

1 A bill to be entitled

2 An act relating to economic incentive programs;  
3 amending s. 20.055, F.S.; revising definitions;  
4 amending s. 288.075, F.S.; providing that certain  
5 information disclosed or published in a specified  
6 manner is no longer confidential and exempt and  
7 requiring such information to be published as  
8 specified; amending s. 288.076, F.S.; requiring the  
9 Department of Economic Opportunity to contract with an  
10 independent third party to verify compliance with  
11 economic development incentive requirements; requiring  
12 the department to publish results of the independent  
13 third party review within a specified period; amending  
14 s. 288.901, F.S.; deleting a provision excluding the  
15 board of directors of Enterprise Florida, Inc., from a  
16 provision prohibiting solicitation and acceptance of  
17 certain gifts; amending s. 288.9015, F.S.; requiring a  
18 two-thirds vote for certain contracts executed by  
19 Enterprise Florida, Inc.; amending s. 288.904, F.S.;  
20 reducing state operational funding to Enterprise  
21 Florida, Inc., under certain circumstances; amending  
22 s. 288.905, F.S.; requiring a person appointed  
23 president of the board of directors of Enterprise  
24 Florida, Inc., to be confirmed by the Senate;  
25 providing requirements for incentive payments made to  
26 employees of Enterprise Florida, Inc.; providing an

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

27 effective date.

28

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

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31 Section 1. Paragraphs (a) and (b) of subsection (1) of  
 32 section 20.055, Florida Statutes, are amended to read:

33 20.055 Agency inspectors general.—

34 (1) For the purposes of this section:

35 (a) "State agency" means each department created pursuant  
 36 to this chapter, and also includes the Executive Office of the  
 37 Governor, the Department of Military Affairs, the Fish and  
 38 Wildlife Conservation Commission, the Office of Insurance  
 39 Regulation of the Financial Services Commission, the Office of  
 40 Financial Regulation of the Financial Services Commission, the  
 41 Public Service Commission, the Board of Governors of the State  
 42 University System, the Florida Housing Finance Corporation,  
 43 Enterprise Florida, Inc., and the state courts system.

44 (b) "Agency head" means the Governor, a Cabinet officer, a  
 45 secretary as defined in s. 20.03(5), or an executive director as  
 46 defined in s. 20.03(6). It also includes the chair of the Public  
 47 Service Commission, the Director of the Office of Insurance  
 48 Regulation of the Financial Services Commission, the Director of  
 49 the Office of Financial Regulation of the Financial Services  
 50 Commission, the board of directors of the Florida Housing  
 51 Finance Corporation, the chairperson of the board of directors  
 52 of Enterprise Florida, Inc., and the Chief Justice of the State

53 Supreme Court.

54 Section 2. Subsection (7) of section 288.075, Florida  
55 Statutes, is renumbered as subsection (8), and a new subsection  
56 (7) is added to that section to read:

57 288.075 Confidentiality of records.—

58 (7) INFORMATION REQUIRED TO BE PUBLISHED.—For purposes of  
59 the department's obligations under s. 288.076, once any  
60 information described in this chapter is otherwise disclosed,  
61 such disclosure terminates any period of confidentiality which  
62 may have applied to that information, even if other information  
63 related to the same business or project remains confidential and  
64 exempt, and such information otherwise disclosed shall be  
65 published as provided under s. 288.076.

66 Section 3. Subsections (9) and (10) of section 288.076,  
67 Florida Statutes, are renumbered as subsections (10) and (11),  
68 respectively, and a new subsection (9) is added to that section  
69 to read:

70 288.076 Return on investment reporting for economic  
71 development programs.—

72 (9) The department shall procure and execute a contract  
73 for an independent third party to annually verify that each  
74 business that receives an economic development incentive  
75 satisfies all of the requirements of the incentive agreement.  
76 The independent third-party contractor shall perform the  
77 functions and conduct the activities necessary to verify  
78 compliance with the performance terms of each economic

79 development incentive contract. The department shall publish on  
 80 its website the results of each audit performed by the  
 81 independent third party within 48 hours after receiving the  
 82 results.

