

Chapter 96-320

Committee Substitute for Committee Substitute for Senate Bill No. 958

An act relating to economic development; creating s. 14.2015, F.S.; creating the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor and prescribing its powers and duties; repealing s. 20.17, F.S., which creates the Department of Commerce; transferring the duties, personnel, property, and unexpended balances of appropriations of the Welcome Center Section of the Bureau of Visitor Services of the Division of Tourism of the Department of Commerce to the Department of Transportation; amending s. 120.54, F.S.; providing duties for agencies and the Office of Tourism, Trade, and Economic Development with respect to rulemaking and rule adoption; creating within the Executive Office of the Governor a rules ombudsman; prescribing duties and functions; amending ss. 159.803 and 159.8083, F.S.; conforming provisions; amending s. 159.8081, F.S.; revising certain allocations from the manufacturing facility bond pool; conforming provisions; amending s. 163.3177, F.S.; clarifying that maintenance may be used as a reason to facilitate deepwater commercial navigation; amending s. 163.3178, F.S.; providing definitions and contract agreements; amending s. 166.231, F.S.; clarifying terms; authorizing an exemption of certain services from tax imposed; amending s. 199.185, F.S.; providing for exemption from intangibles tax on certain credit card receivables to certain banks; amending s. 206.46, F.S.; modifying use of revenues in the State Transportation Fund; amending s. 212.08, F.S.; modifying an exemption for certain machinery and equipment from tax imposed; providing conditions; exempting charges for electricity used in production of certain items or used in association with such production from tax imposed; providing an exemption for certain newspaper, magazine, and newsletter subscriptions; providing applicability; creating s. 414.029, F.S.; providing conditions; creating the WAGES Program Business Registry; requiring reporting; amending s. 212.096, F.S.; providing for computation of the enterprise zone jobs credit against sales tax; exempting a portion of wages for the credit provided; amending s. 220.181, F.S.; providing for computation of the enterprise zone jobs credit; exempting a portion of the wages from the exemption provided; amending s. 220.02, F.S.; specifying the order in which credits may be taken; amending s. 220.13, F.S.; requiring an add-back for the credit pursuant to s. 220.189, F.S.; amending ss. 212.20, 216.136, 220.03, 220.183, F.S.; conforming provisions; amending s. 272.11, F.S.; requiring the Florida Commission on Tourism to operate the capitol information center; amending s. 287.012, F.S.; authorizing the establishment and operation of foreign offices; amending s. 287.0943, F.S.; designating responsibility for the Minority Business Certification Task Force to the Department of Labor and Employment Security; defining the term "acting as a conduit"; amending s. 287.09431, F.S.; providing for approval of certification core criteria by the department; repealing s. 287.0945, F.S., which provides powers, duties, and functions of the Commission on Minority Economic and Business Development; creating s. 287.09451, F.S.; transferring the Minority Business Advocacy and Assistance Office to the Department of Labor and Employment Security and redefining its powers, duties, and responsibilities; amending s. 287.0947, F.S.; renaming the Florida Council on Small and

