

Committee Substitute for  
Committee Substitute for Senate Bill No. 1566

An act relating to commerce; amending s. 11.62, F.S.; providing criteria for evaluating proposals for new regulation of a profession or occupation based on the effect of such regulation on job creation or retention; requiring proponents of legislation to regulate a profession or occupation not already regulated to provide additional cost information; amending ss. 455.201, 455.517, F.S.; prohibiting the Department of Business and Professional Regulation and the Department of Health and their regulatory boards from creating any regulation that has an unreasonable effect on job creation or retention or on employment opportunities; providing for evaluation of proposals to increase the regulation of already regulated professions to determine the effect of such regulation on job creation or retention and employment opportunities; creating s. 455.2035, F.S.; providing rulemaking authority to the Department of Business and Professional Regulation for the regulation of any profession under its jurisdiction which does not have a regulatory board; creating s. 455.2123, F.S.; authorizing the use of distance learning to satisfy continuing education requirements; creating s. 455.2124, F.S.; authorizing proration of continuing education requirements; amending s. 455.213, F.S.; requiring fingerprint cards with applications for registration, certification, or licensure in certain professions; providing for use of such cards for criminal history record checks of applicants; amending s. 468.453, F.S.; applying such fingerprint card requirements to applicants for licensure as an athlete agent; amending s. 475.175, F.S.; applying such fingerprint card requirements to persons applying to take the examination for licensure as a real estate broker or salesperson; amending s. 475.615, F.S.; applying such fingerprint card requirements to applicants for registration, certification, or licensure as a real estate appraiser; creating s. 455.2255, F.S.; providing for the department to classify disciplinary actions according to severity; providing for the periodic clearing of certain violations from the disciplinary record; amending s. 455.227, F.S.; providing for denial or renewal of a license under certain circumstances; amending s. 455.564, F.S.; clarifying continuing education requirements; amending s. 477.013, F.S.; redefining the terms “cosmetology” and “specialty” and defining the terms “body wrapping” and “skin care services”; amending s. 477.0132, F.S.; requiring registration of persons whose occupation or practice is body wrapping; requiring a registration fee and certain education; amending s. 477.026, F.S.; providing for the registration fee; amending s. 477.0265, F.S.; prohibiting advertising or implying that skin care services or body wrapping have any relationship to the practice of massage therapy; providing penalties; amending s. 477.029, F.S.; prohibiting holding oneself out as a body wrapper unless licensed, registered, or otherwise authorized under chapter 477, F.S.; providing penalties; providing rulemaking authority; amending ss.

455.209, 455.221, 455.541, and 455.594, F.S.; revising provisions relating to the provision of legal services for regulatory boards under the Department of Business and Professional Regulation and the Department of Health; providing for the funding of such services; amending ss. 458.347 and 459.022, F.S., relating to physician assistants, to conform; creating s. 455.2177, F.S.; requiring the department to establish a system to monitor licensee compliance with applicable continuing education requirements; authorizing the department to contract with one or more vendors for the monitoring of compliance with applicable continuing education requirements by all licensees within one or more professions regulated by the department; providing contract terms and conditions; providing for funding of contracts; providing sanctions for failure to comply and requiring notice thereof; providing for disposition of fine revenues; providing for exclusivity of sanctions over certain other disciplinary provisions; providing for a dispute resolution process; providing for suspension of a contract for failure of a vendor to meet its contract obligations; providing for waiver under specified circumstances; providing rulemaking authority; creating s. 455.2178, F.S.; providing requirements of continuing education providers with respect to cooperating with such vendors; providing conditions on approval of continuing education providers; providing for revocation of provider approval for failure to comply; providing rulemaking authority; creating s. 455.2179, F.S.; providing limits on continuing education provider approval; providing for cease and desist orders and revocation of provider approval thereunder; amending s. 455.2281, F.S.; providing for allocation of certain funds to cover the costs of continuing education compliance monitoring; providing for crediting, by profession, fines collected under the compliance monitoring system; providing for inclusion of financial and statistical data resulting from compliance monitoring as a separate category in the department's quarterly management report to each board; amending s. 455.224, F.S.; providing for adoption by the department of rules to permit the issuance of citations, whether or not there is a board; amending s. 468.4315, F.S.; authorizing the Regulatory Council of Community Association Managers to adopt rules relating to continuing education providers; amending s. 477.019, F.S.; revising provisions relating to continuing education requirements of cosmetologists; amending s. 14.2015, F.S.; revising provisions relating to the powers and duties of the Office of Tourism, Trade, and Economic Development; providing for the office to facilitate the involvement of the Governor and Lieutenant Governor in job-creating efforts; revising program cross-references; deleting provisions relating to the expenditure of funds for general economic development grants; authorizing the expenditure of certain interest earnings in order to contract for the administration of programs; reducing the number of meetings of leaders in business, government, and economic development which the office must convene annually; eliminating a required report on the status of certain contracts; creating the Office of Urban Opportunity within the Office of Tourism, Trade, and Economic Development; providing for the appointment of a director of

the Office of Urban Opportunity; prescribing the purpose of the office; providing duties of the Office of Tourism, Trade, and Economic Development with respect to amateur athletics and the entertainment industry; creating s. 288.125, F.S.; defining "entertainment industry"; creating s. 288.1251, F.S.; creating the Office of the Film Commissioner; providing procedure for selection of the Film Commissioner; providing powers and duties of the office; creating s. 288.1252, F.S.; creating the Florida Film Advisory Council within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; providing purpose, membership, terms, organization, powers, and duties of the council; creating s. 288.1253, F.S.; providing definitions; requiring the Office of Tourism, Trade, and Economic Development to adopt rules by which it may make specified expenditures for expenses incurred in connection with the performance of the duties of the Office of the Film Commissioner; requiring approval of such rules by the Comptroller; requiring an annual report; authorizing the acceptance and use of specified goods and services by employees and representatives of the Office of the Film Commissioner; providing certain requirements with respect to claims for expenses; providing a penalty for false or fraudulent claims; providing for civil liability; creating the 21st Century Digital Television and Education Task Force; providing membership; providing duties; providing for a report; amending s. 288.1229, F.S.; revising the purposes of the direct-support organization authorized to assist the Office of Tourism, Trade, and Economic Development in the promotion and development of the sports industry and related industries; specifying the duties of the direct-support organization with respect to the promotion of the sports industry, amateur sports, and physical fitness; revising provisions relating to the board of directors; providing requirements with respect to the Sunshine State Games; providing authority of the Executive Office of the Governor with respect to the use of specified property, facilities, and personal services; amending s. 320.08058, F.S.; revising provisions relating to the Florida United States Olympic Committee license plate to remove references to the Sunshine State Games Foundation; revising the distribution of annual use fees from the sale of the Florida United States Olympic Committee license plate; providing for the reversion of funds and property of the Sunshine State Games Foundation, Inc., and the Florida Governor's Council on Physical Fitness and Amateur Sports to the direct-support organization; specifying use of such funds and property; repealing s. 14.22, F.S.; removing provisions relating to the Florida Governor's Council on Physical Fitness and Amateur Sports within the Office of the Governor, the Sunshine State Games, national and international amateur athletic competitions and Olympic development centers, direct-support organizations, and the Olympics and Pan American Games Task Force; amending s. 288.108, F.S.; correcting a cross reference; repealing s. 288.051, F.S., which provides a short title; repealing s. 288.052, F.S., relating to legislative findings and intent with respect to the "Florida Film and Television Investment Act"; repealing s. 288.053, F.S., relating to the Florida Film and Television Investment Board; repealing s. 288.054, F.S., relating to the

administration and powers of the Florida Film and Television Investment Board; repealing s. 288.055, F.S., relating to the Florida Film and Investment Trust Fund; repealing s. 288.056, F.S., relating to conditions for film and television investment by the board; repealing s. 288.057, F.S., which requires an annual report by the board; repealing s. 288.1228, F.S., relating to the direct-support organization authorized by the Office of Tourism, Trade, and Economic Development to assist in the promotion and development of the entertainment industry; repealing s. 288.12285, F.S., relating to confidentiality of identities of donors to the direct-support organization; appropriating positions to the Executive Office of the Governor; amending s. 288.1221, F.S.; revising legislative intent; amending s. 288.1222, F.S.; clarifying a definition; amending s. 288.1223, F.S.; specifying application of a limitation on terms of certain members of the Florida Commission on Tourism; clarifying meeting and vice chair election provisions; amending s. 288.1224, F.S.; deleting obsolete provisions; specifying categories of matching private funds for certain purposes; specifying staff support for the Florida Commission on Tourism; providing for responsibilities of staff; prohibiting the commission from employing staff; deleting provisions relating to an advisory committee for the commission; amending s. 288.1226, F.S.; requiring the Florida Tourism Industry Marketing Corporation to provide staff support to the Florida Commission on Tourism; specifying that the president and chief executive officer shall serve without compensation as executive director; renumbering and amending s. 335.166, F.S.; removing the Welcome Centers Office from the Department of Transportation; transferring administrative and fiscal responsibility for welcome center staff from the Department of Transportation to the Florida Commission on Tourism for employment through the Florida Tourism Industry Marketing Corporation by a designated time; requiring the corporation to administer and operate welcome centers; providing for maintenance and improvements to welcome centers; repealing s. 335.165, F.S., relating to welcome stations and the payment for improvements by the Department of Commerce; providing for the transfer of welcome center tangible personal property to the Florida Commission on Tourism; requiring the creation of an advisory committee on nature-based tourism and heritage tourism; prescribing the membership and duties of the committee; requiring the incorporation of nature-based tourism and heritage tourism into the tourism marketing plan; creating s. 163.055, F.S.; creating the Local Government Financial Technical Assistance Program; providing legislative findings and declaration; requiring the Comptroller to enter into certain contracts; providing for review of contract proposals; providing for fiscal oversight by the Comptroller; providing for an annual performance review; providing for a report; amending s. 163.01, F.S.; allowing local government self-insurance reserves to be used to guarantee local government obligations under certain circumstances; amending s. 288.0251, F.S.; changing authority to contract for Florida's international volunteer corps to the Department of State from the Office of Tourism, Trade, and Economic Development; amending s.

288.095, F.S.; revising criteria for approval of applications for tax refunds for economic development purposes by the Office of Tourism, Trade, and Economic Development; limiting the amount of refunds that may be made in a fiscal year; amending s. 288.106, F.S.; revising criteria for approval of tax refunds under the tax-refund program for qualified target industry businesses; redefining the terms “expansion of an existing business,” “local financial support exemption option,” and “rural county”; defining the term “authorized local economic development agency” and “rural community”; extending the refund program to additional counties; revising the amount of refunds; revising the time periods to which certain refunds apply; revising application requirements; providing requirements for waiver of minimum standards; prescribing duties of the office director; authorizing acceptance of the value of certain land conveyed as part of the required local financial support; amending s. 288.901, F.S.; revising the membership and appointment process for the board of directors of Enterprise Florida, Inc.; amending s. 288.9015, F.S.; specifying responsibilities for Enterprise Florida, Inc., relating to rural communities and distressed urban communities, evaluation of the state’s competitiveness, and the needs of small and minority businesses; amending s. 288.90151, F.S.; expressing legislative intent on the return-on-investment of public funds in Enterprise Florida, Inc.; specifying private-sector support for Enterprise Florida, Inc.; prescribing the state’s operating investment in Enterprise Florida, Inc.; requiring compliance with performance measures; requiring a report on the results of a customer satisfaction survey; requiring development of a methodology for establishing and reporting on return-on-investment; amending s. 288.903, F.S.; revising the required membership of the executive committee of Enterprise Florida, Inc.; deleting certain prescribed powers and duties of the president; requiring a performance-based contract in order to exceed certain employee compensation levels; amending s. 288.904, F.S.; prescribing terms of certain contracts executed by Enterprise Florida, Inc.; authorizing Enterprise Florida, Inc., to create and dissolve advisory committees and similar organizations; requiring the creation of advisory committees on international business and small business; prescribing the purpose and procedures of such committees; providing for reimbursement of expenses; amending s. 288.905, F.S.; revising the duties of the board of directors of Enterprise Florida, Inc.; revising the required content of the board’s strategic plan; requiring the involvement of certain local and regional economic development organizations and rural and urban organizations in the policies of Enterprise Florida, Inc.; revising the date for a review of Enterprise Florida, Inc., by the Office of Program Policy Analysis and Government Accountability; removing provisions relating to deposit of funds in certain depositories; amending s. 288.906, F.S.; revising requirements for the annual report of Enterprise Florida, Inc.; expanding the audit authority of the Auditor General to include advisory committees or similar groups created by Enterprise Florida, Inc.; amending ss. 288.9415, 288.9511, 288.9515, 288.95155, 288.9519, 288.9520, 288.9603, 288.9604, 288.9614, 288.9618, F.S.;

conforming to the dissolution of certain boards; repealing s. 288.902, F.S., which relates to the Enterprise Florida Nominating Council; repealing s. 288.9412, F.S., which relates to the International Trade and Economic Development Board; repealing s. 288.9413, F.S., which relates to the organization of the International Trade and Economic Development Board; repealing s. 288.9414, F.S., which relates to the powers and authority of the International Trade and Economic Development Board; repealing s. 288.942, F.S., which relates to the grant review panel; repealing s. 288.9510, F.S., which relates to legislative intent on the Enterprise Florida Innovation Partnership; repealing s. 288.9512, F.S., which relates to the technology development board; repealing s. 288.9513, F.S., which relates to the organization of the technology development board; repealing s. 288.9514, F.S., which relates to powers and authority of the technology development board; repealing s. 288.9516, F.S., which relates to the annual report of the technology development board; repealing s. 288.9611, F.S., which relates to the capital development board; repealing s. 288.9612, F.S., which relates to the organization of the capital development board; repealing s. 288.9613, F.S., which relates to the powers and authority of the capital development board; repealing s. 288.9615, F.S., which relates to the annual report of the capital development board; providing for the continuation of certain contracts; providing for the transfer of certain property; authorizing Enterprise Florida, Inc., to assume responsibilities of certain repealed boards; directing the Division of Statutory Revision to redesignate certain parts in the Florida Statutes; amending s. 288.707, F.S.; directing the Florida Black Business Investment Board to increase access to capital for black businesses; amending s. 288.709, F.S.; revising the powers of the Black Business Investment Board; amending s. 288.99, F.S.; revising the purpose and definitions related to the Certified Capital Company Act; specifying that tax credits vested under the Certified Capital Company Act are not to be considered in ratemaking proceedings involving a certified investor; redefining the term “transferee” for purposes of allocating unused premium tax credits; directing the Division of Statutory Revision to designate certain sections of the Florida Statutes as part XI, relating to Workforce Development; transferring, renumbering, and amending s. 446.601, F.S.; conforming cross-references; deleting provisions governing services of One-Stop Career Centers; revising components of the state’s workforce development strategy; transferring, renumbering, and amending s. 446.604, F.S.; providing for the state’s One-Stop Career Center customer service delivery strategy; specifying partners; providing for oversight and operation of centers by regional workforce development boards and center operators; providing for memorandums of understanding; directing funds for direct customer service costs; providing for notification; providing for electronic service delivery; authorizing Intensive Service Accounts and Individual Training Accounts and providing specifications; transferring, renumbering, and amending s. 288.9620, F.S.; providing for membership of the Workforce Development Board pursuant to federal law; providing for committees; requiring financial disclosure;

authorizing the board as the Workforce Investment Board; specifying functions, duties, and responsibilities; providing for noncompliance notification; providing for carryover of funds; requiring a performance measurement system and reporting of such; transferring, renumbering, and amending s. 446.602, F.S.; providing for membership of regional workforce development boards pursuant to federal law; prohibiting certain activities that create a conflict of interest; providing for transition; providing for performance and compliance review; correcting organizational name references; requiring a local plan; providing for oversight of One-Stop Career Centers; authorizing local committees; establishing high skills/high wages committees; transferring, renumbering, and amending s. 446.607, F.S.; conforming cross-references; providing for consolidated board membership requirements; transferring, renumbering, and amending s. 446.603, F.S.; conforming cross-references; expanding the scope of the Untried Worker Placement and Employment Incentive Act; abrogating scheduled repeal of program; creating s. 288.9956, F.S.; providing principles for implementing the federal Workforce Investment Act of 1998; providing for a 5-year plan; specifying funding distribution; creating the Incumbent Worker Training Program; providing program requirements; requiring a report; authorizing the Workforce Development Board to contract for administrative services related to federal funding; specifying contractual agreements; providing for indemnification; providing for settlement authority; providing for compliance with federal law; providing for workforce development review; providing for termination of set-aside; creating s. 288.9957, F.S.; requiring designation of the Florida Youth Workforce Council; providing for membership and duties; providing for allocation of funds; creating s. 288.9958, F.S.; requiring appointment of the Employment, Occupation, and Performance Information Coordinating Committee; providing for membership and duties; providing for services and staff; creating s. 288.9959, F.S.; requiring appointment of the Operational Design and Technology Procurement Committee; providing for membership and duties; providing for services and staff; amending s. 414.026, F.S.; conforming a cross-reference; repealing s. 446.20, F.S., which provides for administration of responsibilities under the federal Job Training Partnership Act; repealing s. 446.205, F.S., which provides for a Job Training Partnership Act family drop-out prevention program; repealing s. 446.605, F.S., which provides for applicability of the Workforce Florida Act of 1996; repealing s. 446.606, F.S., which provides for designation of primary service providers; providing for severability; amending s. 220.191, F.S.; providing that credits may be granted against premium tax liability under the capital investment tax credit program; specifying that an insurance company claiming premium tax credits under such program is not required to pay additional retaliatory tax under s. 624.5091, F.S.; amending s. 163.3178, F.S.; requiring certain ports to identify certain spoil disposal sites; requiring such ports to prepare comprehensive master plans; amending s. 163.3187, F.S.; exempting comprehensive plan amendments for port transportation facilities and projects from a time

limitation; amending s. 253.77, F.S.; exempting certain ports from paying certain fees for activities involving the use of sovereign lands; providing that certain government agencies shall be granted a consent of use or easement for certain land upon request; amending s. 288.8155, F.S.; providing that the International Trade Data Resource and Research Center be incorporated as a private nonprofit corporation, and not be a unit or entity of state government; providing for the creation and constitution of a board of directors of the center; authorizing the center to acquire patents, copyrights, and trademarks on its property and publications; creating s. 311.14, F.S.; directing the Florida Seaport Transportation and Economic Development Council to develop freight-mobility and trade-corridor plans; amending s. 315.02, F.S.; redefining the term "port facilities" to include certain storage facilities used for warehousing, storage, and distribution of cargo; amending s. 380.06, F.S.; exempting certain port projects from review as developments of regional impact; amending s. 15.16, F.S.; authorizing the Secretary of State to issue apostilles; authorizing a fee; amending s. 117.103, F.S.; providing procedures and effect relating to issuance of certified copies of certificates of notary public commission; amending s. 118.10, F.S.; revising the definition and purposes of "authentic act" governing civil-law notaries; providing for a presumption of correctness of matters incorporated into authentic acts; authorizing civil-law notaries to authenticate documents, transactions, events, conditions, or occurrences; expanding the rulemaking authority of the Secretary of State governing civil-law notaries; authorizing the Secretary of State to test the legal knowledge of a civil-law notary applicant under certain circumstances; creating s. 118.12, F.S.; authorizing the issuance of certificates of notarial authority and apostilles to civil-law notaries; amending s. 15.18, F.S.; providing for coordination of international activities of the Department of State; requiring the Secretary of State to maintain lists relating to foreign money judgments; amending s. 55.604, F.S.; requiring that foreign judgments be filed with the Secretary of State; amending s. 55.605, F.S.; requiring the Secretary of State to create and maintain a specified list relative to foreign money judgments; creating s. 257.34, F.S.; creating the Florida International Archive and Repository; providing requirements for the archive; providing for access to the archive; providing for fees; providing for rules; reviving, reenacting, and amending s. 288.012, F.S., relating to establishment and operation of foreign offices by the Office of Tourism, Trade, and Economic Development; abrogating the repeal of the section; requiring offices to report annually on activities and accomplishments; prescribing the content of the reports; providing for future review of foreign offices; requiring Enterprise Florida, Inc., to develop a master plan for integrating international trade and reverse investment resources; prescribing procedures, content, and a submission deadline related to the plan; requiring Enterprise Florida, Inc., in conjunction with the Office of Tourism, Trade, and Economic Development, to prepare a plan to promote foreign direct investment in Florida; prescribing procedures, content, and a submission deadline related to the plan; requiring Enterprise Florida, Inc., to develop a strategic plan that will



allow Florida to capitalize on the economic opportunities associated with a free Cuba; amending s. 288.1045, F.S.; conforming the limitation on the amount of tax refunds approved for payment under the qualified defense contractor tax refund program to the amount appropriated by the Legislature for such refunds; correcting references relating to program administration; extending the expiration date for certification for such refunds; amending ss. 212.097 and 212.098, F.S.; clarifying the definition of an "eligible business" under the Urban High-Crime Area Job Tax Credit Program and the Rural Job Tax Credit Program; providing that certain call centers or similar customer service operations are eligible businesses under these programs; authorizing the recommendation of additions to or deletions from the list of eligible businesses; providing that certain retail businesses are eligible businesses under the Urban High-Crime Area Job Tax Credit Program; creating the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University; providing its purposes and duties; providing for the establishment of regional urban centers; requiring annual reports by the institute and the Governor; providing intent with respect to rural communities; amending s. 163.3177, F.S.; providing requirements for the future land use element of a local government comprehensive plan with respect to rural areas; amending s. 186.502, F.S.; providing that a regional planning council shall have a duty to assist local governments with economic development; amending s. 186.504, F.S.; providing that the ex officio, nonvoting membership of each regional planning council shall include a representative nominated by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending s. 186.505, F.S.; authorizing the use of regional planning council personnel, consultants, or technical or professional assistants to help local governments with economic development activities; amending s. 288.018, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to approve regional rural development grants on an annual basis; increasing the maximum amount of each grant award; increasing the total amount that may be expended annually for such grants; amending s. 288.065, F.S.; revising the population criteria for local government participation in the Rural Community Development Revolving Loan Fund; prescribing conditions under which repayments of principal and interest under the Rural Community Development Revolving Loan Fund may be retained by a unit of local government; creating s. 288.0655, F.S.; creating the Rural Infrastructure Fund for infrastructure projects in rural communities; authorizing grants for infrastructure projects and related studies; requiring the development of guidelines; providing that funds appropriated for such infrastructure fund shall not be subject to reversion; creating the Rural Economic Development Initiative within the office and providing its duties and responsibilities; directing specified agencies to select a representative to work with the initiative; providing for the recommendation and designation of rural areas of critical economic concern; providing for the waiver of certain economic development incentive criteria with respect to such areas; requiring execution of a

memorandum of agreement as a condition to designation as a rural area of critical economic concern; providing for an annual report; authorizing the Office of Tourism, Trade, and Economic Development to accept and administer moneys appropriated for grants to assist rural communities to develop and implement strategic economic development plans; providing for review of grant applications; amending s. 378.601, F.S.; exempting specified heavy mining operations from requirements for development-of-regional-impact review under certain circumstances; directing the Florida Fish and Wildlife Conservation Commission to provide assistance related to promotion and development of nature-based recreation; creating s. 230.23027, F.S.; establishing the Small School District Stabilization Program; providing eligibility criteria; providing for priority for a best financial management practices review of participating districts; providing for stabilization grants and other assistance; creating s. 290.0069, F.S.; directing the Office of Tourism, Trade, and Economic Development to designate a pilot project area within an enterprise zone; providing qualifications for such area; providing that certain businesses in such area are eligible for credits against the tax on sales, use, and other transactions and corporate income tax; providing for computation of such credits; providing application procedures and requirements; providing rulemaking authority; requiring a review and report by the Office of Program Policy Analysis and Government Accountability; providing for future repeal and revocation of such designation; amending s. 288.980, F.S.; providing legislative intent; providing for the role of the Florida Defense Alliance; providing funding; removing a limitation on the amount of a grant under the Florida Military Installation Reuse Planning and Marketing Grant Program; increasing a grant limitation with respect to the Florida Defense Planning Grant Program; reducing the amount of matching funds required under certain grant programs; creating the Retention of Military Installations Program; providing an appropriation to implement the program for military installations in certain counties and providing for use of such funds; providing a cap on the payment of administrative expenses from certain grants; providing an appropriation for certain military base retention programs; creating the Quick Action Closing Fund within the Office of Tourism, Trade, and Economic Development; directing Enterprise Florida, Inc., to evaluate proposals for use of funds for certain business facilities and make recommendations to the office; requiring approval by the Governor; providing requirements for recommendations for approval and release of funds; providing for a contract between the director of the office and an approved business with respect to payment of such funds; providing legislative findings with respect to the economic health of small communities; providing conditions for determining when a state of economic emergency exists in a community; providing for notification by a local government entity to the Governor, the office, and Enterprise Florida, Inc., when such conditions exist; authorizing the Governor to waive eligibility criteria for certain programs or activities and take other action to resolve the economic emergency; providing for return of certain

funds in Florida First Capital Finance Corporation, Inc., to the State Treasury; providing appropriations from such funds to the Florida-Korea Economic Cooperation Committee and to the San Carlos Institute of Key West; amending s. 425.04, F.S.; authorizing an electric cooperative to provide any energy or nonenergy services to its membership; amending s. 196.012, F.S.; providing that a business that is receiving an economic development ad valorem tax exemption from a county and that is situated on property annexed into a municipality qualifies as a "new business" for ad valorem tax exemption purposes; amending s. 196.1995, F.S.; providing that the annexing municipality may grant an economic development ad valorem tax exemption to said business for the same duration as the county exemption; authorizing the Department of Labor and Employment Security to offer voluntary reduction-in-force payment to certain employees; requiring a plan to meet specified criteria; requiring legislative review; amending s. 548.002, F.S.; providing definitions; amending s. 548.003, F.S.; changing the name of the commission to the Florida State Boxing Commission; assigning the commission to the Department of Business and Professional Regulation for administrative and fiscal accountability purposes only; providing procedures for filling vacancies on commission; expanding scope of rules; eliminating branch offices; requiring selection of vice chair; providing for removal of commission members for specified absences; providing accountability for commission members; increasing compensation rate for attendance of meetings; authorizing membership and participation by the commission in specified associations; providing rulemaking authority; amending s. 548.004, F.S.; providing for an executive director employed by the department; providing additional duties of the executive director; eliminating the appointment of deputies; requiring electronic recording of commission proceedings; requiring the department to provide assistance to the commission under certain circumstances; creating s. 548.005, F.S.; requiring the department to oversee the activities of the commission; providing for long-range policy planning, and preparation of plans, reports, and recommendations; requiring submission to the Governor and Legislature; amending s. 548.006, F.S.; providing that matches shall be held in accordance with commission rules; amending s. 548.007, F.S.; providing for applicability of the act to toughman and badman competitions; amending s. 548.008, F.S.; prohibiting professional or amateur toughman and badman competitions; providing a penalty; amending s. 548.014, F.S.; requiring surety bond to apply to promoters or foreign copromoters; increasing the minimum amount for surety bond; revising options to surety bond; eliminating a filing fee; amending ss. 548.025, 548.041, and 548.042, F.S.; removing provisions relating to amateurs and amateur matches; amending s. 548.043, F.S.; revising provisions regulating weights, classes, and gloves; amending s. 548.045, F.S.; revising provisions relating to the medical advisory council; revising terms of council members; amending s. 548.046, F.S.; revising the time for examination of participants by physician and filing of physician report; amending s. 548.053, F.S.; revising provisions relating to distribution of purses to partici-

pants; requiring promoters and managers to retain certain information for a designated time; amending s. 548.054, F.S.; designating those persons authorized to order the surrender of a purse or the withholding of a manager's share; amending s. 548.057, F.S.; providing for appointment of judges at a boxing match; requiring certain qualifications for referees, judges, and officials; removing the requirement that scorecards be turned in at the end of each contest; amending ss. 548.05, 548.071, and 548.077, F.S., to conform; amending s. 218.503, F.S.; authorizing certain municipalities to impose a discretionary per-vehicle surcharge on the gross revenues of the sale, lease, or rental of space at parking facilities within the municipality that are open for use to the public; providing for use of surcharge proceeds; amending s. 626.022, F.S.; providing an exception from certain insurance licensing requirements for certified public accountants acting within the scope of their profession; repealing ss. 282.74, 282.745 and 117.20, Florida Statutes; providing effective dates.

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

Section 1. Section 14.2015, Florida Statutes, 1998 Supplement, is amended to read:

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

(1) The Office of Tourism, Trade, and Economic Development is created within the Executive Office of the Governor. The director of the Office of Tourism, Trade, and Economic Development shall be appointed by and serve at the pleasure of the Governor.

(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 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.~~

(a)(b) 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, to promote the participation of Florida's citizens in amateur athletic competition, and to promote Florida as a host for national and international amateur athletic competitions.

(b)(c) 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.

(c)(d) 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, as well as in other job-creating efforts.

(d)(e) 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.

(e)(f) Plan and conduct at least one meeting ~~three 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.

(f)(g)1. 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, the tax-refund program for qualified defense contractors under s. 288.1045, 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 expedited permitting process under s. 403.973 ~~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 Certified Capital Company Act under s. 288.99, the Florida State Rural Development Council, ~~and the Rural Economic Development Initiative, and other programs that are specifically assigned to the office by law, by the appropriations process, or by the Governor. Notwithstanding any other provisions of law, the office may expend interest earned from the investment of program funds deposited in the Economic Development Trust Fund, the Grants and Donations Trust Fund, the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund, and the Economic Development Transportation Trust Fund to contract for the administration of the programs, or portions of the programs, enumerated in this paragraph or assigned to the office by law, by the appropriations process, or by the Governor.~~ Such expenditures shall be subject to review under chapter 216.

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, tax incentives under the Certified Capital Company Act in chapter 288, 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, by the appropriations process, or by the Governor.

~~(g)~~(h) 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.~~

(h) Provide administrative oversight for the Office of the Film Commissioner, created under s. 288.1251, to develop, promote, and provide services to the state's entertainment industry and to administratively house the Florida Film Advisory Council created under s. 288.1252.

(i) 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, the Office of the Film Commissioner, and the direct-support organization organizations created to promote the ~~entertainment and sports industry industries.~~

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

(3) The Chief Inspector General, as defined in s. 14.32:

(a) Shall advise public-private partnerships in their development, utilization, and improvement of internal control measures necessary to ensure fiscal accountability.

(b) May conduct, direct, and supervise audits relating to the programs and operations of public-private partnerships.

(c) Shall receive and investigate complaints of fraud, abuses, and deficiencies relating to programs and operations of public-private partnerships.

(d) May request and have access to any records, data, and other information of public-private partnerships that the Chief Inspector General deems necessary to carry out his or her responsibilities with respect to accountability.

(e) Shall monitor public-private partnerships for compliance with the terms and conditions of contracts with the Office of Tourism, Trade, and Economic Development and report noncompliance to the Governor.

(f) Shall advise public-private partnerships in the development, utilization, and improvement of performance measures for the evaluation of their operations.

(g) Shall review and make recommendations for improvements in the actions taken by public-private partnerships to meet performance standards.

(4) The director of the Office of Tourism, Trade, and Economic Development shall designate a position within the office to advocate and coordinate the interests of minority businesses. The person in this position shall report to the director and shall be the primary point of contact for the office on issues and projects important to the recruitment, creation, preservation, and growth of minority businesses.

(5) The director of the Office of Tourism, Trade, and Economic Development shall designate a position within the office to advocate and coordinate the interests of rural communities in the state. The person in this position shall report to the director and shall be the primary point of contact for the office on issues and projects important to the economic capacity of Florida's rural communities.

(6)(a) In order to improve the state's regulatory environment, the Office of Tourism, Trade, and Economic Development shall consider the impact of agency rules on businesses, provide one-stop permit information and assistance, and serve as an advocate for businesses, particularly small businesses, in their dealings with state agencies.

(b) As used in this subsection, the term "permit" means any approval of an agency required as a condition of operating a business in this state, including, but not limited to, licenses and registrations.

(c) The office shall have powers and duties to:

1. Review proposed agency actions for impacts on small businesses and offer alternatives to mitigate such impacts, as provided in s. 120.54.

2. In consultation with the Governor's rules ombudsman, make recommendations to agencies on any existing and proposed rules for alleviating unnecessary or disproportionate adverse effects to businesses.

3. Make recommendations to the Legislature and to agencies for improving permitting procedures affecting business activities in the state. By October 1, 1997, and annually thereafter, the Office of Tourism, Trade, and Economic Development shall submit a report to the Legislature containing the following:

a. An identification and description of methods to eliminate, consolidate, simplify, or expedite permits.

b. An identification and description of those agency rules repealed or modified during each calendar year to improve the regulatory climate for businesses operating in the state.

c. A recommendation for an operating plan and funding level for establishing an automated one-stop permit registry to provide the following services:

(I) Access by computer network to all permit applications and approval requirements of each state agency.

(II) Assistance in the completion of such applications.

(III) Centralized collection of any permit fees and distribution of such fees to agencies.

(IV) Submission of application data and circulation of such data among state agencies by computer network.

If the Legislature establishes such a registry, subsequent annual reports must cover the status and performance of this registry.

4. Serve as a clearinghouse for information on which permits are required for a particular business and on the respective application process, including criteria applied in making a determination on a permit application. Each state agency that requires a permit, license, or registration for a business shall submit to the Office of Tourism, Trade, and Economic Development by August 1 of each year a list of the types of businesses and professions that it regulates and of each permit, license, or registration that it requires for a type of business or profession.

5. Obtain information and permit applications from agencies and provide such information and permit applications to the public.

6. Arrange, upon request, informal conferences between a business and an agency to clarify regulatory requirements or standards or to identify and address problems in the permit review process.

7. Determine, upon request, the status of a particular permit application.

8. Receive complaints and suggestions concerning permitting policies and activities of governmental agencies which affect businesses.

(d) Use of the services authorized in this subsection does not preclude a person or business from dealing directly with an agency.



(e) In carrying out its duties under this subsection, the Office of Tourism, Trade, and Economic Development may consult with state agency personnel appointed to serve as economic development liaisons under s. 288.021.

(f) The office shall clearly represent that its services are advisory, informational, and facilitative only. Advice, information, and assistance rendered by the office does not relieve any person or business from the obligation to secure a required permit. The office is not liable for any consequences resulting from the failure to issue or to secure a required permit. However, an applicant who uses the services of the office and who receives a written statement identifying required state permits relating to a business activity may not be assessed a penalty for failure to obtain a state permit that was not identified, if the applicant submits an application for each such permit within 60 days after written notification from the agency responsible for issuing the permit.

(7) The Office of Tourism, Trade, and Economic Development shall develop performance measures, standards, and sanctions for each program it administers under this act and, in conjunction with the applicable entity, for each program for which it contracts with another entity under this act. The performance measures, standards, and sanctions shall be developed in consultation with the legislative appropriations committees and the appropriate substantive committees, and are subject to the review and approval process provided in s. 216.177. The approved performance measures, standards, and sanctions shall be included and made a part of the strategic plan for the Office of the Film Commissioner and each contract entered into for delivery of programs authorized by this act.

(8) The Office of Tourism, Trade, and Economic Development shall ensure that the contract between the Florida Commission on Tourism and the commission's direct-support organization contains a provision to provide the data on the visitor counts and visitor profiles used in revenue estimating, employing the same methodology used in fiscal year 1995-1996 by the Department of Commerce. The Office of Tourism, Trade, and Economic Development and the Florida Commission on Tourism must reach agreement with the Consensus Estimating Conference principals before making any changes in methodology used or information gathered.

(9)(a) The Office of Urban Opportunity is created within the Office of Tourism, Trade, and Economic Development. The director of the Office of Urban Opportunity shall be appointed by and serve at the pleasure of the Governor.

(b) The purpose of the Office of Urban Opportunity shall be to administer the Front Porch Florida initiative, a comprehensive, community-based urban core redevelopment program that will empower urban core residents to craft solutions to the unique challenges of each designated community.

~~(9)(a) Subject to the cooperative recommendations of Enterprise Florida, Inc., and the Florida Commission on Tourism and also to the approval of the Governor, the Office of Tourism, Trade, and Economic Development is authorized to expend appropriated state and federal funds for general economic development grants. The office shall establish criteria for the award~~

of grants, including criteria relating to highest economic return for the state as a whole, or a particular region, county, city, or community, ability to properly administer grant funds, and such other matters deemed necessary and appropriate to further the purposes of this subsection. The office shall expend all funds in accordance with state law and shall use such appropriations to supplement the financial support of:

1. ~~Programs that have a substantial economic significance, giving emphasis to programs that benefit the state as a whole.~~

2. ~~Programs with a high potential for match funding from nonstate sources.~~

3. ~~Economic development programs for which no other state grants are available.~~

4. ~~Rural areas and distressed urban areas.~~

(b) ~~Grants shall be made by contract with any nonprofit corporation or local or state governmental entity. Of the total amount of funds available from all sources for grants, 70 percent of such funds shall be awarded on a 50-percent matching basis. Up to 30 percent of such funds available may be awarded on a nonmatching basis.~~

(c) ~~In administering grants, contracts, and funds appropriated for economic development programs, the office may release moneys in advance on a quarterly basis. By the end of the contract period, the grantee or contractee shall furnish to the office a complete and accurate accounting of how all grant funds were expended. Postaudits to be conducted by an independent certified public accountant may be required in accordance with criteria adopted by the office.~~

(d) ~~The office shall not award any new grant which will, in whole or in part, inure to the personal benefit of any board member of Enterprise Florida, Inc., or the Florida Commission on Tourism during that member's term of office, if the board member participated in the vote of the board or panel thereof recommending the award. However, this subsection does not prohibit the office from awarding a grant to an entity with which a board member is associated.~~

(e) ~~This subsection is repealed on July 1, 1999.~~

Section 2. Section 288.125, Florida Statutes, is created to read:

288.125 Definitions.—For the purposes of sections 288.1251 through 288.1258, the term “entertainment industry” means those persons or entities engaged in the operation of motion picture or television studios or recording studios; those persons or entities engaged in the preproduction, production, or postproduction of motion pictures, made-for-TV motion pictures, television series, commercial advertising, music videos, or sound recordings; and those persons or entities providing products or services directly related to the preproduction, production, or postproduction of motion pictures, made-for-TV motion pictures, television series, commercial advertis-

ing, music videos, or sound recordings, including, but not limited to, the broadcast industry.

Section 3. Section 288.1251, Florida Statutes, is created to read:

288.1251 Promotion and development of entertainment industry; Office of the Film Commissioner; creation; purpose; powers and duties.—

(1) CREATION.—

(a) There is hereby created within the Office of Tourism, Trade, and Economic Development the Office of the Film Commissioner for the purpose of developing, marketing, promoting, and providing services to the state's entertainment industry.

(b) The Office of Tourism, Trade, and Economic Development shall conduct a national search for a qualified person to fill the position of Film Commissioner, and the Executive Director of the Office of Tourism, Trade, and Economic Development shall hire the Film Commissioner. Guidelines for selection of the Film Commissioner shall include, but not be limited to, the Film Commissioner having the following:

1. A working knowledge of the equipment, personnel, financial, and day-to-day production operations of the industries to be served by the office;

2. Marketing and promotion experience related to the industries to be served by the office;

3. Experience working with a variety of individuals representing large and small entertainment-related businesses, industry associations, local community entertainment industry liaisons, and labor organizations; and

4. Experience working with a variety of state and local governmental agencies.

(2) POWERS AND DUTIES.—

(a) The Office of the Film Commissioner, in performance of its duties, shall:

1. In consultation with the Florida Film Advisory Council, develop and implement a 5-year strategic plan to guide the activities of the Office of the Film Commissioner in the areas of entertainment industry development, marketing, promotion, liaison services, field office administration, and information. The plan, to be developed by no later than June 30, 2000, shall:

a. Be annual in construction and ongoing in nature.

b. Include recommendations relating to the organizational structure of the office.

c. Include an annual budget projection for the office for each year of the plan.

d. Include an operational model for the office to use in implementing programs for rural and urban areas designed to:

(I) Develop and promote the state's entertainment industry.

