

1 A bill to be entitled

2 An act relating to economic development; transferring the
3 provision of assistance and facilities to the Organization
4 of American States, state protocol officer functions,
5 international development outreach activities in Latin
6 America and the Caribbean Basin, the Florida
7 Intergovernmental Relations Foundation, and
8 intergovernmental relations functions by a type two
9 transfer from the Department of State to the Executive
10 Office of the Governor; excluding the transfer of certain
11 trust funds; transferring linkage institutes between
12 postsecondary institutions in this state and foreign
13 countries by a type two transfer from the Department of
14 State to the Department of Education; excluding the
15 transfer of certain trust funds; amending s. 14.2015,
16 F.S.; providing for the performance of state protocol
17 officer functions and the provision of assistance and
18 facilities to the Organization of American States by the
19 Office of Tourism, Trade, and Economic Development;
20 repealing ss. 15.17 and 15.19, F.S., relating to the
21 provision of assistance and facilities to the Organization
22 of American States and the performance of state protocol
23 officer functions; amending s. 15.182, F.S.; providing for
24 notification of the Office of Tourism, Trade, and Economic
25 Development regarding international travel by certain
26 cultural arts organizations; amending s. 288.063, F.S.;
27 revising requirements for the office in approving projects
28 and expenditures and in allocating funds for
29 transportation projects to expand and retain employment

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30 opportunities in the state; deleting obsolete provisions;
 31 amending ss. 288.0251, 288.809, and 288.816, F.S.,
 32 relating to international development outreach activities
 33 in Latin America and the Caribbean Basin, the Florida
 34 Intergovernmental Relations Foundation, and
 35 intergovernmental relations, to conform; amending s.
 36 288.8175, F.S.; redefining "department" for purposes of
 37 linkage institutes between postsecondary institutions in
 38 this state and foreign countries; amending s. 9, ch. 2002-
 39 180, Laws of Florida, relating to the Black Business
 40 Investment Board, Inc., state employee leasing program;
 41 extending the time period for retaining status as a state
 42 employee under a lease agreement; providing an effective
 43 date.

44

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

46

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

52 (1) The provision of assistance and facilities to the
 53 Organization of American States, as authorized and governed by
 54 s. 15.17, Florida Statutes, as that section exists on June 30,
 55 2004.

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

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

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

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

66
67 Notwithstanding s. 20.06(2), Florida Statutes, trust funds
68 associated with these programs, functions, and activities shall
69 remain within the Department of State.

70 Section 2. Linkage institutes between postsecondary
71 institutions in this state and foreign countries, as authorized
72 and governed by s. 288.8175, Florida Statutes, are hereby
73 transferred by a type two transfer, as defined in s. 20.06(2),
74 Florida Statutes, from the Department of State to the Department
75 of Education. Notwithstanding s. 20.06(2), Florida Statutes,
76 trust funds associated with these institutes shall remain within
77 the Department of State.

78 Section 3. Subsections (10) and (11) are added to section
79 14.2015, Florida Statutes, to read:

80 14.2015 Office of Tourism, Trade, and Economic
81 Development; creation; powers and duties.--

82 (10) The Director of the Office of Tourism, Trade, and
83 Economic Development shall serve as the state protocol officer.
84 In consultation with the Governor and other governmental
85 officials, the Director of the Office of Tourism, Trade, and
86 Economic Development shall develop, maintain, publish, and
87 distribute the state protocol manual.

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88 (11) The Legislature authorizes the Office of Tourism,
89 Trade, and Economic Development to provide assistance and
90 facilities to the Organization of American States in
91 establishing and maintaining a regional headquarters in this
92 state.

