

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1855

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.  
.
.  
.

The Conference Committee on HB 1855 offered the following:

**Conference Committee Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. The following programs, functions, and activities are hereby transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of State to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor:

(1) The provision of assistance and facilities to the Organization of American States, as authorized and governed by s. 15.17, Florida Statutes, as that section exists on June 30, 2004.

(2) State protocol officer functions, as authorized and governed by s. 15.19, Florida Statutes, as that section exists on June 30, 2004.

213585

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1855

Amendment No. (for drafter's use only)

17       (3) International development outreach activities in Latin  
18 America and the Caribbean Basin, as authorized and governed by  
19 s. 288.0251, Florida Statutes.

20       (4) The Florida Intergovernmental Relations Foundation, as  
21 authorized and governed by s. 288.809, Florida Statutes.

22       (5) Intergovernmental relations functions, as authorized  
23 and governed by s. 288.816, Florida Statutes.

24  
25 Notwithstanding s. 20.06(2), Florida Statutes, trust funds  
26 associated with these programs, functions, and activities shall  
27 remain within the Department of State.

28       Section 2. Linkage institutes between postsecondary  
29 institutions in this state and foreign countries, as authorized  
30 and governed by s. 288.8175, Florida Statutes, are hereby  
31 transferred by a type two transfer, as defined in s. 20.06(2),  
32 Florida Statutes, from the Department of State to the Department  
33 of Education. Notwithstanding s. 20.06(2), Florida Statutes,  
34 trust funds associated with these institutes shall remain within  
35 the Department of State.

36       Section 3. Subsections (10) and (11) are added to section  
37 14.2015, Florida Statutes, to read:

38       14.2015 Office of Tourism, Trade, and Economic  
39 Development; creation; powers and duties.--

40       (10) The Director of the Office of Tourism, Trade, and  
41 Economic Development shall serve as the state protocol officer.  
42 In consultation with the Governor and other governmental  
43 officials, the Director of the Office of Tourism, Trade, and

213585

Amendment No. (for drafter's use only)

44 Economic Development shall develop, maintain, publish, and  
 45 distribute the state protocol manual.

46 (11) The Legislature authorizes the Office of Tourism,  
 47 Trade, and Economic Development to provide assistance and  
 48 facilities to the Organization of American States in  
 49 establishing and maintaining a regional headquarters in this  
 50 state.

51 Section 4. Sections 15.17 and 15.19, Florida Statutes, are  
 52 repealed.

53 Section 5. Subsections (1) and (2) of section 15.182,  
 54 Florida Statutes, are amended to read:

55 15.182 International travel by state-funded musical,  
 56 cultural, or artistic organizations; notification to Office of  
 57 Tourism, Trade, and Economic Development Department of State.--

58 (1) If a musical, cultural, or artistic organization that  
 59 receives state funding is traveling internationally for a  
 60 presentation, performance, or other significant public viewing,  
 61 including an organization associated with a college or  
 62 university, such organization shall notify the Office of  
 63 Tourism, Trade, and Economic Development Department of State of  
 64 its intentions to travel, together with the date, time, and  
 65 location of each appearance. ~~It is the desire of the Legislature~~  
 66 ~~that such cultural exchanges be coordinated with the state's~~  
 67 ~~economic development goals. The Secretary of State shall notify~~  
 68 ~~Enterprise Florida, Inc., of the intended travel schedule of all~~  
 69 ~~such organizations, including, but not limited to, symphonies,~~  
 70 ~~orchestras, dance troupes, bands, choirs, choral groups, drama~~

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1855

Amendment No. (for drafter's use only)

71 ~~troupes, musical performing groups, traveling exhibitions~~  
72 ~~sponsored by museums, and performance artists.~~

73 (2) The Office of Tourism, Trade, and Economic Development  
74 ~~Department of State~~, in conjunction with Enterprise Florida,  
75 Inc., shall act as an intermediary between performing musical,  
76 cultural, and artistic organizations and Florida businesses to  
77 encourage and coordinate joint undertakings. Such coordination  
78 may include, but is not limited to, encouraging business and  
79 industry to sponsor cultural events, assistance with travel of  
80 such organizations, and coordinating travel schedules of  
81 cultural performance groups and international trade missions.

