicant's
10 project be exempt from the local financial support
11 requirement.

12 13. Any additional information requested by the office
13 division.

14 (c) Applications for certification based on the
15 conversion of defense production jobs to nondefense production
16 jobs must be submitted to the office division as prescribed by
17 the office ~~Department of Commerce~~ and must include, but are
18 not limited to, the following information:

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

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

26 3. The Department of Defense contract numbers of the
27 contract under which the defense production jobs will be
28 converted to nondefense production jobs.

29 4. The date the contract was executed, and the date
30 the contract is due to expire or is expected to expire, or was
31 canceled.

- 1 5. The commencement date for the nondefense production
2 operations in this state.
- 3 6. The number of full-time equivalent jobs in this
4 state which are or will be dedicated to the nondefense
5 production project during the year and the average wage of
6 such jobs.
- 7 7. The total number of full-time equivalent employees
8 employed by the applicant in this state.
- 9 8. The percentage of the applicant's gross receipts
10 derived from Department of Defense contracts during the 5
11 taxable years immediately preceding the date the application
12 is submitted.
- 13 9. The amount of:
- 14 a. Taxes on sales, use, and other transactions paid
15 pursuant to chapter 212;
- 16 b. Corporate income taxes paid pursuant to chapter
17 220;
- 18 c. Intangible personal property taxes paid pursuant to
19 chapter 199;
- 20 d. Emergency excise taxes paid pursuant to chapter
21 221;
- 22 e. Excise taxes paid on documents pursuant to chapter
23 201; and
- 24 f. Ad valorem taxes paid
25
26 during the 5 fiscal years immediately preceding the date of
27 the application, and the projected amounts of such taxes to be
28 due in the 3 fiscal years immediately following the date of
29 the application.
- 30 10. The estimated amount of tax refunds to be claimed
31 in each fiscal year.

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

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

18 13. Any additional information requested by the office
19 division.

20 (d) Applications for certification based on a contract
21 for reuse of a defense-related facility must be submitted to
22 the office division as prescribed by the office ~~Department of~~
23 ~~Commerce~~ and must include, but are not limited to, the
24 following information:

25 1. The applicant's Florida sales tax registration
26 number and a notarized signature of an officer of the
27 applicant.

28 2. The permanent location of the manufacturing,
29 assembling, fabricating, research, development, or design
30 facility in this state at which the project is or is to be
31 located.

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

5 4. A copy of the contract to reuse the facility, or
6 such alternative proof as may be prescribed by the office
7 ~~department~~ that the applicant is seeking to contract for the
8 reuse of such facility.

9 5. The date the contract to reuse the facility was
10 executed or is expected to be executed, and the date the
11 contract is due to expire or is expected to expire.

12 6. The commencement date for project operations under
13 the contract in this state.

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

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

19 9. The amount of:

20 a. Taxes on sales, use, and other transactions paid
21 pursuant to chapter 212.

22 b. Corporate income taxes paid pursuant to chapter
23 220.

24 c. Intangible personal property taxes paid pursuant to
25 chapter 199.

26 d. Emergency excise taxes paid pursuant to chapter
27 221.

28 e. Excise taxes paid on documents pursuant to chapter
29 201.

30 f. Ad valorem taxes paid during the 5 fiscal years
31 immediately preceding the date of the application, and the

1 projected amounts of such taxes to be due in the 3 fiscal
2 years immediately following the date of the application.

3 10. The estimated amount of tax refunds to be claimed
4 in each fiscal year.

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

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

22 13. Any additional information requested by the office
23 ~~division~~.

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

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

1 2. The consolidation of a Department of Defense
2 contract must result in a net increase of at least 25 percent
3 in the number of jobs at the applicant's facilities in this
4 state or the addition of at least 80 jobs at the applicant's
5 facilities in this state.

6 3. The conversion of defense production jobs to
7 nondefense production jobs must result in net increases in
8 nondefense employment at the applicant's facilities in this
9 state.

10 4. The Department of Defense contract cannot allow the
11 business to include the costs of relocation or retooling in
12 its base as allowable costs under a cost-plus, or similar,
13 contract.

14 5. A business unit of the applicant must have derived
15 not less than 70 percent of its gross receipts in this state
16 from Department of Defense contracts over the applicant's last
17 fiscal year, and must have derived not less than 80 percent of
18 its gross receipts in this state from Department of Defense
19 contracts over the 5 years preceding the date an application
20 is submitted pursuant to this section. This subparagraph does
21 not apply to any application for certification based on a
22 contract for reuse of a defense-related facility.

23 6. The reuse of a defense-related facility must result
24 in the creation of at least 100 jobs at such facility.

25 (f) Each application meeting the requirements of
26 paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs
27 (d) and (e) must be submitted to the office division for a
28 determination of eligibility. The office division shall
29 review, evaluate, and score each application based on, but not
30 limited to, the following criteria:

31

1 1. Expected contributions to the state strategic
2 economic development plan adopted by Enterprise Florida, Inc.,
3 taking into account the extent to which the project
4 contributes to the state's high-technology base, and the
5 long-term impact of the project and the applicant on the
6 state's economy.

7 2. The economic benefit of the jobs created or
8 retained by the project in this state, taking into account the
9 cost and average wage of each job created or retained, and the
10 potential risk to existing jobs.

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

13 4. The local commitment and support for the project
14 and applicant.

15 5. The impact of the project on the local community,
16 taking into account the unemployment rate for the county where
17 the project will be located.

18 6. The dependence of the local community on the
19 defense industry.

20 7. The impact of any tax refunds granted pursuant to
21 this section on the viability of the project and the
22 probability that the project will occur in this state if such
23 tax refunds are granted to the applicant, taking into account
24 the expected long-term commitment of the applicant to economic
25 growth and employment in this state.

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

28 (g) The office ~~division~~ shall forward its written
29 findings and evaluation on each application meeting the
30 requirements of paragraphs (b) and (e), paragraphs (c) and
31 (e), or paragraphs (d) and (e) to the director ~~secretary~~

1 within 60 calendar days of receipt of a complete application.
2 The office ~~division~~ shall notify each applicant when its
3 application is complete, and when the 60-day period begins. In
4 its written report to the director ~~secretary~~, the office
5 ~~division~~ shall specifically address each of the factors
6 specified in paragraph (f), and shall make a specific
7 assessment with respect to the minimum requirements
8 established in paragraph (e). The office ~~division~~ shall
9 include in its report projections of the tax refund claims
10 that will be sought by the applicant in each fiscal year based
11 on the information submitted in the application.

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

20 (i) The director ~~secretary~~ may not enter any final
21 order that certifies any applicant as a qualified applicant
22 when the value of tax refunds to be included in that final
23 order exceeds the available amount of authority to enter final
24 orders as determined in s. 288.095(3)~~aggregate amount of tax~~
25 ~~refunds for all qualified applicants projected by the division~~
26 ~~in any fiscal year exceeds the lesser of \$25 million or the~~
27 ~~amount appropriated for tax refunds for that fiscal year.~~ A
28 final order that approves an application must specify the
29 maximum amount of a tax refund that is to be available to the
30 contractor in each fiscal year and the total amount of tax
31 refunds for all fiscal years.

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

3 (4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND
4 AGREEMENT.--

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

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

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

19 3. An agreement with the office ~~department~~ allowing
20 the office ~~department~~ to review and verify the financial and
21 personnel records of the qualified applicant to ascertain
22 whether the qualified applicant is complying with the
23 requirements of this section.

24 4. The date after which, each fiscal year, the
25 qualified applicant may file an annual claim pursuant to
26 subsection (5).

27 5. That local financial support shall be annually
28 available and will be paid to the Economic Development Trust
29 Fund.

30 (b) Compliance with the terms and conditions of the
31 agreement is a condition precedent for receipt of tax refunds

1 each year. The failure to comply with the terms and conditions
2 of the agreement shall result in the loss of eligibility for
3 receipt of all tax refunds previously authorized pursuant to
4 this section, and the revocation of the certification as a
5 qualified applicant by the director ~~secretary~~.

6 (c) The agreement shall be signed by the director
7 ~~secretary~~ and the authorized officer of the qualified
8 applicant.

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

12
13 "This agreement is neither a general obligation
14 of the State of Florida, nor is it backed by
15 the full faith and credit of the State of
16 Florida. Payment of tax refunds are conditioned
17 on and subject to specific annual
18 appropriations by the Florida Legislature of
19 funds sufficient to pay amounts authorized in
20 s. 288.1045 ~~s. 288.104~~, Florida Statutes."

21
22 (5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE
23 CONTRACTOR.--

24 (a) Qualified applicants who have entered into a
25 written agreement with the office ~~department~~ pursuant to
26 subsection (4) and who have entered into a valid new
27 Department of Defense contract, commenced the consolidation of
28 a Department of Defense contract, commenced the conversion of
29 defense production jobs to nondefense production jobs or who
30 have entered into a valid contract for reuse of a
31 defense-related facility may apply once each fiscal year to

1 the office ~~Department of Commerce~~ for tax refunds. The
2 application must be made on or after the date contained in the
3 agreement entered into pursuant to subsection (4) and must
4 include a notarized signature of an officer of the applicant.

5 (b) The claim for refund by the qualified applicant
6 must include a copy of all receipts pertaining to the payment
7 of taxes for which a refund is sought, and data related to
8 achieving each performance item contained in the tax refund
9 agreement pursuant to subsection (4). The amount requested as
10 a tax refund may not exceed the amount for the fiscal year in
11 the written agreement entered pursuant to subsection (4).

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

27 (d) The director ~~secretary~~, with assistance from the
28 office ~~division~~, the Department of Revenue, and the Department
29 of Labor and Employment Security, shall determine the amount
30 of the tax refund that is authorized for the qualified
31 applicant for the fiscal year in a written final order within

1 30 days after the date the claim for the annual tax refund is
2 received by the office ~~Department of Commerce~~.

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

20 (f) Upon approval of the tax refund pursuant to
21 paragraphs (c) and (d), the Comptroller shall issue a warrant
22 for the amount included in the final order. In the event of
23 any appeal of the final order, the Comptroller may not issue a
24 warrant for a refund to the qualified applicant until the
25 conclusion of all appeals of the final order.

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

31 (6) ADMINISTRATION.--

1 (a) The office may ~~department shall~~ adopt rules
2 pursuant to chapter 120 for the administration of this
3 section.

4 (b) The office ~~department~~ may verify information
5 provided in any claim submitted for tax credits under this
6 section with regard to employment and wage levels or the
7 payment of the taxes with the appropriate agency or authority
8 including the Department of Revenue, the Department of Labor
9 and Employment Security, or any local government or authority.

10 (c) To facilitate the process of monitoring and
11 auditing applications made under this program, the office
12 ~~department~~ may provide a list of qualified applicants to the
13 Department of Revenue, the Department of Labor and Employment
14 Security, or to any local government or authority. The office
15 ~~department~~ may request the assistance of said entities with
16 respect to monitoring the payment of the taxes listed in
17 subsection (2).

18 (d) By December 1 of each year, the office ~~department~~
19 shall submit a complete and detailed report to the Governor,
20 the President of the Senate, and the Speaker of the House of
21 Representatives of all tax refunds paid under this section,
22 including analyses of benefits and costs, types of projects
23 supported, employment and investment created, geographic
24 distribution of tax refunds granted, and minority business
25 participation. The report must indicate whether the moneys
26 appropriated by the Legislature to the qualified applicant tax
27 refund program were expended in a prudent, fiducially sound
28 manner.

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

31

1 Section 86. Subsection (2) of section 212.097, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 212.097 Urban High-Crime Area Job Tax Credit
4 Program.--

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

6 (a) "Eligible business" means any sole proprietorship,
7 firm, partnership, or corporation that is located in a
8 qualified county and is predominantly engaged in, or is
9 headquarters for a business predominantly engaged in,
10 activities usually provided for consideration by firms
11 classified within the following standard industrial
12 classifications: SIC 01 through SIC 09 (agriculture,
13 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);
14 SIC 52 through SIC 57 and SIC 59 (retail); SIC 422 (public
15 warehousing and storage); SIC 70 (hotels and other lodging
16 places); SIC 7391 (research and development); SIC 7992 (public
17 golf courses); and SIC 7996 (amusement parks). A call center
18 or similar customer service operation that services a
19 multistate market or international market is also an eligible
20 business. In addition, the Office of Tourism, Trade, and
21 Economic Development may, as part of its final budget request
22 submitted pursuant to s. 216.023, recommend additions to or
23 deletions from the list of standard industrial classifications
24 used to determine an eligible business, and the Legislature
25 may implement such recommendations. Excluded from eligible
26 receipts are receipts from retail sales, except such receipts
27 for SIC 52 through SIC 57 and SIC 59 (retail) hotels and other
28 lodging places classified in SIC 70, public golf courses in
29 SIC 7992, and amusement parks in SIC 7996. For purposes of
30 this paragraph, the term "predominantly" means that more than
31 50 percent of the business's gross receipts from all sources

1 is generated by those activities usually provided for
2 consideration by firms in the specified standard industrial
3 classification. The determination of whether the business is
4 located in a qualified high-crime area and the tier ranking of
5 that area must be based on the date of application for the
6 credit under this section. Commonly owned and controlled
7 entities are to be considered a single business entity.

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

19 (c) "New business" means any eligible business first
20 beginning operation on a site in a qualified high-crime area
21 and clearly separate from any other commercial or business
22 operation of the business entity within a qualified high-crime
23 area. A business entity that operated an eligible business
24 within a qualified high-crime area within the 48 months before
25 the period provided for application by subsection (3) is not
26 considered a new business.

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

29 (e) "Qualified high-crime area" means an area selected
30 by the Office of Tourism, Trade, and Economic Development in
31 the following manner: every third year, the office shall rank

1 and tier those areas nominated under subsection (8), according
2 to the following prioritized criteria:

- 3 1. Highest arrest rates within the geographic area for
4 violent crime and for such other crimes as drug sale, drug
5 possession, prostitution, vandalism, and civil disturbances;
- 6 2. Highest reported crime volume and rate of specific
7 property crimes such as business and residential burglary,
8 motor vehicle theft, and vandalism;
- 9 3. Highest percentage of reported index crimes that
10 are violent in nature;
- 11 4. Highest overall index crime volume for the area;
- 12 and
- 13 5. Highest overall index crime rate for the geographic
14 area.

15
16 Tier-one areas are ranked 1 through 5 and represent the
17 highest crime areas according to this ranking. Tier-two areas
18 are ranked 6 through 10 according to this ranking. Tier-three
19 areas are ranked 11 through 15.

