

By Senator Brandes

24-00960D-17

20171110__

1 A bill to be entitled
2 An act relating to economic development; amending s.
3 20.60, F.S.; requiring the Department of Economic
4 Opportunity to contract with a specified direct-
5 support organization to guide, stimulate, and promote
6 the sports industry, the participation of residents in
7 amateur athletic competitions, and this state as a
8 host for national and international athletic
9 competitions; amending s. 288.0001, F.S.; requiring
10 the Office of Economic and Demographic Research to
11 calculate the net state gross domestic product per
12 state dollar of certain programs; revising analysis
13 requirements; amending s. 288.001, F.S.; requiring the
14 Network Lead Center within the University of West
15 Florida to develop, by a certain date, a guide to
16 starting a business; requiring the guide to be made
17 available to specified agencies and corporations;
18 providing requirements for the guide; requiring the
19 Network Lead Center to develop a statewide call
20 center, known as the Florida Business Information
21 Center, within the Network Lead Center as a source for
22 general business information, inquiries, and
23 referrals; amending s. 288.005, F.S.; redefining the
24 term "economic benefits"; amending s. 288.061, F.S.;
25 deleting an obsolete date; making technical changes;
26 providing requirements for contracts between the
27 department and applicants for economic development
28 incentives; prohibiting the department from entering
29 into an agreement or contract that has a term greater

24-00960D-17

20171110__

30 than 10 years; providing an exemption; prohibiting the
31 department from making specified amendments to a
32 contract or agreement; creating s. 288.103, F.S.;
33 specifying residency requirements for certain
34 projects; providing applicability; amending s.
35 288.1045, F.S.; providing exceptions to allow the
36 Department of Economic Opportunity to distribute
37 certain refunds to certain businesses; amending s.
38 288.11621, F.S.; transferring certain duties from
39 Enterprise Florida, Inc., to the Florida Sports
40 Foundation; amending s. 288.1201, F.S.; requiring the
41 department to retain funds appropriated for specified
42 programs until performance requirements for incentives
43 are submitted and verified; requiring the department
44 to return certain unexpended funds to the State
45 Treasury; requiring such funds to be deposited into
46 specified accounts; requiring the department to return
47 such funds by a specified date and to notify the
48 Governor and the Legislature of the status of
49 compliance; requiring the department to provide the
50 Legislature with lists of potential and actual claims
51 for payment by specified dates; creating the Quick
52 Action Closing Fund Escrow Account within the State
53 Economic Enhancement and Development Trust Fund;
54 specifying moneys to be deposited to the account;
55 providing appropriation requirements for moneys in the
56 account; providing that a balance in the account at
57 the end of the fiscal year remains in the account to
58 continue carrying out the purpose of the account;

24-00960D-17

20171110__

59 authorizing the department to make a payment from the
60 account subject to certain requirements; requiring the
61 department to determine whether the account contains
62 moneys from specified agreements or contracts that
63 have terminated or expired, or for which the applicant
64 has not met performance conditions; requiring such
65 funds to be returned to the trust fund within 10 days
66 after such determination; providing management and
67 investment requirements for specified moneys;
68 requiring the department to quarterly transfer
69 interest earnings to the trust fund; reviving,
70 readopting, and amending s. 288.1229, F.S.; requiring
71 the department to establish a direct-support
72 organization known as the Florida Sports Foundation to
73 assist the department, rather than the Office of
74 Tourism, Trade, and Economic Development, with
75 specified duties; providing incorporation requirements
76 for the foundation; requiring the foundation to be
77 governed by a board of directors; specifying
78 membership requirements of the board; requiring the
79 foundation to operate under contract with the
80 department; requiring the department to enter into a
81 contract with the foundation by a specified date;
82 authorizing the department, rather than the office, to
83 review the foundation's articles of incorporation;
84 revising requirements for the foundation to promote
85 amateur sports and physical fitness; requiring the
86 Florida Senior Games to be patterned after the Summer
87 Olympics with variations under certain circumstances;

24-00960D-17

20171110__

88 deleting a requirement that participants of the
89 Sunshine State Games and Florida Senior Games be
90 residents of this state; deleting a provision
91 requiring specified regional competitions; providing
92 that the department, rather than the Executive Office
93 of the Governor, is authorized to allow the use of
94 certain property, facilities, or services; conforming
95 provisions to changes made by the act; creating s.
96 288.1259, F.S.; creating the Start-Up Florida Grant
97 Program; providing legislative purpose; defining
98 terms; requiring the program to provide startup and
99 operating assistance to qualified small business
100 incubators; requiring the department to awards grants
101 to qualified small business incubators for specified
102 purposes; requiring the department to require grant
103 recipients to provide matching funds or in-kind
104 contributions for a project at least equal to the
105 grant award; requiring the department to require grant
106 recipients to show that they have certain resources to
107 complete a project in a timely manner; requiring
108 rulemaking; requiring the department to accept and
109 receive grants, gifts, and pledges of funds for
110 specified purposes; requiring the department to
111 integrate the promotion of small business incubators
112 in its specified strategic plan; amending s. 288.901,
113 F.S.; requiring a representative from the rural
114 economic development community and a representative
115 from the Small Business Development Center Network to
116 be appointed members of the board of directors of

24-00960D-17

20171110__

117 Enterprise Florida, Inc.; requiring the board to
118 include at least one director with expertise in the
119 area of rural economic development, rather than sports
120 marketing; amending s. 288.9015, F.S.; requiring a
121 two-thirds vote of the entire board of directors of
122 Enterprise Florida, Inc., to approve certain contracts
123 with other organizations if certain persons in the
124 organization are affiliated with board members;
125 amending s. 288.904, F.S.; revising funding
126 requirements for Enterprise Florida, Inc.; amending s.
127 288.905, F.S.; requiring the president of Enterprise
128 Florida, Inc., to be subject to confirmation by the
129 Senate; authorizing Enterprise Florida, Inc., to award
130 goal- or result-oriented incentives to an employee
131 under certain circumstances; requiring such goal or
132 result to be quantifiable, measurable, and verifiable;
133 creating s. 288.9938, F.S.; repealing part XIV of ch.
134 288, F.S., relating to microfinance programs, on a
135 specified date, subject to certain conditions;
136 providing a directive to the Division of Law Revision
137 and Information; amending ss. 288.92 and 320.08058,
138 F.S.; conforming provisions to changes made by the
139 act; providing an effective date.

