

By the Committee on Business Development & International Trade and Representatives Bradley, Ritchie, Hart, Wallace, Sanderson, Betancourt, Prieguez, Russell and Reddick

1 A bill to be entitled
2 An act relating to economic development;
3 creating s. 14.2019, F.S.; establishing the
4 Florida Trade Council within the Executive
5 Office of the Governor; providing
6 responsibilities; providing for membership;
7 providing for terms and per diem and travel
8 expenses; requiring the council to develop
9 certain plans for certain purposes; providing
10 powers of the council; providing for an
11 executive director and staff of the council;
12 amending s. 288.901, F.S.; revising the
13 organization and membership of Enterprise
14 Florida, Inc.; amending s. 288.9015, F.S.;
15 revising the mission of Enterprise Florida,
16 Inc.; amending s. 288.90151, F.S.; revising the
17 private sector contribution requirement for
18 funding of Enterprise Florida, Inc.; amending
19 s. 288.902, F.S.; revising the nominating
20 process for the Enterprise Florida, Inc., board
21 of directors; replacing the nominating council
22 with a nominating committee; amending s.
23 288.903, F.S.; revising the membership of the
24 Enterprise Florida, Inc., executive committee;
25 amending s. 288.904, F.S.; revising the powers
26 of the board of directors; providing for
27 advisory committees; amending s. 288.905, F.S.;
28 revising the duties of the board of directors;
29 revising requirements for a strategic plan;
30 requiring a report to the Legislature; amending
31 s. 288.906, F.S.; revising requirements for an

1 annual report; requiring cooperation of
2 Enterprise Florida Inc., staff with the Office
3 of Tourism, Trade, and Economic Development;
4 amending ss. 288.9415, F.S.; 288.9515,
5 288.95155, 288.9520, 288.9603, 288.9604,
6 288.9614, and 288.9618, F.S., to conform;
7 amending s. 288.9620, F.S.; revising the role
8 of the workforce development board; revising
9 provisions relating to the nominating process
10 for the board of directors; providing for the
11 continuation of certain contracts; providing
12 the transfer of certain property; amending s.
13 288.9610, F.S., to conform; repealing s.
14 288.9511(3), F.S., relating to a definition of
15 a board; repealing s. 288.90152, F.S., relating
16 to a pilot matching grant program; repealing
17 ss. 288.9412, 288.9413, 288.9414, and 288.942,
18 F.S., relating to the International Trade and
19 Economic Development Board and a grant review
20 panel; repealing ss. 288.9510, 288.9512,
21 288.9513, 288.9514, 288.9516, 288.9517,
22 288.9519, F.S., relating to the Enterprise
23 Florida Innovation Partnership; repealing ss.
24 288.9611, 288.9612, 288.9613, 288.9615, and
25 288.9616, F.S., relating to the capital
26 development board; providing an effective date.

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

29
30 Section 1. Section 14.2019, Florida Statutes, is
31 created to read:

1 14.2019 Florida Trade Council.--

2 (1) The Florida Trade Council is created within the
3 Executive Office of the Governor. The council shall be
4 responsible for assisting the Governor and Legislature in the
5 establishment and maintenance of this state's global
6 competitiveness by the development of a strategic statewide
7 plan which will incorporate the different components of this
8 state's major international trade and infrastructure programs
9 and assure the strategic integration of each component.

10 (2)(a) The council shall consist of the following
11 twelve members: the director of the Office of Tourism, Trade,
12 and Economic Development, the Commissioner of Agriculture or
13 his or her designee, the Secretary of State or his or her
14 designee, the Secretary of Transportation or his or her
15 designee, a representative from Enterprise Florida, Inc., a
16 representative from the Florida Seaport Transportation and
17 Economic Development Council, a private sector representative
18 to be designated by the President of the Senate, a private
19 sector representative to be designated by the Speaker of the
20 House of Representatives, and four private sector members
21 nominated by the above eight members and appointed by the
22 Governor.

23 (b) The director of the Office of Tourism, Trade, and
24 Economic Development shall serve as the chair of the council.

25 (c) Members appointed by the Governor, representatives
26 from Enterprise Florida, Inc., and the Florida Seaport
27 Transportation and Economic Development Council, and
28 representatives designated by the President of the Senate and
29 the Speaker of the House of Representatives shall serve for
30 terms of 4 years. During the initial establishment of the
31 council, the terms of two of the Governor's appointments and

1 the representatives appointed by the President of the Senate
2 and the Speaker of the House of Representatives shall be 2
3 years.