82 Section 6. Section 288.0251, Florida Statutes, is amended  
83 to read:

84 288.0251 International development outreach activities in  
85 Latin America and Caribbean Basin.--The Office of Tourism,  
86 Trade, and Economic Development ~~Department of State~~ may contract  
87 for the implementation of Florida's international volunteer  
88 corps to provide short-term training and technical assistance  
89 activities in Latin America and the Caribbean Basin. The entity  
90 contracted under this section must require that such activities  
91 be conducted by qualified volunteers who are citizens of the  
92 state. The contracting agency must have a statewide focus and  
93 experience in coordinating international volunteer programs.

94 Section 7. Subsections (1), (3), (6), (10), and (11) of  
95 section 288.063, Florida Statutes, are amended to read:

96 288.063 Contracts for transportation projects.--

97 (1) The Office of Tourism, Trade, and Economic Development  
98 is authorized to make, and based on a recommendation from

213585

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1855

Amendment No. (for drafter's use only)

99 Enterprise Florida, Inc., to approve, expenditures and enter  
100 into contracts for direct costs of transportation projects with  
101 the appropriate governmental body. The Office of Tourism, Trade,  
102 and Economic Development shall provide the Department of  
103 Transportation, the Department of Environmental Protection, and  
104 the Department of Community Affairs with an opportunity to  
105 formally review and comment on recommended transportation  
106 projects, although the Office of Tourism, Trade, and Economic  
107 Development has final approval authority for any project under  
108 this section.

109 (3) With respect to any contract executed pursuant to this  
110 section, the term "transportation project" means a  
111 transportation facility as defined in s. 334.03(31) which is  
112 necessary in the judgment of the Office of Tourism, Trade, and  
113 Economic Development to facilitate the economic development and  
114 growth of the state. Except for applications received prior to  
115 July 1, 1996, such transportation projects shall be approved  
116 only as a consideration to attract new employment opportunities  
117 to the state or expand or retain employment in existing  
118 companies operating within the state, or to allow for the  
119 construction or expansion of a state or federal correctional  
120 facility in a county with a population of 75,000 or less that  
121 creates new employment opportunities or expands or retains  
122 employment in the county. The Office of Tourism, Trade, and  
123 Economic Development shall institute procedures to ensure that  
124 small and minority businesses have equal access to funding  
125 provided under this section. Funding for approved transportation  
126 projects may include any expenses, other than administrative

213585

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1855

Amendment No. (for drafter's use only)

127 costs and equipment purchases specified in the contract,  
128 necessary for new, or improvement to existing, transportation  
129 facilities. Funds made available pursuant to this section may  
130 not be expended in connection with the relocation of a business  
131 from one community to another community in this state unless the  
132 Office of Tourism, Trade, and Economic Development determines  
133 that without such relocation the business will move outside this  
134 state or determines that the business has a compelling economic  
135 rationale for the relocation which creates additional jobs.  
136 Subject to appropriation for projects under this section, any  
137 appropriation greater than \$10 million shall be allocated to  
138 each of the districts of the Department of Transportation to  
139 ensure equitable geographical distribution. Such allocated funds  
140 that remain uncommitted by the third quarter of the fiscal year  
141 shall be reallocated among the districts based on pending  
142 project requests.

143 (6) The Department of Transportation shall review the  
144 proposed projects to ensure proper coordination with  
145 transportation projects included in the adopted work program and  
146 may be the contracting agency when the project is on the State  
147 Highway System. In addition, upon request by the appropriate  
148 governmental body, the department may advise and assist it or  
149 plan and construct other such transportation projects for it.

