

Bill No. HB 1855

Amendment No. ____ Barcode 681168

CHAMBER ACTION

Senate

House

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Senator Webster moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. The following programs, functions, and activities, including all statutory powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds associated with the identified program, function, or activity are transferred intact by a type two transfer, as defined in section 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 Intergovernmental Relations Foundation, as authorized and governed by section 288.809, Florida Statutes;

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

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

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1 Section 2. Section 15.17, Florida Statutes, is
2 repealed.

3 Section 3. Subsection (10) is added to section
4 14.2015, Florida Statutes, to read:

5 14.2015 Office of Tourism, Trade, and Economic
6 Development; creation; powers and duties.--

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

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

13 288.063 Contracts for transportation projects.--

14 (1) The Office of Tourism, Trade, and Economic
15 Development is authorized to make, and based on a
16 recommendation from Enterprise Florida, Inc., and the
17 Department of Transportation, to approve, expenditures and
18 enter into contracts for direct costs of transportation
19 projects with the appropriate governmental body. The Office of
20 Tourism, Trade, and Economic Development has final approval
21 authority for any project under this section.

22 (3) With respect to any contract executed pursuant to
23 this section, the term "transportation project" means a
24 transportation facility as defined in s. 334.03(31) which is
25 necessary in the judgment of the Office of Tourism, Trade, and
26 Economic Development to facilitate the economic development
27 and growth of the state. Except for applications received
28 prior to July 1, 1996, such transportation projects shall be
29 approved only as a consideration to attract new employment
30 opportunities to the state or expand or retain employment in
31 existing companies operating within the state, or to allow for

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1 the construction or expansion of a state or federal
2 correctional facility in a county with a population of 75,000
3 or less that creates new employment opportunities or expands
4 or retains employment in the county. The Office of Tourism,
5 Trade, and Economic Development shall institute procedures to
6 ensure that small and minority businesses have equal access to
7 funding provided under this section. Funding for approved
8 transportation projects may include any expenses, other than
9 administrative costs and equipment purchases specified in the
10 contract, necessary for new, or improvement to existing,
11 transportation facilities. Funds made available pursuant to
12 this section may not be expended in connection with the
13 relocation of a business from one community to another
14 community in this state unless the Office of Tourism, Trade,
15 and Economic Development determines that without such
16 relocation the business will move outside this state or
17 determines that the business has a compelling economic
18 rationale for the relocation which creates additional jobs. A
19 portion of the funds appropriated under this section shall
20 initially be allocated to each of the districts of the
21 Department of Transportation to ensure equitable geographical
22 distribution. Funds remaining uncommitted by the third quarter
23 of the fiscal year may be reallocated among districts based on
24 pending project requests.

25 (6) The Department of Transportation shall review
26 proposed projects to ensure proper coordination with
27 transportation projects included in the adopted work program
28 and shall ~~may~~ be the contracting agency when the project is on
29 the State Highway System. In addition, upon request by the
30 appropriate governmental body, the department may advise and
31 assist it or plan and construct other such transportation

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1 projects for it.

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

5 ~~(b) For the 2003-2004 fiscal year only and~~
6 ~~notwithstanding paragraph (a), funds appropriated for this~~
7 ~~purpose in previous years are subject to the reversion~~
8 ~~requirements of s. 216.301. This paragraph expires July 1,~~
9 ~~2004.~~

10 ~~(10)(11)~~ In addition to the other provisions of this
11 section, projects that the Legislature deems necessary to
12 facilitate the economic development and growth of the state
13 may be designated and funded in the General Appropriations
14 Act. Such transportation projects create new employment
15 opportunities, expand transportation infrastructure, improve
16 mobility, or increase transportation innovation. The Office of
17 Tourism, Trade, and Economic Development shall enter into
18 contracts with, and make expenditures to, the appropriate
19 entities for the costs of transportation projects designated
20 in the General Appropriations Act. ~~This subsection expires~~
21 ~~July 1, 2003.~~

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

25 288.809 Florida Intergovernmental Relations
26 Foundation; use of property; board of directors; audit.--