20 Section 87. Paragraph (a) of subsection (2) of section
21 212.098, Florida Statutes, 1998 Supplement, is amended to
22 read:

- 23 212.098 Rural Job Tax Credit Program.--
- 24 (2) As used in this section, the term:
- 25 (a) "Eligible business" means any sole proprietorship,
26 firm, partnership, or corporation that is located in a
27 qualified county and is predominantly engaged in, or is
28 headquarters for a business predominantly engaged in,
29 activities usually provided for consideration by firms
30 classified within the following standard industrial
31 classifications: SIC 01 through SIC 09 (agriculture,

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

26 Section 88. (1) There is created the Institute on
27 Urban Policy and Commerce as a Type I Institute under the
28 Board of Regents at Florida Agricultural and Mechanical
29 University to improve the quality of life in urban communities
30 through research, teaching, and outreach activities.

31

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

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

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

27 (5) Before January 1 of each year, the institute shall
28 submit a report of its critical findings and recommendations
29 for the prior year to the President of the Senate, the Speaker
30 of the House of Representatives, and the appropriate
31 committees of the Legislature. The report shall be titled "The

1 State of Unmet Needs in Florida's Urban Communities" and shall
2 include, but is not limited to, a recommended list of
3 resources that could be made available for revitalizing urban
4 communities; significant accomplishments and activities of the
5 institute; and recommendations concerning the expansion,
6 improvement, or termination of the institute.

7 (6) The Governor shall submit an annual report to the
8 Legislature on the unmet needs in the state's urban
9 communities.

10 Section 89. Legislative intent.--

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

22 (2) The Legislature further finds and declares that
23 many rural areas of the state are experiencing not only a lack
24 of growth, but severe and sustained economic distress. Median
25 household incomes are significantly less than the state's
26 median household income level. Job creation rates trail those
27 in more urbanized areas. In many cases, rural counties have
28 lost jobs, which handicaps local economies and drains wealth
29 from these communities. These and other factors, including
30 government policies, amplify and compound social, health, and
31 community problems, making job creation and economic

1 development even more difficult. Moreover, the Legislature
2 finds that traditional program and service delivery is often
3 hampered by the necessarily rigid structure of the programs
4 themselves and the lack of local resources.

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

12 Section 90. Paragraph (a) of subsection (6) of section
13 163.3177, Florida Statutes, 1998 Supplement, is amended to
14 read:

15 163.3177 Required and optional elements of
16 comprehensive plan; studies and surveys.--

17 (6) In addition to the requirements of subsections
18 (1)-(5), the comprehensive plan shall include the following
19 elements:

20 (a) A future land use plan element designating
21 proposed future general distribution, location, and extent of
22 the uses of land for residential uses, commercial uses,
23 industry, agriculture, recreation, conservation, education,
24 public buildings and grounds, other public facilities, and
25 other categories of the public and private uses of land. The
26 future land use plan shall include standards to be followed in
27 the control and distribution of population densities and
28 building and structure intensities. The proposed
29 distribution, location, and extent of the various categories
30 of land use shall be shown on a land use map or map series
31 which shall be supplemented by goals, policies, and measurable

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

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

25 Section 91. Subsection (5) is added to section
26 186.502, Florida Statutes, to read:

27 186.502 Legislative findings; public purpose.--

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

1 Section 92. Subsection (4) of section 186.504, Florida
2 Statutes, is amended to read:

3 186.504 Regional planning councils; creation;
4 membership.--

5 (4) In addition to voting members appointed pursuant
6 to paragraph (2)(c), the Governor shall appoint the following
7 ex officio nonvoting members to each regional planning
8 council:

9 (a) A representative of the Department of
10 Transportation.

11 (b) A representative of the Department of
12 Environmental Protection.

13 (c) A representative nominated by Enterprise Florida,
14 Inc., and the Office of Tourism, Trade, and Economic
15 Development of the Department of Commerce.

16 (d) A representative of the appropriate water
17 management district or districts.

18
19 The Governor may also appoint ex officio nonvoting members
20 representing appropriate metropolitan planning organizations
21 and regional water supply authorities.

22 Section 93. Subsection (25) is added to section
23 186.505, Florida Statutes, to read:

24 186.505 Regional planning councils; powers and
25 duties.--Any regional planning council created hereunder shall
26 have the following powers:

27 (25) To use personnel, consultants, or technical or
28 professional assistants of the council to help local
29 governments within the geographic area covered by the council
30 conduct economic development activities.

31

1 Section 94. Subsections (1) and (3) of section
2 288.018, Florida Statutes, are amended to read:

3 288.018 Regional Rural Development Grants Program.--

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

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

23 Section 95. Subsection (2) of section 288.065, Florida
24 Statutes, is amended to read:

25 288.065 Rural Community Development Revolving Loan
26 Fund.--

27 (2) The program shall provide for long-term loans,
28 loan guarantees, and loan loss reserves to units of local
29 governments within counties with populations of 75,000 or less
30 ~~than 50,000~~, or any county that has a population of 100,000 or
31 less and is contiguous to a county with a population of 75,000

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

19 Section 96. Section 288.0655, Florida Statutes, is
20 created to read:

21 288.0655 Rural Infrastructure Fund.--

22 (1) There is created within the Office of Tourism,
23 Trade, and Economic Development the Rural Infrastructure Fund
24 to facilitate the planning, preparing, and financing of
25 infrastructure projects in rural communities which will
26 encourage job creation, capital investment, and the
27 strengthening and diversification of rural economies by
28 promoting tourism, trade, and economic development.

29 (2)(a) Funds appropriated by the Legislature shall be
30 distributed by the office through a grant program that
31 maximizes the use of federal, local, and private resources,

1 including, but not limited to, those available under the Small
2 Cities Community Development Block Grant Program.

3 (b) To facilitate access of rural communities and
4 rural areas of critical economic concern as defined by the
5 Rural Economic Development Initiative to infrastructure
6 funding programs of the Federal Government, such as those
7 offered by the U.S. Department of Agriculture and the U.S.
8 Department of Commerce, the office may award grants to
9 applicants for such federal programs for up to 30 percent of
10 the total infrastructure project cost. Eligible projects must
11 be related to specific job-creating opportunities. Eligible
12 uses of funds shall include improvements to public
13 infrastructure for industrial or commercial sites and upgrades
14 to or development of public tourism infrastructure. Authorized
15 infrastructure may include the following public or
16 public-private partnership facilities: storm water systems;
17 telecommunications facilities; roads or other remedies to
18 transportation impediments; nature-based tourism facilities;
19 or other physical requirements necessary to facilitate
20 tourism, trade, and economic development activities in the
21 community. Authorized infrastructure may also include
22 publicly-owned self-powered nature-based tourism facilities
23 and additions to the distribution facilities of the existing
24 natural gas utility as defined in s. 366.04(3)(c), the
25 existing electric utility as defined in s. 366.02, or the
26 existing water or wastewater utility as defined in s.
27 367.021(12), or any other existing water or wastewater
28 facility, which owns a gas or electric distribution system or
29 a water or wastewater system in this state where:

30 1. A contribution-in-aid of construction is required
31 to serve public or public-private partnership facilities under

1 the tariffs of any natural gas, electric, water or wastewater
2 utility as defined herein; and

3 2. Such utilities as defined herein are willing and
4 able to provide such service.

5 (c) To facilitate timely response and induce the
6 location or expansion of specific job creating opportunities,
7 the office may award grants for infrastructure feasibility
8 studies, design and engineering activities, or other
9 infrastructure planning and preparation activities. Authorized
10 grants shall be up to \$50,000 for an employment project with a
11 business committed to create at least 100 jobs, up to \$150,000
12 for an employment project with a business committed to create
13 at least 300 jobs, and up to \$300,000 for a project in a rural
14 area of critical economic concern. Grants awarded under this
15 paragraph may be used in conjunction with grants awarded under
16 paragraph (b), provided that the total amount of both grants
17 does not exceed 30 percent of the total project cost. In
18 evaluating applications under this paragraph, the office shall
19 consider the extent to which the application seeks to minimize
20 administrative and consultant expenses.

21 (d) By September 1, 1999, the office shall pursue
22 execution of a memorandum of agreement with the U.S.
23 Department of Agriculture under which state funds available
24 through the Rural Infrastructure Fund may be advanced, in
25 excess of the prescribed state share, for a project that has
26 received from the department a preliminary determination of
27 eligibility for federal financial support. State funds in
28 excess of the prescribed state share which are advanced
29 pursuant to this paragraph and the memorandum of agreement
30 shall be reimbursed when funds are awarded under an
31 application for federal funding.

1 (e) To enable local governments to access the
2 resources available pursuant to s. 403.973(16), the office may
3 award grants for surveys, feasibility studies, and other
4 activities related to the identification and preclearance
5 review of land which is suitable for preclearance review.
6 Authorized grants under this paragraph shall not exceed
7 \$75,000 each, except in the case of a project in a rural area
8 of critical economic concern, in which case the grant shall
9 not exceed \$300,000. Any funds awarded under this paragraph
10 must be matched at a level of 50 percent with local funds,
11 except that any funds awarded for a project in a rural area of
12 critical economic concern must be matched at a level of 33
13 percent with local funds. In evaluating applications under
14 this paragraph, the office shall consider the extent to which
15 the application seeks to minimize administrative and
16 consultant expenses.

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

25 (4) By September 1, 1999, the office shall, in
26 consultation with the organizations listed in subsection (3),
27 and other organizations, develop guidelines and criteria
28 governing submission of applications for funding, review and
29 evaluation of such applications, and approval of funding under
30 this section. The office shall consider factors including, but
31 not limited to, the project's potential for enhanced job

1 creation or increased capital investment, the demonstration of
2 local public and private commitment, the location of the
3 project in an enterprise zone, the location of the project in
4 a community development corporation service area as defined in
5 s. 290.035(2), the location of the project in a county
6 designated under s. 212.097, the unemployment rate of the
7 surrounding area, and the poverty rate of the community.

8 (5) Notwithstanding the provisions of s. 216.301,
9 funds appropriated for the purposes of this section shall not
10 be subject to reversion.

11 Section 97. Rural Economic Development Initiative.--

12 (1) The Rural Economic Development Initiative, known
13 as "REDI," is created within the Office of Tourism, Trade, and
14 Economic Development, and the participation of state and
15 regional agencies in this initiative is authorized.

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

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

26 (b) "Rural community" means:

- 27 1. A county with a population of 75,000 or less.
28 2. A county with a population of 100,000 or less that
29 is contiguous to a county with a population of 75,000 or less.
30 3. A municipality within a county described in
31 subparagraph 1. or subparagraph 2.

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

8
9 For purposes of this paragraph, population shall be determined
10 in accordance with the most recent official estimate pursuant
11 to section 186.901, Florida Statutes.

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

21 (4) REDI shall review and evaluate the impact of
22 statutes and rules on rural communities and shall work to
23 minimize any adverse impact.

24 (5) REDI shall facilitate better access to state
25 resources by promoting direct access and referrals to
26 appropriate state and regional agencies and statewide
27 organizations. REDI may undertake outreach, capacity-building,
28 and other advocacy efforts to improve conditions in rural
29 communities. These activities may include sponsorship of
30 conferences and achievement awards.

31

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

6 1. The Department of Community Affairs.

7 2. The Department of Transportation.

8 3. The Department of Environmental Protection.

9 4. The Department of Agriculture and Consumer

10 Services.

11 5. The Department of State.

12 6. The Department of Health.

13 7. The Department of Children and Family Services.

14 8. The Department of Corrections.

15 9. The Department of Labor and Employment Security.

16 10. The Department of Education.

17 11. The Fish and Wildlife Conservation Commission.

18 12. Each water management district.

19 13. Enterprise Florida, Inc.

20 14. The Florida Commission on Tourism or VISIT

21 Florida.

22 15. The Florida Regional Planning Council Association.

23 16. The Florida State Rural Development Council.

24 17. The Institute of Food and Agricultural Sciences

25 (IFAS).

26
27 An alternate for each designee shall also be chosen, and the

28 names of the designees and alternates shall be sent to the

29 director of the Office of Tourism, Trade, and Economic

30 Development.

31

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

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

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

24 (7) REDI may recommend to the Governor up to three
25 rural areas of critical economic concern. A rural area of
26 critical economic concern must be a rural community, or a
27 region composed of such, that has been adversely affected by
28 an extraordinary economic event or a natural disaster or that
29 presents a unique economic development opportunity of regional
30 impact that will create more than 1,000 jobs over a 5-year
31 period. The Governor may by executive order designate up to

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

27 (8) REDI shall submit a report to the Governor, the
28 President of the Senate, and the Speaker of the House of
29 Representatives each year on or before February 1 on all REDI
30 activities. This report shall include a status report on all
31 projects currently being coordinated through REDI, the number

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

7 Section 98. Florida rural economic development
8 strategy grants.--

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

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

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

14 (c) A municipality within a county described in
15 paragraph (a) or paragraph (b).

16
17 For purposes of this subsection, population shall be
18 determined in accordance with the most recent official
19 estimate pursuant to section 186.901, Florida Statutes.

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

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

28 (4) Enterprise Florida, Inc., and VISIT Florida, shall
29 establish criteria for reviewing grant applications. These
30 criteria shall include, but are not limited to, the degree of
31 participation and commitment by the local community and the

1 application's consistency with local comprehensive plans or
2 the application's proposal to ensure such consistency. The
3 International Trade and Economic Development Board of
4 Enterprise Florida, Inc., and VISIT Florida, shall review each
5 application for a grant and shall submit annually to the
6 office for approval a list of all applications that are
7 recommended by the board and VISIT Florida, arranged in order
8 of priority. The office may approve grants only to the extent
9 that funds are appropriated for such grants by the
10 Legislature.

11 Section 99. Subsection (5) of section 378.601, Florida
12 Statutes, is amended to read:

13 378.601 Heavy minerals.--

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

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

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

31

1 Section 100. The Florida Fish and Wildlife
2 Conservation Commission is directed to assist the Florida
3 Commission on Tourism; the Florida Tourism Industry Marketing
4 Corporation, doing business as VISIT Florida; convention and
5 visitor bureaus; tourist development councils; economic
6 development organizations; and local governments through the
7 provision of marketing advice, technical expertise,
8 promotional support, and product development related to
9 nature-based recreation and sustainable use of natural
10 resources. In carrying out this responsibility, the Florida
11 Fish and Wildlife Conservation Commission shall focus its
12 efforts on fostering nature-based recreation in rural
13 communities and regions encompassing rural communities. As
14 used in this section, the term "nature-based recreation" means
15 leisure activities related to the state's lands, waters, and
16 fish and wildlife resources, including, but not limited to,
17 wildlife viewing, fishing, hiking, canoeing, kayaking,
18 camping, hunting, backpacking, and nature photography.