(II) Have the office serve as a liaison between the entertainment industry and other state and local governmental agencies, local film commissions, and labor organizations.

(III) Gather statistical information related to the state's entertainment industry.

(IV) Provide information and service to businesses, communities, organizations, and individuals engaged in entertainment industry activities.

(V) Administer field offices outside the state and coordinate with regional offices maintained by counties and regions of the state, as described in sub-sub-subparagraph (II), as necessary.

e. Include performance standards and measurable outcomes for the programs to be implemented by the office.

f. Include an assessment of, and make recommendations on, the feasibility of creating an alternative public-private partnership for the purpose of contracting with such a partnership for the administration of the state's entertainment industry promotion, development, marketing, and service programs.

2. Develop, market, and facilitate a smooth working relationship between state agencies and local governments in cooperation with local film commission offices for out-of-state and indigenous entertainment industry production entities.

3. Implement a structured methodology prescribed for coordinating activities of local offices with each other and the commissioner's office.

4. Represent the state's indigenous entertainment industry to key decisionmakers within the national and international entertainment industry, and to state and local officials.

5. Prepare an inventory and analysis of the state's entertainment industry, including, but not limited to, information on crew, related businesses, support services, job creation, talent, and economic impact and coordinate with local offices to develop an information tool for common use.

6. Represent key decisionmakers within the national and international entertainment industry to the indigenous entertainment industry and to state and local officials.

7. Serve as liaison between entertainment industry producers and labor organizations.

8. Identify, solicit, and recruit entertainment production opportunities for the state.

9. Assist rural communities and other small communities in the state in developing the expertise and capacity necessary for such communities to develop, market, promote, and provide services to the state's entertainment industry.

(b) The Office of the Film Commissioner, in the performance of its duties, may:

1. Conduct or contract for specific promotion and marketing functions, including, but not limited to, production of a statewide directory, production and maintenance of an Internet web site, establishment and maintenance of a toll-free number, organization of trade show participation, and appropriate cooperative marketing opportunities.

2. Conduct its affairs, carry on its operations, establish offices, and exercise the powers granted by this act in any state, territory, district, or possession of the United States.

3. Carry out any program of information, special events, or publicity designed to attract entertainment industry to Florida.

4. Develop relationships and leverage resources with other public and private organizations or groups in their efforts to publicize to the entertainment industry in this state, other states, and other countries the depth of Florida's entertainment industry talent, crew, production companies, production equipment resources, related businesses, and support services, including the establishment of and expenditure for a program of cooperative advertising with these public and private organizations and groups in accordance with the provisions of chapter 120.

5. Provide and arrange for reasonable and necessary promotional items and services for such persons as the office deems proper in connection with the performance of the promotional and other duties of the office.

6. Prepare an annual economic impact analysis on entertainment industry-related activities in the state.

Section 4. Section 288.1252, Florida Statutes, is created to read:

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

(1) CREATION.—There is hereby created within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor, for administrative purposes only, the Florida Film Advisory Council.

(2) PURPOSE.—The purpose of the council shall be to serve as an advisory body to the Office of Tourism, Trade, and Economic Development and to the Office of the Film Commissioner to provide these offices with industry insight and expertise related to developing, marketing, promoting, and providing service to the state's entertainment industry.

(3) MEMBERSHIP.—

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

(b) When making appointments to the council, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall appoint persons who are residents of the state and who are highly knowledgeable of, active in, and recognized leaders in Florida's motion picture, television, video, sound recording, or other entertainment industries. These persons shall include, but not be limited to, representatives of local film commissions, representatives of entertainment associations, a representative of the broadcast industry, representatives of labor organizations in the entertainment industry, and board chairs, presidents, chief executive officers, chief operating officers, or persons of comparable executive position or stature of leading or otherwise important entertainment industry businesses and offices. Council members shall be appointed in such a manner as to equitably represent the broadest spectrum of the entertainment industry and geographic areas of the state.

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

1. The Governor shall appoint one member for a 1-year term, two members for 2-year terms, two members for 3-year terms, and two members for 4-year terms.

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

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

(d) Subsequent appointments shall be made by the official who appointed the council member whose expired term is to be filled.

(e) The Film Commissioner, a representative of Enterprise Florida, Inc., and a representative of the Florida Tourism Industry Marketing Corporation shall serve as ex officio, nonvoting members of the council, and shall be in addition to the 17 appointed members of the council.

(f) Absence from three consecutive meetings shall result in automatic removal from the council.

(g) A vacancy on the council shall be filled for the remainder of the unexpired term by the official who appointed the vacating member.

(h) No more than one member of the council may be an employee of any one company, organization, or association.

(i) Any member shall be eligible for reappointment but may not serve more than two consecutive terms.

(4) MEETINGS; ORGANIZATION.—

(a) The council shall meet no less frequently than once each quarter of the calendar year, but may meet more often as set by the council.

(b) The council shall annually elect one member to serve as chair of the council and one member to serve as vice chair. The Office of the Film Commissioner shall provide staff assistance to the council, which shall include, but not be limited to, keeping records of the proceedings of the council, and serving as custodian of all books, documents, and papers filed with the council.

(c) A majority of the members of the council shall constitute a quorum.

(d) Members of the council shall serve without compensation, but shall be entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061 while in performance of their duties.

(5) POWERS AND DUTIES.—The Florida Film Advisory Council shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the power to:

(a) Adopt bylaws for the governance of its affairs and the conduct of its business.

(b) Advise and consult with the Office of the Film Commissioner on the content, development, and implementation of the 5-year strategic plan to guide the activities of the office.

(c) Review the Film Commissioner's administration of the programs related to the strategic plan, and advise the commissioner on the programs and any changes that might be made to better meet the strategic plan.

(d) Consider and study the needs of the entertainment industry for the purpose of advising the commissioner and the Office of Tourism, Trade, and Economic Development.

(e) Identify and make recommendations on state agency and local government actions that may have an impact on the entertainment industry or that may appear to industry representatives as an official state or local action affecting production in the state.

(f) Consider all matters submitted to it by the commissioner and the Office of Tourism, Trade, and Economic Development.

(g) Advise and consult with the commissioner and the Office of Tourism, Trade, and Economic Development, at their request or upon its own initiative, regarding the promulgation, administration, and enforcement of all laws and rules relating to the entertainment industry.

(h) Suggest policies and practices for the conduct of business by the Office of the Film Commissioner or by the Office of Tourism, Trade, and Economic

Development that will improve internal operations affecting the entertainment industry and will enhance the economic development initiatives of the state for the industry.

(i) Appear on its own behalf before boards, commissions, departments, or other agencies of municipal, county, or state government, or the Federal Government.

Section 5. Section 288.1253, Florida Statutes, is created to read:

288.1253 Travel and entertainment expenses.—

(1) As used in this section:

(a) “Business client” means any person, other than a state official or state employee, who receives the services of representatives of the Office of the Film Commissioner in connection with the performance of its statutory duties, including persons or representatives of entertainment industry companies considering location, relocation, or expansion of an entertainment industry business within the state.

(b) “Entertainment expenses” means the actual, necessary, and reasonable costs of providing hospitality for business clients or guests, which costs are defined and prescribed by rules adopted by the Office of Tourism, Trade, and Economic Development, subject to approval by the Comptroller.

(c) “Guest” means a person, other than a state official or state employee, authorized by the Office of Tourism, Trade, and Economic Development to receive the hospitality of the Office of the Film Commissioner in connection with the performance of its statutory duties.

(d) “Travel expenses” means the actual, necessary, and reasonable costs of transportation, meals, lodging, and incidental expenses normally incurred by a traveler, which costs are defined and prescribed by rules adopted by the Office of Tourism, Trade, and Economic Development, subject to approval by the Comptroller.

(2) Notwithstanding the provisions of s. 112.061, the Office of Tourism, Trade, and Economic Development shall adopt rules by which it may make expenditures by advancement or reimbursement, or a combination thereof, to:

(a) The Governor, the Lieutenant Governor, security staff of the Governor or Lieutenant Governor, the Film Commissioner, or staff of the Office of the Film Commissioner for travel expenses or entertainment expenses incurred by such individuals solely and exclusively in connection with the performance of the statutory duties of the Office of the Film Commissioner.

(b) The Governor, the Lieutenant Governor, security staff of the Governor or Lieutenant Governor, the Film Commissioner, or staff of the Office of the Film Commissioner for travel expenses or entertainment expenses incurred by such individuals on behalf of guests, business clients, or authorized persons as defined in s. 112.061(2)(e) solely and exclusively in connec-



tion with the performance of the statutory duties of the Office of the Film Commissioner.

(c) Third-party vendors for the travel or entertainment expenses of guests, business clients, or authorized persons as defined in s. 112.061(2)(e) incurred solely and exclusively while such persons are participating in activities or events carried out by the Office of the Film Commissioner in connection with that office's statutory duties.

The rules shall be subject to approval by the Comptroller prior to promulgation. The rules shall require the submission of paid receipts, or other proof of expenditure prescribed by the Comptroller, with any claim for reimbursement and shall require, as a condition for any advancement of funds, an agreement to submit paid receipts or other proof of expenditure and to refund any unused portion of the advancement within 15 days after the expense is incurred or, if the advancement is made in connection with travel, within 10 working days after the traveler's return to headquarters. However, with respect to an advancement of funds made solely for travel expenses, the rules may allow paid receipts or other proof of expenditure to be submitted, and any unused portion of the advancement to be refunded, within 10 working days after the traveler's return to headquarters. Operational or promotional advancements, as defined in s. 288.35(4), obtained pursuant to this section shall not be commingled with any other state funds.

(3) The Office of Tourism, Trade, and Economic Development shall prepare an annual report of the expenditures of the Office of the Film Commissioner and provide such report to the Legislature no later than December 30 of each year for the expenditures of the previous fiscal year. The report shall consist of a summary of all travel, entertainment, and incidental expenses incurred within the United States and all travel, entertainment, and incidental expenses incurred outside the United States, as well as a summary of all successful projects that developed from such travel.

(4) The Office of the Film Commissioner and its employees and representatives, when authorized, may accept and use complimentary travel, accommodations, meeting space, meals, equipment, transportation, and any other goods or services necessary for or beneficial to the performance of the office's duties and purposes, so long as such acceptance or use is not in conflict with part III of chapter 112. The Office of Tourism, Trade, and Economic Development shall, by rule, develop internal controls to ensure that such goods or services accepted or used pursuant to this subsection are limited to those that will assist solely and exclusively in the furtherance of the office's goals and are in compliance with part III of chapter 112.

(5) Any claim submitted under this section shall not be required to be sworn to before a notary public or other officer authorized to administer oaths, but any claim authorized or required to be made under any provision of this section shall contain a statement that the expenses were actually incurred as necessary travel or entertainment expenses in the performance of official duties of the Office of the Film Commissioner and shall be verified by written declaration that it is true and correct as to every material matter. Any person who willfully makes and subscribes to any claim which he or she

does not believe to be true and correct as to every material matter or who willfully aids or assists in, procures, or counsels or advises with respect to, the preparation or presentation of a claim pursuant to this section that is fraudulent or false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present the claim, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Whoever receives an advancement or reimbursement by means of a false claim is civilly liable, in the amount of the overpayment, for the reimbursement of the public fund from which the claim was paid.

Section 6. 21st Century Digital Television and Education Task Force; membership; duties.—

(1) The 21st Century Digital Television and Education Task Force is created to serve through February 1, 2000. The task force is created within the Office of Tourism, Trade, and Economic Development, which shall provide staff support for the activities of the task force. The task force shall consist of the following members:

(a) Two members to be appointed by the Governor.

(b) Two members of the Senate, or their designees, to be appointed by the President of the Senate.

(c) Two members of the House of Representatives, or their designees, to be appointed by the Speaker of the House of Representatives.

(d) The Commissioner of Education or the commissioner's designee.

(e) The Chancellor of the State University System or the chancellor's designee.

(f) The Executive Director of the State Community College System or the executive director's designee.

(g) The President of the Independent Colleges and Universities of Florida or the president's designee.

(h) A representative of Enterprise Florida, Inc., with knowledge on work-force development and economic development issues.

(i) The Film Commissioner within the Office of Tourism, Trade, and Economic Development.

(2) Each appointed member of the task force shall serve at the pleasure of the appointing official. A vacancy on the task force shall be filled in the same manner as the original appointment.

(3) The task force shall elect a chair from among its members. A vacancy in the chair of the task force must be filled for the remainder of the unexpired term by election by the task force members.

(4) The task force shall meet as necessary, at the call of the chair or at the call of a quorum of the task force, and at the time and place designated

by the chair. A quorum is necessary for the purpose of conducting official business of the task force. Six members of the task force shall constitute a quorum. The task force shall use accepted rules of procedure to conduct its meetings and shall keep a complete record of each meeting.

(5) Members of the task force shall receive no compensation for their services, but shall be entitled to receive per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(6) The task force shall act as an advisory body and shall make recommendations to the Governor and the Legislature on a coordinated plan to carry out the legislative intent of this section. The task force shall have the following duties:

(a) To devise a plan to recruit the following industry segments to locate in Florida:

1. Digital programmers and producers, including companies involved in the production, marketing, and development of digital content, as well as studios, networks, and television stations.

2. Companies involved in the transmission of digital media, including television broadcasters; cable and satellite companies; television, theater, and film industry members; Internet content providers; web site producers; and other information service providers.

3. Digital television equipment manufacturers, including makers of digital video cameras, audio equipment, transmission equipment, television sets, set-top boxes and related hardware, monitors, displays, tapes, and discs.

4. Companies involved in the research and development of new and innovative digital television equipment, consumer electronics, prototypes, and products.

(b) To investigate and recommend strong economic incentives to encourage the digital industry segments described in subparagraph (a)1. to locate and compete in Florida.

(c) To devise a plan to create and maintain higher education opportunities for students wishing to enter the digital television field. At a minimum, the plan shall consider and address the following:

1. The extent to which higher education opportunities are currently available to students in the areas of digital production, transmission, manufacturing, and research and development.

2. The workforce needs of the digital television industry segments described in subparagraph (a)1.

3. Recommendations and an operational plan for creating and maintaining higher education opportunities in digital television production, transmission, manufacturing, and research and development.

4. Any other recommendations to encourage and promote the development of a skilled workforce in digital broadcast communications and high-definition television.

(d) To recommend methods to hasten the conversion of existing commercial television studios and soundstages from analog to digital technology.

(e) To recommend a means to fund the cost of converting public broadcast stations from analog to digital technology, including a grant program for Florida Public Television.

(f) To issue a report to the Legislature no later than February 1, 2000, summarizing its findings, stating its conclusions, and proposing its recommendations.

Section 7. Subsections (1) and (2) of section 288.1229, Florida Statutes, are amended, and subsections (8) and (9) are added to that section, to read:

288.1229 Promotion and development of sports-related industries and amateur athletics; direct-support organization; powers and duties.—

(1) The Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office in:

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

(b) The promotion of amateur athletic participation for the citizens of Florida and the promotion of Florida as a host for national and international amateur athletic competitions for the purpose of encouraging and increasing the direct and ancillary economic benefits of amateur athletic events and competitions.

(2) To be authorized as a direct-support organization, an organization must:

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

(b) Be governed by a board of directors, which must consist of up to 15 members appointed by the Governor and up to 15 members appointed by the existing board of directors. In making appointments, the board must consider a potential member's background in community service and sports activism in, and financial support of, the sports industry, professional sports, or organized amateur athletics. Members must be residents of the state and highly knowledgeable about or active in professional or organized amateur sports. The board must contain representatives of all geographical regions of the state and must represent ethnic and gender diversity. The terms of office of the members shall be 4 years. No member may serve more than two consecutive terms. The Governor may remove any member for cause and shall fill all vacancies that occur.

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

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

(8) To promote amateur sports and physical fitness, the direct-support organization shall:

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

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

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

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

(e) Promote Florida as a host for national and international amateur athletic competitions. As part of this effort, the direct-support organization shall:

1. Assist and support Florida cities or communities bidding or seeking to host the Summer Olympics or Pan American Games.

2. Annually report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of the efforts of cities or communities bidding to host the Summer Olympics or Pan American Games, including, but not limited to, current financial and infrastructure status, projected financial and infrastructure needs, and recommendations for satisfying the unmet needs and fulfilling the requirements for a successful bid in any year that the Summer Olympics or Pan American Games are held in this state.

(f) Develop a statewide program of amateur athletic competition to be known as the "Sunshine State Games."

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

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

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

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

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

(b) The Executive Office of the Governor is authorized to permit the use of property, facilities, and personal services of or at any State University System facility or institution by the direct-support organization operating the Sunshine State Games. For the purposes of this paragraph, personal services includes full-time or part-time personnel as well as payroll processing.

Section 8. Paragraph (a) of subsection (6) of section 320.08058, Florida Statutes, 1998 Supplement, is amended to read:

320.08058 Specialty license plates.—

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

(a) Because the United States Olympic Committee has selected this state to participate in a combined fundraising program that provides for one-half of all money raised through volunteer giving to stay in this state and be administered by the direct-support organization established under s. 288.1229 Sunshine State Games Foundation to support amateur sports, and because the United States Olympic Committee and the direct-support organization Sunshine State Games Foundation are nonprofit organizations dedicated to providing athletes with support and training and preparing athletes of all ages and skill levels for sports competition, and because the direct-support organization Sunshine State Games Foundation assists in the bidding for sports competitions that provide significant impact to the economy of this state, and the Legislature supports the efforts of the United States Olympic Committee and the direct-support organization Florida Sunshine State Games Foundation, the Legislature establishes a Florida United States Olympic Committee license plate for the purpose of providing a continuous funding source to support this worthwhile effort. Florida United States Olympic Committee license plates must contain the official United States Olympic Committee logo and must bear a design and colors that are approved by the department. The word “Florida” must be centered at the top of the plate.

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

1. The first \$5 million collected annually must be paid to the direct-support organization Florida Governor's Council on Physical Fitness and Amateur Sports to be distributed as follows:

a. Fifty percent must be distributed to the direct-support organization to be used Sunshine State Games Foundation for Florida's Sunshine State Games Olympic Sports Festival for Amateur Athletes.

b. Fifty percent must be distributed to the United States Olympic Committee.

2. Any additional fees must be deposited into the General Revenue Fund.

Section 9. Any funds or property held in trust by the Sunshine State Games Foundation, Inc., and the Florida Governor's Council on Physical Fitness and Amateur Sports shall revert to the direct-support organization created under s. 288.1229, Florida Statutes, upon expiration or cancellation of the contract with the Sunshine State Games Foundation, Inc., and the Florida Governor's Council on Physical Fitness and Amateur Sports, to be used for the promotion of amateur sports in Florida.

Section 10. Section 14.22, Florida Statutes, is repealed.

Section 11. Paragraph (e) of subsection (6) of section 288.108, Florida Statutes, is amended to read:

288.108 High-impact business.—

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

(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 meeting quarterly meetings required in s. 14.2015(2)(c)(h).

Section 12. Sections 288.051, 288.052, 288.053, 288.054, 288.055, 288.056, 288.057, 288.1228, and 288.12285, Florida Statutes, are repealed.

Section 13. Effective July 1, 1999, three full-time-equivalent positions are hereby appropriated to the Executive Office of the Governor in order to implement the provisions of this act relating to the Office of the Film Commissioner.

Section 14. Subsection (1) of section 288.1221, Florida Statutes, is amended to read:

288.1221 Legislative intent.—

(1) It is the intent of the Legislature to establish a public-private partnership to provide policy direction to and technical expertise in the promotion and marketing of the state's tourism attributes. The Legislature further intends to authorize this partnership to recommend the tenets of an industry standard 4-year ~~5-year~~ marketing plan for an annual marketing plan for

tourism promotion and recommend a comparable organizational structure to carry out such a plan. The Legislature intends to have such a plan funded by that portion of the rental car surcharge annually dedicated to the Tourism Promotional Trust Fund, pursuant to s. 212.0606, and by the tourism industry. ~~The Legislature intends that the exercise of this authority by the public-private partnership shall take into consideration the recommendations made to the 1992 Legislature in the report submitted by the Florida Tourism Commission created pursuant to chapter 91-31, Laws of Florida.~~

Section 15. Subsection (2) of section 288.1222, Florida Statutes, is amended to read:

288.1222 Definitions.—For the purposes of ss. 288.017, 288.121-288.1226, and 288.124, the term:

(2) “Tourist” means any person who participates in trade or recreation activities outside the county ~~country~~ of his or her permanent residence or who rents or leases transient living quarters or accommodations as described in s. 125.0104(3)(a).

Section 16. Paragraphs (e), (f), and (g) of subsection (2) of section 288.1223, Florida Statutes, are amended to read:

288.1223 Florida Commission on Tourism; creation; purpose; membership.—

(2)

(e) General tourism-industry-related members shall be limited to two 4-year full consecutive terms. This limitation applies to terms begun after June 30, 1996.

(f) ~~The commission shall hold its first meeting no later than September 1992 and must~~ meet at least quarterly. A majority of the members shall constitute a quorum for the purpose of conducting business.

(g) The Governor shall serve as chair of the commission. The commission shall annually ~~biennially~~ elect one of its tourism-industry-related members as vice chair, who shall preside in the absence of the chair.

Section 17. Paragraphs (a), (c), and (d) of subsection (4) and subsection (11) of section 288.1224, Florida Statutes, are amended, and subsections (12) and (13) are added to that section, to read:

288.1224 Powers and duties.—The commission:

(4)(a) ~~Shall, no later than December 31, 1996,~~ recommend the tenets of a 4-year marketing plan to sustain tourism growth, which plan shall be annual in construction and ongoing in nature. The initial plan shall use as its model the marketing plan recommended by the Florida Tourism Commission, created pursuant to chapter 91-31, Laws of Florida, and presented to the Legislature. Any annual revisions of such a plan shall carry forward the concepts of the remaining 3-year portion of that plan and consider a continuum portion to preserve the 4-year timeframe of the plan. ~~Such plan~~



~~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 no later than January 1, 1997.~~

(c) ~~The plan shall include provisions for the direct-support organization to reach the targeted one-to-one match of private to public contributions within a period of 4 calendar years after the implementation date of the plan. For the purposes of calculating the required one-to-one match, matching private funds shall be divided into four categories. The first category is direct cash contributions, which include, but are not limited to, cash derived from strategic alliances, contributions of stocks and bonds, and partnership contributions. The second category is fees for services, which include, but are not limited to, event participation, research, and brochure placement and transparencies. The third category is cooperative advertising, which is the value based on cost of contributed productions, air time, and print space. The fourth category is in-kind contributions, which include, but are not limited to, the value of strategic alliance services contributed, the value of loaned employees, discounted service fees, items contributed for use in promotions, and radio or television air time or print space for promotions. The value of air time or print space shall be calculated by taking the actual time or space and multiplying by the nonnegotiated unit price for that specific time or space which is known as the media equivalency value. In order to avoid duplication in determining media equivalency value, only the value of the promotion itself shall be included; the value of the items contributed for the promotion shall not be included. Documentation for the components of the four categories of private match shall be kept on file for inspection as determined necessary.~~

(d) ~~The plan shall include recommendations regarding specific performance standards and measurable outcomes. By July 1, 1997, the Florida Commission on Tourism, in consultation with the Office of Program Policy Analysis and Government Accountability, shall establish performance-measure outcomes for the commission and its direct-support organization. The commission, 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.~~

(11) ~~Shall receive staff support from the Florida Tourism Industry Marketing Corporation and shall not employ any additional staff. The president and chief executive officer of the Florida Tourism Industry Marketing Corporation shall serve without compensation as the executive director of the commission. As executive director, he or she shall have the authority to conduct any official business of the commission, as authorized by the commission. Shall create an advisory committee of the commission which shall be charged with developing a regionally based plan to protect and promote all of the natural, coastal, historical, cultural, and commercial tourism assets of this state.~~

(a) ~~Members of the advisory committee shall be appointed by the chair of the commission and shall include representatives of the commission, the Departments of Agriculture, Environmental Protection, Community Affairs,~~

~~Transportation, and State, the Florida Greenways Coordinating Council, the Florida Game and Freshwater Fish Commission, and, as deemed appropriate by the chair of the commission, representatives from other federal, state, regional, local, and private sector associations representing environmental, historical, cultural, recreational, and tourism-related activities.~~

~~(b) The advisory committee shall submit its plan to the commission by December 1, 1997.~~

~~(c) The commission shall review and make recommendations on the plan, including recommending any legislation considered necessary for implementing the plan, to the Legislature by January 1, 1998.~~

(12) Shall establish a statewide advisory committee of the commission to assist the commission with implementation of a plan to protect and promote all of the natural, coastal, historical, and cultural tourism assets of this state. The duties of the committee shall include, but are not limited to, helping to develop and review nature-based tourism and heritage tourism policies, coordinate governmental and private-sector interests in nature-based tourism and heritage tourism, and integrate federal, state, regional, and local nature-based tourism and heritage tourism marketing strategies. The chairman of the commission shall appoint members of the advisory committee based upon recommendations from the commission. Members shall include:

(a) A representative of each of the following state governmental organizations: the Department of Agriculture, the Department of Environmental Protection, the Department of Community Affairs, the Department of Transportation, the Department of State, the Florida Greenways Coordinating Council, and the Florida Fish and Wildlife Conservation Commission.

(b) A representative of Enterprise Florida, Inc.

(c) Representatives of regional nature-based tourism or heritage tourism committees or associations that are established by local tourism organizations throughout the state.

(d) Representatives of the private sector with experience in environmental, historical, cultural, recreational, or other tourism-related activities.

(e) Representatives of two not-for-profit environmental organizations with expertise in environmental resource protection and land management.

(f) A representative from a local economic development organization serving a rural community.

(g) A representative from a local economic development organization serving a nonrural community.

(h) Representatives from any other organizations that the chairman of the commission, based upon recommendations from the commission, deems appropriate.

(13) Shall incorporate nature-based tourism and heritage tourism components into its comprehensive tourism marketing plan for the state, including, but not limited to:

(a) Promoting travel experiences that combine visits to commercial destinations in the state with visits to nature-based or heritage-based sites in the state;

(b) Promoting travel experiences that combine visits to multiple nature-based or heritage-based sites within a region or within two or more regions in the state;

(c) Assisting local and regional tourism organizations in incorporating nature-based tourism and heritage tourism components into local marketing plans and in establishing cooperative local or regional advisory committees on nature-based tourism and heritage tourism;

(d) Working with local and regional tourism organizations to identify nature-based tourism and heritage tourism sites, including identifying private-sector businesses engaged in activities supporting or related to nature-based tourism and heritage tourism; and

(e) Providing guidance to local and regional economic development organizations on the identification, enhancement, and promotion of nature-based tourism and heritage tourism assets as a component of the overall job-creating efforts of such organizations.

The marketing plan shall include specific provisions for directing tourism promotion resources toward promotion and development of nature-based tourism and heritage tourism. The marketing plan shall also include provisions specifically addressing promotion and development of nature-based tourism and heritage tourism in rural communities in the state.

Section 18. Paragraphs (h) through (n) of subsection (5) of section 288.1226, Florida Statutes, are renumbered as paragraphs (i) through (o), respectively, and a new paragraph (h) is added to said subsection to read:

288.1226 Florida Tourism Industry Marketing Corporation; use of property; board of directors; duties; audit.—

(5) POWERS AND DUTIES.—The corporation, in the performance of its duties:

(h) Shall provide staff support to the Florida Commission on Tourism. The president and chief executive officer of the Florida Tourism Industry Marketing Corporation shall serve without compensation as the executive director of the commission.

Section 19. Effective upon this act becoming a law, section 335.166, Florida Statutes, is renumbered as section 288.12265, Florida Statutes, and amended to read:

288.12265 335.166 Welcome centers Office.—

(1) Effective July 1, 1999, responsibility for the welcome centers Office is assigned to the Florida Commission on Tourism which shall contract with the commission's direct-support organization to employ all welcome center staff. On or before June 30, 1999, all welcome center staff shall be offered employment through the direct-support organization at the same salary such staff received through the Department of Transportation, prior to July 1, 1999, but with the same benefits provided by the direct-support organization to the organization's employees. Welcome center employees shall have until January 1, 2000, to choose to be employed by the direct-support organization or to remain employed by the state. Those employees who choose to remain employed by the state may continue to be assigned by the Department of Transportation to the welcome centers until June 30, 2001. Upon vacating a career service position by a career service employee, the position shall be abolished. The agreement between the Department of Transportation and the Florida Commission on Tourism concerning the funding of positions in the welcome centers shall continue until all welcome center employees are employed by the direct-support organization, or until those employees choosing to remain employed by the state have found other state employment, or until June 30, 2001, whichever occurs first Department of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control, supervision, and direction of the Department of Transportation.

(2) Effective July 1, 1999, the Florida Commission on Tourism, through its direct-support organization, shall administer and operate the welcome centers. Pursuant to a contract with the Department of Transportation, the commission shall be responsible for routine repair, replacement, or improvement and the day-to-day management of interior areas occupied by the welcome centers. All other repairs, replacements, or improvements to the welcome centers shall be the responsibility of the Department of Transportation shall provide direction for the administration of the Welcome Centers Office and direction for the operation of the welcome centers. Funding for the office shall be solely from the rental car surcharge provided to the Tourism Promotional Trust Fund pursuant to s. 212.0606(2), through a nonoperating transfer to the State Transportation Trust Fund or contract with the commission or the commission's direct-support organization.

Section 20. Section 335.165, Florida Statutes, is repealed.

Section 21. The welcome center tangible personal property transferred to the Department of Transportation pursuant to section 4 of chapter 96-320, Laws of Florida, is hereby transferred to the Florida Commission on Tourism.

Section 22. Effective upon this act becoming a law, section 163.055, Florida Statutes, is created to read:

163.055 Local Government Financial Technical Assistance Program.—

(1) Among municipalities and special districts, the Legislature finds that:

(a) Florida is a state comprised of 400 municipalities and almost 1,000 special districts statewide.

(b) Of the 400 municipalities in the state, over 200 have a population under 5,000.

(c) State and federal mandates will continue to place additional funding demands on all municipalities and special districts.

(d) State government lacks the specific technical expertise or resources to effectively perform ongoing educational support and financial emergency detection or assistance.

(2) Recognizing the findings in subsection (1), the Legislature declares that:

(a) The fiscal challenges confronting various municipalities and special districts require an investment that will facilitate efforts to improve the productivity and efficiency of their financial structures and operating procedures.

(b) Current and additional revenue enhancements authorized by the Legislature should be managed and administered using appropriate management practices and expertise.

(3) The purpose of this section is to provide technical assistance to municipalities and special districts to enable them to implement workable solutions to financially related problems.

(4) The Comptroller shall enter into contracts with program providers who shall:

(a) Be a public agency or private, nonprofit corporation, association, or entity.

(b) Use existing resources, services, and information that are available from state or local agencies, universities, or the private sector.

(c) Seek and accept funding from any public or private source.

(d) Annually submit information to assist the Legislative Committee on Intergovernmental Relations in preparing a performance review that will include a analysis of the effectiveness of the program.

(e) Assist municipalities and independent special districts in developing alternative revenue sources.

(f) Provide for an annual independent financial audit of the program, if the program receives funding.

(g) Provide assistance to municipalities and special districts in the areas of financial management, accounting, investing, budgeting, and debt issuance.

(h) Develop a needs assessment to determine where assistance should be targeted, and to establish a priority system to deliver assistance to those jurisdictions most in need through the most economical means available.

(i) Provide financial emergency assistance upon direction from the Executive Office of the Governor pursuant to s. 218.503.

(5)(a) The Comptroller shall issue a request for proposals to provide assistance to municipalities and special districts. At the request of the Comptroller, the Legislative Committee on Intergovernmental Relations shall assist in the preparation of the request for proposals.

(b) The Comptroller shall review each contract proposal submitted.

(c) The Legislative Committee on Intergovernmental Relations shall review each contract proposal and submit to the Comptroller, in writing, advisory comments and recommendations, citing with specificity the reasons for its recommendations.

(d) The Comptroller and the Legislative Committee on Intergovernmental Relations shall consider the following factors in reviewing contract proposals:

1. The demonstrated capacity of the provider to conduct needs assessments and implement the program as proposed.

2. The number of municipalities and special districts to be served under the proposal.

3. The cost of the program as specified in a proposed budget.

4. The short-term and long-term benefits of the assistance to municipalities and special districts.

5. The form and extent to which existing resources, services, and information that are available from state and local agencies, universities, and the private sector will be used by the provider under the contract.

(6) A decision of the Comptroller to award a contract under this section is final and shall be in writing with a copy provided to the Legislative Committee on Intergovernmental Relations.

(7) The Comptroller may enter into contracts and agreements with other state and local agencies and with any person, association, corporation, or entity other than the program providers, for the purpose of administering this section.

(8) The Comptroller shall provide fiscal oversight to ensure that funds expended for the program are used in accordance with the contracts entered into pursuant to subsection (4).

(9) The Legislative Committee on Intergovernmental Relations shall annually conduct a performance review of the program. The findings of the review shall be presented in a report submitted to the Governor, the Presi-

dent of the Senate, the Speaker of the House of Representatives, and the Comptroller by January 15 of each year.

Section 23. Effective upon this act becoming a law, paragraph (d) of subsection (7) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(7)(d) Notwithstanding the provisions of paragraph (c), any separate legal entity created pursuant to this section and controlled by the municipalities or counties of this state or by one or more municipality and one or more county of this state, the membership of which consists or is to consist of municipalities only, counties only, or one or more municipality and one or more county, may, for the purpose of financing or refinancing any capital projects, exercise all powers in connection with the authorization, issuance, and sale of bonds. Notwithstanding any limitations provided in this section, all of the privileges, benefits, powers, and terms of part I of chapter 125, part II of chapter 166, and part I of chapter 159 shall be fully applicable to such entity. Bonds issued by such entity shall be deemed issued on behalf of the counties or municipalities which enter into loan agreements with such entity as provided in this paragraph. Any loan agreement executed pursuant to a program of such entity shall be governed by the provisions of part I of chapter 159 or, in the case of counties, part I of chapter 125, or in the case of municipalities and charter counties, part II of chapter 166. Proceeds of bonds issued by such entity may be loaned to counties or municipalities of this state or a combination of municipalities and counties, whether or not such counties or municipalities are also members of the entity issuing the bonds. The issuance of bonds by such entity to fund a loan program to make loans to municipalities or counties or a combination of municipalities and counties with one another for capital projects to be identified subsequent to the issuance of the bonds to fund such loan programs is deemed to be a paramount public purpose. Any entity so created may also issue bond anticipation notes, as provided by s. 215.431, in connection with the authorization, issuance, and sale of such bonds. In addition, the governing body of such legal entity may also authorize bonds to be issued and sold from time to time and may delegate, to such officer, official, or agent of such legal entity as the governing body of such legal entity may select, the power to determine the time; manner of sale, public or private; maturities; rate or rates of interest, which may be fixed or may vary at such time or times and in accordance with a specified formula or method of determination; and other terms and conditions as may be deemed appropriate by the officer, official, or agent so designated by the governing body of such legal entity. However, the amounts and maturities of such bonds and the interest rate or rates of such bonds shall be within the limits prescribed by the governing body of such legal entity and its resolution delegating to such officer, official, or agent the power to authorize the issuance and sale of such bonds. A local government self-insurance fund established under this section may financially guarantee bonds or bond anticipation notes issued or loans made under this subsection. Bonds issued pursuant to this paragraph may be validated as provided in chapter 75. The complaint in any action to validate such bonds shall be filed only in the Circuit Court for Leon County. The notice required to be published by s. 75.06 shall be published only in Leon County, and the

complaint and order of the circuit court shall be served only on the State Attorney of the Second Judicial Circuit and on the state attorney of each circuit in each county where the public agencies which were initially a party to the agreement are located. Notice of such proceedings shall be published in the manner and the time required by s. 75.06 in Leon County and in each county where the public agencies which were initially a party to the agreement are located. Obligations of any county or municipality pursuant to a loan agreement as described in this paragraph may be validated as provided in chapter 75.

Section 24. Section 288.0251, Florida Statutes, is amended to read:

288.0251 International development outreach activities in Latin America and Caribbean Basin.—The ~~Department of State Office of Tourism, Trade, and Economic Development~~ may contract for the implementation of Florida's international volunteer corps to provide short-term training and technical assistance activities in Latin America and the Caribbean Basin. The entity contracted under this section must require that such activities be conducted by qualified volunteers who are citizens of the state. The contracting agency must have a statewide focus and experience in coordinating international volunteer programs.

Section 25. Paragraphs (a) and (b) of subsection (3) of section 288.095, Florida Statutes, are amended to read:

288.095 Economic Development Trust Fund.—

(3)(a) ~~Contingent upon an annual appropriation by the Legislature, The Office of Tourism, Trade, and Economic Development may approve applications for certification tax refunds pursuant to ss. 288.1045(3) and ss. 288.1045, 288.106, and 288.107. However, the total state share of tax refund payments scheduled in all active certifications for fiscal year 2000-2001 shall not exceed \$24 million. The state share of tax refund payments scheduled in all active certifications for fiscal year 2001-2002 and each subsequent year shall not exceed \$30 million. 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 refund claims ~~refunds~~ approved for payment by the Office of Tourism, Trade, and Economic Development based on actual project performance may pursuant to ~~ss. 288.1045, 288.106, and 288.107~~ 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 for tax refunds under ~~ss. 288.1045 and, 288.106, and 288.107~~ 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 shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

Section 26. Section 288.106, Florida Statutes, 1998 Supplement, is amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(1) LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature finds that attracting, retaining, and providing favorable conditions for the growth of target industries provides high-quality employment opportunities for citizens of this state and enhances the economic foundations of this state. It is the policy of this state to encourage the growth of a high-valued employment and economic base by providing tax refunds to qualified target industry businesses that create new high-wage employment opportunities in this state by expanding existing businesses within this state or by bringing new businesses to this state.

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

(a) “Account” means the Economic Development Incentives Account within the Economic Development Trust Fund established under s. 288.095.

(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.

(c) “Business” means an employing unit, as defined in s. 443.036, which is registered with the Department of Labor and Employment Security for unemployment compensation purposes or a subcategory or division of an employing unit which is accepted by the Department of Labor and Employment Security as a reporting unit.

(d) “Corporate headquarters business” means an international, national, or regional headquarters office of a multinational or multistate business enterprise or national trade association, whether separate from or connected with other facilities used by such business.

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

(f) “Enterprise zone” means an area designated as an enterprise zone pursuant to s. 290.0065.

(g) “Expansion of an existing business” means the expansion of an existing Florida a business by or through additions to real and personal property on a site ~~colocated with a commercial or industrial operation owned by the same business,~~ resulting in a net increase in employment of not less than 10 percent at such business.

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

(i) “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 number shall not include temporary construction jobs involved with the construction of facilities for the project or any jobs which have previously been included in any application for tax refunds under s. 288.104 or this section.

(j) “Local financial support” means funding from local sources, public or private, which is paid to the Economic Development Trust Fund and which is equal to 20 percent of the annual tax refund for a qualified target industry business. A qualified target industry business may not provide, directly or indirectly, more than 5 percent of such funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

(k) “Local financial support exemption option” means the option to exercise an exemption from the local financial support requirement available to any applicant whose project is located in a county with a population of 75,000 or fewer or a county with a population of 100,000 or fewer which is contiguous to a county with a population of 75,000 or fewer designated by the Rural Economic Development Initiative. Any applicant that exercises this option shall not be eligible for more than 80 percent of the total tax refunds allowed such applicant under this section.

(l) “New business” means a business which heretofore did not exist in this state, first beginning operations on a site located in this state and clearly separate from any other commercial or industrial operations owned by the same business.

(m) “Project” means the creation of a new business or expansion of an existing business.

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

(o) “Target industry business” means a corporate headquarters business or any business that is engaged in one of the target industries identified pursuant to the following criteria developed by the office in consultation with Enterprise Florida, Inc.:

1. Future growth.—Industry forecasts should indicate strong expectation for future growth in both employment and output, according to the most recent available data. Special consideration should be given to Florida’s growing access to international markets or to replacing imports.