27 (1) DEFINITIONS.--For the purposes of this section,
28 the term:

29 (a) "Florida Intergovernmental Relations Foundation"
30 means a direct-support organization:

31 1. Which is a corporation not for profit that is

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1 incorporated under the provisions of chapter 617 and approved
 2 by the Department of State;

3 2. Which is organized and operated exclusively to
 4 solicit, receive, hold, invest, and administer property and,
 5 subject to the approval of the Office of Tourism, Trade, and
 6 Economic Development ~~Department of State~~, to make expenditures
 7 to or for the promotion of intergovernmental relations
 8 programs; and

9 3. Which the Office of Tourism, Trade, and Economic
 10 Development ~~Department of State~~, after review, has certified
 11 to be operating in a manner consistent with the policies and
 12 goals of the Office of Tourism, Trade, and Economic
 13 Development ~~department~~.

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

16 (a) Is authorized to permit the use of property,
 17 facilities, and personal services of the Office of Tourism,
 18 Trade, and Economic Development ~~department~~ by the foundation,
 19 subject to the provisions of this section.

20 (b) Shall prescribe conditions with which the
 21 foundation must comply in order to use property, facilities,
 22 or personal services of the Office of Tourism, Trade, and
 23 Economic Development ~~department~~. Such conditions shall provide
 24 for budget and audit review and for oversight by the Office of
 25 Tourism, Trade, and Economic Development ~~department~~.

26 (c) Shall not permit the use of property, facilities,
 27 or personal services of the foundation if the foundation does
 28 not provide equal employment opportunities to all persons,
 29 regardless of race, color, national origin, sex, age, or
 30 religion.

31 (3) BOARD OF DIRECTORS.--The board of directors of the

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1 foundation shall be composed of seven members appointed by the
 2 Office of Tourism, Trade, and Economic Development Secretary
 3 ~~of State~~, of whom no more than three shall be employees or
 4 elected officials of the state.

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

7 288.816 Intergovernmental relations.--

8 (1) The Office of Tourism, Trade, and Economic
 9 Development Secretary of State shall be responsible for
 10 consular operations and the sister city and sister state
 11 program and shall serve as liaison with foreign, federal, and
 12 other state international organizations and with county and
 13 municipal governments in Florida.

14 (2) The Office of Tourism, Trade, and Economic
 15 Development secretary shall be responsible for all consular
 16 relations between the state and all foreign governments doing
 17 business in Florida. The Office of Tourism, Trade, and
 18 Economic Development secretary shall monitor United States
 19 laws and directives to ensure that all federal treaties
 20 regarding foreign privileges and immunities are properly
 21 observed. The Office of Tourism, Trade, and Economic
 22 Development secretary shall adopt promulgate rules that which
 23 shall:

24 (a) Establish a viable system of registration for
 25 foreign government officials residing or having jurisdiction
 26 in the state. Emphasis shall be placed on maintaining active
 27 communication between the Office of Tourism, Trade, and
 28 Economic Development secretary and the United States
 29 Department of State in order to be currently informed
 30 regarding foreign governmental personnel stationed in, or with
 31 official responsibilities for, Florida. Active dialogue shall

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1 also be maintained with foreign countries which historically
2 have had dealings with Florida in order to keep them informed
3 of the proper procedure for registering with the state.

4 (b) Maintain and systematically update a current and
5 accurate list of all such foreign governmental officials,
6 consuls, or consulates.

7 (c) Issue certificates to such foreign governmental
8 officials after verification pursuant to proper investigations
9 through United States Department of State sources and the
10 appropriate foreign government.

11 (d) Verify entitlement to sales and use tax exemptions
12 pursuant to United States Department of State guidelines and
13 identification methods.

14 (e) Verify entitlement to issuance of special motor
15 vehicle license plates by the Division of Motor Vehicles of
16 the Department of Highway Safety and Motor Vehicles to
17 honorary consuls or such other officials representing foreign
18 governments who are not entitled to issuance of special Consul
19 Corps license plates by the United States Government.

20 (f) Establish a system of communication to provide all
21 state and local law enforcement agencies with information
22 regarding proper procedures relating to the arrest or
23 incarceration of a foreign citizen.

