

CHAMBER ACTION

1 The Economic Development, Trade & Banking Committee recommends  
2 the following:

3  
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to Enterprise Florida, Inc.; amending s.  
8 288.041, F.S.; deleting the requirement that Enterprise  
9 Florida, Inc., assist in the expansion of the solar energy  
10 industry in this state; deleting a requirement that the  
11 Department of Environmental Protection promote certain  
12 solar technology projects; amending s. 288.095, F.S.;  
13 deleting obsolete provisions; repealing s. 288.8155, F.S.,  
14 relating to the International Trade Data Resource and  
15 Research Center; amending s. 288.901, F.S.; revising the  
16 membership, organization, and meetings of the board of  
17 directors of Enterprise Florida, Inc.; amending s.  
18 288.9015, F.S.; deleting obsolete provisions regarding the  
19 Workforce Development Board of Enterprise Florida, Inc.;  
20 amending s. 288.90151, F.S.; deleting obsolete provisions;  
21 specifying moneys and contributions that may be considered  
22 as private-sector support to Enterprise Florida, Inc.;  
23 clarifying the term "economic development organization";

HB 931

2005  
CS

24 requiring Enterprise Florida, Inc. to hire certain firms  
 25 to develop certain survey reporting; deleting a  
 26 requirement that the annual report be certified; amending  
 27 s. 288.904, F.S.; revising the power of the board to make  
 28 and enter into contracts; providing that certain  
 29 limitations do not apply to contracts awarded by another  
 30 entity; providing an effective date.

31

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

33

34 Section 1. Section 288.041, Florida Statutes, is amended  
 35 to read:

36 288.041 Solar energy industry; legislative findings and  
 37 policy; promotional activities.--

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

39 (a) The solar energy industry in this state has been a  
 40 leader in the nation in the manufacture, supply, and delivery of  
 41 solar energy systems.

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

44 (c) The solar energy industry offers the prospect for  
 45 improved economic welfare of this state through creation of  
 46 jobs, increased energy security, and enhancing the quality of  
 47 the environment of this state.

48 (d) Through helping to provide for a clean environment and  
 49 healthy economy, the solar energy industry contributes to the  
 50 continued growth and development of the tourist industry of this  
 51 state.

HB 931

2005  
CS

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

55           ~~(3) Enterprise Florida, Inc., and its boards shall assist~~  
56 ~~in the expansion of the solar energy industry in this state.~~  
57 ~~Such efforts shall be undertaken in cooperation with the~~  
58 ~~Department of Environmental Protection, the Florida Solar Energy~~  
59 ~~Center, and the Florida Solar Energy Industries Association, and~~  
60 ~~shall include:~~

61           ~~(a) Providing assistance and support to new and existing~~  
62 ~~photovoltaic companies, with special emphasis on attracting one~~  
63 ~~or more manufacturers of photovoltaic products to locate within~~  
64 ~~this state.~~

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

67           ~~(c) Informing the business sector of this state about~~  
68 ~~opportunities for cost-effective commercial applications of~~  
69 ~~solar technologies.~~

70           ~~(d) Encouraging employment of residents of this state by~~  
71 ~~solar energy companies.~~

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

74           ~~(f) Supporting the promotion of solar energy by sponsoring~~  
75 ~~workshops, seminars, conferences, and educational programs on~~  
76 ~~the benefits of solar energy.~~

77           ~~(g) Recognizing outstanding developments and achievements~~  
78 ~~in, and contributions to, the solar energy industry.~~

HB 931

2005  
CS

79 | ~~(h) Collecting and disseminating solar energy information~~  
80 | ~~relevant to the promotion of solar energy applications.~~

81 | ~~(i) Enlisting the support of persons, civic groups, the~~  
82 | ~~solar energy industry, and other organizations to promote and~~  
83 | ~~improve solar energy products and services.~~

84 | ~~(4) The department shall also promote projects that~~  
85 | ~~demonstrate viable applications of solar technology which may~~  
86 | ~~include, but shall not be limited to: irrigation and stock~~  
87 | ~~watering, process heat for dairy and citrus operations,~~  
88 | ~~aquaculture, hydroponics, horticulture, waste detoxification,~~  
89 | ~~and other means of meeting the energy needs of the agricultural~~  
90 | ~~industry.~~

91 | (3)~~(5)~~ By January 15 of each year, the Department of  
92 | Environmental Protection shall report to the Governor, the  
93 | President of the Senate, and the Speaker of the House of  
94 | Representatives on the impact of the solar energy industry on  
95 | the economy of this state and shall make any recommendations on  
96 | initiatives to further promote the solar energy industry as the  
97 | department deems appropriate.

