

By Senator Dockery

15-700-05

1 A bill to be entitled
2 An act relating to Enterprise Florida, Inc.;
3 amending s. 288.041, F.S.; deleting the
4 requirement that Enterprise Florida, Inc.,
5 assist in the expansion of the solar energy
6 industry and solar technology; amending s.
7 288.047, F.S., relating to quick-response
8 training; conforming provisions to changes made
9 by the act; amending s. 288.095, F.S.; deleting
10 obsolete provisions; repealing s. 288.8155,
11 F.S., relating to the International Trade Data
12 Resource and Research Center; amending s.
13 288.901, F.S.; revising the membership,
14 organization, and meetings of the board of
15 directors of Enterprise Florida, Inc.; amending
16 s. 288.9015, F.S.; deleting obsolete provisions
17 regarding the Workforce Development Board of
18 Enterprise Florida, Inc.; amending s.
19 288.90151, F.S.; deleting obsolete provisions;
20 specifying moneys and contributions that may be
21 considered as private-sector support to
22 Enterprise Florida, Inc.; requiring that the
23 annual report include a study; clarifying the
24 term "economic development organization";
25 requiring Enterprise Florida, Inc. to hire
26 certain firms to develop certain survey
27 reporting; deleting a requirement that the
28 annual report be certified; amending s.
29 288.903, F.S.; deleting the limitation on the
30 salary of an employee of Enterprise Florida,
31 Inc.; amending s. 288.904, F.S.; revising the

1 power of the board to make and enter into
2 contracts; providing that certain limitations
3 do not apply to contracts awarded by another
4 entity; amending s. 288.905, F.S.; deleting
5 provisions prohibiting certain state employees
6 from receiving a pay raise or bonus beyond a
7 certain amount; amending s. 445.004, F.S.,
8 relating to Workforce Florida, Inc.; conforming
9 provisions to changes made by the act;
10 providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 288.041, Florida Statutes, is
15 amended to read:

16 288.041 Solar energy industry; legislative findings
17 and policy; promotional activities.--

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

19 (a) The solar energy industry in this state has been a
20 leader in the nation in the manufacture, supply, and delivery
21 of solar energy systems.

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

24 (c) The solar energy industry offers the prospect for
25 improved economic welfare of this state through creation of
26 jobs, increased energy security, and enhancing the quality of
27 the environment of this state.

28 (d) Through helping to provide for a clean environment
29 and healthy economy, the solar energy industry contributes to
30 the continued growth and development of the tourist industry
31 of this state.

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

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

10 ~~(a) Providing assistance and support to new and~~
11 ~~existing photovoltaic companies, with special emphasis on~~
12 ~~attracting one or more manufacturers of photovoltaic products~~
13 ~~to locate within this state.~~

14 ~~(b) Sponsoring initiatives which aid and take full~~
15 ~~advantage of the export market potential of solar~~
16 ~~technologies.~~

17 ~~(c) Informing the business sector of this state about~~
18 ~~opportunities for cost effective commercial applications of~~
19 ~~solar technologies.~~

20 ~~(d) Encouraging employment of residents of this state~~
21 ~~by solar energy companies.~~

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

24 ~~(f) Supporting the promotion of solar energy by~~
25 ~~sponsoring workshops, seminars, conferences, and educational~~
26 ~~programs on the benefits of solar energy.~~

27 ~~(g) Recognizing outstanding developments and~~
28 ~~achievements in, and contributions to, the solar energy~~
29 ~~industry.~~

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31

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

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

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

14 (3)(5) By January 15 of each year, the Department of
15 Environmental Protection shall report to the Governor, the
16 President of the Senate, and the Speaker of the House of
17 Representatives on the impact of the solar energy industry on
18 the economy of this state and shall make any recommendations
19 on initiatives to further promote the solar energy industry as
20 the department deems appropriate.

21 Section 2. Subsections (9) and (10) of section
22 288.047, Florida Statutes, are amended to read:

23 288.047 Quick-response training for economic
24 development.--

25 ~~(9) Notwithstanding any other provision of law,~~
26 ~~eligible matching contributions received under the~~
27 ~~Quick Response Training Program under this section may be~~
28 ~~counted toward the private sector support of Enterprise~~
29 ~~Florida, Inc., under s. 288.90151(5)(d).~~

30 (9)(10) Workforce Florida, Inc., and Enterprise
31 Florida, Inc., shall ensure maximum coordination and

1 cooperation in administering this section, in such a manner
2 that any division of responsibility between the two
3 organizations which relates to marketing or administering the
4 Quick-Response Training Program is not apparent to a business
5 that inquires about or applies for funding under this section.
6 The organizations shall provide such a business with a single
7 point of contact for information and assistance.