Minority Business Development as the Florida Advisory Council on Small and Minority Business; reducing the number of members on the council; requiring the council to report to the Secretary of the Department of Labor and Employment Security; redefining the powers and duties of the council; amending s. 288.012, F.S.; providing for the establishment of foreign tourism offices; amending s. 288.017, F.S.; providing for the administration of the cooperative advertising matching grants program; creating s. 288.018, F.S.; creating the Regional Rural Development Grants Program within the Office of Tourism, Trade, and Economic Development; amending s. 288.021, F.S.; providing for the establishment of an economic development liaison within agencies to be the primary point of contact for the agency with the Office of Tourism, Trade, and Economic Development; amending ss. 288.0251, 288.035, F.S.; conforming provisions; amending s. 288.041, F.S.; providing duties of Enterprise Florida, Inc., and of the Department of Community Affairs relating to the solar energy industry; amending s. 288.047, F.S.; providing for costs and expenditures for the Quick-Response Training Program to be documented and separated from those incurred by the training provider; conforming provisions; amending ss. 288.053, 288.054, 288.055, F.S.; conforming provisions; amending s. 288.063, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to make expenditures for direct costs of transportation projects; creating s. 288.065, F.S.; establishing the Rural Community Development Revolving Loan Fund; amending s. 288.095, F.S.; providing for the administration of the Economic Development Trust Fund by the Office of Tourism, Trade, and Economic Development; amending s. 288.106, F.S.; revising the Qualified Target Industry Business Tax Refund Program and providing for its transfer to the Office of Tourism, Trade, and Economic Development; amending s. 288.1162, F.S.; conforming provisions; revising a definition; changing a date for purposes of qualifying as a new professional sports franchise; changing the number of facilities that may be certified; amending ss. 288.1168, 288.1185, F.S.; conforming provisions; amending s. 288.122, F.S.; transferring the Tourism Promotional Trust Fund to the Office of Tourism, Trade, and Economic Development; amending s. 288.1221, F.S.; providing additional legislative intent; amending s. 288.1222, F.S.; revising definitions; amending s. 288.1223, F.S.; revising the membership and duties of the Florida Commission on Tourism; transferring the commission to the Office of Tourism, Trade, and Economic Development; amending s. 288.1224, F.S.; revising powers and duties of the commission; authorizing the commission to contract with a direct-support organization for certain tourism marketing and promotion services, functions, and programs; specifying additional requirements of a marketing plan; requiring the commission to develop a budget for certain purposes; authorizing the commission to establish and operate tourism offices in foreign countries; providing powers of the commission relating to such authority; requiring the commission to create an advisory committee to develop a plan to protect and promote the tourism assets of this state; providing for members of the committee; requiring the committee to submit the plan to the commission for review; amending s. 288.1226, F.S.; requiring the Florida Commission on Tourism to establish a Florida Tourism Industry Marketing Corporation by a certain time; providing that the corporation is not an agency for certain purposes; increasing membership of the board of directors of the corporation; providing additional powers and duties of the corporation; providing for an independent audit of the corporation; requiring the corporation to make quarterly reports to the commission;

providing requirements; creating s. 288.1227, F.S.; providing for an annual report and audits for the Florida Commission on Tourism and its direct-support organization; creating s. 288.1228, F.S.; providing for the Office of Tourism, Trade, and Economic Development to authorize a direct-support organization or other not-for-profit corporation to assist in the promotion and development of entertainment industries; creating s. 288.1229, F.S.; providing for the Office of Tourism, Trade, and Economic Development to authorize a direct-support organization to assist in the promotion and development of sports and sports-related industries; amending s. 288.124, F.S.; providing for administration of the convention grants program; creating s. 288.7011, F.S.; providing for assistance to certified development corporations; amending s. 288.703, F.S.; revising and providing definitions relating to small and minority business assistance act; amending s. 288.705, F.S.; deleting a requirement that the Small Business Development Center report to the Department of Commerce and the Commission on Minority Economic and Business Development regarding the statewide contracts register; providing for reports to the Department of Labor and Employment Security regarding the statewide contracts register; amending s. 288.707, F.S.; placing the Florida Black Business Investment Board under the Office of Tourism, Trade, and Economic Development; amending s. 288.7091, F.S.; prescribing duties of the Florida Black Business Investment Board; creating s. 288.7095, F.S.; providing for duties of black business investment corporations; creating s. 288.7096, F.S.; establishing the Black Business Investment Corporations Advisory Council; providing for oversight of black business investment corporations by the Office of Tourism, Trade, and Economic Development; amending s. 288.714, F.S.; requiring annual reports to the Secretary of the Department of Labor and Employment Security; repealing s. 288.803, F.S., which creates the Florida International Affairs Commission; amending s. 288.772, F.S.; revising and deleting definitions related to the Florida Export Finance Corporation; amending s. 288.773, F.S.; conforming provisions; amending s. 288.774, F.S.; revising the powers and limitations related to the Florida Export Finance Corporation; amending s. 288.775, F.S.; conforming provisions; amending s. 288.776, F.S.; conforming provisions; deleting certain provisions relating to the board of the Florida Export Finance Corporation; amending ss. 288.777, 288.7771, 288.8155, 288.816, 288.8175, 288.826, F.S.; conforming provisions to the transfer of responsibilities made by the act; amending s. 288.809, F.S.; renaming the Florida International Affairs Foundation as the Florida Intergovernmental Relations Foundation; providing that the foundation is organized to support intergovernmental relations programs; replacing references to the Florida International Affairs Commission with the Department of State; amending s. 288.901, F.S.; restructuring the board of Enterprise Florida, Inc.; providing for office location; providing for certain job preferences; providing that an employee lease agreement program may be established by the Department of Management Services; creating s. 288.9015, F.S.; providing for Enterprise Florida, Inc., to be the principal economic development organization for the state; amending s. 288.902, F.S.; revising membership and duties of the Enterprise Florida Nominating Council; amending s. 288.903, F.S.; providing for powers and duties of the board of directors and the president of Enterprise Florida, Inc.; amending s. 288.904, F.S.; revising the powers of the board of directors of Enterprise Florida, Inc.; amending s. 288.905, F.S.; providing for duties of the board of directors of Enterprise Florida, Inc.; providing for the development of a strategic plan for

