

## Committee Substitute for Senate Bill No. 1754

An act relating to economic development; authorizing the Secretary of State to appoint Florida international notaries; providing definitions; providing rulemaking authority; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; amending s. 114, chapter 96-320, Laws of Florida; revising the definition of "matching private funds"; amending s. 14.2015, F.S.; removing redundant language; removing provisions allowing the Office of Tourism, Trade, and Economic Development to contract and use a percentage of appropriated funds for administrative purposes; authorizing the office to enter into certain contract in connection with fulfilling certain duties; requiring the office to adopt certain rules; amending s. 15.182, F.S.; requiring certain state-funded musical, cultural, or artistic organizations to notify the Department of State of their international travel plans; directing the department, in conjunction with Enterprise Florida, Inc., to act as an intermediary between such organizations and Florida businesses; requiring Enterprise Florida, Inc., and the Department of Revenue to conduct a study of the advantages and revenue effects of exempting from s. 212.031, F.S., leases of property which are part of a federally chartered Foreign Trade Zones; requiring the Department of Lottery to determine the feasibility of marketing the Florida Lottery internationally; amending s. 48.194, F.S.; specifying that service of process on persons outside the United States may be required to comply with a certain international convention; authorizing the Office of Tourism, Trade, and Economic Development to establish a pilot matching grant program for the provision of job-training grants; requiring the office to establish guidelines for the program; limiting the use of grant funds; requiring a grant agreement and a report on program results; specifying that the same proposal may not provide the basis for the award of training under this pilot training program and the Quick Response Training Program; creating s. 110.191, F.S.; providing for state employee leasing under certain circumstances; providing criteria; providing requirements; providing limitations relating to certain positions; amending s. 110.205, F.S.; specifying positions leased under a state employee lease agreement as exempt from career service provisions; amending s. 212.08, F.S.; providing an exemption from the sales and use tax for certain machinery and equipment; amending s. 288.095, F.S.; conforming statutory cross-references; creating s. 288.108, F.S.; providing definitions; establishing eligibility for performance grants; authorizing the Office of Tourism, Trade, and Economic Development in conjunction with Enterprise Florida, Inc., to approve and award performance grants; establishing an application, certification, and grant agreement process; specifying the selection and designation process; requiring a report; authorizing rulemaking; amending s. 288.012, F.S.; providing legislative intent; requiring the Office of Tourism, Trade, and Economic Development to develop a

plan for State of Florida foreign offices; requiring each foreign office to have an operational plan; amending s. 288.047, F.S.; proscribing certain uses of funds for the Quick-Response Training Program; amending s. 288.063, F.S.; proscribing certain uses of funds for contracts for economic development transportation projects; amending s. 288.1045, F.S.; proscribing certain uses of funds for the qualified defense contractor tax refund program; prohibiting the expenditure of certain funds for business relocation; providing for certain prorated tax refunds; amending s. 288.065, F.S.; providing that funds appropriated for the Rural Community Development Revolving Loan Fund are not subject to reversion; amending s. 288.106, F.S.; defining “rural county” and “rural city”; providing for determination of the “average wage in the area” for purposes of the tax refund program for qualified target industry businesses based on private sector wages only; proscribing certain uses of funds for such tax refund program; authorizing the Office of Tourism, Trade, and Economic Development to waive the annual wage requirement imposed as a condition of qualifying for review for participation in the program under certain circumstances; amending s. 288.7011, F.S.; revising authority for the Office of Tourism, Trade, and Economic Development to contract with a statewide certified development corporation; amending s. 288.772, F.S.; revising the definition of the term “board” with respect to the Florida Export Finance Corporation; amending s. 288.775, F.S.; requiring the board of the Florida Export Finance Corporation to create the Florida Export Finance Corporation guarantee account; amending s. 288.776, F.S.; revising the membership of the board of the Florida Export Finance Corporation; providing for appointment of members to the board; amending s. 288.777, F.S.; revising provisions relating to the appointment of a president for the Florida Export Finance Corporation; directing the board of the corporation to appoint such president; amending s. 288.7771, F.S.; revising the deadline for submitting an annual report for the Florida Export Finance Corporation; amending s. 288.816, F.S.; revising the responsibilities of the Secretary of State with respect to intergovernmental relations; requiring law enforcement agencies to inform the Department of State about the arrest or incarceration of foreign citizens; requiring the secretary to report to the Legislature on actions taken to inform law enforcement agencies on proper procedures relating to such arrest or incarceration; amending s. 288.8175, F.S.; authorizing the Florida linkage institutes to accept and administer funds from the Department of State for research and development of international trade; amending s. 288.901, F.S.; authorizing Enterprise Florida, Inc., to hire certain persons under a lease agreement program of the Department of Management Services; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to prepare a guide and checklist for starting and operating a business in Florida; amending s. 288.903, F.S.; requiring the president of Enterprise Florida, Inc., to coordinate Enterprise Florida, Inc., activities with respect to participants in the WAGES Program; amending s. 288.904, F.S.; revising prohibitions on participating in Enterprise Florida, Inc., contracts and grants; amending

s. 288.905, F.S.; revising requirements for the strategic plan prepared by Enterprise Florida, Inc.; providing for modifications and updates to the strategic plan; requiring specific issues to be included in the strategic plan; requiring the development of measurable objectives and performance outcomes; providing limitations on pay raises or bonuses for certain persons under certain circumstances; amending s. 288.906, F.S.; revising requirements for the annual report by Enterprise Florida, Inc.; requiring specific evaluations and assessments to be included in the annual report; requiring an annual compliance and financial audit; amending s. 288.9414, F.S.; revising prohibitions on participating in Enterprise Florida, Inc., international trade and economic development board contracts and grants; creating a grant review panel to assist the International Trade and Economic Development Board of Enterprise Florida, Inc.; providing for membership on the panel; providing for removal from the panel; providing duties for the panel; creating s. 288.9415, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to administer funds for international trade promotion grants; providing application criteria for such grants; directing the International Trade and Economic Development Board of Enterprise Florida, Inc., to review such grant applications and make recommendations to the Office of Tourism, Trade, and Economic Development; authorizing the Office of Tourism, Trade, and Economic Development to establish a targeted market pilot grant program to provide funding designed to match Florida businesses with international trade opportunities; providing application procedures and criteria; amending ss. 288.9514 and 288.9613, F.S.; revising prohibitions on participating in contracts and grants of certain Enterprise Florida, Inc., boards; authorizing the Office of Tourism, Trade, and Economic Development to contract with the Enterprise Florida Capital Development Board to take actions for the development of microenterprises; requiring the office to adopt guidelines to administer the microenterprise development program; requiring the office to establish criteria for competitive evaluation of funding applications and program performance measures; amending s. 288.9614, F.S.; authorizing the capital development board of Enterprise Florida, Inc., to take actions for the development of microenterprises; amending s. 288.9620, F.S.; requiring the Enterprise Florida, Inc., workforce development board to include participants in the WAGES Program within populations selected for resources, guidance, or services; revising prohibitions on participating in Enterprise Florida, Inc., workforce development board contracts and grants; amending s. 290.0411, F.S.; revising the legislative intent for the Florida Small Cities Community Development Block Grant Program Act to include pledging public money to guarantee loans; amending s. 290.044, F.S.; expanding administration of the Florida Small Cities Community Development Block Grant Program Fund to include loan guarantees; conforming provisions; creating s. 290.0455, F.S.; creating the Small Cities Community Development Block Grant Loan Guarantee Program; providing for the purpose, administration, and conditions of the program; authorizing the Department of Community

Affairs to pledge revenues from the community development block grant program in order to guarantee certain loans; amending s. 290.047, F.S.; exempting the loan guarantee program authorized under s. 290.0455, F.S., from certain grant ceiling requirements; providing for grant ceilings under the Community Development Block Grant Program to be reduced based on defaults on guaranteed loans; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to pledge community development block grant revenues to guarantee certain notes or obligations; amending s. 311.07, F.S.; providing for grant funding for certain seaport intermodal access projects; amending s. 311.11, F.S.; providing that the Seaport Employment Training Grant Program shall grant funds for the purpose of stimulating and supporting seaport training and employment programs; amending s. 320.20, F.S.; requiring the deposit of a certain amount of funds into the State Transportation Trust Fund for purposes of funding the Florida Seaport Transportation and Economic Development Program and certain seaport intermodal access projects; specifying uses and allocations of such funds; creating s. 337.023, F.S.; authorizing the Department of Transportation, when selling a building, to accept the construction of a replacement building totally or partially in lieu of cash; providing for review and approval of such action; amending s. 380.06, F.S.; requiring local government comprehensive plan amendments related to a proposed development of regional impact to be considered concurrently with the application for development approval; amending s. 455.213, F.S.; authorizing the Department of Business and Professional Regulation to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or renewals of licenses; amending s. 455.2141, F.S.; authorizing the Agency for Health Care Administration to appoint the county tax collector as an agent of the agency for purposes of accepting applications for licenses or renewals of licenses; authorizing the Department of State and the Department of Labor and Employment Security to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or similar registrations, or renewals of licenses or similar registrations; amending s. 624.426, F.S.; exempting certain U.S. Customs surety bonds from the resident agent and counter-signature law; creating a tax refund program for hiring certain school-aged employees; providing for administration by the Office of Tourism, Trade, and Economic Development; providing definitions; providing for employment/tax refund agreements; providing penalties for fraudulent claims for refunds; providing for future repeal; repealing s. 14.2015(7), F.S., relating to authorization for the Office of Tourism, Trade, and Economic Development to contract for assistance in administering certain programs and functions; repealing ss. 118.01, 118.02, 118.03, 118.04, F.S., relating to commissioners of deeds; providing appropriations for programs contained in this act; providing severability; providing an effective date.

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

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

(a) “Authentication instrument” means an instrument executed by a Florida international notary referencing this section, which includes the particulars and capacities to act of transacting parties, a confirmation of the full text of the instrument, the signatures of the parties or legal equivalent thereof, and the signature and seal of a Florida international notary as prescribed by the Florida Secretary of State for use in a jurisdiction outside the borders of the United States.

(b) “Florida international notary” means a person who is admitted to the practice of law in this state, who has practiced law for at least 5 years, and who is appointed by the Secretary of State as a Florida international notary.

(c) “Protocol” means a registry maintained by a Florida international notary in which the acts of the Florida international notary are archived.

(2) The Secretary of State shall have the power to appoint Florida international notaries and administer this section.

(3) A Florida international notary is authorized to issue authentication instruments for use in non-United States jurisdictions. A Florida international notary is not authorized to issue authentication instruments for use in a non-United States jurisdiction if the United States Department of State has determined that the jurisdiction does not have diplomatic relations with the United States or is a terrorist country, or if trade with the jurisdiction is prohibited under the Trading With the Enemy Act of 1917, as amended, 50 U.S.C. ss. 1, et seq.

(4) The authentication instruments of a Florida international notary shall not be considered authentication instruments within the borders of the United States and shall have no consequences or effects as authentication instruments in the United States.

(5) The authentication instruments of a Florida international notary shall be recorded in the Florida international notary’s protocol in a manner prescribed by the Secretary of State.

(6) The Secretary of State may adopt rules prescribing:

(a) The form and content of signatures and seals or their legal equivalents for authentication instruments.

(b) Procedures for the permanent archiving of authentication instruments.

(c) The charging of reasonable fees to be retained by the Secretary of State for the purpose of administering this section.

(d) Educational requirements and procedures for testing applicants’ knowledge of the effects and consequences associated with authentication instruments in jurisdictions outside the United States.

(e) Procedures for the disciplining of Florida international notaries, including the suspension and revocation of appointments for misrepresentation or fraud regarding the Florida international notary's authority, the effect of the Florida international notary's authentication instruments, or the identities or acts of the parties to a transaction.

(f) Other matters necessary for administering this section.

(7) The Secretary of State shall not regulate, discipline or attempt to discipline, or establish any educational requirements for any Florida international notary for, or with regard to, any action or conduct that would constitute the practice of law in this state. The Secretary of State shall not establish as a prerequisite to the appointment of a Florida international notary any test containing any question that inquires of the applicant's knowledge regarding the practice of law in the United States.

(8) This section shall not be construed as abrogating the provisions of any other act relating to notaries public, attorneys, or the practice of law in this state.

Section 2. Subsections (1) and (3) of section 114 of chapter 96-320, Laws of Florida, are amended to read:

Section 114. (1) From funds appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development for the purpose of annually contracting with Enterprise Florida, Inc., 10 percent of such funds for the fiscal year 1996-1997, 20 percent of such funds for the fiscal year 1997-1998, 30 percent of such funds for the fiscal year 1998-1999, 40 percent of such funds for the fiscal year 1999-2000, and 50 percent of such funds for the fiscal year 2000-2001 shall be placed in reserve by the Executive Office of the Governor. The funds may be released through a budget amendment, in accordance with chapter 216, Florida Statutes, as requested by Enterprise Florida, Inc., through the Office of Tourism, Trade, and Economic Development if Enterprise Florida, Inc., has provided sufficient documentation that the same amount of matching private funds as the amount placed in reserve has been contributed during the same fiscal year to Enterprise Florida, Inc., in support of its economic development efforts. If sufficient documentation is not provided by the end of the fiscal year, such funds shall revert back to the General Revenue Fund. In each fiscal year, at least 55 percent of the matching private funds required to be documented under this subsection must be comprised of the first category of matching private funds described in subsection (3).

