

By Senator Garcia

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1 A bill to be entitled
2 An act relating to economic development; amending s.
3 14.2015, F.S.; deleting the requirement for the Office
4 of Tourism, Trade, and Economic Development to
5 administer the professional golf hall of fame facility
6 program; amending s. 212.20, F.S.; conforming a cross-
7 reference to changes made by the act; amending s.
8 288.021, F.S.; replacing an obsolete reference to the
9 Department of Labor and Employment Security within the
10 Agency for Workforce Innovation; amending s. 288.035,
11 F.S.; deleting a requirement that rules adopted by the
12 Public Service Commission authorizing utilities to
13 recover reasonable economic development expenses be
14 consistent with criteria adopted by rules of the
15 Office of Tourism, Trade, and Economic Development or
16 the former Department of Commerce; requiring the
17 commission to provide drafts of proposed amendments to
18 its rules authorizing the recovery of economic
19 development expenses to the office for review and
20 comment; amending s. 288.0655, F.S.; revising the
21 purposes of the Rural Infrastructure Fund; making
22 technical and grammatical changes; amending s.
23 288.1088, F.S.; making technical grammatical changes;
24 amending s. 288.1162, F.S.; deleting obsolete
25 provisions relating to certain certified facilities
26 for sports franchises; amending s. 288.1169, F.S.;
27 deleting obsolete provisions relating to the
28 certification of the International Game and Fish
29 Association World Center facility; amending s.

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30 288.1252, F.S.; deleting obsolete provisions relating
31 to the appointment of the initial members of the Film
32 and Entertainment Advisory Council; amending s.
33 288.7091, F.S.; requiring the Black Business
34 Investment Board, Inc., to develop memoranda of
35 understanding with certain state agencies, the Board
36 of Governors of the State University System, and the
37 State Board of Education relating to efforts to expand
38 black business development; amending s. 288.901, F.S.;
39 authorizing staff members of Enterprise Florida, Inc.,
40 who are leased from the Department of Management
41 Services to retain their status as state employees;
42 providing for termination of such employee-leasing
43 agreements; amending s. 288.904, F.S.; making
44 technical and grammatical changes; repealing s.
45 288.038, F.S., relating to an authorization for the
46 former Department of Labor and Employment Security to
47 enter into certain agreements with tax collectors;
48 repealing s. 288.1168, F.S., relating to a requirement
49 for the former Department of Commerce to screen and
50 certify an applicant as the professional golf hall of
51 fame facility; repealing s. 288.1185, F.S., relating
52 to the Recycling Markets Advisory Committee; providing
53 an effective date.

54
55 Be It Enacted by the Legislature of the State of Florida:

56
57 Section 1. Paragraph (f) of subsection (2) of section
58 14.2015, Florida Statutes, is amended to read:

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59 14.2015 Office of Tourism, Trade, and Economic Development;
60 creation; powers and duties.—

61 (2) The purpose of the Office of Tourism, Trade, and
62 Economic Development is to assist the Governor in working with
63 the Legislature, state agencies, business leaders, and economic
64 development professionals to formulate and implement coherent
65 and consistent policies and strategies designed to provide
66 economic opportunities for all Floridians. To accomplish such
67 purposes, the Office of Tourism, Trade, and Economic Development
68 shall:

69 (f)1. Administer the Florida Enterprise Zone Act under ss.
70 290.001-290.016, the community contribution tax credit program
71 under ss. 220.183 and 624.5105, the tax refund program for
72 qualified target industry businesses under s. 288.106, the tax-
73 refund program for qualified defense contractors and space
74 flight business contractors under s. 288.1045, contracts for
75 transportation projects under s. 288.063, the sports franchise
76 facility program under s. 288.1162, ~~the professional golf hall~~
77 ~~of fame facility program under s. 288.1168~~, the expedited
78 permitting process under s. 403.973, the Rural Community
79 Development Revolving Loan Fund under s. 288.065, the Regional
80 Rural Development Grants Program under s. 288.018, the Certified
81 Capital Company Act under s. 288.99, the Florida State Rural
82 Development Council, the Rural Economic Development Initiative,
83 and other programs that are specifically assigned to the office
84 by law, by the appropriations process, or by the Governor.
85 Notwithstanding any other provisions of law, the office may
86 expend interest earned from the investment of program funds
87 deposited in the Grants and Donations Trust Fund to contract for

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88 the administration of the programs, or portions of the programs,
89 enumerated in this paragraph or assigned to the office by law,
90 by the appropriations process, or by the Governor. Such
91 expenditures shall be subject to review under chapter 216.