4 (d) Members of the council shall serve without
5 compensation but are entitled to receive reimbursement for per
6 diem and travel expenses as provided in s. 112.061.

7 (3)(a) The council shall develop and fund a
8 comprehensive strategic plan for the establishment and
9 maintenance of a statewide international program that
10 contains, at a minimum, the following elements:

11 1. The international programs of the entities
12 represented on the council, including international and
13 cultural relations plans developed by the Secretary of State
14 pursuant to s. 15.18; the strategic development plan of
15 Enterprise Florida, Inc., developed pursuant to s.
16 288.905(2)(g); and the 5-year Florida Seaport Mission Plan and
17 seaport intermodal projects developed by the Florida Seaport
18 Transportation and Economic Development Council pursuant to s.
19 311.09(3).

20 2. A commercial strategy for regions and countries
21 that are this state's strategic trading partners, as well as
22 emerging markets that present potential benefits for Florida's
23 economy. The plan shall consolidate and improve upon
24 information obtained from Enterprise Florida, Inc., the
25 Florida Trade Data Center, local economic development
26 organizations, and federal data bases.

27 3. Identification of international policy issues
28 relating to economic, social, and cultural matters.

29 4. Identification of trade development programs that
30 will enhance the capabilities of minority businesses to access
31 global markets.

1 5. Performance measures to ensure that state funds are
2 expended appropriately and efficiently.

3 (b) Based on the amount appropriated to the Florida
4 International Trade and Promotion Trust Fund for the council,
5 the council shall allocate appropriate resources to those
6 activities and programs that incorporate the strategies
7 delineated in the plan. The council shall act as a wholesale
8 agent for such activities and programs, and shall leverage
9 such resources when possible by funding programs, activities,
10 and services of existing state and local service providers
11 that facilitate the strategies delineated in the plan.

12 (4) The council shall create a transportation
13 improvement plan for economic development projects.

14 (5) The council shall have all the powers necessary
15 and convenient to carry out and effectuate the purposes and
16 provisions of this section, including, but not limited to, the
17 power to make and enter into contracts and other instruments
18 with public or private sector entities for the purpose of
19 exercising or performing its powers and functions.

20 (6) The Governor shall appoint an executive director
21 who shall serve under the direction, supervision, and control
22 of the council. The executive director may employ additional
23 staff as may be necessary and as authorized by the council.
24 All employees of the council are exempt from part II of
25 chapter 110 and shall serve at the pleasure of the council.
26 The salaries and benefits of all employees of the council
27 shall be set in accordance with the Selected Exempt Service;
28 provided, the council shall have complete authority for fixing
29 the salary of the executive director.

30 Section 2. Section 288.901, Florida Statutes, is
31 amended to read:

1 288.901 Enterprise Florida, Inc.; creation;
2 membership; organization; meetings; disclosure.--

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

16 (2) Enterprise Florida, Inc., shall establish one or
17 more corporate offices, at least one of which shall be located
18 in Leon County. ~~Persons employed by the Department of Commerce~~
19 ~~on the day prior to July 1, 1996, whose jobs are privatized,~~
20 ~~shall be given preference, if qualified, for similar jobs at~~
21 ~~Enterprise Florida, Inc. When practical, those jobs shall be~~
22 ~~located in Leon County. All available resources, including~~
23 ~~telecommuting, must be employed to minimize the negative~~
24 ~~impact on the Leon County economy caused by job losses~~
25 ~~associated with the privatization of the Department of~~
26 ~~Commerce.~~The Department of Management Services may establish
27 a lease agreement program under which Enterprise Florida,
28 Inc., may hire any individual who, as of June 30, 1996, is
29 employed by the Department of Commerce or who, as of January
30 1, 1997, is employed by the Executive Office of the Governor
31 and has responsibilities specifically in support of the

1 Workforce Development Board established under s. 288.9620.
2 Under such agreement, the employee shall retain his or her
3 status as a state employee but shall work under the direct
4 supervision of Enterprise Florida, Inc. Retention of state
5 employee status shall include the right to participate in the
6 Florida Retirement System. The Department of Management
7 Services shall establish the terms and conditions of such
8 lease agreements.

9 (3) Enterprise Florida, Inc., shall be governed by a
10 board of directors. The board of directors shall consist of
11 the following members:

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

13 (b) The Commissioner of Education or the
14 commissioner's designee.

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

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

20 (e) A member of the House of Representatives, who
21 shall be appointed by the Speaker of the House of
22 Representatives as an ex officio member of the board and serve
23 at the pleasure of the Speaker.