(3) For the purposes of this section, matching private funds shall be divided into two categories. The first category of matching private funds shall include any payment of cash made in response to a solicitation by Enterprise Florida, Inc., and used exclusively by Enterprise Florida, Inc., in its operations or programs, excluding any payment of cash made by any entity to qualify for any Enterprise Florida, Inc., state, or local incentive, grant, or loan program, or any cash received by Enterprise Florida, Inc., pursuant to a grant or contract. The second category of matching private funds shall include a conveyance of property, ~~employee wages paid during training,~~ or payment or distribution of ~~property cash~~ or anything of value,

including contributions in-kind having an attributable monetary value in any form, and including any payment of cash not counted within the first category of matching private funds. Contributions in-kind include, but are not limited to, goods or services rendered. The cost of the contribution shall be the reasonable cost to the sponsor of the goods or services.

Section 3. Subsection (2) of section 14.2015, Florida Statutes, 1996 Supplement, is amended to read:

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

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

~~(a) Contract, notwithstanding the provisions of part I of chapter 287, with Enterprise Florida, Inc., to guide, stimulate, and promote the economic and trade development of the state.~~

~~(b) Contract with the Florida Commission on Tourism to guide, stimulate, and promote the travel and leisure development of the state.~~

~~(c)~~(e) Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1228, or a designated Florida not-for-profit corporation whose board members have had prior experience in promoting, throughout the state, the economic development of the Florida motion picture, television, radio, video, recording, and entertainment industries, to guide, stimulate, and promote the entertainment industry in the state.

~~(d)~~(f) Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1229 to guide, stimulate, and promote the sports industry in the state.

~~(e)~~(g) Monitor the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; and rural community development.

~~(f)~~(h) Facilitate the direct involvement of the Governor and the Lieutenant Governor in economic development projects designed to create, expand, and retain Florida businesses and to recruit worldwide business.

~~(g)~~(i) Assist the Governor, in cooperation with Enterprise Florida, Inc., and the Florida Commission on Tourism, in preparing an annual report to the Legislature on the state of the business climate in Florida and on the state of economic development in Florida which will include the identification of problems and the recommendation of solutions. This report shall be

submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader by January 1 of each year, and it shall be in addition to the Governor's message to the Legislature under the State Constitution and any other economic reports required by law.

(f)(h) Plan and conduct at least three quarterly meetings per calendar year of leaders in business, government, and economic development called by the Governor to address the business climate in the state, develop a common vision for the economic future of the state, and identify economic development efforts to fulfill that vision.

(g)(i) Administer the Florida Enterprise Zone Act under ss. 290.001-290.016, the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses under s. 288.106, contracts for transportation projects under s. 288.063, the sports franchise facility program under s. 288.1162, the professional golf hall of fame facility program under s. 288.1168, the Florida Jobs Siting Act under ss. 403.950-403.972, the Rural Community Development Revolving Loan Fund under s. 288.065, the Regional Rural Development Grants Program under s. 288.018, the Florida State Rural Development Council, and the Rural Economic Development Initiative.

2. The office may enter into contracts in connection with the fulfillment of its duties concerning the Florida First Business Bond Pool under chapter 159, tax incentives under chapters 212 and 220, foreign offices under chapter 288, the Enterprise Zone program under chapter 290, the Seaport Employment Training program under chapter 311, the Florida Professional Sports Team License Plates under chapter 320, Spaceport Florida under chapter 331, Job Siting and Expedited Permitting under chapter 403, and in carrying out other functions that are specifically assigned to the office by law.

(h)(j) Serve as contract administrator for the state with respect to contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and all direct-support organizations under this act, excluding those relating to tourism. To accomplish the provisions of this act and applicable provisions of chapter 288, and notwithstanding the provisions of part I of chapter 287, the office shall enter into specific contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and other appropriate direct-support organizations. Such contracts may be multiyear and shall include specific performance measures for each year. The office shall provide the President of the Senate and the Speaker of the House of Representatives with a report by February 1 of each year on the status of these contracts, including the extent to which specific contract performance measures have been met by these contractors.

(i)(k) Prepare and submit as a separate budget entity a unified budget request for tourism, trade, and economic development in accordance with chapter 216 for, and in conjunction with, Enterprise Florida, Inc., and its boards, the Florida Commission on Tourism and its direct-support organization, the Florida Black Business Investment Board, and the direct-support organizations created to promote the entertainment and sports industries.



(j) Promulgate rules to carry out its functions in connection with the administration of the Qualified Target Industry program, the Qualified Defense Contractor program, the Enterprise Zone program and the Florida First Business Bond pool.

Section 4. Section 15.182, Florida Statutes, is created to read:

15.182 International travel by state-funded musical, cultural, or artistic organizations; notification to Department of State.—

(1) If a musical, cultural, or artistic organization that receives state funding is traveling internationally for a presentation, performance, or other significant public viewing, including an organization associated with a college or university, such organization shall notify the Department of State of its intentions to travel, together with the date, time, and location of each appearance. It is the desire of the Legislature that such cultural exchanges be coordinated with the state's economic development goals. The Secretary of State shall notify Enterprise Florida, Inc., of the intended travel schedule of all such organizations, including, but not limited to, symphonies, orchestras, dance troops, bands, choirs, choral groups, drama troops, musical performing groups, traveling exhibitions sponsored by museums, and performance artists.

(2) The Department of State, in conjunction with Enterprise Florida, Inc., shall act as an intermediary between performing musical, cultural, and artistic organizations and Florida businesses to encourage and coordinate joint undertakings. Such coordination may include, but is not limited to, encouraging business and industry to sponsor cultural events, assistance with travel of such organizations, and coordinating travel schedules of cultural performance groups and international trade missions.

(3) An organization shall provide the notification to the Department of State required by this section at least 30 days prior to the date the international travel is to commence or, when an intention to travel internationally is not formed at least 30 days in advance of the date the travel is to commence, as soon as feasible after forming such travel intention. The Department of State shall take an active role in informing such groups of the responsibility to notify the department of travel intentions.

Section 5. Enterprise Florida, Inc., in cooperation with the Department of Revenue, shall conduct a study of the advantages and revenue effects of exempting from section 212.031, Florida Statutes, leases of property which are part of a federally chartered Foreign Trade zone to persons or entities which engage in or facilitate the business of international trade in goods or services. Enterprise Florida, Inc., shall report the results of such study to the President of the Senate and the Speaker of the House of Representatives by January 1, 1998.

Section 6. The Florida Department of Lottery shall determine the feasibility of marketing the Florida Lottery internationally and issue a report regarding such feasibility to the Legislature by January 2, 1998.

Section 7. Subsection (1) of section 48.194, Florida Statutes, is amended to read:

48.194 Personal service outside state.—

(1) Except as otherwise provided herein, service of process on persons outside of this state shall be made in the same manner as service within this state by any officer authorized to serve process in the state where the person is served. No order of court is required. An affidavit of the officer shall be filed, stating the time, manner, and place of service. The court may consider the affidavit, or any other competent evidence, in determining whether service has been properly made. Service of process on persons outside the United States may be required to conform to the provisions of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

Section 8. (1) Subject to specific appropriations in the General Appropriations Act, the Office of Tourism, Trade, and Economic Development may, for the 1997-1998 fiscal year, establish a pilot matching grant program through which funding will be provided on a competitive basis in order to create employment opportunities for citizens of this state, particularly participants in the Work and Gain Economic Self-sufficiency (WAGES) Program. The grant program shall encourage the submission of innovative, cost-efficient, and performance-based training proposals designed to meet the employment needs of specific businesses or business sectors. An application for funding may be submitted by a private business, an educational institution, a not-for-profit corporation, a local or regional economic development council, or other organization, or an application may be submitted jointly on behalf of a combination of such entities.

(2) The Office of Tourism, Trade, and Economic Development shall adopt guidelines for administering the program and shall establish criteria for the competitive evaluation of applications for funding. Evaluation criteria must include, but need not be limited to:

(a) The number of people to be trained.

(b) The estimated number of jobs that will be created as a result of the training.

(c) The extent to which the proposed training is not currently available through other sources or the extent to which the proposed training improves upon training currently available through other sources.

(d) The forecasts of employment demand for the occupation to which the training will apply.

(e) The commitment of the applicant to hire or to secure employment for participants in the WAGES Program.

(f) The qualifications of the proposed training provider.

(3) Priority shall be given to proposals submitted on behalf of a coalition of businesses.

(4) Funds may not be expended to subsidize the ongoing staff development program of any business or industry.

(5) The Office of Tourism, Trade, and Economic Development may award grants for not more than four applications in any one fiscal year. Each grant awarded under this program is limited to \$500,000 and must be matched on a one-for-one basis by nonstate dollars. Matching funds under this section shall not count toward the private matching funds required under s. 114, chapter 96-320, Laws of Florida.

(6) Before allocating funds for any request under this program, the Office of Tourism, Trade, and Economic Development shall prepare a grant agreement between the grant recipient and the Office of Tourism, Trade, and Economic Development. Such agreement must include, but is not limited to, permission for the Office of Tourism, Trade, and Economic Development to access information specific to the job placement and performance of program participants upon the completion of instruction for evaluation purposes. If funds are being allocated directly to a private business or group of private businesses, the agreement prepared under this subsection must provide that 50 percent of the public training funds will be withheld until the Office of Tourism, Trade, and Economic Development determines that the business has or businesses have created the number of positions specified in the agreement and filled those positions with individuals who have completed the training.

(7) Upon completing all training funded under this pilot program, the Office of Tourism, Trade, and Economic Development shall report on the outputs and outcomes for this program as part of the annual report prepared under s. 14.2015(2)(g), Florida Statutes. Such report must include a recommendation on whether it would be sound public policy to continue or discontinue funding for the program.

(8) The Office of Tourism, Trade, and Economic Development may not award a grant under this section if the same training proposal provided the basis for training awarded under s. 288.047, Florida Statutes. An applicant awarded a training grant under this section may not thereafter receive training under s. 288.047, Florida Statutes, in connection with the same training proposal.

Section 9. Section 110.191, Florida Statutes, is created to read:

110.191 State Employee Leasing.—

(1) In situations where the legislature has expressly authorized the state, an agency or the judicial branch as defined in s. 110.203 to lease employees, the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch may authorize any of the following actions related to such state employee leasing activities, provided that the direct cost of such actions are to be paid or reimbursed within 30 days after payment by the entity or person to whom the employees are leased:

(a) Create a separate budget entity from which leased employees shall be paid and transfer the positions authorized to be leased to that budget entity.

(b) Provide increases in the operating budget entity.

(c) Authorized lump-sum salary bonuses to leased employees, however any lump-sum salary bonus above the automatic salary increases which may be contained in the General Appropriations Act must be funded from private sources.

(d) Approve increases in salary rate for positions which are leased, however, any salary rate above the automatic salary increases which may be contained in the General Appropriations Act must be funded from private sources.

(e) Waive any requirement for automatic salary increases which may be contained in the General Appropriations Act.

(2) Positions which are in the Senior Management Service System or the Selected Exempt Service System on the day before the state employee lease agreement takes effect shall remain in the respective system if the duties performed by the position during the assignment of the state employee lease agreement are comparable as determined by the department. Those Senior Management Service System or Selected Exempt Service System positions which are not determined comparable by the department and positions which are in other pay plans on the day before the lease agreement takes effect shall have the same salaries and benefits provided to employees of the Office of the Governor pursuant to s. 110.205(2)(k)2.

Section 10. Paragraph (u) of subsection (2) of section 110.205, Florida Statutes, is created to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(u) Positions which are leased pursuant to a state employee lease agreement expressly authorized by the legislature pursuant to s. 110.191.

Section 11. Paragraph (j) is added to subsection (5) of section 212.08, Florida Statutes, 1996 Supplement, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(j) Machinery and equipment used in silicon technology production and research and development.—

1. Industrial machinery and equipment purchased for use in silicon technology facilities certified under subparagraph 5. to manufacture, process, compound, or produce silicon technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter.

2. Machinery and equipment are exempt from the tax imposed by this chapter if purchased for use predominately in silicon wafer research and development activities in a silicon technology research and development facility certified under subparagraph 5.

3. The exemptions authorized in subparagraph 1. and subparagraph 2. accrue to the taxpayer through a refund of previously paid taxes. A refund may not be made unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and the business has been certified by the Office of Tourism, Trade, and Economic Development as authorized in this paragraph.

4.a. To be eligible to receive the exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to Enterprise Florida, Inc. The application shall be developed by the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc.

b. Enterprise Florida, Inc., shall review each submitted application and information and determine whether or not the application is complete within 5 working days. Once an application is complete Enterprise Florida, Inc., shall, within 10 working days, evaluate the application and recommend approval or disapproval of the application to the Office of Tourism, Trade, and Economic Development.

c. Upon receipt of the application and recommendation from Enterprise Florida, Inc., the Office of Tourism, Trade, and Economic Development shall certify within 5 working days those applicants who are found to meet the requirements of this section and notify the applicant, Enterprise Florida, Inc., and the department of the certification. If the Office of Tourism, Trade, and Economic Development finds that the applicant does not meet the requirements of this section, it shall notify the applicant and Enterprise Florida, Inc., within 10 working days that the application for certification has been denied and the reasons for denial. The Office of Tourism, Trade, and Economic Development has final approval authority for certification under this section.

