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I. FLORIDA'S ROLE AS PART OF THE AMERICAS

*Katherine Harris**

I would like to tell you about some of the issues that the Department of State is addressing, but more importantly I would like to challenge you to think "outside the box." Now I have the opportunity to address those who are truly interested in the legal issues of the Americas. I consider *you* to be the experts.

After I was elected Secretary of State, I was fortunate enough to work with the Legislature to accomplish in only three months everything we promised during the campaign we would do in the international arena. Since then, we have been moving forward aggressively with issues of the Americas in particular. I value this symposium, with its opportunity to hear extraordinary new ideas, and to be able to go back to the Department and put them into action.

I wish that Dean [Roy] Hunt could be with us today. He is responsible in part for my being here, and he is absolutely responsible for the Department of State putting Florida on the map in the international arena. Again, I want to thank you for the opportunity to be here, especially because we have so many people committed to the Americas, looking forward as we integrate this hemisphere more and more. I appreciate the introduction, especially for explaining what I do. During the campaign for Secretary of State, someone asked me, "why do you have to run so hard and raise all this money all over the state of Florida just to be the Governor's Secretary?" I always appreciate the explanation that, indeed, I serve equally with the Governor on the Cabinet. I have specific responsibilities, not the least of which, and probably most important, is international affairs.

To put it in context, let me explain that when I first became a Senator, also Chairman of the Commerce and Economic Opportunities Committee, Florida was really lagging behind. Florida had always benefited from its geographic position, but so many other states were much more aggressive in our geographic arena. In fact, at one point, the statistics showed that Ohio, Oregon, and Washington State were exporting more to Latin America and the Caribbean than Florida. They had truly focused on overseas markets, while we were complacently doing business based on the incredible relationships, families, and cultures that we had shared with the region over the years.

We needed to be much more focused. Fortunately, Buddy MacKay, Lieutenant Governor at the time and then Governor, now our Special

* Florida's Secretary of State and fourth-generation Floridian.

Envoy to the Americas, really embraced that idea. Certainly nothing could have been a more spectacular entrance into this hemisphere than the Summit of the Americas in 1994. It was led by President Clinton and hosted by then Lieutenant Governor MacKay and Governor Chiles. The Americas represent some thirty-four free nations coming together. It is an 800 million-person trading bloc, with over \$14 trillion in Gross Domestic Product (GDP). That was very crucial, and I will talk more about that later.

During a recent six-year period, Florida's exports grew from \$32 billion to \$70 billion. The U.S. Department of Commerce stated for each billion-dollar increase in trade that created 20,000 new jobs. It is important to point this fact out because whenever you are talking to communities, or back in your hometowns, the average person does not understand why trade is so very important. Another statistic from the Department of Commerce was if you are exporting, you will be 20% more profitable. You will grow 17% more quickly, and you will pay your people 15% more money. This translates into real dollars. There are very few other sectors, outside of Information Technology, that would have grown this radically in Florida.

Perhaps the greatest opportunity for me, though, has been the ability to focus on the Americas. I think the United States has a myopic view associated with an East-West bias. When you start looking at the Americas, and the trade that we have with them, it is remarkable that we have such an interest in looking outside the Americas and never within them. In fact, two-thirds of all trade the United States conducts is with Latin America. Florida is every Latin American country's number one trading partner, with the exception of Mexico.

Last year, we took a trade mission with the Governor to Mexico where we accomplished some extraordinary things. In three days, over \$170 million in potential business was contracted. We took a cultural mission to Mexico after that and developed \$20 million worth of mutual exchange. We think that the future is very bright, and, even now, the United States trade with Mexico is over \$170 billion. California does \$32 billion of that trade. Texas does \$50 billion, and Florida does only \$1.7 billion. We are neighbors, and we only have that beautiful Gulf to bridge. With current technology and transportation, that is not difficult. We are parties to the Gulf States' Accord, and we have just recently revised it as of two days ago. The members are eleven border states — six states of Mexico, and five in the US. The Accord's Secretariat is housed in Tampa — jointly through the University of Tampa and the Tampa Port. There are some very exciting opportunities with Mexico. Also, for Florida, ten of our top fifteen trading partners are in this hemisphere. So obviously, our future with the Americas is very exciting.