92 2. The office may enter into contracts in connection with
93 the fulfillment of its duties concerning the Florida First
94 Business Bond Pool under chapter 159, tax incentives under
95 chapters 212 and 220, tax incentives under the Certified Capital
96 Company Act in chapter 288, foreign offices under chapter 288,
97 the Enterprise Zone program under chapter 290, the Seaport
98 Employment Training program under chapter 311, the Florida
99 Professional Sports Team License Plates under chapter 320,
100 Spaceport Florida under chapter 331, Expedited Permitting under
101 chapter 403, and in carrying out other functions that are
102 specifically assigned to the office by law, by the
103 appropriations process, or by the Governor.

104 Section 2. Paragraph (d) of subsection (6) of section
105 212.20, Florida Statutes, is amended to read:

106 212.20 Funds collected, disposition; additional powers of
107 department; operational expense; refund of taxes adjudicated
108 unconstitutionally collected.—

109 (6) Distribution of all proceeds under this chapter and s.
110 202.18(1)(b) and (2)(b) shall be as follows:

111 (d) The proceeds of all other taxes and fees imposed
112 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
113 and (2)(b) shall be distributed as follows:

114 1. In any fiscal year, the greater of \$500 million, minus
115 an amount equal to 4.6 percent of the proceeds of the taxes
116 collected pursuant to chapter 201, or 5.2 percent of all other

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117 taxes and fees imposed pursuant to this chapter or remitted
118 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
119 monthly installments into the General Revenue Fund.

120 2. After the distribution under subparagraph 1., 8.814
121 percent of the amount remitted by a sales tax dealer located
122 within a participating county pursuant to s. 218.61 shall be
123 transferred into the Local Government Half-cent Sales Tax
124 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
125 transferred shall be reduced by 0.1 percent, and the department
126 shall distribute this amount to the Public Employees Relations
127 Commission Trust Fund less \$5,000 each month, which shall be
128 added to the amount calculated in subparagraph 3. and
129 distributed accordingly.

130 3. After the distribution under subparagraphs 1. and 2.,
131 0.095 percent shall be transferred to the Local Government Half-
132 cent Sales Tax Clearing Trust Fund and distributed pursuant to
133 s. 218.65.

134 4. After the distributions under subparagraphs 1., 2., and
135 3., 2.0440 percent of the available proceeds shall be
136 transferred monthly to the Revenue Sharing Trust Fund for
137 Counties pursuant to s. 218.215.

138 5. After the distributions under subparagraphs 1., 2., and
139 3., 1.3409 percent of the available proceeds shall be
140 transferred monthly to the Revenue Sharing Trust Fund for
141 Municipalities pursuant to s. 218.215. If the total revenue to
142 be distributed pursuant to this subparagraph is at least as
143 great as the amount due from the Revenue Sharing Trust Fund for
144 Municipalities and the former Municipal Financial Assistance
145 Trust Fund in state fiscal year 1999-2000, no municipality shall

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146 receive less than the amount due from the Revenue Sharing Trust
147 Fund for Municipalities and the former Municipal Financial
148 Assistance Trust Fund in state fiscal year 1999-2000. If the
149 total proceeds to be distributed are less than the amount
150 received in combination from the Revenue Sharing Trust Fund for
151 Municipalities and the former Municipal Financial Assistance
152 Trust Fund in state fiscal year 1999-2000, each municipality
153 shall receive an amount proportionate to the amount it was due
154 in state fiscal year 1999-2000.

155 6. Of the remaining proceeds:

156 a. In each fiscal year, the sum of \$29,915,500 shall be
157 divided into as many equal parts as there are counties in the
158 state, and one part shall be distributed to each county. The
159 distribution among the several counties must begin each fiscal
160 year on or before January 5th and continue monthly for a total
161 of 4 months. If a local or special law required that any moneys
162 accruing to a county in fiscal year 1999-2000 under the then-
163 existing provisions of s. 550.135 be paid directly to the
164 district school board, special district, or a municipal
165 government, such payment must continue until the local or
166 special law is amended or repealed. The state covenants with
167 holders of bonds or other instruments of indebtedness issued by
168 local governments, special districts, or district school boards
169 before July 1, 2000, that it is not the intent of this
170 subparagraph to adversely affect the rights of those holders or
171 relieve local governments, special districts, or district school
172 boards of the duty to meet their obligations as a result of
173 previous pledges or assignments or trusts entered into which
174 obligated funds received from the distribution to county

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175 governments under then-existing s. 550.135. This distribution
176 specifically is in lieu of funds distributed under s. 550.135
177 before July 1, 2000.