83 Section 4. Paragraph (c) of subsection (1) of section  
 84 288.901, Florida Statutes, is amended to read:

85 288.901 Enterprise Florida, Inc.—

86 (1) CREATION.—

87 (c) The Legislature determines that it is in the public  
 88 interest for the members of Enterprise Florida, Inc., board of  
 89 directors to be subject to the requirements of ss. 112.3135,  
 90 112.3143(2), and 112.313, ~~excluding s. 112.313(2),~~  
 91 notwithstanding the fact that the board members are not public  
 92 officers or employees. For purposes of those sections, the board  
 93 members shall be considered to be public officers or employees.  
 94 The exemption set forth in s. 112.313(12) for advisory boards  
 95 applies to the members of Enterprise Florida, Inc., board of  
 96 directors. Further, each member of the board of directors who is  
 97 not otherwise required to file financial disclosures pursuant to  
 98 s. 8, Art. II of the State Constitution or s. 112.3144, shall  
 99 file disclosure of financial interests pursuant to s. 112.3145.

100 Section 5. Paragraph (c) of subsection (2) of section  
 101 288.9015, Florida Statutes, is amended to read:

102 288.9015 Powers of Enterprise Florida, Inc.; board of  
 103 directors.—

104 (2) The board of directors of Enterprise Florida, Inc.,

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105 may:

106 (c) Make and enter into contracts and other instruments  
107 necessary or convenient for the exercise of its powers and  
108 functions. A contract executed by Enterprise Florida, Inc., with  
109 a person or organization under which such person or organization  
110 agrees to perform economic development services or similar  
111 business assistance services on behalf of Enterprise Florida,  
112 Inc., or the state must include provisions requiring a  
113 performance report on the contracted activities and must account  
114 for the proper use of funds provided under the contract,  
115 coordinate with other components of state and local economic  
116 development systems, and avoid duplication of existing state and  
117 local services and activities. A contract executed by Enterprise  
118 Florida, Inc., with an organization must be approved by a two-  
119 thirds vote of the entire board of directors of Enterprise  
120 Florida, Inc., if one or more employees, agents, officers,  
121 directors, shareholders, principals, or consultants of the  
122 organization is a member of the board of directors of Enterprise  
123 Florida, Inc., or if one or more employees, agents, officers,  
124 directors, shareholders, principals, or consultants of an  
125 affiliate or subsidiary of the organization is a member of the  
126 board of directors of Enterprise Florida, Inc. A board member of  
127 Enterprise Florida, Inc., so affiliated may not vote on such  
128 contract.

129 Section 6. Paragraph (c) is added to subsection (2) of  
130 section 288.904, Florida Statutes, to read:

131 288.904 Funding for Enterprise Florida, Inc.; performance  
 132 and return on the public's investment.-

133 (2)

134 (c) For any fiscal year in which private sector support in  
 135 operating Enterprise Florida, Inc., and its divisions does not  
 136 equal at least 100 percent of the state operational funding,  
 137 Enterprise Florida, Inc., shall not receive 100 percent of the  
 138 state operational funding. Instead, Enterprise Florida, Inc.,  
 139 shall receive the larger of:

140 1. Fifty percent of the state operational funding  
 141 appropriated; or

142 2. State operational funding in an amount equal to private  
 143 sector support.

144 Section 7. Subsections (1) and (4) of section 288.905,  
 145 Florida Statutes, are amended, and subsection (5) is added to  
 146 that section, to read:

147 288.905 President and employees of Enterprise Florida,  
 148 Inc.-

149 (1) The board of directors of Enterprise Florida, Inc.,  
 150 shall appoint a president, subject to confirmation by the  
 151 Senate, who shall serve at the pleasure of the Governor. The  
 152 president shall also be known as the "secretary of commerce" and  
 153 shall serve as the Governor's chief negotiator for business  
 154 recruitment and business expansion.

155 (4) An ~~No~~ employee of Enterprise Florida, Inc., may not  
 156 receive compensation for employment that exceeds the salary paid

157 to the Governor, unless the board of directors and the employee  
158 have executed a contract that specifies ~~prescribes specific,~~  
159 measurable performance outcomes for the employee, the  
160 satisfaction of which provides the basis for the award of  
161 incentive payments that increase the employee's total  
162 compensation to a level above the salary paid to the Governor.

163 (5) Enterprise Florida, Inc., may award an employee  
164 incentive payments for reaching goals or obtaining specified  
165 results. However, such goals or results must be quantifiable,  
166 measureable, and verifiable. An employee may not earn an  
167 incentive payment based on projected or unconfirmed results. In  
168 addition, Enterprise Florida, Inc., may not award any employee  
169 an incentive payment for results related to a contract requiring  
170 a two-thirds vote under s. 288.9015(2)(c).

171 Section 8. This act shall take effect July 1, 2014.