140

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

142

143 Section 1. Paragraph (g) is added to subsection (4) of
144 section 20.60, Florida Statutes, to read:

145 20.60 Department of Economic Opportunity; creation; powers

24-00960D-17

20171110__

146 and duties.—

147 (4) The purpose of the department is to assist the Governor
148 in working with the Legislature, state agencies, business
149 leaders, and economic development professionals to formulate and
150 implement coherent and consistent policies and strategies
151 designed to promote economic opportunities for all Floridians.
152 To accomplish such purposes, the department shall:

153 (g) Notwithstanding part I of chapter 287, contract with
154 the direct-support organization created under s. 288.1229 to
155 guide, stimulate, and promote the sports industry in this state,
156 to promote the participation of residents of this state in
157 amateur athletic competition, and to promote this state as a
158 host for national and international amateur athletic
159 competitions.

160 Section 2. Subsection (3) of section 288.0001, Florida
161 Statutes, is amended to read:

162 288.0001 Economic Development Programs Evaluation.—The
163 Office of Economic and Demographic Research and the Office of
164 Program Policy Analysis and Government Accountability (OPPAGA)
165 shall develop and present to the Governor, the President of the
166 Senate, the Speaker of the House of Representatives, and the
167 chairs of the legislative appropriations committees the Economic
168 Development Programs Evaluation.

169 (3) Pursuant to the schedule established in subsection (2),
170 the Office of Economic and Demographic Research shall evaluate
171 and determine the economic benefits, as defined in s. 288.005,
172 and a calculation of the net state gross domestic product per
173 state dollar for ~~of~~ each program over the previous 3 years. The
174 analysis must include the change in ~~also evaluate~~ the number of

24-00960D-17

20171110__

175 jobs created, the average annual wage for all jobs created, the
176 increase or decrease in personal income, and the impact on state
177 gross domestic product from the direct, indirect, and induced
178 effects of the state's investment in each program over the
179 previous 3 years.

180 (a) For the purpose of evaluating tax credits, tax refunds,
181 sales tax exemptions, cash grants, and similar programs, the
182 Office of Economic and Demographic Research shall evaluate data
183 only from those projects in which businesses received state
184 funds during the evaluation period. Such projects may be fully
185 completed, partially completed with future fund disbursement
186 possible pending performance measures, or partially completed
187 with no future fund disbursement possible as a result of a
188 business's inability to meet performance measures.

189 (b) The analysis must use the model developed by the Office
190 of Economic and Demographic Research, as required in s. 216.138,
191 to evaluate each program. The office shall provide a written
192 explanation of the key assumptions of the model and how it is
193 used. If the office finds that another evaluation model is more
194 appropriate to evaluate a program, it may use another model, but
195 it must provide an explanation as to why the selected model was
196 more appropriate.

197 Section 3. Paragraphs (c) and (d) are added to subsection
198 (3) of section 288.001, Florida Statutes, to read:

199 288.001 The Florida Small Business Development Center
200 Network.—

201 (3) OPERATION; POLICIES AND PROGRAMS.—

202 (c) The Network Lead Center within the University of West
203 Florida shall develop a guide to starting a business in this

24-00960D-17

20171110__

204 state by June 30, 2018. The guide shall be made available to
205 local governments, the department, the Department of Veterans
206 Affairs, CareerSource Florida, Inc., Enterprise Florida, Inc.,
207 and each state library, and shall be posted to each of the
208 entities' websites by October 1, 2018. The guide shall include,
209 but is not limited to, information on:

210 1. Business formation.

211 2. State and local government regulations.

212 3. Intellectual property protection.

213 4. Business plan development.

214 5. Basic business accounting principles.

215 6. Available business loans and grants.

216 7. Employer and employment legal requirements.

217 8. State and local business taxes.

218 9. Sources of business assistance information, including,
219 but not limited to: state programs; accounting and tax
220 assistance; libraries; incubators; inventors' resources; export
221 and import assistance; and employment and training programs.

222 (d) The Network Lead Center within the University of West
223 Florida shall establish within the Network Lead Center a
224 statewide call center, known as the Florida Business Information
225 Center, to serve as a centralized source of general business
226 information and referral to business resources. The call center
227 shall employ professional personnel who are available by
228 telephone and online to assist in answering general business
229 questions and directing inquiries to sources of assistance,
230 including government, institutions of higher education, and
231 private-sector resources.

232 Section 4. Subsection (1) of section 288.005, Florida

24-00960D-17

20171110__

233 Statutes, is amended to read:

234 288.005 Definitions.—As used in this chapter, the term:

235 (1) "Economic benefits" means the direct, indirect, and
236 induced gains in state revenues as a percentage of the state's
237 investment and the change in state gross domestic product and
238 the state's disposable personal income resulting from the
239 state's investment. The state's investment includes state
240 grants, tax exemptions, tax refunds, tax credits, and other
241 state incentives.