2. Stability.—The industry should not be subject to periodic layoffs, whether due to seasonality or sensitivity to volatile economic variables such as weather. The industry should also be relatively resistant to recession, so that the demand for products of this industry is not necessarily subject to decline during an economic downturn.

3. High wage.—The industry should pay relatively high wages compared to statewide or area averages.

4. Market and resource independent.—The location of industry businesses should not be dependent on Florida markets or resources as indicated by industry analysis.

5. Industrial base diversification and strengthening.—The industry should contribute toward expanding or diversifying the state's or area's economic base, as indicated by analysis of employment and output shares compared to national and regional trends. Special consideration should be given to industries that strengthen regional economies by adding value to basic products or building regional industrial clusters as indicated by industry analysis.

6. Economic benefits.—The industry should have strong positive impacts on or benefits to the state and regional economies.

The office, in consultation with Enterprise Florida, Inc., shall develop a list of such target industries annually and submit such list as part of the final agency legislative budget request submitted pursuant to s. 216.023(1). A target industry business may not include any industry engaged in retail activities; any electrical utility company; any phosphate or other solid minerals severance, mining, or processing operation; any oil or gas exploration or production operation; or any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(p) "Taxable year" means taxable year as defined in s. 220.03(1)(z).

(q) "Qualified target industry business" means a target industry business that has been approved by the director to be eligible for tax refunds pursuant to this section.

(r) "Rural county" means a county with a population of 75,000 or fewer or a county with a population of 100,000 or fewer which is contiguous to a county with a population of 75,000 or fewer 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.

(t) "Rural community" means:

1. A county with a population of 75,000 or less.

2. A county with a population of 100,000 or less that is contiguous to a county with a population of 75,000 or less.

3. A municipality within a county described in subparagraph 1. or subparagraph 2.

For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

(u) “Authorized local economic development agency” means any public or private entity, including those defined in s. 288.075, authorized by a county or municipality to promote the general business or industrial interests of that county or municipality.

(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) Upon approval by the director, a qualified target industry business shall be allowed tax refund payments equal to \$3,000 times the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1., or equal to \$6,000 times the number of jobs if the project is located in a rural county or an enterprise zone. Further, a qualified target industry business shall be allowed additional tax refund payments equal to \$1,000 times the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1., if such jobs pay an annual average wage of at least 150 percent of the average private-sector wage in the area, or equal to \$2,000 times the number of jobs if such jobs pay an annual average wage of at least 200 percent of the average private-sector wage in the area. 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:

1. 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 chapter 212.~~

~~a.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).~~

b.7. Insurance premium tax under s. 624.509.

2. Receive refunds from the account for the following taxes due and paid by that business after entering into the agreement:

a. Taxes on sales, use, and other transactions under chapter 212.

b. Intangible personal property taxes under chapter 199.

c. Emergency excise taxes under chapter 221.

d. Excise taxes on documents under chapter 201.

e. Ad valorem taxes paid, as defined in s. 220.03(1).

(d) 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.

~~(e)(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.—

(a) To apply for certification as a qualified target industry business under this section, the business must file an application with the office before the business has made the decision to locate a new business in this state or before the business had made the decision to expand an existing business in this state. The application shall include, but is not limited to, the following information:

1. The applicant's federal employer identification number and the applicant's state sales tax registration number.

2. The permanent location of the applicant's facility in this state at which the project is or is to be located.

3. A description of the type of business activity or product covered by the project, including four-digit SIC codes for all activities included in the project.

4. The number of full-time equivalent jobs in this state that are or will be dedicated to the project and the average wage of those jobs. If more than one type of business activity or product is included in the project, the number of jobs and average wage for those jobs must be separately stated for each type of business activity or product.

5. The total number of full-time equivalent employees employed by the applicant in this state.

6. The anticipated commencement date of the project.

~~7. The amount of:~~

~~a. Taxes on sales, use, and other transactions paid under chapter 212;~~

~~b. Corporate income taxes paid under chapter 220;~~

~~c. Intangible personal property taxes paid under chapter 199;~~

~~d. Emergency excise taxes paid under chapter 221; and~~

~~e. Excise taxes on documents paid under chapter 201.~~

~~8. The estimated amount of tax refunds to be claimed in each fiscal year.~~

7.9. A brief statement concerning the role that the tax refunds requested will play in the decision of the applicant to locate or expand in this state.

8.10. An estimate of the proportion of the sales resulting from the project that will be made outside this state.

9.11. A resolution adopted by the governing board of the county or municipality in which the project will be located, which resolution recommends that certain types of businesses be approved as a qualified target industry business and states that the commitments of local financial support necessary for the target industry business exist. In advance of the passage of such

resolution, the office may also accept an official letter from an authorized local economic development agency that endorses the proposed target industry project and pledges that sources of local financial support for such project exist. For the purposes of making pledges of local financial support under this subsection, the authorized local economic development agency shall be officially designated by the passage of a one-time resolution by the local governing authority. Before adoption of the resolution, the governing board may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided.

~~10.12.~~ Any additional information requested by the office.

(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 brownfield area designated under s. 376.80 or 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 and, if an expansion of an existing business, must result in a net increase in employment of not less than 10 percent at such business. Notwithstanding the definition of the term "expansion of an existing business" in paragraph (2)(g), at the request of the local governing body recommending the project and Enterprise Florida, Inc., the office may define an "expansion of an existing business" in a rural community or an enterprise zone as the expansion of a business resulting in a net increase in employment of less than 10 percent at such business if 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 request, it must be transmitted in writing and the specific justification for the request must be explained. If the director elects to grant such request, such election must be stated in writing and the reason for granting the request must be explained.

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. The director must approve requests to waive the wage requirement for brownfield areas designated under s. 376.80 unless it is demonstrated that such action is not in the public interest.

(c) Each application meeting the requirements of paragraph (b) must be submitted to the office for determination of eligibility. The office shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by Enterprise Florida, Inc., taking into account the long-term effects of the project and of the applicant on the state economy.

2. The economic benefit of the jobs created by the project in this state, taking into account the cost and average wage of each job created.

3. The amount of capital investment to be made by the applicant in this state.

4. The local commitment and support for the project.

5. The effect of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The effect of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will be undertaken in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

7. The expected long-term commitment to this state resulting from the project.

8. A review of the business's past activities in this state or other states, including whether such business has been subjected to criminal or civil fines and penalties. Nothing in this subparagraph shall require the disclosure of confidential information.

(d) The office shall forward its written findings and evaluation concerning each application meeting the requirements of paragraph (b) to the director within 45 calendar days after receipt of a complete application. The office shall notify each target industry business when its application is complete, and of the time when the 45-day period begins. In its written report to the director, the office shall specifically address each of the factors specified in paragraph (c) and shall make a specific assessment with respect to the minimum requirements established in paragraph (b). The office shall include in its report projections of the tax refund claim that will be sought by the target industry business in each fiscal year based on the information submitted in the application.



(e)1. Within 30 days after receipt of the office's findings and evaluation, the director shall issue a letter of certification ~~enter a final order~~ that either approves or disapproves the application of the target industry business. The decision must be in writing and must provide the justifications for approval or disapproval.

2. If appropriate, the director shall enter into a written agreement with the qualified target industry business pursuant to subsection (5).

(f) The director may not certify ~~enter a final order that certifies~~ any target industry business as a qualified target industry business if the value of tax refunds to be included in that letter of certification ~~final order~~ exceeds the available amount of authority to certify new businesses ~~enter final orders~~ as determined in s. 288.095(3). However, if the commitments of local financial support represent less than 20 percent of the eligible tax refund payments, or to otherwise preserve the viability and fiscal integrity of the program, the director may certify a qualified target industry business to receive tax refund payments of less than the allowable amounts specified in paragraph (3)(b). A letter of certification ~~final order~~ that approves an application must specify the maximum amount of tax refund that will be available to the qualified industry business in each fiscal year and the total amount of tax refunds that will be available to the business for all fiscal years.

(g) Nothing in this section shall create a presumption that an applicant will receive any tax refunds under this section. However, the office may issue nonbinding opinion letters, upon the request of prospective applicants, as to the applicants' eligibility and the potential amount of refunds.

#### (5) TAX REFUND AGREEMENT.—

(a) Each qualified target industry business must enter into a written agreement with the office which specifies, at a minimum:

1. The total number of full-time equivalent jobs in this state that will be dedicated to the project, the average wage of those jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state. This information must be the same as the information contained in the application submitted by the business under subsection (4).

2. The maximum amount of tax refunds which the qualified target industry business is eligible to receive on the project and the maximum amount of a tax refund that the qualified target industry business is eligible to receive in each fiscal year.

3. That the office may review and verify the financial and personnel records of the qualified target industry business to ascertain whether that business is in compliance with this section.

4. The date after which, in each fiscal year, the qualified target industry business may file an annual claim under subsection (6).

5. That local financial support will be annually available and will be paid to the account. The director may not enter into a written agreement with a qualified target industry business if the local financial support resolution is not passed by the local governing authority within 90 days after he or she has issued the letter of certification under subsection (4).

(b) Compliance with the terms and conditions of the agreement is a condition precedent for the receipt of a tax refund each year. The failure to comply with the terms and conditions of the tax refund agreement results in the loss of eligibility for receipt of all tax refunds previously authorized under this section and the revocation by the director of the certification of the business entity as a qualified target industry business.

(c) The agreement must be signed by the director and by an authorized officer of the qualified target industry business within 120 30 days after the issuance of the letter of certification entry of a final order certifying the business entity as a qualified target industry business under subsection (4), but not before passage and receipt of the resolution of local financial support.

(d) The agreement must contain the following legend, clearly printed on its face in bold type of not less than 10 points in size: "This agreement is neither a general obligation of the State of Florida, nor is it backed by the full faith and credit of the State of Florida. Payment of tax refunds are conditioned on and subject to specific annual appropriations by the Florida Legislature of moneys sufficient to pay amounts authorized in section 288.106, Florida Statutes."

(6) ANNUAL CLAIM FOR REFUND.—

(a) A qualified target industry business that has entered into a tax refund agreement with the office under subsection (5) may apply once each fiscal year to the office for a tax refund. The application must be made on or after the date specified in that agreement.

(b) The claim for refund by the qualified target industry business must include a copy of all receipts pertaining to the payment of taxes for which the refund is sought and data related to achievement of each performance item specified in the tax refund agreement. The amount requested as a tax refund may not exceed the amount specified for that fiscal year in that agreement.

(c) A tax refund may not be approved for a qualified target industry business unless the required local financial support has been paid into the account in that fiscal year. If the local financial support provided is less than 20 percent of the approved tax refund, the tax refund must be reduced. In no event may the tax refund exceed an amount that is equal to 5 times the amount of the local financial support received. Further, funding from local sources includes any tax abatement granted to that business under s. 196.1995 or the appraised market value of municipal or county land conveyed or provided at a discount to that business. ~~;~~ ~~and~~ The amount of any tax refund for such business approved under this section must be reduced by the amount of any such tax abatement granted or the value of the land granted; and the limitations in subsection (3) and paragraph (4)(f) must be

reduced by the amount of any such tax abatement or the value of the land granted. A report listing all sources of the local financial support shall be provided to the office when such support is paid to the account.

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

(e) The director, with such assistance as may be required from the office, the Department of Revenue, or the Department of Labor and Employment Security, shall specify by written final order the amount of the tax refund that is authorized for the qualified target industry business for the fiscal year within 30 days after the date that the claim for the annual tax refund is received by the office.

(f) The total amount of tax ~~refund claims~~ refunds approved by the director under this section in any fiscal year must not exceed the amount authorized under s. 288.095(3).

(g) Upon approval of the tax refund under paragraphs (c), (d), and (e), the Comptroller shall issue a warrant for the amount specified in the final order. If the final order is appealed, the Comptroller may not issue a warrant for a refund to the qualified target industry business until the conclusion of all appeals of that order.

(7) ADMINISTRATION.—

(a) 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.

(b) To facilitate the process of monitoring and auditing applications made under this program, the office may provide a list of qualified target industry businesses to the Department of Revenue, to the Department of Labor and Employment Security, or to any local government or authority. The office may request the assistance of those entities with respect to monitoring the payment of the taxes listed in subsection (3).

(8) EXPIRATION.—This section expires June 30, 2004.

Section 27. Section 288.901, Florida Statutes, is amended to read:

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

(1) There is created a not-for-profit ~~nonprofit~~ corporation, to be known as “Enterprise Florida, Inc.,” which shall be registered, incorporated, organized, and operated in compliance with chapter 617, and which shall not be a unit or entity of state government. The Legislature determines, however, that public policy dictates that Enterprise Florida, Inc., operate in the most

open and accessible manner consistent with its public purpose. To this end, the Legislature specifically declares that Enterprise Florida, Inc., and its boards and advisory committees or similar groups created by Enterprise Florida, Inc., are subject to the provisions of chapter 119, relating to public records and those provisions of chapter 286 relating to public meetings and records.

(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. 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.

(3) Enterprise Florida, Inc., shall be governed by a board of directors. The board of directors shall consist of the following members:

- (a) The Governor or the Governor's designee.
- (b) The Commissioner of Education or the commissioner's designee.
- (c) The Secretary of Labor and Employment Security or the secretary's designee.

(d) A member of the Senate, who shall be appointed by the President of the Senate as an ex officio member of the board and serve at the pleasure of the President.

(e) A member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives as an ex officio member of the board and serve at the pleasure of the Speaker.

~~(f) The chairperson of the board for international trade and economic development.~~

~~(g) The chairperson of the board for capital development.~~

~~(h) The chairperson of the board for technology development.~~

(f)(i) The chairperson of the board of directors of the Workforce Development Board for workforce development.

(g)(f) Twelve members from the private sector, six of whom shall be appointed by the Governor, three of whom shall be appointed by the President of the Senate, and three of whom shall be appointed by the Speaker of the House of Representatives. All appointees are subject to Senate confirmation. In making such appointments, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall ensure that the composition of the board is reflective of the diversity of Florida's business community, and to the greatest degree possible shall include, but not be limited to, individuals representing large companies, small companies, minority companies, and individuals representing municipal, county, or regional economic development organizations. Of the 12 members from the private sector, 7 must have significant experience in international business, with expertise in the areas of transportation, finance, law, and manufacturing. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall also consider whether the current board members, together with potential appointees, reflect the racial, ethnic, and gender diversity, as well as the geographic distribution, of the population of the state.

~~(h)(k)~~ The Secretary of State or the secretary's designee.

(4)(a) Vacancies on the board shall be filled by appointment by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, depending on who appointed the member whose vacancy is to be filled or whose term has expired. Members appointed to the board before July 1, 1996, shall serve the remainder of their unexpired terms. Vacancies occurring after July 1, 1996, as a result of the annual expiration of terms, shall be filled in the following manner and sequence.

~~1.—Of the first three vacancies, the Governor shall appoint one member, the President of the Senate shall appoint one member, and the Speaker of the House of Representatives shall appoint one member.~~

~~2.—Of the second three vacancies, the Governor shall appoint one member, the President of the Senate shall appoint one member, and the Speaker of the House of Representatives shall appoint one member.~~

~~3.—Of the third three vacancies, the President of the Senate shall appoint one member and the Governor shall appoint two members.~~

~~4.—Of the fourth three vacancies, the Speaker of the House of Representatives shall appoint one member and the Governor shall appoint two members.~~

~~Thereafter, any vacancies which occur will be filled by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, depending on who appointed the member whose vacancy is to be filled or whose term has expired.~~

(b) Members appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives shall be appointed for terms of 4 years. Any member is eligible for reappointment.

~~(c) Of the six members appointed by the Governor, one shall be, at the time of appointment, a board member of a community development corporation meeting the requirements of s. 290.035, and one shall be representative of the international business community. Of the three members appointed by the President of the Senate and Speaker of the House of Representatives, respectively, one each shall be representative of the international business community, and one each shall be an executive director of a local economic development council.~~

(5) A vacancy on the board of directors shall be filled for the remainder of the unexpired term.

~~(6) The initial appointments to the board of directors shall be made by the Governor from a list of nominees submitted by the Enterprise Florida Nominating Council. Thereafter, appointments shall be made by the Governor, the President of the Senate, and the Speaker of the House of Representatives from a list of nominees submitted by the remaining appointive members of the board of directors. The board of directors shall take into consideration the current membership of the board and shall select nominees who are reflective of the diverse nature of Florida's business community, including, but not limited to, individuals representing large companies, small companies, minority companies, companies engaged in international business efforts, companies engaged in domestic business efforts, and individuals representing municipal, county, or regional economic development organizations. The board shall also consider whether the current board members, together with potential appointees, reflect the racial, ethnic, and gender diversity, as well as the geographic distribution, of the population of the state.~~

~~(6)(7)~~ Appointive members may be removed by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, for cause. Absence from three consecutive meetings results in automatic removal.

~~(7)(8)~~ The Governor shall serve as chairperson of the board of directors. The board of directors shall biennially elect one of its appointive members as vice chairperson. The president shall keep a record of the proceedings of the board of directors and is the custodian of all books, documents, and papers filed with the board of directors, the minutes of the board of directors, and the official seal of Enterprise Florida, Inc.

~~(8)(9)~~ The board of directors shall meet at least four times each year, upon the call of the chairperson, at the request of the vice chairperson, or at the request of a majority of the membership. A majority of the total number of all directors fixed by subsection (3) shall constitute a quorum. The board of directors may take official action by a majority vote of the members present at any meeting at which a quorum is present.

~~(9)(10)~~ Members of the board of directors shall serve without compensation, but members, the president, and staff may be reimbursed for all reasonable, necessary, and actual expenses, as determined by the board of directors of Enterprise Florida, Inc.

~~(10)(11)~~ Each member of the board of directors of Enterprise Florida, Inc., ~~who was appointed after June 30, 1992,~~ and who is not otherwise required to file financial disclosure pursuant to s. 8, Art. II of the State Constitution or s. 112.3144, shall file disclosure of financial interests pursuant to s. 112.3145.

~~(11)(12)~~ Notwithstanding the provisions of subsection (3), the board of directors may by resolution appoint at-large members to the board from the private sector, each of whom may serve a 1-year term. At-large members shall have the powers and duties of other members of the board, except that they may not serve on an executive committee. An at-large member is eligible for reappointment but may not vote on his or her own reappointment. An at-large member shall be eligible to fill vacancies occurring among private-sector ~~private-sector~~ appointees under subsection (3).

Section 28. Section 288.9015, Florida Statutes, is amended to read:

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

(1) Enterprise Florida, Inc., is the principal economic development organization for the state. It shall be the responsibility of Enterprise Florida, Inc., to provide leadership for business development in Florida by aggressively establishing a unified approach to Florida's efforts of international trade and reverse investment; by aggressively marketing the state as a probusiness location for potential new investment; and by aggressively assisting in the ~~creation,~~ retention, and expansion of existing businesses and the creation of new businesses. In support of this effort, Enterprise Florida, Inc., may develop and implement specific programs or strategies that address the creation, expansion, and retention of Florida business; the development of import and export trade; and the recruitment of worldwide business.

(2) It shall be the responsibility of Enterprise Florida, Inc., to aggressively market Florida's rural communities and distressed urban communities as locations for potential new investment, to aggressively assist in the retention and expansion of existing businesses in these communities, and to aggressively assist these communities in the identification and development of new economic development opportunities for job creation promote and strengthen the creation and growth of small and minority businesses and to increase the opportunities for short-term and long-term rural economic development.

(3) It shall be the responsibility of Enterprise Florida, Inc., through the Workforce Development Board, 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:

(a) Creating and maintaining a highly skilled workforce that is capable of responding to rapidly changing technology and diversified market opportunities.

(b) Training, educating, and assisting target populations, such as those who are economically disadvantaged or who participate in the WAGES Pro-

gram 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.

(4) It shall be the responsibility of Enterprise Florida, Inc., to assess, on an ongoing basis, Florida's economic development competitiveness as measured against other business locations, to identify and regularly reevaluate Florida's economic development strengths and weaknesses, and to incorporate such information into the strategic planning process under s. 288.904.

(5) Enterprise Florida, Inc., shall incorporate the needs of small and minority businesses into the economic-development, international-trade and reverse-investment, and workforce-development responsibilities assigned to the organization by this section.

(6)(4) Enterprise Florida, Inc., shall not endorse any candidate for any elected public office, nor shall it contribute moneys to the campaign of any such candidate.

(7)(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 29. Section 288.90151, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.90151, F.S., for present text.)

288.90151 Return on Investment from Activities of Enterprise Florida, Inc.—

(1) The public funds appropriated each year for the operation of Enterprise Florida, Inc., are invested in this public-private partnership to enhance international trade and economic development, to spur job-creating investments, to create new employment opportunities for Floridians, and to prepare Floridians for those jobs. This policy will be the Legislature's priority consideration when reviewing the return-on-investment for Enterprise Florida, Inc.

(2) It is also the intent of the Legislature that Enterprise Florida, Inc., coordinate its operations with local economic-development organizations to maximize the state and local return-on-investment to create jobs for Floridians.

(3) It is further the intent of the Legislature to maximize private-sector support in operating Enterprise Florida, Inc., as an endorsement of its value and as an enhancement of its efforts.



(4)(a) The state's operating investment in Enterprise Florida, Inc., is the budget contracted by the Office of Tourism, Trade, and Economic Development to Enterprise Florida, Inc., less funding that is directed by the Legislature to be subcontracted to a specific recipient.

(b) The board of directors of Enterprise Florida, Inc., shall adopt for each upcoming fiscal year an operating budget for the organization that specifies the intended uses of the state's operating investment and a plan for securing private sector support to Enterprise Florida, Inc. Each fiscal year private sector support to Enterprise Florida, Inc., shall equal no less than 100 percent of the state's operating investment, including at least \$1 million in cash as defined in subsection (5)(a), and an additional \$400,000 in cash as defined in subsection (5)(a), (b), and (c).

(5) Private-sector support in operating Enterprise Florida, Inc., includes:

(a) Cash given directly to Enterprise Florida, Inc., for its operating budget;

(b) Cash jointly raised by Enterprise Florida, Inc., and a local economic development organization, a group of such organizations or a statewide business organization that supports collaborative projects;

(c) Cash generated by products or services of Enterprise Florida, Inc.; and

(d) In-kind contributions directly to Enterprise Florida, Inc., including: business expenditures; business services provided; business support; or other business contributions that augment the operations, program, activities, or assets of Enterprise Florida, Inc., including, but not limited to: an individual's time and expertise; sponsored publications; private-sector staff services; payment for advertising placements; sponsorship of events; sponsored or joint research; discounts on leases or purchases; mission or program sponsorship; and co-payments, stock, warrants, royalties, or other private resources dedicated to Enterprise Florida, Inc.

(6) Enterprise Florida, Inc., shall fully comply with the performance measures, standards, and sanctions in its contracts with the Office of Tourism, Trade, and Economic Development under ss. 14.2015(2)(h) and 14.2015(7). The Office of Tourism, Trade, and Economic Development shall ensure, to the maximum extent possible, that the contract performance measures are consistent with performance measures that the office is required to develop and track under performance-based program budgeting.

(7) As part of the annual report required under s. 288.906, Enterprise Florida, Inc., shall provide the Legislature with information quantifying the public's return-on-investment as described in this section for fiscal year 1997-1998 and each subsequent fiscal year. The annual report shall also include the results of a customer-satisfaction survey of businesses served, as well as the lead economic development staff person of each local economic development organization that employs a full-time or part-time staff person.

(8) Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall hire a private ac-

counting firm to develop the methodology for establishing and reporting return-on-investment and in-kind contributions as described in this section and to develop, analyze, and report on the results of the customer-satisfaction survey. The Office of Program Policy Analysis and Government Accountability shall review and offer feedback on the methodology before it is implemented. The private accounting firm shall certify whether the applicable statements in the annual report comply with this subsection.

Section 30. Section 288.903, Florida Statutes, is amended to read:

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

(1) The president of Enterprise Florida, Inc., shall be appointed by the board of directors and shall serve at the pleasure of the Governor. The board of directors shall establish and adjust the compensation of the president. The president is the chief administrative and operational officer of the board of directors and of Enterprise Florida, Inc., and shall direct and supervise the administrative affairs of the board of directors and any other boards of Enterprise Florida, Inc. The board of directors may delegate to its president those powers and responsibilities it deems appropriate, except for the appointment of a president.

(2) The board of directors may establish an executive committee consisting of the chairperson or a designee, the vice chairperson, chair, and as many additional members of the board of directors as the board deems appropriate, except that such committee must have a minimum of five members. One member of the executive committee shall be selected by each of the following: the Governor, the President of the Senate, and the Speaker of the House of Representatives. Remaining members of the executive committee shall be selected by the board of directors. The executive committee shall have such authority as the board of directors delegates to it, except that the board may not delegate the authority to hire or fire the president or the authority to establish or adjust the compensation paid to the president.

(3) ~~The president:~~

~~(a) May contract with or employ legal and technical experts and such other employees, both permanent and temporary, as authorized by the board of directors.~~

~~(b) Shall employ and supervise the president of any board established within the Enterprise Florida, Inc., corporate structure and shall coordinate the activities of any such boards.~~

~~(c) Shall attend all meetings of the board of directors.~~

~~(d) Shall cause copies to be made of all minutes and other records and documents of the board of directors and shall certify that such copies are true copies. All persons dealing with the board of directors may rely upon such certifications.~~

~~(e) Shall be responsible for coordinating and advocating the interests of rural, minority, and small businesses within Enterprise Florida, Inc., its boards, and in all its economic development efforts.~~

~~(f) Shall administer the finances of Enterprise Florida, Inc., and its boards to ensure appropriate accountability and the prudent use of public and private funds.~~

~~(g) Shall be the chief spokesperson for Enterprise Florida, Inc., regarding economic development efforts in the state.~~

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

~~(i) Shall supervise and coordinate the collection, research, and analysis of information for Enterprise Florida, Inc., and its boards.~~

(3)(4) The board of directors of Enterprise Florida, Inc., and its officers shall be responsible for the prudent use of all public and private funds and shall ensure that the use of such funds is in accordance with all applicable laws, bylaws, or contractual requirements. No employee of Enterprise Florida, Inc., may receive compensation for employment which exceeds the salary paid to the Governor, unless the board of directors and the employee have executed a contract that prescribes specific, measurable performance outcomes for the employee, the satisfaction of which provides the basis for the award of incentive payments that increase the employee's total compensation to a level above the salary paid to the Governor.

Section 31. Subsection (1) of section 288.904, Florida Statutes, 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:

(a) Secure funding for programs and activities of Enterprise Florida, Inc., and its boards from federal, state, local, and private sources and from fees charged for services and published materials and solicit, receive, hold, invest, and administer any grant, payment, or gift of funds or property and make expenditures consistent with the powers granted to it.

(b)1. 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.

2. A contract that Enterprise Florida, Inc., executes with a person or organization under which such person or organization agrees to perform economic-development services or similar business-assistance services on behalf of Enterprise Florida, Inc., or on behalf of the state must include provisions requiring that such person or organization report on performance, account for proper use of funds provided under the contract, coordinate with other components of state and local economic development systems, and avoid duplication of existing state and local services and activities.

(c) Sue and be sued, and appear and defend in all actions and proceedings, in its corporate name to the same extent as a natural person.

(d) Adopt, use, and alter a common corporate seal for Enterprise Florida, Inc., and its boards. Notwithstanding any provisions of chapter 617 to the contrary, this seal is not required to contain the words "corporation not for profit."

(e) Elect or appoint such officers and agents as its affairs require and allow them reasonable compensation.

(f) Adopt, amend, and repeal bylaws, not inconsistent with the powers granted to it or the articles of incorporation, for the administration of the affairs of Enterprise Florida, Inc., and the exercise of its corporate powers.

(g) Acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses, royalties, and other rights or interests thereunder or therein.

(h) Do all acts and things necessary or convenient to carry out the powers granted to it.

(i) Use the state seal, notwithstanding the provisions of s. 15.03, when appropriate, to establish that Enterprise Florida, Inc., is the principal economic, workforce, and trade development organization for the state, and for other standard corporate identity applications. Use of the state seal is not to replace use of a corporate seal as provided in this section.

(j) Carry forward any unexpended state appropriations into succeeding fiscal years.

(k) Procure insurance or require bond against any loss in connection with the property of Enterprise Florida, Inc., and its boards, in such amounts and from such insurers as is necessary or desirable.

(l) Create and dissolve advisory committees, working groups, task forces, or similar organizations, as necessary to carry out the mission of Enterprise Florida, Inc. By August 1, 1999, Enterprise Florida, Inc., shall establish an advisory committee on international business issues, and an advisory committee on small business issues. These committees shall be comprised of individuals representing the private sector and the public sector with expertise in the respective subject areas. The purpose of the committees shall be

to guide and advise Enterprise Florida, Inc., on the development and implementation of policies, strategies, programs, and activities affecting international business and small business. The advisory committee on international business and the advisory committee on small business shall meet at the call of the chair or vice chair of the board of directors of Enterprise Florida, Inc., but shall meet at least quarterly. Meetings of the advisory committee on international business and the advisory committee on small business may be held telephonically; however, meetings of the committees that are held in person shall be rotated at different locations around the state to ensure participation of local and regional economic development practitioners and other members of the public. Members of advisory committees, working groups, task forces, or similar organizations created by Enterprise Florida, Inc., shall serve without compensation, but may be reimbursed for reasonable, necessary, and actual expenses, as determined by the board of directors of Enterprise Florida, Inc.

Section 32. Section 288.905, Florida Statutes, 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, and manage policies, strategies, and programs for Enterprise Florida, Inc., and its boards. These policies, strategies, and programs shall promote business formation, expansion, recruitment, and retention through aggressive marketing; international development and export assistance; and workforce development, which together lead to more and better jobs with higher wages for all geographic regions and communities of the state, including rural areas and urban-core areas, and for all residents, including minorities. In developing such policies, strategies, and programs, the board of directors shall solicit advice from and consider the recommendations of its boards, any advisory committees or similar groups created by Enterprise Florida, Inc., and local and regional partners.

(2) The board of directors shall, in conjunction with the Office of Tourism, Trade, and Economic Development, the Office of Urban Opportunities, and local and regional economic development partners, 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 of each year, 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:

(3)(a) The strategic plan required under this section shall include, but is not limited to, strategies for the promotion of business formation, expansion, recruitment, and retention through aggressive marketing, international development and export assistance, and workforce development programs which lead to more and better jobs and higher wages for all geographic regions and disadvantaged communities and populations of the state, including rural areas, minority businesses, and urban core areas. Further, the

strategic plan shall give consideration to the economic diversity of the state and its regions and their associated industrial clusters and develop realistic policies and programs to further their development.

~~(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.~~

~~(b)(c)1. The strategic plan required under this section shall include specific provisions for the stimulation of economic development and job creation in rural areas and midsize 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 midsize cities and counties in the state; the identification of the economic development and job creation goals of the rural cities and counties and midsize 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 midsize cities and counties for economic and community development; the identification of private sector resources available to rural cities and counties and midsize 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, local and regional economic development organizations, and of the cities and counties identified pursuant to subparagraph 1., as well as any other local, state, and federal economic, international, and workforce rural development entities, both public and private, in developing and carrying out policies, strategies, and programs, seeking to partner and collaborate to produce enhanced public benefit at a lesser cost 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.~~

3.2. Enterprise Florida, Inc., shall involve rural, urban, small-business, and minority-business local, state, and federal small business and minority business development agencies and organizations, both public and private, in developing and carrying out policies, strategies, and programs any provisions.

~~(c)(e)~~ The strategic plan required under this section shall include the creation ~~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.

~~(d)(g)~~ The strategic plan required under this section shall include the promotion ~~Promotion~~ of the successful long-term economic development of the state with increased emphasis in market research and information to local economic development entities and generation of foreign investment in the state that creates jobs with above-average wages, internationalization of this state, with strong emphasis in reverse investment that creates high wage jobs for the state and its many regions, 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.

~~(e)(j)~~ The strategic plan required under this section shall include the identification of ~~Identifying~~ business sectors that are of current or future importance to the state's economy and to the state's worldwide business image, and development of ~~developing~~ specific strategies to promote the development of such sectors.

~~(4)(a)(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 Tourism, Trade, and Economic Development and the Office of Program Policy Analysis and Government Accountability, shall establish performance-measure outcomes for Enterprise Florida, Inc., and its boards and advisory committees. Enterprise Florida, Inc., in consultation with the Office of Tourism, Trade, and Economic Development and 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. On a biennial basis, By July 1, 1998, and biennially thereafter, Enterprise Florida, Inc., in consultation with the Office of Tourism, Trade, and Economic Development and 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, including the satisfaction of its local and regional economic development partners, venture capital dollars invested in small and minority businesses, businesses retained and recruited statewide and within rural and urban core communities, 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) Prior to the ~~2002~~ 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 and shall submit a report by January 1, 2002, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader. 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.~~

~~3.4. Whether it would be sound public policy to continue or discontinue funding the organization, and the consequences of discontinuing the organization. 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) 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). 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.~~

~~(5)(4) The board of directors shall coordinate and collaborate the economic development activities and policies of Enterprise Florida, Inc., with local municipal, county, and regional economic development organizations, which shall be to establish and further develop the role of local economic development organizations as the state's primary service-delivery agents for the direct delivery of economic development and international 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 his or her 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. Section 288.906, Florida Statutes, 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:

(a) A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards and advisory committees or similar groups

created by Enterprise Florida, Inc., and an identification of any major trends, initiatives, or developments affecting the performance of any program or activity.

(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.

(c) Methods for implementing and funding the operations of Enterprise Florida, Inc., and its boards.

~~(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.~~

(d)(e) A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards with respect to aggressively marketing Florida's rural communities and distressed urban communities as locations for potential new investment and job creation, aggressively assisting in the creation, retention, and expansion of existing businesses and job growth in these communities, and aggressively assisting these communities in the identification and development of new economic-development opportunities furthering the development and viability of rural cities and counties, and mid-size cities and counties in this state.

(e)(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.

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

(g)(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)-(g) (a)-(h), if applicable, for any board established within the corporate structure of Enterprise Florida, Inc.

(2)(a) The Auditor General may, pursuant to his or her own authority or at the direction of the Joint Legislative Auditing Committee, conduct an audit of Enterprise Florida, Inc., including any of its boards, advisory committees or similar groups created by Enterprise Florida, Inc., and programs. The audit or report may not reveal the identity of any person who has

anonymously made a donation to Enterprise Florida, Inc., pursuant to paragraph (b).

(b) The identity of a donor or prospective donor to Enterprise Florida, Inc., who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

Section 34. Subsection (3) of section 288.9415, Florida Statutes, is amended to read:

288.9415 International Trade Grants.—

(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 recommended 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 Enterprise Florida, Inc., 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 35. Section 288.9511, Florida Statutes, is amended to read:

288.9511 Definitions.—As used in ss. 288.9511-288.9517, the term:

(1) “Educational institutions” means Florida technical institutes and vocational schools, and public and private community colleges, colleges, and universities in the state.

(2) “Enterprise” means a firm with its principal place of business in this state which is engaged, or proposes to be engaged, in this state in agricultural industries, natural-resource-based or other manufacturing, research and development, or the provision of knowledge-based services.

~~(3) “Board” means the technology development board.~~

~~(3)(4)~~ “Person” means any individual, partnership, corporation, or joint venture that carries on business, or proposes to carry on business, within the state.

~~(4)(5)~~ “Product” means any product, device, technique, or process that is, or may be, developed or marketed commercially; the term does not refer, however, to basic research, but rather to products, devices, techniques, or

processes that have advanced beyond the theoretical stage and are in a prototype or industry practice stage.

(5)(6) “Qualified security” means a public or private financial arrangement that involves any note, security, debenture, evidence of indebtedness, certificate of interest of participation in any profit-sharing agreement, pre-organization certificate or subscription, transferable security, investment contract, certificate of deposit for a security, certificate of interest or participation in a patent or application thereof, or in royalty or other payments under such a patent or application, or, in general, any interest or instrument commonly known as a security or any certificate for, receipt for, guarantee of, or option warrant or right to subscribe to or purchase any of the foregoing to the extent allowed by law.

(6)(7) “Technology application” means the introduction and adaptation of off-the-shelf technologies and state-of-the-art management practices to the specific circumstances of an individual firm.

(7)(8) “Technology commercialization” means the process of bringing an investment-grade technology out of an enterprise, university, or federal laboratory for first-run application in the marketplace.

(8)(9) “Technology development” means strategically focused research aimed at developing investment-grade technologies essential to market competitiveness.

Section 36. Section 288.9515, Florida Statutes, is amended to read:

288.9515 Authorized ~~programs~~ of technology development programs board.—

(1) Enterprise Florida, Inc., The board may create a technology applications services service, and may to be called the Florida Innovation Alliance. ~~The Florida Innovation Alliance shall serve as an umbrella organization for technology applications service providers throughout the state which provide critical, managerial, technological, scientific, and related financial and business expertise essential for international and domestic competitiveness to small-sized and medium-sized manufacturing and knowledge-based service firms. Enterprise Florida, Inc., The board is authorized the following powers in order to carry out these the functions of the Florida Innovation Alliance:~~

(a) Providing communication and coordination services among technology applications service providers throughout the state.

(b) Providing coordinated marketing services to small-sized and medium-sized manufacturers in the state on behalf of, and in partnership with, technology applications service providers.

(c) Securing additional sources of funds on behalf of, and in partnership with, technology applications service providers.

(d) Developing plans and policies to assist small-sized and medium-sized manufacturing companies or other knowledge-based firms in Florida.

(e) Entering into contracts with technology applications service providers for expanded availability of high-quality assistance to small-sized and medium-sized manufacturing companies or knowledge-based service firms, including, but not limited to, technological, human resources development, market planning, finance, and interfirm collaboration. Enterprise Florida, Inc. The board shall ensure that all contracts in excess of \$20,000 for the delivery of such assistance to Florida firms shall be based on competitive requests for proposals and The board shall establish clear standards for the delivery of services under such contracts. Such standards include, but are not limited to:

1. The ability and capacity to deliver services in sufficient quality and quantity.
2. The ability and capacity to deliver services in a timely manner.
3. The ability and capacity to meet the needs of firms in the proposed market area.

(f) Assisting other educational institutions, enterprises, or the entities providing business assistance to small-sized and medium-sized manufacturing enterprises.

(g) Establishing a system to evaluate the effectiveness and efficiency of technology applications Florida Innovation Alliance services provided to small-sized and medium-sized enterprises.

(h) Establishing special education and informational programs for Florida enterprises and for educational institutions and enterprises providing business assistance to Florida enterprises.

(i) Evaluating and documenting the needs of firms in this state for technology application services, and developing means to ensure that these needs are met, consistent with the powers provided for in this subsection.

(j) Maintaining an office in such place or places as ~~the board recommends~~ and the board of directors of Enterprise Florida, Inc., approves.

(k) Making and executing contracts with any person, enterprise, educational institution, association, or any other entity necessary or convenient for the performance of its duties and the exercise of the board's powers and functions of Enterprise Florida, Inc., under this subsection.

(l) Receiving funds from any source to carry out the purposes of providing technology applications services ~~the Florida Innovation Alliance~~, including, but not limited to, gifts or grants from any department, agency, or instrumentality of the United States or of the state, or any enterprise or person, for any purpose consistent with the provisions of this subsection ~~the Florida Innovation Alliance~~.

~~(m) Acquiring or selling, conveying, leasing, exchanging, transferring, or otherwise disposing of the alliance's property or interest therein.~~

(2) When choosing contractors under this section, preference shall be given to existing institutions, organizations, and enterprises so long as these existing institutions, organizations, and enterprises demonstrate the ability to perform at standards established by Enterprise Florida, Inc., the board under paragraph (1)(e). Neither the provisions of ss. 288.9511-288.9517 nor the actions taken by Enterprise Florida, Inc., under this section of the alliance shall impair or hinder the operations, performance, or resources of any existing institution, organization, or enterprise.