5.a. A business certified to receive this exemption may apply once each year for the refund of all eligible taxes paid during the previous calendar year. The refund shall be subject to a specific annual appropriation from the Legislature to the Office of Tourism, Trade, and Economic Development for the payment of such refunds.

b. The first claim submitted by a business may include all eligible expenditures made after the date the business was certified.

c. To apply for the annual refund, the business shall submit a refund claim to the Office of Tourism, Trade, and Economic Development, which

claim indicates and documents the sales and use taxes paid on eligible machinery and equipment. The claim shall also indicate, for program evaluation purposes only, the average number of full-time equivalent employees at the facility over the preceding calendar year, the average wage and benefits paid to those employees over the preceding calendar year, and the total investment made in real and tangible personal property over the preceding calendar year or, for the first claim submitted, since the date of certification. The department shall assist the Office of Tourism, Trade, and Economic Development in evaluating and verifying information provided in the application for an annual refund.

d. An application for refund must be submitted to the Office of Tourism, Trade, and Economic Development by February 15 of each year. In the event that the Legislature does not appropriate an amount sufficient to satisfy all refund applications received by the Office of Tourism, Trade, and Economic Development, the office shall, not later than April 15 of each year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the total of refund claims received. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, there are appropriated funds remaining, the office shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

e. The Office of Tourism, Trade, and Economic Development may use the information reported on the claims for evaluation purposes only and shall prepare an annual report on the exemption program and its cost and impact. The annual report for the preceding fiscal year shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 30 of each fiscal year. This report may be submitted in conjunction with the annual report required in s. 288.095(3)(c).

6. A business certified to receive this exemption may elect to designate one or more state universities or community colleges as recipients of up to 100 percent of the refund for which they may qualify. To receive the tax refund or portion of the tax refund, the institution must agree to match these funds so earned with equivalent cash, programs, services, or other in-kind support on a one-to-one basis in the pursuit of research and development projects as requested by the certified business. The rights to any patents, royalties, or real or intellectual property must be vested in the business unless otherwise agreed to by the business and the university or community college.

7. As used in this paragraph, the term:

a. "Predominately" means at least 50 percent of the time in qualifying research and development.

b. "Research and Development" means basic and applied research in the science or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not include market research, routine consumer product testing,

sales research, research in the social sciences or psychology, nontechnological activities, or technical services.

c. “Silicon technology products” means raw silicon wafers that are transformed into semiconductor memory or logic wafers, including wafers containing mixed memory and logic circuits; related assembly and test operations; active-matrix flat panel displays; semiconductor chips; and related silicon technology products as determined by the Office of Tourism, Trade, and Economic Development.

Section 12. Section 288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.—

(1) The Economic Development Trust Fund is created within the Office of Tourism, Trade, and Economic Development. Moneys deposited into the fund must be used only to support the authorized activities and operations of the office.

(2) There is created, within the Economic Development Trust Fund, the Economic Development Incentives Account. The Economic Development Incentives Account consists of moneys appropriated to the account for purposes of the tax incentives programs authorized under ss. 288.1045 ss. 288.104 and 288.106, and local financial support provided under ss. 288.1045 ss. 288.104 and 288.106. Moneys in the Economic Development Incentives Account shall be subject to the provisions of s. 216.301(1)(a).

(3)(a) Contingent upon an annual appropriation by the Legislature, the Office of Tourism, Trade, and Economic Development may approve not more than the lesser of \$10 million in tax refunds pursuant to ss. 288.1045 ss. 288.104 and 288.106, ~~or The office may not approve tax refunds in excess of the amount appropriated to the Economic Development Incentives Account for such tax refunds, for a fiscal year pursuant to paragraph (b).~~

(b) The total amount of tax refunds approved by the Office of Tourism, Trade, and Economic Development pursuant to ss. 288.1045 ss. 288.104 and 288.106 shall not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. In the event the Legislature does not appropriate an amount sufficient to satisfy projections by the ~~office department~~ for tax refunds under ss. 288.1045 ss. 288.104 and 288.106 in a fiscal year, the Office of Tourism, Trade, and Economic Development shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for tax refunds, the ~~office secretary~~ shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(c) By September 30 of each year, the Office of Tourism, Trade, and Economic Development shall submit a complete and detailed report to the board of directors of Enterprise Florida, Inc., created under part VII of this

chapter, of all applications received, final decisions issued, tax refund agreements executed, and tax refunds paid or other payments made under all programs funded out of the Economic Development Incentives Account, including analyses of benefits and costs, types of projects supported, and employment and investment created. The Office of Tourism, Trade, and Economic Development shall also include a separate analysis of the impact of such tax refunds on state enterprise zones designated pursuant to s. 290.0065, ~~including the finding required by s. 288.106(4)(e)2.~~ By December 1 of each year, the board of directors of Enterprise Florida, Inc., shall review and comment on the report, and the board shall submit the report, together with the comments of the board, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must discuss whether the authority and moneys appropriated by the Legislature to the Economic Development Incentives Account were managed and expended in a prudent, fiducially sound manner.

(d) Moneys in the Economic Development Incentives Account may be used only to pay tax refunds and other payments authorized under s. 288.1045 ~~s. 288.104~~ or s. 288.106.

(e) The Office of Tourism, Trade, and Economic Development may adopt rules necessary to carry out the provisions of this subsection, including rules providing for the use of moneys in the Economic Development Incentives Account and for the administration of the Economic Development Incentives Account.

Section 13. Section 288.108, Florida Statutes, is created to read:

288.108 High-impact business.—

(1) LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature finds that attracting, retaining, and providing favorable conditions for the growth of certain high-impact facilities provides widespread economic benefits to Florida citizens through high-quality employment opportunities in the facility and in related facilities attracted to Florida, through the increased tax base provided by the high-impact facility and its related sector businesses, through an enhanced entrepreneurial climate in the state and the resulting business and employment opportunities, and through the stimulation and enhancement of the state's universities and community colleges. It is the policy of this state to stimulate growth of these business sectors and the state economy by enhancing Florida's competitive position and encouraging the location of such major high-impact facilities in the state.

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

(a) "Eligible high-impact business" means a business in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the Office of Tourism, Trade, and Economic Development as provided in subsection (5), which is making a cumulative investment in the state of at least \$100 million and creating at least 100 new full-time equivalent jobs in the state or a research and development facility making a cumulative investment of at least \$75 million and creating at least 75 new full-time equivalent jobs. Such investment and employment must be achieved in a period not to



exceed 3 years after the date the business is certified as a qualified high-impact business.

(b) “Qualified high-impact business” means a business in one of the high-impact sectors that has been certified by the office as a qualified high-impact business to receive a high-impact sector performance grant.

(c) “Office” means the Office of Tourism, Trade, and Economic Development.

(d) “Director” means the director of the Office of Tourism, Trade, and Economic Development.

(e) “Cumulative investment” means the total investment in buildings and equipment made by a qualified high-impact business since the beginning of construction of such facility.

(f) “Fiscal year” means the fiscal year of the state.

(g) “Jobs” means full-time equivalent positions, as such terms are consistent with terms used by the Department of Labor and Employment Security and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation, resulting directly from a project in this state. This definition does not include temporary construction jobs involved in the construction of the project facility.

(h) “Commencement of operations” means that the qualified high-impact business has begun to actively operate the principal function for which the facility was constructed as determined by the office and specified in the qualified high-impact business agreement.

(i) “Research and development” means basic and applied research in science or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not mean market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities or technical services.

### (3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE AMOUNTS.—

(a) Upon commencement of operations a qualified high-impact business is eligible to receive a high-impact business performance grant in the amount as determined by the office under subsection (5), consistent with eligible amounts as provided in paragraph (b), and specified in the qualified high-impact business agreement. The precise conditions that are considered commencement of operations must be specified in the qualified high-impact business agreement.

(b) The office may, in consultation with Enterprise Florida, Inc., negotiate qualified high-impact business performance grant awards for any single qualified high-impact business. In negotiating such awards, the office shall

consider the following guidelines in conjunction with other relevant applicant impact and cost information and analysis as required in subsection (5). A qualified high-impact business making a cumulative investment of \$100 million and creating 100 jobs may be eligible for a total qualified high-impact business performance grant of \$1 million to \$2 million. A qualified high-impact business making a cumulative investment of \$800 million and creating 800 jobs may be eligible for a qualified high-impact business performance grant of \$10 million to \$12 million. A qualified high-impact business, engaged in research and development, making a cumulative investment of \$75 million and creating 75 jobs may be eligible for a total qualified high-impact business performance grant of \$2 million to \$3 million. A qualified high-impact business, engaged in research and development, making a cumulative investment of \$150 million and creating 150 jobs may be eligible for a qualified high-impact business performance grant of \$3.5 million to \$4.5 million.

(c) Fifty percent of the performance grant awarded under subsection (5) must be paid to the qualified high-impact business upon certification by the business that operations have commenced.

(d) The balance of the performance grant award shall be paid to the qualified high-impact business upon the business' certification that full operations have commenced and that the full investment and employment goals specified in the qualified high-impact business agreement have been met and verified by the Office of Tourism, Trade, and Economic Development. The verification must occur not later than 60 days after the qualified high-impact business has provided the certification specified in this paragraph.

(e) The office may, upon a showing of reasonable cause for delay and significant progress toward the achievement of the investment and employment goals specified in the qualified high-impact business agreement, extend the date for commencement of operations, not to exceed an additional 2 years beyond the limit specified in paragraph (2)(a), but in no case may any high-impact sector performance grant payment be made to the business until the scheduled goals have been achieved.

(4) OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS PERFORMANCE GRANTS.—

(a) The total amount of active performance grants scheduled for payment by the office in any single fiscal year may not exceed the lesser of \$30 million or the amount appropriated by the Legislature for that fiscal year for qualified high-impact business performance grants. If the scheduled grant payments are not made in the year for which they were scheduled in the qualified high-impact business agreement and are rescheduled as authorized in paragraph (3)(e), they are, for purposes of this paragraph, deemed to have been paid in the year in which they were originally scheduled in the qualified high-impact business agreement.

(b) If the Legislature does not appropriate an amount sufficient to satisfy the qualified high-impact business performance grant payments scheduled

for any fiscal year, the office shall, not later than July 15 of that year, determine the proportion of each grant payment which may be paid by dividing the amount appropriated for qualified high-impact business performance grant payments for the fiscal year by the total performance grant payments scheduled in all performance grant agreements for the fiscal year. The amount of each grant scheduled for payment in that fiscal year must be multiplied by the resulting quotient. All businesses affected by this calculation must be notified by August 1 of each fiscal year. If, after the payment of all the refund claims, funds remain in the appropriation for payment of qualified high-impact business performance grants, the office shall recalculate the proportion for each performance grant payment and adjust the amount of each claim accordingly.

(5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

(a) Any eligible business, as defined in subsection (2), shall apply to Enterprise Florida, Inc., for consideration as a qualified high-impact business before the business has made a decision to locate or expand a facility in this state. The application, developed by the Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc., must include, but is not limited to, the following information:

1. A complete description of the type of facility, business operations, and product or service associated with the project.

2. The number of full-time equivalent jobs that will be created by the project and the average annual wage of those jobs.

3. The cumulative amount of investment to be dedicated to this project within 3 years.

4. A statement concerning any special impacts the facility is expected to stimulate in the sector, the state, or regional economy and in state universities and community colleges.

5. A statement concerning the role the grant will play in the decision of the applicant business to locate or expand in this state.

6. Any additional information requested by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development.

(b) Enterprise Florida, Inc., shall review each submitted application and inform the applicant business whether or not its application is complete within 10 working days. Once the application is deemed complete, Enterprise Florida, Inc., has 10 working days within which to evaluate the application and recommend approval or disapproval of the application to the director. In recommending an applicant business for approval, Enterprise Florida, Inc., shall include a recommended grant award amount in its evaluation forwarded to the office.

(c) Upon receipt of the evaluation and recommendation of Enterprise Florida, Inc., the director has 5 working days to enter a final order that

either approves or disapproves an applicant business as a qualified high-impact business facility, unless the business requests an extension of the time. The final order shall specify the total amount of the qualified high-impact business facility performance grant award, the performance conditions that must be met to obtain the award, and the schedule for payment of the performance grant.

(d) The director and the qualified high-impact business shall enter into a performance grant agreement setting forth the conditions for payment of the qualified high-impact business performance grant. The agreement shall include the total amount of the qualified high-impact business facility performance grant award, the performance conditions that must be met to obtain the award, including the employment, average salary, investment, the methodology for determining if the conditions have been met, and the schedule of performance grant payments.

(6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

(a) Enterprise Florida, Inc., shall, at its discretion, initiate the process of selecting a new high-impact sector for designation or recommending the deactivation of a designated high-impact sector.

(b) The office has authority, only after recommendation from Enterprise Florida, Inc., to designate a high-impact sector or to deauthorize a designated high-impact sector.