24 (g) Request the Department of Law Enforcement to
25 provide transportation and protection services when necessary
26 pursuant to s. 943.68.

27 (h) Coordinate, when necessary, special activities
28 between foreign governments and Florida state and local
29 governments. These may include Consular Corps Day, Consular
30 Corps conferences, and various other social, cultural, or
31 educational activities.

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

4 (3) The Office of Tourism, Trade, and Economic
 5 Development ~~Secretary of State~~ shall operate the sister city
 6 and sister state program and establish such new programs as
 7 needed to further global understanding through the interchange
 8 of people, ideas, and culture between Florida and the world.
 9 To accomplish this purpose, the Office of Tourism, Trade, and
 10 Economic Development ~~secretary~~ shall have the power and
 11 authority to:

12 (a) Coordinate and carry out activities designed to
 13 encourage the state and its subdivisions to participate in
 14 sister city and sister state affiliations with foreign
 15 countries and their subdivisions. Such activities may include
 16 a State of Florida sister cities conference.

17 (b) Encourage cooperation with and disseminate
 18 information pertaining to the Sister Cities International
 19 Program and any other program whose object is to promote
 20 linkages with foreign countries and their subdivisions.

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

24 (d) Establish a viable system of registration for
 25 sister city and sister state affiliations between the state
 26 and foreign countries and their subdivisions. Such system
 27 shall include a method to determine that sufficient ties are
 28 properly established as well as a method to supervise how
 29 these ties are maintained.

30 (e) Maintain a current and accurate listing of all
 31 such affiliations. Sister city affiliations shall not be

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1 discouraged between the state and any country specified in s.
2 620(f)(1) of the federal Foreign Assistance Act of 1961, as
3 amended, with whom the United States is currently conducting
4 diplomatic relations unless a mandate from the United States
5 Government expressly prohibits such affiliations.

6 (4) The Office of Tourism, Trade, and Economic
7 Development Secretary of State shall serve as a contact for
8 the state with the Florida Washington Office, the Florida
9 Congressional Delegation, and United States Government
10 agencies with respect to laws or policies which may affect the
11 interests of the state in the area of international relations.
12 All inquiries received regarding international economic trade
13 development or reverse investment opportunities shall be
14 referred to Enterprise Florida, Inc. In addition, the Office
15 of Tourism, Trade, and Economic Development secretary shall
16 serve as liaison with other states with respect to
17 international programs of interest to Florida. The Office of
18 Tourism, Trade, and Economic Development secretary shall also
19 investigate and make suggestions regarding possible areas of
20 joint action or regional cooperation with these states.

21 (5) The Office of Tourism, Trade, and Economic
22 Development Secretary of State shall have the power and duty
23 to encourage the relocation to Florida of consular offices and
24 multilateral and international agencies and organizations.

25 (6) The Office of Tourism, Trade, and Economic
26 Development Secretary of State, through membership on the
27 board of directors of Enterprise Florida, Inc., shall help to
28 contribute an international perspective to the state's
29 development efforts.

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

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

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to the Office of Tourism,
8 Trade, and Economic Development; transferring
9 the programs, functions, powers, duties, rules,
10 records, personnel, property, and balances of
11 appropriations and other funds of the
12 Intergovernmental Relations Foundation and the
13 Organization of American States from the
14 Department of State to the Office of Tourism,
15 Trade, and Economic Development within the
16 Executive Office of the Governor; repealing s.
17 15.17, F.S., relating to the Organization of
18 American States; amending s. 14.2015, F.S.,
19 relating to the powers and duties of the Office
20 of Tourism, Trade, and Economic Development, to
21 conform; amending s. 288.063, F.S.; revising
22 requirements for the office in approving
23 projects and expenditures and in allocating
24 funds for transportation projects to expand and
25 retain employment opportunities in the state;
26 deleting obsolete provisions; amending ss.
27 288.809 and 288.816, F.S., relating to the
28 Florida Intergovernmental Relations Foundation;
29 conforming provisions to the transfer of
30 programs and duties made by the act; providing
31 an effective date.