

House Bill No. 1855

An act relating to economic development; transferring the provision of assistance and facilities to the Organization of American States, state protocol officer functions, international development outreach activities in Latin America and the Caribbean Basin, the Florida Intergovernmental Relations Foundation, and intergovernmental relations functions by a type two transfer from the Department of State to the Executive Office of the Governor; excluding the transfer of certain trust funds; transferring linkage institutes between post-secondary institutions in this state and foreign countries by a type two transfer from the Department of State to the Department of Education; excluding the transfer of certain trust funds; amending s. 14.2015, F.S.; providing for the performance of state protocol officer functions and the provision of assistance and facilities to the Organization of American States by the Office of Tourism, Trade, and Economic Development; repealing ss. 15.17 and 15.19, F.S., relating to the provision of assistance and facilities to the Organization of American States and the performance of state protocol officer functions; amending s. 15.182, F.S.; providing for notification of the Office of Tourism, Trade, and Economic Development regarding international travel by certain cultural arts organizations; amending s. 288.063, F.S.; revising requirements for the office in approving projects and expenditures and in allocating funds for transportation projects to expand and retain employment opportunities in the state; deleting obsolete provisions; amending ss. 288.0251, 288.809, and 288.816, F.S., relating to international development outreach activities in Latin America and the Caribbean Basin, the Florida Intergovernmental Relations Foundation, and intergovernmental relations, to conform; amending s. 288.8175, F.S.; redefining “department” for purposes of linkage institutes between postsecondary institutions in this state and foreign countries; amending s. 9, ch. 2002-180, Laws of Florida, relating to the Black Business Investment Board, Inc., state employee leasing program; extending the time period for retaining status as a state employee under a lease agreement; providing an effective date.

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

Section 1. The following programs, functions, and activities are hereby transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of State to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor:

(1) The provision of assistance and facilities to the Organization of American States, as authorized and governed by s. 15.17, Florida Statutes, as that section exists on June 30, 2004.

(2) State protocol officer functions, as authorized and governed by s. 15.19, Florida Statutes, as that section exists on June 30, 2004.

(3) International development outreach activities in Latin America and the Caribbean Basin, as authorized and governed by s. 288.0251, Florida Statutes.

(4) The Florida Intergovernmental Relations Foundation, as authorized and governed by s. 288.809, Florida Statutes.

(5) Intergovernmental relations functions, as authorized and governed by s. 288.816, Florida Statutes.

Notwithstanding s. 20.06(2), Florida Statutes, trust funds associated with these programs, functions, and activities shall remain within the Department of State.

Section 2. Linkage institutes between postsecondary institutions in this state and foreign countries, as authorized and governed by s. 288.8175, Florida Statutes, are hereby transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of State to the Department of Education. Notwithstanding s. 20.06(2), Florida Statutes, trust funds associated with these institutes shall remain within the Department of State.

Section 3. Subsections (10) and (11) are added to section 14.2015, Florida Statutes, to read:

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

(10) The Director of the Office of Tourism, Trade, and Economic Development shall serve as the state protocol officer. In consultation with the Governor and other governmental officials, the Director of the Office of Tourism, Trade, and Economic Development shall develop, maintain, publish, and distribute the state protocol manual.

(11) The Legislature authorizes the Office of Tourism, Trade, and Economic Development to provide assistance and facilities to the Organization of American States in establishing and maintaining a regional headquarters in this state.

Section 4. Sections 15.17 and 15.19, Florida Statutes, are repealed.

Section 5. Subsections (1) and (2) of section 15.182, Florida Statutes, are amended to read:

15.182 International travel by state-funded musical, cultural, or artistic organizations; notification to Office of Tourism, Trade, and Economic Development ~~Department of State~~.—

(1) If a musical, cultural, or artistic organization that receives state funding is traveling internationally for a presentation, performance, or other significant public viewing, including an organization associated with a college or university, such organization shall notify the Office of Tourism, Trade, and Economic Development ~~Department of State~~ of its intentions to

travel, together with the date, time, and location of each appearance. It is the desire of the Legislature that such cultural exchanges be coordinated with the state's economic development goals. The Secretary of State shall notify Enterprise Florida, Inc., of the intended travel schedule of all such organizations, including, but not limited to, symphonies, orchestras, dance troupes, bands, choirs, choral groups, drama troupes, musical performing groups, traveling exhibitions sponsored by museums, and performance artists.