(c) To begin the process of selecting and designating a new high-impact sector, Enterprise Florida, Inc., shall undertake a thorough study of the proposed sector. This study must consider the definition of the sector, including the types of facilities which characterize the sector that might qualify for a high-impact performance grant and whether a powerful incentive like the high-impact performance grant is needed to induce major facilities in the sector to locate or grow in this state; the benefits that major facilities in the sector have or could have on the state's economy and the relative significance of those benefits; the needs of the sector and major sector facilities, including natural, public, and human resources and benefits and costs with regard to these resources; the sector's current and future markets; the current fiscal and potential fiscal impacts of the sector, to both the state and its communities; any geographic opportunities or limitations with regard to the sector, including areas for the state most likely to benefit from the sector and areas unlikely to benefit from the sector; the state's advantages or disadvantages with regard to the sector; and the long term expectations for the industry on a global level and in the state. If Enterprise Florida, Inc., finds favorable conditions for the designation of the sector as a high-impact sector, it shall include in the study recommendations for a complete and comprehensive sector strategy, including appropriate marketing and workforce strategies for the entire sector and any recommendations that Enterprise Florida, Inc., may have for statutory or policy changes needed to improve the state's business climate and to attract and grow Florida businesses, particularly small businesses, in the proposed sector. The study shall reflect the finding of the sector-business network specified in paragraph (d).

(d) In conjunction with the study required in paragraph (6)(c), Enterprise Florida, Inc., shall develop and consult with a network of sector businesses. While this network may include nonFlorida businesses, it must include any businesses currently within the state. If the number of Florida businesses in the sector is large, a representative cross section of Florida sector businesses may form the core of this network.

(e) The study and its findings and recommendations and the recommendations gathered from the sector-business network must be discussed and considered during at least one of the quarterly meetings required in s. 14.2015(2)(h).

(f) If after consideration of the completed study required in paragraph (6)(c) and the input derived from consultation with the sector-business network in paragraph (6)(d) and the quarterly meeting as required in paragraph (6)(e), the board of directors of Enterprise Florida, Inc., finds that the sector will have exceptionally large and widespread benefits to the state and its citizens, relative to any public costs; that the sector is characterized by the types of facilities that require exceptionally large investments and provide employment opportunities to a relatively large number of workers in high-quality, high-income jobs that might qualify for a high-impact performance grant; and that given the competition for such businesses it may be necessary for the state to be able to offer a large inducement, such as a high-impact performance grant, to attract such a business to the state or to encourage businesses to continue to grow in the state, the board of directors of Enterprise Florida, Inc., may recommend that the office consider the designation of the sector as a high-impact business sector.

(g) Upon receiving a recommendation from the board of directors of Enterprise Florida, Inc., together with the study required in paragraph (6)(c) and a summary of the findings and recommendations of the sector-business network required in paragraph (6)(d), including a list of all meetings of the sector network and participants in those meetings and the findings and recommendations from the quarterly meeting as required in paragraph (6)(e), the office shall after a thorough evaluation of the study and accompanying materials report its findings and either concur in the recommendation of Enterprise Florida, Inc., and designate the sector as a high-impact business sector or notify Enterprise Florida, Inc., that it does not concur and deny the board's request for designation or return the recommendation and study to Enterprise Florida, Inc., for further evaluation. In any case, the director's decision must be in writing and justify the reasons for the decision.

(h) If the office designates the sector as a high-impact sector, it shall, within 30 days, notify the Governor, the President of the Senate, and the Speaker of the House of Representatives of its decision and provide a complete report on its decision, including copies of the material provided by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development's evaluation and comment on any statutory or policy changes recommended by Enterprise Florida, Inc.

(i) For the purposes of this subsection, a high-impact sector consists of the silicon technology sector that Enterprise Florida, Inc., has found to be

focused around the type of high-impact businesses for which the incentive created in this subsection is required and will create the kinds of sector and economy wide benefits that justify the use of state resources to encourage these investments and require substantial inducements to compete with the incentive packages offered by other states and nations.

(7) REPORTING.—The office shall by December 1 of each year issue a complete and detailed report of all designated high-impact sectors, all applications received and their disposition, all final orders issued, and all payments made, including analyses of benefits and costs, types of projects supported, and employment and investment created. The report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report may be combined with the incentives report required in s. 288.095.

(8) RULEMAKING.—The office may adopt rules necessary to carry out the provisions of this section.

Section 14. Section 288.012, Florida Statutes, 1996 Supplement, is amended to read:

288.012 State of Florida foreign offices.—The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida foreign offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between state entities, local entities, foreign entities, and private businesses.

(1) The Office of Tourism, Trade, and Economic Development is authorized to:

(a) Establish and operate offices in foreign countries for the purpose of promoting the trade and economic development of the state, and promoting the gathering of trade data information and research on trade opportunities in specific countries.

(b) Enter into agreements with governmental and private sector entities to establish and operate offices in foreign countries containing provisions which may be in conflict with general laws of the state pertaining to the purchase of office space, employment of personnel, and contracts for services. When agreements pursuant to this section are made which set compensation in foreign currency, such agreements shall be subject to the requirements of s. 215.425, but the purchase of foreign currency by the Office of Tourism, Trade, and Economic Development to meet such obligations shall be subject only to s. 216.311.

(c) By September 1, 1997, the Office of Tourism, Trade, and Economic Development shall develop a plan for the disposition of the current foreign offices and the development and location of additional foreign offices. The

plan shall include, but is not limited to, a determination of the level of funding needed to operate the current offices and any additional offices and whether any of the current offices need to be closed or relocated. Enterprise Florida, Inc., the Florida Tourism Commission, the Florida Ports Council, the Department of State, the Department of Citrus, and the Department of Agriculture shall assist the Office of Tourism, Trade, and Economic Development in the preparation of the plan. All parties shall cooperate on the disposition or establishment of the offices and ensure that needed space, technical assistance, and support services are provided to such entities at such foreign offices.

(2) By June 30, 1998, each foreign office shall have in place an operational plan approved by the participating boards or other governing authority, a copy of which shall be provided to the Office of Tourism, Trade, and Economic Development. These operating plans shall be reviewed and updated each fiscal year and shall include, at a minimum, the following:

(a) Specific policies and procedures encompassing the entire scope of the operation and management of each office.

(b) A comprehensive, commercial strategic plan identifying marketing opportunities and industry-sector priorities for the foreign country or area in which a foreign office is located.

(c) Provisions for access to information for Florida businesses through the Florida Trade Data Center. Each foreign office shall obtain and forward trade leads and inquiries to the center on a regular basis as called for in the plan pursuant to paragraph (1)(c).

(d) Identification of new and emerging market opportunities for Florida businesses. Each foreign office shall provide the Florida Trade Data Center with a compilation of foreign buyers and importers in industry-sector priority areas on an annual basis. In return, the Florida Trade Data Center shall make available to each foreign office, and to the entities identified in paragraph (1)(c), trade industry, commodity, and opportunity information as specified in the plan required in that paragraph. This information shall be provided to the offices and the entities identified in paragraph (1)(c) either free of charge or on a fee basis with fees set only to recover the costs of providing the information.

(e) Provision of access for Florida businesses to the services of the Florida Trade Data Center, international trade assistance services provided by state and local entities, seaport and airport information, and other services identified in the plan pursuant to paragraph (1)(c).

(f) Qualitative and quantitative performance measures for each office including, but not limited to, the number of businesses assisted, the number of trade leads and inquiries generated, the number of foreign buyers and importers contacted, and the amount and type of marketing conducted.

(3)(2) The Office of Tourism, Trade, and Economic Development, in connection with the establishment, operation, and management of any of its offices located in a foreign country, is exempt from the provisions of ss.

255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.111 relating to communications, and from all statutory provisions relating to state employment.

(a) The Office of Tourism, Trade, and Economic Development may exercise such exemptions only upon prior approval of the Governor.

(b) If approval for an exemption under this section is granted as an integral part of a plan of operation for a specified foreign office, such action shall constitute continuing authority for the Office of Tourism, Trade, and Economic Development to exercise the exemption, but only in the context and upon the terms originally granted. Any modification of the approved plan of operation with respect to an exemption contained therein must be resubmitted to the Governor for his or her approval. An approval granted to exercise an exemption in any other context shall be restricted to the specific instance for which the exemption is to be exercised.

(c) As used in this subsection, the term "plan of operation" means the plan developed pursuant to subsection (2) ~~a compilation of the specific policies and procedures encompassing the entire scope of the operation and management of an office established by the Office of Tourism, Trade, and Economic Development in a foreign country.~~

(d) Upon final action by the Governor with respect to a request to exercise the exemption authorized in this subsection, the Office of Tourism, Trade, and Economic Development shall report such action, along with the original request and any modifications thereto, to the President of the Senate and the Speaker of the House of Representatives within 30 days.

~~(4)~~(3) Where feasible and appropriate, and subject to s. 288.1224(10), foreign offices established and operated under this section may provide one-stop access to the economic development, trade, and tourism information, services, and programs of the state. Where feasible and appropriate, and subject to s. 288.1224(10), such offices may also be collocated with other foreign offices of the state.

~~(5)~~(4) The Office of Tourism, Trade, and Economic Development is authorized to make and to enter into contracts with Enterprise Florida, Inc., and the Florida Commission on Tourism to carry out the provisions of this section. The authority, duties, and exemptions provided in this section apply to Enterprise Florida, Inc., and the Florida Commission on Tourism to the same degree and subject to the same conditions as applied to the Office of Tourism, Trade, and Economic Development. To the greatest extent possible, such contracts shall include provisions for cooperative agreements or strategic alliances between state entities, foreign entities, local entities, and private businesses to operate foreign offices.

Section 15. Subsection (3) of section 288.047, Florida Statutes, 1996 Supplement, is amended to read:

288.047 Quick-response training for economic development.—



(3) Enterprise Florida, Inc., shall ensure that instruction funded pursuant to this section is not available through the local community college, school district, or private industry council and that the instruction promotes economic development by providing specialized entry-level skills to new workers or supplemental skills to current employees whose job descriptions are changing. Such funds may not be expended to subsidize the ongoing staff development program of any business or industry or to provide training for instruction related to retail businesses. Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless Enterprise Florida, Inc., determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.

Section 16. Subsection (3) of section 288.063, Florida Statutes, 1996 Supplement, is amended to read:

288.063 Contracts for transportation projects.—

(3) With respect to any contract executed pursuant to this section, the term “transportation project” means a transportation facility as defined in s. 334.03(31) which is necessary in the judgment of the Office of Tourism, Trade, and Economic Development to facilitate the economic development and growth of the state. Except for applications received prior to July 1, 1996, such transportation projects shall be approved only as a consideration to attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state, or to allow for the construction or expansion of a state or federal correctional facility in a county with a population of 50,000 or less that creates new employment opportunities or expands or retains employment in the county. The Office of Tourism, Trade, and Economic Development shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases specified in the contract, necessary for new, or improvement to existing, transportation facilities. Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.

Section 17. Paragraph (h) is added to subsection (2) and paragraph (g) is added to subsection (5) of section 288.1045, Florida Statutes, 1996 Supplement, and paragraph (c) of subsection (4) of said section is amended, to read:

288.1045 Qualified defense contractor tax refund program.—

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

(h) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.

(4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND AGREEMENT.—

(c) The agreement shall be signed by the secretary and the authorized officer of the qualified applicant ~~within 30 days after the entry of a final order certifying the qualified applicant pursuant to subsection (3).~~

(5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE CONTRACTOR.—

(g) A prorated tax refund, less a 5 percent penalty, shall be approved for a qualified applicant provided all other applicable requirements have been satisfied and the applicant proves to the satisfaction of the director that it has achieved at least 80 percent of its projected employment.

Section 18. Effective upon this act becoming a law, section 288.065, Florida Statutes, 1996 Supplement, is amended to read:

288.065 Rural Community Development Revolving Loan Fund.—

(1) The Rural Community Development Revolving Loan Fund Program is established in the Office of Tourism, Trade, and Economic Development to facilitate the use of existing federal, state, and local financial resources by providing local governments with financial assistance to further promote the economic viability of rural communities. These funds may be used to finance initiatives directed toward maintaining or developing the economic base of rural communities, especially initiatives addressing employment opportunities for residents of these communities.

(2) The program shall provide for long-term loans, loan guarantees, and loan loss reserves to units of local governments within counties with populations less than 50,000, or any county that has a population of 100,000 or less and is contiguous to a county with a population less than 50,000, as determined by the most recent official estimate pursuant to s. 186.901, residing in incorporated and unincorporated areas of the county. Requests for loans shall be made by application to the Office of Tourism, Trade, and Economic Development. Loans shall be made pursuant to agreements specifying the terms and conditions agreed to between the local government and the Office of Tourism, Trade, and Economic Development. The loans shall be the legal obligations of the local government. All repayments of principal and interest shall be returned to the loan fund and made available for loans to other applicants.

(3) The Office of Tourism, Trade, and Economic Development shall manage the fund, establishing loan practices that must include, but are not

limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The Office of Tourism, Trade, and Economic Development shall have final approval authority for any loan under this section.

(4) Notwithstanding the provisions of s. 216.301, funds appropriated for this purpose shall not be subject to reversion.

Section 19. Paragraph (b) of subsection (2), subsection (3), and paragraph (b) of subsection (4) of section 288.106, Florida Statutes, 1996 Supplement, are amended, and paragraphs (r) and (s) are added to subsection (2) of that section, to read:

288.106 Tax refund program for qualified target industry businesses.—

(2) DEFINITIONS.—As used in this section:

(b) “Average private sector wage in the area” means the statewide private sector average wage or the average of all private sector wages and salaries in the county or in the standard metropolitan area in which the business is located.