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

153 ~~(b) For the 2003-2004 fiscal year only and notwithstanding~~  
154 ~~paragraph (a), funds appropriated for this purpose in previous~~

213585

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1855

Amendment No. (for drafter's use only)

155 ~~years are subject to the reversion requirements of s. 216.301.~~

156 ~~This paragraph expires July 1, 2004.~~

157 (10)~~(11)~~ In addition to the other provisions of this  
158 section, projects that the Legislature deems necessary to  
159 facilitate the economic development and growth of the state may  
160 be designated and funded in the General Appropriations Act. Such  
161 transportation projects create new employment opportunities,  
162 expand transportation infrastructure, improve mobility, or  
163 increase transportation innovation. The Office of Tourism,  
164 Trade, and Economic Development shall enter into contracts with,  
165 and make expenditures to, the appropriate entities for the costs  
166 of transportation projects designated in the General  
167 Appropriations Act. ~~This subsection expires July 1, 2003.~~

168 Section 8. Subsections (1), (2), and (3) of section  
169 288.809, Florida Statutes, are amended to read:

170 288.809 Florida Intergovernmental Relations Foundation;  
171 use of property; board of directors; audit.--

172 (1) DEFINITIONS.--For the purposes of this section, the  
173 term:

174 (a) "Florida Intergovernmental Relations Foundation" means  
175 a direct-support organization:

176 1. Which is a corporation not for profit that is  
177 incorporated under the provisions of chapter 617 and approved by  
178 the Department of State;

179 2. Which is organized and operated exclusively to solicit,  
180 receive, hold, invest, and administer property and, subject to  
181 the approval of the Office of Tourism, Trade, and Economic

213585

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1855

Amendment No. (for drafter's use only)

182 | ~~Development Department of State~~, to make expenditures to or for  
183 | the promotion of intergovernmental relations programs; and

184 |       3. Which the Office of Tourism, Trade, and Economic  
185 | ~~Development Department of State~~, after review, has certified to  
186 | be operating in a manner consistent with the policies and goals  
187 | of the office ~~department~~.

188 |       (b) "Personal services" includes full-time or part-time  
189 | personnel, as well as payroll processing.

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

192 |       (a) Is authorized to permit the use of property,  
193 | facilities, and personal services of the Office of Tourism,  
194 | Trade, and Economic Development ~~department~~ by the foundation,  
195 | subject to the provisions of this section.

196 |       (b) Shall prescribe conditions with which the foundation  
197 | must comply in order to use property, facilities, or personal  
198 | services of the department. Such conditions shall provide for  
199 | budget and audit review and for oversight by the Office of  
200 | Tourism, Trade, and Economic Development ~~department~~.

201 |       (c) Shall not permit the use of property, facilities, or  
202 | personal services of the foundation if the foundation does not  
203 | provide equal employment opportunities to all persons,  
204 | regardless of race, color, national origin, sex, age, or  
205 | religion.

206 |       (3) BOARD OF DIRECTORS.--The board of directors of the  
207 | foundation shall be composed of seven members appointed by the  
208 | Governor ~~Secretary of State~~, of whom no more than three shall be  
209 | employees or elected officials of the state.

213585



CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1855

Amendment No. (for drafter's use only)

210 Section 9. Section 288.816, Florida Statutes, is amended  
211 to read:

212 288.816 Intergovernmental relations.--

213 (1) The Office of Tourism, Trade, and Economic Development  
214 ~~Secretary of State~~ shall be responsible for consular operations  
215 and the sister city and sister state program and shall serve as  
216 liaison with foreign, federal, and other state international  
217 organizations and with county and municipal governments in  
218 Florida.