(3) Enterprise Florida, Inc., The board may create a technology development financing fund, to be called the Florida Technology Research Investment Fund. The fund shall increase technology development in this state by investing in technology development projects that have the potential to generate investment-grade technologies of importance to the state's economy as evidenced by the willingness of private businesses to coinvest in such projects. Enterprise Florida, Inc., The board may also demonstrate and develop effective approaches to, and benefits of, commercially oriented research collaborations between businesses, universities, and state and federal agencies and organizations. Enterprise Florida, Inc., The board shall endeavor to maintain the fund as a self-supporting fund once the fund is sufficiently capitalized as reflected in the minimum funding report required in s. 288.9516. The technology research investment projects may include, but are not limited to:

(a) Technology development projects expected to lead to a specific investment-grade technology that is of importance to industry in this state.

(b) Technology development centers and facilities expected to generate a stream of products and processes with commercial application of importance to industry in this state.

(c) Technology development projects that have, or are currently using, other federal or state funds such as federal Small Business Innovation Research awards.

(4) Enterprise Florida, Inc., The board shall invest moneys contained in the Florida Technology Research Investment Fund in technology application research or for technology development projects that have the potential for commercial market application. The partnership shall coordinate any investment in any space-related technology projects with the Spaceport Florida Authority and the Technological Research and Development Authority.

(a) The investment of moneys contained in the Florida Technology Research Investment Fund is limited to investments in qualified securities in which a private enterprise in this state coinvests at least 40 percent of the total project costs, in conjunction with other cash or noncash investments from state educational institutions, state and federal agencies, or other institutions.

(b) For the purposes of this fund, qualified securities include loans, loans convertible to equity, equity, loans with warrants attached that are beneficially owned by the board, royalty agreements, or any other contractual arrangement in which the board is providing scientific and technological

services to any federal, state, county, or municipal agency, or to any individual, corporation, enterprise, association, or any other entity involving technology development.

(c) Not more than \$175,000 or 5 percent of the revenues generated by investment of moneys contained in the Florida Technology Research Investment Fund, whichever is greater, may be used to pay ~~the partnership's~~ operating expenses associated with operation of the Florida Technology Research Investment Fund.

(d) In the event of liquidation or dissolution of Enterprise Florida, Inc., or the Florida Technology Research Investment Fund, any rights or interests in a qualified security or portion of a qualified security purchased with moneys invested by the State of Florida shall vest in the state, under the control of the State Board of Administration. The state is entitled to, in proportion to the amount of investment in the fund by the state, any balance of funds remaining in the Florida Technology Research Investment Fund after payment of all debts and obligations upon liquidation or dissolution of Enterprise Florida, Inc., or the fund.

(e) The investment of funds contained in the Florida Technology Research Investment Fund does not constitute a debt, liability, or obligation of the State of Florida or of any political subdivision thereof, or a pledge of the faith and credit of the state or of any such political subdivision.

(5) Enterprise Florida, Inc., ~~The board~~ may create technology commercialization programs in partnership with private enterprises, educational institutions, and other institutions to increase the rate at which technologies with potential commercial application are moved from university, public, and industry laboratories into the marketplace. Such programs shall be created based upon research to be conducted by Enterprise Florida, Inc ~~the board~~.

Section 37. Section 288.95155, Florida Statutes, 1998 Supplement, is amended to read:

288.95155 Florida Small Business Technology Growth Program.—

(1) The Florida Small Business Technology Growth Program is hereby established to provide financial assistance to businesses in this state having high job growth and emerging technology potential and fewer than 100 employees. The program shall be administered and managed by ~~the technology development board of~~ Enterprise Florida, Inc.

(2) Enterprise Florida, Inc., ~~The board~~ shall establish a separate small business technology growth account in the Florida Technology Research Investment Fund for purposes of this section. Moneys in the account shall consist of appropriations by the Legislature, proceeds of any collateral used to secure such assistance, transfers, fees assessed for providing or processing such financial assistance, grants, interest earnings, earnings on financial assistance, and any moneys transferred to the account by the Department of Community Affairs from the Economic Opportunity Trust Fund for use in qualifying energy projects.

(3) Pursuant to s. 216.351, the amount of any moneys appropriated to the account which are unused at the end of the fiscal year shall not be subject to reversion under s. 216.301. All moneys in the account are continuously appropriated to the account and may be used for loan guarantees, letter of credit guarantees, cash reserves for loan and letter of credit guarantees, payments of claims pursuant to contracts for guarantees, subordinated loans, loans with warrants, royalty investments, equity investments, and operations of the program. Any claim against the program shall be paid solely from the account. Neither the credit nor the taxing power of the state shall be pledged to secure the account or moneys in the account, other than from moneys appropriated or assigned to the account, and the state shall not be liable or obligated in any way for any claims against the account or, ~~against the technology development board, or against Enterprise Florida, Inc.~~

(4) Awards of assistance from the program shall be finalized ~~at meetings of the technology development board and shall be~~ subject to the policies and procedures of Enterprise Florida, Inc. Enterprise Florida, Inc. ~~The board~~ shall leverage at least one dollar of matching investment for each dollar awarded from the program. Enterprise Florida, Inc. ~~The board~~ shall give the highest priority to moderate-risk and high-risk ventures that offer the greatest opportunity for compelling economic development impact. Enterprise Florida, Inc. ~~The board~~ shall establish for each award a risk-reward timetable that profiles the risks of the assistance, estimates the potential economic development impact, and establishes a timetable for reviewing the success or failure of the assistance. By December 31 of each year, Enterprise Florida, Inc. ~~the board~~ shall evaluate, on a portfolio basis, the results of all awards of assistance made from the program during the year.

(5) By January 1 of each year, Enterprise Florida, Inc. ~~the board~~ shall prepare a report on the financial status of the program and the account and shall submit a copy of the report to the board of directors of Enterprise Florida, Inc., the appropriate legislative committees responsible for economic development oversight, and the appropriate legislative appropriations subcommittees. The report shall specify the assets and liabilities of the account within the current fiscal year and shall include a portfolio update that lists all of the businesses assisted, the private dollars leveraged by each business assisted, and the growth in sales and in employment of each business assisted.

Section 38. Section 288.9519, Florida Statutes, is amended to read:

288.9519 Not-for-profit corporation.—

(1) It is the intent of the Legislature to promote the development of the state economy and to authorize the establishment of a not-for-profit organization that shall promote the competitiveness and profitability of high-technology business and industry through technology development projects of importance to specific manufacturing sectors in this state. This not-for-profit corporation shall work cooperatively with Enterprise Florida, Inc. ~~the technology development board~~ and shall avoid duplicating the activities, programs, and functions of Enterprise Florida, Inc. ~~the board.~~



(2) In addition to all other powers and authority, not explicitly prohibited by statutes, this not-for-profit organization has the following powers and duties:

(a) To receive funds appropriated to the organization by the Legislature. Such funds may not duplicate funds appropriated to Enterprise Florida, Inc. ~~the technology development board~~ but shall serve to further the advancement of the state economy, jointly and collaboratively with Enterprise Florida, Inc. ~~the board.~~

(b) To submit a legislative budget request through a state agency.

(c) To accept gifts, grants, donations, expenses, in-kind services, or other goods or services for carrying out its purposes, and to expend such funds or assets in any legal manner according to the terms and conditions of acceptance and without interference, control, or restraint by the state.

(d) To carry forward any unexpended state appropriations into succeeding fiscal years.

Section 39. Section 288.9520, Florida Statutes, is amended to read:

288.9520 Public records exemption.—Materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, business transactions, financial and proprietary information, and agreements or proposals to receive funding that are received, generated, ascertained, or discovered by Enterprise Florida, Inc., ~~the technology development board~~, including its affiliates or subsidiaries and partnership participants, such as private enterprises, educational institutions, and other organizations, are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that a recipient of Enterprise Florida, Inc., ~~board~~ research funds shall make available, upon request, the title and description of the research project, the name of the researcher, and the amount and source of funding provided for the project.

Section 40. Subsection (10) of section 288.9603, Florida Statutes, is amended to read:

288.9603 Definitions.—

(10) “Partnership” means ~~the Enterprise Florida, Inc capital development board created under s. 288.9611.~~ Enterprise Florida, Inc capital development board.

Section 41. Subsections (2) and (3) of section 288.9604, Florida Statutes, are amended to read:

288.9604 Creation of the authority.—

(2) A city or county of Florida shall be selected by a search committee of Enterprise Florida, Inc ~~the capital development board~~. This city or county shall be authorized to activate the corporation. The search committee shall be composed of two commercial banking representatives, the Senate member of the partnership, the House of Representatives member of the partner-

ship, and a member who is an industry or economic development professional.

(3) Upon activation of the corporation, the Governor, subject to confirmation by the Senate, shall appoint the board of directors of the corporation, who shall be five in number. The terms of office for the directors shall be for 4 years, except that three of the initial directors shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of their appointment, and all other directors shall be designated to serve terms of 4 years from the date of their appointment. A vacancy occurring during a term shall be filled for the unexpired term. A director shall be eligible for reappointment. At least three of the directors of the corporation shall be bankers who have been selected by the Governor from a list of bankers who were nominated by the Enterprise Florida, Inc. capital development board, and one of the directors shall be an economic development specialist. The chairperson of the Florida Black Business Investment Board shall be an ex officio member of the board of the corporation.

Section 42. Section 288.9614, Florida Statutes, is amended to read:

288.9614 Authorized programs.—Enterprise Florida, Inc., ~~The capital development board~~ may take any action that 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 microenterprises, 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 43. Subsection (1) of section 288.9618, Florida Statutes, is amended to read:

288.9618 Microenterprises.—

(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.

Section 44. Sections 288.902, 288.9412, 288.9413, 288.9414, 288.942, 288.9510, 288.9512, 288.9513, 288.9514, 288.9516, 288.9611, 288.9612, 288.9613, and 288.9615, Florida Statutes, are repealed.

Section 45. (1) Notwithstanding any other provision of law, any contract or interagency agreement existing on or before the effective date of this section between the International Trade and Economic Development Board, the Technology Development Board, or the Capital Development Board of Enterprise Florida, Inc., or entities or agents of those boards, and other agencies, entities, or persons shall continue as binding contracts or agreements with Enterprise Florida, Inc., which is the successor entity responsible for the program, activity, or functions relative to the contract or agreement.

(2) Any tangible personal property of the International Trade and Economic Development Board, the Technology Development Board, or the Capital Development Board of Enterprise Florida, Inc., is transferred to Enterprise Florida, Inc.

(3) Enterprise Florida, Inc., may assume responsibility for any programs or activities of the International Trade and Economic Development Board, the Technology Development Board, or the Capital Development Board in existence as of the effective date of this section and may determine the appropriate placement of such programs or activities within the organization.

Section 46. The Division of Statutory Revision is directed to redesignate part VIII of chapter 288, Florida Statutes, as "Technology Development" and to redesignate part IX of that chapter as "Capital Development."

Section 47. Subsection (1) of section 288.707, Florida Statutes, is amended to read:

288.707 Florida Black Business Investment Board.—

(1) The Legislature finds that the public interest of Florida will be served by the creation and growth of black business enterprises by:

(a) Increasing opportunities for employment of blacks, as well as the population in general;

(b) Providing role models and establishing business networks for the benefit of future generations of aspiring black entrepreneurs; ~~and~~

(c) Strengthening the economy of the state by increasing the number of qualified black business enterprises, which in turn will increase competition in the marketplace and improve the welfare of economically depressed neighborhoods; and.

(d) Taking measures to increase access of black businesses to both debt and equity capital.

Section 48. Present subsection (17) of section 288.709, Florida Statutes, 1998 Supplement, is redesignated as subsection (18), and a new subsection (17) is added to that section to read:

288.709 Powers of the Florida Black Business Investment Board.—The board shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of ss. 9-21, chapter 85-104, Laws of Florida, including, but not limited to, the power to:

(17) Promote black ownership of financial institutions in Florida.

(18) Take, hold and improve property including real property.

Section 49. Subsections (2), (3), (6), and (11) of section 288.99, Florida Statutes, 1998 Supplement, are amended to read:

288.99 Certified Capital Company Act.—

(2) PURPOSE.—The primary purpose of this act is to stimulate a substantial increase in venture capital investments in this state by providing an incentive for insurance companies to invest in certified capital companies in this state which, in turn, will make investments in new businesses or in expanding businesses, including minority-owned or minority-operated businesses and businesses located in a designated Front Porch community, enterprise zone, urban high-crime area, rural job tax credit county, or nationally recognized historic district. The increase in investment capital flowing into new or expanding businesses is intended to contribute to employment growth, create jobs which exceed the average wage for the county in which the jobs are created, and expand or diversify the economic base of this state.

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

(a) "Affiliate of an insurance company" means:

1. Any person directly or indirectly beneficially owning, whether through rights, options, convertible interests, or otherwise, controlling, or holding power to vote 10 percent or more of the outstanding voting securities or other ownership interests of the insurance company;

2. Any person 10 percent or more of whose outstanding voting securities or other ownership interest is directly or indirectly beneficially owned, whether through rights, options, convertible interests, or otherwise, controlled, or held with power to vote by the insurance company;

3. Any person directly or indirectly controlling, controlled by, or under common control with the insurance company;

4. A partnership in which the insurance company is a general partner; or

5. Any person who is a principal, director, employee, or agent of the insurance company or an immediate family member of the principal, director, employee, or agent.

(b) "Certified capital" means an investment of cash by a certified investor in a certified capital company which fully funds the purchase price of either or both its equity interest in the certified capital company or a qualified debt instrument issued by the certified capital company.

(c) "Certified capital company" means a corporation, partnership, or limited liability company which:

1. Is certified by the department in accordance with this act.

2. Receives investments of certified capital.

3. Makes qualified investments as its primary activity.

(d) "Certified investor" means any insurance company subject to premium tax liability pursuant to s. 624.509 that contributes certified capital.

(e) "Department" means the Department of Banking and Finance.

(f) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(g) "Early stage technology business" means a qualified business that is involved, at the time of the certified capital company's initial investment in such business, in activities related to developing initial product or service offerings, such as prototype development or the establishment of initial production or service processes. The term includes a qualified business that is less than 2 years old and has, together with its affiliates, less than \$3 million in annual revenues for the fiscal year immediately preceding the initial investment by the certified capital company on a consolidated basis, as determined in accordance with generally accepted accounting principles. The term also includes the Florida Black Business Investment Board, any

entity majority owned by the Florida Black Business Investment Board, or any entity in which the Florida Black Business Investment Board holds a majority voting interest on the board of directors.

(h) "Office" means the Office of Tourism, Trade, and Economic Development.

(i) "Premium tax liability" means any liability incurred by an insurance company under the provisions of s. 624.509.

(j) "Principal" means an executive officer of a corporation, partner of a partnership, manager of a limited liability company, or any other person with equivalent executive functions.

(k) "Qualified business" means a business that meets the following conditions:

1. The business is headquartered in this state and its principal business operations are located in this state.

2. At the time a certified capital company makes an initial investment in a business, the business is a small business concern as defined in 13 C.F.R. s. 121.201, "Size Standards Used to Define Small Business Concerns" of the United States Small Business Administration which is involved in manufacturing, processing or assembling products, conducting research and development, or providing services.

3. At the time a certified capital company makes an initial investment in a business, the business certifies in an affidavit that:

a. The business is unable to obtain conventional financing, which means that the business has failed in an attempt to obtain funding for a loan from a bank or other commercial lender or that the business cannot reasonably be expected to qualify for such financing under the standards of commercial lending;

b. The business plan for the business projects that the business is reasonably expected to achieve in excess of \$25 million in sales revenue within 5 years after the initial investment, or the business is located in a designated Front Porch community, enterprise zone, urban high crime area, rural job tax credit county, or nationally recognized historic district;

c. The business will maintain its headquarters in this state for the next 10 years and any new manufacturing facility financed by a qualified investment will remain in this state for the next 10 years, or the business is located in a designated Front Porch community, enterprise zone, urban high crime area, rural job tax credit county, or nationally recognized historic district; and

d. The business has fewer than 200 employees and at least 75 percent of the employees are employed in this state. For purposes of this subsection, the term "Qualified Business" also includes the Florida Black Business Investment Board, any entity majority owned by the Florida Black Business

Investment Board, or any entity in which the Florida black Business Investment Board holds a majority voting interest on the board of directors.

A business predominantly engaged in retail sales, real estate development, insurance, banking, lending, oil and gas exploration, or engaged in professional services provided by accountants, lawyers, or physicians does not constitute a qualified business.

(l) "Qualified debt instrument" means a debt instrument, or a hybrid of a debt instrument, issued by a certified capital company, at par value or a premium, with an original maturity date of at least 5 years after the date of issuance, a repayment schedule which is no faster than a level principal amortization over a 5-year period, and interest, distribution, or payment features which are not related to the profitability of the certified capital company or the performance of the certified capital company's investment portfolio.

(m) "Qualified distribution" means any distribution or payment to equity holders of a certified capital company for:

1. Costs and expenses of forming, syndicating, managing, and operating the certified capital company, including an annual management fee in an amount that does not exceed 2.5 percent of the certified capital of the certified capital company, plus reasonable and necessary fees in accordance with industry custom for professional services, including, but not limited to, legal and accounting services, related to the operation of the certified capital company.

2. Any projected increase in federal or state taxes, including penalties and interest related to state and federal income taxes, of the equity owners of a certified capital company resulting from the earnings or other tax liability of the certified capital company to the extent that the increase is related to the ownership, management, or operation of a certified capital company.

(n) "Qualified investment" means the investment of cash by a certified capital company in a qualified business for the purchase of any debt, equity, or hybrid security of any nature and description whatsoever, including a debt instrument or security which has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants.

(6) PREMIUM TAX CREDIT; AMOUNT; LIMITATIONS.—

(a) Any certified investor who makes an investment of certified capital shall earn a vested credit against premium tax liability equal to 100 percent of the certified capital invested by the certified investor. Certified investors shall be entitled to use no more than 10 percentage points of the vested premium tax credit, including any carryforward credits under this act, per year beginning with premium tax filings for calendar year 2000. Any premium tax credits not used by certified investors in any single year may be carried forward and applied against the premium tax liabilities of such

investors for subsequent calendar years. The carryforward credit may be applied against subsequent premium tax filings through calendar year 2017.

(b) The credit to be applied against premium tax liability in any single year may not exceed the premium tax liability of the certified investor for that taxable year.

(c) A certified investor claiming a credit against premium tax liability earned through an investment in a certified capital company shall not be required to pay any additional retaliatory tax levied pursuant to s. 624.5091 as a result of claiming such credit. Because credits under this section are available to a certified investor, s. 624.5091 does not limit such credit in any manner.

(d) The amount of tax credits vested under the Certified Capital Company Act shall not be considered in ratemaking proceedings involving a certified investor.

(11) TRANSFERABILITY.—The claim of a transferee of a certified investor's unused premium tax credit shall be permitted in the same manner and subject to the same provisions and limitations of this act as the original certified investor. The term "transferee" means any person who:

(a) Through the voluntary sale, assignment, or other transfer of the business or control of the business of the certified investor, including the sale or other transfer of stock or assets by merger, consolidation, or dissolution, succeeds to all or substantially all of the business and property of the certified investor;

(b) Becomes by operation of law or otherwise the parent company of the certified investor; or

(c) Directly or indirectly owns, whether through rights, options, convertible interests, or otherwise, controls, or holds power to vote 10 percent or more of the outstanding voting securities or other ownership interest of the certified investor; or

(d) Is a subsidiary of the certified investor or 10 percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, whether through rights, options, convertible interests, or otherwise, by the certified investor; or

(e) Directly or indirectly controls, is controlled by, or is under the common control with the certified investor.

Section 50. Sections 288.9950, 288.9951, 288.9952, 288.9953, 288.9954, 288.9955, 288.9956, 288.9957, 288.9958, and 288.9959, Florida Statutes, are designated as part XI of chapter 288, Florida Statutes, and the Division of Statutory Revision is requested to designate that part "Workforce Development."

Section 51. Section 446.601, Florida Statutes, is transferred, renumbered as section 288.9950, Florida Statutes, and amended to read:



288.9950 446.601 Workforce Florida Act of 1996 ~~Short title; legislative intent.—~~

(1) This section may be cited as the “Workforce Florida Act of 1996.”

(2) The goal of this section is to utilize the workforce development system to upgrade dramatically Floridians’ workplace skills, economically benefiting the workforce, employers, and the state.

(3) These principles should guide the state’s efforts:

(a) Floridians must upgrade their skills to succeed in today’s workplace.

(b) In business, workforce skills are the key competitive advantage.

(c) Workforce skills will be Florida’s key job-creating incentive for business.

(d) Budget cuts, efficiency, effectiveness, and accountability mandate the consolidation of program services and the elimination of unwarranted duplication.

(e) Streamlined state and local partnerships must focus on outcomes, not process.

(f) Locally designed, customer-focused, market-driven service delivery works best.

(g) Job training curricula must be developed in concert with the input and needs of existing employers and businesses, and must consider the anticipated demand for targeted job opportunities, as specified by the Occupational Forecasting Conference under s. 216.136.

(h) Job placement, job retention, and return-on-investment should control workforce development expenditures and be a part of the measure for success and failure.

(i) Success will be rewarded and failure will have consequences.

(j) Job placement success will be publicly measured and reported to the Legislature.

(k) Apprenticeship programs, pursuant to s. 446.011, which provide a valuable opportunity for preparing citizens for productive employment, will be encouraged.

(l) Self-employment and small business ownership will be options that each worker can pursue.

(4) The workforce development strategy shall be designed by the Workforce Development Board Enterprise Florida Jobs and Education Partnership pursuant to s. 288.9952 s. 288.0475, and shall be centered around the strategies four integrated strategic components of First Jobs/First Wages One-Stop Career Centers, School-to-Work, Welfare-to-Work, and High Skills/High Wages Wage Jobs.

(a) First Jobs/First Wages is the state's strategy to promote successful entry into the workforce through education and workplace experience that lead to self-sufficiency and career advancement. The components of the strategy include efforts that enlist business, education, and community support for students to achieve long-term career goals, ensuring that young people have the academic and occupational skills required to succeed in the workplace. The strategy also includes the Work and Gain Economic Self-sufficiency (WAGES) effort that is the state's welfare-to-work program designed and developed by the WAGES Program State Board of Directors.

~~(a) One-Stop Career Centers are the state's initial customer-service contact strategy for offering every Floridian access, through service sites, telephone, or computer networks, to the following services:~~

- ~~1. Job search, referral, and placement assistance.~~
- ~~2. Career counseling and educational planning.~~
- ~~3. Consumer reports on service providers.~~
- ~~4. Recruitment and eligibility determination.~~
- ~~5. Support services, including child care and transportation.~~
- ~~6. Employability skills training.~~
- ~~7. Adult education and basic skills training.~~
- ~~8. Technical training leading to a certification and degree.~~
- ~~9. Claim filing for unemployment compensation services.~~
- ~~10. Temporary income, health, nutritional, and housing assistance.~~
- ~~11. Child care and transportation assistance to gain employment.~~
- ~~12. Other appropriate and available workforce development services.~~

~~(b) School-to-Work is the state's youth and adult workforce education strategy for coordinating business, education, and the community to support students in achieving long-term career goals, and for ensuring the workforce is prepared with the academic and occupational skills required for success.~~

~~(c) Welfare-to-Work is the state's strategy for encouraging self-sufficiency and minimizing dependence upon public assistance by emphasizing job placement and transition support services for welfare recipients.~~

(b)(d) High Skills/High Wages Wage is the state's strategy for aligning education and training programs with high-paying, high-demand occupations that advance individuals' careers, build a more skilled workforce, and enhance Florida's efforts to attract and expand job-creating business the Occupational Forecasting Conference under s. 216.136, for meeting the job demands of the state's existing businesses, and for providing a ready workforce which is integral to the state's economic development goal of attracting new and expanding businesses.

(5) The workforce development system shall utilize a charter process approach aimed at encouraging local design and control of service delivery and targeted activities. The ~~Workforce Development Board Enterprise Florida Jobs and Education Partnership~~ shall be responsible for granting charters to ~~regional workforce development boards that Regional Workforce Development Boards~~ which have a membership consistent with the requirements of federal and state law and ~~that~~ which have developed a plan consistent with the state's workforce development strategy ~~and with the strategic components of One-Stop Career Centers, School-to-Work, Welfare-to-Work, and High Skills/High Wage~~. The plan shall specify methods for allocating the resources and programs in a manner that eliminates unwarranted duplication, minimizes administrative costs, meets the existing job market demands and the job market demands resulting from successful economic development activities, ensures access to quality workforce development services for all Floridians, and maximizes successful outcomes. As part of the charter process, the ~~Workforce Development Board Enterprise Florida Jobs and Education Partnership~~ shall establish incentives for effective coordination of federal and state programs, outline rewards for successful job placements, and institute collaborative approaches among local service providers. Local decisionmaking and control shall be important components for inclusion in this charter application.

Section 52. Section 446.604, Florida Statutes, is transferred, renumbered as section 288.9951, Florida Statutes, and amended to read:

288.9951 ~~446.604~~ One-Stop Career Centers.—

(1) One-Stop Career Centers comprise the state's initial customer-service delivery system for offering every Floridian access, through service sites or telephone or computer networks, to the following services:

- (a) Job search, referral, and placement assistance.
- (b) Career counseling and educational planning.
- (c) Consumer reports on service providers.
- (d) Recruitment and eligibility determination.
- (e) Support services, including child care and transportation assistance to gain employment.
- (f) Employability skills training.
- (g) Adult education and basic skills training.
- (h) Technical training leading to a certification and degree.
- (i) Claim filing for unemployment compensation services.
- (j) Temporary income, health, nutritional, and housing assistance.
- (k) Other appropriate and available workforce development services.

(2) In addition to the mandatory partners identified in Pub. L. No. 105-220, Food Stamp Employment and Training, Food Stamp work programs, and WAGES/TANF programs shall, upon approval by the Governor of a transition plan prepared by the Workforce Development Board in collaboration with the WAGES Program State Board of Directors, participate as partners in each One-Stop Career Center. Based on this plan, each partner is prohibited from operating independently from a One-Stop Career Center unless approved by the regional workforce development board. Services provided by partners who are not physically located in a One-Stop Career Center must be approved by the regional workforce development board.

(3) Subject to a process designed by the Workforce Development Board, and in compliance with Pub. L. No. 105-220, regional workforce development boards shall designate One-Stop Career Center operators. A regional workforce development board may retain its current One-Stop Career Center operator without further procurement action where the board has established a One-Stop Career Center that has complied with federal and state law.

(4) Notwithstanding any other provision of law, effective July 1, 1999, regional workforce development boards shall enter into a memorandum of understanding with the Department of Labor and Employment Security for the delivery of employment services authorized by Wagner-Peyser. For fiscal year 1999-2000, the memorandum of understanding with the Department of Labor and Employment Security must be performance-based, dedicating 15 percent of the funds to performance payments. Performance payments shall be based on performance measures developed by the Workforce Development Board.

(a) Unless otherwise required by federal law, at least 90 percent of the Wagner-Peyser funding must go into direct customer service costs.

(b) Employment services must be provided through One-Stop Career Centers, under the guidance of One-Stop Career Center operators.

(5) One-Stop Career Center partners identified in subsection (2) shall enter into a memorandum of understanding pursuant to Pub. L. No. 105-220, Title I, s. 121, with the regional workforce development board. Failure of a local partner to participate cannot unilaterally block the majority of partners from moving forward with their One-Stop Career Centers, and the Workforce Development Board, pursuant to s. 288.9952(4)(d), may make notification of a local partner that fails to participate.

(6) To the extent possible, core services, as defined by Pub. L. No. 105-220, shall be provided electronically, utilizing existing systems and public libraries. To expand electronic capabilities, the Workforce Development Board, working with regional workforce development boards, shall develop a centralized help center to assist regional workforce development boards in fulfilling core services, minimizing the need for fixed-site One-Stop Career Centers.

(7) Intensive services and training provided pursuant to Pub. L. No. 105-220, shall be provided to individuals through Intensive Service Accounts and

Individual Training Accounts. The Workforce Development Board shall develop, by July 1, 1999, an implementation plan, including identification of initially eligible training providers, transition guidelines, and criteria for use of these accounts. Individual Training Accounts must be compatible with Individual Development Accounts for education allowed in federal and state welfare reform statutes.

(8)(a) Individual Training Accounts must be expended on programs that prepare people to enter high-wage occupations identified by the Occupational Forecasting Conference created by s. 216.136, and on other programs as approved by the Workforce Development Board.

(b) For each approved training program, regional workforce development boards, in consultation with training providers, shall establish a fair-market purchase price to be paid through an Individual Training Account. The purchase price must be based on prevailing costs and reflect local economic factors, program complexity, and program benefits, including time to beginning of training and time to completion. The price shall ensure the fair participation of public and nonpublic postsecondary educational institutions as authorized service providers and shall prohibit the use of unlawful remuneration to the student in return for attending an institution. Unlawful remuneration does not include student financial assistance programs.

(c) The Workforce Development Board shall review Individual Training Account pricing schedules developed by regional workforce development boards and present findings and recommendations for process improvement to the President of the Senate and the Speaker of the House of Representatives by January 1, 2000.

(d) To the maximum extent possible, training providers shall use funding sources other than the funding provided under Pub. L. No. 105-220. A performance outcome related to alternative financing obtained by the training provider shall be established by the Workforce Development Board and used for performance evaluation purposes. The performance evaluation must take into consideration the number of alternative funding sources.

(e) Training services provided through Individual Training Accounts must be performance-based, with successful job placement triggering full payment.

(f) The accountability measures to be used in documenting competencies acquired by the participant during training shall be literacy completion points and occupational completion points. Literacy completion points refers to the academic or workforce readiness competencies that qualify a person for further basic education, vocational education, or for employment. Occupational completion points refers to the vocational competencies that qualify a person to enter an occupation that is linked to a vocational program.

(9)(a)(4) The Department of Management Services, working with the Workforce Development Board, shall coordinate among the agencies a plan for a One-Stop Career Center Electronic Network made up of One-Stop Career Centers that are operated by the Department of Labor and Employment Security, the Department of Health and Rehabilitative Services, the

Department of Education, and other authorized public or private for-profit or not-for-profit agents. The plan shall identify resources within existing revenues to establish and support ~~this such~~ this electronic network for service delivery that includes the Florida Communities Network.

(b)(2) The network shall assure that a uniform method is used to determine eligibility for and management of services provided by agencies that conduct workforce development activities. The Department of Management Services shall develop strategies to allow access to the databases and information management systems of the following systems in order to link information in those databases with the One-Stop Career Centers:

1.(a) The Unemployment Compensation System of the Department of Labor and Employment Security.

2.(b) The Job Service System of the Department of Labor and Employment Security.

3.(c) The FLORIDA System and the components related to WAGES Aid to Families with Dependent Children, food stamps, and Medicaid eligibility.

4.(d) The Workers' Compensation System of the Department of Labor and Employment Security.

5.(e) The Student Financial Assistance System of the Department of Education.

6.(f) Enrollment in the public postsecondary education system.

The systems shall be fully coordinated at both the state and local levels by January 1, 2000 ~~July 1, 1999~~.

Section 53. Section 288.9620, Florida Statutes, is transferred, renumbered as section 288.9952, Florida Statutes, and amended to read:

(Substantial rewording of section. See s. 288.9620, F.S., for present text.)

288.9952 Workforce Development Board.—

(1) There is created within the not-for-profit corporate structure of Enterprise Florida, Inc., a not-for-profit public-private Workforce Development Board. The purpose of the Workforce Development Board is to design and implement strategies that help Floridians enter, remain in, and advance in the workplace, becoming more highly skilled and successful, benefiting these Floridians, Florida businesses, and the entire state.

(2)(a) The Workforce Development Board shall be governed by a 25-voting-member board of directors whose membership and appointment must be consistent with Pub. L. No. 105-220, Title I, s. 111(b), and contain three representatives of organized labor. Notwithstanding s. 114.05(f), the Governor may appoint members of the current board to serve on the reconstituted board as required by this section. By June 1, 1999, the Workforce Development Board will provide to the Governor a transition plan to incorporate the

changes required by this act and Pub. L. No. 105-220, specifying the time-frame and manner of changes to the board. This plan shall govern the transition, unless otherwise notified by the Governor. The importance of minority and gender representation shall be considered when making appointments to the board. Additional members may be appointed when necessary to conform to the requirements of Pub. L. No. 105-220.

(b) The board of directors of the Workforce Development Board shall be chaired by a board member designated by the Governor pursuant to Pub. L. No. 105-220.

(c) Private-sector members appointed by the Governor must be appointed for four-year, staggered terms. Public-sector members appointed by the Governor must be appointed to 4-year terms. Members appointed by the Governor serve at the pleasure of the Governor.

(d) The Governor shall appoint members to the board of directors of the Workforce Development Board within 30 days after the receipt of nominations.

(e) A member of the board of directors of the Workforce Development Board may be removed by the Governor for cause. Absence from three consecutive meetings results in automatic removal. The chair of the Workforce Development Board shall notify the Governor of such absences.

(3)(a) The president of the Workforce Development Board shall be hired by the president of Enterprise Florida, Inc., and shall serve in the capacity of an executive director and secretary of the Workforce Development Board.

(b) The board of directors of the Workforce Development Board shall meet at least quarterly and at other times upon call of its chair.

(c) A majority of the total current membership of the board of directors of the Workforce Development Board comprises a quorum of the board.

(d) A majority of those voting is required to organize and conduct the business of the Workforce Development Board, except that a majority of the entire board of directors of the Workforce Development Board is required to adopt or amend the operational plan.

(e) Except as delegated or authorized by the board of directors of the Workforce Development Board, individual members have no authority to control or direct the operations of the Workforce Development Board or the actions of its officers and employees, including the president.

(f) The board of directors of the Workforce Development Board may delegate to its president those powers and responsibilities it deems appropriate.

(g) Members of the board of directors of the Workforce Development Board and its committees shall serve without compensation, but these members, the president, and all employees of the Workforce Development Board may be reimbursed for all reasonable, necessary, and actual expenses, as determined by the board of directors of Enterprise Florida, Inc.

(h) The board of directors of the Workforce Development Board may establish an executive committee consisting of the chair and at least two additional board members selected by the board of directors. The executive committee shall have such authority as the board of directors of the Workforce Development Board delegates to it, except that the board of directors may not delegate to the executive committee authority to take action that requires approval by a majority of the entire board of directors.

(i) The board of directors of the Workforce Development Board may appoint committees to fulfill its responsibilities, to comply with federal requirements, or to obtain technical assistance, and must incorporate members of regional workforce development boards into its structure.

(j) Each member of the board of directors of the Workforce Development Board who is not otherwise required to file a financial disclosure pursuant to s. 8, Art. II of the State Constitution or s. 112.3144 must file disclosure of financial interests pursuant to s. 112.3145.

(4) 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 as determined by statute, Pub. L. No. 105-220, and the Governor, as well as its functions, duties, and responsibilities, including, but not limited to, the following:

(a) Serving as the state's Workforce Investment Board pursuant to Pub. L. No. 105-220. Unless otherwise required by federal law, at least 90 percent of the workforce development funding must go into direct customer service costs. Of the allowable administrative overhead, appropriate amounts shall be expended to procure independent job-placement evaluations.

(b) 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 board of directors of Enterprise Florida, Inc., or on the board of directors of the Workforce Development Board must be approved by a two-thirds vote of the entire board of directors of the Workforce Development Board, and, if applicable, 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 board of directors of Enterprise Florida, Inc., or the board of directors of the Workforce Development Board. An organization represented on the board of directors of the Workforce Development Board or on the board of directors of Enterprise Florida, Inc., 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 of directors of the Workforce Development Board. The member of the board of directors of the Workforce Development Board 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 members of the board of directors of the Workforce Development Board.



(c) Providing an annual report to the board of directors of Enterprise Florida, Inc., by November 1 that includes a copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General.

(d) Notifying the Governor, the President of the Senate, and the Speaker of the House of Representatives of noncompliance by agencies or obstruction of the board's efforts by agencies. Upon such notification, the Executive Office of the Governor shall assist agencies to bring them into compliance with board objectives.

(e) Ensuring that the state does not waste valuable training resources. Thus, the board shall direct that all resources, including equipment purchased for training Workforce Investment Act clients, be available for use at all times by eligible populations as first priority users. At times when eligible populations are not available, such resources shall be used for any other state authorized education and training purpose.

(5) Notwithstanding s. 216.351, to allow time for documenting program performance, funds allocated for the incentives in s. 239.249 must be carried forward to the next fiscal year and must be awarded for the current year's performance, unless federal law requires the funds to revert at the year's end.

(6) The Workforce Development Board may take action that it deems necessary to achieve the purposes of this section and consistent with the policies of the board of directors of Enterprise Florida, Inc., in partnership with private enterprises, public agencies, and other organizations. The Workforce Development Board shall advise and make recommendations to the board of directors of Enterprise Florida, Inc., and through that board of directors to the State Board of Education and the Legislature concerning action needed to bring about the following benefits to the state's social and economic resources:

(a) A state employment, education, and training policy that ensures that programs to prepare workers are responsive to present and future business and industry needs and complement the initiatives of Enterprise Florida, Inc.

(b) A funding system that provides incentives to improve the outcomes of vocational education programs, and of registered apprenticeship and work-based learning programs, and that focuses resources on occupations related to new or emerging industries that add greatly to the value of the state's economy.

(c) A comprehensive approach to the education and training of target populations such as those who have disabilities, are economically disadvantaged, receive public assistance, are not proficient in English, or are dislocated workers. This approach should ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance.

(d) The designation of Institutes of Applied Technology composed of public and private postsecondary institutions working together with business and industry to ensure that technical and vocational education programs use the most advanced technology and instructional methods available and respond to the changing needs of business and industry. Of the funds reserved for activities of the Workforce Investment Act at the state level, \$500,000 shall be reserved for an institute of applied technology in construction excellence, which shall be a demonstration project on the development of such institutes. The institute, once established, shall contract with the Workforce Development Board to provide a coordinated approach to workforce development in this industry.

(e) A system to project and evaluate labor market supply and demand using the results of the Occupational Forecasting Conference created in s. 216.136 and the career education performance standards identified under s. 239.233.

(f) A review of the performance of public programs that are responsible for economic development, education, employment, and training. The review must include an analysis of the return on investment of these programs.

(7) By 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 by the Workforce Development Board setting forth:

(a) The audit in subsection (8), if conducted.

(b) The operations and accomplishments of the partnership including the programs or entities listed in subsection (6).

(8) The Auditor General may, pursuant to his or her own authority or at the direction of the Legislative Auditing Committee, conduct an audit of the Workforce Development Board or the programs or entities created by the Workforce Development Board.

(9) The Workforce Development Board, in collaboration with the regional workforce development boards and appropriate state agencies and local public and private service providers, and in consultation with the Office of Program Policy Analysis and Government Accountability, shall establish uniform measures and standards to gauge the performance of the workforce development strategy. These measures and standards must be organized into three outcome tiers.

(a) The first tier of measures must be organized to provide benchmarks for system-wide outcomes. The Workforce Development Board must, in collaboration with the Office of Program Policy Analysis and Government Accountability, establish goals for the tier-one outcomes. System-wide outcomes may include employment in occupations demonstrating continued growth in wages; continued employment after 3, 6, 12, and 24 months; reduction in and elimination of public assistance reliance; job placement; employer satisfaction; and positive return on investment of public resources.

(b) The second tier of measures must be organized to provide a set of benchmark outcomes for One-Stop Career Centers and each of the strategic components of the workforce development strategy. A set of standards and measures must be developed for One-Stop Career Centers, youth employment activities, WAGES, and High Skills/High Wages, targeting the specific goals of each particular strategic component. Cost per entered employment, earnings at placement, retention in employment, job placement, and entered employment rate must be included among the performance outcome measures.

1. Appropriate measures for One-Stop Career Centers may include direct job placements at minimum wage, at a wage level established by the Occupational Forecasting Conference, and at a wage level above the level established by the Occupational Forecasting Conference.

2. Appropriate measures for youth employment activities may include the number of students enrolling in and completing work-based programs, including apprenticeship programs; job placement rate; job retention rate; wage at placement; and wage growth.

