1

A bill to be entitled

2005

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

Page 1 of 18

FLORIDA HOUSE OF REPRESENTATIVE

HB 931

29 do not apply to contracts awarded by another entity; 30 amending s. 288.905, F.S.; deleting provisions prohibiting 31 certain state employees from receiving a pay raise or 32 bonus beyond a certain amount; amending s. 445.004, F.S., 33 relating to Workforce Florida, Inc.; conforming provisions to changes made by the act; providing an effective date. 34 35 36 Be It Enacted by the Legislature of the State of Florida: 37 Section 288.041, Florida Statutes, is amended 38 Section 1. 39 to read: 40 288.041 Solar energy industry; legislative findings and 41 policy; promotional activities .--42 It is hereby found and declared that: (1) 43 The solar energy industry in this state has been a (a) 44 leader in the nation in the manufacture, supply, and delivery of 45 solar energy systems. The use of solar energy in this state has been 46 (b) 47 demonstrated to save conventional energy sources. The solar energy industry offers the prospect for 48 (C) improved economic welfare of this state through creation of 49 50 jobs, increased energy security, and enhancing the quality of 51 the environment of this state. 52 Through helping to provide for a clean environment and (d) 53 healthy economy, the solar energy industry contributes to the 54 continued growth and development of the tourist industry of this 55 state. 56 It is the policy of this state to promote, stimulate, (2)

Page 2 of 18

HB 931

57 develop, and advance the growth of the solar energy industry in 58 this state. (3) Enterprise Florida, Inc., and its boards shall assist 59 in the expansion of the solar energy industry in this state. 60 Such efforts shall be undertaken in cooperation with the 61 Department of Environmental Protection, the Florida Solar Energy 62 63 Center, and the Florida Solar Energy Industries Association, and shall include: 64 (a) Providing assistance and support to new and existing 65 photovoltaic companies, with special emphasis on attracting one 66 or more manufacturers of photovoltaic products to locate within 67 this state. 68 (b) Sponsoring initiatives which aid and take full 69 70 advantage of the export market potential of solar technologies. 71 (c) Informing the business sector of this state about 72 opportunities for cost-effective commercial applications of solar technologies. 73 (d) Encouraging employment of residents of this state by 74 75 solar energy companies. (e) Retaining existing solar energy companies and 76 77 supporting their expansion efforts in this state. 78 (f) Supporting the promotion of solar energy by sponsoring 79 workshops, seminars, conferences, and educational programs on the benefits of solar energy. 80 (g) Recognizing outstanding developments and achievements 81 in, and contributions to, the solar energy industry. 82 (h) Collecting and disseminating solar energy information 83 84 relevant to the promotion of solar energy applications. Page 3 of 18

HB 931

85 (i) Enlisting the support of persons, civic groups, the 86 solar energy industry, and other organizations to promote and 87 improve solar energy products and services. (4) The department shall also promote projects that 88 89 demonstrate viable applications of solar technology which may include, but shall not be limited to: irrigation and stock 90 91 watering, process heat for dairy and citrus operations, 92 aquaculture, hydroponics, horticulture, waste detoxification, 93 and other means of meeting the energy needs of the agricultural 94 industry. (3) (3) (5) By January 15 of each year, the Department of 95 Environmental Protection shall report to the Governor, the 96 President of the Senate, and the Speaker of the House of 97 98 Representatives on the impact of the solar energy industry on 99 the economy of this state and shall make any recommendations on 100 initiatives to further promote the solar energy industry as the 101 department deems appropriate. Section 2. Subsections (9) and (10) of section 288.047, 102 103 Florida Statutes, are amended to read: 104 288.047 Quick-response training for economic 105 development. --106 (9) Notwithstanding any other provision of law, eligible 107 matching contributions received under the Quick-Response 108 Training Program under this section may be counted toward the 109 private-sector support of Enterprise Florida, Inc., under s. 288.90151(5)(d). 110 (9)(10) Workforce Florida, Inc., and Enterprise Florida, 111 112 Inc., shall ensure maximum coordination and cooperation in

Page 4 of 18

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

Section 3. Paragraph (c) of subsection (3) of section288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.--

123

(3)

