

Bill No. SB 1154

Barcode 613042

CHAMBER ACTION

Senate

House

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11 The Committee on Commerce and Consumer Services (King)  
12 recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

17 and insert:

18 Section 1. Section 288.041, Florida Statutes, is  
19 amended to read:

20 288.041 Solar energy industry; legislative findings  
21 and policy; promotional activities.--

22 (1) It is hereby found and declared that:

23 (a) The solar energy industry in this state has been a  
24 leader in the nation in the manufacture, supply, and delivery  
25 of solar energy systems.

26 (b) The use of solar energy in this state has been  
27 demonstrated to save conventional energy sources.

28 (c) The solar energy industry offers the prospect for  
29 improved economic welfare of this state through creation of  
30 jobs, increased energy security, and enhancing the quality of  
31 the environment of this state.

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1 (d) Through helping to provide for a clean environment  
2 and healthy economy, the solar energy industry contributes to  
3 the continued growth and development of the tourist industry  
4 of this state.

5 (2) It is the policy of this state to promote,  
6 stimulate, develop, and advance the growth of the solar energy  
7 industry in this state.

8 ~~(3) Enterprise Florida, Inc., and its boards shall~~  
9 ~~assist in the expansion of the solar energy industry in this~~  
10 ~~state. Such efforts shall be undertaken in cooperation with~~  
11 ~~the Department of Environmental Protection, the Florida Solar~~  
12 ~~Energy Center, and the Florida Solar Energy Industries~~  
13 ~~Association, and shall include:~~

14 ~~(a) Providing assistance and support to new and~~  
15 ~~existing photovoltaic companies, with special emphasis on~~  
16 ~~attracting one or more manufacturers of photovoltaic products~~  
17 ~~to locate within this state.~~

18 ~~(b) Sponsoring initiatives which aid and take full~~  
19 ~~advantage of the export market potential of solar~~  
20 ~~technologies.~~

21 ~~(c) Informing the business sector of this state about~~  
22 ~~opportunities for cost-effective commercial applications of~~  
23 ~~solar technologies.~~

24 ~~(d) Encouraging employment of residents of this state~~  
25 ~~by solar energy companies.~~

26 ~~(e) Retaining existing solar energy companies and~~  
27 ~~supporting their expansion efforts in this state.~~

28 ~~(f) Supporting the promotion of solar energy by~~  
29 ~~sponsoring workshops, seminars, conferences, and educational~~  
30 ~~programs on the benefits of solar energy.~~

31 ~~(g) Recognizing outstanding developments and~~

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1 ~~achievements in, and contributions to, the solar energy~~  
2 ~~industry.~~

3 ~~(h) Collecting and disseminating solar energy~~  
4 ~~information relevant to the promotion of solar energy~~  
5 ~~applications.~~

6 ~~(i) Enlisting the support of persons, civic groups,~~  
7 ~~the solar energy industry, and other organizations to promote~~  
8 ~~and improve solar energy products and services.~~

9 ~~(4) The department shall also promote projects that~~  
10 ~~demonstrate viable applications of solar technology which may~~  
11 ~~include, but shall not be limited to: irrigation and stock~~  
12 ~~watering, process heat for dairy and citrus operations,~~  
13 ~~aquaculture, hydroponics, horticulture, waste detoxification,~~  
14 ~~and other means of meeting the energy needs of the~~  
15 ~~agricultural industry.~~

16 ~~(3)(5)~~ By January 15 of each year, the Department of  
17 Environmental Protection shall report to the Governor, the  
18 President of the Senate, and the Speaker of the House of  
19 Representatives on the impact of the solar energy industry on  
20 the economy of this state and shall make any recommendations  
21 on initiatives to further promote the solar energy industry as  
22 the department deems appropriate.