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

26 ~~(g) The chairperson of the board for capital~~
27 ~~development.~~

28 ~~(h) The chairperson of the board for technology~~
29 ~~development.~~

30 (f)(i) The chairperson of the board for workforce
31 development.

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

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

25 (4)(a) Vacancies on the board shall be filled by
26 appointment by the Governor, the President of the Senate, or
27 the Speaker of the House of Representatives, respectively,
28 depending on who appointed the member whose vacancy is to be
29 filled or whose term has expired.~~Members appointed to the~~
30 ~~board before July 1, 1996, shall serve the remainder of their~~
31 ~~unexpired terms. Vacancies occurring after July 1, 1996, as a~~

1 ~~result of the annual expiration of terms, shall be filled in~~
2 ~~the following manner and sequence.~~

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

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

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

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

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

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

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

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

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

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

28 (6)~~(7)~~ Appointive members may be removed by the
29 Governor, the President of the Senate, or the Speaker of the
30 House of Representatives, respectively, for cause. Absence
31 from three consecutive meetings results in automatic removal.

1 (7)~~(8)~~ The Governor shall serve as chairperson of the
2 board of directors. The board of directors shall biennially
3 elect one of its appointive members as vice chairperson. The
4 president shall keep a record of the proceedings of the board
5 of directors and is the custodian of all books, documents, and
6 papers filed with the board of directors, the minutes of the
7 board of directors, and the official seal of Enterprise
8 Florida, Inc.

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

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

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

28 (10)~~(12)~~ Notwithstanding the provisions of subsection
29 (3), the board of directors may by resolution appoint at-large
30 members to the board from the private sector, each of whom may
31 serve a 1-year term. At-large members shall have the powers

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

7 Section 3. Subsections (2) and (5) of section
8 288.9015, Florida Statutes, are amended to read:

9 288.9015 Enterprise Florida, Inc.; purpose; duties.--

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

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

1 Section 4. Section 288.90151, Florida Statutes, is
2 amended to read:

3 288.90151 Funding for contracting with Enterprise
4 Florida, Inc.--

5 (1) From funds appropriated from the General Revenue
6 Fund to the Office of Tourism, Trade, and Economic Development
7 for the purpose of annually contracting with Enterprise
8 Florida, Inc., 10 percent of such funds for the fiscal year
9 1996-1997, 20 percent of such funds for the fiscal year
10 1997-1998, 30 percent of such funds for the fiscal year
11 1998-1999, 40 percent of such funds for the fiscal year
12 1999-2000, and 50 percent of such funds for the fiscal year
13 2000-2001 shall be placed in reserve by the Executive Office
14 of the Governor. The funds may be released through a budget
15 amendment, in accordance with chapter 216, as requested by
16 Enterprise Florida, Inc., through the Office of Tourism,
17 Trade, and Economic Development if Enterprise Florida, Inc.,
18 has provided sufficient documentation that the same amount of
19 matching private funds as the amount placed in reserve has
20 been contributed during the same fiscal year to Enterprise
21 Florida, Inc., in support of its economic development efforts.
22 If sufficient documentation is not provided by the end of the
23 fiscal year, such funds shall revert back to the General
24 Revenue Fund. ~~In each fiscal year, at least 55 percent of the~~
25 ~~matching private funds required to be documented under this~~
26 ~~subsection must be comprised of the first category of matching~~
27 ~~private funds described in subsection (3).~~

28 ~~(2) Prior to the 1999 Regular Session of the~~
29 ~~Legislature, the Office of Program Policy Analysis and~~
30 ~~Government Accountability shall conduct a review of the~~
31 ~~contributions made to Enterprise Florida, Inc., during the~~

1 ~~prior 3 years pursuant to this section. The review must be~~
2 ~~conducted in such a manner as to determine the amount and type~~
3 ~~of matching private funds contributed and the circumstances~~
4 ~~affecting the ability to achieve or not achieve the specified~~
5 ~~amount of matching private funds for each year. Based on this~~
6 ~~information and historical data, the Office of Program Policy~~
7 ~~Analysis and Governmental Accountability shall determine~~
8 ~~whether the funding levels of matching private funds for~~
9 ~~fiscal year 1999-2000, and fiscal year 2000-2001, as specified~~
10 ~~in this section, are appropriate. This report shall be~~
11 ~~submitted by January 1, 1999, to the President of the Senate,~~
12 ~~the Speaker of the House of Representatives, the Senate~~
13 ~~Minority Leader, and the House Minority Leader.~~