19 Section 101. Section 288.980, Florida Statutes, 1998
20 Supplement, is amended to read:

21 288.980 Military base retention; legislative intent;
22 grants program.--

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (4)(a) The Defense-Related Business Adjustment Program
15 is hereby created. The Director of the Office of Tourism,
16 Trade, and Economic Development shall coordinate the
17 development of the Defense-Related Business Adjustment
18 Program. Funds shall be available to assist defense-related
19 companies in the creation of increased commercial technology
20 development through investments in technology. Such
21 technology must have a direct impact on critical state needs
22 for the purpose of generating investment-grade technologies
23 and encouraging the partnership of the private sector and
24 government defense-related business adjustment. The following
25 areas shall receive precedence in consideration for funding
26 commercial technology development: law enforcement or
27 corrections, environmental protection, transportation,
28 education, and health care. Travel and costs incidental
29 thereto, and staff salaries, are not considered an "activity"
30 for which grant funds may be awarded.

31 (b) The office shall require that an applicant:

1 1. Be a defense-related business that could be
2 adversely affected by federal base realignment or closure or
3 reduced defense expenditures.

4 2. Agree to match at least 50 percent of any funds
5 awarded by the department in cash or in-kind services. Such
6 match shall be directly related to activities for which the
7 funds are being sought.

8 3. Prepare a coordinated program or plan delineating
9 how the funds will be administered.

10 4. Provide documentation describing how
11 defense-related realignment or closure will adversely impact
12 defense-related companies.

13 (5) The Retention of Military Installations Program is
14 created. The Director of the Office of Tourism, Trade, and
15 Economic Development shall coordinate and implement this
16 program. The sum of \$1.2 million is appropriated from the
17 General Revenue Fund for fiscal year 1999-2000 to the Office
18 of Tourism, Trade, and Economic Development to implement this
19 program for military installations located in counties with a
20 population greater than 824,000. The funds shall be used to
21 assist military installations potentially affected by federal
22 base closure or realignment in covering current operating
23 costs in an effort to retain the installation in this state.
24 An eligible military installation for this program shall
25 include a provider of simulation solutions for warfighting
26 experimentation, testing, and training which employs at least
27 500 civilian and military employees and has been operating in
28 the state for a period of more than 10 years.

29 ~~(6)(5)~~ The director may award nonfederal matching
30 funds specifically appropriated for construction, maintenance,
31 and analysis of a Florida defense workforce database. Such

1 funds will be used to create a registry of worker skills that
2 can be used to match the worker needs of companies that are
3 relocating to this state or to assist workers in relocating to
4 other areas within this state where similar or related
5 employment is available.

6 (7) Payment of administrative expenses shall be
7 limited to no more than 10 percent of any grants issued
8 pursuant to this section.

9 (8)(6) The Office of Tourism, Trade, and Economic
10 Development shall establish guidelines to implement and carry
11 out the purpose and intent of this section.

12 Section 102. There is appropriated from the General
13 Revenue Fund to the Office of Tourism, Trade, and Economic
14 Development the sum of \$800,000 to implement the programs
15 described in section 288.980, Florida Statutes. The funding
16 provided pursuant to this section is critical in assisting
17 with the improvement or upgrade of infrastructure (roads,
18 water supply, power grids, communication nets, etc.) around
19 the state's military bases which will be measured in the next
20 round of military base closures. It is the specific intent of
21 the Legislature that a portion of this appropriation be
22 expended to employ a consultant to evaluate the infrastructure
23 needs of Florida military bases in order to provide a baseline
24 and order of priority for the disbursement of funds. This
25 appropriation is in addition to any funds currently available
26 for grants to help local communities.

27 Section 103. Section 230.23027, Florida Statutes, is
28 created to read:

29 230.23027 Small School District Stabilization
30 Program.--

31

1 (1) There is created the Small School District
2 Stabilization Program to assist school districts in rural
3 communities that document economic conditions or other
4 significant community influences that negatively impact the
5 school district. The purpose of the program is to provide
6 technical assistance and financial support to maintain the
7 stability of the educational program in the school district. A
8 rural community means a county with a population of 75,000 or
9 less; or a county with a population of 100,000 or less that is
10 contiguous to a county with a population of 75,000 or less.

11 (2) In order to participate in this program, a school
12 district must be located in a rural area of critical economic
13 concern designated by the Executive Office of the Governor,
14 and the school board must submit a resolution to the Office of
15 Tourism, Trade, and Economic Development requesting
16 participation in the program. A rural area of critical
17 economic concern must be a rural community, or a region
18 composed of such, that has been adversely affected by an
19 extraordinary economic event or a natural disaster or that
20 presents a unique economic development concern or opportunity
21 of regional impact. The resolution must be accompanied with
22 documentation of the economic conditions in the community,
23 provide information indicating the negative impact of these
24 conditions on the school district's financial stability, and
25 the school district must participate in a best financial
26 management practices review to determine potential
27 efficiencies that could be implemented to reduce program costs
28 in the district.

29 (3) The Office of Tourism, Trade, and Economic
30 Development, in consultation with the Department of Education,
31 shall review the resolution and other information required by

1 subsection (2) and determine whether the school district is
2 eligible to participate in the program. Factors influencing
3 the office's determination may include, but are not limited
4 to, reductions in the county tax roll resulting from business
5 closures or other causes, or a reduction in student enrollment
6 due to business closures or impacts in the local economy.

7 (4) Effective July 1, 2000, and thereafter, when the
8 Office of Tourism, Trade, and Economic Development authorizes
9 a school district to participate in the program, the
10 Legislature may give priority to that district for a best
11 financial management practices review in the school district,
12 as authorized in s. 11.515, to the extent that funding is
13 provided annually for such purpose in the General
14 Appropriations Act. The scope of the review shall be as set
15 forth in s. 11.515.

16 (5) Effective July 1, 2000, and thereafter, the
17 Department of Education may award the school district a
18 stabilization grant intended to protect the district from
19 continued financial reductions. The amount of the grant will
20 be determined by the Department of Education and may be
21 equivalent to the amount of the decline in revenues projected
22 for the next fiscal year. In addition, the Office of Tourism,
23 Trade, and Economic Development may implement a rural economic
24 development initiative to identify the economic factors that
25 are negatively impacting the community and may consult with
26 Enterprise Florida, Inc., in developing a plan to assist the
27 county with its economic transition. The grant will be
28 available to the school district for a period of up to 5 years
29 to the extent that funding is provided for such purpose in the
30 General Appropriations Act.

31

1 (6) Based on the availability of funds the Office of
2 Tourism, Trade, and Economic Development or the Department of
3 Education may enter into contracts or issue grants necessary
4 to implement the program.

5 Section 104. Section 290.0069, Florida Statutes, is
6 created to read:

7 290.0069 Designation of enterprise zone pilot project
8 area.--

9 (1) The Office of Tourism, Trade, and Economic
10 Development shall designate one pilot project area within one
11 state enterprise zone. The Office of Tourism, Trade, and
12 Economic Development shall select a pilot project area by July
13 1, 1999, which meets the following qualifications:

14 (a) The area is contained within an enterprise zone
15 that is composed of one contiguous area and is placed in the
16 category delineated in s. 290.0065(3)(a)1.

17 (b) The local government having jurisdiction over the
18 enterprise zone grants economic development ad valorem tax
19 exemptions in the enterprise zone pursuant to s. 196.1995, and
20 electrical energy public service tax exemptions pursuant to s.
21 166.231(8).

22 (c) The local government having jurisdiction over the
23 enterprise zone has developed a plan for revitalizing the
24 pilot project area or for revitalizing an area within the
25 enterprise zone that contains the pilot project area, and has
26 committed at least \$5 million to redevelop an area including
27 the pilot project area.

28 (d) The pilot project area is contiguous and is
29 limited to no more than 70 acres, or equivalent square miles,
30 to avoid a dilution of additional state assistance and
31

1 effectively concentrate these additional resources on
2 revitalizing the acute area of economic distress.

3 (e) The pilot project area contains a diverse cluster
4 or grouping of facilities or space for a mix of retail,
5 restaurant, or service related businesses necessary to an
6 overall revitalization of surrounding neighborhoods through
7 community involvement, investment, and enhancement of
8 employment markets.

9 (2)(a) Beginning December 1, 1999, no more than four
10 businesses located within the pilot project area are eligible
11 for a credit against any tax due for a taxable year under
12 chapters 212 and 220.

13 (b) The credit shall be computed as \$5,000 times the
14 number of full-time employees of the business and \$2,500 times
15 the number of part-time employees of the business. For
16 purposes of this section, a person shall be deemed to be
17 employed by such a business on a full-time basis if the person
18 performs duties in connection with the operations of the
19 business for an average of at least 36 hours per week each
20 month, or on a part-time basis if the person is performing
21 such duties for an average of at least 20 hours per week each
22 month throughout the year. The person must be performing such
23 duties at a business site located in the pilot project area.

24 (c) The total amount of tax credits that may be
25 granted under this section is \$1 million annually. In the
26 event the Office of Tourism, Trade, and Economic Development
27 receives applications that total more than \$1 million in any
28 year, the director shall prorate the amount of tax credit each
29 applicant is eligible to receive to ensure that all eligible
30 applicants receive a tax credit.

31

1 (d) In order to be eligible to apply to the Office of
2 Tourism, Trade, and Economic Development for tax credits under
3 this section a business must:

4 1. Have entered into a contract with the developer of
5 the diverse cluster or grouping of facilities or space located
6 in the pilot project area, governing lease of commercial space
7 in a facility.

8 2. Have commenced operations in the facility after
9 July 1, 1999, and before July 1, 2000.

10 3. Be a business predominantly engaged in activities
11 usually provided for consideration by firms classified under
12 the Standard Industrial Classification Manual Industry Number
13 5311, Industry Number 5399, or Industry Number 7832.

14 (e) All applications for the granting of the tax
15 credits allowed under this section shall require the prior
16 approval of the director of the Office of Tourism, Trade, and
17 Economic Development. The director shall establish one
18 submittal date each year for the receipt of applications for
19 such tax credits.

20 (f) Any business wishing to receive tax credits
21 pursuant to this section must submit an application to the
22 Office of Tourism, Trade, and Economic Development which sets
23 forth the business name and address and the number of
24 employees of the business.

25 (g) The decision of the director shall be in writing,
26 and, if approved, the application shall state the maximum
27 credits allowable to the business. A copy of the decision
28 shall be transmitted to the executive director of the
29 Department of Revenue, who shall apply such credits to the tax
30 liabilities of the business firm.

31

1 (h) If any credit granted pursuant to this section is
2 not fully used in any one year because of insufficient tax
3 liability on the part of the business, the unused amount may
4 be carried forward for a period not to exceed 5 years.

5 (4) The Office of Tourism, Trade, and Economic
6 Development is authorized to adopt all rules necessary to
7 administer this section, including rules for the approval or
8 disapproval of applications for tax incentives by businesses.

9 (5) The Department of Revenue shall adopt any rules
10 necessary to ensure the orderly implementation and
11 administration of this section.

12 (6) For purposes of this section, "business" and
13 "taxable year" shall have the same meaning as in s. 220.03.

14 (7) Prior to the 2004 Regular Session of the
15 Legislature, the Office of Program Policy Analysis and
16 Government Accountability shall review and evaluate the
17 effectiveness and viability of the pilot project area created
18 under this section, using the research design prescribed
19 pursuant to s. 290.015. The office shall specifically evaluate
20 whether relief from certain taxes induced new investment and
21 development in the area, increased the number of jobs created
22 or retained in the area, induced the renovation,
23 rehabilitation, restoration, improvement, or new construction
24 of businesses or housing within the area, and contributed to
25 the economic viability and profitability of business and
26 commerce located within the area. The office shall submit a
27 report of its findings and recommendations to the Speaker of
28 the House of Representatives and the President of the Senate
29 no later than January 15, 2004.

30
31

1 (8) This section shall stand repealed on June 30,
2 2010, and any designation made pursuant to this section shall
3 be revoked on that date.

4 Section 105. Quick Action Closing Fund.--

5 (1)(a) The Legislature finds that attracting,
6 retaining, and providing favorable conditions for the growth
7 of certain high-impact business facilities provides widespread
8 economic benefits to the public through high-quality
9 employment opportunities in such facilities and in related
10 facilities attracted to the state, through the increased tax
11 base provided by the high-impact facility and businesses in
12 related sectors, through an enhanced entrepreneurial climate
13 in the state and the resulting business and employment
14 opportunities, and through the stimulation and enhancement of
15 the state's universities and community colleges. In the global
16 economy, there exists serious and fierce international
17 competition for these facilities, and in most instances, when
18 all available resources for economic development have been
19 used, the state continues to encounter severe competitive
20 disadvantages in vying for these high-impact business
21 facilities.

22 (b) The Legislature therefore declares that sufficient
23 resources shall be available to respond to extraordinary
24 economic opportunities and to compete effectively for these
25 high-impact business facilities.

26 (2) There is created within the Office of Tourism,
27 Trade, and Economic Development the Quick Action Closing Fund.

28 (3)(a) Enterprise Florida, Inc., shall evaluate
29 individual proposals for high-impact business facilities and
30 forward recommendations regarding the use of moneys in the
31 fund for such facilities to the director of the Office of

1 Tourism, Trade, and Economic Development. Such evaluation and
2 recommendation must include, but need not be limited to:
3 1. A description of the type of facility, its business
4 operation, and the product or service associated with the
5 facility.
6 2. The number of full-time-equivalent jobs that will
7 be created by the facility and the total estimated average
8 annual wages of those jobs.
9 3. The cumulative amount of investment to be dedicated
10 to the facility within a specified period.
11 4. A statement of any special impacts the facility is
12 expected to stimulate in a particular business sector in the
13 state or regional economy or in the state's universities and
14 community colleges.
15 5. A statement of the role the incentive is expected
16 to play in the decision of the applicant business to locate or
17 expand in this state.
18 (b) Upon receipt of the evaluation and recommendation
19 from Enterprise Florida, Inc., the director shall recommend
20 approval or disapproval of a project for receipt of funds from
21 the Quick Action Closing Fund to the Governor. In recommending
22 a high-impact business facility, the director shall include
23 proposed performance conditions that the facility must meet to
24 obtain incentive funds. The Governor shall consult with the
25 President of the Senate and the Speaker of the House of
26 Representatives before giving final approval for a project.
27 The Executive Office of the Governor shall recommend approval
28 of a project and release of funds pursuant to the legislative
29 consultation and review requirements set forth in s. 216.177,
30 Florida Statutes. The recommendation must include proposed
31 performance conditions the project must meet to obtain funds.

1 (c) Upon the approval of the Governor, the director of
2 the Office of Tourism, Trade, and Economic Development and the
3 high-impact business shall enter into a contract that sets
4 forth the conditions for payment of moneys from the fund. The
5 contract must include the total amount of funds awarded; the
6 performance conditions that must be met to obtain the award,
7 including, but not limited to, net new employment in the
8 state, average salary, and total capital investment; the
9 methodology for validating performance; the schedule of
10 payments from the fund; and sanctions for failure to meet
11 performance conditions.

