

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to economic incentive programs;
3 amending s. 20.055, F.S.; redefining terms; amending
4 s. 288.075, F.S.; providing that certain information
5 disclosed in a specified manner is no longer
6 confidential and exempt from s. 119.07(1) and s.
7 24(a), Art. I of the State Constitution and requiring
8 such information to be published as specified;
9 amending s. 288.076, F.S.; requiring the Department of
10 Economic Opportunity to contract with an independent
11 third party to verify compliance with economic
12 development incentive requirements; requiring the
13 department to publish results of the independent third
14 party review within a specified period; amending s.
15 288.9015, F.S.; requiring a two-thirds vote for
16 certain contracts executed by Enterprise Florida,
17 Inc.; amending s. 288.904, F.S.; reducing state
18 operational funding to Enterprise Florida, Inc., under
19 certain circumstances; amending s. 288.905, F.S.;
20 requiring a person appointed president of the board of
21 directors of Enterprise Florida, Inc., to be confirmed
22 by the Senate; providing requirements for incentive
23 payments made to employees of Enterprise Florida,
24 Inc.; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Paragraphs (a) and (d) of subsection (1) of
29 section 20.055, Florida Statutes, are amended to read:

30 20.055 Agency inspectors general.—

31 (1) As used in this section, the term:

32 (a) "Agency head" means the Governor, a Cabinet officer, or

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33 a secretary or executive director as those terms are defined in
34 s. 20.03, the chair of the Public Service Commission, the
35 Director of the Office of Insurance Regulation of the Financial
36 Services Commission, the Director of the Office of Financial
37 Regulation of the Financial Services Commission, the board of
38 directors of the Florida Housing Finance Corporation, the
39 executive director of the Office of Early Learning, the
40 chairperson of the board of directors of Enterprise Florida,
41 Inc., and the Chief Justice of the State Supreme Court.

42 (d) "State agency" means each department created pursuant
43 to this chapter and the Executive Office of the Governor, the
44 Department of Military Affairs, the Fish and Wildlife
45 Conservation Commission, the Office of Insurance Regulation of
46 the Financial Services Commission, the Office of Financial
47 Regulation of the Financial Services Commission, the Public
48 Service Commission, the Board of Governors of the State
49 University System, the Florida Housing Finance Corporation, the
50 Agency for State Technology, the Office of Early Learning,
51 Enterprise Florida Inc., and the state courts system.

52 Section 2. Present subsection (7) of section 288.075,
53 Florida Statutes, is renumbered as subsection (8), and a new
54 subsection (7) is added to that section, to read:

55 288.075 Confidentiality of records.—

56 (7) INFORMATION REQUIRED TO BE PUBLISHED.—For purposes of
57 the department's obligations under s. 288.076, once any
58 information described in subsections (2) through (6) is
59 disclosed, such disclosure terminates any period of
60 confidentiality which may have applied to that information, even
61 if other information related to the same business or project

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62 remains confidential and exempt from s. 119.07(1) and s. 24(a),
63 Art. I of the State Constitution. The department shall publish,
64 pursuant to s. 288.076, the information that is otherwise
65 disclosed.

66 Section 3. Present subsections (9) and (10) of section
67 288.076, Florida Statutes, are renumbered as subsections (10)
68 and (11), respectively, and a new subsection (9) is added to
69 that section, to read:

70 288.076 Return on investment reporting for economic
71 development programs.—

72 (9) The department shall procure and execute a contract for
73 an independent third party to annually verify that each business
74 that receives an economic development incentive satisfies all of
75 the requirements of the incentive agreement. The independent
76 third-party contractor shall perform the functions and conduct
77 the activities necessary to verify compliance with the
78 performance terms of each economic development incentive
79 contract. The department shall publish on its website the
80 results of each audit performed by the independent third party
81 within 48 hours after receiving the results.

82 Section 4. Paragraph (c) of subsection (2) of section
83 288.9015, Florida Statutes, is amended to read:

84 288.9015 Powers of Enterprise Florida, Inc.; board of
85 directors.—

86 (2) The board of directors of Enterprise Florida, Inc.,
87 may:

88 (c) Make and enter into contracts and other instruments
89 necessary or convenient for the exercise of its powers and
90 functions. A contract executed by Enterprise Florida, Inc., with

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91 a person or organization under which such person or organization
92 agrees to perform economic development services or similar
93 business assistance services on behalf of the state or
94 Enterprise Florida, Inc., ~~or the state~~ must include provisions
95 requiring a performance report on the contracted activities and
96 must account for the proper use of funds provided under the
97 contract, coordinate with other components of state and local
98 economic development systems, and avoid duplication of existing
99 state and local services and activities. A contract executed by
100 Enterprise Florida, Inc., with a person or an organization must
101 be approved by a two-thirds vote of the entire board of
102 directors of Enterprise Florida, Inc., if the person or one or
103 more employees, agents, officers, directors, shareholders,
104 principals, or consultants of the person or the organization are
105 members of the board of directors of Enterprise Florida, Inc.,
106 or if one or more employees, agents, officers, directors,
107 shareholders, principals, or consultants of an affiliate or
108 subsidiary of the person or the organization are members of the
109 board of directors of Enterprise Florida, Inc. A member of the
110 board of directors of Enterprise Florida, Inc., so affiliated
111 may not vote on such contract.

112 Section 5. Paragraph (c) is added to subsection (2) of
113 section 288.904, Florida Statutes, to read:

114 288.904 Funding for Enterprise Florida, Inc.; performance
115 and return on the public's investment.—

116 (2)

117 (c) For any fiscal year in which private sector support in
118 operating Enterprise Florida, Inc., and its divisions does not
119 equal at least 100 percent of the state operational funding,

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120 Enterprise Florida, Inc., may not receive 100 percent of the
121 state operational funding. Instead, Enterprise Florida, Inc.,
122 shall receive the larger of:

123 1. Fifty percent of the state operational funding
124 appropriated; or

125 2. State operational funding in an amount equal to private
126 sector support.

127 Section 6. Subsections (1) and (4) of section 288.905,
128 Florida Statutes, are amended, and subsection (5) is added to
129 that section, to read:

130 288.905 President and employees of Enterprise Florida,
131 Inc.—

132 (1) The board of directors of Enterprise Florida, Inc.,
133 shall appoint a president, subject to confirmation by the
134 Senate, who shall serve at the pleasure of the Governor. The
135 president shall also be known as the "secretary of Commerce" and
136 shall serve as the Governor's chief negotiator for business
137 recruitment and business expansion.

138 (4) An ~~No~~ employee of Enterprise Florida, Inc., may not
139 receive compensation for employment which ~~that~~ exceeds the
140 salary paid to the Governor, unless the board of directors and
141 the employee have executed a contract that specifies ~~prescribes~~
142 ~~specific~~, measurable performance outcomes for the employee, the
143 satisfaction of which provides the basis for the award of
144 incentive payments that increase the employee's total
145 compensation to a level above the salary paid to the Governor.

146 (5) Enterprise Florida, Inc., may award an employee
147 incentive payments for reaching a goal or obtaining a specified
148 result. However, such goal or result must be quantifiable,

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149 measureable, and verifiable. An employee may not earn an
150 incentive payment based on a projected or unconfirmed result. In
151 addition, Enterprise Florida, Inc., may not award any employee
152 an incentive payment for a result related to a contract
153 requiring a two-thirds vote under s. 288.9015(2)(c).

154 Section 7. This act shall take effect July 1, 2017.