14 (2)~~(3)~~ For the purposes of this section, matching
15 private funds shall be divided into two categories. The first
16 category of matching private funds shall include any payment
17 of cash made ~~in response to a solicitation~~ by Enterprise
18 Florida, Inc., and used ~~exclusively~~ by Enterprise Florida,
19 Inc., in its operations or programs, excluding any payment of
20 cash made by any entity to qualify for any Enterprise Florida,
21 Inc., state, or local incentive, grant, or loan program, or
22 any cash received by Enterprise Florida, Inc., pursuant to a
23 grant or contract. The second category of matching private
24 funds shall include a conveyance of property, or payment or
25 distribution of property or anything of value, including
26 contributions in-kind having an attributable monetary value in
27 any form, and including any payment of cash not counted within
28 the first category of matching private funds. Contributions
29 in-kind include, but are not limited to, goods or services
30 rendered. The cost of the contribution shall be the
31 reasonable cost to the sponsor of the goods or services.

1 Section 5. Section 288.9802, Florida Statutes, is
2 amended to read:

3 288.902 Enterprise Florida Nominating Council.--

4 (1) For the Enterprise Florida, Inc., board of
5 directors and for each board within the corporate structure of
6 Enterprise Florida, Inc., there shall be created a nominating
7 committee for the purpose of providing a list of nominees for
8 appointments to each of the boards.~~There is created the~~
9 ~~Enterprise Florida Nominating Council for the purpose of~~
10 ~~providing a list of nominees for appointments to the board of~~
11 ~~directors of Enterprise Florida, Inc., and to each board~~
12 ~~within the corporate structure of Enterprise Florida, Inc.~~
13 Appointments to a board shall be for a term of 4 years. Each
14 The nominating committee council shall consist of six members
15 selected from the membership of its respective board and
16 approved by a two-thirds majority vote of the respective
17 board. ~~One member shall be appointed by the Florida Chamber~~
18 ~~of Commerce, one member shall be appointed by the Associated~~
19 ~~Industries of Florida, one member shall be appointed by the~~
20 ~~Florida Council of 100, one member shall be appointed by the~~
21 ~~Florida Economic Development Council, one member shall be~~
22 ~~appointed by the Florida Council of International Development,~~
23 ~~and one member shall be appointed by the Florida Chapter of~~
24 ~~the National Federation of Independent Businesses.~~

25 (2) No later than 60 ~~30~~ days before the end of a term
26 of a sitting private sector board member in any given year,
27 the nominating committee council shall meet to nominate
28 individuals for that upcoming vacancy. ~~Each member of The~~
29 nominating committee council shall nominate three individuals
30 per upcoming vacancy on their respective boards ~~however,~~
31 ~~nominations shall not be related to any specific vacancy~~

1 ~~within a board and each nominee shall be eligible to be~~
2 ~~appointed to any vacancy within a board.~~ The members of the
3 nominating committee ~~council~~ shall take into consideration the
4 current membership of the board and select nominees who are
5 reflective of the diverse nature of Florida's business
6 community and who reflect the racial, ethnic, and gender
7 diversity, as well as the geographic distribution of the
8 population of the state. In considering Florida's business
9 community, the members shall consider, but not be limited to,
10 individuals representing large companies; small companies;
11 minority companies; companies engaged in international
12 business efforts; companies engaged in domestic business
13 efforts; and individuals representing municipal, county, or
14 regional economic development organizations.

15 (3) The names of the nominees selected by the members
16 of the nominating committee ~~council~~ shall be forwarded to the
17 respective board of directors for consideration by its
18 appointive members. ~~Each board shall consider the nominees~~
19 ~~and recommend six nominees per upcoming vacancy; however, such~~
20 ~~nominations shall not be related to any specific vacancy~~
21 ~~within a board and each nominee shall be eligible to be~~
22 ~~appointed to any vacancy within a board.~~A board may interview
23 the nominees prior to making its recommendations. In
24 considering the nominees to be recommended, ~~a board may not~~
25 ~~eliminate all the nominees of any one nominating council~~
26 ~~member.~~the appointive members of a board shall take into
27 consideration the current membership of the board and ensure
28 that the slate of nominees reflects ~~select nominees who are~~
29 ~~reflective of~~ the diverse nature of Florida's business
30 community and ~~who reflect~~ the racial, ethnic, and gender
31 diversity, as well as the geographic distribution of the

1 population of the state. In considering Florida's business
2 community, the appointive members shall consider, but not be
3 limited to, individuals representing large companies; small
4 companies; minority companies; companies engaged in
5 international business efforts; companies engaged in domestic
6 business efforts; and individuals representing municipal,
7 county, or regional economic development organizations. A
8 board shall approve its nominees by a majority vote ~~recommend~~
9 and forward a list of its nominees to the Governor, President
10 of the Senate, or Speaker of the House of Representatives, as
11 appropriate, no later than within 30 days before the relevant
12 vacancy will occur ~~of receiving the nominees from the~~
13 ~~nominating council~~.