(r) “Rural county” means a county with a population of 75,000 or less.

(s) “Rural city” means a city with a population of 10,000 or less, or a city with a population of greater than 10,000 but less than 20,000 which has been determined by the Office of Tourism, Trade, and Economic Development to have economic characteristics such as, but not limited to, a significant percentage of residents on public assistance, a significant percentage of residents with income below the poverty level, or a significant percentage of the city’s employment base in agriculture-related industries.

(3) TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the account, a refund to a qualified target industry business for the amount of eligible taxes certified by the director which were paid by such business. The total amount of refunds for all fiscal years for each qualified target industry business must be determined pursuant to subsection (4). The annual amount of a refund to a qualified target industry business must be determined pursuant to subsection (6).

(b) The director may approve a qualified target industry business to receive tax refund payments of up to \$5,000 times the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1., or up to \$7,500 times the number of jobs if the project is located in an enterprise zone. A qualified target industry business may not receive refund payments of more than 25 percent of the total tax refunds specified in the tax refund agreement under subparagraph (5)(a)1. in any fiscal year. Further, a qualified target industry business may not receive more than \$1.5 million in refunds under this section in any single fiscal year, or more than \$2.5 million in any single fiscal year if the project is located in an enterprise zone. A qualified target industry may not receive more than \$5 million in refund

payments under this section in all fiscal years, or more than \$7.5 million if the project is located in an enterprise zone. Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation and that the relocation will create additional jobs.

(c) After entering into a tax refund agreement under subsection (5), a qualified target industry business may receive refunds from the account for the following taxes due and paid by that business beginning with the first taxable year of the business which begins after entering into the agreement:

1. Taxes on sales, use, and other transactions under part I of chapter 212.
2. Corporate income taxes under chapter 220.
3. Intangible personal property taxes under chapter 199.
4. Emergency excise taxes under chapter 221.
5. Excise taxes on documents under chapter 201.
6. Ad valorem taxes paid, as defined in s. 220.03(1).
7. Insurance premium tax under s. 624.509.

However, a qualified target industry business may not receive a refund under this section for any amount of credit, refund, or exemption granted to that business for any of such taxes. If a refund for such taxes is provided by the office, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified target industry business other than as provided in this section, the business shall reimburse the account for the amount of that credit, refund, or exemption. A qualified target industry business shall notify and tender payment to the office within 20 days after receiving any credit, refund, or exemption other than one provided in this section.

(d) A qualified target industry business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of the refund to the account, plus a mandatory penalty in the amount of 200 percent of the tax refund which shall be deposited into the General Revenue Fund.

2. Is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) APPLICATION AND APPROVAL PROCESS.—

(b) To qualify for review by the office, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the office:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average private sector wage in the area where the business is to be located or the statewide private sector average wage. The office may waive this average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. The wage requirement may only be waived for a project located in a rural city or county or in an enterprise zone and only when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a recommendation, it must be transmitted in writing and the specific justification for the waiver recommendation must be explained. If the director elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.

2. The target industry business's project must result in the creation of at least 10 jobs at such project.

3. The business activity or product for the applicant's project is within an industry or industries that have been identified by the office to be high-value-added industries that contribute to the area and to the economic growth of the state and that produce a higher standard of living for citizens of this state in the new global economy or that can be shown to make an equivalent contribution to the area and state's economic progress.

Section 20. Section 288.7011, Florida Statutes, 1996 Supplement, is amended to read:

288.7011 Assistance to certified development corporation.—The Office of Tourism, Trade, and Economic Development is authorized to enter into contracts with to provide assistance to a nonprofit, statewide development corporation certified pursuant to s. 503 of the Small Business Investment Act of 1958, as amended, to permit such corporation to locate and contract for in the form of administrative and technical staff assistance and support, including, without limitation, assistance to the development corporation in the packaging and servicing of loans for the purpose of stimulating and expanding the availability of private equity capital and long-term loans to small businesses. ~~Any contract between the office and such corporation shall provide that the corporation must reimburse, to the extent possible, the office for expenses resulting from the provision of administrative and technical staff assistance and support and that Such assistance and support will cease when the corporation has received state support in an amount the equivalent of \$250,000 per year over a 5 year period beginning July 1, 1997 attained a revenue-generating capacity sufficient to defray on its own the expense for such assistance and support. Any contract between the office and such corporation shall specify that the records of the corporation must be available for audit by the office and by the Auditor General to verify the extent of the ability of the corporation to reimburse the office for, or to defray entirely, the expense of such administrative and technical staff assistance and support.~~

Section 21. Subsection (2) of section 288.772, Florida Statutes, 1996 Supplement, is amended to read:

288.772 Definitions.—For purposes of ss. 288.771-288.778:

(2) “Board” means the board of directors of the Florida Export Finance Enterprise Florida International Trade and Economic Development Board or persons designated by Enterprise Florida, Inc., to oversee the operations of the Corporation.

Section 22. Subsection (1) of section 288.775, Florida Statutes, 1996 Supplement, is amended to read:

288.775 Florida Export Finance Corporation Account.—

(1) ~~The board Florida Intergovernmental Relations Foundation, Inc., as established in s. 288.809,~~ shall create the Florida Export Finance Corporation Guarantee Account for the purpose of receiving state, federal, and private financial resources, and the return from investments of those resources, and for the purposes of this part. The account shall be under the exclusive control of the board.

Section 23. Section 288.776, Florida Statutes, 1996 Supplement, is amended to read:

288.776 Board of directors; powers and duties.—

(1)(a) The corporation shall have a board of directors consisting of 15 members representing all geographic areas of the state. Minority and gender representation must be considered when making appointments to the board. The board membership must include:

1. A representative of the following businesses, all of which must be registered to do business in this state: a foreign bank, a state bank, a federal bank, an insurance company involved in covering trade financing risks, and a small or medium-sized exporter.

2. The following persons or their designee: the President of Enterprise Florida, Inc., the Comptroller, the Secretary of State, a senior official of the United States Department of Commerce, and the chair of the Black Business Investment Board.

(b) Appointees who are not state or Federal Government officials shall serve for a term of 3 years and shall be eligible for reappointment. Nonstate and nonfederal official vacancies on the board shall be filled by the board within 30 days after the effective date of the vacancy.

(2) Board members shall serve without compensation but may be reimbursed for all necessary expenses in the performance of their duties, including attending board meetings and conducting board business.

(3) The board shall:

(a)(4) Prior to the expenditure of funds from the export finance account, adopt bylaws, rules, and policies which are necessary to carry out the re-

sponsibilities under this part, particularly with respect to the implementation of the corporation's programs to insure, coinsure, lend, provide loan guarantees, and make direct, guaranteed, or collateralized loans by the corporation to support export transactions. The corporation's bylaws, rules, and policies shall be reviewed and approved by Enterprise Florida, Inc., prior to final adoption by the board.

(b)(2) Hold regularly scheduled meetings, at least quarterly, in order to carry out the objectives and responsibilities of the board.

(c)(3) Issue an annual report to Enterprise Florida, Inc., on the activities of the corporation, including an evaluation of activities and recommendations for change. The evaluation shall include the corporation's impact on the following:

1.(a) Participation of private banks and other private organizations and individuals in the corporation's export financing programs.

2.(b) Access of small and medium-sized businesses in this state to federal export financing programs.

3.(c) Export volume of the small and medium-sized businesses in this state accessing the corporation's programs.

4.(d) Other economic and social benefits to international programs in this state.

(d)(4) Adopt policies, including criteria, establishing which exporters and export transactions shall be eligible for insurance, coinsurance, loan guarantees, and direct, guaranteed, or collateralized loans which may be extended by the corporation. Pursuant to this subsection, the board shall adopt rules to include the following criteria:

1.(a) Any individual signing any corporation loan application and loan or guarantee agreement shall have an equity in the business applying for financial assistance.

2.(b) Each program shall exclusively support the export of goods and services by small and medium-sized businesses which are domiciled in this state. Priority shall be given to goods which have value added in this state.

3.(c) Financial assistance shall only be extended when at least one of the following circumstances exists:

a.1. The assistance is required to secure the participation of small and medium-sized export businesses in federal, state, or private financing programs.

b.2. No conventional source of lender support is available for the business from public or private financing sources.

Personal financial records, trade secrets, or proprietary information of applicants shall be confidential and exempt from the provisions of s. 119.07(1).

(e)(5) Adopt requirements to ensure the full repayment of loans and loan guarantees, plus accrued interest, full-recourse claims, and indemnities on direct loan originations sold by the corporation, and the solvency of any insurance and coinsurance program extended under this part.

(f)(6) Approve any extension of insurance, coinsurance, loans, loan guarantees, or direct loan originations for sale, under this part.

(g)(7) Consult with Enterprise Florida, Inc., and its boards, or any state or federal agency, to ensure that the respective loan guarantee or working capital loan origination programs are not duplicative and that each program makes full use of, to the extent practicable, the resources of the other.

(h)(8) Work to secure a delegated line of authority from the United States Export-Import Bank or other appropriate federal or state agency or private sector entity in order to take advantage of this possible funding or guarantee source.

(i)(9) Develop a streamlined application and review process, including a survey of businesses to obtain the statistics required in paragraph (c) subsection (3).

Section 24. Subsection (1) of section 288.777, Florida Statutes, 1996 Supplement, is amended to read:

288.777 President of the corporation.—

(1) ~~The board of directors of Enterprise Florida, Inc., shall appoint a president of the Florida Export Finance Corporation from a list of nominees submitted by the board.~~ The president shall be knowledgeable about private and public export assistance and export financing programs.

Section 25. Section 288.7771, Florida Statutes, 1996 Supplement, is amended to read:

288.7771 Annual report of Florida Export Finance Corporation.—~~By March 31 December 1~~ of each year, the corporation shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report setting forth:

- (1) The evaluation required in s. 288.7772(1).
- (2) The report required in s. 288.776(3).
- (3) Its assets and liabilities at the end of its most recent fiscal year.

Section 26. Paragraph (f) of subsection (2) of section 288.816, Florida Statutes, 1996 Supplement, is amended to read:

288.816 Intergovernmental relations.—

(2) The secretary shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The secretary shall monitor United States laws and directives to ensure that all



federal treaties regarding foreign privileges and immunities are properly observed. The secretary shall promulgate rules which shall:

(f) Establish a system of communication to provide all state and local law enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen. Florida law enforcement agencies shall inform the Department of State. Such agencies shall be informed that when such arrest or incarceration occurs, the agency must notify The secretary, who in turn shall notify the appropriate foreign governmental official. The secretary shall annually report on the actions taken to inform law enforcement agencies, and on the cooperation from such agencies, to the President of the Senate and the Speaker of the House of Representatives.

Section 27. Subsection (10) is added to section 288.8175, Florida Statutes, 1996 Supplement, to read:

288.8175 Linkage institutes between postsecondary institutions in this state and foreign countries.—

(10) Linkage institutes may accept and administer moneys provided by the Department of State for research and development of international trade. The Secretary of State shall, by March 1, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives in each year in which the Department of State has provided moneys for a linkage institute. The report must detail the purpose of the expenditure by the Department of State and the use of the moneys by the linkage institutes and must include a copy of the research documents or related materials produced, if any.

Section 28. Subsection (2) of section 288.901, Florida Statutes, is amended to read:

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

(2) Enterprise Florida, Inc., shall establish one or more corporate offices, at least one of which shall be located in Leon County. Persons employed by the Department of Commerce on the day prior to July 1, 1996, whose jobs are privatized, shall be given preference, if qualified, for similar jobs at Enterprise Florida, Inc. When practical, those jobs shall be located in Leon County. All available resources, including telecommuting, must be employed to minimize the negative impact on the Leon County economy caused by job losses associated with the privatization of the Department of Commerce. The Department of Management Services may establish a lease agreement program under which Enterprise Florida, Inc., may hire any individual who, as of June 30, 1996, is employed by the Department of Commerce or who, as of January 1, 1997, is employed by the Executive Office of the Governor and has responsibilities specifically in support of the Workforce Development Board established under s. 288.9620 of this act. Under such agreement, the employee shall retain his or her status as a state employee but shall work under the direct supervision of Enterprise Florida, Inc. Retention of state employee status shall include the right to participate

in the Florida Retirement System. The Department of Management Services shall establish the terms and conditions of such lease agreements.

Section 29. Paragraph (b) of subsection (3) of section 288.9015, Florida Statutes, 1996 Supplement, is amended, and subsection (5) is added to said section, to read:

288.9015 Enterprise Florida, Inc.; purpose; duties.—

(3) It shall be the responsibility of Enterprise Florida, Inc., to develop a comprehensive approach to workforce development that will result in better employment opportunities for the residents of this state. Such comprehensive approach must include:

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

(5) As part of its business development and marketing responsibilities, Enterprise Florida, Inc., shall prepare a business guide and checklist that contains basic information on the federal, state, and local requirements for starting and operating a business in this state. The guide and checklist must describe how additional information can be obtained on any such requirements and shall include, to the extent feasible, the names, addresses, and telephone numbers of appropriate government agency representatives. The guide and checklist must also contain information useful to persons who may be starting a business for the first time, including, but not limited to, information on business structure, financing, and planning.