12 (d) Enterprise Florida, Inc., shall validate
13 contractor performance. Such validation shall be reported
14 within 6 months after completion of the contract to the
15 Governor, President of the Senate, and the Speaker of the
16 House of Representatives.

17 Section 106. Response to economic emergencies in small
18 communities.--

19 (1) The Legislature finds that attracting, retaining,
20 and providing favorable conditions for businesses which
21 contribute to the economic health of small communities through
22 the generation of business and employment opportunities is in
23 the public interest. The Legislature recognizes that
24 conditions may exist where criteria for existing economic
25 development programs prevent some businesses from
26 participating and that existing criteria should be waived in
27 order to allow businesses which are significant employers in
28 these small communities to participate in these programs in
29 order to improve the economic health of these communities.
30 The Legislature further recognizes that the loss of an
31 industry or the inability of a significant employer to open or

1 reopen a business in a small community creates a state of
2 economic emergency within that community.

3 (2) A community is in a state of economic emergency
4 when any of the following conditions occur:

5 (a) Closure of a business which is a significant
6 employer of workers in the community.

7 (b) Closure of a business which significantly affects
8 the operations of other businesses which are significant
9 employers of workers in the community.

10 (c) A business which would be a significant employer
11 of workers in the community is unable to open or reopen due to
12 a lack of economic incentives or a business environment which
13 is not favorable to the opening or reopening of that business.

14 (d) The community experiences substantial unemployment
15 due to the closure of a major industry.

16 (3) A local government entity shall notify the
17 Governor, the Office of Tourism, Trade, and Economic
18 Development, and Enterprise Florida, Inc., when one or more of
19 the conditions specified in subsection (2) have occurred or
20 will occur if action is not taken to assist the local
21 governmental entity or the affected community.

22 (4) Upon notification that one or more of the
23 conditions described in subsection (2) exist, the Governor or
24 his or her designee shall contact the local governmental
25 entity to determine what actions have been taken by the local
26 governmental entity or the affected community to resolve the
27 economic emergency. The Governor has the authority to waive
28 the eligibility criteria of any program or activity
29 administered by the Office of Tourism, Trade, and Economic
30 Development, or Enterprise Florida, Inc., to provide economic
31 relief to the affected community by granting participation in

1 such programs or activities. The Governor shall consult with
2 the President of the Senate and the Speaker of the House of
3 Representatives and shall take other action, as necessary, to
4 resolve the economic emergency in the most expedient manner
5 possible. All actions taken pursuant to this section shall be
6 within current appropriations and shall have no annualized
7 impact beyond normal growth.

8 Section 107. Funds in the amount of \$224,750,
9 originally assigned to the Florida First Capital Finance
10 Corporation, Inc., to administer hurricane and storm relief
11 programs and which are presently deposited in Florida First
12 Capital Finance Corporation Inc., accounts (Suntrust Bank
13 account numbers 0787000579797; 0787000579805; and
14 0787000579748) shall be returned to the State Treasury on or
15 before July 31, 1999. Once these funds are deposited in the
16 State Treasury, they are appropriated as follows:

17 (1) \$122,000 to the Florida-Korea Economic Cooperation
18 Committee for expenses related to Florida's hosting of the
19 annual meeting of the Southeast United States-Korea Economic
20 Committee in the year 2000.

21 (2) \$102,750 to the San Carlos Institute of Key West,
22 to enhance its facilities and pay for expenses related to its
23 newly designated affiliation with the Smithsonian Institution
24 and to enable it to offer programs and exhibits that will
25 attract more visitors and to contribute to the economic
26 development of Key West and the Florida Keys.

27 Section 108. Section 425.04, Florida Statutes, is
28 amended to read:

29 425.04 Powers.--A cooperative shall have power:

- 30 (1) To sue and be sued, in its corporate name;
31 (2) To have perpetual existence;

1 (3) To adopt a corporate seal and alter the same at
2 pleasure;

3 (4) To generate, manufacture, purchase, acquire,
4 accumulate and transmit electric energy, and to distribute,
5 sell, supply, and dispose of electric energy in rural areas to
6 its members, to governmental agencies and political
7 subdivisions, and to other persons not in excess of 10 percent
8 of the number of its members; to process, treat, sell, and
9 dispose of water and water rights; to purchase, construct, own
10 and operate water systems; to own and operate sanitary sewer
11 systems; and to supply water and sanitary sewer services.
12 However, no cooperative shall distribute or sell any
13 electricity, or electric energy to any person residing within
14 any town, city or area which person is receiving adequate
15 central station service or who at the time of commencing such
16 service, or offer to serve, by a cooperative, is receiving
17 adequate central station service from any utility agency,
18 privately or municipally owned individual partnership or
19 corporation;

20 (5) To make loans to persons to whom electric energy
21 is or will be supplied by the cooperative for the purpose of,
22 and otherwise to assist such person in, wiring their premises
23 and installing therein electric and plumbing fixtures,
24 appliances, apparatus and equipment of any and all kinds and
25 character, and in connection therewith, to purchase, acquire,
26 lease, sell, distribute, install and repair such electric and
27 plumbing fixtures, appliances, apparatus and equipment, and to
28 accept or otherwise acquire, and to sell, assign, transfer,
29 endorse, pledge, hypothecate and otherwise dispose of notes,
30 bonds and other evidences of indebtedness and any and all
31 types of security therefor;

1 (6) To make loans to persons to whom electric energy
2 is or will be supplied by the cooperative for the purpose of,
3 and otherwise to assist such persons in, constructing,
4 maintaining and operating electric refrigeration plants;

5 (7) To become a member in one or more other
6 cooperatives or corporations or to own stock therein;

7 (8) To construct, purchase, take, receive, lease as
8 lessee, or otherwise acquire, and to own, hold, use, equip,
9 maintain, and operate, and to sell, assign, transfer, convey,
10 exchange, lease as lessor, mortgage, pledge, or otherwise
11 dispose of or encumber, electric transmission and distribution
12 lines or systems, electric generating plants, electric
13 refrigeration plants, lands, buildings, structures, dams,
14 plants and equipment, and any and all kinds and classes of
15 real or personal property whatsoever, which shall be deemed
16 necessary, convenient or appropriate to accomplish the purpose
17 for which the cooperative is organized;

18 (9) To purchase or otherwise acquire; to own, hold,
19 use and exercise; and to sell, assign, transfer, convey,
20 mortgage, pledge, hypothecate, or otherwise dispose of or
21 encumber, franchises, rights, privileges, licenses,
22 rights-of-way and easement;

23 (10) To borrow money and otherwise contract
24 indebtedness; to issue notes, bonds, and other evidences of
25 indebtedness therefor; and to secure the payment thereof by
26 mortgage, pledge, deed of trust, or any other encumbrance upon
27 any or all of its then owned or after-acquired real or
28 personal property, assets, franchises, revenues or income;

29 (11) To construct, maintain, and operate electric
30 transmission and distribution lines along, upon, under and
31 across all public thoroughfares, including without limitation,

1 all roads, highways, streets, alleys, bridges and causeways,
2 and upon, under and across all publicly owned lands, subject,
3 however, to the requirements in respect of the use of such
4 thoroughfares and lands that are imposed by the respective
5 authorities having jurisdiction thereof upon corporations
6 constructing or operating electric transmission and
7 distribution lines or systems;

8 (12) To exercise the power of eminent domain in the
9 manner provided by the laws of this state for the exercise of
10 that power by corporations constructing or operating electric
11 transmission and distribution lines or systems;

12 (13) To conduct its business and exercise any or all
13 of its powers within or without this state;

14 (14) To adopt, amend and repeal bylaws; and

15 (15) To do and perform any and all other acts and
16 things, and to have and exercise any and all other powers
17 which may be necessary, convenient or appropriate to
18 accomplish the purpose for which the cooperative is organized.

19

20 To promote economic development, an electric cooperative may
21 provide any energy or nonenergy services to its membership.

22 Section 109. Paragraph (c) is added to subsection (15)
23 of section 196.012, Florida Statutes, to read:

24 196.012 Definitions.--For the purpose of this chapter,
25 the following terms are defined as follows, except where the
26 context clearly indicates otherwise:

27 (15) "New business" means:

28 (c) A business that is situated on property annexed
29 into a municipality and that, at the time of the annexation,
30 is receiving an economic development ad valorem tax exemption
31 from the county under s. 196.1995.

1 Section 110. Present subsections (6), (7), (8), and
2 (9) of section 196.1995, Florida Statutes, are redesignated as
3 subsections (7), (8), (9), and (10), respectively, and a new
4 subsection (6) is added to said section, to read:

5 196.1995 Economic development ad valorem tax
6 exemption.--

7 (6) With respect to a new business as defined by s.
8 196.012(15)(c), the municipality annexing the property on
9 which the business is situated may grant an economic
10 development ad valorem tax exemption under this section to
11 that business for a period that will expire upon the
12 expiration of the exemption granted by the county. If the
13 county renews the exemption under subsection (7), the
14 municipality may also extend its exemption. A municipal
15 economic development ad valorem tax exemption granted under
16 this subsection may not extend beyond the duration of the
17 county exemption.

18 Section 111. (1) The Department of Labor and
19 Employment Security may offer, subject to the provisions of
20 this section, active employees with 30 or more years of
21 creditable service in a state-administered retirement system,
22 or who are at least 62 years of age and are eligible for
23 retirement in a state-administered retirement system, a
24 one-time voluntary reduction-in-force payment during the
25 1999-2000 fiscal year. Such payment shall represent a payment
26 of insurance costs and shall be paid as an annuity to be
27 purchased by the department within funds appropriated for
28 salary and benefits in the General Appropriations Act for
29 fiscal year 1999-2000, which shall include funds derived from
30 eliminating vacated positions. There shall be no annualization
31 costs associated with this plan. The Secretary of Labor and

1 Employment Security shall be deemed to be the public employer
2 for purposes of negotiating the terms and conditions related
3 to the reduction-in-force payments authorized by this section.
4 All persons retiring under this program shall do so no later
5 than January 1, 2000.

6 (2) The department, in consultation with the
7 Department of Management Services, shall prepare a plan to
8 implement the reduction-in-force payment authority for
9 approval by the Office of Planning and Budgeting. Such plan
10 must meet all applicable federal requirements regarding the
11 expenditure of federal funds; all applicable federal tax laws;
12 and all other federal and state laws regarding special
13 compensation to employees, including the Age Discrimination in
14 Employment Act and the Older Workers' Benefit Protection Act.
15 The plan must specify the savings created through the payment
16 mechanism and the reduction-in-force, specify the source of
17 funding of the payments, and delineate a timetable for
18 implementation.

19 (3) If approved by the Office of Planning and
20 Budgeting, such plan shall be submitted to the Legislature
21 subject to the notice, review, and objection process
22 authorized in section 216.177, Florida Statutes.

23 (4) This section shall take effect upon becoming a
24 law.

25 Section 112. Subsections (3), (4), (5), and (9) of
26 section 548.002, Florida Statutes, are amended, present
27 subsections (5) through (15) are renumbered as subsections (6)
28 through (16), respectively, and new subsections (5) and (17)
29 are added to that section, to read:

30 548.002 Definitions.--As used in this act, the term:
31

1 (3) "Commission" means the Florida State Boxing
2 ~~Athletic~~ Commission.

3 (4) "Contest" means a boxing or ~~kickboxing, or~~
4 ~~martial arts~~ engagement in which the participants strive
5 earnestly to win.

6 (5) "Department" means the Department of Business and
7 Professional Regulation.

8 (6)~~(5)~~ "Exhibition" means a boxing or ~~kickboxing, or~~
9 ~~martial arts~~ engagement in which the participants show or
10 display their skill without necessarily striving to win.

11 (10)~~(9)~~ "Manager" means any person who, directly or
12 indirectly, controls or administers the boxing or ~~kickboxing,~~
13 ~~or martial arts~~ affairs of any participant.

14 (17) "Secretary" means the Secretary of Business and
15 Professional Regulation.

16 Section 113. Section 548.003, Florida Statutes, 1998
17 Supplement, is amended to read:

18 548.003 Florida State Boxing Athletic Commission;
19 organization; meetings; accountability of commission members;
20 compensation and travel expenses; association membership and
21 participation.--

22 (1) The Florida State Boxing Athletic Commission is
23 created and is assigned to ~~under~~ the Department of Business
24 and Professional Regulation for administrative and fiscal
25 accountability purposes only. The Florida State Boxing
26 ~~Athletic~~ Commission shall consist of five members appointed by
27 the Governor, subject to confirmation by the Senate. Upon the
28 expiration of the term of a commissioner, the Governor shall
29 appoint a successor to serve for a 4-year term. A commissioner
30 whose term has expired shall continue to serve on the
31 commission until such time as a replacement is appointed. If

1 a vacancy on the commission occurs prior to the expiration of
2 the term, it shall be filled for the unexpired portion of the
3 term in the same manner as the original appointment.

4 (2) The Florida State Boxing Athletic Commission, as
5 created by subsection (1), shall administer the provisions of
6 this chapter. The commission has authority to adopt rules
7 pursuant to ss. 120.536(1) and 120.54 to implement the
8 provisions of this chapter and to implement each of the duties
9 and responsibilities conferred upon the commission, including,
10 but not limited to: development of an ethical code of conduct
11 for commissioners, commission staff, and commission officials;
12 procedures for hearings and resolution of disputes;
13 qualifications for appointment of referees and judges; and
14 setting fee and reimbursement schedules for officials
15 appointed by the commission.

16 (3) The commission shall maintain an office in
17 Tallahassee ~~and any necessary branch offices~~. At the first
18 meeting of the commission after June 1 of each year, the
19 commission shall select a chair and a vice chair from among
20 its membership. Three members shall constitute a quorum and
21 the concurrence of at least three members is necessary for
22 official commission action.

23 (4) Three consecutive unexcused absences or absences
24 constituting 50 percent or more of the commission's meetings
25 within any 12-month period shall cause the commission
26 membership of the member in question to become void, and the
27 position shall be considered vacant. The commission shall, by
28 rule, define unexcused absences.

29 (5) Each commission member shall be accountable to the
30 Governor for the proper performance of duties as a member of
31 the commission. The Governor shall cause to be investigated

1 any complaint or unfavorable report received by the Governor
2 or the department concerning an action of the commission or
3 any member and shall take appropriate action thereon. The
4 Governor may remove from office any member for malfeasance,
5 unethical conduct, misfeasance, neglect of duty, incompetence,
6 permanent inability to perform official duties, or pleading
7 guilty or nolo contendere to or being found guilty of a
8 felony.

9 (6)(4) Each member of the commission shall be
10 compensated at the rate of \$50~~\$25~~ for each day she or he
11 attends a commission meeting and shall be reimbursed for other
12 expenses as provided in s. 112.061.

13 (7) The commission shall be authorized to join and
14 participate in the activities of the Association of Boxing
15 Commissions (ABC).