178 b. The department shall distribute \$166,667 monthly
179 pursuant to s. 288.1162 to each applicant that has been
180 certified as a "facility for a new professional sports
181 franchise" or a "facility for a retained professional sports
182 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
183 distributed monthly by the department to each applicant that has
184 been certified as a "facility for a retained spring training
185 franchise" pursuant to s. 288.1162; however, not more than
186 \$416,670 may be distributed monthly in the aggregate to all
187 certified facilities for a retained spring training franchise.
188 Distributions must begin 60 days following such certification
189 and shall continue for not more than 30 years. This paragraph
190 may not be construed to allow an applicant certified pursuant to
191 s. 288.1162 to receive more in distributions than actually
192 expended by the applicant for the public purposes provided for
193 in s. 288.1162(6).

194 c. Beginning 30 days after notice by the Office of Tourism,
195 Trade, and Economic Development to the Department of Revenue
196 that an applicant has been certified as the professional golf
197 hall of fame pursuant to chapter 93-233, Laws of Florida, ~~s.~~
198 ~~288.1168~~ and is open to the public, \$166,667 shall be
199 distributed monthly, for up to 300 months, to the applicant.

200 d. Beginning 30 days after notice by the Office of Tourism,
201 Trade, and Economic Development to the Department of Revenue
202 that the applicant has been certified as the International Game
203 Fish Association World Center facility pursuant to s. 288.1169,

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204 and the facility is open to the public, \$83,333 shall be
205 distributed monthly, for up to 168 months, to the applicant.
206 This distribution is subject to reduction pursuant to s.
207 288.1169. A lump sum payment of \$999,996 shall be made, after
208 certification and before July 1, 2000.

209 7. All other proceeds must remain in the General Revenue
210 Fund.

211 Section 3. Section 288.021, Florida Statutes, is amended to
212 read:

213 288.021 Economic development liaison.—

214 (1) The heads of the Department of Transportation, the
215 Department of Environmental Protection and an additional member
216 appointed by the secretary of the department, the Agency for
217 Workforce Innovation ~~Department of Labor and Employment~~
218 ~~Security~~, the Department of Education, the Department of
219 Community Affairs, the Department of Management Services, the
220 Department of Revenue, the Fish and Wildlife Conservation
221 Commission, each water management district, and each Department
222 of Transportation District office shall designate a high-level
223 staff member from within such agency to serve as the economic
224 development liaison for the agency. This person shall report to
225 the agency head and have general knowledge both of the state's
226 permitting and other regulatory functions and of the state's
227 economic goals, policies, and programs. This person shall also
228 be the primary point of contact for the agency with the Office
229 of Tourism, Trade, and Economic Development on issues and
230 projects important to the economic development of Florida,
231 including its rural areas, to expedite project review, to ensure
232 a prompt, effective response to problems arising with regard to

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233 permitting and regulatory functions, and to work closely with
234 the other economic development liaisons to resolve interagency
235 conflicts.

236 (2) ~~Within 30 days of April 17, 1992, and~~ Whenever it is
237 necessary to change the designee, the head of each agency shall
238 notify the Governor in writing of the person designated as the
239 economic development liaison for such agency.

240 Section 4. Section 288.035, Florida Statutes, is amended to
241 read:

242 288.035 Economic development activities.—

243 (1) The Florida Public Service Commission shall adopt rules
244 authorizing ~~may authorize~~ public utilities to recover reasonable
245 economic development expenses. For purposes of this section,
246 recoverable "economic development expenses" are ~~those expenses~~
247 ~~described in subsection (2) which are consistent with criteria~~
248 ~~to be established by rules adopted by the Department of Commerce~~
249 ~~as of June 30, 1996, or as those criteria are later modified by~~
250 ~~the Office of Tourism, Trade, and Economic Development.~~

251 ~~(2) Such rules shall provide that authorized economic~~
252 ~~development expenses shall be limited to the following:~~

253 (a) Expenditures for operational assistance, including the
254 participation in trade shows and prospecting missions with state
255 and local entities.

256 (b) Expenditures for assisting the state and local
257 governments in the design of strategic plans for economic
258 development activities.