93 Section 4. Sections 15.17 and 15.19, Florida Statutes, are
94 repealed.

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

97 15.182 International travel by state-funded musical,
98 cultural, or artistic organizations; notification to Office of
99 Tourism, Trade, and Economic Development ~~Department of State.--~~

100 (1) If a musical, cultural, or artistic organization that
101 receives state funding is traveling internationally for a
102 presentation, performance, or other significant public viewing,
103 including an organization associated with a college or
104 university, such organization shall notify the Office of
105 Tourism, Trade, and Economic Development ~~Department of State~~ of
106 its intentions to travel, together with the date, time, and
107 location of each appearance. ~~It is the desire of the Legislature~~
108 ~~that such cultural exchanges be coordinated with the state's~~
109 ~~economic development goals. The Secretary of State shall notify~~
110 ~~Enterprise Florida, Inc., of the intended travel schedule of all~~
111 ~~such organizations, including, but not limited to, symphonies,~~
112 ~~orchestras, dance troupes, bands, choirs, choral groups, drama~~
113 ~~troupes, musical performing groups, traveling exhibitions~~
114 ~~sponsored by museums, and performance artists.~~

115 (2) The Office of Tourism, Trade, and Economic Development
116 ~~Department of State~~, in conjunction with Enterprise Florida,

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117 Inc., shall act as an intermediary between performing musical,
 118 cultural, and artistic organizations and Florida businesses to
 119 encourage and coordinate joint undertakings. Such coordination
 120 may include, but is not limited to, encouraging business and
 121 industry to sponsor cultural events, assistance with travel of
 122 such organizations, and coordinating travel schedules of
 123 cultural performance groups and international trade missions.

124 Section 6. Section 288.0251, Florida Statutes, is amended
 125 to read:

126 288.0251 International development outreach activities in
 127 Latin America and Caribbean Basin.--The Office of Tourism,
 128 Trade, and Economic Development ~~Department of State~~ may contract
 129 for the implementation of Florida's international volunteer
 130 corps to provide short-term training and technical assistance
 131 activities in Latin America and the Caribbean Basin. The entity
 132 contracted under this section must require that such activities
 133 be conducted by qualified volunteers who are citizens of the
 134 state. The contracting agency must have a statewide focus and
 135 experience in coordinating international volunteer programs.

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

138 288.063 Contracts for transportation projects.--

139 (1) The Office of Tourism, Trade, and Economic Development
 140 is authorized to make, and based on a recommendation from
 141 Enterprise Florida, Inc., to approve, expenditures and enter
 142 into contracts for direct costs of transportation projects with
 143 the appropriate governmental body. The Office of Tourism, Trade,
 144 and Economic Development shall provide the Department of
 145 Transportation, the Department of Environmental Protection, and

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146 the Department of Community Affairs with an opportunity to
147 formally review and comment on recommended transportation
148 projects, although the Office of Tourism, Trade, and Economic
149 Development has final approval authority for any project under
150 this section.

151 (3) With respect to any contract executed pursuant to this
152 section, the term "transportation project" means a
153 transportation facility as defined in s. 334.03(31) which is
154 necessary in the judgment of the Office of Tourism, Trade, and
155 Economic Development to facilitate the economic development and
156 growth of the state. Except for applications received prior to
157 July 1, 1996, such transportation projects shall be approved
158 only as a consideration to attract new employment opportunities
159 to the state or expand or retain employment in existing
160 companies operating within the state, or to allow for the
161 construction or expansion of a state or federal correctional
162 facility in a county with a population of 75,000 or less that
163 creates new employment opportunities or expands or retains
164 employment in the county. The Office of Tourism, Trade, and
165 Economic Development shall institute procedures to ensure that
166 small and minority businesses have equal access to funding
167 provided under this section. Funding for approved transportation
168 projects may include any expenses, other than administrative
169 costs and equipment purchases specified in the contract,
170 necessary for new, or improvement to existing, transportation
171 facilities. Funds made available pursuant to this section may
172 not be expended in connection with the relocation of a business
173 from one community to another community in this state unless the
174 Office of Tourism, Trade, and Economic Development determines

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175 that without such relocation the business will move outside this
176 state or determines that the business has a compelling economic
177 rationale for the relocation which creates additional jobs.
178 Subject to appropriation for projects under this section, any
179 appropriation greater than \$10 million shall be allocated to
180 each of the districts of the Department of Transportation to
181 ensure equitable geographical distribution. Such allocated funds
182 that remain uncommitted by the third quarter of the fiscal year
183 shall be reallocated among the districts based on pending
184 project requests.