122

124 By December 31 of each year, Enterprise Florida, Inc., (C) shall submit a complete and detailed report to the Governor, the 125 126 President of the Senate, the Speaker of the House of 127 Representatives, and the director of the Office of Tourism, 128 Trade, and Economic Development of all applications received, recommendations made to the Office of Tourism, Trade, and 129 Economic Development, final decisions issued, tax refund 130 131 agreements executed, and tax refunds paid or other payments made 132 under all programs funded out of the Economic Development 133 Incentives Account, including analyses of benefits and costs, types of projects supported, and employment and investment 134 created. Enterprise Florida, Inc., shall also include a separate 135 analysis of the impact of such tax refunds on state enterprise 136 137 zones designated pursuant to s. 290.0065, rural communities, 138 brownfield areas, and distressed urban communities. The report 139 must discuss whether the authority and moneys appropriated by the Legislature to the Economic Development Incentives Account 140

Page 5 of 18

CODING: Words stricken are deletions; words underlined are additions.

141 were managed and expended in a prudent, fiducially sound manner. The Office of Tourism, Trade, and Economic Development shall 142 143 assist Enterprise Florida, Inc., in the collection of data 144 related to business performance and incentive payments. 145 Section 4. Section 288.8155, Florida Statutes, is 146 repealed. 147 Section 5. Subsections (7), (8), and (11) of section 288.901, Florida Statutes, are amended to read: 148 149 288.901 Enterprise Florida, Inc.; creation; membership; 150 organization; meetings; disclosure. --151 (7) The Governor shall serve as chairperson of the board 152 of directors. The board of directors shall biennially elect one of its appointive members as vice chairperson. The president 153 154 shall keep a record of the proceedings of the board of directors 155 and is the custodian of all books, documents, and papers filed 156 with the board of directors, the minutes of the board of 157 directors, and the official seal of Enterprise Florida, Inc. The board of directors shall meet at least four times 158 (8)

each year, upon the call of the chairperson, at the request of the vice chairperson, or at the request of a majority of the membership. A majority of the total number of <u>current voting</u> all directors fixed by subsection (3) shall constitute a quorum. The board of directors may take official action by a majority vote of the members present at any meeting at which a quorum is present.

166 (11) Notwithstanding the provisions of subsection (3), the 167 board of directors may by resolution appoint at-large members to 168 the board from the private sector, each of whom may serve a 1-

Page 6 of 18

CODING: Words stricken are deletions; words underlined are additions.

169 year term of up to 3 years. At-large members shall have the 170 powers and duties of other members of the board, except that 171 they may not serve on an executive committee. An at-large member 172 is eligible for reappointment but may not vote on his or her own 173 reappointment. An at-large member shall be eligible to fill 174 vacancies occurring among private-sector appointees under 175 subsection (3).

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

178

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

Enterprise Florida, Inc., is the principal economic 179 (1)development organization for the state. It shall be the 180 responsibility of Enterprise Florida, Inc., to provide 181 182 leadership for business development in Florida by aggressively 183 establishing a unified approach to Florida's efforts of 184 international trade and reverse investment; by aggressively 185 marketing the state as a probusiness location for potential new investment; and by aggressively assisting in the retention and 186 187 expansion of existing businesses and the creation of new businesses. In support of this effort, Enterprise Florida, Inc., 188 189 may develop and implement specific programs or strategies that address the creation, expansion, and retention of Florida 190 business; the development of import and export trade; and the 191 recruitment of worldwide business. 192

193 (2) It shall be the responsibility of Enterprise Florida,
194 Inc., to aggressively market Florida's rural communities,
195 distressed urban communities, and enterprise zones as locations
196 for potential new investment, to aggressively assist in the

Page 7 of 18

CODING: Words stricken are deletions; words underlined are additions.

197 retention and expansion of existing businesses in these 198 communities, and to aggressively assist these communities in the 199 identification and development of new economic development 200 opportunities for job creation, fully marketing state incentive 201 programs such as the Qualified Target Industry Tax Refund 202 Program under s. 288.106 and the Quick Action Closing Fund under 203 s. 288.1088 in economically distressed areas.

204 (3) It shall be the responsibility of Enterprise Florida, 205 Inc., through the Workforce Development Board, to develop a 206 comprehensive approach to workforce development that will result 207 in better employment opportunities for the residents of this 208 state. Such comprehensive approach must include:

209 (a) Creating and maintaining a highly skilled workforce
 210 that is capable of responding to rapidly changing technology and
 211 diversified market opportunities.

