

By Senator Kirkpatrick

5-1495A-00

1 A bill to be entitled
2 An act relating to economic development;
3 amending s. 14.2015, F.S.; eliminating
4 administrative responsibility of the Office of
5 Tourism, Trade, and Economic Development for
6 the sports franchise facility program, the
7 professional golf hall of fame facility
8 program, the Regional Rural Development Grants
9 Program, the Certified Capital Company Act, and
10 the Florida State Rural Development Council;
11 eliminating authority for the Office of
12 Tourism, Trade, and Economic Development to
13 enter into contracts in connection with duties
14 relating to the Florida First Business Bond
15 Pool, the Certified Capital Company Act, and
16 foreign offices; conforming terminology;
17 amending s. 159.8083, F.S.; providing for
18 Enterprise Florida, Inc., to recommend Florida
19 First Business projects to the Office of
20 Tourism, Trade, and Economic Development;
21 providing for consultation; amending s.
22 288.012, F.S.; revising the authority of the
23 Office of Tourism, Trade, and Economic
24 Development to establish foreign offices;
25 providing for the office to approve the
26 establishment and operation of such offices by
27 Enterprise Florida, Inc., and the Florida
28 Commission on Tourism; providing for foreign
29 offices to submit updated operating plans and
30 activity reports; amending s. 288.018, F.S.;
31 providing for Enterprise Florida, Inc., to

1 administer the Regional Rural Development
2 Grants Program and make recommendations for
3 approval by the Office of Tourism, Trade, and
4 Economic Development; amending s. 288.1162,
5 F.S.; providing for a specified direct-support
6 organization to administer the professional
7 sports franchises and spring training
8 franchises facilities programs; providing for
9 final approval of decisions under such programs
10 by the Office of Tourism, Trade, and Economic
11 Development; amending s. 288.1168, F.S.;
12 deleting obsolete provisions relating to
13 certification of the professional golf hall of
14 fame; providing for a specified direct-support
15 organization to administer that program;
16 amending s. 288.1169, F.S.; providing for a
17 specified direct-support organization to
18 administer the certification program for the
19 International Game Fish Association World
20 Center facility; providing for annual
21 verification of attendance and sales tax
22 revenue projections; transferring, renumbering,
23 and amending s. 288.1185, F.S.; assigning
24 administrative responsibility for the Recycling
25 Markets Advisory Committee to the Department of
26 Environmental Protection; amending s. 288.1223,
27 F.S.; authorizing the Governor to designate a
28 person to serve on the Florida Commission on
29 Tourism and as the chair of the commission;
30 amending s. 288.1226, F.S.; providing for the
31 appointment of the president of the Florida

1 Tourism Industry Marketing Corporation and
2 specifying that the president serves at the
3 pleasure of the Governor; amending s. 288.1229,
4 F.S.; requiring an annual report on the status
5 of specified sports projects; amending s.
6 288.1251, F.S.; renaming the Office of the Film
7 Commissioner the Governor's Office of Film and
8 Entertainment; renaming the Film Commissioner
9 as the Commissioner of Film and Entertainment;
10 amending s. 288.1252, F.S.; renaming the
11 Florida Film Advisory Council the Florida Film
12 and Entertainment Advisory Council; amending s.
13 288.1253, F.S., relating to travel and
14 entertainment expenses; conforming terminology;
15 amending s. 288.901, F.S.; correcting a
16 cross-reference; providing that the Governor's
17 designee may serve as chairperson of the board
18 of directors of Enterprise Florida, Inc.;
19 specifying that at-large members of the board
20 of directors of Enterprise Florida, Inc., shall
21 not have voting authority; amending s.
22 288.9015, F.S.; requiring Enterprise Florida,
23 Inc., to use specified programs to facilitate
24 economic development; amending s. 288.980,
25 F.S.; providing for Enterprise Florida, Inc.,
26 to administer defense grant programs and make
27 recommendations to the Office of Tourism,
28 Trade, and Economic Development on approval of
29 grant awards; amending s. 288.99, F.S.;
30 assigning responsibility for ongoing
31 administration of the Certified Capital Company

1 Act to the Department of Banking and Finance;
2 amending s. 373.4149, F.S.; removing the
3 director of the Office of Tourism, Trade, and
4 Economic Development from the membership of the
5 Miami-Dade County Lake Belt Plan Implementation
6 Committee; authorizing the Institute of Food
7 and Agricultural Sciences to contract and
8 receive money to support the Florida State
9 Rural Development Council; repealing s.
10 288.039, F.S., relating to the Employing and
11 Training Our Youths (ENTRY) program; providing
12 an effective date.

13

14 Be It Enacted by the Legislature of the State of Florida:

15

16 Section 1. Subsection (2) of section 14.2015, Florida
17 Statutes, is amended to read:

18 14.2015 Office of Tourism, Trade, and Economic
19 Development; creation; powers and duties.--

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

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

1 Florida's citizens in amateur athletic competition, and to
2 promote Florida as a host for national and international
3 amateur athletic competitions.

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

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

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

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

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

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

29 2. The office may enter into contracts in connection
30 with the fulfillment of its duties concerning ~~the Florida~~
31 ~~First Business Bond Pool under chapter 159,~~tax incentives

1 under chapters 212 and 220, ~~tax incentives under the Certified~~
2 ~~Capital Company Act in chapter 288, foreign offices under~~
3 ~~chapter 288,~~ the Enterprise Zone program under chapter 290,
4 the Seaport Employment Training program under chapter 311, the
5 Florida Professional Sports Team License Plates under chapter
6 320, Spaceport Florida under chapter 331, Expedited Permitting
7 under chapter 403, and in carrying out other functions that
8 are specifically assigned to the office by law, by the
9 appropriations process, or by the Governor.

10 (g) Serve as contract administrator for the state with
11 respect to contracts with Enterprise Florida, Inc., the
12 Florida Commission on Tourism, and all direct-support
13 organizations under this act, excluding those relating to
14 tourism. To accomplish the provisions of this act and
15 applicable provisions of chapter 288, and notwithstanding the
16 provisions of part I of chapter 287, the office shall enter
17 into specific contracts with Enterprise Florida, Inc., the
18 Florida Commission on Tourism, and other appropriate
19 direct-support organizations. Such contracts may be multiyear
20 and shall include specific performance measures for each year.

21 (h) Provide administrative oversight for the
22 Governor's Office of the Film and Entertainment Commissioner,
23 created under s. 288.1251, to develop, promote, and provide
24 services to the state's entertainment industry and to
25 administratively house the Florida Film and Entertainment
26 Advisory Council created under s. 288.1252.

27 (i) Prepare and submit as a separate budget entity a
28 unified budget request for tourism, trade, and economic
29 development in accordance with chapter 216 for, and in
30 conjunction with, Enterprise Florida, Inc., and its boards,
31 the Florida Commission on Tourism and its direct-support

1 organization, the Florida Black Business Investment Board, the
2 Governor's Office of the Film and Entertainment Commissioner,
3 and the direct-support organization created to promote the
4 sports industry.

5 (j) Adopt rules, as necessary, to carry out its
6 functions in connection with the administration of the
7 Qualified Target Industry program, the Qualified Defense
8 Contractor program, the Certified Capital Company Act, the
9 Enterprise Zone program, and the Florida First Business Bond
10 pool.

11 Section 2. Section 159.8083, Florida Statutes, is
12 amended to read:

13 159.8083 Florida First Business allocation pool.--The
14 Florida First Business allocation pool is hereby established.
15 The Florida First Business allocation pool shall be available
16 solely to provide written confirmation for private activity
17 bonds to finance Florida First Business projects recommended
18 by Enterprise Florida, Inc., and certified by the Office of
19 Tourism, Trade, and Economic Development as eligible to
20 receive a written confirmation. Allocations from such pool
21 shall be awarded statewide pursuant to procedures specified in
22 s. 159.805, except that the provisions of s. 159.805(2), (3),
23 and (6) do not apply. Florida First Business projects that are
24 eligible for a carryforward shall not lose their allocation on
25 November 16 if they have applied and have been granted a
26 carryforward. In issuing written confirmations of allocations
27 for Florida First Business projects, the division shall use
28 the Florida First Business allocation pool. If allocation is
29 not available from the Florida First Business allocation pool,
30 the division shall issue written confirmations of allocations
31 for Florida First Business projects pursuant to s. 159.806 or

1 s. 159.807, in such order. For the purpose of determining
2 priority within a regional allocation pool or the state
3 allocation pool, notices of intent to issue bonds for Florida
4 First Business projects to be issued from a regional
5 allocation pool or the state allocation pool shall be
6 considered to have been received by the division at the time
7 it is determined by the division that the Florida First
8 Business allocation pool is unavailable to issue confirmation
9 for such Florida First Business project. If the total amount
10 requested in notices of intent to issue private activity bonds
11 for Florida First Business projects exceeds the total amount
12 of the Florida First Business allocation pool, the director
13 shall forward all timely notices of intent to issue, which are
14 received by the division for such projects, to the Office of
15 Tourism, Trade, and Economic Development which shall render a
16 decision as to which notices of intent to issue are to receive
17 written confirmations. The Office of Tourism, Trade, and
18 Economic Development, in consultation with the division and
19 Enterprise Florida, Inc., shall develop rules to ensure that
20 the allocation provided in such pool is available solely to
21 provide written confirmations for private activity bonds to
22 finance Florida First Business projects and that such projects
23 are feasible and financially solvent.

24 Section 3. Section 288.012, Florida Statutes, is
25 amended to read:

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

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

8 (1)(a) The Office of Tourism, Trade, and Economic
9 Development is authorized to+

10 ~~(a)~~ approve the establishment and operation by
11 Enterprise Florida, Inc., and the Florida Commission on
12 Tourism of ~~Establish and operate~~ offices in foreign countries
13 for the purpose of promoting the trade and economic
14 development of the state, and promoting the gathering of trade
15 data information and research on trade opportunities in
16 specific countries.