259 (c) Expenditures for marketing and research services,
260 including assisting local governments in marketing specific
261 sites for business and industry development or recruitment, and

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262 assisting local governments in responding to inquiries from
263 business and industry concerning the development of specific
264 sites.

265 (2)~~(3)~~ Before amending the rules required by this section,
266 the commission must provide a draft of the proposed amendment to
267 the Office of Tourism, Trade, and Economic Development for
268 review and comment. ~~The Florida Public Service Commission shall~~
269 ~~adopt rules for the recovery of economic development expenses by~~
270 ~~public utilities, including the sharing of expenses by~~
271 ~~shareholders.~~

272 Section 5. Subsections (1), (2), and (4) of section
273 288.0655, Florida Statutes, are amended to read:

274 288.0655 Rural Infrastructure Fund.—

275 (1) There is created within the Office of Tourism, Trade,
276 and Economic Development the Rural Infrastructure Fund to
277 facilitate the planning, preparing, and financing of
278 infrastructure projects in rural communities which will
279 encourage job creation and, capital investment and strengthen,
280 diversify, and enhance rural economies and communities, ~~and the~~
281 ~~strengthening and diversification of rural economies by~~
282 ~~promoting tourism, trade, and economic development.~~

283 (2) (a) Funds appropriated by the Legislature shall be
284 distributed by the office through grant programs that maximize
285 the use of federal, local, and private resources, including, but
286 not limited to, those available under the Small Cities Community
287 Development Block Grant Program.

288 (b) To facilitate access of rural communities and rural
289 areas of critical economic concern as defined by the Rural
290 Economic Development Initiative to infrastructure funding

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291 programs of the Federal Government, such as those offered by the
292 United States Department of Agriculture and the United States
293 Department of Commerce, and state programs, including those
294 offered by Rural Economic Development Initiative agencies, and
295 to facilitate local government or private infrastructure funding
296 efforts, the office may award grants for up to 30 percent of the
297 total infrastructure project cost. If an application for funding
298 is for a catalyst site, as defined in s. 288.0656, the office
299 may award grants for up to 40 percent of the total
300 infrastructure project cost.

301 1. Eligible projects must be related to specific job-
302 creation or job-retention opportunities. Eligible projects may
303 also include projects to:

304 a. Improve ~~improving any~~ inadequate infrastructure that has
305 resulted in a regulatory action and restricts ~~that prohibits~~
306 economic or community growth; or

307 b. Reduce ~~reducing~~ the costs to community users of proposed
308 infrastructure improvements that exceed such costs in comparable
309 communities.

310 2. Eligible uses of funds for eligible projects shall
311 include improvements to public infrastructure for industrial or
312 commercial sites and upgrades to or development of public
313 tourism infrastructure. Authorized infrastructure may include:

314 a. The following public or public-private partnership
315 facilities: storm water systems; telecommunications facilities;
316 broadband facilities; roads or other remedies to transportation
317 impediments; nature-based tourism facilities; or other physical
318 requirements necessary to facilitate tourism, trade, and
319 economic development activities in the community.

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320 b. ~~Authorized infrastructure may also include~~ Publicly or
321 privately owned self-powered nature-based tourism facilities.

322 c. ~~Additions to publicly owned telecommunications~~
323 ~~facilities, and broadband facilities, and additions to the~~
324 distribution facilities of an ~~the~~ existing natural gas utility
325 as defined in s. 366.04(3)(c), an ~~the~~ existing electric utility
326 as defined in s. 366.02, an ~~or the~~ existing water or wastewater
327 utility as defined in s. 367.021(12), or any other existing
328 water or wastewater facility that, ~~which~~ owns a gas or electric
329 distribution system or a water or wastewater system in this
330 state for which ~~where~~:

331 (I)1. A contribution-in-aid of construction is required to
332 serve public or public-private partnership facilities under the
333 tariffs of any natural gas, electric, water, or wastewater
334 utility as defined herein; and

335 (II)2. Such utilities as defined herein are willing and
336 able to provide such service.

337 (c) To facilitate timely response and induce the location
338 or expansion of specific job-creating ~~job-creating~~
339 opportunities, the office may award grants for infrastructure
340 feasibility studies, design and engineering activities, or other
341 infrastructure planning and preparation activities. Authorized
342 grants may not exceed ~~shall be up to~~ \$50,000 for an employment
343 project with a business committed to create at least 100 jobs,
344 up to \$150,000 for an employment project with a business
345 committed to create at least 300 jobs, and up to \$300,000 for a
346 project in a rural area of critical economic concern. Grants
347 awarded under this paragraph may be used in conjunction with
348 grants awarded under paragraph (b) if, ~~provided that~~ the total

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349 amount of both grants does not exceed 30 percent of the total
350 project cost. In evaluating applications under this paragraph,
351 the office shall consider the extent to which the application
352 seeks to minimize administrative and consultant expenses.

