

By the Committee on Appropriations; and Senator Webster

309-2353-04

1                                   A bill to be entitled  
2           An act relating to the Office of Tourism,  
3           Trade, and Economic Development; transferring  
4           the programs, functions, powers, duties, rules,  
5           records, personnel, property, and balances of  
6           appropriations and other funds of the  
7           Intergovernmental Relations Foundation and the  
8           Organization of American States from the  
9           Department of State to the Office of Tourism,  
10          Trade, and Economic Development within the  
11          Executive Office of the Governor; repealing s.  
12          15.17, F.S., relating to the Organization of  
13          American States; amending s. 14.2015, F.S.,  
14          relating to the powers and duties of the Office  
15          of Tourism, Trade, and Economic Development, to  
16          conform; amending s. 288.063, F.S.; revising  
17          requirements for the office in approving  
18          projects and expenditures and in allocating  
19          funds for transportation projects to expand and  
20          retain employment opportunities in the state;  
21          deleting obsolete provisions; amending ss.  
22          288.809 and 288.816, F.S., relating to the  
23          Florida Intergovernmental Relations Foundation;  
24          conforming provisions to the transfer of  
25          programs and duties made by the act; providing  
26          an effective date.

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

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30           Section 1. The following programs, functions, and  
31 activities, including all statutory powers, duties, functions,

1 rules, records, personnel, property, and unexpended balances  
2 of appropriations, allocations, and other funds associated  
3 with the identified program, function, or activity are  
4 transferred intact by a type two transfer, as defined in  
5 section 20.06(2), Florida Statutes, from the Department of  
6 State to the Office of Tourism, Trade, and Economic  
7 Development within the Executive Office of the Governor:

8 (1) The Intergovernmental Relations Foundation, as  
9 authorized and governed by section 288.809, Florida Statutes;

10 (2) Intergovernmental relations, as authorized and  
11 governed by section 288.816, Florida Statutes; and

12 (3) The Organization of American States, as authorized  
13 and governed by section 15.17, Florida Statutes.

14 Section 2. Section 15.17, Florida Statutes, is  
15 repealed.

16 Section 3. Subsection (10) is added to section  
17 14.2015, Florida Statutes, to read:

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

20 (10) The Office of Tourism, Trade, and Economic  
21 Development may provide assistance and facilities to the  
22 Organization of American States in establishing and  
23 maintaining a regional headquarters in this state.

24 Section 4. Subsections (1), (3), (6), (10), and (11)  
25 of section 288.063, Florida Statutes, are amended to read:

26 288.063 Contracts for transportation projects.--

27 (1) The Office of Tourism, Trade, and Economic  
28 Development is authorized to make, and based on a  
29 recommendation from Enterprise Florida, Inc., and the  
30 Department of Transportation, to approve, expenditures and  
31 enter into contracts for direct costs of transportation

1 projects with the appropriate governmental body. The Office of  
2 Tourism, Trade, and Economic Development has final approval  
3 authority for any project under this section.

4 (3) With respect to any contract executed pursuant to  
5 this section, the term "transportation project" means a  
6 transportation facility as defined in s. 334.03(31) which is  
7 necessary in the judgment of the Office of Tourism, Trade, and  
8 Economic Development to facilitate the economic development  
9 and growth of the state. Except for applications received  
10 prior to July 1, 1996, such transportation projects shall be  
11 approved only as a consideration to attract new employment  
12 opportunities to the state or expand or retain employment in  
13 existing companies operating within the state, or to allow for  
14 the construction or expansion of a state or federal  
15 correctional facility in a county with a population of 75,000  
16 or less that creates new employment opportunities or expands  
17 or retains employment in the county. The Office of Tourism,  
18 Trade, and Economic Development shall institute procedures to  
19 ensure that small and minority businesses have equal access to  
20 funding provided under this section. Funding for approved  
21 transportation projects may include any expenses, other than  
22 administrative costs and equipment purchases specified in the  
23 contract, necessary for new, or improvement to existing,  
24 transportation facilities. Funds made available pursuant to  
25 this section may not be expended in connection with the  
26 relocation of a business from one community to another  
27 community in this state unless the Office of Tourism, Trade,  
28 and Economic Development determines that without such  
29 relocation the business will move outside this state or  
30 determines that the business has a compelling economic  
31 rationale for the relocation which creates additional jobs. A

1 portion of the funds appropriated under this section shall  
2 initially be allocated to each of the districts of the  
3 Department of Transportation to ensure equitable geographical  
4 distribution. Funds remaining uncommitted by the third quarter  
5 of the fiscal year may be reallocated among districts based on  
6 pending project requests.

7           (6) The Department of Transportation shall review  
8 proposed projects to ensure proper coordination with  
9 transportation projects included in the adopted work program  
10 and shall ~~may~~ be the contracting agency when the project is on  
11 the State Highway System. In addition, upon request by the  
12 appropriate governmental body, the department may advise and  
13 assist it or plan and construct other such transportation  
14 projects for it.