14 (4) In nominating and appointing board members, the
15 nominating committee ~~council~~, each board, the Governor,
16 President of the Senate, and Speaker of the House of
17 Representatives shall ensure that international interests in
18 business development, trade, and reverse investment are
19 strongly represented.

20 (5) Notwithstanding the provisions of ss. 288.9017
21 ~~288.9412, 288.9512, 288.9611,~~ and 288.9620 regarding the
22 process of selecting nominees for a board, all nominations
23 shall be conducted in accordance with the provisions of this
24 section. All statutory requirements of board members and all
25 statutory requirements regarding the composition of all boards
26 shall be considered and complied with throughout the
27 nominating process.

28 Section 6. Section 288.903, Florida Statutes, is
29 amended to read:

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

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

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

24 ~~(3) The president:~~

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

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

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

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

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

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

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

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

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

25 (3)~~(4)~~ The board of directors of Enterprise Florida,
26 Inc., and its officers shall be responsible for the prudent
27 use of all public and private funds and shall ensure that the
28 use of such funds is in accordance with all applicable laws,
29 bylaws, or contractual requirements.

30 Section 7. Section 288.904, Florida Statutes, is
31 amended to read:

1 288.904 Powers of the board of directors of Enterprise
2 Florida, Inc.--

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

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

12 (b)1. Make and enter into contracts and other
13 instruments necessary or convenient for the exercise of its
14 powers and functions, except that any contract made with an
15 organization represented on the nominating committee ~~council~~
16 or on the board of directors must be approved by a two-thirds
17 vote of the entire board of directors, and the board member
18 representing such organization shall abstain from voting. No
19 more than 65 percent of the dollar value of all contracts or
20 other agreements entered into in any fiscal year, exclusive of
21 grant programs, shall be made with an organization represented
22 on the nominating committee ~~council~~ or the board of directors.
23 An organization represented on the board or on the nominating
24 committee ~~council~~ may not enter into a contract to receive a
25 state-funded economic development incentive or similar grant,
26 unless such incentive award is specifically endorsed by a
27 two-thirds vote of the entire board. The board member
28 representing such organization, if applicable, shall abstain
29 from voting and refrain from discussing the issue with other
30 members of the board. No more than 50 percent of the dollar
31

1 value of grants issued by the board in any fiscal year may go
2 to businesses associated with board members.

3 2. In entering into contracts to provide economic
4 development and business assistance services, Enterprise
5 Florida, Inc., shall ensure that contract requirements include
6 reporting of performance, accountability for appropriate and
7 reasonable use of funds, coordination with other components of
8 the economic development system, and nonduplication of
9 existing services and activities.

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

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

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

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

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

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

29 (i) Use the state seal, notwithstanding the provisions
30 of s. 15.03, when appropriate, to establish that Enterprise
31 Florida, Inc., is the principal economic and trade development

1 organization for the state, and for other standard corporate
2 identity applications. Use of the state seal is not to
3 replace use of a corporate seal as provided in this section.

4 (j) Carry forward any unexpended state appropriations
5 into succeeding fiscal years.

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

10 (l) Create and dissolve advisory committees within its
11 corporate structure as necessary to carry out the mission of
12 Enterprise Florida, Inc., with the exception of the Workforce
13 Development Board created by s. 288.9620. Further, the board
14 of directors shall have the power to adopt, amend, and repeal
15 bylaws for the administration of the affairs of any board or
16 advisory committee.

17 (2) The powers granted to Enterprise Florida, Inc.,
18 shall be liberally construed in order that Enterprise Florida,
19 Inc., may aggressively pursue its purpose of being the
20 principal economic development organization for the state.

21 (3) Under no circumstances may the credit of the State
22 of Florida be pledged on behalf of Enterprise Florida, Inc.

23 (4) In addition to any indemnification available under
24 chapter 617, Enterprise Florida, Inc., may indemnify, and
25 purchase and maintain insurance on behalf of, directors,
26 officers, and employees of Enterprise Florida, Inc., and its
27 boards against any personal liability or accountability by
28 reason of actions taken while acting within the scope of their
29 authority.

30 Section 8. Section 288.905, Florida Statutes, is
31 amended to read:

1 288.905 Duties of the board of directors of Enterprise
2 Florida, Inc.--

3 (1) In the performance of its functions and duties,
4 the board of directors may establish and implement policies,
5 strategies, and programs for Enterprise Florida, Inc., and its
6 boards. In developing such policies, strategies, and programs,
7 the board of directors shall solicit advice from and consider
8 the recommendations of its boards, advisory committees, and
9 local and regional partners.

