

1 A bill to be entitled

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

26
27 Be It Enacted by the Legislature of the State of Florida:
28

29 Section 1. Section 288.041, Florida Statutes, is amended
30 to read:

31 288.041 Solar energy industry; legislative findings and
32 policy; promotional activities.--

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

34 (a) The solar energy industry in this state has been a
35 leader in the nation in the manufacture, supply, and delivery of
36 solar energy systems.

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

39 (c) The solar energy industry offers the prospect for
40 improved economic welfare of this state through creation of
41 jobs, increased energy security, and enhancing the quality of
42 the environment of this state.

43 (d) Through helping to provide for a clean environment and
44 healthy economy, the solar energy industry contributes to the
45 continued growth and development of the tourist industry of this
46 state.

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

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

56 ~~(a) Providing assistance and support to new and existing~~
57 ~~photovoltaic companies, with special emphasis on attracting one~~
58 ~~or more manufacturers of photovoltaic products to locate within~~
59 ~~this state.~~

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

62 ~~(c) Informing the business sector of this state about~~
63 ~~opportunities for cost-effective commercial applications of~~
64 ~~solar technologies.~~

65 ~~(d) Encouraging employment of residents of this state by~~
66 ~~solar energy companies.~~

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

69 ~~(f) Supporting the promotion of solar energy by sponsoring~~
70 ~~workshops, seminars, conferences, and educational programs on~~
71 ~~the benefits of solar energy.~~

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

74 ~~(h) Collecting and disseminating solar energy information~~
75 ~~relevant to the promotion of solar energy applications.~~

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

79 ~~(4) The department shall also promote projects that~~
80 ~~demonstrate viable applications of solar technology which may~~
81 ~~include, but shall not be limited to: irrigation and stock~~
82 ~~watering, process heat for dairy and citrus operations,~~
83 ~~aquaculture, hydroponics, horticulture, waste detoxification,~~

84 ~~and other means of meeting the energy needs of the agricultural~~
 85 ~~industry.~~

86 (3)~~(5)~~ By January 15 of each year, the Department of
 87 Environmental Protection shall report to the Governor, the
 88 President of the Senate, and the Speaker of the House of
 89 Representatives on the impact of the solar energy industry on
 90 the economy of this state and shall make any recommendations on
 91 initiatives to further promote the solar energy industry as the
 92 department deems appropriate.

93 Section 2. Paragraph (c) of subsection (3) of section
 94 288.095, Florida Statutes, is amended to read:

95 288.095 Economic Development Trust Fund.--

96 (3)

97 (c) By December 31 of each year, Enterprise Florida, Inc.,
 98 shall submit a complete and detailed report to the Governor, the
 99 President of the Senate, the Speaker of the House of
 100 Representatives, and the director of the Office of Tourism,
 101 Trade, and Economic Development of all applications received,
 102 recommendations made to the Office of Tourism, Trade, and
 103 Economic Development, final decisions issued, tax refund
 104 agreements executed, and tax refunds paid or other payments made
 105 under all programs funded out of the Economic Development
 106 Incentives Account, including analyses of benefits and costs,
 107 types of projects supported, and employment and investment
 108 created. Enterprise Florida, Inc., shall also include a separate
 109 analysis of the impact of such tax refunds on state enterprise
 110 zones designated pursuant to s. 290.0065, rural communities,
 111 brownfield areas, and distressed urban communities. ~~The report~~

112 ~~must discuss whether the authority and moneys appropriated by~~
113 ~~the Legislature to the Economic Development Incentives Account~~
114 ~~were managed and expended in a prudent, fiducially sound manner.~~
115 The Office of Tourism, Trade, and Economic Development shall
116 assist Enterprise Florida, Inc., in the collection of data
117 related to business performance and incentive payments.

118 Section 3. Section 288.8155, Florida Statutes, is
119 repealed.

120 Section 4. Subsections (7), (8), and (11) of section
121 288.901, Florida Statutes, are amended to read:

122 288.901 Enterprise Florida, Inc.; creation; membership;
123 organization; meetings; disclosure.--

124 (7) The Governor shall serve as chairperson of the board
125 of directors. The board of directors shall biennially elect one
126 of its ~~appointive~~ members as vice chairperson. The president
127 shall keep a record of the proceedings of the board of directors
128 and is the custodian of all books, documents, and papers filed
129 with the board of directors, the minutes of the board of
130 directors, and the official seal of Enterprise Florida, Inc.

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

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

149 Section 5. Section 288.9015, Florida Statutes, is amended
150 to read:

151 288.9015 Enterprise Florida, Inc.; purpose; duties.--

152 (1) Enterprise Florida, Inc., is the principal economic
153 development organization for the state. It shall be the
154 responsibility of Enterprise Florida, Inc., to provide
155 leadership for business development in Florida by aggressively
156 establishing a unified approach to Florida's efforts of
157 international trade and reverse investment; by aggressively
158 marketing the state as a probusiness location for potential new
159 investment; and by aggressively assisting in the retention and
160 expansion of existing businesses and the creation of new
161 businesses. In support of this effort, Enterprise Florida, Inc.,
162 may develop and implement specific programs or strategies that
163 address the creation, expansion, and retention of Florida
164 business; the development of import and export trade; and the
165 recruitment of worldwide business.

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

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

182 ~~(a) Creating and maintaining a highly skilled workforce~~
 183 ~~that is capable of responding to rapidly changing technology and~~
 184 ~~diversified market opportunities.~~

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

192 (3)~~(4)~~ It shall be the responsibility of Enterprise
 193 Florida, Inc., to assess, on an ongoing basis, Florida's

194 economic development competitiveness as measured against other
195 business locations, to identify and regularly reevaluate
196 Florida's economic development strengths and weaknesses, and to
197 incorporate such information into the strategic planning process
198 under s. 288.904.