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

219 (3)(4) It shall be the responsibility of Enterprise 220 Florida, Inc., to assess, on an ongoing basis, Florida's 221 economic development competitiveness as measured against other 222 business locations, to identify and regularly reevaluate 223 Florida's economic development strengths and weaknesses, and to 224 incorporate such information into the strategic planning process

Page 8 of 18

CODING: Words stricken are deletions; words underlined are additions.

225 under s. 288.904.

226 (4)(5) Enterprise Florida, Inc., shall incorporate the 227 needs of small and minority businesses into the economic-228 development, international-trade and reverse-investment, and 229 workforce-development responsibilities assigned to the 230 organization by this section. Where practicable and consistent 231 with the expertise of the Black Business Investment Board, Inc., 232 Enterprise Florida, Inc., shall contract with the corporation for the delivery of services in fulfillment of the 233 234 responsibilities of Enterprise Florida, Inc., relating to small and minority businesses. 235

236 (5)(6) Enterprise Florida, Inc., shall not endorse any
 237 candidate for any elected public office, nor shall it contribute
 238 moneys to the campaign of any such candidate.

239 (6) (7) As part of its business development and marketing 240 responsibilities, Enterprise Florida, Inc., shall prepare a 241 business quide and checklist that contains basic information on the federal, state, and local requirements for starting and 242 243 operating a business in this state. The guide and checklist must 244 describe how additional information can be obtained on any such 245 requirements and shall include, to the extent feasible, the 246 names, addresses, and telephone numbers of appropriate 247 government agency representatives. The guide and checklist must 248 also contain information useful to persons who may be starting a 249 business for the first time, including, but not limited to, 250 information on business structure, financing, and planning.

251 Section 7. Section 288.90151, Florida Statutes, is amended 252 to read:

Page 9 of 18

CODING: Words stricken are deletions; words underlined are additions.

253 288.90151 Return on investment from activities of
254 Enterprise Florida, Inc.--

255 The public funds appropriated each year for the (1)256 operation of Enterprise Florida, Inc., are invested in this 257 public-private partnership to enhance international trade and 258 economic development, to spur job-creating investments, and to 259 create new employment opportunities for Floridians, and to 260 prepare Floridians for those jobs. This policy will be the 261 Legislature's priority consideration when reviewing the return-262 on-investment for Enterprise Florida, Inc.

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

267 (3) It is further the intent of the Legislature to
268 maximize private-sector support in operating Enterprise Florida,
269 Inc., as an endorsement of its value and as an enhancement of
270 its efforts.

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

(b) The board of directors of Enterprise Florida, Inc.,
shall adopt for each upcoming fiscal year an operating budget
for the organization that specifies the intended uses of the
state's operating investment and a plan for securing privatesector support to Enterprise Florida, Inc. Each fiscal year

Page 10 of 18

CODING: Words stricken are deletions; words underlined are additions.

HB 931

281	private-sector support to Enterprise Florida, Inc., shall equal												
282	no less than 100 percent of the state's operating investment,												
283	including at least \$1 million in cash as defined in paragraph												
284	(5)(a), and an additional \$400,000 in cash as defined in												
285	paragraphs (5)(a), (b), and (c).												
286	(5) Private-sector support in operating Enterprise												
287	Florida, Inc., includes:												
288	(a) Cash given directly to Enterprise Florida, Inc., for												
289	its operations, excluding contributions from grantees or												
290	companies having contracts with Enterprise Florida, Inc., which												
291	represent more than 5 percent of the value of all contracts with												
292	Enterprise Florida, Inc., exclusive of grants, or more than 5												
293	percent of the company's revenues. Cash in this category is not												
294	subject to restrictions on the use of appropriated funds												
295	operating budget;												
296	(b) Cash jointly raised by Enterprise Florida, Inc., and a												
297	local economic development organization, a group of such												
298	organizations, or a statewide business organization that												
299	supports collaborative projects; and												
300	(c) Cash generated by <u>fees charged for</u> products or												
301	services of Enterprise Florida, Inc. <u>, and by sponsorship of</u>												
302	events, missions, programs, and publications.; and												
303	(d) In-kind contributions directly to Enterprise Florida,												
304	Inc., including: business expenditures; business services												
305	provided; business support; or other business contributions that												
306	augment the operations, program, activities, or assets of												
307	Enterprise Florida, Inc., including, but not limited to: an												
308	individual's time and expertise; sponsored publications;												
	Page 11 of 18												

Page 11 of 18

309 private-sector staff services; payment for advertising 310 placements; sponsorship of events; sponsored or joint research; 311 discounts on leases or purchases; mission or program 312 sponsorship; and copayments, stock, warrants, royalties, or 313 other private resources dedicated to Enterprise Florida, Inc.