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

Section 6. Section 288.0251, Florida Statutes, is amended to read:

288.0251 International development outreach activities in Latin America and Caribbean Basin.—The Office of Tourism, Trade, and Economic Development Department of State 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 7. Subsections (1), (3), (6), (10), and (11) of section 288.063, Florida Statutes, are amended to read:

288.063 Contracts for transportation projects.—

(1) The Office of Tourism, Trade, and Economic Development is authorized to make, and based on a recommendation from Enterprise Florida, Inc., to approve, expenditures and enter into contracts for direct costs of transportation projects with the appropriate governmental body. The Office of Tourism, Trade, and Economic Development shall provide the Department of Transportation, the Department of Environmental Protection, and the Department of Community Affairs with an opportunity to formally review and comment on recommended transportation projects, although the Office of Tourism, Trade, and Economic Development has final approval authority for any project under this section.

(3) With respect to any contract executed pursuant to this section, the term "transportation project" means a transportation facility as defined in s. 334.03(31) which is necessary in the judgment of the Office of Tourism, Trade, and Economic Development to facilitate the economic development and growth of the state. Except for applications received prior to July 1, 1996, such transportation projects shall be approved only as a consideration to attract new employment opportunities to the state or expand or retain

employment in existing companies operating within the state, or to allow for the construction or expansion of a state or federal correctional facility in a county with a population of 75,000 or less that creates new employment opportunities or expands or retains employment in the county. The Office of Tourism, Trade, and Economic Development shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases specified in the contract, necessary for new, or improvement to existing, transportation facilities. Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs. Subject to appropriation for projects under this section, any appropriation greater than \$10 million shall be allocated to each of the districts of the Department of Transportation to ensure equitable geographical distribution. Such allocated funds that remain uncommitted by the third quarter of the fiscal year shall be reallocated among the districts based on pending project requests.

(6) The Department of Transportation shall review the proposed projects to ensure proper coordination with transportation projects included in the adopted work program and may be the contracting agency when the project is on the State Highway System. In addition, upon request by the appropriate governmental body, the department may advise and assist it or plan and construct other such transportation projects for it.

~~(10)(a) Notwithstanding the provisions of s. 216.301, funds appropriated for this purpose shall not be subject to reversion.~~

~~(b) For the 2003-2004 fiscal year only and notwithstanding paragraph (a), funds appropriated for this purpose in previous years are subject to the reversion requirements of s. 216.301. This paragraph expires July 1, 2004.~~

~~(10)(11) In addition to the other provisions of this section, projects that the Legislature deems necessary to facilitate the economic development and growth of the state may be designated and funded in the General Appropriations Act. Such transportation projects create new employment opportunities, expand transportation infrastructure, improve mobility, or increase transportation innovation. The Office of Tourism, Trade, and Economic Development shall enter into contracts with, and make expenditures to, the appropriate entities for the costs of transportation projects designated in the General Appropriations Act. This subsection expires July 1, 2003.~~

Section 8. Subsections (1), (2), and (3) of section 288.809, Florida Statutes, are amended to read:

288.809 Florida Intergovernmental Relations Foundation; use of property; board of directors; audit.—

(1) DEFINITIONS.—For the purposes of this section, the term:

(a) “Florida Intergovernmental Relations Foundation” means a direct-support organization:

1. Which is a corporation not for profit that is incorporated under the provisions of chapter 617 and approved by the Department of State;

2. Which is organized and operated exclusively to solicit, receive, hold, invest, and administer property and, subject to the approval of the Office of Tourism, Trade, and Economic Development Department of State, to make expenditures to or for the promotion of intergovernmental relations programs; and

3. Which the Office of Tourism, Trade, and Economic Development Department of State, after review, has certified to be operating in a manner consistent with the policies and goals of the office department.

(b) “Personal services” includes full-time or part-time personnel, as well as payroll processing.

(2) USE OF PROPERTY.—The Office of Tourism, Trade, and Economic Development department:

(a) Is authorized to permit the use of property, facilities, and personal services of the Office of Tourism, Trade, and Economic Development department by the foundation, subject to the provisions of this section.

(b) Shall prescribe conditions with which the foundation must comply in order to use property, facilities, or personal services of the department. Such conditions shall provide for budget and audit review and for oversight by the Office of Tourism, Trade, and Economic Development department.

(c) Shall not permit the use of property, facilities, or personal services of the foundation if the foundation does not provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, age, or religion.

(3) BOARD OF DIRECTORS.—The board of directors of the foundation shall be composed of seven members appointed by the Governor Secretary of State, of whom no more than three shall be employees or elected officials of the state.

Section 9. Section 288.816, Florida Statutes, is amended to read:

288.816 Intergovernmental relations.—

(1) The Office of Tourism, Trade, and Economic Development Secretary of State shall be responsible for consular operations and the sister city and sister state program and shall serve as liaison with foreign, federal, and other state international organizations and with county and municipal governments in Florida.

