By the Committee on Budget

576-03583A-11 20112156__

A bill to be entitled

An act relating to governmental reorganization; transferring the functions and trust funds of the Agency for Workforce Innovation to other agencies; transferring the Office of Early Learning Services to the Department of Education; transferring the Office of Unemployment Compensation to Jobs Florida; transferring the Office of Workforce Services to Jobs Florida; transferring the functions and trust funds of the Department of Community Affairs to other agencies; transferring the Florida Housing Finance Corporation to Jobs Florida; transferring the Division of Housing and Community Development to Jobs Florida; transferring the Division of Community Planning to Jobs Florida; transferring the Division of Emergency Management to the Executive Office of the Governor and renaming it as the “Office of Emergency Management”; transferring the Florida Building Commission to the Department of Business and Professional Regulation; transferring the responsibilities under the Florida Communities Trust to the Department of Environmental Protection; transferring the responsibilities under the Stan Mayfield Working Waterfronts program to the Department of Environmental Protection; transferring functions and trust funds of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor to Jobs Florida; providing legislative intent with respect to the transfer of programs and administrative responsibilities;

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30 providing for a transition period; providing for
31 coordination between the Agency for Workforce
32 Innovation, the Department of Community Affairs, and
33 the Office of Tourism, Trade, and Economic Development
34 and other state agencies to implement the transition;
35 requiring that the Governor appoint a representative
36 to coordinate the transition plan; requiring that the
37 Governor submit information and obtain waivers as
38 required by federal law; authorizing the Governor to
39 transfer funds and positions between agencies upon
40 approval from the Legislative Budget Commission to
41 implement the act; directing the nonprofit entities to
42 enter into a plan for merger; transferring the
43 functions of Space Florida to the Jobs Florida
44 Partnership, Inc.; providing legislative intent with
45 respect to the merger of Enterprise Florida, Inc., the
46 Florida Sports Foundation Incorporated, the Florida
47 Tourism Industry Marketing Corporation d/b/a VISIT
48 Florida, and the Florida Black Business Investment
49 Board, Inc., into and the transfer of Space Florida to
50 the Jobs Florida Partnership, Inc.; providing for a
51 transition period; requiring that the Governor appoint
52 a representative to coordinate the transition plan;
53 providing for the transfer of any funds held in trust
54 by the entities to be transferred to the Jobs Florida
55 Partnership, Inc., to be used for their original
56 purposes; requiring that the Governor submit
57 information and obtain waivers as required by federal
58 law; providing a directive to the Division of

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59 Statutory Revision to prepare conforming legislation;
60 creating s. 14.2016, F.S.; establishing the Office of
61 Emergency Management as a separate budget entity
62 within the Executive Office of the Governor; providing
63 for the director of the office to serve at the
64 pleasure of the Governor; amending s. 20.15, F.S.;
65 establishing the Division of Early Learning within the
66 Department of Education; providing for the office to
67 administer the school readiness system and the
68 Voluntary Prekindergarten Education Program; creating
69 s. 20.60, F.S.; creating Jobs Florida as a new
70 department of state government; providing for the
71 commissioner of Jobs Florida to be appointed by the
72 Governor and confirmed by the Senate; establishing
73 divisions of Jobs Florida and specifying their
74 responsibilities; providing for Jobs Florida to serve
75 as the designated agency for the purposes of federal
76 workforce development grants; authorizing Jobs Florida
77 to contract for training for employees of
78 administrative entities and case managers of
79 contracted providers; specifying that the Unemployment
80 Appeals Commission is not subject to control,
81 supervision, or direction from Jobs Florida;
82 specifying the responsibilities of the commissioner of
83 Jobs Florida; limiting the amount of the
84 commissioner’s public remuneration; specifying powers
85 and responsibilities of the Chief Inspector General in
86 the Executive Office of the Governor with respect to
87 Jobs Florida; providing for Jobs Florida to have an

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88 official seal; providing for Jobs Florida to
89 administer the role of state government with respect
90 to laws relating to housing; authorizing Jobs Florida
91 to adopt rules; amending s. 112.044, F.S.; requiring
92 an employer, employment agency, and labor organization
93 to post notices required by the United States
94 Department of Labor and the United States Equal
95 Employment Opportunity Commission; amending s.
96 163.3164, F.S.; redefining the terms “state land
97 planning agency” and “optional sector plans”; amending
98 ss. 163.3177 and 163.3180, F.S.; deleting the word
99 “optional” from the phrase “optional sector plans” to
100 conform to changes made by the act; amending s.
101 163.3184, F.S.; creating exceptions to requirements
102 for comprehensive plan amendments to be reviewed by
103 the state land planning agency; requiring the state
104 land planning agency to submit a copy of a
105 comprehensive plan or plan amendment that relates to
106 or includes a public schools facilities element to the
107 Department of Education; amending s. 163.3191, F.S.;
108 creating exceptions to requirements for a local
109 government to prepare an evaluation and appraisal
110 report to assess progress in implementing the local
111 government’s comprehensive plan; deleting requirements
112 for a local government to include in an evaluation and
113 appraisal report certain statements to update a
114 comprehensive plan; deleting a requirement for a local
115 government to provide a proposed evaluation and
116 appraisal report to certain entities and interested

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117 citizens; deleting provisions relating to a
118 requirement for a local government to adopt an
119 evaluation and appraisal report; providing for the
120 report to be submitted as data and analysis in support
121 of the amendments based on evaluation and appraisal
122 report; deleting provisions relating to the delegation
123 of the review of evaluation and appraisal reports;
124 authorizing the state land planning agency to
125 establish a phased schedule for adoption of amendments
126 based on an evaluation and appraisal report; deleting
127 a requirement for the state land planning agency to
128 review the evaluation and appraisal report process and
129 submit a report to the Governor and the Legislature
130 regarding its findings; amending s. 163.3245, F.S.;
131 renaming optional sector plans as sector plans;
132 increasing the minimum size of geographic areas that
133 qualify for the use of sector plans; revising
134 terminology relating to such plans; deleting obsolete
135 provisions; renaming long-term conceptual buildout
136 overlays as long-term master plans; revising the
137 content required to be included in long-term master
138 plans and detailed specified area plans; requiring
139 identification of water development projects and
140 transportation facilities to serve future development
141 needs; exempting certain developments from the
142 requirement to develop a detailed specific area plan;
143 providing that detailed specific area plans shall be
144 adopted by local development orders; requiring that
145 detailed specific area plans include a buildout date

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146 and precluding certain changes in the development
147 until after that date; authorizing certain development
148 agreements between the developer and the local
149 government; providing for continuation of certain
150 existing land uses; amending s. 163.3246, F.S.;
151 deleting the word “optional” from the phrase “optional
152 sector plans” to conform to changes made by the act;
153 amending s. 163.32465, F.S.; making the alternative
154 state review of comprehensive plan amendments
155 applicable statewide; amending s. 215.559, F.S.;
156 providing for the Hurricane Loss Mitigation Program to
157 be housed within the Office of Emergency Management;
158 extending the repeal date of the program; deleting an
159 obsolete provision relating to the use of funds for
160 programs to retrofit certain existing hurricane
161 shelters; creating s. 288.005, F.S.; defining the
162 terms “economic benefits” and “commissioner”; creating
163 s. 288.048, F.S.; creating the incumbent worker
164 training program within Jobs Florida; providing for
165 the program to provide preapproved, direct, training-
166 related costs; providing for the administration of the
167 program by Jobs Florida in conjunction with Workforce
168 Florida, Inc.; amending s. 288.061, F.S.; providing
169 for Jobs Florida and the Jobs Florida Partnership,
170 Inc., to review applications for state economic
171 development incentives; authorizing Jobs Florida to
172 enter into an agreement with an applicant relating to
173 all incentives offered by the state; amending s.
174 288.095, F.S.; providing for the Economic Development

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175 Incentives account to be used for certain economic
176 development incentives programs; providing for Jobs
177 Florida to approve applications for certification or
178 requests for participation in certain economic
179 development programs; amending s. 288.1081, F.S.;
180 providing for the Economic Gardening Business Loan
181 Pilot Program to be administered by Jobs Florida;
182 deleting provisions providing for certain funds to be
183 deposited into the General Revenue Fund; deleting
184 provisions that provide for the future repeal of the
185 program; amending s. 288.1082, F.S.; providing for the
186 Economic Gardening Technical Assistance Pilot Program
187 to be administered by Jobs Florida; requesting the
188 Division of Statutory Revision to rename part VII of
189 ch. 288, F.S., as "Jobs Florida Partnership, Inc.";
190 amending s. 288.901, F.S.; creating the Jobs Florida
191 Partnership, Inc., as a nonprofit corporation;
192 specifying that the partnership is subject to the
193 provisions of chs. 119 and 286, F.S.; specifying that
194 the partnership's board of directors is subject to
195 certain requirements in ch. 112, F.S.; specifying the
196 purposes of the partnership; creating the board of
197 directors for the partnership; naming the Governor as
198 chair of the board of directors; specifying
199 appointment procedures, terms of office, selecting a
200 vice chairperson, filling vacancies, and removing
201 board members; providing for the appointment of at-
202 large members to the board of directors; specifying
203 terms; allowing the at-large members to make

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204 contributions to the partnership; specifying that the
205 commissioner of Jobs Florida and the chairs of the
206 advisory councils for each division shall serve as ex
207 officio, nonvoting members of the board of directors;
208 specifying that members of the board of directors
209 shall serve without compensation, but are entitled to
210 reimbursement for all reasonable, necessary, and
211 actual expenses as determined by the board of
212 directors; amending s. 288.9015, F.S.; specifying the
213 powers of the partnership and the board of directors;
214 authorizing liberal construction of the partnership's
215 statutory powers; prohibiting the partnership from
216 pledging the full faith and credit of the state;
217 allowing the partnership to indemnify, purchase, and
218 maintain insurance on its board members, officers, and
219 employees; amending s. 288.903, F.S.; specifying the
220 duties of the partnership; amending s. 288.904, F.S.;
221 providing for legislative appropriations; requiring a
222 private match equal to at least 35 percent of the
223 appropriation of public funds; specifying potential
224 sources of private funding; directing the board of
225 directors to develop annual budgets; providing for the
226 partnership to enter into an agreement with Jobs
227 Florida; requiring performance measures; requiring
228 review of the partnership's activities as a return on
229 the public's financial investment; directing the
230 partnership to consult with the Office of Economic and
231 Demographic Research when hiring an economic analysis
232 firm to prepare the return on investment analysis and

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233 when hiring a survey research firm to develop, analyze
234 and report on the results of its customer satisfaction
235 survey; amending s. 288.905, F.S.; directing the
236 partnership's board of directors to hire a president,
237 who shall serve at the pleasure of the Governor;
238 defining the president's role and responsibilities;
239 specifying that no employee of the partnership shall
240 earn more than the Governor, but provides for the
241 granting of performance-based incentive payments to
242 employees that may increase their total compensation
243 in excess of the Governor's; amending s. 288.906,
244 F.S.; requiring the partnership to prepare an annual
245 report by December 1 of each year; specifying the
246 content of the annual report; creating s. 288.907,
247 F.S.; requiring the partnership to create an annual
248 incentives report; specifying the required components
249 of the report; amending s. 288.911, F.S.; requiring
250 the partnership to promote and market this state to
251 businesses in target industries and high-impact
252 industries; creating s. 288.912, F.S.; requiring that
253 certain counties and municipalities annually provide
254 to the partnership an overview of certain local
255 economic development activities; creating s. 288.92,
256 F.S.; specifying divisions within the partnership;
257 providing for hiring of staff; requiring each division
258 to have a 15-member advisory council; specifying
259 selection and appointments to the advisory council;
260 creating s. 288.921, F.S.; creating the Division of
261 International Trade and Business Development;

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262 specifying its responsibilities; providing for
263 administration of a grant program; specifying minimum
264 responsibilities of the advisory board; requiring an
265 annual report; creating s. 288.922, F.S.; creating the
266 Division of Business Retention and Recruitment;
267 specifying its responsibilities; specifying minimum
268 responsibilities of the advisory board; requiring an
269 annual report; creating s. 288.923, F.S.; creating the
270 Division of Tourism Marketing; providing definitions;
271 specifying the division's responsibilities and duties,
272 including a 4-year marketing plan; specifying minimum
273 responsibilities of the advisory board; requiring an
274 annual report; creating s. 288.925, F.S.; creating the
275 Division of Minority Business Development; specifying
276 the division's responsibilities and duties; requiring
277 an annual report; specifying minimum responsibilities
278 of the advisory council; transferring, renumbering,
279 and amending s. 288.1229, F.S.; creating the Division
280 of Sports Industry Development; specifying the
281 division's responsibilities; requiring an annual
282 report; specifying minimum responsibilities of the
283 advisory board; advisory board; amending s. 290.0055,
284 F.S.; authorizing certain governing bodies to apply to
285 Jobs Florida to amend the boundary of an enterprise
286 zone that includes a rural area of critical economic
287 concern; providing a limitation; authorizing Jobs
288 Florida to approve the amendment application subject
289 to certain requirements; requiring that Jobs Florida
290 establish the effective date of certain enterprise

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291 zones; creating s. 290.00726, F.S.; authorizing Martin
292 County to apply to Jobs Florida for designation of an
293 enterprise zone; providing application requirements;
294 authorizing Jobs Florida to designate an enterprise
295 zone in Martin County; providing responsibilities of
296 Jobs Florida; amending s. 409.942, F.S.; deleting
297 amending s. 409.942, F.S.; deleting requirements that
298 Workforce Florida, Inc., establish an electronic
299 transfer benefit program; amending s. 411.0102, F.S.;
300 requiring each participating early learning coalition
301 board to develop a plan for the use of child care
302 purchasing pool funds; amending s. 1002.73, F.S.;
303 requiring the Department of Education to administer
304 the operational requirements of the Voluntary
305 Prekindergarten Education Program; requiring the
306 Department of Education to adopt procedures governing
307 the administration of the Voluntary Prekindergarten
308 Education Program by the early learning coalitions and
309 school districts; requiring the Department of
310 Education to adopt procedures for the distribution of
311 funds to early learning coalitions; amending ss.
312 11.45, 14.20195, 15.18, 15.182, 16.615, 39.001,
313 45.031, 69.041, 112.3135, 119.071, 120.80, 125.01045,
314 159.803, 159.8081, 159.8083, 161.54, 163.03, 163.3178,
315 163.3221, 163.360, 166.0446, 175.021, 186.504,
316 186.505, 202.037, 212.08, 212.096, 212.097, 212.098,
317 212.20, 213.053, 215.5586, 216.136, 216.292, 216.231,
318 218.64, 220.03, 220.183, 220.191, 222.15, 250.06,
319 252.32, 252.34, 252.35, 252.355, 252.3568, 252.36,

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320 252.365, 252.37, 252.371, 252.373, 252.38, 252.385,
321 252.40, 252.41, 252.42, 252.43, 252.44, 252.46,
322 252.55, 252.60, 252.61, 252.82, 252.83, 252.85,
323 252.86, 252.87, 252.88, 252.936, 252.937, 252.943,
324 252.946, 255.099, 259.035, 260.0142, 272.11, 282.34,
325 282.709, 287.09431, 287.09451, 287.0947, 288.012,
326 288.017, 288.018, 288.019, 288.021, 288.035, 288.047,
327 288.065, 288.0655, 288.0656, 288.06561, 288.0657,
328 288.0658, 288.0659, 288.075, 288.1045, 288.106,
329 288.107, 288.108, 288.1083, 288.1088, 288.1089,
330 288.1095, 288.1162, 288.11621, 288.1168, 288.1169,
331 288.1171, 288.122, 288.12265, 288.124, 288.1251,
332 288.1252, 288.1253, 288.1254, 288.386, 288.7011,
333 288.7015, 288.705, 288.706, 288.7094, 288.7102,
334 288.714, 288.773, 288.774, 288.776, 288.7771, 288.816,
335 288.809, 288.826, 288.95155, 288.955, 288.9519,
336 288.9520, 288.9603, 288.9604, 288.9605, 288.9606,
337 288.9614, 288.9624, 288.9625, 288.975, 288.980,
338 288.984, 288.9913, 288.9914, 288.9916, 288.9917,
339 288.9918, 288.9919, 288.9920, 288.9921, 290.004,
340 290.0055, 290.0056, 290.0065, 290.0066, 290.00710,
341 290.0072, 290.00725, 290.0073, 290.0074, 290.0077,
342 290.014, 311.09, 311.11, 311.115, 311.22, 320.08058,
343 331.302, 331.3081, 331.369, 339.08, 339.135, 364.0135,
344 377.703, 377.711, 377.712, 377.804, 380.031, 380.06,
345 380.115, 380.285, 381.0054, 381.0086, 381.7354,
346 381.855, 383.14, 402.281, 402.45, 402.56, 403.42,
347 403.7032, 403.973, 409.017, 409.1451, 409.2576,
348 409.944, 409.946, 411.01, 411.0101, 411.01013,

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349 411.01014, 411.01015, 411.0103, 411.0104, 411.0106,
350 411.011, 411.226, 411.227, 414.24, 414.40, 414.295,
351 414.411, 420.631, 420.635, 429.907, 440.12, 440.15,
352 440.381, 440.385, 440.49, 443.012, 443.036, 443.041,
353 443.051, 443.071, 443.091, 443.101, 443.111, 443.1113,
354 443.1115, 443.1116, 443.1215, 443.1216, 443.1217,
355 443.131, 443.1312, 443.1313, 443.1315, 443.1316,
356 443.1317, 443.141, 443.151, 443.163, 443.171,
357 443.1715, 443.181, 443.191, 443.211, 443.221, 445.002,
358 445.003, 445.004, 445.006, 445.007, 445.009, 445.016,
359 445.024, 445.0325, 445.038, 445.045, 445.048, 445.049,
360 445.051, 445.056, 446.41, 446.44, 446.50, 446.52,
361 448.109, 448.110, 450.161, 450.191, 450.31, 464.203,
362 468.529, 469.002, 469.003, 489.1455, 489.5335,
363 526.143, 526.144, 551.104, 553.62, 570.248, 570.96,
364 597.006, 624.5105, 625.3255, 627.0628, 657.042,
365 658.67, 768.13, 943.03, 943.03101, 943.0311, 943.0312,
366 943.0313, 944.012, 944.708, 944.801, 945.10, 985.601,
367 1002.375, 1002.53, 1002.55, 1002.61, 1002.63, 1002.67,
368 1002.69, 1002.71, 1002.72, 1002.77, 1002.79, 1003.491,
369 1003.492, 1003.493, 1003.575, 1003.4285, 1003.493,
370 1004.226, 1004.65, 1004.77, 1004.78, 1008.39, 1008.41,
371 1011.76, and 1012.2251, F.S.; conforming provisions to
372 changes made by the act; conforming cross-references;
373 deleting obsolete provisions; transferring,
374 renumbering, and amending ss. 20.505 and 1004.99,
375 F.S.; conforming provisions to changes made by the
376 act; repealing s. 14.2015, F.S., which relates to the
377 creation of the Office of Tourism, Trade, and Economic

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378 Development; repealing s. 20.18, F.S., which relates
379 to the creation of the Department of Community
380 Affairs; repealing s. 20.50, F.S., which relates to
381 the creation of the Agency for Workforce Innovation;
382 repealing ss. 255.551, 255.552, 255.553, 255.5535,
383 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559,
384 255.56, 255.561, 255.562, and 255.563, F.S., which
385 relates to the abatement of asbestos in state
386 buildings; repealing s. 287.115, F.S., which relates
387 to a requirement for the Chief Financial Officer to
388 submit a report on contractual service contracts
389 disallowed; repealing s. 288.038, F.S., which relates
390 to agreements appointing county tax collectors as an
391 agent of the Department of Labor and Employment
392 Security for licenses and other similar registrations;
393 repealing s. 288.063, F.S., which relates to contracts
394 for transportation projects with the Office of
395 Tourism, Trade, and Economic Development; repealing
396 ss. 288.1221, 288.1222, 288.1223, 288.1224, 288.1226,
397 and 288.1227, F.S., which relate to the Florida
398 Commission on Tourism and the Florida Tourism Industry
399 Marketing Corporation; repealing ss. 288.7065,
400 288.707, 288.708, 288.709, 288.7091, and 288.712,
401 F.S., which relate to the Black Business Investment
402 Board; repealing s. 288.12295, F.S., which relates to
403 a public records exemption for donors for a direct
404 support organization on promotion and development of
405 sports-related industries and amateur athletics;
406 repealing s. 288.90151, F.S., which relates to Return

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407 on investment from activities of Enterprise Florida,
408 Inc.; repealing s. 288.9415, F.S., which relates to
409 Enterprise Florida, Inc., and international trade
410 grants; repealing s. 288.9618, F.S., which relates to
411 an economic development program for microenterprises;
412 repealing s. 288.982, F.S., which relates to a public
413 records exemption for certain records relating to the
414 United States Department of Defense Base Realignment
415 and Closure 2005 process; repealing s. 411.0105, F.S.,
416 which designates the Agency for Workforce Innovation
417 as the lead agency to administer specified federal
418 laws; repealing s. 446.60, F.S., which relates to
419 assistance for displaced local exchange
420 telecommunications company workers; repealing s.
421 1002.75, F.S., relating to the powers and duties of
422 the Agency for Workforce Innovation; providing an
423 effective date.
424
425 Be It Enacted by the Legislature of the State of Florida:
426
427 Section 1. Type two transfers from the Agency for Workforce
428 Innovation.—
429 (1) All powers, duties, functions, records, offices,
430 personnel, associated administrative support positions,
431 property, pending issues, existing contracts, administrative
432 authority, administrative rules, and unexpended balances of
433 appropriations, allocations, and other funds relating to the
434 following programs in the Agency for Workforce Innovation are
435 transferred by a type two transfer, as defined in s. 20.06(2),

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436 Florida Statutes, as follows:
437 (a) The Office of Early Learning Services, including all
438 related policies and procedures, is transferred to the
439 Department of Education.
440 (b) The Office of Unemployment Compensation is transferred
441 to Jobs Florida.
442 (c) The Office of Workforce Services is transferred to Jobs
443 Florida.
444 (2) The following trust funds are transferred:
445 (a) From the Agency for Workforce Innovation to the
446 Department of Education, the Child Care and Development Block
447 Grant Trust Fund.
448 (b) From the Agency for Workforce Innovation to Jobs
449 Florida:
450 1. The Administrative Trust Fund.
451 2. The Employment Security Administration Trust Fund.
452 3. The Special Employment Security Administration Trust
453 Fund.
454 4. The Unemployment Compensation Benefit Trust Fund.
455 5. The Unemployment Compensation Clearing Trust Fund.
456 6. The Revolving Trust Fund.
457 7. The Welfare Transition Trust Fund.
458 8. The Displaced Homemaker Trust Fund.
459 (3) Any binding contract or interagency agreement existing
460 before July 1, 2011, between the Agency for Workforce
461 Innovation, or an entity or agent of the agency, and any other
462 agency, entity, or person shall continue as a binding contract
463 or agreement for the remainder of the term of such contract or
464 agreement on the successor department, agency, or entity

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465 responsible for the program, activity, or functions relative to
466 the contract or agreement.
467 (4) All powers, duties, functions, records, offices,
468 personnel, property, pending issues, and existing contracts,
469 administrative authority, administrative rules, and unexpended
470 balances of appropriations, allocations, and other funds
471 relating to the Agency for Workforce Innovation which are not
472 specifically transferred by this section are transferred by a
473 type two transfer, as defined in s. 20.06(2), Florida Statutes,
474 to Jobs Florida.
475 Section 2. Type two transfers from the Department of
476 Community Affairs.—
477 (1) All powers, duties, functions, records, offices,
478 personnel, associated administrative support positions,
479 property, pending issues, existing contracts, administrative
480 authority, administrative rules, and unexpended balances of
481 appropriations, allocations, and other funds relating to the
482 following programs in the Department of Community Affairs are
483 transferred by a type two transfer, as defined in s. 20.06(2),
484 Florida Statutes, as follows:
485 (a) The Florida Housing Finance Corporation is transferred
486 to Jobs Florida.
487 (b) The Division of Housing and Community Development is
488 transferred to Jobs Florida.
489 (c) The Division of Community Planning is transferred to
490 Jobs Florida.
491 (d) The Division of Emergency Management is transferred to
492 the Executive Office of the Governor, and is renamed the Office
493 of Emergency Management.

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494 (e) The Florida Building Commission is transferred to the
495 Department of Business and Professional Regulation.
496 (f) The responsibilities under the Florida Communities
497 Trust, part III of chapter 380, Florida Statutes, are
498 transferred to the Department of Environmental Protection.
499 (g) The responsibilities under the Stan Mayfield Working
500 Waterfronts program authorized in s. 380.5105, Florida Statutes,
501 are transferred to the Department of Environmental Protection.
502 (2) The following trust funds are transferred:
503 (a) From the Department of Community Affairs to Jobs
504 Florida:
505 1. The Administrative Trust Fund.
506 2. The State Housing Trust Fund.
507 3. The Community Services Block Grant Trust Fund.
508 4. The Local Government Housing Trust Fund.
509 5. The Florida Small Cities Community Development Block
510 Grant Trust Fund.
511 6. The Federal Grants Trust Fund.
512 7. The Grants and Donations Trust Fund.
513 8. The Energy Consumption Trust Fund.
514 9. The Low-Income Home Energy Assistance Trust Fund.
515 (b) From the Department of Community Affairs to the
516 Executive Office of the Governor:
517 1. The Emergency Management Preparedness and Assistance
518 Trust Fund.
519 2. The Federal Emergency Management Programs Support Trust
520 Fund.
521 3. The U.S. Contributions Trust Fund.
522 (c) From the Department of Community Affairs to the

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523 Department of Business and Professional Regulation, the
524 Operating Trust Fund of the Florida Building Commission.
525 (d) From the Department of Community Affairs to the
526 Department of Environmental Protection:
527 1. The Florida Forever Program Trust Fund.
528 2. The Florida Communities Trust Fund.
529 (3) Any binding contract or interagency agreement existing
530 before July 1, 2011, between the Department of Community Affairs
531 or Division of Emergency Management, or an entity or agent of
532 the department or division, and any other agency, entity, or
533 person shall continue as a binding contract or agreement for the
534 remainder of the term of such contract or agreement on the
535 successor department, agency, or entity responsible for the
536 program, activity, or functions relative to the contract or
537 agreement.
538 (4) All powers, duties, functions, records, offices,
539 personnel, property, pending issues, and existing contracts,
540 administrative authority, administrative rules, and unexpended
541 balances of appropriations, allocations, and other funds
542 relating to the Department of Community Affairs which are not
543 specifically transferred by this section are transferred by a
544 type two transfer, as defined in s. 20.06(2), Florida Statutes,
545 to Jobs Florida.
546 Section 3. Type two transfers from Executive Office of the
547 Governor.—
548 (1) All powers, duties, functions, records, offices,
549 personnel, associated administrative support positions,
550 property, pending issues, existing contracts, administrative
551 authority, administrative rules, and unexpended balances of

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552 appropriations, allocations, and other funds relating to the
553 Office of Tourism, Trade, and Economic Development in the
554 Executive Office of the Governor are transferred by a type two
555 transfer, as defined in s. 20.06(2), Florida Statutes, to Jobs
556 Florida.
557 (2) The following trust funds are transferred from the
558 Executive Office of the Governor to Jobs Florida:
559 (a) The Economic Development Trust Fund.
560 (b) The Economic Development Transportation Trust Fund.
561 (c) The Tourism Promotional Trust Fund.
562 (d) The Professional Sports Development Trust Fund.
563 (e) The Florida International Trade and Promotion Trust
564 Fund.
565 (3) Any binding contract or interagency agreement existing
566 before July 1, 2011, between the Office of Tourism, Trade, and
567 Economic Development in the Executive Office of the Governor, or
568 an entity or agent of the office, and any other agency, entity,
569 or person shall continue as a binding contract or agreement for
570 the remainder of the term of such contract or agreement on the
571 successor department, agency, or entity responsible for the
572 program, activity, or functions relative to the contract or
573 agreement.
574 (4) All powers, duties, functions, records, offices,
575 personnel, property, pending issues, and existing contracts,
576 administrative authority, administrative rules, and unexpended
577 balances of appropriations, allocations, and other funds
578 relating to the Office of Tourism, Trade, and Economic
579 Development in the Executive Office of the Governor which are
580 not specifically transferred by this section are transferred by

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581 a type two transfer, as defined in s. 20.06(2), Florida
582 Statutes, to Jobs Florida.
583 Section 4. (1) It is the intent of the Legislature that the
584 changes made by this act be accomplished with minimal disruption
585 of services provided to the public and with minimal disruption
586 to employees of any organization. To that end, the Legislature
587 directs all applicable units of state government to contribute
588 to the successful implementation of this act, and the
589 Legislature believes that a transition period between the
590 effective date of this act and October 1, 2011, is appropriate
591 and warranted.
592 (2) The Agency for Workforce Innovation, the Department of
593 Community Affairs, and the Office of Tourism, Trade, and
594 Economic Development in the Executive Office of the Governor
595 shall each coordinate the development and implementation of a
596 transition plan that supports the implementation of this act.
597 Any state agency identified by either the Agency for Workforce
598 Innovation, the Department of Community Affairs, or the Office
599 of Tourism, Trade, and Economic Development in the Executive
600 Office of the Governor shall cooperate fully in developing and
601 implementing the plan and shall dedicate the financial and staff
602 resources that are necessary to implement the plan. The Agency
603 for Workforce Innovation, the Department of Community Affairs,
604 and the Office of Tourism, Trade, and Economic Development in
605 the Executive Office of the Governor shall each designate a
606 staff member to serve as the primary representative on matters
607 related to implementing this act and the transition plans
608 required under this section.
609 (3) The Governor shall designate a staff member of the

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610 Office of Planning and Budgeting to serve as the Governor's
611 primary representative on matters related to implementing this
612 act for the Agency for Workforce Innovation, the Department of
613 Community Affairs, and the Office of Tourism, Trade, and
614 Economic Development and the transition plans required under
615 this section. Each representative shall report to the Governor,
616 the President of the Senate, and the Speaker of the House of
617 Representatives on the progress of implementing this act and the
618 transition plans, including, but not limited to, any adverse
619 impact or negative consequences on programs and services related
620 to meeting any deadline imposed by this act, and any
621 difficulties experienced by the Agency for Workforce Innovation,
622 the Department of Community Affairs, or the Office of Tourism,
623 Trade, and Economic Development in securing the full
624 participation and cooperation of applicable state agencies. Each
625 representative shall also coordinate the submission of any
626 budget amendments, in accordance with chapter 216, Florida
627 Statutes, which may be necessary to implement this act.
628 (4) Notwithstanding ss. 216.292 and 216.351, Florida
629 Statutes, upon approval by the Legislative Budget Commission,
630 the Executive Office of the Governor may transfer funds and
631 positions between agencies to implement this act.
632 (5) Upon the recommendation and guidance of the primary
633 representative of the Agency for Workforce Innovation, the
634 Department of Community Affairs, or the Office of Tourism,
635 Trade, and Economic Development, the Governor shall submit in a
636 timely manner to the applicable federal departments or agencies
637 any necessary amendments or supplemental information concerning
638 plans that the state is required to submit to the Federal

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639 Government in connection with any federal or state program. The
640 Governor shall seek any waivers from the requirements of Federal
641 law or rules which may be necessary to administer the provisions
642 of this act.
643 (6) The transfer of any program, activity, duty, or
644 function under this act includes the transfer of any records and
645 unexpended balances of appropriations, allocations, or other
646 funds related to such program, activity, duty, or function.
647 Unless otherwise provided, the successor organization to any
648 program, activity, duty, or function transferred under this act
649 shall become the custodian of any property of the organization
650 that was responsible for the program, activity, duty, or
651 function immediately prior to the transfer.
652 Section 5. (1) The nonprofit corporations established in
653 ss. 288.901, 288.1229, 288.1226, and 288.707, Florida Statutes,
654 are merged into, and the independent special district
655 established in s. 331.302, Florida Statutes, is transferred to a
656 new nonprofit corporation established by this act called the
657 "Jobs Florida Partnership, Inc."
658 (2) Enterprise Florida, Inc., the Florida Sports Foundation
659 Incorporated, the Florida Tourism Industry Marketing Corporation
660 d/b/a VISIT Florida, and the Florida Black Business Investment
661 Board, Inc., must enter into a plan to merge into the Jobs
662 Florida Partnership, Inc. Such merger must be completed by
663 December 31, 2011. The merger is subject to chapter 617, Florida
664 Statutes, related to the merger of nonprofit corporations.
665 (3) The independent special district of Space Florida, and
666 all powers, duties, functions, records, offices, personnel,
667 property, pending issues, existing contracts, administrative

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668 authority, administrative rules, and unexpended balances of
669 appropriations, allocations, and other funds relating to it, are
670 transferred to the Jobs Florida Partnership, Inc.
671 (4) It is the intent of the Legislature that the changes
672 made by this act be accomplished with minimal disruption of
673 services provided to the public and with minimal disruption to
674 employees of any organization. To that end, the Legislature
675 directs that notwithstanding the changes made by this act,
676 Enterprise Florida, Inc., the Florida Sports Foundation
677 Incorporated, the Florida Tourism Industry Marketing Corporation
678 d/b/a VISIT Florida, and the Florida Black Business Investment
679 Board, Inc., may continue with such powers, duties, functions,
680 records, offices, personnel, property, pending issues, and
681 existing contracts as provided in Florida Statutes 2010 until
682 December 31, 2011. The Legislature believes that a transition
683 period between the effective date of this act and December 31,
684 2011, is appropriate and warranted.
685 (5) The Governor shall designate a staff member of the
686 Office of Planning and Budgeting to serve as the Governor's
687 primary representative on matters related to implementing this
688 act for the merger of Enterprise Florida, Inc., the Florida
689 Sports Foundation Incorporated, the Florida Tourism Industry
690 Marketing Corporation d/b/a VISIT Florida, and the Florida Black
691 Business Investment Board, Inc., into, and the transfer of Space
692 Florida to the Jobs Florida Partnership, Inc., and the
693 transition plans required under this section. The representative
694 shall report to the Governor, the President of the Senate, and
695 the Speaker of the House of Representatives on the progress of
696 implementing this act and the transition plans, including, but

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697 not limited to, any adverse impact or negative consequences on
698 programs and services related to meeting any deadline imposed by
699 this act, and any difficulties experienced by the entities. The
700 representative shall also coordinate the submission of any
701 budget amendments, pursuant to chapter 216, Florida Statutes,
702 which may be necessary to implement this act.
703 (6) Any funds held in trust which were donated to or earned
704 by Enterprise Florida, Inc., the Florida Sports Foundation
705 Incorporated, the Florida Tourism Industry Marketing Corporation
706 d/b/a VISIT Florida, the Florida Black Business Investment
707 Board, Inc., and Space Florida under a previous incarnation as a
708 corporation under chapter 617, Florida Statutes, or as an
709 independent special district shall be transferred to the Jobs
710 Florida Partnership, Inc., to be used by the relevant division
711 or Space Florida for the original purposes of the funds.
712 (7) Upon the recommendation and guidance of Enterprise
713 Florida, Inc., the Florida Sports Foundation Incorporated, the
714 Florida Tourism Industry Marketing Corporation d/b/a VISIT
715 Florida, the Florida Black Business Investment Board, Inc., or
716 Space Florida, the Governor shall submit in a timely manner to
717 the applicable Federal departments or agencies any necessary
718 amendments or supplemental information concerning plans which
719 the state or one of the entities is required to submit to the
720 Federal Government in connection with any federal or state
721 program. The Governor shall seek any waivers from the
722 requirements of Federal law or rules which may be necessary to
723 administer the provisions of this act.
724 (8) The transfer of any program, activity, duty, or
725 function under this act includes the transfer of any records and

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726 unexpended balances of appropriations, allocations, or other
727 funds related to such program, activity, duty, or function.
728 Unless otherwise provided, the Jobs Florida Partnership, Inc.,
729 shall become the custodian of any property of Enterprise
730 Florida, Inc., the Florida Sports Foundation Incorporated, the
731 Florida Tourism Industry Marketing Corporation d/b/a VISIT
732 Florida, the Florida Black Business Investment Board, Inc., or
733 Space Florida by December 31, 2011, by plan of merger.
734 (9) The Department of Management Services may establish a
735 lease agreement program under which the Jobs Florida
736 Partnership, Inc., may hire any individual who was employed by
737 Enterprise Florida, Inc., or the Florida Black Business
738 Investment Board, Inc., under a previous lease agreement under
739 s. 288.901(2) or s. 288.708(2), Florida Statutes 2010. Under
740 such agreement, the employee shall retain his or her status as a
741 state employee but shall work under the direct supervision of
742 the Jobs Florida Partnership, Inc. Retention of state employee
743 status shall include the right to participate in the Florida
744 Retirement System and shall continue until the employee
745 voluntarily or involuntarily terminates his or her status with
746 the Jobs Florida Partnership, Inc. The Department of Management
747 Services shall establish the terms and conditions of such lease
748 agreements.
749 Section 6. The Legislature recognizes that there is a need
750 to conform the Florida Statutes to the policy decisions
751 reflected in this act and that there is a need to resolve
752 apparent conflicts between any other legislation that has been
753 or may be enacted during the 2011 Regular Session of the
754 Legislature and the transfer of duties made by this act.

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755 Therefore, in the interim between this act becoming law and the
756 2012 Regular Session of the Legislature or an earlier special
757 session addressing this issue, the Division of Statutory
758 Revision shall prepare draft legislation to conform the Florida
759 Statutes and any legislation enacted during 2011 to the
760 provisions of this act.
761 Section 7. Section 14.2016, Florida Statutes, is created to
762 read:
763 14.2016 Office of Emergency Management.—The Office of
764 Emergency Management is established within the Executive Office
765 of the Governor. The office shall be a separate budget entity,
766 as provided in the General Appropriations Act and shall prepare
767 and submit a budget request in accordance with chapter 216. The
768 office shall be responsible for all professional, technical, and
769 administrative support functions necessary to carry out its
770 responsibilities under part I of chapter 252. The director of
771 the office shall be appointed by and serve at the pleasure of
772 the Governor, and shall be the head of the office for all
773 purposes. The office shall administer programs to rapidly apply
774 all available aid to communities stricken by an emergency as
775 defined in s. 252.34 and, for this purpose, shall provide
776 liaison with federal agencies and other public and private
777 agencies.
778 Section 8. Paragraph (h) is added to subsection (3) and
779 subsection (9) is added to section 20.15, Florida Statutes, to
780 read:
781 20.15 Department of Education.—There is created a
782 Department of Education.
783 (3) DIVISIONS.—The following divisions of the Department of

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784 Education are established:
785 (h) The Division of Early Learning, which shall administer
786 the school readiness system in accordance with s. 411.01 and the
787 operational requirements of the Voluntary Prekindergarten
788 Education Program in accordance with part V of chapter 1002. The
789 division shall be directed by the Deputy Commissioner for Early
790 Learning, who shall be appointed by and serve at the pleasure of
791 the commissioner.
792 (9) The department may provide or contract for training for
793 employees of administrative entities and case managers of any
794 contracted providers to ensure they have the necessary
795 competencies and skills to provide adequate administrative
796 oversight and delivery of the full array of client services.
797 Section 9. Section 20.60, Florida Statutes, is created to
798 read:
799 20.60 Jobs Florida; creation; powers and duties.—
800 (1) There is created a department that, notwithstanding the
801 provisions of s. 20.04(1), shall be called Jobs Florida.
802 (2) The head of Jobs Florida is the commissioner of Jobs
803 Florida, who shall be appointed by the Governor, subject to
804 confirmation by the Senate. The commissioner shall serve at the
805 pleasure of and report to the Governor.
806 (3) The following divisions of Jobs Florida are
807 established:
808 (a) The Division of Strategic Business Development.
809 (b) The Division of Community Development.
810 (c) The Division of Workforce Services.
811 (d) The Division of Finance and Administration.
812 (4) The purpose of Jobs Florida is to assist the Governor

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813 in working with the Legislature, state agencies, business
814 leaders, and economic development professionals to formulate and
815 implement coherent and consistent policies and strategies
816 designed to promote economic opportunities for all Floridians.
817 To accomplish such purposes, Jobs Florida shall:
818 (a) Facilitate the direct involvement of the Governor and
819 the Lieutenant Governor in economic development and workforce
820 development projects designed to create, expand, and retain
821 businesses in this state, to recruit business from around the
822 world, and to facilitate other job-creating efforts.
823 (b) Recruit new businesses to this state and promote the
824 expansion of existing businesses by expediting permitting and
825 location decisions, worker placement and training, and incentive
826 awards.
827 (c) Ensure that, to the maximum extent possible, there is a
828 link between the economic development and workforce development
829 goals and strategies of the state.
830 (d) Manage the activities of public-private partnerships
831 and state agencies in order to avoid duplication and promote
832 coordinated and consistent implementation of programs in areas
833 including, but not limited to, tourism; international trade and
834 investment; business recruitment, creation, retention, and
835 expansion; minority and small business development; rural
836 community development; commercialization of products, services,
837 or ideas developed in public universities or other public
838 institutions; and the development and promotion of professional
839 and amateur sporting events.
840 (5) The divisions within Jobs Florida have specific
841 responsibilities to achieve the duties, responsibilities, and

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842 goals of Jobs Florida. Specifically:
843 (a) The Division of Strategic Business Development shall:
844 1. Analyze and evaluate business prospects identified by
845 the Governor, the commissioner of Jobs Florida, and the Jobs
846 Florida Partnership, Inc. The analysis must include, but is not
847 limited to, a review and processing of a prospect business's
848 application for incentives and a calculation of its economic
849 benefit to the state. The evaluation shall be based, at a
850 minimum, on the information obtained from the prospect business,
851 the economic benefit calculation, and the business's eligibility
852 for state incentives.
853 2. Administer certain tax refund, tax credit, and grant
854 programs created in law. Notwithstanding any other provision of
855 law, Jobs Florida may expend interest earned from the investment
856 of program funds deposited in the Grants and Donations Trust
857 Fund to contract for the administration of those programs, or
858 portions of the programs, assigned to Jobs Florida by law, by
859 the appropriations process, or by the Governor. Such
860 expenditures shall be subject to review under chapter 216.
861 3. Develop measurement protocols for the state incentive
862 programs and for the contracted entities which will be used to
863 determine their performance and competitive value to the state.
864 Performance measures, benchmarks, and sanctions must be
865 developed in consultation with the legislative appropriations
866 committees and the appropriate substantive committees, and are
867 subject to the review and approval process provided in s.
868 216.177. The approved performance measures, standards, and
869 sanctions shall be included and made a part of the strategic
870 plan for contracts entered into for delivery of programs

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871 authorized by this section.
872 4. Assist the Jobs Florida Partnership, Inc., in preparing
873 an annual report to the Legislature on the state of the business
874 climate in Florida and on the state of economic development in
875 Florida which includes the identification of problems and the
876 recommendation of solutions. This report shall be submitted to
877 the President of the Senate, the Speaker of the House of
878 Representatives, the Senate Minority Leader, and the House
879 Minority Leader by January 1 of each year, and shall be in
880 addition to the Governor's message to the Legislature required
881 by the State Constitution and any other economic reports
882 required by law, including the annual incentives report prepared
883 by the Jobs Florida Partnership, Inc.
884 5. Develop a 5-year statewide strategic plan. The strategic
885 plan must include, but need not be limited to:
886 a. Strategies for the promotion of business formation,
887 expansion, recruitment, and retention through aggressive
888 marketing, international development, and export assistance,
889 which lead to more and better jobs and higher wages for all
890 geographic regions, disadvantaged communities, and populations
891 of the state, including rural areas, minority businesses, and
892 urban core areas.
893 b. The development of realistic policies and programs to
894 further the economic diversity of the state, its regions, and
895 their associated industrial clusters.
896 c. Specific provisions for the stimulation of economic
897 development and job creation in rural areas and midsize cities
898 and counties of the state.
899 d. Provisions for the promotion of the successful long-term

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900 economic development of the state with increased emphasis in
901 market research and information.
902 e. Plans for the generation of foreign investment in the
903 state which creates jobs paying above-average wages and which
904 results in reverse investment in the state, including programs
905 that establish viable overseas markets, assist in meeting the
906 financing requirements of export-ready firms, broaden
907 opportunities for international joint venture relationships, use
908 the resources of academic and other institutions, coordinate
909 trade assistance and facilitation services, and facilitate
910 availability of and access to education and training programs
911 that assure requisite skills and competencies necessary to
912 compete successfully in the global marketplace.
913 f. The identification of business sectors that are of
914 current or future importance to the state's economy and to the
915 state's global business image, and development of specific
916 strategies to promote the development of such sectors.
917 g. Strategies for talent development necessary in the state
918 to encourage economic development growth, taking into account
919 factors such as the state's talent supply chain, education and
920 training opportunities, and available workforce.
921 6. Update the strategic plan every 5 years. The division
922 shall involve local governments; the general public; local and
923 regional economic development organizations; other local, state,
924 and federal economic, international, and workforce development
925 entities; the business community; and educational institutions
926 to assist with each update.
927 (b) The Division of Community Development shall administer:
928 1. The Community Services Block Grant Program.

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929 2. The Community Development Block Grant Program in chapter
930 290.
931 3. The Low-Income Home Energy Assistance Program in chapter
932 409.
933 4. The Weatherization Assistance Program in chapter 409.
934 5. The Neighborhood Stabilization Program.
935 6. The local comprehensive planning process and the
936 development of regional impact process.
937 7. The Front Porch Florida Initiative through the Office of
938 Urban Opportunity, which is created within the division. The
939 purpose of the office is to administer the Front Porch Florida
940 initiative, a comprehensive, community-based urban core
941 redevelopment program that enables urban core residents to craft
942 solutions to the unique challenges of each designated community.
943 8. Any other related programs.
944 (c) The Division of Workforce Services shall:
945 1. Prepare and submit a unified budget request for
946 workforce in accordance with chapter 216 for, and in conjunction
947 with, Workforce Florida, Inc., and its board.
948 2. Ensure that the state appropriately administers federal
949 and state workforce funding by administering plans and policies
950 of Workforce Florida, Inc., under contract with Workforce
951 Florida, Inc. The operating budget and midyear amendments
952 thereto must be part of such contract.
953 a. All program and fiscal instructions to regional
954 workforce boards shall emanate from Jobs Florida pursuant to
955 plans and policies of Workforce Florida, Inc., which shall be
956 responsible for all policy directions to the regional workforce
957 boards.

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958 b. Unless otherwise provided by agreement with Workforce
959 Florida, Inc., administrative and personnel policies of Jobs
960 Florida shall apply.
961 3. Implement the state's unemployment compensation program.
962 Jobs Florida shall ensure that the state appropriately
963 administers the unemployment compensation program pursuant to
964 state and federal law.
965 (6)(a) Jobs Florida is the administrative agency designated
966 for receipt of federal workforce development grants and other
967 federal funds. Jobs Florida shall administer the duties and
968 responsibilities assigned by the Governor under each federal
969 grant assigned to Jobs Florida. Jobs Florida shall expend each
970 revenue source as provided by federal and state law and as
971 provided in plans developed by and agreements with Workforce
972 Florida, Inc. Jobs Florida may serve as the contract
973 administrator for contracts entered into by Workforce Florida,
974 Inc., pursuant to s. 445.004(5), as directed by Workforce
975 Florida, Inc.
976 (b) Jobs Florida shall serve as the designated agency for
977 purposes of each federal workforce development grant assigned to
978 it for administration. Jobs Florida shall carry out the duties
979 assigned to it by the Governor, under the terms and conditions
980 of each grant. Jobs Florida shall have the level of authority
981 and autonomy necessary to be the designated recipient of each
982 federal grant assigned to it, and shall disburse such grants
983 pursuant to the plans and policies of Workforce Florida, Inc.
984 The commissioner may, upon delegation from the Governor and
985 pursuant to agreement with Workforce Florida, Inc., sign
986 contracts, grants, and other instruments as necessary to execute

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987 functions assigned to Jobs Florida. Notwithstanding other
988 provision of law, Jobs Florida shall administer other programs
989 funded by federal or state appropriations, as determined by the
990 Legislature in the General Appropriations Act or by law.
991 (7) Jobs Florida may provide or contract for training for
992 employees of administrative entities and case managers of any
993 contracted providers to ensure they have the necessary
994 competencies and skills to provide adequate administrative
995 oversight and delivery of the full array of client services.
996 (8) The Unemployment Appeals Commission, authorized by s.
997 443.012, is not subject to control, supervision, or direction by
998 Jobs Florida in the performance of its powers and duties but
999 shall receive any and all support and assistance from Jobs
1000 Florida which is required for the performance of its duties.
1001 (9)(a) The commissioner of Jobs Florida shall:
1002 1. Manage all activities and responsibilities of the
1003 department.
1004 2. Serve as the Governor’s chief negotiator for business
1005 recruitment and business expansion.
1006 3. Serve as the manager for the state with respect to
1007 contracts with the Jobs Florida Partnership, Inc., the Institute
1008 for the Commercialization of Public Research, and all applicable
1009 direct-support organizations. To accomplish the provisions of
1010 this section and applicable provisions of chapter 288, and
1011 notwithstanding the provisions of part I of chapter 287, the
1012 commissioner shall enter into specific contracts with the Jobs
1013 Florida Partnership, Inc., the Institute for the
1014 Commercialization of Public Research, and other appropriate
1015 direct-support organizations. Such contracts may be for

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1016 multiyear terms and shall include specific performance measures
1017 for each year.
1018 4. Serve as the state protocol officer. In consultation
1019 with the Governor and other governmental officials, the
1020 commissioner shall develop, maintain, publish, and distribute
1021 the state protocol manual.
1022 (b) Notwithstanding any other law, resolution, or rule to
1023 the contrary, the commissioner may not receive more in public
1024 remuneration annually than $130,000, pursuant to the General
1025 Appropriations Act.
1026 (10) The Chief Inspector General in the Executive Office of
1027 the Governor:
1028 (a) Shall advise public-private partnerships in their
1029 development, utilization, and improvement of internal control
1030 measures necessary to ensure fiscal accountability.
1031 (b) May conduct, direct, and supervise audits relating to
1032 the programs and operations of public-private partnerships.
1033 (c) Shall receive and investigate complaints of fraud,
1034 abuses, and deficiencies relating to programs and operations of
1035 public-private partnerships.
1036 (d) May request and have access to any records, data, and
1037 other information in the possession of public-private
1038 partnerships which the Chief Inspector General deems necessary
1039 to carry out his or her responsibilities with respect to
1040 accountability.
1041 (e) Shall monitor public-private partnerships for
1042 compliance with the terms and conditions of contracts with the
1043 department and report noncompliance to the Governor.
1044 (f) Shall advise public-private partnerships in the

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1045 development, utilization, and improvement of performance
1046 measures for the evaluation of their operations.
1047 (g) Shall review and make recommendations for improvements
1048 in the actions taken by public-private partnerships to meet
1049 performance standards.
1050 (11) Jobs Florida shall have an official seal by which its
1051 records, orders, and proceedings are authenticated. The seal
1052 shall be judicially noticed.
1053 (12) Jobs Florida shall administer the role of state
1054 government under part I of chapter 421, relating to public
1055 housing, chapter 422, relating to housing cooperation law, and
1056 chapter 423, tax exemption of housing authorities. Jobs Florida
1057 is the agency of state government responsible for the state's
1058 role in housing and urban development.
1059 (13) Jobs Florida may adopt rules to administer the
1060 provisions of law conferring duties upon it.
1061 Section 10. Paragraph (d) of subsection (2) and subsection
1062 (5) of section 112.044, Florida Statutes, are amended to read:
1063 112.044 Public employers, employment agencies, labor
1064 organizations; discrimination based on age prohibited;
1065 exceptions; remedy.—
1066 (2) DEFINITIONS.—For the purpose of this act:
1067 ~~(d) "Department" means the Department of Labor and~~
1068 ~~Employment Security.~~
1069 (5) NOTICE TO BE POSTED.—Each employer, employment agency,
1070 and labor organization shall post and keep posted in conspicuous
1071 places upon its premises notices ~~a notice to be prepared or~~
1072 ~~approved by the department setting forth such information as~~
1073 required by the United States Department of Labor and the United

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1074 States Equal Employment Opportunity Commission ~~department deems~~
1075 ~~appropriate to effectuate the purposes of this act~~.
1076 Section 11. Subsections (20) and (31) of section 163.3164,
1077 Florida Statutes, are amended to read:
1078 163.3164 Local Government Comprehensive Planning and Land
1079 Development Regulation Act; definitions.—As used in this act:
1080 (20) "State land planning agency" means Jobs Florida ~~the~~
1081 ~~Department of Community Affairs~~.
1082 (31) "~~Optional~~ Sector plan" means the ~~an optional~~ process
1083 authorized by s. 163.3245 in which one or more local governments
1084 engage in long-term planning for a large area and ~~by agreement~~
1085 ~~with the state land planning agency are allowed to~~ address
1086 regional ~~development-of-regional-impact~~ issues through adoption
1087 of detailed specific area plans within the planning area ~~within~~
1088 ~~certain designated geographic areas identified in the local~~
1089 ~~comprehensive plan~~ as a means of fostering innovative planning
1090 and development strategies in s. 163.3177(11)(a) and (b),
1091 furthering the purposes of this part and part I of chapter 380,
1092 reducing overlapping data and analysis requirements, protecting
1093 regionally significant resources and facilities, and addressing
1094 extrajurisdictional impacts. The term includes an optional
1095 sector plan that was adopted pursuant to the Optional Sector
1096 Plan program.
1097 Section 12. Paragraph (d) of subsection (15) of section
1098 163.3177, Florida Statutes, is amended to read:
1099 163.3177 Required and optional elements of comprehensive
1100 plan; studies and surveys.—
1101 (15)
1102 (d) This subsection does not apply to a a~~n optional~~ sector

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1103 plan adopted pursuant to s. 163.3245, a rural land stewardship
1104 area designated pursuant to subsection (11), or any
1105 comprehensive plan amendment that includes an inland port
1106 terminal or affiliated port development.
1107 Section 13. Paragraph (a) of subsection (12) of section
1108 163.3180, Florida Statutes, is amended to read:
1109 163.3180 Concurrency.—
1110 (12)(a) A development of regional impact may satisfy the
1111 transportation concurrency requirements of the local
1112 comprehensive plan, the local government's concurrency
1113 management system, and s. 380.06 by payment of a proportionate-
1114 share contribution for local and regionally significant traffic
1115 impacts, if:
1116 1. The development of regional impact which, based on its
1117 location or mix of land uses, is designed to encourage
1118 pedestrian or other nonautomotive modes of transportation;
1119 2. The proportionate-share contribution for local and
1120 regionally significant traffic impacts is sufficient to pay for
1121 one or more required mobility improvements that will benefit a
1122 regionally significant transportation facility;
1123 3. The owner and developer of the development of regional
1124 impact pays or assures payment of the proportionate-share
1125 contribution; and
1126 4. If the regionally significant transportation facility to
1127 be constructed or improved is under the maintenance authority of
1128 a governmental entity, as defined by s. 334.03(12), other than
1129 the local government with jurisdiction over the development of
1130 regional impact, the developer is required to enter into a
1131 binding and legally enforceable commitment to transfer funds to

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1132 the governmental entity having maintenance authority or to
1133 otherwise assure construction or improvement of the facility.
1134
1135 The proportionate-share contribution may be applied to any
1136 transportation facility to satisfy the provisions of this
1137 subsection and the local comprehensive plan, but, for the
1138 purposes of this subsection, the amount of the proportionate-
1139 share contribution shall be calculated based upon the cumulative
1140 number of trips from the proposed development expected to reach
1141 roadways during the peak hour from the complete buildout of a
1142 stage or phase being approved, divided by the change in the peak
1143 hour maximum service volume of roadways resulting from
1144 construction of an improvement necessary to maintain the adopted
1145 level of service, multiplied by the construction cost, at the
1146 time of developer payment, of the improvement necessary to
1147 maintain the adopted level of service. For purposes of this
1148 subsection, “construction cost” includes all associated costs of
1149 the improvement. Proportionate-share mitigation shall be limited
1150 to ensure that a development of regional impact meeting the
1151 requirements of this subsection mitigates its impact on the
1152 transportation system but is not responsible for the additional
1153 cost of reducing or eliminating backlogs. This subsection also
1154 applies to Florida Quality Developments pursuant to s. 380.061
1155 and to detailed specific area plans implementing ~~optional~~ sector
1156 plans pursuant to s. 163.3245.
1157 Section 14. Subsections (2), (4), and (11) of section
1158 163.3184, Florida Statutes, are amended to read:
1159 163.3184 Process for adoption of comprehensive plan or plan
1160 amendment.—

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1161 (2) COORDINATION.—Each comprehensive plan or plan amendment
1162 proposed to be adopted pursuant to this part, except amendments
1163 adopted pursuant to s. 163.32465 or s. 163.3187(1)(c) and (3),
1164 shall be transmitted, adopted, and reviewed in the manner
1165 prescribed in this section. The state land planning agency shall
1166 have responsibility for plan review, coordination, and the
1167 preparation and transmission of comments, pursuant to this
1168 section, to the local governing body responsible for the
1169 comprehensive plan. The state land planning agency shall
1170 maintain a single file concerning any proposed or adopted plan
1171 amendment submitted by a local government for any review under
1172 this section. Copies of all correspondence, papers, notes,
1173 memoranda, and other documents received or generated by the
1174 state land planning agency must be placed in the appropriate
1175 file. Paper copies of all electronic mail correspondence must be
1176 placed in the file. The file and its contents must be available
1177 for public inspection and copying as provided in chapter 119.
1178 (4) INTERGOVERNMENTAL REVIEW.—The governmental agencies
1179 specified in paragraph (3)(a) shall provide comments to the
1180 state land planning agency within 30 days after receipt by the
1181 state land planning agency of the complete proposed plan
1182 amendment. If the plan or plan amendment includes or relates to
1183 the public school facilities element pursuant to s.
1184 163.3177(12), the state land planning agency shall submit a copy
1185 to the Department of Education ~~Office of Educational Facilities~~
1186 ~~of the Commissioner of Education~~ for review and comment. The
1187 appropriate regional planning council shall also provide its
1188 written comments to the state land planning agency within 30
1189 days after receipt by the state land planning agency of the

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1190 complete proposed plan amendment and shall specify any
1191 objections, recommendations for modifications, and comments of
1192 any other regional agencies to which the regional planning
1193 council may have referred the proposed plan amendment. Written
1194 comments submitted by the public within 30 days after notice of
1195 transmittal by the local government of the proposed plan
1196 amendment will be considered as if submitted by governmental
1197 agencies. All written agency and public comments must be made
1198 part of the file maintained under subsection (2).
1199 (11) ADMINISTRATION COMMISSION.—
1200 (c) The sanctions provided by paragraphs (a) and (b) do
1201 ~~shall~~ not apply to a local government regarding any plan
1202 amendment, except for plan amendments that amend plans that have
1203 not been finally determined to be in compliance with this part,
1204 and except as provided in s. 163.3189(2) or s. 163.3191(9) ~~s.~~
1205 ~~163.3191(11)~~.
1206 Section 15. Section 163.3191, Florida Statutes, is amended
1207 to read:
1208 163.3191 Evaluation and appraisal of comprehensive plan.—
1209 (1) The planning program shall be a continuous and ongoing
1210 process. Each local government shall prepare ~~adopt~~ an evaluation
1211 and appraisal report once every 7 years assessing the progress
1212 in implementing the local government's comprehensive plan~~.~~
1213 unless:
1214 (a) The local government has issued development orders for
1215 residential units composing less than 10 percent of the local
1216 government's residential development capacity at the time it
1217 last submitted amendments based on the evaluation and appraisal
1218 report pursuant to subsection (8); and

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1219 (b) The local government has not adopted amendments to its
1220 comprehensive plan which increase the local government's
1221 residential development capacity by 10 percent or more since it
1222 last submitted amendments based on the evaluation and appraisal
1223 report pursuant to subsection (8); and
1224 (c) Based upon resident population estimates supplied by
1225 the Bureau of Economic and Business Research of the University
1226 of Florida or the Executive Office of Governor, the local
1227 government demonstrates that its population has not increased by
1228 more than 10 percent since it last submitted amendments based on
1229 the evaluation and appraisal report pursuant to subsection (8).
1230 ~~Furthermore,~~
1231 (2) It is the intent of this section that:
1232 (a) Adopted comprehensive plans be reviewed through such
1233 evaluation process to respond to changes in state, regional, and
1234 local policies on planning and growth management and changing
1235 conditions and trends, to ensure effective intergovernmental
1236 coordination, and to identify major issues regarding the
1237 community's achievement of its goals.
1238 (b) After completion of the initial evaluation and
1239 appraisal report and any supporting plan amendments, each
1240 subsequent evaluation and appraisal report must evaluate the
1241 comprehensive plan in effect at the time of the initiation of
1242 the evaluation and appraisal report process.
1243 (c) Local governments identify the major issues, if
1244 applicable, with input from state agencies, regional agencies,
1245 adjacent local governments, and the public in the evaluation and
1246 appraisal report process. It is also the intent of this section
1247 to establish minimum requirements for information to ensure

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1248 predictability, certainty, and integrity in the growth
1249 management process. The report is intended to serve as a summary
1250 audit of the actions that a local government has undertaken and
1251 identify changes that it may need to make. The report should be
1252 based on the local government's analysis of major issues to
1253 further the community's goals consistent with statewide minimum
1254 standards. The report is not intended to require a comprehensive
1255 rewrite of the elements within the local plan, unless a local
1256 government chooses to do so.
1257 (3) ~~(2)~~ The report shall present an evaluation and
1258 assessment of the comprehensive plan and the local government is
1259 encouraged to include ~~shall contain~~ appropriate statements to
1260 update the comprehensive plan, including, but not limited to,
1261 words, maps, illustrations, or other media, related to:
1262 (a) Population growth and changes in land area, including
1263 annexation, since the adoption of the original plan or the most
1264 recent update amendments.
1265 (b) The extent of vacant and developable land.
1266 (c) The financial feasibility of implementing the
1267 comprehensive plan and of providing needed infrastructure to
1268 achieve and maintain adopted level-of-service standards and
1269 sustain concurrency management systems through the capital
1270 improvements element, as well as the ability to address
1271 infrastructure backlogs and meet the demands of growth on public
1272 services and facilities.
1273 (d) The location of existing development in relation to the
1274 location of development as anticipated in the original plan, or
1275 in the plan as amended by the most recent evaluation and
1276 appraisal report update amendments, such as within areas

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1277 designated for urban growth.
1278 (e) An identification of the major issues for the
1279 jurisdiction and, where pertinent, the potential social,
1280 economic, and environmental impacts.
1281 (f) Relevant changes to the state comprehensive plan, the
1282 requirements of this part, the minimum criteria contained in
1283 chapter 9J-5, Florida Administrative Code, and the appropriate
1284 strategic regional policy plan since the adoption of the
1285 original plan or the most recent evaluation and appraisal report
1286 update amendments.
1287 (g) An assessment of whether the plan objectives within
1288 each element, as they relate to major issues, have been
1289 achieved. The report shall include, as appropriate, an
1290 identification as to whether unforeseen or unanticipated changes
1291 in circumstances have resulted in problems or opportunities with
1292 respect to major issues identified in each element and the
1293 social, economic, and environmental impacts of the issue.
1294 (h) A brief assessment of successes and shortcomings
1295 related to each element of the plan.
1296 (i) The identification of any actions or corrective
1297 measures, including whether plan amendments are anticipated to
1298 address the major issues identified and analyzed in the report.
1299 Such identification shall include, as appropriate, new
1300 population projections, new revised planning timeframes, a
1301 revised future conditions map or map series, an updated capital
1302 improvements element, and any new and revised goals, objectives,
1303 and policies for major issues identified within each element.
1304 This paragraph shall not require the submittal of the plan
1305 amendments with the evaluation and appraisal report.

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1306 (j) A summary of the public participation program and
1307 activities undertaken by the local government in preparing the
1308 report.
1309 (k) The coordination of the comprehensive plan with
1310 existing public schools and those identified in the applicable
1311 educational facilities plan adopted pursuant to s. 1013.35. The
1312 assessment shall address, where relevant, the success or failure
1313 of the coordination of the future land use map and associated
1314 planned residential development with public schools and their
1315 capacities, as well as the joint decisionmaking processes
1316 engaged in by the local government and the school board in
1317 regard to establishing appropriate population projections and
1318 the planning and siting of public school facilities. For those
1319 counties or municipalities that do not have a public schools
1320 interlocal agreement or public school facilities element, the
1321 assessment shall determine whether the local government
1322 continues to meet the criteria of s. 163.3177(12). If the county
1323 or municipality determines that it no longer meets the criteria,
1324 it must adopt appropriate school concurrency goals, objectives,
1325 and policies in its plan amendments pursuant to the requirements
1326 of the public school facilities element, and enter into the
1327 existing interlocal agreement required by ss. 163.3177(6)(h)2.
1328 and 163.31777 in order to fully participate in the school
1329 concurrency system.
1330 (l) The extent to which the local government has been
1331 successful in identifying alternative water supply projects and
1332 traditional water supply projects, including conservation and
1333 reuse, necessary to meet the water needs identified in s.
1334 373.709(2)(a) within the local government’s jurisdiction. The

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1335 report must evaluate the degree to which the local government
1336 has implemented the work plan for building public, private, and
1337 regional water supply facilities, including development of
1338 alternative water supplies, identified in the element as
1339 necessary to serve existing and new development.
1340 (m) If any of the jurisdiction of the local government is
1341 located within the coastal high-hazard area, an evaluation of
1342 whether any past reduction in land use density impairs the
1343 property rights of current residents when redevelopment occurs,
1344 including, but not limited to, redevelopment following a natural
1345 disaster. The property rights of current residents shall be
1346 balanced with public safety considerations. The local government
1347 must identify strategies to address redevelopment feasibility
1348 and the property rights of affected residents. These strategies
1349 may include the authorization of redevelopment up to the actual
1350 built density in existence on the property prior to the natural
1351 disaster or redevelopment.
1352 (n) An assessment of whether the criteria adopted pursuant
1353 to s. 163.3177(6)(a) were successful in achieving compatibility
1354 with military installations.
1355 (o) The extent to which a concurrency exception area
1356 designated pursuant to s. 163.3180(5), a concurrency management
1357 area designated pursuant to s. 163.3180(7), or a multimodal
1358 transportation district designated pursuant to s. 163.3180(15)
1359 has achieved the purpose for which it was created and otherwise
1360 complies with the provisions of s. 163.3180.
1361 (p) An assessment of the extent to which changes are needed
1362 to develop a common methodology for measuring impacts on
1363 transportation facilities for the purpose of implementing its

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1364 concurrency management system in coordination with the
1365 municipalities and counties, as appropriate pursuant to s.
1366 163.3180(10).
1367 (4) ~~(3)~~ Voluntary scoping meetings may be conducted by each
1368 local government or several local governments within the same
1369 county which ~~that~~ agree to meet together. Joint meetings among
1370 all local governments in a county are encouraged. ~~All scoping~~
1371 ~~meetings shall be completed at least 1 year prior to the~~
1372 ~~established adoption date of the report.~~ The purpose of the
1373 meetings shall be to distribute data and resources available to
1374 assist in the preparation of the report, to provide input on
1375 major issues in each community which ~~that~~ should be addressed in
1376 the report, and to advise on the extent of the effort for the
1377 components of subsection (3) ~~(2)~~. If scoping meetings are held,
1378 the local government is encouraged to ~~shall~~ invite each state
1379 and regional reviewing agency, as well as adjacent and other
1380 affected local governments. A preliminary list of new data and
1381 major issues that have emerged since the adoption of the
1382 original plan, or the most recent evaluation and appraisal
1383 report-based update amendments, should be developed by state and
1384 regional entities and involved local governments for
1385 distribution at the scoping meeting. For purposes of this
1386 subsection, a "scoping meeting" is a meeting conducted to
1387 determine the scope of review of the evaluation and appraisal
1388 report by parties to which the report relates.
1389 (5) ~~(4)~~ The local planning agency shall prepare the
1390 evaluation and appraisal report ~~and shall make recommendations~~
1391 ~~to the governing body regarding adoption of the proposed report~~.
1392 ~~The local planning agency shall prepare the report~~ in conformity

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1393 with its public participation procedures adopted as required by
1394 s. 163.3181. To further public participation in the evaluation
1395 and appraisal process ~~During the preparation of the proposed~~
1396 ~~report and prior to making any recommendation to the governing~~
1397 ~~body~~, the local planning agency shall hold at least one public
1398 hearing, with public notice, on the proposed report. At a
1399 minimum, the format and content of the proposed report shall
1400 include a table of contents; numbered pages; element headings;
1401 section headings within elements; a list of included tables,
1402 maps, and figures; a title and sources for all included tables;
1403 a preparation date; and the name of the preparer. Where
1404 applicable, maps shall include major natural and artificial
1405 geographic features; city, county, and state lines; and a legend
1406 indicating a north arrow, map scale, and the date.
1407 ~~(5) Ninety days prior to the scheduled adoption date, the~~
1408 ~~local government may provide a proposed evaluation and appraisal~~
1409 ~~report to the state land planning agency and distribute copies~~
1410 ~~to state and regional commenting agencies as prescribed by rule,~~
1411 ~~adjacent jurisdictions, and interested citizens for review. All~~
1412 ~~review comments, including comments by the state land planning~~
1413 ~~agency, shall be transmitted to the local government and state~~
1414 ~~land planning agency within 30 days after receipt of the~~
1415 ~~proposed report.~~
1416 ~~(6) The governing body, after considering the review~~
1417 ~~comments and recommended changes, if any, shall adopt the~~
1418 ~~evaluation and appraisal report by resolution or ordinance at a~~
1419 ~~public hearing with public notice. The governing body shall~~
1420 ~~adopt the report in conformity with its public participation~~
1421 ~~procedures adopted as required by s. 163.3181. The local~~

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1422 ~~government shall submit to the state land planning agency three~~
1423 ~~copies of the report, a transmittal letter indicating the dates~~
1424 ~~of public hearings, and a copy of the adoption resolution or~~
1425 ~~ordinance. The local government shall provide a copy of the~~
1426 ~~report to the reviewing agencies which provided comments for the~~
1427 ~~proposed report, or to all the reviewing agencies if a proposed~~
1428 ~~report was not provided pursuant to subsection (5), including~~
1429 ~~the adjacent local governments. Within 60 days after receipt,~~
1430 ~~the state land planning agency shall review the adopted report~~
1431 ~~and make a preliminary sufficiency determination that shall be~~
1432 ~~forwarded by the agency to the local government for its~~
1433 ~~consideration. The state land planning agency shall issue a~~
1434 ~~final sufficiency determination within 90 days after receipt of~~
1435 ~~the adopted evaluation and appraisal report.~~
1436 (6) ~~(7)~~ The intent of the evaluation and appraisal process
1437 is the preparation of a plan update that clearly and concisely
1438 achieves the purpose of this section. The evaluation and
1439 appraisal report shall be submitted as data and analysis in
1440 support of the evaluation and appraisal report based amendments.
1441 ~~Toward this end, the sufficiency review of the state land~~
1442 ~~planning agency shall concentrate on whether the evaluation and~~
1443 ~~appraisal report sufficiently fulfills the components of~~
1444 ~~subsection (2). If the state land planning agency determines~~
1445 ~~that the report is insufficient, the governing body shall adopt~~
1446 ~~a revision of the report and submit the revised report for~~
1447 ~~review pursuant to subsection (6).~~
1448 ~~(8) The state land planning agency may delegate the review~~
1449 ~~of evaluation and appraisal reports, including all state land~~
1450 ~~planning agency duties under subsections (4)-(7), to the~~

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1451 ~~appropriate regional planning council. When the review has been~~
1452 ~~delegated to a regional planning council, any local government~~
1453 ~~in the region may elect to have its report reviewed by the~~
1454 ~~regional planning council rather than the state land planning~~
1455 ~~agency. The state land planning agency shall by agreement~~
1456 ~~provide for uniform and adequate review of reports and shall~~
1457 ~~retain oversight for any delegation of review to a regional~~
1458 ~~planning council.~~
1459 (7) ~~(9)~~ The state land planning agency may establish a
1460 phased schedule for adoption of evaluation and appraisal report
1461 based amendments ~~reports~~. The schedule shall provide each local
1462 government at least 7 years from plan adoption or last
1463 established adoption date for evaluation and appraisal report
1464 based amendments ~~a report~~ and shall allot approximately one-
1465 seventh of the reports to any 1 year. In order to allow the
1466 municipalities to use data and analyses gathered by the
1467 counties, the state land planning agency shall schedule
1468 municipal evaluation and appraisal report based amendment ~~report~~
1469 adoption dates between 1 year and 18 months later than the
1470 evaluation and appraisal report based amendment ~~report~~ adoption
1471 date for the county in which those municipalities are located. ~~A~~
1472 ~~local government may adopt its report no earlier than 90 days~~
1473 ~~prior to the established adoption date. Small municipalities~~
1474 ~~which were scheduled by chapter 9J-33, Florida Administrative~~
1475 ~~Code, to adopt their evaluation and appraisal report after~~
1476 ~~February 2, 1999, shall be rescheduled to adopt their report~~
1477 ~~together with the other municipalities in their county as~~
1478 ~~provided in this subsection.~~
1479 (8) ~~(10)~~ The governing body shall amend its comprehensive

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1480 plan based on the recommendations in the report and shall update
1481 the comprehensive plan based on the components of subsection (3)
1482 ~~(2)~~, pursuant to the provisions of ss. 163.3184, 163.3187, and
1483 163.3189. Amendments to update a comprehensive plan based on the
1484 evaluation and appraisal report shall be adopted during a single
1485 amendment cycle within the time period established by the state
1486 land planning agency's schedule authorized in subsection (7) ~~18~~
1487 ~~months after the report is determined to be sufficient by the~~
1488 ~~state land planning agency~~, except the state land planning
1489 agency may grant an extension for adoption of a portion of such
1490 amendments. The state land planning agency may grant a 6-month
1491 extension for the adoption of such amendments if the request is
1492 justified by good and sufficient cause as determined by the
1493 agency. An additional extension may also be granted if the
1494 request will result in greater coordination between
1495 transportation and land use, for the purposes of improving
1496 Florida's transportation system, as determined by the agency in
1497 coordination with the Metropolitan Planning Organization
1498 program. Except for local governments exempted from preparing
1499 evaluation and appraisal reports pursuant to subsection (1),
1500 beginning July 1, 2006, failure to timely adopt and transmit
1501 update amendments to the comprehensive plan based on the
1502 evaluation and appraisal report shall result in a local
1503 government being prohibited from adopting amendments to the
1504 comprehensive plan until the evaluation and appraisal report
1505 update amendments have been adopted and transmitted to the state
1506 land planning agency. The prohibition on plan amendments shall
1507 commence when the update amendments to the comprehensive plan
1508 are past due. The comprehensive plan as amended shall be in

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1509 compliance as defined in s. 163.3184(1)(b). Within 6 months
1510 after the effective date of the update amendments to the
1511 comprehensive plan, the local government shall provide to the
1512 state land planning agency and to all agencies designated by
1513 rule a complete copy of the updated comprehensive plan.
1514 (9) ~~(11)~~ The Administration Commission may impose the
1515 sanctions provided by s. 163.3184(11) against any local
1516 government that fails to ~~adopt and submit a report, or that~~
1517 ~~fails to~~ implement its report through timely and sufficient
1518 amendments to its local plan, except for reasons of excusable
1519 delay or valid planning reasons agreed to by the state land
1520 planning agency or found present by the Administration
1521 Commission. Sanctions for untimely or insufficient plan
1522 amendments shall be prospective only and shall begin after a
1523 final order has been issued by the Administration Commission and
1524 a reasonable period of time has been allowed for the local
1525 government to comply with an adverse determination by the
1526 Administration Commission through adoption of plan amendments
1527 that are in compliance. The state land planning agency may
1528 initiate, and an affected person may intervene in, such a
1529 proceeding by filing a petition with the Division of
1530 Administrative Hearings, which shall appoint an administrative
1531 law judge and conduct a hearing pursuant to ss. 120.569 and
1532 120.57(1) and shall submit a recommended order to the
1533 Administration Commission. The affected local government shall
1534 be a party to any such proceeding. The commission may implement
1535 this subsection by rule.
1536 (10) ~~(12)~~ The state land planning agency may ~~shall~~ not adopt
1537 rules to implement this section, other than procedural rules.

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1538 ~~(13) The state land planning agency shall regularly review~~
1539 ~~the evaluation and appraisal report process and submit a report~~
1540 ~~to the Governor, the Administration Commission, the Speaker of~~
1541 ~~the House of Representatives, the President of the Senate, and~~
1542 ~~the respective community affairs committees of the Senate and~~
1543 ~~the House of Representatives. The first report shall be~~
1544 ~~submitted by December 31, 2004, and subsequent reports shall be~~
1545 ~~submitted every 5 years thereafter. At least 9 months before the~~
1546 ~~due date of each report, the Secretary of Community Affairs~~
1547 ~~shall appoint a technical committee of at least 15 members to~~
1548 ~~assist in the preparation of the report. The membership of the~~
1549 ~~technical committee shall consist of representatives of local~~
1550 ~~governments, regional planning councils, the private sector, and~~
1551 ~~environmental organizations. The report shall assess the~~
1552 ~~effectiveness of the evaluation and appraisal report process.~~
1553 (11) ~~(14)~~ The requirement of subsection (8) ~~(10)~~ prohibiting
1554 a local government from adopting amendments to the local
1555 comprehensive plan until the evaluation and appraisal report
1556 update amendments have been adopted and transmitted to the state
1557 land planning agency does not apply to a plan amendment proposed
1558 for adoption by the appropriate local government as defined in
1559 s. 163.3178(2)(k) in order to integrate a port comprehensive
1560 master plan with the coastal management element of the local
1561 comprehensive plan as required by s. 163.3178(2)(k) if the port
1562 comprehensive master plan or the proposed plan amendment does
1563 not cause or contribute to the failure of the local government
1564 to comply with the requirements of this section ~~the evaluation~~
1565 ~~and appraisal report~~.
1566 Section 16. Section 163.3245, Florida Statutes, is amended

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1567 to read:
1568 163.3245 ~~Optional~~ Sector plans.—
1569 (1) In recognition of the benefits of ~~conceptual~~ long-range
1570 planning for ~~the buildout of an area, and detailed planning for~~
1571 specific areas, ~~as a demonstration project, the requirements of~~
1572 ~~s. 380.06 may be addressed as identified by this section for up~~
1573 ~~to five~~ local governments or combinations of local governments
1574 may ~~which~~ adopt into their ~~the~~ comprehensive plans a ~~plan an~~
1575 ~~optional~~ sector plan in accordance with this section. This
1576 section is intended to promote and encourage long-term planning
1577 for conservation, development, and agriculture on a landscape
1578 scale; to further the intent of s. 163.3177(11), which supports
1579 innovative and flexible planning and development strategies, and
1580 the purposes of this part~~,~~ and part I of chapter 380 to
1581 facilitate protection of regionally significant water courses
1582 and wildlife corridors;~~,~~ and to avoid duplication of effort in
1583 terms of the level of data and analysis required for a
1584 development of regional impact, while ensuring the adequate
1585 mitigation of impacts to applicable regional resources and
1586 facilities, including those within the jurisdiction of other
1587 local governments, as would otherwise be provided. ~~Optional~~
1588 Sector plans are intended for substantial geographic areas that
1589 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more
1590 local governmental jurisdictions and are to emphasize urban form
1591 and protection of regionally significant resources and public
1592 facilities. ~~The state land planning agency may approve optional~~
1593 ~~sector plans of less than 5,000 acres based on local~~
1594 ~~circumstances if it is determined that the plan would further~~
1595 ~~the purposes of this part and part I of chapter 380. Preparation~~

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1596 ~~of an optional sector plan is authorized by agreement between~~
1597 ~~the state land planning agency and the applicable local~~
1598 ~~governments under s. 163.3171(4). An optional sector plan may be~~
1599 ~~adopted through one or more comprehensive plan amendments under~~
1600 ~~s. 163.3184. However, an optional~~ A sector plan may not be
1601 adopted ~~authorized~~ in an area of critical state concern.
1602 (2) Upon the request of a local government having
1603 jurisdiction, ~~The state land planning agency may enter into an~~
1604 ~~agreement to authorize preparation of an optional sector plan~~
1605 ~~upon the request of one or more local governments based on~~
1606 ~~consideration of problems and opportunities presented by~~
1607 ~~existing development trends; the effectiveness of current~~
1608 ~~comprehensive plan provisions; the potential to further the~~
1609 ~~state comprehensive plan, applicable strategic regional policy~~
1610 ~~plans, this part, and part I of chapter 380; and those factors~~
1611 ~~identified by s. 163.3177(10)(i).~~ the applicable regional
1612 planning council shall conduct a scoping meeting with affected
1613 local governments and those agencies identified in s.
1614 163.3184(4) before preparation of the sector plan ~~execution of~~
1615 ~~the agreement authorized by this section~~. The purpose of this
1616 meeting is to assist the state land planning agency and the
1617 local government in the identification of the relevant planning
1618 issues to be addressed and the data and resources available to
1619 assist in the preparation of the sector plan. If a scoping
1620 meeting is conducted, ~~subsequent plan amendments.~~ the regional
1621 planning council shall make written recommendations to the state
1622 land planning agency and affected local governments on the
1623 issues requested by the local government. The scoping meeting
1624 shall be noticed and open to the public. If the entire planning

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1625 area proposed for the sector plan is within the jurisdiction of
1626 two or more local governments, some or all of them may enter
1627 into a joint planning agreement pursuant to s. 163.3171 with
1628 respect to~~, including whether a sustainable sector plan would be~~
1629 ~~appropriate. The agreement must define~~ the geographic area to be
1630 subject to the sector plan, the planning issues that will be
1631 emphasized, procedures ~~requirements~~ for intergovernmental
1632 coordination to address extrajurisdictional impacts, supporting
1633 application materials including data and analysis, and
1634 procedures for public participation, or other issues. ~~An~~
1635 ~~agreement may address previously adopted sector plans that are~~
1636 ~~consistent with the standards in this section. Before executing~~
1637 ~~an agreement under this subsection, the local government shall~~
1638 ~~hold a duly noticed public workshop to review and explain to the~~
1639 ~~public the optional sector planning process and the terms and~~
1640 ~~conditions of the proposed agreement. The local government shall~~
1641 ~~hold a duly noticed public hearing to execute the agreement. All~~
1642 ~~meetings between the department and the local government must be~~
1643 ~~open to the public.~~
1644 (3) ~~Optional~~ Sector planning encompasses two levels:
1645 adoption pursuant to ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term
1646 master plan for the entire planning area as part of the
1647 comprehensive plan, and adoption by local development order of
1648 two or more ~~buildout overlay to the comprehensive plan, having~~
1649 ~~no immediate effect on the issuance of development orders or the~~
1650 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~
1651 detailed specific area plans that implement the ~~conceptual~~ long-
1652 term master plan ~~buildout overlay and authorize issuance of~~
1653 ~~development orders,~~ and within which s. 380.06 is waived. ~~Until~~

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1654 ~~such time as a detailed specific area plan is adopted, the~~
1655 ~~underlying future land use designations apply.~~
1656 (a) In addition to the other requirements of this chapter,
1657 a long-term master plan pursuant to this section ~~conceptual~~
1658 ~~long-term buildout overlay~~ must include maps, illustrations, and
1659 text supported by data and analysis to address the following:
1660 1. A ~~long-range conceptual~~ framework map that:
1661 a. At a minimum, generally depicts ~~identifies anticipated~~
1662 areas of urban, agricultural, rural, and conservation land use;
1663 and
1664 b. Identifies allowed uses in various parts of the planning
1665 area, specifies maximum and minimum densities and intensities of
1666 use, and provides the conceptual framework for the development
1667 pattern in developed areas with graphic illustrations based on a
1668 hierarchy of places and functional place-making components.
1669 2. A general identification of the water supplies needed
1670 and available sources of water, including water resource
1671 development and water supply development projects, and water
1672 conservation measures needed to meet the projected demand of the
1673 future land uses in the long-term master plan.
1674 3. A general identification of the transportation
1675 facilities to serve the future land uses in the long-term master
1676 plan, including guidelines to be used to establish each modal
1677 component intended to optimize mobility.
1678 4.~~2.~~ A general identification of other regionally
1679 significant public facilities ~~consistent with chapter 9J-2,~~
1680 ~~Florida Administrative Code, irrespective of local governmental~~
1681 ~~jurisdiction~~ necessary to support ~~buildout of the~~ ~~anticipated~~
1682 future land uses, which may include central utilities provided

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1683 on-site within the planning area, and policies setting forth the
1684 procedures to be used to mitigate the impacts of future land
1685 uses on public facilities.
1686 5.~~3.~~ A general identification of regionally significant
1687 natural resources within the planning area and policies setting
1688 forth the procedures for protection or conservation of specific
1689 resources consistent with the overall conservation and
1690 development strategy for the planning area ~~consistent with~~
1691 ~~chapter 9J-2, Florida Administrative Code~~.
1692 6.~~4.~~ General principles and guidelines addressing ~~that~~
1693 ~~address~~ the urban form and the interrelationships of anticipated
1694 future land uses, the protection and, as appropriate,
1695 restoration and management of lands identified for permanent
1696 preservation, ~~and a discussion, at the applicant's option, of~~
1697 ~~the extent, if any, to which the plan will address restoring key~~
1698 ~~ecosystems,~~ achieving a more clean, healthy environment,
1699 limiting urban sprawl, providing a range of housing types,
1700 protecting wildlife and natural areas, advancing the efficient
1701 use of land and other resources, and creating quality
1702 communities of a design that promotes travel by multiple
1703 transportation modes, and enhancing the prospects for the
1704 creation of jobs.
1705 7.~~5.~~ Identification of general procedures and policies to
1706 facilitate ~~ensure~~ intergovernmental coordination to address
1707 extrajurisdictional impacts from future land uses ~~the long-range~~
1708 ~~conceptual framework map~~.
1709
1710 A long-term master plan adopted pursuant to this section must be
1711 based upon a planning period longer than the generally

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1712 applicable planning period of the local comprehensive plan, must
1713 specify the projected population within the planning area during
1714 the chosen planning period, and may include a phasing or staging
1715 schedule that allocates a portion of the local government's
1716 future growth to the planning area through the planning period.
1717 A long-term master plan adopted pursuant to this section is not
1718 required to demonstrate need based upon projected population
1719 growth or on any other basis.
1720 (b) In addition to the other requirements of this chapter,
1721 ~~including those in paragraph (a),~~ the detailed specific area
1722 plans shall be consistent with the long-term master plan and
1723 must include conditions and commitments that provide for:
1724 1. Development or conservation of an area of ~~adequate size~~
1725 ~~to accommodate a level of development which achieves a~~
1726 ~~functional relationship between a full range of land uses within~~
1727 ~~the area and to encompass~~ at least 1,000 acres consistent with
1728 the long-term master plan. The local government ~~state land~~
1729 ~~planning agency~~ may approve detailed specific area plans of less
1730 than 1,000 acres based on local circumstances if it is
1731 determined that the detailed specific area plan furthers the
1732 purposes of this part and part I of chapter 380.
1733 2. Detailed identification and analysis of the maximum and
1734 minimum densities and intensities of use, and the distribution,
1735 extent, and location of future land uses.
1736 3. Detailed identification of water resource development
1737 and water supply development projects and related
1738 infrastructure, and water conservation measures to address water
1739 needs of development in the detailed specific area plan.
1740 4. Detailed identification of the transportation facilities

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1741 to serve the future land uses in the detailed specific area
1742 plan.
1743 5. Detailed identification of other regionally significant
1744 public facilities, including public facilities outside the
1745 jurisdiction of the host local government, ~~anticipated~~ impacts
1746 of future land uses on those facilities, and required
1747 improvements consistent with the long-term master plan ~~chapter~~
1748 ~~9J-2, Florida Administrative Code~~.
1749 6.~~4.~~ Public facilities necessary to serve development in
1750 the detailed specific area plan ~~for the short term~~, including
1751 developer contributions in a ~~financially feasible~~ 5-year capital
1752 improvement schedule of the affected local government.
1753 7.~~5.~~ Detailed analysis and identification of specific
1754 measures to assure the protection or conservation of lands
1755 identified in the long-term master plan to be permanently
1756 preserved and, as appropriate, restored or managed, ~~of~~
1757 ~~regionally significant natural resources~~ and other important
1758 resources both within and outside the host jurisdiction~~,~~
1759 ~~including those regionally significant resources identified in~~
1760 ~~chapter 9J-2, Florida Administrative Code~~.
1761 8.~~6.~~ Detailed principles and guidelines addressing ~~that~~
1762 ~~address~~ the urban form and the interrelationships of ~~anticipated~~
1763 future land uses; ~~and a discussion, at the applicant's option,~~
1764 ~~of the extent, if any, to which the plan will address restoring~~
1765 ~~key ecosystems,~~ achieving a more clean, healthy environment;~~,~~
1766 limiting urban sprawl;~~,~~ providing a range of housing types;
1767 protecting wildlife and natural areas;~~,~~ advancing the efficient
1768 use of land and other resources;~~, and~~ creating quality
1769 communities of a design that promotes travel by multiple

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1770 transportation modes; and enhancing the prospects for the
1771 creation of jobs.
1772 9.~~7.~~ Identification of specific procedures to facilitate
1773 ~~ensure~~ intergovernmental coordination to address
1774 extrajurisdictional impacts from ~~of~~ the detailed specific area
1775 plan.
1776
1777 A detailed specific area plan adopted by local development order
1778 pursuant to this section may be based upon a planning period
1779 longer than the generally applicable planning period of the
1780 local comprehensive plan and must specify the projected
1781 population within the specific planning area during the chosen
1782 planning period. A detailed specific area plan adopted pursuant
1783 to this section is not required to demonstrate need based upon
1784 projected population growth or on any other basis.
1785 (c) In its review of a long-term master plan, the state
1786 land planning agency shall consult with the Department of
1787 Agriculture and Consumer Services, the Department of
1788 Environmental Protection, the Florida Fish and Wildlife
1789 Conservation Commission, and the applicable water management
1790 district regarding the design of areas for protection and
1791 conservation of regionally significant natural resources and for
1792 the protection and, as appropriate, restoration and management
1793 of lands identified for permanent preservation.
1794 (d) The state land planning agency may initiate a civil
1795 action pursuant to s. 163.3215 with respect to a detailed
1796 specific area plan that is not consistent with a long-term
1797 master plan adopted pursuant to this section. For purposes of
1798 such a proceeding, the state land planning agency shall be

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1799 deemed an aggrieved and adversely affected party. Regardless of
1800 whether the local government has adopted an ordinance that
1801 establishes a local process that meets the requirements of s.
1802 163.3215(4), judicial review of a detailed specific area plan
1803 initiated by the state land planning agency shall be de novo
1804 pursuant to s. 163.3215(3) and not by petition for writ of
1805 certiorari pursuant to s. 163.3215(4). Any other aggrieved or
1806 adversely affected party is subject to s. 163.3215 in all
1807 respects when initiating a consistency challenge to a detailed
1808 specific area plan.
1809 (e) This subsection does ~~may~~ not ~~be construed to~~ prevent
1810 preparation and approval of the ~~optional~~ sector plan and
1811 detailed specific area plan concurrently or in the same
1812 submission.
1813 (4) Upon the long-term master plan becoming legally
1814 effective:
1815 (a) Any long-range transportation plan developed by a
1816 metropolitan planning organization pursuant to s. 339.175(7)
1817 shall be consistent, to the maximum extent feasible, with the
1818 long-term master plan, including but not limited to the
1819 projected population, the approved uses and densities and
1820 intensities of use and their distribution within the planning
1821 area; and the transportation facilities identified in adopted
1822 plans pursuant to subparagraphs (3)(a)3. and (3)(b)4.
1823 (b) The water needs, sources and water resource development
1824 and water supply development projects identified in adopted
1825 plans pursuant to subparagraphs (3)(a)2. and (3)(b)3. shall be
1826 incorporated into the applicable district and regional water
1827 supply plans adopted in accordance with ss. 373.036 and 373.709.