185 (6) The Department of Transportation shall review the
186 proposed projects to ensure proper coordination with
187 transportation projects included in the adopted work program and
188 may be the contracting agency when the project is on the State
189 Highway System. In addition, upon request by the appropriate
190 governmental body, the department may advise and assist it or
191 plan and construct other such transportation projects for it.

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

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

199 (10)(11) In addition to the other provisions of this
200 section, projects that the Legislature deems necessary to
201 facilitate the economic development and growth of the state may
202 be designated and funded in the General Appropriations Act. Such
203 transportation projects create new employment opportunities,

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204 expand transportation infrastructure, improve mobility, or
 205 increase transportation innovation. The Office of Tourism,
 206 Trade, and Economic Development shall enter into contracts with,
 207 and make expenditures to, the appropriate entities for the costs
 208 of transportation projects designated in the General
 209 Appropriations Act. ~~This subsection expires July 1, 2003.~~

210 Section 8. Subsections (1), (2), and (3) of section
 211 288.809, Florida Statutes, are amended to read:

212 288.809 Florida Intergovernmental Relations Foundation;
 213 use of property; board of directors; audit.--

214 (1) DEFINITIONS.--For the purposes of this section, the
 215 term:

216 (a) "Florida Intergovernmental Relations Foundation" means
 217 a direct-support organization:

218 1. Which is a corporation not for profit that is
 219 incorporated under the provisions of chapter 617 and approved by
 220 the Department of State;

221 2. Which is organized and operated exclusively to solicit,
 222 receive, hold, invest, and administer property and, subject to
 223 the approval of the Office of Tourism, Trade, and Economic
 224 Development ~~Department of State~~, to make expenditures to or for
 225 the promotion of intergovernmental relations programs; and

226 3. Which the Office of Tourism, Trade, and Economic
 227 Development ~~Department of State~~, after review, has certified to
 228 be operating in a manner consistent with the policies and goals
 229 of the office ~~department~~.

230 (b) "Personal services" includes full-time or part-time
 231 personnel, as well as payroll processing.

232 (2) USE OF PROPERTY.--The Office of Tourism, Trade, and

233 Economic Development ~~department~~:

234 (a) Is authorized to permit the use of property,
 235 facilities, and personal services of the Office of Tourism,
 236 Trade, and Economic Development ~~department~~ by the foundation,
 237 subject to the provisions of this section.

238 (b) Shall prescribe conditions with which the foundation
 239 must comply in order to use property, facilities, or personal
 240 services of the department. Such conditions shall provide for
 241 budget and audit review and for oversight by the Office of
 242 Tourism, Trade, and Economic Development ~~department~~.

243 (c) Shall not permit the use of property, facilities, or
 244 personal services of the foundation if the foundation does not
 245 provide equal employment opportunities to all persons,
 246 regardless of race, color, national origin, sex, age, or
 247 religion.

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

252 Section 9. Section 288.816, Florida Statutes, is amended
 253 to read:

254 288.816 Intergovernmental relations.--

255 (1) The Office of Tourism, Trade, and Economic Development
 256 ~~Secretary of State~~ shall be responsible for consular operations
 257 and the sister city and sister state program and shall serve as
 258 liaison with foreign, federal, and other state international
 259 organizations and with county and municipal governments in
 260 Florida.

261 (2) The Office of Tourism, Trade, and Economic Development

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262 ~~secretary~~ shall be responsible for all consular relations
263 between the state and all foreign governments doing business in
264 Florida. The office ~~secretary~~ shall monitor United States laws
265 and directives to ensure that all federal treaties regarding
266 foreign privileges and immunities are properly observed. The
267 office ~~secretary~~ shall promulgate rules which shall:

268 (a) Establish a viable system of registration for foreign
269 government officials residing or having jurisdiction in the
270 state. Emphasis shall be placed on maintaining active
271 communication between the Office of Tourism, Trade, and Economic
272 Development ~~secretary~~ and the United States Department of State
273 in order to be currently informed regarding foreign governmental
274 personnel stationed in, or with official responsibilities for,
275 Florida. Active dialogue shall also be maintained with foreign
276 countries which historically have had dealings with Florida in
277 order to keep them informed of the proper procedure for
278 registering with the state.