One of the most interesting statistic that I heard recently, when we were in Brazil for the World Economic Forum with Special Envoy MacKay, is

that we export more to Brazil than all of China, Russia, and India combined. If we look more closely, we export \$26 billion to this hemisphere. Six billion of that is to Brazil, 3.8 billion is to Central America, 3.6 billion is to the Caribbean. The European Union is exporting \$3.5 billion, South Asia and East Asia export \$1.6 combined, and Russia exports \$86 million.

This statistic shows the amazing opportunities, especially in light of the fact that the Congress just passed the Caribbean Basin Initiative. The Caribbean Basin Initiative levels the playing field for the Caribbean with Mexico by addressing some of the inequities that were caused by NAFTA. The opportunities for Florida in Mexico and with the Caribbean are really going to be exciting. To that end, the Department of State has tried to position itself confidently for the next two years. In 2003, the Secretary of State will become an appointed position versus an elected position.

The Department of State in Florida has had its own Asian desk. We have had long-standing relationships with Taiwan, Japan, and Korea. However, we did not have a Latin American and Caribbean desk, so during the past year we established the first Latin American and Caribbean desk in the entire country. I hope we will not be the last. I cannot tell you how much it really meant to those countries that we were reaching out and that we cared enough to have that position.

We are also focusing on the Internet technology sector. Carlos Loumiet, an attorney with Greenberg, Traurig in Miami, heads up my Task Force. It is a virtual task force cooperating with Governor Bush's initiative, which is IT Florida. We hope to have, within days, the announcement of a Network Access Point (NAP). The NAP is going to dramatically speed up transactions on the Internet. We have been very much focused on having the NAP in Miami where we can then be a bridge to the Americas. We think this is very important.

To that end, we have our task force called IT-FLA-IT Florida/Latin America. We have focused on how we are going to bring to Latin America and the Caribbean, the kind of Internet technology and the types of business opportunities to be really advanced in E-Business. In Miami, it is interesting because you have a critical mass of people, companies, and technology that already exists. You are hearing a little bit about "Silicon Beach," but the number of dot.com companies that are springing up there is incredible. We are focused on trying to really make that area the epicenter of the digital hemisphere. Price Coopers Lybrand is working with us on a several hundred-thousand dollar study that they have done to help create that atmosphere. We are seeking funding from Congress so that we can be helpful in creating that digital bridge — the incubators, the Web portals, that need to spring up — that can stabilize economies and, thereby, democracies in those other countries.

Latin America is growing 30% on the Internet annually. Despite the fact that you may hear there are not many users or owners of computers or activity on the Internet, the growth there is astonishing. Again, it is a glass half-full instead of half-empty, and we are very excited about that.

We believe that through the efforts of the IT Corridor, as well as the FTAA, we will mirror what has happened in Tyson's Corner, Virginia. They created this kind of technological infrastructure, and 450,000 new jobs were created in less than a decade. We think we will do it in half that time.

As was mentioned earlier, I do head the Division of Corporations, and, when I was Chairman of Commerce and Economic Opportunities, we tried to focus on the international arena. We looked at what we could do to be an advocate versus an impediment to trade, and so we listened to businesses. In those two years, Florida moved from 47th in the nation as a state to start a new business or grow an existing business, to number one in the country. In doing that, I am sure you are aware that you can file your corporate filings over the Internet. Last year, we announced a new website "bienvenidosalaFlorida.com" so that you can actually do the corporate filings either in Spanish or Portuguese as well. Especially, as Brazil is Florida's number one trading partner, we thought it was important to be able to accommodate Portuguese speakers.