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1828 Accordingly, and notwithstanding the permit durations stated in
1829 s. 373.236, an applicant may request and the applicable district
1830 may issue consumptive use permits for durations commensurate
1831 with the long-term master plan. The permitting criteria in s.
1832 373.223 shall be applied based upon the projected population,
1833 the approved densities and intensities of use, and their
1834 distribution in the long-term master plan. ~~The host local~~
1835 ~~government shall submit a monitoring report to the state land~~
1836 ~~planning agency and applicable regional planning council on an~~
1837 ~~annual basis after adoption of a detailed specific area plan.~~
1838 ~~The annual monitoring report must provide summarized information~~
1839 ~~on development orders issued, development that has occurred,~~
1840 ~~public facility improvements made, and public facility~~
1841 ~~improvements anticipated over the upcoming 5 years.~~
1842 (5) When a ~~plan amendment adopting a~~ detailed specific area
1843 plan has become effective for a portion of the planning area
1844 governed by a long-term master plan adopted pursuant to this
1845 section ~~under ss. 163.3184 and 163.3189(2)~~, the provisions of s.
1846 380.06 do not apply to development within the geographic area of
1847 the detailed specific area plan. However, any development-of-
1848 regional-impact development order that is vested from the
1849 detailed specific area plan may be enforced pursuant to ~~under~~ s.
1850 380.11.
1851 (a) The local government adopting the detailed specific
1852 area plan is primarily responsible for monitoring and enforcing
1853 the detailed specific area plan. Local governments shall not
1854 issue any permits or approvals or provide any extensions of
1855 services to development which ~~that~~ are not consistent with the
1856 detailed ~~sector~~ area plan.

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1857 (b) If the state land planning agency has reason to believe
1858 that a violation of any detailed specific area plan~~, or of any~~
1859 ~~agreement entered into under this section,~~ has occurred or is
1860 about to occur, it may institute an administrative or judicial
1861 proceeding to prevent, abate, or control the conditions or
1862 activity creating the violation, using the procedures in s.
1863 380.11.
1864 (c) In instituting an administrative or judicial proceeding
1865 involving a ~~an optional~~ sector plan or detailed specific area
1866 plan, including a proceeding pursuant to paragraph (b), the
1867 complaining party shall comply with the requirements of s.
1868 163.3215(4), (5), (6), and (7), except as provided in paragraph
1869 (3)(d).
1870 (d) The detailed specific area plan must establish a
1871 buildout date until which the approved development is not
1872 subject to downzoning, unit density reduction, or intensity
1873 reduction, unless the local government can demonstrate that
1874 implementation of the plan is not continuing in good faith based
1875 on standards established by plan policy, or that substantial
1876 changes in the conditions underlying the approval of the
1877 detailed specific area plan have occurred, or that the detailed
1878 specific area plan was based on substantially inaccurate
1879 information provided by the applicant, or that the change is
1880 clearly established to be essential to the public health,
1881 safety, or welfare.
1882 (6) Concurrent with or subsequent to review and adoption of
1883 a long-term master plan pursuant to paragraph (3)(a), an
1884 applicant may apply for master development approval pursuant to
1885 s. 380.06(21) for the entire planning area in order to establish

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1886 a buildout date until which the approved uses and densities and
1887 intensities of use of the master plan are not subject to
1888 downzoning, unit density reduction, or intensity reduction,
1889 unless the local government can demonstrate that implementation
1890 of the master plan is not continuing in good faith based on
1891 standards established by plan policy, or that substantial
1892 changes in the conditions underlying the approval of the master
1893 plan have occurred, or that the master plan was based on
1894 substantially inaccurate information provided by the applicant,
1895 or that change is clearly established to be essential to the
1896 public health, safety, or welfare. Review of the application for
1897 master development approval shall be at a level of detail
1898 appropriate for the long-term and conceptual nature of the long-
1899 term master plan and, to the maximum extent possible, shall only
1900 consider information provided in the application for a long-term
1901 master plan. Notwithstanding any provision of s. 380.06 to the
1902 contrary, an increment of development in such an approved master
1903 development plan shall be approved by a detailed specific area
1904 plan pursuant to paragraph (3)(b) and is exempt from review
1905 pursuant to s 380.06. ~~Beginning December 1, 1999, and each year~~
1906 ~~thereafter, the department shall provide a status report to the~~
1907 ~~Legislative Committee on Intergovernmental Relations regarding~~
1908 ~~each optional sector plan authorized under this section.~~
1909 (7) A developer within an area subject to a long-term
1910 master plan that meets the requirements of paragraph (3)(a) and
1911 subsection (6) or a detailed specific area plan that meets the
1912 requirements of paragraph (3)(b) may enter into a development
1913 agreement with a local government pursuant to ss. 163.3220-
1914 163.3243. The duration of such a development agreement may be

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1915 through the planning period of the long-term master plan or the
1916 detailed specific area plan, as the case may be, notwithstanding
1917 the limit on the duration of a development agreement pursuant to
1918 s. 163.3229.
1919 (8) Any owner of property within the planning area of a
1920 proposed long-term master plan may withdraw his consent to the
1921 master plan at any time prior to local government adoption, and
1922 the local government shall exclude such parcels from the adopted
1923 master plan. Thereafter, the long-term master plan, any detailed
1924 specific area plan, and the exemption from development-of-
1925 regional-impact review under this section do not apply to the
1926 subject parcels. After adoption of a long-term master plan, an
1927 owner may withdraw his or her property from the master plan only
1928 with the approval of the local government by plan amendment.
1929 (9) The adoption of a long-term master plan or a detailed
1930 specific area plan pursuant to this section does not limit the
1931 right to continue existing agricultural or silvicultural uses or
1932 other natural resource-based operations or to establish similar
1933 new uses that are consistent with the plans approved pursuant to
1934 this section.
1935 (10) Notwithstanding any provision to the contrary of s.
1936 380.06; this part II; or any planning agreement or plan policy,
1937 a landowner or developer who has received approval of a master
1938 development of regional impact development order pursuant to s.
1939 380.06(21) may apply to implement this order by filing one or
1940 more applications to approve a detailed specific area plan
1941 pursuant to paragraph (3)(b).
1942 (11) Notwithstanding the provisions of this section, a
1943 detailed specific area plan to implement a conceptual long-term

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1944 buildout overlay, adopted by a local government and found in
1945 compliance before July 1, 2011, shall be governed by the
1946 provisions of this section.
1947 (12) This section may not be construed to abrogate the
1948 rights of any person under this chapter.
1949 Section 17. Subsection (9) of section 163.3246, Florida
1950 Statutes, is amended to read:
1951 163.3246 Local government comprehensive planning
1952 certification program.—
1953 (9)(a) Upon certification all comprehensive plan amendments
1954 associated with the area certified must be adopted and reviewed
1955 in the manner described in ss. 163.3184(1), (2), (7), (14),
1956 (15), and (16) and 163.3187, such that state and regional agency
1957 review is eliminated. The department may not issue any
1958 objections, recommendations, and comments report on proposed
1959 plan amendments or a notice of intent on adopted plan
1960 amendments; however, affected persons, as defined by s.
1961 163.3184(1)(a), may file a petition for administrative review
1962 pursuant to the requirements of s. 163.3187(3)(a) to challenge
1963 the compliance of an adopted plan amendment.
1964 (b) Plan amendments that change the boundaries of the
1965 certification area; propose a rural land stewardship area
1966 pursuant to s. 163.3177(11)(d); propose a ~~an optional~~ sector
1967 plan pursuant to s. 163.3245; propose a school facilities
1968 element; update a comprehensive plan based on an evaluation and
1969 appraisal report; impact lands outside the certification
1970 boundary; implement new statutory requirements that mandate
1971 ~~require~~ specific comprehensive plan amendments; or increase
1972 hurricane evacuation times or the need for shelter capacity on

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1973 lands within the coastal high-hazard area shall be reviewed
1974 pursuant to ss. 163.3184 and 163.3187.
1975 Section 18. Section 163.32465, Florida Statutes, is amended
1976 to read:
1977 163.32465 State review of local comprehensive plans ~~in~~
1978 ~~urban areas~~.—
1979 (1) LEGISLATIVE FINDINGS.—
1980 (a) The Legislature finds that local governments in this
1981 state have a wide diversity of resources, conditions, abilities,
1982 and needs. The Legislature also finds that comprehensive
1983 planning has been implemented throughout the state and that it
1984 is appropriate for local governments to have the primary role in
1985 planning for their growth. ~~the needs and resources of urban~~
1986 ~~areas are different from those of rural areas and that different~~
1987 ~~planning and growth management approaches, strategies, and~~
1988 ~~techniques are required in urban areas. The state role in~~
1989 ~~overseeing growth management should reflect this diversity and~~
1990 ~~should vary based on local government conditions, capabilities,~~
1991 ~~needs, and extent of development.~~ Thus, the Legislature
1992 recognizes and finds that reduced state oversight of local
1993 comprehensive planning is justified ~~for some local governments~~
1994 ~~in urban areas~~.
1995 (b) The Legislature finds and declares that this state's
1996 local governments ~~urban areas~~ require a reduced level of state
1997 oversight ~~because of their high degree of urbanization and the~~
1998 ~~planning capabilities and resources of many of their local~~
1999 ~~governments~~. ~~An alternative state review process that is~~
2000 ~~adequate to protect issues of regional or statewide importance~~
2001 ~~should be created for appropriate local governments in these~~

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2002 ~~areas. Further, the Legislature finds that development,~~
2003 ~~including urban infill and redevelopment, should be encouraged~~
2004 ~~in these urban areas. The Legislature finds that an alternative~~
2005 Accordingly, the process provided by this section for amending
2006 local comprehensive plans is ~~in these areas should be~~
2007 established with the ~~an~~ objective of streamlining the process
2008 and recognizing local responsibility and accountability.
2009 ~~(c) The Legislature finds a pilot program will be~~
2010 ~~beneficial in evaluating an alternative, expedited plan~~
2011 ~~amendment adoption and review process. Pilot local governments~~
2012 ~~shall represent highly developed counties and the municipalities~~
2013 ~~within these counties and highly populated municipalities.~~
2014 (2) APPLICABILITY ~~ALTERNATIVE STATE REVIEW PROCESS PILOT~~
2015 ~~PROGRAM.~~—The process for amending a comprehensive plan described
2016 in this section is applicable statewide. ~~Pinellas and Broward~~
2017 ~~Counties, and the municipalities within these counties, and~~
2018 ~~Jacksonville, Miami, Tampa, and Hialeah shall follow an~~
2019 ~~alternative state review process provided in this section.~~
2020 ~~Municipalities within the pilot counties may elect, by super~~
2021 ~~majority vote of the governing body, not to participate in the~~
2022 ~~pilot program. In addition to the pilot program jurisdictions,~~
2023 ~~any local government may use the alternative state review~~
2024 ~~process to designate an urban service area as defined in s.~~
2025 ~~163.3164(29) in its comprehensive plan.~~
2026 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS
2027 ~~UNDER THE PILOT PROGRAM.~~—
2028 (a) Plan amendments adopted by local governments are
2029 subject to the ~~pilot program jurisdictions shall follow the~~
2030 ~~alternate,~~ expedited process in subsections (4) and (5), except

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2031 as set forth in paragraphs (b)-(e) of this subsection.
2032 (b) Amendments that qualify as small-scale development
2033 amendments may continue to be adopted ~~by the pilot program~~
2034 ~~jurisdictions~~ pursuant to s. 163.3187(1)(c) and (3).
2035 (c) Plan amendments that propose a rural land stewardship
2036 area pursuant to s. 163.3177(11)(d); propose an optional sector
2037 plan; update a comprehensive plan based on an evaluation and
2038 appraisal report; implement new statutory requirements; or new
2039 plans for newly incorporated municipalities are subject to state
2040 review as set forth in s. 163.3184.
2041 (d) Local governments are ~~Pilot program jurisdictions shall~~
2042 ~~be~~ subject to the frequency and timing requirements for plan
2043 amendments set forth in ss. 163.3187 and 163.3191, except where
2044 otherwise stated in this section.
2045 (e) The mediation and expedited hearing provisions in s.
2046 163.3189(3) apply to all plan amendments adopted pursuant to
2047 this section ~~by the pilot program jurisdictions~~.
2048 (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT ~~FOR~~
2049 ~~PILOT PROGRAM.—~~
2050 (a) The local government shall hold its first public
2051 hearing on a comprehensive plan amendment on a weekday at least
2052 7 days after the day the first advertisement is published
2053 pursuant to the requirements of chapter 125 or chapter 166. Upon
2054 an affirmative vote of not less than a majority of the members
2055 of the governing body present at the hearing, the local
2056 government shall immediately transmit the amendment or
2057 amendments and appropriate supporting data and analyses to the
2058 state land planning agency; the appropriate regional planning
2059 council and water management district; the Department of

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2060 Environmental Protection; the Department of State; the
2061 Department of Transportation; in the case of municipal plans, to
2062 the appropriate county; the Fish and Wildlife Conservation
2063 Commission; the Department of Agriculture and Consumer Services;
2064 and in the case of amendments that include or impact the public
2065 school facilities element, the Office of Educational Facilities
2066 of the Commissioner of Education. The local governing body shall
2067 also transmit a copy of the amendments and supporting data and
2068 analyses to any other local government or governmental agency
2069 that has filed a written request with the governing body.
2070 (b) The agencies and local governments specified in
2071 paragraph (a) may provide comments regarding the amendment or
2072 amendments to the local government. The regional planning
2073 council review and comment shall be limited to effects on
2074 regional resources or facilities identified in the strategic
2075 regional policy plan and extrajurisdictional impacts that would
2076 be inconsistent with the comprehensive plan of the affected
2077 local government. A regional planning council shall not review
2078 and comment on a proposed comprehensive plan amendment prepared
2079 by such council unless the plan amendment has been changed by
2080 the local government subsequent to the preparation of the plan
2081 amendment by the regional planning council. County comments on
2082 municipal comprehensive plan amendments shall be primarily in
2083 the context of the relationship and effect of the proposed plan
2084 amendments on the county plan. Municipal comments on county plan
2085 amendments shall be primarily in the context of the relationship
2086 and effect of the amendments on the municipal plan. State agency
2087 comments may include technical guidance on issues of agency
2088 jurisdiction as it relates to the requirements of this part.

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2089 Such comments shall clearly identify issues that, if not
2090 resolved, may result in an agency challenge to the plan
2091 amendment. ~~For the purposes of this pilot program,~~ Agencies are
2092 encouraged to focus potential challenges on issues of regional
2093 or statewide importance. Agencies and local governments must
2094 transmit their comments to the affected local government such
2095 that they are received by the local government not later than 30
2096 ~~thirty~~ days from the date on which the agency or government
2097 received the amendment or amendments.
2098 (5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT ~~FOR PILOT~~
2099 ~~AREAS~~.—
2100 (a) The local government shall hold its second public
2101 hearing, which shall be a hearing on whether to adopt one or
2102 more comprehensive plan amendments, on a weekday at least 5 days
2103 after the day the second advertisement is published pursuant to
2104 the requirements of chapter 125 or chapter 166. Adoption of
2105 comprehensive plan amendments must be by ordinance and requires
2106 an affirmative vote of a majority of the members of the
2107 governing body present at the second hearing.
2108 (b) All comprehensive plan amendments adopted by the
2109 governing body along with the supporting data and analysis shall
2110 be transmitted within 10 days of the second public hearing to
2111 the state land planning agency and any other agency or local
2112 government that provided timely comments under paragraph (4)(b).
2113 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS ~~FOR PILOT~~
2114 ~~PROGRAM~~.—
2115 (a) Any “affected person” as defined in s. 163.3184(1)(a)
2116 may file a petition with the Division of Administrative Hearings
2117 pursuant to ss. 120.569 and 120.57, with a copy served on the

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2118 affected local government, to request a formal hearing to
2119 challenge whether the amendments are "in compliance" as defined
2120 in s. 163.3184(1)(b). This petition must be filed with the
2121 Division within 30 days after the local government adopts the
2122 amendment. The state land planning agency may intervene in a
2123 proceeding instituted by an affected person.
2124 (b) The state land planning agency may file a petition with
2125 the Division of Administrative Hearings pursuant to ss. 120.569
2126 and 120.57, with a copy served on the affected local government,
2127 to request a formal hearing. This petition must be filed with
2128 the Division within 30 days after the state land planning agency
2129 notifies the local government that the plan amendment package is
2130 complete. For purposes of this section, an adopted amendment
2131 package shall be deemed complete if it contains a full, executed
2132 copy of the adoption ordinance or ordinances; in the case of a
2133 text amendment, a full copy of the amended language in
2134 legislative format with new words inserted in the text
2135 underlined, and words to be deleted lined through with hyphens;
2136 in the case of a future land use map amendment, a copy of the
2137 future land use map clearly depicting the parcel, its existing
2138 future land use designation, and its adopted designation; and a
2139 copy of any data and analyses the local government deems
2140 appropriate. The state land planning agency shall notify the
2141 local government of any deficiencies within 5 working days of
2142 receipt of an amendment package.
2143 (c) The state land planning agency's challenge shall be
2144 limited to those issues raised in the comments provided by the
2145 reviewing agencies pursuant to paragraph (4)(b). The state land
2146 planning agency may challenge a plan amendment that has

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2147 substantially changed from the version on which the agencies
2148 provided comments. ~~For the purposes of this pilot program,~~ The
2149 Legislature strongly encourages the state land planning agency
2150 to focus any challenge on issues of regional or statewide
2151 importance.
2152 (d) An administrative law judge shall hold a hearing in the
2153 affected local jurisdiction. The local government's
2154 determination that the amendment is "in compliance" is presumed
2155 to be correct and shall be sustained unless it is shown by a
2156 preponderance of the evidence that the amendment is not "in
2157 compliance."
2158 (e) If the administrative law judge recommends that the
2159 amendment be found not in compliance, the judge shall submit the
2160 recommended order to the Administration Commission for final
2161 agency action. The Administration Commission shall enter a final
2162 order within 45 days after its receipt of the recommended order.
2163 (f) If the administrative law judge recommends that the
2164 amendment be found in compliance, the judge shall submit the
2165 recommended order to the state land planning agency.
2166 1. If the state land planning agency determines that the
2167 plan amendment should be found not in compliance, the agency
2168 shall refer, within 30 days of receipt of the recommended order,
2169 the recommended order and its determination to the
2170 Administration Commission for final agency action. If the
2171 commission determines that the amendment is not in compliance,
2172 it may sanction the local government as set forth in s.
2173 163.3184(11).
2174 2. If the state land planning agency determines that the
2175 plan amendment should be found in compliance, the agency shall

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2176 enter its final order not later than 30 days from receipt of the
2177 recommended order.
2178 (g) An amendment adopted under the expedited provisions of
2179 this section shall not become effective until 31 days after
2180 adoption. If timely challenged, an amendment shall not become
2181 effective until the state land planning agency or the
2182 Administration Commission enters a final order determining the
2183 adopted amendment to be in compliance.
2184 (h) Parties to a proceeding under this section may enter
2185 into compliance agreements using the process in s. 163.3184(16).
2186 Any remedial amendment adopted pursuant to a settlement
2187 agreement shall be provided to the agencies and governments
2188 listed in paragraph (4)(a).
2189 ~~(7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL~~
2190 ~~GOVERNMENTS.—Local governments and specific areas that have been~~
2191 ~~designated for alternate review process pursuant to ss. 163.3246~~
2192 ~~and 163.3184(17) and (18) are not subject to this section.~~
2193 ~~(8) RULEMAKING AUTHORITY FOR PILOT PROGRAM.—Agencies shall~~
2194 ~~not promulgate rules to implement this pilot program.~~
2195 ~~(9) REPORT.—The Office of Program Policy Analysis and~~
2196 ~~Government Accountability shall submit to the Governor, the~~
2197 ~~President of the Senate, and the Speaker of the House of~~
2198 ~~Representatives by December 1, 2008, a report and~~
2199 ~~recommendations for implementing a statewide program that~~
2200 ~~addresses the legislative findings in subsection (1) in areas~~
2201 ~~that meet urban criteria. The Office of Program Policy Analysis~~
2202 ~~and Government Accountability in consultation with the state~~
2203 ~~land planning agency shall develop the report and~~
2204 ~~recommendations with input from other state and regional~~

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2205 ~~agencies, local governments, and interest groups. Additionally,~~
2206 ~~the office shall review local and state actions and~~
2207 ~~correspondence relating to the pilot program to identify issues~~
2208 ~~of process and substance in recommending changes to the pilot~~
2209 ~~program. At a minimum, the report and recommendations shall~~
2210 ~~include the following:~~
2211 ~~(a) Identification of local governments beyond those~~
2212 ~~participating in the pilot program that should be subject to the~~
2213 ~~alternative expedited state review process. The report may~~
2214 ~~recommend that pilot program local governments may no longer be~~
2215 ~~appropriate for such alternative review process.~~
2216 ~~(b) Changes to the alternative expedited state review~~
2217 ~~process for local comprehensive plan amendments identified in~~
2218 ~~the pilot program.~~
2219 ~~(c) Criteria for determining issues of regional or~~
2220 ~~statewide importance that are to be protected in the alternative~~
2221 ~~state review process.~~
2222 ~~(d) In preparing the report and recommendations, the Office~~
2223 ~~of Program Policy Analysis and Government Accountability shall~~
2224 ~~consult with the state land planning agency, the Department of~~
2225 ~~Transportation, the Department of Environmental Protection, and~~
2226 ~~the regional planning agencies in identifying highly developed~~
2227 ~~local governments to participate in the alternative expedited~~
2228 ~~state review process. The Office of Program Policy Analysis and~~
2229 ~~Governmental Accountability shall also solicit citizen input in~~
2230 ~~the potentially affected areas and consult with the affected~~
2231 ~~local governments and stakeholder groups.~~
2232 Section 19. Section 215.559, Florida Statutes, is amended
2233 to read:

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2234 215.559 Hurricane Loss Mitigation Program.—
2235 ~~(1) There is created~~ A Hurricane Loss Mitigation Program is
2236 established in the Office of Emergency Management.
2237 (1) The Legislature shall annually appropriate $10 million
2238 of the moneys authorized for appropriation under s.
2239 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the
2240 office ~~Department of Community Affairs~~ for the purposes set
2241 forth in this section. Of the amount:
2242 ~~(2)~~(a) Seven million dollars in funds ~~provided in~~
2243 ~~subsection (1)~~ shall be used for programs to improve the wind
2244 resistance of residences and mobile homes, including loans,
2245 subsidies, grants, demonstration projects, and direct
2246 assistance; educating persons concerning the Florida Building
2247 Code cooperative programs with local governments and the Federal
2248 Government; and other efforts to prevent or reduce losses or
2249 reduce the cost of rebuilding after a disaster.
2250 (b) Three million dollars in funds ~~provided in subsection~~
2251 ~~(1)~~ shall be used to retrofit existing facilities used as public
2252 hurricane shelters. Each year the office shall ~~department must~~
2253 prioritize the use of these funds for projects included in the
2254 annual report of the ~~September 1, 2000, version of the~~ Shelter
2255 Retrofit Report prepared in accordance with s. 252.385(3)~~, and~~
2256 ~~each annual report thereafter~~. The office ~~department~~ must give
2257 funding priority to projects in regional planning council
2258 regions that have shelter deficits and to projects that maximize
2259 the use of state funds.
2260 (2)~~(3)~~(a) Forty percent of the total appropriation in
2261 paragraph (1)(a) ~~(2)(a)~~ shall be used to inspect and improve
2262 tie-downs for mobile homes.

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2263 (b)1. ~~There is created~~ The Manufactured Housing and Mobile
2264 Home Mitigation and Enhancement Program is established. The
2265 program shall require the mitigation of damage to or the
2266 enhancement of homes for the areas of concern raised by the
2267 Department of Highway Safety and Motor Vehicles in the 2004-2005
2268 Hurricane Reports on the effects of the 2004 and 2005 hurricanes
2269 on manufactured and mobile homes in this state. The mitigation
2270 or enhancement must include, but need not be limited to,
2271 problems associated with weakened trusses, studs, and other
2272 structural components caused by wood rot or termite damage;
2273 site-built additions; or tie-down systems and may also address
2274 any other issues deemed appropriate by Tallahassee Community
2275 College, the Federation of Manufactured Home Owners of Florida,
2276 Inc., the Florida Manufactured Housing Association, and the
2277 Department of Highway Safety and Motor Vehicles. The program
2278 shall include an education and outreach component to ensure that
2279 owners of manufactured and mobile homes are aware of the
2280 benefits of participation.
2281 2. The program shall be a grant program that ensures that
2282 entire manufactured home communities and mobile home parks may
2283 be improved wherever practicable. The moneys appropriated for
2284 this program shall be distributed directly to Tallahassee
2285 Community College for the uses set forth under this subsection.
2286 3. Upon evidence of completion of the program, the Citizens
2287 Property Insurance Corporation shall grant, on a pro rata basis,
2288 actuarially reasonable discounts, credits, or other rate
2289 differentials or appropriate reductions in deductibles for the
2290 properties of owners of manufactured homes or mobile homes on
2291 which fixtures or construction techniques that have been

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2292 demonstrated to reduce the amount of loss in a windstorm have
2293 been installed or implemented. The discount on the premium must
2294 be applied to subsequent renewal premium amounts. Premiums of
2295 the Citizens Property Insurance Corporation must reflect the
2296 location of the home and the fact that the home has been
2297 installed in compliance with building codes adopted after
2298 Hurricane Andrew. Rates resulting from the completion of the
2299 Manufactured Housing and Mobile Home Mitigation and Enhancement
2300 Program are not considered competitive rates for the purposes of
2301 s. 627.351(6)(d)1. and 2.
2302 4. On or before January 1 of each year, Tallahassee
2303 Community College shall provide a report of activities under
2304 this subsection to the Governor, the President of the Senate,
2305 and the Speaker of the House of Representatives. The report must
2306 set forth the number of homes that have taken advantage of the
2307 program, the types of enhancements and improvements made to the
2308 manufactured or mobile homes and attachments to such homes, and
2309 whether there has been an increase in availability of insurance
2310 products to owners of manufactured or mobile homes.
2311
2312 Tallahassee Community College shall develop the programs set
2313 forth in this subsection in consultation with the Federation of
2314 Manufactured Home Owners of Florida, Inc., the Florida
2315 Manufactured Housing Association, and the Department of Highway
2316 Safety and Motor Vehicles. The moneys appropriated for the
2317 programs set forth in this subsection shall be distributed
2318 directly to Tallahassee Community College to be used as set
2319 forth in this subsection.
2320 (3) ~~(4)~~ Of moneys provided to the Department of Community

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2321 Affairs in paragraph (1)(a) ~~(2)(a)~~, 10 percent shall be
2322 allocated to the Florida International University center
2323 dedicated to hurricane research. The center shall develop a
2324 preliminary work plan approved by the advisory council set forth
2325 in subsection (4) ~~(5)~~ to eliminate the state and local barriers
2326 to upgrading existing mobile homes and communities, research and
2327 develop a program for the recycling of existing older mobile
2328 homes, and support programs of research and development relating
2329 to hurricane loss reduction devices and techniques for site-
2330 built residences. The State University System also shall consult
2331 with the Department of Community Affairs and assist the
2332 department with the report required under subsection (6) ~~(7)~~.
2333 (4)~~(5)~~ Except for the programs set forth in subsection (3)
2334 ~~(4)~~, the office ~~Department of Community Affairs~~ shall develop
2335 the programs set forth in this section in consultation with an
2336 advisory council consisting of a representative designated by
2337 the Chief Financial Officer, a representative designated by the
2338 Florida Home Builders Association, a representative designated
2339 by the Florida Insurance Council, a representative designated by
2340 the Federation of Manufactured Home Owners, a representative
2341 designated by the Florida Association of Counties, ~~and~~ a
2342 representative designated by the Florida Manufactured Housing
2343 Association, and a representative designated by the Florida
2344 Building Commission.
2345 (5)~~(6)~~ Moneys provided to the office ~~Department of~~
2346 ~~Community Affairs~~ under this section are intended to supplement,
2347 not supplant, the office's other funding sources ~~of the~~
2348 ~~Department of Community Affairs and may not supplant other~~
2349 ~~funding sources of the Department of Community Affairs~~.

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2350 (6)~~(7)~~ On January 1st of each year, the office ~~Department~~
2351 ~~of Community Affairs~~ shall provide a full report and accounting
2352 of activities under this section and an evaluation of such
2353 activities to the Speaker of the House of Representatives, the
2354 President of the Senate, and the Majority and Minority Leaders
2355 of the House of Representatives and the Senate. Upon completion
2356 of the report, the office ~~Department of Community Affairs~~ shall
2357 deliver the report to the Office of Insurance Regulation. The
2358 Office of Insurance Regulation shall review the report and shall
2359 make such recommendations available to the insurance industry as
2360 the Office of Insurance Regulation deems appropriate. These
2361 recommendations may be used by insurers for potential discounts
2362 or rebates pursuant to s. 627.0629. The Office of Insurance
2363 Regulation shall make such ~~the~~ recommendations within 1 year
2364 after receiving the report.
2365 ~~(8)(a) Notwithstanding any other provision of this section~~
2366 ~~and for the 2010-2011 fiscal year only, the $3 million~~
2367 ~~appropriation provided for in paragraph (2)(b) may be used for~~
2368 ~~hurricane shelters as identified in the General Appropriations~~
2369 ~~Act.~~
2370 ~~(b) This subsection expires June 30, 2011.~~
2371 (7)~~(9)~~ This section is repealed June 30, 2021 ~~2011~~.
2372 Section 20. Section 288.005, Florida Statutes, is created
2373 to read:
2374 288.005 Definitions.—As used in this chapter, the following
2375 words and phrases shall have the following meanings and
2376 references:
2377 (1) “Economic benefits” means the direct, indirect, and
2378 induced gains in state revenues as a percentage of the state’s

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2379 investment. The state's investment includes state grants, tax
2380 exemptions, tax refunds, tax credits, and other state
2381 incentives.
2382 (2) "Commissioner" means the commissioner of Jobs Florida,
2383 unless otherwise stated.
2384 Section 21. Section 288.048, Florida Statutes, is created
2385 to read:
2386 288.048 Incumbent worker training for economic
2387 development.—
2388 (1) The Incumbent Worker Training Program is created within
2389 Jobs Florida for the purpose of providing grant funding for
2390 continuing education and training of incumbent employees at
2391 existing Florida businesses. The program will provide
2392 reimbursement grants to businesses that pay for preapproved,
2393 direct, training-related costs.
2394 (2) The Incumbent Worker Training Program is administered
2395 by Jobs Florida in conjunction with Workforce Florida, Inc. Jobs
2396 Florida, at its discretion, may contract with a private business
2397 organization to serve as the grant administrator.
2398 (3) To be eligible for the program's grant funding, a
2399 business must have been in operation in this state for at least
2400 1 year before applying for grant funding; have at least one
2401 full-time employee; demonstrate financial viability; and be
2402 current on all state tax obligations. Priority for funding shall
2403 be given to businesses having 25 or fewer employees, businesses
2404 in rural areas, businesses in distressed inner-city areas,
2405 businesses in a qualified targeted industry, businesses whose
2406 grant proposals represent a significant upgrade in employee
2407 skills, or businesses whose grant proposals represent a

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2408 significant layoff avoidance strategy.
2409 (4) All costs reimbursed by the program must be preapproved
2410 by Jobs Florida or the grant administrator. The program will not
2411 reimburse businesses for trainee wages, the purchase of capital
2412 equipment, or the purchase of any item or service that may be
2413 used outside the training project. A business approved for a
2414 grant may be reimbursed for preapproved, direct, training-
2415 related costs including tuition, fees, books and training
2416 materials, and overhead or indirect costs not to exceed 5
2417 percent of the grant amount.
2418 (5) A business that is selected to receive grant funding
2419 must provide a matching contribution to the training project,
2420 including, but not limited to, wages paid to trainees or the
2421 purchase of capital equipment used in the training project; must
2422 sign an agreement with Jobs Florida or the grant administrator
2423 to complete the training project as proposed in the application;
2424 must keep accurate records of the project's implementation
2425 process; and must submit monthly or quarterly reimbursement
2426 requests with required documentation.
2427 (6) All Incumbent Worker Training Program grant projects
2428 shall be performance-based with specific measurable performance
2429 outcomes, including completion of the training project and job
2430 retention. Jobs Florida or the grant administrator shall
2431 withhold the final payment to the grantee until a final grant
2432 report is submitted and all performance criteria specified in
2433 the grant contract have been achieved.
2434 (7) Jobs Florida may establish guidelines, in conjunction
2435 with Workforce Florida, Inc., necessary to implement the
2436 Incumbent Worker Training Program.

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2437 (8) No more than 10 percent of the Incumbent Worker
2438 Training Program's total appropriation may be used for overhead
2439 or indirect purposes. Federal funds available for the program
2440 are limited as set forth in s. 443.003(3).
2441 Section 22. Section 288.061, Florida Statutes, is amended
2442 to read:
2443 288.061 Economic development incentive application
2444 process.—
2445 (1) Within 10 business days after receiving a submitted
2446 economic development incentive application, the Division of
2447 Strategic Business Development of Jobs Florida and designated
2448 staff of the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
2449 shall review the application and inform the applicant business
2450 whether or not its application is complete, whether and what
2451 type of state and local permits may be necessary for the
2452 applicant's project, whether it is possible to waive such
2453 permits, and what state incentives and amounts of such
2454 incentives may be available to the applicant. ~~Within 10 business~~
2455 ~~days after the application is deemed complete, Enterprise~~
2456 ~~Florida, Inc., shall evaluate the application and recommend~~
2457 ~~approval or disapproval of the application to the director of~~
2458 ~~the Office of Tourism, Trade, and Economic Development. In~~
2459 ~~recommending an applicant business for approval, Enterprise~~
2460 ~~Florida, Inc., shall include in its evaluation a recommended~~
2461 ~~grant award amount and a review of the applicant's ability to~~
2462 ~~meet specific program criteria.~~
2463 (2) Within 14 business ~~10 calendar~~ days after the initial
2464 review and communication with the applicant, Jobs Florida shall
2465 ~~the Office of Tourism, Trade, and Economic Development receives~~

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2466 ~~the evaluation and recommendation from Enterprise Florida, Inc.,~~
2467 ~~the Office shall notify Enterprise Florida, Inc., whether or not~~
2468 ~~the application is reviewable. Within 22 calendar days after the~~
2469 ~~Office receives the recommendation from Enterprise Florida,~~
2470 ~~Inc., the director of the Office shall review the application~~
2471 ~~and~~ issue a letter of certification to the applicant which ~~that~~
2472 approves or disapproves an applicant business and includes a
2473 justification of that decision, unless the business requests an
2474 extension of that time.
2475 (a) The final order or agreement with the applicant shall
2476 specify the total amount of the award, the performance
2477 conditions that must be met to obtain the award, and the
2478 schedule for payment. Jobs Florida may enter into one agreement
2479 or issue one final order covering all of the state incentives
2480 that are being provided to the applicant.
2481 (b) The release of funds for the incentive or incentives
2482 awarded to the applicant depends upon the statutory requirements
2483 of the particular incentive program.
2484 Section 23. Section 288.095, Florida Statutes, is amended
2485 to read:
2486 288.095 Economic Development Trust Fund.—
2487 (1) The Economic Development Trust Fund is created within
2488 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
2489 ~~Development~~. Moneys deposited into the fund must be used only to
2490 support the authorized activities and operations of Jobs Florida
2491 ~~the Office~~.
2492 (2) There is created, within the Economic Development Trust
2493 Fund, the Economic Development Incentives Account. The Economic
2494 Development Incentives Account consists of moneys appropriated

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2495 to the account for purposes of the tax incentives programs
2496 authorized under ss. 288.1045 and 288.106; the~~, and~~ local
2497 financial support provided under ss. 288.1045 and 288.106; and
2498 the federal funds designated for purposes of s. 288.048. Moneys
2499 in the Economic Development Incentives Account shall be subject
2500 to the provisions of s. 216.301(1)(a). Federal funds set aside
2501 for the incumbent worker training program under s. 288.048 may
2502 not be used for any other economic development program.
2503 (3)(a) Jobs Florida ~~The Office of Tourism, Trade, and~~
2504 ~~Economic Development~~ may approve applications for certification
2505 pursuant to ss. 288.1045(3) and 288.106. However, the total
2506 state share of tax refund payments ~~scheduled in all active~~
2507 ~~certifications for fiscal year 2001-2002 may not exceed $30~~
2508 ~~million. The total for each subsequent fiscal year~~ may not
2509 exceed $35 million.
2510 (b) The total amount of tax refund claims approved for
2511 payment by Jobs Florida ~~the Office of Tourism, Trade, and~~
2512 ~~Economic Development~~ based on actual project performance may not
2513 exceed the amount appropriated to the Economic Development
2514 Incentives Account for such purposes for the fiscal year. Claims
2515 for tax refunds under ss. 288.1045 and 288.106 shall be paid in
2516 the order the claims are approved by Jobs Florida ~~the Office of~~
2517 ~~Tourism, Trade, and Economic Development~~. In the event the
2518 Legislature does not appropriate an amount sufficient to satisfy
2519 the tax refunds under ss. 288.1045 and 288.106 in a fiscal year,
2520 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
2521 ~~Development~~ shall pay the tax refunds from the appropriation for
2522 the following fiscal year. By March 1 of each year, Jobs Florida
2523 ~~the Office of Tourism, Trade, and Economic Development~~ shall

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2524 notify the legislative appropriations committees of the Senate
2525 and House of Representatives of any anticipated shortfall in the
2526 amount of funds needed to satisfy claims for tax refunds from
2527 the appropriation for the current fiscal year.
2528 (c) Pursuant to s. 288.907 ~~By December 31 of each year~~,
2529 Jobs Florida ~~Enterprise Florida, Inc.,~~ shall submit a complete
2530 and detailed annual report to the Governor, the President of the
2531 Senate, and the Speaker of the House of Representatives~~, and the~~
2532 ~~director of the Office of Tourism, Trade, and Economic~~
2533 ~~Development~~ of all applications received, recommendations made
2534 to Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
2535 ~~Development~~, final decisions issued, tax refund agreements
2536 executed, and tax refunds paid or other payments made under all
2537 programs funded out of the Economic Development Incentives
2538 Account, including analyses of benefits and costs, types of
2539 projects supported, and employment and investment created. Jobs
2540 Florida ~~Enterprise Florida, Inc.,~~ shall also include a separate
2541 analysis of the impact of such tax refunds on state enterprise
2542 zones designated pursuant to s. 290.0065, rural communities,
2543 brownfield areas, and distressed urban communities. The report
2544 must also discuss the efforts made by Jobs Florida ~~the Office of~~
2545 ~~Tourism, Trade, and Economic Development~~ to amend tax refund
2546 agreements to require tax refund claims to be submitted by
2547 January 31 for the net new full-time equivalent jobs in this
2548 state as of December 31 of the preceding calendar year. The
2549 report must also list the name and tax refund amount for each
2550 business that has received a tax refund under s. 288.1045 or s.
2551 288.106 during the preceding fiscal year. ~~The Office of Tourism,~~
2552 ~~Trade, and Economic Development shall assist Enterprise Florida,~~

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2553 ~~Inc., in the collection of data related to business performance~~
2554 ~~and incentive payments.~~
2555 (d) Moneys in the Economic Development Incentives Account
2556 may be used only to pay tax refunds and make other payments
2557 authorized for the programs identified by law ~~under s. 288.1045,~~
2558 ~~s. 288.106, or s. 288.107~~.
2559 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
2560 ~~Development~~ may adopt rules necessary to carry out the
2561 provisions of this subsection, including rules providing for the
2562 use of moneys in the Economic Development Incentives Account and
2563 for the administration of the Economic Development Incentives
2564 Account.
2565 Section 24. Section 288.1081, Florida Statutes, is amended
2566 to read:
2567 288.1081 Economic Gardening Business Loan ~~Pilot~~ Program.—
2568 (1) There is created within Jobs Florida ~~the Office of~~
2569 ~~Tourism, Trade, and Economic Development~~ the Economic Gardening
2570 Business Loan ~~Pilot~~ Program. The purpose of the ~~pilot~~ program is
2571 to stimulate investment in Florida's economy by providing loans
2572 to expanding businesses in the state. ~~As used in this section,~~
2573 ~~the term "office" means the Office of Tourism, Trade, and~~
2574 ~~Economic Development.~~
2575 (2) The Legislature finds that it is vital to the overall
2576 health and growth of the state's economy to promote favorable
2577 conditions for expanding Florida businesses that demonstrate the
2578 ability to grow. The Legislature further finds that, due to the
2579 current extraordinary economic challenges confronting the state,
2580 there exists a public purpose in expending state resources to
2581 stimulate investment in Florida's economy. It is therefore the

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2582 intent of the Legislature that resources be provided for the
2583 loan ~~pilot~~ program.
2584 (3)(a) To be eligible for a loan under the ~~pilot~~ program,
2585 an applicant must be a business eligible for assistance under
2586 the Economic Gardening Technical Assistance ~~Pilot~~ Program as
2587 provided in s. 288.1082(4)(a).
2588 (b) A loan applicant must submit a written application to
2589 the loan administrator in the format prescribed by the loan
2590 administrator. The application must include:
2591 1. The applicant's federal employer identification number,
2592 unemployment account number, and sales or other tax registration
2593 number.
2594 2. The street address of the applicant's principal place of
2595 business in this state.
2596 3. A description of the type of economic activity, product,
2597 or research and development undertaken by the applicant,
2598 including the six-digit North American Industry Classification
2599 System code for each type of economic activity conducted by the
2600 applicant.
2601 4. The applicant's annual revenue, number of employees,
2602 number of full-time equivalent employees, and other information
2603 necessary to verify the applicant's eligibility for the
2604 technical assistance ~~pilot~~ program under s. 288.1082(4)(a).
2605 5. The projected investment in the business, if any, which
2606 the applicant proposes in conjunction with the loan.
2607 6. The total investment in the business from all sources,
2608 if any, which the applicant proposes in conjunction with the
2609 loan.
2610 7. The number of net new full-time equivalent jobs that, as

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2611 a result of the loan, the applicant proposes to create in this
2612 state as of December 31 of each year and the average annual wage
2613 of the proposed jobs.
2614 8. The total number of full-time equivalent employees the
2615 applicant currently employs in this state.
2616 9. The date that the applicant anticipates it needs the
2617 loan.
2618 10. A detailed explanation of why the loan is needed to
2619 assist the applicant in expanding jobs in the state.
2620 11. A statement that all of the applicant's available
2621 corporate assets are pledged as collateral for the amount of the
2622 loan.
2623 12. A statement that the applicant, upon receiving the
2624 loan, agrees not to seek additional long-term debt without prior
2625 approval of the loan administrator.
2626 13. A statement that the loan is a joint obligation of the
2627 business and of each person who owns at least 20 percent of the
2628 business.
2629 14. Any additional information requested by Jobs Florida
2630 ~~the office~~ or the loan administrator.
2631 (c) The loan administrator, after verifying the accuracy of
2632 a submitted application, shall award the loan to the applicant
2633 if the administrator determines that the applicant, as compared
2634 to other applicants submitting applications, is in the best
2635 position to use the loan to continue making a successful long-
2636 term business commitment to the state. The loan administrator
2637 also shall consider the following factors:
2638 1. Whether the applicant has applied for or received
2639 incentives from local governments;

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2640 2. Whether the applicant has applied for or received
2641 waivers of taxes, impact fees, or other fees or charges by local
2642 governments; and
2643 3. What other sources of investments or financing for the
2644 project that is the subject of the loan application will be
2645 available to the applicant.
2646 (d) A borrower awarded a loan under this section and the
2647 loan administrator must enter into a loan agreement that
2648 provides for the borrower's repayment of the loan.
2649 (4) The following terms apply to a loan received under the
2650 ~~pilot~~ program:
2651 (a) The maximum amount of the loan is $250,000.
2652 (b) The proceeds of the loan may be used for working
2653 capital purchases, employee training, or salaries for newly
2654 created jobs in the state.
2655 (c) The security interest for the loan's collateral
2656 covering all of the borrower's available corporate assets to
2657 cover the amount of the loan must be perfected by recording a
2658 lien under the Uniform Commercial Code.
2659 (d) The period of the loan is 4 years.
2660 (e) The interest rate of the loan is 2 percent. However, if
2661 the borrower does not create the projected number of jobs within
2662 the terms of the loan agreement, the interest rate shall be
2663 increased for the remaining period of the loan to the prime rate
2664 published in the Wall Street Journal, as of the date specified
2665 in the loan agreement, plus 4 percentage points. The loan
2666 agreement may provide flexibility in meeting the projected
2667 number of jobs for delays due to governmental regulatory issues,
2668 including, but not limited to, permitting.

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2669 (f) For the first 12 months of the loan, payment is due for
2670 interest only, payable during the twelfth month. Thereafter,
2671 payment for interest and principal is due each month until the
2672 loan is paid in full. Interest and principal payments are based
2673 on the unpaid balance of the total loan amount.
2674 (5)(a) Jobs Florida ~~the Office~~ may designate one or more
2675 qualified entities to serve as loan administrators for the ~~pilot~~
2676 program. A loan administrator must:
2677 1. Be a Florida corporation not for profit incorporated
2678 under chapter 617 which has its principal place of business in
2679 the state.
2680 2. Have 5 years of verifiable experience of lending to
2681 businesses in this state.
2682 3. Submit an application to Jobs Florida ~~the Office~~ on
2683 forms prescribed by Jobs Florida ~~the Office~~. The application
2684 must include the loan administrator's business plan for its
2685 proposed lending activities under the ~~pilot~~ program, including,
2686 but not limited to, a description of its outreach efforts,
2687 underwriting, credit policies and procedures, credit decision
2688 processes, monitoring policies and procedures, and collection
2689 practices; the membership of its board of directors; and samples
2690 of its currently used loan documentation. The application must
2691 also include a detailed description and supporting documentation
2692 of the nature of the loan administrator's partnerships with
2693 local or regional economic and business development
2694 organizations.
2695 (b) Jobs Florida ~~The Office~~, upon selecting a loan
2696 administrator, shall enter into a grant agreement with the
2697 administrator to issue the available loans to eligible

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2698 applicants. The grant agreement must specify the aggregate
2699 amount of the loans authorized for award by the loan
2700 administrator. The term of the grant agreement must be at least
2701 4 years, except that Jobs Florida ~~the Office~~ may terminate the
2702 agreement earlier if the loan administrator fails to meet
2703 minimum performance standards set by Jobs Florida ~~the office~~.
2704 The grant agreement may be amended by mutual consent of both
2705 parties.
2706 (c) Jobs Florida ~~The Office~~ shall disburse from the
2707 Economic Development Trust Fund to the loan administrator the
2708 appropriations provided for the ~~pilot~~ program. Disbursements to
2709 the loan administrator must not exceed the aggregate amount of
2710 the loans authorized in the grant agreement. Jobs Florida ~~the~~
2711 ~~Office~~ may not disburse more than 50 percent of the aggregate
2712 amount of the loans authorized in the grant agreement until Jobs
2713 Florida ~~the Office~~ verifies the borrowers' use of the loan
2714 proceeds and the loan administrator's successful credit
2715 decisionmaking policies.
2716 (e) A loan administrator, after collecting the servicing
2717 fee in accordance with paragraph (d), shall use ~~remit~~ the
2718 borrower's collected interest, principal payments, and charges
2719 for late payments to provide additional loans to eligible
2720 borrowers under this section ~~the office on a quarterly basis~~. If
2721 the borrower defaults on the loan, the loan administrator shall
2722 initiate collection efforts to seek repayment of the loan. The
2723 loan administrator may, upon collecting payments for a defaulted
2724 loan, deduct the costs of the administrator's collection efforts
2725 ~~shall remit the payments to the office but,~~ to the extent
2726 authorized in the grant agreement, and shall use the remaining

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2727 payments to provide additional loans to eligible borrowers under
2728 this section ~~may deduct the costs of the administrator's~~
2729 ~~collection efforts~~. ~~The Office shall deposit all funds received~~
2730 ~~under this paragraph in the General Revenue Fund.~~
2731 (f) A loan administrator shall submit quarterly reports to
2732 Jobs Florida ~~the Office~~ which include the information required
2733 in the grant agreement. A quarterly report must include, at a
2734 minimum, the number of full-time equivalent jobs created as a
2735 result of the loans, the amount of wages paid to employees in
2736 the newly created jobs, and the locations and types of economic
2737 activity undertaken by the borrowers.
2738 (6) All notes, mortgages, security agreements, letters of
2739 credit, or other instruments that are given to secure the
2740 repayment of loans issued in connection with the financing of
2741 any loan under the program, without regard to the status of any
2742 party thereto as a private party, are exempt from taxation by
2743 the state and its political subdivisions. The exemption granted
2744 in this subsection does not apply to any tax imposed by chapter
2745 220 on interest, income, or profits on debt obligations owned by
2746 corporations.
2747 (7) Jobs Florida ~~The Office~~ shall adopt rules under ss.
2748 120.536(1) and 120.54 to administer this section. ~~To the extent~~
2749 ~~necessary to expedite implementation of the pilot program, the~~
2750 ~~Office may adopt initial emergency rules for the pilot program~~
2751 ~~in accordance with s. 120.54(4).~~
2752 (8) On June 30 and December 31 of each year, Jobs Florida
2753 ~~beginning in 2009, the Office~~ shall submit a report to the
2754 Governor, the President of the Senate, and the Speaker of the
2755 House of Representatives which describes in detail the use of

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2756 the loan funds. The report must include, at a minimum, the
2757 number of businesses receiving loans, the number of full-time
2758 equivalent jobs created as a result of the loans, the amount of
2759 wages paid to employees in the newly created jobs, the locations
2760 and types of economic activity undertaken by the borrowers, the
2761 amounts of loan repayments made to date, and the default rate of
2762 borrowers.
2763 (9) Unexpended balances of appropriations provided for the
2764 loan ~~pilot~~ program shall not revert to the fund from which the
2765 appropriation was made at the end of a fiscal year but shall be
2766 retained in the Economic Development Trust Fund and be carried
2767 forward for expenditure for the ~~pilot~~ program during the
2768 following fiscal year. ~~A loan administrator may not award a new~~
2769 ~~loan or enter into a loan agreement after June 30, 2011.~~
2770 ~~Balances of appropriations provided for the pilot program which~~
2771 ~~remain unexpended as of July 1, 2011, shall revert to the~~
2772 ~~General Revenue Fund.~~
2773 ~~(10) This section is repealed July 1, 2016, unless reviewed~~
2774 ~~and reenacted by the Legislature before that date.~~
2775 Section 25. Section 288.1082, Florida Statutes, is amended
2776 to read:
2777 288.1082 Economic Gardening Technical Assistance ~~Pilot~~
2778 Program.—
2779 (1) There is created within Jobs Florida ~~The Office of~~
2780 ~~Tourism, Trade, and Economic Development~~ the Economic Gardening
2781 Technical Assistance ~~Pilot~~ Program. The purpose of the ~~pilot~~
2782 program is to stimulate investment in Florida's economy by
2783 providing technical assistance for expanding businesses in the
2784 state. ~~As used in this section, the term "Office" means the~~

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2785 ~~Office of Tourism, Trade, and Economic Development.~~
2786 (2) Jobs Florida ~~The Office~~ shall contract with one or more
2787 entities to administer the technical assistance ~~pilot~~ program
2788 under this section. Jobs Florida ~~The Office~~ shall award each
2789 contract in accordance with the competitive bidding requirements
2790 in s. 287.057 to an entity that demonstrates the ability to
2791 implement the ~~pilot~~ program on a statewide basis, has an
2792 outreach plan, and has the ability to provide counseling
2793 services, access to technology and information, marketing
2794 services and advice, business management support, and other
2795 similar services. In selecting these entities, Jobs Florida ~~the~~
2796 ~~Office~~ also must consider whether the entities will qualify for
2797 matching funds to provide the technical assistance.
2798 (3) A contracted entity administering the ~~pilot~~ program
2799 shall provide technical assistance for eligible businesses which
2800 includes, but is not limited to:
2801 (a) Access to free or affordable information services and
2802 consulting services, including information on markets,
2803 customers, and competitors, such as business databases,
2804 geographic information systems, and search engine marketing.
2805 (b) Development of business connections, including
2806 interaction and exchange among business owners and resource
2807 providers, such as trade associations, think tanks, academic
2808 institutions, business roundtables, peer-to-peer learning
2809 sessions, and mentoring programs.
2810 (4)(a) To be eligible for assistance under the ~~pilot~~
2811 program, a business must be a for-profit, privately held,
2812 investment-grade business that employs at least 10 persons but
2813 not more than 50 persons, has maintained its principal place of

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2814 business in the state for at least the previous 2 years,
2815 generates at least $1 million but not more than $25 million in
2816 annual revenue, qualifies for the tax refund program for
2817 qualified target industry businesses under s. 288.106, and,
2818 during 3 of the previous 5 years, has increased both its number
2819 of full-time equivalent employees in this state and its gross
2820 revenues.
2821 (b) The ~~A~~ contracted entity administering the ~~pilot~~
2822 program, in selecting the eligible businesses to receive
2823 assistance, shall choose businesses in more than one industry
2824 cluster and, to the maximum extent practicable, shall choose
2825 businesses that are geographically distributed throughout
2826 Florida or are in partnership with businesses that are
2827 geographically distributed throughout Florida.
2828 (5)(a) A business receiving assistance under the ~~pilot~~
2829 program must enter into an agreement with the contracted entity
2830 administering the program to establish the business's commitment
2831 to participation in the ~~pilot~~ program. The agreement must
2832 require, at a minimum, that the business:
2833 1. Attend a minimum number of meetings between the business
2834 and the contracted entity administering the ~~pilot~~ program.
2835 2. Report job creation data in the manner prescribed by the
2836 contracted entity administering the ~~pilot~~ program.
2837 3. Provide financial data in the manner prescribed by the
2838 contracted entity administering the program.
2839 (b) Jobs Florida ~~The office~~ or the contracted entity
2840 administering the ~~pilot~~ program may prescribe in the agreement
2841 additional reporting requirements that are necessary to track
2842 the progress of the business and monitor the business's

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2843 implementation of the assistance. The contracted entity shall
2844 report the information to Jobs Florida ~~the office~~ on a quarterly
2845 basis.
2846 (6) The ~~A~~ contracted entity administering the ~~pilot~~ program
2847 is authorized to promote the general business interests or
2848 industrial interests of the state.
2849 (7) Jobs Florida ~~The Office~~ shall review the progress of
2850 the ~~a~~ contracted entity administering the ~~pilot~~ program at least
2851 once each 6 months and shall determine whether the contracted
2852 entity is meeting its contractual obligations for administering
2853 the ~~pilot~~ program. Jobs Florida ~~The Office~~ may terminate and
2854 rebid a contract if the contracted entity does not meet its
2855 contractual obligations.
2856 (8) On December 31 of each year, Jobs Florida ~~beginning in~~
2857 ~~2009, the Office~~ shall submit a report to the Governor, the
2858 President of the Senate, and the Speaker of the House of
2859 Representatives which describes in detail the progress of the
2860 ~~pilot~~ program. The report must include, at a minimum, the number
2861 of businesses receiving assistance, the number of full-time
2862 equivalent jobs created as a result of the assistance, if any,
2863 the amount of wages paid to employees in the newly created jobs,
2864 and the locations and types of economic activity undertaken by
2865 the businesses.
2866 (9) Jobs Florida ~~the Office~~ may adopt rules under ss.
2867 120.536(1) and 120.54 to administer this section.
2868 Section 26. The Division of Statutory Revision is requested
2869 to rename part VII of chapter 288, Florida Statutes, consisting
2870 of ss. 288.901-288.9415, Florida Statutes, as "Jobs Florida
2871 Partnership, Inc.

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2872 Section 27. Section 288.901, Florida Statutes, is amended
2873 to read:
2874 (Substantial rewording of section. See
2875 s. 288.901, F.S., for present text.)
2876 288.901 Jobs Florida Partnership, Inc.—
2877 (1) CREATION.—
2878 (a) There is created a nonprofit corporation, to be known
2879 as "Jobs Florida Partnership, Inc.," which shall be registered,
2880 incorporated, organized, and operated in compliance with chapter
2881 617, and which is not a unit or entity of state government.
2882 (b) However, the Legislature determines it is in the best
2883 interest of the state and reflects the state's public policy
2884 that Jobs Florida Partnership, Inc., operate in the most open
2885 and accessible manner consistent with its public purposes. To
2886 this end, the Legislature specifically declares that Jobs
2887 Florida Partnership, Inc., and its divisions, boards and
2888 advisory councils, or similar entities created or managed by the
2889 Jobs Florida Partnership, Inc., are subject to the provisions of
2890 chapter 119, relating to public records and those provisions of
2891 chapter 286 relating to public meetings and records.
2892 (c) Additionally, the Legislature determines that it is in
2893 the public interest for the members of the Jobs Florida
2894 Partnership, Inc., board of directors to be subject to the
2895 requirements of ss. 112.3135, 112.3143, and 112.313, excluding
2896 s. 112.313(2), notwithstanding the fact that the board members
2897 are not public officers or employees. For purposes of those
2898 sections, the board members shall be considered to be public
2899 officers or employees. The exemption set forth in s. 212.313(12)
2900 for advisory boards applies to the members of the Jobs Florida

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2901 Partnership, Inc., board of directors. Further, each member of
2902 the board of directors who is not otherwise required to file
2903 financial disclosures pursuant to s. 8, Art. II of the State
2904 Constitution or s. 112.3144, shall file disclosure of financial
2905 interests pursuant to s. 112.3145.
2906 (2) PURPOSES.—Jobs Florida Partnership, Inc., hereafter
2907 referred to as the partnership in this part, will act as an
2908 economic-development organization for the state, utilizing
2909 private-sector and public-sector expertise in collaboration with
2910 Jobs Florida to:
2911 (a) Increase private investment in Florida;
2912 (b) Advance international and domestic trade opportunities;
2913 (c) Market the state both as a pro-business location for
2914 new investment and as an unparalleled tourist destination;
2915 (d) Revitalize Florida's space and aerospace industries,
2916 and promote emerging complementary industries;
2917 (e) Promote opportunities for minority-owned businesses;
2918 and
2919 (f) Assist and market professional and amateur sport teams
2920 and sporting events in Florida.
2921 (3) PERFORMANCE.—The partnership shall enter into a
2922 performance-based agreement with Jobs Florida, pursuant to s.
2923 20.60, which includes annual measurements of the partnership's
2924 performance.
2925 (4) GOVERNANCE.—The partnership shall be governed by an 11-
2926 member board of directors. The Governor shall serve on the board
2927 as the chair, and shall appoint four other members. Three
2928 members shall be appointed by the President of the Senate, and
2929 three shall be appointed by the Speaker of the House of

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2930 Representatives. All appointees are subject to Senate
2931 confirmation.
2932 (a) In making their appointments, the Governor, the
2933 President of the Senate, and the Speaker of the House of
2934 Representatives shall ensure that the composition of the board
2935 of directors reflects the diversity of Florida's business
2936 community and is representative of the economic development
2937 goals in subsection (2). The board must include at least one
2938 director for each of the following areas of expertise:
2939 international business, tourism marketing, the space or
2940 aerospace industry, managing or financing a minority-owned
2941 business, manufacturing, finance and accounting, and sports
2942 marketing.
2943 (b) The Governor, the President of the Senate, and the
2944 Speaker of the House of Representatives also shall consider
2945 appointees who reflect Florida's racial, ethnic, and gender
2946 diversity, as well as the geographic distribution, of the
2947 population of the state.
2948 (c) Appointed members shall be appointed to 4-year terms,
2949 except that initially, to provide for staggered terms, the
2950 Governor, the President of the Senate, and the Speaker of the
2951 House of Representatives shall each appoint one member to serve
2952 a 2-year term and one member to serve a 3-year term, with the
2953 remaining initial appointees serving 4-year terms. All
2954 subsequent appointments shall be for 4-year terms.
2955 (d) Initial appointments must be made by October 1, 2011,
2956 and be eligible for confirmation at the earliest available
2957 Senate session. Terms end on September 30.
2958 (e) Any member is eligible for reappointment, except that a

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2959 member may not serve more than two terms.
2960 (f) A vacancy on the board of directors shall be filled for
2961 the remainder of the unexpired term. Vacancies on the board
2962 shall be filled by appointment by the Governor, the President of
2963 the Senate, or the Speaker of the House of Representatives,
2964 respectively, depending on who appointed the member whose
2965 vacancy is to be filled or whose term has expired.
2966 (g) Appointed members may be removed by the Governor, the
2967 President of the Senate, or the Speaker of the House of
2968 Representatives, respectively, for cause. Absence from three
2969 consecutive meetings results in automatic removal.
2970 (5) AT-LARGE BOARD MEMBERS.—Notwithstanding the provisions
2971 of subsection (4), the board of directors may by resolution
2972 appoint up to 10 at-large members to the board from the private
2973 sector, each of whom may serve a term of up to 3 years. At-large
2974 members shall have the powers and duties of other members of the
2975 board. An at-large member is eligible for reappointment but may
2976 not vote on his or her own reappointment. An at-large member
2977 shall be eligible to fill vacancies occurring among private-
2978 sector appointees under subsection (4). At-large members may
2979 annually provide contributions to the partnership, in an amount
2980 determined by the 11-member board established in subsection (4).
2981 The contributions must be used to defray the partnership's
2982 operating expenses and help meet the required private match to
2983 the state's annual appropriation.
2984 (6) EX OFFICIO BOARD MEMBERS.—
2985 (a) The commissioner of the Department of Jobs Florida
2986 shall be an ex officio, nonvoting member of the board of
2987 directors.

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2988 (b) The chair of each advisory council for a division shall
2989 be an ex officio, nonvoting member of the board of directors.
2990 (c) The chair of the advisory council for Space Florida
2991 shall be an ex officio, nonvoting member of the board of
2992 directors.
2993 (7) MEETING.—The board of directors shall biennially elect
2994 one of its members as vice chairperson. The board of directors
2995 shall meet at least four times each year, upon the call of the
2996 chairperson, at the request of the vice chairperson, or at the
2997 request of a majority of the membership. A majority of the total
2998 number of current voting directors shall constitute a quorum.
2999 The board of directors may take official action by a majority
3000 vote of the members present at any meeting at which a quorum is
3001 present.
3002 (8) SERVICE.—Members of the board of directors shall serve
3003 without compensation, except for members of Jobs Florida
3004 Partnership, Inc., and the advisory councils created in s.
3005 288.92, but are entitled to reimbursement for all reasonable,
3006 necessary, and actual expenses, as determined by the board of
3007 directors.
3008 (9) PROHIBITION.—The partnership may not endorse any
3009 candidate for any elected public office or contribute moneys to
3010 the campaign of any such candidate.
3011 Section 28. Section 288.9015, Florida Statutes, is amended
3012 to read:
3013 (Substantial rewording of section. See
3014 s. 288.9015, F.S., for present text.)
3015 288.9015 Powers of the Jobs Florida Partnership, Inc.;
3016 board of directors.—

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3017 (1) The partnership shall integrate its efforts in business
3018 recruitment and expansion, job creation, marketing the state for
3019 tourism and sports, and promoting economic opportunities for
3020 minority-owned businesses and promoting economic opportunities
3021 for rural and distressed urban communities with those of the
3022 commissioner of the Department of Jobs Florida, to create an
3023 aggressive, agile, and collaborative effort to reinvigorate the
3024 state's economy.
3025 (2) The partnership's board of directors may:
3026 (a) Secure funding for its programs and activities, and for
3027 its boards from federal, state, local, and private sources and
3028 from fees charged for services and published materials.
3029 (b) Solicit, receive, hold, invest, and administer any
3030 grant, payment, or gift of funds or property and make
3031 expenditures consistent with the powers granted to it.
3032 (c) Make and enter into contracts and other instruments
3033 necessary or convenient for the exercise of its powers and
3034 functions. A contract executed by the partnership with a person
3035 or organization under which such person or organization agrees
3036 to perform economic development services or similar business-
3037 assistance services on behalf of the partnership or the state
3038 must include provisions requiring a performance report on the
3039 contracted activities and must account for the proper use of
3040 funds provided under the contract, coordinate with other
3041 components of state and local economic development systems, and
3042 avoid duplication of existing state and local services and
3043 activities.
3044 (d) Elect or appoint such officers, employees, and agents
3045 as required for its activities and for its divisions and pay

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3046 such persons reasonable compensation.
3047 (e) Carry forward any unexpended state appropriations into
3048 succeeding fiscal years.
3049 (f) Except for the divisions and advisory councils created
3050 in s. 288.92, create and dissolve advisory divisions, working
3051 groups, task forces, or similar organizations, as necessary to
3052 carry out its mission. Members of advisory divisions, working
3053 groups, task forces, or similar organizations created by the
3054 partnership shall serve without compensation, but may be
3055 reimbursed for reasonable, necessary, and actual expenses, as
3056 determined by the partnership's board of directors.
3057 (g) Sue and be sued, and appear and defend in all actions
3058 and proceedings, in its corporate name to the same extent as a
3059 natural person.
3060 (h) Adopt, use, and alter a common corporate seal for the
3061 partnership and its divisions. Notwithstanding any provision of
3062 chapter 617 to the contrary, this seal is not required to
3063 contain the words "corporation not for profit."
3064 (i) Adopt, amend, and repeal bylaws, not inconsistent with
3065 the powers granted to it or the articles of incorporation, for
3066 the administration of the partnership's activities and the
3067 exercise of its corporate powers.
3068 (j) Acquire, enjoy, use, and dispose of patents,
3069 copyrights, and trademarks and any licenses, royalties, and
3070 other rights or interests thereunder or therein.
3071 (k) Use the state seal, notwithstanding the provisions of
3072 s. 15.03, when appropriate, for standard corporate identity
3073 applications. Use of the state seal is not intended to replace
3074 use of a corporate seal as provided in this section.

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3075 (l) Procure insurance or require bond against any loss in
3076 connection with the property of the partnership and its
3077 divisions, in such amounts and from such insurers as is
3078 necessary or desirable.
3079 (3) The powers granted to the partnership shall be
3080 liberally construed in order that the partnership may pursue and
3081 succeed in its responsibilities under this part.
3082 (4) Under no circumstances may the credit of the State of
3083 Florida be pledged on behalf of the partnership.
3084 (5) In addition to any indemnification available under
3085 chapter 617, the partnership may indemnify, and purchase and
3086 maintain insurance on behalf of, it directors, officers, and
3087 employees of the partnership and its divisions against any
3088 personal liability or accountability by reason of actions taken
3089 while acting within the scope of their authority.
3090 Section 29. Section 288.903, Florida Statutes, is amended
3091 to read:
3092 (Substantial rewording of section. See
3093 s. 288.903, F.S., for present text.)
3094 288.903 Duties of the Jobs Florida Partnership, Inc.—The
3095 partnership shall have the following duties:
3096 (1) Responsibly and prudently manage all public and private
3097 funds received, and ensure that the use of such funds is in
3098 accordance with all applicable laws, bylaws, or contractual
3099 requirements.
3100 (2) Administer the entities or programs created pursuant to
3101 part IX of this chapter; ss. 288.9622-288.9624; ss. 288.95155
3102 and 288.9519; and chapter 95-429, Laws of Florida, line 1680Y.
3103 (3) Prepare an annual report pursuant to s. 288.906 and an

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3104 annual incentives report pursuant to s. 288.907.
3105 (4) Assist Jobs Florida with the development of an annual
3106 and a long-range strategic business blueprint for economic
3107 development.
3108 (5) In coordination with Workforce Florida, Inc., identify
3109 education and training programs that will ensure Florida
3110 businesses have access to a skilled and competent workforce
3111 necessary to compete successfully in the domestic and global
3112 marketplace.
3113 (6) Assist the Office of Property Management within the
3114 Division of Strategic Business Development of Jobs Florida in
3115 managing any state-owned property or assets that are essential
3116 to the activities of its various boards.
3117 Section 30. Section 288.904, Florida Statutes, is amended
3118 to read:
3119 (Substantial rewording of section. See
3120 s. 288.904, F.S., for present text.)
3121 288.904 Funding for the Jobs Florida Partnership, Inc.;
3122 return on the public's investment.—
3123 (1)(a) The Legislature may annually appropriate to the
3124 partnership a sum of money for its operations, and separate
3125 line-item appropriations for each of the divisions and Space
3126 Florida listed in s. 288.92.
3127 (b) The Legislature finds that it is a priority to maximize
3128 private-sector support in operating the partnership and its
3129 divisions, as an endorsement of its value and as an enhancement
3130 of its efforts. Thus, the state appropriations must be matched
3131 with private-sector support equal to at least 35 percent of the
3132 state funding.

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3133 (c) Private-sector support in operating the partnership and
3134 its divisions includes:
3135 1. Cash given directly to the partnership for its
3136 operations, including contributions from at-large members of the
3137 board of directors;
3138 2. Cash donations from the divisions' advisory councils or
3139 from organizations assisted by the divisions;
3140 3. Cash jointly raised by the partnership and a private
3141 local economic development organization, a group of such
3142 organizations, or a statewide private business organization that
3143 supports collaborative projects;
3144 4. Cash generated by fees charged for products or services
3145 of the partnership and its divisions by sponsorship of events,
3146 missions, programs, and publications; and
3147 5. Copayments, stock, warrants, royalties, or other private
3148 resources dedicated to the partnership or its divisions.
3149 (2)(a) The state's operating investment in the partnership
3150 and its divisions is the budget contracted by Jobs Florida to
3151 the partnership, less any funding that is directed by the
3152 Legislature to be subcontracted to a specific recipient entity.
3153 (b) The partnership's board of directors shall adopt for
3154 each upcoming fiscal year an operating budget for the
3155 organization, including its divisions, which specifies the
3156 intended uses of the state's operating investment and a plan for
3157 securing private-sector support.
3158 (3) The partnership shall fully comply with the performance
3159 measures, standards, and sanctions in its contract with Jobs
3160 Florida, under s. 20.60. Jobs Florida shall ensure, to the
3161 maximum extent possible, that the contract performance measures

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3162 are consistent with performance measures that it is required to
3163 develop and track under performance-based program budgeting. The
3164 contract shall also include performance measures for the
3165 divisions.
3166 (4) The Legislature intends to review the partnership's
3167 performance in achieving the performance goals stated in its
3168 annual agreement with Jobs Florida to determine whether the
3169 public is receiving a positive return on its investment in the
3170 partnership and its divisions. It also is the intent of the
3171 Legislature that the partnership coordinate its operations with
3172 local economic development organizations to maximize the state
3173 and local return on investment to create jobs for Floridians.
3174 (5) As part of the annual report required under s. 288.906,
3175 the partnership shall provide the Legislature with information
3176 quantifying the return on the public's investment as described
3177 in this section each fiscal year.
3178 (6) The partnership, in consultation with the Office of
3179 Economic and Demographic Research, shall hire an economic
3180 analysis firm to develop the methodology for establishing and
3181 reporting the return on the public's investment and in-kind
3182 contributions as described in this section and shall hire a firm
3183 experienced in survey research to develop, analyze, and report
3184 on the results of the customer-satisfaction survey conducted
3185 pursuant to s. 288.906. The Office of Economic and Demographic
3186 Research shall review and offer feedback on the methodology
3187 before it is implemented.
3188 Section 31. Section 288.905, Florida Statutes, is amended
3189 to read:
3190 (Substantial rewording of section. See

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3191 s. 288.905, F.S., for present text.)
3192 288.905 President and employees of the Jobs Florida
3193 Partnership, Inc.—
3194 (1) The partnership's board of directors shall appoint a
3195 president, who shall serve at the pleasure of the Governor. The
3196 board of directors shall establish and adjust the president's
3197 compensation. The president shall also be known as the "commerce
3198 secretary."
3199 (2) The president is the chief administrative and
3200 operational officer of the board of directors and of the
3201 partnership, and shall direct and supervise the administrative
3202 affairs of the board of directors and any divisions, councils,
3203 or boards. The board of directors may delegate to the president
3204 those powers and responsibilities it deems appropriate,
3205 including hiring and management of all staff, except for the
3206 appointment of a president.
3207 (3) No employee of the partnership may receive compensation
3208 for employment that exceeds the salary paid to the Governor,
3209 unless the board of directors and the employee have executed a
3210 contract that prescribes specific, measurable performance
3211 outcomes for the employee, the satisfaction of which provides
3212 the basis for the award of incentive payments that increase the
3213 employee's total compensation to a level above the salary paid
3214 to the Governor.
3215 Section 32. Section 288.906, Florida Statutes, is amended
3216 to read:
3217 (Substantial rewording of section. See
3218 s. 288.906, F.S., for present text.)
3219 288.906 Annual report of the partnership and its divisions;

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3220 audits.—
3221 (1) Before December 1 of each year, the partnership shall
3222 submit to the Governor, the President of the Senate, the Speaker
3223 of the House of Representatives, the Senate Minority Leader, and
3224 the House Minority Leader a complete and detailed report
3225 including, but not limited to:
3226 (a) A description of the operations and accomplishments of
3227 the partnership and its divisions, boards, and advisory councils
3228 or similar entities created by the partnership, and an
3229 identification of any major trends, initiatives, or developments
3230 affecting the performance of any program or activity. The
3231 individual annual reports prepared by each division shall be
3232 included as addenda.
3233 (b) An evaluation of progress toward achieving
3234 organizational goals and specific performance outcomes, both
3235 short-term and long-term, established pursuant this part or
3236 under the agreement with Jobs Florida.
3237 (c) Methods for implementing and funding the operations of
3238 the partnership and its divisions, including the private-sector
3239 support required under s. 288.904.
3240 (d) A description of the operations and accomplishments of
3241 the partnership and its divisions with respect to aggressively
3242 marketing Florida's rural communities and distressed urban
3243 communities as locations for potential new investment and job
3244 creation, aggressively assisting in the creation, retention, and
3245 expansion of existing businesses and job growth in these
3246 communities, and aggressively assisting these communities in the
3247 identification and development of new economic development
3248 opportunities.

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3249 (e) A description and evaluation of the operations and
3250 accomplishments of the partnership and its divisions with
3251 respect to interaction with local and private economic
3252 development organizations, including the identification of each
3253 organization that is a primary partner and any specific programs
3254 or activities that promoted the activities of such organizations
3255 and an identification of any specific programs or activities
3256 that promoted a comprehensive and coordinated approach to
3257 economic development in this state.
3258 (f) An assessment of job creation that directly benefits
3259 participants in the welfare transition program or other programs
3260 designed to put long-term unemployed back to work.
3261 (g) The results of a customer-satisfaction survey of
3262 businesses served. The Partnership shall hire a firm experienced
3263 in survey research to develop, analyze, and report on the
3264 results of the customer-satisfaction survey.
3265 (h) An annual compliance and financial audit of accounts
3266 and records by an independent certified public accountant at the
3267 end of its most recent fiscal year performed in accordance with
3268 rules adopted by the Auditor General.
3269 (2) The detailed report required by this section shall also
3270 include the information identified in subsection (1), if
3271 applicable, for each division and Space Florida established
3272 within the partnership.
3273 Section 33. Section 288.907, Florida Statutes, is created
3274 to read:
3275 288.907 Annual incentives report.—
3276 (1) In addition to the annual report required under s.
3277 288.906, the partnership, by December 30 of each year, shall

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3278 provide the Governor, the President of the Senate, and the
3279 Speaker of the House of Representatives a detailed incentives
3280 report quantifying the economic benefits for each of the
3281 following economic development incentive programs marketed by
3282 the partnership in its recruitment efforts: the Qualified Target
3283 Industry Tax Refund Program, the Quick Action Closing Fund, the
3284 Qualified Defense Contractor and Space Flight Business Tax
3285 Refund Program, the High-Impact Business Performance Grant, the
3286 Capital Investment Tax Credit Program, the Brownfield
3287 Redevelopment Bonus Refunds incentive, and the Economic
3288 Development Transportation grant program.
3289 (a) The annual incentives report must include for each
3290 incentive program:
3291 1. A brief description of the incentive program.
3292 2. The amount of awards granted, by year, since inception.
3293 3. Beginning in 2015, the economic benefits, as defined in
3294 s. 288.005, based on the actual amount of private capital
3295 invested, actual number of jobs created, and actual wages paid
3296 for incentive agreements completed during the previous 3 years.
3297 4. Beginning in 2015, the report shall also include the
3298 actual amount of private capital invested, actual number of jobs
3299 created, and actual wages paid for incentive agreements
3300 completed during the previous 3 years for each target industry
3301 sector.
3302 (b) For projects completed during the previous state fiscal
3303 year, the report must include:
3304 1. The number of economic development incentive
3305 applications received.
3306 2. The number of recommendations made to Jobs Florida by

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3307 the partnership, including the number recommended for approval
3308 and the number recommended for denial.
3309 3. The number of final decisions issued by Jobs Florida for
3310 approval and for denial.
3311 4. The projects for which a tax refund, tax credit, or cash
3312 grant agreement was executed, identifying:
3313 a. The number of jobs committed to be created.
3314 b. The amount of capital investments committed to be made.
3315 c. The annual average wage committed to be paid.
3316 d. The amount of state economic development incentives
3317 committed to the project from each incentive program under the
3318 project's terms of agreement with Jobs Florida.
3319 (c) For economic development projects that received tax
3320 refunds, tax credits, or cash grants under the terms of an
3321 agreement for incentives, the report must identify:
3322 1. The number of jobs actually created.
3323 2. The amount of capital investments actually made.
3324 3. The annual average wage paid.
3325 (d) For a project receiving economic development incentives
3326 approved by Jobs Florida and receiving federal or local
3327 incentives, the report must include a description of the federal
3328 or local incentives, if available.
3329 (e) The report must state the number of withdrawn or
3330 terminated projects that did not fulfill the terms of their
3331 agreements with Jobs Florida and consequently are not receiving
3332 incentives.
3333 (f) The report must include an analysis of the economic
3334 benefits, as defined in s. 288.005, of tax refunds, tax credits,
3335 or other payments made to projects locating or expanding in

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3336 state enterprise zones, rural communities, brownfield areas, or
3337 distressed urban communities.
3338 (g) The report must identify the target industry businesses
3339 and high-impact businesses.
3340 (h) The report must describe the trends relating to
3341 business interest in, and usage of, the various incentives, and
3342 the number of minority-owned or woman-owned businesses receiving
3343 incentives.
3344 (2) The Division of Strategic Business Development within
3345 Jobs Florida shall assist the partnership in the preparation of
3346 the annual incentives report.
3347 Section 34. Section 288.911, Florida Statutes, is amended
3348 to read:
3349 (Substantial rewording of section. See
3350 s. 288.911, F.S., for present text.)
3351 288.911 Creation and implementation of a marketing and
3352 image campaign.—
3353 (1) The Partnership, with the assistance of its Division of
3354 Tourism Marketing and the private sector, shall create a
3355 marketing campaign to help attract, develop, and retain target
3356 industry businesses and high-impact businesses to this state.
3357 The campaign must be coordinated with any existing economic
3358 development promotion efforts in this state, and shall be
3359 jointly funded from private and public resources.
3360 (2) The message of the campaign shall be to increase
3361 national and international awareness of this state as a state
3362 ideally suited for the successful advancement of businesses
3363 within the state's target industries and high-impact industries.
3364 Marketing strategies shall include development of promotional

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3365 materials, Internet and print advertising, public relations and
3366 media placement, trade show attendance at information technology
3367 events, and appropriate follow-up activities. Efforts to promote
3368 this state must include the identification and coordination of
3369 existing clusters of target industry businesses and high-impact
3370 businesses and partnerships with economic development
3371 organizations and private-sector businesses.
3372 Section 35. Section 288.912, Florida Statutes, is created
3373 to read:
3374 288.912 Inventory of communities seeking to recruit
3375 businesses.—By September 30 of each year, a county or
3376 municipality that has a population of at least 25,000 or its
3377 local economic development organization must submit to the Jobs
3378 Florida Partnership, Inc., a brief overview of the strengths,
3379 services, and economic development incentives that its community
3380 offers. The local government or its local economic development
3381 organization also must identify any industries that it is
3382 encouraging to locate or relocate to its area.
3383 Section 36. Section 288.92, Florida Statutes, is created to
3384 read:
3385 288.92 Divisions and advisory councils of Jobs Florida
3386 Partnership, Inc.—
3387 (1) The partnership shall have the following divisions,
3388 which have distinct responsibilities and complementary missions:
3389 (a) The Division of International Trade and Business
3390 Development;
3391 (b) The Division of Business Retention and Recruitment;
3392 (c) The Division of Tourism Marketing;
3393 (d) The Division of Minority Business Development; and

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3394 (e) The Division of Sports Industry Development.
3395 (2)(a) The officers and agents of the divisions shall be
3396 hired and their annual compensation established by the president
3397 of the partnership, as deemed appropriate by the board of
3398 directors, and may be eligible for performance bonuses pursuant
3399 to s. 288.905(3).
3400 (b) The Partnership board of directors may organize the
3401 divisions so that administrative staff and costs are shared and
3402 thus minimized to the greatest extent possible.
3403 (3) Space Florida shall be administratively housed within
3404 the partnership and shall have the authority, powers, and duties
3405 set forth in part II of chapter 331.
3406 (4) Each division shall have an advisory council, comprised
3407 of Florida residents with expertise in each division's
3408 particular responsibilities. The partnership may submit
3409 nominations of persons to serve on each advisory council to the
3410 Governor, who will select the members of each advisory council
3411 from the lists submitted. Each advisory council shall elect a
3412 member to serve as the chair of the council.
3413 (5) The term for an advisory council member is 4 years. A
3414 member may not serve more than two consecutive terms. The
3415 Governor may remove any member for cause and shall fill all
3416 vacancies that occur.
3417 (6) Advisory council members shall serve without
3418 compensation, but may be reimbursed for all reasonable,
3419 necessary, and actual expenses, as determined by the
3420 partnership's board of directors.
3421 Section 37. Section 288.921, Florida Statutes, is created
3422 to read:

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3423 288.921 Division of International Trade and Business
3424 Development; responsibilities; advisory council.—
3425 (1) There is created within the partnership the Division of
3426 International Trade and Business Development.
3427 (2) The division shall be responsible for:
3428 (a) Developing business leads that generate increased
3429 foreign investment in Florida;
3430 (b) Developing programs, such as international trade shows,
3431 that establish viable overseas markets for Florida products and
3432 services;
3433 (c) Facilitating the development and implementation of
3434 strategies to secure financing for exporting Florida products
3435 and services;
3436 (d) Promoting opportunities for international joint-venture
3437 relationships, using the resources of academic, business, and
3438 other institutions;
3439 (e) Coordinating and facilitating trade assistance for
3440 Florida businesses;
3441 (f) Participating in discussions and planning exercises
3442 with the Florida Seaport Advisory Council, the state Department
3443 of Transportation, and statewide transportation logistics and
3444 intermodal mobility organizations regarding proposed
3445 improvements to Florida’s infrastructure to attract and manage
3446 international cargo and commerce.
3447 (3) The division also shall assist the commissioner of Jobs
3448 Florida with administering a grant program for promotion of
3449 international trade.
3450 (a) A county, municipality, economic development council,
3451 or a nonprofit association of businesses organized to assist in

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3452 the promotion of international trade may apply for a grant of
3453 state funds for the promotion of international trade.
3454 (b) The division shall review each application for a grant
3455 to promote international trade and annually submit to the
3456 commissioner of Jobs Florida for approval a list of all
3457 recommended applications for the award of grants, arranged in
3458 order of priority.
3459 1. The commissioner of Jobs Florida may allocate grants
3460 only for projects that are approved or for which funds are
3461 appropriated by the Legislature.
3462 2. Projects approved and recommended by the division, which
3463 are not funded by the Legislature, shall be retained on the
3464 project list for the following grant cycle only.
3465 3. All projects that are retained shall be required to
3466 submit such information as may be required by the Department of
3467 Jobs Florida as of the established deadline date of the latest
3468 grant cycle in order to adequately reflect the most current
3469 status of the project.
3470 (4) The division shall draft and submit an annual report by
3471 October 15 of each year which details the division's activities
3472 during the prior fiscal year and includes any recommendations
3473 for improving current statutes related to international trade
3474 and business development.
3475 (5) A 15-member advisory council shall be appointed,
3476 pursuant to s. 288.92, to make recommendations to the
3477 partnership's board of directors on matters pertaining to
3478 international trade and business development projects for the
3479 division to undertake and staffing of the division.
3480 Section 38. Section 288.922, Florida Statutes, is created

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3481 to read:
3482 288.922 Division of Business Retention and Recruitment;
3483 responsibilities; advisory council.—
3484 (1) There is created within the partnership the Division
3485 for Business Retention and Recruitment.
3486 (2) The division shall coordinate with the commissioner of
3487 Jobs Florida and the partnership to generate business leads on
3488 companies interested in relocating to Florida, and on Florida-
3489 based companies interested in expanding or diversifying their
3490 operations within the state.
3491 (3) The division shall draft and submit an annual report by
3492 October 15 that details the division's activities during the
3493 prior fiscal year and includes any recommendations for improving
3494 current statutes related to business retention and recruitment.
3495 (4) A 15-member advisory council shall be appointed,
3496 pursuant to s. 288.92, to make recommendations to the
3497 partnership board of directors on matters pertaining to
3498 innovative methods of business development and recruitment
3499 efforts, changes to existing economic development incentives or
3500 implementation of new types of incentives, targeted industries
3501 for recruitment or retention, and staffing of the division.
3502 Section 39. Section 288.923, Florida Statutes, is created
3503 to read:
3504 288.923 Division of Tourism Marketing; definitions;
3505 responsibilities; advisory council.—
3506 (1) There is created within the partnership the Division of
3507 Tourism Marketing.
3508 (2) As used in this section, the term:
3509 (a) "Tourism marketing" means any effort exercised to

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3510 attract domestic and international visitors from outside the
3511 state to destinations in this state and to stimulate Florida
3512 resident tourism to areas within the state.
3513 (b) "Tourist" means any person who participates in trade or
3514 recreation activities outside the county of his or her permanent
3515 residence or who rents or leases transient living quarters or
3516 accommodations as described in s. 125.0104(3)(a).
3517 (c) "County destination marketing organization" means a
3518 public or private agency that is funded by local option tourist
3519 development tax revenues under s. 125.0104, or local option
3520 convention development tax revenues under s. 212.0305, and is
3521 officially designated by a county commission to market and
3522 promote the area for tourism or convention business or, in any
3523 county that has not levied such taxes, a public or private
3524 agency that is officially designated by the county commission to
3525 market and promote the area for tourism or convention business.
3526 (3) The division's responsibilities and duties include, but
3527 are not limited to:
3528 (a) Advising the commissioner of Jobs Florida and the
3529 partnership on development of domestic and international tourism
3530 marketing campaigns featuring Florida;
3531 (b) Developing and implementing, in conjunction with its
3532 private partners, an annual tourism marketing campaign that
3533 targets each region of the state, each season of the year, and
3534 traditional as well as new tourist populations; and
3535 (c) Developing a 4-year marketing plan explicitly
3536 explaining how the division intends to:
3537 1. Sustain overall tourism growth in this state;
3538 2. Expand to new or under-represented tourist markets;

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3539 3. Solidify traditional and loyal tourist markets;
3540 4. Coordinate efforts with county destination marketing
3541 organizations, other local government marketing groups,
3542 privately owned attractions and destinations, and other private-
3543 sector partners to create a seamless, four-season advertising
3544 campaign for the state and its regions;
3545 5. Develop innovative techniques or promotions to build
3546 repeat visitation by targeted segments of the tourist
3547 population;
3548 6. Consider innovative sources of state funding for tourism
3549 marketing; and
3550 7. Develop and update periodically an emergency response
3551 component to address natural and man-made disasters from a
3552 marketing standpoint.
3553
3554 The plan shall be annual in construction and ongoing in nature.
3555 Any annual revisions of such a plan shall carry forward the
3556 concepts of the remaining 3-year portion of that plan and
3557 consider a continuum portion to preserve the 4-year time-frame
3558 of the plan. The plan also shall include recommendations for
3559 specific performance standards and measurable outcomes for the
3560 division. The commissioner of Jobs Florida, in consultation with
3561 the partnership's board of directors, shall base the actual
3562 performance metrics on these recommendations.
3563 (d) Drafting and submitting an annual report by October 15
3564 that details the division's activities during the prior fiscal
3565 year, and any recommendations for improving current statutes
3566 related to tourism marketing.
3567 (4) A 15-member advisory council shall be appointed,

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3568 pursuant to s. 288.92, to make recommendations to the
3569 partnership's board of directors on matters pertaining to ways
3570 to improve or enhance the state's tourism marketing efforts,
3571 research on tourist populations and trends, innovative tourism
3572 funding proposals, and staffing of the division.
3573 Section 40. Section 288.925, Florida Statutes, is created
3574 to read:
3575 288.925 The Division of Minority Business Investment;
3576 responsibilities; advisory council.—
3577 (1) There is created within the partnership the Division of
3578 Minority Business Development.
3579 (2) The division's primary mission is to assist in the
3580 development and expansion of minority business enterprises by:
3581 (a) Administering the Black Business Loan Program in s.
3582 288.7102 and assisting in the creation of a long-range strategic
3583 policy for that program.
3584 (b) Evaluating the unmet need for capital by minority
3585 business enterprises in the state and providing a 5-year
3586 projection of the need for capital by minority business
3587 enterprises. The division may contract with an independent
3588 entity to prepare the projection once every 5 years.
3589 (c) Developing strategies to increase financial institution
3590 investment in minority business enterprises.
3591 (d) Advising Jobs Florida and the partnership about the
3592 needs of minority business enterprises.
3593 (e) Creating partnerships among federal, state, and local
3594 governments, private enterprises, and national organizations to
3595 aid in the development and expansion of minority business
3596 enterprises.