242 Section 5. Subsections (2) and (3) of section 288.061,
243 Florida Statutes, are amended to read:

244 288.061 Economic development incentive application
245 process.—

246 (2) ~~Beginning July 1, 2013,~~ The department shall review and
247 evaluate each economic development incentive application for the
248 economic benefits of the proposed award of state incentives
249 proposed for the project. The term "economic benefits" has the
250 same meaning as in s. 288.005. The Office of Economic and
251 Demographic Research shall establish the methodology and model
252 used to calculate the economic benefits. For purposes of this
253 requirement, an amended definition of "economic benefits" may be
254 developed by the Office of Economic and Demographic Research.

255 (3) Within 10 business days after the department receives a
256 complete ~~the submitted~~ economic development incentive
257 application, the executive director shall approve or disapprove
258 the application and issue a letter of certification to the
259 applicant which includes a justification of that decision,
260 unless the business requests an extension of that time.

261 (a) The ~~contract or~~ agreement or contract with the

24-00960D-17

20171110__

262 applicant must specify the total amount of the award, the
263 performance conditions that must be met to obtain the award, the
264 schedule for payment, and sanctions that would apply for failure
265 to meet performance conditions. Any agreement or contract that
266 requires the business to make a capital investment must also
267 require that such investment remain in this state for the
268 duration of the agreement or contract, with the exception of an
269 investment made in transportation-related assets specifically
270 used for the purpose of transporting goods or employees. The
271 department may enter into one agreement or contract covering all
272 of the state incentives that are being provided to the
273 applicant. The agreement or contract must provide that release
274 of funds is contingent upon sufficient appropriation of funds by
275 the Legislature.

276 (b) The department may not enter into an agreement or a
277 contract that has a term of more than 10 years. However, the
278 department may enter into a successive agreement or contract for
279 a specific project to extend the initial 10-year term if each
280 successive agreement or contract is contingent upon the
281 successful completion of the previous agreement or contract.
282 This paragraph does not apply to an agreement or a contract for
283 a project receiving a capital investment tax credit under s.
284 220.191 or an Innovation Incentive Program award under s.
285 288.1089.

286 (c) The department may not make amendments to the agreement
287 or contract which reduce material performance requirements,
288 increase awards, or accelerate payment schedules. Material
289 performance requirements include any requirements that are
290 related to:

24-00960D-17

20171110__

- 291 1. The number of jobs created or retained;
- 292 2. Average wages;
- 293 3. Capital investment; and
- 294 4. The length of an agreement or contract.

295 (d) ~~(b)~~ The release of funds for the incentive or incentives
 296 awarded to the applicant depends upon the statutory requirements
 297 of the particular incentive program.

298 Section 6. Section 288.103, Florida Statutes, is created to
 299 read:

300 288.103 Economic development programs; minimum residency
 301 period for awards for projects.-

302 (1) The department shall require, in each incentive
 303 contract awarded, that each project meet a minimum 3-year
 304 residency period. The residency period begins on the date the
 305 project last receives a program benefit or payment or at the end
 306 of a project's maintenance period, whichever occurs last. The
 307 department shall include in each incentive contract specific
 308 financial sanctions for failure to meet the residency period
 309 requirements.

310 (2) This section applies to contracts executed on or after
 311 July 1, 2017, for programs under ss. 220.191, 288.1045, 288.106,
 312 288.107, 288.108, 288.1088, and 288.1089.

313 Section 7. Present paragraph (h) of subsection (5) of
 314 section 288.1045, Florida Statutes, is redesignated as paragraph
 315 (i), and a new paragraph (h) is added to that subsection, to
 316 read:

317 288.1045 Qualified defense contractor and space flight
 318 business tax refund program.-

319 (5) ANNUAL CLAIM FOR REFUND.-

24-00960D-17

20171110__

320 (h) A business that fails to timely submit documentation
 321 requested by the department, as required by the agreement
 322 between the business and the department, which results in the
 323 department's withholding an otherwise approved refund may
 324 receive the approved refund if:

325 1. The business submits the requested documentation to the
 326 department.

327 2. The business provides a written statement to the
 328 department explaining the circumstances that resulted in the
 329 business' failure to timely submit the documentation.

330 3. Funds appropriated for purposes of this section are
 331 available.

332 4. The business was scheduled by the terms of the agreement
 333 to submit information to the department between January 1, 2014,
 334 and December 31, 2014.

335 5. The business has satisfied all other requirements of the
 336 agreement.

337 Section 8. Subsection (7) of section 288.11621, Florida
 338 Statutes, is amended to read:

339 288.11621 Spring training baseball franchises.—

340 (7) STRATEGIC PLANNING.—The department shall request
 341 assistance from the Florida Sports Foundation ~~Enterprise~~
 342 ~~Florida, Inc.,~~ and the Florida Grapefruit League Association to
 343 develop a comprehensive strategic plan to:

344 (a) Finance spring training facilities.

345 (b) Monitor and oversee the use of state funds awarded to
 346 applicants.

347 (c) Identify the financial impact that spring training has
 348 on the state and ways in which to maintain or improve that

24-00960D-17

20171110__

349 impact.

350 (d) Identify opportunities to develop public-private
351 partnerships to engage in marketing activities and advertise
352 spring training baseball.

353 (e) Identify efforts made by other states to maintain or
354 develop partnerships with baseball spring training teams.

355 (f) Develop recommendations for the Legislature to sustain
356 or improve this state's spring training tradition.

357 Section 9. Subsections (4) through (7) are added to section
358 288.1201, Florida Statutes, to read:

359 288.1201 State Economic Enhancement and Development Trust
360 Fund.—

361 (4) (a) Beginning July 1, 2017, the department shall retain
362 in the trust fund any state funds appropriated by the General
363 Appropriations Act for any program created pursuant to chapter
364 288 until the performance requirements for incentives under
365 contract or law are submitted to and verified by the department.