Section 30. Paragraph (h) of subsection (3) of section 288.903, Florida Statutes, 1996 Supplement, is redesignated as paragraph (i) and a new paragraph (h) is added to subsection (3) of said section to read:

288.903 Board of directors of Enterprise Florida, Inc.; president; employees.—

(3) The president:

(h) Shall coordinate all activities and responsibilities of Enterprise Florida, Inc., with respect to participants in the WAGES Program.

Section 31. Paragraph (b) of subsection (1) of section 288.904, Florida Statutes, 1996 Supplement, is amended to read:

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

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

(b) Make and enter into contracts and other instruments necessary or convenient for the exercise of its powers and functions, except that any

contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant, unless such incentive award is specifically endorsed by a two-thirds vote of the entire board. The board member representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with board members.

Section 32. Section 288.905, Florida Statutes, 1996 Supplement, is amended to read:

288.905 Duties of the board of directors of Enterprise Florida, Inc.—

(1) In the performance of its functions and duties, the board of directors may establish and implement policies, strategies, and programs for Enterprise Florida, Inc., and its boards. ~~In developing such policies, strategies, and programs, the board of directors shall, among other things, address the needs of blighted inner-city communities that have unacceptable levels of unemployment and economic disinvestment, with the ultimate goal of creating jobs for the residents of such communities.~~ In developing such policies, strategies, and programs, the board of directors shall solicit advice from and consider the recommendations of its boards.

(2) The board of directors shall, in conjunction with the Office of Tourism, Trade, and Economic Development, develop a strategic plan for economic development for the State of Florida. Such plan shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader by January 1, 1997, and shall be updated or modified before January 1, 1998, and annually thereafter. The plan must be approved by the board of directors prior to submission to the Governor and Legislature. The plan shall include, but is not limited to:

(a) Allocation of public and private resources to specific activities that will return the greatest benefit to the economy of this state. Including delineation on the amount of funds that should be expended on each component of the plan.

(b) Identification of programs that will enhance the capabilities of small and minority businesses. The plan should include ways to improve and increase the access to information, services, and assistance for small and minority businesses.

(c)1. Specific provisions for the stimulation of economic development and job creation in rural areas and mid-size cities and counties of the state.

These provisions shall include, but are not limited to, the identification of all rural counties in the state and rural cities located in nonrural counties; the identification of all mid-size cities and counties in the state; the identification of the economic development and job creation goals of the rural cities and counties and mid-size cities; the identification of rural areas of critical concern; the identification of specific local, state, and federal financial and technical assistance resources available to rural cities and counties and mid-size cities and counties for economic and community development; the identification of private sector resources available to rural cities and counties and mid-size cities and counties for economic and community development; and specific methods for the use of the resources identified in the plan to meet the goals identified in the plan.

2. Enterprise Florida, Inc., shall involve the local governments of the cities and counties identified pursuant to subparagraph 1., as well as any other local, state, and federal rural development entities, both public and private, in developing and carrying out any provisions.

(d)1. Specific provisions for the stimulation of economic development and job creation in small businesses and minority businesses. These provisions shall include, but are not limited to, the identification of federal, state, and local financial and technical resources available for small businesses and minority businesses; and specific methods for the use of the resources identified in the plan to meet the goal of job creation in small businesses and minority businesses in the state.

2. Enterprise Florida, Inc., shall involve local, state, and federal small business and minority business development agencies and organizations, both public and private, in developing and carrying out any provisions.

(e) Creation of workforce training programs that lead to better employment opportunities and higher wages.

(f) Promotion of business formation, expansion, recruitment, and retention, including programs that enhance access to appropriate forms of financing for businesses in this state.

(g) Promotion of the successful long-term internationalization of this state, including programs that establish viable overseas markets, generate foreign investment, assist in meeting the financing requirements of export-ready firms, broaden opportunities for international joint venture relationships, use the resources of academic and other institutions, coordinate trade assistance and facilitation services, and facilitate availability of and access to education and training programs which will assure requisite skills and competencies necessary to compete successfully in the global marketplace.

(h) Promotion of the growth of high technology and other value-added industries and jobs.

(i) Addressing the needs of blighted inner-city communities that have unacceptable levels of unemployment and economic disinvestment, with the ultimate goal of creating jobs for the residents of such communities.

(j) Identifying business sectors that are of current or future importance to the state's economy and to the state's worldwide business image, and developing specific strategies to promote the development of such sectors.

(3)(a) The strategic plan shall also include recommendations regarding specific performance standards and measurable outcomes. By July 1, 1997, Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall establish performance-measure outcomes for Enterprise Florida, Inc., and its boards. Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall develop a plan for monitoring its operations to ensure that performance data are maintained and supported by records of the organization. By July 1, 1998, and biennially thereafter, Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall review the performance-measure outcomes for Enterprise Florida, Inc., and its boards, and make any appropriate modifications to them. In developing measurable objectives and performance outcomes, Enterprise Florida, Inc., shall consider the effect of its programs, activities, and services on its client population. Enterprise Florida, Inc., shall establish standards such as job growth among client firms, growth in the number and strength of businesses within targeted sectors, client satisfaction, venture capital dollars invested in small and minority businesses, businesses retained and recruited, employer wage growth, minority business participation in technology assistance and development programs, and increased export sales among client companies to use in evaluating performance toward accomplishing the mission of Enterprise Florida, Inc.

(b) The performance standards and measurable outcomes established and regularly reviewed by Enterprise Florida, Inc., under this subsection must also include benchmarks and goals to measure the impact of state economic development policies and programs. Such benchmarks and goals may include, but are not limited to:

1. Net annual job growth rate in this state compared to neighboring southern states and the United States as a whole.
2. Unemployment rate in this state compared to neighboring southern states and the United States as a whole.
3. Wage distribution based on the percentage of people working in this state who earned 15 percent below the state average, within 15 percent of the state average, and 15 percent or more above the state average.
4. Annual percentage of growth in the production of goods and services within Florida compared to neighboring southern states and the United States as a whole.
5. Changes in jobs in this state by major industry based on the percentage of growth or decline in the number of full-time or part-time jobs in this state.

6. Number of new business startups in this state.
7. Goods produced in this state that are exported to other countries.
8. Capital investment for commercial and industrial purposes, agricultural production and processing, and international trade.

~~(c)~~<sup>(b)</sup> Prior to the 1999 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall conduct a review of Enterprise Florida, Inc., and its boards. The review shall be comprehensive in its scope, but, at a minimum, must be conducted in such a manner as to specifically determine:

1. The progress towards achieving the established outcomes.
2. The circumstances contributing to the organization's ability to achieve, not achieve, or exceed its established outcomes.
3. The progress towards achieving the established goals of the Cypress Equity Fund and whether the strategy underlying the fund is appropriate.
4. Whether it would be sound public policy to continue or discontinue funding the organization, and the consequences of discontinuing the organizations. The report shall be submitted by January 1, 1999, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

~~(d)~~<sup>(e)</sup> Prior to the 2003 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability, shall conduct another review of Enterprise Florida, Inc., and its boards using the criteria in paragraph ~~(c)~~<sup>(b)</sup>. The report shall be submitted by January 1, 2003, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(4) The board of directors shall coordinate the economic development activities and policies of Enterprise Florida, Inc., with municipal, county, and regional economic development organizations to establish and further develop the role of local economic development organizations as the primary service-delivery agents for economic development services. Where feasible, the board shall work with regional economic development organizations in the delivery of services of Enterprise Florida, Inc., and its boards.

(5) Enterprise Florida, Inc., shall deposit into African-American-qualified public depositories and Hispanic-American-qualified public depositories a portion of any moneys received by Enterprise Florida, Inc., and its boards from the state.

(6) Any employee leased by Enterprise Florida, Inc., from the state, or any employee who derives their salary from funds appropriated by the Legislature, may not receive a pay raise or bonus in excess of a pay raise or bonus that is received by similarly situated state employees. However, this subsection does not prohibit the payment of a pay raise or bonus from funds received from sources other than the Florida Legislature.

Section 33. Subsection (1) of section 288.906, Florida Statutes, 1996 Supplement, is amended to read:

288.906 Annual report of Enterprise Florida, Inc.; audits; confidentiality.—

(1) Prior to December 1 of each year, Enterprise Florida, Inc., shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report including, but not limited to setting forth:

(a) A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards, and an identification of any major trends, initiatives, or developments affecting the performance of any program or activity. Its operations and accomplishments during the fiscal year;

(b) An evaluation of progress towards achieving organizational goals and specific performance outcomes, both short term and long term, established pursuant to s. 288.905. Its business and operational plan and its economic development plan, including recommendations on methods for implementing and funding the economic development plan;

(c) Methods for implementing and funding the operations of Enterprise Florida, Inc., and its boards. Its assets and liabilities at the end of its most recent fiscal year; and

(d) A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards, with respect to furthering the development and viability of small and minority businesses, including any accomplishments relating to capital access and technology and business development programs. A copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant performed in accordance with rules adopted by the Auditor General.

(e) A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards with respect to furthering the development and viability of rural cities and counties, and mid-size cities and counties in this state.

(f) A description and evaluation of the operations and accomplishments of Enterprise Florida, Inc., and its boards with respect to interaction with local and private economic development organizations, including an identification of any specific programs or activities which promoted the activities of such organizations and an identification of any specific programs or activities which promoted a comprehensive and coordinated approach to economic development in this state.

(g) An assessment of employee training and job creation that directly benefits participants in the WAGES Program.

(h) An annual compliance and financial audit of accounts and records by an independent certified public accountant at the end of its most recent

fiscal year performed in accordance with rules adopted by the Auditor General.

The detailed report required by this subsection shall also include the information identified in paragraphs (a)-(h)(d), if applicable, for any board established within the corporate structure of Enterprise Florida, Inc.

Section 34. Paragraph (g) of subsection (1) of section 288.9414, Florida Statutes, 1996 Supplement, is amended to read:

288.9414 Powers and authority of board of directors of International Trade and Economic Development Board.—

(1) The board shall have all the powers and authority not explicitly prohibited by statute necessary or convenient to carry out and effectuate its functions, duties, and responsibilities, including, but not limited to:

(g) Contracting with public and private entities as necessary to further the directives of this act, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant, unless such incentive award is specifically endorsed by a two-thirds vote of the entire board. The board member representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with board members.

Section 35. (1)(a) There is created a seven-member grant review panel to assist the International Trade and Economic Development Board of Enterprise Florida, Inc., in the grant review process. Three members of the panel shall be appointed by the Governor, two members shall be appointed by the President of the Senate, and two members shall be appointed by the Speaker of the House of Representatives. A panel chair shall be selected by the members of the review panel from among the membership. Review panel members shall serve for a term of three years and may not be reappointed for a period of one year after serving a three year term. Initial appointments shall be staggered, with the Governor appointing one member for a three-year term, one member for a two-year term, and one member for a one-year term. Initial appointments by the President of the Senate and the Speaker of the House of Representatives shall also be staggered, with the President and the Speaker each appointing one member for a three-year term and each appointing one member for a two-year term.

(b) In appointing members to this panel, appointing officers should cooperate to insure that members represent geographically diversified portions of



the state and include representation of minority persons as defined by s. 760.80. Members of the panel may not currently hold public office or be public employees, and must have at least five years experience in business, with expertise in areas relevant to the duties of the panel.

(c) The Governor may remove any member from the review panel for misconduct or malfeasance in office, neglect of duty, permanent inability to perform official duties, or commission of a felony.

(2) Enterprise Florida, Inc., shall establish criteria for reviewing grant applications. Such criteria shall, among other things, insure compliance with federal and state laws, promote participation in grant programs by diverse industries and businesses, and prohibit conflicts of interest in the awarding of such grants. The panel shall review grant applications and make recommendations to the International Trade and Economic Development Board of Enterprise Florida, Inc., concerning the relative merits of the applications. The panel shall provide a forum for public comment prior to voting on any grant application. Members of the panels shall not receive any compensation for their services but may be reimbursed by Enterprise Florida, Inc., for travel and expenses incurred in the performance of their duties.

Section 36. Effective July 1, 1998, section 288.9415, Florida Statutes, is created to read:

288.9415 International Trade Grants.—

(1) The Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor may accept and administer moneys appropriated to the office for providing grants for promotion of international trade.

(2) A county, municipality, economic development council, or a not-for-profit association of businesses organized to assist in the promotion of international trade may apply for a grant of state funds for the promotion of international trade.

(3) The International Trade and Economic Development Board of Enterprise Florida, Inc., shall review each application for a grant to promote international trade and shall submit annually to the Office of Tourism, Trade, and Economic Development for approval lists of all applications that are recommended by the International Trade and Economic Development Board for the award of grants, arranged in order of priority. The Office of Tourism, Trade, and Economic Development may allocate grants only for projects that are approved or for which funds are appropriated by the Legislature. Projects approved and recommended by the International Trade and Economic Development Board which are not funded by the Legislature shall be retained on the project list for the following grant cycle only. All projects that are retained shall be required to submit such information as may be required by the Office of Tourism, Trade, and Economic Development as of the established deadline date of the latest grant cycle in order to adequately reflect the most current status of the project.