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3597 (f) Acting as a clearinghouse for information by providing
3598 a network of information resources for minority business
3599 enterprises and facilitating the provision of technical
3600 assistance in communities in which such services are otherwise
3601 underserved.
3602 (g) Aiding the development and expansion of minority
3603 business enterprises by leveraging federal, state, local, and
3604 private funds to be held by the partnership board of directors
3605 for uses pursuant to this section and s. 288.7102.
3606 (h) Marketing services to minority business enterprises,
3607 including the Black Business Loan Program.
3608 (i) Submitting an annual report by October 15 of each year
3609 to the partnership's board of directors which details the
3610 previous fiscal year's activities, including activities of the
3611 black business investment corporations that make the loans to
3612 qualified businesses, pursuant to s. 288.7102, identifiable
3613 trends from the previous fiscal year's loan activity, and any
3614 recommended changes to the current program.
3615 (3) A 15-member advisory council shall be appointed,
3616 pursuant to s. 288.92, to make recommendations to the
3617 partnership's board of directors on such matters as how to
3618 improve minority business access to capital, recommendations on
3619 how to provide technical assistance and other business resources
3620 to minority-owned businesses, and recommendations on the
3621 staffing of the division. Members of the advisory council must
3622 have experience in business, including financial services,
3623 banking, or economic development. At least one of the appointees
3624 must have experience in venture capitalism.
3625 Section 41. Section 288.1229, Florida Statutes, is

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3626 transferred, renumbered as section 288.926, Florida Statutes,
3627 and amended to read:
3628 (Substantial rewording of section. See
3629 s. 288.1229, F.S., for present text.)
3630 288.926 Division of Sports Industry Development;
3631 responsibilities; duties; advisory council.—
3632 (1) There is created within the partnership the Division of
3633 Sports Industry Development.
3634 (2) The division is responsible for:
3635 (a) The promotion and development of professional and
3636 amateur sports industries and related industries for the purpose
3637 of improving the economic presence of these industries in this
3638 state.
3639 (b) The promotion of amateur athletic participation for the
3640 citizens of this state, and the promotion of this state as a
3641 host for national and international amateur athletic
3642 competitions for the purpose of encouraging and increasing the
3643 direct and ancillary economic benefits of amateur athletic
3644 events and competitions.
3645 (c) The retention of professional sports franchises,
3646 including the spring training operations of Major League
3647 Baseball.
3648 (d) The drafting and submittal of an annual report, due
3649 each October 15, to the partnership, which details the
3650 division’s activities for the prior fiscal year and any
3651 recommendations for improving current laws related to sports and
3652 related industries.
3653 (3) The division shall have the following duties:
3654 (a) Developing, fostering, and coordinating services and

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3655 programs for amateur sports for all Floridians.
3656 (b) Sponsoring amateur sports workshops, clinics,
3657 conferences, and other similar activities.
3658 (c) Giving recognition to outstanding developments and
3659 achievements in, and contributions to, amateur sports.
3660 (d) Encouraging, supporting, and assisting local
3661 governments and communities in the development of or hosting of
3662 local amateur athletic events and competitions.
3663 (e) Promoting this state as a host for national and
3664 international amateur athletic competitions.
3665 (f) Continuing the amateur sports programs previously
3666 conducted by the Florida Governor's Council on Physical Fitness
3667 and Amateur Sports created under the former s. 14.22.
3668 (g) Encouraging and continuing the use of volunteers in its
3669 amateur sports programs to the maximum extent possible.
3670 (h) Developing, fostering, and coordinating services and
3671 programs designed to encourage the participation of Florida's
3672 youth in Olympic sports activities and competitions.
3673 (i) Fostering and coordinating services and programs
3674 designed to contribute to the physical fitness of the citizens
3675 of this state.
3676 (j) Developing a statewide program of amateur athletic
3677 competition to be known as the "Sunshine State Games." The
3678 Sunshine State Games shall be patterned after the Summer
3679 Olympics with variations as necessitated by availability of
3680 facilities, equipment, and expertise. The games shall be
3681 designed to encourage the participation of athletes representing
3682 a broad range of age groups, skill levels, and Florida
3683 communities. Participants shall be residents of this state.

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3684 Regional competitions shall be held throughout the state, and
3685 the top qualifiers in each sport shall proceed to the final
3686 competitions to be held at a site in the state with the
3687 necessary facilities and equipment for conducting the
3688 competitions.
3689 (4) The Executive Office of the Governor is authorized to
3690 permit the use of property, facilities, and personnel services
3691 of or at any State University System facility or institution by
3692 the division for operating the Sunshine State Games. For the
3693 purposes of this paragraph, personnel services includes full-
3694 time or part-time personnel as well as payroll processing. Any
3695 funds or property held in trust by the Sunshine State Games
3696 Foundation, Inc., and the Florida Governor's Council on Physical
3697 Fitness and Amateur Sports shall revert to the division upon
3698 expiration or cancellation of the contract with the Sunshine
3699 State Games Foundation, Inc., and the Florida Governor's Council
3700 on Physical Fitness and Amateur Sports, to be used for the
3701 promotion of amateur sports in this state.
3702 (5)(a) A 15-member advisory council shall be appointed,
3703 pursuant to s. 288.92, to make recommendations to the
3704 partnership board of directors on the activities and staffing of
3705 the division.
3706 (b) Applicants for the advisory council must have either a
3707 background in community service in, or financial support of, the
3708 sports industry, professional sports, or organized amateur
3709 athletics. They also should be knowledgeable about or active in
3710 professional or organized amateur sports. Additionally, the
3711 advisory council's membership must be representative of all
3712 geographical regions of the state and reflect the state's ethnic

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3713 and gender diversity.
3714 Section 42. Paragraph (d) is added to subsection (6) of
3715 section 290.0055, Florida Statutes, to read:
3716 290.0055 Local nominating procedure.—
3717 (6)
3718 (d)1. Effective January 1, 2012, the governing body of a
3719 jurisdiction which nominated the application for an enterprise
3720 zone that is no larger than 12 square miles and includes a
3721 portion of the state designated as a rural area of critical
3722 economic concern pursuant to s. 288.0656(7) may apply to Jobs
3723 Florida to expand the boundary of the enterprise zone by not
3724 more than 3 square miles. Such application must be submitted by
3725 December 31, 2012.
3726 2. Notwithstanding the area limitations specified in
3727 subsection (4), Jobs Florida may approve the request for a
3728 boundary amendment if the area continues to satisfy the
3729 remaining requirements of this section.
3730 3. Jobs Florida shall establish the initial effective date
3731 of an enterprise zone designated under this paragraph.
3732 Section 43. Section 290.00726, Florida Statutes, is created
3733 to read:
3734 290.00726 Enterprise zone designation for Martin County.—
3735 Effective January 1, 2012, Martin County may apply to Jobs
3736 Florida for designation of one enterprise zone for an area
3737 within Martin County, which zone shall encompass an area up to
3738 10 square miles consisting of land within the primary urban
3739 services boundary and focusing on Indiantown, but excluding
3740 property owned by Florida Power and Light to the west, two areas
3741 to the north designated as estate residential, and the county-

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3742 owned Timer Powers Recreational Area. Within the designated
3743 enterprise zone, Martin County shall exempt residential
3744 condominiums from benefiting from state enterprise zone
3745 incentives, unless prohibited by law. The application must have
3746 been submitted by December 31, 2011, and must comply with the
3747 requirements of s. 290.0055. Notwithstanding s. 290.0065
3748 limiting the total number of enterprise zones designated and the
3749 number of enterprise zones within a population category, Jobs
3750 Florida may designate one enterprise zone under this section.
3751 Jobs Florida shall establish the initial effective date of the
3752 enterprise zone designated pursuant to this section.
3753 Section 44. Subsection (4) of section 409.942, Florida
3754 Statutes, is amended to read:
3755 409.942 Electronic benefit transfer program.—
3756 ~~(4) Workforce Florida, Inc., through the Agency for~~
3757 ~~Workforce Innovation, shall establish an electronic benefit~~
3758 ~~transfer program for the use and management of education,~~
3759 ~~training, child care, transportation, and other program benefits~~
3760 ~~under its direction. The workforce electronic benefit transfer~~
3761 ~~program shall fulfill all federal and state requirements for~~
3762 ~~Individual Training Accounts, Retention Incentive Training~~
3763 ~~Accounts, Individual Development Accounts, and Individual~~
3764 ~~Services Accounts. The workforce electronic benefit transfer~~
3765 ~~program shall be designed to enable an individual who receives~~
3766 ~~an electronic benefit transfer card under subsection (1) to use~~
3767 ~~that card for purposes of benefits provided under the workforce~~
3768 ~~development system as well. The Department of Children and~~
3769 ~~Family Services shall assist Workforce Florida, Inc., in~~
3770 ~~developing an electronic benefit transfer program for the~~

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3771 ~~workforce development system that is fully compatible with the~~
3772 ~~department's electronic benefit transfer program. The agency~~
3773 ~~shall reimburse the department for all costs incurred in~~
3774 ~~providing such assistance and shall pay all costs for the~~
3775 ~~development of the workforce electronic benefit transfer~~
3776 ~~program.~~
3777 Section 45. Section 411.0102, Florida Statutes, is amended
3778 to read:
3779 411.0102 Child Care Executive Partnership Act; findings and
3780 intent; grant; limitation; rules.—
3781 (1) This section may be cited as the "Child Care Executive
3782 Partnership Act."
3783 (2)(a) The Legislature finds that when private employers
3784 provide onsite child care or provide other child care benefits,
3785 they benefit by improved recruitment and higher retention rates
3786 for employees, lower absenteeism, and improved employee morale.
3787 The Legislature also finds that there are many ways in which
3788 private employers can provide child care assistance to
3789 employees: information and referral, vouchering, employer
3790 contribution to child care programs, and onsite care. Private
3791 employers can offer child care as part of a menu of employee
3792 benefits. The Legislature recognizes that flexible compensation
3793 programs providing a child care option are beneficial to the
3794 private employer through increased productivity, to the private
3795 employee in knowing that his or her children are being cared for
3796 in a safe and nurturing environment, and to the state in more
3797 dollars being available for purchasing power and investment.
3798 (b) It is the intent of the Legislature to promote
3799 public/private partnerships to ensure that the children of the

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3800 state be provided safe and enriching child care at any time, but
3801 especially while parents work to remain self-sufficient. It is
3802 the intent of the Legislature that private employers be
3803 encouraged to participate in the future of this state by
3804 providing employee child care benefits. Further, it is the
3805 intent of the Legislature to encourage private employers to
3806 explore innovative ways to assist employees to obtain quality
3807 child care.
3808 (c) The Legislature further recognizes that many parents
3809 need assistance in paying the full costs of quality child care.
3810 The public and private sectors, by working in partnership, can
3811 promote and improve access to quality child care and early
3812 education for children of working families who need it.
3813 Therefore, a more formal mechanism is necessary to stimulate the
3814 establishment of public-private partnerships. It is the intent
3815 of the Legislature to expand the availability of scholarship
3816 options for working families by providing incentives for
3817 employers to contribute to meeting the needs of their employees'
3818 families through matching public dollars available for child
3819 care.
3820 (3) There is created a body politic and corporate known as
3821 the Child Care Executive Partnership which shall establish and
3822 govern the Child Care Executive Partnership Program. The purpose
3823 of the Child Care Executive Partnership Program is to utilize
3824 state and federal funds as incentives for matching local funds
3825 derived from local governments, employers, charitable
3826 foundations, and other sources so that Florida communities may
3827 create local flexible partnerships with employers. The Child
3828 Care Executive Partnership Program funds shall be used at the

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3829 discretion of local communities to meet the needs of working
3830 parents. A child care purchasing pool shall be developed with
3831 the state, federal, and local funds to provide subsidies to low-
3832 income working parents whose family income does not exceed the
3833 allowable income for any federally subsidized child care program
3834 with a dollar-for-dollar match from employers, local government,
3835 and other matching contributions. The funds used from the child
3836 care purchasing pool must be used to supplement or extend the
3837 use of existing public or private funds.
3838 (4) The Child Care Executive Partnership, staffed by the
3839 Department of Education ~~Agency for Workforce Innovation~~, shall
3840 consist of a representative of the Executive Office of the
3841 Governor and nine members of the corporate or child care
3842 community, appointed by the Governor.
3843 (a) Members shall serve for a period of 4 years, except
3844 that the representative of the Executive Office of the Governor
3845 shall serve at the pleasure of the Governor.
3846 (b) The Child Care Executive Partnership shall be chaired
3847 by a member chosen by a majority vote and shall meet at least
3848 quarterly and at other times upon the call of the chair. The
3849 Child Care Executive Partnership may use any method of
3850 telecommunications to conduct meetings, including establishing a
3851 quorum through telecommunications, only if the public is given
3852 proper notice of a telecommunications meeting and reasonable
3853 access to observe and, when appropriate, participate.
3854 (c) Members shall serve without compensation, but may be
3855 reimbursed for per diem and travel expenses in accordance with
3856 s. 112.061.
3857 (d) The Child Care Executive Partnership shall have all the

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3858 powers and authority, not explicitly prohibited by statute,
3859 necessary to carry out and effectuate the purposes of this
3860 section, as well as the functions, duties, and responsibilities
3861 of the partnership, including, but not limited to, the
3862 following:
3863 1. Assisting in the formulation and coordination of the
3864 state's child care policy.
3865 2. Adopting an official seal.
3866 3. Soliciting, accepting, receiving, investing, and
3867 expending funds from public or private sources.
3868 4. Contracting with public or private entities as
3869 necessary.
3870 5. Approving an annual budget.
3871 6. Carrying forward any unexpended state appropriations
3872 into succeeding fiscal years.
3873 7. Providing a report to the Governor, the Speaker of the
3874 House of Representatives, and the President of the Senate, on or
3875 before December 1 of each year.
3876 (5)(a) The Legislature shall annually determine the amount
3877 of state or federal low-income child care moneys which shall be
3878 used to create Child Care Executive Partnership Program child
3879 care purchasing pools in counties chosen by the Child Care
3880 Executive Partnership, provided that at least two of the
3881 counties have populations of no more than 300,000. The
3882 Legislature shall annually review the effectiveness of the child
3883 care purchasing pool program and reevaluate the percentage of
3884 additional state or federal funds, if any, which ~~that~~ can be
3885 used for the program's expansion.
3886 (b) To ensure a seamless service delivery and ease of

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3887 access for families, an early learning coalition or the
3888 Department of Education ~~Agency for Workforce Innovation~~ shall
3889 administer the child care purchasing pool funds.
3890 (c) The Department of Education ~~Agency for Workforce~~
3891 ~~Innovation~~, in conjunction with the Child Care Executive
3892 Partnership, shall develop procedures for disbursement of funds
3893 through the child care purchasing pools. In order to be
3894 considered for funding, an early learning coalition or the
3895 Department of Education ~~Agency for Workforce Innovation~~ must
3896 commit to:
3897 1. Matching the state purchasing pool funds on a dollar-
3898 for-dollar basis; and
3899 2. Expending only those public funds that ~~which~~ are matched
3900 by employers, local government, and other matching contributors
3901 who contribute to the purchasing pool. Parents shall also pay a
3902 fee, which may not be less than the amount identified in the
3903 early learning coalition's school readiness program sliding fee
3904 scale.
3905 (d) Each early learning coalition shall establish a
3906 community child care task force for each child care purchasing
3907 pool. The task force must be composed of employers, parents,
3908 private child care providers, and one representative from the
3909 local children's services council, if one exists in the area of
3910 the purchasing pool. The early learning coalition is expected to
3911 recruit the task force members from existing child care
3912 councils, commissions, or task forces already operating in the
3913 area of a purchasing pool. A majority of the task force shall
3914 consist of employers.
3915 (e) Each participating early learning coalition board shall

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3916 develop a plan for the use of child care purchasing pool funds.
3917 The plan must show how many children will be served by the
3918 purchasing pool, how many will be new to receiving child care
3919 services, and how the early learning coalition intends to
3920 attract new employers and their employees to the program.
3921 (6) The Department of Education ~~Agency for Workforce~~
3922 ~~Innovation~~ shall adopt any rules necessary for the
3923 implementation and administration of this section.
3924 Section 46. Section 1002.73, Florida Statutes, is amended
3925 to read:
3926 1002.73 Department of Education; powers and duties;
3927 accountability requirements; operational requirements.—
3928 (1) The department shall administer the accountability
3929 requirements and operational requirements of the Voluntary
3930 Prekindergarten Education Program at the state level.
3931 (2) The department shall adopt procedures for its:
3932 (a) Approval of prekindergarten director credentials under
3933 ss. 1002.55 and 1002.57.
3934 (b) Approval of emergent literacy training courses under
3935 ss. 1002.55 and 1002.59.
3936 (c) Administration of the statewide kindergarten screening
3937 and calculation of kindergarten readiness rates under s.
3938 1002.69.
3939 (d) Approval of specialized instructional services
3940 providers under s. 1002.66.
3941 (e) Granting of a private prekindergarten provider's or
3942 public school's request for a good cause exemption under s.
3943 1002.69(7).
3944 (3) The department shall adopt procedures governing the

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3945 administration of the Voluntary Prekindergarten Education
3946 Program by the early learning coalitions and school districts
3947 for:
3948 (a) Enrolling children in and determining the eligibility
3949 of children for the Voluntary Prekindergarten Education Program
3950 under s. 1002.53.
3951 (b) Providing parents with profiles of private
3952 prekindergarten providers and public schools under s. 1002.53.
3953 (c) Registering private prekindergarten providers and
3954 public schools to deliver the program under ss. 1002.55,
3955 1002.61, and 1002.63.
3956 (d) Determining the eligibility of private prekindergarten
3957 providers to deliver the program under ss. 1002.55 and 1002.61.
3958 (e) Verifying the compliance of private prekindergarten
3959 providers and public schools and removing providers or schools
3960 from eligibility to deliver the program due to noncompliance or
3961 misconduct as provided in s. 1002.67.
3962 (f) Paying private prekindergarten providers and public
3963 schools under s. 1002.71.
3964 (g) Documenting and certifying student enrollment and
3965 student attendance under s. 1002.71.
3966 (h) Reconciling advance payments in accordance with the
3967 uniform attendance policy under s. 1002.71.
3968 (i) Reenrolling students dismissed by a private
3969 prekindergarten provider or public school for noncompliance with
3970 the provider’s or school district’s attendance policy under s.
3971 1002.71.
3972 (4) The department shall adopt procedures governing the
3973 administration of the Voluntary Prekindergarten Education

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3974 Program by the early learning coalitions and school districts
3975 for:
3976 (a) Approving improvement plans of private prekindergarten
3977 providers and public schools under s. 1002.67.
3978 (b) Placing private prekindergarten providers and public
3979 schools on probation and requiring corrective actions under s.
3980 1002.67.
3981 (c) Removing a private prekindergarten provider or public
3982 school from eligibility to deliver the program due to the
3983 provider's or school's remaining on probation beyond the time
3984 permitted under s. 1002.67.
3985 (d) Enrolling children in and determining the eligibility
3986 of children for the Voluntary Prekindergarten Education Program
3987 under s. 1002.66.
3988 (e) Paying specialized instructional services providers
3989 under s. 1002.66.
3990 (5) The department shall also adopt procedures for the
3991 distribution of funds to early learning coalitions under s.
3992 1002.71.
3993 (6) ~~(3)~~ Except as provided by law, the department may not
3994 impose requirements on a private prekindergarten provider or
3995 public school that does not deliver the Voluntary
3996 Prekindergarten Education Program or receive state funds under
3997 this part.
3998 Section 47. Paragraph (i) of subsection (3) of section
3999 11.45, Florida Statutes, is amended to read:
4000 11.45 Definitions; duties; authorities; reports; rules.—
4001 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor
4002 General may, pursuant to his or her own authority, or at the

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4003 direction of the Legislative Auditing Committee, conduct audits
4004 or other engagements as determined appropriate by the Auditor
4005 General of:
4006 (i) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
4007 including any of its boards, advisory committees, or similar
4008 groups created by the Jobs Florida Partnership ~~Enterprise~~
4009 ~~Florida~~, Inc., and programs. The audit report may not reveal the
4010 identity of any person who has anonymously made a donation to
4011 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., pursuant
4012 to this paragraph. The identity of a donor or prospective donor
4013 to the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., who
4014 desires to remain anonymous and all information identifying such
4015 donor or prospective donor are confidential and exempt from the
4016 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
4017 Constitution. Such anonymity shall be maintained in the
4018 auditor's report.
4019 Section 48. Paragraph (b) of subsection (2) of section
4020 14.20195, Florida Statutes, is amended to read:
4021 14.20195 Suicide Prevention Coordinating Council; creation;
4022 membership; duties.—There is created within the Statewide Office
4023 for Suicide Prevention a Suicide Prevention Coordinating
4024 Council. The council shall develop strategies for preventing
4025 suicide.
4026 (2) MEMBERSHIP.—The Suicide Prevention Coordinating Council
4027 shall consist of 28 voting members.
4028 (b) The following state officials or their designees shall
4029 serve on the coordinating council:
4030 1. The Secretary of Elderly Affairs.
4031 2. The State Surgeon General.

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4032 3. The Commissioner of Education.
4033 4. The Secretary of Health Care Administration.
4034 5. The Secretary of Juvenile Justice.
4035 6. The Secretary of Corrections.
4036 7. The executive director of the Department of Law
4037 Enforcement.
4038 8. The executive director of the Department of Veterans'
4039 Affairs.
4040 9. The Secretary of Children and Family Services.
4041 10. The commissioner ~~director~~ of Jobs Florida ~~the Agency~~
4042 ~~for Workforce Innovation~~.
4043 Section 49. Section 15.18, Florida Statutes, is amended to
4044 read:
4045 15.18 International and cultural relations.—The Divisions
4046 of Cultural Affairs, Historical Resources, and Library and
4047 Information Services of the Department of State promote programs
4048 having substantial cultural, artistic, and indirect economic
4049 significance that emphasize American creativity. The Secretary
4050 of State, as the head administrator of these divisions, shall
4051 hereafter be known as "Florida's Chief Cultural Officer." As
4052 this officer, the Secretary of State is encouraged to initiate
4053 and develop relationships between the state and foreign cultural
4054 officers, their representatives, and other foreign governmental
4055 officials in order to promote Florida as the center of American
4056 creativity. The Secretary of State shall coordinate
4057 international activities pursuant to this section with the Jobs
4058 Florida Partnership ~~Enterprise Florida~~, Inc., and any other
4059 organization the secretary deems appropriate. For the
4060 accomplishment of this purpose, the Secretary of State shall

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4061 have the power and authority to:
4062 (1) Disseminate any information pertaining to the State of
4063 Florida which promotes the state's cultural assets.
4064 (2) Plan and carry out activities designed to cause
4065 improved cultural and governmental programs and exchanges with
4066 foreign countries.
4067 (3) Plan and implement cultural and social activities for
4068 visiting foreign heads of state, diplomats, dignitaries, and
4069 exchange groups.
4070 (4) Encourage and cooperate with other public and private
4071 organizations or groups in their efforts to promote the cultural
4072 advantages of Florida.
4073 (5) Serve as the liaison with all foreign consular and
4074 ambassadorial corps, as well as international organizations,
4075 that are consistent with the purposes of this section.
4076 (6) Provide, arrange, and make expenditures for the
4077 achievement of any or all of the purposes specified in this
4078 section.
4079 (7) Notwithstanding the provisions of part I of chapter
4080 287, promulgate rules for entering into contracts which are
4081 primarily for promotional services and events, which may include
4082 commodities involving a service. Such rules shall include the
4083 authority to negotiate costs with the offerors of such services
4084 and commodities who have been determined to be qualified on the
4085 basis of technical merit, creative ability, and professional
4086 competency. The rules shall only apply to the expenditure of
4087 funds donated for promotional services and events. Expenditures
4088 of appropriated funds shall be made only in accordance with part
4089 I of chapter 287.

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4090 Section 50. Section 15.182, Florida Statutes, is amended to
4091 read:
4092 15.182 International travel by state-funded musical,
4093 cultural, or artistic organizations; notification to Jobs
4094 Florida ~~Office of Tourism, Trade, and Economic Development~~.~~—~~
4095 (1) If a musical, cultural, or artistic organization that
4096 receives state funding is traveling internationally for a
4097 presentation, performance, or other significant public viewing,
4098 including an organization associated with a college or
4099 university, such organization shall notify Jobs Florida ~~The~~
4100 ~~Office of Tourism, Trade, and Economic Development~~ of its
4101 intentions to travel, together with the date, time, and location
4102 of each appearance.
4103 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
4104 ~~Development~~, in conjunction with the Jobs Florida Partnership
4105 ~~Enterprise Florida~~, Inc., shall act as an intermediary between
4106 performing musical, cultural, and artistic organizations and
4107 Florida businesses to encourage and coordinate joint
4108 undertakings. Such coordination may include, but is not limited
4109 to, encouraging business and industry to sponsor cultural
4110 events, assistance with travel of such organizations, and
4111 coordinating travel schedules of cultural performance groups and
4112 international trade missions.
4113 (3) An organization shall provide the notification to the
4114 Department of State required by this section at least 30 days
4115 before ~~prior to~~ the date the international travel is to commence
4116 or, when an intention to travel internationally is not formed at
4117 least 30 days in advance of the date the travel is to commence,
4118 as soon as feasible after forming such travel intention. The

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4119 Department of State shall take an active role in informing such
4120 groups of the responsibility to notify the department of travel
4121 intentions.
4122 Section 51. Paragraph (j) of subsection (1) of section
4123 16.615, Florida Statutes, is amended to read:
4124 16.615 Council on the Social Status of Black Men and Boys.—
4125 (1) The Council on the Social Status of Black Men and Boys
4126 is established within the Department of Legal Affairs and shall
4127 consist of 19 members appointed as follows:
4128 (j) The commissioner ~~director~~ of Jobs Florida ~~the Agency~~
4129 ~~for Workforce Innovation~~ or his or her designee.
4130 Section 52. Paragraph (a) of subsection (8) and paragraph
4131 (a) of subsection (9) of section 39.001, Florida Statutes, are
4132 amended to read:
4133 39.001 Purposes and intent; personnel standards and
4134 screening.—
4135 (8) PLAN FOR COMPREHENSIVE APPROACH.—
4136 (a) The office shall develop a state plan for the promotion
4137 of adoption, support of adoptive families, and prevention of
4138 abuse, abandonment, and neglect of children and shall submit the
4139 state plan to the Speaker of the House of Representatives, the
4140 President of the Senate, and the Governor no later than December
4141 31, 2008. The Department of Children and Family Services, the
4142 Department of Corrections, the Department of Education, the
4143 Department of Health, the Department of Juvenile Justice, the
4144 Department of Law Enforcement, and the Agency for Persons with
4145 Disabilities~~, and the Agency for Workforce Innovation~~ shall
4146 participate and fully cooperate in the development of the state
4147 plan at both the state and local levels. Furthermore,

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4148 appropriate local agencies and organizations shall be provided
4149 an opportunity to participate in the development of the state
4150 plan at the local level. Appropriate local groups and
4151 organizations shall include, but not be limited to, community
4152 mental health centers; guardian ad litem programs for children
4153 under the circuit court; the school boards of the local school
4154 districts; the Florida local advocacy councils; community-based
4155 care lead agencies; private or public organizations or programs
4156 with recognized expertise in working with child abuse prevention
4157 programs for children and families; private or public
4158 organizations or programs with recognized expertise in working
4159 with children who are sexually abused, physically abused,
4160 emotionally abused, abandoned, or neglected and with expertise
4161 in working with the families of such children; private or public
4162 programs or organizations with expertise in maternal and infant
4163 health care; multidisciplinary child protection teams; child day
4164 care centers; law enforcement agencies; and the circuit courts,
4165 when guardian ad litem programs are not available in the local
4166 area. The state plan to be provided to the Legislature and the
4167 Governor shall include, as a minimum, the information required
4168 of the various groups in paragraph (b).
4169 (9) FUNDING AND SUBSEQUENT PLANS.—
4170 (a) All budget requests submitted by the office, the
4171 department, the Department of Health, the Department of
4172 Education, the Department of Juvenile Justice, the Department of
4173 Corrections, the Agency for Persons with Disabilities, ~~the~~
4174 ~~Agency for Workforce Innovation,~~ or any other agency to the
4175 Legislature for funding of efforts for the promotion of
4176 adoption, support of adoptive families, and prevention of child

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4177 abuse, abandonment, and neglect shall be based on the state plan
4178 developed pursuant to this section.
4179 Section 53. Paragraph (a) of subsection (7) of section
4180 45.031, Florida Statutes, is amended to read:
4181 45.031 Judicial sales procedure.—In any sale of real or
4182 personal property under an order or judgment, the procedures
4183 provided in this section and ss. 45.0315-45.035 may be followed
4184 as an alternative to any other sale procedure if so ordered by
4185 the court.
4186 (7) DISBURSEMENTS OF PROCEEDS.—
4187 (a) On filing a certificate of title, the clerk shall
4188 disburse the proceeds of the sale in accordance with the order
4189 or final judgment and shall file a report of such disbursements
4190 and serve a copy of it on each party, and on the Department of
4191 Revenue if the department was named as a defendant in the action
4192 or if Jobs Florida or the former Agency for Workforce Innovation
4193 ~~or the former Department of Labor and Employment Security~~ was
4194 named as a defendant while the Department of Revenue was
4195 providing unemployment tax collection services under contract
4196 with Jobs Florida or the former Agency for Workforce Innovation
4197 through an interagency agreement pursuant to s. 443.1316.
4198 Section 54. Paragraph (a) of subsection (4) of section
4199 69.041, Florida Statutes, is amended to read:
4200 69.041 State named party; lien foreclosure, suit to quiet
4201 title.—
4202 (4)(a) The Department of Revenue has the right to
4203 participate in the disbursement of funds remaining in the
4204 registry of the court after distribution pursuant to s.
4205 45.031(7). The department shall participate in accordance with

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4206 applicable procedures in any mortgage foreclosure action in
4207 which the department has a duly filed tax warrant, or interests
4208 under a lien arising from a judgment, order, or decree for
4209 support, as defined in s. 409.2554, or interest in an
4210 unemployment compensation tax lien under contract with Jobs
4211 Florida ~~the Agency for Workforce Innovation~~ through an
4212 interagency agreement pursuant to s. 443.1316, against the
4213 subject property and with the same priority, regardless of
4214 whether a default against the department, Jobs Florida, or the
4215 former Agency for Workforce Innovation, ~~or the former Department~~
4216 ~~of Labor and Employment Security~~ has been entered for failure to
4217 file an answer or other responsive pleading.
4218 Section 55. Subsection (3) of section 112.3135, Florida
4219 Statutes, is amended to read:
4220 112.3135 Restriction on employment of relatives.—
4221 (3) An agency may prescribe regulations authorizing the
4222 temporary employment, in the event of an emergency as defined in
4223 s. 252.34~~(3)~~, of individuals whose employment would be otherwise
4224 prohibited by this section.
4225 Section 56. Paragraph (d) of subsection (2) and paragraph
4226 (f) of subsection (5) of section 119.071, Florida Statutes, are
4227 amended to read:
4228 119.071 General exemptions from inspection or copying of
4229 public records.—
4230 (2) AGENCY INVESTIGATIONS.—
4231 (d) Any information revealing surveillance techniques or
4232 procedures or personnel is exempt from s. 119.07(1) and s.
4233 24(a), Art. I of the State Constitution. Any comprehensive
4234 inventory of state and local law enforcement resources compiled

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4235 pursuant to part I, chapter 23, and any comprehensive policies
4236 or plans compiled by a criminal justice agency pertaining to the
4237 mobilization, deployment, or tactical operations involved in
4238 responding to an emergency ~~emergencies~~, as defined in s.
4239 252.34~~(3)~~, are exempt from s. 119.07(1) and s. 24(a), Art. I of
4240 the State Constitution and unavailable for inspection, except by
4241 personnel authorized by a state or local law enforcement agency,
4242 the office of the Governor, the Department of Legal Affairs, the
4243 Department of Law Enforcement, or the Office of Emergency
4244 Management ~~the Department of Community Affairs~~ as having an
4245 official need for access to the inventory or comprehensive
4246 policies or plans.
4247 (5) OTHER PERSONAL INFORMATION.—
4248 (f) Medical history records and information related to
4249 health or property insurance provided to Jobs Florida ~~the~~
4250 ~~Department of Community Affairs~~, the Florida Housing Finance
4251 Corporation, a county, a municipality, or a local housing
4252 finance agency by an applicant for or a participant in a
4253 federal, state, or local housing assistance program are
4254 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
4255 of the State Constitution. Governmental entities or their agents
4256 shall have access to such confidential and exempt records and
4257 information for the purpose of auditing federal, state, or local
4258 housing programs or housing assistance programs. Such
4259 confidential and exempt records and information may be used in
4260 any administrative or judicial proceeding, provided such records
4261 are kept confidential and exempt unless otherwise ordered by a
4262 court.
4263 Section 57. Subsection (10) of section 120.80, Florida

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4264 Statutes, is amended to read:
4265 120.80 Exceptions and special requirements; agencies.—
4266 (10) JOBS FLORIDA ~~AGENCY FOR WORKFORCE INNOVATION~~.—
4267 (a) Notwithstanding s. 120.54, the rulemaking provisions of
4268 this chapter do not apply to unemployment appeals referees.
4269 (b) Notwithstanding s. 120.54(5), the uniform rules of
4270 procedure do not apply to appeal proceedings conducted under
4271 chapter 443 by the Unemployment Appeals Commission, special
4272 deputies, or unemployment appeals referees.
4273 (c) Notwithstanding s. 120.57(1)(a), hearings under chapter
4274 443 may not be conducted by an administrative law judge assigned
4275 by the division, but instead shall be conducted by the
4276 Unemployment Appeals Commission in unemployment compensation
4277 appeals, unemployment appeals referees, and Jobs Florida ~~the~~
4278 ~~Agency for Workforce Innovation~~ or its special deputies under s.
4279 443.141.
4280 Section 58. Subsection (1) of section 125.01045, Florida
4281 Statutes, is amended to read:
4282 125.01045 Prohibition of fees for first responder
4283 services.—
4284 (1) A county may not impose a fee or seek reimbursement for
4285 any costs or expenses that may be incurred for services provided
4286 by a first responder, including costs or expenses related to
4287 personnel, supplies, motor vehicles, or equipment in response to
4288 a motor vehicle accident, except for costs to contain or clean
4289 up hazardous materials in quantities reportable to the Florida
4290 State Warning Point at the Office ~~Division~~ of Emergency
4291 Management, and costs for transportation and treatment provided
4292 by ambulance services licensed pursuant to s. 401.23(4) and (5).

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4293 Section 59. Subsection (11) of section 159.803, Florida
4294 Statutes, is amended to read:
4295 159.803 Definitions.—As used in this part, the term:
4296 (11) "Florida First Business project" means any project
4297 which is certified by Jobs Florida ~~the Office of Tourism, Trade,~~
4298 ~~and Economic Development~~ as eligible to receive an allocation
4299 from the Florida First Business allocation pool established
4300 pursuant to s. 159.8083. Jobs Florida ~~The Office of Tourism,~~
4301 ~~Trade, and Economic Development~~ may certify those projects
4302 meeting the criteria set forth in s. 288.106(4)(b) or any
4303 project providing a substantial economic benefit to this state.
4304 Section 60. Paragraph (a) of subsection (2) of section
4305 159.8081, Florida Statutes, is amended to read:
4306 159.8081 Manufacturing facility bond pool.—
4307 (2)(a) The first 75 percent of this pool shall be available
4308 on a first come, first served basis, except that 15 percent of
4309 the state volume limitation allocated to this pool shall be
4310 available as provided in paragraph (b). Before ~~Prior to~~ issuing
4311 any written confirmations for the remaining 25 percent of this
4312 pool, the director shall forward all notices of intent to issue
4313 which are received by the division for manufacturing facility
4314 projects to Jobs Florida ~~the Office of Tourism, Trade, and~~
4315 ~~Economic Development~~. Jobs Florida ~~The Office of Tourism, Trade,~~
4316 ~~and Economic Development and the Department of Community Affairs~~
4317 shall decide, after receipt of the notices of intent to issue,
4318 which notices will receive written confirmations. Such decision
4319 shall be communicated in writing by Jobs Florida ~~the Office of~~
4320 ~~Tourism, Trade, and Economic Development~~ to the director within
4321 10 days of receipt of such notices of intent to issue. Jobs

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4322 Florida ~~The Office of Tourism, Trade, and Economic Development,~~
4323 ~~in consultation with the Department of Community Affairs,~~ may
4324 develop rules to ensure that allocation of the remaining 25
4325 percent is consistent with the state's economic development
4326 policy.
4327 Section 61. Section 159.8083, Florida Statutes, is amended
4328 to read:
4329 159.8083 Florida First Business allocation pool.—The
4330 Florida First Business allocation pool is hereby established.
4331 The Florida First Business allocation pool shall be available
4332 solely to provide written confirmation for private activity
4333 bonds to finance Florida First Business projects certified by
4334 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
4335 ~~Development~~ as eligible to receive a written confirmation.
4336 Allocations from such pool shall be awarded statewide pursuant
4337 to procedures specified in s. 159.805, except that the
4338 provisions of s. 159.805(2), (3), and (6) do not apply. Florida
4339 First Business projects that are eligible for a carryforward do
4340 ~~shall~~ not lose their allocation pursuant to s. 159.809(3) on
4341 October 1, or pursuant to s. 159.809(4) on November 16, if they
4342 have applied for and have been granted a carryforward by the
4343 division pursuant to s. 159.81(1). In issuing written
4344 confirmations of allocations for Florida First Business
4345 projects, the division shall use the Florida First Business
4346 allocation pool. If allocation is not available from the Florida
4347 First Business allocation pool, the division shall issue written
4348 confirmations of allocations for Florida First Business projects
4349 pursuant to s. 159.806 or s. 159.807, in such order. For the
4350 purpose of determining priority within a regional allocation

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4351 pool or the state allocation pool, notices of intent to issue
4352 bonds for Florida First Business projects to be issued from a
4353 regional allocation pool or the state allocation pool shall be
4354 considered to have been received by the division at the time it
4355 is determined by the division that the Florida First Business
4356 allocation pool is unavailable to issue confirmation for such
4357 Florida First Business project. If the total amount requested in
4358 notices of intent to issue private activity bonds for Florida
4359 First Business projects exceeds the total amount of the Florida
4360 First Business allocation pool, the director shall forward all
4361 timely notices of intent to issue, which are received by the
4362 division for such projects, to Jobs Florida ~~the Office of~~
4363 ~~Tourism, Trade, and Economic Development~~ which shall render a
4364 decision as to which notices of intent to issue are to receive
4365 written confirmations. Jobs Florida ~~The Office of Tourism,~~
4366 ~~Trade, and Economic Development~~, in consultation with the
4367 division, shall develop rules to ensure that the allocation
4368 provided in such pool is available solely to provide written
4369 confirmations for private activity bonds to finance Florida
4370 First Business projects and that such projects are feasible and
4371 financially solvent.
4372 Section 62. Subsection (10) of section 161.54, Florida
4373 Statutes, is amended to read:
4374 161.54 Definitions.—In construing ss. 161.52-161.58:
4375 (10) "State land planning agency" means Jobs Florida ~~the~~
4376 ~~Department of Community Affairs~~.
4377 Section 63. Section 163.03, Florida Statutes, is amended to
4378 read:
4379 163.03 Commissioner of Jobs Florida ~~Secretary of Community~~

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4380 ~~Affairs~~; powers and duties; function of Jobs Florida ~~Department~~
4381 ~~of Community Affairs~~ with respect to federal grant-in-aid
4382 programs.—
4383 (1) The commissioner of Jobs Florida, or his or her
4384 designee, ~~Secretary of Community Affairs~~ shall:
4385 (a) Supervise and administer the activities of Jobs Florida
4386 ~~the department~~ and shall advise the Governor, the Cabinet, and
4387 the Legislature with respect to matters affecting community
4388 affairs and local government and participate in the formulation
4389 of policies which best use ~~utilize~~ the resources of state
4390 government for the benefit of local government.
4391 (b) Render services to local governments by assisting, upon
4392 request, in applying for and securing federal and state funds
4393 and by assisting the Executive Office of the Governor in
4394 coordinating the activities of the state with federal programs
4395 for assistance in and solution of urban problems.
4396 ~~(c) Under the direction of the Governor, administer~~
4397 ~~programs to apply rapidly all available aid to communities~~
4398 ~~stricken by an emergency as defined in s. 252.34(3) and, for~~
4399 ~~this purpose, provide liaison with federal agencies and other~~
4400 ~~public and private agencies.~~
4401 (c) ~~(d)~~ When requested, administer programs which will
4402 assist the efforts of local governments in developing mutual and
4403 cooperative solutions to their common problems.
4404 (d) ~~(e)~~ Conduct programs to encourage and promote the
4405 involvement of private enterprise in the solution of urban
4406 problems.
4407 (e) ~~(f)~~ Conduct continuing programs of analysis and
4408 evaluation of local governments and recommend to the Governor

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4409 programs and changes in the powers and organization of local
4410 government as may seem necessary to strengthen local
4411 governments.
4412 (f) ~~(g)~~ Assist the Governor and the Cabinet in coordinating
4413 and making more effective the activities and services of those
4414 departments and agencies of the state which may be of service to
4415 units of local government.
4416 (g) ~~(h)~~ Provide consultative services and technical
4417 assistance to local officials in the fields of housing,
4418 redevelopment and renewal, local public improvement programs,
4419 planning and zoning, and other local programs and collect and
4420 disseminate information pertaining thereto, including
4421 information concerning federal, state, and private assistance
4422 programs and services.
4423 (h) ~~(i)~~ Conduct research and studies, and prepare model
4424 ordinances and codes relating to the areas referred to herein.
4425 (i) ~~(j)~~ Cooperate with other state agencies in the
4426 preparation of statewide plans relating to housing,
4427 redevelopment and renewal, human resources development, local
4428 planning and zoning, transportation and traffic, and other
4429 matters relating to the purposes of this section.
4430 (j) ~~(k)~~ Accept funds from all sources to be used ~~utilized~~ in
4431 programs designed to combat juvenile crime, including the making
4432 of contributions to the National Youth Emergency Corps.
4433 (k) ~~(l)~~ Be authorized to accept and disburse funds from all
4434 sources in order to carry out the following programs:
4435 1. Advisory and informational services to local
4436 governments.
4437 2. Community development training under Title VIII of the

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4438 Housing Act of 1964.
4439 3. Local planning assistance under s. 701 of the Housing
4440 Act of 1954.
4441 4. Statewide planning assistance under s. 701 of the
4442 Housing Act of 1954.
4443 5. Model cities technical assistance under s. 701 of the
4444 Housing Act of 1954.
4445 (l) ~~(m)~~ Perform such other functions, duties, or
4446 responsibilities as may be hereafter assigned to him or her by
4447 law.
4448 (2) It is the intent of this section, with respect to
4449 federal grant-in-aid programs, that Jobs Florida ~~the department~~
4450 serve as the agency for disseminating information to local
4451 governments regarding the availability of federal grant-in-aid
4452 assistance to local governments in their efforts to secure
4453 federal grant-in-aid assistance, but only upon the request of
4454 such local governments, and for assisting local governments in
4455 maintaining liaison and communications with federal agencies
4456 concerning federal grant-in-aid programs. Nothing contained
4457 herein shall be construed to require consent, approval, or
4458 authorization from Jobs Florida ~~the department~~ as a condition to
4459 any application for or acceptance of grants-in-aid from the
4460 United States Government.
4461 (3) Jobs Florida ~~The department~~ is authorized to adopt
4462 rules implementing the following grant programs, which rules
4463 shall be consistent with the laws, regulations, or guidelines
4464 governing the grant to Jobs Florida ~~the department~~:
4465 (a) Criminal justice grant programs administered by the
4466 Bureau of Criminal Justice Assistance.

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4467 (b) Grants under the federal Outer Continental Shelf
4468 Program administered by the Bureau of Land and Water Management.
4469 (c) Federal housing assistance programs.
4470 (d) Community Services Block Grant programs.
4471 (e) Federal weatherization grant programs.
4472 (f) The ~~Jobs Impact Program of the~~ federal Community
4473 Development Block Grant.
4474 Section 64. Paragraph (d) of subsection (2) and subsection
4475 (3) of section 163.3178, Florida Statutes, are amended to read:
4476 163.3178 Coastal management.—
4477 (2) Each coastal management element required by s.
4478 163.3177(6)(g) shall be based on studies, surveys, and data; be
4479 consistent with coastal resource plans prepared and adopted
4480 pursuant to general or special law; and contain:
4481 (d) A component which outlines principles for hazard
4482 mitigation and protection of human life against the effects of
4483 natural disaster, including population evacuation, which take
4484 into consideration the capability to safely evacuate the density
4485 of coastal population proposed in the future land use plan
4486 element in the event of an impending natural disaster. The
4487 Office ~~Division~~ of Emergency Management shall manage the update
4488 of the regional hurricane evacuation studies, ensure such
4489 studies are done in a consistent manner, and ensure that the
4490 methodology used for modeling storm surge is that used by the
4491 National Hurricane Center.
4492 (3) Expansions to port harbors, spoil disposal sites,
4493 navigation channels, turning basins, harbor berths, and other
4494 related inwater harbor facilities of ports listed in s.
4495 403.021(9); port transportation facilities and projects listed

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4496 in s. 311.07(3)(b); intermodal transportation facilities
4497 identified pursuant to s. 311.09(3); and facilities determined
4498 by Jobs Florida ~~the Department of Community Affairs~~ and
4499 applicable general-purpose local government to be port-related
4500 industrial or commercial projects located within 3 miles of or
4501 in a port master plan area which rely upon the use of port and
4502 intermodal transportation facilities shall not be designated as
4503 developments of regional impact if such expansions, projects, or
4504 facilities are consistent with comprehensive master plans that
4505 are in compliance with this section.
4506 Section 65. Subsection (14) of section 163.3221, Florida
4507 Statutes, is amended to read:
4508 163.3221 Florida Local Government Development Agreement
4509 Act; definitions.—As used in ss. 163.3220-163.3243:
4510 (14) "State land planning agency" means Jobs Florida ~~the~~
4511 ~~Department of Community Affairs~~.
4512 Section 66. Subsection (10) of section 163.360, Florida
4513 Statutes, is amended to read:
4514 163.360 Community redevelopment plans.—
4515 (10) Notwithstanding any other provisions of this part, if
4516 ~~when~~ the governing body certifies that an area is in need of
4517 redevelopment or rehabilitation as a result of an emergency as
4518 defined in ~~under~~ s. 252.34~~(3)~~, with respect to which the
4519 Governor has certified the need for emergency assistance under
4520 federal law, that area may be certified as a "blighted area,"
4521 and the governing body may approve a community redevelopment
4522 plan and community redevelopment with respect to such area
4523 without regard to the provisions of this section requiring a
4524 general plan for the county or municipality and a public hearing

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4525 on the community redevelopment.
4526 Section 67. Subsection (1) of section 166.0446, Florida
4527 Statutes, is amended to read:
4528 166.0446 Prohibition of fees for first responder services.—
4529 (1) A municipality may not impose a fee or seek
4530 reimbursement for any costs or expenses that may be incurred for
4531 services provided by a first responder, including costs or
4532 expenses related to personnel, supplies, motor vehicles, or
4533 equipment in response to a motor vehicle accident, except for
4534 costs to contain or clean up hazardous materials in quantities
4535 reportable to the Florida State Warning Point at the Office
4536 ~~Division~~ of Emergency Management, and costs for transportation
4537 and treatment provided by ambulance services licensed pursuant
4538 to s. 401.23(4) and (5).
4539 Section 68. Subsection (1) of section 175.021, Florida
4540 Statutes, is amended to read:
4541 175.021 Legislative declaration.—
4542 (1) It is hereby declared by the Legislature that
4543 firefighters~~, as hereinafter defined,~~ perform state and
4544 municipal functions; that it is their duty to extinguish fires,
4545 to protect life, and to protect property at their own risk and
4546 peril; that it is their duty to prevent conflagration and to
4547 continuously instruct school personnel, public officials, and
4548 private citizens in the prevention of fires and firesafety; that
4549 they protect both life and property from local emergencies as
4550 defined in s. 252.34~~(3)~~; and that their activities are vital to
4551 the public safety. It is further declared that firefighters
4552 employed by special fire control districts serve under the same
4553 circumstances and perform the same duties as firefighters

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4554 employed by municipalities and should therefore be entitled to
4555 the benefits available under this chapter. Therefore, the
4556 Legislature declares that it is a proper and legitimate state
4557 purpose to provide a uniform retirement system for the benefit
4558 of firefighters ~~as hereinafter defined~~ and intends, in
4559 implementing the provisions of s. 14, Art. X of the State
4560 Constitution as they relate to municipal and special district
4561 firefighters' pension trust fund systems and plans, that such
4562 retirement systems or plans be managed, administered, operated,
4563 and funded in such manner as to maximize the protection of the
4564 firefighters' pension trust funds. Pursuant to s. 18, Art. VII
4565 of the State Constitution, the Legislature hereby determines and
4566 declares that ~~the provisions of~~ this act fulfill an important
4567 state interest.
4568 Section 69. Paragraph (c) of subsection (4) of section
4569 186.504, Florida Statutes, is amended to read:
4570 186.504 Regional planning councils; creation; membership.—
4571 (4) In addition to voting members appointed pursuant to
4572 paragraph (2)(c), the Governor shall appoint the following ex
4573 officio nonvoting members to each regional planning council:
4574 (c) A representative nominated by Jobs Florida ~~Enterprise~~
4575 ~~Florida, Inc., and the Office of Tourism, Trade, and Economic~~
4576 ~~Development~~.
4577
4578 The Governor may also appoint ex officio nonvoting members
4579 representing appropriate metropolitan planning organizations and
4580 regional water supply authorities.
4581 Section 70. Subsection (11) of section 186.505, Florida
4582 Statutes, is amended to read:

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4583 186.505 Regional planning councils; powers and duties.—Any
4584 regional planning council created hereunder shall have the
4585 following powers:
4586 (11) To cooperate, in the exercise of its planning
4587 functions, with federal and state agencies in planning for
4588 emergency management as defined in ~~under~~ s. 252.34~~(4)~~.
4589 Section 71. Paragraph (a) of subsection (1) of section
4590 202.37, Florida Statutes, is amended to read:
4591 202.37 Special rules for administration of local
4592 communications services tax.—
4593 (1)(a) Except as otherwise provided in this section, all
4594 statutory provisions and administrative rules applicable to the
4595 communications services tax imposed by s. 202.12 apply to any
4596 local communications services tax imposed under s. 202.19, and
4597 the department shall administer, collect, and enforce all taxes
4598 imposed under s. 202.19, including interest and penalties
4599 attributable thereto, in accordance with the same procedures
4600 used in the administration, collection, and enforcement of the
4601 communications services tax imposed by s. 202.12. Audits
4602 performed by the department shall include a determination of the
4603 dealer’s compliance with the jurisdictional situsing of its
4604 customers’ service addresses and a determination of whether the
4605 rate collected for the local tax pursuant to ss. 202.19 and
4606 202.20 is correct. The person or entity designated by a local
4607 government pursuant to s. 213.053(8) ~~s. 213.053(8)(v)~~ may
4608 provide evidence to the department demonstrating a specific
4609 person’s failure to fully or correctly report taxable
4610 communications services sales within the jurisdiction. The
4611 department may request additional information from the designee

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4612 to assist in any review. The department shall inform the
4613 designee of what action, if any, the department intends to take
4614 regarding the person.
4615 Section 72. Paragraphs (j) and (p) of subsection (5) of
4616 section 212.08, Florida Statutes, are amended to read:
4617 212.08 Sales, rental, use, consumption, distribution, and
4618 storage tax; specified exemptions.—The sale at retail, the
4619 rental, the use, the consumption, the distribution, and the
4620 storage to be used or consumed in this state of the following
4621 are hereby specifically exempt from the tax imposed by this
4622 chapter.
4623 (5) EXEMPTIONS; ACCOUNT OF USE.—
4624 (j) *Machinery and equipment used in semiconductor, defense,*
4625 *or space technology production.*—
4626 1.a. Industrial machinery and equipment used in
4627 semiconductor technology facilities certified under subparagraph
4628 5. to manufacture, process, compound, or produce semiconductor
4629 technology products for sale or for use by these facilities are
4630 exempt from the tax imposed by this chapter. For purposes of
4631 this paragraph, industrial machinery and equipment includes
4632 molds, dies, machine tooling, other appurtenances or accessories
4633 to machinery and equipment, testing equipment, test beds,
4634 computers, and software, whether purchased or self-fabricated,
4635 and, if self-fabricated, includes materials and labor for
4636 design, fabrication, and assembly.
4637 b. Industrial machinery and equipment used in defense or
4638 space technology facilities certified under subparagraph 5. to
4639 design, manufacture, assemble, process, compound, or produce
4640 defense technology products or space technology products for

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4641 sale or for use by these facilities are exempt from the tax
4642 imposed by this chapter.
4643 2. Building materials purchased for use in manufacturing or
4644 expanding clean rooms in semiconductor-manufacturing facilities
4645 are exempt from the tax imposed by this chapter.
4646 3. In addition to meeting the criteria mandated by
4647 subparagraph 1. or subparagraph 2., a business must be certified
4648 by Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
4649 ~~Development~~ in order to qualify for exemption under this
4650 paragraph.
4651 4. For items purchased tax-exempt pursuant to this
4652 paragraph, possession of a written certification from the
4653 purchaser, certifying the purchaser's entitlement to the
4654 exemption, relieves the seller of the responsibility of
4655 collecting the tax on the sale of such items, and the department
4656 shall look solely to the purchaser for recovery of the tax if it
4657 determines that the purchaser was not entitled to the exemption.
4658 5.a. To be eligible to receive the exemption provided by
4659 subparagraph 1. or subparagraph 2., a qualifying business entity
4660 shall initially apply to the Jobs Florida Partnership ~~Enterprise~~
4661 ~~Florida~~, Inc. The original certification is valid for a period
4662 of 2 years. In lieu of submitting a new application, the
4663 original certification may be renewed biennially by submitting
4664 to Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
4665 ~~Development~~ a statement, certified under oath, that there has
4666 been no material change in the conditions or circumstances
4667 entitling the business entity to the original certification. The
4668 initial application and the certification renewal statement
4669 shall be developed by Jobs Florida ~~the Office of Tourism, Trade,~~

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4670 ~~and Economic Development in consultation with Enterprise~~
4671 ~~Florida, Inc~~.
4672 b. The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
4673 shall review each submitted initial application and determine
4674 whether or not the application is complete within 5 working
4675 days. Once complete, the Jobs Florida Partnership ~~Enterprise~~
4676 ~~Florida~~, Inc., shall, within 10 working days, evaluate the
4677 application and recommend approval or disapproval to Jobs
4678 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
4679 c. Upon receipt of the initial application and
4680 recommendation from the Jobs Florida Partnership E~~nterprise~~
4681 ~~Florida~~, Inc., or upon receipt of a certification renewal
4682 statement, Jobs Florida ~~the Office of Tourism, Trade, and~~
4683 ~~Economic Development~~ shall certify within 5 working days those
4684 applicants who are found to meet the requirements of this
4685 section and notify the applicant, the Jobs Florida Partnership
4686 ~~Enterprise Florida~~, Inc., and the department of the original
4687 certification or certification renewal. If Jobs Florida ~~the~~
4688 ~~Office of Tourism, Trade, and Economic Development~~ finds that
4689 the applicant does not meet the requirements, it shall notify
4690 the applicant and the Jobs Florida Partnership ~~Enterprise~~
4691 ~~Florida~~, Inc., within 10 working days that the application for
4692 certification has been denied and the reasons for denial. Jobs
4693 Florida ~~The Office of Tourism, Trade, and Economic Development~~
4694 has final approval authority for certification under this
4695 section.
4696 d. The initial application and certification renewal
4697 statement must indicate, for program evaluation purposes only,
4698 the average number of full-time equivalent employees at the

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4699 facility over the preceding calendar year, the average wage and
4700 benefits paid to those employees over the preceding calendar
4701 year, the total investment made in real and tangible personal
4702 property over the preceding calendar year, and the total value
4703 of tax-exempt purchases and taxes exempted during the previous
4704 year. The department shall assist Jobs Florida ~~the Office of~~
4705 ~~Tourism, Trade, and Economic Development~~ in evaluating and
4706 verifying information provided in the application for exemption.
4707 e. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
4708 ~~Development~~ may use the information reported on the initial
4709 application and certification renewal statement for evaluation
4710 purposes only.
4711 6. A business certified to receive this exemption may elect
4712 to designate one or more state universities or community
4713 colleges as recipients of up to 100 percent of the amount of the
4714 exemption. To receive these funds, the institution must agree to
4715 match the funds with equivalent cash, programs, services, or
4716 other in-kind support on a one-to-one basis for research and
4717 development projects requested by the certified business. The
4718 rights to any patents, royalties, or real or intellectual
4719 property must be vested in the business unless otherwise agreed
4720 to by the business and the university or community college.
4721 7. As used in this paragraph, the term:
4722 a. “Semiconductor technology products” means raw
4723 semiconductor wafers or semiconductor thin films that are
4724 transformed into semiconductor memory or logic wafers, including
4725 wafers containing mixed memory and logic circuits; related
4726 assembly and test operations; active-matrix flat panel displays;
4727 semiconductor chips; semiconductor lasers; optoelectronic

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4728 elements; and related semiconductor technology products as
4729 determined by Jobs Florida ~~the Office of Tourism, Trade, and~~
4730 ~~Economic Development~~.
4731 b. “Clean rooms” means manufacturing facilities enclosed in
4732 a manner that meets the clean manufacturing requirements
4733 necessary for high-technology semiconductor-manufacturing
4734 environments.
4735 c. “Defense technology products” means products that have a
4736 military application, including, but not limited to, weapons,
4737 weapons systems, guidance systems, surveillance systems,
4738 communications or information systems, munitions, aircraft,
4739 vessels, or boats, or components thereof, which are intended for
4740 military use and manufactured in performance of a contract with
4741 the United States Department of Defense or the military branch
4742 of a recognized foreign government or a subcontract thereunder
4743 which relates to matters of national defense.
4744 d. “Space technology products” means products that are
4745 specifically designed or manufactured for application in space
4746 activities, including, but not limited to, space launch
4747 vehicles, space flight vehicles, missiles, satellites or
4748 research payloads, avionics, and associated control systems and
4749 processing systems and components of any of the foregoing. The
4750 term does not include products that are designed or manufactured
4751 for general commercial aviation or other uses even though those
4752 products may also serve an incidental use in space applications.
4753 (p) *Community contribution tax credit for donations.*—
4754 1. Authorization.—Persons who are registered with the
4755 department under s. 212.18 to collect or remit sales or use tax
4756 and who make donations to eligible sponsors are eligible for tax

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4757 credits against their state sales and use tax liabilities as
4758 provided in this paragraph:
4759 a. The credit shall be computed as 50 percent of the
4760 person's approved annual community contribution.
4761 b. The credit shall be granted as a refund against state
4762 sales and use taxes reported on returns and remitted in the 12
4763 months preceding the date of application to the department for
4764 the credit as required in sub-subparagraph 3.c. If the annual
4765 credit is not fully used through such refund because of
4766 insufficient tax payments during the applicable 12-month period,
4767 the unused amount may be included in an application for a refund
4768 made pursuant to sub-subparagraph 3.c. in subsequent years
4769 against the total tax payments made for such year. Carryover
4770 credits may be applied for a 3-year period without regard to any
4771 time limitation that would otherwise apply under s. 215.26.
4772 c. A person may not receive more than $200,000 in annual
4773 tax credits for all approved community contributions made in any
4774 one year.
4775 d. All proposals for the granting of the tax credit require
4776 the prior approval of Jobs Florida ~~the Office of Tourism, Trade,~~
4777 ~~and Economic Development~~.
4778 e. The total amount of tax credits which may be granted for
4779 all programs approved under this paragraph, s. 220.183, and s.
4780 624.5105 is $10.5 million annually for projects that provide
4781 homeownership opportunities for low-income or very-low-income
4782 households as defined in s. 420.9071(19) and (28) and $3.5
4783 million annually for all other projects.
4784 f. A person who is eligible to receive the credit provided
4785 for in this paragraph, s. 220.183, or s. 624.5105 may receive

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4786 the credit only under the one section of the person's choice.
4787 2. Eligibility requirements.—
4788 a. A community contribution by a person must be in the
4789 following form:
4790 (I) Cash or other liquid assets;
4791 (II) Real property;
4792 (III) Goods or inventory; or
4793 (IV) Other physical resources as identified by Jobs Florida
4794 ~~the Office of Tourism, Trade, and Economic Development~~.
4795 b. All community contributions must be reserved exclusively
4796 for use in a project. As used in this sub-subparagraph, the term
4797 "project" means any activity undertaken by an eligible sponsor
4798 which is designed to construct, improve, or substantially
4799 rehabilitate housing that is affordable to low-income or very-
4800 low-income households as defined in s. 420.9071(19) and (28);
4801 designed to provide commercial, industrial, or public resources
4802 and facilities; or designed to improve entrepreneurial and job-
4803 development opportunities for low-income persons. A project may
4804 be the investment necessary to increase access to high-speed
4805 broadband capability in rural communities with enterprise zones,
4806 including projects that result in improvements to communications
4807 assets that are owned by a business. A project may include the
4808 provision of museum educational programs and materials that are
4809 directly related to any project approved between January 1,
4810 1996, and December 31, 1999, and located in an enterprise zone
4811 designated pursuant to s. 290.0065. This paragraph does not
4812 preclude projects that propose to construct or rehabilitate
4813 housing for low-income or very-low-income households on
4814 scattered sites. With respect to housing, contributions may be

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4815 used to pay the following eligible low-income and very-low-
4816 income housing-related activities:
4817 (I) Project development impact and management fees for low-
4818 income or very-low-income housing projects;
4819 (II) Down payment and closing costs for eligible persons,
4820 as defined in s. 420.9071(19) and (28);
4821 (III) Administrative costs, including housing counseling
4822 and marketing fees, not to exceed 10 percent of the community
4823 contribution, directly related to low-income or very-low-income
4824 projects; and
4825 (IV) Removal of liens recorded against residential property
4826 by municipal, county, or special district local governments when
4827 satisfaction of the lien is a necessary precedent to the
4828 transfer of the property to an eligible person, as defined in s.
4829 420.9071(19) and (28), for the purpose of promoting home
4830 ownership. Contributions for lien removal must be received from
4831 a nonrelated third party.
4832 c. The project must be undertaken by an "eligible sponsor,"
4833 which includes:
4834 (I) A community action program;
4835 (II) A nonprofit community-based development organization
4836 whose mission is the provision of housing for low-income or
4837 very-low-income households or increasing entrepreneurial and
4838 job-development opportunities for low-income persons;
4839 (III) A neighborhood housing services corporation;
4840 (IV) A local housing authority created under chapter 421;
4841 (V) A community redevelopment agency created under s.
4842 163.356;
4843 (VI) The Florida Industrial Development Corporation;

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4844 (VII) A historic preservation district agency or
4845 organization;
4846 (VIII) A regional workforce board;
4847 (IX) A direct-support organization as provided in s.
4848 1009.983;
4849 (X) An enterprise zone development agency created under s.
4850 290.0056;
4851 (XI) A community-based organization incorporated under
4852 chapter 617 which is recognized as educational, charitable, or
4853 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
4854 and whose bylaws and articles of incorporation include
4855 affordable housing, economic development, or community
4856 development as the primary mission of the corporation;
4857 (XII) Units of local government;
4858 (XIII) Units of state government; or
4859 (XIV) Any other agency that Jobs Florida ~~the Office of~~
4860 ~~Tourism, Trade, and Economic Development~~ designates by rule.
4861
4862 In no event may a contributing person have a financial interest
4863 in the eligible sponsor.
4864 d. The project must be located in an area designated an
4865 enterprise zone or a Front Porch Florida Community ~~pursuant to~~
4866 ~~s. 20.18(6)~~, unless the project increases access to high-speed
4867 broadband capability for rural communities with enterprise zones
4868 but is physically located outside the designated rural zone
4869 boundaries. Any project designed to construct or rehabilitate
4870 housing for low-income or very-low-income households as defined
4871 in s. 420.9071(19) and (28) is exempt from the area requirement
4872 of this sub-subparagraph.

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4873 e.(I) If, during the first 10 business days of the state
4874 fiscal year, eligible tax credit applications for projects that
4875 provide homeownership opportunities for low-income or very-low-
4876 income households as defined in s. 420.9071(19) and (28) are
4877 received for less than the annual tax credits available for
4878 those projects, Jobs Florida ~~the Office of Tourism, Trade, and~~
4879 ~~Economic Development~~ shall grant tax credits for those
4880 applications and shall grant remaining tax credits on a first-
4881 come, first-served basis for any subsequent eligible
4882 applications received before the end of the state fiscal year.
4883 If, during the first 10 business days of the state fiscal year,
4884 eligible tax credit applications for projects that provide
4885 homeownership opportunities for low-income or very-low-income
4886 households as defined in s. 420.9071(19) and (28) are received
4887 for more than the annual tax credits available for those
4888 projects, Jobs Florida ~~the office~~ shall grant the tax credits
4889 for those applications as follows:
4890 (A) If tax credit applications submitted for approved
4891 projects of an eligible sponsor do not exceed $200,000 in total,
4892 the credits shall be granted in full if the tax credit
4893 applications are approved.
4894 (B) If tax credit applications submitted for approved
4895 projects of an eligible sponsor exceed $200,000 in total, the
4896 amount of tax credits granted pursuant to sub-sub-sub-
4897 subparagraph (A) shall be subtracted from the amount of
4898 available tax credits, and the remaining credits shall be
4899 granted to each approved tax credit application on a pro rata
4900 basis.
4901 (II) If, during the first 10 business days of the state

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4902 fiscal year, eligible tax credit applications for projects other
4903 than those that provide homeownership opportunities for low-
4904 income or very-low-income households as defined in s.
4905 420.9071(19) and (28) are received for less than the annual tax
4906 credits available for those projects, Jobs Florida ~~the office~~
4907 shall grant tax credits for those applications and shall grant
4908 remaining tax credits on a first-come, first-served basis for
4909 any subsequent eligible applications received before the end of
4910 the state fiscal year. If, during the first 10 business days of
4911 the state fiscal year, eligible tax credit applications for
4912 projects other than those that provide homeownership
4913 opportunities for low-income or very-low-income households as
4914 defined in s. 420.9071(19) and (28) are received for more than
4915 the annual tax credits available for those projects, the office
4916 shall grant the tax credits for those applications on a pro rata
4917 basis.
4918 3. Application requirements.—
4919 a. Any eligible sponsor seeking to participate in this
4920 program must submit a proposal to Jobs Florida ~~the Office of~~
4921 ~~Tourism, Trade, and Economic Development~~ which sets forth the
4922 name of the sponsor, a description of the project, and the area
4923 in which the project is located, together with such supporting
4924 information as is prescribed by rule. The proposal must also
4925 contain a resolution from the local governmental unit in which
4926 the project is located certifying that the project is consistent
4927 with local plans and regulations.
4928 b. Any person seeking to participate in this program must
4929 submit an application for tax credit to Jobs Florida ~~the office~~
4930 which sets forth the name of the sponsor, a description of the

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4931 project, and the type, value, and purpose of the contribution.
4932 The sponsor shall verify the terms of the application and
4933 indicate its receipt of the contribution, which verification
4934 must be in writing and accompany the application for tax credit.
4935 The person must submit a separate tax credit application to Jobs
4936 Florida ~~the office~~ for each individual contribution that it
4937 makes to each individual project.
4938 c. Any person who has received notification from Jobs
4939 Florida ~~the office~~ that a tax credit has been approved must
4940 apply to the department to receive the refund. Application must
4941 be made on the form prescribed for claiming refunds of sales and
4942 use taxes and be accompanied by a copy of the notification. A
4943 person may submit only one application for refund to the
4944 department within any 12-month period.
4945 4. Administration.—
4946 a. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
4947 ~~Development~~ may adopt rules pursuant to ss. 120.536(1) and
4948 120.54 necessary to administer this paragraph, including rules
4949 for the approval or disapproval of proposals by a person.
4950 b. The decision of Jobs Florida ~~the office~~ must be in
4951 writing, and, if approved, the notification shall state the
4952 maximum credit allowable to the person. Upon approval, Jobs
4953 Florida ~~the office~~ shall transmit a copy of the decision to the
4954 Department of Revenue.
4955 c. Jobs Florida ~~The office~~ shall periodically monitor all
4956 projects in a manner consistent with available resources to
4957 ensure that resources are used in accordance with this
4958 paragraph; however, each project must be reviewed at least once
4959 every 2 years.

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4960 d. Jobs Florida ~~The office~~ shall, in consultation with ~~the~~
4961 ~~Department of Community Affairs and~~ the statewide and regional
4962 housing and financial intermediaries, market the availability of
4963 the community contribution tax credit program to community-based
4964 organizations.
4965 5. Expiration.—This paragraph expires June 30, 2015;
4966 however, any accrued credit carryover that is unused on that
4967 date may be used until the expiration of the 3-year carryover
4968 period for such credit.
4969 Section 73. Paragraph (d) of subsection (1) of section
4970 212.096, Florida Statutes, is amended to read:
4971 212.096 Sales, rental, storage, use tax; enterprise zone
4972 jobs credit against sales tax.—
4973 (1) For the purposes of the credit provided in this
4974 section:
4975 (d) "Job" means a full-time position, as consistent with
4976 terms used by Jobs Florida ~~the Agency for Workforce Innovation~~
4977 and the United States Department of Labor for purposes of
4978 unemployment compensation tax administration and employment
4979 estimation resulting directly from a business operation in this
4980 state. This term may not include a temporary construction job
4981 involved with the construction of facilities or any job that has
4982 previously been included in any application for tax credits
4983 under s. 220.181(1). The term also includes employment of an
4984 employee leased from an employee leasing company licensed under
4985 chapter 468 if such employee has been continuously leased to the
4986 employer for an average of at least 36 hours per week for more
4987 than 6 months.
4988

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4989 A person shall be deemed to be employed if the person performs
4990 duties in connection with the operations of the business on a
4991 regular, full-time basis, provided the person is performing such
4992 duties for an average of at least 36 hours per week each month.
4993 The person must be performing such duties at a business site
4994 located in the enterprise zone.
4995 Section 74. Paragraphs (a) and (e) of subsection (1) and
4996 subsections (6), (7), and (10) of section 212.097, Florida
4997 Statutes, are amended to read:
4998 212.097 Urban High-Crime Area Job Tax Credit Program.—
4999 (1) As used in this section, the term:
5000 (a) "Eligible business" means any sole proprietorship,
5001 firm, partnership, or corporation that is located in a qualified
5002 county and is predominantly engaged in, or is headquarters for a
5003 business predominantly engaged in, activities usually provided
5004 for consideration by firms classified within the following
5005 standard industrial classifications: SIC 01-SIC 09 (agriculture,
5006 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-
5007 SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and
5008 storage); SIC 70 (hotels and other lodging places); SIC 7391
5009 (research and development); SIC 781 (motion picture production
5010 and allied services); SIC 7992 (public golf courses); and SIC
5011 7996 (amusement parks). A call center or similar customer
5012 service operation that services a multistate market or
5013 international market is also an eligible business. In addition,
5014 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5015 ~~Development~~ may, as part of its final budget request submitted
5016 pursuant to s. 216.023, recommend additions to or deletions from
5017 the list of standard industrial classifications used to

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5018 determine an eligible business, and the Legislature may
5019 implement such recommendations. Excluded from eligible receipts
5020 are receipts from retail sales, except such receipts for SIC 52-
5021 SIC 57 and SIC 59 (retail) hotels and other lodging places
5022 classified in SIC 70, public golf courses in SIC 7992, and
5023 amusement parks in SIC 7996. For purposes of this paragraph, the
5024 term "predominantly" means that more than 50 percent of the
5025 business's gross receipts from all sources is generated by those
5026 activities usually provided for consideration by firms in the
5027 specified standard industrial classification. The determination
5028 of whether the business is located in a qualified high-crime
5029 area and the tier ranking of that area must be based on the date
5030 of application for the credit under this section. Commonly owned
5031 and controlled entities are to be considered a single business
5032 entity.
5033 (e) "Qualified high-crime area" means an area selected by
5034 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5035 ~~Development~~ in the following manner: every third year, Jobs
5036 Florida ~~the Office~~ shall rank and tier those areas nominated
5037 under subsection (7), according to the following prioritized
5038 criteria:
5039 1. Highest arrest rates within the geographic area for
5040 violent crime and for such other crimes as drug sale, drug
5041 possession, prostitution, vandalism, and civil disturbances;
5042 2. Highest reported crime volume and rate of specific
5043 property crimes such as business and residential burglary, motor
5044 vehicle theft, and vandalism;
5045 3. Highest percentage of reported index crimes that are
5046 violent in nature;

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5047 4. Highest overall index crime volume for the area; and
5048 5. Highest overall index crime rate for the geographic
5049 area.
5050
5051 Tier-one areas are ranked 1 through 5 and represent the highest
5052 crime areas according to this ranking. Tier-two areas are ranked
5053 6 through 10 according to this ranking. Tier-three areas are
5054 ranked 11 through 15. Notwithstanding this definition,
5055 "qualified high-crime area" also means an area that has been
5056 designated as a federal Empowerment Zone pursuant to the
5057 Taxpayer Relief Act of 1997. Such a designated area is ranked in
5058 tier three until the areas are reevaluated by Jobs Florida ~~the~~
5059 ~~Office of Tourism, Trade, and Economic Development~~.
5060 (6) Any county or municipality, or a county and one or more
5061 municipalities together, may apply to Jobs Florida ~~the Office of~~
5062 ~~Tourism, Trade, and Economic Development~~ for the designation of
5063 an area as a high-crime area after the adoption by the governing
5064 body or bodies of a resolution that:
5065 (a) Finds that a high-crime area exists in such county or
5066 municipality, or in both the county and one or more
5067 municipalities, which chronically exhibits extreme and
5068 unacceptable levels of poverty, unemployment, physical
5069 deterioration, and economic disinvestment;
5070 (b) Determines that the rehabilitation, conservation, or
5071 redevelopment, or a combination thereof, of such a high-crime
5072 area is necessary in the interest of the health, safety, and
5073 welfare of the residents of such county or municipality, or such
5074 county and one or more municipalities; and
5075 (c) Determines that the revitalization of such a high-crime

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5076 area can occur if the public sector or private sector can be
5077 induced to invest its own resources in productive enterprises
5078 that build or rebuild the economic viability of the area.
5079 (7) The governing body of the entity nominating the area
5080 shall provide to Jobs Florida ~~the Office of Tourism, Trade, and~~
5081 ~~Economic Development~~ the following:
5082 (a) The overall index crime rate for the geographic area;
5083 (b) The overall index crime volume for the area;
5084 (c) The percentage of reported index crimes that are
5085 violent in nature;
5086 (d) The reported crime volume and rate of specific property
5087 crimes such as business and residential burglary, motor vehicle
5088 theft, and vandalism; and
5089 (e) The arrest rates within the geographic area for violent
5090 crime and for such other crimes as drug sale, drug possession,
5091 prostitution, disorderly conduct, vandalism, and other public-
5092 order offenses.
5093 (10)(a) In order to claim this credit, an eligible business
5094 must file under oath with Jobs Florida ~~the Office of Tourism,~~
5095 ~~Trade, and Economic Development~~ a statement that includes the
5096 name and address of the eligible business and any other
5097 information that is required to process the application.
5098 (b) Applications shall be reviewed and certified pursuant
5099 to s. 288.061.
5100 (c) The maximum credit amount that may be approved during
5101 any calendar year is $5 million, of which $1 million shall be
5102 exclusively reserved for tier-one areas. The Department of
5103 Revenue, in conjunction with Jobs Florida ~~the Office of Tourism,~~
5104 ~~Trade, and Economic Development~~, shall notify the governing

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5105 bodies in areas designated as urban high-crime areas when the $5
5106 million maximum amount has been reached. Applications must be
5107 considered for approval in the order in which they are received
5108 without regard to whether the credit is for a new or existing
5109 business. This limitation applies to the value of the credit as
5110 contained in approved applications. Approved credits may be
5111 taken in the time and manner allowed pursuant to this section.
5112 Section 75. Paragraphs (a) and (c) of subsection (1) and
5113 subsections (6) and (7), of section 212.098, Florida Statutes,
5114 are amended to read:
5115 212.098 Rural Job Tax Credit Program.—
5116 (1) As used in this section, the term:
5117 (a) "Eligible business" means any sole proprietorship,
5118 firm, partnership, or corporation that is located in a qualified
5119 county and is predominantly engaged in, or is headquarters for a
5120 business predominantly engaged in, activities usually provided
5121 for consideration by firms classified within the following
5122 standard industrial classifications: SIC 01-SIC 09 (agriculture,
5123 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422
5124 (public warehousing and storage); SIC 70 (hotels and other
5125 lodging places); SIC 7391 (research and development); SIC 781
5126 (motion picture production and allied services); SIC 7992
5127 (public golf courses); SIC 7996 (amusement parks); and a
5128 targeted industry eligible for the qualified target industry
5129 business tax refund under s. 288.106. A call center or similar
5130 customer service operation that services a multistate market or
5131 an international market is also an eligible business. In
5132 addition, Jobs Florida ~~the Office of Tourism, Trade, and~~
5133 ~~Economic Development~~ may, as part of its final budget request

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5134 submitted pursuant to s. 216.023, recommend additions to or
5135 deletions from the list of standard industrial classifications
5136 used to determine an eligible business, and the Legislature may
5137 implement such recommendations. Excluded from eligible receipts
5138 are receipts from retail sales, except such receipts for hotels
5139 and other lodging places classified in SIC 70, public golf
5140 courses in SIC 7992, and amusement parks in SIC 7996. For
5141 purposes of this paragraph, the term "predominantly" means that
5142 more than 50 percent of the business's gross receipts from all
5143 sources is generated by those activities usually provided for
5144 consideration by firms in the specified standard industrial
5145 classification. The determination of whether the business is
5146 located in a qualified county and the tier ranking of that
5147 county must be based on the date of application for the credit
5148 under this section. Commonly owned and controlled entities are
5149 to be considered a single business entity.
5150 (c) "Qualified area" means any area that is contained
5151 within a rural area of critical economic concern designated
5152 under s. 288.0656, a county that has a population of fewer than
5153 75,000 persons, or a county that has a population of 125,000 or
5154 less and is contiguous to a county that has a population of less
5155 than 75,000, selected in the following manner: every third year,
5156 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5157 ~~Development~~ shall rank and tier the state's counties according
5158 to the following four factors:
5159 1. Highest unemployment rate for the most recent 36-month
5160 period.
5161 2. Lowest per capita income for the most recent 36-month
5162 period.

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5163 3. Highest percentage of residents whose incomes are below
5164 the poverty level, based upon the most recent data available.
5165 4. Average weekly manufacturing wage, based upon the most
5166 recent data available.
5167 (6)(a) In order to claim this credit, an eligible business
5168 must file under oath with Jobs Florida ~~the Office of Tourism,~~
5169 ~~Trade, and Economic Development~~ a statement that includes the
5170 name and address of the eligible business, the starting salary
5171 or hourly wages paid to the new employee, and any other
5172 information that the Department of Revenue requires.
5173 (b) Within 30 working days after receipt of an application
5174 for credit, Jobs Florida ~~the Office of Tourism, Trade, and~~
5175 ~~Economic Development~~ shall review the application to determine
5176 whether it contains all the information required by this
5177 subsection and meets the criteria set out in this section.
5178 Subject to the provisions of paragraph (c), Jobs Florida ~~the~~
5179 ~~Office of Tourism, Trade, and Economic Development~~ shall approve
5180 all applications that contain the information required by this
5181 subsection and meet the criteria set out in this section as
5182 eligible to receive a credit.
5183 (c) The maximum credit amount that may be approved during
5184 any calendar year is $5 million. The Department of Revenue, in
5185 conjunction with Jobs Florida ~~the Office of Tourism, Trade, and~~
5186 ~~Economic Development~~, shall notify the governing bodies in areas
5187 designated as qualified counties when the $5 million maximum
5188 amount has been reached. Applications must be considered for
5189 approval in the order in which they are received without regard
5190 to whether the credit is for a new or existing business. This
5191 limitation applies to the value of the credit as contained in

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5192 approved applications. Approved credits may be taken in the time
5193 and manner allowed pursuant to this section.
5194 (d) A business may not receive more than $500,000 of tax
5195 credits under this section during any one calendar year.
5196 (7) If the application is insufficient to support the
5197 credit authorized in this section, Jobs Florida ~~the Office of~~
5198 ~~Tourism, Trade, and Economic Development~~ shall deny the credit
5199 and notify the business of that fact. The business may reapply
5200 for this credit within 3 months after such notification.
5201 Section 76. Paragraph (d) of subsection (6) of section
5202 212.20, Florida Statutes, is amended to read:
5203 212.20 Funds collected, disposition; additional powers of
5204 department; operational expense; refund of taxes adjudicated
5205 unconstitutionally collected.—
5206 (6) Distribution of all proceeds under this chapter and s.
5207 202.18(1)(b) and (2)(b) shall be as follows:
5208 (d) The proceeds of all other taxes and fees imposed
5209 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
5210 and (2)(b) shall be distributed as follows:
5211 1. In any fiscal year, the greater of $500 million, minus
5212 an amount equal to 4.6 percent of the proceeds of the taxes
5213 collected pursuant to chapter 201, or 5.2 percent of all other
5214 taxes and fees imposed pursuant to this chapter or remitted
5215 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
5216 monthly installments into the General Revenue Fund.
5217 2. After the distribution under subparagraph 1., 8.814
5218 percent of the amount remitted by a sales tax dealer located
5219 within a participating county pursuant to s. 218.61 shall be
5220 transferred into the Local Government Half-cent Sales Tax

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5221 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
5222 transferred shall be reduced by 0.1 percent, and the department
5223 shall distribute this amount to the Public Employees Relations
5224 Commission Trust Fund less $5,000 each month, which shall be
5225 added to the amount calculated in subparagraph 3. and
5226 distributed accordingly.
5227 3. After the distribution under subparagraphs 1. and 2.,
5228 0.095 percent shall be transferred to the Local Government Half-
5229 cent Sales Tax Clearing Trust Fund and distributed pursuant to
5230 s. 218.65.
5231 4. After the distributions under subparagraphs 1., 2., and
5232 3., 2.0440 percent of the available proceeds shall be
5233 transferred monthly to the Revenue Sharing Trust Fund for
5234 Counties pursuant to s. 218.215.
5235 5. After the distributions under subparagraphs 1., 2., and
5236 3., 1.3409 percent of the available proceeds shall be
5237 transferred monthly to the Revenue Sharing Trust Fund for
5238 Municipalities pursuant to s. 218.215. If the total revenue to
5239 be distributed pursuant to this subparagraph is at least as
5240 great as the amount due from the Revenue Sharing Trust Fund for
5241 Municipalities and the former Municipal Financial Assistance
5242 Trust Fund in state fiscal year 1999-2000, no municipality shall
5243 receive less than the amount due from the Revenue Sharing Trust
5244 Fund for Municipalities and the former Municipal Financial
5245 Assistance Trust Fund in state fiscal year 1999-2000. If the
5246 total proceeds to be distributed are less than the amount
5247 received in combination from the Revenue Sharing Trust Fund for
5248 Municipalities and the former Municipal Financial Assistance
5249 Trust Fund in state fiscal year 1999-2000, each municipality

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5250 shall receive an amount proportionate to the amount it was due
5251 in state fiscal year 1999-2000.
5252 6. Of the remaining proceeds:
5253 a. In each fiscal year, the sum of $29,915,500 shall be
5254 divided into as many equal parts as there are counties in the
5255 state, and one part shall be distributed to each county. The
5256 distribution among the several counties must begin each fiscal
5257 year on or before January 5th and continue monthly for a total
5258 of 4 months. If a local or special law required that any moneys
5259 accruing to a county in fiscal year 1999-2000 under the then-
5260 existing provisions of s. 550.135 be paid directly to the
5261 district school board, special district, or a municipal
5262 government, such payment must continue until the local or
5263 special law is amended or repealed. The state covenants with
5264 holders of bonds or other instruments of indebtedness issued by
5265 local governments, special districts, or district school boards
5266 before July 1, 2000, that it is not the intent of this
5267 subparagraph to adversely affect the rights of those holders or
5268 relieve local governments, special districts, or district school
5269 boards of the duty to meet their obligations as a result of
5270 previous pledges or assignments or trusts entered into which
5271 obligated funds received from the distribution to county
5272 governments under then-existing s. 550.135. This distribution
5273 specifically is in lieu of funds distributed under s. 550.135
5274 before July 1, 2000.
5275 b. The department shall distribute $166,667 monthly
5276 pursuant to s. 288.1162 to each applicant certified as a
5277 facility for a new or retained professional sports franchise
5278 pursuant to s. 288.1162. Up to $41,667 shall be distributed

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5279 monthly by the department to each certified applicant as defined
5280 in s. 288.11621 for a facility for a spring training franchise.
5281 However, not more than $416,670 may be distributed monthly in
5282 the aggregate to all certified applicants for facilities for
5283 spring training franchises. Distributions begin 60 days after
5284 such certification and continue for not more than 30 years,
5285 except as otherwise provided in s. 288.11621. A certified
5286 applicant identified in this sub-subparagraph may not receive
5287 more in distributions than expended by the applicant for the
5288 public purposes provided for in s. 288.1162(5) or s.
5289 288.11621(3).
5290 c. Beginning 30 days after notice by Jobs Florida ~~the~~
5291 ~~Office of Tourism, Trade, and Economic Development~~ to the
5292 Department of Revenue that an applicant has been certified as
5293 the professional golf hall of fame pursuant to s. 288.1168 and
5294 is open to the public, $166,667 shall be distributed monthly,
5295 for up to 300 months, to the applicant.
5296 d. Beginning 30 days after notice by Jobs Florida ~~the~~
5297 ~~Office of Tourism, Trade, and Economic Development~~ to the
5298 Department of Revenue that the applicant has been certified as
5299 the International Game Fish Association World Center facility
5300 pursuant to s. 288.1169, and the facility is open to the public,
5301 $83,333 shall be distributed monthly, for up to 168 months, to
5302 the applicant. This distribution is subject to reduction
5303 pursuant to s. 288.1169. A lump sum payment of $999,996 shall be
5304 made, after certification and before July 1, 2000.
5305 7. All other proceeds must remain in the General Revenue
5306 Fund.
5307 Section 77. Subsection (4), paragraph (a) of subsection

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5308 (7), paragraphs (k) through (cc) of subsection (8), and
5309 subsections (19), (20), and (21) of section 213.053, Florida
5310 Statutes, as amended by chapter 2010-280, Laws of Florida, are
5311 amended, to read:
5312 213.053 Confidentiality and information sharing.—
5313 (4) The department, while providing unemployment tax
5314 collection services under contract with Jobs Florida ~~the Agency~~
5315 ~~for Workforce Innovation~~ through an interagency agreement
5316 pursuant to s. 443.1316, may release unemployment tax rate
5317 information to the agent of an employer, which agent provides
5318 payroll services for more than 100 ~~500~~ employers, pursuant to
5319 the terms of a memorandum of understanding. The memorandum of
5320 understanding must state that the agent affirms, subject to the
5321 criminal penalties contained in ss. 443.171 and 443.1715, that
5322 the agent will retain the confidentiality of the information,
5323 that the agent has in effect a power of attorney from the
5324 employer which permits the agent to obtain unemployment tax rate
5325 information, and that the agent shall provide the department
5326 with a copy of the employer's power of attorney upon request.
5327 (7)(a) Any information received by the Department of
5328 Revenue in connection with the administration of taxes,
5329 including, but not limited to, information contained in returns,
5330 reports, accounts, or declarations filed by persons subject to
5331 tax, shall be made available to the following in performance of
5332 their official duties:
5333 1. The Auditor General or his or her authorized agent;
5334 2. The director of the Office of Program Policy Analysis
5335 and Government Accountability or his or her authorized agent;
5336 3. The Chief Financial Officer or his or her authorized

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5337 agent;
5338 4. The Director of the Office of Insurance Regulation of
5339 the Financial Services Commission or his or her authorized
5340 agent;
5341 5. A property appraiser or tax collector or their
5342 authorized agents pursuant to s. 195.084(1); ~~or~~
5343 6. Designated employees of the Department of Education
5344 solely for determination of each school district's price level
5345 index pursuant to s. 1011.62(2); and
5346 7. The commissioner of Jobs Florida or his or her
5347 authorized agent.
5348 (8) Notwithstanding any other provision of this section,
5349 the department may provide:
5350 ~~(k)1. Payment information relative to chapters 199, 201,~~
5351 ~~202, 212, 220, 221, and 624 to the Office of Tourism, Trade, and~~
5352 ~~Economic Development, or its employees or agents that are~~
5353 ~~identified in writing by the office to the department, in the~~
5354 ~~administration of the tax refund program for qualified defense~~
5355 ~~contractors and space flight business contractors authorized by~~
5356 ~~s. 288.1045 and the tax refund program for qualified target~~
5357 ~~industry businesses authorized by s. 288.106.~~
5358 ~~2. Information relative to tax credits taken by a business~~
5359 ~~under s. 220.191 and exemptions or tax refunds received by a~~
5360 ~~business under s. 212.08(5)(j) to the Office of Tourism, Trade,~~
5361 ~~and Economic Development, or its employees or agents that are~~
5362 ~~identified in writing by to the department, in the~~
5363 ~~administration and evaluation of the capital investment tax~~
5364 ~~credit program authorized in s. 220.191 and the semiconductor,~~
5365 ~~defense, and space tax exemption program authorized in s.~~

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5366 ~~212.08(5)(j).~~
5367 ~~3. Information relative to tax credits taken by a taxpayer~~
5368 ~~pursuant to the tax credit programs created in ss. 193.017;~~
5369 ~~212.08(5)(g),(h),(n),(o) and (p); 212.08(15); 212.096; 212.097;~~
5370 ~~212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;~~
5371 ~~220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;~~
5372 ~~290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;~~
5373 ~~550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to~~
5374 ~~the Office of Tourism, Trade, and Economic Development, or its~~
5375 ~~employees or agents that are identified in writing by the office~~
5376 ~~to the department, for use in the administration or evaluation~~
5377 ~~of such programs.~~
5378 (k) ~~(l)~~ Information relative to chapter 212 and the Bill of
5379 Lading Program to the Office of Agriculture Law Enforcement of
5380 the Department of Agriculture and Consumer Services in the
5381 conduct of its official duties.
5382 (l) ~~(m)~~ Information relative to chapter 198 to the Agency
5383 for Health Care Administration in the conduct of its official
5384 business relating to ss. 409.901-409.9101.
5385 (m) ~~(n)~~ Information contained in returns, reports, accounts,
5386 or declarations to the Board of Accountancy in connection with a
5387 disciplinary proceeding conducted pursuant to chapter 473 when
5388 related to a certified public accountant participating in the
5389 certified audits project, or to the court in connection with a
5390 civil proceeding brought by the department relating to a claim
5391 for recovery of taxes due to negligence on the part of a
5392 certified public accountant participating in the certified
5393 audits project. In any judicial proceeding brought by the
5394 department, upon motion for protective order, the court shall

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5395 limit disclosure of tax information when necessary to effectuate
5396 the purposes of this section.
5397 (n) ~~(o)~~ Information relative to ss. 376.70 and 376.75 to the
5398 Department of Environmental Protection in the conduct of its
5399 official business and to the facility owner, facility operator,
5400 and real property owners as defined in s. 376.301.
5401 (o) ~~(p)~~ Information relative to ss. 220.1845 and 376.30781
5402 to the Department of Environmental Protection in the conduct of
5403 its official business.
5404 (p) ~~(q)~~ Names, addresses, and sales tax registration
5405 information to the Division of Consumer Services of the
5406 Department of Agriculture and Consumer Services in the conduct
5407 of its official duties.
5408 (q) ~~(r)~~ Information relative to the returns required by ss.
5409 175.111 and 185.09 to the Department of Management Services in
5410 the conduct of its official duties. The Department of Management
5411 Services is, in turn, authorized to disclose payment information
5412 to a governmental agency or the agency's agent for purposes
5413 related to budget preparation, auditing, revenue or financial
5414 administration, or administration of chapters 175 and 185.
5415 (r) ~~(s)~~ Names, addresses, and federal employer
5416 identification numbers, or similar identifiers, to the
5417 Department of Highway Safety and Motor Vehicles for use in the
5418 conduct of its official duties.
5419 (s) ~~(t)~~ Information relative to the tax exemptions under ss.
5420 212.031, 212.06, and 212.08 for those persons qualified under s.
5421 288.1258 to the Office of Film and Entertainment. The Department
5422 of Revenue shall provide the Office of Film and Entertainment
5423 with information in the aggregate.