economic development for the state; amending s. 849.10, F.S.; providing an exception to the prohibition against printing or publishing lottery tickets or any other matter or thing connected with a lottery drawing; amending s. 288.906, F.S.; providing for annual reports, audits, and confidentiality for Enterprise Florida, Inc.; creating s. 288.9412, F.S.; creating the International Trade and Economic Development Board within Enterprise Florida, Inc.; creating s. 288.9413, F.S.; providing for the organization of the board of directors of the International Trade and Economic Development Board; creating s. 288.9414, F.S.; establishing the powers and authority of the board of directors of the International Trade and Economic Development Board; amending s. 288.9511, F.S.; prescribing definitions; defining the term "board" to mean the Technology Development Board; amending s. 288.9512, F.S.; providing for the creation, purpose, and membership of the Technology Development Board; amending s. 288.9513, F.S.; providing for the organization of the board of directors for the Technology Development Board; amending s. 288.9514, F.S.; providing for powers and authority of the board of directors for the Technology Development Board; amending s. 288.9515, F.S.; providing for the authorization of programs by the Technology Development Board; amending s. 288.9516, F.S.; providing for the annual report of the Technology Development Board; amending s. 288.9517, F.S.; providing for audits and confidentiality for the Technology Development Board; repealing s. 288.9518, F.S., relating to the indemnification of officers, directors, employees, and agents against personal liability or accountability; amending s. 288.9519, F.S.; authorizing a not-for-profit organization to promote high-technology business and industry in this state; amending s. 288.9520, F.S.; continuing a public records exemption for the Technology Development Board; amending s. 288.9603, F.S.; providing definitions relating to the Florida Development Finance Corporation; amending s. 288.9604, F.S.; conforming provisions; amending s. 288.9606, F.S.; revising the scope of Florida Development Finance Corporation bond validation; amending s. 288.9607, F.S.; revising limitations on loan size; revising requirements related to the guaranty of bond issues; amending s. 288.9608, F.S.; providing for deposits of cash equivalents in guaranty account; amending s. 288.9611, F.S.; establishing a capital development board within Enterprise Florida, Inc.; amending s. 288.9612, F.S.; providing for the organization of the capital development board; amending s. 288.9613, F.S.; prescribing the power and authority of the capital development board; amending s. 288.9614, F.S.; providing for the authorization of programs for the capital development board; amending s. 288.9615, F.S.; providing for the annual report of the capital development board; amending s. 288.9616, F.S.; providing for audits and confidentiality for the capital development board; repealing s. 288.9617, F.S., relating to the indemnification of officers, directors, employees, and agents; transferring, renumbering, and amending s. 288.0475, F.S.; providing for the creation of the workforce development board within Enterprise Florida, Inc.; prescribing legislative intent with respect to transfers of responsibilities made by the act; providing employment preferences for displaced employees of the Department of Commerce; providing conditions and requirements relating to appropriations for Enterprise Florida, Inc.; amending ss. 288.973, 288.975, 288.980, 289.031, 290.004, 290.0056, 290.0066, F.S.; conforming provisions; providing for the designation of additional enterprise zones; providing that certain employees hired after January 1, 1995, may be considered "new employees" for purposes of enterprise zone sales tax and corporate income tax credits; amending s.