366 (b) The department shall return to the State Treasury all
367 funds held by any entity pursuant to a contract executed for the
368 Quick Action Closing Fund which are unexpended as of June 30,
369 2017. Such unexpended funds shall be deposited into the fund
370 from which they were appropriated. The department shall take all
371 steps necessary to comply with this section by September 1,
372 2017. The department shall notify the Governor and the
373 Legislature of the status of compliance with this section on or
374 before October 1, 2017.

375 (5) By January 2 of each year, the department shall provide
376 to the Legislature a list of potential claims that may be filed
377 for payment in the following fiscal year under ss. 288.0659,

24-00960D-17

20171110__

378 288.1045, 288.106, 288.107, 288.108, 288.1088, and 288.1089.

379 (6) By March 1 of each year, the department shall provide
380 to the Legislature a list of actual claims filed for payment in
381 the following fiscal year under ss. 288.0659, 288.1045, 288.106,
382 288.107, 288.108, 288.1088, and 288.1089.

383 (7) (a) There is created the Quick Action Closing Fund
384 Escrow Account within the State Economic Enhancement and
385 Development Trust Fund. The Quick Action Closing Fund Escrow
386 Account consists of moneys returned by the department to the
387 State Treasury which were held by any entity pursuant to a
388 contract executed for the Quick Action Closing Fund and which
389 were unexpended as of June 30, 2017, pursuant to subsection (4).

390 (b) Moneys in the account may be appropriated to make
391 payments pursuant to agreements or contracts for projects
392 authorized under s. 288.1088 or to make transfers required
393 pursuant to paragraph (d) or paragraph (e). Notwithstanding s.
394 216.301, and pursuant to s. 216.351, any balance in the account
395 at the end of a fiscal year remains in the account and is
396 available for carrying out the purposes of the account.

397 (c) The department may make a payment from the account
398 after an independent third party has verified that an applicant
399 has satisfied all of the requirements of an agreement or
400 contract and the department has determined that an applicant
401 meets the required project performance criteria and is eligible
402 to receive a payment.

403 (d) The department shall determine within 15 days after the
404 end of each calendar quarter whether moneys in the account are
405 associated with an agreement or contract entered into pursuant
406 to s. 288.1088 which the department has terminated, which has

24-00960D-17

20171110__

407 otherwise expired, or for which the applicant has not met
408 performance conditions required by the agreement or contract.
409 Any such funds held in the account must be returned to the State
410 Economic Enhancement and Development Trust Fund within 10 days
411 after the determination.

412 (e) Moneys in the account shall be managed and invested to
413 generate the maximum amount of interest earnings, consistent
414 with the requirement that the moneys be available to make
415 payments as required pursuant to Quick Action Closing Fund
416 contracts or agreements. Notwithstanding s. 17.61(3)(c), the
417 department shall transfer interest earnings on a quarterly basis
418 to the State Economic Enhancement and Development Trust Fund.

419 Section 10. Notwithstanding the repeal of section 288.1229,
420 Florida Statutes, in section 485 of chapter 2011-142, Laws of
421 Florida, section 288.1229, Florida Statutes, is revived,
422 readopted, and amended to read:

423 288.1229 Promotion and development of sports-related
424 industries and amateur athletics; direct-support organization
425 established; powers and duties.-

426 (1) The department shall establish a direct-support
427 organization known as the Florida Sports Foundation. The
428 foundation shall ~~The Office of Tourism, Trade, and Economic~~
429 ~~Development may authorize a direct-support organization to~~
430 assist the department ~~office~~ in:

431 (a) The promotion and development of the sports industry
432 and related industries for the purpose of improving the economic
433 presence of these industries in Florida.

434 (b) The promotion of amateur athletic participation for the
435 citizens of Florida and the promotion of Florida as a host for

24-00960D-17

20171110__

436 national and international amateur athletic competitions for the
 437 purpose of encouraging and increasing the direct and ancillary
 438 economic benefits of amateur athletic events and competitions.

439 (c) The retention of professional sports franchises,
 440 including the spring training operations of Major League
 441 Baseball.

442 (2) The Florida Sports Foundation ~~To be authorized as a~~
 443 ~~direct support organization, an organization~~ must:

444 (a) Be incorporated as a corporation not for profit
 445 pursuant to chapter 617.

446 (b) 1. Be governed by a board of directors composed, ~~which~~
 447 ~~must consist~~ of 20 ~~up to 15~~ members appointed by the Governor as
 448 follows:

449 a. Ten members representing Florida major league franchises
 450 of Major League Baseball, the National Basketball Association,
 451 the National Football League, the Arena Football League, the
 452 National Hockey League, and Major League Soccer teams domiciled
 453 in this state.

454 b. A member representing Florida Sports Commissions.

455 c. A member representing the boating and fishing industries
 456 in this state.

457 d. A member representing the golf industry in this state.

458 e. A member representing Major League Baseball spring
 459 training.

460 f. A member representing the auto racing industry in this
 461 state.

462 g. Five at-large members ~~and up to 15 members appointed by~~
 463 ~~the existing board of directors.~~ In making at-large
 464 appointments, the Governor ~~board~~ must consider a potential

24-00960D-17

20171110__

465 member's background in community service and sports activism in,
466 and financial support of, the sports industry, professional
467 sports, or organized amateur athletics. Members must be
468 residents of the state and highly knowledgeable about or active
469 in professional or organized amateur sports.

470 2. The board must contain representatives of all
471 geographical regions of the state and must represent ethnic and
472 gender diversity. The terms of office of the members is ~~shall be~~
473 4 years. No member may serve more than two consecutive terms.
474 The Governor may remove any member for cause and shall fill all
475 vacancies ~~that occur~~.