17 (b) Enterprise Florida, Inc., and the Florida
18 Commission on Tourism, as agents for the Office of Tourism,
19 Trade, and Economic Development, may enter into agreements
20 with governmental and private sector entities to establish and
21 operate offices in foreign countries containing provisions
22 which may be in conflict with general laws of the state
23 pertaining to the purchase of office space, employment of
24 personnel, and contracts for services. When agreements
25 pursuant to this section are made which set compensation in
26 foreign currency, such agreements shall be subject to the
27 requirements of s. 215.425, ~~but the purchase of foreign~~
28 ~~currency by the Office of Tourism, Trade, and Economic~~
29 ~~Development to meet such obligations shall be subject only to~~
30 ~~s. 216.311.~~

31

1 (c) By September 1, 1997, the Office of Tourism,
2 Trade, and Economic Development shall develop a plan for the
3 disposition of the current foreign offices and the development
4 and location of additional foreign offices. The plan shall
5 include, but is not limited to, a determination of the level
6 of funding needed to operate the current offices and any
7 additional offices and whether any of the current offices need
8 to be closed or relocated. Enterprise Florida, Inc., the
9 Florida Tourism Commission, the Florida Ports Council, the
10 Department of State, the Department of Citrus, and the
11 Department of Agriculture shall assist the Office of Tourism,
12 Trade, and Economic Development in the preparation of the
13 plan. All parties shall cooperate on the disposition or
14 establishment of the offices and ensure that needed space,
15 technical assistance, and support services are provided to
16 such entities at such foreign offices.

17 (2) By June 30, 1998, each foreign office shall have
18 in place an operational plan approved by the participating
19 boards or other governing authority, a copy of which shall be
20 provided to the Office of Tourism, Trade, and Economic
21 Development. These operating plans shall be reviewed and
22 updated each fiscal year and submitted annually thereafter to
23 Enterprise Florida, Inc., or the Florida Commission on Tourism
24 for review and approval. The plans shall include, at a
25 minimum, the following:

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

28 (b) A comprehensive, commercial strategic plan
29 identifying marketing opportunities and industry sector
30 priorities for the foreign country or area in which a foreign
31 office is located.

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

6 (d) Identification of new and emerging market
7 opportunities for Florida businesses. Each foreign office
8 shall provide the Florida Trade Data Center with a compilation
9 of foreign buyers and importers in industry sector priority
10 areas annually ~~on an annual basis~~. In return, the Florida
11 Trade Data Center shall make available to each foreign office,
12 and to the entities identified in paragraph (1)(c), trade
13 industry, commodity, and opportunity information as specified
14 in the plan required in that paragraph. This information
15 shall be provided to the offices and the entities identified
16 in paragraph (1)(c) either free of charge or on a fee basis
17 with fees set only to recover the costs of providing the
18 information.

19 (e) Provision of access for Florida businesses to the
20 services of the Florida Trade Data Center, international trade
21 assistance services provided by state and local entities,
22 seaport and airport information, and other services identified
23 in the plan pursuant to paragraph (1)(c).

24 (f) Qualitative and quantitative performance measures
25 for each office including, but not limited to, the number of
26 businesses assisted, the number of trade leads and inquiries
27 generated, the number of foreign buyers and importers
28 contacted, and the amount and type of marketing conducted.

29 (3) By October 1 of each year, each foreign office
30 shall submit to Enterprise Florida, Inc., or the Florida
31 Commission on Tourism ~~the Office of Tourism, Trade, and~~

1 ~~Economic Development~~ a complete and detailed report on its
2 activities and accomplishments during the preceding fiscal
3 year. In a format provided by Enterprise Florida, Inc., the
4 report must set forth information on:
5 (a) The number of Florida companies assisted.
6 (b) The number of inquiries received about investment
7 opportunities in this state.
8 (c) The number of trade leads generated.
9 (d) The number of investment projects announced.
10 (e) The estimated U.S. dollar value of sales
11 confirmations.
12 (f) The number of representation agreements.
13 (g) The number of company consultations.
14 (h) Barriers or other issues affecting the effective
15 operation of the office.
16 (i) Changes in office operations which are planned for
17 the current fiscal year.
18 (j) Marketing activities conducted.
19 (k) Strategic alliances formed with organizations in
20 the country in which the office is located.
21 (l) Activities conducted with other Florida foreign
22 offices.
23 (m) Any other information that the office believes
24 would contribute to an understanding of its activities.
25 (4) The Office of Tourism, Trade, and Economic
26 Development, in connection with the establishment, operation,
27 and management of any of the ~~its~~ offices located in a foreign
28 country, is exempt from the provisions of ss. 255.21, 255.25,
29 and 255.254 relating to leasing of buildings; ss. 283.33 and
30 283.35 relating to bids for printing; ss. 287.001-287.20
31 relating to purchasing and motor vehicles; and ss.

1 282.003-282.111 relating to communications, and from all
2 statutory provisions relating to state employment.

3 (a) Such exemptions ~~The Office of Tourism, Trade, and~~
4 ~~Economic Development~~ may be exercised ~~exercise such exemptions~~
5 only upon prior approval of the Governor.

6 (b) If approval for an exemption under this section is
7 granted as an integral part of a plan of operation for a
8 specified foreign office, such action shall constitute
9 continuing authority for the ~~Office of Tourism, Trade, and~~
10 ~~Economic Development~~ to exercise of the exemption, but only in
11 the context and upon the terms originally granted. Any
12 modification of the approved plan of operation with respect to
13 an exemption contained therein must be resubmitted to the
14 Governor for his or her approval. An approval granted to
15 exercise an exemption in any other context shall be restricted
16 to the specific instance for which the exemption is to be
17 exercised.

18 (c) As used in this subsection, the term "plan of
19 operation" means the plan developed pursuant to subsection
20 (2).

21 (d) Upon final action by the Governor with respect to
22 a request to exercise the exemption authorized in this
23 subsection, the Office of Tourism, Trade, and Economic
24 Development shall report such action, along with the original
25 request and any modifications thereto, to the President of the
26 Senate and the Speaker of the House of Representatives within
27 30 days.

28 (5) Where feasible and appropriate, and subject to s.
29 288.1224(10), foreign offices established and operated under
30 this section may provide one-stop access to the economic
31 development, trade, and tourism information, services, and

1 programs of the state. Where feasible and appropriate, and
2 subject to s. 288.1224(10), such offices may also be
3 collocated with other foreign offices of the state.

4 (6) The Office of Tourism, Trade, and Economic
5 Development is authorized to make and to enter into contracts
6 with Enterprise Florida, Inc., and the Florida Commission on
7 Tourism to carry out the provisions of this section. The
8 authority, duties, and exemptions provided in this section
9 apply to Enterprise Florida, Inc., and the Florida Commission
10 on Tourism ~~to the same degree and subject to the same~~
11 ~~conditions as applied to the Office of Tourism, Trade, and~~
12 ~~Economic Development~~. To the greatest extent possible, such
13 contracts shall include provisions for cooperative agreements
14 or strategic alliances between state entities, foreign
15 entities, local entities, and private businesses to operate
16 foreign offices.

17 Section 4. Section 288.018, Florida Statutes, is
18 amended to read:

19 288.018 Regional Rural Development Grants Program.--

20 (1) Enterprise Florida, Inc., shall administer ~~The~~
21 ~~Office of Tourism, Trade, and Economic Development shall~~
22 ~~establish~~ a matching grant program to provide funding to
23 regionally based economic development organizations
24 representing rural counties and communities for the purpose of
25 building the professional capacity of their organizations.
26 Upon recommendation by Enterprise Florida, Inc., the Office of
27 Tourism, Trade, and Economic Development is authorized to
28 approve, on an annual basis, grants to such regionally based
29 economic development organizations. The maximum amount an
30 organization may receive in any year will be \$35,000, or
31 \$100,000 in a rural area of critical economic concern

1 recommended by the Rural Economic Development Initiative and
2 designated by the Governor, and must be matched each year by
3 an equivalent amount of nonstate resources.

4 (2) In recommending the awards for funding, Enterprise
5 Florida, Inc., ~~approving the participants, the Office of~~
6 ~~Tourism, Trade, and Economic Development~~ shall consider the
7 demonstrated need of the applicant for assistance and require
8 the following:

9 (a) Documentation of official commitments of support
10 from each of the units of local government represented by the
11 regional organization.

12 (b) Demonstration that each unit of local government
13 has made a financial or in-kind commitment to the regional
14 organization.

15 (c) Demonstration that the private sector has made
16 financial or in-kind commitments to the regional organization.

17 (d) Demonstration that the organization is in
18 existence and actively involved in economic development
19 activities serving the region.

20 (e) Demonstration of the manner in which the
21 organization is or will coordinate its efforts with those of
22 other local and state organizations.

23 (3) The Office of Tourism, Trade, and Economic
24 Development may approve awards ~~expend~~ up to a total of
25 \$600,000 each fiscal year from funds appropriated to the Rural
26 Community Development Revolving Loan Fund for the purposes
27 outlined in this section.

28 Section 5. Subsections (1), (2), (4), (6), (8), and
29 (10) of section 288.1162, Florida Statutes, are amended to
30 read:

31

1 288.1162 Professional sports franchises; spring
2 training franchises; duties.--

3 (1) The direct-support organization authorized under
4 s. 288.1229 Office of Tourism, Trade, and Economic Development
5 shall serve as the ~~state~~ agency for screening applicants and
6 shall make recommendations to the Office of Tourism, Trade,
7 and Economic Development for state funding pursuant to s.
8 212.20 and for certifying an applicant as a "facility for a
9 new professional sports franchise," a "facility for a retained
10 professional sports franchise," or a "new spring training
11 franchise facility." The Office of Tourism, Trade, and
12 Economic Development shall have the final approval for any
13 decision under this section.

14 (2) The direct-support organization authorized under
15 s. 288.1229 Office of Tourism, Trade, and Economic Development
16 shall develop guidelines ~~rules~~ for the receipt and processing
17 of applications for funding pursuant to s. 212.20.

