

By Senator Hays

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1 A bill to be entitled
2 An act relating to the Economic Gardening Technical
3 Assistance Program; amending s. 288.1082, F.S.;
4 expanding the Economic Gardening Technical Assistance
5 Pilot Program into a statewide program; requiring the
6 Department of Economic Opportunity to contract with
7 the Florida Economic Gardening Institute at the
8 University of Central Florida to administer the
9 program; revising and providing eligibility
10 requirements for the program; providing definitions;
11 amending s. 288.1081, F.S.; conforming a reference to
12 the Economic Gardening Technical Assistance Pilot
13 Program to changes made by the act; providing an
14 appropriation; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 288.1082, Florida Statutes, is amended
19 to read:

20 288.1082 Economic Gardening Technical Assistance ~~Pilot~~
21 Program.—

22 (1) There is created within the department the Economic
23 Gardening Technical Assistance ~~Pilot~~ Program. The purpose of the
24 ~~pilot~~ program is to stimulate investment in Florida's economy by
25 providing technical assistance for expanding businesses in the
26 state.

27 (2) The department shall contract with the Florida Economic
28 Gardening Institute at the University of Central Florida ~~one or~~
29 ~~more entities~~ to administer the ~~pilot~~ program under this

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30 ~~section. The department shall award each contract in accordance~~
31 ~~with the competitive bidding requirements in s. 287.057 to an~~
32 ~~entity that demonstrates the ability to implement the pilot~~
33 ~~program on a statewide basis, has an outreach plan, and has the~~
34 ~~ability to provide counseling services, access to technology and~~
35 ~~information, marketing services and advice, business management~~
36 ~~support, and other similar services. In selecting these~~
37 ~~entities, the department also must consider whether the entities~~
38 ~~will qualify for matching funds to provide the technical~~
39 ~~assistance.~~

40 (3) The Florida Economic Gardening Institute ~~A contracted~~
41 ~~entity administering the pilot program~~ shall provide technical
42 assistance for eligible businesses which includes, but is not
43 limited to:

44 (a) Access to free or affordable information services and
45 consulting services, including information on markets,
46 customers, and competitors, such as business databases,
47 geographic information systems, and search engine marketing.

48 (b) Development of business connections, including
49 interaction and exchange among business owners and resource
50 providers, such as trade associations, think tanks, academic
51 institutions, business roundtables, peer-to-peer learning
52 sessions, and mentoring programs.

53 (4) (a) To be eligible for assistance under the ~~pilot~~
54 program, a business must:

55 1. Be a for-profit, privately held, investment-grade
56 business. ~~that~~

57 2. Have employed ~~employs~~ at least 10 persons but not more
58 than 99 ~~50~~ persons at the end of the preceding fiscal year. ~~has~~

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59 ~~maintained its principal place of business in the state for at~~
60 ~~least the previous 2 years,~~

61 3. Have generated ~~generates~~ at least \$1 million but not
62 more than \$50 ~~\$25~~ million in annual revenue during the preceding
63 fiscal year. ~~qualifies for the tax refund program for qualified~~
64 ~~target industry businesses under s. 288.106, and,~~

65 4. During 2 ~~3~~ of the previous 6 ~~5~~ years, have ~~has~~ increased
66 either both its number of full-time equivalent employees in this
67 state or ~~and~~ its gross revenues.

68 5. Generate a minimum of 51 percent of its revenue outside
69 the state, be located in a "rural community" as defined in s.
70 288.0656, or be classified within a qualifying NAICS code.

71 (b) As used in this section, the term:

72 1. "NAICS" means those classifications contained in the
73 North American Industry Classification System, as published in
74 2012 by the Office of Management and Budget, Executive Office of
75 the President.

76 2. "Qualifying NAICS code" means any NAICS code within any
77 of the following NAICS sectors: 31-33, Manufacturing; 42,
78 Wholesale Trade; 51, Information; 52, Finance and Insurance; 54,
79 Professional, Scientific, and Technical Services; 55, Management
80 of Companies and Enterprises; or 56, Administrative and Support
81 and Waste Management and Remediation Services.

82 (c) ~~(b)~~ The Florida Economic Gardening Institute A
83 contracted entity administering the pilot program, in selecting
84 the eligible businesses to receive assistance, shall choose
85 businesses in more than one industry cluster and, to the maximum
86 extent practicable, shall choose businesses that are
87 geographically distributed throughout Florida or are in

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88 partnership with businesses that are geographically distributed
89 throughout Florida.