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5424 (t) ~~(u)~~ Information relative to ss. 211.0251, 212.1831,
5425 220.1875, 561.1211, 624.51055, and 1002.395 to the Department of
5426 Education and the Division of Alcoholic Beverages and Tobacco in
5427 the conduct of official business.
5428 (u) ~~(v)~~ Information relative to chapter 202 to each local
5429 government that imposes a tax pursuant to s. 202.19 in the
5430 conduct of its official duties as specified in chapter 202.
5431 Information provided under this paragraph may include, but is
5432 not limited to, any reports required pursuant to s. 202.231,
5433 audit files, notices of intent to audit, tax returns, and other
5434 confidential tax information in the department's possession
5435 relating to chapter 202. A person or an entity designated by the
5436 local government in writing to the department as requiring
5437 access to confidential taxpayer information shall have
5438 reasonable access to information provided pursuant to this
5439 paragraph. Such person or entity may disclose such information
5440 to other persons or entities with direct responsibility for
5441 budget preparation, auditing, revenue or financial
5442 administration, or legal counsel. Such information shall only be
5443 used for purposes related to budget preparation, auditing, and
5444 revenue and financial administration. Any confidential and
5445 exempt information furnished to a local government, or to any
5446 person or entity designated by the local government as
5447 authorized by this paragraph may not be further disclosed by the
5448 recipient except as provided by this paragraph.
5449 ~~(w) Tax registration information to the Agency for~~
5450 ~~Workforce Innovation for use in the conduct of its official~~
5451 ~~duties, which information may not be redisclosed by the Agency~~
5452 ~~for Workforce Innovation.~~

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5453 (v) ~~(x)~~ Rental car surcharge revenues authorized by s.
5454 212.0606, reported according to the county to which the
5455 surcharge was attributed to the Department of Transportation.
5456 (w) ~~(y)~~ Information relative to ss. 212.08(7)(ccc) and
5457 220.192 to the Florida Energy and Climate Commission for use in
5458 the conduct of its official business.
5459 (x) ~~(z)~~ Taxpayer names and identification numbers for the
5460 purposes of information-sharing agreements with financial
5461 institutions pursuant to s. 213.0532.
5462 (y) ~~(aa)~~ Information relative to chapter 212 to the
5463 Department of Environmental Protection in the conduct of its
5464 official duties in the administration of s. 253.03(7)(b) and
5465 (11).
5466 ~~(bb) Information relative to tax credits taken under s.~~
5467 ~~288.1254 to the Office of Film and Entertainment and the Office~~
5468 ~~of Tourism, Trade, and Economic Development.~~
5469 (z) ~~(cc)~~ Information relative to ss. 253.03(8) and 253.0325
5470 to the Department of Environmental Protection in the conduct of
5471 its official business.
5472
5473 Disclosure of information under this subsection shall be
5474 pursuant to a written agreement between the executive director
5475 and the agency. Such agencies, governmental or nongovernmental,
5476 shall be bound by the same requirements of confidentiality as
5477 the Department of Revenue. Breach of confidentiality is a
5478 misdemeanor of the first degree, punishable as provided by s.
5479 775.082 or s. 775.083.
5480 ~~(19) The department may disclose information relative to~~
5481 ~~tax credits taken by a taxpayer pursuant to s. 288.9916 to the~~

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5482 ~~Office of Tourism, Trade, and Economic Development or its~~
5483 ~~employees or agents. Such employees must be identified in~~
5484 ~~writing by the office to the department. All information~~
5485 ~~disclosed under this subsection is subject to the same~~
5486 ~~requirements of confidentiality and the same penalties for~~
5487 ~~violation of the requirements as the department.~~
5488 (19)~~(20)~~(a) The department may publish a list of taxpayers
5489 against whom the department has filed a warrant, notice of lien,
5490 or judgment lien certificate. The list may include the name and
5491 address of each taxpayer; the amounts and types of delinquent
5492 taxes, fees, or surcharges, penalties, or interest; and the
5493 employer identification number or other taxpayer identification
5494 number.
5495 (b) The department shall update the list at least monthly
5496 to reflect payments for resolution of deficiencies and to
5497 otherwise add or remove taxpayers from the list.
5498 (c) The department may adopt rules to administer this
5499 subsection.
5500 (20)~~(21)~~ The department may disclose information relating
5501 to taxpayers against whom the department has filed a warrant,
5502 notice of lien, or judgment lien certificate. Such information
5503 includes the name and address of the taxpayer, the actions
5504 taken, the amounts and types of liabilities, and the amount of
5505 any collections made.
5506 Section 78. Paragraph (j) of subsection (4) of section
5507 215.5586, Florida Statutes, is amended to read:
5508 215.5586 My Safe Florida Home Program.—There is established
5509 within the Department of Financial Services the My Safe Florida
5510 Home Program. The department shall provide fiscal

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5511 accountability, contract management, and strategic leadership
5512 for the program, consistent with this section. This section does
5513 not create an entitlement for property owners or obligate the
5514 state in any way to fund the inspection or retrofitting of
5515 residential property in this state. Implementation of this
5516 program is subject to annual legislative appropriations. It is
5517 the intent of the Legislature that the My Safe Florida Home
5518 Program provide trained and certified inspectors to perform
5519 inspections for owners of site-built, single-family, residential
5520 properties and grants to eligible applicants as funding allows.
5521 The program shall develop and implement a comprehensive and
5522 coordinated approach for hurricane damage mitigation that may
5523 include the following:
5524 (4) ADVISORY COUNCIL.—There is created an advisory council
5525 to provide advice and assistance to the department regarding
5526 administration of the program. The advisory council shall
5527 consist of:
5528 (j) The director of the Office ~~Florida Division~~ of
5529 Emergency Management.
5530
5531 Members appointed under paragraphs (a)-(d) shall serve at the
5532 pleasure of the Financial Services Commission. Members appointed
5533 under paragraphs (e) and (f) shall serve at the pleasure of the
5534 appointing officer. All other members shall serve as voting ex
5535 officio members. Members of the advisory council shall serve
5536 without compensation but may receive reimbursement as provided
5537 in s. 112.061 for per diem and travel expenses incurred in the
5538 performance of their official duties.
5539 Section 79. Paragraph (b) of subsection (8) of section

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5540 216.136, Florida Statutes, is amended to read:
5541 216.136 Consensus estimating conferences; duties and
5542 principals.—
5543 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—
5544 (b) The Department of Education ~~Agency for Workforce~~
5545 ~~Innovation~~ shall provide information on needs and waiting lists
5546 for school readiness programs, and information on the needs for
5547 the Voluntary Prekindergarten Education Program, as requested by
5548 the Early Learning Programs Estimating Conference or individual
5549 conference principals in a timely manner.
5550 Section 80. Paragraph (a) of subsection (6) of section
5551 216.292, Florida Statutes, is amended to read:
5552 216.292 Appropriations nontransferable; exceptions.—
5553 (6) The Chief Financial Officer shall transfer from any
5554 available funds of an agency or the judicial branch the
5555 following amounts and shall report all such transfers and the
5556 reasons therefor to the legislative appropriations committees
5557 and the Executive Office of the Governor:
5558 (a) The amount due to the Unemployment Compensation Trust
5559 Fund which is more than 90 days delinquent on reimbursements due
5560 to the Unemployment Compensation Trust Fund. The amount
5561 transferred shall be that certified by the state agency
5562 providing unemployment tax collection services under contract
5563 with Jobs Florida ~~the Agency for Workforce Innovation~~ through an
5564 interagency agreement pursuant to s. 443.1316.
5565 Section 81. Subsection (1) of section 216.231, Florida
5566 Statutes, is amended to read:
5567 216.231 Release of certain classified appropriations.—
5568 (1)(a) Any appropriation to the Executive Office of the

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5569 Governor which is classified as an ~~"~~emergency,~~"~~ as defined in s.
5570 252.34~~(3)~~, may be released only with the approval of the
5571 Governor. The state agency, or the judicial branch, desiring the
5572 use of the emergency appropriation shall submit to the Executive
5573 Office of the Governor application ~~therefor~~ in writing setting
5574 forth the facts from which the alleged need arises. The
5575 Executive Office of the Governor shall, at a public hearing,
5576 review such application promptly and approve or disapprove the
5577 applications as the circumstances may warrant. All actions of
5578 the Executive Office of the Governor shall be reported to the
5579 legislative appropriations committees, and the committees may
5580 advise the Executive Office of the Governor relative to the
5581 release of such funds.
5582 (b) The release of appropriated funds classified as
5583 "emergency" shall be approved only if ~~when~~ an act or
5584 circumstance caused by an act of God, civil disturbance, natural
5585 disaster, or other circumstance of an emergency nature
5586 threatens, endangers, or damages the property, safety, health,
5587 or welfare of the state or its residents ~~citizens~~, which
5588 condition has not been provided for in appropriation acts of the
5589 Legislature. Funds allocated for this purpose may be used to pay
5590 overtime pay to personnel of agencies called upon to perform
5591 extra duty because of any civil disturbance or other emergency
5592 as defined in s. 252.34~~(3)~~ and to provide the required state
5593 match for federal grants under the federal Disaster Relief Act.
5594 Section 82. Paragraph (a) of subsection (3) of section
5595 218.64, Florida Statutes, is amended to read:
5596 218.64 Local government half-cent sales tax; uses;
5597 limitations.—

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5598 (3) Subject to ordinances enacted by the majority of the
5599 members of the county governing authority and by the majority of
5600 the members of the governing authorities of municipalities
5601 representing at least 50 percent of the municipal population of
5602 such county, counties may use up to $2 million annually of the
5603 local government half-cent sales tax allocated to that county
5604 for funding for any of the following applicants:
5605 (a) A certified applicant as a facility for a new or
5606 retained professional sports franchise under s. 288.1162 or a
5607 certified applicant as defined in s. 288.11621 for a facility
5608 for a spring training franchise. It is the Legislature's intent
5609 that the provisions of s. 288.1162, including, but not limited
5610 to, the evaluation process ~~by the Office of Tourism, Trade, and~~
5611 ~~Economic Development~~ except for the limitation on the number of
5612 certified applicants or facilities as provided in that section
5613 and the restrictions set forth in s. 288.1162(8), shall apply to
5614 an applicant's facility to be funded by local government as
5615 provided in this subsection.
5616 Section 83. Paragraph (ff) of subsection (1) of section
5617 220.03, Florida Statutes, is amended to read:
5618 220.03 Definitions.—
5619 (1) SPECIFIC TERMS.—When used in this code, and when not
5620 otherwise distinctly expressed or manifestly incompatible with
5621 the intent thereof, the following terms shall have the following
5622 meanings:
5623 (ff) "Job" means a full-time position, as consistent with
5624 terms used by Jobs Florida ~~the Agency for Workforce Innovation~~
5625 and the United States Department of Labor for purposes of
5626 unemployment compensation tax administration and employment

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5627 estimation resulting directly from business operations in this
5628 state. The term may not include a temporary construction job
5629 involved with the construction of facilities or any job that has
5630 previously been included in any application for tax credits
5631 under s. 212.096. The term also includes employment of an
5632 employee leased from an employee leasing company licensed under
5633 chapter 468 if the employee has been continuously leased to the
5634 employer for an average of at least 36 hours per week for more
5635 than 6 months.
5636 Section 84. Paragraph (d) of subsection (1), paragraphs
5637 (b), (c), and (d) of subsection (2), and subsections (3), and
5638 (4) of section 220.183, Florida Statutes, are amended to read:
5639 220.183 Community contribution tax credit.—
5640 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
5641 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
5642 SPENDING.—
5643 (d) All proposals for the granting of the tax credit shall
5644 require the prior approval of Jobs Florida ~~the Office of~~
5645 ~~Tourism, Trade, and Economic Development~~.
5646 (2) ELIGIBILITY REQUIREMENTS.—
5647 (b)1. All community contributions must be reserved
5648 exclusively for use in projects as defined in s. 220.03(1)(t).
5649 2. If, during the first 10 business days of the state
5650 fiscal year, eligible tax credit applications for projects that
5651 provide homeownership opportunities for low-income or very-low-
5652 income households as defined in s. 420.9071(19) and (28) are
5653 received for less than the annual tax credits available for
5654 those projects, Jobs Florida ~~the Office of Tourism, Trade, and~~
5655 ~~Economic Development~~ shall grant tax credits for those

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5656 applications and shall grant remaining tax credits on a first-
5657 come, first-served basis for any subsequent eligible
5658 applications received before the end of the state fiscal year.
5659 If, during the first 10 business days of the state fiscal year,
5660 eligible tax credit applications for projects that provide
5661 homeownership opportunities for low-income or very-low-income
5662 households as defined in s. 420.9071(19) and (28) are received
5663 for more than the annual tax credits available for those
5664 projects, the office shall grant the tax credits for those
5665 applications as follows:
5666 a. If tax credit applications submitted for approved
5667 projects of an eligible sponsor do not exceed $200,000 in total,
5668 the credit shall be granted in full if the tax credit
5669 applications are approved.
5670 b. If tax credit applications submitted for approved
5671 projects of an eligible sponsor exceed $200,000 in total, the
5672 amount of tax credits granted under sub-subparagraph a. shall be
5673 subtracted from the amount of available tax credits, and the
5674 remaining credits shall be granted to each approved tax credit
5675 application on a pro rata basis.
5676 3. If, during the first 10 business days of the state
5677 fiscal year, eligible tax credit applications for projects other
5678 than those that provide homeownership opportunities for low-
5679 income or very-low-income households as defined in s.
5680 420.9071(19) and (28) are received for less than the annual tax
5681 credits available for those projects, the office shall grant tax
5682 credits for those applications and shall grant remaining tax
5683 credits on a first-come, first-served basis for any subsequent
5684 eligible applications received before the end of the state

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5685 fiscal year. If, during the first 10 business days of the state
5686 fiscal year, eligible tax credit applications for projects other
5687 than those that provide homeownership opportunities for low-
5688 income or very-low-income households as defined in s.
5689 420.9071(19) and (28) are received for more than the annual tax
5690 credits available for those projects, the office shall grant the
5691 tax credits for those applications on a pro rata basis.
5692 (c) The project must be undertaken by an "eligible
5693 sponsor," defined here as:
5694 1. A community action program;
5695 2. A nonprofit community-based development organization
5696 whose mission is the provision of housing for low-income or
5697 very-low-income households or increasing entrepreneurial and
5698 job-development opportunities for low-income persons;
5699 3. A neighborhood housing services corporation;
5700 4. A local housing authority, created pursuant to chapter
5701 421;
5702 5. A community redevelopment agency, created pursuant to s.
5703 163.356;
5704 6. The Florida Industrial Development Corporation;
5705 7. An historic preservation district agency or
5706 organization;
5707 8. A regional workforce board;
5708 9. A direct-support organization as provided in s.
5709 1009.983;
5710 10. An enterprise zone development agency created pursuant
5711 to s. 290.0056;
5712 11. A community-based organization incorporated under
5713 chapter 617 which is recognized as educational, charitable, or

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5714 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
5715 and whose bylaws and articles of incorporation include
5716 affordable housing, economic development, or community
5717 development as the primary mission of the corporation;
5718 12. Units of local government;
5719 13. Units of state government; or
5720 14. Such other agency as Jobs Florida ~~the Office of~~
5721 ~~Tourism, Trade, and Economic Development~~ may, from time to time,
5722 designate by rule.
5723
5724 In no event shall a contributing business firm have a financial
5725 interest in the eligible sponsor.
5726 (d) The project shall be located in an area designated as
5727 an enterprise zone or a Front Porch Florida Community ~~pursuant~~
5728 ~~to s. 20.18(6)~~. Any project designed to construct or
5729 rehabilitate housing for low-income or very-low-income
5730 households as defined in s. 420.9071(19) and (28) is exempt from
5731 the area requirement of this paragraph. This section does not
5732 preclude projects that propose to construct or rehabilitate
5733 housing for low-income or very-low-income households on
5734 scattered sites. Any project designed to provide increased
5735 access to high-speed broadband capabilities which includes
5736 coverage of a rural enterprise zone may locate the project's
5737 infrastructure in any area of a rural county.
5738 (3) APPLICATION REQUIREMENTS.—
5739 (a) Any eligible sponsor wishing to participate in this
5740 program must submit a proposal to Jobs Florida ~~the Office of~~
5741 ~~Tourism, Trade, and Economic Development~~ which sets forth the
5742 sponsor, the project, the area in which the project is located,

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5743 and such supporting information as may be prescribed by rule.
5744 The proposal shall also contain a resolution from the local
5745 governmental unit in which it is located certifying that the
5746 project is consistent with local plans and regulations.
5747 (b) Any business wishing to participate in this program
5748 must submit an application for tax credit to Jobs Florida ~~the~~
5749 ~~Office of Tourism, Trade, and Economic Development~~, which
5750 application sets forth the sponsor; the project; and the type,
5751 value, and purpose of the contribution. The sponsor shall verify
5752 the terms of the application and indicate its receipt of the
5753 contribution, which verification must be in writing and
5754 accompany the application for tax credit.
5755 (c) The business firm must submit a separate application
5756 for tax credit for each individual contribution that it makes to
5757 each individual project.
5758 (4) ADMINISTRATION.—
5759 (a) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
5760 ~~Development~~ has authority to adopt rules pursuant to ss.
5761 120.536(1) and 120.54 to implement the provisions of this
5762 section, including rules for the approval or disapproval of
5763 proposals by business firms.
5764 (b) The decision of Jobs Florida ~~the Office of Tourism,~~
5765 ~~Trade, and Economic Development~~ shall be in writing, and, if
5766 approved, the notification must state the maximum credit
5767 allowable to the business firm. A copy of the decision shall be
5768 transmitted to the executive director of the Department of
5769 Revenue, who shall apply such credit to the tax liability of the
5770 business firm.
5771 (c) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~

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5772 ~~Development~~ shall periodically monitor all projects in a manner
5773 consistent with available resources to ensure that resources are
5774 utilized in accordance with this section; however, each project
5775 shall be reviewed no less often than once every 2 years.
5776 (d) The Department of Revenue has authority to adopt rules
5777 pursuant to ss. 120.536(1) and 120.54 to implement the
5778 provisions of this section.
5779 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
5780 ~~Development~~ shall, in consultation with ~~the Department of~~
5781 ~~Community Affairs,~~ the Florida Housing Finance Corporation~~,~~ and
5782 the statewide and regional housing and financial intermediaries,
5783 market the availability of the community contribution tax credit
5784 program to community-based organizations.
5785 Section 85. Paragraphs (e), (f), (g), and (h) of subsection
5786 (1) and subsections (5) and (6) of section 220.191, Florida
5787 Statutes, are amended to read:
5788 220.191 Capital investment tax credit.—
5789 (1) DEFINITIONS.—For purposes of this section:
5790 (e) "Jobs" means full-time equivalent positions, as that
5791 term is consistent with terms used by Jobs Florida ~~the Agency~~
5792 ~~for Workforce Innovation~~ and the United States Department of
5793 Labor for purposes of unemployment tax administration and
5794 employment estimation, resulting directly from a project in this
5795 state. The term does not include temporary construction jobs
5796 involved in the construction of the project facility.
5797 ~~(f) "Office" means the Office of Tourism, Trade, and~~
5798 ~~Economic Development.~~
5799 (f) ~~(g)~~ "Qualifying business" means a business which
5800 establishes a qualifying project in this state and which is

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5801 certified by Jobs Florida ~~the office~~ to receive tax credits
5802 pursuant to this section.
5803 (g) ~~(h)~~ "Qualifying project" means:
5804 1. A new or expanding facility in this state which creates
5805 at least 100 new jobs in this state and is in one of the high-
5806 impact sectors identified by the Jobs Florida Partnership
5807 ~~Enterprise Florida~~, Inc., and certified by Jobs Florida ~~the~~
5808 ~~office~~ pursuant to s. 288.108(6), including, but not limited to,
5809 aviation, aerospace, automotive, and silicon technology
5810 industries;
5811 2. A new or expanded facility in this state which is
5812 engaged in a target industry designated pursuant to the
5813 procedure specified in s. 288.106(2) ~~s. 288.106(2)(t)~~ and which
5814 is induced by this credit to create or retain at least 1,000
5815 jobs in this state, provided that at least 100 of those jobs are
5816 new, pay an annual average wage of at least 130 percent of the
5817 average private sector wage in the area as defined in s.
5818 288.106(2), and make a cumulative capital investment of at least
5819 $100 million after July 1, 2005. Jobs may be considered retained
5820 only if there is significant evidence that the loss of jobs is
5821 imminent. Notwithstanding subsection (2), annual credits against
5822 the tax imposed by this chapter shall not exceed 50 percent of
5823 the increased annual corporate income tax liability or the
5824 premium tax liability generated by or arising out of a project
5825 qualifying under this subparagraph. A facility that qualifies
5826 under this subparagraph for an annual credit against the tax
5827 imposed by this chapter may take the tax credit for a period not
5828 to exceed 5 years; or
5829 3. A new or expanded headquarters facility in this state

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5830 which locates in an enterprise zone and brownfield area and is
5831 induced by this credit to create at least 1,500 jobs which on
5832 average pay at least 200 percent of the statewide average annual
5833 private sector wage, as published by Jobs Florida ~~the Agency for~~
5834 ~~Workforce Innovation or its successor~~, and which new or expanded
5835 headquarters facility makes a cumulative capital investment in
5836 this state of at least $250 million.
5837 (5) Applications shall be reviewed and certified pursuant
5838 to s. 288.061. Jobs Florida ~~The office~~, upon a recommendation by
5839 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., shall
5840 first certify a business as eligible to receive tax credits
5841 pursuant to this section prior to the commencement of operations
5842 of a qualifying project, and such certification shall be
5843 transmitted to the Department of Revenue. Upon receipt of the
5844 certification, the Department of Revenue shall enter into a
5845 written agreement with the qualifying business specifying, at a
5846 minimum, the method by which income generated by or arising out
5847 of the qualifying project will be determined.
5848 (6) Jobs Florida ~~The office~~, in consultation with the Jobs
5849 Florida Partnership ~~Enterprise Florida~~, Inc., is authorized to
5850 develop the necessary guidelines and application materials for
5851 the certification process described in subsection (5).
5852 Section 86. Subsection (2) of section 222.15, Florida
5853 Statutes, is amended to read:
5854 222.15 Wages or unemployment compensation payments due
5855 deceased employee may be paid spouse or certain relatives.—
5856 (2) It is also lawful for Jobs Florida ~~the Agency for~~
5857 ~~Workforce Innovation~~, in case of death of any unemployed
5858 individual, to pay to those persons referred to in subsection

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5859 (1) any unemployment compensation payments that may be due to
5860 the individual at the time of his or her death.
5861 Section 87. Subsections (3) and (4) of section 250.06,
5862 Florida Statutes, are amended to read:
5863 250.06 Commander in chief.—
5864 (3) The Governor may, in order to preserve the public
5865 peace, execute the laws of the state, suppress insurrection,
5866 repel invasion, respond to an emergency as defined in s.
5867 252.34~~(3)~~ or imminent danger thereof, or, in case of the calling
5868 of all or any portion of the militia of this state ~~Florida~~ into
5869 the services of the United States, may increase the Florida
5870 National Guard and organize it in accordance with rules and
5871 regulations governing the Armed Forces of the United States.
5872 Such organization and increase may be pursuant to or in advance
5873 of any call made by the President of the United States. If the
5874 Florida National Guard is activated into service of the United
5875 States, another organization may not be designated as the
5876 Florida National Guard.
5877 (4) The Governor may, in order to preserve the public
5878 peace, execute the laws of the state, enhance domestic security,
5879 respond to terrorist threats or attacks, respond to an emergency
5880 as defined in s. 252.34~~(3)~~ or imminent danger thereof, or
5881 respond to any need for emergency aid to civil authorities as
5882 specified in s. 250.28, order into state active duty all or any
5883 part of the militia which he or she deems proper.
5884 Section 88. Paragraphs (a) and (b) of subsection (1) of
5885 section 252.32, Florida Statutes, are amended to read:
5886 252.32 Policy and purpose.—
5887 (1) Because of the existing and continuing possibility of

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5888 the occurrence of emergencies and disasters resulting from
5889 natural, technological, or manmade causes; in order to ensure
5890 that preparations of this state will be adequate to deal with,
5891 reduce vulnerability to, and recover from such emergencies and
5892 disasters; to provide for the common defense and to protect the
5893 public peace, health, and safety; and to preserve the lives and
5894 property of the people of the state, it is hereby found and
5895 declared to be necessary:
5896 (a) To create a state emergency management agency to be
5897 known as the "Office ~~Division~~ of Emergency Management," to
5898 authorize the creation of local organizations for emergency
5899 management in the political subdivisions of the state, and to
5900 authorize cooperation with the Federal Government and the
5901 governments of other states.
5902 (b) To confer upon the Governor, the Office ~~Division~~ of
5903 Emergency Management, and the governing body of each political
5904 subdivision of the state the emergency powers provided herein.
5905 Section 89. Section 252.34, Florida Statutes, is amended to
5906 read:
5907 252.34 Definitions.—As used in this part ~~ss. 252.31-252.60~~,
5908 the term:
5909 (1) "Disaster" means any natural, technological, or civil
5910 emergency that causes damage of sufficient severity and
5911 magnitude to result in a declaration of a state of emergency by
5912 a county, the Governor, or the President of the United States.
5913 Disasters are ~~shall be~~ identified by the severity of resulting
5914 damage, as follows:
5915 (a) "Catastrophic disaster" means a disaster that will
5916 require massive state and federal assistance, including

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5917 immediate military involvement.
5918 (b) “Major disaster” means a disaster that will likely
5919 exceed local capabilities and require a broad range of state and
5920 federal assistance.
5921 (c) “Minor disaster” means a disaster that is likely to be
5922 within the response capabilities of local government and to
5923 result in only a minimal need for state or federal assistance.
5924 ~~(2) “Division” means the Division of Emergency Management~~
5925 ~~of the Department of Community Affairs, or the successor to that~~
5926 ~~division.~~
5927 (2) ~~(3)~~ “Emergency” means any occurrence, or threat thereof,
5928 whether natural, technological, or manmade, in war or in peace,
5929 which results or may result in substantial injury or harm to the
5930 population or substantial damage to or loss of property.
5931 (3) ~~(4)~~ “Emergency management” means the preparation for,
5932 the mitigation of, the response to, and the recovery from
5933 emergencies and disasters. Specific emergency management
5934 responsibilities include, but are not limited to:
5935 (a) Reduction of vulnerability of people and communities of
5936 this state to damage, injury, and loss of life and property
5937 resulting from natural, technological, or manmade emergencies or
5938 hostile military or paramilitary action.
5939 (b) Preparation for prompt and efficient response and
5940 recovery to protect lives and property affected by emergencies.
5941 (c) Response to emergencies using all systems, plans, and
5942 resources necessary to preserve adequately the health, safety,
5943 and welfare of persons or property affected by the emergency.
5944 (d) Recovery from emergencies by providing for the rapid
5945 and orderly start of restoration and rehabilitation of persons

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5946 and property affected by emergencies.
5947 (e) Provision of an emergency management system embodying
5948 all aspects of preemergency preparedness and postemergency
5949 response, recovery, and mitigation.
5950 (f) Assistance in anticipation, recognition, appraisal,
5951 prevention, and mitigation of emergencies which may be caused or
5952 aggravated by inadequate planning for, and regulation of, public
5953 and private facilities and land use.
5954 (4) ~~(5)~~ "Local emergency management agency" means an
5955 organization created in accordance with ~~the provisions of~~ ss.
5956 252.31-252.90 to discharge the emergency management
5957 responsibilities and functions of a political subdivision.
5958 (5) ~~(6)~~ "Manmade emergency" means an emergency caused by an
5959 action against persons or society, including, but not limited
5960 to, enemy attack, sabotage, terrorism, civil unrest, or other
5961 action impairing the orderly administration of government.
5962 (6) ~~(7)~~ "Natural emergency" means an emergency caused by a
5963 natural event, including, but not limited to, a hurricane, a
5964 storm, a flood, severe wave action, a drought, or an earthquake.
5965 (7) "Office" means the Office of Emergency Management
5966 within the Executive Office of the Governor, or the successor to
5967 that office.
5968 (8) "Political subdivision" means any county or
5969 municipality created pursuant to law.
5970 (9) "Technological emergency" means an emergency caused by
5971 a technological failure or accident, including, but not limited
5972 to, an explosion, transportation accident, radiological
5973 accident, or chemical or other hazardous material incident.
5974 Section 90. Section 252.35, Florida Statutes, is amended to

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5975 read:
5976 252.35 Emergency management powers~~; Division of Emergency~~
5977 ~~Management.~~
5978 (1) The office ~~division~~ is responsible for maintaining a
5979 comprehensive statewide program of emergency management and for
5980 coordinating the~~. The division is responsible for coordination~~
5981 ~~with~~ efforts of the Federal Government with other departments
5982 and agencies of state government, with county and municipal
5983 governments and school boards, and with private agencies that
5984 have a role in emergency management.
5985 (2) The office ~~division~~ is responsible for carrying out the
5986 provisions of ss. 252.31-252.90. In performing its duties ~~under~~
5987 ~~ss. 252.31-252.90~~, the office ~~division~~ shall:
5988 (a) Prepare a state comprehensive emergency management
5989 plan, which shall be integrated into and coordinated with the
5990 emergency management plans and programs of the Federal
5991 Government. The office ~~division~~ must adopt the plan as a rule in
5992 accordance with chapter 120. The plan shall be implemented by a
5993 continuous, integrated comprehensive emergency management
5994 program. The plan must contain provisions to ensure that the
5995 state is prepared for emergencies and minor, major, and
5996 catastrophic disasters, and the office ~~division~~ shall work
5997 closely with local governments and agencies and organizations
5998 with emergency management responsibilities in preparing and
5999 maintaining the plan. The state comprehensive emergency
6000 management plan must ~~shall~~ be operations oriented and:
6001 1. Include an evacuation component that includes specific
6002 regional and interregional planning provisions and promotes
6003 intergovernmental coordination of evacuation activities. This

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6004 component must, at a minimum: contain guidelines for lifting
6005 tolls on state highways; ensure coordination pertaining to
6006 evacuees crossing county lines; set forth procedures for
6007 directing people caught on evacuation routes to safe shelter;
6008 establish strategies for ensuring sufficient, reasonably priced
6009 fueling locations along evacuation routes; and establish
6010 policies and strategies for emergency medical evacuations.
6011 2. Include a shelter component that includes specific
6012 regional and interregional planning provisions and promotes
6013 coordination of shelter activities between the public, private,
6014 and nonprofit sectors. This component must, at a minimum:
6015 contain strategies to ensure the availability of adequate public
6016 shelter space in each region of the state; establish strategies
6017 for refuge-of-last-resort programs; provide strategies to assist
6018 local emergency management efforts to ensure that adequate
6019 staffing plans exist for all shelters, including medical and
6020 security personnel; provide for a postdisaster communications
6021 system for public shelters; establish model shelter guidelines
6022 for operations, registration, inventory, power generation
6023 capability, information management, and staffing; and set forth
6024 policy guidance for sheltering people with special needs.
6025 3. Include a postdisaster response and recovery component
6026 that includes specific regional and interregional planning
6027 provisions and promotes intergovernmental coordination of
6028 postdisaster response and recovery activities. This component
6029 must provide for postdisaster response and recovery strategies
6030 according to whether a disaster is minor, major, or
6031 catastrophic. The postdisaster response and recovery component
6032 must, at a minimum: establish the structure of the state's

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6033 postdisaster response and recovery organization; establish
6034 procedures for activating the state's plan; set forth policies
6035 used to guide postdisaster response and recovery activities;
6036 describe the chain of command during the postdisaster response
6037 and recovery period; describe initial and continuous
6038 postdisaster response and recovery actions; identify the roles
6039 and responsibilities of each involved agency and organization;
6040 provide for a comprehensive communications plan; establish
6041 procedures for monitoring mutual aid agreements; provide for
6042 rapid impact assessment teams; ensure the availability of an
6043 effective statewide urban search and rescue program coordinated
6044 with the fire services; ensure the existence of a comprehensive
6045 statewide medical care and relief plan administered by the
6046 Department of Health; and establish systems for coordinating
6047 volunteers and accepting and distributing donated funds and
6048 goods.
6049 4. Include additional provisions addressing aspects of
6050 preparedness, response, recovery, and mitigation as determined
6051 necessary by the office ~~division~~.
6052 5. Address the need for coordinated and expeditious
6053 deployment of state resources, including the Florida National
6054 Guard. In the case of an imminent major disaster, procedures
6055 should address predeployment of the Florida National Guard, and,
6056 in the case of an imminent catastrophic disaster, procedures
6057 should address predeployment of the Florida National Guard and
6058 the United States Armed Forces.
6059 6. Establish a system of communications and warning to
6060 ensure that the state's population and emergency management
6061 agencies are warned of developing emergency situations and can

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6062 communicate emergency response decisions.
6063 7. Establish guidelines and schedules for annual exercises
6064 that evaluate the ability of the state and its political
6065 subdivisions to respond to minor, major, and catastrophic
6066 disasters and support local emergency management agencies. Such
6067 exercises must ~~shall~~ be coordinated with local governments and,
6068 to the extent possible, the Federal Government.
6069 8. Assign lead and support responsibilities to state
6070 agencies and personnel for emergency support functions and other
6071 support activities.
6072
6073 The complete state comprehensive emergency management plan must
6074 ~~shall~~ be submitted to the President of the Senate, the Speaker
6075 of the House of Representatives, and the Governor on February 1
6076 of every even-numbered year.
6077 (b) Adopt standards and requirements for county emergency
6078 management plans. The standards and requirements must ensure
6079 that county plans are coordinated and consistent with the state
6080 comprehensive emergency management plan. If a municipality
6081 elects to establish an emergency management program, it must
6082 adopt a city emergency management plan that complies with all
6083 standards and requirements applicable to county emergency
6084 management plans.
6085 (c) Assist political subdivisions in preparing and
6086 maintaining emergency management plans.
6087 (d) Review periodically political subdivision emergency
6088 management plans for consistency with the state comprehensive
6089 emergency management plan and standards and requirements adopted
6090 under this section.

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6091 (e) Cooperate with the President, the heads of the Armed
6092 Forces, the various federal emergency management agencies, and
6093 the officers and agencies of other states in matters pertaining
6094 to emergency management in the state and the nation and
6095 incidents thereof and, in connection therewith, take any
6096 measures that it deems proper to carry into effect any request
6097 of the President and the appropriate federal officers and
6098 agencies for any emergency management action, including the
6099 direction or control of:
6100 1. Emergency management drills, tests, or exercises of
6101 whatever nature.
6102 2. Warnings and signals for tests and drills, attacks, or
6103 other imminent emergencies or threats thereof and the mechanical
6104 devices to be used in connection with such warnings and signals.
6105 (f) Make recommendations to the Legislature, building code
6106 organizations, and political subdivisions for zoning, building,
6107 and other land use controls; safety measures for securing mobile
6108 homes or other nonpermanent or semipermanent structures; and
6109 other preparedness, prevention, and mitigation measures designed
6110 to eliminate emergencies or reduce their impact.
6111 (g) In accordance with the state comprehensive emergency
6112 management plan and program for emergency management, ascertain
6113 the requirements of the state and its political subdivisions for
6114 equipment and supplies of all kinds in the event of an
6115 emergency; plan for and ~~either~~ procure supplies, medicines,
6116 materials, and equipment or enter into memoranda of agreement or
6117 open purchase orders that will ensure their availability; and
6118 use and employ from time to time any of the property, services,
6119 and resources within the state in accordance with ss. 252.31-

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6120 252.90.
6121 (h) Anticipate trends and promote innovations that will
6122 enhance the emergency management system.
6123 (i) Institute statewide public awareness programs. This
6124 shall include an intensive public educational campaign on
6125 emergency preparedness issues, including, but not limited to,
6126 the personal responsibility of individual citizens to be self-
6127 sufficient for up to 72 hours following a natural or manmade
6128 disaster. The public educational campaign must ~~shall~~ include
6129 relevant information on statewide disaster plans, evacuation
6130 routes, fuel suppliers, and shelters. All educational materials
6131 must be available in alternative formats and mediums to ensure
6132 that they are available to persons with disabilities.
6133 (j) In cooperation with ~~The Division of Emergency~~
6134 ~~Management and~~ the Department of Education, ~~shall~~ coordinate
6135 with the Agency for Persons with Disabilities to provide an
6136 educational outreach program on disaster preparedness and
6137 readiness to individuals who have limited English skills and
6138 identify persons who are in need of assistance but are not
6139 defined under special-needs criteria.
6140 (k) Prepare and distribute to appropriate state and local
6141 officials catalogs of federal, state, and private assistance
6142 programs.
6143 (l) Coordinate federal, state, and local emergency
6144 management activities and take all other steps, including the
6145 partial or full mobilization of emergency management forces and
6146 organizations in advance of an actual emergency, to ensure the
6147 availability of adequately trained and equipped forces of
6148 emergency management personnel before, during, and after

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6149 emergencies and disasters.
6150 (m) Establish a schedule of fees that may be charged by
6151 local emergency management agencies for review of emergency
6152 management plans on behalf of external agencies and
6153 institutions. In establishing such schedule, the office ~~division~~
6154 shall consider facility size, review complexity, and other
6155 factors.
6156 (n) Implement training programs to improve the ability of
6157 state and local emergency management personnel to prepare and
6158 implement emergency management plans and programs. This includes
6159 ~~shall include~~ a continuous training program for agencies and
6160 individuals that will be called on to perform key roles in state
6161 and local postdisaster response and recovery efforts and for
6162 local government personnel on federal and state postdisaster
6163 response and recovery strategies and procedures.
6164 (o) ~~Review~~ Periodically review emergency operating
6165 procedures of state agencies and recommend revisions as needed
6166 to ensure consistency with the state comprehensive emergency
6167 management plan and program.
6168 (p) Make such surveys of industries, resources, and
6169 facilities within the state, both public and private, as are
6170 necessary to carry out the purposes of ss. 252.31-252.90.
6171 (q) Prepare, in advance if ~~whenever~~ possible, such
6172 executive orders, proclamations, and rules for issuance by the
6173 Governor as are necessary or appropriate for coping with
6174 emergencies and disasters.
6175 (r) Cooperate with the Federal Government and any public or
6176 private agency or entity in achieving any purpose of ss. 252.31-
6177 252.90 and in implementing programs for mitigation, preparation,

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6178 response, and recovery.
6179 (s) ~~By January 1, 2007, the Division of Emergency~~
6180 ~~Management shall~~ Complete an inventory of portable generators
6181 owned by the state and local governments which are capable of
6182 operating during a major disaster. The inventory must identify,
6183 at a minimum, the location of each generator, the number of
6184 generators stored at each specific location, the agency to which
6185 each generator belongs, the primary use of the generator by the
6186 owner agency, and the names, addresses, and telephone numbers of
6187 persons having the authority to loan the stored generators as
6188 authorized by the office ~~Division of Emergency Management~~ during
6189 a declared emergency.
6190 (t) ~~The division shall~~ Maintain an inventory list of
6191 generators owned by the state and local governments. In
6192 addition, the office ~~division~~ may keep a list of private
6193 entities, along with appropriate contact information, which
6194 offer generators for sale or lease. The list of private entities
6195 shall be available to the public for inspection in written and
6196 electronic formats.
6197 (u) Assist political subdivisions with the creation and
6198 training of urban search and rescue teams and promote the
6199 development and maintenance of a state urban search and rescue
6200 program.
6201 (v) Delegate, as necessary and appropriate, authority
6202 vested in it under ss. 252.31-252.90 and provide for the
6203 subdelegation of such authority.
6204 (w) Report biennially to the President of the Senate, the
6205 Speaker of the House of Representatives, and the Governor, no
6206 later than February 1 of every odd-numbered year, the status of

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6207 the emergency management capabilities of the state and its
6208 political subdivisions.
6209 (x) In accordance with chapter 120, create, implement,
6210 administer, adopt, amend, and rescind rules, programs, and plans
6211 needed to carry out the provisions of ss. 252.31-252.90 with due
6212 consideration for, and in cooperating with, the plans and
6213 programs of the Federal Government. In addition, the office
6214 ~~division~~ may adopt rules in accordance with chapter 120 to
6215 administer and distribute federal financial predisaster and
6216 postdisaster assistance for prevention, mitigation,
6217 preparedness, response, and recovery.
6218 (y) Do other things necessary, incidental, or appropriate
6219 for the implementation of ss. 252.31-252.90.
6220 Section 91. Subsection (2) of section 252.355, Florida
6221 Statutes, is amended to read:
6222 252.355 Registry of persons with special needs; notice.—
6223 (2) The office ~~Department of Community Affairs~~ shall be the
6224 designated lead agency responsible for community education and
6225 outreach to the public, including special needs clients,
6226 regarding registration and special needs shelters and general
6227 information regarding shelter stays.
6228 Section 92. Section 252.3568, Florida Statutes, is amended
6229 to read:
6230 252.3568 Emergency sheltering of persons with pets.—In
6231 accordance with s. 252.35, the office ~~division~~ shall address
6232 strategies for the evacuation of persons with pets in the
6233 shelter component of the state comprehensive emergency
6234 management plan and shall include the requirement for similar
6235 strategies in its standards and requirements for local

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6236 comprehensive emergency management plans. The Department of
6237 Agriculture and Consumer Services shall assist the office
6238 ~~division~~ in determining strategies regarding this activity.
6239 Section 93. Subsections (8) and (9) of section 252.36,
6240 Florida Statutes, are amended to read:
6241 252.36 Emergency management powers of the Governor.—
6242 (8) The Governor shall delegate emergency responsibilities
6243 to the officers and agencies of the state and of the political
6244 subdivisions thereof prior to an emergency or threat of an
6245 emergency and shall utilize the services and facilities of
6246 existing officers and agencies of the state and of the political
6247 subdivisions thereof, including their personnel and other
6248 resources, as the primary emergency management forces of the
6249 state, and all such officers and agencies shall cooperate with
6250 and extend their services and facilities to the office ~~division~~,
6251 as it may require.
6252 (9) The Governor and the office ~~division~~ shall establish
6253 agencies and offices and appoint executive, professional,
6254 technical, clerical, and other personnel as may be necessary to
6255 carry out the provisions of ss. 252.31-252.90.
6256 Section 94. Subsections (2), (3), and (4) of section
6257 252.365, Florida Statutes, are amended to read:
6258 252.365 Emergency coordination officers; disaster-
6259 preparedness plans.—
6260 (2) The emergency coordination officer is responsible for
6261 coordinating with the office ~~division~~ on emergency preparedness
6262 issues, preparing and maintaining emergency preparedness and
6263 postdisaster response and recovery plans for such agency,
6264 maintaining rosters of personnel to assist in disaster

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6265 operations, and coordinating appropriate training for agency
6266 personnel.
6267 (3) These individuals shall be responsible for ensuring
6268 that each state agency and facility, such as a prison, office
6269 building, or university, has a disaster preparedness plan that
6270 is coordinated with the applicable local emergency-management
6271 agency and approved by the office ~~division~~.
6272 (a) The disaster-preparedness plan must outline a
6273 comprehensive and effective program to ensure continuity of
6274 essential state functions under all circumstances. The plan must
6275 identify a baseline of preparedness for a full range of
6276 potential emergencies to establish a viable capability to
6277 perform essential functions during any emergency or other
6278 situation that disrupts normal operations.
6279 (b) The plan must include, at a minimum, the following
6280 elements: identification of essential functions, programs, and
6281 personnel; procedures to implement the plan and personnel
6282 notification and accountability; delegations of authority and
6283 lines of succession; identification of alternative facilities
6284 and related infrastructure, including those for communications;
6285 identification and protection of vital records and databases;
6286 and schedules and procedures for periodic tests, training, and
6287 exercises.
6288 (c) The office ~~division~~ shall develop and distribute
6289 guidelines for developing and implementing the plan. Each agency
6290 is encouraged to initiate and complete development of its plan
6291 immediately, but no later than July 1, 2003.
6292 (4) The head of each agency shall notify the Governor and
6293 the office ~~division~~ in writing of the person initially

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6294 designated as the emergency coordination officer for such agency
6295 and her or his alternate and of any changes in persons so
6296 designated thereafter.
6297 Section 95. Subsection (4) of section 252.37, Florida
6298 Statutes, is amended to read:
6299 252.37 Financing.—
6300 (4)(a) Whenever the Federal Government or any agency or
6301 officer thereof offers to the state or, through the state, to
6302 any political subdivision thereof services, equipment, supplies,
6303 materials, or funds by way of gift, grant, or loan for the
6304 purposes of emergency management, the state, acting through the
6305 office ~~division~~, or such political subdivision, acting with the
6306 consent of the Governor or the Governor's authorized
6307 representative, may accept such offer. Upon such acceptance, the
6308 office ~~division~~ or the presiding officer or governing body of
6309 such political subdivision may authorize receipt of the gift,
6310 grant, or loan on behalf of the state or such political
6311 subdivision, subject to the terms of the offer and the rules and
6312 regulations of the agency making the offer.
6313 (b) Whenever any person, firm, or corporation offers to the
6314 state or to any political subdivision thereof services,
6315 equipment, supplies, materials, or funds by way of gift, grant,
6316 loan, or other agreement for the purpose of emergency
6317 management, the state, acting through the office ~~division~~, or
6318 such political subdivision, acting through its governing body or
6319 a local emergency management agency, may accept such offer. Upon
6320 such acceptance, the office ~~division~~ or the presiding officer or
6321 governing body of the political subdivision may authorize
6322 receipt of the gift, grant, or loan on behalf of the state or

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6323 such political subdivision, subject to the terms of the offer.
6324 Section 96. Section 252.371, Florida Statutes, is amended
6325 to read:
6326 252.371 Emergency Management, Preparedness, and Assistance
6327 Trust Fund.—There is created the Emergency Management,
6328 Preparedness, and Assistance Trust Fund to be administered by
6329 the office ~~Department of Community Affairs~~.
6330 Section 97. Subsections (1) and (3) of section 252.373,
6331 Florida Statutes, are amended to read:
6332 252.373 Allocation of funds; rules.—
6333 (1) Funds appropriated from the Emergency Management,
6334 Preparedness, and Assistance Trust Fund shall be allocated by
6335 the office ~~Department of Community Affairs~~ for the following
6336 purposes:
6337 (a) To implement and administer state and local emergency
6338 management programs, including administration, training, and
6339 operations.
6340 (b) For grants and loans to state or regional agencies,
6341 local governments, and private organizations to implement
6342 projects that will further state and local emergency management
6343 objectives. These projects must include, but need not be limited
6344 to, projects that will promote public education on disaster
6345 preparedness and recovery issues, enhance coordination of relief
6346 efforts of statewide private sector organizations, and improve
6347 the training and operations capabilities of agencies assigned
6348 lead or support responsibilities in the state comprehensive
6349 emergency management plan, including the State Fire Marshal's
6350 Office for coordinating the Florida fire services. The office
6351 ~~division~~ shall establish criteria and procedures for competitive

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6352 allocation of these funds by rule. No more than 5 percent of any
6353 award made pursuant to this subparagraph may be used for
6354 administrative expenses. This competitive criteria must give
6355 priority consideration to hurricane evacuation shelter retrofit
6356 projects.
6357 (c) To meet any matching requirements imposed as a
6358 condition of receiving federal disaster relief assistance.
6359 (3) If adequate funds are available as determined by the
6360 office ~~division~~, every county shall receive funds at least
6361 sufficient to fund a dedicated, full-time emergency preparedness
6362 officer position.
6363 Section 98. Paragraphs (a), (b), and (e) of subsection (1)
6364 of section 252.38, Florida Statutes, are amended to read:
6365 252.38 Emergency management powers of political
6366 subdivisions.—Safeguarding the life and property of its citizens
6367 is an innate responsibility of the governing body of each
6368 political subdivision of the state.
6369 (1) COUNTIES.—
6370 (a) In order to provide effective and orderly governmental
6371 control and coordination of emergency operations in emergencies
6372 within the scope of ss. 252.31-252.90, each county within this
6373 state shall be within the jurisdiction of, and served by, the
6374 office ~~division~~. Except as otherwise provided in ss. 252.31-
6375 252.90, each local emergency management agency shall have
6376 jurisdiction over and serve an entire county. Unless part of an
6377 interjurisdictional emergency management agreement entered into
6378 pursuant to paragraph (3)(b) which is recognized by the Governor
6379 by executive order or rule, each county must establish and
6380 maintain such an emergency management agency and shall develop a

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6381 county emergency management plan and program that is coordinated
6382 and consistent with the state comprehensive emergency management
6383 plan and program. Counties that are part of an
6384 interjurisdictional emergency management agreement entered into
6385 pursuant to paragraph (3)(b) which is recognized by the Governor
6386 by executive order or rule shall cooperatively develop an
6387 emergency management plan and program that is coordinated and
6388 consistent with the state comprehensive emergency management
6389 plan and program.
6390 (b) Each county emergency management agency created and
6391 established pursuant to ss. 252.31-252.90 shall have a director.
6392 The director must meet the minimum training and education
6393 qualifications established in a job description approved by the
6394 county. The director shall be appointed by the board of county
6395 commissioners or the chief administrative officer of the county,
6396 as described in chapter 125 or the county charter, if
6397 applicable, to serve at the pleasure of the appointing
6398 authority, in conformance with applicable resolutions,
6399 ordinances, and laws. A county constitutional officer, or an
6400 employee of a county constitutional officer, may be appointed as
6401 director following prior notification to the division. Each
6402 board of county commissioners shall promptly inform the office
6403 ~~division~~ of the appointment of the director and other personnel.
6404 Each director has direct responsibility for the organization,
6405 administration, and operation of the county emergency management
6406 agency. The director shall coordinate emergency management
6407 activities, services, and programs within the county and shall
6408 serve as liaison to the office ~~division~~ and other local
6409 emergency management agencies and organizations.

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6410 (e) County emergency management agencies may charge and
6411 collect fees for the review of emergency management plans on
6412 behalf of external agencies and institutions. Fees must be
6413 reasonable and may not exceed the cost of providing a review of
6414 emergency management plans in accordance with fee schedules
6415 established by the office ~~division~~.
6416 Section 99. Subsections (2) and (3) of section 252.385,
6417 Florida Statutes, are amended to read:
6418 252.385 Public shelter space.—
6419 (2)(a) The office ~~division~~ shall administer a program to
6420 survey existing schools, universities, community colleges, and
6421 other state-owned, municipally owned, and county-owned public
6422 buildings and any private facility that the owner, in writing,
6423 agrees to provide for use as a public hurricane evacuation
6424 shelter to identify those that are appropriately designed and
6425 located to serve as such shelters. The owners of the facilities
6426 must be given the opportunity to participate in the surveys. The
6427 state university boards of trustees, district school boards,
6428 community college boards of trustees, and the Department of
6429 Education are responsible for coordinating and implementing the
6430 survey of public schools, universities, and community colleges
6431 with the office ~~division~~ or the local emergency management
6432 agency.
6433 (b) By January 31 of each even-numbered year, the office
6434 ~~division~~ shall prepare and submit a statewide emergency shelter
6435 plan to the Governor and Cabinet for approval, subject to the
6436 requirements for approval in s. 1013.37(2). The plan shall
6437 identify the general location and square footage of special
6438 needs shelters, by regional planning council region, during the

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6439 next 5 years. The plan shall also include information on the
6440 availability of shelters that accept pets. The Department of
6441 Health shall assist the office ~~division~~ in determining the
6442 estimated need for special needs shelter space and the adequacy
6443 of facilities to meet the needs of persons with special needs
6444 based on information from the registries of persons with special
6445 needs and other information.
6446 (3) The office ~~division~~ shall annually provide to the
6447 President of the Senate, the Speaker of the House of
6448 Representatives, and the Governor a list of facilities
6449 recommended to be retrofitted using state funds. State funds
6450 should be maximized and targeted to regional planning council
6451 regions with hurricane evacuation shelter deficits. Retrofitting
6452 facilities in regions with public hurricane evacuation shelter
6453 deficits shall be given first priority ~~and should be completed~~
6454 ~~by 2003. All recommended facilities should be retrofitted by~~
6455 ~~2008~~. The owner or lessee of a public hurricane evacuation
6456 shelter that is included on the list of facilities recommended
6457 for retrofitting is not required to perform any recommended
6458 improvements.
6459 Section 100. Subsection (1) of section 252.40, Florida
6460 Statutes, is amended to read:
6461 252.40 Mutual aid arrangements.—
6462 (1) The governing body of each political subdivision of the
6463 state is authorized to develop and enter into mutual aid
6464 agreements within the state for reciprocal emergency aid and
6465 assistance in case of emergencies too extensive to be dealt with
6466 unassisted. Copies of such agreements shall be sent to the
6467 office ~~division~~. Such agreements shall be consistent with the

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6468 state comprehensive emergency management plan and program, and
6469 in time of emergency it shall be the duty of each local
6470 emergency management agency to render assistance in accordance
6471 with the provisions of such mutual aid agreements to the fullest
6472 possible extent.
6473 Section 101. Subsection (1) and paragraph (c) of subsection
6474 (2) of section 252.41, Florida Statutes, are amended to read:
6475 252.41 Emergency management support forces.—
6476 (1) The office ~~division~~ is authorized to provide, within or
6477 without the state, such support from available personnel,
6478 equipment, and other resources of state agencies and the
6479 political subdivisions of the state as may be necessary to
6480 reinforce emergency management agencies in areas stricken by
6481 emergency. Such support shall be rendered with due consideration
6482 of the plans of the Federal Government, this state, the other
6483 states, and of the criticalness of the existing situation.
6484 Emergency management support forces shall be called to duty upon
6485 orders of the office ~~division~~ and shall perform functions in any
6486 part of the state or, upon the conditions specified in this
6487 section, in other states.
6488 (2) Personnel of emergency management support forces while
6489 on duty, whether within or without the state, shall:
6490 (c) If they are not employees of the state or a political
6491 subdivision thereof, they shall be entitled to the same rights
6492 and immunities as are provided by law for the employees of this
6493 state and to such compensation as may be fixed by the office
6494 ~~division~~. All personnel of emergency management support forces
6495 shall, while on duty, be subject to the operational control of
6496 the authority in charge of emergency management activities in

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6497 the area in which they are serving and shall be reimbursed for
6498 all actual and necessary travel and subsistence expenses to the
6499 extent of funds available.
6500 Section 102. Section 252.42, Florida Statutes, is amended
6501 to read:
6502 252.42 Government equipment, services, and facilities.—In
6503 the event of any emergency, the office ~~division~~ may make
6504 available any equipment, services, or facilities owned or
6505 organized by the state or its political subdivisions for use in
6506 the affected area upon request of the duly constituted authority
6507 of the area or upon the request of any recognized and accredited
6508 relief agency through such duly constituted authority.
6509 Section 103. Subsections (2), (4), and (5) of section
6510 252.43, Florida Statutes, are amended to read:
6511 252.43 Compensation.—
6512 (2) Compensation owed for personal services shall be only
6513 such as may be fixed by the office ~~division~~.
6514 (4) Any person claiming compensation for the use, damage,
6515 loss, or destruction of property under ss. 252.31-252.60 shall
6516 file a claim therefor with the office ~~division~~ in the form and
6517 manner that the office ~~division~~ provides.
6518 (5) Unless the amount of compensation owed on account of
6519 property damaged, lost, or destroyed is agreed between the
6520 claimant and the office ~~division~~, the amount of compensation
6521 shall be calculated in the same manner as compensation due for a
6522 taking of property pursuant to the condemnation laws of this
6523 state.
6524 Section 104. Subsections (2) and (3) of section 252.44,
6525 Florida Statutes, are amended to read:

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6526 252.44 Emergency mitigation.—
6527 (2) The appropriate state agencies, in conjunction with the
6528 office ~~division~~, shall keep land uses and construction of
6529 structures and other facilities under continuing study and
6530 identify areas which are particularly susceptible to severe land
6531 shifting, subsidence, flood, or other catastrophic occurrence,
6532 manmade or natural. The studies under this subsection shall
6533 concentrate on means of reducing or avoiding the dangers caused
6534 by these occurrences or the consequences thereof.
6535 (3) If the office ~~division~~ believes, on the basis of the
6536 studies or other competent evidence, that an area is susceptible
6537 to an emergency of catastrophic proportions without adequate
6538 warning; that existing building standards and land use controls
6539 in that area are inadequate and could add substantially to the
6540 magnitude of the emergency; and that changes in zoning
6541 regulations, other land use regulations, or building
6542 requirements are essential in order to further the purposes of
6543 this section, it shall specify the essential changes to the
6544 Governor. If the Governor upon review of the recommendation
6545 finds after public hearing that changes are essential, she or he
6546 shall so recommend to the agencies or political subdivisions
6547 with jurisdiction over the area and subject matter. If no
6548 action, or insufficient action, pursuant to her or his
6549 recommendations is taken within the time specified by the
6550 Governor, she or he shall so inform the Legislature and request
6551 legislative action appropriate to mitigate the impact of such an
6552 emergency.
6553 Section 105. Subsections (1) and (2) of section 252.46,
6554 Florida Statutes, are amended to read:

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6555 252.46 Orders and rules.—
6556 (1) In accordance with the provisions of chapter 120, the
6557 political subdivisions of the state and other agencies
6558 designated or appointed by the Governor or in the state
6559 comprehensive emergency management plan are authorized and
6560 empowered to make, amend, and rescind such orders and rules as
6561 are necessary for emergency management purposes and to
6562 supplement the carrying out of the provisions of ss. 252.31-
6563 252.90, but which are not inconsistent with any orders or rules
6564 adopted by the office ~~division~~ or by any state agency exercising
6565 a power delegated to it by the Governor or the office ~~division~~.
6566 (2) All orders and rules adopted by the office ~~division~~ or
6567 any political subdivision or other agency authorized by ss.
6568 252.31-252.90 to make orders and rules have full force and
6569 effect of law after adoption in accordance with the provisions
6570 of chapter 120 in the event of issuance by the office ~~division~~
6571 or any state agency or, if promulgated by a political
6572 subdivision of the state or agency thereof, when filed in the
6573 office of the clerk or recorder of the political subdivision or
6574 agency promulgating the same. All existing laws, ordinances, and
6575 rules inconsistent with the provisions of ss. 252.31-252.90, or
6576 any order or rule issued under the authority of ss. 252.31-
6577 252.90, shall be suspended during the period of time and to the
6578 extent that such conflict exists.
6579 Section 106. Subsection (5) of section 252.55, Florida
6580 Statutes, is amended to read:
6581 252.55 Civil Air Patrol, Florida Wing.—
6582 (5) The wing commander of the Florida Wing of the Civil Air
6583 Patrol shall biennially furnish the office ~~Bureau of Emergency~~

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6584 ~~Management~~ a 2-year projection of the goals and objectives of
6585 the Civil Air Patrol which shall be reported in the office's
6586 ~~division's~~ biennial report submitted pursuant to s. 252.35.
6587 Section 107. Subsection (3) and paragraph (a) of subsection
6588 (4) of section 252.60, Florida Statutes, are amended to read:
6589 252.60 Radiological emergency preparedness.—
6590 (3) EMERGENCY RESPONSE PLANS.—In addition to the other
6591 plans required by this chapter, the office ~~division~~ shall
6592 develop, prepare, test, and implement as needed, in conjunction
6593 with the appropriate counties and the affected operator, such
6594 radiological emergency response plans and preparedness
6595 requirements as may be imposed by the United States Nuclear
6596 Regulatory Commission or the Federal Emergency Management Agency
6597 as a requirement for obtaining or continuing the appropriate
6598 licenses for a commercial nuclear electric generating facility.
6599 (4) POWERS AND DUTIES.—In implementing the requirements of
6600 this section, the director of the office ~~secretary of the~~
6601 ~~department~~, or the director's ~~secretary's~~ designated
6602 representative, shall:
6603 (a) Negotiate and enter into such additional contracts and
6604 arrangements among the office ~~division~~, appropriate counties,
6605 and each operator to provide for the level of funding and the
6606 respective roles of each in the development, preparation,
6607 testing, and implementation of the plans.
6608 Section 108. Section 252.61, Florida Statutes, is amended
6609 to read:
6610 252.61 List of persons for contact relating to release of
6611 toxic substances into atmosphere.—The Office of Emergency
6612 Management ~~Department of Community Affairs~~ shall maintain a list

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6613 of contact persons ~~after the survey pursuant to s. 403.771 is~~
6614 ~~completed~~.
6615 Section 109. Section 252.82, Florida Statutes, is amended
6616 to read:
6617 252.82 Definitions.—As used in this part:
6618 (1) "Commission" means the State Hazardous Materials
6619 Emergency Response Commission created pursuant to s. 301 of
6620 EPCRA.
6621 (2) "Committee" means any local emergency planning
6622 committee established in the state pursuant to s. 301 of EPCRA.
6623 ~~(3) "Department" means the Department of Community Affairs.~~
6624 (3) ~~(4)~~ "Facility" means facility as defined in s. 329 of
6625 EPCRA. Vehicles placarded according to title 49 Code of Federal
6626 Regulations are ~~shall~~ not ~~be~~ considered a facility except for
6627 purposes of s. 304 of EPCRA.
6628 (4) ~~(5)~~ "Hazardous material" means any hazardous chemical,
6629 toxic chemical, or extremely hazardous substance, as defined in
6630 s. 329 of EPCRA.
6631 (5) ~~(6)~~ "EPCRA" means the Emergency Planning and Community
6632 Right-to-Know Act of 1986, title III of the Superfund Amendments
6633 and Reauthorization Act of 1986, ~~Pub. L. No. 99-499,~~ ss. 300-
6634 329, 42 U.S.C. ss. 11001 et seq.; and federal regulations
6635 adopted thereunder.
6636 (6) "Office" means the Office of Emergency Management
6637 within the Executive Office of the Governor.
6638 (7) "Trust fund" means the Operating Trust Fund of the
6639 office ~~Department of Community Affairs~~.
6640 Section 110. Section 252.83, Florida Statutes, is amended
6641 to read:

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6642 252.83 Powers and duties of the office ~~department~~.—
6643 (1) The office ~~department~~ shall have the authority:
6644 (a) To coordinate its activities under this part with its
6645 other emergency management responsibilities, including its
6646 responsibilities under part I of this chapter, and activities
6647 and with the related activities of other agencies, keeping
6648 separate accounts for all activities supported or partially
6649 supported from the Operating Trust Fund.
6650 (b) To make rules, with the advice and consent of the
6651 commission, to implement this part.
6652 (2) The office ~~department~~ shall provide administrative
6653 support, including staff, facilities, materials, and services,
6654 to the commission and shall provide funding to the committees to
6655 enable the commission and the committees to perform their
6656 functions under EPCRA and this part.
6657 (3) The office ~~department~~ and the commission, to the extent
6658 possible, shall use the emergency planning capabilities of local
6659 governments to reduce duplication and paperwork to achieve the
6660 intent of this part. It is the intent of the Legislature that
6661 this part be implemented in the most cost-efficient manner
6662 possible, with the least possible financial impact on local
6663 government and the community.
6664 Section 111. Subsections (1), (3), (4), and (5) of section
6665 252.85, Florida Statutes, are amended to read:
6666 252.85 Fees.—
6667 (1) Any owner or operator of a facility required under s.
6668 302 or s. 312 of EPCRA, or by s. 252.87, to submit a
6669 notification or an annual inventory form to the commission shall
6670 be required to pay an annual registration fee. The fee for any

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6671 company, including all facilities under common ownership or
6672 control, shall not be less than $25 nor more than $2,000. The
6673 office ~~department~~ shall establish a reduced fee, of not less
6674 than $25 nor more than $500, applicable to any owner or operator
6675 regulated under part I of chapter 368, chapter 527, or s.
6676 376.303, which does not have present any extremely hazardous
6677 substance, as defined by EPCRA, in excess of a threshold
6678 planning quantity, as established by EPCRA. The office
6679 ~~department~~ shall establish a reduced fee of not less than $25
6680 nor more than $1,000, applicable to any owner or operator of a
6681 facility with a Standard Industrial Classification Code of 01,
6682 02, or 07, which is eligible for the "routine agricultural use"
6683 exemption provided in ss. 311 and 312 of EPCRA. The fee under
6684 this subsection shall be based on the number of employees
6685 employed within the state at facilities under the common
6686 ownership or control of such owner or operator, which number
6687 shall be determined, to the extent possible, in accordance with
6688 data supplied by Jobs Florida or its tax collection service
6689 provider ~~the Department of Labor and Employment Security~~. In
6690 order to avoid the duplicative reporting of seasonal and
6691 temporary agricultural employees, fees applicable to owners or
6692 operators of agricultural facilities, which are eligible for the
6693 "routine agricultural use" reporting exemption provided in ss.
6694 311 and 312 of EPCRA, shall be based on employee data which most
6695 closely reflects such owner or operator's permanent nonseasonal
6696 workforce. The office ~~department~~ shall establish by rule the
6697 date by which the fee is to be paid, as well as a formula or
6698 method of determining the applicable fee under this subsection
6699 without regard to the number of facilities under common

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6700 ownership or control. The office ~~department~~ may require owners
6701 or operators of multiple facilities to demonstrate common
6702 ownership or control for purposes of this subsection.
6703 (3) Any owner or operator of a facility that is required to
6704 submit a report or filing under s. 313 of EPCRA shall pay an
6705 annual reporting fee not to exceed $150 for those s. 313 EPCRA
6706 listed substances in effect on January 1, 2005. The office
6707 ~~department~~ shall establish by rule the date by which the fee is
6708 to be paid, as well as a formula or method of determining the
6709 applicable fee under this subsection.
6710 (4)(a) The office ~~department~~ may assess a late fee for the
6711 failure to submit a report or filing that substantially complies
6712 with the requirements of EPCRA or s. 252.87 by the specified
6713 date or for failure to pay any fee, including any late fee,
6714 required by this section. This late fee shall be in addition to
6715 the fee otherwise imposed pursuant to this section. If the
6716 office ~~department~~ elects to impose a late fee, it shall provide
6717 the owner or operator with a written notice that identifies the
6718 specific requirements which have not been met and advises of its
6719 intent to assess a late fee.
6720 (b) The office ~~department~~ may impose a late fee, subject to
6721 the limitations set forth below:
6722 1. If the report, filing, or fee is submitted within 30
6723 days after the receipt of the office's ~~department's~~ notice, no
6724 late fee may be assessed.
6725 2. If the report, filing, or fee is not submitted within 30
6726 days after the receipt of the office's ~~department's~~ notice, the
6727 office ~~department~~ may impose a late fee in an amount equal to
6728 the amount of the annual registration fee, filing fee, or s. 313

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6729 fee due, not to exceed $2,000.
6730 3. If the report, filing, or fee is not submitted within 90
6731 days after the receipt of the office's ~~department's~~ notice, the
6732 office ~~department~~ may issue a second notice. If the report,
6733 filing, or fee is not submitted within 30 days after receipt of
6734 the office's ~~department's~~ second notice, the office ~~department~~
6735 may assess a second late fee in an amount equal to twice the
6736 amount of the annual registration fee, filing fee, or s. 313 fee
6737 due, not to exceed $4,000.
6738 4. The office ~~department~~ may consider, but is not limited
6739 to considering, the following factors in assessing late fees:
6740 good faith attempt to comply; history of noncompliance; ability
6741 to pay or continue in business; threat to health and safety
6742 posed by noncompliance; and degree of culpability.
6743 (5) The office ~~department~~ shall establish by rule the dates
6744 by which the fee is to be paid, as well as a formula or method
6745 of determining the facility registration fee and late fee.
6746 Section 112. Subsections (1) and (3) of section 252.86,
6747 Florida Statutes, are amended to read:
6748 252.86 Penalties and remedies.—
6749 (1) The owner or operator of a facility, an employer, or
6750 any other person submitting written information pursuant to
6751 EPCRA or this part to the commission, a committee, or a fire
6752 department shall be liable for a civil penalty of $5,000 for
6753 each item of information in the submission that is false, if
6754 such person knew or should have known the information was false
6755 or if such person submitted the information with reckless
6756 disregard of its truth or falsity. The office ~~department~~ may
6757 institute a civil action in a court of competent jurisdiction to

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6758 impose and recover a civil penalty for the amount indicated in
6759 this subsection. However, the court may receive evidence in
6760 mitigation.
6761 (3) Any provision of s. 325 or s. 326 of EPCRA which
6762 creates a federal cause of action shall create a corresponding
6763 cause of action under state law, with jurisdiction in the
6764 circuit courts. Any provision of s. 325 or s. 326 of EPCRA which
6765 imposes or authorizes the imposition of a civil penalty by the
6766 Administrator of the Environmental Protection Agency, or which
6767 creates a liability to the United States, shall impose or
6768 authorize the imposition of such a penalty by the office
6769 ~~department~~ or create such a liability to and for the benefit of
6770 the state, to be paid into the Operating Trust Fund. Venue shall
6771 be proper in the county where the violation occurred or where
6772 the defendant has its principal place of business.
6773 Section 113. Subsections (4) and (7) of section 252.87,
6774 Florida Statutes, are amended to read:
6775 252.87 Supplemental state reporting requirements.—
6776 (4) Each employer that owns or operates a facility in this
6777 state at which hazardous materials are present in quantities at
6778 or above the thresholds established under ss. 311(b) and 312(b)
6779 of EPCRA shall comply with the reporting requirements of ss. 311
6780 and 312 of EPCRA. Such employer shall also be responsible for
6781 notifying the office ~~department~~, the local emergency planning
6782 committee, and the local fire department in writing within 30
6783 days if there is a discontinuance or abandonment of the
6784 employer’s business activities that could affect any stored
6785 hazardous materials.
6786 (7) The office ~~department~~ shall avoid duplicative reporting

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6787 requirements by using ~~utilizing~~ the reporting requirements of
6788 other state agencies that regulate hazardous materials to the
6789 extent feasible and shall request the information authorized
6790 under EPCRA. With the advice and consent of the State Emergency
6791 Response Commission for Hazardous Materials, the office
6792 ~~department~~ may require by rule that the maximum daily amount
6793 entry on the chemical inventory report required under s. 312 of
6794 EPCRA provide for reporting in estimated actual amounts. The
6795 office ~~department~~ may also require by rule an entry for the
6796 Federal Employer Identification Number on this report. To the
6797 extent feasible, the office ~~department~~ shall encourage and
6798 accept required information in a form initiated through
6799 electronic data interchange and shall describe by rule the
6800 format, manner of execution, and method of electronic
6801 transmission necessary for using such form. To the extent
6802 feasible, the Department of Financial Services, the Department
6803 of Agriculture and Consumer Services, the Department of
6804 Environmental Protection, the Public Service Commission, the
6805 Department of Revenue, ~~the Department of Labor and Employment~~
6806 ~~Security,~~ and other state agencies which regulate hazardous
6807 materials shall coordinate with the office ~~department~~ in order
6808 to avoid duplicative requirements contained in each agency's
6809 respective reporting or registration forms. The other state
6810 agencies that inspect facilities storing hazardous materials and
6811 suppliers and distributors of covered substances shall assist
6812 the office ~~department~~ in informing the facility owner or
6813 operator of the requirements of this part. The office ~~department~~
6814 shall provide the other state agencies with the necessary
6815 information and materials to inform the owners and operators of

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6816 the requirements of this part to ensure that the budgets of
6817 these agencies are not adversely affected.
6818 Section 114. Subsection (4) of section 252.88, Florida
6819 Statutes, is amended to read:
6820 252.88 Public records.—
6821 (4) The office ~~department~~, the commission, and the
6822 committees shall furnish copies of public records submitted
6823 under EPCRA or this part, and may charge a fee of $1 per page
6824 per person per year for over 25 pages of materials copied.
6825 Section 115. Subsections (3), (8), (9), and (19) of section
6826 252.936, Florida Statutes, are amended to read:
6827 252.936 Definitions.—As used in this part, the term:
6828 (3) "Audit" means a review of information at, ~~a stationary~~
6829 ~~source subject to s. 112(r)(7),~~ or submitted by, a stationary
6830 source subject to s. 112(r)(7), to determine whether that
6831 stationary source is in compliance with ~~the requirements of~~ this
6832 part and rules adopted to administer ~~implement~~ this part. Audits
6833 must include a review of the adequacy of the stationary source's
6834 Risk Management Plan, may consist of reviews of information
6835 submitted to the office ~~department~~ or the United States
6836 Environmental Protection Agency to determine whether the plan is
6837 complete or whether revisions to the plan are needed, and the
6838 reviews may be conducted at the stationary source to confirm
6839 that information onsite is consistent with reported information.
6840 ~~(8) "Department" means the Department of Community Affairs.~~
6841 (8) ~~(9)~~ "Inspection" means a review of information at a
6842 stationary source subject to s. 112(r)(7), including
6843 documentation and operating practices and access to the source
6844 and to any area where an accidental release could occur, to

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6845 determine whether the stationary source is in compliance with
6846 ~~the requirements of~~ this part or rules adopted to administer
6847 ~~implement~~ this part.
6848 (9) "Office" means the Office of Emergency Management in
6849 the Executive Office of the Governor.
6850 (19) "Trust fund" means the Operating Trust Fund of the
6851 office ~~established in the department's Division of Emergency~~
6852 ~~Management~~.
6853 Section 116. Section 252.937, Florida Statutes, is amended
6854 to read:
6855 252.937 Office ~~Department~~ powers and duties.—
6856 (1) The office ~~department~~ has the power and duty to:
6857 (a)1. Seek delegation from the United States Environmental
6858 Protection Agency to implement the Accidental Release Prevention
6859 Program under s. 112(r)(7) of the Clean Air Act and the federal
6860 implementing regulations for specified sources subject to s.
6861 112(r)(7) of the Clean Air Act. Implementation for all other
6862 sources subject to s. 112(r)(7) of the Clean Air Act shall ~~will~~
6863 be performed by the United States Environmental Protection
6864 Agency; and
6865 2. Ensure the timely submission of Risk Management Plans
6866 and any subsequent revisions of Risk Management Plans.
6867 (b) Adopt, modify, and repeal rules, with the advice and
6868 consent of the commission, necessary to obtain delegation from
6869 the United States Environmental Protection Agency and to
6870 administer the s. 112(r)(7) Accidental Release Prevention
6871 Program in this state for the specified stationary sources with
6872 no expansion or addition of the regulatory program.
6873 (c) Make and execute contracts and other agreements

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6874 necessary or convenient to the administration ~~implementation~~ of
6875 this part.
6876 (d) Coordinate its activities under this part with its
6877 other emergency management responsibilities, including its
6878 responsibilities and activities under parts I, II, and III of
6879 this chapter and with the related activities of other state and
6880 local agencies, keeping separate accounts for all activities
6881 conducted under this part which are supported or partially
6882 supported from the trust fund.
6883 (e) Establish, with the advice and consent of the
6884 commission, a technical assistance and outreach program ~~on or~~
6885 ~~before January 31, 1999,~~ to assist owners and operators of
6886 specified stationary sources subject to s. 112(r)(7) in
6887 complying with the reporting and fee requirements of this part.
6888 This program is designed to facilitate and ensure timely
6889 submission of proper certifications or compliance schedules and
6890 timely submission and registration of Risk Management Plans and
6891 revised registrations and Risk Management Plans if ~~when~~ required
6892 for these sources.
6893 (f) Make a quarterly report to the State Emergency Response
6894 Commission on income and expenses for the state's Accidental
6895 Release Prevention Program under this part.
6896 (2) To ensure that this program is self-supporting, the
6897 office ~~department~~ shall provide administrative support,
6898 including staff, facilities, materials, and services to
6899 implement this part for specified stationary sources subject to
6900 s. 252.939 and ~~shall~~ provide necessary funding to local
6901 emergency planning committees and county emergency management
6902 agencies for work performed to implement this part. Each state

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6903 agency with regulatory, inspection, or technical assistance
6904 programs for specified stationary sources subject to this part
6905 shall enter into a memorandum of understanding with the office
6906 ~~department~~ which specifically outlines how each agency's staff,
6907 facilities, materials, and services will be used ~~utilized~~ to
6908 support implementation. ~~At a minimum, these agencies and~~
6909 ~~programs include: the Department of Environmental Protection's~~
6910 ~~Division of Air Resources Management and Division of Water~~
6911 ~~Resource Management, and the Department of Labor and Employment~~
6912 ~~Security's Division of Safety.~~ It is the Legislature's intent to
6913 implement this part as efficiently and economically as possible,
6914 using existing expertise and resources, if available and
6915 appropriate.
6916 (3) To prevent the duplication of investigative efforts and
6917 resources, the office ~~department~~, on behalf of the commission,
6918 shall coordinate with any federal agencies or agents thereof,
6919 including the federal Chemical Safety and Hazard Investigation
6920 Board, or its successor, which are performing accidental release
6921 investigations for specified stationary sources, and may
6922 coordinate with any agencies of the state which are performing
6923 accidental release investigations. This accidental release
6924 investigation coordination is not intended to limit or take the
6925 place of any individual agency accidental release investigation
6926 under separate authority.
6927 (4) To promote efficient administration of this program and
6928 specified stationary sources, ~~the~~ only the office ~~agency which~~
6929 may seek delegation from the United States Environmental
6930 Protection Agency for this program ~~is the Florida Department of~~
6931 ~~Community Affairs~~. Further, the office may ~~Florida Department of~~

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6932 ~~Community Affairs shall~~ not delegate this program to any local
6933 environmental agency.
6934 Section 117. Section 252.943, Florida Statutes, is amended
6935 to read:
6936 252.943 Public records.—
6937 (1) The office ~~Department of Community Affairs~~ shall
6938 protect records, reports, or information or particular parts
6939 thereof, other than release or emissions data, contained in a
6940 risk management plan from public disclosure pursuant to ss.
6941 112(r) and 114(c) of the federal Clean Air Act and authorities
6942 cited therein, based upon a showing satisfactory to the
6943 Administrator of the United States Environmental Protection
6944 Agency, by any owner or operator of a stationary source subject
6945 to the Accidental Release Prevention Program, that public
6946 release of such records, reports, or information would divulge
6947 methods or processes entitled to protection as trade secrets as
6948 provided for in 40 C.F.R. part 2, subpart B. Such records,
6949 reports, or information held by the office ~~department~~ are
6950 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
6951 s. 24(a), Art. I of the State Constitution, unless a final
6952 determination has been made by the Administrator of the
6953 Environmental Protection Agency that such records, reports, or
6954 information are not entitled to trade secret protection, or
6955 pursuant to an order of court.
6956 (2) The office ~~department~~ shall protect records, reports,
6957 or information or particular parts thereof, other than release
6958 or emissions data, obtained from an investigation, inspection,
6959 or audit from public disclosure pursuant to ss. 112(r) and
6960 114(c) of the federal Clean Air Act and authorities cited

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6961 therein, based upon a showing satisfactory to the Administrator
6962 of the United States Environmental Protection Agency, by any
6963 owner or operator of a stationary source subject to the
6964 Accidental Release Prevention Program, that public release of
6965 such records, reports, or information would divulge methods or
6966 processes entitled to protection as trade secrets as provided
6967 for in 40 C.F.R. part 2, subpart B. Such records, reports, or
6968 information held by the office ~~department~~ are confidential and
6969 exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I
6970 of the State Constitution, unless a final determination has been
6971 made by the Administrator of the Environmental Protection Agency
6972 that such records, reports, or information are not entitled to
6973 trade secret protection, or pursuant to a court ~~an~~ order ~~of~~
6974 ~~court~~.
6975 Section 118. Section 252.946, Florida Statutes, is amended
6976 to read:
6977 252.946 Public records.—With regard to information
6978 submitted to the United States Environmental Protection Agency
6979 under this part or s. 112(r)(7), the office ~~department of~~
6980 ~~Community Affairs~~, the State Hazardous Materials Emergency
6981 Response Commission, and any local emergency planning committee
6982 may assist persons in electronically accessing such information
6983 held by the United States Environmental Protection Agency in its
6984 centralized database. If requested, the office ~~department~~, the
6985 commission, or a committee may furnish copies of such United
6986 States Environmental Protection Agency records.
6987 Section 119. Paragraph (b) of subsection (1) of section
6988 255.099, Florida Statutes, is amended to read:
6989 255.099 Preference to state residents.—

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6990 (1) Each contract for construction that is funded by state
6991 funds must contain a provision requiring the contractor to give
6992 preference to the employment of state residents in the
6993 performance of the work on the project if state residents have
6994 substantially equal qualifications to those of nonresidents. A
6995 contract for construction funded by local funds may contain such
6996 a provision.
6997 (b) A contractor required to employ state residents must
6998 contact Jobs Florida ~~the Agency for Workforce Innovation~~ to post
6999 the contractor's employment needs in the state's job bank
7000 system.
7001 Section 120. Paragraph (b) of subsection (1) of section
7002 259.035, Florida Statutes, is amended to read:
7003 259.035 Acquisition and Restoration Council.—
7004 (1) There is created the Acquisition and Restoration
7005 Council.
7006 (b) The four ~~five~~ remaining appointees shall be composed of
7007 the Secretary of Environmental Protection, the director of the
7008 Division of Forestry of the Department of Agriculture and
7009 Consumer Services, the executive director of the Fish and
7010 Wildlife Conservation Commission, and the director of the
7011 Division of Historical Resources of the Department of State, ~~and~~
7012 ~~the secretary of the Department of Community Affairs,~~ or their
7013 respective designees.
7014 Section 121. Paragraph (d) of subsection (1) of section
7015 260.0142, Florida Statutes, is amended to read:
7016 260.0142 Florida Greenways and Trails Council; composition;
7017 powers and duties.—
7018 (1) There is created within the department the Florida

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7019 Greenways and Trails Council which shall advise the department
7020 in the execution of the department's powers and duties under
7021 this chapter. The council shall be composed of 20 ~~21~~ members,
7022 consisting of:
7023 (d) The 9 ~~10~~ remaining members shall include:
7024 1. The Secretary of Environmental Protection or a designee.
7025 2. The executive director of the Fish and Wildlife
7026 Conservation Commission or a designee.
7027 ~~3. The Secretary of Community Affairs or a designee.~~
7028 3.~~4.~~ The Secretary of Transportation or a designee.
7029 4.~~5.~~ The Director of the Division of Forestry of the
7030 Department of Agriculture and Consumer Services or a designee.
7031 5.~~6.~~ The director of the Division of Historical Resources
7032 of the Department of State or a designee.
7033 6.~~7.~~ A representative of the water management districts.
7034 Membership on the council shall rotate among the five districts.
7035 The districts shall determine the order of rotation.
7036 7.~~8.~~ A representative of a federal land management agency.
7037 The Secretary of Environmental Protection shall identify the
7038 appropriate federal agency and request designation of a
7039 representative from the agency to serve on the council.
7040 8.~~9.~~ A representative of the regional planning councils to
7041 be appointed by the Secretary of Environmental Protection ~~in~~
7042 ~~consultation with the Secretary of Community Affairs~~. Membership
7043 on the council shall rotate among the seven regional planning
7044 councils. The regional planning councils shall determine the
7045 order of rotation.
7046 9.~~10.~~ A representative of local governments to be appointed
7047 by the Secretary of Environmental Protection ~~in consultation~~

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7048 ~~with the Secretary of Community Affairs~~. Membership shall
7049 alternate between a county representative and a municipal
7050 representative.
7051 Section 122. Section 272.11, Florida Statutes, is amended
7052 to read:
7053 272.11 Capitol information center.—The Jobs Florida
7054 Partnership, Inc., ~~Florida Commission on Tourism~~ shall
7055 establish, maintain, and operate a Capitol information center
7056 somewhere within the area of the Capitol Center and employ
7057 personnel or enter into contracts to maintain same.
7058 Section 123. Paragraph (a) of subsection (4) of section
7059 282.34, Florida Statutes, is amended to read:
7060 282.34 Statewide e-mail service.—A state e-mail system that
7061 includes the delivery and support of e-mail, messaging, and
7062 calendaring capabilities is established as an enterprise
7063 information technology service as defined in s. 282.0041. The
7064 service shall be designed to meet the needs of all executive
7065 branch agencies. The primary goals of the service are to
7066 minimize the state investment required to establish, operate,
7067 and support the statewide service; reduce the cost of current e-
7068 mail operations and the number of duplicative e-mail systems;
7069 and eliminate the need for each state agency to maintain its own
7070 e-mail staff.
7071 (4) All agencies must be completely migrated to the
7072 statewide e-mail service as soon as financially and
7073 operationally feasible, but no later than June 30, 2015.
7074 (a) The following statewide e-mail service implementation
7075 schedule is established for state agencies:
7076 1. Phase 1.—The following agencies must be completely

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7077 migrated to the statewide e-mail system by June 30, 2012: the
7078 Agency for Enterprise Information Technology; ~~the Department of~~
7079 ~~Community Affairs, including the Division of Emergency~~
7080 ~~Management;~~ the Department of Corrections; the Department of
7081 Health; the Department of Highway Safety and Motor Vehicles; the
7082 Department of Management Services, including the Division of
7083 Administrative Hearings, the Division of Retirement, the
7084 Commission on Human Relations, and the Public Employees
7085 Relations Commission; the Southwood Shared Resource Center; and
7086 the Department of Revenue.
7087 2. Phase 2.—The following agencies must be completely
7088 migrated to the statewide e-mail system by June 30, 2013: the
7089 Department of Business and Professional Regulation; the
7090 Department of Education, including the Board of Governors; the
7091 Department of Environmental Protection; the Department of
7092 Juvenile Justice; the Department of the Lottery; the Department
7093 of State; the Department of Law Enforcement; the Department of
7094 Veterans' Affairs; the Judicial Administration Commission; the
7095 Public Service Commission; and the Statewide Guardian Ad Litem
7096 Office.
7097 3. Phase 3.—The following agencies must be completely
7098 migrated to the statewide e-mail system by June 30, 2014: the
7099 Agency for Health Care Administration; ~~the Agency for Workforce~~
7100 ~~Innovation;~~ the Department of Financial Services, including the
7101 Office of Financial Regulation and the Office of Insurance
7102 Regulation; the Department of Agriculture and Consumer Services;
7103 the Executive Office of the Governor, including the Office of
7104 Emergency Management; the Department of Transportation; the Fish
7105 and Wildlife Conservation Commission; the Agency for Persons

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7106 With Disabilities; the Northwood Shared Resource Center; and the
7107 State Board of Administration.
7108 4. Phase 4.—The following agencies must be completely
7109 migrated to the statewide e-mail system by June 30, 2015: the
7110 Department of Children and Family Services; the Department of
7111 Citrus; the Department of Elderly Affairs; and the Department of
7112 Legal Affairs.
7113 Section 124. Paragraphs (a) and (d) of subsection (1) and
7114 subsection (4) of section 282.709, Florida Statutes, are amended
7115 to read:
7116 282.709 State agency law enforcement radio system and
7117 interoperability network.—
7118 (1) The department may acquire and administer a statewide
7119 radio communications system to serve law enforcement units of
7120 state agencies, and to serve local law enforcement agencies
7121 through mutual aid channels.
7122 (a) The department shall, in conjunction with the
7123 Department of Law Enforcement and the Office ~~Division~~ of
7124 Emergency Management ~~of the Department of Community Affairs~~,
7125 establish policies, procedures, and standards to be incorporated
7126 into a comprehensive management plan for the use and operation
7127 of the statewide radio communications system.
7128 (d) The department shall exercise its powers and duties
7129 under this part to plan, manage, and administer the mutual aid
7130 channels in the statewide radio communication system.
7131 1. In implementing such powers and duties, the department
7132 shall consult and act in conjunction with the Department of Law
7133 Enforcement and the Office ~~Division~~ of Emergency Management ~~of~~
7134 ~~the Department of Community Affairs~~, and shall manage and

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7135 administer the mutual aid channels in a manner that reasonably
7136 addresses the needs and concerns of the involved law enforcement
7137 agencies and emergency response agencies and entities.
7138 2. The department may make the mutual aid channels
7139 available to federal agencies, state agencies, and agencies of
7140 the political subdivisions of the state for the purpose of
7141 public safety and domestic security.
7142 (4) The department may create and administer an
7143 interoperability network to enable interoperability between
7144 various radio communications technologies and to serve federal
7145 agencies, state agencies, and agencies of political subdivisions
7146 of the state for the purpose of public safety and domestic
7147 security.
7148 (a) The department shall, in conjunction with the
7149 Department of Law Enforcement and the Office ~~Division~~ of
7150 Emergency Management ~~of the Department of Community Affairs~~,
7151 exercise its powers and duties pursuant to this chapter to plan,
7152 manage, and administer the interoperability network. The office
7153 may:
7154 1. Enter into mutual aid agreements among federal agencies,
7155 state agencies, and political subdivisions of the state for the
7156 use of the interoperability network.
7157 2. Establish the cost of maintenance and operation of the
7158 interoperability network and charge subscribing federal and
7159 local law enforcement agencies for access and use of the
7160 network. The department may not charge state law enforcement
7161 agencies identified in paragraph (2)(a) to use the network.
7162 3. In consultation with the Department of Law Enforcement
7163 and the Office ~~Division~~ of Emergency Management ~~of the~~

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7164 ~~Department of Community Affairs~~, amend and enhance the statewide
7165 radio communications system as necessary to implement the
7166 interoperability network.
7167 (b) The department, in consultation with the Joint Task
7168 Force on State Agency Law Enforcement Communications, and in
7169 conjunction with the Department of Law Enforcement and the
7170 Office ~~Division~~ of Emergency Management ~~of the Department of~~
7171 ~~Community Affairs~~, shall establish policies, procedures, and
7172 standards to incorporate into a comprehensive management plan
7173 for the use and operation of the interoperability network.
7174 Section 125. Section 287.09431, Florida Statutes, is
7175 amended to read:
7176 287.09431 Statewide and interlocal agreement on
7177 certification of business concerns for the status of minority
7178 business enterprise.—The statewide and interlocal agreement on
7179 certification of business concerns for the status of minority
7180 business enterprise is hereby enacted and entered into with all
7181 jurisdictions or organizations legally joining therein. If,
7182 within 2 years from the date that the certification core
7183 criteria are approved by the Department of Management Services
7184 ~~Department of Labor and Employment Security~~, the agreement
7185 included herein is not executed by a majority of county and
7186 municipal governing bodies that administer a minority business
7187 assistance program on the effective date of this act, then the
7188 Legislature shall review this agreement. It is the intent of the
7189 Legislature that if the agreement is not executed by a majority
7190 of the requisite governing bodies, then a statewide uniform
7191 certification process should be adopted, and that said agreement
7192 should be repealed and replaced by a mandatory state government

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7193 certification process.
7194
7195 ARTICLE I
7196
7197 PURPOSE, FINDINGS, AND POLICY.—
7198 (1) The parties to this agreement, desiring by common
7199 action to establish a uniform certification process in order to
7200 reduce the multiplicity of applications by business concerns to
7201 state and local governmental programs for minority business
7202 assistance, declare that it is the policy of each of them, on
7203 the basis of cooperation with one another, to remedy social and
7204 economic disadvantage suffered by certain groups, resulting in
7205 their being historically underutilized in ownership and control
7206 of commercial enterprises. Thus, the parties seek to address
7207 this history by increasing the participation of the identified
7208 groups in opportunities afforded by government procurement.
7209 (2) The parties find that the State of Florida presently
7210 certifies firms for participation in the minority business
7211 assistance programs of the state. The parties find further that
7212 some counties, municipalities, school boards, special districts,
7213 and other divisions of local government require a separate, yet
7214 similar, and in most cases redundant certification in order for
7215 businesses to participate in the programs sponsored by each
7216 government entity.
7217 (3) The parties find further that this redundant
7218 certification has proven to be unduly burdensome to the
7219 minority-owned firms intended to benefit from the underlying
7220 purchasing incentives.
7221 (4) The parties agree that:

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7222 (a) They will facilitate integrity, stability, and
7223 cooperation in the statewide and interlocal certification
7224 process, and in other elements of programs established to assist
7225 minority-owned businesses.
7226 (b) They shall cooperate with agencies, organizations, and
7227 associations interested in certification and other elements of
7228 minority business assistance.
7229 (c) It is the purpose of this agreement to provide for a
7230 uniform process whereby the status of a business concern may be
7231 determined in a singular review of the business information for
7232 these purposes, in order to eliminate any undue expense, delay,
7233 or confusion to the minority-owned businesses in seeking to
7234 participate in the minority business assistance programs of
7235 state and local jurisdictions.
7236
7237 ARTICLE II
7238
7239 DEFINITIONS.—As used in this agreement and contracts made
7240 pursuant to it, unless the context clearly requires otherwise:
7241 (1) “Awarding organization” means any political subdivision
7242 or organization authorized by law, ordinance, or agreement to
7243 enter into contracts and for which the governing body has
7244 entered into this agreement.
7245 (2) “Department” means the Department of Management
7246 Services ~~Department of Labor and Employment Security~~.
7247 (3) “Minority” means a person who is a lawful, permanent
7248 resident of the state, having origins in one of the minority
7249 groups as described and adopted by the Department of Management
7250 Services ~~Department of Labor and Employment Security~~, hereby

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7251 incorporated by reference.
7252 (4) “Minority business enterprise” means any small business
7253 concern as defined in subsection (6) that meets all of the
7254 criteria described and adopted by the Department of Management
7255 Services ~~Department of Labor and Employment Security~~, hereby
7256 incorporated by reference.
7257 (5) “Participating state or local organization” means any
7258 political subdivision of the state or organization designated by
7259 such that elects to participate in the certification process
7260 pursuant to this agreement, which has been approved according to
7261 s. 287.0943(3) and has legally entered into this agreement.
7262 (6) “Small business concern” means an independently owned
7263 and operated business concern which is of a size and type as
7264 described and adopted by vote related to this agreement of the
7265 commission, hereby incorporated by reference.
7266
7267 ARTICLE III
7268
7269 STATEWIDE AND INTERLOCAL CERTIFICATIONS.—
7270 (1) All awarding organizations shall accept a certification
7271 granted by any participating organization which has been
7272 approved according to s. 287.0943(3) and has entered into this
7273 agreement, as valid status of minority business enterprise.
7274 (2) A participating organization shall certify a business
7275 concern that meets the definition of minority business
7276 enterprise in this agreement, in accordance with the duly
7277 adopted eligibility criteria.
7278 (3) All participating organizations shall issue notice of
7279 certification decisions granting or denying certification to all

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7280 other participating organizations within 14 days of the
7281 decision. Such notice may be made through electronic media.
7282 (4) No certification will be granted without an onsite
7283 visit to verify ownership and control of the prospective
7284 minority business enterprise, unless verification can be
7285 accomplished by other methods of adequate verification or
7286 assessment of ownership and control.
7287 (5) The certification of a minority business enterprise
7288 pursuant to the terms of this agreement shall not be suspended,
7289 revoked, or otherwise impaired except on any grounds which would
7290 be sufficient for revocation or suspension of a certification in
7291 the jurisdiction of the participating organization.
7292 (6) The certification determination of a party may be
7293 challenged by any other participating organization by the
7294 issuance of a timely written notice by the challenging
7295 organization to the certifying organization’s determination
7296 within 10 days of receiving notice of the certification
7297 decision, stating the grounds therefor.
7298 (7) The sole accepted grounds for challenge shall be the
7299 failure of the certifying organization to adhere to the adopted
7300 criteria or the certifying organization’s rules or procedures,
7301 or the perpetuation of a misrepresentation or fraud by the firm.
7302 (8) The certifying organization shall reexamine its
7303 certification determination and submit written notice to the
7304 applicant and the challenging organization of its findings
7305 within 30 days after the receipt of the notice of challenge.
7306 (9) If the certification determination is affirmed, the
7307 challenging agency may subsequently submit timely written notice
7308 to the firm of its intent to revoke certification of the firm.

