

ECONOMIC DEVELOPMENT

CS/SB 1844 — Economic Development

by Commerce & Economic Opportunities Committee and Senators King and Klein

This bill creates the Florida Technology Development Act, provides for the operation of certain bond-financed projects in research and development parks, provides for the maintenance of a website relating to the information technology industry, authorizes the Learning Gateway demonstration program, establishes the Tourism Industry Recovery Act of 2002, creates an account for matching funds for an existing economic development incentive program, and requires the Legislature's Office of Program Policy Analysis and Government Accountability to conduct a technology review previously required in law.

Florida Technology Development Act

This bill creates the Florida Technology Development Act (act), which establishes a process for the State Board of Education (board) to develop, approve, and authorize expenditures for a plan for establishing one or more "centers of excellence" at or in collaboration with universities in the state. The term "center of excellence" is defined as an organization of personnel, facilities, and equipment which, among its functions, identifies and pursues opportunities for research and technology transfer, recruits and retains world-class researchers, and stimulates and supports the growth of the state's technology industry.

The process created by this bill includes, subject to legislative appropriation, the creation of the Emerging Technology Commission (commission) within the Governor's Office for the purpose of recommending preliminary plans to the board for consideration. When developing these plans, the commission must consider certain input from Florida Research Consortium, Inc., and individual experts in relevant fields. The board must approve its final plan, including applicable performance and accountability measures, by March 15, 2003. Until the act expires on July 1, 2004, the commission must report quarterly to the Commissioner of Education on the progress of plan implementation. The bill appropriates \$50,000 to the Governor's Office for the provision of staff support to the commission and per diem and travel expenses for commission members.

Bond-Financed Projects in Research and Development Parks

This bill specifies that, notwithstanding any other provision of ch. 159, F.S. (relating to bond financing), a project that is located in a research and development park and that is financed through the Florida Industrial Development Financing Act may be operated by a research and development authority, a state university, a state community college, or a governmental agency if

the purpose and operation of the project are consistent with the policies governing research and development authorities.

Internet-Based System for the State Information Technology Industry

This bill reassigns responsibility for the development and maintenance of a website for information technology industry promotion and workforce recruitment to Workforce Florida, Inc. (WFI), from the Department of Labor and Employment Security. The bill charges WFI with ensuring coordination and compatibility between the website and the larger workforce information system required under s. 445.011, F.S. WFI must also coordinate its work with the high-technology marketing campaign of Enterprise Florida, Inc., and with the State Technology Office's efforts to ensure consistency with the state's information system strategy and enterprise architecture. The bill authorizes WFI to contract with public agencies for assistance in developing/maintaining the website and authorizes WFI to procure services necessary to fulfill its responsibilities under this bill, provided it utilizes competitive procurement practices.

Learning Gateway

This bill implements recommendations of the Commission on the Study of Children with Developmental Delays. The bill authorizes pilot or demonstration programs in Orange, Manatee, and St. Lucie counties to identify and address learning problems in children from birth to age 9, earlier and more efficiently than currently happens. Each pilot program will develop a Learning Gateway to provide a single point of access for parents who suspect that their child has a potential learning problem. The Learning Gateway will inform parents, pediatricians, and teachers of the early warning signs of learning problems according to the best current research. The Learning Gateway pilot programs will provide information and referral but will not provide direct services to children or parents.

The bill also creates a steering committee of parents, practitioners, and individuals with scientific, medical, and business expertise to support and oversee the pilot program. By January 2005, the steering committee will make recommendations to the Governor, the Legislature, and the Commissioner of Education regarding the merits of expanding the pilot projects.

