

By the Committee on Commerce and Consumer Services; and
Senator Dockery

577-1843-05

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.

7 288.095, F.S.; deleting obsolete provisions;

8 repealing s. 288.8155, F.S., relating to the

9 International Trade Data Resource and Research

10 Center; amending s. 288.901, F.S.; revising the

11 membership, organization, and meetings of the

12 board of directors of Enterprise Florida, Inc.;

13 amending s. 288.9015, F.S.; deleting obsolete

14 provisions regarding the Workforce Development

15 Board of Enterprise Florida, Inc.; amending s.

16 288.90151, F.S.; deleting obsolete provisions;

17 specifying moneys and contributions that may be

18 considered as private-sector support to

19 Enterprise Florida, Inc.; requiring that the

20 annual report include a study; clarifying the

21 term "economic development organization";

22 requiring Enterprise Florida, Inc. to hire

23 certain firms to develop certain survey

24 reporting; deleting a requirement that the

25 annual report be certified; amending s.

26 288.904, F.S.; revising the power of the board

27 to make and enter into contracts; providing

28 that certain limitations do not apply to

29 contracts awarded by another entity; providing

30 an effective date.

31

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

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3 Section 1. Section 288.041, Florida Statutes, is
4 amended to read:

5 288.041 Solar energy industry; legislative findings
6 and policy; promotional activities.--

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

8 (a) The solar energy industry in this state has been a
9 leader in the nation in the manufacture, supply, and delivery
10 of solar energy systems.

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

13 (c) The solar energy industry offers the prospect for
14 improved economic welfare of this state through creation of
15 jobs, increased energy security, and enhancing the quality of
16 the environment of this state.

17 (d) Through helping to provide for a clean environment
18 and healthy economy, the solar energy industry contributes to
19 the continued growth and development of the tourist industry
20 of this state.

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

24 ~~(3) Enterprise Florida, Inc., and its boards shall~~
25 ~~assist in the expansion of the solar energy industry in this~~
26 ~~state. Such efforts shall be undertaken in cooperation with~~
27 ~~the Department of Environmental Protection, the Florida Solar~~
28 ~~Energy Center, and the Florida Solar Energy Industries~~
29 ~~Association, and shall include:~~

30 ~~(a) Providing assistance and support to new and~~
31 ~~existing photovoltaic companies, with special emphasis on~~

1 ~~attracting one or more manufacturers of photovoltaic products~~
2 ~~to locate within this state.~~

3 ~~(b) Sponsoring initiatives which aid and take full~~
4 ~~advantage of the export market potential of solar~~
5 ~~technologies.~~

6 ~~(c) Informing the business sector of this state about~~
7 ~~opportunities for cost effective commercial applications of~~
8 ~~solar technologies.~~

9 ~~(d) Encouraging employment of residents of this state~~
10 ~~by solar energy companies.~~

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

13 ~~(f) Supporting the promotion of solar energy by~~
14 ~~sponsoring workshops, seminars, conferences, and educational~~
15 ~~programs on the benefits of solar energy.~~

16 ~~(g) Recognizing outstanding developments and~~
17 ~~achievements in, and contributions to, the solar energy~~
18 ~~industry.~~

19 ~~(h) Collecting and disseminating solar energy~~
20 ~~information relevant to the promotion of solar energy~~
21 ~~applications.~~

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

25 ~~(4) The department shall also promote projects that~~
26 ~~demonstrate viable applications of solar technology which may~~
27 ~~include, but shall not be limited to: irrigation and stock~~
28 ~~watering, process heat for dairy and citrus operations,~~
29 ~~aquaculture, hydroponics, horticulture, waste detoxification,~~
30 ~~and other means of meeting the energy needs of the~~
31 ~~agricultural industry.~~

1 ~~(3)(5)~~ By January 15 of each year, the Department of
2 Environmental Protection shall report to the Governor, the
3 President of the Senate, and the Speaker of the House of
4 Representatives on the impact of the solar energy industry on
5 the economy of this state and shall make any recommendations
6 on initiatives to further promote the solar energy industry as
7 the department deems appropriate.

