

By the Committee on Economic Development & International Trade and Representatives Prieguez, Wilson, Meadows, Kilmer, Betancourt, Mahon, Pickens, Carassas, Atwater, Harper and Benson

1 A bill to be entitled
2 An act relating to economic development;
3 amending s. 212.13, F.S.; requiring freight
4 forwarders to provide warehouse receipts or
5 copies of airway bills or bills of lading for
6 certain purposes; providing receipt
7 requirements; requiring freight forwarders to
8 maintain certain records for a time certain;
9 providing for effect of such documentation;
10 providing a misdemeanor penalty for failing to
11 provide such documentation or maintain certain
12 records; amending s. 288.012, F.S.; revising
13 reporting requirements for State of Florida
14 foreign offices under contract with Enterprise
15 Florida, Inc.; amending s. 288.095, F.S.;
16 revising a limit on refunds that may be made in
17 a fiscal year; amending s. 288.90151, F.S.;
18 revising provisions relating to a report on
19 customer satisfaction surveys; revising
20 provisions relating to the development of a
21 methodology for establishing and reporting on
22 returns on investments; amending s. 288.905,
23 F.S.; revising the due date for the submission
24 of a strategic plan for economic development;
25 amending s. 288.906, F.S.; requiring entities
26 with authority to audit Enterprise Florida,
27 Inc., to coordinate audits with the Auditor
28 General; providing effective dates.
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30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Effective January 1, 2002, subsection (1)
2 of section 212.13, Florida Statutes, is amended to read:

3 212.13 Records required to be kept; power to inspect;
4 audit procedure.--

5 (1)(a) For the purpose of enforcing the collection of
6 the tax levied by this chapter, the department is hereby
7 specifically authorized and empowered to examine at all
8 reasonable hours the books, records, and other documents of
9 all transportation companies, agencies, or firms that conduct
10 their business by truck, rail, water, aircraft, or otherwise,
11 in order to determine what dealers, or other persons charged
12 with the duty to report or pay a tax under this chapter, are
13 importing or are otherwise shipping in articles or tangible
14 personal property which are liable for said tax. In the event
15 said transportation company, agency, or firm refuses to permit
16 such examination of its books, records, or other documents by
17 the department as aforesaid, it is guilty of a misdemeanor of
18 the first degree, punishable as provided in s. 775.082 or s.
19 775.083. If, however, any subsequent offense involves
20 intentional destruction of such records with an intent to
21 evade payment of or deprive the state of any tax revenues,
22 such subsequent offense shall be a felony of the third degree,
23 punishable as provided in s. 775.082 or s. 775.083. The
24 department shall have the right to proceed in any chancery
25 court to seek a mandatory injunction or other appropriate
26 remedy to enforce its right against the offender, as granted
27 by this section, to require an examination of the books and
28 records of such transportation company or carrier.

29 (b) Each freight forwarder operating in this state
30 shall provide a warehouse receipt for any tangible personal
31 property received from any person for the purpose of

1 transporting such property outside this state by air or water.
2 The warehouse receipt shall be provided to the person who
3 engages the freight forwarder to arrange such transportation
4 at the time the tangible personal property is delivered to the
5 freight forwarder. The warehouse receipt shall contain the
6 name, address, and telephone number of the freight forwarder,
7 a preprinted warehouse receipt number, the date the property
8 was delivered to the freight forwarder, and a brief
9 description of the tangible personal property. Within 2 weeks
10 after the date the freight forwarder receives the airway bill
11 or bill of lading from the transportation company with whom
12 the freight forwarder has contracted to transport the tangible
13 personal property, the freight forwarder shall mail or deliver
14 the airway bill or bill of lading to the person for whom the
15 freight forwarder arranged transportation of the tangible
16 personal property. The warehouse receipt and airway bill or
17 bill of lading shall constitute evidence that the tangible
18 personal property was sold in a sale for export under s.
19 212.06(5)(a). A freight forwarder shall maintain a copy of
20 each such warehouse receipt, airway bill, and bill of lading
21 in its own records for a period of 3 years. Any freight
22 forwarder who fails to provide the documentation required by
23 this paragraph to a person who arranges air or water
24 transportation of tangible personal property through the
25 freight forwarder or who fails to maintain such required
26 documentation in its records as provided in this paragraph
27 commits a misdemeanor of the second degree, punishable as
28 provided in s. 775.082 or s. 775.083.

29 Section 2. Subsections (4), (5), and (6) of section
30 288.012, Florida Statutes, are renumbered as subsections (5),
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1 (6), and (7), respectively, and new subsection (4) is added to
2 said section to read:

3 288.012 State of Florida foreign offices.--The
4 Legislature finds that the expansion of international trade
5 and tourism is vital to the overall health and growth of the
6 economy of this state. This expansion is hampered by the lack
7 of technical and business assistance, financial assistance,
8 and information services for businesses in this state. The
9 Legislature finds that these businesses could be assisted by
10 providing these services at State of Florida foreign offices.
11 The Legislature further finds that the accessibility and
12 provision of services at these offices can be enhanced through
13 cooperative agreements or strategic alliances between state
14 entities, local entities, foreign entities, and private
15 businesses.