Tourism Industry Recovery Act of 2002

This bill amends s. 125.0104(3)(l), F.S., to provide that the additional local option tourist development tax presently authorized to pay the debt service on bonds to finance the construction, reconstruction, or renovation of a professional sports franchise facility, a retained spring training franchise facility, or a convention center, and to pay for the planning and design costs incurred prior to the issuance of the bonds, may also be used to promote and advertise tourism. This bill also amends s. 125.0104(3)(n), F.S., to provide that the additional tax authorized under this paragraph for bonds for facilities for a new professional sports franchise or a retained spring training franchise may also be used to promote and advertise tourism.

Matching-Fund Account for the Semiconductor, Defense, and Space Tax Exemption Program

This bill provides that matching funds deposited in the Trust Fund for Major Gifts for the existing semiconductor, defense, and space tax exemption program under s. 212.08(5)(j), F.S., and interest earnings thereon, must be maintained in a separate account within the trust fund and may be used only to match qualified sales tax exemptions that a certified business designates for use by state universities and community colleges to support research and development projects requested by the certified business.

Technology Review

This bill requires the Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct, before December 1, 2002, the review required under section 14 of Chapter 93-187, L.O.F., relating to the sunset of certain Enterprise Florida, Inc., technology development programs. OPPAGA must perform this review using applicable program evaluation and justification review criteria.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 36-0; House 116-3

CS/HB 777 — Public Records Exemption/Business Information

by Competitive Commerce Council and Rep. Kilmer (CS/SB 2430 by Commerce & Economic Opportunities Committee and Senator Diaz de la Portilla)

This bill creates a public records exemption for specified business information (including certain proprietary, trade-secret, and personal data) that is held by the Governor's Office of Tourism, Trade, and Economic Development (OTTED); Enterprise Florida, Inc., (EFI), the state's principal economic development organization (s. 288.901, F.S.); county or municipal governmental entities; or the employees or agents of OTTED, EFI, or local government entities under the following state economic development programs and incentives: the Capital Investment Tax Credit Program (CITC Program) under s. 220.191, F.S.; the Qualified Defense Contractor Tax Refund Program (QDC Program) under s. 288.1045, F.S.; the Qualified Target Industry Tax Refund Program (QTI Program) under s. 288.106, F.S.; the High-Impact Business Performance Incentive Grants Program (HIPI Program) under s. 288.108, F.S.; and the Quick Action Closing Fund Awards Program (QAC Program) under s. 288.1088, F.S. The bill provides that this exemption expires October 2, 2007, unless reenacted after review by the Legislature under the Open Government Sunset Review Act. This public records exemption is comparable to a public records exemption contained in a section of the Florida Statutes (s. 288.1066, F.S.) that stands repealed as of October 2, 2001.

Notwithstanding the public records exemption created by this bill, the bill provides that economic development program administrators may publish statistics in the aggregate, so classified as to prevent the identification of a single qualified business, and that OTTED may release the following information:

- The names of qualified businesses, the total number of jobs each business expects to create, the total number of jobs created by each business, and the amount of tax refunds awarded to and claimed by each business under the QTI Program or the QDC Program;
- The amount of incentives awarded and claimed by each business under the HIPI Program or the QAC Program; and
- The names of qualified businesses, the total number of jobs each business expects to create, and the total number of jobs created by each business under the CITC Program.

This bill also makes changes to public records information-sharing provisions related to the administration of certain state economic development programs and incentives.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 34-2; House 68-51

CS/CS/CS/SB 386 — Florida Black Business Investment Board

by Appropriations Committee; Governmental Oversight & Productivity Committee; Commerce & Economic Opportunities Committee; and Senator Holzendorf

This bill substantially amends ch. 288, part IV, F.S., by removing the Florida Black Business Investment Board (BBIB or board) from the Office of Tourism, Trade, and Economic Development and providing that the BBIB become a not-for-profit corporation. The board membership is expanded, and the membership appointment process is diversified. The board is authorized to lease its employees who are employed prior to the effective date of the bill from the Department of Management Services until June 30, 2004. Under the employee leasing program, current board employees will retain their status as state employees and have the right to participate in the state retirement system.