353 (d) ~~By September 1, 1999,~~ The office may execute ~~shall~~
354 ~~pursue execution of~~ a memorandum of agreement with the United
355 States Department of Agriculture under which state funds
356 available through the Rural Infrastructure Fund may be advanced,
357 in excess of the prescribed state share, for a project that has
358 received from the department a preliminary determination of
359 eligibility for federal financial support. State funds in excess
360 of the prescribed state share which are advanced pursuant to
361 this paragraph and the memorandum of agreement shall be
362 reimbursed when funds are awarded under an application for
363 federal funding.

364 (e) To enable local governments to access the resources
365 available pursuant to s. 403.973(18), the office may award
366 grants for surveys, feasibility studies, and other activities
367 related to the identification and preclearance review of land
368 which is suitable for preclearance review. Authorized grants
369 under this paragraph may ~~shall~~ not exceed \$75,000 each, except
370 in the case of a project in a rural area of critical economic
371 concern, in which case the grant shall not exceed \$300,000. Any
372 funds awarded under this paragraph must be matched at a level of
373 50 percent with local funds, except that any funds awarded for a
374 project in a rural area of critical economic concern must be
375 matched at a level of 33 percent with local funds. If an
376 application for funding is for a catalyst site, as defined in s.
377 288.0656, the requirement for local match may be waived pursuant

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378 to the process in s. 288.06561. In evaluating applications under
379 this paragraph, the office shall consider the extent to which
380 the application seeks to minimize administrative and consultant
381 expenses.

382 (4) ~~By September 1, 1999,~~ The office shall, in consultation
383 with the organizations listed in subsection (3), and other
384 organizations, develop guidelines and criteria governing
385 submission of applications for funding, review and evaluation of
386 such applications, and approval of funding under this section.
387 The office shall consider factors including, but not limited to,
388 the project's potential for enhanced job creation or increased
389 capital investment, the demonstration of local public and
390 private commitment, the location of the project in an enterprise
391 zone, the location of the project in a community development
392 corporation service area, the location of the project in a
393 county designated under s. 212.097, the unemployment rate of the
394 surrounding area, and the poverty rate of the community.

395 Section 6. Paragraph (a) of subsection (1) of section
396 288.1088, Florida Statutes, is amended to read:

397 288.1088 Quick Action Closing Fund.—

398 (1) (a) The Legislature finds that attracting, retaining,
399 and providing favorable conditions for the growth of certain
400 high-impact business facilities, privately developed critical
401 rural infrastructure, or other key facilities in economically
402 distressed urban or rural communities creates ~~which provide~~
403 widespread economic benefits to the public. These benefits
404 include ~~through~~ high-quality employment opportunities in such
405 facilities, or in related facilities attracted to the state,
406 through the increased tax base provided by ~~the~~ high-impact

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407 facilities ~~facility~~ and related businesses, through an enhanced
408 entrepreneurial climate in the state and the resulting business
409 and employment opportunities, and through the stimulation and
410 enhancement of the state's universities and community colleges.
411 In the global economy, ~~there exists serious and fierce~~
412 international competition exists for these facilities, and in
413 most instances, after ~~when~~ all available resources for economic
414 development have been used, the state continues to encounter
415 severe competitive disadvantages in vying for these business
416 facilities. Florida's rural areas must provide a competitive
417 environment for business in the information age. This often
418 requires an incentive to make it feasible for private investors
419 to provide infrastructure in those areas.

420 Section 7. Subsections (7) and (9) of section 288.1162,
421 Florida Statutes, are amended to read:

422 288.1162 Professional sports franchises; spring training
423 franchises; duties.—

424 (7) ~~(a)~~ The Office of Tourism, Trade, and Economic
425 Development shall notify the Department of Revenue of any
426 facility certified as a facility for a new professional sports
427 franchise or a facility for a retained professional sports
428 franchise or as a facility for a retained spring training
429 franchise. The Office of Tourism, Trade, and Economic
430 Development shall certify no more than eight facilities as
431 facilities for a new professional sports franchise or as
432 facilities for a retained professional sports franchise, ~~including in such total any facilities certified by the~~
433 ~~Department of Commerce before July 1, 1996.~~ The number of
434 facilities certified as a retained spring training franchise

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436 shall be as provided in subsection (5). The office may make no
437 more than one certification for any facility. The office may not
438 certify funding for less than the requested amount to any
439 applicant certified as a facility for a retained spring training
440 franchise.