279 (b) Maintain and systematically update a current and
280 accurate list of all such foreign governmental officials,
281 consuls, or consulates.

282 (c) Issue certificates to such foreign governmental
283 officials after verification pursuant to proper investigations
284 through United States Department of State sources and the
285 appropriate foreign government.

286 (d) Verify entitlement to sales and use tax exemptions
287 pursuant to United States Department of State guidelines and
288 identification methods.

289 (e) Verify entitlement to issuance of special motor
290 vehicle license plates by the Division of Motor Vehicles of the

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291 Department of Highway Safety and Motor Vehicles to honorary
292 consuls or such other officials representing foreign governments
293 who are not entitled to issuance of special Consul Corps license
294 plates by the United States Government.

295 (f) Establish a system of communication to provide all
296 state and local law enforcement agencies with information
297 regarding proper procedures relating to the arrest or
298 incarceration of a foreign citizen.

299 (g) Request the Department of Law Enforcement to provide
300 transportation and protection services when necessary pursuant
301 to s. 943.68.

302 (h) Coordinate, when necessary, special activities between
303 foreign governments and Florida state and local governments.
304 These may include Consular Corps Day, Consular Corps
305 conferences, and various other social, cultural, or educational
306 activities.

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

310 (3) The Office of Tourism, Trade, and Economic Development
311 ~~Secretary of State~~ shall operate the sister city and sister
312 state program and establish such new programs as needed to
313 further global understanding through the interchange of people,
314 ideas, and culture between Florida and the world. To accomplish
315 this purpose, the office ~~secretary~~ shall have the power and
316 authority to:

317 (a) Coordinate and carry out activities designed to
318 encourage the state and its subdivisions to participate in
319 sister city and sister state affiliations with foreign countries

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320 and their subdivisions. Such activities may include a State of
 321 Florida sister cities conference.

322 (b) Encourage cooperation with and disseminate information
 323 pertaining to the Sister Cities International Program and any
 324 other program whose object is to promote linkages with foreign
 325 countries and their subdivisions.

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

329 (d) Establish a viable system of registration for sister
 330 city and sister state affiliations between the state and foreign
 331 countries and their subdivisions. Such system shall include a
 332 method to determine that sufficient ties are properly
 333 established as well as a method to supervise how these ties are
 334 maintained.

335 (e) Maintain a current and accurate listing of all such
 336 affiliations. Sister city affiliations shall not be discouraged
 337 between the state and any country specified in s. 620(f)(1) of
 338 the federal Foreign Assistance Act of 1961, as amended, with
 339 whom the United States is currently conducting diplomatic
 340 relations unless a mandate from the United States Government
 341 expressly prohibits such affiliations.

342 (4) The Office of Tourism, Trade, and Economic Development
 343 ~~Secretary of State~~ shall serve as a contact for the state with
 344 the Florida Washington Office, the Florida Congressional
 345 Delegation, and United States Government agencies with respect
 346 to laws or policies which may affect the interests of the state
 347 in the area of international relations. All inquiries received
 348 regarding international economic trade development or reverse

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349 investment opportunities shall be referred to Enterprise
350 Florida, Inc. In addition, the office ~~secretary~~ shall serve as
351 liaison with other states with respect to international programs
352 of interest to Florida. The office ~~secretary~~ shall also
353 investigate and make suggestions regarding possible areas of
354 joint action or regional cooperation with these states.

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

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

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

365 288.8175 Linkage institutes between postsecondary
366 institutions in this state and foreign countries.--

367 (1) As used in this section, the term "department" means
368 the Department of Education State.

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

371 Section 9. Black Business Investment Board, Inc., state
372 employee leasing program.--

373 (1) The Department of Management Services shall establish
374 a lease-agreement program under which an employee as of June 30,
375 2002, of the Black Business Investment Board, Inc., created
376 under chapter 85-104, Laws of Florida, retains his or her status
377 as a state employee until a set date.

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378 (2) The Department of Management Services shall establish
379 the terms and conditions of the program and such lease
380 agreements.

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

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

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

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