The bill provides criteria to measure Florida's return on investment from activities of the board. The bill requires the board to seek private sector support that will equal the state's support by July 1, 2007, and it prescribes items constituting private sector support.

Additional board responsibilities provided by the bill include:

- Delivering, where practicable, economic development services relating to black business enterprises under a contract with Enterprise Florida, Inc.;

- Working with Enterprise Florida, Inc., and local economic development organizations to promote the retention and expansion of existing black business enterprises and to promote the formation and recruitment of new black business enterprises;
- Facilitating the formation of Black Business Investment Corporations in communities not currently served by such corporations;
- Providing for an annual financial audit report of its accounts and records to be conducted by an independent certified public accountant;
- Complying with the performance measures, standards, and sanctions in its contract with the Office of Tourism, Trade, and Economic Development; and
- Reporting to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2003, on the feasibility of including all minority business enterprises within the scope of its duties.

If approved by the Governor, these provisions take effect on July 1, 2002.

Vote: Senate 37-0; House 117-0

CS/SB 688 — Spaceport Florida Authority

by Commerce & Economic Opportunities Committee and Senator Futch

This bill changes the statutory name of the Spaceport Florida Authority (authority) to “Florida Space Authority,” in order to reflect the name change adopted by the authority’s board of supervisors. This bill also provides a name reference for certain authority territory and revises the description of authority territory to more accurately reflect existing territorial boundaries; conforms the authority’s statutory fiscal year to the fiscal year it administratively adopted in October 2000; revises the membership of and procedures related to the authority’s board of supervisors; and revises the membership, mission, administration, and reporting requirements of the Spaceport Management Council.

Spaceport Florida Authority Board of Supervisors

This bill changes the membership of the authority’s board of supervisors from seven regular members, appointed by the Governor, and two ex officio nonvoting members who are legislators to the following:

- The Lieutenant Governor as chair of the board and the state’s space policy leader;
- Two ex officio nonvoting members who are legislators; and

- Eight regular members, appointed by the Governor. Four of the regular members must represent private-sector space-industry entities, and at least one of those members must also be from a small business. A private-sector legal entity may not have more than one person serving on the board at any one time. Although this bill does not affect the terms or conditions of current members of the board, vacancies created by or occurring subsequent to the passage of this bill must be filled by representatives of the space industry until the composition of the board is in compliance with the provisions of this bill.

Spaceport Management Council

This bill changes the Spaceport Management Council (council), which provides coordination and recommendations regarding space-related policies, projects, and activities in the state, by:

- Clarifying the council's working relationship with federal and state agencies;
- Removing representatives of the federal government (*i.e.*, the director of the John F. Kennedy Space Center, the Commander of the United States Air Force 45th Space Wing, and the Commander of the Naval Ordnance Test Unit) from the council's executive board but allowing for federal liaison officials to attend council meetings while recognizing that the role of these officials is limited by federal statutes and other constraints;
- Requiring the council to submit its recommendations to the Governor and the Lieutenant Governor, as well as to other state and federal agencies; and
- Providing for the executive board, rather than the full council, to adopt council bylaws.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-0; House 116-0

CS/SB 1912 — Defense Contractors

by Commerce & Economic Opportunities Committee and Senator Peadar

This bill revises the eligibility criteria for the Qualified Defense Contractor Tax Refund Program (s. 288.1045, F.S.), under which tax refunds are provided to a certified contractor that has secured a new Department of Defense (DOD) contract, consolidated an existing DOD contract in Florida, converted defense production jobs to non-defense production, or contracted for the reuse of a defense-related facility. This bill increases the number of businesses potentially eligible for the program by:

- Expanding the meaning of the term “Department of Defense contract” to include competitively bid DOD subcontracts, competitively bid federal agency subcontracts issued on behalf of the DOD, and contracts or subcontracts for products or services for military use which contracts or subcontracts are approved by the DOD, the United States Department of State, or the United States Coast Guard; and
- Reducing various gross-receipt thresholds that program applicants must meet or exceed in order to qualify for review by the Governor’s Office of Tourism, Trade, and Economic Development.