3. WAGES measures may include job placement rate, job retention rate, wage at placement, wage growth, reduction and elimination of reliance on public assistance, and savings resulting from reduced reliance on public assistance.

4. High Skills/High Wages measures may include job placement rate, job retention rate, wage at placement, and wage growth.

(c) The third tier of measures must be the operational output measures to be used by the agency implementing programs, and it may be specific to federal requirements. The tier-three measures must be developed by the agencies implementing programs, and the Workforce Development Board may be consulted in this effort. Such measures must be reported to the Workforce Development Board by the appropriate implementing agency.

(d) Regional differences must be reflected in the establishment of performance goals and may include job availability, unemployment rates, average worker wage, and available employable population. All performance goals must be derived from the goals, principles, and strategies established in the Workforce Florida Act of 1996.

(e) Job placement must be reported pursuant to s. 229.8075. Positive outcomes for providers of education and training must be consistent with ss. 239.233 and 239.245.

(f) The uniform measures of success that are adopted by the Workforce Development Board or the regional workforce development boards must be developed in a manner that provides for an equitable comparison of the relative success or failure of any service provider in terms of positive outcomes.

(g) By October 15 of each year, the Workforce Development Board shall provide the Legislature with a report detailing the performance of Florida's

workforce development system, as reflected in the three-tier measurement system. Additionally, this report must benchmark Florida outcomes, at all tiers, against other states that collect data similarly.

Section 54. Section 446.602, Florida Statutes, is transferred, renumbered as section 288.9953, Florida Statutes, and amended to read:

288.9953 446.602 Regional Workforce Development Boards.—

(1) One regional workforce development board ~~Regional Workforce Development Board~~ shall be appointed in each designated service delivery area and shall serve as the local workforce investment board pursuant to Pub. L. No. 105-220. The membership and responsibilities of the board shall be consistent with Pub. L. No. 105-220, Title I, s. 117(b), and contain three representatives of organized labor. A member of a regional workforce development board may not vote on a matter under consideration by the board regarding the provision of services by such member, or by an entity that such member represents; vote on a matter that would provide direct financial benefit to such member or the immediate family of such member; or engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the state plan, 97-300, as amended. The board shall be appointed by the chief elected official or his or her designee of the local county or city governing bodies or consortiums of county and/or city governmental units that exist through interlocal agreements and shall include:

~~(a) At least 51 percent of the members of each board being from the private sector and being chief executives, chief operating officers, owners of business concerns, or other private sector executives with substantial management or policy responsibility.~~

~~(b) Representatives of organized labor and community-based organizations, who shall constitute not less than 15 percent of the board members.~~

~~(c) Representatives of educational agencies, including presidents of local community colleges, superintendents of local school districts, licensed private postsecondary educational institutions participating in vocational education and job training in the state and conducting programs on the Occupational Forecasting Conference list or a list validated by the Regional Workforce Development Board; vocational rehabilitation agencies; economic development agencies; public assistance agencies; and public employment service. One of the representatives from licensed private postsecondary educational institutions shall be from a degree-granting institution, and one from an institution offering certificate or diploma programs. One of these members shall be a nonprofit, community-based organization which provides direct job training and placement services to hard-to-serve individuals including the target population of people with disabilities.~~

The current Private Industry Council may be restructured, by local agreement, to meet the criteria for a Regional Workforce Development Board.

(2) The Workforce Development Board will determine the timeframe and manner of changes to the regional workforce development boards as required by this act and Pub. L. No. 105-220.

(3) The Workforce Development Board shall assign staff to meet with each regional workforce development board annually to review the board's performance and to certify that the board is in compliance with applicable state and federal law.

~~(4)(2) In addition to the duties and functions specified by the Workforce Development Board Enterprise Florida Jobs and Education Partnership and by the interlocal agreement approved by the local county or city governing bodies, the regional workforce development board Regional Workforce Development Board shall have the following responsibilities:~~

~~(a) Develop, submit, ratify, or amend Review, approve, and ratify the local Job Training Partnership Act plan pursuant to Pub. L. No. 105-220, Title I, s. 118 which also must be signed by the chief elected officials.~~

~~(b) Conclude agreements necessary to designate the fiscal agent and administrative entity.~~

~~(c) Complete assurances required for the Workforce Development Board Enterprise Florida Jobs and Education Partnership charter process and provide ongoing oversight related to administrative costs, duplicated services, career counseling, economic development, equal access, compliance and accountability, and performance outcomes.~~

(d) Oversee One-Stop Career Centers in its local area.

~~(5)(3) The Workforce Development Board Enterprise Florida Jobs and Education Partnership shall, by January 1, 1997, design and implement a training program for the regional workforce development boards Regional Workforce Development Boards to familiarize board members with the state's workforce development goals and strategies.~~

~~The regional workforce development board Regional Workforce Development Board shall designate all local service providers and shall not transfer this authority to a third party. In order to exercise independent oversight, the regional workforce development board Regional Workforce Development Board shall not be a direct provider of intake, assessment, eligibility determinations, or other direct provider services.~~

(6) Regional workforce development boards may appoint local committees to obtain technical assistance on issues of importance, including those issues affecting older workers.

(7) Each regional workforce development board shall establish a high skills/high wages committee consisting of five private-sector business representatives, including the regional workforce development board chair; the presidents of all community colleges within the board's region; those district school superintendents with authority for conducting postsecondary educational programs within the region; and a representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region. The business representatives other than the board chair need not be members of the regional workforce development board.

(a) During fiscal year 1999-2000, each high skills/high wages committee shall submit, quarterly, recommendations to the Workforce Development Board related to:

1. Policies to enhance the responsiveness of high skills/high wages programs in its region to business and economic development opportunities.
2. Integrated use of state education and federal workforce development funds to enhance the training and placement of designated population individuals with local businesses and industries.

(b) After fiscal year 1999-2000, the Workforce Development Board has the discretion to decrease the frequency of reporting by the high skills/high wages committees, but the committees shall meet and submit any recommendations at least annually.

(c) Annually, the Workforce Development Board shall compile all the recommendations of the high skills/high wages committees, research their feasibility, and make recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 55. Section 446.607, Florida Statutes, is transferred, renumbered as section 288.9954, Florida Statutes, and amended to read:

~~288.9954~~ 446.607 Consultation, consolidation, and coordination.—~~The Workforce Development Board Enterprise Florida Jobs and Education Partnership and the WAGES Program State Board of Directors any state public assistance policy board established pursuant to law shall consult with each other in developing each of their statewide implementation plans and strategies. The regional workforce development boards Regional Workforce Development Boards and local WAGES coalitions any local public assistance policy boards established pursuant to law may elect to consolidate into one board provided that the consolidated board membership complies with the requirements of Pub. L. No. 105-220, Title I, s. 117(b) 97-300, as amended, and with any other law delineating the membership requirements for either of the separate boards. The regional workforce development boards Regional Workforce Development Boards and local WAGES coalitions any respective local public assistance policy board established pursuant to law shall collaboratively coordinate, to the maximum extent possible, the local services and activities provided by and through each of these boards and coalitions and their designated local service providers.~~

Section 56. Section 446.603, Florida Statutes, is transferred, renumbered as section 288.9955, Florida Statutes, and amended to read:

~~288.9955~~ 446.603 Untried Worker Placement and Employment Incentive Act.—

(1) This section may be cited as the “Untried Worker Placement and Employment Incentive Act.”

(2) For purposes of this section, the term “untried worker” means a person who is a hard-to-place participant in the Work and Gain Economic Self-sufficiency Program (WAGES) welfare-to-work programs of the Department

of Labor and Employment Security or the Department of Health and Rehabilitative Services because ~~he or she has~~ they have limitations associated with the long-term receipt of welfare and difficulty in sustaining employment, particularly because of physical or mental disabilities.

~~(3) The Department of Labor and Employment Security and the Department of Health and Rehabilitative Services, working with the Enterprise Florida Jobs and Education Partnership, shall develop five Untried Worker Placement and Employment Incentive pilot projects in at least five different counties.~~

~~(3)(4)~~ Incentive ~~In these pilots, incentive payments may~~ will be made to for-profit or not-for-profit agents selected by local WAGES ~~coalitions the Regional Workforce Development Boards~~ who successfully place untried workers in full-time employment for 6 months with an employer after the employee successfully completes a probationary placement of no more than 6 months with that employer. Full-time employment that includes health care benefits will receive an additional incentive payment.

~~(4)(5)~~ The for-profit and not-for-profit agents shall contract to provide services for no more than 1 year. Contracts may be renewed upon successful review by the contracting agent.

~~(5)(6)~~ Incentives must be paid according to the ~~The Department of Labor and Employment Security and the Department of Health and Rehabilitative Services, working with the Enterprise Florida Jobs and Education Partnership, shall develop an~~ incentive schedule developed by the Department of Labor and Employment Security and the Department of Children and Family Services which that ~~costs the state less per placement than the state's 12-month expenditure on a welfare recipient.~~

~~(6)(7)~~ During an untried worker's probationary placement, the for-profit or not-for-profit agent shall be the employer of record of that untried worker, and shall provide workers' compensation and unemployment compensation coverage as provided by law. The business employing the untried worker through the agent may be eligible to apply for any tax credits, wage supplementation, wage subsidy, or employer payment for that employee that are authorized in law or by agreement with the employer. After satisfactory completion of such a probationary period, an untried worker shall not be considered an untried worker.

~~(7)(8)~~ This section shall not be used for the purpose of displacing or replacing an employer's regular employees, and shall not interfere with executed collective bargaining agreements. Untried workers shall be paid by the employer at the same rate as similarly situated and assessed workers in the same place of employment.

~~(8)(9)~~ An employer that demonstrates a pattern of unsuccessful placements shall be disqualified from participation in these pilots because of poor return on the public's investment.

~~(9)(10)~~ The Department of Labor and Employment Security and the Department of Health and Rehabilitative Services, working with the Enter-

~~prise Florida Jobs and Education Partnership, may offer to Any employer that chooses to employ untried workers is eligible to receive such incentives and benefits that are available and provided in law, as long as the long-term, cost savings can be quantified with each such additional inducement.~~

~~(11) Unless otherwise reenacted, this section shall be repealed on July 1, 1999.~~

Section 57. Section 288.9956, Florida Statutes, is created to read:

288.9956 Implementation of the federal Workforce Investment Act of 1998.—

(1) WORKFORCE INVESTMENT ACT PRINCIPLES.—The state's approach to implementing the federal Workforce Investment Act of 1998, Pub. L. No. 105-220, should have six elements:

(a) Streamlining Services—Florida's employment and training programs must be coordinated and consolidated at locally managed One-Stop Career Centers.

(b) Empowering Individuals—Eligible participants will make informed decisions, choosing the qualified training program that best meets their needs.

(c) Universal Access—Through One-Stop Career Centers, every Floridian will have access to employment services.

(d) Increased Accountability—The state, localities, and training providers will be held accountable for their performance.

(e) Local Board and Private Sector Leadership—Local boards will focus on strategic planning, policy development, and oversight of the local system, choosing local managers to direct the operational details of their One-Stop Career Centers.

(f) Local Flexibility and Integration—Localities will have exceptional flexibility to build on existing reforms. Unified planning will free local groups from conflicting micro-management, while waivers and WorkFlex will allow local innovations.

(2) FIVE-YEAR PLAN.—The Workforce Development Board shall prepare and submit a 5-year plan, which includes secondary vocational education, to fulfill the early implementation requirements of Pub. L. No. 105-220 and applicable state statutes. Mandatory federal partners and optional federal partners, including the WAGES Program State Board of Directors, shall be fully involved in designing the plan's One-Stop Career Center system strategy. The plan shall detail a process to clearly define each program's statewide duties and role relating to the system. Any optional federal partner may immediately choose to fully integrate its program's plan with this plan, which shall, notwithstanding any other state provisions, fulfill all their state planning and reporting requirements as they relate to One-Stop Career Centers. The plan shall detail a process that would fully integrate all



federally mandated and optional partners by the second year of the plan. All optional federal program partners in the planning process shall be mandatory participants in the second year of the plan.

(3) FUNDING.—

(a) Title I, Workforce Investment Act of 1998 funds; Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended based on the Workforce Development Board's 5-year plan. The plan shall outline and direct the method used to administer and coordinate various funds and programs that are operated by various agencies. The following provisions shall also apply to these funds:

1. At least 50 percent of the Title I funds for Adults and Dislocated Workers that are passed through to regional workforce development boards shall be allocated to Individual Training Accounts unless a regional workforce development board obtains a waiver from the Workforce Development Board. Tuition, fees, and performance-based incentive awards paid in compliance with Florida's Performance-Based Incentive Fund Program qualify as an Individual Training Account expenditure, as do other programs developed by regional workforce development boards in compliance with the Workforce Development Board's policies.

2. Fifteen percent of Title I funding shall be retained at the state level and shall be dedicated to state administration and used to design, develop, induce, and fund innovative Individual Training Account pilots, demonstrations, and programs. Eligible state administration costs include the costs of: funding of the Workforce Development Board and Workforce Development Board's staff; operating fiscal, compliance, and management accountability systems through the Workforce Development Board; conducting evaluation and research on workforce development activities; and providing technical and capacity building assistance to regions at the direction of the Workforce Development Board. Notwithstanding s. 288.9952, such administrative costs shall not exceed 25 percent of these funds. Seventy percent of these funds shall be allocated to Individual Training Accounts for: the Minority Teacher Education Scholars program, the Certified Teacher-Aide program, the Self-Employment Institute, and other Individual Training Accounts designed and tailored by the Workforce Development Board, including, but not limited to, programs for incumbent workers, displaced homemakers, nontraditional employment, empowerment zones, and enterprise zones. The Workforce Development Board shall design, adopt, and fund Individual Training Accounts for distressed urban and rural communities. The remaining 5 percent shall be reserved for the Incumbent Worker Training Program.

3. The Incumbent Worker Training Program is created for the purpose of providing grant funding for continuing education and training of incumbent employees at existing Florida businesses. The program will provide reimbursement grants to businesses that pay for preapproved, direct, training-related costs.

a. The Incumbent Worker Training Program will be administered by a private business organization, known as the grant administrator, under contract with the Workforce Development Board.

b. To be eligible for the program's grant funding, a business must have been in operation in Florida for a minimum of 1 year prior to the application for grant funding; have at least one full-time employee; demonstrate financial viability; and be current on all state tax obligations. Priority for funding shall be given to businesses with 25 employees or fewer, businesses in rural areas, businesses in distressed inner-city areas, or businesses whose grant proposals represent a significant upgrade in employee skills.

c. All costs reimbursed by the program must be preapproved by the grant administrator. The program will not reimburse businesses for trainee wages, the purchase of capital equipment, or the purchase of any item or service that may possibly be used outside the training project. A business approved for a grant may be reimbursed for preapproved, direct, training-related costs including tuition and fees; books and classroom materials; and administrative costs not to exceed 5 percent of the grant amount.

d. A business that is selected to receive grant funding must provide a matching contribution to the training project, including but not limited to, wages paid to trainees or the purchase of capital equipment used in the training project; must sign an agreement with the grant administrator to complete the training project as proposed in the application; must keep accurate records of the project's implementation process; and must submit monthly or quarterly reimbursement requests with required documentation.

e. All Incumbent Worker Training Program grant projects shall be performance-based with specific measurable performance outcomes, including completion of the training project and job retention. The grant administrator shall withhold the final payment to the grantee until a final grant report is submitted and all performance criteria specified in the grant contract have been achieved.

f. The Workforce Development Board is authorized to establish guidelines necessary to implement the Incumbent Worker Training Program.

g. No more than 10 percent of the Incumbent Worker Training Program's appropriation may be used for administrative purposes.

h. The grant administrator is required to submit a report to the Workforce Development Board and the Legislature on the financial and general operations of the Incumbent Worker Training Program. Such report will be due before December 1 of any fiscal year for which the program is funded by the Legislature.

4. At least 50 percent of Rapid Response funding shall be dedicated to Intensive Services Accounts and Individual Training Accounts for dislocated workers and incumbent workers who are at risk of dislocation. The Workforce Development Board shall also maintain an Emergency Preparedness Fund from Rapid Response funds which will immediately issue Intensive Service Accounts and Individual Training Accounts as well as other federally authorized assistance to eligible victims of natural or other disasters. At the direction of the Governor, for events that qualify under federal law,

these Rapid Response funds shall be released to regional workforce development boards for immediate use. Funding shall also be dedicated to maintain a unit at the state level to respond to Rapid Response emergencies around the state, to work with state emergency management officials, and to work with regional workforce development boards. All Rapid Response funds must be expended based on a plan developed by the Workforce Development Board and approved by the Governor.

(b) The administrative entity for Title I, Workforce Investment Act of 1998 funds, and Rapid Response activities, will be determined by the Workforce Development Board, except that the administrative entity for Rapid Response for fiscal year 1999-2000 must be the Department of Labor and Employment Security. The administrative entity will provide services through a contractual agreement with the Workforce Development Board. The terms and conditions of the agreement may include, but are not limited to, the following:

1. All policy direction to regional workforce development boards regarding Title I programs and Rapid Response activities shall emanate from the Workforce Development Board.

2. Any policies by a state agency acting as an administrative entity which may materially impact local workforce boards, local governments, or educational institutions must be promulgated under chapter 120.

3. The administrative entity will operate under a procedures manual, approved by the Workforce Development Board, addressing: financial services including cash management, accounting, and auditing; procurement; management information system services; and federal and state compliance monitoring, including quality control.

4. State Career Service employees in the Department of Labor and Employment Security may be leased or assigned to the administrative entity to provide administrative and professional functions.

#### (4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED MODIFICATIONS.—

(a) The Workforce Development Board may provide indemnification from audit liabilities to regional workforce development boards that act in full compliance with state law and the board's policies.

(b) The Workforce Development Board may negotiate and settle all outstanding issues with the U.S. Department of Labor relating to decisions made by the Workforce Development Board and the Legislature with regard to the Job Training Partnership Act, making settlements and closing out all JTPA program year grants before the repeal of the act June 30, 2000.

(c) The Workforce Development Board may make modifications to the state's plan, policies, and procedures to comply with federally mandated requirements that in its judgment must be complied with to maintain funding provided pursuant to Pub. L. No. 105-220. The board shall notify in writing the Governor, the President of the Senate, and the Speaker of the

House of Representatives within 30 days of any such changes or modifications.

(5) The Department of Labor and Employment Security shall phase-down JTPA duties before the federal program is abolished July 1, 2000. Outstanding accounts and issues shall be promptly closed out after this date.

(6) LONG-TERM CONSOLIDATION OF WORKFORCE DEVELOPMENT.—

(a) The Workforce Development Board may recommend workforce-related divisions, bureaus, units, programs, duties, commissions, boards, and councils that can be eliminated, consolidated, or privatized.

(b) By December 31, 1999, the Office of Program Policy Analysis and Government Accountability shall review the workforce development system, identifying divisions, bureaus, units, programs, duties, commissions, boards, and councils that could be eliminated, consolidated, or privatized. The office shall submit preliminary findings by December 31, 1999, and its final report and recommendations by January 31, 2000, to the President of the Senate and the Speaker of the House of Representatives. As part of the report, the Office of Program Policy Analysis and Government Accountability shall specifically identify, by funding stream, indirect, administrative, management information system, and overhead costs of the Department of Labor and Employment Security.

(7) TERMINATION OF SET-ASIDE.—For those state and federal set-asides terminated by the federal Workforce Investment Act of 1998, the Department of Education, the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor, and the Department of Elder Affairs shall keep all unexpended JTPA 123 (Education Coordination), JTPA III (Dislocated Workers), or JTPA IIA (Services for Older Adults) funds to closeout their education and coordination activities. The Workforce Development Board shall develop guidelines under which the departments may negotiate with the regional workforce development boards to provide continuation of activities and services currently conducted with the JTPA Section 123 or JTPA IIA funds.

Section 58. Section 288.9957, Florida Statutes, is created to read:

288.9957 Florida Youth Workforce Council.—

(1) The chairman of the Workforce Development Board shall designate the Florida Youth Workforce Council from representatives of distressed inner-city and rural communities who have demonstrated experience working with at-risk youth, and representatives of public and private groups, including, but not limited to, School-to-Work Advisory Councils, the National Guard, Childrens' Services Councils, Juvenile Welfare Boards, the Apprenticeship Council, Juvenile Justice District Boards, and other federal and state programs that target youth, to advise the board on youth programs and to implement Workforce Development Board strategies for young people.

(2) The Florida Youth Workforce Council shall oversee the development of regional youth workforce councils, as a subgroup of each regional workforce development board, which will be responsible for developing required local plans relating to youth, recommending providers of youth activities to be awarded grants by the regional workforce development board, conducting oversight of these providers, and coordinating youth activities in the region.

(3) Resources awarded to regions for youth activities shall fund community activities including the Minority Teacher Education Scholars program, the Certified Teacher-Aide program, and the "About Face" program of the Department of Military Affairs, as well as other programs designed and tailored by the regional youth workforce council and regional workforce development board.

(4) Regional youth workforce councils must leverage other program funds in order to enlist youth workforce program stakeholders in their community in upgrading each stakeholder's effectiveness through collaborative planning, implementation, and funding.

(5) The Florida Youth Workforce Council shall report annually by December 1 to the Workforce Development Board the total aggregate funding impact of this effort, including the inventory of collaborative funding partners in each region and their contributions.

(6) Ten percent of youth funds allocated under Pub. L. No. 105-220 to the regional workforce development boards shall be used to leverage public schools' dropout-prevention funds through performance payments for outcomes specified by the Workforce Development Board.

Section 59. Section 288.9958, Florida Statutes, is created to read:

288.9958 Employment, Occupation, and Performance Information Coordinating Committee.—

(1) By July 15, 1999, the chairman of the Workforce Development Board shall appoint an Employment, Occupation, and Performance Information Coordinating Committee, which shall assemble all employment, occupational, and performance information from workforce development partners into a single integrated informational system. The committee shall include representatives from the Bureau of Labor Market and Performance Information, Florida Education and Training Placement Information Program, and the State Occupational Forecasting Conference, as well as other public or private members with information expertise.

(2) The committee shall initially focus on the timely provision of data necessary for planning, consumer reports, and performance accountability reports necessary for the selection of training service providers, as well as state and local board program assessment, completing these tasks no later than October 1, 1999.

(3) By December 1, 1999, the committee shall establish outcome measures that enable an assessment of the Workforce Development Board's coordinating and oversight responsibilities.

(4) By June 30, 2000, the committee shall develop an integrated and comprehensive accountability system that can be used to evaluate and report on the effectiveness of Florida's workforce development system as required by state law.

(5) To ensure the fulfillment of these requirements, the Workforce Development Board may direct the Department of Labor and Employment Security, the Department of Education, and the Department of Children and Family Services to provide such services and assign such staff to this committee as it deems necessary until June 30, 2000.

Section 60. Section 288.9959, Florida Statutes, is created to read:

288.9959 Operational Design and Technology Procurement Committee.—

(1) The chairman of the Workforce Development Board shall appoint an Operational Design and Technology Procurement Committee, which shall assemble representatives from the regional workforce development boards, board staff, and the staff of the WAGES State Board of Directors to design and develop a model operational design and technology procurement strategy for One-Stop Career Centers to ensure that services from region to region are consistent for customers, that customer service technology is compatible, and that procurement expenditures, where possible, are aggregated to obtain economies and efficiencies.

(2) The committee shall initially focus on designing a uniform intake procedure for all One-Stop Career Centers; on the design and delivery of customer reports on eligible training providers; on the design of Intensive Services Accounts, Individual Training Accounts, and Individual Development Accounts; on enhancing availability of electronic One-Stop Career Center core services; and on the development of One-Stop Career Center model operating procedures.

(3) To ensure the fulfillment of these requirements, the Workforce Development Board may direct the Department of Labor and Employment Security, the Department of Education, and the Department of Children and Family Services to provide such services and assign such staff to this committee as it deems necessary until June 30, 2000.

Section 61. Paragraph (a) of subsection (2) of section 414.026, Florida Statutes, 1998 Supplement, is amended to read:

414.026 WAGES Program State Board of Directors.—

(2)(a) The board of directors shall be composed of the following members:

1. The Commissioner of Education, or the commissioner's designee.
2. The Secretary of Children and Family Services.
3. The Secretary of Health.

4. The Secretary of Labor and Employment Security.
5. The Secretary of Community Affairs.
6. The Secretary of Transportation, or the secretary's designee.
7. The director of the Office of Tourism, Trade, and Economic Development.
8. The president of the Enterprise Florida workforce development board, established under s. 288.9952 ~~s. 288.9620~~.
9. The chief executive officer of the Florida Tourism Industry Marketing Corporation, established under s. 288.1226.
10. Nine members appointed by the Governor, as follows:
  - a. Six members shall be appointed from a list of ten nominees, of which five must be submitted by the President of the Senate and five must be submitted by the Speaker of the House of Representatives. The list of five nominees submitted by the President of the Senate and the Speaker of the House of Representatives must each contain at least three individuals employed in the private sector, two of whom must have management experience. One of the five nominees submitted by the President of the Senate and one of the five nominees submitted by the Speaker of the House of Representatives must be an elected local government official who shall serve as an ex officio nonvoting member.
  - b. Three members shall be at-large members appointed by the Governor.
  - c. Of the nine members appointed by the Governor, at least six must be employed in the private sector and of these, at least five must have management experience.

The members appointed by the Governor shall be appointed to 4-year, staggered terms. Within 60 days after a vacancy occurs on the board, the Governor shall fill the vacancy of a member appointed from the nominees submitted by the President of the Senate and the Speaker of the House of Representatives for the remainder of the unexpired term from one nominee submitted by the President of the Senate and one nominee submitted by the Speaker of the House of Representatives. Within 60 days after a vacancy of a member appointed at-large by the Governor occurs on the board, the Governor shall fill the vacancy for the remainder of the unexpired term. The composition of the board must generally reflect the racial, gender, and ethnic diversity of the state as a whole.

Section 62. Sections 446.20, 446.205, 446.605, and 446.606, Florida Statutes, are repealed effective June 30, 2000.

Section 63. 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 64. Subsection (2) of section 220.191, Florida Statutes, 1998 Supplement, is amended to read:

220.191 Capital investment tax credit.—

(2) An annual credit against the tax imposed by this chapter shall be granted to any qualifying business in an amount equal to 5 percent of the eligible capital costs generated by a qualifying project, for a period not to exceed 20 years beginning with the commencement of operations of the project. The tax credit shall be granted against only the corporate income tax liability or the premium tax liability generated by or arising out of the qualifying project, and the sum of all tax credits provided pursuant to this section shall not exceed 100 percent of the eligible capital costs of the project. In no event may any credit granted under this section be carried forward or backward by any qualifying business with respect to a subsequent or prior year. The annual tax credit granted under this section shall not exceed the following percentages of the annual corporate income tax liability or the premium tax liability generated by or arising out of a qualifying project:

(a) One hundred percent for a qualifying project which results in a cumulative capital investment of at least \$100 million.

(b) Seventy-five percent for a qualifying project which results in a cumulative capital investment of at least \$50 million but less than \$100 million.

(c) Fifty percent for a qualifying project which results in a cumulative capital investment of at least \$25 million but less than \$50 million.

A qualifying project which results in a cumulative capital investment of less than \$25 million is not eligible for the capital investment tax credit. An insurance company claiming a credit against premium tax liability under this program shall not be required to pay any additional retaliatory tax levied pursuant to s. 624.5091 as a result of claiming such credit. Because credits under this section are available to an insurance company, s. 624.5091 does not limit such credit in any manner.

Section 65. Subsection (7) of section 163.3178, Florida Statutes, is amended to read:

163.3178 Coastal management.—

(7) Each port listed in s. 311.09(1) and each local government in the coastal area which has spoil disposal responsibilities shall provide for or identify disposal sites for dredged materials in the future land use and port elements of the local comprehensive plan as needed to assure proper long-term management of material dredged from navigation channels, sufficient long-range disposal capacity, environmental sensitivity and compatibility, and reasonable cost and transportation. The disposal site selection criteria shall be developed in consultation with navigation and inlet districts and other appropriate state and federal agencies and the public. For areas owned or controlled by ports listed in s. 311.09(1) and proposed port expansion areas, compliance with the provisions of this subsection shall be achieved



through comprehensive master plans prepared by each port and integrated with the appropriate local plan pursuant to paragraph (2)(k).

Section 66. Paragraph (h) is added to subsection (1) of section 163.3187, Florida Statutes, 1998 Supplement, and paragraph (a) of subsection (6) of that section is amended, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(h) Any comprehensive plan amendments for port transportation facilities and projects that are eligible for funding by the Florida Seaport Transportation and Economic Development Council pursuant to s. 311.07.

(6)(a) No local government may amend its comprehensive plan after the date established by the state land planning agency for adoption of its evaluation and appraisal report unless it has submitted its report or addendum to the state land planning agency as prescribed by s. 163.3191, except for plan amendments described in paragraph (1)(b) or paragraph (1)(h).

Section 67. Subsection (4) is added to section 253.77, Florida Statutes, to read:

253.77 State lands; state agency authorization for use prohibited without consent of agency in which title vested; concurrent processing requirements.—

(4) Notwithstanding any other provision of this chapter, chapter 373, or chapter 403, for activities authorized by a permit or exemption pursuant to chapter 373 or chapter 403, ports listed in s. 403.021(9)(b) and inland navigation districts created pursuant to s. 374.975(3) shall not be required to pay any fees for activities involving the use of sovereign lands, including leases, easements, or consents of use, except application fees including, but not limited to, those required by chapter 161, chapter 253, chapter 373, or chapter 403. Further, any federal, state, or local agency or political subdivision that otherwise qualifies for an exemption under chapter 373 or chapter 403 shall be granted a consent of use or public easement for land owned by the Board of Trustees of the Internal Improvement Trust Fund or any water management district upon request and legal description of the affected land.

Section 68. Section 288.8155, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.8155, F.S., for present text.)

288.8155 International Trade Data Resource and Research Center.—Enterprise Florida, Inc., and the Florida Seaport Transportation and Economic Development Council shall establish a comprehensive trade data resource and research center to be known as the “International Trade Data Resource and Research Center.” The center shall be incorporated as a private nonprofit corporation operated in compliance with chapter 617, and shall not be a unit or entity of state government.

(1) The center shall be governed by a board of directors composed of the following members: one representative appointed by Enterprise Florida, Inc., one representative appointed by the Florida Seaport Transportation and Economic Development Council, and one representative appointed by the Office of Tourism, Trade, and Economic Development.

(2) In addition to all powers authorized pursuant to chapter 617, the center shall have the power to:

(a) Develop a state-wide trade information system that may include, but is not limited to, timely import and export information; trade opportunities; intermodal transportation information that measures cargo flow by transportation mode; commodity trends; trade activity between Florida and specific countries; and other information as determined by the board of directors.

(b) Develop an Internet based electronic commerce system designed to facilitate international trade in the Americas.

(c) Provide research on trade opportunities in specific countries.

(d) Provide any other terms and conditions required to effect the intent of the Legislature to ensure the general availability of trade data and research to Florida users and to promote the development of a center for the purposes enumerated in this section.

(e) Make and enter into contracts and other instruments with public or private-sector entities, domestic or foreign, necessary or convenient for the purpose of exercising or performing its powers and functions.

(f) Secure funding for the programs and activities of the center from federal, state, local, or private sources, and enter into contracts that provide terms and conditions to secure such funding.

(g) Charge fees for services, programs, and activities developed pursuant to this section and for published materials.

(h) Solicit, receive, hold, invest, and administer any grant, payment, or gift of funds or property and make expenditures consistent with the powers granted to it.

(i) Acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses, royalties, and other rights or interests thereunder or therein.

(3) Information produced by the center will be made available to Enterprise Florida, Inc., the Florida Seaport Transportation and Economic Development Council, the Office of Tourism, Trade, and Economic Development, and state agencies under such terms as decided by the board of directors.

Section 69. Section 311.14, Florida Statutes, is created to read:

311.14 Seaport freight-mobility planning.—

(1) The Florida Seaport Transportation and Economic Development Council, in cooperation with the Office of the State Public Transportation Administrator within the Department of Transportation, shall develop freight-mobility and trade-corridor plans to assist in making freight-mobility investments that contribute to the economic growth of the state. Such plans should enhance the integration and connectivity of the transportation system across and between transportation modes throughout Florida for people and freight.

(2) The Office of the State Public Transportation Administrator shall act to integrate freight-mobility and trade-corridor plans into the Florida Transportation Plan developed pursuant to s. 339.155 and into the plans and programs of metropolitan planning organizations as provided in s. 339.175. The office may also provide assistance in expediting the transportation permitting process relating to the construction of seaport freight-mobility projects located outside the physical borders of seaports. The Department of Transportation may contract, as provided in s. 334.044, with any port listed in s. 311.09(1) or any such other statutorily authorized seaport entity to act as an agent in the construction of seaport freight-mobility projects.

Section 70. Subsection (6) of section 315.02, Florida Statutes, is amended to read:

315.02 Definitions.—As used in this law, the following words and terms shall have the following meanings:

(6) The term “port facilities” shall mean and shall include harbor, shipping, and port facilities, and improvements of every kind, nature, and description, including, but without limitation, channels, turning basins, jetties, breakwaters, public landings, wharves, docks, markets, parks, recreational facilities, structures, buildings, piers, storage facilities, including facilities that may be used for warehouse, storage, and distribution of cargo transported or to be transported through an airport or port facility, public buildings and plazas, anchorages, utilities, bridges, tunnels, roads, causeways, and any and all property and facilities necessary or useful in connection with the foregoing, and any one or more or any combination thereof and any extension, addition, betterment or improvement of any thereof.

Section 71. Paragraph (h) is added to subsection (24) of section 380.06, Florida Statutes, 1998 Supplement, to read:

380.06 Developments of regional impact.—

(24) STATUTORY EXEMPTIONS.—

(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) are exempt from the provisions of this section when such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with the provisions of s. 163.3178.

Section 72. Subsection (6) is added to section 15.16, Florida Statutes, to read.

15.16 Reproduction of records; admissibility in evidence; electronic receipt and transmission of records; certification; acknowledgment.—

(6) The Secretary of State may issue apostilles conforming to the requirements of the international treaty known as the Hague Convention of 1961 and may charge a fee for the issuance of apostilles not to exceed \$10 per apostille. The Secretary of State has the sole authority in this state to establish, in accordance with the laws of the United States, the requirements and procedures for the issuance of apostilles. The Department of State may adopt rules to implement this subsection.

Section 73. Section 117.103, Florida Statutes, 1998 Supplement, is amended to read:

117.103 Certification of notary's authority by Secretary of State.—A notary public is not required to record his or her notary public commission in an office of a clerk of the circuit court. If certification of the notary public's commission is required, it must be obtained from the Secretary of State. Upon the receipt of a written request, ~~the notarized document,~~ and a fee of \$10 payable to the Secretary of State, the Secretary of State shall provide a certificate of notarial authority, in a form prescribed by the Secretary of State, which shall include a statement explaining the legal qualifications and authority of a notary public in this state ~~certificate of notarial authority. Documents destined for countries participating in an International Treaty called the Hague Convention require an Apostille, and that requirement shall be determined by the Secretary of State.~~

Section 74. Subsections (1), (3), (5), and (6) of section 118.10, Florida Statutes, 1998 Supplement, are amended to read:

118.10 Civil-law notary.—

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

(a) "Authentic act" means an instrument executed by a civil-law notary referencing this section, which instrument includes the particulars and capacities to act of any transacting parties, a confirmation of the full text of any necessary the instrument, the signatures of the parties or their legal equivalent of any transacting parties thereof, and the signature and seal of a civil-law notary, and such other information as prescribed by the Florida Secretary of State.

(b) "Civil-law notary" means a person who is a member in good standing of The Florida Bar, who has practiced law for at least 5 years, and who is appointed by the Secretary of State as a civil-law notary.

(c) "Protocol" means a registry maintained by a civil-law notary in which the acts of the civil-law notary are archived.

(3) A civil-law notary is authorized to issue authentic acts and thereby may authenticate or certify any document, transaction, event, condition, or

occurrence. The contents of an authentic act and matters incorporated therein shall be presumed correct. A civil-law notary may also administer an oath and make a certificate thereof when it is necessary for execution of any writing or document to be attested, protested, or published under the seal of a notary public. A civil-law notary may also take acknowledgements of deeds and other instruments of writing for record, and solemnize the rites of matrimony, as fully as other officers of this state. A civil-law notary is not authorized to issue authentic acts for use in a 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.

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

(a) The form and content of authentic acts, oaths, acknowledgements, solemnizations, and signatures and seals or their legal equivalents for authentic acts;

(b) Procedures for the permanent archiving of authentic acts, maintaining records of acknowledgments, oaths and solemnizations, and procedures for the administration of oaths and taking of acknowledgments;

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

(d) Educational requirements and procedures for testing applicants' knowledge of all matters relevant to the appointment, authority, duties or legal or ethical responsibilities of a civil-law notary ~~the effects and consequences associated with authentic acts;~~

(e) Procedures for the disciplining of civil-law notaries, including, but not limited to, the suspension and revocation of appointments for failure to comply with the requirements of chapter 118 or the rules of the Department of State, or for misrepresentation or fraud regarding the civil-law notary's authority, the effect of the civil-law notary's authentic acts, or the identities or acts of the parties to a transaction; ~~and~~

(f) Bonding or errors and omissions insurance requirements, or both, for civil-law notaries; and

(g)(f) Other matters necessary for administering this section.

(6) The Secretary of State shall not regulate, discipline, or attempt to discipline, ~~or establish any educational requirements for~~ any civil-law notary for, or with regard to, any action or conduct that would constitute the practice of law in this state, except by agreement with The Florida Bar. The Secretary of State shall not establish as a prerequisite to the appointment of a civil-law notary any test containing any question that inquires of the applicant's knowledge regarding the practice of law in the United States, unless such test is offered in conjunction with an educational program approved by The Florida Bar for continuing legal education credit ~~except by agreement with The Florida Bar.~~

Section 75. Section 118.12, Florida Statutes, is created to read:

118.12 Certification of civil-law notary's authority; apostilles.—If certification of a civil-law notary's authority is necessary for a particular document or transaction, it must be obtained from the Secretary of State. Upon the receipt of a written request from a civil-law notary and the fee prescribed by the Secretary of State, the Secretary of State shall issue a certification of the civil-law notary's authority, in a form prescribed by the Secretary of State, which shall include a statement explaining the legal qualifications and authority of a civil-law notary in this state. The fee prescribed for the issuance of the certification under this section or an apostille under s. 15.16 may not exceed \$10 per document. The Department of State may adopt rules to implement this section.

Section 76. Section 15.18, Florida Statutes, is amended to read:

15.18 International and cultural relations.—The Divisions of Cultural Affairs, Historical Resources, and Library and Information Services of the Department of State promote programs having substantial cultural, artistic, and indirect economic significance that emphasize American creativity. The Secretary of State, as the head administrator of these divisions, shall hereafter be known as “Florida’s Chief Cultural Officer.” As this officer, the Secretary of State is encouraged to initiate and develop relationships between the state and foreign cultural officers, their representatives, and other foreign governmental officials in order to promote Florida as the center of American creativity. The Secretary of State shall coordinate international activities pursuant to this section with Enterprise Florida, Inc., and any other organization the secretary deems appropriate the Florida International Affairs Commission. For the accomplishment of this purpose, the Secretary of State shall have the power and authority to:

(1) Disseminate any information pertaining to the State of Florida which promotes the state’s cultural assets.

(2) Plan and carry out activities designed to cause improved cultural and governmental programs and exchanges with foreign countries.

(3) Plan and implement cultural and social activities for visiting foreign heads of state, diplomats, dignitaries, and exchange groups.

(4) Encourage and cooperate with other public and private organizations or groups in their efforts to promote the cultural advantages of Florida.

(5) Establish and maintain the list prescribed in s. 55.605(2)(g), relating to recognition of foreign money judgments.

~~(6)(5)~~ Serve as the liaison with all foreign consular and ambassadorial corps, as well as international organizations, that are consistent with the purposes of this section.