441 ~~(b) The eighth certification of an applicant under this~~
442 ~~section as a facility for a new professional sports franchise or~~
443 ~~a facility for a retained professional sports franchise shall be~~
444 ~~for a franchise that is a member of the National Basketball~~
445 ~~Association, has been located within the state since 1987, and~~
446 ~~has not been previously certified. This paragraph is repealed~~
447 ~~July 1, 2010.~~

448 (9) An applicant is not qualified for certification under
449 this section if the franchise formed the basis for a previous
450 certification, unless the previous certification was withdrawn
451 by the facility or invalidated by the Office of Tourism, Trade,
452 and Economic Development or the former Department of Commerce
453 before any funds were distributed pursuant to s. 212.20. ~~This~~
454 ~~subsection does not disqualify an applicant if the previous~~
455 ~~certification occurred between May 23, 1993, and May 25, 1993;~~
456 ~~however, any funds to be distributed pursuant to s. 212.20 for~~
457 ~~the second certification shall be offset by the amount~~
458 ~~distributed to the previous certified facility. Distribution of~~
459 ~~funds for the second certification shall not be made until all~~
460 ~~amounts payable for the first certification have been~~
461 ~~distributed.~~

462 Section 8. Section 288.1169, Florida Statutes, is amended
463 to read:

464 288.1169 International Game Fish Association World Center

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465 facility; funding.—

466 ~~(1) The Department of Commerce shall serve as the state~~
467 ~~agency approving applicants for funding pursuant to s. 212.20~~
468 ~~and for certifying the applicant as the International Game Fish~~
469 ~~Association World Center facility. For purposes of this section,~~
470 ~~“facility” means the International Game Fish Association World~~
471 ~~Center, and “project” means the International Game Fish~~
472 ~~Association World Center and new colocated improvements by~~
473 ~~private sector concerns who have made cash or in-kind~~
474 ~~contributions to the facility of \$1 million or more.~~

475 ~~(2) Prior to certifying this facility, the department must~~
476 ~~determine that:~~

477 ~~(a) The International Game Fish Association World Center is~~
478 ~~the only fishing museum, Hall of Fame, and international~~
479 ~~administrative headquarters in the United States recognized by~~
480 ~~the International Game Fish Association, and that one or more~~
481 ~~private sector concerns have committed to donate to the~~
482 ~~International Game Fish Association land upon which the~~
483 ~~International Game Fish Association World Center will operate.~~

484 ~~(b) International Game Fish Association is a not-for-profit~~
485 ~~Florida corporation that has contracted to construct and operate~~
486 ~~the facility.~~

487 ~~(c) The municipality in which the facility is located, or~~
488 ~~the county if the facility is located in an unincorporated area,~~
489 ~~has certified by resolution after a public hearing that the~~
490 ~~facility serves a public purpose.~~

491 ~~(d) There are existing projections that the International~~
492 ~~Game Fish Association World Center facility and the colocated~~
493 ~~facilities of private sector concerns will attract an attendance~~

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494 ~~of more than 1.8 million annually.~~

495 ~~(e) There is an independent analysis or study, using~~
496 ~~methodology approved by the department, which demonstrates that~~
497 ~~the amount of the revenues generated by the taxes imposed under~~
498 ~~chapter 212 with respect to the use and operation of the project~~
499 ~~will exceed \$1 million annually.~~

500 ~~(f) There are existing projections that the project will~~
501 ~~attract more than 300,000 persons annually who are not residents~~
502 ~~of the state.~~

503 ~~(g) The applicant has submitted an agreement to provide~~
504 ~~\$500,000 annually in national and international media promotion~~
505 ~~of the facility, at the then-current commercial rates, during~~
506 ~~the period of time that the facility receives funds pursuant to~~
507 ~~s. 212.20. Failure on the part of the applicant to annually~~
508 ~~provide the advertising as provided in this paragraph shall~~
509 ~~result in the termination of the funding as provided in s.~~
510 ~~212.20. The applicant can discharge its obligation under this~~
511 ~~paragraph by contracting with other persons, including private~~
512 ~~sector concerns who participate in the project.~~