Section 37. (1) For fiscal year 1997-1998 and subject to appropriation in the General Appropriations Act, the Office of Tourism, Trade, and Eco-

conomic Development shall establish a targeted market pilot project grant program, through which funding will be provided on a competitive basis, which successfully matches local businesses in this state with specific international trade opportunities. The Legislature finds that it is in the best interests of the state to encourage and assist businesses in this state to actively participate in international trade. Office of Tourism, Trade, and Economic Development shall consult with the Florida Council of International Development in the development of this program.

(2) Grant proposals must be submitted by local or regional economic development councils. Proposals must include research assignments to the foreign offices of Enterprise Florida, Inc., identifying potential foreign markets for products now produced in this state, or which may easily be produced by existing businesses in this state. Proposals must also include a list of local businesses that are well suited to participate in the program and the targeted international market or products that the business would pursue. Participating businesses are required to act as mentors, assisting the local or regional economic development councils in matching local businesses to future international trade opportunities.

(3) The Office of Tourism, Trade, and Economic Development shall adopt guidelines for administering the program and shall establish criteria for the competitive evaluation of grant proposals for funding. Evaluation criteria must include, but is not limited to:

- (a) The quality of the business identification research.
- (b) Cost effectiveness and cost per business served.
- (c) Comprehensiveness of services offered, including, but not limited to, training and guidance.
- (d) Projected employment.
- (e) Projected employment of WAGES Program participants.
- (f) The extent to which existing grants address the targeted international market.

(4) The Office of Tourism, Trade, and Economic Development shall establish procedures for the identification and validation of targeted international markets by the Florida foreign offices, as established under s. 288.012, Florida Statutes, for use in this program.

(5) The Office of Tourism, Trade, and Economic Development shall establish performance measures for this program prior to providing grant moneys to any entity and shall report such measures to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 38. Paragraph (h) of subsection (1) of section 288.9514, Florida Statutes, 1996 Supplement, is amended to read:

288.9514 Powers and authority of board of directors.—

(1) The technology development board shall achieve the purposes stated in s. 288.9512 through technology application, technology commercialization, and technology development, as well as other activities related to building a competitive, knowledge-based economy. The board shall have all the powers and authority not explicitly prohibited by statute necessary or convenient to carry out and effectuate its functions, duties, and responsibilities, including, but not limited to:

(h) Contracting with public and private entities as necessary to further the directives of this act, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant, unless such incentive award is specifically endorsed by a two-thirds vote of the entire board. The board member representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with board members.

Section 39. Subsection (8) of section 288.9613, Florida Statutes, 1996 Supplement, is amended to read:

288.9613 Powers and authority of the capital development board.—The capital development board shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes of this act, as well as the functions, duties, and responsibilities of the board, including, but not limited to, the following:

(8) Contract with public and private entities as necessary to further the directives of this act, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant, unless such incentive award is specifically endorsed by a two-thirds vote of the entire board. The board member representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with board members.

Section 40. (1) Subject to specific appropriations in the General Appropriations Act, the Office of Tourism, Trade, and Economic Development may

contract with the Enterprise Florida Capital Development Board or some other appropriate not-for-profit or governmental organization for any action that the office deems necessary to foster the development of microenterprises in the state. As used within this section, microenterprises are extremely small business enterprises which enable low and moderate income individuals to achieve self-sufficiency through self-employment. Microenterprise programs are those which provide at least one of the following: small amounts of capital, business training and technical assistance. Where feasible, the office or organizations under contract with the office shall work in cooperation with other organizations active in the study and support of microenterprises. Such actions may include, but are not limited to:

(a) Maintaining a network of communication and coordination among existing microenterprise lending and assistance programs throughout the state.

(b) Providing information and technical help to community-based or regional organizations attempting to establish new microenterprise programs.

(c) Encouraging private-sector investment in microenterprises and microenterprise lending programs.

(d) Fostering mentoring and networking relationships among microenterprises and other businesses and public bodies in order to give microenterprises access to management advice and business leads.

(e) Incorporating microenterprise components into the capital development programs and other business development programs operated by Enterprise Florida, Inc., and its affiliates.

(f) Providing organizational, financial, and marketing support for conferences, workshops, or similar events that focus on microenterprise development.

(g) Establishing a program and guidelines for the award of matching grants on a competitive basis to support the operational expenses of not-for-profit organizations and government agencies that are engaged in microenterprise lending and other microenterprise assistance activities.

(h) Coordinating with other organizations to ensure that participants in the WAGES Program are given opportunities to create microenterprises.

(2) The office shall adopt guidelines for administering the program and shall establish criteria for the competitive evaluation of applications for funding. The office shall establish performance measures for this program prior to providing grant moneys to any entity and shall report such measures to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 41. Section 288.9614, Florida Statutes, 1996 Supplement, is amended to read:

288.9614 Authorized programs.—The capital development board may take any action that ~~which~~ it deems necessary to achieve the purposes of this

act in partnership with private enterprises, public agencies, and other organizations, including, but not limited to, efforts to address the long-term debt needs of small-sized and medium-sized firms, to address the needs of micro-enterprises, to expand availability of venture capital, and to increase international trade and export finance opportunities for firms critical to achieving the purposes of this act.

Section 42. Subsection (1) and paragraph (h) of subsection (6) of section 288.9620, Florida Statutes, 1996 Supplement, as amended by section 112 of chapter 96-320, Laws of Florida, are amended to read:

288.9620 Workforce development board.—

(1) The Legislature finds that the growth and competitive strength of Florida's economy depend upon the state's ability to attract and support industries that add to the value of the state's social capital as well as to its economic capital. It is crucial to the retention and growth of these high-value-added industries to assure that skilled human resources are adequate in quality and quantity. The Legislature intends to adopt a uniform policy to guide education, training, and employment programs, so that the combined efforts of all the programs accomplish the following objectives:

(a) Provide for a skilled workforce to enable Florida to compete in a global economy.

(b) Respond to changes in technology and to emerging industries.

(c) Promote the development of market-driven programs through a planning and funding system based upon products of the Occupational Forecasting Conference created in s. 216.136.

(d) Base evaluations of program success on student and participant outcomes rather than processes.

(e) Coordinate state, federal, local, and private funds for maximum impact.

(f) Encourage the participation, education, and training of members of populations selected by state or federal policy to receive additional resources, guidance, or services. The selected populations must include people with disabilities or economic disadvantages, especially those who are participants in the WAGES Program, are eligible for public assistance, or are dislocated workers.

(6) The workforce development board shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes of this section, as well as its functions, duties, and responsibilities, including, but not limited to, the following:

(h) Contracting with public and private entities as necessary to further the directives of this section, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and

the board member representing such organization shall abstain from voting. No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant, unless such incentive award is specifically endorsed by a two-thirds vote of the entire board. The board member representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with board members.

Section 43. Section 290.0411, Florida Statutes, is amended to read:

290.0411 Legislative intent and purpose of ss. 290.0401-290.049.—It is the intent of the Legislature to provide the necessary means to develop, preserve, redevelop, and revitalize Florida communities exhibiting signs of decline or distress by enabling local governments to undertake the necessary community development programs. The overall objective is to create viable communities by providing decent housing and suitable living environments and expanding economic opportunities, principally for persons of low or moderate income. The purpose of ss. 290.0401-290.049 is to assist local governments in carrying out effective community development activities to arrest and reverse community decline and restore community vitality. Community development activities to maintain viable communities, revitalize existing communities, expand economic development and employment opportunities, and improve housing conditions and expand housing opportunities, providing direct benefit to persons of low or moderate income, are the primary purposes of ss. 290.0401-290.049. The Legislature, therefore, declares that the development, redevelopment, preservation, and revitalization of communities in this state and all the purposes of ss. 290.0401-290.049 are public purposes for which public money may be borrowed, expended, loaned, pledged to guarantee loans, and granted.

Section 44. Subsections (1), (2), (3), and (4) of section 290.044, Florida Statutes, are amended to read:

290.044 Florida Small Cities Community Development Block Grant Program Fund; administration; distribution.—

(1) The Florida Small Cities Community Development Block Grant Program Fund is created. All revenue designated for deposit in such fund shall be deposited by the appropriate agency. The department shall administer this fund as a grant and loan guarantee program for carrying out the purposes of ss. 290.0401-290.049 ~~this act.~~

(2) The department shall distribute such funds as loan guarantees and grants to eligible local governments on the basis of a competitive selection process.

(3) The department shall define the broad community development objective to be achieved by the activities in each of the following grant program categories, and require applicants for grants to compete against each other in these grant program categories:

- (a) Housing.
- (b) Economic development.
- (c) Neighborhood revitalization.
- (d) Commercial revitalization.

(4) The percentage of funds distributed in each of the grant program categories from federal funds for federal fiscal year 1985 shall be established by the Legislature in the appropriation process for the 1984 regular session and shall be established annually thereafter in the same manner. The department shall submit its recommendation on the distribution percentages to the Governor and Legislature as part of its regular budget proposals. The department shall provide for the set-aside of an amount of up to 10 percent of the funds allocated to the neighborhood revitalization category in its distribution percentages for use in any eligible local government jurisdiction for which an emergency or natural disaster has been declared by executive order. Such funds may only be provided to a local government to fund eligible emergency-related activities for which no other source of federal, state, or local disaster funds is available. The department shall provide for such set-aside by rule. In the last quarter of the state fiscal year, any funds not allocated under the emergency-related set-aside shall be used to fully fund any applications which were partially funded due to inadequate funds in the most recently completed neighborhood revitalization category funding cycle, and then any remaining funds shall be distributed to the next unfunded applications.

Section 45. Section 290.0455, Florida Statutes, is created to read:

290.0455 Small Cities Community Development Block Grant Loan Guarantee Program.—

(1) The Small Cities Community Development Block Grant Loan Guarantee Program is created. The department shall administer the loan guarantee program pursuant to s. 108 of Title I of the Housing and Community Development Act of 1974, as amended, and as further amended by s. 910 of the Cranston-Gonzalez National Affordable Housing Act. The purpose of the Small Cities Community Development Block Grant Loan Guarantee Program is to guarantee, or to make commitments to guarantee, notes or other obligations issued by public entities for the purposes of financing activities enumerated in 24 C.F.R. s. 570.703.

(2) Activities assisted under the loan guarantee program must meet the requirements contained in 24 C.F.R. ss. 570.700-570.710 and may not otherwise be financed in whole or in part from the Florida Small Cities Community Development Block Grant Program.

(3) The department may pledge existing revenues on deposit or future revenues projected to be available for deposit in the Florida Small Cities Community Development Block Grant Program in order to guarantee, in whole or in part, the payment of principal and interest on a loan made under the loan guarantee program.

(4) The department must submit all applications it receives to the United States Department of Housing and Urban Development for loan approval, in the order received, subject to the department determining that the application meets all eligibility requirements contained in 24 C.F.R. ss. 570.700-570.710, and provided that the applicant has submitted the proposed activity to a loan underwriter to document its financial feasibility.

(5) The maximum amount of loan guarantee commitments that any eligible local government may receive may be limited to \$7 million pursuant to 24 C.F.R. s. 570.705, and the maximum amount of loan guarantee commitments statewide may not exceed an amount equal to five times the amount of the most recent grant received by the department under the Florida Small Cities Community Development Block Grant Program.

(6) Loans guaranteed by the loan guarantee program must be repaid within 20 years.

(7) Loan guarantees may be used for an activity only if the local government provides evidence to the department that alternative financing services were investigated and were unavailable or insufficient to meet the financing needs of the activity.

(8) The department must, before approving an application for a loan, evaluate the applicant's prior administration of block grant funds for community development. The evaluation of past performance must take into account the procedural aspects of previous grants or loans as well as substantive results. If the department finds that any applicant has failed to substantially accomplish the results proposed in the applicant's last previously funded application, the department may prohibit the applicant from receiving a loan or may penalize the applicant in the rating of the current application.

Section 46. Subsections (7) and (8) are added to section 290.047, Florida Statutes, to read

290.047 Establishment of grant ceilings and maximum administrative cost percentages; elimination of population bias.—

(7) Grant ceilings do not apply to the loan guarantee program authorized in s. 290.0455.

(8) If an applicant was the sponsor of an activity under the Small Cities Community Development Block Grant Loan Guarantee Program, and the loan for such activity is in default, thereby requiring the department to reduce its annual grant award in order to pay the annual debt service on the applicant's loan, the department shall reduce the grant ceiling available to such applicant in an amount equal to the amount of the state's grant award required to be used for the loan debt service.



Section 47. Subsection (6) is added to section 290.048, Florida Statutes, to read:

290.048 General powers of Department of Community Affairs under ss. 290.0401-290.049.—The department has all the powers necessary or appropriate to carry out the purposes and provisions of the program, including the power to:

(6) Pledge community development block grant revenues from the Federal Government in order to guarantee notes or other obligations of a public entity which are approved pursuant to s. 290.0455.

Section 48. Paragraph (b) of subsection (3) of section 311.07, Florida Statutes, 1996 Supplement, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)

(b) Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of the port.
2. The dredging or deepening of channels, turning basins, or harbors.
3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.
4. The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce.
5. The acquisition of land to be used for port purposes.
6. The acquisition, improvement, enlargement, or extension of existing port facilities.
7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed herein.
8. Transportation facilities as defined in s. 334.03(31) which are not otherwise part of the Department of Transportation's adopted work program.

9. Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3).