23 Section 2. Paragraph (c) of subsection (3) of section  
24 288.095, Florida Statutes, is amended to read:

25 288.095 Economic Development Trust Fund.--

26 (3)

27 (c) By December 31 of each year, Enterprise Florida,  
28 Inc., shall submit a complete and detailed report to the  
29 Governor, the President of the Senate, the Speaker of the  
30 House of Representatives, and the director of the Office of  
31 Tourism, Trade, and Economic Development of all applications

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1 received, recommendations made to the Office of Tourism,  
 2 Trade, and Economic Development, final decisions issued, tax  
 3 refund agreements executed, and tax refunds paid or other  
 4 payments made under all programs funded out of the Economic  
 5 Development Incentives Account, including analyses of benefits  
 6 and costs, types of projects supported, and employment and  
 7 investment created. Enterprise Florida, Inc., shall also  
 8 include a separate analysis of the impact of such tax refunds  
 9 on state enterprise zones designated pursuant to s. 290.0065,  
 10 rural communities, brownfield areas, and distressed urban  
 11 communities. ~~The report must discuss whether the authority and~~  
 12 ~~moneys appropriated by the Legislature to the Economic~~  
 13 ~~Development Incentives Account were managed and expended in a~~  
 14 ~~prudent, fiducially sound manner.~~ The Office of Tourism,  
 15 Trade, and Economic Development shall assist Enterprise  
 16 Florida, Inc., in the collection of data related to business  
 17 performance and incentive payments.

18 Section 3. Section 288.8155, Florida Statutes, is  
 19 repealed.

20 Section 4. Subsections (7), (8), and (11) of section  
 21 288.901, Florida Statutes, are amended to read:

22 288.901 Enterprise Florida, Inc.; creation;  
 23 membership; organization; meetings; disclosure.--

24 (7) The Governor shall serve as chairperson of the  
 25 board of directors. The board of directors shall biennially  
 26 elect one of its ~~appointive~~ members as vice chairperson. The  
 27 president shall keep a record of the proceedings of the board  
 28 of directors and is the custodian of all books, documents, and  
 29 papers filed with the board of directors, the minutes of the  
 30 board of directors, and the official seal of Enterprise  
 31 Florida, Inc.

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1           (8) The board of directors shall meet at least four  
 2 times each year, upon the call of the chairperson, at the  
 3 request of the vice chairperson, or at the request of a  
 4 majority of the membership. A majority of the total number of  
 5 current voting ~~all~~ directors ~~fixed by subsection (3)~~ shall  
 6 constitute a quorum. The board of directors may take official  
 7 action by a majority vote of the members present at any  
 8 meeting at which a quorum is present.

9           (11) Notwithstanding the provisions of subsection (3),  
 10 the board of directors may by resolution appoint at-large  
 11 members to the board from the private sector, each of whom may  
 12 serve a ~~1-year~~ term of up to 3 years. At-large members shall  
 13 have the powers and duties of other members of the board,  
 14 ~~except that they may not serve on an executive committee.~~ An  
 15 at-large member is eligible for reappointment but may not vote  
 16 on his or her own reappointment. An at-large member shall be  
 17 eligible to fill vacancies occurring among private-sector  
 18 appointees under subsection (3).

19           Section 5. Section 288.9015, Florida Statutes, is  
 20 amended to read:

21           288.9015 Enterprise Florida, Inc.; purpose; duties.--

22           (1) Enterprise Florida, Inc., is the principal  
 23 economic development organization for the state. It shall be  
 24 the responsibility of Enterprise Florida, Inc., to provide  
 25 leadership for business development in Florida by aggressively  
 26 establishing a unified approach to Florida's efforts of  
 27 international trade and reverse investment; by aggressively  
 28 marketing the state as a probusiness location for potential  
 29 new investment; and by aggressively assisting in the retention  
 30 and expansion of existing businesses and the creation of new  
 31 businesses. In support of this effort, Enterprise Florida,

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1 Inc., may develop and implement specific programs or  
2 strategies that address the creation, expansion, and retention  
3 of Florida business; the development of import and export  
4 trade; and the recruitment of worldwide business.