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7309
7310 ARTICLE IV
7311
7312 APPROVED AND ACCEPTED PROGRAMS.—Nothing in this agreement
7313 shall be construed to repeal or otherwise modify any ordinance,
7314 law, or regulation of a party relating to the existing minority
7315 business assistance provisions and procedures by which minority
7316 business enterprises participate therein.
7317
7318 ARTICLE V
7319
7320 TERM.—The term of the agreement shall be 5 years, after
7321 which it may be reexecuted by the parties.
7322
7323 ARTICLE VI
7324
7325 AGREEMENT EVALUATION.—The designated state and local
7326 officials may meet from time to time as a group to evaluate
7327 progress under the agreement, to formulate recommendations for
7328 changes, or to propose a new agreement.
7329
7330 ARTICLE VII
7331
7332 OTHER ARRANGEMENTS.—Nothing in this agreement shall be
7333 construed to prevent or inhibit other arrangements or practices
7334 of any party in order to comply with federal law.
7335
7336 ARTICLE VIII
7337

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7338 EFFECT AND WITHDRAWAL.—
7339 (1) This agreement shall become effective when properly
7340 executed by a legal representative of the participating
7341 organization, when enacted into the law of the state and after
7342 an ordinance or other legislation is enacted into law by the
7343 governing body of each participating organization. Thereafter it
7344 shall become effective as to any participating organization upon
7345 the enactment of this agreement by the governing body of that
7346 organization.
7347 (2) Any party may withdraw from this agreement by enacting
7348 legislation repealing the same, but no such withdrawal shall
7349 take effect until one year after the governing body of the
7350 withdrawing party has given notice in writing of the withdrawal
7351 to the other parties.
7352 (3) No withdrawal shall relieve the withdrawing party of
7353 any obligations imposed upon it by law.
7354
7355 ARTICLE IX
7356
7357 FINANCIAL RESPONSIBILITY.—
7358 (1) A participating organization shall not be financially
7359 responsible or liable for the obligations of any other
7360 participating organization related to this agreement.
7361 (2) The provisions of this agreement shall constitute
7362 neither a waiver of any governmental immunity under Florida law
7363 nor a waiver of any defenses of the parties under Florida law.
7364 The provisions of this agreement are solely for the benefit of
7365 its executors and not intended to create or grant any rights,
7366 contractual or otherwise, to any person or entity.

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7367
7368 ARTICLE X
7369
7370 VENUE AND GOVERNING LAW.—The obligations of the parties to
7371 this agreement are performable only within the county where the
7372 participating organization is located, and statewide for the
7373 Office of Supplier Diversity, and venue for any legal action in
7374 connection with this agreement shall lie, for any participating
7375 organization except the Office of Supplier Diversity,
7376 exclusively in the county where the participating organization
7377 is located. This agreement shall be governed by and construed in
7378 accordance with the laws and court decisions of the state.
7379
7380 ARTICLE XI
7381
7382 CONSTRUCTION AND SEVERABILITY.—This agreement shall be
7383 liberally construed so as to effectuate the purposes thereof.
7384 The provisions of this agreement shall be severable and if any
7385 phrase, clause, sentence, or provision of this agreement is
7386 declared to be contrary to the State Constitution or the United
7387 States Constitution, or the application thereof to any
7388 government, agency, person, or circumstance is held invalid, the
7389 validity of the remainder of this agreement and the
7390 applicability thereof to any government, agency, person, or
7391 circumstance shall not be affected thereby. If this agreement
7392 shall be held contrary to the State Constitution, the agreement
7393 shall remain in full force and effect as to all severable
7394 matters.
7395 Section 126. Paragraphs (h) and (o) of subsection (4) of

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7396 section 287.09451, Florida Statutes, are amended to read:
7397 287.09451 Office of Supplier Diversity; powers, duties, and
7398 functions.—
7399 (4) The Office of Supplier Diversity shall have the
7400 following powers, duties, and functions:
7401 (h) To develop procedures to investigate complaints against
7402 minority business enterprises or contractors alleged to violate
7403 any provision related to this section or s. 287.0943, that may
7404 include visits to worksites or business premises, and to refer
7405 all information on businesses suspected of misrepresenting
7406 minority status to the Department of Management Services for
7407 investigation. When an investigation is completed and there is
7408 reason to believe that a violation has occurred, ~~the Department~~
7409 ~~of Labor and Employment Security shall refer~~ the matter shall be
7410 referred to the office of the Attorney General, Department of
7411 Legal Affairs, for prosecution.
7412 (o)1. To establish a system to record and measure the use
7413 of certified minority business enterprises in state contracting.
7414 This system shall maintain information and statistics on
7415 certified minority business enterprise participation, awards,
7416 dollar volume of expenditures and agency goals, and other
7417 appropriate types of information to analyze progress in the
7418 access of certified minority business enterprises to state
7419 contracts and to monitor agency compliance with this section.
7420 Such reporting must include, but is not limited to, the
7421 identification of all subcontracts in state contracting by
7422 dollar amount and by number of subcontracts and the
7423 identification of the utilization of certified minority business
7424 enterprises as prime contractors and subcontractors by dollar

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7425 amounts of contracts and subcontracts, number of contracts and
7426 subcontracts, minority status, industry, and any conditions or
7427 circumstances that significantly affected the performance of
7428 subcontractors. Agencies shall report their compliance with the
7429 requirements of this reporting system at least annually and at
7430 the request of the office. All agencies shall cooperate with the
7431 office in establishing this reporting system. Except in
7432 construction contracting, all agencies shall review contracts
7433 costing in excess of CATEGORY FOUR as defined in s. 287.017 to
7434 determine if such contracts could be divided into smaller
7435 contracts to be separately solicited and awarded, and shall,
7436 when economical, offer such smaller contracts to encourage
7437 minority participation.
7438 2. To report agency compliance with the provisions of
7439 subparagraph 1. for the preceding fiscal year to the Governor
7440 and Cabinet, the President of the Senate, and the Speaker of the
7441 House of Representatives~~, and the secretary of the Department of~~
7442 ~~Labor and Employment Security~~ on or before February 1 of each
7443 year. The report must contain, at a minimum, the following:
7444 a. Total expenditures of each agency by industry.
7445 b. The dollar amount and percentage of contracts awarded to
7446 certified minority business enterprises by each state agency.
7447 c. The dollar amount and percentage of contracts awarded
7448 indirectly to certified minority business enterprises as
7449 subcontractors by each state agency.
7450 d. The total dollar amount and percentage of contracts
7451 awarded to certified minority business enterprises, whether
7452 directly or indirectly, as subcontractors.
7453 e. A statement and assessment of good faith efforts taken

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7454 by each state agency.
7455 f. A status report of agency compliance with subsection
7456 (6), as determined by the Minority Business Enterprise Office.
7457 Section 127. Subsections (1) and (5) of section 287.0947,
7458 Florida Statutes, are amended to read:
7459 287.0947 Florida Advisory Council on Small and Minority
7460 Business Development; creation; membership; duties.—
7461 (1) ~~On or after October 1, 1996,~~ The Secretary of
7462 Management Services ~~the Department of Labor and Employment~~
7463 ~~Security~~ may create the Florida Advisory Council on Small and
7464 Minority Business Development with the purpose of advising and
7465 assisting the secretary in carrying out the secretary's duties
7466 with respect to minority businesses and economic and business
7467 development. It is the intent of the Legislature that the
7468 membership of such council include practitioners, laypersons,
7469 financiers, and others with business development experience who
7470 can provide invaluable insight and expertise for this state in
7471 the diversification of its markets and networking of business
7472 opportunities. The council shall initially consist of 19
7473 persons, each of whom is or has been actively engaged in small
7474 and minority business development, either in private industry,
7475 in governmental service, or as a scholar of recognized
7476 achievement in the study of such matters. Initially, the council
7477 shall consist of members representing all regions of the state
7478 and shall include at least one member from each group identified
7479 within the definition of "minority person" in s. 288.703(3),
7480 considering also gender and nationality subgroups, and shall
7481 consist of the following:
7482 (a) Four members consisting of representatives of local and

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7483 federal small and minority business assistance programs or
7484 community development programs.
7485 (b) Eight members composed of representatives of the
7486 minority private business sector, including certified minority
7487 business enterprises and minority supplier development councils,
7488 among whom at least two shall be women and at least four shall
7489 be minority persons.
7490 (c) Two representatives of local government, one of whom
7491 shall be a representative of a large local government, and one
7492 of whom shall be a representative of a small local government.
7493 (d) Two representatives from the banking and insurance
7494 industry.
7495 (e) Two members from the private business sector,
7496 representing the construction and commodities industries.
7497 (f) A member from the board of directors of the Jobs
7498 Florida Partnership, Inc ~~The chairperson of the Florida Black~~
7499 ~~Business Investment Board or the chairperson's designee~~.
7500
7501 A candidate for appointment may be considered if eligible to be
7502 certified as an owner of a minority business enterprise, or if
7503 otherwise qualified under the criteria above. Vacancies may be
7504 filled by appointment of the secretary, in the manner of the
7505 original appointment.
7506 (5) The powers and duties of the council include, but are
7507 not limited to: researching and reviewing the role of small and
7508 minority businesses in the state's economy; reviewing issues and
7509 emerging topics relating to small and minority business economic
7510 development; studying the ability of financial markets and
7511 institutions to meet small business credit needs and determining

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7512 the impact of government demands on credit for small businesses;
7513 assessing the implementation of s. 187.201(21) ~~187.201(22)~~,
7514 requiring a state economic development comprehensive plan, as it
7515 relates to small and minority businesses; assessing the
7516 reasonableness and effectiveness of efforts by any state agency
7517 or by all state agencies collectively to assist minority
7518 business enterprises; and advising the Governor, the secretary,
7519 and the Legislature on matters relating to small and minority
7520 business development which are of importance to the
7521 international strategic planning and activities of this state.
7522 Section 128. Section 288.012, Florida Statutes, is amended
7523 to read:
7524 288.012 State of Florida international ~~foreign~~ offices.—The
7525 Legislature finds that the expansion of international trade and
7526 tourism is vital to the overall health and growth of the economy
7527 of this state. This expansion is hampered by the lack of
7528 technical and business assistance, financial assistance, and
7529 information services for businesses in this state. The
7530 Legislature finds that these businesses could be assisted by
7531 providing these services at State of Florida international
7532 ~~foreign~~ offices. The Legislature further finds that the
7533 accessibility and provision of services at these offices can be
7534 enhanced through cooperative agreements or strategic alliances
7535 between private businesses and state ~~entities~~, local ~~entities~~,
7536 and international governmental ~~foreign~~ entities~~, and private~~
7537 ~~businesses~~.
7538 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7539 ~~Development~~ is authorized to:
7540 (a) Establish and operate offices in other ~~foreign~~

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7541 countries for the purpose of promoting ~~the~~ trade and economic
7542 development opportunities of the state, and promoting the
7543 gathering of trade data information and research on trade
7544 opportunities in specific countries.
7545 (b) Enter into agreements with governmental and private
7546 sector entities to establish and operate offices in other
7547 ~~foreign~~ countries containing provisions which may be in conflict
7548 with general laws of the state pertaining to the purchase of
7549 office space, employment of personnel, and contracts for
7550 services. When agreements pursuant to this section are made
7551 which set compensation in foreign currency, such agreements
7552 shall be subject to the requirements of s. 215.425, but the
7553 purchase of foreign currency by Jobs Florida ~~the Office of~~
7554 ~~Tourism, Trade, and Economic Development~~ to meet such
7555 obligations shall be subject only to s. 216.311.
7556 (2) Each international ~~foreign~~ office shall have in place
7557 an operational plan approved by the participating boards or
7558 other governing authority, a copy of which shall be provided to
7559 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
7560 ~~Development~~. These operating plans shall be reviewed and updated
7561 each fiscal year and shall include, at a minimum, the following:
7562 (a) Specific policies and procedures encompassing the
7563 entire scope of the operation and management of each office.
7564 (b) A comprehensive, commercial strategic plan identifying
7565 marketing opportunities and industry sector priorities for the
7566 ~~foreign~~ country ~~or area~~ in which an international ~~a foreign~~
7567 office is located.
7568 (c) Provisions for access to information for Florida
7569 businesses through the Florida Trade Data Center. Each

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7570 international ~~foreign~~ office shall obtain and forward trade
7571 leads and inquiries to the center on a regular basis.
7572 (d) Identification of new and emerging market opportunities
7573 for Florida businesses. Each international ~~foreign~~ office shall
7574 provide the Florida Trade Data Center with a compilation of
7575 foreign buyers and importers in industry sector priority areas
7576 on an annual basis. In return, the Florida Trade Data Center
7577 shall make available to each international ~~foreign~~ office, and
7578 to the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., ~~the~~
7579 ~~Florida Commission on Tourism,~~ the Florida Ports Council, the
7580 Department of State, the Department of Citrus, and the
7581 Department of Agriculture and Consumer Services, trade industry,
7582 commodity, and opportunity information. This information shall
7583 be provided to such offices and entities either free of charge
7584 or on a fee basis with fees set only to recover the costs of
7585 providing the information.
7586 (e) Provision of access for Florida businesses to the
7587 services of the Florida Trade Data Center, international trade
7588 assistance services provided by state and local entities,
7589 seaport and airport information, and other services identified
7590 by Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
7591 ~~Development~~.
7592 (f) Qualitative and quantitative performance measures for
7593 each office, including, but not limited to, the number of
7594 businesses assisted, the number of trade leads and inquiries
7595 generated, the number of international ~~foreign~~ buyers and
7596 importers contacted, and the amount and type of marketing
7597 conducted.
7598 (3) By October 1 of each year, each international ~~foreign~~

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7599 office shall submit to Jobs Florida ~~the Office of Tourism,~~
7600 ~~Trade, and Economic Development~~ a complete and detailed report
7601 on its activities and accomplishments during the preceding
7602 fiscal year. In a format provided by the Jobs Florida
7603 Partnership ~~Enterprise Florida~~, Inc., the report must set forth
7604 information on:
7605 (a) The number of Florida companies assisted.
7606 (b) The number of inquiries received about investment
7607 opportunities in this state.
7608 (c) The number of trade leads generated.
7609 (d) The number of investment projects announced.
7610 (e) The estimated U.S. dollar value of sales confirmations.
7611 (f) The number of representation agreements.
7612 (g) The number of company consultations.
7613 (h) Barriers or other issues affecting the effective
7614 operation of the office.
7615 (i) Changes in office operations which are planned for the
7616 current fiscal year.
7617 (j) Marketing activities conducted.
7618 (k) Strategic alliances formed with organizations in the
7619 country in which the office is located.
7620 (l) Activities conducted with Florida's other ~~Florida~~
7621 international ~~foreign~~ offices.
7622 (m) Any other information that the office believes would
7623 contribute to an understanding of its activities.
7624 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7625 ~~Development~~, in connection with the establishment, operation,
7626 and management of any of its offices located in another ~~a~~
7627 ~~foreign~~ country, is exempt from the provisions of ss. 255.21,

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7628 255.25, and 255.254 relating to leasing of buildings; ss. 283.33
7629 and 283.35 relating to bids for printing; ss. 287.001-287.20
7630 relating to purchasing and motor vehicles; and ss. 282.003-
7631 282.0056 and 282.702-282.7101 relating to communications, and
7632 from all statutory provisions relating to state employment.
7633 (a) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7634 ~~Development~~ may exercise such exemptions only upon prior
7635 approval of the Governor.
7636 (b) If approval for an exemption under this section is
7637 granted as an integral part of a plan of operation for a
7638 specified international ~~foreign~~ office, such action shall
7639 constitute continuing authority for Jobs Florida ~~the Office of~~
7640 ~~Tourism, Trade, and Economic Development~~ to exercise the
7641 exemption, but only in the context and upon the terms originally
7642 granted. Any modification of the approved plan of operation with
7643 respect to an exemption contained therein must be resubmitted to
7644 the Governor for his or her approval. An approval granted to
7645 exercise an exemption in any other context shall be restricted
7646 to the specific instance for which the exemption is to be
7647 exercised.
7648 (c) As used in this subsection, the term “plan of
7649 operation” means the plan developed pursuant to subsection (2).
7650 (d) Upon final action by the Governor with respect to a
7651 request to exercise the exemption authorized in this subsection,
7652 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
7653 ~~Development~~ shall report such action, along with the original
7654 request and any modifications thereto, to the President of the
7655 Senate and the Speaker of the House of Representatives within 30
7656 days.

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7657 (5) Where feasible and appropriate, international ~~and~~
7658 ~~subject to s. 288.1224(9), foreign~~ offices established and
7659 operated under this section may provide one-stop access to the
7660 economic development, trade, and tourism information, services,
7661 and programs of the state. Where feasible and appropriate, ~~and~~
7662 ~~subject to s. 288.1224(9),~~ such offices may also be collocated
7663 with other international ~~foreign~~ offices of the state.
7664 (6) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7665 ~~Development~~ is authorized to make and to enter into contracts
7666 with the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., ~~and~~
7667 ~~the Florida Commission on Tourism~~ to carry out the provisions of
7668 this section. The authority, duties, and exemptions provided in
7669 this section apply to the Jobs Florida Partnership ~~Enterprise~~
7670 ~~Florida~~, Inc., ~~and the Florida Commission on Tourism~~ to the same
7671 degree and subject to the same conditions as applied to Jobs
7672 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
7673 To the greatest extent possible, such contracts shall include
7674 provisions for cooperative agreements or strategic alliances
7675 between private businesses and state ~~entities~~, international,
7676 ~~foreign entities,~~ and local governmental entities~~, and private~~
7677 ~~businesses~~ to operate international ~~foreign~~ offices.
7678 Section 129. Subsections (1) and (3) of section 288.017,
7679 Florida Statutes, are amended to read:
7680 288.017 Cooperative advertising matching grants program.—
7681 (1) The Florida Commission on Tourism is authorized to
7682 establish a cooperative advertising matching grants program and,
7683 pursuant thereto, to make expenditures and enter into contracts
7684 with local governments and nonprofit corporations for the
7685 purpose of publicizing the tourism advantages of the state. Jobs

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7686 Florida ~~The Office of Tourism, Trade, and Economic Development~~,
7687 based on recommendations from the Florida Commission on Tourism,
7688 shall have final approval of grants awarded through this
7689 program. The commission may contract with its direct-support
7690 organization to administer the program.
7691 (3) The Florida Commission on Tourism shall conduct an
7692 annual competitive selection process for the award of grants
7693 under the program. In determining its recommendations for the
7694 grant awards, the commission shall consider the demonstrated
7695 need of the applicant for advertising assistance, the
7696 feasibility and projected benefit of the applicant's proposal,
7697 the amount of nonstate funds that will be leveraged, and such
7698 other criteria as the commission deems appropriate. In
7699 evaluating grant applications, Jobs Florida ~~the Office~~ shall
7700 consider recommendations from the Florida Commission on Tourism.
7701 Jobs Florida ~~the Office~~, however, has final approval authority
7702 for any grant under this section.
7703 Section 130. Section 288.018, Florida Statutes, is amended
7704 to read:
7705 288.018 Regional Rural Development Grants Program.—
7706 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7707 ~~Development~~ shall establish a matching grant program to provide
7708 funding to regionally based economic development organizations
7709 representing rural counties and communities for the purpose of
7710 building the professional capacity of their organizations. Such
7711 matching grants may also be used by an economic development
7712 organization to provide technical assistance to businesses
7713 within the rural counties and communities that it serves. Jobs
7714 Florida ~~The Office of Tourism, Trade, and Economic Development~~

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7715 is authorized to approve, on an annual basis, grants to such
7716 regionally based economic development organizations. The maximum
7717 amount an organization may receive in any year will be $35,000,
7718 or $100,000 in a rural area of critical economic concern
7719 recommended by the Rural Economic Development Initiative and
7720 designated by the Governor, and must be matched each year by an
7721 equivalent amount of nonstate resources.
7722 (2) In approving the participants, Jobs Florida ~~the Office~~
7723 ~~of Tourism, Trade, and Economic Development~~ shall consider the
7724 demonstrated need of the applicant for assistance and require
7725 the following:
7726 (a) Documentation of official commitments of support from
7727 each of the units of local government represented by the
7728 regional organization.
7729 (b) Demonstration that each unit of local government has
7730 made a financial or in-kind commitment to the regional
7731 organization.
7732 (c) Demonstration that the private sector has made
7733 financial or in-kind commitments to the regional organization.
7734 (d) Demonstration that the organization is in existence and
7735 actively involved in economic development activities serving the
7736 region.
7737 (e) Demonstration of the manner in which the organization
7738 is or will coordinate its efforts with those of other local and
7739 state organizations.
7740 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7741 ~~Development~~ may also contract for the development of an
7742 enterprise zone web portal or websites for each enterprise zone
7743 which will be used to market the program for job creation in

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7744 disadvantaged urban and rural enterprise zones. Each enterprise
7745 zone web page should include downloadable links to state forms
7746 and information, as well as local message boards that help
7747 businesses and residents receive information concerning zone
7748 boundaries, job openings, zone programs, and neighborhood
7749 improvement activities.
7750 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7751 ~~Development~~ may expend up to $750,000 each fiscal year from
7752 funds appropriated to the Rural Community Development Revolving
7753 Loan Fund for the purposes outlined in this section. Jobs
7754 Florida ~~The Office of Tourism, Trade, and Economic Development~~
7755 may contract with the Jobs Florida Partnership ~~Enterprise~~
7756 ~~Florida~~, Inc., for the administration of the purposes specified
7757 in this section. Funds released to the Jobs Florida Partnership
7758 ~~Enterprise Florida~~, Inc., for this purpose shall be released
7759 quarterly and shall be calculated based on the applications in
7760 process.
7761 Section 131. Subsection (4) of section 288.019, Florida
7762 Statutes, is amended to read:
7763 288.019 Rural considerations in grant review and evaluation
7764 processes.—Notwithstanding any other law, and to the fullest
7765 extent possible, the member agencies and organizations of the
7766 Rural Economic Development Initiative (REDI) as defined in s.
7767 288.0656(6)(a) shall review all grant and loan application
7768 evaluation criteria to ensure the fullest access for rural
7769 counties as defined in s. 288.0656(2) to resources available
7770 throughout the state.
7771 (4) For existing programs, the modified evaluation criteria
7772 and scoring procedure must be delivered to Jobs Florida ~~the~~

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7773 ~~Office of Tourism, Trade, and Economic Development~~ for
7774 distribution to the REDI agencies and organizations. The REDI
7775 agencies and organizations shall review and make comments.
7776 Future rules, programs, evaluation criteria, and scoring
7777 processes must be brought before a REDI meeting for review,
7778 discussion, and recommendation to allow rural counties fuller
7779 access to the state's resources.
7780 Section 132. Subsection (1) of section 288.021, Florida
7781 Statutes, is amended to read:
7782 288.021 Economic development liaison.—
7783 (1) The heads of the Department of Transportation, the
7784 Department of Environmental Protection and an additional member
7785 appointed by the secretary of the department, ~~the Department of~~
7786 ~~Labor and Employment Security~~, the Department of Education, ~~the~~
7787 ~~Department of Community Affairs,~~ the Department of Management
7788 Services, the Department of Revenue, the Fish and Wildlife
7789 Conservation Commission, each water management district, and
7790 each Department of Transportation District office shall
7791 designate a high-level staff member from within such agency to
7792 serve as the economic development liaison for the agency. This
7793 person shall report to the agency head and have general
7794 knowledge both of the state's permitting and other regulatory
7795 functions and of the state's economic goals, policies, and
7796 programs. This person shall also be the primary point of contact
7797 for the agency with Jobs Florida ~~the Office of Tourism, Trade,~~
7798 ~~and Economic Development~~ on issues and projects important to the
7799 economic development of Florida, including its rural areas, to
7800 expedite project review, to ensure a prompt, effective response
7801 to problems arising with regard to permitting and regulatory

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7802 functions, and to work closely with the other economic
7803 development liaisons to resolve interagency conflicts.
7804 Section 133. Subsection (1) of section 288.035, Florida
7805 Statutes, is amended to read:
7806 288.035 Economic development activities.—
7807 (1) The Florida Public Service Commission may authorize
7808 public utilities to recover reasonable economic development
7809 expenses. For purposes of this section, recoverable "economic
7810 development expenses" are those expenses described in subsection
7811 (2) which are consistent with criteria to be established by
7812 rules adopted by Jobs Florida ~~the Department of Commerce as of~~
7813 ~~June 30, 1996, or as those criteria are later modified by the~~
7814 ~~Office of Tourism, Trade, and Economic Development~~.
7815 Section 134. Section 288.047, Florida Statutes, is amended
7816 to read:
7817 288.047 Quick-response training for economic development.—
7818 (1) The Quick-Response Training Program is created within
7819 Jobs Florida to meet the workforce-skill needs of existing, new,
7820 and expanding industries. The program shall be administered in
7821 conjunction with ~~by~~ Workforce Florida, Inc., the Jobs Florida
7822 Partnership ~~in conjunction with Enterprise Florida~~, Inc., and
7823 the Department of Education. Workforce Florida, Inc., shall
7824 adopt guidelines for the administration of this program.
7825 Workforce Florida, Inc., shall provide technical services and
7826 shall help identify businesses that seek services through the
7827 program. ~~Workforce Florida, Inc., may contract with Enterprise~~
7828 ~~Florida, Inc., or administer this program directly, if it is~~
7829 ~~determined that such an arrangement maximizes the amount of the~~
7830 ~~Quick Response grant going to direct services.~~

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7831 (2) Jobs Florida ~~Workforce Florida, Inc.,~~ shall ensure that
7832 instruction funded pursuant to this section is not available
7833 through the local community college or school district and that
7834 the instruction promotes economic development by providing
7835 specialized training to new workers or retraining for current
7836 employees to meet changing skill requirements caused by new
7837 technology or new product lines and to prevent potential
7838 layoffs. Such funds may not be expended to provide training for
7839 instruction related to retail businesses or to reimburse
7840 businesses for trainee wages. Funds made available pursuant to
7841 this section may not be expended in connection with the
7842 relocation of a business from one community to another community
7843 in this state unless Jobs Florida ~~Workforce Florida, Inc.,~~
7844 determines that without such relocation the business will move
7845 outside this state or determines that the business has a
7846 compelling economic rationale for the relocation which creates
7847 additional jobs.
7848 (3) Requests for funding through the Quick-Response
7849 Training Program may be produced through inquiries from a
7850 specific business or industry, inquiries from a school district
7851 director of career education or community college occupational
7852 dean on behalf of a business or industry, or through official
7853 state or local economic development efforts. In allocating funds
7854 for the purposes of the program, Jobs Florida ~~Workforce Florida,~~
7855 ~~Inc.,~~ shall establish criteria for approval of requests for
7856 funding and shall select the entity that provides the most
7857 efficient, cost-effective instruction meeting such criteria.
7858 Program funds may be allocated to any career center, community
7859 college, or state university. Program funds may be allocated to

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7860 private postsecondary institutions only upon a review that
7861 includes, but is not limited to, accreditation and licensure
7862 documentation and prior approval by Jobs Florida ~~Workforce~~
7863 ~~Florida, Inc~~. Instruction funded through the program must
7864 terminate when participants demonstrate competence at the level
7865 specified in the request; however, the grant term may not exceed
7866 24 months. Costs and expenditures for the Quick-Response
7867 Training Program must be documented and separated from those
7868 incurred by the training provider.
7869 (4) For the first 6 months of each fiscal year, Jobs
7870 Florida ~~Workforce Florida, Inc.,~~ shall set aside 30 percent of
7871 the amount appropriated for the Quick-Response Training Program
7872 by the Legislature to fund instructional programs for businesses
7873 located in an enterprise zone or brownfield area. Any
7874 unencumbered funds remaining undisbursed from this set-aside at
7875 the end of the 6-month period may be used to provide funding for
7876 any program qualifying for funding pursuant to this section.
7877 (5) Before ~~Prior to~~ the allocation of funds for any request
7878 pursuant to this section, Jobs Florida ~~Workforce Florida, Inc.,~~
7879 shall prepare a grant agreement between the business or industry
7880 requesting funds, the educational institution receiving funding
7881 through the program, and Jobs Florida ~~Workforce Florida, Inc~~.
7882 Such agreement must include, but is not limited to:
7883 (a) An identification of the personnel necessary to conduct
7884 the instructional program, the qualifications of such personnel,
7885 and the respective responsibilities of the parties for paying
7886 costs associated with the employment of such personnel.
7887 (b) An identification of the estimated length of the
7888 instructional program.

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7889 (c) An identification of all direct, training-related
7890 costs, including tuition and fees, curriculum development, books
7891 and classroom materials, and overhead or indirect costs, not to
7892 exceed 5 percent of the grant amount.
7893 (d) An identification of special program requirements that
7894 are not addressed otherwise in the agreement.
7895 (e) Permission to access information specific to the wages
7896 and performance of participants upon the completion of
7897 instruction for evaluation purposes. Information which, if
7898 released, would disclose the identity of the person to whom the
7899 information pertains or disclose the identity of the person's
7900 employer is confidential and exempt from the provisions of s.
7901 119.07(1). The agreement must specify that any evaluations
7902 published subsequent to the instruction may not identify the
7903 employer or any individual participant.
7904 (6) For the purposes of this section, Jobs Florida
7905 ~~Workforce Florida, Inc.,~~ may accept grants of money, materials,
7906 services, or property of any kind from any agency, corporation,
7907 or individual.
7908 (7) In providing instruction pursuant to this section,
7909 materials that relate to methods of manufacture or production,
7910 potential trade secrets, business transactions, or proprietary
7911 information received, produced, ascertained, or discovered by
7912 employees of the respective departments, district school boards,
7913 community college district boards of trustees, or other
7914 personnel employed for the purposes of this section is
7915 confidential and exempt from the provisions of s. 119.07(1). The
7916 state may seek copyright protection for all instructional
7917 materials and ancillary written documents developed wholly or

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7918 partially with state funds as a result of instruction provided
7919 pursuant to this section, except for materials that are
7920 confidential and exempt from the provisions of s. 119.07(1).
7921 (8) There is created a Quick-Response Training Program for
7922 participants in the welfare transition program. Workforce
7923 Florida, Inc., in conjunction with Jobs Florida, may award
7924 quick-response training grants and develop applicable guidelines
7925 for the training of participants in the welfare transition
7926 program. In addition to a local economic development
7927 organization, grants must be endorsed by the applicable regional
7928 workforce board.
7929 (a) Training funded pursuant to this subsection may not
7930 exceed 12 months, and may be provided by the local community
7931 college, school district, regional workforce board, or the
7932 business employing the participant, including on-the-job
7933 training. Training will provide entry-level skills to new
7934 workers, including those employed in retail, who are
7935 participants in the welfare transition program.
7936 (b) Participants trained pursuant to this subsection must
7937 be employed at a wage not less than $6 per hour.
7938 (c) Funds made available pursuant to this subsection may be
7939 expended in connection with the relocation of a business from
7940 one community to another community if approved by Workforce
7941 Florida, Inc.
7942 ~~(9) Notwithstanding any other provision of law, eligible~~
7943 ~~matching contributions received under the Quick-Response~~
7944 ~~Training Program under this section may be counted toward the~~
7945 ~~private sector support of Enterprise Florida, Inc., under s.~~
7946 ~~288.90151(5)(d).~~

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7947 (9) ~~(10)~~ Jobs Florida ~~Workforce Florida, Inc., and~~
7948 ~~Enterprise Florida, Inc.,~~ shall ensure maximum coordination and
7949 cooperation in administering this section, in such a manner that
7950 any division of responsibility between the two organizations
7951 which relates to marketing or administering the Quick-Response
7952 Training Program is not apparent to a business that inquires
7953 about or applies for funding under this section. ~~The~~
7954 ~~organizations shall provide such~~ A business shall be provided
7955 with a single point of contact for information and assistance.
7956 Section 135. Subsections (1), (2), and (3) of section
7957 288.065, Florida Statutes, are amended to read:
7958 288.065 Rural Community Development Revolving Loan Fund.—
7959 (1) The Rural Community Development Revolving Loan Fund
7960 Program is established within Jobs Florida ~~in the Office of~~
7961 ~~Tourism, Trade, and Economic Development~~ to facilitate the use
7962 of existing federal, state, and local financial resources by
7963 providing local governments with financial assistance to further
7964 promote the economic viability of rural communities. These funds
7965 may be used to finance initiatives directed toward maintaining
7966 or developing the economic base of rural communities, especially
7967 initiatives addressing employment opportunities for residents of
7968 these communities.
7969 (2)(a) The program shall provide for long-term loans, loan
7970 guarantees, and loan loss reserves to units of local
7971 governments, or economic development organizations substantially
7972 underwritten by a unit of local government, within counties with
7973 populations of 75,000 or fewer, or within any county with a
7974 population of 125,000 or fewer which is contiguous to a county
7975 with a population of 75,000 or fewer, based on the most recent

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7976 official population estimate as determined under s. 186.901,
7977 including those residing in incorporated areas and those
7978 residing in unincorporated areas of the county, or to units of
7979 local government, or economic development organizations
7980 substantially underwritten by a unit of local government, within
7981 a rural area of critical economic concern.
7982 (b) Requests for loans shall be made by application to Jobs
7983 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
7984 Loans shall be made pursuant to agreements specifying the terms
7985 and conditions agreed to between the applicant and Jobs Florida
7986 ~~the Office of Tourism, Trade, and Economic Development~~. The
7987 loans shall be the legal obligations of the applicant.
7988 (c) All repayments of principal and interest shall be
7989 returned to the loan fund and made available for loans to other
7990 applicants. However, in a rural area of critical economic
7991 concern designated by the Governor, and upon approval by Jobs
7992 Florida ~~the Office of Tourism, Trade, and Economic Development~~,
7993 repayments of principal and interest may be retained by the
7994 applicant if such repayments are dedicated and matched to fund
7995 regionally based economic development organizations representing
7996 the rural area of critical economic concern.
7997 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7998 ~~Development~~ shall manage the fund, establishing loan practices
7999 that must include, but are not limited to, procedures for
8000 establishing loan interest rates, uses of funding, application
8001 procedures, and application review procedures. Jobs Florida ~~The~~
8002 ~~Office of Tourism, Trade, and Economic Development~~ shall have
8003 final approval authority for any loan under this section.
8004 Section 136. Subsections (1), (2), (3), and (4) of section

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8005 288.0655, Florida Statutes, are amended to read:
8006 288.0655 Rural Infrastructure Fund.—
8007 (1) There is created within Jobs Florida ~~the Office of~~
8008 ~~Tourism, Trade, and Economic Development~~ the Rural
8009 Infrastructure Fund to facilitate the planning, preparing, and
8010 financing of infrastructure projects in rural communities which
8011 will encourage job creation, capital investment, and the
8012 strengthening and diversification of rural economies by
8013 promoting tourism, trade, and economic development.
8014 (2)(a) Funds appropriated by the Legislature shall be
8015 distributed by Jobs Florida ~~the Office~~ through grant programs
8016 that maximize the use of federal, local, and private resources,
8017 including, but not limited to, those available under the Small
8018 Cities Community Development Block Grant Program.
8019 (b) To facilitate access of rural communities and rural
8020 areas of critical economic concern as defined by the Rural
8021 Economic Development Initiative to infrastructure funding
8022 programs of the Federal Government, such as those offered by the
8023 United States Department of Agriculture and the United States
8024 Department of Commerce, and state programs, including those
8025 offered by Rural Economic Development Initiative agencies, and
8026 to facilitate local government or private infrastructure funding
8027 efforts, Jobs Florida ~~the Office~~ may award grants for up to 30
8028 percent of the total infrastructure project cost. If an
8029 application for funding is for a catalyst site, as defined in s.
8030 288.0656, Jobs Florida ~~the Office~~ may award grants for up to 40
8031 percent of the total infrastructure project cost. Eligible
8032 projects must be related to specific job-creation or job-
8033 retention opportunities. Eligible projects may also include

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8034 improving any inadequate infrastructure that has resulted in
8035 regulatory action that prohibits economic or community growth or
8036 reducing the costs to community users of proposed infrastructure
8037 improvements that exceed such costs in comparable communities.
8038 Eligible uses of funds shall include improvements to public
8039 infrastructure for industrial or commercial sites and upgrades
8040 to or development of public tourism infrastructure. Authorized
8041 infrastructure may include the following public or public-
8042 private partnership facilities: storm water systems;
8043 telecommunications facilities; broadband facilities; roads or
8044 other remedies to transportation impediments; nature-based
8045 tourism facilities; or other physical requirements necessary to
8046 facilitate tourism, trade, and economic development activities
8047 in the community. Authorized infrastructure may also include
8048 publicly or privately owned self-powered nature-based tourism
8049 facilities, publicly owned telecommunications facilities, and
8050 broadband facilities, and additions to the distribution
8051 facilities of the existing natural gas utility as defined in s.
8052 366.04(3)(c), the existing electric utility as defined in s.
8053 366.02, or the existing water or wastewater utility as defined
8054 in s. 367.021(12), or any other existing water or wastewater
8055 facility, which owns a gas or electric distribution system or a
8056 water or wastewater system in this state where:
8057 1. A contribution-in-aid of construction is required to
8058 serve public or public-private partnership facilities under the
8059 tariffs of any natural gas, electric, water, or wastewater
8060 utility as defined herein; and
8061 2. Such utilities as defined herein are willing and able to
8062 provide such service.

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8063 (c) To facilitate timely response and induce the location
8064 or expansion of specific job creating opportunities, Jobs
8065 Florida ~~the Office~~ may award grants for infrastructure
8066 feasibility studies, design and engineering activities, or other
8067 infrastructure planning and preparation activities. Authorized
8068 grants shall be up to $50,000 for an employment project with a
8069 business committed to create at least 100 jobs;~~,~~ up to $150,000
8070 for an employment project with a business committed to create at
8071 least 300 jobs;~~,~~ and up to $300,000 for a project in a rural
8072 area of critical economic concern. Grants awarded under this
8073 paragraph may be used in conjunction with grants awarded under
8074 paragraph (b), provided that the total amount of both grants
8075 does not exceed 30 percent of the total project cost. In
8076 evaluating applications under this paragraph, Jobs Florida ~~the~~
8077 ~~Office~~ shall consider the extent to which the application seeks
8078 to minimize administrative and consultant expenses.
8079 (d) Jobs Florida ~~By September 1, 1999, the Office~~ shall
8080 participate in ~~pursue execution of~~ a memorandum of agreement
8081 with the United States Department of Agriculture under which
8082 state funds available through the Rural Infrastructure Fund may
8083 be advanced, in excess of the prescribed state share, for a
8084 project that has received from the department a preliminary
8085 determination of eligibility for federal financial support.
8086 State funds in excess of the prescribed state share which are
8087 advanced pursuant to this paragraph and the memorandum of
8088 agreement shall be reimbursed when funds are awarded under an
8089 application for federal funding.
8090 (e) To enable local governments to access the resources
8091 available pursuant to s. 403.973(18), Jobs Florida ~~the Office~~

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8092 may award grants for surveys, feasibility studies, and other
8093 activities related to the identification and preclearance review
8094 of land which is suitable for preclearance review. Authorized
8095 grants under this paragraph shall not exceed $75,000 each,
8096 except in the case of a project in a rural area of critical
8097 economic concern, in which case the grant shall not exceed
8098 $300,000. Any funds awarded under this paragraph must be matched
8099 at a level of 50 percent with local funds, except that any funds
8100 awarded for a project in a rural area of critical economic
8101 concern must be matched at a level of 33 percent with local
8102 funds. If an application for funding is for a catalyst site, as
8103 defined in s. 288.0656, the requirement for local match may be
8104 waived pursuant to the process in s. 288.06561. In evaluating
8105 applications under this paragraph, Jobs Florida ~~the office~~ shall
8106 consider the extent to which the application seeks to minimize
8107 administrative and consultant expenses.
8108 (3) Jobs Florida ~~the office~~, in consultation with the Jobs
8109 Florida Partnership ~~Enterprise Florida~~, Inc., ~~VISIT Florida,~~ the
8110 Department of Environmental Protection, and the Florida Fish and
8111 Wildlife Conservation Commission, as appropriate, shall review
8112 and certify applications pursuant to s. 288.061. The review
8113 shall include an evaluation of the economic benefit of the
8114 projects and their long-term viability. Jobs Florida ~~The office~~
8115 shall have final approval for any grant under this section.
8116 (4) By September 1, 2011 ~~1999~~, Jobs Florida ~~the office~~
8117 shall, in consultation with the organizations listed in
8118 subsection (3), and other organizations, reevaluate existing
8119 ~~develop~~ guidelines and criteria governing submission of
8120 applications for funding, review and evaluation of such

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8121 applications, and approval of funding under this section. Jobs
8122 Florida ~~The office~~ shall consider factors including, but not
8123 limited to, the project's potential for enhanced job creation or
8124 increased capital investment, the demonstration and level of
8125 local public and private commitment, whether the project is
8126 located ~~location of the project~~ in an enterprise zone, ~~the~~
8127 ~~location of the project~~ in a community development corporation
8128 service area, or in an urban high-crime area as ~~the location of~~
8129 ~~the project in a county~~ designated under s. 212.097, the
8130 unemployment rate of the county in which the project would be
8131 located ~~surrounding area~~, and the poverty rate of the community.
8132 Section 137. Paragraph (b) of subsection (1), paragraphs
8133 (b) and (e) of subsection (2), paragraph (a) of subsection (6),
8134 and subsection (7) of section 288.0656, Florida Statutes, are
8135 amended to read:
8136 288.0656 Rural Economic Development Initiative.—
8137 (1)(b) The Rural Economic Development Initiative, known as
8138 "REDI," is created within Jobs Florida ~~the Office of Tourism,~~
8139 ~~Trade, and Economic Development~~, and the participation of state
8140 and regional agencies in this initiative is authorized.
8141 (2) As used in this section, the term:
8142 (b) "Catalyst site" means a parcel or parcels of land
8143 within a rural area of critical economic concern that has been
8144 prioritized as a geographic site for economic development
8145 through partnerships with state, regional, and local
8146 organizations. The site must be reviewed by REDI and approved by
8147 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
8148 ~~Development~~ for the purposes of locating a catalyst project.
8149 (e) "Rural community" means:

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8150 1. A county with a population of 75,000 or fewer.
8151 2. A county with a population of 125,000 or fewer which is
8152 contiguous to a county with a population of 75,000 or fewer.
8153 3. A municipality within a county described in subparagraph
8154 1. or subparagraph 2.
8155 4. An unincorporated federal enterprise community or an
8156 incorporated rural city with a population of 25,000 or fewer and
8157 an employment base focused on traditional agricultural or
8158 resource-based industries, located in a county not defined as
8159 rural, which has at least three or more of the economic distress
8160 factors identified in paragraph (c) and verified by Jobs Florida
8161 ~~the Office of Tourism, Trade, and Economic Development~~.
8162
8163 For purposes of this paragraph, population shall be determined
8164 in accordance with the most recent official estimate pursuant to
8165 s. 186.901.
8166 (6)(a) By August 1 of each year, the head of each of the
8167 following agencies and organizations shall designate a deputy
8168 secretary or higher-level staff person from within the agency or
8169 organization to serve as the REDI representative for the agency
8170 or organization:
8171 ~~1. The Department of Community Affairs.~~
8172 1.~~2.~~ The Department of Transportation.
8173 2.~~3.~~ The Department of Environmental Protection.
8174 3.~~4.~~ The Department of Agriculture and Consumer Services.
8175 4.~~5.~~ The Department of State.
8176 5.~~6.~~ The Department of Health.
8177 6.~~7.~~ The Department of Children and Family Services.
8178 7.~~8.~~ The Department of Corrections.

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8179 ~~9. The Agency for Workforce Innovation~~.
8180 8.~~10.~~ The Department of Education.
8181 9.~~11.~~ The Department of Juvenile Justice.
8182 10.~~12.~~ The Fish and Wildlife Conservation Commission.
8183 11.~~13.~~ Each water management district.
8184 12.~~14.~~ The Jobs Florida Partnership ~~Enterprise Florida~~,
8185 Inc.
8186 13.~~15.~~ Workforce Florida, Inc.
8187 ~~16. The Florida Commission on Tourism or VISIT Florida.~~
8188 14.~~17.~~ The Florida Regional Planning Council Association.
8189 15.~~18.~~ The Agency for Health Care Administration.
8190 16.~~19.~~ The Institute of Food and Agricultural Sciences
8191 (IFAS).
8192
8193 An alternate for each designee shall also be chosen, and the
8194 names of the designees and alternates shall be sent to the
8195 director of Jobs Florida ~~the Office of Tourism, Trade, and~~
8196 ~~Economic Development~~.
8197 (7)(a) REDI may recommend to the Governor up to three rural
8198 areas of critical economic concern. The Governor may by
8199 executive order designate up to three rural areas of critical
8200 economic concern which will establish these areas as priority
8201 assignments for REDI as well as to allow the Governor, acting
8202 through REDI, to waive criteria, requirements, or similar
8203 provisions of any economic development incentive. Such
8204 incentives shall include, but not be limited to: the Qualified
8205 Target Industry Tax Refund Program under s. 288.106, the Quick
8206 Response Training Program under s. 288.047, the Quick Response
8207 Training Program for participants in the welfare transition

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8208 program under s. 288.047(8), ~~transportation projects under s.~~
8209 ~~288.063,~~ the brownfield redevelopment bonus refund under s.
8210 288.107, and the rural job tax credit program under ss. 212.098
8211 and 220.1895.
8212 (b) Designation as a rural area of critical economic
8213 concern under this subsection shall be contingent upon the
8214 execution of a memorandum of agreement among Jobs Florida ~~the~~
8215 ~~Office of Tourism, Trade, and Economic Development~~; the
8216 governing body of the county; and the governing bodies of any
8217 municipalities to be included within a rural area of critical
8218 economic concern. Such agreement shall specify the terms and
8219 conditions of the designation, including, but not limited to,
8220 the duties and responsibilities of the county and any
8221 participating municipalities to take actions designed to
8222 facilitate the retention and expansion of existing businesses in
8223 the area, as well as the recruitment of new businesses to the
8224 area.
8225 (c) Each rural area of critical economic concern may
8226 designate catalyst projects, provided that each catalyst project
8227 is specifically recommended by REDI, identified as a catalyst
8228 project by the Jobs Florida Partnership ~~Enterprise Florida~~,
8229 Inc., and confirmed as a catalyst project by Jobs Florida ~~the~~
8230 ~~Office of Tourism, Trade, and Economic Development~~. All state
8231 agencies and departments shall use all available tools and
8232 resources to the extent permissible by law to promote the
8233 creation and development of each catalyst project and the
8234 development of catalyst sites.
8235 Section 138. Subsections (2) and (3) of section 288.06561,
8236 Florida Statutes, are amended to read:

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8237 288.06561 Reduction or waiver of financial match
8238 requirements.—Notwithstanding any other law, the member agencies
8239 and organizations of the Rural Economic Development Initiative
8240 (REDI), as defined in s. 288.0656(6)(a), shall review the
8241 financial match requirements for projects in rural areas as
8242 defined in s. 288.0656(2).
8243 (2) Agencies and organizations shall ensure that all
8244 proposals are submitted to Jobs Florida ~~the Office of Tourism,~~
8245 ~~Trade, and Economic Development~~ for review by the REDI agencies.
8246 (3) These proposals shall be delivered to Jobs Florida ~~the~~
8247 ~~Office of Tourism, Trade, and Economic Development~~ for
8248 distribution to the REDI agencies and organizations. A meeting
8249 of REDI agencies and organizations must be called within 30 days
8250 after receipt of such proposals for REDI comment and
8251 recommendations on each proposal.
8252 Section 139. Subsections (2) and (4) of section 288.0657,
8253 Florida Statutes, are amended to read:
8254 288.0657 Florida rural economic development strategy
8255 grants.—
8256 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8257 ~~Development~~ may accept and administer moneys appropriated to
8258 Jobs Florida ~~the office~~ for providing grants to assist rural
8259 communities to develop and implement strategic economic
8260 development plans.
8261 (4) Jobs Florida ~~Enterprise Florida, Inc., and VISIT~~
8262 ~~Florida,~~ shall establish criteria for reviewing grant
8263 applications. These criteria shall include, but are not limited
8264 to, the degree of participation and commitment by the local
8265 community and the application’s consistency with local

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8266 comprehensive plans or the application's proposal to ensure such
8267 consistency. Jobs Florida ~~The International Trade and Economic~~
8268 ~~Development Board of Enterprise Florida, Inc., and VISIT~~
8269 ~~Florida,~~ shall review each application for a grant ~~and shall~~
8270 ~~submit annually to the Office for approval a list of all~~
8271 ~~applications that are recommended by the board and VISIT~~
8272 ~~Florida, arranged in order of priority~~. Jobs Florida ~~The office~~
8273 may approve grants only to the extent that funds are
8274 appropriated for such grants by the Legislature.
8275 Section 140. Section 288.0658, Florida Statutes, is amended
8276 to read:
8277 288.0658 Nature-based recreation; promotion and other
8278 assistance by Fish and Wildlife Conservation Commission.—The
8279 Florida Fish and Wildlife Conservation Commission is directed to
8280 assist the Jobs Florida Partnership, Inc. ~~Florida Commission on~~
8281 ~~Tourism; the Florida Tourism Industry Marketing Corporation,~~
8282 ~~doing business as VISIT Florida~~; convention and visitor bureaus;
8283 tourist development councils; economic development
8284 organizations; and local governments through the provision of
8285 marketing advice, technical expertise, promotional support, and
8286 product development related to nature-based recreation and
8287 sustainable use of natural resources. In carrying out this
8288 responsibility, the Florida Fish and Wildlife Conservation
8289 Commission shall focus its efforts on fostering nature-based
8290 recreation in rural communities and regions encompassing rural
8291 communities. As used in this section, the term "nature-based
8292 recreation" means leisure activities related to the state's
8293 lands, waters, and fish and wildlife resources, including, but
8294 not limited to, wildlife viewing, fishing, hiking, canoeing,

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8295 kayaking, camping, hunting, backpacking, and nature photography.
8296 Section 141. Section 288.0659, Florida Statutes, is amended
8297 to read:
8298 288.0659 Local Government Distressed Area Matching Grant
8299 Program.—
8300 (1) The Local Government Distressed Area Matching Grant
8301 Program is created within Jobs Florida ~~the Office of Tourism,~~
8302 ~~Trade, and Economic Development~~. The purpose of the program is
8303 to stimulate investment in the state's economy by providing
8304 grants to match demonstrated business assistance by local
8305 governments to attract and retain businesses in this state.
8306 (2) As used in this section, the term:
8307 (a) "Local government" means a county or municipality.
8308 ~~(b) "Office" means the Office of Tourism, Trade, and~~
8309 ~~Economic Development~~.
8310 (b) ~~(c)~~ "Qualified business assistance" means economic
8311 incentives provided by a local government for the purpose of
8312 attracting or retaining a specific business, including, but not
8313 limited to, suspensions, waivers, or reductions of impact fees
8314 or permit fees; direct incentive payments; expenditures for
8315 onsite or offsite improvements directly benefiting a specific
8316 business; or construction or renovation of buildings for a
8317 specific business.
8318 (3) Jobs Florida ~~The Office~~ may accept and administer
8319 moneys appropriated by the Legislature ~~to the Office~~ for
8320 providing grants to match expenditures by local governments to
8321 attract or retain businesses in this state.
8322 (4) A local government may apply for grants to match
8323 qualified business assistance made by the local government for

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8324 the purpose of attracting or retaining a specific business. A
8325 local government may apply for no more than one grant per
8326 targeted business. A local government may only have one
8327 application pending with Jobs Florida ~~the Office~~. Additional
8328 applications may be filed after a previous application has been
8329 approved or denied.
8330 (5) To qualify for a grant, the business being targeted by
8331 a local government must create at least 15 full-time jobs, must
8332 be new to this state, must be expanding its operations in this
8333 state, or would otherwise leave the state absent state and local
8334 assistance, and the local government applying for the grant must
8335 expedite its permitting processes for the target business by
8336 accelerating the normal review and approval timelines. In
8337 addition to these requirements, Jobs Florida ~~the office~~ shall
8338 review the grant requests using the following evaluation
8339 criteria, with priority given in descending order:
8340 (a) The presence and degree of pervasive poverty,
8341 unemployment, and general distress as determined pursuant to s.
8342 290.0058 in the area where the business will locate, with
8343 priority given to locations with greater degrees of poverty,
8344 unemployment, and general distress.
8345 (b) The extent of reliance on the local government
8346 expenditure as an inducement for the business's location
8347 decision, with priority given to higher levels of local
8348 government expenditure.
8349 (c) The number of new full-time jobs created, with priority
8350 given to higher numbers of jobs created.
8351 (d) The average hourly wage for jobs created, with priority
8352 given to higher average wages.

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8353 (e) The amount of capital investment to be made by the
8354 business, with priority given to higher amounts of capital
8355 investment.
8356 (6) In evaluating grant requests, Jobs Florida ~~the Office~~
8357 shall take into consideration the need for grant assistance as
8358 it relates to the local government's general fund balance as
8359 well as local incentive programs that are already in existence.
8360 (7) Funds made available pursuant to this section may not
8361 be expended in connection with the relocation of a business from
8362 one community to another community in this state unless Jobs
8363 Florida ~~the Office~~ determines that without such relocation the
8364 business will move outside this state or determines that the
8365 business has a compelling economic rationale for the relocation
8366 which creates additional jobs. Funds made available pursuant to
8367 this section may not be used by the receiving local government
8368 to supplant matching commitments required of the local
8369 government pursuant to other state or federal incentive
8370 programs.
8371 (8) Within 30 days after Jobs Florida ~~the Office~~ receives
8372 an application for a grant, Jobs Florida ~~the Office~~ shall
8373 approve a preliminary grant allocation or disapprove the
8374 application. The preliminary grant allocation shall be based on
8375 estimates of qualified business assistance submitted by the
8376 local government and shall equal 50 percent of the amount of the
8377 estimated qualified business assistance or $50,000, whichever is
8378 less. The preliminary grant allocation shall be executed by
8379 contract with the local government. The contract shall set forth
8380 the terms and conditions, including the timeframes within which
8381 the final grant award will be disbursed. The final grant award

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8382 may not exceed the preliminary grant allocation. Jobs Florida
8383 ~~the Office~~ may approve preliminary grant allocations only to the
8384 extent that funds are appropriated for such grants by the
8385 Legislature.
8386 (a) Preliminary grant allocations that are revoked or
8387 voluntarily surrendered shall be immediately available for
8388 reallocation.
8389 (b) Recipients of preliminary grant allocations shall
8390 promptly report to Jobs Florida ~~the Office~~ the date on which the
8391 local government's permitting and approval process is completed
8392 and the date on which all qualified business assistance is
8393 completed.
8394 (9) Jobs Florida ~~the Office~~ shall make a final grant award
8395 to a local government within 30 days after receiving information
8396 from the local government sufficient to demonstrate actual
8397 qualified business assistance. An awarded grant amount shall
8398 equal 50 percent of the amount of the qualified business
8399 assistance or $50,000, whichever is less, and may not exceed the
8400 preliminary grant allocation. The amount by which a preliminary
8401 grant allocation exceeds a final grant award shall be
8402 immediately available for reallocation.
8403 (10) Up to 2 percent of the funds appropriated annually by
8404 the Legislature for the program may be used by Jobs Florida ~~the~~
8405 ~~Office~~ for direct administrative costs associated with
8406 implementing this section.
8407 Section 142. Paragraph (a) of subsection (1) of section
8408 288.075, Florida Statutes, is amended to read:
8409 288.075 Confidentiality of records.—
8410 (1) DEFINITIONS.—As used in this section, the term:

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8411 (a) "Economic development agency" means:
8412 1. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8413 ~~Development~~;
8414 2. Any industrial development authority created in
8415 accordance with part III of chapter 159 or by special law;
8416 3. Space Florida created in part II of chapter 331;
8417 4. The public economic development agency of a county or
8418 municipality or, if the county or municipality does not have a
8419 public economic development agency, the county or municipal
8420 officers or employees assigned the duty to promote the general
8421 business interests or industrial interests of that county or
8422 municipality or the responsibilities related thereto;
8423 5. Any research and development authority created in
8424 accordance with part V of chapter 159; or
8425 6. Any private agency, person, partnership, corporation, or
8426 business entity when authorized by the state, a municipality, or
8427 a county to promote the general business interests or industrial
8428 interests of the state or that municipality or county.
8429 Section 143. Paragraphs (c), (h), (p), and (r) of
8430 subsection (1), paragraphs (a), (d), (e), (f), (h) of subsection
8431 (2), subsections (3) and (4), paragraphs (a), (d), (e), and (g)
8432 of subsection (5), paragraphs (a), (b), and (c) of subsection
8433 (6), and subsections (7) and (8) of section 288.1045, Florida
8434 Statutes, are amended, and present paragraphs (i) through (u) of
8435 subsection (1) are redesignated as paragraphs (h) through (s),
8436 respectively, to read:
8437 288.1045 Qualified defense contractor and space flight
8438 business tax refund program.—
8439 (1) DEFINITIONS.—As used in this section:

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8440 (c) “Business unit” means an employing unit, as defined in
8441 s. 443.036, that is registered with Jobs Florida ~~the Agency for~~
8442 ~~Workforce Innovation~~ for unemployment compensation purposes or
8443 means a subcategory or division of an employing unit that is
8444 accepted by Jobs Florida ~~the Agency for Workforce Innovation~~ as
8445 a reporting unit.
8446 ~~(h) “Director” means the director of the Office of Tourism,~~
8447 ~~Trade, and Economic Development~~.
8448 ~~(p) “Office” means the Office of Tourism, Trade, and~~
8449 ~~Economic Development.~~
8450 (p) ~~(r)~~ “Qualified applicant” means an applicant that has
8451 been approved by Jobs Florida ~~the director~~ to be eligible for
8452 tax refunds pursuant to this section.
8453 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—
8454 (a) There shall be allowed, from the Economic Development
8455 Trust Fund, a refund to a qualified applicant for the amount of
8456 eligible taxes certified by Jobs Florida ~~the director~~ which were
8457 paid by such qualified applicant. The total amount of refunds
8458 for all fiscal years for each qualified applicant shall be
8459 determined pursuant to subsection (3). The annual amount of a
8460 refund to a qualified applicant shall be determined pursuant to
8461 subsection (5).
8462 (d) Contingent upon an annual appropriation by the
8463 Legislature, Jobs Florida ~~the director~~ may approve not more in
8464 tax refunds than the amount appropriated to the Economic
8465 Development Trust Fund for tax refunds, for a fiscal year
8466 pursuant to subsection (5) and s. 288.095.
8467 (e) For the first 6 months of each fiscal year, Jobs
8468 Florida ~~the director~~ shall set aside 30 percent of the amount

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8469 appropriated for refunds pursuant to this section by the
8470 Legislature to provide tax refunds only to qualified applicants
8471 who employ 500 or fewer full-time employees in this state. Any
8472 unencumbered funds remaining undisbursed from this set-aside at
8473 the end of the 6-month period may be used to provide tax refunds
8474 for any qualified applicants pursuant to this section.
8475 (f) After entering into a tax refund agreement pursuant to
8476 subsection (4), a qualified applicant may:
8477 1. Receive refunds from the account for corporate income
8478 taxes due and paid pursuant to chapter 220 by that business
8479 beginning with the first taxable year of the business which
8480 begins after entering into the agreement.
8481 2. Receive refunds from the account for the following taxes
8482 due and paid by that business after entering into the agreement:
8483 a. Taxes on sales, use, and other transactions paid
8484 pursuant to chapter 212.
8485 b. Intangible personal property taxes paid pursuant to
8486 chapter 199.
8487 c. Emergency excise taxes paid pursuant to chapter 221.
8488 d. Excise taxes paid on documents pursuant to chapter 201.
8489 e. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on
8490 June 1, 1996.
8491 f. State communications services taxes administered under
8492 chapter 202. This provision does not apply to the gross receipts
8493 tax imposed under chapter 203 and administered under chapter 202
8494 or the local communications services tax authorized under s.
8495 202.19.
8496
8497 However, a qualified applicant may not receive a tax refund

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8498 pursuant to this section for any amount of credit, refund, or
8499 exemption granted such contractor for any of such taxes. If a
8500 refund for such taxes is provided by Jobs Florida ~~the Office~~,
8501 which taxes are subsequently adjusted by the application of any
8502 credit, refund, or exemption granted to the qualified applicant
8503 other than that provided in this section, the qualified
8504 applicant shall reimburse the Economic Development Trust Fund
8505 for the amount of such credit, refund, or exemption. A qualified
8506 applicant must notify and tender payment to the office within 20
8507 days after receiving a credit, refund, or exemption, other than
8508 that provided in this section. ~~The addition of communications~~
8509 ~~services taxes administered under chapter 202 is remedial in~~
8510 ~~nature and retroactive to October 1, 2001. The Office may make~~
8511 ~~supplemental tax refund payments to allow for tax refunds for~~
8512 ~~communications services taxes paid by an eligible qualified~~
8513 ~~defense contractor after October 1, 2001.~~
8514 (h) Funds made available pursuant to this section may not
8515 be expended in connection with the relocation of a business from
8516 one community to another community in this state unless Jobs
8517 Florida ~~the Office of Tourism, Trade, and Economic Development~~
8518 determines that without such relocation the business will move
8519 outside this state or determines that the business has a
8520 compelling economic rationale for the relocation which creates
8521 additional jobs.
8522 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
8523 DETERMINATION.—
8524 (a) To apply for certification as a qualified applicant
8525 pursuant to this section, an applicant must file an application
8526 with Jobs Florida ~~the Office~~ which satisfies the requirements of

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8527 paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d)
8528 and (e), or paragraphs (e) and (j). An applicant may not apply
8529 for certification pursuant to this section after a proposal has
8530 been submitted for a new Department of Defense contract, after
8531 the applicant has made the decision to consolidate an existing
8532 Department of Defense contract in this state for which such
8533 applicant is seeking certification, after a proposal has been
8534 submitted for a new space flight business contract in this
8535 state, after the applicant has made the decision to consolidate
8536 an existing space flight business contract in this state for
8537 which such applicant is seeking certification, or after the
8538 applicant has made the decision to convert defense production
8539 jobs to nondefense production jobs for which such applicant is
8540 seeking certification.
8541 (b) Applications for certification based on the
8542 consolidation of a Department of Defense contract or a new
8543 Department of Defense contract must be submitted to Jobs Florida
8544 ~~the Office~~ as prescribed by Jobs Florida ~~the Office~~ and must
8545 include, but are not limited to, the following information:
8546 1. The applicant's federal employer identification number,
8547 the applicant's Florida sales tax registration number, and a
8548 signature of an officer of the applicant.
8549 2. The permanent location of the manufacturing, assembling,
8550 fabricating, research, development, or design facility in this
8551 state at which the project is or is to be located.
8552 3. The Department of Defense contract numbers of the
8553 contract to be consolidated, the new Department of Defense
8554 contract number, or the "RFP" number of a proposed Department of
8555 Defense contract.

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8556 4. The date the contract was executed or is expected to be
8557 executed, and the date the contract is due to expire or is
8558 expected to expire.
8559 5. The commencement date for project operations under the
8560 contract in this state.
8561 6. The number of net new full-time equivalent Florida jobs
8562 included in the project as of December 31 of each year and the
8563 average wage of such jobs.
8564 7. The total number of full-time equivalent employees
8565 employed by the applicant in this state.
8566 8. The percentage of the applicant’s gross receipts derived
8567 from Department of Defense contracts during the 5 taxable years
8568 immediately preceding the date the application is submitted.
8569 9. The number of full-time equivalent jobs in this state to
8570 be retained by the project.
8571 10. A brief statement concerning the applicant’s need for
8572 tax refunds, and the proposed uses of such refunds by the
8573 applicant.
8574 11. A resolution adopted by the governing board of the
8575 county or municipality in which the project will be located,
8576 which recommends the applicant be approved as a qualified
8577 applicant, and which indicates that the necessary commitments of
8578 local financial support for the applicant exist. Prior to the
8579 adoption of the resolution, the county commission may review the
8580 proposed public or private sources of such support and determine
8581 whether the proposed sources of local financial support can be
8582 provided or, for any applicant whose project is located in a
8583 county designated by the Rural Economic Development Initiative,
8584 a resolution adopted by the county commissioners of such county

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8585 requesting that the applicant's project be exempt from the local
8586 financial support requirement.
8587 12. Any additional information requested by Jobs Florida
8588 ~~the Office~~.
8589 (c) Applications for certification based on the conversion
8590 of defense production jobs to nondefense production jobs must be
8591 submitted to Jobs Florida ~~the Office~~ as prescribed by Jobs
8592 Florida ~~the Office~~ and must include, but are not limited to, the
8593 following information:
8594 1. The applicant's federal employer identification number,
8595 the applicant's Florida sales tax registration number, and a
8596 signature of an officer of the applicant.
8597 2. The permanent location of the manufacturing, assembling,
8598 fabricating, research, development, or design facility in this
8599 state at which the project is or is to be located.
8600 3. The Department of Defense contract numbers of the
8601 contract under which the defense production jobs will be
8602 converted to nondefense production jobs.
8603 4. The date the contract was executed, and the date the
8604 contract is due to expire or is expected to expire, or was
8605 canceled.
8606 5. The commencement date for the nondefense production
8607 operations in this state.
8608 6. The number of net new full-time equivalent Florida jobs
8609 included in the nondefense production project as of December 31
8610 of each year and the average wage of such jobs.
8611 7. The total number of full-time equivalent employees
8612 employed by the applicant in this state.
8613 8. The percentage of the applicant's gross receipts derived

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8614 from Department of Defense contracts during the 5 taxable years
8615 immediately preceding the date the application is submitted.
8616 9. The number of full-time equivalent jobs in this state to
8617 be retained by the project.
8618 10. A brief statement concerning the applicant's need for
8619 tax refunds, and the proposed uses of such refunds by the
8620 applicant.
8621 11. A resolution adopted by the governing board of the
8622 county or municipality in which the project will be located,
8623 which recommends the applicant be approved as a qualified
8624 applicant, and which indicates that the necessary commitments of
8625 local financial support for the applicant exist. Prior to the
8626 adoption of the resolution, the county commission may review the
8627 proposed public or private sources of such support and determine
8628 whether the proposed sources of local financial support can be
8629 provided or, for any applicant whose project is located in a
8630 county designated by the Rural Economic Development Initiative,
8631 a resolution adopted by the county commissioners of such county
8632 requesting that the applicant's project be exempt from the local
8633 financial support requirement.
8634 12. Any additional information requested by Jobs Florida
8635 ~~the Office~~.
8636 (d) Applications for certification based on a contract for
8637 reuse of a defense-related facility must be submitted to Jobs
8638 Florida ~~the Office~~ as prescribed by Jobs Florida ~~the office~~ and
8639 must include, but are not limited to, the following information:
8640 1. The applicant's Florida sales tax registration number
8641 and a signature of an officer of the applicant.
8642 2. The permanent location of the manufacturing, assembling,

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8643 fabricating, research, development, or design facility in this
8644 state at which the project is or is to be located.
8645 3. The business entity holding a valid Department of
8646 Defense contract or branch of the Armed Forces of the United
8647 States that previously occupied the facility, and the date such
8648 entity last occupied the facility.
8649 4. A copy of the contract to reuse the facility, or such
8650 alternative proof as may be prescribed by Jobs Florida ~~the~~
8651 ~~office~~ that the applicant is seeking to contract for the reuse
8652 of such facility.
8653 5. The date the contract to reuse the facility was executed
8654 or is expected to be executed, and the date the contract is due
8655 to expire or is expected to expire.
8656 6. The commencement date for project operations under the
8657 contract in this state.
8658 7. The number of net new full-time equivalent Florida jobs
8659 included in the project as of December 31 of each year and the
8660 average wage of such jobs.
8661 8. The total number of full-time equivalent employees
8662 employed by the applicant in this state.
8663 9. The number of full-time equivalent jobs in this state to
8664 be retained by the project.
8665 10. A brief statement concerning the applicant’s need for
8666 tax refunds, and the proposed uses of such refunds by the
8667 applicant.
8668 11. A resolution adopted by the governing board of the
8669 county or municipality in which the project will be located,
8670 which recommends the applicant be approved as a qualified
8671 applicant, and which indicates that the necessary commitments of

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8672 local financial support for the applicant exist. Prior to the
8673 adoption of the resolution, the county commission may review the
8674 proposed public or private sources of such support and determine
8675 whether the proposed sources of local financial support can be
8676 provided or, for any applicant whose project is located in a
8677 county designated by the Rural Economic Development Initiative,
8678 a resolution adopted by the county commissioners of such county
8679 requesting that the applicant's project be exempt from the local
8680 financial support requirement.
8681 12. Any additional information requested by Jobs Florida
8682 ~~the Office~~.
8683 (e) To qualify for review by Jobs Florida ~~the Office~~, the
8684 application of an applicant must, at a minimum, establish the
8685 following to the satisfaction of the office:
8686 1. The jobs proposed to be provided under the application,
8687 pursuant to subparagraph (b)6., subparagraph (c)6., or
8688 subparagraph (j)6., must pay an estimated annual average wage
8689 equaling at least 115 percent of the average wage in the area
8690 where the project is to be located.
8691 2. The consolidation of a Department of Defense contract
8692 must result in a net increase of at least 25 percent in the
8693 number of jobs at the applicant's facilities in this state or
8694 the addition of at least 80 jobs at the applicant's facilities
8695 in this state.
8696 3. The conversion of defense production jobs to nondefense
8697 production jobs must result in net increases in nondefense
8698 employment at the applicant's facilities in this state.
8699 4. The Department of Defense contract or the space flight
8700 business contract cannot allow the business to include the costs

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8701 of relocation or retooling in its base as allowable costs under
8702 a cost-plus, or similar, contract.
8703 5. A business unit of the applicant must have derived not
8704 less than 60 percent of its gross receipts in this state from
8705 Department of Defense contracts or space flight business
8706 contracts over the applicant's last fiscal year, and must have
8707 derived not less than an average of 60 percent of its gross
8708 receipts in this state from Department of Defense contracts or
8709 space flight business contracts over the 5 years preceding the
8710 date an application is submitted pursuant to this section. This
8711 subparagraph does not apply to any application for certification
8712 based on a contract for reuse of a defense-related facility.
8713 6. The reuse of a defense-related facility must result in
8714 the creation of at least 100 jobs at such facility.
8715 7. A new space flight business contract or the
8716 consolidation of a space flight business contract must result in
8717 net increases in space flight business employment at the
8718 applicant's facilities in this state.
8719 (f) Each application meeting the requirements of paragraphs
8720 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
8721 paragraphs (e) and (j) must be submitted to Jobs Florida ~~the~~
8722 ~~office~~ for a determination of eligibility. Jobs Florida ~~the~~
8723 ~~Office~~ shall review and evaluate each application based on, but
8724 not limited to, the following criteria:
8725 1. Expected contributions to the state strategic economic
8726 development plan adopted by the Jobs Florida Partnership
8727 ~~Enterprise Florida~~, Inc., taking into account the extent to
8728 which the project contributes to the state's high-technology
8729 base, and the long-term impact of the project and the applicant

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8730 on the state's economy.
8731 2. The economic benefit of the jobs created or retained by
8732 the project in this state, taking into account the cost and
8733 average wage of each job created or retained, and the potential
8734 risk to existing jobs.
8735 3. The amount of capital investment to be made by the
8736 applicant in this state.
8737 4. The local commitment and support for the project and
8738 applicant.
8739 5. The impact of the project on the local community, taking
8740 into account the unemployment rate for the county where the
8741 project will be located.
8742 6. The dependence of the local community on the defense
8743 industry or space flight business.
8744 7. The impact of any tax refunds granted pursuant to this
8745 section on the viability of the project and the probability that
8746 the project will occur in this state if such tax refunds are
8747 granted to the applicant, taking into account the expected long-
8748 term commitment of the applicant to economic growth and
8749 employment in this state.
8750 8. The length of the project, or the expected long-term
8751 commitment to this state resulting from the project.
8752 (g) Applications shall be reviewed and certified pursuant
8753 to s. 288.061. If appropriate, Jobs Florida ~~the director~~ shall
8754 enter into a written agreement with the qualified applicant
8755 pursuant to subsection (4).
8756 (h) Jobs Florida ~~The director~~ may not certify any applicant
8757 as a qualified applicant when the value of tax refunds to be
8758 included in that letter of certification exceeds the available

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8759 amount of authority to certify new businesses as determined in
8760 s. 288.095(3). A letter of certification that approves an
8761 application must specify the maximum amount of a tax refund that
8762 is to be available to the contractor for each fiscal year and
8763 the total amount of tax refunds for all fiscal years.
8764 (i) This section does not create a presumption that an
8765 applicant should receive any tax refunds under this section.
8766 (j) Applications for certification based upon a new space
8767 flight business contract or the consolidation of a space flight
8768 business contract must be submitted to Jobs Florida ~~the office~~
8769 as prescribed by Jobs Florida ~~the office~~ and must include, but
8770 are not limited to, the following information:
8771 1. The applicant's federal employer identification number,
8772 the applicant's Florida sales tax registration number, and a
8773 signature of an officer of the applicant.
8774 2. The permanent location of the space flight business
8775 facility in this state where the project is or will be located.
8776 3. The new space flight business contract number, the space
8777 flight business contract numbers of the contract to be
8778 consolidated, or the request-for-proposal number of a proposed
8779 space flight business contract.
8780 4. The date the contract was executed and the date the
8781 contract is due to expire, is expected to expire, or was
8782 canceled.
8783 5. The commencement date for project operations under the
8784 contract in this state.
8785 6. The number of net new full-time equivalent Florida jobs
8786 included in the project as of December 31 of each year and the
8787 average wage of such jobs.

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8788 7. The total number of full-time equivalent employees
8789 employed by the applicant in this state.
8790 8. The percentage of the applicant's gross receipts derived
8791 from space flight business contracts during the 5 taxable years
8792 immediately preceding the date the application is submitted.
8793 9. The number of full-time equivalent jobs in this state to
8794 be retained by the project.
8795 10. A brief statement concerning the applicant's need for
8796 tax refunds and the proposed uses of such refunds by the
8797 applicant.
8798 11. A resolution adopted by the governing board of the
8799 county or municipality in which the project will be located
8800 which recommends the applicant be approved as a qualified
8801 applicant and indicates that the necessary commitments of local
8802 financial support for the applicant exist. Prior to the adoption
8803 of the resolution, the county commission may review the proposed
8804 public or private sources of such support and determine whether
8805 the proposed sources of local financial support can be provided
8806 or, for any applicant whose project is located in a county
8807 designated by the Rural Economic Development Initiative, a
8808 resolution adopted by the county commissioners of such county
8809 requesting that the applicant's project be exempt from the local
8810 financial support requirement.
8811 12. Any additional information requested by Jobs Florida
8812 ~~the office~~.
8813 (4) QUALIFIED APPLICANT TAX REFUND AGREEMENT.—
8814 (a) A qualified applicant shall enter into a written
8815 agreement with Jobs Florida ~~the Office~~ containing, but not
8816 limited to, the following:

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8817 1. The total number of full-time equivalent jobs in this
8818 state that are or will be dedicated to the qualified applicant's
8819 project, the average wage of such jobs, the definitions that
8820 will apply for measuring the achievement of these terms during
8821 the pendency of the agreement, and a time schedule or plan for
8822 when such jobs will be in place and active in this state.
8823 2. The maximum amount of a refund that the qualified
8824 applicant is eligible to receive for each fiscal year, based on
8825 the job creation or retention and maintenance schedule specified
8826 in subparagraph 1.
8827 3. An agreement with Jobs Florida ~~the Office~~ allowing Jobs
8828 Florida ~~the Office~~ to review and verify the financial and
8829 personnel records of the qualified applicant to ascertain
8830 whether the qualified applicant is complying with the
8831 requirements of this section.
8832 4. The date by which, in each fiscal year, the qualified
8833 applicant may file a claim pursuant to subsection (5) to be
8834 considered to receive a tax refund in the following fiscal year.
8835 5. That local financial support shall be annually available
8836 and will be paid to the Economic Development Trust Fund.
8837 (b) Compliance with the terms and conditions of the
8838 agreement is a condition precedent for receipt of tax refunds
8839 each year. The failure to comply with the terms and conditions
8840 of the agreement shall result in the loss of eligibility for
8841 receipt of all tax refunds previously authorized pursuant to
8842 this section, and the revocation of the certification as a
8843 qualified applicant by Jobs Florida ~~the director~~, unless the
8844 qualified applicant is eligible to receive and elects to accept
8845 a prorated refund under paragraph (5)(g) or Jobs Florida ~~the~~

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8846 ~~Office~~ grants the qualified applicant an economic-stimulus
8847 exemption.
8848 1. A qualified applicant may submit, in writing, a request
8849 to Jobs Florida ~~the Office~~ for an economic-stimulus exemption.
8850 The request must provide quantitative evidence demonstrating how
8851 negative economic conditions in the qualified applicant's
8852 industry, the effects of the impact of a named hurricane or
8853 tropical storm, or specific acts of terrorism affecting the
8854 qualified applicant have prevented the qualified applicant from
8855 complying with the terms and conditions of its tax refund
8856 agreement.
8857 2. Upon receipt of a request under subparagraph 1., Jobs
8858 Florida ~~the director~~ shall have 45 days to notify the requesting
8859 qualified applicant, in writing, if its exemption has been
8860 granted or denied. In determining if an exemption should be
8861 granted, Jobs Florida ~~the director~~ shall consider the extent to
8862 which negative economic conditions in the requesting qualified
8863 applicant's industry, the effects of the impact of a named
8864 hurricane or tropical storm, or specific acts of terrorism
8865 affecting the qualified applicant have prevented the qualified
8866 applicant from complying with the terms and conditions of its
8867 tax refund agreement.
8868 3. As a condition for receiving a prorated refund under
8869 paragraph (5)(g) or an economic-stimulus exemption under this
8870 paragraph, a qualified applicant must agree to renegotiate its
8871 tax refund agreement with Jobs Florida ~~the Office~~ to, at a
8872 minimum, ensure that the terms of the agreement comply with
8873 current law and the ~~Office~~ procedures of Jobs Florida governing
8874 application for and award of tax refunds. Upon approving the

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8875 award of a prorated refund or granting an economic-stimulus
8876 exemption, Jobs Florida ~~the Office~~ shall renegotiate the tax
8877 refund agreement with the qualified applicant as required by
8878 this subparagraph. When amending the agreement of a qualified
8879 applicant receiving an economic-stimulus exemption, Jobs Florida
8880 ~~the Office~~ may extend the duration of the agreement for a period
8881 not to exceed 2 years.
8882 ~~4. A qualified applicant may submit a request for an~~
8883 ~~economic-stimulus exemption to the Office in lieu of any tax~~
8884 ~~refund claim scheduled to be submitted after January 1, 2005,~~
8885 ~~but before July 1, 2006.~~
8886 4.~~5.~~ A qualified applicant that receives an economic-
8887 stimulus exemption may not receive a tax refund for the period
8888 covered by the exemption.
8889 (c) The agreement shall be signed by the commissioner
8890 ~~director~~ and the authorized officer of the qualified applicant.
8891 (d) The agreement must contain the following legend,
8892 clearly printed on its face in bold type of not less than 10
8893 points:
8894
8895 "This agreement is neither a general obligation of the
8896 State of Florida, nor is it backed by the full faith
8897 and credit of the State of Florida. Payment of tax
8898 refunds are conditioned on and subject to specific
8899 annual appropriations by the Florida Legislature of
8900 funds sufficient to pay amounts authorized in s.
8901 288.1045, Florida Statutes."
8902
8903 (5) ANNUAL CLAIM FOR REFUND.—

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8904 (a) To be eligible to claim any scheduled tax refund,
8905 qualified applicants who have entered into a written agreement
8906 with Jobs Florida ~~the Office~~ pursuant to subsection (4) and who
8907 have entered into a valid new Department of Defense contract,
8908 entered into a valid new space flight business contract,
8909 commenced the consolidation of a space flight business contract,
8910 commenced the consolidation of a Department of Defense contract,
8911 commenced the conversion of defense production jobs to
8912 nondefense production jobs, or entered into a valid contract for
8913 reuse of a defense-related facility must apply by January 31 of
8914 each fiscal year to Jobs Florida ~~the Office~~ for tax refunds
8915 scheduled to be paid from the appropriation for the fiscal year
8916 that begins on July 1 following the January 31 claims-submission
8917 date. Jobs Florida ~~The Office~~ may, upon written request, grant a
8918 30-day extension of the filing date. The application must
8919 include a notarized signature of an officer of the applicant.
8920 (d) Jobs Florida ~~The director~~, with assistance from ~~the~~
8921 ~~Office,~~ the Department of Revenue~~, and the Agency for Workforce~~
8922 ~~Innovation~~, shall, by June 30 following the scheduled date for
8923 submitting the tax refund claim, specify by written order the
8924 approval or disapproval of the tax refund claim and, if
8925 approved, the amount of the tax refund that is authorized to be
8926 paid to the qualified applicant for the annual tax refund. Jobs
8927 Florida ~~The Office~~ may grant an extension of this date upon the
8928 request of the qualified applicant for the purpose of filing
8929 additional information in support of the claim.
8930 (e) The total amount of tax refunds approved by Jobs
8931 Florida ~~the director~~ under this section in any fiscal year may
8932 not exceed the amount authorized under s. 288.095(3).