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

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

1 diversity of the state and its regions and their associated
2 industrial clusters and develop realistic policies and
3 programs to further their development.

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

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

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

1 economic and community development; and specific methods for
2 the use of the resources identified in the plan to meet the
3 goals identified in the plan.

4 2. Enterprise Florida, Inc., shall involve the local
5 governments of the cities and counties identified pursuant to
6 subparagraph 1., as well as any other local, state, and
7 federal rural development entities, both public and private,
8 in developing and carrying out any provisions.

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

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

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

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

30 (d)(g) The strategic plan required under this
31 subsection shall include the promotion of the successful

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

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

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

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

27 (4)(3)(a) The strategic plan shall also include
28 recommendations regarding specific performance standards and
29 measurable outcomes. ~~By July 1, 1997,~~ Enterprise Florida,
30 Inc., in consultation with the Office of Tourism, Trade, and
31 Economic Development and the Office of Program Policy Analysis

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

30 (b) The performance standards and measurable outcomes
31 established and regularly reviewed by Enterprise Florida,

1 Inc., under this subsection must also include benchmarks and
2 goals to measure the impact of state economic development
3 policies and programs. Such benchmarks and goals may include,
4 but are not limited to:

- 5 1. Net annual job growth rate in this state compared
6 to neighboring southern states and the United States as a
7 whole.
- 8 2. Unemployment rate in this state compared to
9 neighboring southern states and the United States as a whole.
- 10 3. Wage distribution based on the percentage of people
11 working in this state who earned 15 percent below the state
12 average, within 15 percent of the state average, and 15
13 percent or more above the state average.
- 14 4. Annual percentage of growth in the production of
15 goods and services within Florida compared to neighboring
16 southern states and the United States as a whole.
- 17 5. Changes in jobs in this state by major industry
18 based on the percentage of growth or decline in the number of
19 full-time or part-time jobs in this state.
- 20 6. Number of new business startups in this state.
- 21 7. Goods produced in this state that are exported to
22 other countries.
- 23 8. Capital investment for commercial and industrial
24 purposes, agricultural production and processing, and
25 international trade.

26 (c) Prior to the 2003 ~~1999~~ Regular Session of the
27 Legislature, the Office of Program Policy Analysis and
28 Government Accountability shall conduct a review of Enterprise
29 Florida, Inc., and its boards and submit a report to the
30 Governor, the President of the Senate, the Speaker of the
31 House of Representatives, the Minority Leader of the Senate,

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

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

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

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

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

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

27 ~~(5)(4)~~ The board of directors shall coordinate its the
28 economic development activities and policies with its regional
29 and local ~~of Enterprise Florida, Inc., with municipal, county,~~
30 ~~and regional~~ economic development partners organizations to
31 establish and further develop the role of local economic

1 development organizations as the primary service-delivery
2 agents for economic development services. Where feasible, the
3 board shall work with regional economic development
4 organizations in the delivery of services of Enterprise
5 Florida, Inc., and its boards.

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

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

19 Section 9. Section 288.906, Florida Statutes, is
20 amended to read:

21 288.906 Annual report of Enterprise Florida, Inc.;
22 audits; confidentiality.--

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

28 (a) A description of the operations and
29 accomplishments of Enterprise Florida, Inc., and its boards
30 and advisory committees, and an identification of any major
31

1 trends, initiatives, or developments affecting the performance
2 of any program or activity.

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

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

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

14 (d)(e) A description of the operations and
15 accomplishments of Enterprise Florida, Inc., and its boards
16 with respect to marketing Florida's rural communities and
17 urban core areas as a location for new investment and job
18 creation and the results of aggressively assisting in the
19 creation, retention, and expansion of existing businesses and
20 job growth in these areas ~~furthering the development and~~
21 ~~viability of rural cities and counties, and midsize cities and~~
22 ~~counties in this state.~~

23 (e)(f) A description and evaluation of the operations
24 and accomplishments of Enterprise Florida, Inc., and its
25 boards with respect to interaction with local and private
26 economic development organizations, including an
27 identification of any specific programs or activities which
28 promoted the activities of such organizations and an
29 identification of any specific programs or activities which
30 promoted a comprehensive and coordinated approach to economic
31 development in this state.

1 ~~(f)(g)~~ An assessment of employee training and job
2 creation that directly benefits participants in the WAGES
3 Program.