~~(7)(6)~~ Provide, arrange, and make expenditures for the achievement of any or all of the purposes specified in this section.

(8)(7) Notwithstanding the provisions of part I of chapter 287, promulgate rules for entering into contracts which are primarily for promotional services and events, which may include commodities involving a service. Such rules shall include the authority to negotiate costs with the offerors of such services and commodities who have been determined to be qualified on the basis of technical merit, creative ability, and professional competency. The rules shall only apply to the expenditure of funds donated for promotional services and events. Expenditures of appropriated funds shall be made only in accordance with part I of chapter 287.

Section 77. Subsections (1) and (6) of section 55.604, Florida Statutes, are amended to read:

55.604 Recognition and enforcement.—Except as provided in s. 55.605, a foreign judgment meeting the requirements of s. 55.603 is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. Procedures for recognition and enforceability of a foreign judgment shall be as follows:

(1) The foreign judgment shall be filed with the Department of State and the clerk of the court and recorded in the public records in the county or counties where enforcement is sought. The filing with the Department of State shall not create a lien on any property.

(a) At the time of the recording of a foreign judgment, the judgment creditor shall make and record with the clerk of the circuit court an affidavit setting forth the name, social security number, if known, and last known post-office address of the judgment debtor and of the judgment creditor.

(b) Promptly upon the recording of the foreign judgment and the affidavit, the clerk shall mail notice of the recording of the foreign judgment, by registered mail with return receipt requested, to the judgment debtor at the address given in the affidavit and shall make a note of the mailing in the docket. The notice shall include the name and address of the judgment creditor and of the judgment creditor's attorney, if any, in this state. In addition, the judgment creditor may mail a notice of the recording of the judgment to the judgment debtor and may record proof of mailing with the clerk. The failure of the clerk to mail notice of recording will not affect the enforcement proceedings if proof of mailing by the judgment creditor has been recorded.

(6) Once an order recognizing the foreign judgment has been entered by a court of this state, the order and a copy of the judgment shall be filed with the Department of State and may be recorded in any other county of this state without further notice or proceedings, and shall be enforceable in the same manner as the judgment of a court of this state.

Section 78. Paragraph (g) of subsection (2) of section 55.605, Florida Statutes, is amended to read:

55.605 Grounds for nonrecognition.—

(2) A foreign judgment need not be recognized if:

(g) The foreign jurisdiction where judgment was rendered would not give recognition to a similar judgment rendered in this state. For purposes of this paragraph, the Secretary of State shall establish and maintain a list of foreign jurisdictions where the condition specified in this paragraph has been found to apply.

Section 79. Section 257.34, Florida Statutes, is created to read:

257.34 Florida International Archive and Repository.—

(1) There is created within the Division of Library and Information Services of the Department of State the Florida International Archive and Repository for the preservation of those public records, as defined in s. 119.011(1), manuscripts, international judgments involving disputes between domestic and foreign businesses, and all other public matters that the department or the Florida Council of International Development deems relevant to international issues. It is the duty and responsibility of the division to:

(a) Organize and administer the Florida International Archive and Repository.

(b) Preserve and administer records that are transferred to its custody; accept, arrange, and preserve them, according to approved archival and repository practices; and permit them, at reasonable times and under the supervision of the division, to be inspected, examined, and copied. All public records transferred to the custody of the division are subject to the provisions of s. 119.07(1).

(c) Assist the records and information management program in the determination of retention values for records.

(d) Cooperate with and assist, insofar as practicable, state institutions, departments, agencies, counties, municipalities, and individuals engaged in internationally related activities.

(e) Provide a public research room where, under rules established by the division, the materials in the international archive and repository may be studied.

(f) Conduct, promote, and encourage research in international trade, government, and culture and maintain a program of information, assistance, coordination, and guidance for public officials, educational institutions, libraries, the scholarly community, and the general public engaged in such research.

(g) Cooperate with and, insofar as practicable, assist agencies, libraries, institutions, and individuals in projects concerned with internationally related issues and preserve original materials relating to internationally related issues.

(h) Assist and cooperate with the records and information management program in the training and information program described in s. 257.36(1)(g).



(2) Any agency is authorized and empowered to turn over to the division any record no longer in current official use. The division may accept such record and provide for its administration and preservation as provided in this section and, upon acceptance, be considered the legal custodian of such record. The division may direct and effect the transfer to the archives of any records that are determined by the division to have such historical or other value to warrant their continued preservation or protection, unless the head of the agency that has custody of the records certifies in writing to the division that the records must be retained in the agency's custody for use in the conduct of the regular current business of the agency.

(3) Title to any record transferred to the Florida International Archive and Repository, as authorized in this chapter, is vested in the division.

(4) The division shall make certified copies under seal of any record transferred to it upon the application of any person, and the certificates shall have the same force and effect as if made by the agency from which the record was received. The division may charge a fee for this service based upon the cost of service.

(5) The division may establish and maintain a schedule of fees for services that may include, but need not be limited to, restoration of materials, storage of materials, special research services, and publications.

(6) The division shall establish and maintain a mechanism by which the information contained within the Florida International Archive and Repository may be accessed by computer via the World Wide Web. In doing so, the division shall take whatever measures it deems appropriate to ensure the validity, quality, and safety of the information being accessed.

(7) The division shall adopt rules necessary to implement this section.

(8) The Florida Council of International Development may select materials for inclusion in the Florida International Archive and Repository and shall be consulted closely by the division in all matters relating to its establishment and maintenance.

Section 80. Notwithstanding section 3 of chapter 89-150, section 112 of chapter 90-201, and section 53 of chapter 91-5, Laws of Florida, section 288.012, Florida Statutes, is not repealed but is revived, reenacted, and 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) By October 1 of each year, each foreign office shall submit to the Office of Tourism, Trade, and Economic Development a complete and detailed report on its activities and accomplishments during the preceding fiscal year. In a format provided by Enterprise Florida, Inc., the report must set forth information on:

- (a) The number of Florida companies assisted.
- (b) The number of inquiries received about investment opportunities in this state.
- (c) The number of trade leads generated.
- (d) The number of investment projects announced.
- (e) The estimated U.S. dollar value of sales confirmations.
- (f) The number of representation agreements.
- (g) The number of company consultations.
- (h) Barriers or other issues affecting the effective operation of the office.
- (i) Changes in office operations which are planned for the current fiscal year.
- (j) Marketing activities conducted.
- (k) Strategic alliances formed with organizations in the country in which the office is located.
- (l) Activities conducted with other Florida foreign offices.
- (m) Any other information that the office believes would contribute to an understanding of its activities.

(4)(3) 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).

(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.

(5)(4) 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.

(6)(5) 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 81. By December 31, 2001, the Legislature shall review Florida's foreign offices, including, but not limited to, those offices established and operated under sections 288.012 and 288.1224, Florida Statutes, to determine whether the state is experiencing effective international trade, investment, and tourism representation through such offices.

Section 82. Enterprise Florida, Inc., shall develop a master plan for integrating public-sector and private-sector international trade and reverse investment resources, in order that businesses may obtain comprehensive assistance and information in the most productive and efficient manner. The scope of this plan shall include, but need not be limited to, resources related to the provision of trade information, such as trade leads and reverse investment opportunities, trade counseling, and trade financing services. In developing the master plan, Enterprise Florida, Inc., shall solicit the participation and input of organizations providing these resources, the consumers of these resources, and others who have expertise and experience in international trade and reverse investment. The master plan may include recommendations for legislative action designed to enhance the delivery of international trade and reverse investment assistance. The master plan, which Enterprise Florida, Inc., may include within the annual update or modification to the strategic plan required under section 288.905, Florida Statutes, must be submitted to the Legislature and the Governor before January 1, 2000.

Section 83. Enterprise Florida, Inc., in conjunction with the Office of Tourism, Trade, and Economic Development, shall prepare a plan for promoting direct investment in Florida by foreign businesses. This plan must assess and inventory Florida's strengths as a location for foreign direct investment and must include a detailed strategy for capitalizing upon those strengths. In developing the plan, Enterprise Florida, Inc., shall focus on businesses with site selection criteria that are consistent with Florida's business climate, businesses likely to facilitate the transshipment of goods through Florida or to export Florida produced goods from the state, and businesses that complement or correspond to those industries identified as part of the sector strategy approach to economic development required under s. 288.905, Florida Statutes. The plan must also identify weaknesses in Florida's ability to attract foreign direct investment and must include a detailed strategy for addressing those weaknesses. The plan may include recommendations for legislative action designed to enhance Florida's ability to attract foreign direct investment. In developing the plan, Enterprise Florida, Inc., shall solicit the participation and input of entities that have expertise and experience in foreign direct investment. The plan, which Enterprise Florida, Inc., may include within the annual update or modification to the strategic plan required under s. 288.905, Florida Statutes, must be submitted to the Legislature and the Governor before January 1, 2000.

Section 84. In anticipation of the day when the people of Cuba are no longer denied the inalienable rights and freedom that all men and women should be guaranteed, Enterprise Florida, Inc., shall prepare a strategic plan designed to allow Florida to capitalize on the economic opportunities associated with a free Cuba. The plan should recognize the historical and cultural ties between this state and Cuba and should focus on building a long-term economic relationship between these communities. The plan should also recognize existing economic infrastructure in Florida that could be applied toward trade and other business activities with Cuba. The plan should identify specific preparatory steps to be taken in advance of a lifting of the trade embargo with Cuba. In developing this plan, Enterprise Florida,

Inc., shall solicit the participation and input of individuals who have expertise concerning Cuba and its economy, including, but not limited to, business leaders in Florida who have had previous business experience in Cuba. The plan may include recommendations for legislative action necessary to implement the strategic plan. The plan must be submitted to the Governor and Legislature before January 1, 2000.

Section 85. Effective June 30, 1999, section 288.1045, Florida Statutes, is amended to read:

288.1045 Qualified defense contractor tax refund program.—

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

(a) “Consolidation of a Department of Defense contract” means the consolidation of one or more of an applicant’s facilities under one or more Department of Defense contracts either from outside this state or from inside and outside this state, into one or more of the applicant’s facilities inside this state.

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

(c) “Applicant” means any business entity that holds a valid Department of Defense contract or any business entity that is a subcontractor under a valid Department of Defense contract or any business entity that holds a valid contract for the reuse of a defense-related facility, including all members of an affiliated group of corporations as defined in s. 220.03(1)(b).

(d) “Office” ~~“Division”~~ means the Office of Tourism, Trade, and Economic Development ~~Division of Economic Development of the Department of Commerce.~~

(e) “Department of Defense contract” means a competitively bid Department of Defense contract or a competitively bid federal agency contract issued on behalf of the Department of Defense for manufacturing, assembling, fabricating, research, development, or design with a duration of 2 or more years, but excluding any contract to provide goods, improvements to real or tangible property, or services directly to or for any particular military base or installation in this state.

(f) “New Department of Defense contract” means a Department of Defense contract entered into after the date application for certification as a qualified applicant is made and after January 1, 1994.

(g) “Jobs” means full-time equivalent positions, consistent with the use of such terms by the Department of Labor and Employment Security for the purpose of unemployment compensation tax, resulting directly from a project in this state. This number does not include temporary construction jobs involved with the construction of facilities for the project.

(h) “Nondefense production jobs” means employment exclusively for activities that, directly or indirectly, are unrelated to the Department of Defense.

(i) "Project" means any business undertaking in this state under a new Department of Defense contract, consolidation of a Department of Defense contract, or conversion of defense production jobs over to nondefense production jobs or reuse of defense-related facilities.

(j) "Qualified applicant" means an applicant that has been approved by the director ~~secretary~~ to be eligible for tax refunds pursuant to this section.

(k) "Director" "~~Secretary~~" means the director of the Office of Tourism, Trade, and Economic Development ~~Secretary of Commerce~~.

(l) "Taxable year" means the same as in s. 220.03(1)(z).

(m) "Fiscal year" means the fiscal year of the state.

(n) "Business unit" means an employing unit, as defined in s. 443.036, that is registered with the Department of Labor and Employment Security for unemployment compensation purposes or means a subcategory or division of an employing unit that is accepted by the Department of Labor and Employment Security as a reporting unit.

(o) "Local financial support" means funding from local sources, public or private, which is paid to the Economic Development Trust Fund and which is equal to 20 percent of the annual tax refund for a qualified applicant. Local financial support may include excess payments made to a utility company under a designated program to allow decreases in service by the utility company under conditions, regardless of when application is made. A qualified applicant may not provide, directly or indirectly, more than 5 percent of such funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

(p) "Contract for reuse of a defense-related facility" means a contract with a duration of 2 or more years for the use of a facility for manufacturing, assembling, fabricating, research, development, or design of tangible personal property, but excluding any contract to provide goods, improvements to real or tangible property, or services directly to or for any particular military base or installation in this state. Such facility must be located within a port, as defined in s. 313.21, and have been occupied by a business entity that held a valid Department of Defense contract or occupied by any branch of the Armed Forces of the United States, within 1 year of any contract being executed for the reuse of such facility. A contract for reuse of a defense-related facility may not include any contract for reuse of such facility for any Department of Defense contract for manufacturing, assembling, fabricating, research, development, or design.

(q) "Local financial support exemption option" means the option to exercise an exemption from the local financial support requirement available to any applicant whose project is located in a county designated by the Rural Economic Development Initiative, if the county commissioners of the county in which the project will be located adopt a resolution requesting that the applicant's project be exempt from the local financial support requirement.

Any applicant that exercises this option is not eligible for more than 80 percent of the total tax refunds allowed such applicant under this section.

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

(a) There shall be allowed, from the Economic Development Trust Fund, a refund to a qualified applicant for the amount of eligible taxes certified by the ~~director~~ secretary which were paid by such qualified applicant. The total amount of refunds for all fiscal years for each qualified applicant shall be determined pursuant to subsection (3). The annual amount of a refund to a qualified applicant shall be determined pursuant to subsection (5).

(b) A qualified applicant may not be qualified for any project to receive more than \$5,000 times the number of jobs provided in the tax refund agreement pursuant to subparagraph (4)(a)1. A qualified applicant may not receive refunds of more than 25 percent of the total tax refunds provided in the tax refund agreement pursuant to subparagraph (4)(a)1. in any fiscal year, provided that no qualified applicant may receive more than \$2.5 million in tax refunds pursuant to this section in any fiscal year.

(c) A qualified applicant may not receive more than \$7.5 million in tax refunds pursuant to this section in all fiscal years.

(d) Contingent upon an annual appropriation by the Legislature, the ~~director~~ secretary may approve not more than ~~the lesser of \$25 million in tax refunds than~~ or the amount appropriated to the Economic Development Trust Fund for tax refunds, for a fiscal year pursuant to subsection (5) and s. 288.095.

(e) For the first 6 months of each fiscal year, the ~~director~~ secretary shall set aside 30 percent of the amount appropriated for refunds pursuant to this section by the Legislature to provide tax refunds only to qualified applicants who employ 500 or fewer full-time employees in this state. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide tax refunds for any qualified applicants pursuant to this section.

(f) After entering into a tax refund agreement pursuant to subsection (4), a qualified applicant may receive refunds from the Economic Development Trust Fund for the following taxes due and paid by the qualified applicant beginning with the applicant's first taxable year that begins after entering into the agreement:

1. Taxes on sales, use, and other transactions paid pursuant to chapter 112.
2. Corporate income taxes paid pursuant to chapter 220.
3. Intangible personal property taxes paid pursuant to chapter 199.
4. Emergency excise taxes paid pursuant to chapter 221.
5. Excise taxes paid on documents pursuant to chapter 201.



6. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on June 1, 1996.

However, a qualified applicant may not receive a tax refund pursuant to this section for any amount of credit, refund, or exemption granted such contractor for any of such taxes. If a refund for such taxes is provided by the office Department of Commerce, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified applicant other than that provided in this section, the qualified applicant shall reimburse the Economic Development Trust Fund for the amount of such credit, refund, or exemption. A qualified applicant must notify and tender payment to the office Department of Commerce within 20 days after receiving a credit, refund, or exemption, other than that provided in this section.

(g) Any qualified applicant who fraudulently claims this refund is liable for repayment of the refund to the Economic Development Trust Fund plus a mandatory penalty of 200 percent of the tax refund which shall be deposited into the General Revenue Fund. Any qualified applicant who fraudulently claims this refund commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(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.

### (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY DETERMINATION.—

(a) To apply for certification as a qualified applicant pursuant to this section, an applicant must file an application with the office division which satisfies the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e). An applicant may not apply for certification pursuant to this section after a proposal has been submitted for a new Department of Defense contract, after the applicant has made the decision to consolidate an existing Department of Defense contract in this state for which such applicant is seeking certification, or after the applicant has made the decision to convert defense production jobs to nondefense production jobs for which such applicant is seeking certification.

(b) Applications for certification based on the consolidation of a Department of Defense contract or a new Department of Defense contract must be submitted to the office division as prescribed by the office Department of Commerce and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract to be consolidated, the new Department of Defense contract number, or the "RFP" number of a proposed Department of Defense contract.

4. The date the contract was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

5. The commencement date for project operations under the contract in this state.

6. The number of full-time equivalent jobs in this state which are or will be dedicated to the project during the year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212;

b. Corporate income taxes paid pursuant to chapter 220;

c. Intangible personal property taxes paid pursuant to chapter 199;

d. Emergency excise taxes paid pursuant to chapter 221;

e. Excise taxes paid on documents pursuant to chapter 201; and

f. Ad valorem taxes paid

during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed in each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed

public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the office division.

(c) Applications for certification based on the conversion of defense production jobs to nondefense production jobs must be submitted to the office division as prescribed by the office Department of Commerce and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract under which the defense production jobs will be converted to nondefense production jobs.

4. The date the contract was executed, and the date the contract is due to expire or is expected to expire, or was canceled.

5. The commencement date for the nondefense production operations in this state.

6. The number of full-time equivalent jobs in this state which are or will be dedicated to the nondefense production project during the year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212;

b. Corporate income taxes paid pursuant to chapter 220;

c. Intangible personal property taxes paid pursuant to chapter 199;

d. Emergency excise taxes paid pursuant to chapter 221;

- e. Excise taxes paid on documents pursuant to chapter 201; and
- f. Ad valorem taxes paid

during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed in each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the office division.

(d) Applications for certification based on a contract for reuse of a defense-related facility must be submitted to the office division as prescribed by the office ~~Department of Commerce~~ and must include, but are not limited to, the following information:

1. The applicant's Florida sales tax registration number and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The business entity holding a valid Department of Defense contract or branch of the Armed Forces of the United States that previously occupied the facility, and the date such entity last occupied the facility.

4. A copy of the contract to reuse the facility, or such alternative proof as may be prescribed by the office department that the applicant is seeking to contract for the reuse of such facility.

5. The date the contract to reuse the facility was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

6. The commencement date for project operations under the contract in this state.

7. The number of full-time equivalent jobs in this state which are or will be dedicated to the project during the year and the average wage of such jobs.

8. The total number of full-time equivalent employees employed by the applicant in this state.

9. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212.

b. Corporate income taxes paid pursuant to chapter 220.

c. Intangible personal property taxes paid pursuant to chapter 199.

d. Emergency excise taxes paid pursuant to chapter 221.

e. Excise taxes paid on documents pursuant to chapter 201.

f. Ad valorem taxes paid during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed in each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the office division.

(e) To qualify for review by the office division, the application of an applicant must, at a minimum, establish the following to the satisfaction of the office division:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (b)6. or subparagraph (c)6., must pay an estimated annual average wage equaling at least 115 percent of the average wage in the area where the project is to be located.

2. The consolidation of a Department of Defense contract must result in a net increase of at least 25 percent in the number of jobs at the applicant's

facilities in this state or the addition of at least 80 jobs at the applicant's facilities in this state.

3. The conversion of defense production jobs to nondefense production jobs must result in net increases in nondefense employment at the applicant's facilities in this state.

4. The Department of Defense contract cannot allow the business to include the costs of relocation or retooling in its base as allowable costs under a cost-plus, or similar, contract.

5. A business unit of the applicant must have derived not less than 70 percent of its gross receipts in this state from Department of Defense contracts over the applicant's last fiscal year, and must have derived not less than 80 percent of its gross receipts in this state from Department of Defense contracts over the 5 years preceding the date an application is submitted pursuant to this section. This subparagraph does not apply to any application for certification based on a contract for reuse of a defense-related facility.

6. The reuse of a defense-related facility must result in the creation of at least 100 jobs at such facility.

(f) Each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e) must be submitted to the office division for a determination of eligibility. The office division shall review, evaluate, and score each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by Enterprise Florida, Inc., taking into account the extent to which the project contributes to the state's high-technology base, and the long-term impact of the project and the applicant on the state's economy.

2. The economic benefit of the jobs created or retained by the project in this state, taking into account the cost and average wage of each job created or retained, and the potential risk to existing jobs.

3. The amount of capital investment to be made by the applicant in this state.

4. The local commitment and support for the project and applicant.

5. The impact of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The dependence of the local community on the defense industry.

7. The impact of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will occur in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

8. The length of the project, or the expected long-term commitment to this state resulting from the project.

(g) The ~~office division~~ shall forward its written findings and evaluation on each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e) to the director secretary within 60 calendar days of receipt of a complete application. The ~~office division~~ shall notify each applicant when its application is complete, and when the 60-day period begins. In its written report to the director secretary, the ~~office division~~ shall specifically address each of the factors specified in paragraph (f), and shall make a specific assessment with respect to the minimum requirements established in paragraph (e). The ~~office division~~ shall include in its report projections of the tax refund claims that will be sought by the applicant in each fiscal year based on the information submitted in the application.

(h) Within 30 days after receipt of the ~~office's division's~~ findings and evaluation, the director secretary shall enter a final order that either approves or disapproves an application. The decision must be in writing and provide the justifications for either approval or disapproval. If appropriate, the director secretary shall enter into a written agreement with the qualified applicant pursuant to subsection (4).

(i) The director secretary may not enter any final order that certifies any applicant as a qualified applicant when the value of tax refunds to be included in that final order exceeds the available amount of authority to enter final orders as determined in s. 288.095(3) aggregate amount of tax refunds for all qualified applicants projected by the division in any fiscal year exceeds the lesser of \$25 million or the amount appropriated for tax refunds for that fiscal year. A final order that approves an application must specify the maximum amount of a tax refund that is to be available to the contractor in each fiscal year and the total amount of tax refunds for all fiscal years.

(j) This section does not create a presumption that an applicant should receive any tax refunds under this section.

#### (4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND AGREEMENT.—

(a) A qualified applicant shall enter into a written agreement with the ~~office department~~ containing, but not limited to, the following:

1. The total number of full-time equivalent jobs in this state that are or will be dedicated to the qualified applicant's project, the average wage of such jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state. This information must be the same as the information contained in the application submitted by the contractor pursuant to subsection (3).

2. The maximum amount of a refund that the qualified applicant is eligible to receive in each fiscal year.

3. An agreement with the office department allowing the office department to review and verify the financial and personnel records of the qualified applicant to ascertain whether the qualified applicant is complying with the requirements of this section.

4. The date after which, each fiscal year, the qualified applicant may file an annual claim pursuant to subsection (5).

5. That local financial support shall be annually available and will be paid to the Economic Development Trust Fund.

(b) Compliance with the terms and conditions of the agreement is a condition precedent for receipt of tax refunds each year. The failure to comply with the terms and conditions of the agreement shall result in the loss of eligibility for receipt of all tax refunds previously authorized pursuant to this section, and the revocation of the certification as a qualified applicant by the director secretary.

(c) The agreement shall be signed by the director secretary and the authorized officer of the qualified applicant.

(d) The agreement must contain the following legend, clearly printed on its face in bold type of not less than 10 points:

“This agreement is neither a general obligation of the State of Florida, nor is it backed by the full faith and credit of the State of Florida. Payment of tax refunds are conditioned on and subject to specific annual appropriations by the Florida Legislature of funds sufficient to pay amounts authorized in s. 288.1045 ~~s. 288.104~~, Florida Statutes.”

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

(a) Qualified applicants who have entered into a written agreement with the office department pursuant to subsection (4) and who have entered into a valid new Department of Defense contract, commenced the consolidation of a Department of Defense contract, commenced the conversion of defense production jobs to nondefense production jobs or who have entered into a valid contract for reuse of a defense-related facility may apply once each fiscal year to the office Department of Commerce for tax refunds. The application must be made on or after the date contained in the agreement entered into pursuant to subsection (4) and must include a notarized signature of an officer of the applicant.

(b) The claim for refund by the qualified applicant must include a copy of all receipts pertaining to the payment of taxes for which a refund is sought, and data related to achieving each performance item contained in the tax refund agreement pursuant to subsection (4). The amount requested as a tax refund may not exceed the amount for the fiscal year in the written agreement entered pursuant to subsection (4).

(c) A tax refund may not be approved for any qualified applicant unless local financial support has been paid to the Economic Development Trust Fund in that fiscal year. If the local financial support is less than 20 percent



of the approved tax refund, the tax refund shall be reduced. The tax refund paid may not exceed 5 times the local financial support received. Funding from local sources includes tax abatement under s. 196.1995 provided to a qualified applicant. The amount of any tax refund for an applicant approved under this section shall be reduced by the amount of any such tax abatement, and the limitations in subsection (2) and paragraph (3)(h) shall be reduced by the amount of any such tax abatement. A report listing all sources of the local financial support shall be provided to the office division when such support is paid to the Economic Development Trust Fund.

(d) The director secretary, with assistance from the office division, the Department of Revenue, and the Department of Labor and Employment Security, shall determine the amount of the tax refund that is authorized for the qualified applicant for the fiscal year in a written final order within 30 days after the date the claim for the annual tax refund is received by the office Department of Commerce.

(e) The total amount of tax refunds approved by the director secretary under this section in any fiscal year may not exceed the amount appropriated to the Economic Development Trust Fund for such purposes for the fiscal year. If the Legislature does not appropriate an amount sufficient to satisfy projections by the office division for tax refunds in a fiscal year, the director secretary 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 amount 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 Trust Fund for tax refunds, the director secretary shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(f) Upon approval of the tax refund pursuant to paragraphs (c) and (d), the Comptroller shall issue a warrant for the amount included in the final order. In the event of any appeal of the final order, the Comptroller may not issue a warrant for a refund to the qualified applicant until the conclusion of all appeals of the final order.

(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.

(6) ADMINISTRATION.—

(a) The office may department shall adopt rules pursuant to chapter 120 for the administration of this section.

(b) The office department may 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 with the appropriate agency or authority including the Department of Revenue, the Department of Labor and Employment Security, or any local government or authority.

(c) To facilitate the process of monitoring and auditing applications made under this program, the ~~office department~~ may provide a list of qualified applicants to the Department of Revenue, the Department of Labor and Employment Security, or to any local government or authority. The ~~office department~~ may request the assistance of said entities with respect to monitoring the payment of the taxes listed in subsection (2).

(d) By December 1 of each year, the ~~office department~~ shall submit a complete and detailed report to the Governor, the President of the Senate, and the Speaker of the House of Representatives of all tax refunds paid under this section, including analyses of benefits and costs, types of projects supported, employment and investment created, geographic distribution of tax refunds granted, and minority business participation. The report must indicate whether the moneys appropriated by the Legislature to the qualified applicant tax refund program were expended in a prudent, fiducially sound manner.

(7) EXPIRATION.—An applicant may not be certified as qualified under this section after June 30, ~~2004~~ 1999.

Section 86. Subsection (2) of section 212.097, Florida Statutes, 1998 Supplement, is amended to read:

212.097 Urban High-Crime Area Job Tax Credit Program.—

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

(a) “Eligible business” means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01 through SIC 09 (agriculture, forestry, and fishing); SIC 20 through SIC 39 (manufacturing); SIC 52 through SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 7992 (public golf courses); and SIC 7996 (amusement parks). A call center or similar customer service operation that services a multistate market or international market is also an eligible business. In addition, the Office of Tourism, Trade, and Economic Development may, as part of its final budget request submitted pursuant to s. 216.023, recommend additions to or deletions from the list of standard industrial classifications used to determine an eligible business, and the Legislature may implement such recommendations. Excluded from eligible receipts are receipts from retail sales, except such receipts for SIC 52 through SIC 57 and SIC 59 (retail) hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term “predominantly” means that more than 50 percent of the business’s gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified high-crime area and the tier ranking of that area must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

(b) “Qualified employee” means any employee of an eligible business who performs duties in connection with the operations of the business on a regular, full-time basis for an average of at least 36 hours per week for at least 3 months within the qualified high-crime area in which the eligible business is located. An owner or partner of the eligible business is not a qualified employee. The term also includes an employee leased from an employee leasing company licensed under chapter 468, if such employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.

(c) “New business” means any eligible business first beginning operation on a site in a qualified high-crime area and clearly separate from any other commercial or business operation of the business entity within a qualified high-crime area. A business entity that operated an eligible business within a qualified high-crime area within the 48 months before the period provided for application by subsection (3) is not considered a new business.

(d) “Existing business” means any eligible business that does not meet the criteria for a new business.

(e) “Qualified high-crime area” means an area selected by the Office of Tourism, Trade, and Economic Development in the following manner: every third year, the office shall rank and tier those areas nominated under subsection (8), according to the following prioritized criteria:

1. Highest arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, vandalism, and civil disturbances;
2. Highest reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism;
3. Highest percentage of reported index crimes that are violent in nature;
4. Highest overall index crime volume for the area; and
5. Highest overall index crime rate for the geographic area.

Tier-one areas are ranked 1 through 5 and represent the highest crime areas according to this ranking. Tier-two areas are ranked 6 through 10 according to this ranking. Tier-three areas are ranked 11 through 15.

Section 87. Paragraph (a) of subsection (2) of section 212.098, Florida Statutes, 1998 Supplement, is amended to read:

212.098 Rural Job Tax Credit Program.—

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

(a) “Eligible business” means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in,

activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01 through SIC 09 (agriculture, forestry, and fishing); SIC 20 through SIC 39 (manufacturing); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 7992 (public golf courses); and SIC 7996 (amusement parks). A call center or similar customer service operation that services a multistate market or an international market is also an eligible business. In addition, the Office of Tourism, Trade, and Economic Development may, as part of its final budget request submitted pursuant to s. 216.023, recommend additions to or deletions from the list of standard industrial classifications used to determine an eligible business, and the Legislature may implement such recommendations. Excluded from eligible receipts are receipts from retail sales, except such receipts for hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term “predominantly” means that more than 50 percent of the business’s gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified county and the tier ranking of that county must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

Section 88. (1) There is created the Institute on Urban Policy and Commerce as a Type I Institute under the Board of Regents at Florida Agricultural and Mechanical University to improve the quality of life in urban communities through research, teaching, and outreach activities.

(2) The major purposes of the institute are to pursue basic and applied research on urban policy issues confronting the inner-city areas and neighborhoods in the state; to influence the equitable allocation and stewardship of federal, state, and local financial resources; to train a new generation of civic leaders and university students interested in approaches to community planning and design; to assist with the planning, development, and capacity building of urban area nonprofit organizations and government agencies; to develop and maintain a database relating to inner-city areas; and to support the community development efforts of inner-city areas, neighborhood-based organizations, and municipal agencies.

(3) The institute shall research and recommend strategies concerning critical issues facing the underserved population in urban communities, including, but not limited to, transportation and physical infrastructure; affordable housing; tourism and commerce; environmental restoration; job development and retention; child care; public health; life-long learning; family intervention; public safety; and community relations.

(4) The institute may establish regional urban centers to be located in the inner cities of St. Petersburg, Tampa, Jacksonville, Orlando, West Palm Beach, Fort Lauderdale, Miami, Daytona Beach, and Pensacola to assist urban communities on critical economic, social, and educational problems affecting the underserved population.

(5) Before January 1 of each year, the institute shall submit a report of its critical findings and recommendations for the prior year to the President of the Senate, the Speaker of the House of Representatives, and the appropriate committees of the Legislature. The report shall be titled "The State of Unmet Needs in Florida's Urban Communities" and shall include, but is not limited to, a recommended list of resources that could be made available for revitalizing urban communities; significant accomplishments and activities of the institute; and recommendations concerning the expansion, improvement, or termination of the institute.

(6) The Governor shall submit an annual report to the Legislature on the unmet needs in the state's urban communities.

Section 89. Legislative intent.—

(1) The Legislature finds and declares that because of climate, tourism, industrialization, technological advances, federal and state government policies, transportation, and migration, Florida's urban communities have grown rapidly over the past 40 years. This growth and prosperity, however, have not been shared by Florida's rural communities, although they are the stewards of the vast majority of the land and natural resources. Without this land and these resources, the state's growth and prosperity cannot continue. In short, successful rural communities are essential to the overall success of the state's economy.

(2) The Legislature further finds and declares that many rural areas of the state are experiencing not only a lack of growth, but severe and sustained economic distress. Median household incomes are significantly less than the state's median household income level. Job creation rates trail those in more urbanized areas. In many cases, rural counties have lost jobs, which handicaps local economies and drains wealth from these communities. These and other factors, including government policies, amplify and compound social, health, and community problems, making job creation and economic development even more difficult. Moreover, the Legislature finds that traditional program and service delivery is often hampered by the necessarily rigid structure of the programs themselves and the lack of local resources.

(3) It is the intent of the Legislature to provide for the most efficient and effective delivery of programs of assistance and support to rural communities, including the use, where appropriate, of regulatory flexibility through multiagency coordination and adequate funding. Therefore, the Legislature determines and declares that the provisions of this act fulfill an important state interest.

Section 90. Paragraph (a) of subsection (6) of section 163.3177, Florida Statutes, 1998 Supplement, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of public services; ~~and the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.~~ The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with this paragraph no later than October 1, 1999, or the deadline for the local government evaluation and appraisal report, whichever occurs first. The failure by a local government to comply with this requirement will result in the prohibition of the local government's ability to amend the local comprehensive plan as provided by s. 163.3187(6). An amendment proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use is exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria which encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to

collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible.

Section 91. Subsection (5) is added to section 186.502, Florida Statutes, to read:

186.502 Legislative findings; public purpose.—

(5) The regional planning council shall have a duty to assist local governments with activities designed to promote and facilitate economic development in the geographic area covered by the council.

Section 92. Subsection (4) of section 186.504, Florida Statutes, is amended to read:

186.504 Regional planning councils; creation; membership.—

(4) In addition to voting members appointed pursuant to paragraph (2)(c), the Governor shall appoint the following ex officio nonvoting members to each regional planning council:

(a) A representative of the Department of Transportation.

(b) A representative of the Department of Environmental Protection.

(c) A representative nominated by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development of the Department of Commerce.

(d) A representative of the appropriate water management district or districts.

The Governor may also appoint ex officio nonvoting members representing appropriate metropolitan planning organizations and regional water supply authorities.

Section 93. Subsection (25) is added to section 186.505, Florida Statutes, to read:

186.505 Regional planning councils; powers and duties.—Any regional planning council created hereunder shall have the following powers:

(25) To use personnel, consultants, or technical or professional assistants of the council to help local governments within the geographic area covered by the council conduct economic development activities.

Section 94. Subsections (1) and (3) of section 288.018, Florida Statutes, are amended to read:

288.018 Regional Rural Development Grants Program.—

(1) The Office of Tourism, Trade, and Economic Development shall establish a matching grant program to provide funding to regionally based economic development organizations representing rural counties and commu-

nities for the purpose of building the professional capacity of their organizations. The Office of Tourism, Trade, and Economic Development is authorized to approve, on an annual basis, grants to such regionally based economic development organizations. The maximum amount an organization may receive in any year will be \$35,000, or \$100,000 in a rural area of critical economic concern recommended by the Rural Economic Development Initiative and designated by the Governor, ~~\$20,000~~ and must be matched each year by an equivalent amount of nonstate resources.

(3) The Office of Tourism, Trade, and Economic Development may expend up to \$600,000 ~~\$100,000~~ each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund for the purposes outlined in this section.

Section 95. Subsection (2) of section 288.065, Florida Statutes, is amended to read:

**288.065 Rural Community Development Revolving Loan Fund.—**

(2) The program shall provide for long-term loans, loan guarantees, and loan loss reserves to units of local governments within counties with populations of 75,000 or 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 of 75,000 or 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. However, in a rural area of critical economic concern designated by the Governor, and upon approval by the Office of Tourism, Trade, and Economic Development, repayments of principal and interest may be retained by a unit of local government if such repayments are dedicated and matched to fund regionally based economic development organizations representing the rural area of critical economic concern.

Section 96. Section 288.0655, Florida Statutes, is created to read:

**288.0655 Rural Infrastructure Fund.—**

(1) There is created within the Office of Tourism, Trade, and Economic Development the Rural Infrastructure Fund to facilitate the planning, preparing, and financing of infrastructure projects in rural communities which will encourage job creation, capital investment, and the strengthening and diversification of rural economies by promoting tourism, trade, and economic development.

(2)(a) Funds appropriated by the Legislature shall be distributed by the office through a grant program that maximizes the use of federal, local, and



private resources, including, but not limited to, those available under the Small Cities Community Development Block Grant Program.

(b) To facilitate access of rural communities and rural areas of critical economic concern as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the U.S. Department of Agriculture and the U.S. Department of Commerce, the office may award grants to applicants for such federal programs for up to 30 percent of the total infrastructure project cost. Eligible projects must be related to specific job-creating opportunities. Eligible uses of funds shall include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure. Authorized infrastructure may include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly-owned self-powered nature-based tourism facilities and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facility, which owns a gas or electric distribution system or a water or wastewater system in this state where:

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

2. Such utilities as defined herein are willing and able to provide such service.

(c) To facilitate timely response and induce the location or expansion of specific job creating opportunities, the office may award grants for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities. Authorized grants shall be up to \$50,000 for an employment project with a business committed to create at least 100 jobs, up to \$150,000 for an employment project with a business committed to create at least 300 jobs, and up to \$300,000 for a project in a rural area of critical economic concern. Grants awarded under this paragraph may be used in conjunction with grants awarded under paragraph (b), provided that the total amount of both grants does not exceed 30 percent of the total project cost. In evaluating applications under this paragraph, the office shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(d) By September 1, 1999, the office shall pursue execution of a memorandum of agreement with the U.S. Department of Agriculture under which state funds available through the Rural Infrastructure Fund may be advanced, in excess of the prescribed state share, for a project that has received from the department a preliminary determination of eligibility for federal financial support. State funds in excess of the prescribed state share which

are advanced pursuant to this paragraph and the memorandum of agreement shall be reimbursed when funds are awarded under an application for federal funding.

(e) To enable local governments to access the resources available pursuant to s. 403.973(16), the office may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph shall not exceed \$75,000 each, except in the case of a project in a rural area of critical economic concern, in which case the grant shall not exceed \$300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of critical economic concern must be matched at a level of 33 percent with local funds. In evaluating applications under this paragraph, the office shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(3) The office, in consultation with Enterprise Florida, Inc., VISIT Florida, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate, shall review applications and evaluate the economic benefit of the projects and their long-term viability. The office shall have final approval for any grant under this section and must make a grant decision within 30 days of receiving a completed application.

(4) By September 1, 1999, the office shall, in consultation with the organizations listed in subsection (3), and other organizations, develop guidelines and criteria governing submission of applications for funding, review and evaluation of such applications, and approval of funding under this section. The office shall consider factors including, but not limited to, the project's potential for enhanced job creation or increased capital investment, the demonstration of local public and private commitment, the location of the project in an enterprise zone, the location of the project in a community development corporation service area as defined in s. 290.035(2), the location of the project in a county designated under s. 212.097, the unemployment rate of the surrounding area, and the poverty rate of the community.

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

Section 97. Rural Economic Development Initiative.—

(1) The Rural Economic Development Initiative, known as "REDI," is created within the Office of Tourism, Trade, and Economic Development, and the participation of state and regional agencies in this initiative is authorized.

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

(a) "Economic distress" means conditions affecting the fiscal and economic viability of a rural community, including such factors as low per capita income, low per capita taxable values, high unemployment, high underemployment, low weekly earned wages compared to the state average,

low housing values compared to the state average, high percentages of the population receiving public assistance, high poverty levels compared to the state average, and a lack of year-round stable employment opportunities.