98 | Section 2. Paragraph (c) of subsection (3) of section  
99 | 288.095, Florida Statutes, is amended to read:

100 | 288.095 Economic Development Trust Fund.--

101 | (3)

102 | (c) By December 31 of each year, Enterprise Florida, Inc.,  
103 | shall submit a complete and detailed report to the Governor, the  
104 | President of the Senate, the Speaker of the House of  
105 | Representatives, and the director of the Office of Tourism,  
106 | Trade, and Economic Development of all applications received,

HB 931

2005  
CS

107 | recommendations made to the Office of Tourism, Trade, and  
 108 | Economic Development, final decisions issued, tax refund  
 109 | agreements executed, and tax refunds paid or other payments made  
 110 | under all programs funded out of the Economic Development  
 111 | Incentives Account, including analyses of benefits and costs,  
 112 | types of projects supported, and employment and investment  
 113 | created. Enterprise Florida, Inc., shall also include a separate  
 114 | analysis of the impact of such tax refunds on state enterprise  
 115 | zones designated pursuant to s. 290.0065, rural communities,  
 116 | brownfield areas, and distressed urban communities. ~~The report~~  
 117 | ~~must discuss whether the authority and moneys appropriated by~~  
 118 | ~~the Legislature to the Economic Development Incentives Account~~  
 119 | ~~were managed and expended in a prudent, fiducially sound manner.~~  
 120 | The Office of Tourism, Trade, and Economic Development shall  
 121 | assist Enterprise Florida, Inc., in the collection of data  
 122 | related to business performance and incentive payments.

123 |       Section 3. Section 288.8155, Florida Statutes, is  
 124 | repealed.

125 |       Section 4. Subsections (7), (8), and (11) of section  
 126 | 288.901, Florida Statutes, are amended to read:

127 |       288.901 Enterprise Florida, Inc.; creation; membership;  
 128 | organization; meetings; disclosure.--

129 |       (7) The Governor shall serve as chairperson of the board  
 130 | of directors. The board of directors shall biennially elect one  
 131 | of its ~~appointive~~ members as vice chairperson. The president  
 132 | shall keep a record of the proceedings of the board of directors  
 133 | and is the custodian of all books, documents, and papers filed

HB 931

2005  
CS

134 with the board of directors, the minutes of the board of  
135 directors, and the official seal of Enterprise Florida, Inc.

136 (8) The board of directors shall meet at least four times  
137 each year, upon the call of the chairperson, at the request of  
138 the vice chairperson, or at the request of a majority of the  
139 membership. A majority of the total number of current voting ~~all~~  
140 directors ~~fixed by subsection (3)~~ shall constitute a quorum. The  
141 board of directors may take official action by a majority vote  
142 of the members present at any meeting at which a quorum is  
143 present.

144 (11) Notwithstanding the provisions of subsection (3), the  
145 board of directors may by resolution appoint at-large members to  
146 the board from the private sector, each of whom may serve a ~~1-~~  
147 year term of up to 3 years. At-large members shall have the  
148 powers and duties of other members of the board, ~~except that~~  
149 ~~they may not serve on an executive committee~~. An at-large member  
150 is eligible for reappointment but may not vote on his or her own  
151 reappointment. An at-large member shall be eligible to fill  
152 vacancies occurring among private-sector appointees under  
153 subsection (3).

154 Section 5. Section 288.9015, Florida Statutes, is amended  
155 to read:

156 288.9015 Enterprise Florida, Inc.; purpose; duties.--

157 (1) Enterprise Florida, Inc., is the principal economic  
158 development organization for the state. It shall be the  
159 responsibility of Enterprise Florida, Inc., to provide  
160 leadership for business development in Florida by aggressively  
161 establishing a unified approach to Florida's efforts of

HB 931

2005  
CS

162 international trade and reverse investment; by aggressively  
 163 marketing the state as a probusiness location for potential new  
 164 investment; and by aggressively assisting in the retention and  
 165 expansion of existing businesses and the creation of new  
 166 businesses. In support of this effort, Enterprise Florida, Inc.,  
 167 may develop and implement specific programs or strategies that  
 168 address the creation, expansion, and retention of Florida  
 169 business; the development of import and export trade; and the  
 170 recruitment of worldwide business.