513 ~~(h) Documentation exists that demonstrates that the~~
514 ~~applicant has provided, and is capable of providing, or has~~
515 ~~financial or other commitments to provide, more than one-half of~~
516 ~~the cost incurred or related to the improvements and the~~
517 ~~development of the facility.~~

518 ~~(i) The application is signed by senior officials of the~~
519 ~~International Game Fish Association and is notarized according~~
520 ~~to Florida law providing for penalties for falsification.~~

521 ~~(2)-(3) The facility shall applicant may use funds provided~~
522 ~~pursuant to s. 212.20 for the purpose of paying for the~~

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523 construction, reconstruction, renovation, promotion, or
524 operation of the facility, or to pay or pledge for payment of
525 debt service on, or to fund debt service reserve funds,
526 arbitrage rebate obligations, or other amounts payable with
527 respect to, bonds issued for the construction, reconstruction,
528 or renovation of the facility or for the reimbursement of such
529 costs or by refinancing of bonds issued for such purposes.

530 ~~(4) Upon determining that an applicant is or is not~~
531 ~~certifiable, the Department of Commerce shall notify the~~
532 ~~applicant of its status by means of an official letter. If~~
533 ~~certifiable, the Department of Commerce shall notify the~~
534 ~~executive director of the Department of Revenue and the~~
535 ~~applicant of such certification by means of an official letter~~
536 ~~granting certification. From the date of such certification, the~~
537 ~~applicant shall have 5 years to open the facility to the public~~
538 ~~and notify the Department of Commerce of such opening. The~~
539 ~~Department of Revenue shall not begin distributing funds until~~
540 ~~30 days following notice by the Department of Commerce that the~~
541 ~~facility is open to the public.~~

542 (3)~~(5)~~ The Department of Revenue may audit as provided in
543 s. 213.34 to verify that the contributions pursuant to this
544 section have been expended as required by this section.

545 (4) (a)~~(6)~~ The facility must be recertified by the Office of
546 Tourism, Trade, and Economic Development in 2010, and Department
547 of Commerce must recertify every 10 years thereafter. To be
548 recertified, that the facility must be is open to the public;
549 continue, that the International Game Fish Association World
550 Center continues to be the only international administrative
551 headquarters, fishing museum, and Hall of Fame in the United

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552 States recognized by the International Game Fish Association;;
 553 and meet ~~that the project is meeting~~ the minimum projections for
 554 attendance or sales tax revenues as required at the time of
 555 original certification.

556 (b) If the facility is not recertified during its ~~this~~ 10-
 557 year review as meeting the minimum projections, ~~then~~ funding
 558 shall be abated until certification criteria are met. If the
 559 project fails to generate \$1 million of annual revenues pursuant
 560 to the original certification requirements ~~paragraph (2)(c)~~, the
 561 distribution of revenues pursuant to s. 212.20(6)(d)6.c. ~~s.~~
 562 ~~212.02(6)(d)6.d.~~ shall be reduced to an amount equal to \$83,333
 563 multiplied by a fraction, the numerator of which is the actual
 564 revenues generated and the denominator of which is \$1 million.
 565 Such reduction shall remain ~~remains~~ in effect until revenues
 566 generated by the project in a 12-month period equal or exceed \$1
 567 million.

568 Section 9. Paragraphs (a) and (c) of subsection (3) of
 569 section 288.1252, Florida Statutes, are amended to read:

570 288.1252 Florida Film and Entertainment Advisory Council;
 571 creation; purpose; membership; powers and duties.—

572 (3) MEMBERSHIP.—

573 (a) The council shall consist of 17 members, seven to be
 574 appointed by the Governor, five to be appointed by the President
 575 of the Senate, and five to be appointed by the Speaker of the
 576 House of Representatives, ~~with the initial appointments being~~
 577 ~~made no later than August 1, 1999.~~

578 (c) Council members shall be appointed to ~~serve for~~ 4-year
 579 terms, ~~except that the initial terms shall be staggered:~~

580 ~~1. The Governor shall appoint one member for a 1-year term,~~

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581 ~~two members for 2-year terms, two members for 3-year terms, and~~
582 ~~two members for 4-year terms.~~

583 ~~2. The President of the Senate shall appoint one member for~~
584 ~~a 1-year term, one member for a 2-year term, two members for 3-~~
585 ~~year terms, and one member for a 4-year term.~~

