

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1855

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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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.

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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

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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~~

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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

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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

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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~~

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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

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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.

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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.

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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.

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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.

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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.

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

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

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

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

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

347 Section 12. This act shall take effect July 1, 2004.
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349 ===== T I T L E A M E N D M E N T =====

350 Remove the entire title and insert:

351 A bill to be entitled

352 An act relating to economic development; transferring the
353 provision of assistance and facilities to the Organization
354 of American States, state protocol officer functions,
355 international development outreach activities in Latin
356 America and the Caribbean Basin, the Florida
357 Intergovernmental Relations Foundation, and
358 intergovernmental relations functions by a type two
359 transfer from the Department of State to the Executive
360 Office of the Governor; excluding the transfer of certain
361 trust funds; transferring linkage institutes between
362 postsecondary institutions in this state and foreign
363 countries by a type two transfer from the Department of
364 State to the Department of Education; excluding the
365 transfer of certain trust funds; amending s. 14.2015,
366 F.S.; providing for the performance of state protocol
367 officer functions and the provision of assistance and
368 facilities to the Organization of American States by the
369 Office of Tourism, Trade, and Economic Development;
370 repealing ss. 15.17 and 15.19, F.S., relating to the
371 provision of assistance and facilities to the Organization
372 of American States and the performance of state protocol
373 officer functions; amending s. 15.182, F.S.; providing for
374 notification of the Office of Tourism, Trade, and Economic
375 Development regarding international travel by certain
376 cultural arts organizations; amending s. 288.063, F.S.;

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377 | revising requirements for the office in approving projects
378 | and expenditures and in allocating funds for
379 | transportation projects to expand and retain employment
380 | opportunities in the state; deleting obsolete provisions;
381 | amending ss. 288.0251, 288.809, and 288.816, F.S.,
382 | relating to international development outreach activities
383 | in Latin America and the Caribbean Basin, the Florida
384 | Intergovernmental Relations Foundation, and
385 | intergovernmental relations, to conform; amending s.
386 | 288.8175, F.S.; redefining "department" for purposes of
387 | linkage institutes between postsecondary institutions in
388 | this state and foreign countries; amending s. 9, ch. 2002-
389 | 180, Laws of Florida, relating to the Black Business
390 | Investment Board, Inc., state employee leasing program;
391 | extending the time period for retaining status as a state
392 | employee under a lease agreement; providing an effective
393 | date.

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