5 (2) It shall be the responsibility of Enterprise  
6 Florida, Inc., to aggressively market Florida's rural  
7 communities, distressed urban communities, and enterprise  
8 zones as locations for potential new investment, to  
9 aggressively assist in the retention and expansion of existing  
10 businesses in these communities, and to aggressively assist  
11 these communities in the identification and development of new  
12 economic development opportunities for job creation, fully  
13 marketing state incentive programs such as the Qualified  
14 Target Industry Tax Refund Program under s. 288.106 and the  
15 Quick Action Closing Fund under s. 288.1088 in economically  
16 distressed areas.

17 ~~(3) It shall be the responsibility of Enterprise~~  
18 ~~Florida, Inc., through the Workforce Development Board, to~~  
19 ~~develop a comprehensive approach to workforce development that~~  
20 ~~will result in better employment opportunities for the~~  
21 ~~residents of this state. Such comprehensive approach must~~  
22 ~~include:~~

23 ~~(a) Creating and maintaining a highly skilled~~  
24 ~~workforce that is capable of responding to rapidly changing~~  
25 ~~technology and diversified market opportunities.~~

26 ~~(b) Training, educating, and assisting target~~  
27 ~~populations, such as those who are economically disadvantaged~~  
28 ~~or who participate in the WAGES Program or otherwise receive~~  
29 ~~public assistance to become independent, self-reliant, and~~  
30 ~~self-sufficient. This approach must ensure the effective use~~  
31 ~~of federal, state, local, and private resources in reducing~~

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1 ~~the need for public assistance.~~

2       ~~(3)(4)~~ It shall be the responsibility of Enterprise  
3 Florida, Inc., to assess, on an ongoing basis, Florida's  
4 economic development competitiveness as measured against other  
5 business locations, to identify and regularly reevaluate  
6 Florida's economic development strengths and weaknesses, and  
7 to incorporate such information into the strategic planning  
8 process under s. 288.904.

9       ~~(4)(5)~~ Enterprise Florida, Inc., shall incorporate the  
10 needs of small and minority businesses into the  
11 economic-development, international-trade and  
12 reverse-investment, and workforce-development responsibilities  
13 assigned to the organization by this section. Where  
14 practicable and consistent with the expertise of the Black  
15 Business Investment Board, Inc., Enterprise Florida, Inc.,  
16 shall contract with the corporation for the delivery of  
17 services in fulfillment of the responsibilities of Enterprise  
18 Florida, Inc., relating to small and minority businesses.

19       ~~(5)(6)~~ Enterprise Florida, Inc., shall not endorse any  
20 candidate for any elected public office, nor shall it  
21 contribute moneys to the campaign of any such candidate.

22       ~~(6)(7)~~ As part of its business development and  
23 marketing responsibilities, Enterprise Florida, Inc., shall  
24 prepare a business guide and checklist that contains basic  
25 information on the federal, state, and local requirements for  
26 starting and operating a business in this state. The guide and  
27 checklist must describe how additional information can be  
28 obtained on any such requirements and shall include, to the  
29 extent feasible, the names, addresses, and telephone numbers  
30 of appropriate government agency representatives. The guide  
31 and checklist must also contain information useful to persons

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1 | who may be starting a business for the first time, including,  
2 | but not limited to, information on business structure,  
3 | financing, and planning.

4 |         Section 6. Section 288.90151, Florida Statutes, is  
5 | amended to read:

6 |             288.90151 Return on investment from activities of  
7 | Enterprise Florida, Inc.--

8 |             (1) The public funds appropriated each year for the  
9 | operation of Enterprise Florida, Inc., are invested in this  
10 | public-private partnership to enhance international trade and  
11 | economic development, to spur job-creating investments, and to  
12 | create new employment opportunities for Floridians, ~~and to~~  
13 | ~~prepare Floridians for those jobs.~~ This policy will be the  
14 | Legislature's priority consideration when reviewing the  
15 | return-on-investment for Enterprise Florida, Inc.

16 |             (2) It is also the intent of the Legislature that  
17 | Enterprise Florida, Inc., coordinate its operations with local  
18 | economic-development organizations to maximize the state and  
19 | local return-on-investment to create jobs for Floridians.

20 |             (3) It is further the intent of the Legislature to  
21 | maximize private-sector support in operating Enterprise  
22 | Florida, Inc., as an endorsement of its value and as an  
23 | enhancement of its efforts.