586 ~~3. The Speaker of the House of Representatives shall~~
587 ~~appoint one member for a 1-year term, one member for a 2-year~~
588 ~~term, two members for 3-year terms, and one member for a 4-year~~
589 ~~term.~~

590 Section 10. Subsection (7) of section 288.7091, Florida
591 Statutes, is amended to read:

592 288.7091 Duties of the Florida Black Business Investment
593 Board, Inc.—The board shall:

594 (7) Develop memoranda of understanding with the Department
595 of Education, the Department of Transportation, the Department
596 of Community Affairs, and the Department of Management Services,
597 as well as with Workforce Florida, Inc., the Board of Governors
598 of the State University System, and the State Board of
599 Education, detailing efforts of common interest and
600 collaborations to expand black business development. Develop
601 ~~strategies to increase financial institution investment in black~~
602 ~~business enterprises.~~

603 Section 11. Subsection (2) of section 288.901, Florida
604 Statutes, is amended, and subsection (12) is added to that
605 section, to read:

606 288.901 Enterprise Florida, Inc.; creation; membership;
607 organization; meetings; disclosure.—

608 (2) Enterprise Florida, Inc., shall maintain ~~establish~~ one
609 or more corporate offices, at least one of which shall be

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610 located in Leon County. ~~The Department of Management Services~~
611 ~~may establish a lease agreement program under which Enterprise~~
612 ~~Florida, Inc., may hire any individual who, as of June 30, 1996,~~
613 ~~is employed by the Department of Commerce or who, as of January~~
614 ~~1, 1997, is employed by the Executive Office of the Governor and~~
615 ~~has responsibilities specifically in support of the Workforce~~
616 ~~Development Board established under s. 288.9620. Under such~~
617 ~~agreement, the employee shall retain his or her status as a~~
618 ~~state employee but shall work under the direct supervision of~~
619 ~~Enterprise Florida, Inc. Retention of state employee status~~
620 ~~shall include the right to participate in the Florida Retirement~~
621 ~~System. The Department of Management Services shall establish~~
622 ~~the terms and conditions of such lease agreements.~~

623 (12) Staff members of Enterprise Florida, Inc., who are
624 leased from the Department of Management Services pursuant to an
625 agreement may retain their state employee status, including the
626 right to participate in the Florida Retirement System, until
627 their retirement from the state or the termination of the
628 applicable lease, whichever occurs first. An agreement for
629 Enterprise Florida, Inc., to lease one or more employees from
630 the Department of Management Services terminates when the
631 employees under the lease on January 1, 2010, retire or cease
632 providing services under the lease.

633 Section 12. Paragraph (1) of subsection (1) of section
634 288.904, Florida Statutes, is amended to read:

635 288.904 Powers of the board of directors of Enterprise
636 Florida, Inc.—

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

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639 (1) Create and dissolve advisory committees, working
640 groups, task forces, or similar organizations, as necessary to
641 carry out the mission of Enterprise Florida, Inc. ~~By August 1,~~
642 ~~1999,~~ Enterprise Florida, Inc., shall establish an advisory
643 committee on international business issues, and an advisory
644 committee on small business issues. These committees shall be
645 comprised of individuals representing the private sector and the
646 public sector with expertise in the respective subject areas.
647 The purpose of the advisory entities ~~is committees shall be~~ to
648 guide and advise Enterprise Florida, Inc., on the development
649 and implementation of policies, strategies, programs, and
650 activities affecting international business and small business.
651 The advisory committee on international business and the
652 advisory committee on small business shall meet at the call of
653 the chairperson or vice chairperson of the board of directors of
654 Enterprise Florida, Inc., but shall meet at least quarterly.
655 Meetings of the advisory committee on international business and
656 the advisory committee on small business may be held
657 telephonically. ~~+~~ However, meetings of the committees that are
658 held in person shall be rotated among ~~at~~ different locations
659 around the state to ensure participation of local and regional
660 economic development practitioners and other members of the
661 public. Members of advisory committees, working groups, task
662 forces, or similar organizations created by Enterprise Florida,
663 Inc., shall serve without compensation, but may be reimbursed
664 for reasonable, necessary, and actual expenses, as determined by
665 the board of directors of Enterprise Florida, Inc.

666 Section 13. Section 288.038, Florida Statutes, is repealed.

667 Section 14. Section 288.1168, Florida Statutes, is

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668 repealed.

669 Section 15. Section 288.1185, Florida Statutes, is

670 repealed.

671 Section 16. This act shall take effect July 1, 2010.