8 Section 3. Paragraph (c) of subsection (3) of section
9 288.095, Florida Statutes, is amended to read:

10 288.095 Economic Development Trust Fund.--

11 (3)

12 (c) By December 31 of each year, Enterprise Florida,
13 Inc., shall submit a complete and detailed report to the
14 Governor, the President of the Senate, the Speaker of the
15 House of Representatives, and the director of the Office of
16 Tourism, Trade, and Economic Development of all applications
17 received, recommendations made to the Office of Tourism,
18 Trade, and Economic Development, final decisions issued, tax
19 refund agreements executed, and tax refunds paid or other
20 payments made under all programs funded out of the Economic
21 Development Incentives Account, including analyses of benefits
22 and costs, types of projects supported, and employment and
23 investment created. Enterprise Florida, Inc., shall also
24 include a separate analysis of the impact of such tax refunds
25 on state enterprise zones designated pursuant to s. 290.0065,
26 rural communities, brownfield areas, and distressed urban
27 communities. ~~The report must discuss whether the authority and~~
28 ~~moneys appropriated by the Legislature to the Economic~~
29 ~~Development Incentives Account were managed and expended in a~~
30 ~~prudent, fiducially sound manner.~~ The Office of Tourism,
31 Trade, and Economic Development shall assist Enterprise

1 Florida, Inc., in the collection of data related to business
2 performance and incentive payments.

3 Section 4. Section 288.8155, Florida Statutes, is
4 repealed.

5 Section 5. Subsections (7), (8), and (11) of section
6 288.901, Florida Statutes, are amended to read:

7 288.901 Enterprise Florida, Inc.; creation;
8 membership; organization; meetings; disclosure.--

9 (7) The Governor shall serve as chairperson of the
10 board of directors. The board of directors shall biennially
11 elect one of its ~~appointive~~ members as vice chairperson. The
12 president shall keep a record of the proceedings of the board
13 of directors and is the custodian of all books, documents, and
14 papers filed with the board of directors, the minutes of the
15 board of directors, and the official seal of Enterprise
16 Florida, Inc.

17 (8) The board of directors shall meet at least four
18 times each year, upon the call of the chairperson, at the
19 request of the vice chairperson, or at the request of a
20 majority of the membership. A majority of the total number of
21 current voting ~~all directors fixed by subsection (3)~~ shall
22 constitute a quorum. The board of directors may take official
23 action by a majority vote of the members present at any
24 meeting at which a quorum is present.

25 (11) Notwithstanding the provisions of subsection (3),
26 the board of directors may by resolution appoint at-large
27 members to the board from the private sector, each of whom may
28 serve a ~~1-year~~ term of up to 3 years. At-large members shall
29 have the powers and duties of other members of the board,
30 ~~except that they may not serve on an executive committee~~. An
31 at-large member is eligible for reappointment but may not vote

1 on his or her own reappointment. An at-large member shall be
2 eligible to fill vacancies occurring among private-sector
3 appointees under subsection (3).

4 Section 6. Section 288.9015, Florida Statutes, is
5 amended to read:

6 288.9015 Enterprise Florida, Inc.; purpose; duties.--

7 (1) Enterprise Florida, Inc., is the principal
8 economic development organization for the state. It shall be
9 the responsibility of Enterprise Florida, Inc., to provide
10 leadership for business development in Florida by aggressively
11 establishing a unified approach to Florida's efforts of
12 international trade and reverse investment; by aggressively
13 marketing the state as a probusiness location for potential
14 new investment; and by aggressively assisting in the retention
15 and expansion of existing businesses and the creation of new
16 businesses. In support of this effort, Enterprise Florida,
17 Inc., may develop and implement specific programs or
18 strategies that address the creation, expansion, and retention
19 of Florida business; the development of import and export
20 trade; and the recruitment of worldwide business.

21 (2) It shall be the responsibility of Enterprise
22 Florida, Inc., to aggressively market Florida's rural
23 communities, distressed urban communities, and enterprise
24 zones as locations for potential new investment, to
25 aggressively assist in the retention and expansion of existing
26 businesses in these communities, and to aggressively assist
27 these communities in the identification and development of new
28 economic development opportunities for job creation, fully
29 marketing state incentive programs such as the Qualified
30 Target Industry Tax Refund Program under s. 288.106 and the
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1 Quick Action Closing Fund under s. 288.1088 in economically
2 distressed areas.