290.0058, F.S.; providing a presumption of pervasive poverty for certain census geographic block groups; amending s. 290.0065, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of state-designated enterprise zones under certain circumstances; providing for the designation of certain areas as enterprise zones; providing criteria areas; amending s. 290.0075, F.S.; revising the Enterprise Zone Linked Deposit Program; amending ss. 290.009, 290.014, 311.09, F.S.; conforming provisions; amending s. 311.07, F.S.; providing for program funds to be used by the Seaport Transportation and Economic Development Council to develop with the Florida Trade Data Center such trade information that will assist Florida's seaports and international trade; creating s. 311.105, F.S.; providing for the creation of the Florida Seaport Environmental Management Committee and its duties; amending s. 311.11, F.S.; conforming provisions; amending s. 313.01, F.S.; providing for the abolishment of the office and position of harbor master in certain counties or municipalities; amending s. 320.08058, F.S.; providing for the transfer of proceeds from the Florida Professional Sports Team License Plate into the Professional Sports Development Trust Fund; conforming provisions; providing an appropriation for port programs; amending s. 370.28, F.S.; providing exceptions to certain enterprise zone requirements for net ban communities; assigning designation responsibility to the Office of Tourism, Trade, and Economic Development; changing application and effective dates; providing for the designation of an additional net ban enterprise zone; amending s. 320.20, F.S.; requiring the deposit of a certain amount of funds into the State Transportation Trust Fund; prescribing the manner in which such funds may be used; providing technical changes; allowing the Department of Transportation to write off certain debts; amending s. 337.276, F.S.; revising provisions related to issuance of bonds for right-of-way land acquisition; amending s. 374.976, F.S.; providing that financial assistance for port projects not be included in calculating ad valorem taxes of the county in which the port is located; amending s. 380.24, F.S.; providing that all permitting and enforcement of dredged-material management be done through the Department of Environmental Protection; amending s. 403.021, F.S.; providing for the Department of Environmental Protection to recognize that the maintenance of water depths is an ongoing and necessary activity and that the permitting and enforcement of dredging and other port-related activities be consolidated within the Division of Environmental Resource Permitting; amending s. 403.061, F.S.; providing for the Department of Environmental Protection to enter into an agreement with the Florida Ports Council to provide a supplemental permitting process; creating an expedited permitting process; providing eligibility criteria for projects; providing legislative intent to foster the economic growth of Florida's deepwater seaports; providing that the act does not affect the regulation of a port by a local government having jurisdiction over the port; amending s. 403.953, F.S.; revising the eligibility criteria for the Job Siting Act; amending s. 624.5105, F.S.; conforming provisions; creating an International Trade Grants Program; providing for the Office of Tourism, Trade, and Economic Development to be substituted for the Department of Commerce as a party in interest in pending proceedings; continuing binding contracts; providing for severability; prohibiting a state agency, political subdivision of the state, or other entity doing business with a state entity, receiving state funds, or claiming a credit against state taxes from traveling or doing business with a country that lacks diplomatic relations with the United States; repealing ss. 286.24, 288.011, 288.015, 288.025, 288.03,