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8933 (g) A prorated tax refund, less a 5 percent penalty, shall
8934 be approved for a qualified applicant provided all other
8935 applicable requirements have been satisfied and the applicant
8936 proves to the satisfaction of Jobs Florida ~~the director~~ that it
8937 has achieved at least 80 percent of its projected employment and
8938 that the average wage paid by the qualified applicant is at
8939 least 90 percent of the average wage specified in the tax refund
8940 agreement, but in no case less than 115 percent of the average
8941 private sector wage in the area available at the time of
8942 certification. The prorated tax refund shall be calculated by
8943 multiplying the tax refund amount for which the qualified
8944 applicant would have been eligible, if all applicable
8945 requirements had been satisfied, by the percentage of the
8946 average employment specified in the tax refund agreement which
8947 was achieved, and by the percentage of the average wages
8948 specified in the tax refund agreement which was achieved.
8949 (6) ADMINISTRATION.—
8950 (a) Jobs Florida ~~The Office~~ may adopt rules pursuant to
8951 chapter 120 for the administration of this section.
8952 (b) Jobs Florida ~~The Office~~ may verify information provided
8953 in any claim submitted for tax credits under this section with
8954 regard to employment and wage levels or the payment of the taxes
8955 with the appropriate agency or authority including the
8956 Department of Revenue, Jobs Florida ~~the Agency for Workforce~~
8957 ~~Innovation~~, or any local government or authority.
8958 (c) To facilitate the process of monitoring and auditing
8959 applications made under this program, Jobs Florida ~~the Office~~
8960 may provide a list of qualified applicants to the Department of
8961 Revenue~~, to the Agency for Workforce Innovation,~~ or to any local

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8962 government or authority. Jobs Florida ~~the Office~~ may request the
8963 assistance of said entities with respect to monitoring jobs,
8964 wages, and the payment of the taxes listed in subsection (2).
8965 ~~(7) Notwithstanding paragraphs (4)(a) and (5)(c), the~~
8966 ~~Office may approve a waiver of the local financial support~~
8967 ~~requirement for a business located in any of the following~~
8968 ~~counties in which businesses received emergency loans~~
8969 ~~administered by the Office in response to the named hurricanes~~
8970 ~~of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,~~
8971 ~~Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,~~
8972 ~~Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk,~~
8973 ~~Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A~~
8974 ~~waiver may be granted only if the Office determines that the~~
8975 ~~local financial support cannot be provided or that doing so~~
8976 ~~would effect a demonstrable hardship on the unit of local~~
8977 ~~government providing the local financial support. If the Office~~
8978 ~~grants a waiver of the local financial support requirement, the~~
8979 ~~state shall pay 100 percent of the refund due to an eligible~~
8980 ~~business. The waiver shall apply for tax refund applications~~
8981 ~~made for fiscal years 2004-2005, 2005-2006, and 2006-2007.~~
8982 (7) ~~(8)~~ EXPIRATION.—An applicant may not be certified as
8983 qualified under this section after June 30, 2014. A tax refund
8984 agreement existing on that date shall continue in effect in
8985 accordance with its terms.
8986 Section 144. Paragraphs (d), (f), (n), (p), (r), and (t) of
8987 subsection (2), paragraphs (a), (b), and (f) of subsection (3),
8988 subsection (4), paragraphs (a), (b), and (c) of subsection (5),
8989 paragraphs (a), (c), (f), and (g) of subsection (6), and
8990 subsection (7) of section 288.106, Florida Statutes, are

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8991 amended, and present paragraphs (g) through (u) of subsection
8992 (2) are redesignated as paragraphs (f) through (n),
8993 respectively, to read:
8994 288.106 Tax refund program for qualified target industry
8995 businesses.—
8996 (2) DEFINITIONS.—As used in this section:
8997 (d) "Business" means an employing unit, as defined in s.
8998 443.036, that is registered for unemployment compensation
8999 purposes with the state agency providing unemployment tax
9000 collection services ~~under contract with the Agency for Workforce~~
9001 ~~Innovation through an interagency agreement pursuant to s.~~
9002 ~~443.1316,~~ or a subcategory or division of an employing unit that
9003 is accepted by the state agency providing unemployment tax
9004 collection services as a reporting unit.
9005 ~~(f) "Director" means the Director of the Office of Tourism,~~
9006 ~~Trade, and Economic Development~~.
9007 ~~(n) "Office" means the Office of Tourism, Trade, and~~
9008 ~~Economic Development.~~
9009 (n) ~~(p)~~ "Qualified target industry business" means a target
9010 industry business approved by Jobs Florida ~~the Office~~ to be
9011 eligible for tax refunds under this section.
9012 ~~(q) "Return on investment" means the gain in state revenues~~
9013 ~~as a percentage of the state's investment. The state's~~
9014 ~~investment includes state grants, tax exemptions, tax refunds,~~
9015 ~~tax credits, and other state incentives.~~
9016 (o) ~~(r)~~ "Rural city" means a city having a population of
9017 10,000 or fewer, or a city having a population of greater than
9018 10,000 but fewer than 20,000 that has been determined by Jobs
9019 Florida ~~the Office~~ to have economic characteristics such as, but

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9020 not limited to, a significant percentage of residents on public
9021 assistance, a significant percentage of residents with income
9022 below the poverty level, or a significant percentage of the
9023 city's employment base in agriculture-related industries.
9024 (q) ~~(t)~~ "Target industry business" means a corporate
9025 headquarters business or any business that is engaged in one of
9026 the target industries identified pursuant to the following
9027 criteria developed by Jobs Florida ~~the Office~~ in consultation
9028 with the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.:
9029 1. Future growth.—Industry forecasts should indicate strong
9030 expectation for future growth in both employment and output,
9031 according to the most recent available data. Special
9032 consideration should be given to businesses that export goods
9033 to, or provide services in, international markets and businesses
9034 that replace domestic and international imports of goods or
9035 services.
9036 2. Stability.—The industry should not be subject to
9037 periodic layoffs, whether due to seasonality or sensitivity to
9038 volatile economic variables such as weather. The industry should
9039 also be relatively resistant to recession, so that the demand
9040 for products of this industry is not typically subject to
9041 decline during an economic downturn.
9042 3. High wage.—The industry should pay relatively high wages
9043 compared to statewide or area averages.
9044 4. Market and resource independent.—The location of
9045 industry businesses should not be dependent on Florida markets
9046 or resources as indicated by industry analysis, except for
9047 businesses in the renewable energy industry.
9048 5. Industrial base diversification and strengthening.—The

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9049 industry should contribute toward expanding or diversifying the
9050 state's or area's economic base, as indicated by analysis of
9051 employment and output shares compared to national and regional
9052 trends. Special consideration should be given to industries that
9053 strengthen regional economies by adding value to basic products
9054 or building regional industrial clusters as indicated by
9055 industry analysis. Special consideration should also be given to
9056 the development of strong industrial clusters that include
9057 defense and homeland security businesses.
9058 6. Positive economic impact ~~benefits~~.—The industry is
9059 expected to have strong positive economic impacts on or benefits
9060 to the state or regional economies.
9061
9062 The term does not include any business engaged in retail
9063 industry activities; any electrical utility company; any
9064 phosphate or other solid minerals severance, mining, or
9065 processing operation; any oil or gas exploration or production
9066 operation; or any business subject to regulation by the Division
9067 of Hotels and Restaurants of the Department of Business and
9068 Professional Regulation. Any business within NAICS code 5611 or
9069 5614, office administrative services and business support
9070 services, respectively, may be considered a target industry
9071 business only after the local governing body and the Jobs
9072 Florida Partnership ~~Enterprise Florida~~, Inc., make a
9073 determination that the community where the business may locate
9074 has conditions affecting the fiscal and economic viability of
9075 the local community or area, including but not limited to,
9076 factors such as low per capita income, high unemployment, high
9077 underemployment, and a lack of year-round stable employment

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9078 opportunities, and such conditions may be improved by the
9079 location of such a business to the community. By January 1 of
9080 every 3rd year, beginning January 1, 2011, Jobs Florida ~~the~~
9081 ~~Office~~, in consultation with the Jobs Florida Partnership
9082 ~~Enterprise Florida~~, Inc., economic development organizations,
9083 the State University System, local governments, employee and
9084 employer organizations, market analysts, and economists, shall
9085 review and, as appropriate, revise the list of such target
9086 industries and submit the list to the Governor, the President of
9087 the Senate, and the Speaker of the House of Representatives.
9088 (3) TAX REFUND; ELIGIBLE AMOUNTS.—
9089 (a) There shall be allowed, from the account, a refund to a
9090 qualified target industry business for the amount of eligible
9091 taxes certified by Jobs Florida ~~the Office~~ that were paid by the
9092 business. The total amount of refunds for all fiscal years for
9093 each qualified target industry business must be determined
9094 pursuant to subsection (4). The annual amount of a refund to a
9095 qualified target industry business must be determined pursuant
9096 to subsection (6).
9097 (b)1. Upon approval by Jobs Florida ~~the Office~~, a qualified
9098 target industry business shall be allowed tax refund payments
9099 equal to $3,000 multiplied by the number of jobs specified in
9100 the tax refund agreement under subparagraph (5)(a)1., or equal
9101 to $6,000 multiplied by the number of jobs if the project is
9102 located in a rural community or an enterprise zone.
9103 2. A qualified target industry business shall be allowed
9104 additional tax refund payments equal to $1,000 multiplied by the
9105 number of jobs specified in the tax refund agreement under
9106 subparagraph (5)(a)1. if such jobs pay an annual average wage of

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9107 at least 150 percent of the average private sector wage in the
9108 area, or equal to $2,000 multiplied by the number of jobs if
9109 such jobs pay an annual average wage of at least 200 percent of
9110 the average private sector wage in the area.
9111 3. A qualified target industry business shall be allowed
9112 tax refund payments in addition to the other payments authorized
9113 in this paragraph equal to $1,000 multiplied by the number of
9114 jobs specified in the tax refund agreement under subparagraph
9115 (5)(a)1. if the local financial support is equal to that of the
9116 state's incentive award under subparagraph 1.
9117 4. In addition to the other tax refund payments authorized
9118 in this paragraph, a qualified target industry business shall be
9119 allowed a tax refund payment equal to $2,000 multiplied by the
9120 number of jobs specified in the tax refund agreement under
9121 subparagraph (5)(a)1. if the business:
9122 a. Falls within one of the high-impact sectors designated
9123 under s. 288.108; or
9124 b. Increases exports of its goods through a seaport or
9125 airport in the state by at least 10 percent in value or tonnage
9126 in each of the years that the business receives a tax refund
9127 under this section. For purposes of this sub-subparagraph,
9128 seaports in the state are limited to the ports of Jacksonville,
9129 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm
9130 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,
9131 Pensacola, Fernandina, and Key West.
9132 (f) Refunds made available under this section may not be
9133 expended in connection with the relocation of a business from
9134 one community to another community in the state unless Jobs
9135 Florida ~~the Office~~ determines that, without such relocation, the

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9136 business will move outside the state or determines that the
9137 business has a compelling economic rationale for relocation and
9138 that the relocation will create additional jobs.
9139 (4) APPLICATION AND APPROVAL PROCESS.—
9140 (a) To apply for certification as a qualified target
9141 industry business under this section, the business must file an
9142 application with Jobs Florida ~~the Office~~ before the business
9143 decides to locate in this state or before the business decides
9144 to expand its existing operations in this state. The application
9145 must include, but need not be limited to, the following
9146 information:
9147 1. The applicant's federal employer identification number
9148 and, if applicable, state sales tax registration number.
9149 2. The proposed permanent location of the applicant's
9150 facility in this state at which the project is to be located.
9151 3. A description of the type of business activity or
9152 product covered by the project, including a minimum of a five-
9153 digit NAICS code for all activities included in the project. As
9154 used in this paragraph, "NAICS" means those classifications
9155 contained in the North American Industry Classification System,
9156 as published in 2007 by the Office of Management and Budget,
9157 Executive Office of the President, and updated periodically.
9158 4. The proposed number of net new full-time equivalent
9159 Florida jobs at the qualified target industry business as of
9160 December 31 of each year included in the project and the average
9161 wage of those jobs. If more than one type of business activity
9162 or product is included in the project, the number of jobs and
9163 average wage for those jobs must be separately stated for each
9164 type of business activity or product.

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9165 5. The total number of full-time equivalent employees
9166 employed by the applicant in this state, if applicable.
9167 6. The anticipated commencement date of the project.
9168 7. A brief statement explaining the role that the estimated
9169 tax refunds to be requested will play in the decision of the
9170 applicant to locate or expand in this state.
9171 8. An estimate of the proportion of the sales resulting
9172 from the project that will be made outside this state.
9173 9. An estimate of the proportion of the cost of the
9174 machinery and equipment, and any other resources necessary in
9175 the development of its product or service, to be used by the
9176 business in its Florida operations which will be purchased
9177 outside this state.
9178 10. A resolution adopted by the governing board of the
9179 county or municipality in which the project will be located,
9180 which resolution recommends that the project be approved as a
9181 qualified target industry business and specifies that the
9182 commitments of local financial support necessary for the target
9183 industry business exist. Before the passage of such resolution,
9184 Jobs Florida ~~the office~~ may also accept an official letter from
9185 an authorized local economic development agency that endorses
9186 the proposed target industry project and pledges that sources of
9187 local financial support for such project exist. For the purposes
9188 of making pledges of local financial support under this
9189 subparagraph, the authorized local economic development agency
9190 shall be officially designated by the passage of a one-time
9191 resolution by the local governing board.
9192 11. Any additional information requested by Jobs Florida
9193 ~~the Office~~.

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9194 (b) To qualify for review by Jobs Florida ~~the Office~~, the
9195 application of a target industry business must, at a minimum,
9196 establish the following to the satisfaction of Jobs Florida ~~the~~
9197 ~~office~~:
9198 1.a. The jobs proposed to be created under the application,
9199 pursuant to subparagraph (a)4., must pay an estimated annual
9200 average wage equaling at least 115 percent of the average
9201 private sector wage in the area where the business is to be
9202 located or the statewide private sector average wage. The
9203 governing board of the county where the qualified target
9204 industry business is to be located shall notify Jobs Florida ~~the~~
9205 ~~Office~~ and the Jobs Florida Partnership ~~Enterprise Florida~~,
9206 Inc., which calculation of the average private sector wage in
9207 the area must be used as the basis for the business's wage
9208 commitment. In determining the average annual wage, Jobs Florida
9209 ~~the Office~~ shall include only new proposed jobs, and wages for
9210 existing jobs shall be excluded from this calculation.
9211 b. Jobs Florida ~~the Office~~ may waive the average wage
9212 requirement at the request of the local governing body
9213 recommending the project and the Jobs Florida Partnership
9214 ~~Enterprise Florida~~, Inc. Jobs Florida ~~the Office~~ may waive the
9215 wage requirement for a project located in a brownfield area
9216 designated under s. 376.80, in a rural city, in a rural
9217 community, in an enterprise zone, or for a manufacturing project
9218 at any location in the state if the jobs proposed to be created
9219 pay an estimated annual average wage equaling at least 100
9220 percent of the average private sector wage in the area where the
9221 business is to be located, only if the merits of the individual
9222 project or the specific circumstances in the community in

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9223 relationship to the project warrant such action. If the local
9224 governing body and the Jobs Florida Partnership ~~Enterprise~~
9225 ~~Florida~~, Inc., make such a recommendation, it must be
9226 transmitted in writing, and the specific justification for the
9227 waiver recommendation must be explained. If Jobs Florida ~~the~~
9228 ~~Office~~ elects to waive the wage requirement, the waiver must be
9229 stated in writing, and the reasons for granting the waiver must
9230 be explained.
9231 2. The target industry business's project must result in
9232 the creation of at least 10 jobs at the project and, in the case
9233 of an expansion of an existing business, must result in a net
9234 increase in employment of at least 10 percent at the business.
9235 At the request of the local governing body recommending the
9236 project and the Jobs Florida Partnership ~~Enterprise Florida~~,
9237 Inc., Jobs Florida ~~the Office~~ may waive this requirement for a
9238 business in a rural community or enterprise zone if the merits
9239 of the individual project or the specific circumstances in the
9240 community in relationship to the project warrant such action. If
9241 the local governing body and the Jobs Florida Partnership, Inc.,
9242 ~~Enterprise Florida, Inc.,~~ make such a request, the request must
9243 be transmitted in writing, and the specific justification for
9244 the request must be explained. If Jobs Florida ~~the Office~~ elects
9245 to grant the request, the grant must be stated in writing, and
9246 the reason for granting the request must be explained.
9247 3. The business activity or product for the applicant's
9248 project must be within an industry identified by Jobs Florida
9249 ~~the Office~~ as a target industry business that contributes to the
9250 economic growth of the state and the area in which the business
9251 is located, that produces a higher standard of living for

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9252 residents of this state in the new global economy, or that can
9253 be shown to make an equivalent contribution to the area's and
9254 state's economic progress.
9255 (c) Each application meeting the requirements of paragraph
9256 (b) must be submitted to Jobs Florida ~~the Office~~ for
9257 determination of eligibility. Jobs Florida ~~the Office~~ shall
9258 review and evaluate each application based on, but not limited
9259 to, the following criteria:
9260 1. Expected contributions to the state's economy,
9261 consistent with the state strategic economic development plan
9262 adopted by the Jobs Florida Partnership, Inc. ~~Enterprise~~
9263 ~~Florida, Inc.~~
9264 2. The economic benefits ~~return on investment~~ of the
9265 proposed award of tax refunds under this section and the
9266 economic benefits of ~~return on investment for~~ state incentives
9267 proposed for the project. The term "economic benefits" has the
9268 same meaning as in s. 288.005. The Office of Economic and
9269 Demographic Research shall review and evaluate the methodology
9270 and model used to calculate the economic benefits ~~return on~~
9271 ~~investment~~ and shall report its findings by September 1 of every
9272 3rd year, ~~beginning September 1, 2010,~~ to the President of the
9273 Senate and the Speaker of the House of Representatives.
9274 3. The amount of capital investment to be made by the
9275 applicant in this state.
9276 4. The local financial commitment and support for the
9277 project.
9278 5. The effect of the project on the unemployment rate in
9279 the county where the project will be located.
9280 6. The effect of the award on the viability of the project

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9281 and the probability that the project would be undertaken in this
9282 state if such tax refunds are granted to the applicant.
9283 7. The expected long-term commitment of the applicant to
9284 economic growth and employment in this state resulting from the
9285 project.
9286 8. A review of the business's past activities in this state
9287 or other states, including whether such business has been
9288 subjected to criminal or civil fines and penalties. This
9289 subparagraph does not require the disclosure of confidential
9290 information.
9291 (d) Applications shall be reviewed and certified pursuant
9292 to s. 288.061. Jobs Florida ~~the Office~~ shall include in its
9293 review projections of the tax refunds the business would be
9294 eligible to receive in each fiscal year based on the creation
9295 and maintenance of the net new Florida jobs specified in
9296 subparagraph (a)4. as of December 31 of the preceding state
9297 fiscal year. If appropriate, Jobs Florida ~~the Office~~ shall enter
9298 into a written agreement with the qualified target industry
9299 business pursuant to subsection (5).
9300 (e) Jobs Florida ~~the Office~~ may not certify any target
9301 industry business as a qualified target industry business if the
9302 value of tax refunds to be included in that letter of
9303 certification exceeds the available amount of authority to
9304 certify new businesses as determined in s. 288.095(3). However,
9305 if the commitments of local financial support represent less
9306 than 20 percent of the eligible tax refund payments, or to
9307 otherwise preserve the viability and fiscal integrity of the
9308 program, Jobs Florida ~~the office~~ may certify a qualified target
9309 industry business to receive tax refund payments of less than

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9310 the allowable amounts specified in paragraph (3)(b). A letter of
9311 certification that approves an application must specify the
9312 maximum amount of tax refund that will be available to the
9313 qualified industry business in each fiscal year and the total
9314 amount of tax refunds that will be available to the business for
9315 all fiscal years.
9316 (f) This section does not create a presumption that an
9317 applicant will receive any tax refunds under this section.
9318 However, Jobs Florida ~~the Office~~ may issue nonbinding opinion
9319 letters, upon the request of prospective applicants, as to the
9320 applicants' eligibility and the potential amount of refunds.
9321 (5) TAX REFUND AGREEMENT.—
9322 (a) Each qualified target industry business must enter into
9323 a written agreement with Jobs Florida ~~the Office~~ that specifies,
9324 at a minimum:
9325 1. The total number of full-time equivalent jobs in this
9326 state that will be dedicated to the project, the average wage of
9327 those jobs, the definitions that will apply for measuring the
9328 achievement of these terms during the pendency of the agreement,
9329 and a time schedule or plan for when such jobs will be in place
9330 and active in this state.
9331 2. The maximum amount of tax refunds that the qualified
9332 target industry business is eligible to receive on the project
9333 and the maximum amount of a tax refund that the qualified target
9334 industry business is eligible to receive for each fiscal year,
9335 based on the job creation and maintenance schedule specified in
9336 subparagraph 1.
9337 3. That Jobs Florida ~~the Office~~ may review and verify the
9338 financial and personnel records of the qualified target industry

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9339 business to ascertain whether that business is in compliance
9340 with this section.
9341 4. The date by which, in each fiscal year, the qualified
9342 target industry business may file a claim under subsection (6)
9343 to be considered to receive a tax refund in the following fiscal
9344 year.
9345 5. That local financial support will be annually available
9346 and will be paid to the account. Jobs Florida ~~the Office~~ may not
9347 enter into a written agreement with a qualified target industry
9348 business if the local financial support resolution is not passed
9349 by the local governing body within 90 days after Jobs Florida
9350 ~~the Office~~ has issued the letter of certification under
9351 subsection (4).
9352 6. That Jobs Florida ~~the Office~~ may conduct a review of the
9353 business to evaluate whether the business is continuing to
9354 contribute to the area's or state's economy.
9355 7. That in the event the business does not complete the
9356 agreement, the business will provide Jobs Florida ~~the Office~~
9357 with the reasons the business was unable to complete the
9358 agreement.
9359 (b) Compliance with the terms and conditions of the
9360 agreement is a condition precedent for the receipt of a tax
9361 refund each year. The failure to comply with the terms and
9362 conditions of the tax refund agreement results in the loss of
9363 eligibility for receipt of all tax refunds previously authorized
9364 under this section and the revocation by Jobs Florida ~~the Office~~
9365 of the certification of the business entity as a qualified
9366 target industry business, unless the business is eligible to
9367 receive and elects to accept a prorated refund under paragraph

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9368 (6)(e) or Jobs Florida ~~the Office~~ grants the business an
9369 economic recovery extension.
9370 1. A qualified target industry business may submit a
9371 request to Jobs Florida ~~the Office~~ for an economic recovery
9372 extension. The request must provide quantitative evidence
9373 demonstrating how negative economic conditions in the business's
9374 industry, the effects of a named hurricane or tropical storm, or
9375 specific acts of terrorism affecting the qualified target
9376 industry business have prevented the business from complying
9377 with the terms and conditions of its tax refund agreement.
9378 2. Upon receipt of a request under subparagraph 1., Jobs
9379 Florida ~~the Office~~ has 45 days to notify the requesting
9380 business, in writing, whether its extension has been granted or
9381 denied. In determining whether an extension should be granted,
9382 Jobs Florida ~~the Office~~ shall consider the extent to which
9383 negative economic conditions in the requesting business's
9384 industry have occurred in the state or the effects of a named
9385 hurricane or tropical storm or specific acts of terrorism
9386 affecting the qualified target industry business have prevented
9387 the business from complying with the terms and conditions of its
9388 tax refund agreement. Jobs Florida ~~the Office~~ shall consider
9389 current employment statistics for this state by industry,
9390 including whether the business's industry had substantial job
9391 loss during the prior year, when determining whether an
9392 extension shall be granted.
9393 3. As a condition for receiving a prorated refund under
9394 paragraph (6)(e) or an economic recovery extension under this
9395 paragraph, a qualified target industry business must agree to
9396 renegotiate its tax refund agreement with Jobs Florida ~~the~~

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9397 ~~Office~~ to, at a minimum, ensure that the terms of the agreement
9398 comply with current law and office procedures governing
9399 application for and award of tax refunds. Upon approving the
9400 award of a prorated refund or granting an economic recovery
9401 extension, Jobs Florida ~~the Office~~ shall renegotiate the tax
9402 refund agreement with the business as required by this
9403 subparagraph. When amending the agreement of a business
9404 receiving an economic recovery extension, Jobs Florida ~~the~~
9405 ~~Office~~ may extend the duration of the agreement for a period not
9406 to exceed 2 years.
9407 4. A qualified target industry business may submit a
9408 request for an economic recovery extension to Jobs Florida ~~the~~
9409 ~~Office~~ in lieu of any tax refund claim scheduled to be submitted
9410 after January 1, 2009, but before July 1, 2012.
9411 5. A qualified target industry business that receives an
9412 economic recovery extension may not receive a tax refund for the
9413 period covered by the extension.
9414 (c) The agreement must be signed by the commissioner
9415 ~~director~~ and by an authorized officer of the qualified target
9416 industry business within 120 days after the issuance of the
9417 letter of certification under subsection (4), but not before
9418 passage and receipt of the resolution of local financial
9419 support. Jobs Florida ~~The Office~~ may grant an extension of this
9420 period at the written request of the qualified target industry
9421 business.
9422 (6) ANNUAL CLAIM FOR REFUND.—
9423 (a) To be eligible to claim any scheduled tax refund, a
9424 qualified target industry business that has entered into a tax
9425 refund agreement with Jobs Florida ~~the Office~~ under subsection

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9426 (5) must apply by January 31 of each fiscal year to Jobs Florida
9427 ~~the office~~ for the tax refund scheduled to be paid from the
9428 appropriation for the fiscal year that begins on July 1
9429 following the January 31 claims-submission date. Jobs Florida
9430 ~~The Office~~ may, upon written request, grant a 30-day extension
9431 of the filing date.
9432 (c) Jobs Florida ~~the Office~~ may waive the requirement for
9433 proof of taxes paid in future years for a qualified target
9434 industry business that provides the office with proof that, in a
9435 single year, the business has paid an amount of state taxes from
9436 the categories in paragraph (3)(d) that is at least equal to the
9437 total amount of tax refunds that the business may receive
9438 through successful completion of its tax refund agreement.
9439 (f) Jobs Florida ~~the Office~~, with such assistance as may be
9440 required from the Department of Revenue ~~or the Agency for~~
9441 ~~Workforce Innovation~~, shall, by June 30 following the scheduled
9442 date for submission of the tax refund claim, specify by written
9443 order the approval or disapproval of the tax refund claim and,
9444 if approved, the amount of the tax refund that is authorized to
9445 be paid to the qualified target industry business for the annual
9446 tax refund. Jobs Florida ~~the Office~~ may grant an extension of
9447 this date on the request of the qualified target industry
9448 business for the purpose of filing additional information in
9449 support of the claim.
9450 (g) The total amount of tax refund claims approved by Jobs
9451 Florida ~~the Office~~ under this section in any fiscal year must
9452 not exceed the amount authorized under s. 288.095(3).
9453 (7) ADMINISTRATION.—
9454 (a) Jobs Florida ~~the Office~~ may verify information provided

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9455 in any claim submitted for tax credits under this section with
9456 regard to employment and wage levels or the payment of the taxes
9457 to the appropriate agency or authority, including the Department
9458 of Revenue~~, the Agency for Workforce Innovation,~~ or any local
9459 government or authority.
9460 (b) To facilitate the process of monitoring and auditing
9461 applications made under this section, Jobs Florida ~~the Office~~
9462 may provide a list of qualified target industry businesses to
9463 the Department of Revenue~~, to the Agency for Workforce~~
9464 ~~Innovation,~~ or to any local government or authority. Jobs
9465 Florida ~~The Office~~ may request the assistance of those entities
9466 with respect to monitoring jobs, wages, and the payment of the
9467 taxes listed in subsection (3).
9468 (c) Funds specifically appropriated for tax refunds for
9469 qualified target industry businesses under this section may not
9470 be used by Jobs Florida ~~the Office~~ for any purpose other than
9471 the payment of tax refunds authorized by this section.
9472 (d) Beginning with tax refund agreements signed after July
9473 1, 2010, Jobs Florida ~~the Office~~ shall attempt to ascertain the
9474 causes for any business's failure to complete its agreement and
9475 shall report its findings and recommendations to the Governor,
9476 the President of the Senate, and the Speaker of the House of
9477 Representatives. The report shall be submitted by December 1 of
9478 each year beginning in 2011.
9479 Section 145. Paragraphs (d), (e), (f), (g) and (h) of
9480 subsection (1), subsection (2), paragraphs (a), (b), (f), (g),
9481 (h), and (i) of subsection (4), and subsection (5) of section
9482 288.107, Florida Statutes, are amended to read:
9483 288.107 Brownfield redevelopment bonus refunds.—

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9484 (1) DEFINITIONS.—As used in this section:
9485 ~~(d) "Director" means the director of the Office of Tourism,~~
9486 ~~Trade, and Economic Development~~.
9487 (d) ~~(e)~~ "Eligible business" means:
9488 1. A qualified target industry business as defined in s.
9489 288.106(2); or
9490 2. A business that can demonstrate a fixed capital
9491 investment of at least $2 million in mixed-use business
9492 activities, including multiunit housing, commercial, retail, and
9493 industrial in brownfield areas, or at least $500,000 in
9494 brownfield areas that do not require site cleanup, and that
9495 provides benefits to its employees.
9496 (e) ~~(f)~~ "Jobs" means full-time equivalent positions,
9497 including, but not limited to, positions obtained from a
9498 temporary employment agency or employee leasing company or
9499 through a union agreement or coemployment under a professional
9500 employer organization agreement, that result directly from a
9501 project in this state. The term does not include temporary
9502 construction jobs involved with the construction of facilities
9503 for the project and which are not associated with the
9504 implementation of the site rehabilitation as provided in s.
9505 376.80.
9506 ~~(g) "Office" means The Office of Tourism, Trade, and~~
9507 ~~Economic Development.~~
9508 (f) ~~(h)~~ "Project" means the creation of a new business or
9509 the expansion of an existing business as defined in s. 288.106.
9510 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
9511 shall be approved by Jobs Florida ~~the Office~~ as specified in the
9512 final order and allowed from the account as follows:

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9513 (a) A bonus refund of $2,500 shall be allowed to any
9514 qualified target industry business as defined in s. 288.106 for
9515 each new Florida job created in a brownfield area that is
9516 claimed on the qualified target industry business's annual
9517 refund claim authorized in s. 288.106(6).
9518 (b) A bonus refund of up to $2,500 shall be allowed to any
9519 other eligible business as defined in subparagraph (1)(d)2.
9520 ~~subparagraph (1)(e)2.~~ for each new Florida job created in a
9521 brownfield area that is claimed under an annual claim procedure
9522 similar to the annual refund claim authorized in s. 288.106(6).
9523 The amount of the refund shall be equal to 20 percent of the
9524 average annual wage for the jobs created.
9525 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—
9526 (a) To be eligible to receive a bonus refund for new
9527 Florida jobs created in a brownfield area, a business must have
9528 been certified as a qualified target industry business under s.
9529 288.106 or eligible business as defined in paragraph (1)(d)
9530 ~~paragraph (1)(e)~~ and must have indicated on the qualified target
9531 industry business tax refund application form submitted in
9532 accordance with s. 288.106(4) or other similar agreement for
9533 other eligible business as defined in paragraph (1)(d) ~~paragraph~~
9534 ~~(1)(e)~~ that the project for which the application is submitted
9535 is or will be located in a brownfield area and that the business
9536 is applying for certification as a qualified brownfield business
9537 under this section, and must have signed a qualified target
9538 industry business tax refund agreement with Jobs Florida ~~the~~
9539 ~~Office~~ that indicates that the business has been certified as a
9540 qualified target industry business located in a brownfield area
9541 and specifies the schedule of brownfield redevelopment bonus

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9542 refunds that the business may be eligible to receive in each
9543 fiscal year.
9544 (b) To be considered to receive an eligible brownfield
9545 redevelopment bonus refund payment, the business meeting the
9546 requirements of paragraph (a) must submit a claim once each
9547 fiscal year on a claim form approved by Jobs Florida ~~the Office~~
9548 which indicates the location of the brownfield, the address of
9549 the business facility's brownfield location, the name of the
9550 brownfield in which it is located, the number of jobs created,
9551 and the average wage of the jobs created by the business within
9552 the brownfield as defined in s. 288.106 or other eligible
9553 business as defined in paragraph (1)(d) ~~paragraph (1)(c)~~ and the
9554 administrative rules and policies for that section.
9555 (f) Applications shall be reviewed and certified pursuant
9556 to s. 288.061. Jobs Florida ~~The Office~~ shall review all
9557 applications submitted under s. 288.106 or other similar
9558 application forms for other eligible businesses as defined in
9559 paragraph (1)(d) ~~paragraph (1)(c)~~ which indicate that the
9560 proposed project will be located in a brownfield and determine,
9561 with the assistance of the Department of Environmental
9562 Protection, that the project location is within a brownfield as
9563 provided in this act.
9564 (g) Jobs Florida ~~The Office~~ shall approve all claims for a
9565 brownfield redevelopment bonus refund payment that are found to
9566 meet the requirements of paragraphs (b) and (d).
9567 (h) Jobs Florida ~~The director~~, with such assistance as may
9568 be required from ~~the Office and~~ the Department of Environmental
9569 Protection, shall specify by written final order the amount of
9570 the brownfield redevelopment bonus refund that is authorized for

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9571 the qualified target industry business for the fiscal year
9572 within 30 days after the date that the claim for the annual tax
9573 refund is received by Jobs Florida ~~the office~~.
9574 (i) The total amount of the bonus refunds approved by Jobs
9575 Florida ~~the director~~ under this section in any fiscal year must
9576 not exceed the total amount appropriated to the Economic
9577 Development Incentives Account for this purpose for the fiscal
9578 year. In the event that the Legislature does not appropriate an
9579 amount sufficient to satisfy projections by Jobs Florida ~~the~~
9580 ~~Office~~ for brownfield redevelopment bonus refunds under this
9581 section in a fiscal year, Jobs Florida ~~the Office~~ shall, not
9582 later than July 15 of such year, determine the proportion of
9583 each brownfield redevelopment bonus refund claim which shall be
9584 paid by dividing the amount appropriated for tax refunds for the
9585 fiscal year by the projected total of brownfield redevelopment
9586 bonus refund claims for the fiscal year. The amount of each
9587 claim for a brownfield redevelopment bonus tax refund shall be
9588 multiplied by the resulting quotient. If, after the payment of
9589 all such refund claims, funds remain in the Economic Development
9590 Incentives Account for brownfield redevelopment tax refunds,
9591 Jobs Florida ~~the Office~~ shall recalculate the proportion for
9592 each refund claim and adjust the amount of each claim
9593 accordingly.
9594 (5) ADMINISTRATION.—
9595 (a) Jobs Florida ~~the Office~~ may verify information provided
9596 in any claim submitted for tax credits under this section with
9597 regard to employment and wage levels or the payment of the taxes
9598 to the appropriate agency or authority, including the Department
9599 of Revenue, ~~the Agency for Workforce Innovation,~~ or any local

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9600 government or authority.
9601 (b) To facilitate the process of monitoring and auditing
9602 applications made under this program, Jobs Florida ~~the Office~~
9603 may provide a list of qualified target industry businesses to
9604 the Department of Revenue, ~~to the Agency for Workforce~~
9605 ~~Innovation,~~ to the Department of Environmental Protection, or to
9606 any local government authority. Jobs Florida ~~the office~~ may
9607 request the assistance of those entities with respect to
9608 monitoring the payment of the taxes listed in s. 288.106(3).
9609 Section 146. Paragraphs (a), (b), (c), and (d) of
9610 subsection (2), paragraphs (b), (d), and (e) of subsection (3),
9611 subsection (4), paragraphs (a) and (c) of subsection (5), and
9612 subsections (6) and (7) of section 288.108, Florida Statutes,
9613 are amended, and present paragraphs (e) through (j) of
9614 subsection (2) are redesignated as paragraphs (c) through (h),
9615 respectively, to read:
9616 288.108 High-impact business.—
9617 (2) DEFINITIONS.—As used in this section, the term:
9618 (a) "Eligible high-impact business" means a business in one
9619 of the high-impact sectors identified by the Jobs Florida
9620 Partnership ~~Enterprise Florida~~, Inc., and certified by Jobs
9621 Florida ~~the Office of Tourism, Trade, and Economic Development~~
9622 as provided in subsection (5), which is making a cumulative
9623 investment in the state of at least $50 million and creating at
9624 least 50 new full-time equivalent jobs in the state or a
9625 research and development facility making a cumulative investment
9626 of at least $25 million and creating at least 25 new full-time
9627 equivalent jobs. Such investment and employment must be achieved
9628 in a period not to exceed 3 years after the date the business is

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9629 certified as a qualified high-impact business.
9630 (b) "Qualified high-impact business" means a business in
9631 one of the high-impact sectors that has been certified by Jobs
9632 Florida ~~the Office~~ as a qualified high-impact business to
9633 receive a high-impact sector performance grant.
9634 ~~(c) "Office" means the Office of Tourism, Trade, and~~
9635 ~~Economic Development.~~
9636 ~~(d) "Director" means the director of the Office of Tourism,~~
9637 ~~Trade, and Economic Development~~.
9638 (3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE
9639 AMOUNTS.—
9640 (b) Jobs Florida ~~The Office~~ may~~, in consultation with~~
9641 ~~Enterprise Florida, Inc.,~~ negotiate qualified high-impact
9642 business performance grant awards for any single qualified high-
9643 impact business. In negotiating such awards, Jobs Florida ~~the~~
9644 ~~Office~~ shall consider the following guidelines in conjunction
9645 with other relevant applicant impact and cost information and
9646 analysis as required in subsection (5).
9647 1. A qualified high-impact business making a cumulative
9648 investment of $50 million and creating 50 jobs may be eligible
9649 for a total qualified high-impact business performance grant of
9650 $500,000 to $1 million.
9651 2. A qualified high-impact business making a cumulative
9652 investment of $100 million and creating 100 jobs may be eligible
9653 for a total qualified high-impact business performance grant of
9654 $1 million to $2 million.
9655 3. A qualified high-impact business making a cumulative
9656 investment of $800 million and creating 800 jobs may be eligible
9657 for a qualified high-impact business performance grant of $10

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9658 million to $12 million.
9659 4. A qualified high-impact business engaged in research and
9660 development making a cumulative investment of $25 million and
9661 creating 25 jobs may be eligible for a total qualified high-
9662 impact business performance grant of $700,000 to $1 million.
9663 5. A qualified high-impact business engaged in research and
9664 development making a cumulative investment of $75 million, and
9665 creating 75 jobs may be eligible for a total qualified high-
9666 impact business performance grant of $2 million to $3 million.
9667 6. A qualified high-impact business engaged in research and
9668 development making a cumulative investment of $150 million, and
9669 creating 150 jobs may be eligible for a qualified high-impact
9670 business performance grant of $3.5 million to $4.5 million.
9671 (d) The balance of the performance grant award shall be
9672 paid to the qualified high-impact business upon the business's
9673 certification that full operations have commenced and that the
9674 full investment and employment goals specified in the qualified
9675 high-impact business agreement have been met and verified by
9676 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
9677 ~~Development~~. The verification must occur not later than 60 days
9678 after the qualified high-impact business has provided the
9679 certification specified in this paragraph.
9680 (e) Jobs Florida ~~The office~~ may, upon a showing of
9681 reasonable cause for delay and significant progress toward the
9682 achievement of the investment and employment goals specified in
9683 the qualified high-impact business agreement, extend the date
9684 for commencement of operations, not to exceed an additional 2
9685 years beyond the limit specified in paragraph (2)(a), but in no
9686 case may any high-impact sector performance grant payment be

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9687 made to the business until the scheduled goals have been
9688 achieved.
9689 (4) ~~OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT~~
9690 AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS PERFORMANCE
9691 GRANTS.—
9692 (a) The total amount of active performance grants scheduled
9693 for payment by Jobs Florida ~~the office~~ in any single fiscal year
9694 may not exceed the lesser of $30 million or the amount
9695 appropriated by the Legislature for that fiscal year for
9696 qualified high-impact business performance grants. If the
9697 scheduled grant payments are not made in the year for which they
9698 were scheduled in the qualified high-impact business agreement
9699 and are rescheduled as authorized in paragraph (3)(e), they are,
9700 for purposes of this paragraph, deemed to have been paid in the
9701 year in which they were originally scheduled in the qualified
9702 high-impact business agreement.
9703 (b) If the Legislature does not appropriate an amount
9704 sufficient to satisfy the qualified high-impact business
9705 performance grant payments scheduled for any fiscal year, Jobs
9706 Florida ~~the Office~~ shall, not later than July 15 of that year,
9707 determine the proportion of each grant payment which may be paid
9708 by dividing the amount appropriated for qualified high-impact
9709 business performance grant payments for the fiscal year by the
9710 total performance grant payments scheduled in all performance
9711 grant agreements for the fiscal year. The amount of each grant
9712 scheduled for payment in that fiscal year must be multiplied by
9713 the resulting quotient. All businesses affected by this
9714 calculation must be notified by August 1 of each fiscal year.
9715 If, after the payment of all the refund claims, funds remain in

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9716 the appropriation for payment of qualified high-impact business
9717 performance grants, Jobs Florida ~~the Office~~ shall recalculate
9718 the proportion for each performance grant payment and adjust the
9719 amount of each claim accordingly.
9720 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—
9721 (a) Any eligible business, as defined in subsection (2),
9722 shall apply to the Jobs Florida Partnership ~~Enterprise Florida~~,
9723 Inc., for consideration as a qualified high-impact business
9724 before the business has made a decision to locate or expand a
9725 facility in this state. The application, developed by Jobs
9726 Florida ~~The Office of Tourism, Trade, and Economic Development~~,
9727 in consultation with the Jobs Florida Partnership ~~Enterprise~~
9728 ~~Florida~~, Inc., must include, but is not limited to, the
9729 following information:
9730 1. A complete description of the type of facility, business
9731 operations, and product or service associated with the project.
9732 2. The number of full-time equivalent jobs that will be
9733 created by the project and the average annual wage of those
9734 jobs.
9735 3. The cumulative amount of investment to be dedicated to
9736 this project within 3 years.
9737 4. A statement concerning any special impacts the facility
9738 is expected to stimulate in the sector, the state, or regional
9739 economy and in state universities and community colleges.
9740 5. A statement concerning the role the grant will play in
9741 the decision of the applicant business to locate or expand in
9742 this state.
9743 6. Any additional information requested by Jobs Florida and
9744 the Jobs Florida Partnership ~~Enterprise Florida,~~ Inc., ~~and the~~

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9745 ~~Office of Tourism, Trade, and Economic Development.~~
9746 (c) Jobs Florida ~~The director~~ and the qualified high-impact
9747 business shall enter into a performance grant agreement setting
9748 forth the conditions for payment of the qualified high-impact
9749 business performance grant. The agreement shall include the
9750 total amount of the qualified high-impact business facility
9751 performance grant award, the performance conditions that must be
9752 met to obtain the award, including the employment, average
9753 salary, investment, the methodology for determining if the
9754 conditions have been met, and the schedule of performance grant
9755 payments.
9756 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—
9757 (a) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
9758 shall, by January 1, of every third year, beginning January 1,
9759 2011, initiate the process of reviewing and, if appropriate,
9760 selecting a new high-impact sector for designation or
9761 recommending the deactivation of a designated high-impact
9762 sector. The process of reviewing designated high-impact sectors
9763 or recommending the deactivation of a designated high-impact
9764 sector shall be in consultation with Jobs Florida ~~the office~~,
9765 economic development organizations, the State University System,
9766 local governments, employee and employer organizations, market
9767 analysts, and economists.
9768 (b) Jobs Florida ~~the Office~~ has authority, ~~only~~ after
9769 recommendation from the Jobs Florida Partnership ~~Enterprise~~
9770 ~~Florida~~, Inc., to designate a high-impact sector or to
9771 deauthorize a designated high-impact sector.
9772 (c) To begin the process of selecting and designating a new
9773 high-impact sector, the Jobs Florida Partnership ~~Enterprise~~

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9774 ~~Florida~~, Inc., shall undertake a thorough study of the proposed
9775 sector. This study must consider the definition of the sector,
9776 including the types of facilities which characterize the sector
9777 that might qualify for a high-impact performance grant and
9778 whether a powerful incentive like the high-impact performance
9779 grant is needed to induce major facilities in the sector to
9780 locate or grow in this state; the benefits that major facilities
9781 in the sector have or could have on the state's economy and the
9782 relative significance of those benefits; the needs of the sector
9783 and major sector facilities, including natural, public, and
9784 human resources and benefits and costs with regard to these
9785 resources; the sector's current and future markets; the current
9786 fiscal and potential fiscal impacts of the sector, to both the
9787 state and its communities; any geographic opportunities or
9788 limitations with regard to the sector, including areas of the
9789 state most likely to benefit from the sector and areas unlikely
9790 to benefit from the sector; the state's advantages or
9791 disadvantages with regard to the sector; and the long-term
9792 expectations for the industry on a global level and in the
9793 state. If the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
9794 finds favorable conditions for the designation of the sector as
9795 a high-impact sector, it shall include in the study
9796 recommendations for a complete and comprehensive sector
9797 strategy, including appropriate marketing and workforce
9798 strategies for the entire sector and any recommendations that
9799 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., may have
9800 for statutory or policy changes needed to improve the state's
9801 business climate and to attract and grow Florida businesses,
9802 particularly small businesses, in the proposed sector. The study

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9803 shall reflect the finding of the sector-business network
9804 specified in paragraph (d).
9805 (d) In conjunction with the study required in paragraph
9806 (c), the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
9807 shall develop and consult with a network of sector businesses.
9808 While this network may include non-Florida businesses, it must
9809 include any businesses currently within the state. If the number
9810 of Florida businesses in the sector is large, a representative
9811 cross-section of Florida sector businesses may form the core of
9812 this network.
9813 (e) The study and its findings and recommendations and the
9814 recommendations gathered from the sector-business network must
9815 be discussed and considered during the at least one meeting per
9816 calendar year of leaders in business, government, education,
9817 workforce development, and economic development called by the
9818 Governor to address the business climate in the state, develop a
9819 common vision for the economic future of the state, and identify
9820 economic development efforts to fulfill that vision ~~required in~~
9821 ~~s. 14.2015(2)(e)~~.
9822 (f) If after consideration of the completed study required
9823 in paragraph (c) and the input derived from consultation with
9824 the sector-business network in paragraph (d) and the ~~quarterly~~
9825 meeting as required in paragraph (e), the board of directors of
9826 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., finds
9827 that the sector will have exceptionally large and widespread
9828 benefits to the state and its citizens, relative to any public
9829 costs; that the sector is characterized by the types of
9830 facilities that require exceptionally large investments and
9831 provide employment opportunities to a relatively large number of

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9832 workers in high-quality, high-income jobs that might qualify for
9833 a high-impact performance grant; and that given the competition
9834 for such businesses it may be necessary for the state to be able
9835 to offer a large inducement, such as a high-impact performance
9836 grant, to attract such a business to the state or to encourage
9837 businesses to continue to grow in the state, the board of
9838 directors of the Jobs Florida Partnership ~~Enterprise Florida~~,
9839 Inc., may recommend that Jobs Florida ~~the office~~ consider the
9840 designation of the sector as a high-impact business sector.
9841 (g) Upon receiving a recommendation from the board of
9842 directors of the Jobs Florida Partnership ~~Enterprise Florida~~,
9843 Inc., together with the study required in paragraph (c) and a
9844 summary of the findings and recommendations of the sector-
9845 business network required in paragraph (d), including a list of
9846 all meetings of the sector network and participants in those
9847 meetings and the findings and recommendations from the ~~quarterly~~
9848 meeting as required in paragraph (e), Jobs Florida ~~the Office~~
9849 shall after a thorough evaluation of the study and accompanying
9850 materials report its findings and either concur in the
9851 recommendation of the Jobs Florida Partnership ~~Enterprise~~
9852 ~~Florida~~, Inc., and designate the sector as a high-impact
9853 business sector or notify the Jobs Florida Partnership
9854 ~~Enterprise Florida~~, Inc., that it does not concur and deny the
9855 board's request for designation or return the recommendation and
9856 study to the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
9857 for further evaluation. In any case, Jobs Florida's ~~the~~
9858 ~~director's~~ decision must be in writing and justify the reasons
9859 for the decision.
9860 (h) If Jobs Florida ~~the Office~~ designates the sector as a

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9861 high-impact sector, it shall, within 30 days, notify the
9862 Governor, the President of the Senate, and the Speaker of the
9863 House of Representatives of its decision and provide a complete
9864 report on its decision, including copies of the material
9865 provided by the Jobs Florida Partnership ~~Enterprise Florida~~,
9866 Inc., and Jobs Florida's ~~the Office of Tourism, Trade, and~~
9867 ~~Economic Development's~~ evaluation and comment on any statutory
9868 or policy changes recommended by the Jobs Florida Partnership
9869 ~~Enterprise Florida~~, Inc.
9870 (i) For the purposes of this subsection, a high-impact
9871 sector consists of the silicon technology sector that the Jobs
9872 Florida Partnership ~~Enterprise Florida~~, Inc., has found to be
9873 focused around the type of high-impact businesses for which the
9874 incentive created in this subsection is required and will create
9875 the kinds of sector and economy wide benefits that justify the
9876 use of state resources to encourage these investments and
9877 require substantial inducements to compete with the incentive
9878 packages offered by other states and nations.
9879 (7) RULEMAKING.—Jobs Florida ~~the Office~~ may adopt rules
9880 necessary to carry out the provisions of this section.
9881 Section 147. Subsection (1), paragraph (f) of subsection
9882 (2), and subsections (4), (5), and (9) of section 288.1083,
9883 Florida Statutes, are amended, and present paragraph (g) of
9884 subsection (2) is redesignated as paragraph (f), to read:
9885 288.1083 Manufacturing and Spaceport Investment Incentive
9886 Program.—
9887 (1) The Manufacturing and Spaceport Investment Incentive
9888 Program is created within Jobs Florida ~~the office of Tourism,~~
9889 ~~Trade, and Economic Development~~. The purpose of the program is

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9890 to encourage capital investment and job creation in
9891 manufacturing and spaceport activities in this state.
9892 (2) As used in this section, the term:
9893 ~~(f) "Office" means the Office of Tourism, Trade, and~~
9894 ~~Economic Development.~~
9895 (4) To receive a refund, a business entity must first apply
9896 to Jobs Florida ~~the office~~ for a tax refund allocation. The
9897 entity shall provide such information in the application as
9898 reasonably required by Jobs Florida ~~the office~~. Further, the
9899 business entity shall provide such information as is required by
9900 Jobs Florida ~~the office~~ to establish the cost incurred and
9901 actual sales and use tax paid to purchase eligible equipment
9902 located and placed into service in this state during its taxable
9903 year that began in 2008.
9904 (a) Within 30 days after Jobs Florida ~~the office~~ receives
9905 an application for a refund, Jobs Florida ~~the office~~ shall
9906 approve or disapprove the application.
9907 (b) Refund allocations made during the 2010-2011 fiscal
9908 year shall be awarded in the same order in which applications
9909 are received. Eligible entities may apply to Jobs Florida ~~the~~
9910 ~~office~~ beginning July 1, 2010, for refunds attributable to
9911 eligible equipment purchases made during the 2010-2011 fiscal
9912 year. For the 2010-2011 fiscal year, Jobs Florida ~~the office~~
9913 shall allocate the maximum amount of $50,000 per entity until
9914 the entire $19 million available for refund in state fiscal year
9915 2010-2011 has been allocated. If the total amount available for
9916 allocation during the 2010-2011 fiscal year is allocated, Jobs
9917 Florida ~~the office~~ shall continue taking applications. Each
9918 applicant shall be informed of its place in the queue and

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9919 whether the applicant received an allocation of the eligible
9920 funds.
9921 (c) Refund allocations made during the 2011-2012 fiscal
9922 year shall first be given to any applicants remaining in the
9923 queue from the prior fiscal year. Jobs Florida ~~The office~~ shall
9924 allocate the maximum amount of $50,000 per entity, first to
9925 those applicants that remained in the queue from 2010-2011 for
9926 eligible purchases in 2010-2011, then to applicants for 2011-
9927 2012 in the order applications are received for eligible
9928 purchases in 2011-2012. Jobs Florida ~~The office~~ shall allocate
9929 the maximum amount of $50,000 per entity until the entire $24
9930 million available to be allocated for refund in the 2011-2012
9931 fiscal year is allocated. If the total amount available for
9932 refund in 2011-2012 has been allocated, Jobs Florida ~~The office~~
9933 shall continue to accept applications from eligible entities in
9934 the 2011-2012 fiscal year for refunds attributable to eligible
9935 equipment purchases made during the 2011-2012 fiscal year.
9936 Refund allocations made during the 2011-2012 fiscal year shall
9937 be awarded in the same order in which applications are received.
9938 Upon submitting an application, each applicant shall be informed
9939 of its place in the queue and whether the applicant has received
9940 an allocation of the eligible funds.
9941 (5) Upon completion of eligible equipment purchases, a
9942 business entity that received a refund allocation from Jobs
9943 Florida ~~the office~~ must apply to Jobs Florida ~~the office~~ for
9944 certification of a refund. For eligible equipment purchases made
9945 during the 2010-2011 fiscal year, the application for
9946 certification must be made no later than September 1, 2011. For
9947 eligible equipment purchases made during the 2011-2012 fiscal

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9948 year, the application for certification must be made no later
9949 than September 1, 2012. The application shall provide such
9950 documentation as is reasonably required by Jobs Florida ~~the~~
9951 ~~office~~ to calculate the refund amount, including documentation
9952 necessary to confirm the cost of eligible equipment purchases
9953 supporting the claim of the sales and use tax paid thereon.
9954 Further, the business entity shall provide such documentation as
9955 required by Jobs Florida ~~the office~~ to establish the entity's
9956 base year purchases. If, upon reviewing the application, Jobs
9957 Florida ~~the office~~ determines that eligible equipment purchases
9958 did not occur, that the amount of tax claimed to have been paid
9959 or remitted on the eligible equipment purchases is not supported
9960 by the documentation provided, or that the information provided
9961 to Jobs Florida ~~the office~~ was otherwise inaccurate, the amount
9962 of the refund allocation not substantiated shall not be
9963 certified. Otherwise, Jobs Florida ~~the office~~ shall determine
9964 and certify the amount of the refund to the eligible entity and
9965 to the department within 30 days after Jobs Florida ~~the office~~
9966 receives the application for certification.
9967 (9) Jobs Florida ~~The office~~ shall adopt emergency rules
9968 governing applications for, issuance of, and procedures for
9969 allocation and certification and may establish guidelines as to
9970 the requisites for demonstrating base year purchases and
9971 eligible equipment purchases.
9972 Section 148. Subsections (2) and (3) of section 288.1088,
9973 Florida Statutes, are amended to read:
9974 288.1088 Quick Action Closing Fund.—
9975 (2) There is created within Jobs Florida ~~the Office of~~
9976 ~~Tourism, Trade, and Economic Development~~ the Quick Action

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9977 Closing Fund. Projects eligible for receipt of funds from the
9978 Quick Action Closing Fund shall:
9979 (a) Be in an industry as referenced in s. 288.106.
9980 (b) Have a positive economic benefit ~~payback~~ ratio of at
9981 least 5 to 1.
9982 (c) Be an inducement to the project's location or expansion
9983 in the state.
9984 (d) Pay an average annual wage of at least 125 percent of
9985 the areawide or statewide private sector average wage.
9986 (e) Be supported by the local community in which the
9987 project is to be located.
9988 (3)(a) Jobs Florida and the Jobs Florida Partnership
9989 ~~Enterprise Florida~~, Inc., shall jointly review applications
9990 pursuant to s. 288.061 and determine the eligibility of each
9991 project consistent with the criteria in subsection (2). Jobs
9992 Florida ~~Enterprise Florida, Inc.~~, in consultation with the Jobs
9993 Florida Partnership, Inc., ~~the Office of Tourism, Trade, and~~
9994 ~~Economic Development,~~ may waive these criteria:
9995 1. Based on extraordinary circumstances;
9996 2. In order to mitigate the impact of the conclusion of the
9997 space shuttle program; or
9998 3. In rural areas of critical economic concern if the
9999 project would significantly benefit the local or regional
10000 economy.
10001 (b) Jobs Florida and the Jobs Florida Partnership
10002 ~~Enterprise Florida~~, Inc., shall jointly evaluate individual
10003 proposals for high-impact business facilities ~~and forward~~
10004 ~~recommendations regarding the use of moneys in the fund for such~~
10005 ~~facilities to the director of the Office of Tourism, Trade, and~~

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10006 ~~Economic Development~~. Such evaluation ~~and recommendation~~ must
10007 include, but need not be limited to:
10008 1. A description of the type of facility or infrastructure,
10009 its operations, and the associated product or service associated
10010 with the facility.
10011 2. The number of full-time-equivalent jobs that will be
10012 created by the facility and the total estimated average annual
10013 wages of those jobs or, in the case of privately developed rural
10014 infrastructure, the types of business activities and jobs
10015 stimulated by the investment.
10016 3. The cumulative amount of investment to be dedicated to
10017 the facility within a specified period.
10018 4. A statement of any special impacts the facility is
10019 expected to stimulate in a particular business sector in the
10020 state or regional economy or in the state's universities and
10021 community colleges.
10022 5. A statement of the role the incentive is expected to
10023 play in the decision of the applicant business to locate or
10024 expand in this state or for the private investor to provide
10025 critical rural infrastructure.
10026 6. A report evaluating the quality and value of the company
10027 submitting a proposal. The report must include:
10028 a. A financial analysis of the company, including an
10029 evaluation of the company's short-term liquidity ratio as
10030 measured by its assets to liability, the company's profitability
10031 ratio, and the company's long-term solvency as measured by its
10032 debt-to-equity ratio;
10033 b. The historical market performance of the company;
10034 c. A review of any independent evaluations of the company;

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10035 d. A review of the latest audit of the company's financial
10036 statement and the related auditor's management letter; and
10037 e. A review of any other types of audits that are related
10038 to the internal and management controls of the company.
10039 (c)1. Within 7 business ~~22 calendar~~ days after evaluating a
10040 project, Jobs Florida ~~receiving the evaluation and~~
10041 ~~recommendation from Enterprise Florida, Inc., the director of~~
10042 ~~the Office of Tourism, Trade, and Economic Development~~ shall
10043 recommend to the Governor approval or disapproval of a project
10044 for receipt of funds from the Quick Action Closing Fund. In
10045 recommending a project, Jobs Florida ~~the director~~ shall include
10046 proposed performance conditions that the project must meet to
10047 obtain incentive funds.
10048 2. The Governor may approve projects without consulting the
10049 Legislature for projects requiring less than $1 million in
10050 funding.
10051 3. For projects requiring funding in the amount of $1
10052 million to $5 million, the Governor shall provide a written ~~the~~
10053 description and evaluation of a project ~~projects~~ recommended for
10054 approval to the President of the Senate, ~~and~~ the Speaker of the
10055 House of Representatives, and the chairs of the Senate and House
10056 appropriations committees that oversee economic development
10057 funding, and, no sooner than 3 days subsequent to providing the
10058 written project descriptions and evaluations, shall consult with
10059 the President of the Senate and the Speaker of the House of
10060 Representatives before giving final approval for a project. At
10061 least 14 days before releasing funds for a project, the
10062 Executive Office of the Governor shall recommend approval of the
10063 project and the release of funds by delivering notice of such

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10064 action pursuant to the legislative consultation and review
10065 requirements set forth in s. 216.177. The recommendation must
10066 include proposed performance conditions that the project must
10067 meet in order to obtain funds.
10068 4. If the chair or vice chair of the Legislative Budget
10069 Commission or the President of the Senate or the Speaker of the
10070 House of Representatives timely advises the Executive Office of
10071 the Governor, in writing, that such action or proposed action
10072 exceeds the delegated authority of the Executive Office of the
10073 Governor or is contrary to legislative policy or intent, the
10074 Executive Office of the Governor shall void the release of funds
10075 and instruct Jobs Florida ~~the Office of Tourism, Trade, and~~
10076 ~~Economic Development~~ to immediately change such action or
10077 proposed action until the Legislative Budget Commission or the
10078 Legislature addresses the issue. Notwithstanding such
10079 requirement, any project exceeding $5 million ~~$2,000,000~~ must be
10080 approved by the Legislative Budget Commission prior to the funds
10081 being released.
10082 (d) Upon the approval of the Governor, Jobs Florida ~~the~~
10083 ~~director of the Office of Tourism, Trade, and Economic~~
10084 ~~Development~~ and the business shall enter into a contract that
10085 sets forth the conditions for payment of moneys from the fund.
10086 The contract must include the total amount of funds awarded; the
10087 performance conditions that must be met to obtain the award,
10088 including, but not limited to, net new employment in the state,
10089 average salary, and total capital investment; demonstrate a
10090 baseline of current service and a measure of enhanced
10091 capability; the methodology for validating performance; the
10092 schedule of payments from the fund; and sanctions for failure to

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10093 meet performance conditions. The contract must provide that
10094 payment of moneys from the fund is contingent upon sufficient
10095 appropriation of funds by the Legislature.
10096 (e) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
10097 shall validate contractor performance. Such validation shall be
10098 reported within 6 months after completion of the contract to the
10099 Governor, President of the Senate, and the Speaker of the House
10100 of Representatives.
10101 Section 149. Subsection (1), paragraphs (b), (f), and (o)
10102 of subsection (2), and subsections (3), through (9), (11), and
10103 (12) of section 288.1089, Florida Statutes, are amended, and
10104 present paragraphs (g) through (n) and (p) through (s) of
10105 subsection (2) are redesignated as paragraphs (f) through (p),
10106 respectively, to read:
10107 288.1089 Innovation Incentive Program.—
10108 (1) The Innovation Incentive Program is created within Jobs
10109 Florida ~~the Office of Tourism, Trade, and Economic Development~~
10110 to ensure that sufficient resources are available to allow the
10111 state to respond expeditiously to extraordinary economic
10112 opportunities and to compete effectively for high-value research
10113 and development, innovation business, and alternative and
10114 renewal energy projects.
10115 (2) As used in this section, the term:
10116 (b) “Average private sector wage” means the statewide
10117 average wage in the private sector or the average of all private
10118 sector wages in the county or in the standard metropolitan area
10119 in which the project is located as determined by Jobs Florida
10120 ~~the Agency for Workforce Innovation~~.
10121 ~~(f) “Director” means the director of the Office of Tourism,~~

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10122 ~~Trade, and Economic Development~~.
10123 ~~(o) "Office" means the Office of Tourism, Trade, and~~
10124 ~~Economic Development.~~
10125 (3) To be eligible for consideration for an innovation
10126 incentive award, an innovation business, a research and
10127 development entity, or an alternative and renewable energy
10128 company must submit a written application to the Jobs Florida
10129 Partnership ~~Enterprise Florida~~, Inc., before making a decision
10130 to locate new operations in this state or expand an existing
10131 operation in this state. The application must include, but not
10132 be limited to:
10133 (a) The applicant's federal employer identification number,
10134 unemployment account number, and state sales tax registration
10135 number. If such numbers are not available at the time of
10136 application, they must be submitted to Jobs Florida ~~the office~~
10137 in writing prior to the disbursement of any payments under this
10138 section.
10139 (b) The location in this state at which the project is
10140 located or is to be located.
10141 (c) A description of the type of business activity,
10142 product, or research and development undertaken by the
10143 applicant, including six-digit North American Industry
10144 Classification System codes for all activities included in the
10145 project.
10146 (d) The applicant's projected investment in the project.
10147 (e) The total investment, from all sources, in the project.
10148 (f) The number of net new full-time equivalent jobs in this
10149 state the applicant anticipates having created as of December 31
10150 of each year in the project and the average annual wage of such

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10151 jobs.
10152 (g) The total number of full-time equivalent employees
10153 currently employed by the applicant in this state, if
10154 applicable.
10155 (h) The anticipated commencement date of the project.
10156 (i) A detailed explanation of why the innovation incentive
10157 is needed to induce the applicant to expand or locate in the
10158 state and whether an award would cause the applicant to locate
10159 or expand in this state.
10160 (j) If applicable, an estimate of the proportion of the
10161 revenues resulting from the project that will be generated
10162 outside this state.
10163 (4) To qualify for review by Jobs Florida ~~the office~~, the
10164 applicant must, at a minimum, establish the following to the
10165 satisfaction of Jobs Florida and the Jobs Florida Partnership
10166 ~~Enterprise Florida~~, Inc.~~, and the office~~:
10167 (a) The jobs created by the project must pay an estimated
10168 annual average wage equaling at least 130 percent of the average
10169 private sector wage. Jobs Florida ~~The office~~ may waive this
10170 average wage requirement at the request of the Jobs Florida
10171 Partnership ~~Enterprise Florida,~~ Inc., for a project located in a
10172 rural area, a brownfield area, or an enterprise zone, when the
10173 merits of the individual project or the specific circumstances
10174 in the community in relationship to the project warrant such
10175 action. A recommendation for waiver by the Jobs Florida
10176 Partnership ~~Enterprise Florida~~, Inc., must include a specific
10177 justification for the waiver and be transmitted to Jobs Florida
10178 ~~the office~~ in writing. If Jobs Florida ~~the director~~ elects to
10179 waive the wage requirement, the waiver must be stated in writing

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10180 and the reasons for granting the waiver must be explained.
10181 (b) A research and development project must:
10182 1. Serve as a catalyst for an emerging or evolving
10183 technology cluster.
10184 2. Demonstrate a plan for significant higher education
10185 collaboration.
10186 3. Provide the state, at a minimum, a break-even return on
10187 investment within a 20-year period.
10188 4. Be provided with a one-to-one match from the local
10189 community. The match requirement may be reduced or waived in
10190 rural areas of critical economic concern or reduced in rural
10191 areas, brownfield areas, and enterprise zones.
10192 (c) An innovation business project in this state, other
10193 than a research and development project, must:
10194 1.a. Result in the creation of at least 1,000 direct, new
10195 jobs at the business; or
10196 b. Result in the creation of at least 500 direct, new jobs
10197 if the project is located in a rural area, a brownfield area, or
10198 an enterprise zone.
10199 2. Have an activity or product that is within an industry
10200 that is designated as a target industry business under s.
10201 288.106 or a designated sector under s. 288.108.
10202 3.a. Have a cumulative investment of at least $500 million
10203 within a 5-year period; or
10204 b. Have a cumulative investment that exceeds $250 million
10205 within a 10-year period if the project is located in a rural
10206 area, brownfield area, or an enterprise zone.
10207 4. Be provided with a one-to-one match from the local
10208 community. The match requirement may be reduced or waived in

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10209 rural areas of critical economic concern or reduced in rural
10210 areas, brownfield areas, and enterprise zones.
10211 (d) For an alternative and renewable energy project in this
10212 state, the project must:
10213 1. Demonstrate a plan for significant collaboration with an
10214 institution of higher education;
10215 2. Provide the state, at a minimum, a break-even return on
10216 investment within a 20-year period;
10217 3. Include matching funds provided by the applicant or
10218 other available sources. The match requirement may be reduced or
10219 waived in rural areas of critical economic concern or reduced in
10220 rural areas, brownfield areas, and enterprise zones;
10221 4. Be located in this state; and
10222 5. Provide at least 35 direct, new jobs that pay an
10223 estimated annual average wage that equals at least 130 percent
10224 of the average private sector wage.
10225 (5) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
10226 shall evaluate proposals for all three categories of innovation
10227 incentive awards and transmit recommendations for awards to Jobs
10228 Florida ~~the office~~. Before making its recommendations on
10229 alternative and renewable energy projects, the Jobs Florida
10230 Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall solicit
10231 comments and recommendations from the Florida Energy and Climate
10232 Commission. For each project, the evaluation and recommendation
10233 to Jobs Florida ~~the office~~ must include, but need not be limited
10234 to:
10235 (a) A description of the project, its required facilities,
10236 and the associated product, service, or research and development
10237 associated with the project.

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10238 (b) The percentage of match provided for the project.
10239 (c) The number of full-time equivalent jobs that will be
10240 created by the project, the total estimated average annual wages
10241 of such jobs, and the types of business activities and jobs
10242 likely to be stimulated by the project.
10243 (d) The cumulative investment to be dedicated to the
10244 project within 5 years and the total investment expected in the
10245 project if more than 5 years.
10246 (e) The projected economic and fiscal impacts on the local
10247 and state economies relative to investment.
10248 (f) A statement of any special impacts the project is
10249 expected to stimulate in a particular business sector in the
10250 state or regional economy or in the state's universities and
10251 community colleges.
10252 (g) A statement of any anticipated or proposed
10253 relationships with state universities.
10254 (h) A statement of the role the incentive is expected to
10255 play in the decision of the applicant to locate or expand in
10256 this state.
10257 (i) A recommendation and explanation of the amount of the
10258 award needed to cause the applicant to expand or locate in this
10259 state.
10260 (j) A discussion of the efforts and commitments made by the
10261 local community in which the project is to be located to induce
10262 the applicant's location or expansion, taking into consideration
10263 local resources and abilities.
10264 (k) A recommendation for specific performance criteria the
10265 applicant would be expected to achieve in order to receive
10266 payments from the fund and penalties or sanctions for failure to

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10267 meet or maintain performance conditions.
10268 (l) Additional evaluative criteria for a research and
10269 development facility project, including:
10270 1. A description of the extent to which the project has the
10271 potential to serve as catalyst for an emerging or evolving
10272 cluster.
10273 2. A description of the extent to which the project has or
10274 could have a long-term collaborative research and development
10275 relationship with one or more universities or community colleges
10276 in this state.
10277 3. A description of the existing or projected impact of the
10278 project on established clusters or targeted industry sectors.
10279 4. A description of the project’s contribution to the
10280 diversity and resiliency of the innovation economy of this
10281 state.
10282 5. A description of the project’s impact on special needs
10283 communities, including, but not limited to, rural areas,
10284 distressed urban areas, and enterprise zones.
10285 (m) Additional evaluative criteria for alternative and
10286 renewable energy proposals, including:
10287 1. The availability of matching funds or other in-kind
10288 contributions applied to the total project from an applicant.
10289 The commission shall give greater preference to projects that
10290 provide such matching funds or other in-kind contributions.
10291 2. The degree to which the project stimulates in-state
10292 capital investment and economic development in metropolitan and
10293 rural areas, including the creation of jobs and the future
10294 development of a commercial market for renewable energy
10295 technologies.

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10296 3. The extent to which the proposed project has been
10297 demonstrated to be technically feasible based on pilot project
10298 demonstrations, laboratory testing, scientific modeling, or
10299 engineering or chemical theory that supports the proposal.
10300 4. The degree to which the project incorporates an
10301 innovative new technology or an innovative application of an
10302 existing technology.
10303 5. The degree to which a project generates thermal,
10304 mechanical, or electrical energy by means of a renewable energy
10305 resource that has substantial long-term production potential.
10306 6. The degree to which a project demonstrates efficient use
10307 of energy and material resources.
10308 7. The degree to which the project fosters overall
10309 understanding and appreciation of renewable energy technologies.
10310 8. The ability to administer a complete project.
10311 9. Project duration and timeline for expenditures.
10312 10. The geographic area in which the project is to be
10313 conducted in relation to other projects.
10314 11. The degree of public visibility and interaction.
10315 (6) In consultation with the Jobs Florida Partnership,
10316 Inc., Jobs Florida ~~Enterprise Florida, Inc., the office~~ may
10317 negotiate the proposed amount of an award for any applicant
10318 meeting the requirements of this section. In negotiating such
10319 award, Jobs Florida ~~the office~~ shall consider the amount of the
10320 incentive needed to cause the applicant to locate or expand in
10321 this state in conjunction with other relevant applicant impact
10322 and cost information and analysis as described in this section.
10323 Particular emphasis shall be given to the potential for the
10324 project to stimulate additional private investment and high-

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10325 quality employment opportunities in the area.
10326 (7) Upon receipt of the evaluation and recommendation from
10327 the Jobs Florida Partnership, Inc., Jobs Florida ~~Enterprise~~
10328 ~~Florida, Inc., the director~~ shall recommend to the Governor the
10329 approval or disapproval of an award. In recommending approval of
10330 an award, Jobs Florida ~~the director~~ shall include proposed
10331 performance conditions that the applicant must meet in order to
10332 obtain incentive funds and any other conditions that must be met
10333 before the receipt of any incentive funds. The Governor shall
10334 consult with the President of the Senate and the Speaker of the
10335 House of Representatives before giving approval for an award.
10336 Upon review and approval of an award by the Legislative Budget
10337 Commission, the Executive Office of the Governor shall release
10338 the funds.
10339 (8)(a) After the conditions set forth in subsection (7)
10340 have been met, Jobs Florida ~~the director~~ shall issue a letter
10341 certifying the applicant as qualified for an award. Jobs Florida
10342 ~~the office~~ and the award recipient shall enter into an agreement
10343 that sets forth the conditions for payment of the incentive
10344 funds. The agreement must include, at a minimum:
10345 1. The total amount of funds awarded.
10346 2. The performance conditions that must be met in order to
10347 obtain the award or portions of the award, including, but not
10348 limited to, net new employment in the state, average wage, and
10349 total cumulative investment.
10350 3. Demonstration of a baseline of current service and a
10351 measure of enhanced capability.
10352 4. The methodology for validating performance.
10353 5. The schedule of payments.

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10354 6. Sanctions for failure to meet performance conditions,
10355 including any clawback provisions.
10356 (b) Additionally, agreements signed on or after July 1,
10357 2009, must include the following provisions:
10358 1. Notwithstanding subsection (4), a requirement that the
10359 jobs created by the recipient of the incentive funds pay an
10360 annual average wage at least equal to the relevant industry's
10361 annual average wage or at least 130 percent of the average
10362 private sector wage, whichever is greater.
10363 2. A reinvestment requirement. Each recipient of an award
10364 shall reinvest up to 15 percent of net royalty revenues,
10365 including revenues from spin-off companies and the revenues from
10366 the sale of stock it receives from the licensing or transfer of
10367 inventions, methods, processes, and other patentable discoveries
10368 conceived or reduced to practice using its facilities in Florida
10369 or its Florida-based employees, in whole or in part, and to
10370 which the recipient of the grant becomes entitled during the 20
10371 years following the effective date of its agreement with the
10372 office. Each recipient of an award also shall reinvest up to 15
10373 percent of the gross revenues it receives from naming
10374 opportunities associated with any facility it builds in this
10375 state. Reinvestment payments shall commence no later than 6
10376 months after the recipient of the grant has received the final
10377 disbursement under the contract and shall continue until the
10378 maximum reinvestment, as specified in the contract, has been
10379 paid. Reinvestment payments shall be remitted to Jobs Florida
10380 ~~the office~~ for deposit in the Biomedical Research Trust Fund for
10381 companies specializing in biomedicine or life sciences, or in
10382 the Economic Development Trust Fund for companies specializing

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10383 in fields other than biomedicine or the life sciences. If these
10384 trust funds no longer exist at the time of the reinvestment, the
10385 state's share of reinvestment shall be deposited in their
10386 successor trust funds as determined by law. Each recipient of an
10387 award shall annually submit a schedule of the shares of stock
10388 held by it as payment of the royalty required by this paragraph
10389 and report on any trades or activity concerning such stock. Each
10390 recipient's reinvestment obligations survive the expiration or
10391 termination of its agreement with the state.
10392 3. Requirements for the establishment of internship
10393 programs or other learning opportunities for educators and
10394 secondary, postsecondary, graduate, and doctoral students.
10395 4. A requirement that the recipient submit quarterly
10396 reports and annual reports related to activities and performance
10397 to Jobs Florida ~~the office~~, according to standardized reporting
10398 periods.
10399 5. A requirement for an annual accounting to Jobs Florida
10400 ~~the Office~~ of the expenditure of funds disbursed under this
10401 section.
10402 6. A process for amending the agreement.
10403 (9) Jobs Florida, assisted by the Jobs Florida Partnership
10404 ~~Enterprise Florida~~, Inc., shall validate ~~assist the Office in~~
10405 ~~validating~~ the performance of an innovation business, a research
10406 and development facility, or an alternative and renewable energy
10407 business that has received an award. At the conclusion of the
10408 innovation incentive award agreement, or its earlier
10409 termination, Jobs Florida ~~Enterprise Florida, Inc.,~~ shall,
10410 within 90 days, submit a report to the Governor, the President
10411 of the Senate, and the Speaker of the House of Representatives

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10412 detailing whether the recipient of the innovation incentive
10413 grant achieved its specified outcomes.
10414 (11)(a) On January 5 of each year, Jobs Florida ~~Beginning~~
10415 ~~January 5, 2010, and every year thereafter, the office~~ shall
10416 submit to the Governor, the President of the Senate, and the
10417 Speaker of the House of Representatives a report summarizing the
10418 activities and accomplishments of the recipients of grants from
10419 the Innovation Incentive Program during the previous 12 months
10420 and an evaluation ~~by the office~~ of whether the recipients are
10421 catalysts for additional direct and indirect economic
10422 development in Florida.
10423 (b) Beginning March 1, 2010, and every third year
10424 thereafter, the Office of Program Policy Analysis and Government
10425 Accountability, in consultation with the Auditor General's
10426 Office, shall release a report evaluating the Innovation
10427 Incentive Program's progress toward creating clusters of high-
10428 wage, high-skilled, complementary industries that serve as
10429 catalysts for economic growth specifically in the regions in
10430 which they are located, and generally for the state as a whole.
10431 Such report should include critical analyses of quarterly and
10432 annual reports, annual audits, and other documents prepared by
10433 the Innovation Incentive Program awardees; relevant economic
10434 development reports prepared by Jobs Florida, the Jobs Florida
10435 Partnership ~~the office, Enterprise Florida~~, Inc., and local or
10436 regional economic development organizations; interviews with the
10437 parties involved; and any other relevant data. Such report
10438 should also include legislative recommendations, if necessary,
10439 on how to improve the Innovation Incentive Program so that the
10440 program reaches its anticipated potential as a catalyst for

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10441 direct and indirect economic development in this state.
10442 (12) Jobs Florida ~~the office~~ may seek the assistance of the
10443 Office of Program Policy Analysis and Government Accountability,
10444 the Legislature's Office of Economic and Demographic Research,
10445 and other entities for the purpose of developing performance
10446 measures or techniques to quantify the synergistic economic
10447 development impacts that awardees of grants are having within
10448 their communities.
10449 Section 150. Section 288.1095, Florida Statutes, is amended
10450 to read:
10451 288.1095 Information concerning the One-Stop Permitting
10452 System.—Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
10453 ~~Development~~ shall develop literature that explains the One-Stop
10454 Permitting System and identifies those counties that have been
10455 designated as Quick Permitting Counties. The literature must be
10456 updated at least once each year. To the maximum extent feasible,
10457 state agencies and the Jobs Florida Partnership ~~Enterprise~~
10458 ~~Florida~~, Inc., shall distribute such literature and inform the
10459 public of the One-Stop Permitting System and the Quick
10460 Permitting Counties. In addition, the Jobs Florida Partnership
10461 ~~Enterprise Florida~~, Inc., shall provide this information to
10462 prospective, new, expanding, and relocating businesses seeking
10463 to conduct business in this state, municipalities, counties,
10464 economic-development organizations, and chambers of commerce.
10465 Section 151. Subsections (1) and (2), paragraphs (d) and
10466 (e) of subsection (4), paragraph (a) of subsection (6), and
10467 subsection (8) of section 288.1162, Florida Statutes, are
10468 amended to read:
10469 288.1162 Professional sports franchises; duties.—

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10470 (1) The Division of Strategic Business Development of Jobs
10471 Florida ~~Office of Tourism, Trade, and Economic Development~~ shall
10472 serve as the state agency for screening applicants for state
10473 funding under s. 212.20 and for certifying an applicant as a
10474 facility for a new or retained professional sports franchise.
10475 (2) The Division of Strategic Business Development of Jobs
10476 Florida ~~Office of Tourism, Trade, and Economic Development~~ shall
10477 develop rules for the receipt and processing of applications for
10478 funding under s. 212.20.
10479 (4) Before certifying an applicant as a facility for a new
10480 or retained professional sports franchise, the Division of
10481 Strategic Business Development of Jobs Florida ~~Office of~~
10482 ~~Tourism, Trade, and Economic Development~~ must determine that:
10483 (d) The applicant has projections, verified by the Division
10484 of Strategic Business Development of Jobs Florida ~~Office of~~
10485 ~~Tourism, Trade, and Economic Development~~, which demonstrate that
10486 the new or retained professional sports franchise will attract a
10487 paid attendance of more than 300,000 annually.
10488 (e) The applicant has an independent analysis or study,
10489 verified by the Division of Strategic Business Development of
10490 Jobs Florida ~~Office of Tourism, Trade, and Economic Development~~,
10491 which demonstrates that the amount of the revenues generated by
10492 the taxes imposed under chapter 212 with respect to the use and
10493 operation of the professional sports franchise facility will
10494 equal or exceed $2 million annually.
10495 (6)(a) The Division of Strategic Business Development of
10496 Jobs Florida ~~Office of Tourism, Trade, and Economic Development~~
10497 shall notify the Department of Revenue of any facility certified
10498 as a facility for a new or retained professional sports

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10499 franchise. The Division of Strategic Business Development of
10500 Jobs Florida ~~Office of Tourism, Trade, and Economic Development~~
10501 shall certify no more than eight facilities as facilities for a
10502 new professional sports franchise or as facilities for a
10503 retained professional sports franchise, including in the total
10504 any facilities certified by the former Department of Commerce
10505 before July 1, 1996. The division ~~office~~ may make no more than
10506 one certification for any facility.
10507 (8) An applicant is not qualified for certification under
10508 this section if the franchise formed the basis for a previous
10509 certification, unless the previous certification was withdrawn
10510 by the facility or invalidated by the Division of Strategic
10511 Business Development of Jobs Florida ~~Office of Tourism, Trade,~~
10512 ~~and Economic Development~~ or the former Department of Commerce
10513 before any funds were distributed under s. 212.20. This
10514 subsection does not disqualify an applicant if the previous
10515 certification occurred between May 23, 1993, and May 25, 1993;
10516 however, any funds to be distributed under s. 212.20 for the
10517 second certification shall be offset by the amount distributed
10518 to the previous certified facility. Distribution of funds for
10519 the second certification shall not be made until all amounts
10520 payable for the first certification are distributed.
10521 Section 152. Subsections (1), (2), (4), (5), (6), (7), and
10522 (8) of section 288.11621, Florida Statutes, are amended to read:
10523 288.11621 Spring training baseball franchises.—
10524 (1) DEFINITIONS.—As used in this section, the term:
10525 (a) “Agreement” means a certified, signed lease between an
10526 applicant that applies for certification on or after July 1,
10527 2010, and the spring training franchise for the use of a

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10528 facility.
10529 (b) “Applicant” means a unit of local government as defined
10530 in s. 218.369, including local governments located in the same
10531 county that have partnered with a certified applicant before the
10532 effective date of this section or with an applicant for a new
10533 certification, for purposes of sharing in the responsibilities
10534 of a facility.
10535 (c) “Certified applicant” means a facility for a spring
10536 training franchise that was certified before July 1, 2010, under
10537 s. 288.1162(5), Florida Statutes 2009, or a unit of local
10538 government that is certified under this section.
10539 (d) “Facility” means a spring training stadium, playing
10540 fields, and appurtenances intended to support spring training
10541 activities.
10542 (e) “Local funds” and “local matching funds” mean funds
10543 provided by a county, municipality, or other local government.
10544 ~~(f) “Office” means The Office of Tourism, Trade, and~~
10545 ~~Economic Development~~.
10546 (2) CERTIFICATION PROCESS.—
10547 (a) Before certifying an applicant to receive state funding
10548 for a facility for a spring training franchise, Jobs Florida ~~the~~
10549 ~~Office~~ must verify that:
10550 1. The applicant is responsible for the acquisition,
10551 construction, management, or operation of the facility for a
10552 spring training franchise or holds title to the property on
10553 which the facility for a spring training franchise is located.
10554 2. The applicant has a certified copy of a signed agreement
10555 with a spring training franchise for the use of the facility for
10556 a term of at least 20 years. The agreement also must require the

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10557 franchise to reimburse the state for state funds expended by an
10558 applicant under this section if the franchise relocates before
10559 the agreement expires. The agreement may be contingent on an
10560 award of funds under this section and other conditions
10561 precedent.
10562 3. The applicant has made a financial commitment to provide
10563 50 percent or more of the funds required by an agreement for the
10564 acquisition, construction, or renovation of the facility for a
10565 spring training franchise. The commitment may be contingent upon
10566 an award of funds under this section and other conditions
10567 precedent.
10568 4. The applicant demonstrates that the facility for a
10569 spring training franchise will attract a paid attendance of at
10570 least 50,000 annually to the spring training games.
10571 5. The facility for a spring training franchise is located
10572 in a county that levies a tourist development tax under s.
10573 125.0104.
10574 (b) Jobs Florida ~~The office~~ shall competitively evaluate
10575 applications for state funding of a facility for a spring
10576 training franchise. The total number of certifications may not
10577 exceed 10 at any time. The evaluation criteria must include,
10578 with priority given in descending order to, the following items:
10579 1. The anticipated effect on the economy of the local
10580 community where the spring training facility is to be built,
10581 including projections on paid attendance, local and state tax
10582 collections generated by spring training games, and direct and
10583 indirect job creation resulting from the spring training
10584 activities. Priority shall be given to applicants who can
10585 demonstrate the largest projected economic impact.

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10586 2. The amount of the local matching funds committed to a
10587 facility relative to the amount of state funding sought, with
10588 priority given to applicants that commit the largest amount of
10589 local matching funds relative to the amount of state funding
10590 sought.
10591 3. The potential for the facility to serve multiple uses.
10592 4. The intended use of the funds by the applicant, with
10593 priority given to the funds being used to acquire a facility,
10594 construct a new facility, or renovate an existing facility.
10595 5. The length of time that a spring training franchise has
10596 been under an agreement to conduct spring training activities
10597 within an applicant’s geographic location or jurisdiction, with
10598 priority given to applicants having agreements with the same
10599 franchise for the longest period of time.
10600 6. The length of time that an applicant’s facility has been
10601 used by one or more spring training franchises, with priority
10602 given to applicants whose facilities have been in continuous use
10603 as facilities for spring training the longest.
10604 7. The term remaining on a lease between an applicant and a
10605 spring training franchise for a facility, with priority given to
10606 applicants having the shortest lease terms remaining.
10607 8. The length of time that a spring training franchise
10608 agrees to use an applicant’s facility if an application is
10609 granted under this section, with priority given to applicants
10610 having agreements for the longest future use.
10611 9. The net increase of total active recreation space owned
10612 by the applicant after an acquisition of land for the facility,
10613 with priority given to applicants having the largest percentage
10614 increase of total active recreation space that will be available

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10615 for public use.
10616 10. The location of the facility in a brownfield, an
10617 enterprise zone, a community redevelopment area, or other area
10618 of targeted development or revitalization included in an urban
10619 infill redevelopment plan, with priority given to applicants
10620 having facilities located in these areas.
10621 (c) Each applicant certified on or after July 1, 2010,
10622 shall enter into an agreement with Jobs Florida ~~the office~~ that:
10623 1. Specifies the amount of the state incentive funding to
10624 be distributed.
10625 2. States the criteria that the certified applicant must
10626 meet in order to remain certified.
10627 3. States that the certified applicant is subject to
10628 decertification if the certified applicant fails to comply with
10629 this section or the agreement.
10630 4. States that Jobs Florida ~~the office~~ may recover state
10631 incentive funds if the certified applicant is decertified.
10632 5. Specifies information that the certified applicant must
10633 report to Jobs Florida ~~the office~~.
10634 6. Includes any provision deemed prudent by Jobs Florida
10635 ~~the office~~.
10636 (4) ANNUAL REPORTS.—On or before September 1 of each year,
10637 a certified applicant shall submit to Jobs Florida ~~the office~~ a
10638 report that includes, but is not limited to:
10639 (a) A copy of its most recent annual audit.
10640 (b) A detailed report on all local and state funds expended
10641 to date on the project being financed under this section.
10642 (c) A copy of the contract between the certified local
10643 governmental entity and the spring training team.

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10644 (d) A cost-benefit analysis of the team's impact on the
10645 community.
10646 (e) Evidence that the certified applicant continues to meet
10647 the criteria in effect when the applicant was certified.
10648 (5) DECERTIFICATION.—
10649 (a) Jobs Florida ~~The office~~ shall decertify a certified
10650 applicant upon the request of the certified applicant.
10651 (b) Jobs Florida ~~The office~~ shall decertify a certified
10652 applicant if the certified applicant does not:
10653 1. Have a valid agreement with a spring training franchise;
10654 or
10655 2. Satisfy its commitment to provide local matching funds
10656 to the facility.
10657
10658 However, decertification proceedings against a local government
10659 certified before July 1, 2010, shall be delayed until 12 months
10660 after the expiration of the local government's existing
10661 agreement with a spring training franchise, and without a new
10662 agreement being signed, if the certified local government can
10663 demonstrate to Jobs Florida ~~the office~~ that it is in active
10664 negotiations with a major league spring training franchise,
10665 other than the franchise that was the basis for the original
10666 certification.
10667 (c) A certified applicant has 60 days after it receives a
10668 notice of intent to decertify from Jobs Florida ~~the office~~ to
10669 petition ~~the office's director~~ for review of the
10670 decertification. Within 45 days after receipt of the request for
10671 review, Jobs Florida ~~the director~~ must notify a certified
10672 applicant of the outcome of the review.