476 (c) Have as its purpose, as stated in its articles of
477 incorporation, to receive, hold, invest, and administer
478 property; to raise funds and receive gifts; and to promote and
479 develop the sports industry and related industries for the
480 purpose of increasing the economic presence of these industries
481 in Florida.

482 (d) Have a prior determination by the department ~~Office of~~
483 ~~Tourism, Trade, and Economic Development~~ that the organization
484 will benefit the department ~~office~~ and act in the best interests
485 of the state as a direct-support organization to the department
486 ~~office~~.

487 (3) The Florida Sports Foundation shall operate under
488 contract with the department. The department shall enter into a
489 contract with the foundation by July 1, 2017. The contract must
490 provide ~~Office of Tourism, Trade, and Economic Development shall~~
491 ~~contract with the organization and shall include in the contract~~
492 that:

493 (a) The department ~~office~~ may review the foundation's

24-00960D-17

20171110__

494 ~~organization's~~ articles of incorporation.

495 (b) The foundation must ~~organization shall~~ submit an annual
496 budget proposal to the department office, on a form provided by
497 the department office, in accordance with department office
498 procedures for filing budget proposals based upon the
499 recommendation of the department office.

500 (c) Any funds that the foundation organization holds in
501 trust will revert to the state upon the expiration or
502 cancellation of the contract.

503 (d) The foundation organization is subject to an annual
504 financial and performance review by the department office to
505 determine whether the foundation organization is complying with
506 the terms of the contract and whether it is acting in a manner
507 consistent with the goals of the department office and in the
508 best interests of the state.

509 (e) The fiscal year of the foundation begins ~~organization~~
510 ~~will begin~~ July 1 of each year and ends ~~end~~ June 30 of the next
511 ensuing year.

512 (4) Subject to approval of the executive director, the
513 department Office of Tourism, Trade, and Economic Development
514 may allow the foundation organization to use the property,
515 facilities, personnel, and services of the department office if
516 the foundation organization provides equal employment
517 opportunities to all persons regardless of race, color,
518 religion, sex, age, or national origin, ~~subject to the approval~~
519 ~~of the executive director of the office~~.

520 (5) The foundation organization shall provide for an annual
521 financial audit in accordance with s. 215.981.

522 (6) The foundation organization is not granted any taxing

24-00960D-17

20171110__

523 power.

524 ~~(7) In exercising the power provided in this section, the~~
525 ~~Office of Tourism, Trade, and Economic Development may authorize~~
526 ~~and contract with the direct support organization existing on~~
527 ~~June 30, 1996, and authorized by the former Florida Department~~
528 ~~of Commerce to promote sports related industries. An appointed~~
529 ~~member of the board of directors of such direct support~~
530 ~~organization as of June 30, 1996, may serve the remainder of his~~
531 ~~or her unexpired term.~~

532 ~~(7)(8)~~ To promote amateur sports and physical fitness, the
533 foundation ~~direct support organization~~ shall:

534 (a) Develop, foster, and coordinate services and programs
535 for amateur sports for the people of Florida.

536 (b) Sponsor amateur sports workshops, clinics, conferences,
537 and other similar activities.

538 (c) Give recognition to outstanding developments and
539 achievements in, and contributions to, amateur sports.

540 (d) Encourage, support, and assist local governments and
541 communities in the development of or hosting of local amateur
542 athletic events and competitions.

543 (e) Promote Florida as a host for national and
544 international amateur athletic competitions.

545 (f) Develop a statewide programs ~~program~~ of amateur
546 athletic competition to be known as the "Florida Senior Games"
547 and the "Sunshine State Games."

548 (g) Continue the successful amateur sports programs
549 previously conducted by the Florida Governor's Council on
550 Physical Fitness and Amateur Sports created under former s.
551 14.22.

24-00960D-17

20171110__

552 (h) Encourage and continue the use of volunteers in its
553 amateur sports programs to the maximum extent possible.

554 (i) Develop, foster, and coordinate services and programs
555 designed to encourage the participation of Florida's youth in
556 Olympic sports activities and competitions.

557 (j) Foster and coordinate services and programs designed to
558 contribute to the physical fitness of the citizens of Florida.

559 (8) (a) (9) (a) The Sunshine State Games and Florida Senior
560 Games shall be patterned after the Summer Olympics with
561 variations as necessitated by availability of facilities,
562 equipment, and expertise. The games shall be designed to
563 encourage the participation of athletes representing a broad
564 range of age groups, skill levels, and Florida communities.
565 ~~Participants shall be residents of this state. Regional~~
566 ~~competitions shall be held throughout the state, and the top~~
567 ~~qualifiers in each sport shall proceed to the final competitions~~
568 ~~to be held at a site in the state with the necessary facilities~~
569 ~~and equipment for conducting the competitions.~~

570 (b) The department may ~~Executive Office of the Governor is~~
571 ~~authorized to permit the use of property, facilities, and~~
572 ~~personal services of or at any State University System facility~~
573 ~~or institution by the direct-support organization operating the~~
574 ~~Sunshine State Games~~ and Florida Senior Games. For the purposes
575 of this paragraph, the term "personal services" ~~personal~~
576 ~~services~~ includes full-time or part-time personnel as well as
577 payroll processing.

578 Section 11. Section 288.1259, Florida Statutes, is created
579 to read:

580 288.1259 The Start-Up Florida Grant Program.—

24-00960D-17

20171110__

581 (1) CREATION; PURPOSE.—The Start-Up Florida Grant Program
582 is created within the department to assist in the creation and
583 expansion of innovative small commercial enterprises by
584 providing grant funding to qualified small business incubators
585 throughout the state which provide adequate physical space
586 designed, and programs intended, to increase or accelerate small
587 business success in this state.