3 ~~(3) It shall be the responsibility of Enterprise~~
4 ~~Florida, Inc., through the Workforce Development Board, to~~
5 ~~develop a comprehensive approach to workforce development that~~
6 ~~will result in better employment opportunities for the~~
7 ~~residents of this state. Such comprehensive approach must~~
8 ~~include:~~

9 ~~(a) Creating and maintaining a highly skilled~~
10 ~~workforce that is capable of responding to rapidly changing~~
11 ~~technology and diversified market opportunities.~~

12 ~~(b) Training, educating, and assisting target~~
13 ~~populations, such as those who are economically disadvantaged~~
14 ~~or who participate in the WAGES Program or otherwise receive~~
15 ~~public assistance to become independent, self reliant, and~~
16 ~~self sufficient. This approach must ensure the effective use~~
17 ~~of federal, state, local, and private resources in reducing~~
18 ~~the need for public assistance.~~

19 (3)(4) It shall be the responsibility of Enterprise
20 Florida, Inc., to assess, on an ongoing basis, Florida's
21 economic development competitiveness as measured against other
22 business locations, to identify and regularly reevaluate
23 Florida's economic development strengths and weaknesses, and
24 to incorporate such information into the strategic planning
25 process under s. 288.904.

26 (4)(5) Enterprise Florida, Inc., shall incorporate the
27 needs of small and minority businesses into the
28 economic-development, international-trade and
29 reverse-investment, and workforce-development responsibilities
30 assigned to the organization by this section. Where
31 practicable and consistent with the expertise of the Black

1 Business Investment Board, Inc., Enterprise Florida, Inc.,
2 shall contract with the corporation for the delivery of
3 services in fulfillment of the responsibilities of Enterprise
4 Florida, Inc., relating to small and minority businesses.

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

8 ~~(6)(7)~~ As part of its business development and
9 marketing responsibilities, Enterprise Florida, Inc., shall
10 prepare a business guide and checklist that contains basic
11 information on the federal, state, and local requirements for
12 starting and operating a business in this state. The guide and
13 checklist must describe how additional information can be
14 obtained on any such requirements and shall include, to the
15 extent feasible, the names, addresses, and telephone numbers
16 of appropriate government agency representatives. The guide
17 and checklist must also contain information useful to persons
18 who may be starting a business for the first time, including,
19 but not limited to, information on business structure,
20 financing, and planning.

21 Section 7. Section 288.90151, Florida Statutes, is
22 amended to read:

23 288.90151 Return on investment from activities of
24 Enterprise Florida, Inc.--

25 (1) The public funds appropriated each year for the
26 operation of Enterprise Florida, Inc., are invested in this
27 public-private partnership to enhance international trade and
28 economic development, to spur job-creating investments, and to
29 create new employment opportunities for Floridians, ~~and to~~
30 ~~prepare Floridians for those jobs~~. This policy will be the
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1 Legislature's priority consideration when reviewing the
2 return-on-investment for Enterprise Florida, Inc.

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

7 (3) It is further the intent of the Legislature to
8 maximize private-sector support in operating Enterprise
9 Florida, Inc., as an endorsement of its value and as an
10 enhancement of its efforts.

11 (4)(a) The state's operating investment in Enterprise
12 Florida, Inc., is the budget contracted by the Office of
13 Tourism, Trade, and Economic Development to Enterprise
14 Florida, Inc., less funding that is directed by the
15 Legislature to be subcontracted to a specific recipient.

16 (b) The board of directors of Enterprise Florida,
17 Inc., shall adopt for each upcoming fiscal year an operating
18 budget for the organization that specifies the intended uses
19 of the state's operating investment and a plan for securing
20 private-sector support to Enterprise Florida, Inc. Each fiscal
21 year private-sector support to Enterprise Florida, Inc., shall
22 equal no less than ~~100 percent of the state's operating~~
23 ~~investment, including at least~~ \$1 million in cash as defined
24 in paragraph (5)(a), and an additional \$400,000 in cash as
25 defined in paragraphs (5)(a), (b), and (c).

