

Committee Substitute for Senate Bill No. 1154

An act relating to Enterprise Florida, Inc.; amending s. 288.041, F.S.; deleting the requirement that Enterprise Florida, Inc., assist in the expansion of the solar energy industry and solar technology; amending s. 288.095, F.S.; deleting obsolete provisions; repealing s. 288.8155, F.S., relating to the International Trade Data Resource and Research Center; amending s. 288.901, F.S.; revising the membership, organization, and meetings of the board of directors of Enterprise Florida, Inc.; amending s. 288.9015, F.S.; deleting obsolete provisions regarding the Workforce Development Board of Enterprise Florida, Inc.; amending s. 288.90151, F.S.; deleting obsolete provisions; specifying moneys and contributions that may be considered as private-sector support to Enterprise Florida, Inc.; requiring that the annual report include a study; clarifying the term “economic development organization”; requiring Enterprise Florida, Inc. to hire certain firms to develop certain survey reporting; deleting a requirement that the annual report be certified; amending s. 288.904, F.S.; revising the power of the board to make and enter into contracts; providing that certain limitations do not apply to contracts awarded by another entity; providing an effective date.

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

Section 1. Section 288.041, Florida Statutes, is amended to read:

288.041 Solar energy industry; legislative findings and policy; promotional activities.—

(1) It is hereby found and declared that:

(a) The solar energy industry in this state has been a leader in the nation in the manufacture, supply, and delivery of solar energy systems.

(b) The use of solar energy in this state has been demonstrated to save conventional energy sources.

(c) The solar energy industry offers the prospect for improved economic welfare of this state through creation of jobs, increased energy security, and enhancing the quality of the environment of this state.

(d) Through helping to provide for a clean environment and healthy economy, the solar energy industry contributes to the continued growth and development of the tourist industry of this state.

(2) It is the policy of this state to promote, stimulate, develop, and advance the growth of the solar energy industry in this state.

~~(3) Enterprise Florida, Inc., and its boards shall assist in the expansion of the solar energy industry in this state. Such efforts shall be undertaken in cooperation with the Department of Environmental Protection, the Flor-~~

ida Solar Energy Center, and the Florida Solar Energy Industries Association, and shall include:

~~(a) Providing assistance and support to new and existing photovoltaic companies, with special emphasis on attracting one or more manufacturers of photovoltaic products to locate within this state.~~

~~(b) Sponsoring initiatives which aid and take full advantage of the export market potential of solar technologies.~~

~~(c) Informing the business sector of this state about opportunities for cost-effective commercial applications of solar technologies.~~

~~(d) Encouraging employment of residents of this state by solar energy companies.~~

~~(e) Retaining existing solar energy companies and supporting their expansion efforts in this state.~~

~~(f) Supporting the promotion of solar energy by sponsoring workshops, seminars, conferences, and educational programs on the benefits of solar energy.~~

~~(g) Recognizing outstanding developments and achievements in, and contributions to, the solar energy industry.~~

~~(h) Collecting and disseminating solar energy information relevant to the promotion of solar energy applications.~~

~~(i) Enlisting the support of persons, civic groups, the solar energy industry, and other organizations to promote and improve solar energy products and services.~~

~~(4) The department shall also promote projects that demonstrate viable applications of solar technology which may include, but shall not be limited to: irrigation and stock watering, process heat for dairy and citrus operations, aquaculture, hydroponics, horticulture, waste detoxification, and other means of meeting the energy needs of the agricultural industry.~~

~~(3)(5) By January 15 of each year, the Department of Environmental Protection shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the impact of the solar energy industry on the economy of this state and shall make any recommendations on initiatives to further promote the solar energy industry as the department deems appropriate.~~

Section 2. Paragraph (c) of subsection (3) of section 288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.—

(3)

(c) By December 31 of each year, Enterprise Florida, Inc., shall submit a complete and detailed report to the Governor, the President of the Senate,

the Speaker of the House of Representatives, and the director of the Office of Tourism, Trade, and Economic Development of all applications received, recommendations made to the Office of Tourism, Trade, and Economic Development, final decisions issued, tax refund agreements executed, and tax refunds paid or other payments made under all programs funded out of the Economic Development Incentives Account, including analyses of benefits and costs, types of projects supported, and employment and investment created. Enterprise Florida, Inc., shall also include a separate analysis of the impact of such tax refunds on state enterprise zones designated pursuant to s. 290.0065, rural communities, brownfield areas, and distressed urban communities. ~~The report must discuss whether the authority and moneys appropriated by the Legislature to the Economic Development Incentives Account were managed and expended in a prudent, fiducially sound manner.~~ The Office of Tourism, Trade, and Economic Development shall assist Enterprise Florida, Inc., in the collection of data related to business performance and incentive payments.

Section 3. Section 288.8155, Florida Statutes, is repealed.

Section 4. Subsections (7), (8), and (11) of section 288.901, Florida Statutes, are amended to read:

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

(7) 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) 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 current voting 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.

(11) 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 of up to 3 years~~. 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 appointees under subsection (3).

Section 5. 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 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, distressed urban communities, and enterprise zones 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, fully marketing state incentive programs such as the Qualified Target Industry Tax Refund Program under s. 288.106 and the Quick Action Closing Fund under s. 288.1088 in economically distressed areas.

~~(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 Program or otherwise receive public assistance to become independent, self-reliant, and self-sufficient. This approach must ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance.~~

~~(3)~~(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 re-evaluate Florida's economic development strengths and weaknesses, and to incorporate such information into the strategic planning process under s. 288.904.

~~(4)~~(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. Where practicable and consistent with the expertise of the Black Business Investment Board, Inc., Enterprise Florida, Inc., shall contract with the corporation for the delivery of services in fulfillment of the responsibilities of Enterprise Florida, Inc., relating to small and minority businesses.

(5)(6) 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.

(6)(7) 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 6. Section 288.90151, Florida Statutes, is amended to read:

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, and 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 paragraph (5)(a), and an additional \$400,000 in cash as defined in paragraphs (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 operations, excluding contributions from grantees or companies having contracts with Enterprise Florida, Inc., which represent more than 5 percent of the value of all contracts with Enterprise Florida, Inc., exclusive of grants, or more than 5 percent of the company's revenues. Cash in this category is not subject to restrictions on the use of appropriated funds 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 fees charged for products or services of Enterprise Florida, Inc., and by sponsorship of events, missions, programs, and publications; 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 copayments, 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 s. 14.2015(2)(h) and (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 organization that is a primary partner ~~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 an economic analysis ~~a private accounting~~ firm to develop the methodology for establishing and reporting return-on-investment and in-kind contributions as described in this section and shall hire a firm experienced in survey research 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 7. Paragraph (b) of 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:

(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 board of directors which exceeds \$100,000, must be approved by a two-thirds vote of the entire board members in attendance at a meeting where a quorum is present 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 board of directors. This section does not apply to a contract awarded by another entity to an organization represented on the board of directors or to a contract in which Enterprise Florida, Inc., is the recipient of funds from an organization represented on the board of directors. An organization represented on the board 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.

Section 8. This act shall take effect upon becoming a law.

Approved by the Governor May 26, 2005.

Filed in Office Secretary of State May 26, 2005.