171 (2) It shall be the responsibility of Enterprise Florida,  
 172 Inc., to aggressively market Florida's rural communities,  
 173 distressed urban communities, and enterprise zones as locations  
 174 for potential new investment, to aggressively assist in the  
 175 retention and expansion of existing businesses in these  
 176 communities, and to aggressively assist these communities in the  
 177 identification and development of new economic development  
 178 opportunities for job creation, fully marketing state incentive  
 179 programs such as the Qualified Target Industry Tax Refund  
 180 Program under s. 288.106 and the Quick Action Closing Fund under  
 181 s. 288.1088 in economically distressed areas.

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

187 ~~(a) Creating and maintaining a highly skilled workforce~~  
 188 ~~that is capable of responding to rapidly changing technology and~~  
 189 ~~diversified market opportunities.~~

HB 931

2005  
CS

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

197 (3)~~(4)~~ It shall be the responsibility of Enterprise  
 198 Florida, Inc., to assess, on an ongoing basis, Florida's  
 199 economic development competitiveness as measured against other  
 200 business locations, to identify and regularly reevaluate  
 201 Florida's economic development strengths and weaknesses, and to  
 202 incorporate such information into the strategic planning process  
 203 under s. 288.904.

204 (4)~~(5)~~ Enterprise Florida, Inc., shall incorporate the  
 205 needs of small and minority businesses into the economic-  
 206 development, international-trade and reverse-investment, and  
 207 workforce-development responsibilities assigned to the  
 208 organization by this section. Where practicable and consistent  
 209 with the expertise of the Black Business Investment Board, Inc.,  
 210 Enterprise Florida, Inc., shall contract with the corporation  
 211 for the delivery of services in fulfillment of the  
 212 responsibilities of Enterprise Florida, Inc., relating to small  
 213 and minority businesses.

214 (5)~~(6)~~ Enterprise Florida, Inc., shall not endorse any  
 215 candidate for any elected public office, nor shall it contribute  
 216 moneys to the campaign of any such candidate.



HB 931

2005  
CS

217        ~~(6)(7)~~ As part of its business development and marketing  
 218 responsibilities, Enterprise Florida, Inc., shall prepare a  
 219 business guide and checklist that contains basic information on  
 220 the federal, state, and local requirements for starting and  
 221 operating a business in this state. The guide and checklist must  
 222 describe how additional information can be obtained on any such  
 223 requirements and shall include, to the extent feasible, the  
 224 names, addresses, and telephone numbers of appropriate  
 225 government agency representatives. The guide and checklist must  
 226 also contain information useful to persons who may be starting a  
 227 business for the first time, including, but not limited to,  
 228 information on business structure, financing, and planning.

229        Section 6. Subsections (1), (5), (7), and (8) of section  
 230 288.90151, Florida Statutes, are amended to read:

231        288.90151 Return on investment from activities of  
 232 Enterprise Florida, Inc.--

233        (1) The public funds appropriated each year for the  
 234 operation of Enterprise Florida, Inc., are invested in this  
 235 public-private partnership to enhance international trade and  
 236 economic development, to spur job-creating investments, and to  
 237 create new employment opportunities for Floridians, ~~and to~~  
 238 ~~prepare Floridians for these jobs~~. This policy will be the  
 239 Legislature's priority consideration when reviewing the return-  
 240 on-investment for Enterprise Florida, Inc.

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

243        (a) Cash given directly to Enterprise Florida, Inc., for  
 244 its operations, excluding contributions from grantees or

HB 931

2005  
CS

245 companies having contracts with Enterprise Florida, Inc., which  
 246 represent more than 5 percent of the value of all contracts with  
 247 Enterprise Florida, Inc., exclusive of grants, or more than 5  
 248 percent of the company's revenues. Cash in this category is not  
 249 subject to restrictions on the use of appropriated funds.