16 (8) The department shall provide all legal and
17 investigative services necessary to implement this chapter.
18 The department may adopt rules as provided in ss. 120.54 and
19 120.536(1) to carry out its duties under this chapter.

20 Section 114. Section 548.004, Florida Statutes, is
21 amended to read:

22 548.004 Executive director ~~secretary; deputies;~~
23 duties, compensation, administrative support.--

24 (1) The department ~~commission~~ shall employ an
25 executive director with the approval of the commission. The
26 executive director shall serve at the pleasure of the
27 ~~secretary who shall receive a salary to be fixed by the~~
28 ~~commission with the approval of the Governor. The executive~~
29 ~~secretary shall keep a record of all proceedings of the~~
30 ~~commission; shall preserve all books, papers, and documents~~
31 ~~pertaining to the business of the commission; shall prepare~~

1 any notices and papers required; shall appoint judges,
2 referees, and other officials as delegated by the commission
3 and pursuant to this chapter and rules of the commission;and
4 shall perform such other duties as the department or
5 commission directs. The executive director ~~secretary~~ may
6 issue ~~witness~~ subpoenas and administer oaths.

7 (2) The commission shall require electronic recording
8 of all scheduled proceedings of the commission.

9 (3) The department shall provide assistance in budget
10 development and budget submission for state funding requests.
11 The department shall submit an annual balanced legislative
12 budget for the commission which is based upon anticipated
13 revenue. The department shall provide technical assistance and
14 administrative support, if requested or determined needed, to
15 the commission and its executive director on issues relating
16 to personnel, contracting, property management, or other
17 issues identified as important to performing the duties of
18 this chapter and to protecting the interests of the state.

19 ~~(2) The commission may appoint any deputies that are~~
20 ~~necessary, whose compensation shall be the same as that of the~~
21 ~~commissioners. A deputy shall, on the order of the~~
22 ~~commission, represent the commission at a boxing match.~~

23 Section 115. Section 548.005, Florida Statutes, is
24 created to read:

25 548.005 Oversight of the commission; long-range policy
26 planning; plans, reports, and recommendations.--

27 (1) The department shall exercise oversight of the
28 activities of the commission to the extent necessary to
29 facilitate the requirements of this section.

30 (2) To facilitate efficient and cost-effective
31 regulation, the commission and the department, where

1 appropriate, shall develop and implement a long-range policy
2 planning and monitoring process to include recommendations
3 specific to the commission. Included in the plan shall be
4 specific recommendations regarding performance standards and
5 measurable outcomes for the commission. Such process shall
6 include estimates of revenues, expenditures, cash balances,
7 and performance statistics for the commission. The period
8 covered shall not be less than 5 years. The commission, with
9 assistance from the department, shall develop the long-range
10 plan which must be approved by the Governor. The department
11 shall monitor compliance with the approved long-range plan and
12 shall assist the commission in annually updating the plan for
13 approval by the Governor. The department shall provide concise
14 management reports to the commission and the Governor
15 quarterly. As part of the review process, the department shall
16 evaluate:

17 (a) Whether the commission is operating efficiently
18 and effectively and if there is need for assistance to help
19 the commission in ensuring cost-effective regulation.

20 (b) How and why pugilistic exhibitions and contests
21 are regulated.

22 (c) Whether there is a need to continue regulation,
23 and to what degree.

24 (d) Whether or not licensee and consumer protection is
25 adequate, and how it can be improved.

26 (e) Whether unlicensed activity is adequately
27 enforced.

28
29 Such plans should include conclusions and recommendations on
30 these and other issues as appropriate. Such plans shall be
31

1 provided to the Governor and the Legislature by November 1 of
2 each year.

3 Section 116. Section 548.006, Florida Statutes, is
4 amended to read:

5 548.006 Power of commission to control pugilistic
6 contests and exhibitions.--The commission has exclusive
7 jurisdiction over every match held within the state which
8 involves a professional. Matches shall be held ~~only~~ in
9 accordance with this chapter and the rules adopted by the
10 commission.

11 Section 117. Section 548.007, Florida Statutes, is
12 amended to read:

13 548.007 Applicability of act to amateur matches and
14 certain other matches or events.--With the exception of s.
15 548.008, sections 548.001-548.079 do not apply to:

16 (1) Any match in which the participants are amateurs;

17 (2) Any match conducted or sponsored by a university,
18 college, or secondary school if all the participants are
19 students regularly enrolled in the institution;

20 (3) Any match conducted or sponsored by a nationally
21 chartered veterans' organization registered with the state;

22 (4) Any match conducted or sponsored by any company or
23 detachment of the Florida National Guard; or

24 (5) Any official Olympic event.

25 Section 118. Section 548.008, Florida Statutes, is
26 amended to read:

27 548.008 Toughman and badman competition prohibited.--

28 (1) No professional or amateur toughman or badman
29 match, as described in this section, may be held in this
30 state. Such competition includes any contest or exhibition
31 where participants compete by using a combination of fighting

1 skills. Such skills may include, but are not limited to,
2 boxing, wrestling, kicking, or martial arts skills.
3 Notwithstanding the above, this section shall not preclude
4 kickboxing as regulated by this chapter.

5 (2) Any person participating in or promoting a
6 professional or amateur toughman or badman match is guilty of
7 a misdemeanor of the second degree, punishable as provided in
8 s. 775.082 or s. 775.083.

9 Section 119. Section 548.014, Florida Statutes, is
10 amended to read:

11 548.014 Promoters and foreign copromoters; bonds or
12 other security.--

13 (1)(a) Before any license is issued or renewed to a
14 promoter or foreign copromoter and before any permit is issued
15 to a promoter or foreign copromoter, she or he must file a
16 surety bond with the commission in such reasonable amount, but
17 not less than \$15,000~~\$3,000~~, as the commission determines.

18 (b) All bonds must ~~shall~~ be upon forms approved ~~by the~~
19 ~~Department of Legal Affairs~~ and supplied by the commission.

20 (c) The sufficiency of any surety is subject to
21 approval of the commission ~~and the Department of Legal~~
22 ~~Affairs~~.

23 (d) The surety bond must ~~shall~~ be conditioned upon the
24 faithful performance by the promoter or foreign copromoter of
25 her or his obligations under this chapter and upon the
26 fulfillment of her or his contracts with any other licensees
27 under this chapter. However, the aggregate annual liability
28 of the surety for all obligations and fees may ~~shall~~ not
29 exceed the amount of the bond.

30 (2) In lieu of a surety bond, the promoter or foreign
31 copromoter may deposit with the commission cash or~~a~~

1 certified check, ~~or direct obligations of the United States or~~
2 ~~this state which are acceptable to the commission~~ in an
3 equivalent amount and subject to the same conditions as the
4 bond. ~~No~~ Such security may not be returned to the promoter
5 until 1 year after the date on which it was deposited with the
6 commission unless a surety bond is substituted for it. If no
7 claim against the deposit is outstanding, it shall be returned
8 to the depositor 1 year after ~~from~~ the date it was deposited.

9 ~~(3) A filing fee of \$10 shall accompany each bond,~~
10 ~~cash, or security deposited under this section.~~

11 (3)~~(4)~~ Recovery may be made against any bond, cash, or
12 other security in the same manner as penalties are recoverable
13 at law.

14 Section 120. Section 548.025, Florida Statutes, is
15 amended to read:

16 548.025 License fees.--

17 ~~(1)~~ The commission shall set license fees as follows:

18 (1)~~(a)~~ Promoter, matchmaker--not to exceed \$500.

19 (2)~~(b)~~ Any other license--not to exceed \$100.

20 ~~(2) The commission may issue licenses, without charge,~~
21 ~~to referees and physicians authorizing them to officiate only~~
22 ~~at matches involving amateurs.~~

23 Section 121. Section 548.041, Florida Statutes, is
24 amended to read:

25 548.041 Age of boxers.--A person under 18 years of age
26 may not participate in any match, ~~except that an amateur who~~
27 ~~is 16 or 17 years of age may participate in matches with other~~
28 ~~amateurs who are 16 or 17 years of age under rules adopted by~~
29 ~~the commission.~~

30 Section 122. Section 548.042, Florida Statutes, is
31 amended to read:

1 548.042 Participation under fictitious name.--A person
2 may not participate under a fictitious or assumed name in any
3 match ~~involving an amateur~~ unless she or he has registered the
4 name with the commission.

5 Section 123. Subsections (2) and (3) of section
6 548.043, Florida Statutes, are amended to read:

7 548.043 Weights and classes, limitations; gloves.--

8 (2) The commission shall establish by rule the
9 acceptable ~~No boxing match shall be held in which the~~
10 difference in weight between of the participants; however, the
11 maximum difference in weight shall not exceed 12 ~~exceeds 10~~
12 pounds, except matches in the cruiserweight ~~light-heavyweight~~
13 and heavyweight classes and exhibitions held solely for
14 training purposes.

15 (3) The commission shall establish by rule the
16 appropriate weight of boxing gloves to be used in each boxing
17 match; however, all participants in boxing matches shall wear
18 boxing gloves weighing not less than 8 ~~6~~ ounces each.
19 ~~Participants in all other types of matches~~ shall wear such
20 protective devices as the commission deems necessary.

21 Section 124. Subsections (1), (2), and (3) of section
22 548.045, Florida Statutes, are amended to read:

23 548.045 Medical advisory council; qualifications,
24 compensation, powers and duties.--

25 (1) A medical advisory council, which shall consist of
26 five members appointed by the Governor, is created. Each
27 member must be licensed to practice medicine in this state,
28 must maintain an unencumbered license in good standing, and
29 must, at the time of her or his appointment, have practiced
30 medicine at least 5 years.

31

1 (2) ~~Initially, two of the members shall be appointed~~
2 ~~for terms of 1 year, one member shall be appointed for a term~~
3 ~~of 2 years, one member shall be appointed for a term of 3~~
4 ~~years, and one member shall be appointed for a term of 4~~
5 ~~years.~~The term of each member ~~thereafter~~ appointed, except to
6 fill a vacancy, shall be 2 4 years.

7 (3) The Governor shall designate one of the members of
8 the council as its chair.

9 Section 125. Subsection (2) of section 548.046,
10 Florida Statutes, is amended to read:

11 548.046 Physician's attendance at match; examinations;
12 cancellation of match.--

13 (2) In addition to any other required examination,
14 each participant shall be examined by the attending physician
15 at the time of weigh-in within 12 hours before she or he
16 ~~enters the ring.~~ If the physician determines that a
17 participant is physically or mentally unfit to proceed, the
18 physician shall notify any commissioner or the commission
19 representative ~~deputy in charge~~ who shall immediately cancel
20 the match. The examination shall conform to rules adopted by
21 the commission based on the advice of the medical advisory
22 council. The result of the examination shall be reported in a
23 writing signed by the physician and filed with the commission
24 prior to completion of the weigh-in within 72 hours after the
25 ~~match.~~

26 Section 126. Subsections (3) and (4) of section
27 548.05, Florida Statutes, are amended to read:

28 548.05 Control of contracts.--

29 (3) The commission may require that each contract
30 contain language authorizing the Florida State Boxing Athletic
31 Commission to withhold any or all of any manager's share of a

1 | purse in the event of a contractual dispute as to entitlement
2 | to any portion of a purse. The commission may establish rules
3 | governing the manner of resolution of such dispute. In
4 | addition, if the commission deems it appropriate, the
5 | commission is hereby authorized to implead interested parties
6 | over any disputed funds into the appropriate circuit court for
7 | resolution of the dispute prior to release of all or any part
8 | of the funds.

9 | (4) Each contract subject to this section shall
10 | contain the following clause: "This agreement is subject to
11 | the provisions of chapter 548, Florida Statutes, and to the
12 | rules of the Florida State Boxing Athletic Commission and to
13 | any future amendments of either."

14 | Section 127. Section 548.053, Florida Statutes, is
15 | amended to read:

16 | 548.053 Distribution of purses to participants;
17 | statements.--

18 | (1) Unless otherwise directed by a representative of
19 | the commission, all purses shall be distributed by the
20 | promoter no later than 24 hours after the match. A written
21 | statement showing the distribution of the purse, including
22 | each item of receipt and each expenditure or deduction, shall
23 | be furnished to the participant and her or his manager,
24 | together with the participant's share of the purse. The
25 | promoter shall retain file a copy of the statement, certified
26 | by her or him to be correct, with receipted vouchers for all
27 | expenditures and deductions, for a period to be designated by
28 | the commission, which copy shall be provided to the commission
29 | upon demand ~~with the commission no later than 72 hours after~~
30 | ~~the match.~~

31 |

1 (2) Unless otherwise directed by a representative of
2 the commission, a manager shall furnish to the participant she
3 or he manages a statement of distribution, together with the
4 participant's share of the purse, no later than 24 hours after
5 the manager receives the purse and statement from the
6 promoter. The manager shall retain ~~file~~ a copy of the
7 statement, certified by her or him to be correct, with
8 receipted vouchers for all expenditures and deductions, for a
9 period to be designated by the commission, which copy shall be
10 provided to the commission upon demand ~~with the commission no~~
11 ~~later than 72 hours after the manager receives the~~
12 ~~distribution from the promoter.~~

13 Section 128. Subsection (1) of section 548.054,
14 Florida Statutes, is amended to read:

15 548.054 Withholding of purses; hearing; disposition of
16 withheld purse forfeiture.--

17 (1) A member of the commission, the commission
18 representative ~~the deputy in charge~~, or the referee may order
19 a promoter to surrender to the commission ~~withhold~~ any purse
20 or other funds payable to a participant, or to withhold the
21 share of any manager, if it appears that:

22 (a) The participant is not competing honestly, or is
23 intentionally not competing to the best of her or his ability
24 and skill, in a match represented to be a contest; or

25 (b) The participant, her or his manager, or any of the
26 participant's seconds has violated this chapter.

27 Section 129. Subsections (2) and (3) of section
28 548.057, Florida Statutes, are amended to read:

29 548.057 Attendance of referee and judges at match;
30 scoring; seconds.--

31

1 (2) At each boxing contest, at the expense of the
2 promoters, three judges appointed by the executive director as
3 delegated by the commission shall attend and shall render
4 their individual decisions in writing on scorecards supplied
5 by the commission ~~at the end of each contest which continues~~
6 ~~for the scheduled number of rounds.~~ Each judge shall have one
7 vote, and a majority of the votes cast shall determine the
8 winner.

9 (3) The commission shall ensure that all referees,
10 judges, and other officials are Florida-licensed officials
11 qualified pursuant to rules of the commission and that no
12 sanctioning organization or promoter has been permitted to
13 influence the appointment of any officials, and shall
14 prescribe the methods of scoring.