314 Enterprise Florida, Inc., shall fully comply with the (6) 315 performance measures, standards, and sanctions in its contracts with the Office of Tourism, Trade, and Economic Development 316 317 under s. 14.2015(2)(h) and (7). The Office of Tourism, Trade, 318 and Economic Development shall ensure, to the maximum extent possible, that the contract performance measures are consistent 319 with performance measures that the office is required to develop 320 321 and track under performance-based program budgeting.

322 As part of the annual report required under s. (7) 288.906, Enterprise Florida, Inc., shall include a study provide 323 the Legislature with information quantifying the public's 324 return-on-investment as described in this section for fiscal 325 year 1997-1998 and each subsequent fiscal year. The annual 326 report shall also include the results of a customer-satisfaction 327 survey of businesses served, as well as the lead economic 328 329 development staff person of each organization that is a primary partner local economic development organization that employs a 330 full-time or part-time staff person. 331

(8) Enterprise Florida, Inc., in consultation with the
Office of Program Policy Analysis and Government Accountability,
shall hire <u>an economic-analysis</u> a private accounting firm to
develop the methodology for establishing and reporting returnon-investment and <u>a firm experienced in survey research</u> in-kind

Page 12 of 18

CODING: Words stricken are deletions; words underlined are additions.

337 contributions as described in this section and to develop, 338 analyze, and report on the results of the customer-satisfaction 339 survey. The Office of Program Policy Analysis and Government 340 Accountability shall review and offer feedback on the 341 methodology before it is implemented. The private accounting 342 firm shall certify whether the applicable statements in the 343 annual report comply with this subsection.

344 Section 8. Subsection (3) of section 288.903, Florida345 Statutes, is amended to read:

346 288.903 Board of directors of Enterprise Florida, Inc.; 347 president; employees.--

The board of directors of Enterprise Florida, Inc., 348 (3) 349 and its officers shall be responsible for the prudent use of all 350 public and private funds and shall ensure that the use of such 351 funds is in accordance with all applicable laws, bylaws, or 352 contractual requirements. No employee of Enterprise Florida, 353 Inc., may receive compensation for employment which exceeds the 354 salary paid to the Governor, unless the board of directors and 355 the employee have executed a contract that prescribes specific, 356 measurable performance outcomes for the employee, the 357 satisfaction of which provides the basis for the award of 358 incentive payments that increase the employee's total 359 compensation to a level above the salary paid to the Governor. 360 Section 9. Paragraph (b) of subsection (1) of section 361 288.904, Florida Statutes, is amended to read: 362 288.904 Powers of the board of directors of Enterprise 363 Florida, Inc.--364 The board of directors of Enterprise Florida, Inc., (1)

Page 13 of 18

CODING: Words stricken are deletions; words underlined are additions.

365 shall have the power to:

366 (b)1. Make and enter into contracts and other instruments 367 necessary or convenient for the exercise of its powers and 368 functions, except that any contract made with an organization 369 represented on the board of directors which exceeds 5 percent of 370 the total annual amount of the contracts of Enterprise Florida, 371 Inc., exclusive of grants, or 5 percent of the represented organization's annual revenue, must be approved by a two-thirds 372 373 vote of the entire board members in attendance at a meeting 374 where a quorum is present of directors, and the board member 375 representing such organization shall abstain from voting. No more than 65 percent of the dollar value of all contracts or 376 377 other agreements entered into in any fiscal year, exclusive of 378 grant programs, shall be made with an organization represented on the board of directors. This section does not apply to a 379 380 contract awarded by another entity to an organization 381 represented on the board of directors or to a contract in which 382 Enterprise Florida, Inc., is the recipient of funds from an 383 organization represented on the board of directors. An 384 organization represented on the board may not enter into a 385 contract to receive a state-funded economic development 386 incentive or similar grant, unless such incentive award is 387 specifically endorsed by a two-thirds vote of the entire board. 388 The board member representing such organization, if applicable, 389 shall abstain from voting and refrain from discussing the issue 390 with other members of the board. No more than 50 percent of the 391 dollar value of grants issued by the board in any fiscal year 392 may go to businesses associated with board members.