18 (4) Prior to certifying an applicant as a "facility
19 for a new professional sports franchise" or a "facility for a
20 retained professional sports franchise," the direct-support
21 organization authorized under s. 288.1229 Office of Tourism,
22 Trade, and Economic Development must determine that:

23 (a) A "unit of local government" as defined in s.
24 218.369 is responsible for the construction, management, or
25 operation of the professional sports franchise facility or
26 holds title to the property on which the professional sports
27 franchise facility is located.

28 (b) The applicant has a verified copy of a signed
29 agreement with a new professional sports franchise for the use
30 of the facility for a term of at least 10 years, or in the
31

1 case of a retained professional sports franchise, an agreement
2 for use of the facility for a term of at least 20 years.

3 (c) The applicant has a verified copy of the approval
4 from the governing authority of the league in which the new
5 professional sports franchise exists authorizing the location
6 of the professional sports franchise in this state after April
7 1, 1987, or in the case of a retained professional sports
8 franchise, verified evidence that it has had a
9 league-authorized location in this state on or before December
10 31, 1976. The term "league" means the National League or the
11 American League of Major League Baseball, the National
12 Basketball Association, the National Football League, or the
13 National Hockey League.

14 (d) The applicant has projections, verified by the
15 direct-support organization ~~Office of Tourism, Trade, and~~
16 ~~Economic Development~~, which demonstrate that the new or
17 retained professional sports franchise will attract a paid
18 attendance of more than 300,000 annually.

19 (e) The applicant has an independent analysis or
20 study, verified by the direct-support organization ~~Office of~~
21 ~~Tourism, Trade, and Economic Development~~, which demonstrates
22 that the amount of the revenues generated by the taxes imposed
23 under chapter 212 with respect to the use and operation of the
24 professional sports franchise facility will equal or exceed \$2
25 million annually.

26 (f) The municipality in which the facility for a new
27 or retained professional sports franchise is located, or the
28 county if the facility for a new or retained professional
29 sports franchise is located in an unincorporated area, has
30 certified by resolution after a public hearing that the
31 application serves a public purpose.

1 (g) The applicant has demonstrated that it has
2 provided, is capable of providing, or has financial or other
3 commitments to provide more than one-half of the costs
4 incurred or related to the improvement and development of the
5 facility.

6 (h) No applicant previously certified under any
7 provision of this section who has received funding under such
8 certification shall be eligible for an additional
9 certification.

10 (6) Prior to certifying an applicant as a "new spring
11 training franchise facility," the direct-support organization
12 authorized under s. 288.1229 ~~Office of Tourism, Trade, and~~
13 ~~Economic Development~~ must determine that:

14 (a) A "unit of local government" as defined in s.
15 218.369 is responsible for the construction, management, or
16 operation of the new spring training franchise facility or
17 holds title to the property on which the new spring training
18 franchise facility is located.

19 (b) The applicant has a verified copy of a signed
20 agreement with a new spring training franchise for the use of
21 the facility for a term of at least 15 years.

22 (c) The applicant has a financial commitment to
23 provide 50 percent or more of the funds required by an
24 agreement for the use of the facility by the new spring
25 training franchise.

26 (d) The proposed facility for the new spring training
27 franchise is located within 20 miles of an interstate or other
28 limited-access highway system.

29 (e) The applicant has projections, verified by the
30 direct-support organization ~~Office of Tourism, Trade, and~~
31 ~~Economic Development~~, which demonstrate that the new spring

1 training franchise facility will attract a paid attendance of
2 at least 50,000 annually.

3 (f) The new spring training franchise facility is
4 located in a county that is levying a tourist development tax
5 pursuant to s. 125.0104(3)(b), (c), (d), and (l), at the rate
6 of 4 percent by March 1, 1992, and, 87.5 percent of the
7 proceeds from such tax are dedicated for the construction of a
8 spring training complex.

9 (8) The direct-support organization authorized under
10 s. 288.1229 ~~Office of Tourism, Trade, and Economic Development~~
11 shall notify the Department of Revenue of any facility
12 certified as a facility for a new professional sports
13 franchise or a facility for a retained professional sports
14 franchise or as a new spring training franchise facility. The
15 direct-support organization ~~Office of Tourism, Trade, and~~
16 ~~Economic Development~~ may certify no more than eight facilities
17 as facilities for a new professional sports franchise, as
18 facilities for a retained professional sports franchise, or as
19 new spring training franchise facilities, including in such
20 total any facilities certified by the Department of Commerce
21 before July 1, 1996, and by the Office of Tourism, Trade, and
22 Economic Development before July 1, 2000. ~~The office may make~~
23 No more than one certification may be made for any facility.

24 (10) An applicant shall not be qualified for
25 certification under this section if the franchise formed the
26 basis for a previous certification, unless the previous
27 certification was withdrawn by the facility or invalidated by
28 the direct-support organization authorized under s. 288.1229,
29 the Office of Tourism, Trade, and Economic Development, or the
30 Department of Commerce before any funds were distributed
31 pursuant to s. 212.20. This subsection does not disqualify an

1 applicant if the previous certification occurred between May
2 23, 1993, and May 25, 1993; however, any funds to be
3 distributed pursuant to s. 212.20 for the second certification
4 shall be offset by the amount distributed to the previous
5 certified facility. Distribution of funds for the second
6 certification shall not be made until all amounts payable for
7 the first certification have been distributed.

8 Section 6. Section 288.1168, Florida Statutes, is
9 amended to read:

10 288.1168 Professional golf hall of fame facility;
11 duties.--

12 ~~(1) The Department of Commerce shall serve as the~~
13 ~~state agency for screening applicants for state funding~~
14 ~~pursuant to s. 212.20 and for certifying one applicant as the~~
15 ~~professional golf hall of fame facility in the state.~~

16 ~~(2) Prior to certifying the professional golf hall of~~
17 ~~fame facility, the Department of Commerce must determine that:~~

18 ~~(a) The professional golf hall of fame facility is the~~
19 ~~only professional golf hall of fame in the United States~~
20 ~~recognized by the PGA Tour, Inc.~~

21 ~~(b) The applicant is a unit of local government as~~
22 ~~defined in s. 218.369 or a private sector group that has~~
23 ~~contracted to construct or operate the professional golf hall~~
24 ~~of fame facility on land owned by a unit of local government.~~

25 ~~(c) The municipality in which the professional golf~~
26 ~~hall of fame facility is located, or the county if the~~
27 ~~facility is located in an unincorporated area, has certified~~
28 ~~by resolution after a public hearing that the application~~
29 ~~serves a public purpose.~~

30
31

1 ~~(d) There are existing projections that the~~
2 ~~professional golf hall of fame facility will attract a paid~~
3 ~~attendance of more than 300,000 annually.~~

4 ~~(e) There is an independent analysis or study, using~~
5 ~~methodology approved by the department, which demonstrates~~
6 ~~that the amount of the revenues generated by the taxes imposed~~
7 ~~under chapter 212 with respect to the use and operation of the~~
8 ~~professional golf hall of fame facility will equal or exceed~~
9 ~~\$2 million annually.~~

10 (1)(f) Prior to certification, the applicant for the
11 certified professional golf hall of fame facility ~~The~~
12 ~~applicant has~~ submitted an agreement to provide \$2 million
13 annually in national and international media promotion of the
14 professional golf hall of fame facility, Florida, and Florida
15 tourism, through the PGA Tour, Inc., or its affiliates, at the
16 then-current commercial rate, during the period of time that
17 the facility receives funds pursuant to s. 212.20. The
18 direct-support organization authorized under s. 288.1229
19 ~~Office of Tourism, Trade, and Economic Development~~ and the PGA
20 Tour, Inc., or its affiliates, must agree annually on a
21 reasonable percentage of advertising specifically allocated
22 for generic Florida advertising. The direct-support
23 organization authorized under s. 288.1229 ~~Office of Tourism,~~
24 ~~Trade, and Economic Development~~ shall have final approval of
25 all generic advertising. Failure on the part of the PGA Tour,
26 Inc., or its affiliates to annually provide the advertising as
27 provided in this subsection ~~paragraph~~ or subsection (4)(6)
28 shall result in the termination of funding as provided in s.
29 212.20.

30 ~~(g) Documentation exists that demonstrates that the~~
31 ~~applicant has provided, is capable of providing, or has~~

1 ~~financial or other commitments to provide more than one-half~~
2 ~~of the costs incurred or related to the improvement and~~
3 ~~development of the facility.~~

4 ~~(h) The application is signed by an official senior~~
5 ~~executive of the applicant and is notarized according to~~
6 ~~Florida law providing for penalties for falsification.~~

7 (2)(3) The certified professional golf hall of fame
8 facility applicant may use funds provided pursuant to s.
9 212.20 for the public purpose of paying for the construction,
10 reconstruction, renovation, or operation of the ~~professional~~
11 ~~golf hall of fame~~ facility, or to pay or pledge for payment of
12 debt service on, or to fund debt service reserve funds,
13 arbitrage rebate obligations, or other amounts payable with
14 respect to, bonds issued for the construction, reconstruction,
15 or renovation of the facility or for the reimbursement of such
16 costs or the refinancing of bonds issued for such purpose.

17 ~~(4) Upon determining that an applicant is or is not~~
18 ~~certifiable, the Secretary of Commerce shall notify the~~
19 ~~applicant of his or her status by means of an official letter.~~
20 ~~If certifiable, the secretary shall notify the executive~~
21 ~~director of the Department of Revenue and the applicant of~~
22 ~~such certification by means of an official letter granting~~
23 ~~certification. From the date of such certification, the~~
24 ~~applicant shall have 5 years to open the professional golf~~
25 ~~hall of fame facility to the public and notify the Office of~~
26 ~~Tourism, Trade, and Economic Development of such opening. The~~
27 ~~Department of Revenue shall not begin distributing funds until~~
28 ~~30 days following notice by the Office of Tourism, Trade, and~~
29 ~~Economic Development that the professional golf hall of fame~~
30 ~~facility is open to the public.~~

31

1 (3)(5) The Department of Revenue may audit as provided
2 in s. 213.34 to verify that the distributions under this
3 section have been expended as required by this section.