15 Section 130. Subsection (12) of section 548.071,
16 Florida Statutes, is amended to read:

17 548.071 Suspension or revocation of license or permit
18 by commission.--The commission may suspend or revoke a license
19 or permit if the commission finds that the licensee or
20 permittee:

21 (12) Has been disciplined by the Florida State Boxing
22 ~~Athletic~~ Commission or similar agency or body of any
23 jurisdiction.

24 Section 131. Section 548.077, Florida Statutes, is
25 amended to read:

26 548.077 Florida State Boxing Athletic Commission;
27 collection and disposition of moneys.--All fees, fines,
28 forfeitures, and other moneys collected under the provisions
29 of this chapter shall be paid by the commission to the State
30 Treasurer who, after the expenses of the commission are paid,
31 shall deposit them in the Professional Regulation Trust Fund

1 to be used for the administration and operation of the
2 commission and to enforce the laws and rules under its
3 jurisdiction. In the event the unexpended balance of such
4 moneys collected under the provisions of this chapter exceeds
5 \$250,000, any excess of that amount shall be deposited in the
6 General Revenue Fund.

7 Section 132. Subsection (5) is added to section
8 218.503, Florida Statutes, to read:

9 218.503 Determination of financial emergency.--

10 (5)(a) The governing authority of any municipality
11 with a resident population of 300,000 or more on April 1,
12 1999, and which has been declared in a state of financial
13 emergency pursuant to this section within the previous 2
14 fiscal years may impose a discretionary per-vehicle surcharge
15 of up to 20 percent on the gross revenues of the sale, lease,
16 or rental of space at parking facilities within the
17 municipality that are open for use to the general public.

18 (b) A municipal governing authority that imposes the
19 surcharge authorized by this subsection may use the proceeds
20 of such surcharge for the following purposes only:

21 1. No less than 60 percent and no more than 80 percent
22 of the surcharge proceeds shall be used by the governing
23 authority to reduce its ad valorem tax millage rate or to
24 reduce or eliminate non-ad valorem assessments.

25 2. A portion of the balance of the surcharge proceeds
26 shall be used by the governing authority to increase its
27 budget reserves; however, the governing authority shall not
28 reduce the amount it allocates for budget reserves from other
29 sources below the amount allocated for reserves in the fiscal
30 year prior to the year in which the surcharge is initially
31 imposed. When a 15 percent budget reserve is achieved, based

1 on the average gross revenue for the most recent 3 prior
2 fiscal years, the remaining proceeds from this subparagraph
3 shall be used for the payment of annual debt service related
4 to outstanding obligations backed or secured by a covenant to
5 budget and appropriate from non-ad valorem revenues.

6 (c) This subsection is repealed on June 30, 2006.

7 Section 133. Subsections (3) and (4) of section 11.62,
8 Florida Statutes, are amended to read:

9 11.62 Legislative review of proposed regulation of
10 unregulated functions.--

11 (3) In determining whether to regulate a profession or
12 occupation, the Legislature shall consider the following
13 factors:

14 (a) Whether the unregulated practice of the profession
15 or occupation will substantially harm or endanger the public
16 health, safety, or welfare, and whether the potential for harm
17 is recognizable and not remote;

18 (b) Whether the practice of the profession or
19 occupation requires specialized skill or training, and whether
20 that skill or training is readily measurable or quantifiable
21 so that examination or training requirements would reasonably
22 assure initial and continuing professional or occupational
23 ability;

24 (c) Whether the regulation will have an unreasonable
25 effect on job creation or job retention in the state or will
26 place unreasonable restrictions on the ability of individuals
27 who seek to practice or who are practicing a given profession
28 or occupation to find employment;

29 (d)~~(c)~~ Whether the public is or can be effectively
30 protected by other means; and

31

1 ~~(d)~~ (e) Whether the overall cost-effectiveness and
2 economic impact of the proposed regulation, including the
3 indirect costs to consumers, will be favorable.

4 (4) The proponents of legislation that provides for
5 the regulation of a profession or occupation not already
6 expressly subject to state regulation shall provide, upon
7 request, the following information in writing to the state
8 agency that is proposed to have jurisdiction over the
9 regulation and to the legislative committees to which the
10 legislation is referred:

11 (a) The number of individuals or businesses that would
12 be subject to the regulation;

13 (b) The name of each association that represents
14 members of the profession or occupation, together with a copy
15 of its codes of ethics or conduct;

16 (c) Documentation of the nature and extent of the harm
17 to the public caused by the unregulated practice of the
18 profession or occupation, including a description of any
19 complaints that have been lodged against persons who have
20 practiced the profession or occupation in this state during
21 the preceding 3 years;

22 (d) A list of states that regulate the profession or
23 occupation, and the dates of enactment of each law providing
24 for such regulation and a copy of each law;

25 (e) A list and description of state and federal laws
26 that have been enacted to protect the public with respect to
27 the profession or occupation and a statement of the reasons
28 why these laws have not proven adequate to protect the public;

29 (f) A description of the voluntary efforts made by
30 members of the profession or occupation to protect the public

31

1 and a statement of the reasons why these efforts are not
2 adequate to protect the public;

3 (g) A copy of any federal legislation mandating
4 regulation;

5 (h) An explanation of the reasons why other types of
6 less restrictive regulation would not effectively protect the
7 public;

8 (i) The cost, availability, and appropriateness of
9 training and examination requirements;

10 (j)~~(i)~~ The cost of regulation, including the indirect
11 cost to consumers, and the method proposed to finance the
12 regulation;

13 (k) The cost imposed on applicants or practitioners or
14 on employers of applicants or practitioners as a result of the
15 regulation;

16 (l)~~(j)~~ The details of any previous efforts in this
17 state to implement regulation of the profession or occupation;
18 and

19 (m)~~(k)~~ Any other information the agency or the
20 committee considers relevant to the analysis of the proposed
21 legislation.

22 Section 134. Subsection (4) of section 455.201,
23 Florida Statutes, is amended to read:

24 455.201 Professions and occupations regulated by
25 department; legislative intent; requirements.--

26 (4)(a) Neither the department nor any board may ~~No~~
27 ~~board, nor the department, shall~~ create unreasonably
28 restrictive and extraordinary standards that deter qualified
29 persons from entering the various professions. Neither the
30 department nor any board may ~~No board, nor the department,~~
31 ~~shall~~ take any action that ~~which~~ tends to create or maintain

1 an economic condition that unreasonably restricts competition,
2 except as specifically provided by law.

3 (b) Neither the department nor any board may create a
4 regulation that has an unreasonable effect on job creation or
5 job retention in the state or that places unreasonable
6 restrictions on the ability of individuals who seek to
7 practice or who are practicing a given profession or
8 occupation to find employment.

9 (c) The Legislature shall evaluate proposals to
10 increase regulation of already regulated professions or
11 occupations to determine their effect on job creation or
12 retention and employment opportunities.

13 Section 135. Subsection (4) of section 455.517,
14 Florida Statutes, is amended to read:

15 455.517 Professions and occupations regulated by
16 department; legislative intent; requirements.--

17 (4)(a) Neither the department nor any board may ~~No~~
18 ~~board, nor the department, shall~~ create unreasonably
19 restrictive and extraordinary standards that deter qualified
20 persons from entering the various professions. Neither the
21 department nor any board may ~~No board, nor the department,~~
22 ~~shall~~ take any action that ~~which~~ tends to create or maintain
23 an economic condition that unreasonably restricts competition,
24 except as specifically provided by law.

25 (b) Neither the department nor any board may create a
26 regulation that has an unreasonable effect on job creation or
27 job retention in the state or that places unreasonable
28 restrictions on the ability of individuals who seek to
29 practice or who are practicing a profession or occupation to
30 find employment.

31

1 (c) The Legislature shall evaluate proposals to
2 increase the regulation of regulated professions or
3 occupations to determine the effect of increased regulation on
4 job creation or retention and employment opportunities.

5 Section 136. Section 455.2035, Florida Statutes, is
6 created to read:

7 455.2035 Rulemaking authority for professions not
8 under a board.--The department may adopt rules pursuant to ss.
9 120.54 and 120.536(1) to implement the regulatory requirements
10 of any profession within the department's jurisdiction which
11 does not have a statutorily authorized regulatory board.

12 Section 137. Section 455.2123, Florida Statutes, is
13 created to read:

14 455.2123 Continuing education.--A board, or the
15 department when there is no board, may provide by rule that
16 distance learning may be used to satisfy continuing education
17 requirements.

18 Section 138. Section 455.2124, Florida Statutes, is
19 created to read:

20 455.2124 Proration of continuing education.--A board,
21 or the department when there is no board, may:

22 (1) Prorate continuing education for new licensees by
23 requiring half of the required continuing education for any
24 applicant who becomes licensed with more than half the renewal
25 period remaining and no continuing education for any applicant
26 who becomes licensed with half or less than half of the
27 renewal period remaining; or

28 (2) Require no continuing education until the first
29 full renewal cycle of the licensee.

30
31

1 These options shall also apply when continuing education is
2 first required or the number of hours required is increased by
3 law or the board, or the department when there is no board.

4 Section 139. Subsection (10) is added to section
5 455.213, Florida Statutes, 1998 Supplement, to read:

6 455.213 General licensing provisions.--

7 (10) For any profession requiring fingerprints as part
8 of the registration, certification, or licensure process or
9 for any profession requiring a criminal history record check
10 to determine good moral character, a fingerprint card
11 containing the fingerprints of the applicant must accompany
12 all applications for registration, certification, or
13 licensure. The fingerprint card shall be forwarded to the
14 Division of Criminal Justice Information Systems within the
15 Department of Law Enforcement for purposes of processing the
16 fingerprint card to determine if the applicant has a criminal
17 history record. The fingerprint card shall also be forwarded
18 to the Federal Bureau of Investigation for purposes of
19 processing the fingerprint card to determine if the applicant
20 has a criminal history record. The information obtained by the
21 processing of the fingerprint card by the Florida Department
22 of Law Enforcement and the Federal Bureau of Investigation
23 shall be sent to the department for the purpose of determining
24 if the applicant is statutorily qualified for registration,
25 certification, or licensure.

26 Section 140. Paragraph (e) of subsection (2) of
27 section 468.453, Florida Statutes, 1998 Supplement, is amended
28 to read:

29 468.453 Licensure required; qualifications;
30 examination; bond.--

31

1 (2) A person shall be licensed as an athlete agent if
2 the applicant:

3 (e) Has ~~provided sufficient information which must be~~
4 ~~submitted to by~~ the department a fingerprint card for a
5 criminal history records check ~~through the Federal Bureau of~~
6 ~~Investigation~~. The fingerprint card shall be forwarded to the
7 Division of Criminal Justice Information Systems within the
8 Department of Law Enforcement for purposes of processing the
9 fingerprint card to determine if the applicant has a criminal
10 history record. The fingerprint card shall also be forwarded
11 to the Federal Bureau of Investigation for purposes of
12 processing the fingerprint card to determine if the applicant
13 has a criminal history record. The information obtained by the
14 processing of the fingerprint card by the Florida Department
15 of Law Enforcement and the Federal Bureau of Investigation
16 shall be sent to the department for the purpose of determining
17 if the applicant is statutorily qualified for licensure.

18 Section 141. Paragraph (a) of subsection (1) of
19 section 475.175, Florida Statutes, is amended to read:

20 475.175 Examinations.--

21 (1) A person shall be entitled to take the license
22 examination to practice in this state if the person:

23 (a) Submits to the department the appropriate
24 notarized application and fee, two photographs of herself or
25 himself taken within the preceding year, and a fingerprint
26 card. The fingerprint card shall be forwarded to the Division
27 of Criminal Justice Information Systems within the Department
28 of Law Enforcement for purposes of processing the fingerprint
29 card to determine if the applicant has a criminal history
30 record. The fingerprint card shall also be forwarded to the
31 Federal Bureau of Investigation for purposes of processing the

1 fingerprint card to determine if the applicant has a criminal
2 history record. The information obtained by the processing of
3 the fingerprint card by the Florida Department of Law
4 Enforcement and the Federal Bureau of Investigation shall be
5 sent to the department for the purpose of determining if the
6 applicant is statutorily qualified for examination.
7 ~~fingerprints for processing through appropriate law~~
8 ~~enforcement agencies; and~~

9 Section 142. Subsection (3) of section 475.615,
10 Florida Statutes, 1998 Supplement, is amended to read:

11 475.615 Qualifications for registration, licensure, or
12 certification.--

13 (3) Appropriate fees, as set forth in the rules of the
14 board pursuant to s. 475.6147, and a fingerprint card
15 ~~fingerprints for processing through appropriate law~~
16 ~~enforcement agencies~~ must accompany all applications for
17 registration, ~~licensure, and certification,~~ or licensure. The
18 fingerprint card shall be forwarded to the Division of
19 Criminal Justice Information Systems within the Department of
20 Law Enforcement for purposes of processing the fingerprint
21 card to determine if the applicant has a criminal history
22 record. The fingerprint card shall also be forwarded to the
23 Federal Bureau of Investigation for purposes of processing the
24 fingerprint card to determine if the applicant has a criminal
25 history record. The information obtained by the processing of
26 the fingerprint card by the Florida Department of Law
27 Enforcement and the Federal Bureau of Investigation shall be
28 sent to the department for the purpose of determining if the
29 applicant is statutorily qualified for registration,
30 certification, or licensure.

31

1 Section 143. Section 455.2255, Florida Statutes, is
2 created to read:

3 455.2255 Classification of disciplinary actions.--

4 (1) A licensee may petition the department to review a
5 disciplinary incident to determine whether the specific
6 violation meets the standard of a minor violation as set forth
7 in s. 455.225(3). If the circumstances of the violation meet
8 that standard and 2 years have passed since the issuance of a
9 final order imposing discipline, the department shall
10 reclassify that violation as inactive if the licensee has not
11 been disciplined for any subsequent minor violation of the
12 same nature. After the department has reclassified the
13 violation as inactive, it is no longer considered to be part
14 of the licensee's disciplinary record, and the licensee may
15 lawfully deny or fail to acknowledge the incident as a
16 disciplinary action.

17 (2) The department may establish a schedule
18 classifying violations according to the severity of the
19 violation. After the expiration of set periods of time, the
20 department may provide for such disciplinary records to become
21 inactive, according to their classification. After the
22 disciplinary record has become inactive, the department may
23 clear the violation from the disciplinary record and the
24 subject person or business may lawfully deny or fail to
25 acknowledge such disciplinary actions. The department may
26 adopt rules to implement this subsection.

27 (3) Notwithstanding s. 455.017, this section applies
28 to the disciplinary records of all persons or businesses
29 licensed by the department.

30 Section 144. Subsection (3) of section 455.227,
31 Florida Statutes, is amended to read:

1 455.227 Grounds for discipline; penalties;
2 enforcement.--

3 (3)(a) In addition to any other discipline imposed
4 pursuant to this section or discipline imposed for a violation
5 of any practice act, the board, or the department when there
6 is no board, may assess costs related to the investigation and
7 prosecution of the case excluding costs associated with an
8 attorney's time.