24 |             (4)(a) The state's operating investment in Enterprise  
25 | Florida, Inc., is the budget contracted by the Office of  
26 | Tourism, Trade, and Economic Development to Enterprise  
27 | Florida, Inc., less funding that is directed by the  
28 | Legislature to be subcontracted to a specific recipient.

29 |             (b) The board of directors of Enterprise Florida,  
30 | Inc., shall adopt for each upcoming fiscal year an operating  
31 | budget for the organization that specifies the intended uses



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1 of the state's operating investment and a plan for securing  
 2 private-sector support to Enterprise Florida, Inc. Each fiscal  
 3 year private-sector support to Enterprise Florida, Inc., shall  
 4 equal no less than 100 percent of the state's operating  
 5 investment, including at least \$1 million in cash as defined  
 6 in paragraph (5)(a), and an additional \$400,000 in cash as  
 7 defined in paragraphs (5)(a), (b), and (c).

8 (5) Private-sector support in operating Enterprise  
 9 Florida, Inc., includes:

10 (a) Cash given directly to Enterprise Florida, Inc.,  
 11 for its operations, excluding contributions from grantees or  
 12 companies having contracts with Enterprise Florida, Inc.,  
 13 which represent more than 5 percent of the value of all  
 14 contracts with Enterprise Florida, Inc., exclusive of grants,  
 15 or more than 5 percent of the company's revenues. Cash in this  
 16 category is not subject to restrictions on the use of  
 17 appropriated funds ~~operating budget~~;

18 (b) Cash jointly raised by Enterprise Florida, Inc.,  
 19 and a local economic development organization, a group of such  
 20 organizations, or a statewide business organization that  
 21 supports collaborative projects;

22 (c) Cash generated by fees charged for products or  
 23 services of Enterprise Florida, Inc., and by sponsorship of  
 24 events, missions, programs, and publications; and

25 (d) In-kind contributions directly to Enterprise  
 26 Florida, Inc., including: business expenditures; business  
 27 services provided; business support; or other business  
 28 contributions that augment the operations, program,  
 29 activities, or assets of Enterprise Florida, Inc., including,  
 30 but not limited to: an individual's time and expertise;  
 31 sponsored publications; private-sector staff services; payment

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1 for advertising placements; sponsorship of events; sponsored  
 2 or joint research; discounts on leases or purchases; mission  
 3 or program sponsorship; and copayments, stock, warrants,  
 4 royalties, or other private resources dedicated to Enterprise  
 5 Florida, Inc.

6 (6) Enterprise Florida, Inc., shall fully comply with  
 7 the performance measures, standards, and sanctions in its  
 8 contracts with the Office of Tourism, Trade, and Economic  
 9 Development under s. 14.2015(2)(h) and (7). The Office of  
 10 Tourism, Trade, and Economic Development shall ensure, to the  
 11 maximum extent possible, that the contract performance  
 12 measures are consistent with performance measures that the  
 13 office is required to develop and track under  
 14 performance-based program budgeting.

15 (7) As part of the annual report required under s.  
 16 288.906, Enterprise Florida, Inc., shall provide the  
 17 Legislature with information quantifying the public's  
 18 return-on-investment as described in this section for fiscal  
 19 year 1997-1998 and each subsequent fiscal year. The annual  
 20 report shall also include the results of a  
 21 customer-satisfaction survey of businesses served, as well as  
 22 the lead economic development staff person of each  
 23 organization that is a primary partner ~~local economic~~  
 24 ~~development organization that employs a full-time or part-time~~  
 25 ~~staff person.~~

26 (8) Enterprise Florida, Inc., in consultation with the  
 27 Office of Program Policy Analysis and Government  
 28 Accountability, shall hire an economic-analysis ~~a private~~  
 29 ~~accounting~~ firm to develop the methodology for establishing  
 30 and reporting return-on-investment and in-kind contributions  
 31 as described in this section and shall hire a firm experienced