219 (2) The Office of Tourism, Trade, and Economic Development  
220 ~~secretary~~ shall be responsible for all consular relations  
221 between the state and all foreign governments doing business in  
222 Florida. The office secretary shall monitor United States laws  
223 and directives to ensure that all federal treaties regarding  
224 foreign privileges and immunities are properly observed. The  
225 office secretary shall promulgate rules which shall:

226 (a) Establish a viable system of registration for foreign  
227 government officials residing or having jurisdiction in the  
228 state. Emphasis shall be placed on maintaining active  
229 communication between the Office of Tourism, Trade, and Economic  
230 Development secretary and the United States Department of State  
231 in order to be currently informed regarding foreign governmental  
232 personnel stationed in, or with official responsibilities for,  
233 Florida. Active dialogue shall also be maintained with foreign  
234 countries which historically have had dealings with Florida in  
235 order to keep them informed of the proper procedure for  
236 registering with the state.

213585

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1855

Amendment No. (for drafter's use only)

237 (b) Maintain and systematically update a current and  
238 accurate list of all such foreign governmental officials,  
239 consuls, or consulates.

240 (c) Issue certificates to such foreign governmental  
241 officials after verification pursuant to proper investigations  
242 through United States Department of State sources and the  
243 appropriate foreign government.

244 (d) Verify entitlement to sales and use tax exemptions  
245 pursuant to United States Department of State guidelines and  
246 identification methods.

247 (e) Verify entitlement to issuance of special motor  
248 vehicle license plates by the Division of Motor Vehicles of the  
249 Department of Highway Safety and Motor Vehicles to honorary  
250 consuls or such other officials representing foreign governments  
251 who are not entitled to issuance of special Consul Corps license  
252 plates by the United States Government.

253 (f) Establish a system of communication to provide all  
254 state and local law enforcement agencies with information  
255 regarding proper procedures relating to the arrest or  
256 incarceration of a foreign citizen.

257 (g) Request the Department of Law Enforcement to provide  
258 transportation and protection services when necessary pursuant  
259 to s. 943.68.

260 (h) Coordinate, when necessary, special activities between  
261 foreign governments and Florida state and local governments.  
262 These may include Consular Corps Day, Consular Corps  
263 conferences, and various other social, cultural, or educational  
264 activities.

213585

Amendment No. (for drafter's use only)

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

268 (3) The Office of Tourism, Trade, and Economic Development  
 269 ~~Secretary of State~~ shall operate the sister city and sister  
 270 state program and establish such new programs as needed to  
 271 further global understanding through the interchange of people,  
 272 ideas, and culture between Florida and the world. To accomplish  
 273 this purpose, the office ~~secretary~~ shall have the power and  
 274 authority to:

275 (a) Coordinate and carry out activities designed to  
 276 encourage the state and its subdivisions to participate in  
 277 sister city and sister state affiliations with foreign countries  
 278 and their subdivisions. Such activities may include a State of  
 279 Florida sister cities conference.

280 (b) Encourage cooperation with and disseminate information  
 281 pertaining to the Sister Cities International Program and any  
 282 other program whose object is to promote linkages with foreign  
 283 countries and their subdivisions.

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

287 (d) Establish a viable system of registration for sister  
 288 city and sister state affiliations between the state and foreign  
 289 countries and their subdivisions. Such system shall include a  
 290 method to determine that sufficient ties are properly  
 291 established as well as a method to supervise how these ties are  
 292 maintained.

213585

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1855

Amendment No. (for drafter's use only)

293 (e) Maintain a current and accurate listing of all such  
294 affiliations. Sister city affiliations shall not be discouraged  
295 between the state and any country specified in s. 620(f)(1) of  
296 the federal Foreign Assistance Act of 1961, as amended, with  
297 whom the United States is currently conducting diplomatic  
298 relations unless a mandate from the United States Government  
299 expressly prohibits such affiliations.