(2) The Office of Tourism, Trade, and Economic Development secretary shall be responsible for all consular relations between the state and all

foreign governments doing business in Florida. The office secretary shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The office secretary shall promulgate rules which shall:

(a) Establish a viable system of registration for foreign government officials residing or having jurisdiction in the state. Emphasis shall be placed on maintaining active communication between the Office of Tourism, Trade, and Economic Development secretary and the United States Department of State in order to be currently informed regarding foreign governmental personnel stationed in, or with official responsibilities for, Florida. Active dialogue shall also be maintained with foreign countries which historically have had dealings with Florida in order to keep them informed of the proper procedure for registering with the state.

(b) Maintain and systematically update a current and accurate list of all such foreign governmental officials, consuls, or consulates.

(c) Issue certificates to such foreign governmental officials after verification pursuant to proper investigations through United States Department of State sources and the appropriate foreign government.

(d) Verify entitlement to sales and use tax exemptions pursuant to United States Department of State guidelines and identification methods.

(e) Verify entitlement to issuance of special motor vehicle license plates by the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles to honorary consuls or such other officials representing foreign governments who are not entitled to issuance of special Consul Corps license plates by the United States Government.

(f) Establish a system of communication to provide all state and local law enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen.

(g) Request the Department of Law Enforcement to provide transportation and protection services when necessary pursuant to s. 943.68.

(h) Coordinate, when necessary, special activities between foreign governments and Florida state and local governments. These may include Consular Corps Day, Consular Corps conferences, and various other social, cultural, or educational activities.

(i) Notify all newly arrived foreign governmental officials of the services offered by the Office of Tourism, Trade, and Economic Development secretary.

(3) The Office of Tourism, Trade, and Economic Development Secretary of State shall operate the sister city and sister state program and establish such new programs as needed to further global understanding through the interchange of people, ideas, and culture between Florida and the world. To accomplish this purpose, the office secretary shall have the power and authority to:

(a) Coordinate and carry out activities designed to encourage the state and its subdivisions to participate in sister city and sister state affiliations with foreign countries and their subdivisions. Such activities may include a State of Florida sister cities conference.

(b) Encourage cooperation with and disseminate information pertaining to the Sister Cities International Program and any other program whose object is to promote linkages with foreign countries and their subdivisions.

(c) Maximize any aid available from all levels of government, public and private agencies, and other entities to facilitate such activities.

(d) Establish a viable system of registration for sister city and sister state affiliations between the state and foreign countries and their subdivisions. Such system shall include a method to determine that sufficient ties are properly established as well as a method to supervise how these ties are maintained.

(e) Maintain a current and accurate listing of all such affiliations. Sister city affiliations shall not be discouraged between the state and any country specified in s. 620(f)(1) of the federal Foreign Assistance Act of 1961, as amended, with whom the United States is currently conducting diplomatic relations unless a mandate from the United States Government expressly prohibits such affiliations.

(4) The Office of Tourism, Trade, and Economic Development Secretary of State shall serve as a contact for the state with the Florida Washington Office, the Florida Congressional Delegation, and United States Government agencies with respect to laws or policies which may affect the interests of the state in the area of international relations. All inquiries received regarding international economic trade development or reverse investment opportunities shall be referred to Enterprise Florida, Inc. In addition, the office secretary shall serve as liaison with other states with respect to international programs of interest to Florida. The office secretary shall also investigate and make suggestions regarding possible areas of joint action or regional cooperation with these states.

(5) The Office of Tourism, Trade, and Economic Development Secretary of State shall have the power and duty to encourage the relocation to Florida of consular offices and multilateral and international agencies and organizations.

(6) The Office of Tourism, Trade, and Economic Development Secretary of State, through membership on the board of directors of Enterprise Florida, Inc., shall help to contribute an international perspective to the state's development efforts.

Section 10. Subsection (1) of section 288.8175, Florida Statutes, is amended to read:

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

(1) As used in this section, the term “department” means the Department of Education ~~State~~.

Section 11. Section 9 of chapter 2002-180, Laws of Florida, is amended to read:

Section 9. Black Business Investment Board, Inc., state employee leasing program.—

(1) The Department of Management Services shall establish a lease-agreement program under which an employee as of June 30, 2002, of the Black Business Investment Board, Inc., created under chapter 85-104, Laws of Florida, retains his or her status as a state employee until a set date.

(2) The Department of Management Services shall establish the terms and conditions of the program and such lease agreements.

(a) Status as a state employee shall include the right to participate in the Florida Retirement System.

(b) Any employee who participates in a lease agreement shall work under the direct supervision of the corporation.

(c) Status as a state employee under a lease agreement as provided in this section expires on June 30, 2007 ~~2004~~, unless the employee voluntarily relinquishes his or her status as a state employee before that date.

Section 12. This act shall take effect July 1, 2004.

Approved by the Governor May 25, 2004.

Filed in Office Secretary of State May 25, 2004.