15           ~~(10)(a) Notwithstanding the provisions of s. 216.301,~~  
16 ~~funds appropriated for this purpose shall not be subject to~~  
17 ~~reversion.~~

18           ~~(b) For the 2003-2004 fiscal year only and~~  
19 ~~notwithstanding paragraph (a), funds appropriated for this~~  
20 ~~purpose in previous years are subject to the reversion~~  
21 ~~requirements of s. 216.301. This paragraph expires July 1,~~  
22 ~~2004.~~

23           (10)(11) In addition to the other provisions of this  
24 section, projects that the Legislature deems necessary to  
25 facilitate the economic development and growth of the state  
26 may be designated and funded in the General Appropriations  
27 Act. Such transportation projects create new employment  
28 opportunities, expand transportation infrastructure, improve  
29 mobility, or increase transportation innovation. The Office of  
30 Tourism, Trade, and Economic Development shall enter into  
31 contracts with, and make expenditures to, the appropriate

1 entities for the costs of transportation projects designated  
2 in the General Appropriations Act. ~~This subsection expires~~  
3 ~~July 1, 2003.~~

4 Section 5. Paragraph (a) of subsection (1) and  
5 subsections (2) and (3) of section 288.809, Florida Statutes,  
6 are amended to read:

7 288.809 Florida Intergovernmental Relations  
8 Foundation; use of property; board of directors; audit.--

9 (1) DEFINITIONS.--For the purposes of this section,  
10 the term:

11 (a) "Florida Intergovernmental Relations Foundation"  
12 means a direct-support organization:

13 1. Which is a corporation not for profit that is  
14 incorporated under the provisions of chapter 617 and approved  
15 by the Department of State;

16 2. Which is organized and operated exclusively to  
17 solicit, receive, hold, invest, and administer property and,  
18 subject to the approval of the Office of Tourism, Trade, and  
19 Economic Development ~~Department of State~~, to make expenditures  
20 to or for the promotion of intergovernmental relations  
21 programs; and

22 3. Which the Office of Tourism, Trade, and Economic  
23 Development ~~Department of State~~, after review, has certified  
24 to be operating in a manner consistent with the policies and  
25 goals of the Office of Tourism, Trade, and Economic  
26 Development ~~department~~.

27 (2) USE OF PROPERTY.--The Office of Tourism, Trade,  
28 and Economic Development ~~department~~:

29 (a) Is authorized to permit the use of property,  
30 facilities, and personal services of the Office of Tourism,  
31

1 Trade, and Economic Development ~~department~~ by the foundation,  
2 subject to the provisions of this section.

3 (b) Shall prescribe conditions with which the  
4 foundation must comply in order to use property, facilities,  
5 or personal services of the Office of Tourism, Trade, and  
6 Economic Development ~~department~~. Such conditions shall provide  
7 for budget and audit review and for oversight by the Office of  
8 Tourism, Trade, and Economic Development ~~department~~.

9 (c) Shall not permit the use of property, facilities,  
10 or personal services of the foundation if the foundation does  
11 not provide equal employment opportunities to all persons,  
12 regardless of race, color, national origin, sex, age, or  
13 religion.

14 (3) BOARD OF DIRECTORS.--The board of directors of the  
15 foundation shall be composed of seven members appointed by the  
16 Office of Tourism, Trade, and Economic Development ~~Secretary~~  
17 ~~of State~~, of whom no more than three shall be employees or  
18 elected officials of the state.

19 Section 6. Section 288.816, Florida Statutes, is  
20 amended to read:

21 288.816 Intergovernmental relations.--

22 (1) The Office of Tourism, Trade, and Economic  
23 Development ~~Secretary of State~~ shall be responsible for  
24 consular operations and the sister city and sister state  
25 program and shall serve as liaison with foreign, federal, and  
26 other state international organizations and with county and  
27 municipal governments in Florida.

28 (2) The Office of Tourism, Trade, and Economic  
29 Development ~~secretary~~ shall be responsible for all consular  
30 relations between the state and all foreign governments doing  
31 business in Florida. The Office of Tourism, Trade, and

1 Economic Development ~~secretary~~ shall monitor United States  
2 laws and directives to ensure that all federal treaties  
3 regarding foreign privileges and immunities are properly  
4 observed. The Office of Tourism, Trade, and Economic  
5 Development ~~secretary~~ shall adopt ~~promulgate~~ rules that ~~which~~  
6 shall:

7 (a) Establish a viable system of registration for  
8 foreign government officials residing or having jurisdiction  
9 in the state. Emphasis shall be placed on maintaining active  
10 communication between the Office of Tourism, Trade, and  
11 Economic Development ~~secretary~~ and the United States  
12 Department of State in order to be currently informed  
13 regarding foreign governmental personnel stationed in, or with  
14 official responsibilities for, Florida. Active dialogue shall  
15 also be maintained with foreign countries which historically  
16 have had dealings with Florida in order to keep them informed  
17 of the proper procedure for registering with the state.

18 (b) Maintain and systematically update a current and  
19 accurate list of all such foreign governmental officials,  
20 consuls, or consulates.