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

8
9 The detailed report required by this subsection shall also
10 include the information identified in paragraphs (a)-(h), if
11 applicable, for any board established within the corporate
12 structure of Enterprise Florida, Inc.

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

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

26 (3) The audits staff and members of the board of
27 directors and advisory committees of Enterprise Florida, Inc.,
28 shall cooperate with all duly authorized staff of the Office
29 of Tourism, Trade, and Economic Development, the Chief
30 Inspector General, the Auditor General, the Office of Program

31

1 Policy Analysis and Governmental Accountability, and the
2 Legislature.

3 Section 10. Subsection (3) of section 288.9415,
4 Florida Statutes, is amended to read:

5 288.9415 International Trade Grants.--

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

25 Section 11. Section 288.9515, Florida Statutes, is
26 amended to read:

27 288.9515 Authorized programs of technology development
28 board.--

29 (1) Enterprise Florida, Inc., ~~The board~~ may create a
30 technology applications services and ~~service, to be called the~~
31 ~~Florida Innovation Alliance. The Florida Innovation Alliance~~

1 shall serve as an umbrella organization for technology
2 applications service providers throughout the state which
3 provide critical, managerial, technological, scientific, and
4 related financial and business expertise essential for
5 international and domestic competitiveness to small-sized and
6 medium-sized manufacturing and knowledge-based service firms.
7 Enterprise Florida, Inc., ~~The board~~ is authorized the
8 following powers in order to carry out these ~~the~~ functions of
9 ~~the Florida Innovation Alliance~~:

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

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

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

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

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

1 competitive requests for proposals and. ~~The board~~ shall
2 establish clear standards for the delivery of services under
3 such contracts. Such standards include, but are not limited
4 to:

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

7 2. The ability and capacity to deliver services in a
8 timely manner.

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

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

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

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

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

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

29 (k) Making and executing contracts with any person,
30 enterprise, educational institution, association, or any other
31 entity necessary or convenient for the performance of its

1 duties and the exercise of the board's powers and functions of
2 Enterprise Florida, Inc., under this subsection.

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

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

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

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

1 Inc., ~~The board~~ may also demonstrate and develop effective
2 approaches to, and benefits of, commercially oriented research
3 collaborations between businesses, universities, and state and
4 federal agencies and organizations. Enterprise Florida, Inc.,
5 ~~The board~~ shall endeavor to maintain the fund as a
6 self-supporting fund once the fund is sufficiently capitalized
7 ~~as reflected in the minimum funding report required in s.~~
8 ~~288.9516.~~ The technology research investment projects may
9 include, but are not limited to:

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

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

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

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

28 (a) The investment of moneys contained in the Florida
29 Technology Research Investment Fund is limited to investments
30 in qualified securities in which a private enterprise in this
31 state coinvests at least 40 percent of the total project

1 costs, in conjunction with other cash or noncash investments
2 from state educational institutions, state and federal
3 agencies, or other institutions.

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

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

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

30 (e) The investment of funds contained in the Florida
31 Technology Research Investment Fund does not constitute a

1 debt, liability, or obligation of the State of Florida or of
2 any political subdivision thereof, or a pledge of the faith
3 and credit of the state or of any such political subdivision.

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

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

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

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

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

1 Department of Community Affairs from the Economic Opportunity
2 Trust Fund for use in qualifying energy projects.

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

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

1 timetable for reviewing the success or failure of the
2 assistance. By December 31 of each year, Enterprise Florida,
3 Inc.,~~the board~~ shall evaluate, on a portfolio basis, the
4 results of all awards of assistance made from the program
5 during the year.

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

18 Section 13. Section 288.9520, Florida Statutes, is
19 amended to read:

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

1 Enterprise Florida, Inc.,~~board~~ research funds shall make
2 available, upon request, the title and description of the
3 research project, the name of the researcher, and the amount
4 and source of funding provided for the project.

5 Section 14. Subsection (10) of section 288.9603,
6 Florida Statutes, is amended to read:

7 288.9603 Definitions.--

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

10 Section 15. Subsections (2) and (3) of section
11 288.9604, Florida Statutes, are amended to read:

12 288.9604 Creation of the authority.--

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

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

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

7 Section 16. Section 288.9614, Florida Statutes, is
8 amended to read:

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

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

21 288.9618 Microenterprises.--

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

1 programs are those which provide at least one of the
2 following: small amounts of capital, business training, and
3 technical assistance. Where feasible, the office or
4 organizations under contract with the office shall work in
5 cooperation with other organizations active in the study and
6 support of microenterprises. Such actions may include, but
7 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 18. Subsections (2) and (4) of section
5 288.9620, Florida Statutes, are amended to read:

6 288.9620 Workforce development board.--

7 (2) There is created within the nonprofit corporate
8 structure of Enterprise Florida, Inc., a nonprofit
9 public-private board the purpose of which is to create a
10 Florida economy characterized by better employment
11 opportunities leading to higher wages by creating and
12 maintaining a highly skilled workforce that responds to the
13 rapidly changing technology and diversified market
14 opportunities critical to this mission. The workforce
15 development board is the principal workforce development
16 organization for the state.