288.045, 288.0575, 288.06, 288.07, 288.08, 288.09, 288.115, 288.116, 288.117, 288.121, 288.701, 288.779, 288.801, 288.802, 288.8032, 288.804, 288.8041, 288.805, 288.806, 288.807, 288.808, 288.810, 288.811, 288.813, 288.814, 288.815, 288.817, 288.8185, 288.819, 288.820, 288.822, 288.823, 288.824, 288.825, F.S., relating to programs and duties of the Department of Commerce and the Florida International Affairs Commission; providing a contingent effective date for sections in this act that provide additional jobs credits, provide additional sales tax exemptions, and expand tax credits within enterprise zones; amending s. 212.08, F.S.; exempting certain transactions by fair associations incorporated under chapter 616, F.S., from taxation; providing that the exemption does not apply to sales, rentals, or subleases of an independent contractor, concessionaire, vendor, exhibitor, or licensee; providing that payment of taxes on a transaction made exempt by the act is not due if such tax is uncollected by the taxpayer before a specified date; amending s. 212.213, F.S.; requiring certain fair associations to keep certain records; providing exceptions; amending ss. 212.02 and 212.08, F.S.; defining "solar energy system" and exempting solar energy systems and components thereof from the tax on sales, use, and other transactions; requiring the Florida Solar Energy Center to certify the equipment used in such systems; creating s. 210.13(6), F.S.; adding tax record requirements for fair associations; providing appropriations for international trade development programs; providing legislative intent; requiring the Department of Transportation to prepare and deliver a certain five-year work program; providing additional duties of the department; providing five-year work program criteria and requirements; amending s. 337.19, F.S.; providing that suits or actions brought against the Department of Transportation may be brought in the county of the department's district headquarters responsible for the work, in addition to other locations; amending s. 849.161, F.S.; authorizing the use of certain amusement games or machines at specified locations; providing application; amending s. 212.0515, F.S.; revising the requirements for calculating the tax on sales of foods and beverages through vending machines in counties levying a local option tax; providing an effective date.

Section 6. Paragraph (a) of subsection (2) and paragraph (b) of subsection (3) of section 120.54, Florida Statutes, are amended to read:

120.54. Rulemaking; adoption procedures

(2)(a) Each agency, prior to the adoption, amendment, or repeal of any rule, shall consider the impact of such proposed action on small business as defined in s. 288.703 and, whenever possible, shall tier such rule to reduce disproportionate impacts on small business and to avoid regulating businesses which do not contribute significantly to the problem the rule is designed to regulate. An agency may define "small business" to include more than 100 ~~50~~ persons if it finds that such a definition is necessary to adapt any rule to the needs and problems of small business. The agency shall consider each of the following methods for reducing the impact of the proposed rule on small business:

1. Establishing less stringent compliance or reporting requirements in the rule for small business.
2. Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements for small business.
3. Consolidating or simplifying the rule's compliance or reporting requirements for small business.
4. Establishing performance standards to replace design or operational standards in the rule for small business.
5. Exempting small business from any or all requirements of the rule.

(3)

(b) If the agency determines that the proposed action will affect small business as defined by the agency as provided in paragraph (2)(a), the agency shall send written notice of such rule to the Office of Tourism, Trade, and Economic Development ~~Small and Minority Business Advocate, the Minority Business Enterprise Assistance Office, and the Division of Economic Development of the Department of Commerce~~ not less than 21 days prior to the intended action.

1. Within the 21-day period after written notice has been sent and the day on which the intended action is to take place, the agency shall give the Office of Tourism, Trade, and Economic Development ~~Small and Minority Business Advocate, the Minority Business Enterprise Assistance Office, and the Division of Economic Development of the Department of Commerce~~ an opportunity to present evidence and argument and to offer alternatives regarding the impact of the rule on small business.
2. Each agency shall adopt those alternatives offered pursuant to this subsection which it finds are feasible and consistent with the stated objectives of the proposed rule and which would reduce the impact on small business.
3. If an agency does not adopt all alternatives offered pursuant to this subsection, it shall, prior to rule adoption or amendment and pursuant to subsection (11), file a detailed written statement with the committee explaining the reasons for failure to adopt such alternatives. Within 3 working days of the filing of such notice, the agency shall send a copy of such notice to the Office of Tourism, Trade, and Economic Development ~~Small and Minority Business Advocate, the Minority Business Enterprise Assistance Office, and the Division of Economic Development of the Department of Commerce~~.