4 (4)(6) The direct-support organization authorized
5 under s. 288.1229 Office of Tourism, Trade, and Economic
6 ~~Development~~ must recertify every 10 years that the facility is
7 open, continues to be the only professional golf hall of fame
8 in the United States recognized by the PGA Tour, Inc., and is
9 meeting the minimum projections for attendance or sales tax
10 revenue as required at the time of original certification. If
11 the facility is not certified as meeting the minimum
12 projections, the PGA Tour, Inc., shall increase its required
13 advertising contribution of \$2 million annually to \$2.5
14 million annually in lieu of reduction of any funds as provided
15 by s. 212.20. The additional \$500,000 must be allocated in its
16 entirety for the use and promotion of generic Florida
17 advertising as determined by the direct-support organization
18 authorized under s. 288.1229 Office of Tourism, Trade, and
19 ~~Economic Development~~. If the facility is not open to the
20 public or is no longer in use as the only professional golf
21 hall of fame in the United States recognized by the PGA Tour,
22 Inc., the entire \$2.5 million for advertising must be used for
23 generic Florida advertising as determined by the
24 direct-support organization authorized under s. 288.1229
25 ~~Office of Tourism, Trade, and Economic Development~~.

26 Section 7. Section 288.1169, Florida Statutes, is
27 amended to read:

28 288.1169 International Game Fish Association World
29 Center facility; ~~department~~ duties.--

30 (1) The direct-support organization authorized under
31 s. 288.1229 Department of Commerce shall serve as the ~~state~~

1 agency approving applicants for funding pursuant to s. 212.20
2 and for certifying the applicant as the International Game
3 Fish Association World Center facility. For purposes of this
4 section, "facility" means the International Game Fish
5 Association World Center, and "project" means the
6 International Game Fish Association World Center and new
7 colocated improvements by private sector concerns who have
8 made cash or in-kind contributions to the facility of \$1
9 million or more.

10 (2) Prior to certifying this facility, the
11 direct-support organization authorized under s. 288.1229
12 ~~department~~ must determine that:

13 (a) The International Game Fish Association World
14 Center is the only fishing museum, Hall of Fame, and
15 international administrative headquarters in the United States
16 recognized by the International Game Fish Association, and
17 that one or more private sector concerns have committed to
18 donate to the International Game Fish Association land upon
19 which the International Game Fish Association World Center
20 will operate.

21 (b) International Game Fish Association is a
22 not-for-profit Florida corporation that has contracted to
23 construct and operate the facility.

24 (c) The municipality in which the facility is located,
25 or the county if the facility is located in an unincorporated
26 area, has certified by resolution after a public hearing that
27 the facility serves a public purpose.

28 (d) There are existing projections that the
29 International Game Fish Association World Center facility and
30 the colocated facilities of private sector concerns will
31 attract an attendance of more than 1.8 million annually.

1 (e) There is an independent analysis or study, using
2 methodology approved by the direct-support organization
3 ~~department~~, which demonstrates that the amount of the revenues
4 generated by the taxes imposed under chapter 212 with respect
5 to the use and operation of the project will exceed \$1 million
6 annually.

7 (f) There are existing projections that the project
8 will attract more than 300,000 persons annually who are not
9 residents of the state.

10 (g) The applicant has submitted an agreement to
11 provide \$500,000 annually in national and international media
12 promotion of the facility, at the then-current commercial
13 rates, during the period of time that the facility receives
14 funds pursuant to s. 212.20. Failure on the part of the
15 applicant to annually provide the advertising as provided in
16 this paragraph shall result in the termination of the funding
17 as provided in s. 212.20. The applicant can discharge its
18 obligation under this paragraph by contracting with other
19 persons, including private sector concerns who participate in
20 the project.

21 (h) Documentation exists that demonstrates that the
22 applicant has provided, and is capable of providing, or has
23 financial or other commitments to provide, more than one-half
24 of the cost incurred or related to the improvements and the
25 development of the facility.

26 (i) The application is signed by senior officials of
27 the International Game Fish Association and is notarized
28 according to Florida law providing for penalties for
29 falsification.

30 (3) The applicant may use funds provided pursuant to
31 s. 212.20 for the purpose of paying for the construction,

1 reconstruction, renovation, promotion, or operation of the
2 facility, or to pay or pledge for payment of debt service on,
3 or to fund debt service reserve funds, arbitrage rebate
4 obligations, or other amounts payable with respect to, bonds
5 issued for the construction, reconstruction, or renovation of
6 the facility or for the reimbursement of such costs or by
7 refinancing of bonds issued for such purposes.

8 (4) Upon determining that an applicant is or is not
9 certifiable, the direct-support organization authorized under
10 s. 288.1229 ~~Department of Commerce~~ shall notify the applicant
11 of its status by means of an official letter. If certifiable,
12 the direct-support organization ~~Department of Commerce~~ shall
13 notify the executive director of the Department of Revenue and
14 the applicant of such certification by means of an official
15 letter granting certification. From the date of such
16 certification, the applicant shall have 5 years to open the
17 facility to the public and notify the direct-support
18 organization ~~Department of Commerce~~ of such opening. The
19 Department of Revenue shall not begin distributing funds until
20 30 days following notice by the direct-support organization
21 ~~Department of Commerce~~ that the facility is open to the
22 public.

23 (5) The Department of Revenue may audit as provided in
24 s. 213.34 to verify that the contributions pursuant to this
25 section have been expended as required by this section.

26 (6) The direct-support organization authorized under
27 s. 288.1229 ~~Department of Commerce~~ must recertify every 10
28 years that the facility is open, that the International Game
29 Fish Association World Center continues to be the only
30 international administrative headquarters, fishing museum, and
31 Hall of Fame in the United States recognized by the

1 International Game Fish Association, and must verify annually
2 that the project is meeting the minimum projections for
3 attendance or sales tax revenues as required at the time of
4 original certification. If the facility is not recertified
5 during this 10-year review as meeting the minimum projections,
6 then funding will be abated until certification criteria are
7 met. If the project fails to generate \$1 million of annual
8 revenues pursuant to paragraph (2)(e), the distribution of
9 revenues pursuant to s. 212.20(6)(f)5.c. shall be reduced to
10 an amount equal to \$83,333 multiplied by a fraction, the
11 numerator of which is the actual revenues generated and the
12 denominator of which is \$1 million. Such reduction shall
13 remain in effect until revenues generated by the project in a
14 12-month period equal or exceed \$1 million.

15 Section 8. Section 288.1185, Florida Statutes, is
16 transferred, renumbered as section 403.7155, Florida Statutes,
17 and amended to read:

18 403.7155 ~~288.1185~~ Recycling Markets Advisory
19 Committee.--

20 (1) There is created the Recycling Markets Advisory
21 Committee, hereinafter referred to as the "committee," to be
22 administratively housed in the Department of Environmental
23 Protection ~~Office of Tourism, Trade, and Economic Development~~.
24 The purpose of the committee shall be to serve as the
25 mechanism for coordination among state agencies and the
26 private sector to coordinate policy and overall strategic
27 planning for developing new markets and expanding and
28 enhancing existing markets for recovered materials. The
29 committee may not duplicate or replace agency programs, but
30 shall enhance, coordinate, and recommend priorities for those
31 programs.

1 (2)(a) The committee shall consist of 12 members, 10
2 of whom shall be appointed by the Governor, each of whom is or
3 has been actively engaged in the recycling industry or a
4 related business area, including the use of product packaging
5 materials, or is a local government official with a
6 demonstrated knowledge of recycling; a member of the House of
7 Representatives to be appointed by the Speaker of the House of
8 Representatives, who shall serve without voting rights as an
9 ex officio member of the committee; and a member of the Senate
10 to be appointed by the President of the Senate, who shall
11 serve without voting rights as an ex officio member of the
12 committee.

13 (b) Members of the committee shall be appointed within
14 60 days after this section takes effect.

15 (c) A chairperson shall be appointed by the Governor
16 from among the members of the committee.

17 (d) The committee shall meet at the call of its
18 chairperson or at the request of a majority of its membership,
19 but at least biannually. A majority of the members shall
20 constitute a quorum, and the affirmative vote of a majority of
21 a quorum is necessary to take official action.

22 (e) Members of the committee shall serve without
23 compensation but are entitled to receive reimbursement for per
24 diem and travel expenses as provided in s. 112.061.

25 (f) The committee may appoint ad hoc committees, which
26 may include persons who are not members of the committee, to
27 study recycled materials market development problems and
28 issues and advise the committee on these subjects. Ad hoc
29 committee members may be reimbursed for per diem and travel
30 expenses as provided in s. 112.061.

31

1 (g) The Department of Environmental Protection ~~Office~~
2 ~~of Tourism, Trade, and Economic Development~~ shall coordinate
3 with agencies listed in paragraph (3)(a) to provide support as
4 necessary to enable the committee to adequately carry out its
5 functions.

6 (3)(a) The heads of the Department of Transportation,
7 the Department of Environmental Protection, the Department of
8 Management Services, the Department of Agriculture and
9 Consumer Services, the Florida Energy Office, and the Governor
10 shall each designate a staff member from within the agency to
11 serve as the recycling market development liaison for the
12 agency. This person shall have knowledge of recycling and the
13 issues and problems related to recycling and recycled
14 materials market development. This person shall be the primary
15 point of contact for the agency on issues related to recycled
16 materials market development. These liaisons shall be
17 available for committee meetings and shall work closely with
18 the committee and other recycling market development liaisons
19 to further the goals of the committee, as appropriate.

20 (b) Whenever it is necessary to change the designee,
21 the head of each agency shall notify the Governor in writing
22 of the person designated as the recycling market development
23 liaison for such agency.