9 (b) In any case where the board or the department
10 imposes a fine or assessment and the fine or assessment is not
11 paid within a reasonable time, such reasonable time to be
12 prescribed in the rules of the board, or the department when
13 there is no board, or in the order assessing such fines or
14 costs, the department or the Department of Legal Affairs may
15 contract for the collection of, or bring a civil action to
16 recover, the fine or assessment.

17 (c) The department shall not issue or renew a license
18 to any person against whom or business against which the board
19 has assessed a fine, interest, or costs associated with
20 investigation and prosecution until the person or business has
21 paid in full such fine, interest, or costs associated with
22 investigation and prosecution or until the person or business
23 complies with or satisfies all terms and conditions of the
24 final order.

25 Section 145. Subsection (6) of section 455.564,
26 Florida Statutes, 1998 Supplement, is amended to read:

27 455.564 Department; general licensing provisions.--

28 (6) As a condition of renewal of a license, the Board
29 of Medicine, the Board of Osteopathic Medicine, the Board of
30 Chiropractic Medicine, and the Board of Podiatric Medicine
31 shall each require licensees which they respectively regulate

1 to periodically demonstrate their professional competency by
2 completing at least 40 hours of continuing education every 2
3 years, ~~which may include up to 1 hour of risk management or~~
4 ~~cost containment and up to 2 hours of other topics related to~~
5 ~~the applicable medical specialty, if required by board rule.~~
6 The boards may require by rule that up to 1 hour of the
7 required 40 or more hours be in the area of risk management or
8 cost containment. This provision shall not be construed to
9 limit the number of hours that a licensee may obtain in risk
10 management or cost containment to be credited toward
11 satisfying the 40 or more required hours. This provision shall
12 not be construed to require the boards to impose any
13 requirement on licensees except for the completion of at least
14 40 hours of continuing education every 2 years.Each of such
15 boards shall determine whether any specific continuing
16 education ~~course~~ requirements not otherwise mandated by law
17 shall be mandated and shall approve criteria for, and the
18 content of, any continuing education ~~course~~ mandated by such
19 board. Notwithstanding any other provision of law, the board,
20 or the department when there is no board, may approve by rule
21 alternative methods of obtaining continuing education credits
22 in risk management. The alternative methods may include
23 attending a board meeting at which another ~~a~~ licensee is
24 disciplined, serving as a volunteer expert witness for the
25 department in a disciplinary case, or serving as a member of a
26 probable cause panel following the expiration of a board
27 member's term. Other boards within the Division of Medical
28 Quality Assurance, or the department if there is no board, may
29 adopt rules granting continuing education hours in risk
30 management for attending a board meeting at which another
31 licensee is disciplined, for serving as a volunteer expert

1 witness for the department in a disciplinary case, or for
2 serving as a member of a probable cause panel following the
3 expiration of a board member's term.

4 Section 146. Subsections (4) and (6) of section
5 477.013, Florida Statutes, 1998 Supplement, are amended, and
6 subsections (12) and (13) are added to that section, to read:

7 477.013 Definitions.--As used in this chapter:

8 (4) "Cosmetology" means the mechanical or chemical
9 treatment of the head, face, and scalp for aesthetic rather
10 than medical purposes, including, but not limited to, hair
11 shampooing, hair cutting, hair arranging, hair coloring,
12 permanent waving, and hair relaxing,~~hair removing pedicuring,~~
13 ~~and manicuring,~~for compensation. This term also includes
14 performing hair removal, including wax treatments, manicures,
15 pedicures, and skin-care services.

16 (6) "Specialty" means the practice of one or more of
17 the following:

18 (a) Manicuring, or the cutting, polishing, tinting,
19 coloring, cleansing, adding, or extending of the nails, and
20 massaging of the hands. This term includes any procedure or
21 process for the affixing of artificial nails, except those
22 nails which may be applied solely by use of a simple adhesive.

23 (b) Pedicuring, or the shaping, polishing, tinting, or
24 cleansing of the nails of the feet, and massaging or
25 beautifying of the feet.

26 (c) Facials, or the massaging or treating of the face
27 or scalp with oils, creams, lotions, or other preparations,
28 and skin care services.

29 (12) "Body wrapping" means a treatment program that
30 uses herbal wraps for the purposes of weight loss and of
31

1 cleansing and beautifying the skin of the body, but does not
2 include:

3 (a) The application of oils, lotions, or other fluids
4 to the body, except fluids contained in presoaked materials
5 used in the wraps; or

6 (b) Manipulation of the body's superficial tissue,
7 other than that arising from compression emanating from the
8 wrap materials.

9 (13) "Skin care services" means the treatment of the
10 skin of the body, other than the head, face, and scalp, by the
11 use of a sponge, brush, cloth, or similar device to apply or
12 remove a chemical preparation or other substance, except that
13 chemical peels may be removed by peeling an applied
14 preparation from the skin by hand. Skin care services must be
15 performed by a licensed cosmetologist or facial specialist
16 within a licensed cosmetology or specialty salon, and such
17 services may not involve massage, as defined in s. 480.033(3),
18 through manipulation of the superficial tissue.

19 Section 147. Section 477.0132, Florida Statutes, 1998
20 Supplement, is amended to read:

21 477.0132 Hair braiding,~~and~~ hair wrapping, and body
22 wrapping registration.--

23 (1)(a) Persons whose occupation or practice is
24 confined solely to hair braiding must register with the
25 department, pay the applicable registration fee, and take a
26 two-day 16-hour course. The course shall be board approved and
27 consist of 5 hours of HIV/AIDS and other communicable
28 diseases, 5 hours of sanitation and sterilization, 4 hours of
29 disorders and diseases of the scalp, and 2 hours of studies
30 regarding laws affecting hair braiding.

31

1 (b) Persons whose occupation or practice is confined
2 solely to hair wrapping must register with the department, pay
3 the applicable registration fee, and take a one-day 6-hour
4 course. The course shall be board approved and consist of
5 education in HIV/AIDS and other communicable diseases,
6 sanitation and sterilization, disorders and diseases of the
7 scalp, and studies regarding laws affecting hair wrapping.

8 (c) Unless otherwise licensed or exempted from
9 licensure under this chapter, any person whose occupation or
10 practice is body wrapping must register with the department,
11 pay the applicable registration fee, and take a two-day
12 12-hour course. The course shall be board approved and consist
13 of education in HIV/AIDS and other communicable diseases,
14 sanitation and sterilization, disorders and diseases of the
15 skin, and studies regarding laws affecting body wrapping.

16 (2) Hair braiding,~~and~~ hair wrapping, ~~and~~ body
17 wrapping are not required to be practiced in a cosmetology
18 salon or specialty salon. When hair braiding,~~or~~ hair
19 wrapping, ~~or~~ body wrapping is practiced outside a cosmetology
20 salon or specialty salon, disposable implements must be used
21 or all implements must be sanitized in a disinfectant approved
22 for hospital use or approved by the federal Environmental
23 Protection Agency.

24 (3) Pending issuance of registration, a person is
25 eligible to practice hair braiding,~~or~~ hair wrapping, ~~or~~ body
26 wrapping upon submission of a registration application that
27 includes proof of successful completion of the education
28 requirements and payment of the applicable fees required by
29 this chapter.

30
31

1 Section 148. Paragraph (f) of subsection (1) of
2 section 477.026, Florida Statutes, 1998 Supplement, is amended
3 to read:

4 477.026 Fees; disposition.--

5 (1) The board shall set fees according to the
6 following schedule:

7 (f) For hair braiders,~~and~~ hair wrappers, and body
8 wrappers, fees for registration shall not exceed \$25.

9 Section 149. Paragraph (g) is added to subsection (1)
10 of section 477.0265, Florida Statutes, to read:

11 477.0265 Prohibited acts.--

12 (1) It is unlawful for any person to:

13 (g) Advertise or imply that skin care services or body
14 wrapping, as performed under this chapter, have any
15 relationship to the practice of massage therapy as defined in
16 s. 480.033(3), except those practices or activities defined in
17 s. 477.013.

18 Section 150. Paragraph (a) of subsection (1) of
19 section 477.029, Florida Statutes, 1998 Supplement, is amended
20 to read:

21 477.029 Penalty.--

22 (1) It is unlawful for any person to:

23 (a) Hold himself or herself out as a cosmetologist,
24 specialist, hair wrapper, ~~or~~ hair braider, or body wrapper
25 unless duly licensed or registered, or otherwise authorized,
26 as provided in this chapter.

27 Section 151. Subsection (2) of section 455.209,
28 Florida Statutes, 1998 Supplement, is amended to read:

29 455.209 Accountability and liability of board
30 members.--

31

1 (2) Each board member and each former board member
2 serving on a probable cause panel shall be exempt from civil
3 liability for any act or omission when acting in the member's
4 official capacity, and the department, ~~or the Department of~~
5 ~~Legal Affairs~~ shall defend any such member in any action
6 against any board or member of a board arising from any such
7 act or omission. In addition, the department ~~or the Department~~
8 ~~of Legal Affairs~~ may defend the member's company or business
9 in any action against the company or business if the
10 department ~~or the Department of Legal Affairs~~ determines that
11 the actions from which the suit arises are actions taken by
12 the member in the member's official capacity and were not
13 beyond the member's statutory authority. In providing such
14 defense, the department ~~or the Department of Legal Affairs~~ may
15 employ or utilize the legal services of the Department of
16 Legal Affairs or outside counsel retained pursuant to s.
17 287.059. Fees and costs of providing legal services provided
18 under this subsection shall be paid from the Professional
19 Regulation Trust Fund, subject to the provisions of ss.
20 455.219 and 215.37.

21 Section 152. Subsection (1) of section 455.221,
22 Florida Statutes, is amended to read:

23 455.221 Legal and investigative services.--

24 (1) The department shall provide board counsel for
25 boards within the department by contracting with the
26 Department of Legal Affairs, by retaining private counsel
27 pursuant to s. 287.059, or by providing department staff
28 counsel ~~A board shall retain, through the department's~~
29 ~~contract procedures, board counsel from the Department of~~
30 ~~Legal Affairs. The Department of Legal Affairs shall provide~~
31 ~~legal services to each board within the Department of Business~~

1 ~~and Professional Regulation, but the~~ primary responsibility of
2 board counsel ~~the Department of Legal Affairs~~ shall be to
3 represent the interests of the citizens of the state by
4 ~~vigorously counseling the boards with respect to their~~
5 ~~obligations under the laws of the state.~~ A board shall provide
6 for the periodic review and evaluation of the services
7 provided by its board counsel. ~~Subject to the prior approval~~
8 ~~of the Attorney General, any board may retain, through the~~
9 ~~department's contract procedures, independent legal counsel to~~
10 ~~provide legal advice to the board on a specific matter.~~ Fees
11 and costs of such counsel by ~~the Department of Legal Affairs~~
12 ~~or independent legal counsel approved by the Attorney General~~
13 shall be paid from the Professional Regulation Trust Fund,
14 subject to the provisions of ss. 455.219 and 215.37. All
15 contracts for independent counsel shall provide for periodic
16 review and evaluation by the board and the department of
17 services provided.

18 Section 153. Subsection (2) of section 455.541,
19 Florida Statutes, is amended to read:

20 455.541 Accountability and liability of board
21 members.--

22 (2) Each board member and each former board member
23 serving on a probable cause panel shall be exempt from civil
24 liability for any act or omission when acting in the member's
25 official capacity, and the department ~~or the Department of~~
26 ~~Legal Affairs~~ shall defend any such member in any action
27 against any board or member of a board arising from any such
28 act or omission. In addition, the department ~~or the Department~~
29 ~~of Legal Affairs~~ may defend the member's company or business
30 in any action against the company or business if the
31 department ~~or the Department of Legal Affairs~~ determines that

1 the actions from which the suit arises are actions taken by
2 the member in the member's official capacity and were not
3 beyond the member's statutory authority. In providing such
4 defense, the department ~~or the Department of Legal Affairs~~ may
5 employ or utilize the legal services of the Department of
6 Legal Affairs or outside counsel retained pursuant to s.
7 287.059. Fees and costs of providing legal services provided
8 under this subsection shall be paid from a trust fund used by
9 the department to implement this part, subject to the
10 provisions of s. 455.587.

11 Section 154. Subsection (1) of section 455.594,
12 Florida Statutes, is amended to read:

13 455.594 Legal and investigative services.--

14 (1) The department shall provide board counsel for
15 boards within the department by contracting with the
16 Department of Legal Affairs, by retaining private counsel
17 pursuant to s. 287.059, or by providing department staff
18 counsel ~~A board shall retain, through the department's~~
19 ~~contract procedures, board counsel from the Department of~~
20 ~~Legal Affairs. The Department of Legal Affairs shall provide~~
21 ~~legal services to each board within the Department of Health,~~
22 ~~but the primary responsibility of board counsel the Department~~
23 ~~of Legal Affairs shall be to represent the interests of the~~
24 ~~citizens of the state by vigorously counseling the boards with~~
25 ~~respect to their obligations under the laws of the state. A~~
26 ~~board shall provide for the periodic review and evaluation of~~
27 ~~the services provided by its board counsel. Subject to the~~
28 ~~prior approval of the Attorney General, any board may retain,~~
29 ~~through the department's contract procedures, independent~~
30 ~~legal counsel to provide legal advice to the board on a~~
31 ~~specific matter. Fees and costs of such counsel by the~~

1 ~~Department of Legal Affairs or independent legal counsel~~
2 ~~approved by the Attorney General~~ shall be paid from a trust
3 fund used by the department to implement this part, subject to
4 the provisions of s. 455.587. All contracts for independent
5 counsel shall provide for periodic review and evaluation by
6 the board and the department of services provided.

7 Section 155. Subsection (16) of section 458.347,
8 Florida Statutes, 1998 Supplement, is amended to read:

9 458.347 Physician assistants.--

10 (16) LEGAL SERVICES.--~~The Department of Legal Affairs~~
11 ~~shall provide~~ Legal services shall be provided to the council
12 pursuant to as authorized in s. 455.594(1).

13 Section 156. Subsection (16) of section 459.022,
14 Florida Statutes, 1998 Supplement, is amended to read:

15 459.022 Physician assistants.--

16 (16) LEGAL SERVICES.--~~The Department of Legal Affairs~~
17 ~~shall provide~~ Legal services shall be provided to the council
18 pursuant to as authorized in s. 455.594(1).