8 Section 2. 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 3. Section 288.8155, Florida Statutes, is
4 repealed.

5 Section 4. 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 5. 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 6. 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;

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 provide the
5 Legislature with information quantifying the public's
6 return-on-investment as described in this section for fiscal
7 year 1997-1998 and each subsequent fiscal year. The annual
8 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 in-kind contributions
19 as described in this section and shall hire a firm experienced
20 in survey research to develop, analyze, and report on the
21 results of the customer-satisfaction survey. The Office of
22 Program Policy Analysis and Government Accountability shall
23 review and offer feedback on the methodology before it is
24 implemented. ~~The private accounting firm shall certify whether~~
25 ~~the applicable statements in the annual report comply with~~
26 ~~this subsection.~~

27 Section 7. Paragraph (b) of subsection (1) of section
28 288.904, Florida Statutes, is amended to read:

29 288.904 Powers of the board of directors of Enterprise
30 Florida, Inc.--
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1 (1) The board of directors of Enterprise Florida,
2 Inc., shall have the power to:

3 (b)1. Make and enter into contracts and other
4 instruments necessary or convenient for the exercise of its
5 powers and functions, except that any contract made with an
6 organization represented on the board of directors which
7 exceeds \$100,000, must be approved by a two-thirds vote of the
8 entire board members in attendance at a meeting where a quorum
9 is present ~~of directors,~~ and the board member representing
10 such organization shall abstain from voting. No more than 65
11 percent of the dollar value of all contracts or other
12 agreements entered into in any fiscal year, exclusive of grant
13 programs, shall be made with an organization represented on
14 the board of directors. This section does not apply to a
15 contract awarded by another entity to an organization
16 represented on the board of directors or to a contract in
17 which Enterprise Florida, Inc., is the recipient of funds from
18 an organization represented on the board of directors. ~~An~~
19 ~~organization represented on the board may not enter into a~~
20 ~~contract to receive a state funded economic development~~
21 ~~incentive or similar grant, unless such incentive award is~~
22 ~~specifically endorsed by a two thirds vote of the entire~~
23 ~~board. The board member representing such organization, if~~
24 ~~applicable, shall abstain from voting and refrain from~~
25 ~~discussing the issue with other members of the board. No more~~
26 ~~than 50 percent of the dollar value of grants issued by the~~
27 ~~board in any fiscal year may go to businesses associated with~~
28 ~~board members.~~

29 2. A contract that Enterprise Florida, Inc., executes
30 with a person or organization under which such person or
31 organization agrees to perform economic development services

1 or similar business assistance services on behalf of
2 Enterprise Florida, Inc., or on behalf of the state must
3 include provisions requiring that such person or organization
4 report on performance, account for proper use of funds
5 provided under the contract, coordinate with other components
6 of state and local economic development systems, and avoid
7 duplication of existing state and local services and
8 activities.

9 Section 8. This act shall take effect upon becoming a
10 law.

11
12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 Senate Bill 1154

15 The committee substitute differs from the bill in that it:

- 16 -- Restores to current law the provision that matching funds
17 received under the Quick Response Training Program may
18 count toward the private sector support of Enterprise
19 Florida, Inc.;
- 20 -- Restores to current law the requirement that private
21 sector support equal no less than 100 percent of the
22 state's operating investment;
- 23 -- Restores to current law the provision that includes
24 in-kind contributions as private sector support to
25 Enterprise Florida, Inc.;
- 26 -- Restores to current law a provision that prohibits any
27 employee of Enterprise Florida, Inc., from receiving a
28 salary that exceeds the Governor's salary unless the
29 board of directors and the employee have a performance
30 based contract that allows for incentive payments;
- 31 -- Provides that any contract made with an organization
represented on the board of directors that exceeds
\$100,000 must be approved by a two-thirds vote of the
board members in attendance where a quorum is present;
and
- Restores to current law a restriction that prohibits any
employee whose salary is paid from funds appropriated by
the Legislature from receiving a pay raise or bonus that
is received by similarly situated employees.