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10673 (d) Jobs Florida ~~the office~~ shall notify the Department of
10674 Revenue that a certified applicant is decertified within 10 days
10675 after the order of decertification becomes final. The Department
10676 of Revenue shall immediately stop the payment of any funds under
10677 this section that were not encumbered by the certified applicant
10678 under subparagraph (3)(a)2.
10679 (e) Jobs Florida ~~the office~~ shall order a decertified
10680 applicant to repay all of the unencumbered state funds that the
10681 local government received under this section and any interest
10682 that accrued on those funds. The repayment must be made within
10683 60 days after the decertification order becomes final. These
10684 funds shall be deposited into the General Revenue Fund.
10685 (f) A local government as defined in s. 218.369 may not be
10686 decertified by Jobs Florida if it has paid or pledged for the
10687 payment of debt service on, or to fund debt service reserve
10688 funds, arbitrage rebate obligations, or other amounts payable
10689 with respect thereto, bonds issued for the acquisition,
10690 construction, reconstruction, or renovation of the facility for
10691 which the local government was certified, or for the
10692 reimbursement of such costs or the refinancing of bonds issued
10693 for the acquisition, construction, reconstruction, or renovation
10694 of the facility for which the local government was certified, or
10695 for the reimbursement of such costs or the refinancing of bonds
10696 issued for such purpose. This subsection does not preclude or
10697 restrict the ability of a certified local government to
10698 refinance, refund, or defease such bonds.
10699 (6) ADDITIONAL CERTIFICATIONS.—If Jobs Florida ~~the office~~
10700 decertifies a unit of local government, Jobs Florida ~~the office~~
10701 may accept applications for an additional certification. A unit

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10702 of local government may not be certified for more than one
10703 spring training franchise at any time.
10704 (7) STRATEGIC PLANNING.—
10705 (a) Jobs Florida ~~The office~~ shall request assistance from
10706 the Jobs Florida Partnership, Inc., ~~Florida Sports Foundation~~
10707 and the Florida Grapefruit League Association to update every 5
10708 years the spring training ~~develop a~~ comprehensive strategic plan
10709 that ~~to~~:
10710 1. Explores alternatives for financing ~~Finance~~ spring
10711 training facilities.
10712 2. Evaluates and monitors ~~Monitor and oversee~~ the use of
10713 state funds awarded to applicants.
10714 3. Identifies ~~Identify~~ the financial impact that spring
10715 training has on the state and ways in which to maintain or
10716 improve that impact.
10717 4. Identifies ~~Identify~~ opportunities to develop public-
10718 private partnerships to engage in marketing activities and
10719 advertise spring training baseball.
10720 5. Identifies ~~Identify~~ efforts made by other states to
10721 maintain or develop partnerships with baseball spring training
10722 teams.
10723 6. Develops ~~Develop~~ recommendations for the Legislature to
10724 sustain or improve this state's spring training tradition.
10725 (b) Jobs Florida ~~The office~~ shall submit a copy of the
10726 updated strategic plan to the Governor, the President of the
10727 Senate, and the Speaker of the House of Representatives by
10728 December 31 of every fifth year, beginning in 2015~~, 2010~~.
10729 (8) RULEMAKING.—Jobs Florida ~~The office~~ shall adopt rules
10730 to implement the certification, decertification, and

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10731 decertification review processes required by this section.
10732 Section 153. Subsections (1), (2), and (4) of section
10733 288.1168, Florida Statutes, are amended to read:
10734 288.1168 Professional golf hall of fame facility.—
10735 (1) The Division of Strategic Business Development of Jobs
10736 Florida ~~Department of Commerce~~ shall serve as the state agency
10737 for screening applicants for state funding pursuant to s. 212.20
10738 and for certifying one applicant as the professional golf hall
10739 of fame facility in the state.
10740 (2) Prior to certifying the professional golf hall of fame
10741 facility, the Division of Strategic Business Development of Jobs
10742 Florida ~~Department of Commerce~~ must determine that:
10743 (a) The professional golf hall of fame facility is the only
10744 professional golf hall of fame in the United States recognized
10745 by the PGA Tour, Inc.
10746 (b) The applicant is a unit of local government as defined
10747 in s. 218.369 or a private sector group that has contracted to
10748 construct or operate the professional golf hall of fame facility
10749 on land owned by a unit of local government.
10750 (c) The municipality in which the professional golf hall of
10751 fame facility is located, or the county if the facility is
10752 located in an unincorporated area, has certified by resolution
10753 after a public hearing that the application serves a public
10754 purpose.
10755 (d) There are existing projections that the professional
10756 golf hall of fame facility will attract a paid attendance of
10757 more than 300,000 annually.
10758 (e) There is an independent analysis or study, using
10759 methodology approved by the division ~~department~~, which

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10760 demonstrates that the amount of the revenues generated by the
10761 taxes imposed under chapter 212 with respect to the use and
10762 operation of the professional golf hall of fame facility will
10763 equal or exceed $2 million annually.
10764 (f) The applicant has submitted an agreement to provide $2
10765 million annually in national and international media promotion
10766 of the professional golf hall of fame facility, Florida, and
10767 Florida tourism, through the PGA Tour, Inc., or its affiliates,
10768 at the then-current commercial rate, during the period of time
10769 that the facility receives funds pursuant to s. 212.20. The Jobs
10770 Florida Partnership, Inc., ~~Office of Tourism, Trade, and~~
10771 ~~Economic Development~~ and the PGA Tour, Inc., or its affiliates,
10772 must agree annually on a reasonable percentage of advertising
10773 specifically allocated for generic Florida advertising. The Jobs
10774 Florida Partnership, Inc., ~~Office of Tourism, Trade, and~~
10775 ~~Economic Development~~ shall have final approval of all generic
10776 advertising. Failure on the part of the PGA Tour, Inc., or its
10777 affiliates to annually provide the advertising as provided in
10778 this paragraph or subsection (6) shall result in the termination
10779 of funding as provided in s. 212.20.
10780 (g) Documentation exists that demonstrates that the
10781 applicant has provided, is capable of providing, or has
10782 financial or other commitments to provide more than one-half of
10783 the costs incurred or related to the improvement and development
10784 of the facility.
10785 (h) The application is signed by an official senior
10786 executive of the applicant and is notarized according to Florida
10787 law providing for penalties for falsification.
10788 (4) Upon determining that an applicant is or is not

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10789 certifiable, the Division of Strategic Business Development of
10790 Jobs Florida ~~Secretary of Commerce~~ shall notify the applicant of
10791 his or her status by means of an official letter. If
10792 certifiable, the division ~~secretary~~ shall notify the executive
10793 director of the Department of Revenue and the applicant of such
10794 certification by means of an official letter granting
10795 certification. From the date of such certification, the
10796 applicant shall have 5 years to open the professional golf hall
10797 of fame facility to the public and notify the division ~~Office of~~
10798 ~~Tourism, Trade, and Economic Development~~ of such opening. The
10799 Department of Revenue shall not begin distributing funds until
10800 30 days following notice by the division ~~Office of Tourism,~~
10801 ~~Trade, and Economic Development~~ that the professional golf hall
10802 of fame facility is open to the public.
10803 Section 154. Section 288.1169, Florida Statutes, is amended
10804 to read:
10805 288.1169 International Game Fish Association World Center
10806 facility.—
10807 (1) The Division of Strategic Business Development of Jobs
10808 Florida ~~Department of Commerce~~ shall serve as the state agency
10809 approving applicants for funding pursuant to s. 212.20 and for
10810 certifying the applicant as the International Game Fish
10811 Association World Center facility. For purposes of this section,
10812 “facility” means the International Game Fish Association World
10813 Center, and “project” means the International Game Fish
10814 Association World Center and new colocated improvements by
10815 private sector concerns who have made cash or in-kind
10816 contributions to the facility of $1 million or more.
10817 (2) Prior to certifying this facility, the division

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10818 ~~department~~ must determine that:
10819 (a) The International Game Fish Association World Center is
10820 the only fishing museum, Hall of Fame, and international
10821 administrative headquarters in the United States recognized by
10822 the International Game Fish Association, and that one or more
10823 private sector concerns have committed to donate to the
10824 International Game Fish Association land upon which the
10825 International Game Fish Association World Center will operate.
10826 (b) International Game Fish Association is a not-for-profit
10827 Florida corporation that has contracted to construct and operate
10828 the facility.
10829 (c) The municipality in which the facility is located, or
10830 the county if the facility is located in an unincorporated area,
10831 has certified by resolution after a public hearing that the
10832 facility serves a public purpose.
10833 (d) There are existing projections that the International
10834 Game Fish Association World Center facility and the colocated
10835 facilities of private sector concerns will attract an attendance
10836 of more than 1.8 million annually.
10837 (e) There is an independent analysis or study, using
10838 methodology approved by the division ~~department~~, which
10839 demonstrates that the amount of the revenues generated by the
10840 taxes imposed under chapter 212 with respect to the use and
10841 operation of the project will exceed $1 million annually.
10842 (f) There are existing projections that the project will
10843 attract more than 300,000 persons annually who are not residents
10844 of the state.
10845 (g) The applicant has submitted an agreement to provide
10846 $500,000 annually in national and international media promotion

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10847 of the facility, at the then-current commercial rates, during
10848 the period of time that the facility receives funds pursuant to
10849 s. 212.20. Failure on the part of the applicant to annually
10850 provide the advertising as provided in this paragraph shall
10851 result in the termination of the funding as provided in s.
10852 212.20. The applicant can discharge its obligation under this
10853 paragraph by contracting with other persons, including private
10854 sector concerns who participate in the project.
10855 (h) Documentation exists that demonstrates that the
10856 applicant has provided, and is capable of providing, or has
10857 financial or other commitments to provide, more than one-half of
10858 the cost incurred or related to the improvements and the
10859 development of the facility.
10860 (i) The application is signed by senior officials of the
10861 International Game Fish Association and is notarized according
10862 to Florida law providing for penalties for falsification.
10863 (3) The applicant may use funds provided pursuant to s.
10864 212.20 for the purpose of paying for the construction,
10865 reconstruction, renovation, promotion, or operation of the
10866 facility, or to pay or pledge for payment of debt service on, or
10867 to fund debt service reserve funds, arbitrage rebate
10868 obligations, or other amounts payable with respect to, bonds
10869 issued for the construction, reconstruction, or renovation of
10870 the facility or for the reimbursement of such costs or by
10871 refinancing of bonds issued for such purposes.
10872 (4) Upon determining that an applicant is or is not
10873 certifiable, the Division of Strategic Business Development of
10874 Jobs Florida ~~Department of Commerce~~ shall notify the applicant
10875 of its status by means of an official letter. If certifiable,

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10876 the division ~~Department of Commerce~~ shall notify the executive
10877 director of the Department of Revenue and the applicant of such
10878 certification by means of an official letter granting
10879 certification. From the date of such certification, the
10880 applicant shall have 5 years to open the facility to the public
10881 and notify the division ~~Department of Commerce~~ of such opening.
10882 The Department of Revenue shall not begin distributing funds
10883 until 30 days following notice by the division ~~Department of~~
10884 ~~Commerce~~ that the facility is open to the public.
10885 (5) The Department of Revenue may audit as provided in s.
10886 213.34 to verify that the contributions pursuant to this section
10887 have been expended as required by this section.
10888 (6) The Division of Strategic Business Development of Jobs
10889 Florida ~~Department of Commerce~~ must recertify every 10 years
10890 that the facility is open, that the International Game Fish
10891 Association World Center continues to be the only international
10892 administrative headquarters, fishing museum, and Hall of Fame in
10893 the United States recognized by the International Game Fish
10894 Association, and that the project is meeting the minimum
10895 projections for attendance or sales tax revenues as required at
10896 the time of original certification. If the facility is not
10897 recertified during this 10-year review as meeting the minimum
10898 projections, then funding shall be abated until certification
10899 criteria are met. If the project fails to generate $1 million of
10900 annual revenues pursuant to paragraph (2)(e), the distribution
10901 of revenues pursuant to s. 212.20(6)(d)6.d. shall be reduced to
10902 an amount equal to $83,333 multiplied by a fraction, the
10903 numerator of which is the actual revenues generated and the
10904 denominator of which is $1 million. Such reduction remains in

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10905 effect until revenues generated by the project in a 12-month
10906 period equal or exceed $1 million.
10907 Section 155. Paragraph (d) of subsection (1), and
10908 subsections (2) and (3) of section 288.1171, Florida Statutes,
10909 are amended, and present paragraphs (e) through (g) of
10910 subsection (1) are redesignated as paragraphs (d) through (f),
10911 respectively, to read:
10912 288.1171 Motorsports entertainment complex; definitions;
10913 certification; duties.—
10914 (1) As used in this section, the term:
10915 ~~(d) "Office" means The Office of Tourism, Trade, and~~
10916 ~~Economic Development of the Executive Office of the Governor.~~
10917 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
10918 ~~Development~~ shall serve as the state agency for screening
10919 applicants for local option funding under s. 218.64(3) and for
10920 certifying an applicant as a motorsports entertainment complex.
10921 Jobs Florida ~~The Office~~ shall develop and adopt rules for the
10922 receipt and processing of applications for funding under s.
10923 218.64(3). Jobs Florida ~~The Office~~ shall make a determination
10924 regarding any application filed by an applicant not later than
10925 120 days after the application is filed.
10926 (3) Before certifying an applicant as a motorsports
10927 entertainment complex, Jobs Florida ~~the Office~~ must determine
10928 that:
10929 (a) A unit of local government holds title to the land on
10930 which the motorsports entertainment complex is located or holds
10931 title to the motorsports entertainment complex.
10932 (b) The municipality in which the motorsports entertainment
10933 complex is located, or the county if the motorsports

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10934 entertainment complex is located in an unincorporated area, has
10935 certified by resolution after a public hearing that the
10936 application serves a public purpose.
10937 Section 156. Section 288.122, Florida Statutes, is amended
10938 to read:
10939 288.122 Tourism Promotional Trust Fund.—There is created
10940 within Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
10941 ~~Development of the Executive Office of the Governor~~ the Tourism
10942 Promotional Trust Fund. Moneys deposited in the Tourism
10943 Promotional Trust Fund shall only be used to support the
10944 authorized activities and operations ~~of the Florida Commission~~
10945 ~~on Tourism,~~ and ~~to support~~ tourism promotion and marketing
10946 activities, services, functions, and programs administered by
10947 the Jobs Florida Partnership, Inc., ~~Florida Commission on~~
10948 ~~Tourism~~ through a contract with Jobs Florida ~~the commission's~~
10949 ~~direct-support organization created under s. 288.1226~~.
10950 Section 157. Section 288.12265, Florida Statutes, is
10951 amended to read:
10952 288.12265 Welcome centers.—
10953 (1) Responsibility for the welcome centers is assigned to
10954 the Jobs Florida Partnership, Inc., ~~Florida Commission on~~
10955 ~~Tourism~~ which shall ~~contract with the commission's direct-~~
10956 ~~support organization to~~ employ all welcome center staff.
10957 (2) The Jobs Florida Partnership, Inc., ~~Florida Commission~~
10958 ~~on Tourism, through its direct-support organization,~~ shall
10959 administer and operate the welcome centers. Pursuant to a
10960 contract with the Department of Transportation, the Jobs Florida
10961 Partnership, Inc., ~~commission~~ shall be responsible for routine
10962 repair, replacement, or improvement and the day-to-day

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10963 management of interior areas occupied by the welcome centers.
10964 All other repairs, replacements, or improvements to the welcome
10965 centers shall be the responsibility of the Department of
10966 Transportation.
10967 Section 158. Section 288.124, Florida Statutes, is amended
10968 to read:
10969 288.124 Convention grants program.—The Jobs Florida
10970 Partnership, Inc., ~~Commission on Tourism~~ is authorized to
10971 establish a convention grants program and, pursuant thereto, to
10972 recommend to Jobs Florida ~~The Office of Tourism, Trade, and~~
10973 ~~Economic Development~~ expenditures and contracts with local
10974 governments and nonprofit corporations or organizations for the
10975 purpose of attracting national conferences and conventions to
10976 Florida. Preference shall be given to local governments and
10977 nonprofit corporations or organizations seeking to attract
10978 minority conventions to Florida. Minority conventions are events
10979 that primarily involve minority persons, as defined in s.
10980 288.703, who are residents or nonresidents of the state. The
10981 commission shall establish guidelines governing the award of
10982 grants and the administration of this program. Jobs Florida ~~The~~
10983 ~~Office of Tourism, Trade, and Economic Development~~ has final
10984 approval authority for any grants under this section. The total
10985 annual allocation of funds for this program shall not exceed
10986 $40,000.
10987 Section 159. Subsection (1) of section 288.1251, Florida
10988 Statutes, is amended to read:
10989 288.1251 Promotion and development of entertainment
10990 industry; Office of Film and Entertainment; creation; purpose;
10991 powers and duties.—

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10992 (1) CREATION.—
10993 (a) There is hereby created within Jobs Florida ~~The Office~~
10994 ~~of Tourism, Trade, and Economic Development~~ the Office of Film
10995 and Entertainment for the purpose of developing, marketing,
10996 promoting, and providing services to the state's entertainment
10997 industry.
10998 (b) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
10999 ~~Development~~ shall conduct a national search for a qualified
11000 person to fill the position of Commissioner of Film and
11001 Entertainment when the position is vacant. The commissioner of
11002 Jobs Florida ~~Executive Director of the Office of Tourism, Trade,~~
11003 ~~and Economic Development~~ has the responsibility to hire the film
11004 commissioner. Qualifications for the film commissioner include,
11005 but are not limited to, the following:
11006 1. A working knowledge of the equipment, personnel,
11007 financial, and day-to-day production operations of the
11008 industries to be served by the Office of Film and Entertainment;
11009 2. Marketing and promotion experience related to the film
11010 and entertainment industries to be served;
11011 3. Experience working with a variety of individuals
11012 representing large and small entertainment-related businesses,
11013 industry associations, local community entertainment industry
11014 liaisons, and labor organizations; and
11015 4. Experience working with a variety of state and local
11016 governmental agencies.
11017 Section 160. Subsections (1) and (2), paragraph (e) of
11018 subsection (3), and paragraphs (d), (f), (g), and (h) of
11019 subsection (5) of section 288.1252, Florida Statutes, are
11020 amended to read:

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11021 288.1252 Florida Film and Entertainment Advisory Council;
11022 creation; purpose; membership; powers and duties.—
11023 (1) CREATION.—There is hereby created within Jobs Florida
11024 ~~The Office of Tourism, Trade, and Economic Development of the~~
11025 ~~Executive Office of the Governor~~, for administrative purposes
11026 only, the Florida Film and Entertainment Advisory Council.
11027 (2) PURPOSE.—The purpose of the council shall be to serve
11028 as an advisory body to Jobs Florida ~~The Office of Tourism,~~
11029 ~~Trade, and Economic Development~~ and to the Office of Film and
11030 Entertainment to provide these offices with industry insight and
11031 expertise related to developing, marketing, promoting, and
11032 providing service to the state's entertainment industry.
11033 (3) MEMBERSHIP.—
11034 (e) A representative of the Jobs Florida Partnership,
11035 Inc., and ~~Enterprise Florida, Inc.,~~ a representative of
11036 Workforce Florida, Inc., ~~and a representative of VISIT Florida~~
11037 shall serve as ex officio, nonvoting members of the council, and
11038 shall be in addition to the 17 appointed members of the council.
11039 (5) POWERS AND DUTIES.—The Florida Film and Entertainment
11040 Advisory Council shall have all the powers necessary or
11041 convenient to carry out and effectuate the purposes and
11042 provisions of this act, including, but not limited to, the power
11043 to:
11044 (d) Consider and study the needs of the entertainment
11045 industry for the purpose of advising the film commissioner and
11046 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11047 ~~Development~~.
11048 (f) Consider all matters submitted to it by the film
11049 commissioner and Jobs Florida ~~the Office of Tourism, Trade, and~~

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11050 ~~Economic Development~~.
11051 (g) Advise and consult with the film commissioner and Jobs
11052 Florida ~~The Office of Tourism, Trade, and Economic Development~~,
11053 at their request or upon its own initiative, regarding the
11054 promulgation, administration, and enforcement of all laws and
11055 rules relating to the entertainment industry.
11056 (h) Suggest policies and practices for the conduct of
11057 business by the Office of Film and Entertainment or by Jobs
11058 Florida ~~The Office of Tourism, Trade, and Economic Development~~
11059 that will improve internal operations affecting the
11060 entertainment industry and will enhance the economic development
11061 initiatives of the state for the industry.
11062 Section 161. Subsections (1), (2), (3), and (4) of section
11063 288.1253, Florida Statutes, are amended to read:
11064 288.1253 Travel and entertainment expenses.—
11065 (1) As used in this section, the term “travel expenses”
11066 means the actual, necessary, and reasonable costs of
11067 transportation, meals, lodging, and incidental expenses normally
11068 incurred by an employee of the Office of Film and Entertainment,
11069 which costs are defined and prescribed by rules adopted by Jobs
11070 Florida ~~The Office of Tourism, Trade, and Economic Development~~,
11071 subject to approval by the Chief Financial Officer.
11072 (2) Notwithstanding the provisions of s. 112.061, Jobs
11073 Florida ~~The Office of Tourism, Trade, and Economic Development~~
11074 shall adopt rules by which it may make expenditures by
11075 reimbursement to: the Governor, the Lieutenant Governor,
11076 security staff of the Governor or Lieutenant Governor, the
11077 Commissioner of Film and Entertainment, or staff of the Office
11078 of Film and Entertainment for travel expenses or entertainment

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11079 expenses incurred by such individuals solely and exclusively in
11080 connection with the performance of the statutory duties of the
11081 Office of Film and Entertainment. The rules are subject to
11082 approval by the Chief Financial Officer before adoption. The
11083 rules shall require the submission of paid receipts, or other
11084 proof of expenditure prescribed by the Chief Financial Officer,
11085 with any claim for reimbursement.
11086 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11087 ~~Development~~ shall prepare an annual report of the expenditures
11088 of the Office of Film and Entertainment and provide such report
11089 to the Legislature no later than December 30 of each year for
11090 the expenditures of the previous fiscal year. The report shall
11091 consist of a summary of all travel, entertainment, and
11092 incidental expenses incurred within the United States and all
11093 travel, entertainment, and incidental expenses incurred outside
11094 the United States, as well as a summary of all successful
11095 projects that developed from such travel.
11096 (4) The Office of Film and Entertainment and its employees
11097 and representatives, when authorized, may accept and use
11098 complimentary travel, accommodations, meeting space, meals,
11099 equipment, transportation, and any other goods or services
11100 necessary for or beneficial to the performance of the office's
11101 duties and purposes, so long as such acceptance or use is not in
11102 conflict with part III of chapter 112. Jobs Florida ~~The Office~~
11103 ~~of Tourism, Trade, and Economic Development~~ shall, by rule,
11104 develop internal controls to ensure that such goods or services
11105 accepted or used pursuant to this subsection are limited to
11106 those that will assist solely and exclusively in the furtherance
11107 of the office's goals and are in compliance with part III of

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11108 chapter 112.
11109 Section 162. Paragraph (a) of subsection (1), paragraphs
11110 (d), (f), and (g) of subsection (3), paragraphs (c) and (d) of
11111 subsection (4), paragraph (a) of subsection (5), and paragraph
11112 (b) of subsection (9) of section 288.1254, Florida Statutes, are
11113 amended to read:
11114 288.1254 Entertainment industry financial incentive
11115 program.—
11116 (1) DEFINITIONS.—As used in this section, the term:
11117 (a) "Certified production" means a qualified production
11118 that has tax credits allocated to it by Jobs Florida ~~the Office~~
11119 ~~of Tourism, Trade, and Economic Development~~ based on the
11120 production's estimated qualified expenditures, up to the
11121 production's maximum certified amount of tax credits, by Jobs
11122 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
11123 The term does not include a production if its first day of
11124 principal photography or project start date in this state occurs
11125 before the production is certified by Jobs Florida ~~The Office of~~
11126 ~~Tourism, Trade, and Economic Development~~, unless the production
11127 spans more than 1 fiscal year, was a certified production on its
11128 first day of principal photography or project start date in this
11129 state, and submits an application for continuing the same
11130 production for the subsequent fiscal year.
11131 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—
11132 (d) *Certification.*—The Office of Film and Entertainment
11133 shall review the application within 15 business days after
11134 receipt. Upon its determination that the application contains
11135 all the information required by this subsection and meets the
11136 criteria set out in this section, the Office of Film and

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11137 Entertainment shall qualify the applicant and recommend to Jobs
11138 Florida ~~the Office of Tourism, Trade, and Economic Development~~
11139 that the applicant be certified for the maximum tax credit award
11140 amount. Within 5 business days after receipt of the
11141 recommendation, Jobs Florida ~~the Office of Tourism, Trade, and~~
11142 ~~Economic Development~~ shall reject the recommendation or certify
11143 the maximum recommended tax credit award, if any, to the
11144 applicant and to the executive director of the Department of
11145 Revenue.
11146 (f) *Verification of actual qualified expenditures.*—
11147 1. The Office of Film and Entertainment shall develop a
11148 process to verify the actual qualified expenditures of a
11149 certified production. The process must require:
11150 a. A certified production to submit, in a timely manner
11151 after production ends in this state and after making all of its
11152 qualified expenditures in this state, data substantiating each
11153 qualified expenditure, including documentation on the net
11154 expenditure on equipment and other tangible personal property by
11155 the qualified production, to an independent certified public
11156 accountant licensed in this state;
11157 b. Such accountant to conduct a compliance audit, at the
11158 certified production's expense, to substantiate each qualified
11159 expenditure and submit the results as a report, along with the
11160 required substantiating data, to the Office of Film and
11161 Entertainment; and
11162 c. The Office of Film and Entertainment to review the
11163 accountant's submittal and report to Jobs Florida ~~the Office of~~
11164 ~~Tourism, Trade, and Economic Development~~ the final verified
11165 amount of actual qualified expenditures made by the certified

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11166 production.
11167 2. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11168 ~~Development~~ shall determine and approve the final tax credit
11169 award amount to each certified applicant based on the final
11170 verified amount of actual qualified expenditures and shall
11171 notify the executive director of the Department of Revenue in
11172 writing that the certified production has met the requirements
11173 of the incentive program and of the final amount of the tax
11174 credit award. The final tax credit award amount may not exceed
11175 the maximum tax credit award amount certified under paragraph
11176 (d).
11177 (g) *Promoting Florida.*—The Office of Film and Entertainment
11178 shall ensure that, as a condition of receiving a tax credit
11179 under this section, marketing materials promoting this state as
11180 a tourist destination or film and entertainment production
11181 destination are included, when appropriate, at no cost to the
11182 state, which must, at a minimum, include placement of a "Filmed
11183 in Florida" or "Produced in Florida" logo in the end credits.
11184 The placement of a "Filmed in Florida" or "Produced in Florida"
11185 logo on all packaging material and hard media is also required,
11186 unless such placement is prohibited by licensing or other
11187 contractual obligations. The size and placement of such logo
11188 shall be commensurate to other logos used. If no logos are used,
11189 the statement "Filmed in Florida using Florida's Entertainment
11190 Industry Financial Incentive," or a similar statement approved
11191 by the Office of Film and Entertainment, shall be used. The
11192 Office of Film and Entertainment shall provide a logo and supply
11193 it for the purposes specified in this paragraph. A 30-second
11194 "Visit Florida" promotional video must also be included on all

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11195 optical disc formats of a film, unless such placement is
11196 prohibited by licensing or other contractual obligations. The
11197 30-second promotional video shall be approved and provided by
11198 the Jobs Florida Partnership, Inc., ~~Florida Tourism Industry~~
11199 ~~Marketing Corporation~~ in consultation with the Commissioner of
11200 Film and Entertainment.
11201 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
11202 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
11203 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
11204 ACQUISITIONS.—
11205 (c) *Withdrawal of tax credit eligibility.*—A qualified or
11206 certified production must continue on a reasonable schedule,
11207 which includes beginning principal photography or the production
11208 project in this state no more than 45 calendar days before or
11209 after the principal photography or project start date provided
11210 in the production's program application. Jobs Florida ~~The Office~~
11211 ~~of Tourism, Trade, and Economic Development~~ shall withdraw the
11212 eligibility of a qualified or certified production that does not
11213 continue on a reasonable schedule.
11214 (d) *Election and distribution of tax credits.*—
11215 1. A certified production company receiving a tax credit
11216 award under this section shall, at the time the credit is
11217 awarded by Jobs Florida ~~the Office of Tourism, Trade, and~~
11218 ~~Economic Development~~ after production is completed and all
11219 requirements to receive a credit award have been met, make an
11220 irrevocable election to apply the credit against taxes due under
11221 chapter 220, against state taxes collected or accrued under
11222 chapter 212, or against a stated combination of the two taxes.
11223 The election is binding upon any distributee, successor,

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11224 transferee, or purchaser. Jobs Florida ~~the Office of Tourism,~~
11225 ~~Trade, and Economic Development~~ shall notify the Department of
11226 Revenue of any election made pursuant to this paragraph.
11227 2. A qualified production company is eligible for tax
11228 credits against its sales and use tax liabilities and corporate
11229 income tax liabilities as provided in this section. However, tax
11230 credits awarded under this section may not be claimed against
11231 sales and use tax liabilities or corporate income tax
11232 liabilities for any tax period beginning before July 1, 2011,
11233 regardless of when the credits are applied for or awarded.
11234 (5) TRANSFER OF TAX CREDITS.—
11235 (a) *Authorization.*—Upon application to the Office of Film
11236 and Entertainment and approval by Jobs Florida ~~the Office of~~
11237 ~~Tourism, Trade, and Economic Development~~, a certified production
11238 company, or a partner or member that has received a distribution
11239 under paragraph (4)(g), may elect to transfer, in whole or in
11240 part, any unused credit amount granted under this section. An
11241 election to transfer any unused tax credit amount under chapter
11242 212 or chapter 220 must be made no later than 5 years after the
11243 date the credit is awarded, after which period the credit
11244 expires and may not be used. Jobs Florida ~~The Office of Tourism,~~
11245 ~~Trade, and Economic Development~~ shall notify the Department of
11246 Revenue of the election and transfer.
11247 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
11248 CREDITS; FRAUDULENT CLAIMS.—
11249 (b) *Revocation of tax credits.*—Jobs Florida ~~The Office of~~
11250 ~~Tourism, Trade, and Economic Development~~ may revoke or modify
11251 any written decision qualifying, certifying, or otherwise
11252 granting eligibility for tax credits under this section if it is

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11253 discovered that the tax credit applicant submitted any false
11254 statement, representation, or certification in any application,
11255 record, report, plan, or other document filed in an attempt to
11256 receive tax credits under this section. Jobs Florida ~~The Office~~
11257 ~~of Tourism, Trade, and Economic Development~~ shall immediately
11258 notify the Department of Revenue of any revoked or modified
11259 orders affecting previously granted tax credits. Additionally,
11260 the applicant must notify the Department of Revenue of any
11261 change in its tax credit claimed.
11262 Section 163. Section 288.386, Florida Statutes, is amended
11263 to read:
11264 288.386 Florida-Caribbean Basin Trade Initiative.—
11265 (1) Contingent upon a specific appropriation, the Seaport
11266 Employment Training Grant Program (STEP) shall establish and
11267 administer the Florida-Caribbean Basin Trade Initiative for the
11268 purpose of assisting small and medium-sized businesses to become
11269 involved in international activities and helping them to
11270 identify markets with product demand, identify strategic
11271 alliances in those markets, and obtain the financing to
11272 effectuate trade opportunities in the Caribbean Basin. The
11273 initiative must focus assistance to businesses located in urban
11274 communities. The initiative shall offer export readiness,
11275 assistance and referral services, internships, seminars,
11276 workshops, conferences, and e-commerce plus mentoring and
11277 matchmaking services, but shall coordinate with and not
11278 duplicate those services provided by the Jobs Florida
11279 Partnership ~~Enterprise Florida~~, Inc.
11280 (2) To enhance initiative effectiveness and leverage
11281 resources, STEP shall coordinate initiative activities with the

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11282 Jobs Florida Partnership ~~Enterprise Florida~~, Inc., United States
11283 Export Assistance Centers, Florida Export Finance Corporation,
11284 Florida Trade Data Center, Small Business Development Centers,
11285 and any other organizations STEP deems appropriate. The
11286 coordination may encompass export assistance and referral
11287 services, export financing, job-training programs, educational
11288 programs, market research and development, market promotion,
11289 trade missions, e-commerce, and mentoring and matchmaking
11290 services relative to the expansion of trade between Florida and
11291 the Caribbean Basin. The initiative shall also form alliances
11292 with multilateral, international, and domestic funding programs
11293 from Florida, the United States, and the Caribbean Basin to
11294 coordinate systems and programs for fundamental assistance in
11295 facilitating trade and investment.
11296 (3) STEP shall administer the Florida-Caribbean Basin Trade
11297 Initiative pursuant to a performance-based contract with Jobs
11298 Florida, which ~~the Office of Tourism, Trade, and Economic~~
11299 ~~Development. The Office of Tourism, Trade, and Economic~~
11300 ~~Development~~ shall develop performance measures, standards, and
11301 sanctions for the initiative. Performance measures must include,
11302 but are not limited to, the number of businesses assisted; the
11303 number of urban businesses assisted; and the increase in value
11304 of exports to the Caribbean which is attributable to the
11305 initiative.
11306 Section 164. Section 288.7011, Florida Statutes, is amended
11307 to read:
11308 288.7011 Assistance to certified development corporation.—
11309 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11310 ~~Development~~ is authorized to enter into contracts with a

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11311 nonprofit, statewide development corporation certified pursuant
11312 to s. 503 of the Small Business Investment Act of 1958, as
11313 amended, to permit such corporation to locate and contract for
11314 administrative and technical staff assistance and support,
11315 including, without limitation, assistance to the development
11316 corporation in the packaging and servicing of loans for the
11317 purpose of stimulating and expanding the availability of private
11318 equity capital and long-term loans to small businesses. Such
11319 assistance and support will cease when the corporation has
11320 received state support in an amount the equivalent of $250,000
11321 per year over a 5-year period beginning July 1, 1997. Any
11322 contract between Jobs Florida ~~the Office~~ and such corporation
11323 shall specify that the records of the corporation must be
11324 available for audit by Jobs Florida ~~the Office~~ and by the
11325 Auditor General.
11326 Section 165. Section 288.7015, Florida Statutes, is amended
11327 to read:
11328 288.7015 Appointment of rules ombudsman; duties.—The
11329 Governor shall appoint a rules ombudsman, as defined in s.
11330 288.703, in the Executive Office of the Governor, for
11331 considering the impact of agency rules on the state's citizens
11332 and businesses. In carrying out duties as provided by law, the
11333 ombudsman shall consult with the Jobs Florida Partnership
11334 ~~Enterprise Florida~~, Inc., at which point Jobs Florida ~~the office~~
11335 may recommend to improve the regulatory environment of this
11336 state. The duties of the rules ombudsman are to:
11337 (1) Carry out the responsibility provided in s. 120.54(2),
11338 with respect to small businesses.
11339 (2) Review state agency rules that adversely or

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11340 disproportionately impact businesses, particularly those
11341 relating to small and minority businesses.
11342 (3) Make recommendations on any existing or proposed rules
11343 to alleviate unnecessary or disproportionate adverse effects to
11344 businesses.
11345 (4) Each state agency shall cooperate fully with the rules
11346 ombudsman in identifying such rules. Further, each agency shall
11347 take the necessary steps to waive, modify, or otherwise minimize
11348 such adverse effects of any such rules. However, nothing in this
11349 section authorizes any state agency to waive, modify, provide
11350 exceptions to, or otherwise alter any rule that is:
11351 (a) Expressly required to implement or enforce any
11352 statutory provision or the express legislative intent thereof;
11353 (b) Designed to protect persons against discrimination on
11354 the basis of race, color, national origin, religion, sex, age,
11355 handicap, or marital status; or
11356 (c) Likely to prevent a significant risk or danger to the
11357 public health, the public safety, or the environment of the
11358 state.
11359 (5) The modification or waiver of any such rule pursuant to
11360 this section must be accomplished in accordance with the
11361 provisions of chapter 120.
11362 Section 166. Section 288.705, Florida Statutes, is amended
11363 to read:
11364 288.705 Statewide contracts register.—All state agencies
11365 shall in a timely manner provide the Florida Small Business
11366 Development Center Procurement System with all formal
11367 solicitations for contractual services, supplies, and
11368 commodities. The Small Business Development Center shall

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11369 coordinate with Minority Business Development Centers to compile
11370 and distribute this information to small and minority businesses
11371 requesting such service for the period of time necessary to
11372 familiarize the business with the market represented by state
11373 agencies. On or before February 1 of each year, the Small
11374 Business Development Center shall report to Jobs Florida ~~the~~
11375 ~~Agency for Workforce Innovation~~ on the use of the statewide
11376 contracts register. The report shall include, but not be limited
11377 to, information relating to:
11378 (1) The total number of solicitations received from state
11379 agencies during the calendar year.
11380 (2) The number of solicitations received from each state
11381 agency during the calendar year.
11382 (3) The method of distributing solicitation information to
11383 businesses requesting such service.
11384 (4) The total number of businesses using the service.
11385 (5) The percentage of businesses using the service which
11386 are owned and controlled by minorities.
11387 (6) The percentage of service-disabled veteran business
11388 enterprises using the service.
11389 Section 167. Subsection (12) of section 288.706, Florida
11390 Statutes, is amended to read:
11391 288.706 Florida Minority Business Loan Mobilization
11392 Program.—
11393 (12) The Department of Management Services shall
11394 collaborate with the Jobs Florida Partnership ~~Florida Black~~
11395 ~~Business Investment Board~~, Inc., and Jobs Florida ~~the Office of~~
11396 ~~Tourism, Trade, and Economic Development~~ to assist in the
11397 development and enhancement of black business enterprises.

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11398 Section 168. Subsection (2) of section 288.7094, Florida
11399 Statutes, is amended to read:
11400 288.7094 Black business investment corporations.—
11401 (2) A black business investment corporation that meets the
11402 requirements of s. 288.7102(4) is eligible to participate in the
11403 Black Business Loan Program and shall receive priority
11404 consideration by Jobs Florida ~~the Office of Tourism, Trade, and~~
11405 ~~Economic Development~~ for participation in the program.
11406 Section 169. Section 288.7102, Florida Statutes, is amended
11407 to read:
11408 288.7102 Black Business Loan Program.—
11409 (1) The Black Business Loan Program is established in Jobs
11410 Florida, which ~~the Office of Tourism, Trade, and Economic~~
11411 ~~Development. Under the program, the office~~ shall annually
11412 certify eligible recipients and subsequently disburse funds
11413 appropriated by the Legislature, through such eligible
11414 recipients, to black business enterprises that cannot obtain
11415 capital through conventional lending institutions but that could
11416 otherwise compete successfully in the private sector.
11417 (2) Jobs Florida ~~The office~~ shall establish an application
11418 and annual certification process for entities seeking funds to
11419 participate in providing loans, loan guarantees, or investments
11420 in black business enterprises pursuant to the Florida Black
11421 Business Investment Act. Jobs Florida ~~The office~~ shall process
11422 all applications and recertifications submitted by June 1 on or
11423 before July 31.
11424 (3) If the Black Business Loan Program is appropriated any
11425 funding in a fiscal year, Jobs Florida ~~the Office~~ shall
11426 distribute an equal amount of the appropriation, calculated as

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11427 the total annual appropriation divided by the total number of
11428 program recipients certified on or before July 31 of that fiscal
11429 year.
11430 (4) To be eligible to receive funds and provide loans, loan
11431 guarantees, or investments under this section, a recipient must:
11432 (a) Be a corporation registered in the state.
11433 (b) For an existing recipient, annually submit to Jobs
11434 Florida ~~the office~~ a financial audit performed by an independent
11435 certified public account for the most recently completed fiscal
11436 year, which audit does not reveal any material weaknesses or
11437 instances of material noncompliance.
11438 (c) For a new recipient:
11439 1. Demonstrate that its board of directors includes
11440 citizens of the state experienced in the development of black
11441 business enterprises.
11442 2. Demonstrate that the recipient has a business plan that
11443 allows the recipient to operate in a manner consistent with the
11444 requirements of the Jobs Florida Partnership, Inc., ~~ss. 288.707-~~
11445 ~~288.714~~ and the rules of Jobs Florida ~~the office~~.
11446 3. Demonstrate that the recipient has the technical skills
11447 to analyze and evaluate applications by black business
11448 enterprises for loans, loan guarantees, or investments.
11449 4. Demonstrate that the recipient has established viable
11450 partnerships with public and private funding sources, economic
11451 development agencies, and workforce development and job referral
11452 networks.
11453 5. Demonstrate that the recipient can provide a private
11454 match equal to 20 percent of the amount of funds provided by the
11455 office.

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11456 (d) For an existing or new recipient, agree to maintain the
11457 recipient's books and records relating to funds received by Jobs
11458 Florida ~~the office~~ according to generally accepted accounting
11459 principles and in accordance with the requirements of s.
11460 215.97(7) and to make those books and records available to Jobs
11461 Florida ~~the office~~ for inspection upon reasonable notice.
11462 (5) Each eligible recipient must meet the requirements of
11463 the Jobs Florida Partnership, Inc., ~~provisions of ss. 288.707-~~
11464 ~~288.714,~~ the terms of the contract between the recipient and
11465 Jobs Florida ~~the Office~~, and any other applicable state or
11466 federal laws. An entity may not receive funds ~~under ss. 288.707-~~
11467 ~~288.714~~ unless the entity meets annual certification
11468 requirements.
11469 (6) Upon approval by Jobs Florida ~~the Office~~ and before
11470 release of the funds as provided in this section, Jobs Florida
11471 ~~the Office~~ shall issue a letter certifying the applicant as
11472 qualified for an award. Jobs Florida ~~the Office~~ and the
11473 applicant shall enter into an agreement that sets forth the
11474 conditions for award of the funds. The agreement must include
11475 the total amount of funds awarded; the performance conditions
11476 that must be met once the funding has been awarded, including,
11477 but not limited to, compliance with all of the requirements of
11478 this section for eligible recipients of funds under this
11479 section; and sanctions for failure to meet performance
11480 conditions, including any provisions to recover awards.
11481 (7) Jobs Florida ~~The Office~~, in consultation with the
11482 board, shall adopt rules pursuant to ss. 120.536(1) and 120.54
11483 to implement this section.
11484 (8) A black business investment corporation certified by

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11485 Jobs Florida ~~the Office~~ as an eligible recipient under this
11486 section is authorized to use funds appropriated for the Black
11487 Business Loan Program in any of the following forms:
11488 (a) Purchases of stock, preferred or common, voting or
11489 nonvoting; however, no more than 40 percent of the funds may be
11490 used for direct investments in black business enterprises;
11491 (b) Loans or loan guarantees, with or without recourse, in
11492 either a subordinated or priority position; or
11493 (c) Technical support to black business enterprises, not to
11494 exceed 9 percent of the funds received, and direct
11495 administrative costs, not to exceed 12 percent of the funds
11496 received.
11497 (9) It is the intent of the Legislature that if any one
11498 type of investment mechanism authorized in subsection (8) is
11499 held to be invalid, all other valid mechanisms remain available.
11500 (10) All loans, loan guarantees, and investments, and any
11501 income related thereto, shall be used to carry out the public
11502 purpose ~~of ss. 288.707-288.714, which is~~ to develop black
11503 business enterprises. This subsection does not preclude a
11504 reasonable profit for the participating black business
11505 investment corporation or for return of equity developed to the
11506 state and participating financial institutions upon any
11507 distribution of the assets or excess income of the investment
11508 corporation.
11509 Section 170. Section 288.714, Florida Statutes, is amended
11510 to read:
11511 288.714 Quarterly and annual reports.—
11512 (1) Each recipient of state funds under s. 288.7102 shall
11513 provide to Jobs Florida ~~the Office~~ a quarterly report within 15

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11514 days after the end of each calendar quarter that includes a
11515 detailed summary of the recipient's performance of the duties
11516 imposed by s. 288.7102, including, but not limited to:
11517 (a) The dollar amount of all loans or loan guarantees made
11518 to black business enterprises, the percentages of the loans
11519 guaranteed, and the names and identification of the types of
11520 businesses served.
11521 (b) Loan performance information.
11522 (c) The amount and nature of all other financial assistance
11523 provided to black business enterprises.
11524 (d) The amount and nature of technical assistance provided
11525 to black business enterprises, including technical assistance
11526 services provided in areas in which such services are otherwise
11527 unavailable.
11528 (e) A balance sheet for the recipient, including an
11529 explanation of all investments and administrative and
11530 operational expenses.
11531 (f) A summary of all services provided to nonblack business
11532 enterprises, including the dollar value and nature of such
11533 services and the names and identification of the types of
11534 businesses served.
11535 (g) Any other information as required by policies adopted
11536 by Jobs Florida ~~the Office~~.
11537 (2) Jobs Florida ~~The Office~~ must compile a summary of all
11538 quarterly reports and provide a copy of the summary to the board
11539 within 30 days after the end of each calendar quarter that
11540 includes a detailed summary of the recipient's performance of
11541 the duties imposed by s. 288.7102.
11542 (3) By August 31 of each year, Jobs Florida ~~the Office~~

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11543 shall provide to the Governor, the President of the Senate, and
11544 the Speaker of the House of Representatives a detailed report of
11545 the performance of the Black Business Loan Program. The report
11546 must include a cumulative summary of quarterly report data
11547 required by subsection (1).
11548 ~~(4) By August 31 of each year, the board shall provide to~~
11549 ~~the Governor, the President of the Senate, and the Speaker of~~
11550 ~~the House of Representatives a detailed report of the board's~~
11551 ~~performance, including:~~
11552 ~~(a) A description of the strategies implemented by the~~
11553 ~~board to increase private investment in black business~~
11554 ~~enterprises.~~
11555 ~~(b) A summary of the board's performance of its duties~~
11556 ~~under ss. 288.707-288.712.~~
11557 ~~(c) The most recent 5-year projection of the need for~~
11558 ~~capital by black business enterprises.~~
11559 ~~(d) Recommendations for legislative or other changes to~~
11560 ~~enhance the development and expansion of black business~~
11561 ~~enterprises in the state.~~
11562 ~~(e) A projection of the program's activities during the~~
11563 ~~next 12 months.~~
11564 Section 171. Subsection (1) of section 288.773, Florida
11565 Statutes, is amended to read:
11566 288.773 Florida Export Finance Corporation.—The Florida
11567 Export Finance Corporation is hereby created as a corporation
11568 not for profit, to be incorporated under the provisions of
11569 chapter 617 and approved by the Department of State. The
11570 corporation is organized on a nonstock basis. The purpose of the
11571 corporation is to expand employment and income opportunities for

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11572 residents of this state through increased exports of goods and
11573 services, by providing businesses domiciled in this state
11574 information and technical assistance on export opportunities,
11575 exporting techniques, and financial assistance through
11576 guarantees and direct loan originations for sale in support of
11577 export transactions. The corporation shall have the power and
11578 authority to carry out the following functions:
11579 (1) To coordinate the efforts of the corporation with
11580 programs and goals of the United States Export-Import Bank, the
11581 International Trade Administration of the United States
11582 Department of Commerce, the Foreign Credit Insurance
11583 Association, the Jobs Florida Partnership ~~Enterprise Florida~~,
11584 Inc., ~~and its boards,~~ and other private and public programs and
11585 organizations, domestic and foreign, designed to provide export
11586 assistance and export-related financing.
11587 Section 172. Paragraph (b) of subsection (3) of section
11588 288.774, Florida Statutes, is amended to read:
11589 288.774 Powers and limitations.—
11590 (3)
11591 (b) In providing assistance, the board shall be guided by
11592 the statewide economic development plan adopted by Jobs Florida
11593 and the Jobs Florida Partnership, Inc ~~pursuant to s. 288.905~~.
11594 Section 173. Paragraph (a) of subsection (1) and paragraphs
11595 (a), (c), and (g) of subsection (3) of section 288.776, Florida
11596 Statutes, are amended to read:
11597 288.776 Board of directors; powers and duties.—
11598 (1)(a) The corporation shall have a board of directors
11599 consisting of 15 members representing all geographic areas of
11600 the state. Minority and gender representation must be considered

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11601 when making appointments to the board. The board membership must
11602 include:
11603 1. A representative of the following businesses, all of
11604 which must be registered to do business in this state: a foreign
11605 bank, a state bank, a federal bank, an insurance company
11606 involved in covering trade financing risks, and a small or
11607 medium-sized exporter.
11608 2. The following persons or their designee: the President
11609 of the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., the
11610 Chief Financial Officer, the Secretary of State, and a senior
11611 official of the United States Department of Commerce~~, and the~~
11612 ~~chair of the Florida Black Business Investment Board~~.
11613 (3) The board shall:
11614 (a) Prior to the expenditure of funds from the export
11615 finance account, adopt bylaws, rules, and policies which are
11616 necessary to carry out the responsibilities under this part,
11617 particularly with respect to the implementation of the
11618 corporation's programs to insure, coinsure, lend, provide loan
11619 guarantees, and make direct, guaranteed, or collateralized loans
11620 by the corporation to support export transactions. The
11621 corporation's bylaws, rules, and policies shall be reviewed and
11622 approved by the Jobs Florida Partnership ~~Enterprise Florida~~,
11623 Inc., prior to final adoption by the board.
11624 (c) Issue an annual report to the Jobs Florida Partnership
11625 ~~Enterprise Florida~~, Inc., on the activities of the corporation,
11626 including an evaluation of activities and recommendations for
11627 change. The evaluation shall include the corporation's impact on
11628 the following:
11629 1. Participation of private banks and other private

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11630 organizations and individuals in the corporation's export
11631 financing programs.
11632 2. Access of small and medium-sized businesses in this
11633 state to federal export financing programs.
11634 3. Export volume of the small and medium-sized businesses
11635 in this state accessing the corporation's programs.
11636 4. Other economic and social benefits to international
11637 programs in this state.
11638 (g) Consult with the Jobs Florida Partnership ~~Enterprise~~
11639 ~~Florida~~, Inc., ~~and its boards,~~ or any state or federal agency,
11640 to ensure that the respective loan guarantee or working capital
11641 loan origination programs are not duplicative and that each
11642 program makes full use of, to the extent practicable, the
11643 resources of the other.
11644 Section 174. Section 288.7771, Florida Statutes, is amended
11645 to read:
11646 288.7771 Annual report of Florida Export Finance
11647 Corporation.—The corporation shall annually prepare and submit
11648 to Jobs Florida ~~Enterprise Florida, Inc.,~~ for inclusion in its
11649 annual report required by s. 288.095 a complete and detailed
11650 report setting forth:
11651 (1) The report required in s. 288.776(3).
11652 (2) Its assets and liabilities at the end of its most
11653 recent fiscal year.
11654 Section 175. Section 288.816, Florida Statutes, is amended
11655 to read:
11656 288.816 Intergovernmental relations.—
11657 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11658 ~~Development~~ shall be responsible for consular operations and the

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11659 sister city and sister state program and shall serve as liaison
11660 with foreign, federal, and other state international
11661 organizations and with county and municipal governments in
11662 Florida.
11663 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11664 ~~Development~~ shall be responsible for all consular relations
11665 between the state and all foreign governments doing business in
11666 Florida. Jobs Florida ~~The office~~ shall monitor United States
11667 laws and directives to ensure that all federal treaties
11668 regarding foreign privileges and immunities are properly
11669 observed. Jobs Florida ~~The office~~ shall promulgate rules which
11670 shall:
11671 (a) Establish a viable system of registration for foreign
11672 government officials residing or having jurisdiction in the
11673 state. Emphasis shall be placed on maintaining active
11674 communication between Jobs Florida ~~The Office of Tourism, Trade,~~
11675 ~~and Economic Development~~ and the United States Department of
11676 State in order to be currently informed regarding foreign
11677 governmental personnel stationed in, or with official
11678 responsibilities for, Florida. Active dialogue shall also be
11679 maintained with foreign countries which historically have had
11680 dealings with Florida in order to keep them informed of the
11681 proper procedure for registering with the state.
11682 (b) Maintain and systematically update a current and
11683 accurate list of all such foreign governmental officials,
11684 consuls, or consulates.
11685 (c) Issue certificates to such foreign governmental
11686 officials after verification pursuant to proper investigations
11687 through United States Department of State sources and the

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11688 appropriate foreign government.
11689 (d) Verify entitlement to sales and use tax exemptions
11690 pursuant to United States Department of State guidelines and
11691 identification methods.
11692 (e) Verify entitlement to issuance of special motor vehicle
11693 license plates by the Division of Motor Vehicles of the
11694 Department of Highway Safety and Motor Vehicles to honorary
11695 consuls or such other officials representing foreign governments
11696 who are not entitled to issuance of special Consul Corps license
11697 plates by the United States Government.
11698 (f) Establish a system of communication to provide all
11699 state and local law enforcement agencies with information
11700 regarding proper procedures relating to the arrest or
11701 incarceration of a foreign citizen.
11702 (g) Request the Department of Law Enforcement to provide
11703 transportation and protection services when necessary pursuant
11704 to s. 943.68.
11705 (h) Coordinate, when necessary, special activities between
11706 foreign governments and Florida state and local governments.
11707 These may include Consular Corps Day, Consular Corps
11708 conferences, and various other social, cultural, or educational
11709 activities.
11710 (i) Notify all newly arrived foreign governmental officials
11711 of the services offered by Jobs Florida ~~The Office of Tourism,~~
11712 ~~Trade, and Economic Development~~.
11713 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11714 ~~Development~~ shall operate the sister city and sister state
11715 program and establish such new programs as needed to further
11716 global understanding through the interchange of people, ideas,

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11717 and culture between Florida and the world. To accomplish this
11718 purpose, Jobs Florida ~~the office~~ shall have the power and
11719 authority to:
11720 (a) Coordinate and carry out activities designed to
11721 encourage the state and its subdivisions to participate in
11722 sister city and sister state affiliations with foreign countries
11723 and their subdivisions. Such activities may include a State of
11724 Florida sister cities conference.
11725 (b) Encourage cooperation with and disseminate information
11726 pertaining to the Sister Cities International Program and any
11727 other program whose object is to promote linkages with foreign
11728 countries and their subdivisions.
11729 (c) Maximize any aid available from all levels of
11730 government, public and private agencies, and other entities to
11731 facilitate such activities.
11732 (d) Establish a viable system of registration for sister
11733 city and sister state affiliations between the state and foreign
11734 countries and their subdivisions. Such system shall include a
11735 method to determine that sufficient ties are properly
11736 established as well as a method to supervise how these ties are
11737 maintained.
11738 (e) Maintain a current and accurate listing of all such
11739 affiliations. Sister city affiliations shall not be discouraged
11740 between the state and any country specified in s. 620(f)(1) of
11741 the federal Foreign Assistance Act of 1961, as amended, with
11742 whom the United States is currently conducting diplomatic
11743 relations unless a mandate from the United States Government
11744 expressly prohibits such affiliations.
11745 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~

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11746 ~~Development~~ shall serve as a contact for the state with the
11747 Florida Washington Office, the Florida Congressional Delegation,
11748 and United States Government agencies with respect to laws or
11749 policies which may affect the interests of the state in the area
11750 of international relations. All inquiries received regarding
11751 international economic trade development or reverse investment
11752 opportunities shall be referred to the Jobs Florida Partnership
11753 ~~Enterprise Florida~~, Inc. In addition, Jobs Florida ~~the office~~
11754 shall serve as liaison with other states with respect to
11755 international programs of interest to Florida. Jobs Florida ~~The~~
11756 ~~office~~ shall also investigate and make suggestions regarding
11757 possible areas of joint action or regional cooperation with
11758 these states.
11759 (5) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11760 ~~Development~~ shall have the power and duty to encourage the
11761 relocation to Florida of consular offices and multilateral and
11762 international agencies and organizations.
11763 (6) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11764 ~~Development, through membership on the board of directors of~~
11765 ~~Enterprise Florida, Inc.,~~ shall help to contribute an
11766 international perspective to the state's development efforts.
11767 Section 176. Paragraph (a) of subsection (1) and subsection
11768 (2) of section 288.809, Florida Statutes, are amended to read:
11769 288.809 Florida Intergovernmental Relations Foundation; use
11770 of property; board of directors; audit.—
11771 (1) DEFINITIONS.—For the purposes of this section, the
11772 term:
11773 (a) "Florida Intergovernmental Relations Foundation" means
11774 a direct-support organization:

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11775 1. Which is a corporation not for profit that is
11776 incorporated under the provisions of chapter 617 and approved by
11777 the Department of State;
11778 2. Which is organized and operated exclusively to solicit,
11779 receive, hold, invest, and administer property and, subject to
11780 the approval of Jobs Florida ~~the Office of Tourism, Trade, and~~
11781 ~~Economic Development~~, to make expenditures to or for the
11782 promotion of intergovernmental relations programs; and
11783 3. Which Jobs Florida ~~the Office of Tourism, Trade, and~~
11784 ~~Economic Development~~, after review, has certified to be
11785 operating in a manner consistent with the policies and goals of
11786 Jobs Florida ~~the office~~.
11787 (2) USE OF PROPERTY.—Jobs Florida ~~The Office of Tourism,~~
11788 ~~Trade, and Economic Development~~:
11789 (a) Is authorized to permit the use of property,
11790 facilities, and personal services of Jobs Florida ~~the Office of~~
11791 ~~Tourism, Trade, and Economic Development~~ by the foundation,
11792 subject to the provisions of this section.
11793 (b) Shall prescribe conditions with which the foundation
11794 must comply in order to use property, facilities, or personal
11795 services of the department. Such conditions shall provide for
11796 budget and audit review and for oversight by Jobs Florida ~~the~~
11797 ~~Office of Tourism, Trade, and Economic Development~~.
11798 (c) Shall not permit the use of property, facilities, or
11799 personal services of the foundation if the foundation does not
11800 provide equal employment opportunities to all persons,
11801 regardless of race, color, national origin, sex, age, or
11802 religion.
11803 Section 177. Section 288.826, Florida Statutes, is amended

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11804 to read:
11805 288.826 Florida International Trade and Promotion Trust
11806 Fund.—There is hereby established in the State Treasury the
11807 Florida International Trade and Promotion Trust Fund. The moneys
11808 deposited into this trust fund shall be administered by Jobs
11809 Florida ~~the Office of Tourism, Trade, and Economic Development~~
11810 for the operation of the Jobs Florida Partnership ~~Enterprise~~
11811 ~~Florida~~, Inc., ~~and its boards~~ and for the operation of Florida
11812 international ~~foreign~~ offices under s. 288.012.
11813 Section 178. Section 288.95155, Florida Statutes, is
11814 amended to read:
11815 288.95155 Florida Small Business Technology Growth
11816 Program.—
11817 (1) The Florida Small Business Technology Growth Program is
11818 hereby established to provide financial assistance to businesses
11819 in this state having high job growth and emerging technology
11820 potential and fewer than 100 employees. The program shall be
11821 administered and managed by the Jobs Florida Partnership
11822 ~~Enterprise Florida~~, Inc.
11823 (2)~~(a)~~ The Jobs Florida Partnership ~~Enterprise Florida~~,
11824 Inc., shall establish a separate small business technology
11825 growth account in the Florida Technology Research Investment
11826 Fund for purposes of this section. Moneys in the account shall
11827 consist of appropriations by the Legislature, proceeds of any
11828 collateral used to secure such assistance, transfers, fees
11829 assessed for providing or processing such financial assistance,
11830 grants, interest earnings, and earnings on financial assistance.
11831 ~~(b) For the 2009-2010 fiscal year only, Enterprise Florida,~~
11832 ~~Inc., shall advance up to $600,000 from the account to the~~

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11833 ~~Institute for Commercialization of Public Research for its~~
11834 ~~operations. This paragraph expires July 1, 2010.~~
11835 (3) Pursuant to s. 216.351, the amount of any moneys
11836 appropriated to the account which are unused at the end of the
11837 fiscal year shall not be subject to reversion under s. 216.301.
11838 All moneys in the account are continuously appropriated to the
11839 account and may be used for loan guarantees, letter of credit
11840 guarantees, cash reserves for loan and letter of credit
11841 guarantees, payments of claims pursuant to contracts for
11842 guarantees, subordinated loans, loans with warrants, royalty
11843 investments, equity investments, and operations of the program.
11844 Any claim against the program shall be paid solely from the
11845 account. Neither the credit nor the taxing power of the state
11846 shall be pledged to secure the account or moneys in the account,
11847 other than from moneys appropriated or assigned to the account,
11848 and the state shall not be liable or obligated in any way for
11849 any claims against the account or against the Jobs Florida
11850 Partnership ~~Enterprise Florida~~, Inc.
11851 (4) Awards of assistance from the program shall be
11852 finalized subject to the policies and procedures of the Jobs
11853 Florida Partnership ~~Enterprise Florida~~, Inc. The Jobs Florida
11854 Partnership ~~Enterprise Florida~~, Inc., shall leverage at least
11855 one dollar of matching investment for each dollar awarded from
11856 the program. The Jobs Florida Partnership ~~Enterprise Florida~~,
11857 Inc., shall give the highest priority to moderate-risk and high-
11858 risk ventures that offer the greatest opportunity for compelling
11859 economic development impact. The Jobs Florida Partnership
11860 ~~Enterprise Florida~~, Inc., shall establish for each award a risk-
11861 reward timetable that profiles the risks of the assistance,

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11862 estimates the potential economic development impact, and
11863 establishes a timetable for reviewing the success or failure of
11864 the assistance. By December 31 of each year, the Jobs Florida
11865 Partnership ~~Enterprise Florida~~, Inc., shall evaluate, on a
11866 portfolio basis, the results of all awards of assistance made
11867 from the program during the year.
11868 (5) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
11869 shall prepare for inclusion in Job Florida's ~~and include in its~~
11870 annual report required by s. 288.095 a report on the financial
11871 status of the program. The report must specify the assets and
11872 liabilities of the program within the current fiscal year and
11873 must include a portfolio update that lists all of the businesses
11874 assisted, the private dollars leveraged by each business
11875 assisted, and the growth in sales and in employment of each
11876 business assisted.
11877 Section 179. Paragraph (e) of subsection (2), paragraph (a)
11878 of subsection (4), subsection (7), paragraph (b) of subsection
11879 (8), subsection (9), paragraph (l) of subsection (10), and
11880 subsection (15) of section 288.955, Florida Statutes, are
11881 amended, and present subsections (16) and (17) of that section
11882 are renumbered as subsections (15) and (16), respectively, to
11883 read:
11884 288.955 Scripps Florida Funding Corporation.—
11885 (2) CREATION.—
11886 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11887 ~~Development~~ shall provide administrative support to the
11888 corporation as requested by the corporation. In the event of the
11889 dissolution of the corporation, Jobs Florida ~~the office~~ shall be
11890 the corporation's successor in interest and shall assume all

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11891 rights, duties, and obligations of the corporation under any
11892 contract to which the corporation is then a party and under law.
11893 (4) BOARD; MEMBERSHIP.—The corporation shall be governed by
11894 a board of directors.
11895 (a) The board of directors shall consist of nine voting
11896 members, of whom the Governor shall appoint three, the President
11897 of the Senate shall appoint three, and the Speaker of the House
11898 of Representatives shall appoint three. The commissioner of Jobs
11899 Florida or the commissioner's designee ~~director of the Office of~~
11900 ~~Tourism, Trade, and Economic Development or the director's~~
11901 ~~designee~~ shall serve as an ex-officio, nonvoting member of the
11902 board of directors.
11903 (7) INVESTMENT OF FUNDS.—The corporation must enter into an
11904 agreement with the State Board of Administration under which
11905 funds received by the corporation from Jobs Florida ~~the Office~~
11906 ~~of Tourism, Trade, and Economic Development~~ which are not
11907 disbursed to the grantee shall be invested by the State Board of
11908 Administration on behalf of the corporation. Funds shall be
11909 invested in suitable instruments authorized under s. 215.47 and
11910 specified in investment guidelines established and agreed to by
11911 the State Board of Administration and the corporation.
11912 (8) CONTRACT.—
11913 (b) The contract, at a minimum, must contain provisions:
11914 1. Specifying the procedures and schedules that govern the
11915 disbursement of funds under this section and specifying the
11916 conditions or deliverables that the grantee must satisfy before
11917 the release of each disbursement.
11918 2. Requiring the grantee to submit to the corporation a
11919 business plan in a form and manner prescribed by the

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11920 corporation.
11921 3. Prohibiting The Scripps Research Institute or the
11922 grantee from establishing other biomedical science or research
11923 facilities in any state other than this state or California for
11924 a period of 12 years from the commencement of the contract.
11925 Nothing in this subparagraph shall prohibit the grantee from
11926 establishing or engaging in normal collaborative activities with
11927 other organizations.
11928 4. Governing the ownership of or security interests in real
11929 property and personal property, including, but not limited to,
11930 research equipment, obtained through the financial support of
11931 state or local government, including a provision that in the
11932 event of a breach of the contract or in the event the grantee
11933 ceases operations in this state, such property purchased with
11934 state funds shall revert to the state and such property
11935 purchased with local funds shall revert to the local governing
11936 authority.
11937 5. Requiring the grantee to be an equal opportunity
11938 employer.
11939 6. Requiring the grantee to maintain a policy of awarding
11940 preference in employment to residents of this state, as defined
11941 by law, except for professional scientific staff positions
11942 requiring a doctoral degree, postdoctoral training positions,
11943 and graduate student positions.
11944 7. Requiring the grantee to maintain a policy of making
11945 purchases from vendors in this state, to the extent it is cost-
11946 effective and scientifically sound.
11947 8. Requiring the grantee to use the Internet-based job-
11948 listing system of Jobs Florida ~~the Agency for Workforce~~

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11949 ~~Innovation~~ in advertising employment opportunities.
11950 9. Requiring the grantee to establish accredited science
11951 degree programs.
11952 10. Requiring the grantee to establish internship programs
11953 to create learning opportunities for educators and secondary,
11954 postsecondary, graduate, and doctoral students.
11955 11. Requiring the grantee to submit data to the corporation
11956 on the activities and performance during each fiscal year and to
11957 provide to the corporation an annual accounting of the
11958 expenditure of funds disbursed under this section.
11959 12. Establishing that the corporation shall review the
11960 activities of the grantee to assess the grantee's financial and
11961 operational compliance with the provisions of the contract and
11962 with relevant provisions of law.
11963 13. Authorizing the grantee, when feasible, to use
11964 information submitted by it to the Federal Government or to
11965 other organizations awarding research grants to the grantee to
11966 help meet reporting requirements imposed under this section or
11967 the contract, if the information satisfies the reporting
11968 standards of this section and the contract.
11969 14. Requiring the grantee during the first 7 years of the
11970 contract to create 545 positions and to acquire associated
11971 research equipment for the grantee's facility in this state, and
11972 pay for related maintenance of the equipment, in a total amount
11973 of not less than $45 million.
11974 15. Requiring the grantee to progress in the creation of
11975 the total number of jobs prescribed in subparagraph 14. on the
11976 following schedule: At least 38 positions in the 1st year, 168
11977 positions in the 2nd year, 280 positions in the 3rd year, 367

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11978 positions in the 4th year, 436 positions in the 5th year, 500
11979 positions in the 6th year, and 545 positions in the 7th year.
11980 The board may allow the grantee to deviate downward from such
11981 employee levels by 25 percent in any year, to allow the grantee
11982 flexibility in achieving the objectives set forth in the
11983 business plan provided to the corporation; however, the grantee
11984 must have no fewer than 545 positions by the end of the 7th
11985 year.
11986 16. Requiring the grantee to allow the corporation to
11987 retain an independent certified public accountant licensed in
11988 this state pursuant to chapter 473 to inspect the records of the
11989 grantee in order to audit the expenditure of funds disbursed to
11990 the grantee. The independent certified public accountant shall
11991 not disclose any confidential or proprietary scientific
11992 information of the grantee.
11993 17. Requiring the grantee to purchase liability insurance
11994 and governing the coverage level of such insurance.
11995 (9) PERFORMANCE EXPECTATIONS.—In addition to the provisions
11996 prescribed in subsection (8), the contract between the
11997 corporation and the grantee shall include a provision that the
11998 grantee, in cooperation with Jobs Florida ~~the Office of Tourism,~~
11999 ~~Trade, and Economic Development~~, shall report to the corporation
12000 on performance expectations that reflect the aspirations of the
12001 Governor and the Legislature for the benefits accruing to this
12002 state as a result of the funds appropriated pursuant to this
12003 section. These shall include, but are not limited to,
12004 performance expectations addressing:
12005 (a) The number and dollar value of research grants obtained
12006 from the Federal Government or sources other than this state.

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12007 (b) The percentage of total research dollars received by
12008 The Scripps Research Institute from sources other than this
12009 state which is used to conduct research activities by the
12010 grantee in this state.
12011 (c) The number or value of patents obtained by the grantee.
12012 (d) The number or value of licensing agreements executed by
12013 the grantee.
12014 (e) The extent to which research conducted by the grantee
12015 results in commercial applications.
12016 (f) The number of collaborative agreements reached and
12017 maintained with colleges and universities in this state and with
12018 research institutions in this state, including agreements that
12019 foster participation in research opportunities by public and
12020 private colleges and universities and research institutions in
12021 this state with significant minority populations, including
12022 historically black colleges and universities.
12023 (g) The number of collaborative partnerships established
12024 and maintained with businesses in this state.
12025 (h) The total amount of funding received by the grantee
12026 from sources other than the State of Florida.
12027 (i) The number or value of spin-off businesses created in
12028 this state as a result of commercialization of the research of
12029 the grantee.
12030 (j) The number or value of businesses recruited to this
12031 state by the grantee.
12032 (k) The establishment and implementation of policies to
12033 promote supplier diversity using the guidelines developed by the
12034 Office of Supplier Diversity under s. 287.09451 and to comply
12035 with the ordinances, including any small business ordinances,

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12036 enacted by the county and which are applicable to the biomedical
12037 research institution and campus located in this state.
12038 (l) The designation by the grantee of a representative to
12039 coordinate with the Office of Supplier Diversity.
12040 (m) The establishment and implementation of a program to
12041 conduct workforce recruitment activities at public and private
12042 colleges and universities and community colleges in this state
12043 which request the participation of the grantee.
12044
12045 The contract shall require the grantee to provide information to
12046 the corporation on the progress in meeting these performance
12047 expectations on an annual basis. It is the intent of the
12048 Legislature that, in fulfilling its obligation to work with
12049 Florida’s public and private colleges and universities, Scripps
12050 Florida work with such colleges and universities regardless of
12051 size.
12052 (10) DISBURSEMENT CONDITIONS.—In addition to the provisions
12053 prescribed in subsection (8), the contract between the
12054 corporation and the grantee shall include disbursement
12055 conditions that must be satisfied by the grantee as a condition
12056 for the continued disbursement of funds under this section.
12057 These disbursement conditions shall be negotiated between the
12058 corporation and the grantee and shall not be designed to impede
12059 the ability of the grantee to attain full operational status.
12060 The disbursement conditions may be appropriately varied as to
12061 timeframes, numbers, values, and percentages. The disbursement
12062 conditions shall include, but are not limited to, the following
12063 areas:
12064 (l) Beginning June 2004, the grantee shall commence

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12065 collaboration efforts with Jobs Florida ~~the Office of Tourism,~~
12066 ~~Trade, and Economic Development~~ by complying with reasonable
12067 requests for cooperation in economic development efforts in the
12068 biomed/biotech industry. No later than July 2004, the grantee
12069 shall designate a person who shall be charged with assisting in
12070 these collaborative efforts.
12071 ~~(15) PROGRAM EVALUATION.—~~
12072 ~~(a) Before January 1, 2007, the Office of Program Policy~~
12073 ~~Analysis and Government Accountability shall conduct a~~
12074 ~~performance audit of the Office of Tourism, Trade, and Economic~~
12075 ~~Development and the corporation relating to the provisions of~~
12076 ~~this section. The audit shall assess the implementation and~~
12077 ~~outcomes of activities under this section. At a minimum, the~~
12078 ~~audit shall address:~~
12079 ~~1. Performance of the Office of Tourism, Trade, and~~
12080 ~~Economic Development in disbursing funds appropriated under this~~
12081 ~~section.~~
12082 ~~2. Performance of the corporation in managing and enforcing~~
12083 ~~the contract with the grantee.~~
12084 ~~3. Compliance by the corporation with the provisions of~~
12085 ~~this section and the provisions of the contract.~~
12086 ~~4. Economic activity generated through funds disbursed~~
12087 ~~under the contract.~~
12088 ~~(b) Before January 1, 2010, the Office of Program Policy~~
12089 ~~Analysis and Government Accountability shall update the report~~
12090 ~~required under this subsection. In addition to addressing the~~
12091 ~~items prescribed in paragraph (a), the updated report shall~~
12092 ~~include a recommendation on whether the Legislature should~~
12093 ~~retain the statutory authority for the corporation.~~

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12094

12095 ~~A report of each audit's findings and recommendations shall be~~
12096 ~~submitted to the Governor, the President of the Senate, and the~~
12097 ~~Speaker of the House of Representatives. In completing the~~
12098 ~~performance audits required under this subsection, the Office of~~
12099 ~~Program Policy Analysis and Government Accountability shall~~
12100 ~~maximize the use of reports submitted by the grantee to the~~
12101 ~~Federal Government or to other organizations awarding research~~
12102 ~~grants to the grantee.~~
12103 Section 180. Subsection (1) and paragraph (a) of subsection
12104 (2) of section 288.9519, Florida Statutes, are amended to read:
12105 288.9519 Not-for-profit corporation.—
12106 (1) It is the intent of the Legislature to promote the
12107 development of the state economy and to authorize the
12108 establishment of a not-for-profit organization that shall
12109 promote the competitiveness and profitability of high-technology
12110 business and industry through technology development projects of
12111 importance to specific manufacturing sectors in this state. This
12112 not-for-profit corporation shall work cooperatively with the
12113 Jobs Florida Partnership ~~Enterprise Florida~~, Inc., and shall
12114 avoid duplicating the activities, programs, and functions of the
12115 Jobs Florida Partnership ~~Enterprise Florida~~, Inc.
12116 (2) In addition to all other powers and authority, not
12117 explicitly prohibited by statutes, this not-for-profit
12118 organization has the following powers and duties:
12119 (a) To receive funds appropriated to the organization by
12120 the Legislature. Such funds may not duplicate funds appropriated
12121 to the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., but
12122 shall serve to further the advancement of the state economy,

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12123 jointly and collaboratively with the Jobs Florida Partnership
12124 ~~Enterprise Florida~~, Inc.
12125 Section 181. Section 288.9520, Florida Statutes, is amended
12126 to read:
12127 288.9520 Public records exemption.—Materials that relate to
12128 methods of manufacture or production, potential trade secrets,
12129 potentially patentable material, actual trade secrets, business
12130 transactions, financial and proprietary information, and
12131 agreements or proposals to receive funding that are received,
12132 generated, ascertained, or discovered by the Jobs Florida
12133 Partnership ~~Enterprise Florida~~, Inc., including its affiliates
12134 or subsidiaries and partnership participants, such as private
12135 enterprises, educational institutions, and other organizations,
12136 are confidential and exempt from the provisions of s. 119.07(1)
12137 and s. 24(a), Art. I of the State Constitution, except that a
12138 recipient of the Jobs Florida Partnership ~~Enterprise Florida~~,
12139 Inc., research funds shall make available, upon request, the
12140 title and description of the research project, the name of the
12141 researcher, and the amount and source of funding provided for
12142 the project.
12143 Section 182. Subsection (10) of section 288.9603, Florida
12144 Statutes, is amended to read:
12145 288.9603 Definitions.—
12146 (10) "Partnership" means the Jobs Florida Partnership
12147 ~~Enterprise Florida~~, Inc.
12148 Section 183. Subsection (2) of section 288.9604, Florida
12149 Statutes, is amended to read:
12150 288.9604 Creation of the authority.—
12151 (2) The Governor, subject to confirmation by the Senate,

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12152 shall appoint the board of directors of the corporation, who
12153 shall be five in number. The terms of office for the directors
12154 shall be for 4 years from the date of their appointment. A
12155 vacancy occurring during a term shall be filled for the
12156 unexpired term. A director shall be eligible for reappointment.
12157 At least three of the directors of the corporation shall be
12158 bankers who have been selected by the Governor from a list of
12159 bankers who were nominated by the Jobs Florida Partnership,
12160 Inc., ~~Enterprise Florida, Inc.,~~ and one of the directors shall
12161 be an economic development specialist. ~~The chairperson of the~~
12162 ~~Florida Black Business Investment Board shall be an ex officio~~
12163 ~~member of the board of the corporation.~~
12164 Section 184. Paragraph (v) of subsection (2) of section
12165 288.9605, Florida Statutes, is amended to read:
12166 288.9605 Corporation powers.—
12167 (2) The corporation is authorized and empowered to:
12168 (v) Enter into investment agreements with the Jobs Florida
12169 Partnership, Inc., ~~Florida Black Business Investment Board~~
12170 concerning the issuance of bonds and other forms of indebtedness
12171 and capital ~~for the purposes of ss. 288.707-288.714~~.
12172 Section 185. Subsection (1) of section 288.9606, Florida
12173 Statutes, is amended to read:
12174 288.9606 Issue of revenue bonds.—
12175 (1) When authorized by a public agency pursuant to s.
12176 163.01(7), the corporation has power in its corporate capacity,
12177 in its discretion, to issue revenue bonds or other evidences of
12178 indebtedness which a public agency has the power to issue, from
12179 time to time to finance the undertaking of any purpose of this
12180 act ~~and ss. 288.707-288.714~~, including, without limiting the

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12181 generality thereof, the payment of principal and interest upon
12182 any advances for surveys and plans or preliminary loans, and has
12183 the power to issue refunding bonds for the payment or retirement
12184 of bonds previously issued. Bonds issued pursuant to this
12185 section shall bear the name "Florida Development Finance
12186 Corporation Revenue Bonds." The security for such bonds may be
12187 based upon such revenues as are legally available. In
12188 anticipation of the sale of such revenue bonds, the corporation
12189 may issue bond anticipation notes and may renew such notes from
12190 time to time, but the maximum maturity of any such note,
12191 including renewals thereof, may not exceed 5 years from the date
12192 of issuance of the original note. Such notes shall be paid from
12193 any revenues of the corporation available therefor and not
12194 otherwise pledged or from the proceeds of sale of the revenue
12195 bonds in anticipation of which they were issued. Any bond, note,
12196 or other form of indebtedness issued pursuant to this act shall
12197 mature no later than the end of the 30th fiscal year after the
12198 fiscal year in which the bond, note, or other form of
12199 indebtedness was issued.
12200 Section 186. Section 288.9614, Florida Statutes, is amended
12201 to read:
12202 288.9614 Authorized programs.—The Jobs Florida Partnership
12203 ~~Enterprise Florida~~, Inc., may take any action that it deems
12204 necessary to achieve the purposes of this act in partnership
12205 with private enterprises, public agencies, and other
12206 organizations, including, but not limited to, efforts to address
12207 the long-term debt needs of small-sized and medium-sized firms,
12208 to address the needs of microenterprises, to expand availability
12209 of venture capital, and to increase international trade and

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12210 export finance opportunities for firms critical to achieving the
12211 purposes of this act.
12212 Section 187. Subsection (1) of section 288.9624, Florida
12213 Statutes, are amended to read:
12214 288.9624 Florida Opportunity Fund; creation; duties.—
12215 (1)(a) The Jobs Florida Partnership ~~Enterprise Florida~~,
12216 Inc., shall facilitate the creation of the Florida Opportunity
12217 Fund, a private, not-for-profit corporation organized and
12218 operated under chapter 617. The Jobs Florida Partnership
12219 ~~Enterprise Florida~~, Inc., shall be the fund's sole shareholder
12220 or member. The fund is not a public corporation or
12221 instrumentality of the state. The fund shall manage its business
12222 affairs and conduct business consistent with its organizational
12223 documents and the purposes set forth in this section.
12224 Notwithstanding the powers granted under chapter 617, the
12225 corporation may not amend, modify, or repeal a bylaw or article
12226 of incorporation without the express written consent of the Jobs
12227 Florida Partnership ~~Enterprise Florida~~, Inc.
12228 (b) The board of directors for the fund shall be a five-
12229 member board appointed by vote of the board of directors of the
12230 Jobs Florida Partnership, Inc., and board members shall serve
12231 terms as provided in the fund's organizational documents. ~~The~~
12232 ~~vice chair of Enterprise Florida, Inc., shall select from among~~
12233 ~~its sitting board of directors a five-person appointment~~
12234 ~~committee. The appointment committee shall select five initial~~
12235 ~~members of a board of directors for the fund.~~
12236 (c) The persons appointed ~~elected~~ to the ~~initial~~ board of
12237 directors ~~by the appointment committee~~ shall include persons who
12238 have expertise in the area of the selection and supervision of

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12239 early stage investment managers or in the fiduciary management
12240 of investment funds and other areas of expertise as considered
12241 appropriate ~~by the appointment committee~~.
12242 ~~(d) After election of the initial board of directors,~~
12243 ~~vacancies on the board shall be filled by vote of the board of~~
12244 ~~directors of Enterprise Florida, Inc., and board members shall~~
12245 ~~serve terms as provided in the fund's organizational documents.~~
12246 (d) ~~(e)~~ Members of the board are subject to any restrictions
12247 on conflicts of interest specified in the organizational
12248 documents and may not have an interest in any venture capital
12249 investment selected by the fund under ss. 288.9621-288.9624.
12250 (e) ~~(f)~~ Members of the board shall serve without
12251 compensation, but members, the president of the board, and other
12252 board employees may be reimbursed for all reasonable, necessary,
12253 and actual expenses as determined and approved by the board
12254 pursuant to s. 112.061.
12255 (f) ~~(g)~~ The fund shall have all powers granted under its
12256 organizational documents and shall indemnify members to the
12257 broadest extent permissible under the laws of this state.
12258 Section 188. Subsections (3), (4), (5), and (6) of section
12259 288.9625, Florida Statutes, are amended to read:
12260 288.9625 Institute for the Commercialization of Public
12261 Research.-There is established at a public university or
12262 research center in this state the Institute for the
12263 Commercialization of Public Research.
12264 (3) The articles of incorporation of the institute must be
12265 approved in a written agreement with Jobs Florida ~~Enterprise~~
12266 ~~Florida, Inc~~. The agreement and the articles of incorporation
12267 shall:

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12268 (a) Provide that the institute shall provide equal
12269 employment opportunities for all persons regardless of race,
12270 color, religion, gender, national origin, age, handicap, or
12271 marital status;
12272 (b) Provide that the institute is subject to the public
12273 records and meeting requirements of s. 24, Art. I of the State
12274 Constitution;
12275 (c) Provide that all officers, directors, and employees of
12276 the institute shall be governed by the code of ethics for public
12277 officers and employees as set forth in part III of chapter 112;
12278 (d) Provide that members of the board of directors of the
12279 institute are responsible for the prudent use of all public and
12280 private funds and that they will ensure that the use of funds is
12281 in accordance with all applicable laws, bylaws, and contractual
12282 requirements; and
12283 (e) Provide that the fiscal year of the institute is from
12284 July 1 to June 30.
12285 (4) The affairs of the institute shall be managed by a
12286 board of directors who shall serve without compensation. Each
12287 director shall have only one vote. The chair of the board of
12288 directors shall be selected by a majority vote of the directors,
12289 a quorum being present. The board of directors shall consist of
12290 the following five members:
12291 (a) The commissioner of Jobs Florida ~~chair of Enterprise~~
12292 ~~Florida, Inc.~~, or the commissioner's ~~chair's~~ designee.
12293 (b) The president of the university where the institute is
12294 located or the president's designee unless multiple universities
12295 jointly sponsor the institute, in which case the presidents of
12296 the sponsoring universities shall agree upon a designee.

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12297 (c) Three directors appointed by the Governor to 3-year
12298 staggered terms, to which the directors may be reappointed.
12299 (5) The board of directors shall provide a copy of the
12300 institute's annual report to the Governor, the President of the
12301 Senate, the Speaker of the House of Representatives, ~~Enterprise~~
12302 ~~Florida, Inc.,~~ and the president of the university at which the
12303 institute is located.
12304 (6) Jobs Florida ~~Enterprise Florida, Inc.~~, the president
12305 and the board of trustees of the university where the institute
12306 is located, the Auditor General, and the Office of Program
12307 Policy Analysis and Government Accountability may require and
12308 receive from the institute or its independent auditor any detail
12309 or supplemental data relative to the operation of the institute.
12310 Section 189. Subsections (3), (8), and (9) of section
12311 288.975, Florida Statutes, are amended to read:
12312 288.975 Military base reuse plans.—
12313 (3) No later than 6 months after the designation of a
12314 military base for closure by the Federal Government, each host
12315 local government shall notify the Jobs Florida ~~secretary of the~~
12316 ~~Department of Community Affairs and the director of the Office~~
12317 ~~of Tourism, Trade, and Economic Development~~ in writing, by hand
12318 delivery or return receipt requested, as to whether it intends
12319 to use the optional provisions provided in this act. If a host
12320 local government does not opt to use the provisions of this act,
12321 land use planning and regulation pertaining to base reuse
12322 activities within those host local governments shall be subject
12323 to all applicable statutory requirements, including those
12324 contained within chapters 163 and 380.
12325 (8) At the request of a host local government, Jobs Florida

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12326 ~~The Office of Tourism, Trade, and Economic Development~~ shall
12327 coordinate a presubmission workshop concerning a military base
12328 reuse plan within the boundaries of the host jurisdiction.
12329 Agencies that shall participate in the workshop shall include
12330 any affected local governments; the Department of Environmental
12331 Protection; Jobs Florida ~~the Office of Tourism, Trade, and~~
12332 ~~Economic Development~~; ~~the Department of Community Affairs;~~ the
12333 Department of Transportation; the Department of Health; the
12334 Department of Children and Family Services; the Department of
12335 Juvenile Justice; the Department of Agriculture and Consumer
12336 Services; the Department of State; the Fish and Wildlife
12337 Conservation Commission; and any applicable water management
12338 districts and regional planning councils. The purposes of the
12339 workshop shall be to assist the host local government to
12340 understand issues of concern to the above listed entities
12341 pertaining to the military base site and to identify
12342 opportunities for better coordination of planning and review
12343 efforts with the information and analyses generated by the
12344 federal environmental impact statement process and the federal
12345 community base reuse planning process.
12346 (9) If a host local government elects to use the optional
12347 provisions of this act, it shall, no later than 12 months after
12348 notifying the agencies of its intent pursuant to subsection (3)
12349 either:
12350 (a) Send a copy of the proposed military base reuse plan
12351 for review to any affected local governments; the Department of
12352 Environmental Protection; Jobs Florida ~~the Office of Tourism,~~
12353 ~~Trade, and Economic Development~~; ~~the Department of Community~~
12354 ~~Affairs;~~ the Department of Transportation; the Department of

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12355 Health; the Department of Children and Family Services; the
12356 Department of Juvenile Justice; the Department of Agriculture
12357 and Consumer Services; the Department of State; the Fish and
12358 Wildlife Conservation Commission; and any applicable water
12359 management districts and regional planning councils, or
12360 (b) Petition Jobs Florida ~~the secretary of the Department~~
12361 ~~of Community Affairs~~ for an extension of the deadline for
12362 submitting a proposed reuse plan. Such an extension request must
12363 be justified by changes or delays in the closure process by the
12364 federal Department of Defense or for reasons otherwise deemed to
12365 promote the orderly and beneficial planning of the subject
12366 military base reuse. Jobs Florida ~~The secretary of the~~
12367 ~~Department of Community Affairs~~ may grant extensions to the
12368 required submission date of the reuse plan.
12369 Section 190. Paragraph (b) of subsection (1), paragraphs
12370 (a) and (c) of subsection (2) and subsections (3), (4), (5),
12371 (6), (7), and (9) of section 288.980, Florida Statutes, are
12372 amended to read:
12373 288.980 Military base retention; legislative intent; grants
12374 program.—
12375 (1)
12376 (b) The Florida Defense Alliance, an organization within
12377 the Jobs Florida Partnership, Inc., ~~Enterprise Florida,~~ is
12378 designated as the organization to ensure that Florida, its
12379 resident military bases and missions, and its military host
12380 communities are in competitive positions as the United States
12381 continues its defense realignment and downsizing. The defense
12382 alliance shall serve as an overall advisory body for ~~Enterprise~~
12383 ~~Florida~~ defense-related activity of the Jobs Florida

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12384 Partnership, Inc. The Florida Defense Alliance may receive
12385 funding from appropriations made for that purpose administered
12386 by Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
12387 ~~Development~~.
12388 (2)(a) Jobs Florida ~~The Office of Tourism, Trade, and~~
12389 ~~Economic Development~~ is authorized to award grants from any
12390 funds available to it to support activities related to the
12391 retention of military installations potentially affected by
12392 federal base closure or realignment.
12393 (c) Except for grants issued pursuant to the Florida
12394 Military Installation Reuse Planning and Marketing Grant Program
12395 as described in paragraph (3)(c), the amount of any grant
12396 provided to an applicant may not exceed $250,000. Jobs Florida
12397 ~~The Office of Tourism, Trade, and Economic Development~~ shall
12398 require that an applicant:
12399 1. Represent a local government with a military
12400 installation or military installations that could be adversely
12401 affected by federal base realignment or closure.
12402 2. Agree to match at least 30 percent of any grant awarded.
12403 3. Prepare a coordinated program or plan of action
12404 delineating how the eligible project will be administered and
12405 accomplished.
12406 4. Provide documentation describing the potential for
12407 realignment or closure of a military installation located in the
12408 applicant’s community and the adverse impacts such realignment
12409 or closure will have on the applicant’s community.
12410 (3) The Florida Economic Reinvestment Initiative is
12411 established to respond to the need for this state and defense-
12412 dependent communities in this state to develop alternative

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12413 economic diversification strategies to lessen reliance on
12414 national defense dollars in the wake of base closures and
12415 reduced federal defense expenditures and the need to formulate
12416 specific base reuse plans and identify any specific
12417 infrastructure needed to facilitate reuse. The initiative shall
12418 consist of the following two ~~three~~ distinct grant programs to be
12419 administered by Jobs Florida ~~the Office of Tourism, Trade, and~~
12420 ~~Economic Development~~:
12421 (a) The Florida Defense Planning Grant Program, through
12422 which funds shall be used to analyze the extent to which the
12423 state is dependent on defense dollars and defense infrastructure
12424 and prepare alternative economic development strategies. The
12425 state shall work in conjunction with defense-dependent
12426 communities in developing strategies and approaches that will
12427 help communities make the transition from a defense economy to a
12428 nondefense economy. Grant awards may not exceed $250,000 per
12429 applicant and shall be available on a competitive basis.
12430 (b) The Florida Defense Implementation Grant Program,
12431 through which funds shall be made available to defense-dependent
12432 communities to implement the diversification strategies
12433 developed pursuant to paragraph (a). Eligible applicants include
12434 defense-dependent counties and cities, and local economic
12435 development councils located within such communities. Grant
12436 awards may not exceed $100,000 per applicant and shall be
12437 available on a competitive basis. Awards shall be matched on a
12438 one-to-one basis.
12439
12440 Applications for grants under this subsection must include a
12441 coordinated program of work or plan of action delineating how

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12442 the eligible project will be administered and accomplished,
12443 which must include a plan for ensuring close cooperation between
12444 civilian and military authorities in the conduct of the funded
12445 activities and a plan for public involvement.
12446 (4) The Defense Infrastructure Grant Program is created.
12447 Jobs Florida ~~The director of the Office of Tourism, Trade, and~~
12448 ~~Economic Development~~ shall coordinate and implement this
12449 program, the purpose of which is to support local infrastructure
12450 projects deemed to have a positive impact on the military value
12451 of installations within the state. Funds are to be used for
12452 projects that benefit both the local community and the military
12453 installation. It is not the intent, however, to fund on-base
12454 military construction projects. Infrastructure projects to be
12455 funded under this program include, but are not limited to, those
12456 related to encroachment, transportation and access, utilities,
12457 communications, housing, environment, and security. Grant
12458 requests will be accepted only from economic development
12459 applicants serving in the official capacity of a governing board
12460 of a county, municipality, special district, or state agency
12461 that will have the authority to maintain the project upon
12462 completion. An applicant must represent a community or county in
12463 which a military installation is located. There is no limit as
12464 to the amount of any grant awarded to an applicant. A match by
12465 the county or local community may be required. Jobs Florida ~~The~~
12466 ~~Office of Tourism, Trade, and Economic Development~~ shall
12467 establish guidelines to implement the purpose of this
12468 subsection.
12469 (5)(a) The Defense-Related Business Adjustment Program is
12470 hereby created. Jobs Florida ~~The Director of the Office of~~

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12471 ~~Tourism, Trade, and Economic Development~~ shall coordinate the
12472 development of the Defense-Related Business Adjustment Program.
12473 Funds shall be available to assist defense-related companies in
12474 the creation of increased commercial technology development
12475 through investments in technology. Such technology must have a
12476 direct impact on critical state needs for the purpose of
12477 generating investment-grade technologies and encouraging the
12478 partnership of the private sector and government defense-related
12479 business adjustment. The following areas shall receive
12480 precedence in consideration for funding commercial technology
12481 development: law enforcement or corrections, environmental
12482 protection, transportation, education, and health care. Travel
12483 and costs incidental thereto, and staff salaries, are not
12484 considered an "activity" for which grant funds may be awarded.
12485 (b) Jobs Florida ~~The Office~~ shall require that an
12486 applicant:
12487 1. Be a defense-related business that could be adversely
12488 affected by federal base realignment or closure or reduced
12489 defense expenditures.
12490 2. Agree to match at least 50 percent of any funds awarded
12491 by the department in cash or in-kind services. Such match shall
12492 be directly related to activities for which the funds are being
12493 sought.
12494 3. Prepare a coordinated program or plan delineating how
12495 the funds will be administered.
12496 4. Provide documentation describing how defense-related
12497 realignment or closure will adversely impact defense-related
12498 companies.
12499 (6) The Retention of Military Installations Program is

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12500 created. Jobs Florida ~~The Director of the Office of Tourism,~~
12501 ~~Trade, and Economic Development~~ shall coordinate and implement
12502 this program. ~~The sum of $1.2 million is appropriated from the~~
12503 ~~General Revenue Fund for fiscal year 1999-2000 to the Office of~~
12504 ~~Tourism, Trade, and Economic Development to implement this~~
12505 ~~program for military installations located in counties with a~~
12506 ~~population greater than 824,000. The funds shall be used to~~
12507 ~~assist military installations potentially affected by federal~~
12508 ~~base closure or realignment in covering current operating costs~~
12509 ~~in an effort to retain the installation in this state. An~~
12510 ~~eligible military installation for this program shall include a~~
12511 ~~provider of simulation solutions for war-fighting~~
12512 ~~experimentation, testing, and training which employs at least~~
12513 ~~500 civilian and military employees and has been operating in~~
12514 ~~the state for a period of more than 10 years.~~
12515 (7) Jobs Florida ~~The director~~ may award nonfederal matching
12516 funds specifically appropriated for construction, maintenance,
12517 and analysis of a Florida defense workforce database. Such funds
12518 will be used to create a registry of worker skills that can be
12519 used to match the worker needs of companies that are relocating
12520 to this state or to assist workers in relocating to other areas
12521 within this state where similar or related employment is
12522 available.
12523 (9) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12524 ~~Development~~ shall establish guidelines to implement and carry
12525 out the purpose and intent of this section.
12526 Section 191. Paragraphs (a), (e), and (f) of subsection (2)
12527 of section 288.984, Florida Statutes, are amended to read:
12528 288.984 Florida Council on Military Base and Mission

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12529 Support.—The Florida Council on Military Base and Mission
12530 Support is established. The council shall provide oversight and
12531 direction for initiatives, claims, and actions taken on behalf
12532 of the state, its agencies, and political subdivisions under
12533 this part.
12534 (2) MEMBERSHIP.—
12535 (a) The council shall be composed of nine members. The
12536 President of the Senate, the Speaker of the House of
12537 Representatives, and the Governor shall each appoint three
12538 members as follows:
12539 1. The President of the Senate shall appoint one member of
12540 the Senate, one community representative from a community-based
12541 defense support organization, and one member who is a retired
12542 military general or flag-rank officer residing in this state or
12543 an executive officer of a defense contracting firm doing
12544 significant business in this state.
12545 2. The Speaker of the House of Representatives shall
12546 appoint one member of the House of Representatives, one
12547 community representative from a community-based defense support
12548 organization, and one member who is a retired military general
12549 or flag-rank officer residing in this state or an executive
12550 officer of a defense contracting firm doing significant business
12551 in this state.
12552 3. The Governor shall appoint the commissioner of Jobs
12553 Florida or the commissioner's designee, a board member of the
12554 Jobs Florida Partnership, Inc., ~~director or designee of the~~
12555 ~~Office of Tourism, Trade, and Economic Development, the vice~~
12556 ~~chairperson or designee of Enterprise Florida, Inc.,~~ and one at-
12557 large member.