24 (4)(a) By October 1, 1993, the committee shall develop
25 a plan to set goals and provide direction for developing new
26 markets and expanding and enhancing existing markets for
27 recovered materials.

28 (b) In developing the plan and any needed legislation,
29 the committee shall consider:

30 1. Developing new markets and expanding and enhancing
31 existing markets for recovered materials.

- 1 2. Pursuing expanded end uses for recycled materials.
- 2 3. Targeting materials for concentrated market
- 3 development efforts.
- 4 4. Developing proposals for new incentives for market
- 5 development, particularly focusing on targeted materials.
- 6 5. Providing guidance on issues such as permitting,
- 7 finance options for recycling market development, site
- 8 location, research and development, grant program criteria for
- 9 recycled materials markets, recycling markets education and
- 10 information, and minimum content.
- 11 6. Coordinating the efforts of various government
- 12 entities with market development responsibilities.
- 13 7. Evaluating the need for competitively solicited,
- 14 cooperative ventures in rural areas for collecting,
- 15 processing, marketing, and procuring collected materials.
- 16 8. Evaluating source-reduced products as they relate
- 17 to state procurement policy. The evaluation shall include,
- 18 but is not limited to, the environmental and economic impact
- 19 of source-reduced product purchases on the state. For the
- 20 purposes of this section, "source-reduced" means any method,
- 21 process, product, or technology which significantly or
- 22 substantially reduces the volume or weight of a product while
- 23 providing, at a minimum, equivalent or generally similar
- 24 performance and service to and for the users of such
- 25 materials.
- 26 (5) By November 1 of each year, beginning in 1994, the
- 27 committee shall submit to the Governor, the President of the
- 28 Senate, and the Speaker of the House of Representatives a
- 29 complete and detailed report setting forth in appropriate
- 30 detail the operations and accomplishments of the committee and
- 31 the activities of existing agencies and programs in support of

1 the goals established by the committee, including any
2 recommendations for statutory changes.

3 (6) In order to support the functions of the
4 committee, the Department of Environmental Protection ~~Office~~
5 ~~of Tourism, Trade, and Economic Development~~ may hire staff or
6 contract with other agencies for staff support and enter into
7 contracts for support, research, planning, evaluation, and
8 communication and promotion services.

9 Section 9. Paragraphs (a) and (g) of subsection (2) of
10 section 288.1223, Florida Statutes, are amended to read:

11 288.1223 Florida Commission on Tourism; creation;
12 purpose; membership.--

13 (2)(a) The commission shall consist of the Governor or
14 the Governor's designee and 17 general
15 tourism-industry-related members appointed by the Governor,
16 subject to confirmation by the Senate, and 11 additional
17 tourism-industry-related members, appointed by the Governor no
18 later than July 31, 1996, including 3 representatives from the
19 statewide rental car industry, 3 representatives from
20 tourist-related statewide associations, including those that
21 represent hotels, campgrounds, and attractions, 3
22 representatives from county destination marketing
23 organizations, 1 representative from the cruise industry, and
24 1 representative from the airline industry, who will each
25 serve for a term of 2 years, ~~the Governor~~, and 2 additional ex
26 officio members, who will serve for a term of 2 years,
27 appointed no later than July 31, 1996, including a member of
28 the Senate appointed by the President of the Senate and a
29 member of the House of Representatives appointed by the
30 Speaker of the House of Representatives.

31

1 (g) The Governor or the Governor's designee shall
2 serve as chair of the commission. The commission shall
3 annually elect one of its tourism-industry-related members as
4 vice chair, who shall preside in the absence of the chair.

5 Section 10. Paragraph (f) of subsection (5) of section
6 288.1226, Florida Statutes, is amended to read:

7 288.1226 Florida Tourism Industry Marketing
8 Corporation; use of property; board of directors; duties;
9 audit.--

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

12 (f) Shall appoint the president of the Florida Tourism
13 Industry Marketing Corporation, who shall serve at the
14 pleasure of the Governor. The president is the chief executive
15 officer of the board of directors and of the corporation and
16 shall direct and supervise the affairs of the corporation. The
17 corporation shall elect or appoint such other officers and
18 agents as its affairs shall require and allow them reasonable
19 compensation.

20 Section 11. Subsection (10) is added to section
21 288.1229, Florida Statutes, to read:

22 288.1229 Promotion and development of sports-related
23 industries and amateur athletics; direct-support organization;
24 powers and duties.--

25 (10) The direct-support organization authorized under
26 this section shall provide an annual report to the Office of
27 Tourism, Trade, and Economic Development on the status of the
28 professional golf hall of fame facility certified under s.
29 288.1168 and the level of attendance and sales tax revenue
30 associated with the facility as compared to the minimum
31 projections established at the time the facility was

1 certified. This report is due within 30 days after the annual
2 agreement required under s. 288.1168(1). The direct-support
3 organization also shall provide by October 1 of each year a
4 report to the Office of Tourism, Trade, and Economic
5 Development on the status of the International Game Fish
6 Association World Center facility certified under s. 288.1169.

7 Section 12. Section 288.1251, Florida Statutes, is
8 amended to read:

9 288.1251 Promotion and development of entertainment
10 industry; Governor's Office of the Film and Entertainment
11 Commissioner; creation; purpose; powers and duties.--

12 (1) CREATION.--

13 (a) There is hereby created within the Office of
14 Tourism, Trade, and Economic Development the Governor's Office
15 of the Film and Entertainment Commissioner for the purpose of
16 developing, marketing, promoting, and providing services to
17 the state's entertainment industry.

18 (b) The Office of Tourism, Trade, and Economic
19 Development shall conduct a national search for a qualified
20 person to fill the position of Film Commissioner of Film and
21 Entertainment, and the Executive Director of the Office of
22 Tourism, Trade, and Economic Development shall hire the Film
23 commissioner. Guidelines for selection of the Film
24 commissioner shall include, but not be limited to, the Film
25 commissioner having the following:

26 1. A working knowledge of the equipment, personnel,
27 financial, and day-to-day production operations of the
28 industries to be served by the office;

29 2. Marketing and promotion experience related to the
30 industries to be served by the office;

31

1 3. Experience working with a variety of individuals
2 representing large and small entertainment-related businesses,
3 industry associations, local community entertainment industry
4 liaisons, and labor organizations; and

5 4. Experience working with a variety of state and
6 local governmental agencies.

7 (2) POWERS AND DUTIES.--

8 (a) The Governor's Office of ~~the~~ Film and
9 Entertainment Commissioner, in performance of its duties,
10 shall:

11 1. In consultation with the Florida Film and
12 Entertainment Advisory Council, develop and implement a 5-year
13 strategic plan to guide the activities of the Governor's
14 Office of ~~the~~ Film and Entertainment ~~Commissioner~~ in the areas
15 of entertainment industry development, marketing, promotion,
16 liaison services, field office administration, and
17 information. The plan, to be developed by no later than June
18 30, 2000, shall:

19 a. Be annual in construction and ongoing in nature.

20 b. Include recommendations relating to the
21 organizational structure of the office.

22 c. Include an annual budget projection for the office
23 for each year of the plan.

24 d. Include an operational model for the office to use
25 in implementing programs for rural and urban areas designed
26 to:

27 (I) Develop and promote the state's entertainment
28 industry.

29 (II) Have the office serve as a liaison between the
30 entertainment industry and other state and local governmental
31 agencies, local film commissions, and labor organizations.

1 (III) Gather statistical information related to the
2 state's entertainment industry.

3 (IV) Provide information and service to businesses,
4 communities, organizations, and individuals engaged in
5 entertainment industry activities.

6 (V) Administer field offices outside the state and
7 coordinate with regional offices maintained by counties and
8 regions of the state, as described in sub-sub-subparagraph
9 (II), as necessary.

10 e. Include performance standards and measurable
11 outcomes for the programs to be implemented by the office.

12 f. Include an assessment of, and make recommendations
13 on, the feasibility of creating an alternative public-private
14 partnership for the purpose of contracting with such a
15 partnership for the administration of the state's
16 entertainment industry promotion, development, marketing, and
17 service programs.

18 2. Develop, market, and facilitate a smooth working
19 relationship between state agencies and local governments in
20 cooperation with local film commission offices for
21 out-of-state and indigenous entertainment industry production
22 entities.

23 3. Implement a structured methodology prescribed for
24 coordinating activities of local offices with each other and
25 the commissioner's office.

26 4. Represent the state's indigenous entertainment
27 industry to key decisionmakers within the national and
28 international entertainment industry, and to state and local
29 officials.

30 5. Prepare an inventory and analysis of the state's
31 entertainment industry, including, but not limited to,

1 information on crew, related businesses, support services, job
2 creation, talent, and economic impact and coordinate with
3 local offices to develop an information tool for common use.

4 6. Represent key decisionmakers within the national
5 and international entertainment industry to the indigenous
6 entertainment industry and to state and local officials.

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

9 8. Identify, solicit, and recruit entertainment
10 production opportunities for the state.

11 9. Assist rural communities and other small
12 communities in the state in developing the expertise and
13 capacity necessary for such communities to develop, market,
14 promote, and provide services to the state's entertainment
15 industry.

16 (b) The Governor's Office of the Film and
17 Entertainment Commissioner, in the performance of its duties,
18 may:

19 1. Conduct or contract for specific promotion and
20 marketing functions, including, but not limited to, production
21 of a statewide directory, production and maintenance of an
22 Internet web site, establishment and maintenance of a
23 toll-free number, organization of trade show participation,
24 and appropriate cooperative marketing opportunities.

25 2. Conduct its affairs, carry on its operations,
26 establish offices, and exercise the powers granted by this act
27 in any state, territory, district, or possession of the United
28 States.

29 3. Carry out any program of information, special
30 events, or publicity designed to attract entertainment
31 industry to Florida.