588 (2) DEFINITIONS.—As used in this section, the term:

589 (a) "Business incubator" means a facility that offers
590 space, the shared use of equipment and work areas, daily
591 management support services essential to high-quality commercial
592 operations, and technical assistance to startups and expanding
593 firms.

594 (b) "Qualified small business incubator" means a business
595 incubator that is:

596 1. Qualified as a nonprofit organization pursuant to s.
597 501(c)(3) of the Internal Revenue Code or that consists of a
598 partnership between an organization qualified as nonprofit
599 pursuant to s. 501(c)(3) of the Internal Revenue Code and a
600 governmental or quasi-governmental agency;

601 2. Focused on developing small businesses in an
602 economically distressed or disadvantaged area; and

603 3. Structured around a sound business plan.

604 (3) START-UP FLORIDA GRANT PROGRAM.—Subject to
605 appropriation, the Start-Up Florida Grant Program shall provide
606 startup and operating assistance to qualified small business
607 incubators.

608 (a) The department shall award grants to qualified small
609 business incubators for:

24-00960D-17

20171110__

- 610 1. Construction and equipment costs, up to a maximum of \$5
611 million per grant recipient;
- 612 2. Provision of technical assistance to small businesses,
613 up to a maximum of \$1 million per year per grant recipient; and
- 614 (b) The department shall:
- 615 1. Develop rules for the award of grants, including an
616 annual application process and criteria related to
617 organizational capacity, community need, and the availability of
618 other economic development resources. The department shall
619 require as a condition of eligibility for a grant award that an
620 applicant:
- 621 a. Provide matching funds or in-kind contributions at least
622 equal to the grant requested, to be used for the cost of
623 preparing space and work areas, obtaining equipment, and
624 providing daily management support services essential to high-
625 quality commercial operations and technical assistance to
626 startups and expanding firms; and
- 627 b. Show that it has the resources to complete the tasks
628 specified in sub-subparagraph a. in a timely manner and that the
629 state grant is not the sole source of funds;
- 630 2. Accept and receive grants, gifts, and pledges of funds
631 for the support of the Start-Up Florida Grant Program, which
632 shall be deposited into the small business incubator account
633 within the State Enhancement and Economic Development Trust
634 Fund; and
- 635 3. Integrate the promotion of small business incubators as
636 economic development tools in its strategic plan adopted
637 pursuant to s. 20.60(5).
- 638 Section 12. Paragraphs (a) and (b) of subsection (5) of

24-00960D-17

20171110__

639 section 288.901, Florida Statutes, are amended to read:

640 288.901 Enterprise Florida, Inc.—

641 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

642 (a) In addition to the Governor or his or her designee, the
643 board of directors shall consist of the following appointed
644 members:

645 1. The Commissioner of Education or his or her designee.

646 2. The Chief Financial Officer or his or her designee.

647 3. The Attorney General or his or her designee.

648 4. The Commissioner of Agriculture or his or her designee.

649 5. The chairperson of the board of directors of
650 CareerSource Florida, Inc.

651 6. The Secretary of State or his or her designee.

652 7. A representative of the rural economic development
653 community.

654 8. A representative of the Small Business Development
655 Center Network.

656 ~~9.7.~~ Twelve members from the private sector, six of whom
657 shall be appointed by the Governor, three of whom shall be
658 appointed by the President of the Senate, and three of whom
659 shall be appointed by the Speaker of the House of
660 Representatives. Members appointed by the Governor are subject
661 to Senate confirmation.

662 (b) In making their appointments, the Governor, the
663 President of the Senate, and the Speaker of the House of
664 Representatives shall ensure that the composition of the board
665 of directors reflects the diversity of Florida's business
666 community and is representative of the economic development
667 goals in subsection (2). The board must include at least one

24-00960D-17

20171110__

668 director for each of the following areas of expertise:
669 international business, tourism marketing, the space or
670 aerospace industry, managing or financing a minority-owned
671 business, manufacturing, finance and accounting, and rural
672 economic development ~~sports marketing~~.

673 Section 13. Subsection (1) and paragraph (c) of subsection
674 (2) of section 288.9015, Florida Statutes, are amended to read:
675 288.9015 Powers of Enterprise Florida, Inc.; board of
676 directors.—

677 (1) Enterprise Florida, Inc., shall integrate its efforts
678 in business recruitment and expansion, job creation, marketing
679 the state for tourism, and sports, and promoting economic
680 opportunities for minority-owned businesses and promoting
681 economic opportunities for rural and distressed urban
682 communities with those of the department, to create an
683 aggressive, agile, and collaborative effort to reinvigorate the
684 state's economy.

685 (2) The board of directors of Enterprise Florida, Inc.,
686 may:

687 (c) Make and enter into contracts and other instruments
688 necessary or convenient for the exercise of its powers and
689 functions. A contract executed by Enterprise Florida, Inc., with
690 a person or organization under which such person or organization
691 agrees to perform economic development services or similar
692 business assistance services on behalf of the state or
693 Enterprise Florida, Inc., ~~or the state~~ must include provisions
694 requiring a performance report on the contracted activities and
695 must account for the proper use of funds provided under the
696 contract, coordinate with other components of state and local

24-00960D-17

20171110__

697 economic development systems, and avoid duplication of existing
698 state and local services and activities. A contract executed
699 with a person or an organization by Enterprise Florida, Inc.,
700 must be approved by a two-thirds vote of the board of directors
701 of Enterprise Florida, Inc., if:

702 1. The person or one or more employees, agents, officers,
703 directors, shareholders, principals, or consultants of the
704 person or the organization are members of the board of
705 directors; or

706 2. One or more employees, agents, officers, directors,
707 shareholders, principals, or consultants of an affiliate or
708 subsidiary of the person or the organization are members of the
709 board of directors.