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

28 (a) Cash given directly to Enterprise Florida, Inc.,
29 for its operations, excluding contributions from grantees or
30 companies having contracts with Enterprise Florida, Inc.,
31 which represent more than 5 percent of the value of all

1 contracts with Enterprise Florida, Inc., exclusive of grants,
2 or more than 5 percent of the company's revenues. Cash in this
3 category is not subject to restrictions on the use of
4 appropriated funds ~~operating budget;~~

5 (b) Cash jointly raised by Enterprise Florida, Inc.,
6 and a local economic development organization, a group of such
7 organizations, or a statewide business organization that
8 supports collaborative projects; and

9 (c) Cash generated by fees charged for products or
10 services of Enterprise Florida, Inc., and by sponsorship of
11 events, missions, programs, and publications. ~~and~~

12 ~~(d) In kind contributions directly to Enterprise~~
13 ~~Florida, Inc., including: business expenditures; business~~
14 ~~services provided; business support; or other business~~
15 ~~contributions that augment the operations, program,~~
16 ~~activities, or assets of Enterprise Florida, Inc., including,~~
17 ~~but not limited to: an individual's time and expertise;~~
18 ~~sponsored publications; private sector staff services; payment~~
19 ~~for advertising placements; sponsorship of events; sponsored~~
20 ~~or joint research; discounts on leases or purchases; mission~~
21 ~~or program sponsorship; and copayments, stock, warrants,~~
22 ~~royalties, or other private resources dedicated to Enterprise~~
23 ~~Florida, Inc.~~

24 (6) Enterprise Florida, Inc., shall fully comply with
25 the performance measures, standards, and sanctions in its
26 contracts with the Office of Tourism, Trade, and Economic
27 Development under s. 14.2015(2)(h) and (7). The Office of
28 Tourism, Trade, and Economic Development shall ensure, to the
29 maximum extent possible, that the contract performance
30 measures are consistent with performance measures that the
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1 office is required to develop and track under
2 performance-based program budgeting.

3 (7) As part of the annual report required under s.
4 288.906, Enterprise Florida, Inc., shall include a study
5 ~~provide the Legislature with information~~ quantifying the
6 public's return-on-investment as described in this section for
7 fiscal year 1997-1998 and each subsequent fiscal year. The
8 annual report shall also include ~~the results of a~~
9 customer-satisfaction survey of businesses served, as well as
10 the lead economic development staff person of each
11 organization that is a primary partner ~~local economic~~
12 ~~development organization that employs a full time or part time~~
13 ~~staff person.~~

14 (8) Enterprise Florida, Inc., in consultation with the
15 Office of Program Policy Analysis and Government
16 Accountability, shall hire an economic-analysis ~~a private~~
17 ~~accounting~~ firm to develop the methodology for establishing
18 and reporting return-on-investment and a firm experienced in
19 survey research ~~in kind contributions as described in this~~
20 ~~section and~~ to develop, analyze, and report on the results of
21 the customer-satisfaction survey. The Office of Program
22 Policy Analysis and Government Accountability shall review and
23 offer feedback on the methodology before it is implemented.
24 ~~The private accounting firm shall certify whether the~~
25 ~~applicable statements in the annual report comply with this~~
26 ~~subsection.~~

27 Section 8. Subsection (3) of section 288.903, Florida
28 Statutes, is amended to read:

29 288.903 Board of directors of Enterprise Florida,
30 Inc.; president; employees.--

31

1 (3) The board of directors of Enterprise Florida,
2 Inc., and its officers shall be responsible for the prudent
3 use of all public and private funds and shall ensure that the
4 use of such funds is in accordance with all applicable laws,
5 bylaws, or contractual requirements. ~~No employee of Enterprise
6 Florida, Inc., may receive compensation for employment which
7 exceeds the salary paid to the Governor, unless the board of
8 directors and the employee have executed a contract that
9 prescribes specific, measurable performance outcomes for the
10 employee, the satisfaction of which provides the basis for the
11 award of incentive payments that increase the employee's total
12 compensation to a level above the salary paid to the Governor.~~

13 Section 9. Paragraph (b) of subsection (1) of section
14 288.904, Florida Statutes, is amended to read:

15 288.904 Powers of the board of directors of Enterprise
16 Florida, Inc.--

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

19 (b)1. Make and enter into contracts and other
20 instruments necessary or convenient for the exercise of its
21 powers and functions, except that any contract made with an
22 organization represented on the board of directors which
23 exceeds 5 percent of the total annual amount of the contracts
24 of Enterprise Florida, Inc., exclusive of grants, or 5 percent
25 of the represented organization's annual revenue, must be
26 approved by a two-thirds vote of the ~~entire~~ board members in
27 attendance at a meeting where a quorum is present ~~of~~
28 ~~directors~~, and the board member representing such organization
29 shall abstain from voting. No more than 65 percent of the
30 dollar value of all contracts or other agreements entered into
31 in any fiscal year, exclusive of grant programs, shall be made