199 (4)~~(5)~~ Enterprise Florida, Inc., shall incorporate the
200 needs of small and minority businesses into the economic-
201 development, international-trade and reverse-investment, and
202 workforce-development responsibilities assigned to the
203 organization by this section. Where practicable and consistent
204 with the expertise of the Black Business Investment Board, Inc.,
205 Enterprise Florida, Inc., shall contract with the corporation
206 for the delivery of services in fulfillment of the
207 responsibilities of Enterprise Florida, Inc., relating to small
208 and minority businesses.

209 (5)~~(6)~~ Enterprise Florida, Inc., shall not endorse any
210 candidate for any elected public office, nor shall it contribute
211 moneys to the campaign of any such candidate.

212 (6)~~(7)~~ As part of its business development and marketing
213 responsibilities, Enterprise Florida, Inc., shall prepare a
214 business guide and checklist that contains basic information on
215 the federal, state, and local requirements for starting and
216 operating a business in this state. The guide and checklist must
217 describe how additional information can be obtained on any such
218 requirements and shall include, to the extent feasible, the
219 names, addresses, and telephone numbers of appropriate
220 government agency representatives. The guide and checklist must
221 also contain information useful to persons who may be starting a

222 | business for the first time, including, but not limited to,
 223 | information on business structure, financing, and planning.

224 | Section 6. Subsections (1), (5), (7), and (8) of section
 225 | 288.90151, Florida Statutes, are amended to read:

226 | 288.90151 Return on investment from activities of
 227 | Enterprise Florida, Inc.--

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

236 | (5) Private-sector support in operating Enterprise
 237 | Florida, Inc., includes:

238 | (a) Cash given directly to Enterprise Florida, Inc., for
 239 | its operations, excluding contributions from grantees or
 240 | companies having contracts with Enterprise Florida, Inc., which
 241 | represent more than 5 percent of the value of all contracts with
 242 | Enterprise Florida, Inc., exclusive of grants, or more than 5
 243 | percent of the company's revenues. Cash in this category is not
 244 | subject to restrictions on the use of appropriated funds.
 245 | ~~operating budget;~~

246 | (b) Cash jointly raised by Enterprise Florida, Inc., and a
 247 | local economic development organization, a group of such
 248 | organizations, or a statewide business organization that
 249 | supports collaborative projects.

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

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

264 (7) As part of the annual report required under s.
 265 288.906, Enterprise Florida, Inc., shall provide the Legislature
 266 with information quantifying the public's return-on-investment
 267 as described in this section for fiscal year 1997-1998 and each
 268 subsequent fiscal year. The annual report shall also include the
 269 results of a customer-satisfaction survey of businesses served,
 270 as well as the lead economic development staff person of each
 271 organization that is a primary partner ~~local economic~~
 272 ~~development organization that employs a full time or part time~~
 273 ~~staff person.~~

274 (8) Enterprise Florida, Inc., in consultation with the
 275 Office of Program Policy Analysis and Government Accountability,
 276 shall hire an economic-analysis ~~a private accounting~~ firm to
 277 develop the methodology for establishing and reporting return-

278 on-investment and a firm experienced in survey research ~~in-kind~~
 279 ~~contributions as described in this section and~~ to develop,
 280 analyze, and report on the results of the customer-satisfaction
 281 survey. The Office of Program Policy Analysis and Government
 282 Accountability shall review and offer feedback on the
 283 methodology before it is implemented. ~~The private accounting~~
 284 ~~firm shall certify whether the applicable statements in the~~
 285 ~~annual report comply with this subsection.~~

286 Section 7. Paragraph (b) of subsection (1) of section
 287 288.904, Florida Statutes, is amended to read:

288 288.904 Powers of the board of directors of Enterprise
 289 Florida, Inc.--

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

292 (b)1. Make and enter into contracts and other instruments
 293 necessary or convenient for the exercise of its powers and
 294 functions, except that any contract made with an organization
 295 represented on the board of directors which exceeds \$100,000
 296 must be approved by a two-thirds vote of the ~~entire~~ board
 297 members in attendance at a meeting where a quorum is present of
 298 ~~directors~~, and the board member representing such organization
 299 shall abstain from voting. No more than 65 percent of the dollar
 300 value of all contracts or other agreements entered into in any
 301 fiscal year, exclusive of grant programs, shall be made with an
 302 organization represented on the board of directors. This section
 303 does not apply to a contract awarded by another entity to an
 304 organization represented on the board of directors or to a
 305 contract in which Enterprise Florida, Inc., is the recipient of

306 funds from an organization represented on the board of
307 directors. ~~An organization represented on the board may not~~
308 ~~enter into a contract to receive a state-funded economic~~
309 ~~development incentive or similar grant, unless such incentive~~
310 ~~award is specifically endorsed by a two thirds vote of the~~
311 ~~entire board. The board member representing such organization,~~
312 ~~if applicable, shall abstain from voting and refrain from~~
313 ~~discussing the issue with other members of the board. No more~~
314 ~~than 50 percent of the dollar value of grants issued by the~~
315 ~~board in any fiscal year may go to businesses associated with~~
316 ~~board members.~~

317 2. A contract that Enterprise Florida, Inc., executes with
318 a person or organization under which such person or organization
319 agrees to perform economic development services or similar
320 business assistance services on behalf of Enterprise Florida,
321 Inc., or on behalf of the state must include provisions
322 requiring that such person or organization report on
323 performance, account for proper use of funds provided under the
324 contract, coordinate with other components of state and local
325 economic development systems, and avoid duplication of existing
326 state and local services and activities.

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