90 (5) (a) A business receiving assistance under the ~~pilot~~
91 program must enter into an agreement with the Florida Economic
92 Gardening Institute ~~contracted entity administering the program~~
93 to establish the business's commitment to participate
94 ~~participation~~ in the ~~pilot~~ program. The agreement must require,
95 at a minimum, that the business:

96 1. Attend a minimum number of meetings between the business
97 and the Florida Economic Gardening Institute ~~contracted entity~~
98 ~~administering the pilot program~~.

99 2. Report job creation data in the manner prescribed by the
100 Florida Economic Gardening Institute ~~contracted entity~~
101 ~~administering the pilot program~~.

102 3. Provide financial data in the manner prescribed by the
103 Florida Economic Gardening Institute ~~contracted entity~~
104 ~~administering the program~~.

105 (b) The Florida Economic Gardening Institute ~~department or~~
106 ~~the contracted entity administering the pilot program~~ may
107 prescribe in the agreement additional reporting requirements
108 that are necessary to track the progress of the business and
109 monitor the business's implementation of the assistance. The
110 institute ~~contracted entity~~ shall report the information to the
111 department on a quarterly basis.

112 (6) The Florida Economic Gardening Institute ~~A contracted~~
113 ~~entity administering the pilot program~~ is authorized to promote
114 the general business interests or industrial interests of the
115 state.

116 (7) The department shall review the progress of the Florida

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117 Economic Gardening Institute ~~contracted entity administering the~~
118 ~~pilot program~~ at least once each 6 months and shall determine
119 whether the institute ~~contracted entity~~ is meeting its
120 contractual obligations for administering the ~~pilot~~ program. The
121 department may terminate and rebid a contract if the institute
122 ~~contracted entity~~ does not meet its contractual obligations.

123 (8) On December 31 of each year, the department shall
124 submit a report to the Governor, the President of the Senate,
125 and the Speaker of the House of Representatives which describes
126 in detail the progress of the ~~pilot~~ program. The report must
127 include, at a minimum, the number of businesses receiving
128 assistance, the number of full-time equivalent jobs created as a
129 result of the assistance, if any, the amount of wages paid to
130 employees in the newly created jobs, and the locations and types
131 of economic activity undertaken by the businesses.

132 (9) The department may adopt rules ~~under ss. 120.536(1) and~~
133 ~~120.54~~ to administer this section.

134 Section 2. Paragraphs (a) and (b) of subsection (3) of
135 section 288.1081, Florida Statutes, are amended to read:

136 288.1081 Economic Gardening Business Loan Pilot Program.—

137 (3) (a) To be eligible for a loan under the pilot program,
138 an applicant must be a business eligible for assistance under
139 the Economic Gardening Technical Assistance ~~Pilot~~ Program as
140 provided in s. 288.1082(4) (a).

141 (b) A loan applicant must submit a written application to
142 the loan administrator in the format prescribed by the loan
143 administrator. The application must include:

144 1. The applicant's federal employer identification number,
145 reemployment assistance account number, and sales or other tax

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146 registration number.

147 2. The street address of the applicant's principal place of
148 business in this state.

149 3. A description of the type of economic activity, product,
150 or research and development undertaken by the applicant,
151 including the six-digit North American Industry Classification
152 System code for each type of economic activity conducted by the
153 applicant.

154 4. The applicant's annual revenue, number of employees,
155 number of full-time equivalent employees, and other information
156 necessary to verify the applicant's eligibility for the ~~pilot~~
157 program under s. 288.1082(4)(a).

158 5. The projected investment in the business, if any, which
159 the applicant proposes in conjunction with the loan.

160 6. The total investment in the business from all sources,
161 if any, which the applicant proposes in conjunction with the
162 loan.

163 7. The number of net new full-time equivalent jobs that, as
164 a result of the loan, the applicant proposes to create in this
165 state as of December 31 of each year and the average annual wage
166 of the proposed jobs.

167 8. The total number of full-time equivalent employees the
168 applicant currently employs in this state.

169 9. The date that the applicant anticipates it needs the
170 loan.

171 10. A detailed explanation of why the loan is needed to
172 assist the applicant in expanding jobs in the state.

173 11. A statement that all of the applicant's available
174 corporate assets are pledged as collateral for the amount of the

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175 loan.

176 12. A statement that the applicant, upon receiving the
177 loan, agrees not to seek additional long-term debt without prior
178 approval of the loan administrator.

179 13. A statement that the loan is a joint obligation of the
180 business and of each person who owns at least 20 percent of the
181 business.

182 14. Any additional information requested by the department
183 or the loan administrator.

184 Section 3. The sum of \$2 million in recurring funds is
185 appropriated from the General Revenue Fund to the University of
186 Central Florida to fund the Economic Gardening Technical
187 Assistance Program and to implement this act during the 2013-
188 2014 fiscal year.

189 Section 4. This act shall take effect July 1, 2013.