1 4. Develop relationships and leverage resources with
2 other public and private organizations or groups in their
3 efforts to publicize to the entertainment industry in this
4 state, other states, and other countries the depth of
5 Florida's entertainment industry talent, crew, production
6 companies, production equipment resources, related businesses,
7 and support services, including the establishment of and
8 expenditure for a program of cooperative advertising with
9 these public and private organizations and groups in
10 accordance with the provisions of chapter 120.

11 5. Provide and arrange for reasonable and necessary
12 promotional items and services for such persons as the office
13 deems proper in connection with the performance of the
14 promotional and other duties of the office.

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

17 Section 13. Section 288.1252, Florida Statutes, is
18 amended to read:

19 288.1252 Florida Film and Entertainment Advisory
20 Council; creation; purpose; membership; powers and duties.--

21 (1) CREATION.--There is ~~hereby~~ created within the
22 Office of Tourism, Trade, and Economic Development of the
23 Executive Office of the Governor, for administrative purposes
24 only, the Florida Film and Entertainment Advisory Council.

25 (2) PURPOSE.--The purpose of the council shall be to
26 serve as an advisory body to the Office of Tourism, Trade, and
27 Economic Development and to the Governor's Office of the Film
28 and Entertainment Commissioner to provide these offices with
29 industry insight and expertise related to developing,
30 marketing, promoting, and providing service to the state's
31 entertainment industry.

1 (3) MEMBERSHIP.--

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

7 (b) When making appointments to the council, the
8 Governor, the President of the Senate, and the Speaker of the
9 House of Representatives shall appoint persons who are
10 residents of the state and who are highly knowledgeable of,
11 active in, and recognized leaders in Florida's motion picture,
12 television, video, sound recording, or other entertainment
13 industries. These persons shall include, but not be limited
14 to, representatives of local film commissions, representatives
15 of entertainment associations, a representative of the
16 broadcast industry, representatives of labor organizations in
17 the entertainment industry, and board chairs, presidents,
18 chief executive officers, chief operating officers, or persons
19 of comparable executive position or stature of leading or
20 otherwise important entertainment industry businesses and
21 offices. Council members shall be appointed in such a manner
22 as to equitably represent the broadest spectrum of the
23 entertainment industry and geographic areas of the state.

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

26 1. The Governor shall appoint one member for a 1-year
27 term, two members for 2-year terms, two members for 3-year
28 terms, and two members for 4-year terms.

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

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

5 (d) Subsequent appointments shall be made by the
6 official who appointed the council member whose expired term
7 is to be filled.

8 (e) The ~~Film~~ Commissioner of Film and Entertainment, a
9 representative of Enterprise Florida, Inc., and a
10 representative of the Florida Tourism Industry Marketing
11 Corporation shall serve as ex officio, nonvoting members of
12 the council, and shall be in addition to the 17 appointed
13 members of the council.

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

16 (g) A vacancy on the council shall be filled for the
17 remainder of the unexpired term by the official who appointed
18 the vacating member.

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

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

23 (4) MEETINGS; ORGANIZATION.--

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

27 (b) The council shall annually elect one member to
28 serve as chair of the council and one member to serve as vice
29 chair. The Governor's Office of the Film and Entertainment
30 ~~Commissioner~~ shall provide staff assistance to the council,
31 which shall include, but not be limited to, keeping records of

1 the proceedings of the council, and serving as custodian of
2 all books, documents, and papers filed with the council.

3 (c) A majority of the members of the council shall
4 constitute a quorum.

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

9 (5) POWERS AND DUTIES.--The Florida Film and
10 Entertainment Advisory Council shall have all the powers
11 necessary or convenient to carry out and effectuate the
12 purposes and provisions of this act, including, but not
13 limited to, the power to:

14 (a) Adopt bylaws for the governance of its affairs and
15 the conduct of its business.

16 (b) Advise and consult with the Governor's Office of
17 ~~the Film and Entertainment Commissioner~~ on the content,
18 development, and implementation of the 5-year strategic plan
19 to guide the activities of the office.

20 (c) Review the ~~Film Commissioner's~~ administration by
21 the Commissioner of Film and Entertainment of the programs
22 related to the strategic plan, and advise the commissioner on
23 the programs and any changes that might be made to better meet
24 the strategic plan.

25 (d) Consider and study the needs of the entertainment
26 industry for the purpose of advising the commissioner and the
27 Office of Tourism, Trade, and Economic Development.

28 (e) Identify and make recommendations on state agency
29 and local government actions that may have an impact on the
30 entertainment industry or that may appear to industry

31

1 representatives as an official state or local action affecting
2 production in the state.

3 (f) Consider all matters submitted to it by the
4 commissioner and the Office of Tourism, Trade, and Economic
5 Development.

6 (g) Advise and consult with the commissioner and the
7 Office of Tourism, Trade, and Economic Development, at their
8 request or upon its own initiative, regarding the
9 promulgation, administration, and enforcement of all laws and
10 rules relating to the entertainment industry.

11 (h) Suggest policies and practices for the conduct of
12 business by the Governor's Office of the Film and
13 Entertainment Commissioner or by the Office of Tourism, Trade,
14 and Economic Development that will improve internal operations
15 affecting the entertainment industry and will enhance the
16 economic development initiatives of the state for the
17 industry.

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

21 Section 14. Section 288.1253, Florida Statutes, is
22 amended to read:

23 288.1253 Travel and entertainment expenses.--

24 (1) As used in this section:

25 (a) "Business client" means any person, other than a
26 state official or state employee, who receives the services of
27 representatives of the Governor's Office of the Film and
28 Entertainment Commissioner in connection with the performance
29 of its statutory duties, including persons or representatives
30 of entertainment industry companies considering location,

31

1 relocation, or expansion of an entertainment industry business
2 within the state.

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

9 (c) "Guest" means a person, other than a state
10 official or state employee, authorized by the Office of
11 Tourism, Trade, and Economic Development to receive the
12 hospitality of the Governor's Office of the Film and
13 Entertainment Commissioner in connection with the performance
14 of its statutory duties.

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

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

25 (a) The Governor, the Lieutenant Governor, security
26 staff of the Governor or Lieutenant Governor, the ~~Film~~
27 Commissioner of Film and Entertainment, or staff of the
28 Governor's Office of the Film and Entertainment Commissioner
29 for travel expenses or entertainment expenses incurred by such
30 individuals solely and exclusively in connection with the
31

1 performance of the statutory duties of the Governor's Office
2 of ~~the~~ Film and Entertainment Commissioner.

3 (b) The Governor, the Lieutenant Governor, security
4 staff of the Governor or Lieutenant Governor, the ~~Film~~
5 Commissioner of Film and Entertainment, or staff of the
6 Governor's Office of ~~the~~ Film and Entertainment Commissioner
7 for travel expenses or entertainment expenses incurred by such
8 individuals on behalf of guests, business clients, or
9 authorized persons as defined in s. 112.061(2)(e) solely and
10 exclusively in connection with the performance of the
11 statutory duties of the Governor's Office of ~~the~~ Film and
12 Entertainment 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 Governor's Office of
18 ~~the~~ Film and Entertainment Commissioner in connection with
19 that office's statutory 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 Governor's Office of the Film and Entertainment
11 ~~Commissioner~~ and provide such report to the Legislature no
12 later than December 30 of each year for the expenditures of
13 the previous fiscal year. The report shall consist of a
14 summary of all travel, entertainment, and incidental expenses
15 incurred within the United States and all travel,
16 entertainment, and incidental expenses incurred outside the
17 United States, as well as a summary of all successful projects
18 that developed from such travel.

19 (4) The Governor's Office of the Film and
20 Entertainment ~~Commissioner~~ and its employees and
21 representatives, when authorized, may accept and use
22 complimentary travel, accommodations, meeting space, meals,
23 equipment, transportation, and any other goods or services
24 necessary for or beneficial to the performance of the office's
25 duties and purposes, so long as such acceptance or use is not
26 in conflict with part III of chapter 112. The Office of
27 Tourism, Trade, and Economic Development shall, by rule,
28 develop internal controls to ensure that such goods or
29 services accepted or used pursuant to this subsection are
30 limited to those that will assist solely and exclusively in
31

1 the furtherance of the office's goals and are in compliance
2 with part III of chapter 112.

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

26 Section 15. Subsections (2), (7), and (11) of section
27 288.901, Florida Statutes, are amended to read:

28 288.901 Enterprise Florida, Inc.; creation;
29 membership; organization; meetings; disclosure.--

30 (2) Enterprise Florida, Inc., shall establish one or
31 more corporate offices, at least one of which shall be located

1 in Leon County. The Department of Management Services may
2 establish a lease agreement program under which Enterprise
3 Florida, Inc., may hire any individual who, as of June 30,
4 1996, is employed by the Department of Commerce or who, as of
5 January 1, 1997, is employed by the Executive Office of the
6 Governor and has responsibilities specifically in support of
7 the Workforce Development Board established under s. 288.9952
8 ~~s. 288.9620~~. Under such agreement, the employee shall retain
9 his or her status as a state employee but shall work under the
10 direct supervision of Enterprise Florida, Inc. Retention of
11 state employee status shall include the right to participate
12 in the Florida Retirement System. The Department of Management
13 Services shall establish the terms and conditions of such
14 lease agreements.

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

23 (11) Notwithstanding the provisions of subsection (3),
24 the board of directors may by resolution appoint at-large
25 members to the board from the private sector, each of whom may
26 serve a 1-year term. At-large members shall not have voting
27 authority, nor may they have the powers and duties of other
28 ~~members of the board, except that they may not~~ serve on an
29 executive committee. An at-large member is eligible for
30 reappointment ~~but may not vote on his or her own~~
31 ~~reappointment~~. An at-large member shall be eligible to fill

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

3 Section 16. Subsection (2) of section 288.9015,
4 Florida Statutes, is amended to read:

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

6 (2) It shall be the responsibility of Enterprise
7 Florida, Inc., to aggressively market Florida's rural
8 communities and distressed urban communities as locations for
9 potential new investment, to aggressively assist in the
10 retention and expansion of existing businesses in these
11 communities, and to aggressively assist these communities in
12 the identification and development of new economic development
13 opportunities for job creation. Enterprise Florida, Inc.,
14 shall use and promote existing state programs to facilitate
15 the location of new investment, the retention and expansion of
16 existing businesses, and the identification and development of
17 new economic development opportunities for job creation. Such
18 programs include, but are not limited to: the Community
19 Contribution Tax Credit Program, as provided in ss. 220.183
20 and 624.5105; the Urban High-Crime Area Job Tax Credit Program
21 as provided in ss. 212.097 and 220.1895; the Rural Job Tax
22 Credit Program as provided in ss. 212.098 and 220.1895; and
23 the state incentives available in enterprise zones as provided
24 in s. 290.007.