710
711 A member of the board of directors of Enterprise Florida, Inc.,
712 affiliated with a person or organization as provided in
713 subparagraph 1. or subparagraph 2. must abstain from voting on
714 such contract.

715 Section 14. Paragraph (c) is added to subsection (2) of
716 section 288.904, Florida Statutes, to read:

717 288.904 Funding for Enterprise Florida, Inc.; performance
718 and return on the public's investment.—

719 (2)

720 (c) For any fiscal year in which private sector cash
721 support in operating Enterprise Florida, Inc., and its divisions
722 does not equal at least 100 percent of the state operational
723 funding, Enterprise Florida, Inc., may not receive 100 percent
724 of the state operational funding. Instead, Enterprise Florida,
725 Inc., shall receive the larger of:

24-00960D-17

20171110__

- 726 1. Fifty percent of the state operational funding
727 appropriated; or
728 2. State operational funding in an amount equal to private
729 sector support.

730 Section 15. Subsection (1) of section 288.905, Florida
731 Statutes, is amended, and subsection (5) is added to that
732 section, to read:

733 288.905 President and employees of Enterprise Florida,
734 Inc.—

735 (1) The board of directors of Enterprise Florida, Inc.,
736 shall appoint a president, subject to confirmation by the
737 Senate, who shall serve at the pleasure of the Governor. The
738 president shall also be known as the "secretary of commerce" and
739 shall serve as the Governor's chief negotiator for business
740 recruitment and business expansion.

741 (5) Enterprise Florida, Inc., may award an employee
742 incentive payments for reaching a goal or obtaining a specified
743 result. However, such goal or result must be quantifiable,
744 measurable, and verifiable. An employee may not earn an
745 incentive payment based on a projected or unconfirmed result. In
746 addition, Enterprise Florida, Inc., may not award any employee
747 an incentive payment for a result related to a contract
748 requiring a two-thirds vote under s. 288.9015(2) (c).

749 Section 16. Section 288.9938, Florida Statutes, is created
750 to read:

751 288.9938 Repeal.—This part is repealed July 1, 2020, unless
752 reviewed and saved from repeal by the Legislature.

753 Section 17. The Division of Law Revision and Information is
754 directed to add s. 288.9938, Florida Statutes, created by this

24-00960D-17

20171110__

755 act, to part XIV of chapter 288, Florida Statutes.

756 Section 18. Subsection (1) of section 288.92, Florida
757 Statutes, is amended to read:

758 288.92 Divisions of Enterprise Florida, Inc.—

759 (1) Enterprise Florida, Inc., may create and dissolve
760 divisions as necessary to carry out its mission. Each division
761 shall have distinct responsibilities and complementary missions.
762 At a minimum, Enterprise Florida, Inc., shall have divisions
763 related to the following areas:

764 (a) International Trade and Business Development;

765 (b) Business Retention and Recruitment;

766 (c) Tourism Marketing; and

767 (d) Minority Business Development; ~~and~~

768 ~~(e) Sports Industry Development.~~

769 Section 19. Paragraph (a) of subsection (6), paragraph (b)
770 of subsection (9), paragraph (a) of subsection (35), subsection
771 (60), and paragraph (b) of subsection (64) of section 320.08058,
772 Florida Statutes, are amended to read:

773 320.08058 Specialty license plates.—

774 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE
775 PLATES.—

776 (a) Because the United States Olympic Committee has
777 selected this state to participate in a combined fundraising
778 program that provides for one-half of all money raised through
779 volunteer giving to stay in this state and be administered by
780 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, to
781 support amateur sports, and because the United States Olympic
782 Committee and the Florida Sports Foundation ~~Enterprise Florida,~~
783 ~~Inc.~~ are nonprofit organizations dedicated to providing

24-00960D-17

20171110__

784 athletes with support and training and preparing athletes of all
 785 ages and skill levels for sports competition, and because the
 786 Florida Sports Foundation ~~Enterprise Florida, Inc.~~, assists in
 787 the bidding for sports competitions that provide significant
 788 impact to the economy of this state, and the Legislature
 789 supports the efforts of the United States Olympic Committee and
 790 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, the
 791 Legislature establishes a Florida United States Olympic
 792 Committee license plate for the purpose of providing a
 793 continuous funding source to support this worthwhile effort.
 794 Florida United States Olympic Committee license plates must
 795 contain the official United States Olympic Committee logo and
 796 must bear a design and colors that are approved by the
 797 department. The word "Florida" must be centered at the top of
 798 the plate.

799 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

800 (b) The license plate annual use fees are to be annually
 801 distributed as follows:

802 1. Fifty-five percent of the proceeds from the Florida
 803 Professional Sports Team plate must be deposited into the
 804 Professional Sports Development Trust Fund within the Department
 805 of Economic Opportunity. These funds must be used solely to
 806 attract and support major sports events in this state. As used
 807 in this subparagraph, the term "major sports events" means, but
 808 is not limited to, championship or all-star contests of Major
 809 League Baseball, the National Basketball Association, the
 810 National Football League, the National Hockey League, Major
 811 League Soccer, the men's and women's National Collegiate
 812 Athletic Association championships ~~Final Four basketball~~

24-00960D-17

20171110__

813 ~~championship~~, or a horseracing or dogracing Breeders' Cup. All
814 funds must be used to support and promote major sporting events,
815 and the uses must be approved by the Department of Economic
816 Opportunity.