250 ~~operating budget;~~

251 (b) Cash jointly raised by Enterprise Florida, Inc., and a  
 252 local economic development organization, a group of such  
 253 organizations, or a statewide business organization that  
 254 supports collaborative projects.~~;~~

255 (c) Cash generated by fees charged for products or  
 256 services of Enterprise Florida, Inc., and by sponsorship of  
 257 events, missions, programs, and publications.~~;~~~~and~~

258 (d) In-kind contributions directly to Enterprise Florida,  
 259 Inc., including: business expenditures; business services  
 260 provided; business support; or other business contributions that  
 261 augment the operations, program, activities, or assets of  
 262 Enterprise Florida, Inc., including, but not limited to: an  
 263 individual's time and expertise; sponsored publications;  
 264 private-sector staff services; payment for advertising  
 265 placements; sponsorship of events; sponsored or joint research;  
 266 discounts on leases or purchases; mission or program  
 267 sponsorship; and copayments, stock, warrants, royalties, or  
 268 other private resources dedicated to Enterprise Florida, Inc.

269 (7) As part of the annual report required under s.  
 270 288.906, Enterprise Florida, Inc., shall provide the Legislature  
 271 with information quantifying the public's return-on-investment  
 272 as described in this section for fiscal year 1997-1998 and each

HB 931

2005  
CS

273 subsequent fiscal year. The annual report shall also include the  
 274 results of a customer-satisfaction survey of businesses served,  
 275 as well as the lead economic development staff person of each  
 276 organization that is a primary partner local economic  
 277 ~~development organization that employs a full-time or part-time~~  
 278 ~~staff person.~~

279 (8) Enterprise Florida, Inc., in consultation with the  
 280 Office of Program Policy Analysis and Government Accountability,  
 281 shall hire an economic-analysis ~~a private accounting~~ firm to  
 282 develop the methodology for establishing and reporting return-  
 283 on-investment and a firm experienced in survey research in-kind  
 284 ~~contributions as described in this section and to develop,~~  
 285 analyze, and report on the results of the customer-satisfaction  
 286 survey. The Office of Program Policy Analysis and Government  
 287 Accountability shall review and offer feedback on the  
 288 methodology before it is implemented. ~~The private accounting~~  
 289 ~~firm shall certify whether the applicable statements in the~~  
 290 ~~annual report comply with this subsection.~~

291 Section 7. Paragraph (b) of subsection (1) of section  
 292 288.904, Florida Statutes, is amended to read:

293 288.904 Powers of the board of directors of Enterprise  
 294 Florida, Inc.--

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

297 (b)1. Make and enter into contracts and other instruments  
 298 necessary or convenient for the exercise of its powers and  
 299 functions, except that any contract made with an organization  
 300 represented on the board of directors which exceeds \$100,000

HB 931

2005  
CS

301 must be approved by a two-thirds vote of the ~~entire~~ board  
 302 members in attendance at a meeting where a quorum is present of  
 303 ~~directors~~, and the board member representing such organization  
 304 shall abstain from voting. No more than 65 percent of the dollar  
 305 value of all contracts or other agreements entered into in any  
 306 fiscal year, exclusive of grant programs, shall be made with an  
 307 organization represented on the board of directors. This section  
 308 does not apply to a contract awarded by another entity to an  
 309 organization represented on the board of directors or to a  
 310 contract in which Enterprise Florida, Inc., is the recipient of  
 311 funds from an organization represented on the board of  
 312 directors. ~~An organization represented on the board may not~~  
 313 ~~enter into a contract to receive a state-funded economic~~  
 314 ~~development incentive or similar grant, unless such incentive~~  
 315 ~~award is specifically endorsed by a two-thirds vote of the~~  
 316 ~~entire board. The board member representing such organization,~~  
 317 ~~if applicable, shall abstain from voting and refrain from~~  
 318 ~~discussing the issue with other members of the board. No more~~  
 319 ~~than 50 percent of the dollar value of grants issued by the~~  
 320 ~~board in any fiscal year may go to businesses associated with~~  
 321 ~~board members.~~

322 2. A contract that Enterprise Florida, Inc., executes with  
 323 a person or organization under which such person or organization  
 324 agrees to perform economic development services or similar  
 325 business assistance services on behalf of Enterprise Florida,  
 326 Inc., or on behalf of the state must include provisions  
 327 requiring that such person or organization report on  
 328 performance, account for proper use of funds provided under the

HB 931

2005  
CS

329 | contract, coordinate with other components of state and local  
330 | economic development systems, and avoid duplication of existing  
331 | state and local services and activities.

332 |       Section 8. This act shall take effect upon becoming a law.