25 Section 17. Section 288.980, Florida Statutes, is
26 amended to read:

27 288.980 Military base retention; legislative intent;
28 grants program.--

29 (1)(a) It is the intent of this state to provide the
30 necessary means to assist communities with military
31 installations that would be adversely affected by federal base

1 realignment or closure actions. It is further the intent to
2 encourage communities to initiate a coordinated program of
3 response and plan of action in advance of future actions of
4 the federal Base Realignment and Closure Commission. It is
5 critical that closure-vulnerable communities develop such a
6 program to preserve affected military installations. The
7 Legislature hereby recognizes that the state needs to
8 coordinate all efforts that can facilitate the retention of
9 all remaining military installations in the state. The
10 Legislature, therefore, declares that providing such
11 assistance to support the defense-related initiatives within
12 this section is a public purpose for which public money may be
13 used.

14 (b) The Florida Defense Alliance, an organization
15 within Enterprise Florida, is designated as the organization
16 to ensure that Florida, its resident military bases and
17 missions, and its military host communities are in competitive
18 positions as the United States continues its defense
19 realignment and downsizing. The defense alliance shall serve
20 as an overall advisory body for Enterprise Florida
21 defense-related activity. The Florida Defense Alliance may
22 receive funding from appropriations made for that purpose to
23 ~~administered by~~ the Office of Tourism, Trade, and Economic
24 Development and administered by Enterprise Florida, Inc.

25 (2)(a) The Office of Tourism, Trade, and Economic
26 Development is authorized to award grants based upon the
27 recommendation of Enterprise Florida, Inc., and for
28 administration by Enterprise Florida, Inc., from any funds
29 available to it to support activities related to the retention
30 of military installations potentially affected by federal base
31 closure or realignment.

1 (b) The term "activities" as used in this section
2 means studies, presentations, analyses, plans, and modeling.
3 Staff salaries are not considered an "activity" for which
4 grant funds may be awarded. Travel costs and costs incidental
5 thereto incurred by a grant recipient shall be considered an
6 "activity" for which grant funds may be awarded.

7 (c) Except for grants issued pursuant to the Florida
8 Military Installation Reuse Planning and Marketing Grant
9 Program as described in paragraph (3)(c), the amount of any
10 grant provided to an applicant may not exceed \$250,000. In
11 making recommendations to the Office of Tourism, Trade, and
12 Economic Development, Enterprise Florida, Inc., shall require
13 that an applicant:

14 1. Represent a local government with a military
15 installation or military installations that could be adversely
16 affected by federal base realignment or closure.

17 2. Agree to match at least 30 percent of any grant
18 awarded.

19 3. Prepare a coordinated program or plan of action
20 delineating how the eligible project will be administered and
21 accomplished.

22 4. Provide documentation describing the potential for
23 realignment or closure of a military installation located in
24 the applicant's community and the adverse impacts such
25 realignment or closure will have on the applicant's community.

26 (d) In making recommendations for grant awards,
27 Enterprise Florida, Inc.,~~the office~~ shall consider, at a
28 minimum, the following factors:

29 1. The relative value of the particular military
30 installation in terms of its importance to the local and state
31

1 economy relative to other military installations vulnerable to
2 closure.

3 2. The potential job displacement within the local
4 community should the military installation be closed.

5 3. The potential adverse impact on industries and
6 technologies which service the military installation.

7 (3) The Florida Economic Reinvestment Initiative is
8 established to respond to the need for this state and
9 defense-dependent communities in this state to develop
10 alternative economic diversification strategies to lessen
11 reliance on national defense dollars in the wake of base
12 closures and reduced federal defense expenditures and the need
13 to formulate specific base reuse plans and identify any
14 specific infrastructure needed to facilitate reuse. The
15 initiative shall consist of the following three distinct grant
16 programs to be administered by Enterprise Florida, Inc.~~the~~
17 ~~Office of Tourism, Trade, and Economic Development:~~

18 (a) The Florida Defense Planning Grant Program,
19 through which funds shall be used to analyze the extent to
20 which the state is dependent on defense dollars and defense
21 infrastructure and prepare alternative economic development
22 strategies. The state shall work in conjunction with
23 defense-dependent communities in developing strategies and
24 approaches that will help communities make the transition from
25 a defense economy to a nondefense economy. Grant awards may
26 not exceed \$250,000 per applicant and shall be available on a
27 competitive basis.

28 (b) The Florida Defense Implementation Grant Program,
29 through which funds shall be made available to
30 defense-dependent communities to implement the diversification
31 strategies developed pursuant to paragraph (a). Eligible

1 applicants include defense-dependent counties and cities, and
2 local economic development councils located within such
3 communities. Grant awards may not exceed \$100,000 per
4 applicant and shall be available on a competitive basis.
5 Awards shall be matched on a one-to-one basis.

6 (c) The Florida Military Installation Reuse Planning
7 and Marketing Grant Program, through which funds shall be used
8 to help counties, cities, and local economic development
9 councils develop and implement plans for the reuse of closed
10 or realigned military installations, including any necessary
11 infrastructure improvements needed to facilitate reuse and
12 related marketing activities.

13
14 Applications for grants under this subsection must include a
15 coordinated program of work or plan of action delineating how
16 the eligible project will be administered and accomplished,
17 which must include a plan for ensuring close cooperation
18 between civilian and military authorities in the conduct of
19 the funded activities and a plan for public involvement. The
20 director of the Office of Tourism, Trade, and Economic
21 Development shall make the final decision on all grant awards.

22 (4)(a) The Defense-Related Business Adjustment Program
23 is ~~hereby~~ created. Enterprise Florida, Inc., ~~The Director of~~
24 ~~the Office of Tourism, Trade, and Economic Development~~ shall
25 coordinate the development of the Defense-Related Business
26 Adjustment Program. Funds shall be available to assist
27 defense-related companies in the creation of increased
28 commercial technology development through investments in
29 technology. Such technology must have a direct impact on
30 critical state needs for the purpose of generating
31 investment-grade technologies and encouraging the partnership

1 of the private sector and government defense-related business
2 adjustment. The following areas shall receive precedence in
3 consideration for funding commercial technology development:
4 law enforcement or corrections, environmental protection,
5 transportation, education, and health care. Travel and costs
6 incidental thereto, and staff salaries, are not considered an
7 "activity" for which grant funds may be awarded.

8 (b) In making recommendations to the Office of
9 Tourism, Trade, and Economic Development for grant awards,
10 Enterprise Florida, Inc.,~~The office~~ shall require that an
11 applicant:

12 1. Be a defense-related business that could be
13 adversely affected by federal base realignment or closure or
14 reduced defense expenditures.

15 2. Agree to match at least 50 percent of any funds
16 awarded by the department in cash or in-kind services. Such
17 match shall be directly related to activities for which the
18 funds are being sought.

19 3. Prepare a coordinated program or plan delineating
20 how the funds will be administered.

21 4. Provide documentation describing how
22 defense-related realignment or closure will adversely impact
23 defense-related companies.

24 (5) The Retention of Military Installations Program is
25 created. The Director of the Office of Tourism, Trade, and
26 Economic Development shall coordinate and implement this
27 program. The sum of \$1.2 million is appropriated from the
28 General Revenue Fund for fiscal year 1999-2000 to the Office
29 of Tourism, Trade, and Economic Development to implement this
30 program for military installations located in counties with a
31 population greater than 824,000. The funds shall be used to

1 assist military installations potentially affected by federal
2 base closure or realignment in covering current operating
3 costs in an effort to retain the installation in this state.
4 An eligible military installation for this program shall
5 include a provider of simulation solutions for war-fighting
6 experimentation, testing, and training which employs at least
7 500 civilian and military employees and has been operating in
8 the state for a period of more than 10 years.

9 (6) The director of the Office of Tourism, Trade, and
10 Economic Development may award nonfederal matching funds
11 specifically appropriated for construction, maintenance, and
12 analysis of a Florida defense workforce database. Such funds
13 will be used to create a registry of worker skills that can be
14 used to match the worker needs of companies that are
15 relocating to this state or to assist workers in relocating to
16 other areas within this state where similar or related
17 employment is available.

18 (7) Payment of administrative expenses shall be
19 limited to no more than 10 percent of any grants issued
20 pursuant to this section.

21 (8) Enterprise Florida, Inc.,~~The Office of Tourism,~~
22 ~~Trade, and Economic Development~~ shall develop establish
23 guidelines to implement and carry out the purpose and intent
24 of this section. The Office of Tourism, Trade, and Economic
25 Development must approve the guidelines before their
26 implementation.

27 Section 18. Subsections (7), (8), and (12), paragraph
28 (h) of subsection (10), and paragraph (b) of subsection (14)
29 of section 288.99, Florida Statutes, are amended to read:

30 288.99 Certified Capital Company Act.--
31

1 (7) ANNUAL TAX CREDIT; MAXIMUM AMOUNT; ALLOCATION
2 PROCESS.--

3 (a) The total amount of tax credits which may be
4 allocated by the office or the department shall not exceed
5 \$150 million. The total amount of tax credits which may be
6 used by certified investors under this act shall not exceed
7 \$15 million annually.

8 (b) The office shall be responsible for allocating
9 premium tax credits as provided for in this act to certified
10 capital companies.