817 2. The remaining proceeds of the Florida Professional
818 Sports Team license plate must be allocated to the Florida
819 Sports Foundation ~~Enterprise Florida, Inc.~~ These funds must be
820 deposited into the Professional Sports Development Trust Fund
821 within the Department of Economic Opportunity. These funds must
822 be used by the Florida Sports Foundation ~~Enterprise Florida,~~
823 ~~Inc.~~, to promote the economic development of the sports
824 industry; to distribute licensing and royalty fees to
825 participating professional sports teams; ~~to promote education~~
826 ~~programs in Florida schools that provide an awareness of the~~
827 ~~benefits of physical activity and nutrition standards; to~~
828 ~~partner with the Department of Education and the Department of~~
829 ~~Health to develop a program that recognizes schools whose~~
830 ~~students demonstrate excellent physical fitness or fitness~~
831 ~~improvement;~~ to institute a grant program for communities
832 bidding on minor sporting events that create an economic impact
833 for the state; to distribute funds to Florida-based charities
834 designated by the Florida Sports Foundation ~~Enterprise Florida,~~
835 ~~Inc.~~, and the participating professional sports teams; and to
836 fulfill the sports promotion responsibilities of the Department
837 of Economic Opportunity.

838 3. Pursuant to s. 288.1229(5), the Florida Sports
839 Foundation ~~Enterprise Florida, Inc.~~, shall provide an annual
840 financial audit in accordance with s. 215.981 of its financial
841 accounts and records by an independent certified public

24-00960D-17

20171110__

842 accountant pursuant to the contract established by the
843 Department of Economic Opportunity. The auditor shall submit the
844 audit report to the Department of Economic Opportunity for
845 review and approval. If the audit report is approved, the
846 Department of Economic Opportunity shall certify the audit
847 report to the Auditor General for review.

848 4. Notwithstanding ~~the provisions of~~ subparagraphs 1. and
849 2., proceeds from the Professional Sports Development Trust Fund
850 may also be used for operational expenses of the Florida Sports
851 Foundation ~~Enterprise Florida, Inc.,~~ and financial support of
852 the Sunshine State Games and Florida Senior Games.

853 (35) FLORIDA GOLF LICENSE PLATES.—

854 (a) The Department of Highway Safety and Motor Vehicles
855 shall develop a Florida Golf license plate as provided in this
856 section. The word "Florida" must appear at the bottom of the
857 plate. The Dade Amateur Golf Association, following consultation
858 with the PGA TOUR, the Florida Sports Foundation ~~Enterprise~~
859 ~~Florida, Inc.,~~ the LPGA, and the PGA of America may submit a
860 revised sample plate for consideration by the department.

861 (60) FLORIDA NASCAR LICENSE PLATES.—

862 (a) The department shall develop a Florida NASCAR license
863 plate as provided in this section. Florida NASCAR license plates
864 must bear the colors and design approved by the department. The
865 word "Florida" must appear at the top of the plate, and the term
866 "NASCAR" must appear at the bottom of the plate. The National
867 Association for Stock Car Auto Racing, following consultation
868 with the Florida Sports Foundation ~~Enterprise Florida, Inc.,~~ may
869 submit a sample plate for consideration by the department.

870 (b) The license plate annual use fees shall be distributed

24-00960D-17

20171110__

871 to the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The
872 license plate annual use fees shall be annually allocated as
873 follows:

874 1. Up to 5 percent of the proceeds from the annual use fees
875 may be used by the Florida Sports Foundation ~~Enterprise Florida,~~
876 ~~Inc.~~ for the administration of the NASCAR license plate
877 program.

878 2. The National Association for Stock Car Auto Racing shall
879 receive up to \$60,000 in proceeds from the annual use fees to be
880 used to pay startup costs, including costs incurred in
881 developing and issuing the plates. Thereafter, 10 percent of the
882 proceeds from the annual use fees shall be provided to the
883 association for the royalty rights for the use of its marks.

884 3. The remaining proceeds from the annual use fees shall be
885 distributed to the Florida Sports Foundation ~~Enterprise Florida,~~
886 ~~Inc.~~ The Florida Sports Foundation ~~Enterprise Florida, Inc.~~,
887 will retain 15 percent to support its regional grant program,
888 attracting sporting events to Florida; 20 percent to support the
889 marketing of motorsports-related tourism in the state; and 50
890 percent to be paid to the NASCAR Foundation, a s. 501(c)(3)
891 charitable organization, to support Florida-based charitable
892 organizations.

893 (c) Pursuant to s. 288.1229(5), the Florida Sports
894 Foundation ~~Enterprise Florida, Inc.~~, shall provide an annual
895 financial audit in accordance with s. 215.981 of its financial
896 accounts and records by an independent certified public
897 accountant pursuant to the contract established by the
898 Department of Economic Opportunity. The auditor shall submit the
899 audit report to the Department of Economic Opportunity for

24-00960D-17

20171110__

900 review and approval. If the audit report is approved, the
901 Department of Economic Opportunity shall certify the audit
902 report to the Auditor General for review.

903 (64) FLORIDA TENNIS LICENSE PLATES.—

904 (b) The department shall distribute the annual use fees to
905 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The
906 license plate annual use fees shall be annually allocated as
907 follows:

908 1. Up to 5 percent of the proceeds from the annual use fees
909 may be used by the Florida Sports Foundation ~~Enterprise Florida,~~
910 ~~Inc.~~ to administer the license plate program.

911 2. The United States Tennis Association Florida Section
912 Foundation shall receive the first \$60,000 in proceeds from the
913 annual use fees to reimburse it for startup costs,
914 administrative costs, and other costs it incurs in the
915 development and approval process.

916 3. Up to 5 percent of the proceeds from the annual use fees
917 may be used for promoting and marketing the license plates. The
918 remaining proceeds shall be available for grants by the United
919 States Tennis Association Florida Section Foundation to
920 nonprofit organizations to operate youth tennis programs and
921 adaptive tennis programs for special populations of all ages,
922 and for building, renovating, and maintaining public tennis
923 courts.

924 Section 20. This act shall take effect July 1, 2017.