300 (4) The Office of Tourism, Trade, and Economic Development  
301 ~~Secretary of State~~ shall serve as a contact for the state with  
302 the Florida Washington Office, the Florida Congressional  
303 Delegation, and United States Government agencies with respect  
304 to laws or policies which may affect the interests of the state  
305 in the area of international relations. All inquiries received  
306 regarding international economic trade development or reverse  
307 investment opportunities shall be referred to Enterprise  
308 Florida, Inc. In addition, the office secretary shall serve as  
309 liaison with other states with respect to international programs  
310 of interest to Florida. The office secretary shall also  
311 investigate and make suggestions regarding possible areas of  
312 joint action or regional cooperation with these states.

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

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

213585

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1855

Amendment No. (for drafter's use only)

321 Section 10. Subsection (1) of section 288.8175, Florida  
322 Statutes, is amended to read:

323 288.8175 Linkage institutes between postsecondary  
324 institutions in this state and foreign countries.--

325 (1) As used in this section, the term "department" means  
326 the Department of Education ~~State~~.

327 Section 11. Section 9 of chapter 2002-180, Laws of  
328 Florida, is amended to read:

329 Section 9. Black Business Investment Board, Inc., state  
330 employee leasing program.--

331  
332 (1) The Department of Management Services shall establish  
333 a lease-agreement program under which an employee as of June 30,  
334 2002, of the Black Business Investment Board, Inc., created  
335 under chapter 85-104, Laws of Florida, retains his or her status  
336 as a state employee until a set date.

337 (2) The Department of Management Services shall establish  
338 the terms and conditions of the program and such lease  
339 agreements.

340 (a) Status as a state employee shall include the right to  
341 participate in the Florida Retirement System.

342 (b) Any employee who participates in a lease agreement  
343 shall work under the direct supervision of the corporation.

344 (c) Status as a state employee under a lease agreement as  
345 provided in this section expires on June 30, 2007 ~~2004~~, unless  
346 the employee voluntarily relinquishes his or her status as a  
347 state employee before that date.

348 Section 12. This act shall take effect July 1, 2004.

213585

Amendment No. (for drafter's use only)

349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to the Department of State; transferring the provision of assistance and facilities to the Organization of American States, state protocol officer functions, international development outreach activities in Latin America and the Caribbean Basin, the Florida Intergovernmental Relations Foundation, and intergovernmental relations functions by a type two transfer from the Department of State to the Executive Office of the Governor; excluding the transfer of certain trust funds; transferring linkage institutes between postsecondary institutions in this state and foreign countries by a type two transfer from the Department of State to the Department of Education; excluding the transfer of certain trust funds; amending s. 14.2015, F.S.; providing for the performance of state protocol officer functions and the provision of assistance and facilities to the Organization of American States by the Office of Tourism, Trade, and Economic Development; repealing ss. 15.17 and 15.19, F.S., relating to the provision of assistance and facilities to the Organization of American States and the performance of state protocol officer functions; amending s. 15.182, F.S.; providing for notification of the Office of Tourism, Trade, and Economic

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1855

Amendment No. (for drafter's use only)

377 Development regarding international travel by certain  
378 cultural arts organizations; amending s. 288.063, F.S.;  
379 revising requirements for the office in approving projects  
380 and expenditures and in allocating funds for  
381 transportation projects to expand and retain employment  
382 opportunities in the state; deleting obsolete provisions;  
383 amending ss. 288.0251, 288.809, and 288.816, F.S.,  
384 relating to international development outreach activities  
385 in Latin America and the Caribbean Basin, the Florida  
386 Intergovernmental Relations Foundation, and  
387 intergovernmental relations, to conform; amending s.  
388 288.8175, F.S.; redefining "department" for purposes of  
389 linkage institutes between postsecondary institutions in  
390 this state and foreign countries; establishing a program  
391 to lease state employees to the Black Business Investment  
392 Board, Inc.; prescribing duties of the Department of  
393 Management Services related to such leasing program;  
394 providing terms and conditions of such leasing program;  
395 extending time period within which certain state employees  
396 may change their status; providing an effective date.

213585