17 ~~(4)(a) The chair and vice chair of Enterprise Florida,~~
18 ~~Inc., shall jointly select a list of nominees for appointment~~
19 ~~to the board of directors from a slate of candidates submitted~~
20 ~~by Enterprise Florida, Inc. The chair and vice chair of~~
21 ~~Enterprise Florida, Inc., may request that additional~~
22 ~~candidates be submitted by Enterprise Florida, Inc., if the~~
23 ~~chair and vice chair cannot agree on a list of nominees~~
24 ~~submitted. Appointments to the board of directors shall be~~
25 ~~made by the Governor from the list of nominees jointly~~
26 ~~selected by the chair and vice chair of Enterprise Florida,~~
27 ~~Inc. Appointees shall represent all geographic regions of the~~
28 ~~state, including both urban and rural regions. The importance~~
29 ~~of minority and gender representation shall be considered when~~
30 ~~making nominations for each position on the board of~~
31 ~~directors. A vacancy on the board of directors shall be~~

1 ~~filled for the remainder of the unexpired term in the same~~
2 ~~manner as the original appointment.~~

3 ~~(a)~~(b) The Governor shall appoint the initial members
4 from the public sector and private sector to the board of
5 directors within 30 days after the receipt of the nominations
6 from Enterprise Florida, Inc.

7 ~~(b)~~(c) A member may be removed by the Governor for
8 cause. Absence from three consecutive meetings results in
9 automatic removal.

10 ~~(c)~~(d) The State Job Training Coordinating Council
11 shall appoint an advisory committee, which must include a
12 member of a private industry council. This committee, the
13 Committee of Practitioners established as required by Pub. L.
14 No. 101-392, and the Quick-Response Advisory Committee,
15 established by s. 288.047, shall provide the board with
16 technical advice, policy consultation, and information about
17 workforce development issues.

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

29 (2) Any tangible personal property of the
30 International Trade and Economic Development Board, the
31 Technology Development Board, or the Capital Development Board

1 of Enterprise Florida, Inc., is hereby transferred to
2 Enterprise Florida, Inc.
3 Section 20. Section 288.9610, Florida Statutes, is
4 amended to read:
5 288.9610 Annual reports of Florida Development Finance
6 Corporation.--By December 1 of each year, the Florida
7 Development Finance Corporation shall submit to the Governor,
8 the President of the Senate, the Speaker of the House of
9 Representatives, the Senate Minority Leader, the House
10 Minority Leader, and the city or county activating the Florida
11 Development Finance Corporation a complete and detailed report
12 setting forth:
13 ~~(1) The evaluation required in s. 288.9616(1).~~
14 (1)(2) The operations and accomplishments of the
15 Florida Development Finance Corporation, including the number
16 of businesses assisted by the corporation.
17 (2)(3) Its assets and liabilities at the end of its
18 most recent fiscal year, including a description of all of its
19 outstanding revenue bonds.
20 Section 21. Subsection (3) of section 288.9511,
21 Florida Statutes, and sections 288.90152, 288.9412, 288.9413,
22 288.9414, 288.942, 288.9510, 288.9512, 288.9513, 288.9514,
23 288.9516, 288.9517, 288.9519, 288.9611, 288.9612, 288.9613,
24 288.9615, and 288.9616, Florida Statutes, are repealed.
25 Section 22. This act shall take effect October 1,
26 1999.
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HOUSE SUMMARY

Establishes the Florida Trade Council within the Executive Office of the Governor and provides duties and responsibilities of the council. Revises provisions relating to Enterprise Florida, Inc., relating to organization and membership, mission, private sector contribution requirements for funding, the board of directors nominating process, replacing the nominating council with a nominating committee, membership of the executive committee, powers and duties of the board of directors, and requirements for an annual report. Revises the role of the workforce development board and provisions relating to the nominating process for the board of directors. Repeals provisions relating to a pilot matching grant program, the International Trade and Economic Development Board and a grant review panel, the Enterprise Florida Innovation Partnership, and the capital development board. See bill for details.