(b) “Rural community” means:

1. A county with a population of 75,000 or less.
2. A county with a population of 100,000 or less that is contiguous to a county with a population of 75,000 or less.
3. A municipality within a county described in subparagraph 1. or subparagraph 2.
4. An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or less and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified in paragraph (2)(a) and verified by the Office of Tourism, Trade, and Economic Development.

For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to section 186.901, Florida Statutes.

(3) REDI shall be responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems which affect the fiscal, economic, and community viability of Florida’s economically distressed rural communities, working with local governments, community-based organizations, and private organizations that have an interest in the growth and development of these communities to find ways to balance environmental and growth management issues with local needs.

(4) REDI shall review and evaluate the impact of statutes and rules on rural communities and shall work to minimize any adverse impact.

(5) REDI shall facilitate better access to state resources by promoting direct access and referrals to appropriate state and regional agencies and statewide organizations. REDI may undertake outreach, capacity-building, and other advocacy efforts to improve conditions in rural communities. These activities may include sponsorship of conferences and achievement awards.

(6)(a) No later than August 1, 1999, the head of each of the following agencies and organizations shall designate a high-level staff person from within the agency or organization to serve as the REDI representative for the agency or organization:

1. The Department of Community Affairs.
2. The Department of Transportation.
3. The Department of Environmental Protection.

4. The Department of Agriculture and Consumer Services.
5. The Department of State.
6. The Department of Health.
7. The Department of Children and Family Services.
8. The Department of Corrections.
9. The Department of Labor and Employment Security.
10. The Department of Education.
11. The Fish and Wildlife Conservation Commission.
12. Each water management district.
13. Enterprise Florida, Inc.
14. The Florida Commission on Tourism or VISIT Florida.
15. The Florida Regional Planning Council Association.
16. The Florida State Rural Development Council.
17. The Institute of Food and Agricultural Sciences (IFAS).

An alternate for each designee shall also be chosen, and the names of the designees and alternates shall be sent to the director of the Office of Tourism, Trade, and Economic Development.

(b) Each REDI representative must have comprehensive knowledge of his or her agency's functions, both regulatory and service in nature, and of the state's economic goals, policies, and programs. This person shall be the primary point of contact for his or her agency with REDI on issues and projects relating to economically distressed rural communities and with regard to expediting project review, shall ensure a prompt effective response to problems arising with regard to rural issues, and shall work closely with the other REDI representatives in the identification of opportunities for preferential awards of program funds and allowances and waiver of program requirements when necessary to encourage and facilitate long-term private capital investment and job creation.

(c) The REDI representatives shall work with REDI in the review and evaluation of statutes and rules for adverse impact on rural communities and the development of alternative proposals to mitigate that impact.

(d) Each REDI representative shall be responsible for ensuring that each district office or facility of his or her agency is informed about the Rural Economic Development Initiative and for providing assistance throughout the agency in the implementation of REDI activities.

(7) REDI may recommend to the Governor up to three rural areas of critical economic concern. A rural area of critical economic concern must be

a rural community, or a region composed of such, that has been adversely affected by an extraordinary economic event or a natural disaster or that presents a unique economic development opportunity of regional impact that will create more than 1,000 jobs over a 5-year period. The Governor may by executive order designate up to three rural areas of critical economic concern which will establish these areas as priority assignments for REDI as well as to allow the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development incentive. Such incentives shall include, but not be limited to: the Qualified Target Industry Tax Refund Program under section 288.106, Florida Statutes, the Quick Response Training Program under section 288.047, Florida Statutes, the WAGES Quick Response Training Program under section 288.047(10), Florida Statutes, transportation projects under section 288.063, Florida Statutes, the brownfield redevelopment bonus refund under section 288.107, Florida Statutes, and the rural job tax credit program under sections 212.098 and 220.1895, Florida Statutes. Designation as a rural area of critical economic concern under this subsection shall be contingent upon the execution of a memorandum of agreement among the Office of Tourism, Trade, and Economic Development, the governing body of the county, and the governing bodies of any municipalities to be included within a rural area of critical economic concern. Such agreement shall specify the terms and conditions of the designation, including, but not limited to, the duties and responsibilities of the county and any participating municipalities to take actions designed to facilitate the retention and expansion of existing businesses in the area, as well as the recruitment of new businesses to the area.

(8) REDI shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives each year on or before February 1 on all REDI activities. This report shall include a status report on all projects currently being coordinated through REDI, the number of preferential awards and allowances made pursuant to this section, the dollar amount of such awards, and the names of the recipients. The report shall also include a description of all waivers of program requirements granted. The report shall also include information as to the economic impact of the projects coordinated by REDI.

Section 98. Florida rural economic development strategy grants.—

(1) As used in this section, the term “rural community” means:

(a) A county with a population of 75,000 or less.

(b) A county with a population of 100,000 or less that is contiguous to a county with a population of 75,000 or less.

(c) A municipality within a county described in paragraph (a) or paragraph (b).

For purposes of this subsection, population shall be determined in accordance with the most recent official estimate pursuant to section 186.901, Florida Statutes.

(2) The Office of Tourism, Trade, and Economic Development may accept and administer moneys appropriated to the office for providing grants to assist rural communities to develop and implement strategic economic development plans.

(3) A rural community, an economic development organization in a rural area, or a regional organization representing at least one rural community or such economic development organizations may apply for such grants.

(4) Enterprise Florida, Inc., and VISIT Florida, shall establish criteria for reviewing grant applications. These criteria shall include, but are not limited to, the degree of participation and commitment by the local community and the application's consistency with local comprehensive plans or the application's proposal to ensure such consistency. The International Trade and Economic Development Board of Enterprise Florida, Inc., and VISIT Florida, shall review each application for a grant and shall submit annually to the office for approval a list of all applications that are recommended by the board and VISIT Florida, arranged in order of priority. The office may approve grants only to the extent that funds are appropriated for such grants by the Legislature.

Section 99. Subsection (5) of section 378.601, Florida Statutes, is amended to read:

378.601 Heavy minerals.—

(5) Any heavy mineral mining operation which annually mines less than 500 acres and whose proposed consumption of water is 3 million gallons per day or less shall not be required to undergo development of regional impact review pursuant to s. 380.06, provided permits and plan approvals pursuant to either this section and part IV of chapter 373, or s. 378.901, are issued. This subsection applies only in the following circumstances:

(a) Mining is conducted in counties where the operator has conducted heavy mineral mining activities prior to March 1, 1997; and

(b) The operator of the heavy mineral mining operation has executed a developer agreement pursuant to s. 380.032 or has received a development order under s. 380.06(15) as of March 1, 1997. Lands mined pursuant to this section need not be the subject of the developer agreement or development order.

Section 100. The Florida Fish and Wildlife Conservation Commission is directed to assist the Florida Commission on Tourism; the Florida Tourism Industry Marketing Corporation, doing business as VISIT Florida; convention and visitor bureaus; tourist development councils; economic development organizations; and local governments through the provision of marketing advice, technical expertise, promotional support, and product development related to nature-based recreation and sustainable use of natural resources. In carrying out this responsibility, the Florida Fish and Wildlife Conservation Commission shall focus its efforts on fostering nature-based recreation in rural communities and regions encompassing rural communities. As used in this section, the term "nature-based recreation" means

leisure activities related to the state's lands, waters, and fish and wildlife resources, including, but not limited to, wildlife viewing, fishing, hiking, canoeing, kayaking, camping, hunting, backpacking, and nature photography.

Section 101. Section 288.980, Florida Statutes, 1998 Supplement, is amended to read:

288.980 Military base retention; legislative intent; grants program.—

(1)(a) It is the intent of this state to provide the necessary means to assist communities with military installations that would be adversely affected by federal base realignment or closure actions. It is further the intent to encourage communities to initiate a coordinated program of response and plan of action in advance of future actions of the federal Base Realignment and Closure Commission. It is critical that closure-vulnerable communities develop such a program to preserve affected military installations. The Legislature hereby recognizes that the state needs to coordinate all efforts that can facilitate the retention of all remaining military installations in the state. The Legislature, therefore, declares that providing such assistance to support the defense-related initiatives within this section is a public purpose for which public money may be used.

(b) The Florida Defense Alliance, an organization within Enterprise Florida, is designated as the organization to ensure that Florida, its resident military bases and missions, and its military host communities are in competitive positions as the United States continues its defense realignment and downsizing. The defense alliance shall serve as an overall advisory body for Enterprise Florida defense-related activity. The Florida Defense Alliance may receive funding from appropriations made for that purpose administered by the Office of Tourism, Trade, and Economic Development.

(2)(a) The Office of Tourism, Trade, and Economic Development is authorized to award grants from any funds available to it to support activities related to the retention of military installations potentially affected by federal base closure or realignment.

(b) The term "activities" as used in this section means studies, presentations, analyses, plans, and modeling. ~~Travel and costs incidental thereto, and Staff salaries,~~ are not considered an "activity" for which grant funds may be awarded. Travel costs and costs incidental thereto incurred by a grant recipient shall be considered an "activity" for which grant funds may be awarded.

(c) Except for grants issued pursuant to the Florida Military Installation Reuse Planning and Marketing Grant Program as described in (3)(c), the amount of any grant provided to an applicant may not exceed \$250,000. The Office of Tourism, Trade, and Economic Development shall require that an applicant:

1. Represent a local government with a military installation or military installations that could be adversely affected by federal base realignment or closure.

2. Agree to match at least 30 ~~50~~ percent of any grant awarded.

3. Prepare a coordinated program or plan of action delineating how the eligible project will be administered and accomplished.

4. Provide documentation describing the potential for realignment or closure of a military installation located in the applicant's community and the adverse impacts such realignment or closure will have on the applicant's community.

(d) In making grant awards the office shall consider, at a minimum, the following factors:

1. The relative value of the particular military installation in terms of its importance to the local and state economy relative to other military installations vulnerable to closure.

2. The potential job displacement within the local community should the military installation be closed.

3. The potential adverse impact on industries and technologies which service the military installation.

(3) The Florida Economic Reinvestment Initiative is established to respond to the need for this state and defense-dependent communities in this state to develop alternative economic diversification strategies to lessen reliance on national defense dollars in the wake of base closures and reduced federal defense expenditures and the need to formulate specific base reuse plans and identify any specific infrastructure needed to facilitate reuse. The initiative shall consist of the following three distinct grant programs to be administered by the Office of Tourism, Trade, and Economic Development:

(a) The Florida Defense Planning Grant Program, through which funds shall be used to analyze the extent to which the state is dependent on defense dollars and defense infrastructure and prepare alternative economic development strategies. The state shall work in conjunction with defense-dependent communities in developing strategies and approaches that will help communities make the transition from a defense economy to a non-defense economy. Grant awards may not exceed \$250,000 ~~\$100,000~~ per applicant and shall be available on a competitive basis.

(b) The Florida Defense Implementation Grant Program, through which funds shall be made available to defense-dependent communities to implement the diversification strategies developed pursuant to paragraph (a). Eligible applicants include defense-dependent counties and cities, and local economic development councils located within such communities. Grant awards may not exceed \$100,000 per applicant and shall be available on a competitive basis. Awards shall be matched on a one-to-one basis.

(c) The Florida Military Installation Reuse Planning and Marketing Grant Program, through which funds shall be used to help counties, cities, and local economic development councils develop and implement plans for the reuse of closed or realigned military installations, including any necessary infrastructure improvements needed to facilitate reuse and related



~~marketing activities. Grant awards are limited to not more than \$100,000 per eligible applicant and made available through a competitive process. Awards shall be matched on a one-to-one basis.~~

Applications for grants under this subsection must include a coordinated program of work or plan of action delineating how the eligible project will be administered and accomplished, which must include a plan for ensuring close cooperation between civilian and military authorities in the conduct of the funded activities and a plan for public involvement.

(4)(a) The Defense-Related Business Adjustment Program is hereby created. The Director of the Office of Tourism, Trade, and Economic Development shall coordinate the development of the Defense-Related Business Adjustment Program. Funds shall be available to assist defense-related companies in the creation of increased commercial technology development through investments in technology. Such technology must have a direct impact on critical state needs for the purpose of generating investment-grade technologies and encouraging the partnership of the private sector and government defense-related business adjustment. The following areas shall receive precedence in consideration for funding commercial technology development: law enforcement or corrections, environmental protection, transportation, education, and health care. Travel and costs incidental thereto, and staff salaries, are not considered an "activity" for which grant funds may be awarded.

(b) The office shall require that an applicant:

1. Be a defense-related business that could be adversely affected by federal base realignment or closure or reduced defense expenditures.
2. Agree to match at least 50 percent of any funds awarded by the department in cash or in-kind services. Such match shall be directly related to activities for which the funds are being sought.
3. Prepare a coordinated program or plan delineating how the funds will be administered.
4. Provide documentation describing how defense-related realignment or closure will adversely impact defense-related companies.

(5) The Retention of Military Installations Program is created. The Director of the Office of Tourism, Trade, and Economic Development shall coordinate and implement this program. The sum of \$1.2 million is appropriated from the General Revenue Fund for fiscal year 1999-2000 to the Office of Tourism, Trade, and Economic Development to implement this program for military installations located in counties with a population greater than 824,000. The funds shall be used to assist military installations potentially affected by federal base closure or realignment in covering current operating costs in an effort to retain the installation in this state. An eligible military installation for this program shall include a provider of simulation solutions for warfighting experimentation, testing, and training which employs at least 500 civilian and military employees and has been operating in the state for a period of more than 10 years.

(6)(5) The director may award nonfederal matching funds specifically appropriated for construction, maintenance, and analysis of a Florida defense workforce database. Such funds will be used to create a registry of worker skills that can be used to match the worker needs of companies that are relocating to this state or to assist workers in relocating to other areas within this state where similar or related employment is available.

(7) Payment of administrative expenses shall be limited to no more than 10 percent of any grants issued pursuant to this section.

(8)(6) The Office of Tourism, Trade, and Economic Development shall establish guidelines to implement and carry out the purpose and intent of this section.

Section 102. There is appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development the sum of \$800,000 to implement the programs described in section 288.980, Florida Statutes. The funding provided pursuant to this section is critical in assisting with the improvement or upgrade of infrastructure (roads, water supply, power grids, communication nets, etc.) around the state's military bases which will be measured in the next round of military base closures. It is the specific intent of the Legislature that a portion of this appropriation be expended to employ a consultant to evaluate the infrastructure needs of Florida military bases in order to provide a baseline and order of priority for the disbursement of funds. This appropriation is in addition to any funds currently available for grants to help local communities.

Section 103. Section 230.23027, Florida Statutes, is created to read:

230.23027 Small School District Stabilization Program.—

(1) There is created the Small School District Stabilization Program to assist school districts in rural communities that document economic conditions or other significant community influences that negatively impact the school district. The purpose of the program is to provide technical assistance and financial support to maintain the stability of the educational program in the school district. A rural community means a county with a population of 75,000 or less; or a county with a population of 100,000 or less that is contiguous to a county with a population of 75,000 or less.

(2) In order to participate in this program, a school district must be located in a rural area of critical economic concern designated by the Executive Office of the Governor, and the school board must submit a resolution to the Office of Tourism, Trade, and Economic Development requesting participation in the program. A rural area of critical economic concern must be a rural community, or a region composed of such, that has been adversely affected by an extraordinary economic event or a natural disaster or that presents a unique economic development concern or opportunity of regional impact. The resolution must be accompanied with documentation of the economic conditions in the community, provide information indicating the negative impact of these conditions on the school district's financial stability, and the school district must participate in a best financial management

practices review to determine potential efficiencies that could be implemented to reduce program costs in the district.

(3) The Office of Tourism, Trade, and Economic Development, in consultation with the Department of Education, shall review the resolution and other information required by subsection (2) and determine whether the school district is eligible to participate in the program. Factors influencing the office's determination may include, but are not limited to, reductions in the county tax roll resulting from business closures or other causes, or a reduction in student enrollment due to business closures or impacts in the local economy.

(4) Effective July 1, 2000, and thereafter, when the Office of Tourism, Trade, and Economic Development authorizes a school district to participate in the program, the Legislature may give priority to that district for a best financial management practices review in the school district, as authorized in s. 11.515, to the extent that funding is provided annually for such purpose in the General Appropriations Act. The scope of the review shall be as set forth in s. 11.515.

(5) Effective July 1, 2000, and thereafter, the Department of Education may award the school district a stabilization grant intended to protect the district from continued financial reductions. The amount of the grant will be determined by the Department of Education and may be equivalent to the amount of the decline in revenues projected for the next fiscal year. In addition, the Office of Tourism, Trade, and Economic Development may implement a rural economic development initiative to identify the economic factors that are negatively impacting the community and may consult with Enterprise Florida, Inc., in developing a plan to assist the county with its economic transition. The grant will be available to the school district for a period of up to 5 years to the extent that funding is provided for such purpose in the General Appropriations Act.

(6) Based on the availability of funds the Office of Tourism, Trade, and Economic Development or the Department of Education may enter into contracts or issue grants necessary to implement the program.

Section 104. Section 290.0069, Florida Statutes, is created to read:

290.0069 Designation of enterprise zone pilot project area.—

(1) The Office of Tourism, Trade, and Economic Development shall designate one pilot project area within one state enterprise zone. The Office of Tourism, Trade, and Economic Development shall select a pilot project area by July 1, 1999, which meets the following qualifications:

(a) The area is contained within an enterprise zone that is composed of one contiguous area and is placed in the category delineated in s. 290.0065(3)(a)1.

(b) The local government having jurisdiction over the enterprise zone grants economic development ad valorem tax exemptions in the enterprise zone pursuant to s. 196.1995, and electrical energy public service tax exemptions pursuant to s. 166.231(8).

(c) The local government having jurisdiction over the enterprise zone has developed a plan for revitalizing the pilot project area or for revitalizing an area within the enterprise zone that contains the pilot project area, and has committed at least \$5 million to redevelop an area including the pilot project area.

(d) The pilot project area is contiguous and is limited to no more than 70 acres, or equivalent square miles, to avoid a dilution of additional state assistance and effectively concentrate these additional resources on revitalizing the acute area of economic distress.

(e) The pilot project area contains a diverse cluster or grouping of facilities or space for a mix of retail, restaurant, or service related businesses necessary to an overall revitalization of surrounding neighborhoods through community involvement, investment, and enhancement of employment markets.

(2)(a) Beginning December 1, 1999, no more than four businesses located within the pilot project area are eligible for a credit against any tax due for a taxable year under chapters 212 and 220.

(b) The credit shall be computed as \$5,000 times the number of full-time employees of the business and \$2,500 times the number of part-time employees of the business. For purposes of this section, a person shall be deemed to be employed by such a business on a full-time basis if the person performs duties in connection with the operations of the business for an average of at least 36 hours per week each month, or on a part-time basis if the person is performing such duties for an average of at least 20 hours per week each month throughout the year. The person must be performing such duties at a business site located in the pilot project area.

(c) The total amount of tax credits that may be granted under this section is \$1 million annually. In the event the Office of Tourism, Trade, and Economic Development receives applications that total more than \$1 million in any year, the director shall prorate the amount of tax credit each applicant is eligible to receive to ensure that all eligible applicants receive a tax credit.

(d) In order to be eligible to apply to the Office of Tourism, Trade, and Economic Development for tax credits under this section a business must:

1. Have entered into a contract with the developer of the diverse cluster or grouping of facilities or space located in the pilot project area, governing lease of commercial space in a facility.

2. Have commenced operations in the facility after July 1, 1999, and before July 1, 2000.

3. Be a business predominantly engaged in activities usually provided for consideration by firms classified under the Standard Industrial Classification Manual Industry Number 5311, Industry Number 5399, or Industry Number 7832.

(e) All applications for the granting of the tax credits allowed under this section shall require the prior approval of the director of the Office of Tour-

ism, Trade, and Economic Development. The director shall establish one submittal date each year for the receipt of applications for such tax credits.

(f) Any business wishing to receive tax credits pursuant to this section must submit an application to the Office of Tourism, Trade, and Economic Development which sets forth the business name and address and the number of employees of the business.

(g) The decision of the director shall be in writing, and, if approved, the application shall state the maximum credits allowable to the business. A copy of the decision shall be transmitted to the executive director of the Department of Revenue, who shall apply such credits to the tax liabilities of the business firm.

(h) If any credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the business, the unused amount may be carried forward for a period not to exceed 5 years.

(4) The Office of Tourism, Trade, and Economic Development is authorized to adopt all rules necessary to administer this section, including rules for the approval or disapproval of applications for tax incentives by businesses.

(5) The Department of Revenue shall adopt any rules necessary to ensure the orderly implementation and administration of this section.

(6) For purposes of this section, "business" and "taxable year" shall have the same meaning as in s. 220.03.

(7) Prior to the 2004 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall review and evaluate the effectiveness and viability of the pilot project area created under this section, using the research design prescribed pursuant to s. 290.015. The office shall specifically evaluate whether relief from certain taxes induced new investment and development in the area, increased the number of jobs created or retained in the area, induced the renovation, rehabilitation, restoration, improvement, or new construction of businesses or housing within the area, and contributed to the economic viability and profitability of business and commerce located within the area. The office shall submit a report of its findings and recommendations to the Speaker of the House of Representatives and the President of the Senate no later than January 15, 2004.

(8) This section shall stand repealed on June 30, 2010, and any designation made pursuant to this section shall be revoked on that date.

#### Section 105. Quick Action Closing Fund.—

(1)(a) The Legislature finds that attracting, retaining, and providing favorable conditions for the growth of certain high-impact business facilities provides widespread economic benefits to the public through high-quality employment opportunities in such facilities and in related facilities attracted to the state, through the increased tax base provided by the high-

impact facility and businesses in related sectors, 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. In the global economy, there exists serious and fierce international competition for these facilities, and in most instances, when all available resources for economic development have been used, the state continues to encounter severe competitive disadvantages in vying for these high-impact business facilities.

(b) The Legislature therefore declares that sufficient resources shall be available to respond to extraordinary economic opportunities and to compete effectively for these high-impact business facilities.

(2) There is created within the Office of Tourism, Trade, and Economic Development the Quick Action Closing Fund.

(3)(a) Enterprise Florida, Inc., shall evaluate individual proposals for high-impact business facilities and forward recommendations regarding the use of moneys in the fund for such facilities to the director of the Office of Tourism, Trade, and Economic Development. Such evaluation and recommendation must include, but need not be limited to:

1. A description of the type of facility, its business operation, and the product or service associated with the facility.

2. The number of full-time-equivalent jobs that will be created by the facility and the total estimated average annual wages of those jobs.

3. The cumulative amount of investment to be dedicated to the facility within a specified period.

4. A statement of any special impacts the facility is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

5. A statement of the role the incentive is expected to play in the decision of the applicant business to locate or expand in this state.

(b) Upon receipt of the evaluation and recommendation from Enterprise Florida, Inc., the director shall recommend approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund to the Governor. In recommending a high-impact business facility, the director shall include proposed performance conditions that the facility must meet to obtain incentive funds. The Governor shall consult with the President of the Senate and the Speaker of the House of Representatives before giving final approval for a project. The Executive Office of the Governor shall recommend approval of a project and release of funds pursuant to the legislative consultation and review requirements set forth in s. 216.177, Florida Statutes. The recommendation must include proposed performance conditions the project must meet to obtain funds.

(c) Upon the approval of the Governor, the director of the Office of Tourism, Trade, and Economic Development and the high-impact business shall

enter into a contract that sets forth the conditions for payment of moneys from the fund. The contract must include the total amount of funds awarded; the performance conditions that must be met to obtain the award, including, but not limited to, net new employment in the state, average salary, and total capital investment; the methodology for validating performance; the schedule of payments from the fund; and sanctions for failure to meet performance conditions.

(d) Enterprise Florida, Inc., shall validate contractor performance. Such validation shall be reported within 6 months after completion of the contract to the Governor, President of the Senate, and the Speaker of the House of Representatives.

Section 106. Response to economic emergencies in small communities.—

(1) The Legislature finds that attracting, retaining, and providing favorable conditions for businesses which contribute to the economic health of small communities through the generation of business and employment opportunities is in the public interest. The Legislature recognizes that conditions may exist where criteria for existing economic development programs prevent some businesses from participating and that existing criteria should be waived in order to allow businesses which are significant employers in these small communities to participate in these programs in order to improve the economic health of these communities. The Legislature further recognizes that the loss of an industry or the inability of a significant employer to open or reopen a business in a small community creates a state of economic emergency within that community.

(2) A community is in a state of economic emergency when any of the following conditions occur:

(a) Closure of a business which is a significant employer of workers in the community.

(b) Closure of a business which significantly affects the operations of other businesses which are significant employers of workers in the community.

(c) A business which would be a significant employer of workers in the community is unable to open or reopen due to a lack of economic incentives or a business environment which is not favorable to the opening or reopening of that business.

(d) The community experiences substantial unemployment due to the closure of a major industry.

(3) A local government entity shall notify the Governor, the Office of Tourism, Trade, and Economic Development, and Enterprise Florida, Inc., when one or more of the conditions specified in subsection (2) have occurred or will occur if action is not taken to assist the local governmental entity or the affected community.

(4) Upon notification that one or more of the conditions described in subsection (2) exist, the Governor or his or her designee shall contact the

local governmental entity to determine what actions have been taken by the local governmental entity or the affected community to resolve the economic emergency. The Governor has the authority to waive the eligibility criteria of any program or activity administered by the Office of Tourism, Trade, and Economic Development, or Enterprise Florida, Inc., to provide economic relief to the affected community by granting participation in such programs or activities. The Governor shall consult with the President of the Senate and the Speaker of the House of Representatives and shall take other action, as necessary, to resolve the economic emergency in the most expedient manner possible. All actions taken pursuant to this section shall be within current appropriations and shall have no annualized impact beyond normal growth.

Section 107. Funds in the amount of \$224,750, originally assigned to the Florida First Capital Finance Corporation, Inc., to administer hurricane and storm relief programs and which are presently deposited in Florida First Capital Finance Corporation Inc., accounts (Suntrust Bank account numbers 0787000579797; 0787000579805; and 0787000579748) shall be returned to the State Treasury on or before July 31, 1999. Once these funds are deposited in the State Treasury, they are appropriated as follows:

(1) \$122,000 to the Florida-Korea Economic Cooperation Committee for expenses related to Florida's hosting of the annual meeting of the Southeast United States-Korea Economic Committee in the year 2000.

(2) \$102,750 to the San Carlos Institute of Key West, to enhance its facilities and pay for expenses related to its newly designated affiliation with the Smithsonian Institution and to enable it to offer programs and exhibits that will attract more visitors and to contribute to the economic development of Key West and the Florida Keys.

Section 108. Section 425.04, Florida Statutes, is amended to read:

425.04 Powers.—A cooperative shall have power:

- (1) To sue and be sued, in its corporate name;
- (2) To have perpetual existence;
- (3) To adopt a corporate seal and alter the same at pleasure;

(4) To generate, manufacture, purchase, acquire, accumulate and transmit electric energy, and to distribute, sell, supply, and dispose of electric energy in rural areas to its members, to governmental agencies and political subdivisions, and to other persons not in excess of 10 percent of the number of its members; to process, treat, sell, and dispose of water and water rights; to purchase, construct, own and operate water systems; to own and operate sanitary sewer systems; and to supply water and sanitary sewer services. However, no cooperative shall distribute or sell any electricity, or electric energy to any person residing within any town, city or area which person is receiving adequate central station service or who at the time of commencing such service, or offer to serve, by a cooperative, is receiving adequate central station service from any utility agency, privately or municipally owned individual partnership or corporation;



(5) To make loans to persons to whom electric energy is or will be supplied by the cooperative for the purpose of, and otherwise to assist such person in, wiring their premises and installing therein electric and plumbing fixtures, appliances, apparatus and equipment of any and all kinds and character, and in connection therewith, to purchase, acquire, lease, sell, distribute, install and repair such electric and plumbing fixtures, appliances, apparatus and equipment, and to accept or otherwise acquire, and to sell, assign, transfer, endorse, pledge, hypothecate and otherwise dispose of notes, bonds and other evidences of indebtedness and any and all types of security therefor;

(6) To make loans to persons to whom electric energy is or will be supplied by the cooperative for the purpose of, and otherwise to assist such persons in, constructing, maintaining and operating electric refrigeration plants;

(7) To become a member in one or more other cooperatives or corporations or to own stock therein;

(8) To construct, purchase, take, receive, lease as lessee, or otherwise acquire, and to own, hold, use, equip, maintain, and operate, and to sell, assign, transfer, convey, exchange, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber, electric transmission and distribution lines or systems, electric generating plants, electric refrigeration plants, lands, buildings, structures, dams, plants and equipment, and any and all kinds and classes of real or personal property whatsoever, which shall be deemed necessary, convenient or appropriate to accomplish the purpose for which the cooperative is organized;

(9) To purchase or otherwise acquire; to own, hold, use and exercise; and to sell, assign, transfer, convey, mortgage, pledge, hypothecate, or otherwise dispose of or encumber, franchises, rights, privileges, licenses, rights-of-way and easement;

(10) To borrow money and otherwise contract indebtedness; to issue notes, bonds, and other evidences of indebtedness therefor; and to secure the payment thereof by mortgage, pledge, deed of trust, or any other encumbrance upon any or all of its then owned or after-acquired real or personal property, assets, franchises, revenues or income;

(11) To construct, maintain, and operate electric transmission and distribution lines along, upon, under and across all public thoroughfares, including without limitation, all roads, highways, streets, alleys, bridges and causeways, and upon, under and across all publicly owned lands, subject, however, to the requirements in respect of the use of such thoroughfares and lands that are imposed by the respective authorities having jurisdiction thereof upon corporations constructing or operating electric transmission and distribution lines or systems;

(12) To exercise the power of eminent domain in the manner provided by the laws of this state for the exercise of that power by corporations constructing or operating electric transmission and distribution lines or systems;

(13) To conduct its business and exercise any or all of its powers within or without this state;

(14) To adopt, amend and repeal bylaws; and

(15) To do and perform any and all other acts and things, and to have and exercise any and all other powers which may be necessary, convenient or appropriate to accomplish the purpose for which the cooperative is organized.

To promote economic development, an electric cooperative may provide any energy or nonenergy services to its membership.

Section 109. Paragraph (c) is added to subsection (15) of section 196.012, Florida Statutes, to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(15) “New business” means:

(c) A business that is situated on property annexed into a municipality and that, at the time of the annexation, is receiving an economic development ad valorem tax exemption from the county under s. 196.1995.

Section 110. Present subsections (6), (7), (8), and (9) of section 196.1995, Florida Statutes, are redesignated as subsections (7), (8), (9), and (10), respectively, and a new subsection (6) is added to said section, to read:

196.1995 Economic development ad valorem tax exemption.—

(6) With respect to a new business as defined by s. 196.012(15)(c), the municipality annexing the property on which the business is situated may grant an economic development ad valorem tax exemption under this section to that business for a period that will expire upon the expiration of the exemption granted by the county. If the county renews the exemption under subsection (7), the municipality may also extend its exemption. A municipal economic development ad valorem tax exemption granted under this subsection may not extend beyond the duration of the county exemption.

Section 111. (1) The Department of Labor and Employment Security may offer, subject to the provisions of this section, active employees with 30 or more years of creditable service in a state-administered retirement system, or who are at least 62 years of age and are eligible for retirement in a state-administered retirement system, a one-time voluntary reduction-in-force payment during the 1999-2000 fiscal year. Such payment shall represent a payment of insurance costs and shall be paid as an annuity to be purchased by the department within funds appropriated for salary and benefits in the General Appropriations Act for fiscal year 1999-2000, which shall include funds derived from eliminating vacated positions. There shall be no annualization costs associated with this plan. The Secretary of Labor and Employment Security shall be deemed to be the public employer for

purposes of negotiating the terms and conditions related to the reduction-in-force payments authorized by this section. All persons retiring under this program shall do so no later than January 1, 2000.

(2) The department, in consultation with the Department of Management Services, shall prepare a plan to implement the reduction-in-force payment authority for approval by the Office of Planning and Budgeting. Such plan must meet all applicable federal requirements regarding the expenditure of federal funds; all applicable federal tax laws; and all other federal and state laws regarding special compensation to employees, including the Age Discrimination in Employment Act and the Older Workers' Benefit Protection Act. The plan must specify the savings created through the payment mechanism and the reduction-in-force, specify the source of funding of the payments, and delineate a timetable for implementation.

(3) If approved by the Office of Planning and Budgeting, such plan shall be submitted to the Legislature subject to the notice, review, and objection process authorized in section 216.177, Florida Statutes.

(4) This section shall take effect upon becoming a law.

Section 112. Subsections (3), (4), (5), and (9) of section 548.002, Florida Statutes, are amended, present subsections (5) through (15) are renumbered as subsections (6) through (16), respectively, and new subsections (5) and (17) are added to that section, to read:

548.002 Definitions.—As used in this act, the term:

(3) “Commission” means the Florida State Boxing Athletic Commission.

(4) “Contest” means a ~~boxing or, kickboxing, or martial arts~~ engagement in which the participants strive earnestly to win.

(5) “Department” means the Department of Business and Professional Regulation.

~~(6)(5)~~ “Exhibition” means a ~~boxing or, kickboxing, or martial arts~~ engagement in which the participants show or display their skill without necessarily striving to win.

~~(10)(9)~~ “Manager” means any person who, directly or indirectly, controls or administers the ~~boxing or, kickboxing, or martial arts~~ affairs of any participant.

(17) “Secretary” means the Secretary of Business and Professional Regulation.

Section 113. Section 548.003, Florida Statutes, 1998 Supplement, is amended to read:

548.003 Florida State Boxing Athletic Commission; organization; meetings; accountability of commission members; compensation and travel expenses; association membership and participation.—

(1) ~~The Florida State Boxing Athletic Commission is created and is assigned to under the Department of Business and Professional Regulation for administrative and fiscal accountability purposes only. The Florida State Boxing Athletic Commission shall consist of five members appointed by the Governor, subject to confirmation by the Senate. Upon the expiration of the term of a commissioner, the Governor shall appoint a successor to serve for a 4-year term. A commissioner whose term has expired shall continue to serve on the commission until such time as a replacement is appointed. If a vacancy on the commission occurs prior to the expiration of the term, it shall be filled for the unexpired portion of the term in the same manner as the original appointment.~~

(2) The Florida State Boxing Athletic Commission, as created by subsection (1), shall administer the provisions of this chapter. The commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and to implement each of the duties and responsibilities conferred upon the commission, including, but not limited to: development of an ethical code of conduct for commissioners, commission staff, and commission officials; procedures for hearings and resolution of disputes; qualifications for appointment of referees and judges; and setting fee and reimbursement schedules for officials appointed by the commission.

(3) ~~The commission shall maintain an office in Tallahassee and any necessary branch offices. At the first meeting of the commission after June 1 of each year, the commission shall select a chair and a vice chair from among its membership. Three members shall constitute a quorum and the concurrence of at least three members is necessary for official commission action.~~

(4) Three consecutive unexcused absences or absences constituting 50 percent or more of the commission's meetings within any 12-month period shall cause the commission membership of the member in question to become void, and the position shall be considered vacant. The commission shall, by rule, define unexcused absences.

(5) Each commission member shall be accountable to the Governor for the proper performance of duties as a member of the commission. The Governor shall cause to be investigated any complaint or unfavorable report received by the Governor or the department concerning an action of the commission or any member and shall take appropriate action thereon. The Governor may remove from office any member for malfeasance, unethical conduct, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or pleading guilty or nolo contendere to or being found guilty of a felony.

(6)(4) Each member of the commission shall be compensated at the rate of \$50 \$25 for each day she or he attends a commission meeting and shall be reimbursed for other expenses as provided in s. 112.061.

(7) The commission shall be authorized to join and participate in the activities of the Association of Boxing Commissions (ABC).

(8) The department shall provide all legal and investigative services necessary to implement this chapter. The department may adopt rules as provided in ss. 120.54 and 120.536(1) to carry out its duties under this chapter.

Section 114. Section 548.004, Florida Statutes, is amended to read:

548.004 Executive ~~director~~ secretary; ~~deputies~~; duties, compensation, administrative support.—

(1) The ~~department~~ ~~commission~~ shall employ an executive director with the approval of the commission. The executive director shall serve at the pleasure of the secretary ~~who shall receive a salary to be fixed by the commission with the approval of the Governor~~. The executive secretary shall keep a record of all proceedings of the commission; shall preserve all books, papers, and documents pertaining to the business of the commission; shall prepare any notices and papers required; ~~shall appoint judges, referees, and other officials as delegated by the commission and pursuant to this chapter and rules of the commission~~; and shall perform such other duties as the ~~department or~~ commission directs. The executive ~~director~~ secretary may issue ~~witness~~ subpoenas and administer oaths.

(2) The commission shall require electronic recording of all scheduled proceedings of the commission.

(3) The department shall provide assistance in budget development and budget submission for state funding requests. The department shall submit an annual balanced legislative budget for the commission which is based upon anticipated revenue. The department shall provide technical assistance and administrative support, if requested or determined needed, to the commission and its executive director on issues relating to personnel, contracting, property management, or other issues identified as important to performing the duties of this chapter and to protecting the interests of the state.

(4) ~~The commission may appoint any deputies that are necessary, whose compensation shall be the same as that of the commissioners. A deputy shall, on the order of the commission, represent the commission at a boxing match.~~

Section 115. Section 548.005, Florida Statutes, is created to read:

548.005 Oversight of the commission; long-range policy planning; plans, reports, and recommendations.—

(1) The department shall exercise oversight of the activities of the commission to the extent necessary to facilitate the requirements of this section.

(2) To facilitate efficient and cost-effective regulation, the commission and the department, where appropriate, shall develop and implement a long-range policy planning and monitoring process to include recommendations specific to the commission. Included in the plan shall be specific recommendations regarding performance standards and measurable outcomes for the commission. Such process shall include estimates of revenues, expenditures, cash balances, and performance statistics for the commission. The period covered shall not be less than 5 years. The commission, with assistance from the department, shall develop the long-range plan which must be approved by the Governor. The department shall monitor compliance with

the approved long-range plan and shall assist the commission in annually updating the plan for approval by the Governor. The department shall provide concise management reports to the commission and the Governor quarterly. As part of the review process, the department shall evaluate:

(a) Whether the commission is operating efficiently and effectively and if there is need for assistance to help the commission in ensuring cost-effective regulation.

(b) How and why pugilistic exhibitions and contests are regulated.

(c) Whether there is a need to continue regulation, and to what degree.

(d) Whether or not licensee and consumer protection is adequate, and how it can be improved.

(e) Whether unlicensed activity is adequately enforced.

Such plans should include conclusions and recommendations on these and other issues as appropriate. Such plans shall be provided to the Governor and the Legislature by November 1 of each year.

Section 116. Section 548.006, Florida Statutes, is amended to read:

548.006 Power of commission to control pugilistic contests and exhibitions.—The commission has exclusive jurisdiction over every match held within the state which involves a professional. Matches shall be held ~~only~~ in accordance with this chapter and the rules adopted by the commission.

Section 117. Section 548.007, Florida Statutes, is amended to read:

548.007 Applicability of act to amateur matches and certain other matches or events.—~~With the exception of s. 548.008, sections 548.001-548.079 do not apply to:~~

(1) Any match in which the participants are amateurs;

(2) Any match conducted or sponsored by a university, college, or secondary school if all the participants are students regularly enrolled in the institution;

(3) Any match conducted or sponsored by a nationally chartered veterans' organization registered with the state;

(4) Any match conducted or sponsored by any company or detachment of the Florida National Guard; or

(5) Any official Olympic event.

Section 118. Section 548.008, Florida Statutes, is amended to read:

548.008 Toughman and badman competition prohibited.—

(1) No professional or amateur toughman or badman match, as described in this section, may be held in this state. Such competition includes any

contest or exhibition where participants compete by using a combination of fighting skills. Such skills may include, but are not limited to, boxing, wrestling, kicking, or martial arts skills. Notwithstanding the above, this section shall not preclude kickboxing as regulated by this chapter.