21 (c) Issue certificates to such foreign governmental  
22 officials after verification pursuant to proper investigations  
23 through United States Department of State sources and the  
24 appropriate foreign government.

25 (d) Verify entitlement to sales and use tax exemptions  
26 pursuant to United States Department of State guidelines and  
27 identification methods.

28 (e) Verify entitlement to issuance of special motor  
29 vehicle license plates by the Division of Motor Vehicles of  
30 the Department of Highway Safety and Motor Vehicles to  
31 honorary consuls or such other officials representing foreign

1 governments who are not entitled to issuance of special Consul  
2 Corps license plates by the United States Government.

3 (f) Establish a system of communication to provide all  
4 state and local law enforcement agencies with information  
5 regarding proper procedures relating to the arrest or  
6 incarceration of a foreign citizen.

7 (g) Request the Department of Law Enforcement to  
8 provide transportation and protection services when necessary  
9 pursuant to s. 943.68.

10 (h) Coordinate, when necessary, special activities  
11 between foreign governments and Florida state and local  
12 governments. These may include Consular Corps Day, Consular  
13 Corps conferences, and various other social, cultural, or  
14 educational activities.

15 (i) Notify all newly arrived foreign governmental  
16 officials of the services offered by the Office of Tourism,  
17 Trade, and Economic Development ~~secretary~~.

18 (3) The Office of Tourism, Trade, and Economic  
19 Development ~~Secretary of State~~ shall operate the sister city  
20 and sister state program and establish such new programs as  
21 needed to further global understanding through the interchange  
22 of people, ideas, and culture between Florida and the world.  
23 To accomplish this purpose, the Office of Tourism, Trade, and  
24 Economic Development ~~secretary~~ shall have the power and  
25 authority to:

26 (a) Coordinate and carry out activities designed to  
27 encourage the state and its subdivisions to participate in  
28 sister city and sister state affiliations with foreign  
29 countries and their subdivisions. Such activities may include  
30 a State of Florida sister cities conference.

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1           (b) Encourage cooperation with and disseminate  
2 information pertaining to the Sister Cities International  
3 Program and any other program whose object is to promote  
4 linkages with foreign countries and their subdivisions.

5           (c) Maximize any aid available from all levels of  
6 government, public and private agencies, and other entities to  
7 facilitate such activities.

8           (d) Establish a viable system of registration for  
9 sister city and sister state affiliations between the state  
10 and foreign countries and their subdivisions. Such system  
11 shall include a method to determine that sufficient ties are  
12 properly established as well as a method to supervise how  
13 these ties are maintained.

14           (e) Maintain a current and accurate listing of all  
15 such affiliations. Sister city affiliations shall not be  
16 discouraged between the state and any country specified in s.  
17 620(f)(1) of the federal Foreign Assistance Act of 1961, as  
18 amended, with whom the United States is currently conducting  
19 diplomatic relations unless a mandate from the United States  
20 Government expressly prohibits such affiliations.

21           (4) The Office of Tourism, Trade, and Economic  
22 Development ~~Secretary of State~~ shall serve as a contact for  
23 the state with the Florida Washington Office, the Florida  
24 Congressional Delegation, and United States Government  
25 agencies with respect to laws or policies which may affect the  
26 interests of the state in the area of international relations.  
27 All inquiries received regarding international economic trade  
28 development or reverse investment opportunities shall be  
29 referred to Enterprise Florida, Inc. In addition, the Office  
30 of Tourism, Trade, and Economic Development ~~secretary~~ shall  
31 serve as liaison with other states with respect to

1 international programs of interest to Florida. The Office of  
2 Tourism, Trade, and Economic Development ~~secretary~~ shall also  
3 investigate and make suggestions regarding possible areas of  
4 joint action or regional cooperation with these states.

5 (5) The Office of Tourism, Trade, and Economic  
6 Development ~~Secretary of State~~ shall have the power and duty  
7 to encourage the relocation to Florida of consular offices and  
8 multilateral and international agencies and organizations.

9 (6) The Office of Tourism, Trade, and Economic  
10 Development ~~Secretary of State~~, through membership on the  
11 board of directors of Enterprise Florida, Inc., shall help to  
12 contribute an international perspective to the state's  
13 development efforts.

14 Section 7. This act shall take effect July 1, 2004.

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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
17 COMMITTEE SUBSTITUTE FOR  
18 Senate Bill 1284

19 The committee substitute provides statutory changes necessary  
20 to conform to the proposed committee bill for the General  
21 Appropriations Act for Fiscal Year 2004-2005. Specifically,  
the proposed committee substitute:

- 22 - Transfers certain international programs from the  
Department of State to the Office of Tourism, Trade, and  
23 Economic Development within the Executive Office of the  
Governor by type two transfer and makes conforming  
24 statutory changes; and
- 25 - Modifies the current statutory process for the selection  
of Economic Development Transportation projects and the  
26 associated allocation of appropriations, providing for a  
greater involvement by the Department of Transportation.