Page 14 of 18

CODING: Words stricken are deletions; words underlined are additions.

393 2. A contract that Enterprise Florida, Inc., executes with 394 a person or organization under which such person or organization 395 agrees to perform economic development services or similar 396 business assistance services on behalf of Enterprise Florida, 397 Inc., or on behalf of the state must include provisions 398 requiring that such person or organization report on 399 performance, account for proper use of funds provided under the 400 contract, coordinate with other components of state and local economic development systems, and avoid duplication of existing 401 state and local services and activities. 402 Section 10. Subsection (6) of section 288.905, Florida 403

403 Section 10. Subsection (6) of section 288.905, Florida 404 Statutes, is amended to read:

405 288.905 Duties of the board of directors of Enterprise 406 Florida, Inc.--

407 (6) Any employee leased by Enterprise Florida, Inc., from 408 the state, or any employee who derives his or her salary from 409 funds appropriated by the Legislature, may not receive a pay 410 raise or bonus in excess of a pay raise or bonus that is 411 received by similarly situated state employees. However, this subsection does not prohibit the payment of a pay raise or bonus 412 413 from funds received from sources other than the Florida 414 Legislature.

415 Section 11. Paragraph (b) of subsection (5) of section 416 445.004, Florida Statutes, is amended to read:

417 445.004 Workforce Florida, Inc.; creation; purpose;
418 membership; duties and powers.--

419 (5) Workforce Florida, Inc., shall have all the powers and420 authority, not explicitly prohibited by statute, necessary or

Page 15 of 18

CODING: Words stricken are deletions; words underlined are additions.

421 convenient to carry out and effectuate the purposes as 422 determined by statute, Pub. L. No. 105-220, and the Governor, as 423 well as its functions, duties, and responsibilities, including, 424 but not limited to, the following:

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

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

433 2. Programs authorized under the Wagner-Peyser Act of434 1933, as amended, 29 U.S.C. ss. 49 et seq.

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

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

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

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

446 7. Employment and training activities carried out under
447 funds awarded to this state by the United States Department of
448 Housing and Urban Development.

Page 16 of 18

CODING: Words stricken are deletions; words underlined are additions.

FLORIDA HOUSE OF REPRESENTATIV

HB 931

449 Welfare transition services funded by the Temporary 8. 450 Assistance for Needy Families Program, created under the 451 Personal Responsibility and Work Opportunity Reconciliation Act 452 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403, 453 of the Social Security Act, as amended. 454 Displaced homemaker programs, provided under s. 446.50. 9. The Florida Bonding Program, provided under Pub. L. 455 10. No. 97-300, s. 164(a)(1). 456 457 11. The Food Stamp Employment and Training Program, 458 provided under the Food Stamp Act of 1977, U.S.C. ss. 2011-2032; 459 the Food Security Act of 1988, Pub. L. No. 99-198; and the 460 Hunger Prevention Act, Pub. L. No. 100-435. 461 The Quick-Response Training Program, provided under 12. 462 ss. 288.046-288.047. Matching funds and in-kind contributions 463 that are provided by clients of the Quick-Response Training Program shall count toward the requirements of s. 464 465 288.90151(5)(d), pertaining to the return on investment from 466 activities of Enterprise Florida, Inc. 467 13. The Work Opportunity Tax Credit, provided under the 468 Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277, 469 and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34. 470 14. Offender placement services, provided under ss. 471 944.707-944.708. 472 Programs authorized under the National and Community 15. Service Act of 1990, 42 U.S.C. ss. 12501 et seq., and the 473 474 Service-America programs, the National Service Trust programs, 475 the Civilian Community Corps, the Corporation for National and Community Service, the American Conservation and Youth Service 476

Page 17 of 18

FL	. 0	RΙ	DΑ	ΗО) U	SΕ	ΟF	RΕ	ΡR	E S	Е	ΝΤΛ	ΑТ	IVE	E S
----	-----	----	----	----	-----	----	----	----	----	-----	---	-----	----	-----	-----

477 Corps, and the Points of Light Foundation programs, if such478 programs are awarded to the state.

479 Section 12. This act shall take effect upon becoming a480 law.

Page 18 of 18