16 (4) By December 1 of each year, as part of the annual
17 report with Enterprise Florida, Inc., each foreign office
18 under contract with Enterprise Florida, Inc., shall submit to
19 the Office of Tourism, Trade, and Economic Development a
20 complete and detailed report of its activities and
21 accomplishments during the preceding fiscal year. In a format
22 provided by Enterprise Florida, Inc., the report shall set
23 forth the following information:

24 (a) The number of Florida companies assisted.

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

27 (c) The number of trade leads generated.

28 (d) The number of investment projects announced.

29 (e) The estimated United States dollar value of sales
30 confirmations.

31 (f) The number of representation agreements.

- 1 (g) The number of company consultations.
2 (h) Barriers or other issues affecting the effective
3 operation of the office.
4 (i) Changes in office operations which are planned for
5 the current fiscal year.
6 (j) Marketing activities conducted.
7 (k) Strategic alliances formed with organizations in
8 the country in which the office is located.
9 (l) Activities conducted with other Florida foreign
10 offices.
11 (m) Any other information that the office believes
12 would contribute to an understanding of its activities.

13 Section 3. Paragraph (a) of subsection (3) of section
14 288.095, Florida Statutes, is amended to read:

15 288.095 Economic Development Trust Fund.--

16 (3)(a) The Office of Tourism, Trade, and Economic
17 Development may approve applications for certification
18 pursuant to ss. 288.1045(3) and 288.106. However, the total
19 state share of tax refund payments scheduled in all active
20 certifications for fiscal year 2000-2001 shall not exceed \$24
21 million. The state share of tax refund payments scheduled in
22 all active certifications for fiscal year 2001-2002 ~~and each~~
23 ~~subsequent year~~ shall not exceed \$30 million and for fiscal
24 year 2002-2003 and each subsequent fiscal year shall not
25 exceed \$35 million.

26 Section 4. Subsection (8) of section 288.90151,
27 Florida Statutes, is amended to read:

28 288.90151 Return on investment from activities of
29 Enterprise Florida, Inc.--

30 (8) Enterprise Florida, Inc., in consultation with the
31 Office of Program Policy Analysis and Government

1 Accountability, shall hire an economic analysis ~~a private~~
2 ~~accounting~~ firm to develop the methodology for establishing
3 and reporting return-on-investment ~~and in-kind contributions~~
4 as described in this section and a survey firm to develop,
5 analyze, and report on the results of the
6 customer-satisfaction survey. The Office of Program Policy
7 Analysis and Government Accountability shall review and offer
8 feedback on the methodology before it is implemented. The
9 firms used to satisfy such requirements ~~private accounting~~
10 ~~firm~~ shall certify whether the applicable statements in the
11 annual report comply with this subsection.

12 Section 5. Subsection (2) of section 288.905, Florida
13 Statutes, is amended to read:

14 288.905 Duties of the board of directors of Enterprise
15 Florida, Inc.--

16 (2) The board of directors shall, in conjunction with
17 the Office of Tourism, Trade, and Economic Development, the
18 Office of Urban Opportunities, and local and regional economic
19 development partners, develop a strategic plan for economic
20 development for the State of Florida. Such plan shall be
21 submitted to the Governor, the President of the Senate, the
22 Speaker of the House of Representatives, the Senate Minority
23 Leader, and the House Minority Leader and shall be updated or
24 modified before January 31 ~~±~~ of each year. The plan must be
25 approved by the board of directors prior to submission to the
26 Governor and Legislature.

27 Section 6. Paragraph (c) is added to subsection (2) of
28 section 288.906, Florida Statutes, to read:

29 288.906 Annual report of Enterprise Florida, Inc. ;
30 audits; confidentiality.--

31 (2)

1 (c) During each fiscal year, state entities with
2 authority to audit Enterprise Florida, Inc., shall coordinate
3 with the Auditor General so that a single state audit of the
4 activities of Enterprise Florida, Inc., for the prior year is
5 conducted. Any additional audit must be specifically
6 authorized by the Joint Legislative Auditing Committee.

7 Section 7. Except as otherwise provided herein, this
8 act shall take effect upon becoming a law.

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HOUSE SUMMARY

Revises economic development provisions relating to freight forwarders' required warehouse information and records maintenance, reporting requirements for State of Florida foreign offices under contract with Enterprise Florida, Inc., limits on refunds that may be made in a fiscal year, reports on customer satisfaction surveys, development of a methodology for establishing and reporting on returns on investments, the due date for the submission of a strategic plan for economic development, and entities with authority to audit Enterprise Florida, Inc., coordinating audits with the Auditor General. See bill for details.