We also are very much focused on the Free Trade Area of the Americas that I mentioned earlier. There is probably not a greater opportunity for Florida or the United States, ever, than the opportunity to successfully conclude the Free Trade Area of the Americas in 2005.

As I said earlier, it is a \$14 trillion trading bloc. That is twice the size of the EU, and significant negotiations are ongoing in Miami as we speak. Among many of the think tanks, there is an undercurrent suggesting that the negotiations are not going well. They are absolutely on time. They are going extremely well. The ministers will meet in Argentina in early April 2001, and there will be another summit of all the heads of state in Quebec at the end of April.

What I cannot guarantee is, in 2005, they will come together, and the heads of state will all sign the agreement. What I can tell you is negotiations are on track, ongoing, and on time. I received the responsibility for support for the FTAA last fall, and we have been very focused. There were some problems with funding because the Organization of American States, the Inter-American Development Bank, and the Economic Commission of Latin America and the Caribbean had never envisioned such a mammoth undertaking. The negotiators were unhappy about some of the amenities that were not being provided, so we formed a not-for-profit called Team Florida FTAA. Within three days, we had over \$600,000 in commitments from the private sector to make certain that the best staff, support, and hospitality was provided to these negotiators, who in turn go back and

report directly to their presidents. What we hope to do is have those negotiations expedited. We believe that, because things are changing so rapidly and because the business community is stepping up to the table, especially in the Internet arena, if we wait until 2005, so many things are going to occur. The President of the U.S. Chamber of Commerce, Tom Donahue, at the Trade Ministerial in Toronto last year, said we should have negotiations concluded earlier rather than later. We are hopeful that the technology and the support we are providing will create an environment for the negotiations to move quickly.

We also hope to negotiate the FTAA's permanent Secretariat to be hosted in Florida, sooner rather than later. Certainly, sooner than 2005. It is very difficult, as you might imagine, to make this happen at the Federal level. Everybody would like to have the Secretariat in their state, and so we worked very hard last fall to ensure that we will host the Secretariat in Florida. About a month ago, the U.S. Congress and previously the U.S. Senate under the leadership of Senators Bob Graham and Connie Mack, Congressman Clay Shaw as the delegation leader, led all of Congress to unanimously support in a most un-parochial fashion, the fact that if we indeed are honored to have the Secretariat in the United States that it will be in Florida. We are very pleased about that.

The Governor is hosting another trade mission to Brazil this July. It is going to be a very significant mission. The mission to Mexico was the largest — with some 360 members of the business community attending — and we will have some 200 members attending in Brazil this July. We will also have a cultural mission going to Rio, and I would encourage you to get involved. There will be extraordinary opportunities available through Enterprise Florida. Our public-private partnership for commerce does an amazing job of setting up partnerships and is a clearing-house to ensure you are meeting with the appropriate people to transact business.

There are several other programs in which the Department of State is participating. One of these programs which has come under our jurisdiction, is called FAVC, the Florida Association of Voluntary Corps. It consists of 900 members, who are professional constituents in Florida and travel to the Caribbean to solve crucial issues. The Legislature was really testing us this year, through an effort not to fund this incredible program where government dollars are leveraged four or five times, sometimes more, for assistance. We were reminded of a story that was not anecdotal when we went to the Caribbean. In one water issue, the bay was very polluted and problematic, and it turned out that FAVC members were able to solve that problem within a matter of weeks. It also turned out that it was where the shrimp are spawned for our \$32 million shrimp industry.

Recently, the expression was published, "whenever Latin America catches a cold, Florida sneezes." That is indicative of how closely we are tied together. Whenever Latin America, the Caribbean are strong and

growing, then we certainly receive that the benefit tenfold.