19 Section 157. Section 455.2177, Florida Statutes, is
20 created to read:

21 455.2177 Monitoring of compliance with continuing
22 education requirements.--

23 (1) The department shall establish a system to monitor
24 licensee compliance with applicable continuing education
25 requirements and to determine each licensee's continuing
26 education status. The department is authorized to provide for
27 a phase-in of the compliance monitoring system, but the system
28 must provide for monitoring of compliance with applicable
29 continuing education requirements by all professions regulated
30 by the department no later than July 1, 2002. The compliance
31 monitoring system may use staff of the department or may be

1 privatized. As used in this section, the term "monitor" means
2 the act of determining, for each licensee, whether the
3 licensee was in full compliance with applicable continuing
4 education requirements as of the time of the licensee's
5 license renewal.

6 (2) If the compliance monitoring system required under
7 this section is privatized, the following provisions apply:

8 (a) The department may contract pursuant to s. 287.057
9 with a vendor or vendors for the monitoring of compliance with
10 applicable continuing education requirements by all licensees
11 within one or more professions regulated by the department.
12 The contract shall include, but need not be limited to, the
13 following terms and conditions:

14 1.a. The vendor shall create a computer database, in
15 the form required by the department, that includes the
16 continuing education status of each licensee and shall provide
17 a report to the department within 90 days after the vendor
18 receives the list of licensees to be monitored as provided in
19 sub-subparagraph b. The report shall be in a format determined
20 by the department and shall include each licensee's continuing
21 education status by license number, hours of continuing
22 education credit per cycle, and such other information the
23 department deems necessary.

24 b. No later than 30 days after the end of each renewal
25 period, the department shall provide to the vendor a list that
26 includes all licensees of a particular profession whose
27 licenses were renewed during a particular renewal period. In
28 order to account for late renewals, the department shall
29 provide the vendor with such updates to the list as are
30 mutually determined to be necessary.

31

1 2.a. Before the vendor informs the department of the
2 status of any licensee the vendor has determined is not in
3 compliance with continuing education requirements, the vendor,
4 acting on behalf of the department, shall provide the licensee
5 with a notice stating that the vendor has determined that the
6 licensee is not in compliance with applicable continuing
7 education requirements. The notice shall also include the
8 licensee's continuing education record for the renewal period,
9 as shown in the records of the vendor, and a description of
10 the process for correcting the vendor's record under
11 sub-subparagraph b.

12 b. The vendor shall give the licensee 45 days to
13 correct the vendor's information. The vendor shall correct a
14 record only on the basis of evidence of compliance supplied to
15 the vendor by a continuing education provider.

16 3.a. The vendor must provide the department, with the
17 report required under subparagraph 1., a list, in a form
18 determined by the department, identifying each licensee who
19 the vendor has determined is not in compliance with applicable
20 continuing education requirements.

21 b. The vendor shall provide the department with access
22 to such information and services as the department deems
23 necessary to ensure that the actions of the vendor conform to
24 the contract and to the duties of the department and the
25 vendor under this subsection.

26 4. The department shall ensure the vendor access to
27 such information from continuing education providers as is
28 necessary to determine the continuing education record of each
29 licensee. The vendor shall inform the department of any
30 provider that fails to provide such information to the vendor.

31

1 5. If the vendor fails to comply with a provision of
2 the contract, the vendor is obligated to pay the department
3 liquidated damages in the amounts specified in the contract.

4 6. The department's payments to the vendor must be
5 based on the number of licensees monitored. The department may
6 allocate from the unlicensed activity account of any
7 profession under s. 455.2281 up to \$2 per licensee for the
8 monitoring of that profession's licensees under this
9 subsection, which allocations are the exclusive source of
10 funding for contracts under this subsection.

11 7. A continuing education provider is not eligible to
12 be a vendor under this subsection.

13 (b) When it receives notice from a vendor that a
14 licensee is not in compliance with continuing education
15 requirements, the department shall send the licensee written
16 notice that disciplinary actions will be taken, together with
17 a description of the remedies available to the licensee under
18 the dispute resolution process created under paragraph (c). If
19 a licensee does not prevail in the dispute resolution process,
20 the department:

21 1. May impose an administrative fine in the amount of
22 \$500 against the licensee; however, the department may reduce
23 the amount of the fine to \$250 if the licensee comes into
24 compliance with the applicable continuing education
25 requirements within 90 days after imposition of the original
26 fine. All proceeds of fines under this subparagraph shall be
27 deposited in the appropriate unlicensed activity account under
28 s. 455.2281.

29 2. May refuse any further renewal of the licensee's
30 license unless the licensee has paid the fine and satisfied
31 the applicable continuing education requirements.

1 (c) The department is authorized to adopt by rule a
2 process for the resolution of disputes between a vendor and a
3 continuing education provider, between a vendor and a
4 licensee, and between a licensee and a continuing education
5 provider. The process shall ensure all parties a fair
6 opportunity to correct any erroneous information. If the
7 parties are unable to reach an agreement, the department shall
8 determine the resolution of the dispute.

9 (d) Upon the failure of a vendor to meet its
10 obligations under a contract as provided in paragraph (a), the
11 department may suspend the contract and enter into an
12 emergency contract under s. 287.057(3).

13 (3) Notwithstanding any other provision of law to the
14 contrary and regardless of whether the compliance monitoring
15 system is privatized, neither the department nor a board may
16 impose any sanction other than the sanctions specified in
17 paragraph (2)(b) for the failure of a licensee to meet
18 continuing education requirements. This subsection does not
19 apply to actions under chapter 473.

20 (4) The department shall waive the continuing
21 education monitoring requirements of this section for any
22 profession that demonstrates to the department that it has a
23 program in place which measures compliance with continuing
24 education requirements through statistical sampling techniques
25 or other methods and can indicate that at least 95 percent of
26 its licensees are in compliance.

27 (5) The department is authorized to adopt rules to
28 implement this section.

29 Section 158. Section 455.2178, Florida Statutes, is
30 created to read:

31

1 455.2178 Continuing education providers.--If the
2 monitoring of compliance with continuing education
3 requirements is privatized pursuant to s. 455.2177:

4 (1)(a) The department shall notify each approved
5 continuing education provider of the name and address of all
6 vendors that monitor compliance of licensees under s.
7 455.2177. If the department contracts with more than one
8 vendor under s. 455.2177, the notice shall specify the
9 professions to be monitored by each vendor.

10 (b) Each continuing education provider shall provide
11 to the appropriate vendor such information regarding the
12 continuing education status of licensees as the department
13 determines is necessary for the vendor to carry out its duties
14 under s. 455.2177(2), in a form determined by the department.
15 The information must be submitted to the vendor electronically
16 no later than 5 business days after a licensee's completion of
17 a course. Upon the request of a licensee, the provider must
18 also furnish to a vendor information regarding courses
19 completed by the licensee.

20 (2) Each continuing education provider shall retain
21 all records relating to a licensee's completion of continuing
22 education courses for at least 4 years after completion of a
23 course.

24 (3) A continuing education provider may not be
25 approved, and the approval may not be renewed, unless the
26 provider agrees in writing to provide such cooperation with
27 vendors under s. 455.2177 as the department deems necessary or
28 appropriate.

29 (4) The department may immediately revoke approval of
30 any continuing education provider that fails to comply with
31 its duties under this section.

1 (5) For the purpose of determining which persons or
2 entities must meet the reporting, recordkeeping, and access
3 provisions of this section, the board of any profession
4 subject to this section, or the department if there is no
5 board, shall, by rule, adopt a definition of the term
6 "continuing education provider" applicable to the profession's
7 continuing education requirements. The intent of the rule
8 shall be to ensure that all records and information necessary
9 to carry out the requirements of this section and s. 455.2177
10 are maintained and transmitted accordingly and to minimize
11 disputes as to what person or entity is responsible for
12 maintaining and reporting such records and information.

13 (6) The department has the authority to adopt rules to
14 implement this section.

15 Section 159. Section 455.2179, Florida Statutes, is
16 created to read:

17 455.2179 Continuing education provider approval; cease
18 and desist orders.--

19 (1) If a board, or the department if there is no
20 board, requires approval of a continuing education provider,
21 the approval must be for a specified period of time, not to
22 exceed 4 years. An approval that does not include such a time
23 limitation may remain in effect only until July 1, 2001,
24 unless earlier replaced by an approval that includes such a
25 time limitation.

26 (2) The department, on its own motion or at the
27 request of a board, shall issue an order requiring a person or
28 entity to cease and desist from offering any continuing
29 education programs for licensees, and revoking any approval of
30 the provider previously granted by the department or a board,
31 if the department or a board determines that the person or

1 entity failed to provide appropriate continuing education
2 services that conform to approved course material.

3 Section 160. Section 455.2281, Florida Statutes, is
4 amended to read:

5 455.2281 Unlicensed activities; fees; disposition.--In
6 order to protect the public and to ensure a consumer-oriented
7 department, it is the intent of the Legislature that vigorous
8 enforcement of regulation for all professional activities is a
9 state priority. All enforcement costs should be covered by
10 professions regulated by the department. Therefore, the
11 department shall impose, upon initial licensure and each
12 renewal thereof, a special fee of \$5 per licensee. Such fee
13 shall be in addition to all other fees collected from each
14 licensee and shall fund efforts to combat unlicensed activity.
15 The board with concurrence of the department, or the
16 department when there is no board, may earmark \$5 of the
17 current licensure fee for this purpose, if such board, or
18 profession regulated by the department, is not in a deficit
19 and has a reasonable cash balance. The department shall make
20 direct charges to this fund by profession and shall not
21 allocate indirect overhead. The department shall seek board
22 advice regarding enforcement methods and strategies prior to
23 expenditure of funds; however, the department may, without
24 board advice, allocate funds to cover the costs of continuing
25 education compliance monitoring under s. 455.2177. The
26 department shall directly credit, by profession, revenues
27 received from the department's efforts to enforce licensure
28 provisions, including revenues received from fines collected
29 under s. 455.2177. The department shall include all financial
30 and statistical data resulting from unlicensed activity
31 enforcement and from continuing education compliance

1 monitoring as a separate categories ~~category~~ in the quarterly
2 management report provided for in s. 455.219. The department
3 shall not charge the account of any profession for the costs
4 incurred on behalf of any other profession. For an unlicensed
5 activity account, a balance which remains at the end of a
6 renewal cycle may, with concurrence of the applicable board
7 and the department, be transferred to the operating fund
8 account of that profession.

9 Section 161. Subsection (1) of section 455.224,
10 Florida Statutes, is amended to read:

11 455.224 Authority to issue citations.--

12 (1) Notwithstanding s. 455.225, the board~~or the~~
13 department ~~when there is no board~~, shall adopt rules to permit
14 the issuance of citations. The citation shall be issued to the
15 subject and shall contain the subject's name and address, the
16 subject's license number if applicable, a brief factual
17 statement, the sections of the law allegedly violated, and the
18 penalty imposed. The citation must clearly state that the
19 subject may choose, in lieu of accepting the citation, to
20 follow the procedure under s. 455.225. If the subject disputes
21 the matter in the citation, the procedures set forth in s.
22 455.225 must be followed. However, if the subject does not
23 dispute the matter in the citation with the department within
24 30 days after the citation is served, the citation becomes a
25 final order and constitutes discipline. The penalty shall be a
26 fine or other conditions as established by rule.

27 Section 162. Subsection (2) of section 468.4315,
28 Florida Statutes, 1998 Supplement, is amended to read:

29 468.4315 Regulatory Council of Community Association
30 Managers.--

31

1 (2) The council may adopt rules relating to the
2 licensure examination, continuing education requirements,
3 continuing education providers, fees, and professional
4 practice standards to assist the department in carrying out
5 the duties and authorities conferred upon the department by
6 this part.

7 Section 163. Subsection (7) of section 477.019,
8 Florida Statutes, 1998 Supplement, is amended to read:

9 477.019 Cosmetologists; qualifications; licensure;
10 supervised practice; license renewal; endorsement; continuing
11 education.--

12 (7)(a) The board shall prescribe by rule continuing
13 education requirements intended to ensure protection of the
14 public through updated training of licensees and registered
15 specialists, not to exceed 16 hours biennially, as a condition
16 for renewal of a license or registration as a specialist under
17 this chapter. Continuing education courses shall include, but
18 not be limited to, the following subjects as they relate to
19 the practice of cosmetology: human immunodeficiency virus and
20 acquired immune deficiency syndrome; Occupational Safety and
21 Health Administration regulations; workers' compensation
22 issues; state and federal laws and rules as they pertain to
23 cosmetologists, cosmetology, salons, specialists, specialty
24 salons, and booth renters; chemical makeup as it pertains to
25 hair, skin, and nails; and environmental issues. Courses given
26 at cosmetology conferences may be counted toward the number of
27 continuing education hours required if approved by the board.

28 ~~(b) The department may privatize provider and course~~
29 ~~approval and the monitoring of continuing education~~
30 ~~requirements under a contract which ensures that the services~~
31 ~~will be without cost to the department or board, including the~~

1 ~~cost of appropriate oversight by the department. The~~
2 ~~department may contract with one or more private entities for~~
3 ~~the provision of such services, including the collection of~~
4 ~~fees for the services rendered. The department and board shall~~
5 ~~retain final authority for licensure decisions, rulemaking~~
6 ~~related to continuing education system requirements,~~
7 ~~noncompliance noticing, and overall implementation of any~~
8 ~~privatization project under this subsection.~~

9 ~~(b)(c)~~ Any person whose occupation or practice is
10 confined solely to hair braiding, or hair wrapping, or body
11 wrapping is exempt from the continuing education requirements
12 of this subsection.

13 ~~(c)(d)~~ Notwithstanding any provision of law to the
14 contrary, enforcement of mandatory continuing education
15 requirements pursuant to this chapter shall be accomplished
16 only as a secondary action when a person is investigated for
17 ~~another violation. However,~~The board may, by rule, require
18 any licensee in violation of a continuing education
19 requirement to take a refresher course or refresher course and
20 examination in addition to any other penalty. The number of
21 hours for the refresher course may not exceed 48 hours.

22 Section 164. Paragraph (d) is added to subsection (1)
23 of section 626.022, Florida Statutes, 1998 Supplement, to
24 read:

25 626.022 Scope of part.--

26 (1) This part applies as to insurance agents,
27 solicitors, service representatives, adjusters, and insurance
28 agencies; as to any and all kinds of insurance; and as to
29 stock insurers, mutual insurers, reciprocal insurers, and all
30 other types of insurers, except that:

31

1 (d) This part does not apply to a certified public
2 accountant licensed under chapter 473 who is acting within the
3 scope of the practice of public accounting, as defined in s.
4 473.302, provided that the activities of the certified public
5 accountant are limited to advising a client of the necessity
6 of obtaining insurance, the amount of insurance needed, or the
7 line of coverage needed, and provided that the certified
8 public accountant does not directly or indirectly receive or
9 share in any commission, referral fee, or solicitor's fee.

10 Section 165. Sections 282.74 and 282.745, Florida
11 Statutes, and section 117.20, Florida Statutes, 1998
12 Supplement, are repealed.

13 Section 166. Except as otherwise provided herein, this
14 act shall take effect July 1, 1999.

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