Section 49. Subsection (1) of section 311.11, Florida Statutes, 1996 Supplement, is amended to read:

311.11 Seaport Employment Training Grant Program.—

(1) The Office of Tourism, Trade, and Economic Development, in cooperation with the Florida Seaport Transportation and Economic Development Council, shall establish a Seaport Employment Training Grant Program within the office. The office shall ~~may~~ grant funds appropriated by the Legislature to the program for the purpose of stimulating and supporting seaport training and employment programs which will seek to match state and local training programs with identified job skills associated with employment opportunities in the port, maritime, and transportation industries, and for the purpose of providing such other training, educational, and information services as required to stimulate jobs in the described industries to seaport employment training programs for the purpose of training residents in job skills associated with employment opportunities related to economic development activities developed by any seaport member of the council or developed by the private sector in cooperation with any seaport member of the council. Funds may be used for the purchase of equipment to be used for training purposes, hiring instructors, and any other purpose associated with the training program. The office's contribution to any specific training program may not exceed 50 percent of the total cost of the program. Matching contributions from the seaport and its private sector component may include services in kind, including, but not limited to, training instructors, equipment usage, and training facilities.

Section 50. Subsection (4) of section 320.20, Florida Statutes, 1996 Supplement, is renumbered as subsection (5) and new subsection (4) is added to said section, to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, must be distributed monthly, as collected, as follows:

(4) Notwithstanding any other provision of law except subsections (1), (2), and (3), on July 1, 2001, and annually thereafter, \$10 million shall be deposited in the State Transportation Trust Fund solely for the purposes of funding the Florida Seaport Transportation and Economic Development Program as provided in ch. 311 and for funding seaport intermodal access projects of statewide significance as provided in s. 341.053. Such revenues shall be distributed to any port listed in s. 311.09(1), to be used for funding projects as follows:

(a) For any seaport intermodal access projects which are identified in the 1997/98 Tentative Work Program of the Department of Transportation up to the amounts needed to offset the funding requirements of this section; and

(b) For seaport intermodal access projects as described in 341.053(5) which are identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3). Funding for such projects shall be on a matching basis as mutually determined by the Florida Seaport Transportation and Economic

Development Council and the Department of Transportation, provided a minimum of 25 percent of total project funds shall come from any port, local, private or specifically earmarked federal funds; or

(c) On a 50-50 matching basis for projects as described in s. 311.07(3)(b).

Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. However, such debt shall not constitute a general obligation of the State of Florida. This state does hereby covenant with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend this subsection in any manner which will materially and adversely affect the rights of holders so long as bonds authorized by this subsection are outstanding. Any revenues which are not pledged to the repayment of bonds as authorized by this section may be utilized for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with s. 311.07 and s. 320.20(3). The Florida Seaport Transportation and Economic Development Council shall approve distribution of funds to ports for projects which have been approved pursuant to s. 311.09(5)-(9), or for seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3) and mutually agreed upon by the FSTED Council and the Department of Transportation. All contracts for actual construction of projects authorized by this subsection must include a provision encouraging employment of WAGES participants. The goal for employment of WAGES participants is 25 percent of all new employees employed specifically for the project, unless the Department of Transportation and the Florida Seaport Transportation and Economic Development Council can demonstrate to the satisfaction of the Secretary of Labor and Employment Security that such a requirement would severely hamper the successful completion of the project. In such an instance, the Secretary of Labor and Employment Security shall establish an appropriate percentage of employees that must be WAGES participants. The council and the Department of Transportation are authorized to perform such acts as are required to facilitate and implement the provisions of this subsection. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to the provisions of ch. 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection are limited to eligible projects listed in this subsection. The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection.

Section 51. Section 337.023, Florida Statutes, is created to read:

337.023 Sale of building; acceptance of replacement building.—Notwithstanding the provisions of s. 216.292(4)(b), if the department sells a building, the department may accept the construction of a replacement building, in

response to a request for proposals, totally or partially in lieu of cash, and may do so without a specific legislative appropriation. Such action is subject to the approval of the Executive Office of the Governor, and is subject to the notice, review, and objection procedures under s. 216.177. The replacement building shall be consistent with the current and projected needs of the department as agreed upon by the department and the Department of Management Services.

Section 52. Subsection (6) of section 380.06, Florida Statutes, 1996 Supplement, is amended to read:

380.06 Developments of regional impact.—

(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT PLAN AMENDMENTS.—

(a) Prior to undertaking any development, a developer that is required to undergo development-of-regional-impact review shall file an application for development approval with the appropriate local government having jurisdiction. The application shall contain, in addition to such other matters as may be required, a statement that the developer proposes to undertake a development of regional impact as required under this section.

(b) Any local government comprehensive plan amendments related to a proposed development of regional impact, including any changes proposed under subsection (19), may be initiated by a local planning agency or the developer and must be considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in s. 163.3187 or s. 163.3189 and applicable local ordinances, without regard to statutory or local ordinance limits on the frequency of consideration of amendments to the local comprehensive plan. Nothing in this paragraph shall be deemed to require favorable consideration of a plan amendment solely because it is related to a development of regional impact. The procedure for processing such comprehensive plan amendments is as follows:

1. If a developer seeks a comprehensive plan amendment related to a development of regional impact, the developer must so notify in writing the regional planning agency, the applicable local government, and the state land planning agency no later than the date of preapplication conference or the submission of the proposed change under subsection (19).

2. When filing the application for development approval or the proposed change, the developer must include a written request for comprehensive plan amendments that would be necessitated by the development-of-regional-impact approvals sought. That request must include data and analysis upon which the applicable local government can determine whether to transmit the comprehensive plan amendment pursuant to s. 163.3184.

3. The local government must advertise a public hearing on the transmittal within 30 days after filing the application for development approval or the proposed change and must make a determination on the transmittal

within 60 days after the initial filing unless that time is extended by the developer.

4. If the local government approves the transmittal, procedures set forth in s. 163.3184(3)-(6) must be followed.

5. Notwithstanding subsection (11) or subsection (19), the local government may not hold a public hearing on the application for development approval or the proposed change or on the comprehensive plan amendments sooner than 30 days from receipt of the response from the state land planning agency pursuant to s. 163.3184(6). The 60-day time period for local governments to adopt, adopt with changes, or not adopt plan amendments pursuant to s. 163.3184(7) shall not apply to concurrent plan amendments provided for in this subsection.

6. The local government must hear both the application for development approval or the proposed change and the comprehensive plan amendments at the same hearing. However, the local government must take action separately on the application for development approval or the proposed change and on the comprehensive plan amendments.

7. Thereafter, the appeal process for the local government development order must follow the provisions of s. 380.07, and the compliance process for the comprehensive plan amendments must follow the provisions of s. 163.3184.

Section 53. Subsection (1) of section 455.213, Florida Statutes, 1996 Supplement, is amended to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing to take the appropriate examination. The application shall be made on a form prepared and furnished by the department and shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the agency. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.

Section 54. Subsection (1) of section 455.2141, Florida Statutes, 1996 Supplement, is amended to read:

455.2141 Agency for Health Care Administration; general licensing provisions.—

(1) Any person desiring to be licensed in a profession within the jurisdiction of the Agency for Health Care Administration shall apply to the agency

in writing to take the licensure examination. The application shall be made on a form prepared and furnished by the agency and shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the agency. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the agency may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the agency's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the agency.

Section 55. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the Department of State may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses or other similar registrations and applications for renewals of licenses or other similar registrations. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.

Section 56. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the Department of Labor and Employment Security may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses or other similar registrations and applications for renewals of licenses or other similar registrations. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.

Section 57. Section 624.426, Florida Statutes, is amended to read:

624.426 Exceptions to resident agent and countersignature law.—Section 624.425 does not apply to:

- (1) Contracts of reinsurance.
- (2) Policies of insurance on the rolling stock of railroad companies doing a general freight and passenger business.
- (3) United States Customs surety bonds that are issued by a corporate surety approved by the United States Department of Treasury and that name the United States as the beneficiary.

Section 58. Employing and Training our Youths (ENTRY).—

(1) DEFINITIONS.—As used in this section:

(a) “Director” means the executive director of the Office of Tourism, Trade, and Economic Development.

(b) “Eligible business” means any sole proprietorship, firm, partnership, corporation, bank, savings association, estate, trust, business trust, receiver, syndicate, or other group or combination, or successor business.

(c) “Eligible youth employee” means a student between the ages of 15 and 18 currently enrolled at a Florida public school, who has not been previously employed within the preceding 12 months by the eligible business, or a successor eligible business, claiming the credit allowed in this section. The youth employee shall be deemed to be employed if the youth performs duties in connection with the operations of the business on a regular basis, provided the youth is performing such duties on an average of at least 12 hours per week each month throughout the year and is being paid for such duties at a rate no less than the minimum wage established pursuant to federal law.

(d) “Fiscal year” means the fiscal year of the state.

(e) “Office” means the Office of Tourism, Trade, and Economic Development.

(f) “Public school” shall have the same meaning as in s. 228.041(1)(a), Florida Statutes.

(2) TAX REFUND; ELIGIBLE AMOUNTS.—

(a) Contingent upon an annual appropriation by the Legislature, the director may approve an eligible business to receive tax refund payments of up to \$1,600 per eligible youth employee. An eligible business may not receive tax refund payments for more than five eligible youth employees in any single fiscal year.

(b) After entering into an employment/tax refund agreement under subsection (3), an eligible business may receive refunds for the following taxes or fees due and paid by that business:

1. Taxes on sales, use, and other transactions under part I of chapter 212, Florida Statutes.

2. Corporate income taxes under chapter 220, Florida Statutes.

3. Intangible personal property taxes under chapter 199, Florida Statutes.

4. Emergency excise taxes under chapter 221, Florida Statutes.

5. Excise taxes on documents under chapter 201, Florida Statutes.

6. Ad valorem taxes paid, as defined in section 220.03(1), Florida Statutes.

7. Insurance premium taxes under section 624.509, Florida Statutes.

8. Occupational license fees under chapter 205, Florida Statutes.

However, an eligible business may not receive a refund under this section for any amount of credit, refund, or exemption granted to that business for any of such taxes or fees. If a refund for such taxes or fees is provided by the office, which taxes or fees are subsequently adjusted by the application of any credit, refund, or exemption granted to the eligible business other than as provided in this section, the business shall reimburse the office for the amount of that credit, refund, or exemption. An eligible business shall notify and tender payment to the office within 20 days after receiving any credit, refund, or exemption other than the one provided in this section.

(c) An eligible business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of refund to the office, plus a mandatory penalty in the amount of 200 percent of the tax refund which shall be deposited in the General Revenue Fund.

2. Is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(3) ADMINISTRATION.—

(a) To apply for tax refunds pursuant to this section, an eligible business must file an employment/tax refund application, developed by the office, at the public school the eligible youth employee attends.

(b) The public school shall forward the application to the office within 5 calendar days after receipt of a complete application. Within 10 calendar days after receipt of the application, the office shall enter a final order that either approves or disapproves the application. The decisions must be in writing and must provide the justifications for approval or disapproval.

(c) An eligible business that has been approved by the office to receive tax refunds may apply to the office for a refund at the end of each calendar quarter the eligible youth employee is employed by the business. An eligible business may not receive refund payments of more than 25 percent of the total tax refunds due such business under this section each calendar quarter. Termination of employment of an eligible youth employee shall result in loss of eligibility for tax refunds for such employee under this section.

(d) The claim for refund by an eligible business must include a copy of all receipts pertaining to the payment of taxes for which the refund is sought.

(e) Nothing in this section shall create a presumption that an eligible business will receive any tax refund under this section.

(f) The office is authorized to develop rules and forms, pursuant to chapter 120, Florida Statutes, to implement the provisions of this section. The office is authorized to verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, the Department of Labor and Employment Security, or any local government or authority.



(4) REPEAL.—The provisions of this section shall expire and be void on June 30, 2007.

Section 59. Subsection (7) of section 14.2015, Florida Statutes, 1996 Supplement, sections 118.01, 118.02, and 118.03, Florida Statutes, as amended by chapter 95-147, Laws of Florida, and section 118.04, Florida Statutes, are repealed.

Section 60. (1) The sum of \$2 million is hereby appropriated from the General Revenue Fund to the Economic Development Trust Fund for fiscal year 1997-1998 to fund tax refunds issued pursuant to the ENTRY Tax Refund Program contained in section 20 of this act. From such funds, the Office of Tourism, Trade, and Economic Development shall initially implement the ENTRY program as a pilot program in three areas of the state. The office shall consider the following in selecting the locations of the pilot areas:

(a) Geographic diversification and diversity of community size.

(b) Estimated number of students which are expected to be placed relative to the population of potential student participants in the community.

(c) The degree to which local partnerships between the local workforce development board, local education agencies, local business community and other organizations involved in community development will enhance the effectiveness of the ENTRY program.

(d) The degree to which other federal, state, or local funds can be leveraged by tax refunds received under the ENTRY program.

Section 61. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 62. The Board of Regents is directed to conduct a study and submit recommendations to the Governor, President of the Senate, and the Speaker of the House of Representatives by February 1, 1998, outlining a unified, performance based strategy for the State University System's contribution to the economic development of this state. The study must examine how the State University System can enhance the state's domestic and international economic position.

Section 63. This act shall take effect July 1, 1997.

Approved by the Governor May 30, 1997.

Filed in Office Secretary of State May 30, 1997.