11 (c) Each certified capital company must apply to the
12 office for an allocation of premium tax credits for potential
13 certified investors by March 15, 1999, on a form developed by
14 the office with the cooperation of the Department of Revenue.
15 The form shall be accompanied by an affidavit from each
16 potential certified investor confirming that the potential
17 certified investor has agreed to make an investment of
18 certified capital in a certified capital company up to a
19 specified amount, subject only to the receipt of a premium tax
20 credit allocation pursuant to this subsection. No allocation
21 shall be made to the potential investors of a certified
22 capital company unless such certified capital company has
23 filed premium tax allocation claims that would result in an
24 allocation to the potential investors in such certified
25 capital company of not less than \$15 million in the aggregate.

26 (d) On or before April 1, 1999, the office shall
27 inform each certified capital company of its share of total
28 premium tax credits available for allocation to each of its
29 potential investors.

30 (e) If a certified capital company does not receive
31 certified capital equaling the amount of premium tax credits

1 allocated to a potential certified investor for which the
2 investor filed a premium tax allocation claim within 10
3 business days after the investor received a notice of
4 allocation, the certified capital company shall notify the
5 department ~~office~~ by overnight common carrier delivery service
6 of the company's failure to receive the capital. That portion
7 of the premium tax credits allocated to the certified capital
8 company shall be forfeited. If the department ~~office~~ must
9 make a pro rata allocation under paragraph (f), the department
10 ~~office~~ shall reallocate such available credits among the other
11 certified capital companies on the same pro rata basis as the
12 initial allocation.

13 (f) If the total amount of capital committed by all
14 certified investors to certified capital companies in premium
15 tax allocation claims exceeds the aggregate cap on the amount
16 of credits that may be awarded, the premium tax credits that
17 may be allowed to any one certified investor shall be
18 allocated using the following ratio:

19
20
21

$$A/B = X/\$150,000,000$$

22 where the letter "A" represents the total amount of certified
23 capital certified investors have agreed to invest in any one
24 certified capital company, the letter "B" represents the
25 aggregate amount of certified capital that all certified
26 investors have agreed to invest in all certified capital
27 companies, the letter "X" is the numerator and represents the
28 total amount of premium tax credits and certified capital that
29 may be allocated to a certified capital company in calendar
30 year 1999, and \$150 million is the denominator and represents
31 the total amount of premium tax credits and certified capital

1 that may be allocated to all certified investors in calendar
2 year 1999. Any such premium tax credits are not first
3 available for utilization until annual filings are made in
4 2001 for calendar year 2000, and the tax credits may be used
5 at a rate not to exceed 10 percent annually.

6 (g) The maximum amount of certified capital for which
7 premium tax allocation claims may be filed on behalf of any
8 certified investor and its affiliates by one or more certified
9 companies may not exceed \$15 million.

10 (h) To the extent that less than \$150 million in
11 certified capital is raised in connection with the procedure
12 set forth in paragraphs (c)-(g), the department may adopt
13 rules to allow a subsequent allocation of the remaining
14 premium tax credits authorized under this section.

15 (8) ANNUAL TAX CREDIT; CLAIM PROCESS.--

16 (a) On an annual basis, on or before December 31, each
17 certified capital company shall file with the department ~~and~~
18 ~~the office~~, in consultation with the department, on a form
19 prescribed by the department office, for each calendar year:

20 1. The total dollar amount the certified capital
21 company received from certified investors, the identity of the
22 certified investors, and the amount received from each
23 certified investor during the calendar year.

24 2. The total dollar amount the certified capital
25 company invested and the amount invested in qualified
26 businesses, together with the identity and location of those
27 businesses and the amount invested in each qualified business.

28 3. For informational purposes only, the total number
29 of permanent, full-time jobs either created or retained by the
30 qualified business during the calendar year, the average wage
31 of the jobs created or retained, the industry sectors in which

1 the qualified businesses operate, and any additional capital
2 invested in qualified businesses from sources other than
3 certified capital companies.

4 (b) The form shall be verified by one or more
5 principals of the certified capital company submitting the
6 form. Verification shall be accomplished as provided in s.
7 92.525(1)(b) and subject to the provisions of s. 92.525(3).

8 (c) The department ~~office~~ shall review the form, and
9 any supplemental documentation, submitted by each certified
10 capital company for the purpose of verifying:

11 1. That the businesses in which certified capital has
12 been invested by the certified capital company are in fact
13 qualified businesses, and that the amount of certified capital
14 invested by the certified capital company is as represented in
15 the form.

16 2. The amount of certified capital invested in the
17 certified capital company by the certified investors.

18 3. The amount of premium tax credit available to
19 certified investors.

20 (d) The Department of Revenue is authorized to audit
21 and examine the accounts, books, or records of certified
22 capital companies and certified investors for the purpose of
23 ascertaining the correctness of any report and financial
24 return which has been filed, and to ascertain a certified
25 capital company's compliance with the tax-related provisions
26 of this act.

27 (e) This subsection shall take effect January 1, 1999.

28 (10) DECERTIFICATION.--

29 (h) The department ~~office~~ shall send written notice to
30 the address of each certified investor whose premium tax
31

1 credit has been subject to recapture or forfeiture, using the
2 address last shown on the last premium tax filing.

3 (12) REPORTING REQUIREMENTS.--The department ~~office~~
4 shall report annually ~~on an annual basis~~ to the Governor, the
5 President of the Senate, and the Speaker of the House of
6 Representatives on or before April 1:

7 (a) The total dollar amount each certified capital
8 company received from all certified investors and any other
9 investor, the identity of the certified investors, and the
10 total amount of premium tax credit used by each certified
11 investor for the previous calendar year.

12 (b) The total dollar amount invested by each certified
13 capital company and that portion invested in qualified
14 businesses, the identity and location of those businesses, the
15 amount invested in each qualified business, and the total
16 number of permanent, full-time jobs created or retained by
17 each qualified business.

18 (c) The return for the state as a result of the
19 certified capital company investments, including the extent to
20 which:

21 1. Certified capital company investments have
22 contributed to employment growth.

23 2. The wage level of businesses in which certified
24 capital companies have invested exceed the average wage for
25 the county in which the jobs are located.

26 3. The investments of the certified capital companies
27 in qualified businesses have contributed to expanding or
28 diversifying the economic base of the state.

29 (14) RULEMAKING AUTHORITY.--

30 (b) The department office may adopt any rules
31 necessary to carry out its duties, obligations, and powers

1 related to the administration, review, and reporting
2 provisions of this section and may perform any other acts
3 necessary for the proper administration and enforcement of
4 such duties, obligations, and powers.

5 Section 19. Subsection (6) of section 373.4149,
6 Florida Statutes, is amended to read:

7 373.4149 Miami-Dade County Lake Belt Plan.--

8 (6) The Miami-Dade County Lake Belt Plan
9 Implementation Committee shall be appointed by the governing
10 board of the South Florida Water Management District to
11 develop a strategy for the design and implementation of the
12 Miami-Dade County Lake Belt Plan. The committee shall consist
13 of the chair of the governing board of the South Florida Water
14 Management District, who shall serve as chair of the
15 committee, the policy director of Environmental and Growth
16 Management in the office of the Governor, the secretary of the
17 Department of Environmental Protection, the director of the
18 Division of Water Facilities or its successor division within
19 the Department of Environmental Protection, ~~the director of~~
20 ~~the Office of Tourism, Trade, and Economic Development within~~
21 ~~the office of the Governor,~~ the secretary of the Department of
22 Community Affairs, the executive director of the Game and
23 Freshwater Fish Commission, the director of the Department of
24 Environmental Resource Management of Miami-Dade County, the
25 director of the Miami-Dade County Water and Sewer Department,
26 the Director of Planning in Miami-Dade County, a
27 representative of the Friends of the Everglades, a
28 representative of the Florida Audubon Society, a
29 representative of the Florida chapter of the Sierra Club, four
30 representatives of the nonmining private landowners within the
31 Miami-Dade County Lake Belt Area, and four representatives

1 from the limestone mining industry to be appointed by the
2 governing board of the South Florida Water Management
3 District. Two ex officio seats on the committee will be filled
4 by one member of the Florida House of Representatives to be
5 selected by the Speaker of the House of Representatives from
6 among representatives whose districts, or some portion of
7 whose districts, are included within the geographical scope of
8 the committee as described in subsection (3), and one member
9 of the Florida Senate to be selected by the President of the
10 Senate from among senators whose districts, or some portion of
11 whose districts, are included within the geographical scope of
12 the committee as described in subsection (3). The committee
13 may appoint other ex officio members, as needed, by a majority
14 vote of all committee members. A committee member may
15 designate in writing an alternate member who, in the member's
16 absence, may participate and vote in committee meetings.

17 Section 20. The Institute of Food and Agricultural
18 sciences at the University of Florida is authorized to enter
19 into contracts with the U.S. Department of Agriculture and may
20 receive grants of money to support the Florida State Rural
21 Development Council.

22 Section 21. Section 288.039, Florida Statutes, is
23 repealed.

24 Section 22. This act shall take effect July 1, 2000.
25
26
27
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Revises numerous provisions relating to economic development. Transfers responsibilities for various economic-development programs from the Office of Tourism, Trade, and Economic Development. Provides additional responsibilities of Enterprise Florida, Inc., with respect to economic-development enterprises. Delegates responsibility for certain sports-related enterprises to the direct-support organization for athletic enterprises. Transfers an advisory committee on recycling to the Department of Environmental Protection. Provides that the Governor may designate another person in his stead to serve as chairman of the Florida Commission on Tourism. Provides for the president of the Florida Tourism Marketing Corporation to serve at the pleasure of the Governor. Renames the Office of the Film Commissioner as the Governor's Office of Film and Entertainment. Transfers responsibilities with respect to the Certified Capital Company Act from the Office of Tourism, Trade, and Economic Development to the Department of Banking and Finance. Authorizes the Institute of Food and Agricultural Sciences to contract with the U.S. Department of Agriculture and to receive grants for rural development.