(2) Any person participating in or promoting a professional or amateur toughman or badman match is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 119. Section 548.014, Florida Statutes, is amended to read:

548.014 Promoters and foreign copromoters; bonds or other security.—

(1)(a) Before any license is issued or renewed to a promoter or foreign copromoter and before any permit is issued to a promoter or foreign copromoter, she or he must file a surety bond with the commission in such reasonable amount, but not less than \$15,000 ~~\$3,000~~, as the commission determines.

(b) All bonds must ~~shall~~ be upon forms approved by the Department of Legal Affairs and supplied by the commission.

(c) The sufficiency of any surety is subject to approval of the commission ~~and the Department of Legal Affairs.~~

(d) The surety bond must ~~shall~~ be conditioned upon the faithful performance by the promoter or foreign copromoter of her or his obligations under this chapter and upon the fulfillment of her or his contracts with any other licensees under this chapter. However, the aggregate annual liability of the surety for all obligations and fees may ~~shall~~ not exceed the amount of the bond.

(2) In lieu of a surety bond, the promoter or foreign copromoter may deposit with the commission cash or, a certified check, ~~or direct obligations of the United States or this state which are acceptable to the commission in an equivalent amount and subject to the same conditions as the bond. No~~ Such security may not be returned to the promoter until 1 year after the date on which it was deposited with the commission unless a surety bond is substituted for it. If no claim against the deposit is outstanding, it shall be returned to the depositor 1 year after ~~from~~ the date it was deposited.

~~(3) A filing fee of \$10 shall accompany each bond, cash, or security deposited under this section.~~

~~(3)(4)~~ Recovery may be made against any bond, cash, or other security in the same manner as penalties are recoverable at law.

Section 120. Section 548.025, Florida Statutes, is amended to read:

548.025 License fees.—

(4) The commission shall set license fees as follows:

(1)(a) Promoter, matchmaker—not to exceed \$500.

(2)(b) Any other license—not to exceed \$100.

~~(2) The commission may issue licenses, without charge, to referees and physicians authorizing them to officiate only at matches involving amateurs.~~

Section 121. Section 548.041, Florida Statutes, is amended to read:

548.041 Age of boxers.—A person under 18 years of age may not participate in any match, ~~except that an amateur who is 16 or 17 years of age may participate in matches with other amateurs who are 16 or 17 years of age under rules adopted by the commission.~~

Section 122. Section 548.042, Florida Statutes, is amended to read:

548.042 Participation under fictitious name.—A person may not participate under a fictitious or assumed name in any match ~~involving an amateur~~ unless she or he has registered the name with the commission.

Section 123. Subsections (2) and (3) of section 548.043, Florida Statutes, are amended to read:

548.043 Weights and classes, limitations; gloves.—

~~(2) The commission shall establish by rule the acceptable~~ No boxing match shall be held in which the difference in weight between of the participants; however, the maximum difference in weight shall not exceed 12 ~~exceeds 10 pounds, except matches in the cruiserweight light-heavyweight and heavyweight classes and exhibitions held solely for training purposes.~~

~~(3) The commission shall establish by rule the appropriate weight of boxing gloves to be used in each boxing match; however, all participants in boxing matches shall wear boxing gloves weighing not less than 8 6 ounces each. Participants in all other types of matches shall wear such protective devices as the commission deems necessary.~~

Section 124. Subsections (1), (2), and (3) of section 548.045, Florida Statutes, are amended to read:

548.045 Medical advisory council; qualifications, compensation, powers and duties.—

(1) A medical advisory council, which shall consist of five members appointed by the Governor, is created. Each member must be licensed to practice medicine in this state, must maintain an unencumbered license in good standing, and must, at the time of her or his appointment, have practiced medicine at least 5 years.

~~(2) Initially, two of the members shall be appointed for terms of 1 year, one member shall be appointed for a term of 2 years, one member shall be appointed for a term of 3 years, and one member shall be appointed for a term of 4 years. The term of each member thereafter appointed, except to fill a vacancy, shall be 2 4 years.~~



(3) The Governor shall designate one of the members of the council as its chair.

Section 125. Subsection (2) of section 548.046, Florida Statutes, is amended to read:

548.046 Physician's attendance at match; examinations; cancellation of match.—

(2) In addition to any other required examination, each participant shall be examined by the attending physician at the time of weigh-in within 12 hours before she or he enters the ring. If the physician determines that a participant is physically or mentally unfit to proceed, the physician shall notify any commissioner or the commission representative deputy in charge who shall immediately cancel the match. The examination shall conform to rules adopted by the commission based on the advice of the medical advisory council. The result of the examination shall be reported in a writing signed by the physician and filed with the commission prior to completion of the weigh-in within 72 hours after the match.

Section 126. Subsections (3) and (4) of section 548.05, Florida Statutes, are amended to read:

548.05 Control of contracts.—

(3) The commission may require that each contract contain language authorizing the Florida State Boxing Athletic Commission to withhold any or all of any manager's share of a purse in the event of a contractual dispute as to entitlement to any portion of a purse. The commission may establish rules governing the manner of resolution of such dispute. In addition, if the commission deems it appropriate, the commission is hereby authorized to implead interested parties over any disputed funds into the appropriate circuit court for resolution of the dispute prior to release of all or any part of the funds.

(4) Each contract subject to this section shall contain the following clause: "This agreement is subject to the provisions of chapter 548, Florida Statutes, and to the rules of the Florida State Boxing Athletic Commission and to any future amendments of either."

Section 127. Section 548.053, Florida Statutes, is amended to read:

548.053 Distribution of purses to participants; statements.—

(1) Unless otherwise directed by a representative of the commission, all purses shall be distributed by the promoter no later than 24 hours after the match. A written statement showing the distribution of the purse, including each item of receipt and each expenditure or deduction, shall be furnished to the participant and her or his manager, together with the participant's share of the purse. The promoter shall retain file a copy of the statement, certified by her or him to be correct, with receipted vouchers for all expenditures and deductions, for a period to be designated by the commission, which copy shall be provided to the commission upon demand with the commission no later than 72 hours after the match.

(2) Unless otherwise directed by a representative of the commission, a manager shall furnish to the participant she or he manages a statement of distribution, together with the participant's share of the purse, no later than 24 hours after the manager receives the purse and statement from the promoter. The manager shall retain file a copy of the statement, certified by her or him to be correct, with receipted vouchers for all expenditures and deductions, for a period to be designated by the commission, which copy shall be provided to the commission upon demand with the commission no later than 72 hours after the manager receives the distribution from the promoter.

Section 128. Subsection (1) of section 548.054, Florida Statutes, is amended to read:

548.054 Withholding of purses; hearing; disposition of withheld purse forfeiture.—

(1) A member of the commission, ~~the commission representative the deputy in charge,~~ or the referee may order a promoter to surrender to the commission ~~withhold~~ any purse or other funds payable to a participant, or to withhold the share of any manager, if it appears that:

(a) The participant is not competing honestly, or is intentionally not competing to the best of her or his ability and skill, in a match represented to be a contest; or

(b) The participant, her or his manager, or any of the participant's seconds has violated this chapter.

Section 129. Subsections (2) and (3) of section 548.057, Florida Statutes, are amended to read:

548.057 Attendance of referee and judges at match; scoring; seconds.—

(2) At each boxing contest, at the expense of the promoters, three judges appointed by the executive director as delegated by the commission shall attend and shall render their individual decisions in writing on scorecards supplied by the commission ~~at the end of each contest which continues for the scheduled number of rounds.~~ Each judge shall have one vote, and a majority of the votes cast shall determine the winner.

(3) The commission shall ensure that all referees, judges, and other officials are Florida-licensed officials qualified pursuant to rules of the commission and that no sanctioning organization or promoter has been permitted to influence the appointment of any officials, and shall prescribe the methods of scoring.

Section 130. Subsection (12) of section 548.071, Florida Statutes, is amended to read:

548.071 Suspension or revocation of license or permit by commission.— The commission may suspend or revoke a license or permit if the commission finds that the licensee or permittee:

(12) Has been disciplined by the Florida State Boxing Athletic Commission or similar agency or body of any jurisdiction.

Section 131. Section 548.077, Florida Statutes, is amended to read:

548.077 Florida State Boxing Athletic Commission; collection and disposition of moneys.—All fees, fines, forfeitures, and other moneys collected under the provisions of this chapter shall be paid by the commission to the State Treasurer who, after the expenses of the commission are paid, shall deposit them in the Professional Regulation Trust Fund to be used for the administration and operation of the commission and to enforce the laws and rules under its jurisdiction. In the event the unexpended balance of such moneys collected under the provisions of this chapter exceeds \$250,000, any excess of that amount shall be deposited in the General Revenue Fund.

Section 132. Subsection (5) is added to section 218.503, Florida Statutes, to read:

218.503 Determination of financial emergency.—

(5)(a) The governing authority of any municipality with a resident population of 300,000 or more on April 1, 1999, and which has been declared in a state of financial emergency pursuant to this section within the previous 2 fiscal years may impose a discretionary per-vehicle surcharge of up to 20 percent on the gross revenues of the sale, lease, or rental of space at parking facilities within the municipality that are open for use to the general public.

(b) A municipal governing authority that imposes the surcharge authorized by this subsection may use the proceeds of such surcharge for the following purposes only:

1. No less than 60 percent and no more than 80 percent of the surcharge proceeds shall be used by the governing authority to reduce its ad valorem tax millage rate or to reduce or eliminate non-ad valorem assessments.

2. A portion of the balance of the surcharge proceeds shall be used by the governing authority to increase its budget reserves; however, the governing authority shall not reduce the amount it allocates for budget reserves from other sources below the amount allocated for reserves in the fiscal year prior to the year in which the surcharge is initially imposed. When a 15 percent budget reserve is achieved, based on the average gross revenue for the most recent 3 prior fiscal years, the remaining proceeds from this subparagraph shall be used for the payment of annual debt service related to outstanding obligations backed or secured by a covenant to budget and appropriate from non-ad valorem revenues.

(c) This subsection is repealed on June 30, 2006.

Section 133. Subsections (3) and (4) of section 11.62, Florida Statutes, are amended to read:

11.62 Legislative review of proposed regulation of unregulated functions.—

(3) In determining whether to regulate a profession or occupation, the Legislature shall consider the following factors:

(a) Whether the unregulated practice of the profession or occupation will substantially harm or endanger the public health, safety, or welfare, and whether the potential for harm is recognizable and not remote;

(b) Whether the practice of the profession or occupation requires specialized skill or training, and whether that skill or training is readily measurable or quantifiable so that examination or training requirements would reasonably assure initial and continuing professional or occupational ability;

(c) Whether the regulation will have an unreasonable effect on job creation or job retention in the state or will place unreasonable restrictions on the ability of individuals who seek to practice or who are practicing a given profession or occupation to find employment;

~~(d)~~(e) Whether the public is or can be effectively protected by other means; and

~~(e)~~(d) Whether the overall cost-effectiveness and economic impact of the proposed regulation, including the indirect costs to consumers, will be favorable.

(4) The proponents of legislation that provides for the regulation of a profession or occupation not already expressly subject to state regulation shall provide, upon request, the following information in writing to the state agency that is proposed to have jurisdiction over the regulation and to the legislative committees to which the legislation is referred:

(a) The number of individuals or businesses that would be subject to the regulation;

(b) The name of each association that represents members of the profession or occupation, together with a copy of its codes of ethics or conduct;

(c) Documentation of the nature and extent of the harm to the public caused by the unregulated practice of the profession or occupation, including a description of any complaints that have been lodged against persons who have practiced the profession or occupation in this state during the preceding 3 years;

(d) A list of states that regulate the profession or occupation, and the dates of enactment of each law providing for such regulation and a copy of each law;

(e) A list and description of state and federal laws that have been enacted to protect the public with respect to the profession or occupation and a statement of the reasons why these laws have not proven adequate to protect the public;

(f) A description of the voluntary efforts made by members of the profession or occupation to protect the public and a statement of the reasons why these efforts are not adequate to protect the public;

- (g) A copy of any federal legislation mandating regulation;
- (h) An explanation of the reasons why other types of less restrictive regulation would not effectively protect the public;
- (i) The cost, availability, and appropriateness of training and examination requirements;
- (j)(i) The cost of regulation, including the indirect cost to consumers, and the method proposed to finance the regulation;
- (k) The cost imposed on applicants or practitioners or on employers of applicants or practitioners as a result of the regulation;
- (l)(j) The details of any previous efforts in this state to implement regulation of the profession or occupation; and
- (m)(k) Any other information the agency or the committee considers relevant to the analysis of the proposed legislation.

Section 134. Subsection (4) of section 455.201, Florida Statutes, is amended to read:

455.201 Professions and occupations regulated by department; legislative intent; requirements.—

(4)(a) Neither the department nor any board may ~~No board, nor the department, shall~~ create unreasonably restrictive and extraordinary standards that deter qualified persons from entering the various professions. Neither the department nor any board may ~~No board, nor the department, shall~~ take any action that which tends to create or maintain an economic condition that unreasonably restricts competition, except as specifically provided by law.

(b) Neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention in the state or that places unreasonable restrictions on the ability of individuals who seek to practice or who are practicing a given profession or occupation to find employment.

(c) The Legislature shall evaluate proposals to increase regulation of already regulated professions or occupations to determine their effect on job creation or retention and employment opportunities.

Section 135. Subsection (4) of section 455.517, Florida Statutes, is amended to read:

455.517 Professions and occupations regulated by department; legislative intent; requirements.—

(4)(a) Neither the department nor any board may ~~No board, nor the department, shall~~ create unreasonably restrictive and extraordinary standards that deter qualified persons from entering the various professions. Neither the department nor any board may ~~No board, nor the department,~~

shall take any action ~~that which~~ tends to create or maintain an economic condition that unreasonably restricts competition, except as specifically provided by law.

(b) Neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention in the state or that places unreasonable restrictions on the ability of individuals who seek to practice or who are practicing a profession or occupation to find employment.

(c) The Legislature shall evaluate proposals to increase the regulation of regulated professions or occupations to determine the effect of increased regulation on job creation or retention and employment opportunities.

Section 136. Section 455.2035, Florida Statutes, is created to read:

455.2035 Rulemaking authority for professions not under a board.—The department may adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the regulatory requirements of any profession within the department's jurisdiction which does not have a statutorily authorized regulatory board.

Section 137. Section 455.2123, Florida Statutes, is created to read:

455.2123 Continuing education.—A board, or the department when there is no board, may provide by rule that distance learning may be used to satisfy continuing education requirements.

Section 138. Section 455.2124, Florida Statutes, is created to read:

455.2124 Proration of continuing education.—A board, or the department when there is no board, may:

(1) Prorate continuing education for new licensees by requiring half of the required continuing education for any applicant who becomes licensed with more than half the renewal period remaining and no continuing education for any applicant who becomes licensed with half or less than half of the renewal period remaining; or

(2) Require no continuing education until the first full renewal cycle of the licensee.

These options shall also apply when continuing education is first required or the number of hours required is increased by law or the board, or the department when there is no board.

Section 139. Subsection (10) is added to section 455.213, Florida Statutes, 1998 Supplement, to read:

455.213 General licensing provisions.—

(10) For any profession requiring fingerprints as part of the registration, certification, or licensure process or for any profession requiring a criminal history record check to determine good moral character, a fingerprint card containing the fingerprints of the applicant must accompany all applications

for registration, certification, or licensure. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for registration, certification, or licensure.

Section 140. Paragraph (e) of subsection (2) of section 468.453, Florida Statutes, 1998 Supplement, is amended to read:

468.453 Licensure required; qualifications; examination; bond.—

(2) A person shall be licensed as an athlete agent if the applicant:

(e) ~~Has provided sufficient information which must be submitted to by the department a fingerprint card for a criminal history records check through the Federal Bureau of Investigation. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.~~

Section 141. Paragraph (a) of subsection (1) of section 475.175, Florida Statutes, is amended to read:

475.175 Examinations.—

(1) A person shall be entitled to take the license examination to practice in this state if the person:

(a) Submits to the department the appropriate notarized application and fee, two photographs of herself or himself taken within the preceding year, and a fingerprint card. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining

~~if the applicant is statutorily qualified for examination, fingerprints for processing through appropriate law enforcement agencies; and~~

Section 142. Subsection (3) of section 475.615, Florida Statutes, 1998 Supplement, is amended to read:

475.615 Qualifications for registration, licensure, or certification.—

(3) Appropriate fees, as set forth in the rules of the board pursuant to s. 475.6147, and a fingerprint card fingerprints for processing through appropriate law enforcement agencies must accompany all applications for registration, licensure, and certification, or licensure. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for registration, certification, or licensure.

Section 143. Section 455.2255, Florida Statutes, is created to read:

455.2255 Classification of disciplinary actions.—

(1) A licensee may petition the department to review a disciplinary incident to determine whether the specific violation meets the standard of a minor violation as set forth in s. 455.225(3). If the circumstances of the violation meet that standard and 2 years have passed since the issuance of a final order imposing discipline, the department shall reclassify that violation as inactive if the licensee has not been disciplined for any subsequent minor violation of the same nature. After the department has reclassified the violation as inactive, it is no longer considered to be part of the licensee's disciplinary record, and the licensee may lawfully deny or fail to acknowledge the incident as a disciplinary action.

(2) The department may establish a schedule classifying violations according to the severity of the violation. After the expiration of set periods of time, the department may provide for such disciplinary records to become inactive, according to their classification. After the disciplinary record has become inactive, the department may clear the violation from the disciplinary record and the subject person or business may lawfully deny or fail to acknowledge such disciplinary actions. The department may adopt rules to implement this subsection.

(3) Notwithstanding s. 455.017, this section applies to the disciplinary records of all persons or businesses licensed by the department.

Section 144. Subsection (3) of section 455.227, Florida Statutes, is amended to read:



455.227 Grounds for discipline; penalties; enforcement.—

(3)(a) In addition to any other discipline imposed pursuant to this section or discipline imposed for a violation of any practice act, the board, or the department when there is no board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time.

(b) In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

(c) The department shall not issue or renew a license to any person against whom or business against which the board has assessed a fine, interest, or costs associated with investigation and prosecution until the person or business has paid in full such fine, interest, or costs associated with investigation and prosecution or until the person or business complies with or satisfies all terms and conditions of the final order.

Section 145. Subsection (6) of section 455.564, Florida Statutes, 1998 Supplement, is amended to read:

455.564 Department; general licensing provisions.—

(6) As a condition of renewal of a license, the Board of Medicine, the Board of Osteopathic Medicine, the Board of Chiropractic Medicine, and the Board of Podiatric Medicine shall each require licensees which they respectively regulate to periodically demonstrate their professional competency by completing at least 40 hours of continuing education every 2 years, ~~which may include up to 1 hour of risk management or cost containment and up to 2 hours of other topics related to the applicable medical specialty, if required by board rule. The boards may require by rule that up to 1 hour of the required 40 or more hours be in the area of risk management or cost containment. This provision shall not be construed to limit the number of hours that a licensee may obtain in risk management or cost containment to be credited toward satisfying the 40 or more required hours. This provision shall not be construed to require the boards to impose any requirement on licensees except for the completion of at least 40 hours of continuing education every 2 years.~~ Each of such boards shall determine whether any specific continuing education course requirements not otherwise mandated by law shall be mandated and shall approve criteria for, and the content of, any continuing education course mandated by such board. Notwithstanding any other provision of law, the board, or the department when there is no board, may approve by rule alternative methods of obtaining continuing education credits in risk management. The alternative methods may include attending a board meeting at which another licensee is disciplined, serving as a volunteer expert witness for the department in a disciplinary case, or serving as a member of a probable cause panel following the expiration of a board member's term. Other boards within the Division of Medical Quality Assurance, or the department if there is no board, may adopt rules granting

continuing education hours in risk management for attending a board meeting at which another licensee is disciplined, for serving as a volunteer expert witness for the department in a disciplinary case, or for serving as a member of a probable cause panel following the expiration of a board member's term.

Section 146. Subsections (4) and (6) of section 477.013, Florida Statutes, 1998 Supplement, are amended, and subsections (12) and (13) are added to that section, to read:

477.013 Definitions.—As used in this chapter:

(4) “Cosmetology” means the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, and hair relaxing, hair removing pedicuring, and manicuring, for compensation. This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin-care services.

(6) “Specialty” means the practice of one or more of the following:

(a) Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive.

(b) Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet.

(c) Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services.

(12) “Body wrapping” means a treatment program that uses herbal wraps for the purposes of weight loss and of cleansing and beautifying the skin of the body, but does not include:

(a) The application of oils, lotions, or other fluids to the body, except fluids contained in presoaked materials used in the wraps; or

(b) Manipulation of the body's superficial tissue, other than that arising from compression emanating from the wrap materials.

(13) “Skin care services” means the treatment of the skin of the body, other than the head, face, and scalp, by the use of a sponge, brush, cloth, or similar device to apply or remove a chemical preparation or other substance, except that chemical peels may be removed by peeling an applied preparation from the skin by hand. Skin care services must be performed by a licensed cosmetologist or facial specialist within a licensed cosmetology or specialty salon, and such services may not involve massage, as defined in s. 480.033(3), through manipulation of the superficial tissue.

Section 147. Section 477.0132, Florida Statutes, 1998 Supplement, is amended to read:

477.0132 ~~Hair braiding, and hair wrapping, and body wrapping~~ registration.—

(1)(a) Persons whose occupation or practice is confined solely to hair braiding must register with the department, pay the applicable registration fee, and take a two-day 16-hour course. The course shall be board approved and consist of 5 hours of HIV/AIDS and other communicable diseases, 5 hours of sanitation and sterilization, 4 hours of disorders and diseases of the scalp, and 2 hours of studies regarding laws affecting hair braiding.

(b) Persons whose occupation or practice is confined solely to hair wrapping must register with the department, pay the applicable registration fee, and take a one-day 6-hour course. The course shall be board approved and consist of education in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the scalp, and studies regarding laws affecting hair wrapping.

(c) Unless otherwise licensed or exempted from licensure under this chapter, any person whose occupation or practice is body wrapping must register with the department, pay the applicable registration fee, and take a two-day 12-hour course. The course shall be board approved and consist of education in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the skin, and studies regarding laws affecting body wrapping.

(2) ~~Hair braiding, and hair wrapping, and body wrapping~~ are not required to be practiced in a cosmetology salon or specialty salon. When hair braiding, ~~or hair wrapping, or body wrapping~~ is practiced outside a cosmetology salon or specialty salon, disposable implements must be used or all implements must be sanitized in a disinfectant approved for hospital use or approved by the federal Environmental Protection Agency.

(3) Pending issuance of registration, a person is eligible to practice hair braiding, ~~or hair wrapping, or body wrapping~~ upon submission of a registration application that includes proof of successful completion of the education requirements and payment of the applicable fees required by this chapter.

Section 148. Paragraph (f) of subsection (1) of section 477.026, Florida Statutes, 1998 Supplement, is amended to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

(f) For hair braiders, ~~and hair wrappers, and body wrappers,~~ fees for registration shall not exceed \$25.

Section 149. Paragraph (g) is added to subsection (1) of section 477.0265, Florida Statutes, to read:

477.0265 Prohibited acts.—

(1) It is unlawful for any person to:

(g) Advertise or imply that skin care services or body wrapping, as performed under this chapter, have any relationship to the practice of massage therapy as defined in s. 480.033(3), except those practices or activities defined in s. 477.013.

Section 150. Paragraph (a) of subsection (1) of section 477.029, Florida Statutes, 1998 Supplement, is amended to read:

477.029 Penalty.—

(1) It is unlawful for any person to:

(a) Hold himself or herself out as a cosmetologist, specialist, hair wrapper, ~~or hair braider, or body wrapper~~ unless duly licensed or registered, or otherwise authorized, as provided in this chapter.

Section 151. Subsection (2) of section 455.209, Florida Statutes, 1998 Supplement, is amended to read:

455.209 Accountability and liability of board members.—

(2) Each board member and each former board member serving on a probable cause panel shall be exempt from civil liability for any act or omission when acting in the member's official capacity, and the department, ~~or the Department of Legal Affairs~~ shall defend any such member in any action against any board or member of a board arising from any such act or omission. In addition, the department ~~or the Department of Legal Affairs~~ may defend the member's company or business in any action against the company or business if the department ~~or the Department of Legal Affairs~~ determines that the actions from which the suit arises are actions taken by the member in the member's official capacity and were not beyond the member's statutory authority. In providing such defense, the department ~~or the Department of Legal Affairs~~ may employ or utilize the legal services of the Department of Legal Affairs or outside counsel retained pursuant to s. 287.059. Fees and costs of providing legal services provided under this subsection shall be paid from the Professional Regulation Trust Fund, subject to the provisions of ss. 455.219 and 215.37.

Section 152. Subsection (1) of section 455.221, Florida Statutes, is amended to read:

455.221 Legal and investigative services.—

(1) The department shall provide board counsel for boards within the department by contracting with the Department of Legal Affairs, by retaining private counsel pursuant to s. 287.059, or by providing department staff counsel ~~A board shall retain, through the department's contract procedures, board counsel from the Department of Legal Affairs. The Department of Legal Affairs shall provide legal services to each board within the Department of Business and Professional Regulation, but the primary responsibility of board counsel~~ the Department of Legal Affairs shall be to represent the interests of the citizens of the state by vigorously counseling the boards with respect to their obligations under the laws of the state. A board shall

provide for the periodic review and evaluation of the services provided by its board counsel. ~~Subject to the prior approval of the Attorney General, any board may retain, through the department's contract procedures, independent legal counsel to provide legal advice to the board on a specific matter. Fees and costs of such counsel by the Department of Legal Affairs or independent legal counsel approved by the Attorney General shall be paid from the Professional Regulation Trust Fund, subject to the provisions of ss. 455.219 and 215.37. All contracts for independent counsel shall provide for periodic review and evaluation by the board and the department of services provided.~~

Section 153. Subsection (2) of section 455.541, Florida Statutes, is amended to read:

455.541 Accountability and liability of board members.—

(2) Each board member and each former board member serving on a probable cause panel shall be exempt from civil liability for any act or omission when acting in the member's official capacity, and the department ~~or the Department of Legal Affairs~~ shall defend any such member in any action against any board or member of a board arising from any such act or omission. In addition, the department ~~or the Department of Legal Affairs~~ may defend the member's company or business in any action against the company or business if the department ~~or the Department of Legal Affairs~~ determines that the actions from which the suit arises are actions taken by the member in the member's official capacity and were not beyond the member's statutory authority. In providing such defense, the department ~~or the Department of Legal Affairs~~ may employ or utilize the legal services of the Department of Legal Affairs or outside counsel retained pursuant to s. 287.059. Fees and costs of providing legal services provided under this subsection shall be paid from a trust fund used by the department to implement this part, subject to the provisions of s. 455.587.

Section 154. Subsection (1) of section 455.594, Florida Statutes, is amended to read:

455.594 Legal and investigative services.—

(1) The department shall provide board counsel for boards within the department by contracting with the Department of Legal Affairs, by retaining private counsel pursuant to s. 287.059, or by providing department staff counsel ~~A board shall retain, through the department's contract procedures, board counsel from the Department of Legal Affairs. The Department of Legal Affairs shall provide legal services to each board within the Department of Health, but the primary responsibility of board counsel~~ the Department of Legal Affairs shall be to represent the interests of the citizens of the state by vigorously counseling the boards with respect to their obligations under the laws of the state. A board shall provide for the periodic review and evaluation of the services provided by its board counsel. Subject to the prior approval of the Attorney General, any board may retain, through the department's contract procedures, independent legal counsel to provide legal advice to the board on a specific matter. Fees and costs of such counsel by the Department of Legal Affairs or independent legal counsel approved by the

~~Attorney General~~ shall be paid from a trust fund used by the department to implement this part, subject to the provisions of s. 455.587. All contracts for independent counsel shall provide for periodic review and evaluation by the board and the department of services provided.

Section 155. Subsection (16) of section 458.347, Florida Statutes, 1998 Supplement, is amended to read:

458.347 Physician assistants.—

(16) LEGAL SERVICES.—~~The Department of Legal Affairs shall provide Legal services~~ shall be provided to the council pursuant to as authorized ~~in s. 455.594(1).~~

Section 156. Subsection (16) of section 459.022, Florida Statutes, 1998 Supplement, is amended to read:

459.022 Physician assistants.—

(16) LEGAL SERVICES.—~~The Department of Legal Affairs shall provide Legal services~~ shall be provided to the council pursuant to as authorized ~~in s. 455.594(1).~~

Section 157. Section 455.2177, Florida Statutes, is created to read:

455.2177 Monitoring of compliance with continuing education requirements.—

(1) The department shall establish a system to monitor licensee compliance with applicable continuing education requirements and to determine each licensee's continuing education status. The department is authorized to provide for a phase-in of the compliance monitoring system, but the system must provide for monitoring of compliance with applicable continuing education requirements by all professions regulated by the department no later than July 1, 2002. The compliance monitoring system may use staff of the department or may be privatized. As used in this section, the term "monitor" means the act of determining, for each licensee, whether the licensee was in full compliance with applicable continuing education requirements as of the time of the licensee's license renewal.

(2) If the compliance monitoring system required under this section is privatized, the following provisions apply:

(a) The department may contract pursuant to s. 287.057 with a vendor or vendors for the monitoring of compliance with applicable continuing education requirements by all licensees within one or more professions regulated by the department. The contract shall include, but need not be limited to, the following terms and conditions:

1.a. The vendor shall create a computer database, in the form required by the department, that includes the continuing education status of each licensee and shall provide a report to the department within 90 days after the vendor receives the list of licensees to be monitored as provided in sub-subparagraph b. The report shall be in a format determined by the depart-

ment and shall include each licensee's continuing education status by license number, hours of continuing education credit per cycle, and such other information the department deems necessary.

b. No later than 30 days after the end of each renewal period, the department shall provide to the vendor a list that includes all licensees of a particular profession whose licenses were renewed during a particular renewal period. In order to account for late renewals, the department shall provide the vendor with such updates to the list as are mutually determined to be necessary.

2.a. Before the vendor informs the department of the status of any licensee the vendor has determined is not in compliance with continuing education requirements, the vendor, acting on behalf of the department, shall provide the licensee with a notice stating that the vendor has determined that the licensee is not in compliance with applicable continuing education requirements. The notice shall also include the licensee's continuing education record for the renewal period, as shown in the records of the vendor, and a description of the process for correcting the vendor's record under sub-subparagraph b.

b. The vendor shall give the licensee 45 days to correct the vendor's information. The vendor shall correct a record only on the basis of evidence of compliance supplied to the vendor by a continuing education provider.

3.a. The vendor must provide the department, with the report required under subparagraph 1., a list, in a form determined by the department, identifying each licensee who the vendor has determined is not in compliance with applicable continuing education requirements.

b. The vendor shall provide the department with access to such information and services as the department deems necessary to ensure that the actions of the vendor conform to the contract and to the duties of the department and the vendor under this subsection.

4. The department shall ensure the vendor access to such information from continuing education providers as is necessary to determine the continuing education record of each licensee. The vendor shall inform the department of any provider that fails to provide such information to the vendor.

5. If the vendor fails to comply with a provision of the contract, the vendor is obligated to pay the department liquidated damages in the amounts specified in the contract.

6. The department's payments to the vendor must be based on the number of licensees monitored. The department may allocate from the unlicensed activity account of any profession under s. 455.2281 up to \$2 per licensee for the monitoring of that profession's licensees under this subsection, which allocations are the exclusive source of funding for contracts under this subsection.

7. A continuing education provider is not eligible to be a vendor under this subsection.

(b) When it receives notice from a vendor that a licensee is not in compliance with continuing education requirements, the department shall send the licensee written notice that disciplinary actions will be taken, together with a description of the remedies available to the licensee under the dispute resolution process created under paragraph (c). If a licensee does not prevail in the dispute resolution process, the department:

1. May impose an administrative fine in the amount of \$500 against the licensee; however, the department may reduce the amount of the fine to \$250 if the licensee comes into compliance with the applicable continuing education requirements within 90 days after imposition of the original fine. All proceeds of fines under this subparagraph shall be deposited in the appropriate unlicensed activity account under s. 455.2281.

2. May refuse any further renewal of the licensee's license unless the licensee has paid the fine and satisfied the applicable continuing education requirements.

(c) The department is authorized to adopt by rule a process for the resolution of disputes between a vendor and a continuing education provider, between a vendor and a licensee, and between a licensee and a continuing education provider. The process shall ensure all parties a fair opportunity to correct any erroneous information. If the parties are unable to reach an agreement, the department shall determine the resolution of the dispute.

(d) Upon the failure of a vendor to meet its obligations under a contract as provided in paragraph (a), the department may suspend the contract and enter into an emergency contract under s. 287.057(3).

(3) Notwithstanding any other provision of law to the contrary and regardless of whether the compliance monitoring system is privatized, neither the department nor a board may impose any sanction other than the sanctions specified in paragraph (2)(b) for the failure of a licensee to meet continuing education requirements. This subsection does not apply to actions under chapter 473.

(4) The department shall waive the continuing education monitoring requirements of this section for any profession that demonstrates to the department that it has a program in place which measures compliance with continuing education requirements through statistical sampling techniques or other methods and can indicate that at least 95 percent of its licensees are in compliance.

(5) The department is authorized to adopt rules to implement this section.

Section 158. Section 455.2178, Florida Statutes, is created to read:

455.2178 Continuing education providers.—If the monitoring of compliance with continuing education requirements is privatized pursuant to s. 455.2177:

(1)(a) The department shall notify each approved continuing education provider of the name and address of all vendors that monitor compliance of



licensees under s. 455.2177. If the department contracts with more than one vendor under s. 455.2177, the notice shall specify the professions to be monitored by each vendor.

(b) Each continuing education provider shall provide to the appropriate vendor such information regarding the continuing education status of licensees as the department determines is necessary for the vendor to carry out its duties under s. 455.2177(2), in a form determined by the department. The information must be submitted to the vendor electronically no later than 5 business days after a licensee's completion of a course. Upon the request of a licensee, the provider must also furnish to a vendor information regarding courses completed by the licensee.

(2) Each continuing education provider shall retain all records relating to a licensee's completion of continuing education courses for at least 4 years after completion of a course.

(3) A continuing education provider may not be approved, and the approval may not be renewed, unless the provider agrees in writing to provide such cooperation with vendors under s. 455.2177 as the department deems necessary or appropriate.

(4) The department may immediately revoke approval of any continuing education provider that fails to comply with its duties under this section.

(5) For the purpose of determining which persons or entities must meet the reporting, recordkeeping, and access provisions of this section, the board of any profession subject to this section, or the department if there is no board, shall, by rule, adopt a definition of the term "continuing education provider" applicable to the profession's continuing education requirements. The intent of the rule shall be to ensure that all records and information necessary to carry out the requirements of this section and s. 455.2177 are maintained and transmitted accordingly and to minimize disputes as to what person or entity is responsible for maintaining and reporting such records and information.

(6) The department has the authority to adopt rules to implement this section.

Section 159. Section 455.2179, Florida Statutes, is created to read:

455.2179 Continuing education provider approval; cease and desist orders.—

(1) If a board, or the department if there is no board, requires approval of a continuing education provider, the approval must be for a specified period of time, not to exceed 4 years. An approval that does not include such a time limitation may remain in effect only until July 1, 2001, unless earlier replaced by an approval that includes such a time limitation.

(2) The department, on its own motion or at the request of a board, shall issue an order requiring a person or entity to cease and desist from offering any continuing education programs for licensees, and revoking any approval

of the provider previously granted by the department or a board, if the department or a board determines that the person or entity failed to provide appropriate continuing education services that conform to approved course material.

Section 160. Section 455.2281, Florida Statutes, is amended to read:

455.2281 Unlicensed activities; fees; disposition.—In order to protect the public and to ensure a consumer-oriented department, it is the intent of the Legislature that vigorous enforcement of regulation for all professional activities is a state priority. All enforcement costs should be covered by professions regulated by the department. Therefore, the department shall impose, upon initial licensure and each renewal thereof, a special fee of \$5 per licensee. Such fee shall be in addition to all other fees collected from each licensee and shall fund efforts to combat unlicensed activity. The board with concurrence of the department, or the department when there is no board, may earmark \$5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. The department shall make direct charges to this fund by profession and shall not allocate indirect overhead. The department shall seek board advice regarding enforcement methods and strategies prior to expenditure of funds; however, the department may, without board advice, allocate funds to cover the costs of continuing education compliance monitoring under s. 455.2177. The department shall directly credit, by profession, revenues received from the department's efforts to enforce licensure provisions, including revenues received from fines collected under s. 455.2177. The department shall include all financial and statistical data resulting from unlicensed activity enforcement and from continuing education compliance monitoring as a separate categories category in the quarterly management report provided for in s. 455.219. The department shall not charge the account of any profession for the costs incurred on behalf of any other profession. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession.

Section 161. Subsection (1) of section 455.224, Florida Statutes, is amended to read:

455.224 Authority to issue citations.—

(1) Notwithstanding s. 455.225, the board, or the department ~~when there is no board,~~ shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

Section 162. Subsection (2) of section 468.4315, Florida Statutes, 1998 Supplement, is amended to read:

468.4315 Regulatory Council of Community Association Managers.—

(2) The council may adopt rules relating to the licensure examination, continuing education requirements, continuing education providers, fees, and professional practice standards to assist the department in carrying out the duties and authorities conferred upon the department by this part.

Section 163. Subsection (7) of section 477.019, Florida Statutes, 1998 Supplement, is amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.—

(7)(a) The board shall prescribe by rule continuing education requirements intended to ensure protection of the public through updated training of licensees and registered specialists, not to exceed 16 hours biennially, as a condition for renewal of a license or registration as a specialist under this chapter. Continuing education courses shall include, but not be limited to, the following subjects as they relate to the practice of cosmetology: human immunodeficiency virus and acquired immune deficiency syndrome; Occupational Safety and Health Administration regulations; workers' compensation issues; state and federal laws and rules as they pertain to cosmetologists, cosmetology, salons, specialists, specialty salons, and booth renters; chemical makeup as it pertains to hair, skin, and nails; and environmental issues. Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the board.

~~(b) The department may privatize provider and course approval and the monitoring of continuing education requirements under a contract which ensures that the services will be without cost to the department or board, including the cost of appropriate oversight by the department. The department may contract with one or more private entities for the provision of such services, including the collection of fees for the services rendered. The department and board shall retain final authority for licensure decisions, rulemaking related to continuing education system requirements, noncompliance noticing, and overall implementation of any privatization project under this subsection.~~

~~(b)(c)~~ Any person whose occupation or practice is confined solely to hair braiding, ~~or hair wrapping, or body wrapping~~ is exempt from the continuing education requirements of this subsection.

~~(c)(d)~~ Notwithstanding any provision of law to the contrary, enforcement of mandatory continuing education requirements pursuant to this chapter shall be accomplished only as a secondary action when a person is investigated for another violation. However, The board may, by rule, require any licensee in violation of a continuing education requirement to take a refresher course or refresher course and examination in addition to any other penalty. The number of hours for the refresher course may not exceed 48 hours.

Section 164. Paragraph (d) is added to subsection (1) of section 626.022, Florida Statutes, 1998 Supplement, to read:

626.022 Scope of part.—

(1) This part applies as to insurance agents, solicitors, service representatives, adjusters, and insurance agencies; as to any and all kinds of insurance; and as to stock insurers, mutual insurers, reciprocal insurers, and all other types of insurers, except that:

(d) This part does not apply to a certified public accountant licensed under chapter 473 who is acting within the scope of the practice of public accounting, as defined in s. 473.302, provided that the activities of the certified public accountant are limited to advising a client of the necessity of obtaining insurance, the amount of insurance needed, or the line of coverage needed, and provided that the certified public accountant does not directly or indirectly receive or share in any commission, referral fee, or solicitor's fee.

Section 165. Sections 282.74 and 282.745, Florida Statutes, and section 117.20, Florida Statutes, 1998 Supplement, are repealed.

Section 166. Except as otherwise provided herein, this act shall take effect July 1, 1999.

Approved by the Governor June 8, 1999.

Filed in Office Secretary of State June 8, 1999.