If approved by the Governor, these provisions take effect July 1, 2002.

Vote: Senate 37-0; House 115-0

SB 1794 — Enterprise Zones

by Senator Geller

This bill amends s. 290.0065, F.S., to authorize Alachua, Broward, Hendry, Highlands, Jackson, Palm Beach, and Volusia counties to apply to the Office of Tourism, Trade, and Economic Development by December 31, 2002, to amend their existing enterprise zones by replacing areas not suitable for development with areas suitable for development.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 36-0; House 117-0

BUSINESS ENTITIES AND TRANSACTIONS

CS/HB 787 — Limited Liability Companies

by Smarter Government Council and Rep. Rubio (SB 944 by Senator Sanderson)

This bill clarifies technical and administrative items and corrects internal inconsistencies and oversights within the Florida Limited Liability Company Act (ch. 608, F.S.) resulting from, or remaining after, the 1999 revision of the act (Chapter 1999-315, L.O.F.), which incorporated modern language adapted from the Uniform Limited Liability Company Act published by the National Conference of Commissioners on Uniform State Laws and from the laws of certain model states, such as Delaware.

The bill specifies that references to the term “company” throughout the act mean a “limited liability company” (LLC). The bill provides LLCs with enhanced flexibility in adopting articles of organization and operating agreements, revises the rights and obligations of managing members vested with the management of member-managed companies, reflects that the basis of membership interest in LLCs may be represented using a method other than capital accounts, and

conforms provisions for foreign LLCs. The bill also reserves the Legislature's power to amend or repeal statutes and governs how LLCs are affected by the amendment or repeal of those statutes.

If approved by the Governor, these provisions take effect October 1, 2002.

Vote: Senate 38-0; House 113-0

BUSINESS/CONSUMER REGULATION

SB 1020 — Payment-Card Transactions

by Senators Burt, Klein, Wise, Meek, and Crist

This bill prohibits a merchant who accepts payment cards from printing more than the last five digits of a payment card's account number or printing a payment card's expiration date on an electronically printed receipt provided to the cardholder. The term "payment card" includes credit cards, charge cards, debit cards, and any other cards that are issued to cardholders and that allow cardholders to obtain, purchase, or receive goods, services, money, or anything else of value from the merchant. The bill specifically exempts receipts from transactions in which the sole means of recording the payment card's account number or expiration date is by handwriting or by an imprint or copy of the payment card.

The bill imposes noncriminal penalties for violations by merchants. A first violation is subject to a \$250 fine, and a second or subsequent violation is subject to a \$1,000 fine. The bill authorizes the office of the state attorney to bring actions in county court for violations occurring in or affecting the judicial circuit under the office's jurisdiction.

The bill applies prospectively to receipts printed by cash registers or other machines or devices that are first used on or after July 1, 2003. The bill delays implementation until July 1, 2005, for receipts printed by cash registers or other machines or devices that are first used before July 1, 2003.

If approved by the Governor, these provisions take effect July 1, 2003.

Vote: Senate 37-0; House 118-0

SB 1832 — Negligence

by Senator Peaden

This bill creates s. 768.093, F.S., which provides that a "powered shopping cart" of the type generally used in a retail establishment by customers to transport customers and their goods is not a dangerous instrumentality. Dangerous instrumentalities, according to courts, are certain types of motor vehicles in operation that have the ability to inflict injury or death. The owner of

such a motor vehicle is vicariously liable, under the dangerous instrumentality doctrine, to a third party for damages caused by the negligence of a person operating the motor vehicle with the owner's consent. However, as a result of this bill, courts will be prohibited from finding that powered shopping cart owners have vicarious liability for damages caused by the negligence of customers using the carts. Powered shopping cart owners will remain liable for damages caused by their own negligence.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 34-2; House 114-0