1 with an organization represented on the board of directors.
2 This section does not apply to a contract awarded by another
3 entity to an organization represented on the board of
4 directors or to a contract in which Enterprise Florida, Inc.,
5 is the recipient of funds from an organization represented on
6 the board of directors. An organization represented on the
7 ~~board may not enter into a contract to receive a state funded~~
8 ~~economic development incentive or similar grant, unless such~~
9 ~~incentive award is specifically endorsed by a two thirds vote~~
10 ~~of the entire board. The board member representing such~~
11 ~~organization, if applicable, shall abstain from voting and~~
12 ~~refrain from discussing the issue with other members of the~~
13 ~~board. No more than 50 percent of the dollar value of grants~~
14 ~~issued by the board in any fiscal year may go to businesses~~
15 ~~associated with board members.~~

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

27 Section 10. Subsection (6) of section 288.905, Florida
28 Statutes, is amended to read:

29 288.905 Duties of the board of directors of Enterprise
30 Florida, Inc.--
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1 (6) Any employee leased by Enterprise Florida, Inc.,
2 ~~from the state, or any employee who derives his or her salary~~
3 ~~from funds appropriated by the Legislature,~~ may not receive a
4 pay raise or bonus in excess of a pay raise or bonus that is
5 received by similarly situated state employees. However, this
6 subsection does not prohibit the payment of a pay raise or
7 bonus from funds received from sources other than the Florida
8 Legislature.

9 Section 11. Paragraph (b) of subsection (5) of section
10 445.004, Florida Statutes, is amended to read:

11 445.004 Workforce Florida, Inc.; creation; purpose;
12 membership; duties and powers.--

13 (5) Workforce Florida, Inc., shall have all the powers
14 and authority, not explicitly prohibited by statute, necessary
15 or convenient to carry out and effectuate the purposes as
16 determined by statute, Pub. L. No. 105-220, and the Governor,
17 as well as its functions, duties, and responsibilities,
18 including, but not limited to, the following:

19 (b) Providing oversight and policy direction to ensure
20 that the following programs are administered by the Agency for
21 Workforce Innovation in compliance with approved plans and
22 under contract with Workforce Florida, Inc.:

23 1. Programs authorized under Title I of the Workforce
24 Investment Act of 1998, Pub. L. No. 105-220, with the
25 exception of programs funded directly by the United States
26 Department of Labor under Title I, s. 167.

27 2. Programs authorized under the Wagner-Peyser Act of
28 1933, as amended, 29 U.S.C. ss. 49 et seq.

29 3. Welfare-to-work grants administered by the United
30 States Department of Labor under Title IV, s. 403, of the
31 Social Security Act, as amended.

1 4. Activities authorized under Title II of the Trade
2 Act of 1974, as amended, 2 U.S.C. ss. 2271 et seq., and the
3 Trade Adjustment Assistance Program.

4 5. Activities authorized under 38 U.S.C., chapter 41,
5 including job counseling, training, and placement for
6 veterans.

7 6. Employment and training activities carried out
8 under the Community Services Block Grant Act, 42 U.S.C. ss.
9 9901 et seq.

10 7. Employment and training activities carried out
11 under funds awarded to this state by the United States
12 Department of Housing and Urban Development.

13 8. Welfare transition services funded by the Temporary
14 Assistance for Needy Families Program, created under the
15 Personal Responsibility and Work Opportunity Reconciliation
16 Act of 1996, as amended, Pub. L. No. 104-193, and Title IV, s.
17 403, of the Social Security Act, as amended.

18 9. Displaced homemaker programs, provided under s.
19 446.50.

20 10. The Florida Bonding Program, provided under Pub.
21 L. No. 97-300, s. 164(a)(1).

22 11. The Food Stamp Employment and Training Program,
23 provided under the Food Stamp Act of 1977, U.S.C. ss.
24 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;
25 and the Hunger Prevention Act, Pub. L. No. 100-435.

26 12. The Quick-Response Training Program, provided
27 under ss. 288.046-288.047. ~~Matching funds and in kind~~
28 ~~contributions that are provided by clients of the~~
29 ~~Quick Response Training Program shall count toward the~~
30 ~~requirements of s. 288.90151(5)(d), pertaining to the return~~
31 ~~on investment from activities of Enterprise Florida, Inc.~~