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1 in survey research to develop, analyze, and report on the  
 2 results of the customer-satisfaction survey. The Office of  
 3 Program Policy Analysis and Government Accountability shall  
 4 review and offer feedback on the methodology before it is  
 5 implemented. ~~The private accounting firm shall certify whether~~  
 6 ~~the applicable statements in the annual report comply with~~  
 7 ~~this subsection.~~

8 Section 7. Paragraph (b) of subsection (1) of section  
 9 288.904, Florida Statutes, is amended to read:

10 288.904 Powers of the board of directors of Enterprise  
 11 Florida, Inc.--

12 (1) The board of directors of Enterprise Florida,  
 13 Inc., shall have the power to:

14 (b)1. Make and enter into contracts and other  
 15 instruments necessary or convenient for the exercise of its  
 16 powers and functions, except that any contract made with an  
 17 organization represented on the board of directors which  
 18 exceeds \$100,000, must be approved by a two-thirds vote of the  
 19 ~~entire board members in attendance at a meeting where a quorum~~  
 20 is present of directors, and the board member representing  
 21 such organization shall abstain from voting. No more than 65  
 22 percent of the dollar value of all contracts or other  
 23 agreements entered into in any fiscal year, exclusive of grant  
 24 programs, shall be made with an organization represented on  
 25 the board of directors. This section does not apply to a  
 26 contract awarded by another entity to an organization  
 27 represented on the board of directors or to a contract in  
 28 which Enterprise Florida, Inc., is the recipient of funds from  
 29 an organization represented on the board of directors. An  
 30 ~~organization represented on the board may not enter into a~~  
 31 ~~contract to receive a state-funded economic development~~

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1 ~~incentive or similar grant, unless such incentive award is~~  
2 ~~specifically endorsed by a two-thirds vote of the entire~~  
3 ~~board. The board member representing such organization, if~~  
4 ~~applicable, shall abstain from voting and refrain from~~  
5 ~~discussing the issue with other members of the board. No more~~  
6 ~~than 50 percent of the dollar value of grants issued by the~~  
7 ~~board in any fiscal year may go to businesses associated with~~  
8 ~~board members.~~

9           2. A contract that Enterprise Florida, Inc., executes  
10 with a person or organization under which such person or  
11 organization agrees to perform economic development services  
12 or similar business assistance services on behalf of  
13 Enterprise Florida, Inc., or on behalf of the state must  
14 include provisions requiring that such person or organization  
15 report on performance, account for proper use of funds  
16 provided under the contract, coordinate with other components  
17 of state and local economic development systems, and avoid  
18 duplication of existing state and local services and  
19 activities.

20           Section 8. This act shall take effect upon becoming a  
21 law.

22  
23

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

25 And the title is amended as follows:

26           Delete everything before the enacting clause

27

28 and insert:

29                                   A bill to be entitled  
30           An act relating to Enterprise Florida, Inc. ;  
31           amending s. 288.041, F.S.; deleting the

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1 requirement that Enterprise Florida, Inc.,  
2 assist in the expansion of the solar energy  
3 industry and solar technology; amending s.  
4 288.095, F.S.; deleting obsolete provisions;  
5 repealing s. 288.8155, F.S., relating to the  
6 International Trade Data Resource and Research  
7 Center; amending s. 288.901, F.S.; revising the  
8 membership, organization, and meetings of the  
9 board of directors of Enterprise Florida, Inc.;  
10 amending s. 288.9015, F.S.; deleting obsolete  
11 provisions regarding the Workforce Development  
12 Board of Enterprise Florida, Inc.; amending s.  
13 288.90151, F.S.; deleting obsolete provisions;  
14 specifying moneys and contributions that may be  
15 considered as private-sector support to  
16 Enterprise Florida, Inc.; requiring that the  
17 annual report include a study; clarifying the  
18 term "economic development organization";  
19 requiring Enterprise Florida, Inc. to hire  
20 certain firms to develop certain survey  
21 reporting; deleting a requirement that the  
22 annual report be certified; amending s.  
23 288.904, F.S.; revising the power of the board  
24 to make and enter into contracts; providing  
25 that certain limitations do not apply to  
26 contracts awarded by another entity; providing  
27 an effective date.

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