A final issue that you may be interested in is that of civil law notaries. In 1997, I helped pass laws concerning the international notary or the civil law notaries. Notaries in non-U.S. jurisdictions are generally transaction lawyers, and they are considered to uphold high legal standards. In Japan, you have to be sixty years old to be a civil law notary, or international notary. It is required you leave office when you reach seventy years of age. We are leading the nation in an international effort to implement a U.S. equivalency, and our first class of international notaries passed their exams in December of 1998. Sixty-three attorneys were successful. It is an effort to harmonize the U.S. law with our trading partners. The structuring of admission to the International Union of Latin Notaries is progressing. We are also establishing a non-profit corporation, section 501(c)(3) here in Florida enabling the United States to jointly participate in the International Union. Other states are now copying our legislation so they will have the opportunity to also participate. While it generally takes about a decade to get into this International Union of Latin Notaries, it looks as though Florida will have the opportunity to join by the end of next year.

When we attended the trade mission in Mexico, we met with several of the civil law notaries and some of the Board members. In our travels, we meet with members of the Board of the International Union of Latin Notaries. Everywhere we go, we reinforce Florida's application to enter this very prestigious international legal organization and benefit accordingly from business. If you are interested in the course, please contact our office.

On a final note, I would like to say we really hope to tie in with you wherever you are in the State and, certainly, with the University system. We have a pilot program in Tampa on protocol that is for our international visitors. We are going to use every state university as a base throughout the state so that we get geographic distribution. From the Federal Government and the U.S. State Department, we are able to draw on significant grants for this international visitors program. We will be able to pass funding on to each university and international visitors program. In Tampa and other cities, organizations including the Women in International Trade and Retired Diplomats' Association, as well as the business sector, and the Chambers of Commerce are linking with the universities.

We are so incredibly well taken care of when we arrive in different countries. We want to make certain that Florida is affording to our foreign visitors the same type of hospitality and graciousness and show that we really are open and ready for trade. We will be calling on each of the universities to become more involved in international affairs. That is really where the university expertise is, and I think government needs to utilize these virtual think tanks that are ready-made for us.

We have been very project-oriented in trying to transform the Florida Department of State into a model State Department. We have been very

focused on Latin America, and these are our most extraordinary opportunities. I am grateful to be here today, and I am certainly grateful to have the opportunity to see our Special Envoy MacKay. The idea that the position even exists in the United States means ever so much to the Caribbean and to Latin America. No matter where I am traveling throughout Latin America, if there is an important event, I will know that it is important only because Governor MacKay is there as well. I am always pleased when I run into him because I know that I must be in the right place internationally and for Latin America.

The preceding text is edited from remarks delivered by Secretary Harris to the University of Florida School of Law on May 6, 2000.

II. CORRUPTION, TRANSPARENCY AND RULE OF LAW

*Kenneth H. (Buddy) MacKay, Jr.**

JON MILLS, INTERIM DEAN

Now, it is my honor to introduce the fellow that Secretary Harris has been alluding to. Sometimes I feel as though I have known Buddy MacKay all my life, although Buddy is not that old. After an exemplary career in public service to the citizens of Florida, as a legislator, a Congressman, a Lieutenant Governor, and Governor, today, he is the distinguished representative of the United States as the Envoy to Latin America. For over one year, he has served as President Clinton's Special Envoy for the Americas. In this role, he advises the President and the Vice President on hemispheric issues, concerns and works to advance Administration policies.

We are especially proud to have him here today, as not only a Floridian, but a graduate of the University of Florida College of Law.

SPECIAL ENVOY MACKAY

Good morning, I am very pleased to be here. I am energized every time I hear Katherine Harris. I hope the people of Florida know what a tremendous asset we have, and I believe she is providing the model for what this state will be in the future. She is at the center for what is happening in this hemisphere. It is the policy center. Policies will be set in the Capitols. We all understand that. We are not a sovereign nation, we are

* Special Envoy for the Americas, Executive Office of the President of the United States. Previous Lieutenant Governor of Florida from 1990 through 1998, and became Governor of Florida upon the death of Governor Lawton Chiles. He served three terms in the U.S. House of Representatives.