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12558 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12559 ~~Development~~ shall provide administrative support to the council.
12560 (f) The ~~Secretary of Community Affairs or his or her~~
12561 ~~designee, the~~ Secretary of Environmental Protection or his or
12562 her designee, the Secretary of Transportation or his or her
12563 designee, the Adjutant General of the state or his or her
12564 designee, and the executive director of the Department of
12565 Veterans' Affairs or his or her designee shall attend meetings
12566 held by the council and provide assistance, information, and
12567 support as requested by the council.
12568 Section 192. Subsection (5) and paragraph (b) of subsection
12569 (8) of section 288.9913, Florida Statutes, are amended, and
12570 present subsections (6) through (10) of that section are
12571 renumbered as subsections (5) through (9), respectively, to
12572 read:
12573 288.9913 Definitions.—As used in ss. 288.991-288.9922, the
12574 term:
12575 ~~(5) "Office" means the Office of Tourism, Trade, and~~
12576 ~~Economic Development.~~
12577 (7) ~~(8)~~ "Qualified community development entity" means an
12578 entity that:
12579 (b) Is the Jobs Florida Partnership ~~Enterprise Florida~~,
12580 Inc., or an entity created by the Jobs Florida Partnership
12581 ~~Enterprise Florida~~, Inc.
12582 Section 193. Subsections (1), (2), and (3), paragraphs (a)
12583 and (b) of subsection (4), and subsection (6) of section
12584 288.9914, Florida Statutes, are amended to read:
12585 288.9914 Certification of qualified investments; investment
12586 issuance reporting.—

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12587 (1) ELIGIBLE INDUSTRIES.—
12588 (a) Jobs Florida ~~The office~~, in consultation with the Jobs
12589 Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall
12590 designate industries using the North American Industry
12591 Classification System which are eligible to receive low-income
12592 community investments. The designated industries must be those
12593 industries that have the greatest potential to create strong
12594 positive impacts on or benefits to the state, regional, and
12595 local economies.
12596 (b) A qualified community development entity may not make a
12597 qualified low-income community investment in a business unless
12598 the principal activities of the business are within an eligible
12599 industry. Jobs Florida ~~the office~~ may waive this limitation if
12600 Jobs Florida ~~the office~~ determines that the investment will have
12601 a positive impact on a community.
12602 (2) APPLICATION.—A qualified community development entity
12603 must submit an application to Jobs Florida ~~the Office~~ to approve
12604 a proposed investment as a qualified investment. The application
12605 must include:
12606 (a) The name, address, and tax identification number of the
12607 qualified community development entity.
12608 (b) Proof of certification as a qualified community
12609 development entity under 26 U.S.C. s. 45D.
12610 (c) A copy of an allocation agreement executed by the
12611 entity, or its controlling entity, and the Community Development
12612 Financial Institutions Fund, which authorizes the entity to
12613 serve businesses in this state.
12614 (d) A verified statement by the chief executive officer of
12615 the entity that the allocation agreement remains in effect.

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12616 (e) A description of the proposed amount, structure, and
12617 purchaser of an equity investment or long-term debt security.
12618 (f) The name and tax identification number of any person
12619 authorized to claim a tax credit earned as a result of the
12620 purchase of the proposed qualified investment.
12621 (g) A detailed explanation of the proposed use of the
12622 proceeds from a proposed qualified investment.
12623 (h) A nonrefundable application fee of $1,000, payable to
12624 Jobs Florida ~~the office~~.
12625 (i) A statement that the entity will invest only in the
12626 industries designated by Jobs Florida ~~the office~~.
12627 (j) The entity's plans for the development of relationships
12628 with community-based organizations, local community development
12629 offices and organizations, and economic development
12630 organizations. The entity must also explain steps it has taken
12631 to implement its plans to develop these relationships.
12632 (k) A statement that the entity will not invest in a
12633 qualified active low-income community business unless the
12634 business will create or retain jobs that pay an average wage of
12635 at least 115 percent of the federal poverty income guidelines
12636 for a family of four.
12637 (3) REVIEW.—
12638 (a) Jobs Florida ~~The office~~ shall review applications to
12639 approve an investment as a qualified investment in the order
12640 received. Jobs Florida ~~The office~~ shall approve or deny an
12641 application within 30 days after receipt.
12642 (b) If Jobs Florida ~~the office~~ intends to deny the
12643 application, Jobs Florida ~~the office~~ shall inform the applicant
12644 of the basis of the proposed denial. The applicant shall have 15

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12645 days after it receives the notice of the intent to deny the
12646 application to submit a revised application to Jobs Florida ~~the~~
12647 ~~office~~. Jobs Florida ~~the office~~ shall issue a final order
12648 approving or denying the revised application within 30 days
12649 after receipt.
12650 (c) Jobs Florida ~~The office~~ may not approve a cumulative
12651 amount of qualified investments that may result in the claim of
12652 more than $97.5 million in tax credits during the existence of
12653 the program or more than $20 million in tax credits in a single
12654 state fiscal year. However, the potential for a taxpayer to
12655 carry forward an unused tax credit may not be considered in
12656 calculating the annual limit.
12657 (4) APPROVAL.—
12658 (a) Jobs Florida ~~The office~~ shall provide a copy of the
12659 final order approving an investment as a qualified investment to
12660 the qualified community development entity and to the
12661 department. The notice shall include the identity of the
12662 taxpayers who are eligible to claim the tax credits and the
12663 amount that may be claimed by each taxpayer.
12664 (b) Jobs Florida ~~The office~~ shall approve an application
12665 for part of the amount of the proposed investment if the amount
12666 of tax credits available is insufficient.
12667 (6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The
12668 qualified community development entity must provide Jobs Florida
12669 ~~the office~~ with evidence of the receipt of the cash in exchange
12670 for the qualified investment within 30 business days after
12671 receipt.
12672 Section 194. Subsection (2) of section 288.9916, Florida
12673 Statutes, is amended to read:

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12674 288.9916 New markets tax credit.—
12675 (2) A tax credit earned under this section may not be sold
12676 or transferred, except as provided in this subsection.
12677 (a) A partner, member, or shareholder of a partnership,
12678 limited liability company, S-corporation, or other "pass-
12679 through" entity may claim the tax credit pursuant to an
12680 agreement among the partners, members, or shareholders. Any
12681 change in the allocation of a tax credit under the agreement
12682 must be reported to Jobs Florida ~~the office~~ and to the
12683 department.
12684 (b) Eligibility to claim a tax credit transfers to
12685 subsequent purchasers of a qualified investment. Such transfers
12686 must be reported to Jobs Florida ~~the office~~ and to the
12687 department along with the identity, tax identification number,
12688 and tax credit amount allocated to a taxpayer pursuant to
12689 paragraph (a). The notice of transfer also must state whether
12690 unused tax credits are being transferred and the amount of
12691 unused tax credits being transferred.
12692 Section 195. Section 288.9917, Florida Statutes, is amended
12693 to read:
12694 288.9917 Community development entity reporting after a
12695 credit allowance date; certification of tax credit amount.—
12696 (1) A qualified community development entity that has
12697 issued a qualified investment shall submit the following to Jobs
12698 Florida ~~the office~~ within 30 days after each credit allowance
12699 date:
12700 (a) A list of all qualified active low-income community
12701 businesses in which a qualified low-income community investment
12702 was made since the last credit allowance date. The list shall

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12703 also describe the type and amount of investment in each business
12704 and the address of the principal location of each business. The
12705 list must be verified by the chief executive officer of the
12706 community development entity.
12707 (b) Bank records, wire transfer records, or similar
12708 documents that provide evidence of the qualified low-income
12709 community investments made since the last credit allowance date.
12710 (c) A verified statement by the chief financial or
12711 accounting officer of the community development entity that no
12712 redemption or principal repayment was made with respect to the
12713 qualified investment since the previous credit allowance date.
12714 (d) Information relating to the recapture of the federal
12715 new markets tax credit since the last credit allowance date.
12716 (2) Jobs Florida ~~The office~~ shall certify in writing to the
12717 qualified community development entity and to the department the
12718 amount of the tax credit authorized for each taxpayer eligible
12719 to claim the tax credit in the tax year containing the last
12720 credit allowance date.
12721 Section 196. Section 288.9918, Florida Statutes, is amended
12722 to read:
12723 288.9918 Annual reporting by a community development
12724 entity.—A community development entity that has issued a
12725 qualified investment shall submit an annual report to Jobs
12726 Florida ~~the office~~ by April 30 after the end of each year which
12727 includes a credit allowance date. The report shall include:
12728 (1) The entity's annual financial statements for the
12729 preceding tax year, audited by an independent certified public
12730 accountant.
12731 (2) The identity of the types of industries, identified by

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12732 the North American Industry Classification System Code, in which
12733 qualified low-income community investments were made.
12734 (3) The names of the counties in which the qualified active
12735 low-income businesses are located which received qualified low-
12736 income community investments.
12737 (4) The number of jobs created and retained by qualified
12738 active low-income community businesses receiving qualified low-
12739 income community investments, including verification that the
12740 average wages paid meet or exceed 115 percent of the federal
12741 poverty income guidelines for a family of four.
12742 (5) A description of the relationships that the entity has
12743 established with community-based organizations and local
12744 community development offices and organizations and a summary of
12745 the outcomes resulting from those relationships.
12746 (6) Other information and documentation required by Jobs
12747 Florida ~~the office~~ to verify continued certification as a
12748 qualified community development entity under 26 U.S.C. s. 45D.
12749 Section 197. Section 288.9919, Florida Statutes, is amended
12750 to read:
12751 288.9919 Audits and examinations; penalties.—
12752 (1) AUDITS.—A community development entity that issues an
12753 investment approved by Jobs Florida ~~the office~~ as a qualified
12754 investment shall be deemed a recipient of state financial
12755 assistance under s. 215.97, the Florida Single Audit Act.
12756 However, an entity that makes a qualified investment or receives
12757 a qualified low-income community investment is not a
12758 subrecipient for the purposes of s. 215.97.
12759 (2) EXAMINATIONS.—Jobs Florida ~~the office~~ may conduct
12760 examinations to verify compliance with the New Markets

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12761 Development Program Act.
12762 Section 198. Section 288.9920, Florida Statutes, is amended
12763 to read:
12764 288.9920 Recapture and penalties.—
12765 (1) Notwithstanding s. 95.091, Jobs Florida ~~the office~~
12766 shall direct the department, at any time before December 31,
12767 2022, to recapture all or a portion of a tax credit authorized
12768 pursuant to the New Markets Development Program Act if one or
12769 more of the following occur:
12770 (a) The Federal Government recaptures any portion of the
12771 federal new markets tax credit. The recapture by the department
12772 shall equal the recapture by the Federal Government.
12773 (b) The qualified community development entity redeems or
12774 makes a principal repayment on a qualified investment before the
12775 final allowance date. The recapture by the department shall
12776 equal the redemption or principal repayment divided by the
12777 purchase price and multiplied by the tax credit authorized to a
12778 taxpayer for the qualified investment.
12779 (c)1. The qualified community development entity fails to
12780 invest at least 85 percent of the purchase price in qualified
12781 low-income community investments within 12 months after the
12782 issuance of a qualified investment; or
12783 2. The qualified community development entity fails to
12784 maintain 85 percent of the purchase price in qualified low-
12785 income community investments until the last credit allowance
12786 date for a qualified investment.
12787
12788 For the purposes of this paragraph, an investment by a qualified
12789 community development entity includes principal recovered from

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12790 an investment for 12 months after its recovery or principal
12791 recovered after the sixth credit allowance date. Principal held
12792 for longer than 12 months or recovered before the sixth credit
12793 allowance date is not an investment unless it is reinvested in a
12794 qualified low-income community investment.
12795 (d) The qualified community development entity fails to
12796 provide Jobs Florida ~~the office~~ with information, reports, or
12797 documentation required by the New Markets Development Program
12798 Act.
12799 (e) Jobs Florida ~~The office~~ determines that a taxpayer
12800 received tax credits to which the taxpayer was not entitled.
12801 (2) Jobs Florida ~~The office~~ shall provide notice to the
12802 qualified community development entity and the department of a
12803 proposed recapture of a tax credit. The entity shall have 6
12804 months following the receipt of the notice to cure a deficiency
12805 identified in the notice and avoid recapture. Jobs Florida ~~the~~
12806 ~~office~~ shall issue a final order of recapture if the entity
12807 fails to cure a deficiency within the 6-month period. The final
12808 order of recapture shall be provided to the entity, the
12809 department, and a taxpayer otherwise authorized to claim the tax
12810 credit. Only one correction is permitted for each qualified
12811 equity investment during the 7-year credit period. Recaptured
12812 funds shall be deposited into the General Revenue Fund.
12813 (3) An entity that submits fraudulent information to Jobs
12814 Florida ~~the office~~ is liable for the costs associated with the
12815 investigation and prosecution of the fraudulent claim plus a
12816 penalty in an amount equal to double the tax credits claimed by
12817 investors in the entity's qualified investments. This penalty is
12818 in addition to any other penalty that may be imposed by law.

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12819 Section 199. Section 288.9921, Florida Statutes, is amended
12820 to read:
12821 288.9921 Rulemaking.—Jobs Florida ~~the Office~~ and the
12822 Department of Revenue may adopt rules pursuant to ss. 120.536(1)
12823 and 120.54 to administer ss. 288.991-288.9920.
12824 Section 200. Subsection (5) of section 290.004, Florida
12825 Statutes, is amended, and present subsections (6) and (7) of
12826 that subsection are renumbered as subsections (5) and (6),
12827 respectively, to read:
12828 290.004 Definitions relating to Florida Enterprise Zone
12829 Act.—As used in ss. 290.001-290.016:
12830 ~~(5) "Office" means The Office of Tourism, Trade, and~~
12831 ~~Economic Development.~~
12832 Section 201. Subsection (1) and paragraphs (a) and (b) of
12833 subsection (6) of section 290.0055, Florida Statutes, are
12834 amended to read:
12835 290.0055 Local nominating procedure.—
12836 (1) If, pursuant to s. 290.0065, an opportunity exists for
12837 designation of a new enterprise zone, any county or
12838 municipality, or a county and one or more municipalities
12839 together, may apply to Jobs Florida ~~the office~~ for the
12840 designation of an area as an enterprise zone after completion of
12841 the following:
12842 (a) The adoption by the governing body or bodies of a
12843 resolution which:
12844 1. Finds that an area exists in such county or
12845 municipality, or in both the county and one or more
12846 municipalities, which chronically exhibits extreme and
12847 unacceptable levels of poverty, unemployment, physical

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12848 deterioration, and economic disinvestment;
12849 2. Determines that the rehabilitation, conservation, or
12850 redevelopment, or a combination thereof, of such area is
12851 necessary in the interest of the public health, safety, and
12852 welfare of the residents of such county or municipality, or such
12853 county and one or more municipalities; and
12854 3. Determines that the revitalization of such area can
12855 occur only if the private sector can be induced to invest its
12856 own resources in productive enterprises that build or rebuild
12857 the economic viability of the area.
12858 (b) The creation of an enterprise zone development agency
12859 pursuant to s. 290.0056.
12860 (c) The creation and adoption of a strategic plan pursuant
12861 to s. 290.0057.
12862 (6)(a) Jobs Florida ~~The office~~ may approve a change in the
12863 boundary of any enterprise zone which was designated pursuant to
12864 s. 290.0065. A boundary change must continue to satisfy the
12865 requirements of subsections (3), (4), and (5).
12866 (b) Upon a recommendation by the enterprise zone
12867 development agency, the governing body of the jurisdiction which
12868 authorized the application for an enterprise zone may apply to
12869 Jobs Florida ~~the Office~~ for a change in boundary once every 3
12870 years by adopting a resolution that:
12871 1. States with particularity the reasons for the change;
12872 and
12873 2. Describes specifically and, to the extent required by
12874 Jobs Florida ~~the office~~, the boundary change to be made.
12875 Section 202. Subsections (11) and (12) of section 290.0056,
12876 Florida Statutes, are amended to read:

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12877 290.0056 Enterprise zone development agency.—
12878 (11) Prior to December 1 of each year, the agency shall
12879 submit to Jobs Florida ~~the Office of Tourism, Trade, and~~
12880 ~~Economic Development~~ a complete and detailed written report
12881 setting forth:
12882 (a) Its operations and accomplishments during the fiscal
12883 year.
12884 (b) The accomplishments and progress concerning the
12885 implementation of the strategic plan or measurable goals, and
12886 any updates to the strategic plan or measurable goals.
12887 (c) The number and type of businesses assisted by the
12888 agency during the fiscal year.
12889 (d) The number of jobs created within the enterprise zone
12890 during the fiscal year.
12891 (e) The usage and revenue impact of state and local
12892 incentives granted during the calendar year.
12893 (f) Any other information required by Jobs Florida ~~the~~
12894 ~~office~~.
12895 (12) In the event that the nominated area selected by the
12896 governing body is not designated a state enterprise zone, the
12897 governing body may dissolve the agency after receiving
12898 notification from Jobs Florida ~~the office~~ that the area was not
12899 designated as an enterprise zone.
12900 Section 203. Subsections (2) and (4), paragraph (a) of
12901 subsection (6), and subsection (7) of section 290.0065, Florida
12902 Statutes, are amended to read:
12903 290.0065 State designation of enterprise zones.—
12904 (2) If, pursuant to subsection (4), Jobs Florida ~~the office~~
12905 does not redesignate an enterprise zone, a governing body of a

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12906 county or municipality or the governing bodies of a county and
12907 one or more municipalities jointly, pursuant to s. 290.0055, may
12908 apply for designation of an enterprise zone to take the place of
12909 the enterprise zone not redesignated and request designation of
12910 an enterprise zone. Jobs Florida ~~the Office, in consultation~~
12911 ~~with Enterprise Florida, Inc.,~~ shall determine which areas
12912 nominated by such governing bodies meet the criteria outlined in
12913 s. 290.0055 and are the most appropriate for designation as
12914 state enterprise zones. Each application made pursuant to s.
12915 290.0055 shall be ranked competitively based on the pervasive
12916 poverty, unemployment, and general distress of the area; the
12917 strategic plan, including local fiscal and regulatory
12918 incentives, prepared pursuant to s. 290.0057; and the prospects
12919 for new investment and economic development in the area.
12920 Pervasive poverty, unemployment, and general distress shall be
12921 weighted 35 percent; strategic plan and local fiscal and
12922 regulatory incentives shall be weighted 40 percent; and
12923 prospects for new investment and economic development in the
12924 area shall be weighted 25 percent.
12925 (4)(a) Notwithstanding s. 290.0055, Jobs Florida ~~the office~~
12926 may redesignate any state enterprise zone having an effective
12927 date on or before January 1, 2005, as a state enterprise zone
12928 upon completion and submittal to the office by the governing
12929 body for an enterprise zone of the following:
12930 1. An updated zone profile for the enterprise zone based on
12931 the most recent census data that complies with s. 290.0055,
12932 except that pervasive poverty criteria may be set aside for
12933 rural enterprise zones.
12934 2. A resolution passed by the governing body for that

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12935 enterprise zone requesting redesignation and explaining the
12936 reasons the conditions of the zone merit redesignation.
12937 3. Measurable goals for the enterprise zone developed by
12938 the enterprise zone development agency, which may be the goals
12939 established in the enterprise zone's strategic plan.
12940
12941 The governing body may also submit a request for a boundary
12942 change in an enterprise zone in the same application to Jobs
12943 Florida ~~the office~~ as long as the new area complies with the
12944 requirements of s. 290.0055, except that pervasive poverty
12945 criteria may be set aside for rural enterprise zones.
12946 (b) Jobs Florida ~~In consultation with Enterprise Florida,~~
12947 ~~Inc., the office~~ shall, based on the enterprise zone profile and
12948 the grounds for redesignation expressed in the resolution,
12949 determine whether the enterprise zone merits redesignation. Jobs
12950 Florida ~~the office~~ may also examine and consider the following:
12951 1. Progress made, if any, in the enterprise zone's
12952 strategic plan.
12953 2. Use of enterprise zone incentives during the life of the
12954 enterprise zone.
12955
12956 If Jobs Florida ~~the office~~ determines that the enterprise zone
12957 merits redesignation, Jobs Florida ~~the office~~ shall notify the
12958 governing body in writing of its approval of redesignation.
12959 (c) If the enterprise zone is redesignated, Jobs Florida
12960 ~~the office~~ shall determine if the measurable goals submitted are
12961 reasonable. If Jobs Florida ~~the office~~ determines that the goals
12962 are reasonable, it ~~the office~~ shall notify the governing body in
12963 writing that the goals have been approved.

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12964 (d) If Jobs Florida ~~the office~~ denies redesignation of an
12965 enterprise zone, it ~~the Office~~ shall notify the governing body
12966 in writing of the denial. Any county or municipality having
12967 jurisdiction over an area denied redesignation as a state
12968 enterprise zone pursuant to this subsection may not apply for
12969 designation of that area for 1 year following the date of
12970 denial.
12971 (6)(a) Jobs Florida ~~the office, in consultation with~~
12972 ~~Enterprise Florida, Inc.,~~ may develop guidelines necessary for
12973 the approval of areas under this section by the director.
12974 (7) Upon approval by Jobs Florida ~~the director~~ of a
12975 resolution authorizing an area to be an enterprise zone pursuant
12976 to this section, Jobs Florida ~~the office~~ shall assign a unique
12977 identifying number to that resolution. Jobs Florida ~~the office~~
12978 shall provide the Department of Revenue and Enterprise Florida,
12979 Inc., with a copy of each resolution approved, together with its
12980 identifying number.
12981 Section 204. Subsection (1) of section 290.0066, Florida
12982 Statutes, is amended to read:
12983 290.0066 Revocation of enterprise zone designation.—
12984 (1) Jobs Florida ~~The director~~ may revoke the designation of
12985 an enterprise zone if Jobs Florida ~~the director~~ determines that
12986 the governing body or bodies:
12987 (a) Have failed to make progress in achieving the
12988 benchmarks set forth in the strategic plan or measurable goals;
12989 or
12990 (b) Have not complied substantially with the strategic plan
12991 or measurable goals.
12992 Section 205. Section 290.00710, Florida Statutes, is

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12993 amended to read:
12994 290.00710 Enterprise zone designation for the City of
12995 Lakeland.—The City of Lakeland may apply to Jobs Florida ~~the~~
12996 ~~Office of Tourism, Trade, and Economic Development~~ for
12997 designation of one enterprise zone for an area within the City
12998 of Lakeland, which zone shall encompass an area up to 10 square
12999 miles. ~~The application must be submitted by December 31, 2005,~~
13000 ~~and must comply with the requirements of s. 290.0055.~~
13001 Notwithstanding s. 290.0065, limiting the total number of
13002 enterprise zones designated and the number of enterprise zones
13003 within a population category, Jobs Florida ~~the Office of~~
13004 ~~Tourism, Trade, and Economic Development~~ may designate one
13005 enterprise zone under this section. Jobs Florida ~~The Office of~~
13006 ~~Tourism, Trade, and Economic Development~~ shall establish the
13007 initial effective date of the enterprise zone designated
13008 pursuant to this section.
13009 Section 206. Section 290.0072, Florida Statutes, is amended
13010 to read:
13011 290.0072 Enterprise zone designation for the City of Winter
13012 Haven.—The City of Winter Haven may apply to Jobs Florida ~~the~~
13013 ~~Office of Tourism, Trade, and Economic Development~~ for
13014 designation of one enterprise zone for an area within the City
13015 of Winter Haven, which zone shall encompass an area up to 5
13016 square miles. Notwithstanding s. 290.0065 limiting the total
13017 number of enterprise zones designated and the number of
13018 enterprise zones within a population category, Jobs Florida ~~the~~
13019 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13020 one enterprise zone under this section. Jobs Florida ~~The Office~~
13021 ~~of Tourism, Trade, and Economic Development~~ shall establish the

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13022 initial effective date of the enterprise zone designated
13023 pursuant to this section.
13024 Section 207. Section 290.00725, Florida Statutes, is
13025 amended to read:
13026 290.00725 Enterprise zone designation for the City of
13027 Ocala.—The City of Ocala may apply to Jobs Florida ~~the Office of~~
13028 ~~Tourism, Trade, and Economic Development~~ for designation of one
13029 enterprise zone for an area within the western portion of the
13030 city, which zone shall encompass an area up to 5 square miles.
13031 ~~The application must be submitted by December 31, 2009, and must~~
13032 ~~comply with the requirements of s. 290.0055.~~ Notwithstanding s.
13033 290.0065 limiting the total number of enterprise zones
13034 designated and the number of enterprise zones within a
13035 population category, Jobs Florida ~~the Office of Tourism, Trade,~~
13036 ~~and Economic Development~~ may designate one enterprise zone under
13037 this section. Jobs Florida ~~The Office of Tourism, Trade, and~~
13038 ~~Economic Development~~ shall establish the initial effective date
13039 of the enterprise zone designated under this section.
13040 Section 208. Section 290.0073, Florida Statutes, is amended
13041 to read:
13042 290.0073 Enterprise zone designation for Indian River
13043 County, the City of Vero Beach, and the City of Sebastian.—
13044 Indian River County, the City of Vero Beach, and the City of
13045 Sebastian may jointly apply to Jobs Florida ~~the Office of~~
13046 ~~Tourism, Trade, and Economic Development~~ for designation of one
13047 enterprise zone encompassing an area not to exceed 10 square
13048 miles. ~~The application must be submitted by December 31, 2005,~~
13049 ~~and must comply with the requirements of s. 290.0055.~~
13050 Notwithstanding the provisions of s. 290.0065 limiting the total

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13051 number of enterprise zones designated and the number of
13052 enterprise zones within a population category, Jobs Florida ~~the~~
13053 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13054 one enterprise zone under this section. Jobs Florida ~~The Office~~
13055 ~~of Tourism, Trade, and Economic Development~~ shall establish the
13056 initial effective date of the enterprise zone designated
13057 pursuant to this section.
13058 Section 209. Section 290.0074, Florida Statutes, is amended
13059 to read:
13060 290.0074 Enterprise zone designation for Sumter County.—
13061 Sumter County may apply to Jobs Florida ~~the Office of Tourism,~~
13062 ~~Trade, and Economic Development~~ for designation of one
13063 enterprise zone encompassing an area not to exceed 10 square
13064 miles. The application must be submitted by December 31, 2005.
13065 Notwithstanding the provisions of s. 290.0065 limiting the total
13066 number of enterprise zones designated and the number of
13067 enterprise zones within a population category, Jobs Florida ~~the~~
13068 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13069 one enterprise zone under this section. Jobs Florida ~~The Office~~
13070 ~~of Tourism, Trade and Economic Development~~ shall establish the
13071 initial effective date of the enterprise zone designated
13072 pursuant to this section.
13073 Section 210. Section 290.0077, Florida Statutes, is amended
13074 to read:
13075 290.0077 Enterprise zone designation for Orange County and
13076 the municipality of Apopka.—Orange County and the municipality
13077 of Apopka may jointly apply to Jobs Florida ~~the Office of~~
13078 ~~Tourism, Trade, and Economic Development~~ for designation of one
13079 enterprise zone. ~~The application must be submitted by December~~

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13080 ~~31, 2005, and must comply with the requirements of s. 290.0055.~~
13081 Notwithstanding the provisions of s. 290.0065 limiting the total
13082 number of enterprise zones designated and the number of
13083 enterprise zones within a population category, Jobs Florida ~~the~~
13084 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13085 one enterprise zone under this section. Jobs Florida ~~The Office~~
13086 ~~of Tourism, Trade, and Economic Development~~ shall establish the
13087 initial effective date of the enterprise zone designated
13088 pursuant to this section.
13089 Section 211. Section 290.014, Florida Statutes, is amended
13090 to read:
13091 290.014 Annual reports on enterprise zones.—
13092 (1) By February 1 of each year, the Department of Revenue
13093 shall submit an annual report to Jobs Florida ~~the Office of~~
13094 ~~Tourism, Trade, and Economic Development~~ detailing the usage and
13095 revenue impact by county of the state incentives listed in s.
13096 290.007.
13097 (2) By March 1 of each year, Jobs Florida ~~the office~~ shall
13098 submit an annual report to the Governor, the Speaker of the
13099 House of Representatives, and the President of the Senate. The
13100 report shall include the information provided by the Department
13101 of Revenue pursuant to subsection (1) and the information
13102 provided by enterprise zone development agencies pursuant to s.
13103 290.0056. In addition, the report shall include an analysis of
13104 the activities and accomplishments of each enterprise zone.
13105 Section 212. Subsections (3), (5), (8), (9), (10), and (11)
13106 of section 311.09, Florida Statutes, are amended to read:
13107 311.09 Florida Seaport Transportation and Economic
13108 Development Council.—

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13109 (3) The council shall prepare a 5-year Florida Seaport
13110 Mission Plan defining the goals and objectives of the council
13111 concerning the development of port facilities and an intermodal
13112 transportation system consistent with the goals of the Florida
13113 Transportation Plan developed pursuant to s. 339.155. The
13114 Florida Seaport Mission Plan shall include specific
13115 recommendations for the construction of transportation
13116 facilities connecting any port to another transportation mode
13117 and for the efficient, cost-effective development of
13118 transportation facilities or port facilities for the purpose of
13119 enhancing international trade, promoting cargo flow, increasing
13120 cruise passenger movements, increasing port revenues, and
13121 providing economic benefits to the state. The council shall
13122 update the 5-year Florida Seaport Mission Plan annually and
13123 shall submit the plan no later than February 1 of each year to
13124 the President of the Senate,~~;~~ the Speaker of the House of
13125 Representatives,~~;~~ Jobs Florida, and ~~the Office of Tourism,~~
13126 ~~Trade, and Economic Development;~~ the Department of
13127 Transportation~~; and the Department of Community Affairs~~. The
13128 council shall develop programs, based on an examination of
13129 existing programs in Florida and other states, for the training
13130 of minorities and secondary school students in job skills
13131 associated with employment opportunities in the maritime
13132 industry, and report on progress and recommendations for further
13133 action to the President of the Senate and the Speaker of the
13134 House of Representatives annually.
13135 (5) The council shall review and approve or disapprove each
13136 project eligible to be funded pursuant to the Florida Seaport
13137 Transportation and Economic Development Program. The council

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13138 shall annually submit to the Secretary of Transportation and~~;~~
13139 the commissioner of Jobs Florida, or his or her designee,
13140 ~~director of the Office of Tourism, Trade, and Economic~~
13141 ~~Development; and the Secretary of Community Affairs~~ a list of
13142 projects which have been approved by the council. The list shall
13143 specify the recommended funding level for each project; and, if
13144 staged implementation of the project is appropriate, the funding
13145 requirements for each stage shall be specified.
13146 (8) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
13147 ~~Development, in consultation with Enterprise Florida, Inc.,~~
13148 shall review the list of projects approved by the council to
13149 evaluate the economic benefit of the project and to determine
13150 whether the project is consistent with the Florida Seaport
13151 Mission Plan. Jobs Florida ~~The Office of Tourism, Trade, and~~
13152 ~~Economic Development~~ shall review the economic benefits of each
13153 project based upon the rules adopted pursuant to subsection (4).
13154 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
13155 ~~Development~~ shall identify those projects which it has
13156 determined do not offer an economic benefit to the state or are
13157 not consistent with the Florida Seaport Mission Plan and shall
13158 notify the council of its findings.
13159 (9) The council shall review the findings of Jobs Florida
13160 ~~the Department of Community Affairs; the Office of Tourism,~~
13161 ~~Trade, and Economic Development;~~ and the Department of
13162 Transportation. Projects found to be inconsistent pursuant to
13163 subsections (6), (7), and (8) and projects which have been
13164 determined not to offer an economic benefit to the state
13165 pursuant to subsection (8) shall not be included in the list of
13166 projects to be funded.

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13167 (10) The Department of Transportation shall include in its
13168 annual legislative budget request a Florida Seaport
13169 Transportation and Economic Development grant program for
13170 expenditure of funds of not less than $8 million per year. Such
13171 budget shall include funding for projects approved by the
13172 council which have been determined by each agency to be
13173 consistent and which have been determined by Jobs Florida ~~the~~
13174 ~~Office of Tourism, Trade, and Economic Development~~ to be
13175 economically beneficial. The department shall include the
13176 specific approved seaport projects to be funded under this
13177 section during the ensuing fiscal year in the tentative work
13178 program developed pursuant to s. 339.135(4). The total amount of
13179 funding to be allocated to seaport projects under s. 311.07
13180 during the successive 4 fiscal years shall also be included in
13181 the tentative work program developed pursuant to s. 339.135(4).
13182 The council may submit to the department a list of approved
13183 projects that could be made production-ready within the next 2
13184 years. The list shall be submitted by the department as part of
13185 the needs and project list prepared pursuant to s.
13186 339.135(2)(b). However, the department shall, upon written
13187 request of the Florida Seaport Transportation and Economic
13188 Development Council, submit work program amendments pursuant to
13189 s. 339.135(7) to the Governor within 10 days after the later of
13190 the date the request is received by the department or the
13191 effective date of the amendment, termination, or closure of the
13192 applicable funding agreement between the department and the
13193 affected seaport, as required to release the funds from the
13194 existing commitment. Notwithstanding s. 339.135(7)(c), any work
13195 program amendment to transfer prior year funds from one approved

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13196 seaport project to another seaport project is subject to the
13197 procedures in s. 339.135(7)(d). Notwithstanding any provision of
13198 law to the contrary, the department may transfer unexpended
13199 budget between the seaport projects as identified in the
13200 approved work program amendments.
13201 (11) The council shall meet at the call of its chairperson,
13202 at the request of a majority of its membership, or at such times
13203 as may be prescribed in its bylaws. However, the council must
13204 meet at least semiannually. A majority of voting members of the
13205 council constitutes a quorum for the purpose of transacting the
13206 business of the council. All members of the council are voting
13207 members. A vote of the majority of the voting members present is
13208 sufficient for any action of the council, except that a member
13209 representing the Department of Transportation~~, the Department of~~
13210 ~~Community Affairs,~~ or Jobs Florida ~~the Office of Tourism, Trade,~~
13211 ~~and Economic Development~~ may vote to overrule any action of the
13212 council approving a project pursuant to subsection (5). The
13213 bylaws of the council may require a greater vote for a
13214 particular action.
13215 Section 213. Section 311.11, Florida Statutes, is amended
13216 to read:
13217 311.11 Seaport Employment Training Grant Program.—
13218 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
13219 ~~Development~~, in cooperation with the Florida Seaport
13220 Transportation and Economic Development Council, shall establish
13221 a Seaport Employment Training Grant Program within Jobs Florida
13222 ~~the Office~~. Jobs Florida ~~the office~~ shall grant funds
13223 appropriated by the Legislature to the program for the purpose
13224 of stimulating and supporting seaport training and employment

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13225 programs which will seek to match state and local training
13226 programs with identified job skills associated with employment
13227 opportunities in the port, maritime, and transportation
13228 industries, and for the purpose of providing such other
13229 training, educational, and information services as required to
13230 stimulate jobs in the described industries. Funds may be used
13231 for the purchase of equipment to be used for training purposes,
13232 hiring instructors, and any other purpose associated with the
13233 training program. The ~~office's~~ contribution of Jobs Florida to
13234 any specific training program may not exceed 50 percent of the
13235 total cost of the program. Matching contributions may include
13236 services in kind, including, but not limited to, training
13237 instructors, equipment usage, and training facilities.
13238 (2) Jobs Florida ~~The Office~~ shall adopt criteria to
13239 implement this section.
13240 Section 214. Paragraphs (i) and (l) of subsection (1) of
13241 section 311.115, Florida Statutes, are amended to read:
13242 311.115 Seaport Security Standards Advisory Council.—The
13243 Seaport Security Standards Advisory Council is created under the
13244 Office of Drug Control. The council shall serve as an advisory
13245 council as provided in s. 20.03(7).
13246 (1) The members of the council shall be appointed by the
13247 Governor and consist of the following:
13248 (i) One representative of Jobs Florida ~~member from the~~
13249 ~~Office of Tourism, Trade, and Economic Development~~.
13250 (l) The Director of the Office ~~Division~~ of Emergency
13251 Management, or his or her designee.
13252 Section 215. Subsection (2) of section 311.22, Florida
13253 Statutes, is amended to read:

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13254 311.22 Additional authorization for funding certain
13255 dredging projects.—
13256 (2) The council shall adopt rules for evaluating the
13257 projects that may be funded pursuant to this section. The rules
13258 must provide criteria for evaluating the economic benefit of the
13259 project. The rules must include the creation of an
13260 administrative review process by the council which is similar to
13261 the process described in s. 311.09(5)-(12), and provide for a
13262 review by ~~the Department of Community Affairs,~~ the Department of
13263 Transportation~~,~~ and Jobs Florida ~~the Office of Tourism, Trade,~~
13264 ~~and Economic Development~~ of all projects submitted for funding
13265 under this section.
13266 Section 216. Paragraph (a) of subsection (6), paragraph (b)
13267 of subsection (9), subsection (60), and paragraph (b) of
13268 subsection (65) of section 320.08058, Florida Statutes, are
13269 amended to read:
13270 320.08058 Specialty license plates.—
13271 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE
13272 PLATES.—
13273 (a) Because the United States Olympic Committee has
13274 selected this state to participate in a combined fundraising
13275 program that provides for one-half of all money raised through
13276 volunteer giving to stay in this state and be administered by
13277 the Jobs Florida Partnership, Inc., ~~direct-support organization~~
13278 ~~established under s. 288.1229~~ to support amateur sports, and
13279 because the United States Olympic Committee and the Jobs Florida
13280 Partnership, Inc., ~~direct-support organization~~ are nonprofit
13281 organizations dedicated to providing athletes with support and
13282 training and preparing athletes of all ages and skill levels for

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13283 sports competition, and because the Jobs Florida Partnership,
13284 Inc., ~~direct-support organization~~ assists in the bidding for
13285 sports competitions that provide significant impact to the
13286 economy of this state, and the Legislature supports the efforts
13287 of the United States Olympic Committee and the Jobs Florida
13288 Partnership, Inc. ~~direct-support organization~~, the Legislature
13289 establishes a Florida United States Olympic Committee license
13290 plate for the purpose of providing a continuous funding source
13291 to support this worthwhile effort. Florida United States Olympic
13292 Committee license plates must contain the official United States
13293 Olympic Committee logo and must bear a design and colors that
13294 are approved by the department. The word "Florida" must be
13295 centered at the top of the plate.
13296 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—
13297 (b) The license plate annual use fees are to be annually
13298 distributed as follows:
13299 1. Fifty-five percent of the proceeds from the Florida
13300 Professional Sports Team plate must be deposited into the
13301 Professional Sports Development Trust Fund within Jobs Florida
13302 ~~the Office of Tourism, Trade, and Economic Development~~. These
13303 funds must be used solely to attract and support major sports
13304 events in this state. As used in this subparagraph, the term
13305 "major sports events" means, but is not limited to, championship
13306 or all-star contests of Major League Baseball, the National
13307 Basketball Association, the National Football League, the
13308 National Hockey League, the men's and women's National
13309 Collegiate Athletic Association Final Four basketball
13310 championship, or a horseracing or dogracing Breeders' Cup. All
13311 funds must be used to support and promote major sporting events,

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13312 and the uses must be approved by the Florida Sports Foundation.
13313 2. The remaining proceeds of the Florida Professional
13314 Sports Team license plate must be allocated to the Jobs Florida
13315 Partnership, Inc ~~Florida Sports Foundation, a direct-support~~
13316 ~~organization of the Office of Tourism, Trade, and Economic~~
13317 ~~Development~~. These funds must be deposited into the Professional
13318 Sports Development Trust Fund within Jobs Florida ~~the Office of~~
13319 ~~Tourism, Trade, and Economic Development~~. These funds must be
13320 used by the Jobs Florida Partnership, Inc., ~~Florida Sports~~
13321 ~~Foundation~~ to promote the economic development of the sports
13322 industry; to distribute licensing and royalty fees to
13323 participating professional sports teams; to promote education
13324 programs in Florida schools that provide an awareness of the
13325 benefits of physical activity and nutrition standards; to
13326 partner with the Department of Education and the Department of
13327 Health to develop a program that recognizes schools whose
13328 students demonstrate excellent physical fitness or fitness
13329 improvement; to institute a grant program for communities
13330 bidding on minor sporting events that create an economic impact
13331 for the state; to distribute funds to Florida-based charities
13332 designated by the Jobs Florida Partnership, Inc., ~~Florida Sports~~
13333 ~~Foundation~~ and the participating professional sports teams; and
13334 to fulfill the sports promotion responsibilities of Jobs Florida
13335 ~~the Office of Tourism, Trade, and Economic Development~~.
13336 3. The Jobs Florida Partnership, Inc., ~~Florida Sports~~
13337 ~~Foundation~~ shall provide an annual financial audit in accordance
13338 with s. 215.981 of its financial accounts and records by an
13339 independent certified public accountant pursuant to the contract
13340 established by Jobs Florida ~~the Office of Tourism, Trade, and~~

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13341 ~~Economic Development as specified in s. 288.1229(5)~~. The auditor
13342 shall submit the audit report to Jobs Florida ~~the Office of~~
13343 ~~Tourism, Trade, and Economic Development~~ for review and
13344 approval. If the audit report is approved, Jobs Florida ~~the~~
13345 ~~office~~ shall certify the audit report to the Auditor General for
13346 review.
13347 4. Notwithstanding the provisions of subparagraphs 1. and
13348 2., proceeds from the Professional Sports Development Trust Fund
13349 may also be used for operational expenses of the Jobs Florida
13350 Partnership, Inc., ~~Florida Sports Foundation~~ and financial
13351 support of the Sunshine State Games.
13352 (60) FLORIDA NASCAR LICENSE PLATES.—
13353 (a) The department shall develop a Florida NASCAR license
13354 plate as provided in this section. Florida NASCAR license plates
13355 must bear the colors and design approved by the department. The
13356 word “Florida” must appear at the top of the plate, and the term
13357 “NASCAR” must appear at the bottom of the plate. The National
13358 Association for Stock Car Auto Racing, following consultation
13359 with the Jobs Florida Partnership, Inc. ~~Florida Sports~~
13360 ~~Foundation~~, may submit a sample plate for consideration by the
13361 department.
13362 (b) The license plate annual use fees shall be distributed
13363 to the Jobs Florida Partnership, Inc. ~~Florida Sports Foundation,~~
13364 ~~a direct-support organization of the Office of Tourism, Trade,~~
13365 ~~and Economic Development.~~ The license plate annual use fees
13366 shall be annually allocated as follows:
13367 1. Up to 5 percent of the proceeds from the annual use fees
13368 may be used by the Jobs Florida Partnership, Inc., ~~Florida~~
13369 ~~Sports Foundation~~ for the administration of the NASCAR license

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13370 plate program.
13371 2. The National Association for Stock Car Auto Racing shall
13372 receive up to $60,000 in proceeds from the annual use fees to be
13373 used to pay startup costs, including costs incurred in
13374 developing and issuing the plates. Thereafter, 10 percent of the
13375 proceeds from the annual use fees shall be provided to the
13376 association for the royalty rights for the use of its marks.
13377 3. The remaining proceeds from the annual use fees shall be
13378 distributed to the Jobs Florida Partnership, Inc ~~Florida Sports~~
13379 ~~Foundation~~. The Jobs Florida Partnership, Inc., ~~Florida Sports~~
13380 ~~Foundation~~ will retain 15 percent to support its regional grant
13381 program, attracting sporting events to Florida; 20 percent to
13382 support the marketing of motorsports-related tourism in the
13383 state; and 50 percent to be paid to the NASCAR Foundation, a s.
13384 501(c)(3) charitable organization, to support Florida-based
13385 charitable organizations.
13386 (c) The Jobs Florida Partnership, Inc., ~~Florida Sports~~
13387 ~~Foundation~~ shall provide an annual financial audit in accordance
13388 with s. 215.981 of its financial accounts and records by an
13389 independent certified public accountant pursuant to the contract
13390 established by Jobs Florida ~~the Office of Tourism, Trade, and~~
13391 ~~Economic Development as specified in s. 288.1229(5)~~. The auditor
13392 shall submit the audit report to Jobs Florida ~~the Office of~~
13393 ~~Tourism, Trade, and Economic Development~~ for review and
13394 approval. If the audit report is approved, Jobs Florida ~~the~~
13395 ~~office~~ shall certify the audit report to the Auditor General for
13396 review.
13397 (65) FLORIDA TENNIS LICENSE PLATES.—
13398 (b) The department shall distribute the annual use fees to

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13399 the Jobs Florida Partnership, Inc ~~Florida Sports Foundation, a~~
13400 ~~direct-support organization of the Office of Tourism, Trade, and~~
13401 ~~Economic Development~~. The license plate annual use fees shall be
13402 annually allocated as follows:
13403 1. Up to 5 percent of the proceeds from the annual use fees
13404 may be used by the Jobs Florida Partnership, Inc., ~~Florida~~
13405 ~~Sports Foundation~~ to administer the license plate program.
13406 2. The United States Tennis Association Florida Section
13407 Foundation shall receive the first $60,000 in proceeds from the
13408 annual use fees to reimburse it for startup costs,
13409 administrative costs, and other costs it incurs in the
13410 development and approval process.
13411 3. Up to 5 percent of the proceeds from the annual use fees
13412 may be used for promoting and marketing the license plates. The
13413 remaining proceeds shall be available for grants by the United
13414 States Tennis Association Florida Section Foundation to
13415 nonprofit organizations to operate youth tennis programs and
13416 adaptive tennis programs for special populations of all ages,
13417 and for building, renovating, and maintaining public tennis
13418 courts.
13419 Section 217. Section 331.302, Florida Statutes, is amended
13420 to read:
13421 331.302 Space Florida; creation; purpose.—
13422 (1) There is established, formed, and created Space
13423 Florida, which is created as an independent special district, ~~a~~
13424 ~~body politic and corporate, and a subdivision of the state,~~ to
13425 foster the growth and development of a sustainable and world-
13426 leading aerospace industry in this state. Space Florida shall
13427 promote aerospace business development by facilitating business

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13428 financing, spaceport operations, research and development,
13429 workforce development, and innovative education programs. Space
13430 Florida has all the powers, rights, privileges, and authority as
13431 provided in this chapter ~~under the laws of this state~~.
13432 (2) In carrying out its duties and responsibilities, Space
13433 Florida shall advise, coordinate, cooperate, and, when
13434 necessary, enter into memoranda of agreement with
13435 municipalities, counties, regional authorities, state agencies
13436 and organizations, appropriate federal agencies and
13437 organizations, and other interested persons and groups.
13438 (3) Space Florida shall be administratively housed within
13439 the Jobs Florida Partnership, Inc. ~~Space Florida may not endorse~~
13440 ~~any candidate for any elected public office or contribute money~~
13441 ~~to the campaign of any candidate for public office.~~
13442 (4) Space Florida is not an agency as defined in ss.
13443 216.011 and 287.012.
13444 (5) Space Florida is subject to applicable provisions of
13445 chapter 189. To the extent that any provisions of chapter 189
13446 conflict with this act, this act shall prevail.
13447 (6) Space Florida may not endorse any candidate for any
13448 elected public office or contribute money to the campaign of any
13449 candidate for public office.
13450 Section 218. Section 331.3081, Florida Statutes, is amended
13451 to read:
13452 (Substantial rewording of section. See
13453 s. 331.3081, F.S., for present text.)
13454 331.3081 Board of Directors; advisory board.—
13455 (1) Space Florida shall be governed by the 11-member board
13456 of directors of the Jobs Florida Partnership, Inc., created in

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13457 s. 288.901(4).
13458 (2) Space Florida shall have a 15-member advisory council,
13459 appointed by the Governor from a list of nominations submitted
13460 by the board of directors. The advisory council shall be
13461 comprised of Florida residents with expertise in the space
13462 industry, and each of the following areas of expertise or
13463 experience must be represented by at least one advisory council
13464 member: human space-flight programs, commercial launches into
13465 space, organized labor with experience working in the aerospace
13466 industry, aerospace-related industries, a commercial company
13467 working under Federal Government contracts to conduct space-
13468 related business, an aerospace company whose primary client is
13469 the United States Department of Defense, and an alternative
13470 energy enterprise with potential for aerospace applications. The
13471 advisory council shall elect a member to serve as the chair of
13472 the council.
13473 (3) The advisory council shall make recommendations to the
13474 partnership's board of directors on the operation of Space
13475 Florida, including matters pertaining to ways to improve or
13476 enhance Florida's efforts to expand its existing space and
13477 aerospace industry, to improve management and use of Florida's
13478 state-owned real property assets related to space and aerospace,
13479 how best to retain and, if necessary, retrain Florida's highly
13480 skilled space and aerospace workforce, and how to strengthen
13481 bonds between this state, NASA, the Department of Defense, and
13482 private space and aerospace industries.
13483 (4) The term for an advisory council member is 4 years. A
13484 member may not serve more than two consecutive terms. The
13485 Governor may remove any member for cause and shall fill all

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13486 vacancies that occur.
13487 (5) Advisory council members shall serve without
13488 compensation, but may be reimbursed for all reasonable,
13489 necessary, and actual expenses, as determined by the
13490 partnership's board of directors.
13491 Section 219. Subsections (2), (4), and (5) of section
13492 331.369, Florida Statutes, are amended to read:
13493 331.369 Space Industry Workforce Initiative.—
13494 (2) Workforce Florida ~~The Workforce Development Board of~~
13495 ~~Enterprise Florida~~, Inc., or its successor entity, shall
13496 coordinate development of a Space Industry Workforce Initiative
13497 in partnership with Space Florida, public and private
13498 universities, community colleges, and other training providers
13499 approved by the board. The purpose of the initiative is to use
13500 or revise existing programs and to develop innovative new
13501 programs to address the workforce needs of the aerospace
13502 industry.
13503 (4) Workforce Florida ~~The Workforce Development Board of~~
13504 ~~Enterprise Florida~~, Inc., or its successor entity, with the
13505 assistance of Space Florida, shall convene representatives from
13506 the aerospace industry to identify the priority training and
13507 education needs of the industry and to appoint a team to design
13508 programs to meet the priority needs.
13509 (5) Workforce Florida ~~The Workforce Development Board of~~
13510 ~~Enterprise Florida~~, Inc., or its successor entity, as part of
13511 its statutorily prescribed annual report to the Legislature,
13512 shall provide recommendations for policies, programs, and
13513 funding to enhance the workforce needs of the aerospace
13514 industry.

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13515 Section 220. Paragraph (f) of subsection (1) of section
13516 339.08, Florida Statutes, is amended to read:
13517 339.08 Use of moneys in State Transportation Trust Fund.—
13518 (1) The department shall expend moneys in the State
13519 Transportation Trust Fund accruing to the department, in
13520 accordance with its annual budget. The use of such moneys shall
13521 be restricted to the following purposes:
13522 (f) To pay the cost of economic development transportation
13523 projects ~~in accordance with s. 288.063~~.
13524 Section 221. Paragraph (f) of subsection (4) and paragraph
13525 (g) of subsection (7) of section 339.135, Florida Statutes, are
13526 amended to read:
13527 339.135 Work program; legislative budget request;
13528 definitions; preparation, adoption, execution, and amendment.—
13529 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—
13530 (f) The central office shall submit a preliminary copy of
13531 the tentative work program to the Executive Office of the
13532 Governor, the legislative appropriations committees, the Florida
13533 Transportation Commission, and Jobs Florida ~~the Department of~~
13534 ~~Community Affairs~~ at least 14 days prior to the convening of the
13535 regular legislative session. Prior to the statewide public
13536 hearing required by paragraph (g), Jobs Florida ~~the Department~~
13537 ~~of Community Affairs~~ shall transmit to the Florida
13538 Transportation Commission a list of those projects and project
13539 phases contained in the tentative work program which are
13540 identified as being inconsistent with approved local government
13541 comprehensive plans. For urbanized areas of metropolitan
13542 planning organizations, the list may not contain any project or
13543 project phase that is scheduled in a transportation improvement

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13544 program unless such inconsistency has been previously reported
13545 to the affected metropolitan planning organization.
13546 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—
13547 (g) Notwithstanding ~~the requirements in~~ paragraphs (d) and
13548 (g) and ss. 216.177(2) and 216.351, the secretary may request
13549 the Executive Office of the Governor to amend the adopted work
13550 program when an emergency exists, as defined in s. 252.34~~(3)~~,
13551 and the emergency relates to the repair or rehabilitation of any
13552 state transportation facility. The Executive Office of the
13553 Governor may approve the amendment to the adopted work program
13554 and amend that portion of the department's approved budget if a
13555 ~~in the event that the~~ delay incident to the notification
13556 requirements in paragraph (d) would be detrimental to the
13557 interests of the state. However, the department shall
13558 immediately notify the parties specified in paragraph (d) and
13559 ~~shall~~ provide such parties written justification for the
13560 emergency action within 7 days after ~~of the~~ approval by the
13561 Executive Office of the Governor of the amendment to the adopted
13562 work program and the department's budget. ~~In no event may~~ The
13563 adopted work program may not be amended under ~~the provisions of~~
13564 this subsection without ~~the~~ certification by the comptroller of
13565 the department that there are sufficient funds available
13566 pursuant to the 36-month cash forecast and applicable statutes.
13567 Section 222. Subsection (2) of section 364.0135, Florida
13568 Statutes, is amended to read:
13569 364.0135 Promotion of broadband deployment.—
13570 (2) The Department of Management Services is authorized to
13571 work collaboratively with, and to receive staffing support and
13572 other resources from, the Jobs Florida Partnership ~~Enterprise~~

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13573 ~~Florida~~, Inc., state agencies, local governments, private
13574 businesses, and community organizations to:
13575 (a) Conduct a needs assessment of broadband Internet
13576 service in collaboration with communications service providers,
13577 including, but not limited to, wireless and wireline Internet
13578 service providers, to develop geographical information system
13579 maps at the census tract level that will:
13580 1. Identify geographic gaps in broadband services,
13581 including areas unserved by any broadband provider and areas
13582 served by a single broadband provider;
13583 2. Identify the download and upload transmission speeds
13584 made available to businesses and individuals in the state, at
13585 the census tract level of detail, using data rate benchmarks for
13586 broadband service used by the Federal Communications Commission
13587 to reflect different speed tiers; and
13588 3. Provide a baseline assessment of statewide broadband
13589 deployment in terms of percentage of households with broadband
13590 availability.
13591 (b) Create a strategic plan that has goals and strategies
13592 for increasing the use of broadband Internet service in the
13593 state.
13594 (c) Build and facilitate local technology planning teams or
13595 partnerships with members representing cross-sections of the
13596 community, which may include, but are not limited to,
13597 representatives from the following organizations and industries:
13598 libraries, K-12 education, colleges and universities, local
13599 health care providers, private businesses, community
13600 organizations, economic development organizations, local
13601 governments, tourism, parks and recreation, and agriculture.

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13602 (d) Encourage the use of broadband Internet service,
13603 especially in the rural, unserved, and underserved communities
13604 of the state through grant programs having effective strategies
13605 to facilitate the statewide deployment of broadband Internet
13606 service. For any grants to be awarded, priority must be given to
13607 projects that:
13608 1. Provide access to broadband education, awareness,
13609 training, access, equipment, and support to libraries, schools,
13610 colleges and universities, health care providers, and community
13611 support organizations.
13612 2. Encourage investments in primarily unserved areas to
13613 give consumers a choice of more than one broadband Internet
13614 service provider.
13615 3. Work toward establishing affordable and sustainable
13616 broadband Internet service in unserved areas of the state.
13617 4. Facilitate the development of applications, programs,
13618 and services, including, but not limited to, telework,
13619 telemedicine, and e-learning to increase the usage of, and
13620 demand for, broadband Internet service in the state.
13621 Section 223. Paragraph (h) of subsection (2) of section
13622 377.703, Florida Statutes, is amended to read:
13623 377.703 Additional functions of the Florida Energy and
13624 Climate Commission.—
13625 (2) FLORIDA ENERGY AND CLIMATE COMMISSION; DUTIES.—The
13626 commission shall perform the following functions consistent with
13627 the development of a state energy policy:
13628 (h) The commission shall promote the development and use of
13629 renewable energy resources, in conformance with the provisions
13630 of chapter 187 and s. 377.601, by:

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13631 1. Establishing goals and strategies for increasing the use
13632 of solar energy in this state.
13633 2. Aiding and promoting the commercialization of solar
13634 energy technology, in cooperation with the Florida Solar Energy
13635 Center, the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
13636 and any other federal, state, or local governmental agency which
13637 may seek to promote research, development, and demonstration of
13638 solar energy equipment and technology.
13639 3. Identifying barriers to greater use of solar energy
13640 systems in this state, and developing specific recommendations
13641 for overcoming identified barriers, with findings and
13642 recommendations to be submitted annually in the report to the
13643 Governor and Legislature required under paragraph (f).
13644 4. In cooperation with the Department of Environmental
13645 Protection, the Department of Transportation, the Jobs Florida
13646 Partnership ~~the Department of Community Affairs, Enterprise~~
13647 ~~Florida~~, Inc., the Florida Solar Energy Center, and the Florida
13648 Solar Energy Industries Association, investigating
13649 opportunities, pursuant to the National Energy Policy Act of
13650 1992, the Housing and Community Development Act of 1992, and any
13651 subsequent federal legislation, for solar electric vehicles and
13652 other solar energy manufacturing, distribution, installation,
13653 and financing efforts which will enhance this state's position
13654 as the leader in solar energy research, development, and use.
13655 5. Undertaking other initiatives to advance the development
13656 and use of renewable energy resources in this state.
13657
13658 In the exercise of its responsibilities under this paragraph,
13659 the commission shall seek the assistance of the solar energy

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13660 industry in this state and other interested parties and is
13661 authorized to enter into contracts, retain professional
13662 consulting services, and expend funds appropriated by the
13663 Legislature for such purposes.
13664 Section 224. Paragraph (h) of subsection (5) of section
13665 377.711, Florida Statutes, is amended to read:
13666 377.711 Florida party to Southern States Energy Compact.—
13667 The Southern States Energy Compact is enacted into law and
13668 entered into by the state as a party, and is of full force and
13669 effect between the state and any other states joining therein in
13670 accordance with the terms of the compact, which compact is
13671 substantially as follows:
13672 (5) POWERS.—The board shall have the power to:
13673 (h) Recommend such changes in, or amendments or additions
13674 to, the laws, codes, rules, regulations, administrative
13675 procedures and practices, or ordinances of the party states in
13676 any of the fields of its interest and competence as in its
13677 judgment may be appropriate. Any such recommendation shall be
13678 made through the appropriate state agency with due consideration
13679 of the desirability of uniformity and appropriate weight to any
13680 special circumstances that may justify variations to meet local
13681 conditions. ~~Any such recommendation shall be made, in the case~~
13682 ~~of Florida, through the Department of Commerce.~~
13683 Section 225. Subsection (3) of section 377.712, Florida
13684 Statutes, is amended to read:
13685 377.712 Florida participation.—
13686 (3) Departments ~~The department~~, agencies, and officers of
13687 this state, and its subdivisions are authorized to cooperate
13688 with the board in the furtherance of any of its activities

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13689 pursuant to the compact, provided such proposed activities have
13690 been made known to, and have the approval of, either the
13691 Governor or the Department of Health.
13692 Section 226. Subsection (5) of section 377.804, Florida
13693 Statutes, is amended to read:
13694 377.804 Renewable Energy and Energy-Efficient Technologies
13695 Grants Program.—
13696 (5) The commission shall solicit the expertise of state
13697 agencies, the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
13698 and state universities, and may solicit the expertise of other
13699 public and private entities it deems appropriate, in evaluating
13700 project proposals. State agencies shall cooperate with the
13701 commission and provide such assistance as requested.
13702 Section 227. Subsection (18) of section 380.031, Florida
13703 Statutes, is amended to read:
13704 380.031 Definitions.—As used in this chapter:
13705 (18) "State land planning agency" means Jobs Florida ~~the~~
13706 ~~Department of Community Affairs~~ and may be referred to in this
13707 part as the "department."
13708 Section 228. Paragraph (s) of subsection (24) of section
13709 380.06, Florida Statutes, is amended to read:
13710 380.06 Developments of regional impact.—
13711 (24) STATUTORY EXEMPTIONS.—
13712 (s) Any development in a detailed specific area plan which
13713 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~
13714 ~~the comprehensive plan~~ is exempt from this section.
13715
13716 If a use is exempt from review as a development of regional
13717 impact under paragraphs (a)-(s), but will be part of a larger

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13718 project that is subject to review as a development of regional
13719 impact, the impact of the exempt use must be included in the
13720 review of the larger project, unless such exempt use involves a
13721 development of regional impact that includes a landowner,
13722 tenant, or user that has entered into a funding agreement with
13723 the Office of Tourism, Trade, and Economic Development under the
13724 Innovation Incentive Program and the agreement contemplates a
13725 state award of at least $50 million.
13726 Section 229. Subsection (3) of section 380.115, Florida
13727 Statutes, is amended to read:
13728 380.115 Vested rights and duties; effect of size reduction,
13729 changes in guidelines and standards.—
13730 (3) A landowner that has filed an application for a
13731 development-of-regional-impact review prior to the adoption of a
13732 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to
13733 have the application reviewed pursuant to s. 380.06,
13734 comprehensive plan provisions in force prior to adoption of the
13735 sector plan, and any requested comprehensive plan amendments
13736 that accompany the application.
13737 Section 230. Section 380.285, Florida Statutes, is amended
13738 to read:
13739 380.285 Lighthouses; study; preservation; funding.—The
13740 ~~Department of Community Affairs and the~~ Division of Historical
13741 Resources of the Department of State shall undertake a study of
13742 the lighthouses in the state. The study must determine the
13743 location, ownership, condition, and historical significance of
13744 all lighthouses in the state and ensure that all historically
13745 significant lighthouses are nominated for inclusion on the
13746 National Register of Historic Places. The study must assess the

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13747 condition and restoration needs of historic lighthouses and
13748 develop plans for appropriate future public access and use. The
13749 Division of Historical Resources shall take a leadership role in
13750 implementing plans to stabilize lighthouses and associated
13751 structures and to preserve and protect them from future
13752 deterioration. When possible, the lighthouses and associated
13753 buildings should be made available to the public for educational
13754 and recreational purposes. The Department of State shall request
13755 in its annual legislative budget requests funding necessary to
13756 carry out the duties and responsibilities specified in this act.
13757 Funds for the rehabilitation of lighthouses should be allocated
13758 through matching grants-in-aid to state and local government
13759 agencies and to nonprofit organizations. The Department of
13760 Environmental Protection may assist the Division of Historical
13761 Resources in projects to accomplish the goals and activities
13762 described in this section.
13763 Section 231. Paragraph (e) of subsection (1) of section
13764 381.0054, Florida Statutes, is amended to read:
13765 381.0054 Healthy lifestyles promotion.—
13766 (1) The Department of Health shall promote healthy
13767 lifestyles to reduce the prevalence of excess weight gain and
13768 obesity in Florida by implementing appropriate physical activity
13769 and nutrition programs that are directed towards all Floridians
13770 by:
13771 (e) Partnering with the Department of Education, school
13772 districts, and the Jobs Florida Partnership, Inc., ~~Florida~~
13773 ~~Sports Foundation~~ to develop a program that recognizes schools
13774 whose students demonstrate excellent physical fitness or fitness
13775 improvement.

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13776 Section 232. Subsection (6) of section 381.0086, Florida
13777 Statutes, is amended to read:
13778 381.0086 Rules; variances; penalties.—
13779 (6) For the purposes of filing an interstate clearance
13780 order with Jobs Florida ~~the Agency for Workforce Innovation~~, if
13781 the housing is covered by 20 C.F.R. part 654, subpart E, no
13782 permanent structural variance referred to in subsection (2) is
13783 allowed.
13784 Section 233. Subsection (3) of section 381.7354, Florida
13785 Statutes, is amended to read:
13786 381.7354 Eligibility.—
13787 (3) In addition to the grants awarded under subsections (1)
13788 and (2), up to 20 percent of the funding for the Reducing Racial
13789 and Ethnic Health Disparities: Closing the Gap grant program
13790 shall be dedicated to projects that address improving racial and
13791 ethnic health status within specific Front Porch Florida
13792 Communities~~, as designated pursuant to s. 20.18(6)~~.
13793 Section 234. Paragraph (a) of subsection (5) of section
13794 381.855, Florida Statutes, is amended to read:
13795 381.855 Florida Center for Universal Research to Eradicate
13796 Disease.—
13797 (5) There is established within the center an advisory
13798 council that shall meet at least annually.
13799 (a) The council shall consist of one representative from a
13800 Florida not-for-profit institution engaged in basic and clinical
13801 biomedical research and education which receives more than $10
13802 million in annual grant funding from the National Institutes of
13803 Health, to be appointed by the State Surgeon General from a
13804 different institution each term, and one representative from and

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13805 appointed by each of the following entities:
13806 1. The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.
13807 2. BioFlorida.
13808 3. The Biomedical Research Advisory Council.
13809 4. The Florida Medical Foundation.
13810 5. Pharmaceutical Research and Manufacturers of America.
13811 6. The American Cancer Society, Florida Division, Inc.
13812 7. The American Heart Association.
13813 8. The American Lung Association of Florida.
13814 9. The American Diabetes Association, South Coastal Region.
13815 10. The Alzheimer's Association.
13816 11. The Epilepsy Foundation.
13817 12. The National Parkinson Foundation.
13818 13. The Florida Public Health Institute, Inc.
13819 14. The Florida Research Consortium.
13820 Section 235. Paragraph (b) of subsection (1) and subsection
13821 (2) of section 383.14, Florida Statutes, are amended to read:
13822 383.14 Screening for metabolic disorders, other hereditary
13823 and congenital disorders, and environmental risk factors.—
13824 (1) SCREENING REQUIREMENTS.—To help ensure access to the
13825 maternal and child health care system, the Department of Health
13826 shall promote the screening of all newborns born in Florida for
13827 metabolic, hereditary, and congenital disorders known to result
13828 in significant impairment of health or intellect, as screening
13829 programs accepted by current medical practice become available
13830 and practical in the judgment of the department. The department
13831 shall also promote the identification and screening of all
13832 newborns in this state and their families for environmental risk
13833 factors such as low income, poor education, maternal and family

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13834 stress, emotional instability, substance abuse, and other high-
13835 risk conditions associated with increased risk of infant
13836 mortality and morbidity to provide early intervention,
13837 remediation, and prevention services, including, but not limited
13838 to, parent support and training programs, home visitation, and
13839 case management. Identification, perinatal screening, and
13840 intervention efforts shall begin prior to and immediately
13841 following the birth of the child by the attending health care
13842 provider. Such efforts shall be conducted in hospitals,
13843 perinatal centers, county health departments, school health
13844 programs that provide prenatal care, and birthing centers, and
13845 reported to the Office of Vital Statistics.
13846 (b) *Postnatal screening.*—A risk factor analysis using the
13847 department's designated risk assessment instrument shall also be
13848 conducted as part of the medical screening process upon the
13849 birth of a child and submitted to the department's Office of
13850 Vital Statistics for recording and other purposes provided for
13851 in this chapter. The department's screening process for risk
13852 assessment shall include a scoring mechanism and procedures that
13853 establish thresholds for notification, further assessment,
13854 referral, and eligibility for services by professionals or
13855 paraprofessionals consistent with the level of risk. Procedures
13856 for developing and using the screening instrument, notification,
13857 referral, and care coordination services, reporting
13858 requirements, management information, and maintenance of a
13859 computer-driven registry in the Office of Vital Statistics which
13860 ensures privacy safeguards must be consistent with the
13861 provisions and plans established under chapter 411, Pub. L. No.
13862 99-457, and this chapter. Procedures established for reporting

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13863 information and maintaining a confidential registry must include
13864 a mechanism for a centralized information depository at the
13865 state and county levels. The department shall coordinate with
13866 existing risk assessment systems and information registries. The
13867 department must ensure, to the maximum extent possible, that the
13868 screening information registry is integrated with the
13869 department's automated data systems, including the Florida On-
13870 line Recipient Integrated Data Access (FLORIDA) system. Tests
13871 and screenings must be performed by the State Public Health
13872 Laboratory, in coordination with Children's Medical Services, at
13873 such times and in such manner as is prescribed by the department
13874 after consultation with the Genetics and Newborn ~~Infant~~
13875 Screening Advisory Council and the Department of Education
13876 ~~Agency for Workforce Innovation~~.
13877 (2) RULES.—After consultation with the Genetics and Newborn
13878 Screening Advisory Council, the department shall adopt and
13879 enforce rules requiring that every newborn in this state shall,
13880 prior to becoming 1 week of age, be subjected to a test for
13881 phenylketonuria and, at the appropriate age, be tested for such
13882 other metabolic diseases and hereditary or congenital disorders
13883 as the department may deem necessary from time to time. After
13884 consultation with the Department of Education ~~Agency for~~
13885 ~~Workforce Innovation~~, the department shall also adopt and
13886 enforce rules requiring every newborn in this state to be
13887 screened for environmental risk factors that place children and
13888 their families at risk for increased morbidity, mortality, and
13889 other negative outcomes. The department shall adopt such
13890 additional rules as are found necessary for the administration
13891 of this section and s. 383.145, including rules providing

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13892 definitions of terms, rules relating to the methods used and
13893 time or times for testing as accepted medical practice
13894 indicates, rules relating to charging and collecting fees for
13895 the administration of the newborn screening program authorized
13896 by this section, rules for processing requests and releasing
13897 test and screening results, and rules requiring mandatory
13898 reporting of the results of tests and screenings for these
13899 conditions to the department.
13900 Section 236. Paragraph (b) of subsection (3) of section
13901 402.281, Florida Statutes, is amended to read:
13902 402.281 Gold Seal Quality Care program.—
13903 (3)
13904 (b) In approving accrediting associations, the department
13905 shall consult with the Department of Education, ~~the Agency for~~
13906 ~~Workforce Innovation,~~ the Florida Head Start Directors
13907 Association, the Florida Association of Child Care Management,
13908 the Florida Family Day Care Association, the Florida Children's
13909 Forum, the Early Childhood Association of Florida, the Child
13910 Development Education Alliance, providers receiving exemptions
13911 under s. 402.316, and parents.
13912 Section 237. Subsection (6) of section 402.45, Florida
13913 Statutes, is amended to read:
13914 402.45 Community resource mother or father program.—
13915 (6) Individuals under contract to provide community
13916 resource mother or father services shall participate in
13917 preservice and ongoing training as determined by the Department
13918 of Health in consultation with the Department of Education
13919 ~~Agency for Workforce Innovation~~. A community resource mother or
13920 father shall not be assigned a client caseload until all

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13921 preservice training requirements are completed.
13922 Section 238. Paragraph (a) of subsection (4) of section
13923 402.56, Florida Statutes, is amended to read:
13924 402.56 Children's cabinet; organization; responsibilities;
13925 annual report.—
13926 (4) MEMBERS.—The cabinet shall consist of 14 ~~15~~ members
13927 including the Governor and the following persons:
13928 (a)1. The Secretary of Children and Family Services;
13929 2. The Secretary of Juvenile Justice;
13930 3. The director of the Agency for Persons with
13931 Disabilities;
13932 ~~4. The director of the Agency for Workforce Innovation;~~
13933 4.~~5.~~ The State Surgeon General;
13934 5.~~6.~~ The Secretary of Health Care Administration;
13935 6.~~7.~~ The Commissioner of Education;
13936 7.~~8.~~ The director of the Statewide Guardian Ad Litem
13937 Office;
13938 8.~~9.~~ The director of the Office of Child Abuse Prevention;
13939 and
13940 9.~~10.~~ Five members representing children and youth advocacy
13941 organizations, who are not service providers and who are
13942 appointed by the Governor.
13943 Section 239. Paragraph (b) of subsection (3) of section
13944 403.42, Florida Statutes, is amended to read:
13945 403.42 Florida Clean Fuel Act.—
13946 (3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED;
13947 MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—
13948 (b)1. The advisory board shall consist of ~~the Secretary of~~
13949 ~~Community Affairs, or a designee from that department,~~ the

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13950 Secretary of Environmental Protection, or a designee from that
13951 department, the Commissioner of Education, or a designee from
13952 that department, the Secretary of Transportation, or a designee
13953 from that department, the Commissioner of Agriculture, or a
13954 designee from the Department of Agriculture and Consumer
13955 Services, the Secretary of Management Services, or a designee
13956 from that department, and a representative of each of the
13957 following, who shall be appointed by the Secretary of
13958 Environmental Protection:
13959 a. The Florida biodiesel industry.
13960 b. The Florida electric utility industry.
13961 c. The Florida natural gas industry.
13962 d. The Florida propane gas industry.
13963 e. An automobile manufacturers' association.
13964 f. A Florida Clean Cities Coalition designated by the
13965 United States Department of Energy.
13966 g. The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.
13967 h. EV Ready Broward.
13968 i. The Florida petroleum industry.
13969 j. The Florida League of Cities.
13970 k. The Florida Association of Counties.
13971 l. Floridians for Better Transportation.
13972 m. A motor vehicle manufacturer.
13973 n. Florida Local Environment Resource Agencies.
13974 o. Project for an Energy Efficient Florida.
13975 p. Florida Transportation Builders Association.
13976 2. The purpose of the advisory board is to serve as a
13977 resource for the department and to provide the Governor, the
13978 Legislature, and the Secretary of Environmental Protection with

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13979 private sector and other public agency perspectives on achieving
13980 the goal of increasing the use of alternative fuel vehicles in
13981 this state.
13982 3. Members shall be appointed to serve terms of 1 year
13983 each, with reappointment at the discretion of the Secretary of
13984 Environmental Protection. Vacancies shall be filled for the
13985 remainder of the unexpired term in the same manner as the
13986 original appointment.
13987 4. The board shall annually select a chairperson.
13988 5.a. The board shall meet at least once each quarter or
13989 more often at the call of the chairperson or the Secretary of
13990 Environmental Protection.
13991 b. Meetings are exempt from the notice requirements of
13992 chapter 120, and sufficient notice shall be given to afford
13993 interested persons reasonable notice under the circumstances.
13994 6. Members of the board are entitled to travel expenses
13995 while engaged in the performance of board duties.
13996 7. The board shall terminate 5 years after the effective
13997 date of this act.
13998 Section 240. Subsection (5) of section 403.7032, Florida
13999 Statutes, is amended to read:
14000 403.7032 Recycling.—
14001 (5) The Department of Environmental Protection shall create
14002 the Recycling Business Assistance Center by December 1, 2010. In
14003 carrying out its duties under this subsection, the department
14004 shall consult with state agency personnel appointed to serve as
14005 economic development liaisons under s. 288.021 and seek
14006 technical assistance from the Jobs Florida Partnership
14007 ~~Enterprise Florida~~, Inc., to ensure the Recycling Business

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14008 Assistance Center is positioned to succeed. The purpose of the
14009 center shall be to serve as the mechanism for coordination among
14010 state agencies and the private sector in order to coordinate
14011 policy and overall strategic planning for developing new markets
14012 and expanding and enhancing existing markets for recyclable
14013 materials in this state, other states, and foreign countries.
14014 The duties of the center must include, at a minimum:
14015 (a) Identifying and developing new markets and expanding
14016 and enhancing existing markets for recyclable materials.
14017 (b) Pursuing expanded end uses for recycled materials.
14018 (c) Targeting materials for concentrated market development
14019 efforts.
14020 (d) Developing proposals for new incentives for market
14021 development, particularly focusing on targeted materials.
14022 (e) Providing guidance on issues such as permitting,
14023 finance options for recycling market development, site location,
14024 research and development, grant program criteria for recycled
14025 materials markets, recycling markets education and information,
14026 and minimum content.
14027 (f) Coordinating the efforts of various governmental
14028 entities having market development responsibilities in order to
14029 optimize supply and demand for recyclable materials.
14030 (g) Evaluating source-reduced products as they relate to
14031 state procurement policy. The evaluation shall include, but is
14032 not limited to, the environmental and economic impact of source-
14033 reduced product purchases to the state. For the purposes of this
14034 paragraph, the term “source-reduced” means any method, process,
14035 product, or technology that significantly or substantially
14036 reduces the volume or weight of a product while providing, at a

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14037 minimum, equivalent or generally similar performance and service
14038 to and for the users of such materials.
14039 (h) Providing evaluation of solid waste management grants,
14040 pursuant to s. 403.7095, to reduce the flow of solid waste to
14041 disposal facilities and encourage the sustainable recovery of
14042 materials from Florida's waste stream.
14043 (i) Providing below-market financing for companies that
14044 manufacture products from recycled materials or convert
14045 recyclable materials into raw materials for use in manufacturing
14046 pursuant to the Florida Recycling Loan Program as administered
14047 by the Florida First Capital Finance Corporation.
14048 (j) Maintaining a continuously updated online directory
14049 listing the public and private entities that collect, transport,
14050 broker, process, or remanufacture recyclable materials in the
14051 state.
14052 (k) Providing information on the availability and benefits
14053 of using recycled materials to private entities and industries
14054 in the state.
14055 (l) Distributing any materials prepared in implementing
14056 this subsection to the public, private entities, industries,
14057 governmental entities, or other organizations upon request.
14058 (m) Coordinating with Jobs Florida ~~the Agency for Workforce~~
14059 ~~Innovation~~ and its partners to provide job placement and job
14060 training services to job seekers through the state's workforce
14061 services programs.
14062 Section 241. Paragraphs (c), (d), and (e) of subsection
14063 (2), paragraphs (b) and (c) of subsection (3), and subsections
14064 (4), (15), (17), and (18) of section 403.973, Florida Statutes,
14065 are amended to read:

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14066 403.973 Expedited permitting; amendments to comprehensive
14067 plans.—
14068 (2) As used in this section, the term:
14069 ~~(c) "Office" means the Office of Tourism, Trade, and~~
14070 ~~Economic Development.~~
14071 (c) ~~(d)~~ "Permit applications" means state permits and
14072 licenses, and at the option of a participating local government,
14073 local development permits or orders.
14074 (d) ~~(e)~~ "Secretary" means the Secretary of Environmental
14075 Protection or his or her designee.
14076 (3)
14077 (b) On a case-by-case basis and at the request of a county
14078 or municipal government, Jobs Florida ~~the office~~ may certify as
14079 eligible for expedited review a project not meeting the minimum
14080 job creation thresholds but creating a minimum of 10 jobs. The
14081 recommendation from the governing body of the county or
14082 municipality in which the project may be located is required in
14083 order for Jobs Florida ~~the office~~ to certify that any project is
14084 eligible for expedited review under this paragraph. When
14085 considering projects that do not meet the minimum job creation
14086 thresholds but that are recommended by the governing body in
14087 which the project may be located, Jobs Florida ~~the office~~ shall
14088 consider economic impact factors that include, but are not
14089 limited to:
14090 1. The proposed wage and skill levels relative to those
14091 existing in the area in which the project may be located;
14092 2. The project's potential to diversify and strengthen the
14093 area's economy;
14094 3. The amount of capital investment; and

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14095 4. The number of jobs that will be made available for
14096 persons served by the welfare transition program.
14097 (c) At the request of a county or municipal government,
14098 Jobs Florida ~~the office~~ or a Quick Permitting County may certify
14099 projects located in counties where the ratio of new jobs per
14100 participant in the welfare transition program, as determined by
14101 Workforce Florida, Inc., is less than one or otherwise critical,
14102 as eligible for the expedited permitting process. Such projects
14103 must meet the numerical job creation criteria of this
14104 subsection, but the jobs created by the project do not have to
14105 be high-wage jobs that diversify the state's economy.
14106 (4) The regional teams shall be established through the
14107 execution of memoranda of agreement developed by the applicant
14108 and the secretary, with input solicited from Jobs Florida ~~the~~
14109 ~~office~~ and the respective heads of ~~the Department of Community~~
14110 ~~Affairs,~~ the Department of Transportation and its district
14111 offices, the Department of Agriculture and Consumer Services,
14112 the Fish and Wildlife Conservation Commission, appropriate
14113 regional planning councils, appropriate water management
14114 districts, and voluntarily participating municipalities and
14115 counties. The memoranda of agreement should also accommodate
14116 participation in this expedited process by other local
14117 governments and federal agencies as circumstances warrant.
14118 (15) Jobs Florida ~~The office~~, working with the agencies
14119 providing cooperative assistance and input regarding the
14120 memoranda of agreement, shall review sites proposed for the
14121 location of facilities eligible for the Innovation Incentive
14122 Program under s. 288.1089. Within 20 days after the request for
14123 the review by Jobs Florida ~~the office~~, the agencies shall

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14124 provide to Jobs Florida ~~the office~~ a statement as to each site's
14125 necessary permits under local, state, and federal law and an
14126 identification of significant permitting issues, which if
14127 unresolved, may result in the denial of an agency permit or
14128 approval or any significant delay caused by the permitting
14129 process.
14130 (17) Jobs Florida ~~The office~~ shall be responsible for
14131 certifying a business as eligible for undergoing expedited
14132 review under this section. The Jobs Florida Partnership
14133 ~~Enterprise Florida~~, Inc., a county or municipal government, or
14134 the Rural Economic Development Initiative may recommend to Jobs
14135 Florida ~~the Office of Tourism, Trade, and Economic Development~~
14136 that a project meeting the minimum job creation threshold
14137 undergo expedited review.
14138 (18) Jobs Florida ~~The office~~, working with the Rural
14139 Economic Development Initiative and the agencies participating
14140 in the memoranda of agreement, shall provide technical
14141 assistance in preparing permit applications and local
14142 comprehensive plan amendments for counties having a population
14143 of fewer than 75,000 residents, or counties having fewer than
14144 125,000 residents which are contiguous to counties having fewer
14145 than 75,000 residents. Additional assistance may include, but
14146 not be limited to, guidance in land development regulations and
14147 permitting processes, working cooperatively with state,
14148 regional, and local entities to identify areas within these
14149 counties which may be suitable or adaptable for preclearance
14150 review of specified types of land uses and other activities
14151 requiring permits.
14152 Section 242. Paragraph (a) of subsection (3) of section

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14153 409.017, Florida Statutes, is amended to read:
14154 409.017 Revenue Maximization Act; legislative intent;
14155 revenue maximization program.—
14156 (3) REVENUE MAXIMIZATION PROGRAM.—
14157 (a) For purposes of this section, the term “agency” means
14158 any state agency or department that is involved in providing
14159 health, social, or human services, including, but not limited
14160 to, the Agency for Health Care Administration, ~~the Agency for~~
14161 ~~Workforce Innovation,~~ the Department of Children and Family
14162 Services, the Department of Elderly Affairs, the Department of
14163 Juvenile Justice, the Department of Education, and the State
14164 Board of Education.
14165 Section 243. Paragraph (c) of subsection (7) of section
14166 409.1451, Florida Statutes, is amended to read:
14167 409.1451 Independent living transition services.—
14168 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
14169 Secretary of Children and Family Services shall establish the
14170 Independent Living Services Advisory Council for the purpose of
14171 reviewing and making recommendations concerning the
14172 implementation and operation of the independent living
14173 transition services. This advisory council shall continue to
14174 function as specified in this subsection until the Legislature
14175 determines that the advisory council can no longer provide a
14176 valuable contribution to the department’s efforts to achieve the
14177 goals of the independent living transition services.
14178 (c) Members of the advisory council shall be appointed by
14179 the secretary of the department. The membership of the advisory
14180 council must include, at a minimum, representatives from the
14181 headquarters and district offices of the Department of Children

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14182 and Family Services, community-based care lead agencies, ~~the~~
14183 ~~Agency for Workforce Innovation,~~ the Department of Education,
14184 the Agency for Health Care Administration, the State Youth
14185 Advisory Board, Workforce Florida, Inc., the Statewide Guardian
14186 Ad Litem Office, foster parents, recipients of Road-to-
14187 Independence Program funding, and advocates for foster children.
14188 The secretary shall determine the length of the term to be
14189 served by each member appointed to the advisory council, which
14190 may not exceed 4 years.
14191 Section 244. Subsection (1), paragraph (b) of subsection
14192 (3), and subsection (8) of section 409.2576, Florida Statutes,
14193 are amended to read:
14194 409.2576 State Directory of New Hires.—
14195 (1) DIRECTORY CREATED.—The State Directory of New Hires is
14196 hereby created and shall be administered by the Department of
14197 Revenue or its agent. ~~The Department of Labor and Employment~~
14198 ~~Security will act as the agent until a date not later than~~
14199 ~~October 1, 1998.~~ All employers in the state shall furnish a
14200 report consistent with subsection (3) for each newly hired or
14201 rehired employee unless the employee is employed by a federal or
14202 state agency performing intelligence or counterintelligence
14203 functions and the head of such agency has determined that
14204 reporting pursuant to this section could endanger the safety of
14205 the employee or compromise an ongoing investigation or
14206 intelligence mission.
14207 (3) EMPLOYERS TO FURNISH REPORTS.—
14208 (b) ~~Upon termination of the contract with the Department of~~
14209 ~~Labor and Employment Security, but not later than October 1,~~
14210 ~~1998,~~ All employers shall furnish a report to the State

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14211 Directory of New Hires of the state in which the newly hired or
14212 rehired employee works. The report required in this section
14213 shall be made on a W-4 form or, at the option of the employer,
14214 an equivalent form, and can be transmitted magnetically,
14215 electronically, by first-class mail, or other methods which may
14216 be prescribed by the State Directory. Each report shall include
14217 the name, address, date of hire, and social security number of
14218 every new and rehired employee and the name, address, and
14219 federal employer identification number of the reporting
14220 employer. If available, the employer may also include the
14221 employee's date of birth in the report. Multistate employers
14222 that report new hire information electronically or magnetically
14223 may designate a single state to which it will transmit the above
14224 noted report, provided the employer has employees in that state
14225 and the employer notifies the Secretary of Health and Human
14226 Services in writing to which state the information will be
14227 provided. Agencies of the United States Government shall report
14228 directly to the National Directory of New Hires.
14229 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY. ~~Not later~~
14230 ~~than October 1, 1997,~~ The State Directory of New Hires must
14231 furnish information regarding newly hired or rehired employees
14232 to the National Directory of New Hires for matching with the
14233 records of other state case registries within 3 business days of
14234 entering such information from the employer into the State
14235 Directory of New Hires. The State Directory of New Hires shall
14236 enter into an agreement with Jobs Florida or its tax collection
14237 service provider ~~the Florida Department of Labor and Employment~~
14238 ~~Security~~ for the quarterly reporting to the National Directory
14239 of New Hires information on wages and unemployment compensation

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14240 taken from the quarterly report to the Secretary of Labor, now
14241 required by Title III of the Social Security Act, except that no
14242 report shall be filed with respect to an employee of a state or
14243 local agency performing intelligence or counterintelligence
14244 functions, if the head of such agency has determined that filing
14245 such a report could endanger the safety of the employee or
14246 compromise an ongoing investigation or intelligence mission.
14247 Section 245. Section 409.944, Florida Statutes, is amended
14248 to read:
14249 409.944 Inner City Redevelopment Assistance Grants
14250 Program.—There is created an Inner City Redevelopment Assistance
14251 Grants Program to be administered by Jobs Florida ~~the Office of~~
14252 ~~Tourism, Trade, and Economic Development~~. Jobs Florida ~~The~~
14253 ~~Office~~ shall develop criteria for awarding these grants which
14254 give weighted consideration to urban high-crime areas as
14255 identified by the Florida Department of Law Enforcement. These
14256 criteria shall also be weighted to immediate creation of jobs
14257 for residents in the targeted areas.
14258 Section 246. Section 409.946, Florida Statutes, is amended
14259 to read:
14260 409.946 Inner City Redevelopment Review Panel.—In order to
14261 enhance public participation and involvement in the
14262 redevelopment of inner-city areas, there is created within Jobs
14263 Florida ~~the Office of Tourism, Trade, and Economic Development~~
14264 the Inner City Redevelopment Review Panel.
14265 (1) The review panel shall consist of six ~~seven~~ members who
14266 represent different areas of the state, who are appointed by the
14267 commissioner of Jobs Florida ~~Director of the Office of Tourism,~~
14268 ~~Trade, and Economic Development~~, and who are qualified, through

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14269 the demonstration of special interest, experience, or education,
14270 in the redevelopment of the state's inner-city areas, as
14271 follows:
14272 (a) One member must be affiliated with the advisory council
14273 of the Division of Minority Business Development of the Jobs
14274 Florida Partnership, Inc. ~~Black Business Investment Board~~;
14275 (b) One member must be affiliated with the Institute on
14276 Urban Policy and Commerce at Florida Agricultural and Mechanical
14277 University;
14278 (c) One member must be affiliated with a local economic
14279 development agency ~~the Office of Tourism, Trade, and Economic~~
14280 ~~Development~~;
14281 (d) One member must be the president of the Jobs Florida
14282 Partnership, Inc., ~~Enterprise Florida, Inc.,~~ or the president's
14283 designee;
14284 ~~(e) One member must be the Secretary of Community Affairs~~
14285 ~~or the secretary's designee;~~
14286 (e) ~~(f)~~ One member must be affiliated with the Better
14287 Jobs/Better Wages Council of Workforce Florida, Inc.; and
14288 (f) ~~(g)~~ One member must be affiliated with the First
14289 Jobs/First Wages Council of Workforce Florida, Inc.
14290 (2) The importance of minority and gender representation
14291 must be considered when making appointments to the panel, and
14292 the geographic representation of panel members must also be
14293 considered.
14294 (3) Members of the review panel shall be appointed for 4-
14295 year terms. A person may not serve more than two consecutive
14296 terms on the panel.
14297 (4) Members shall elect a chairperson annually. A member

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14298 may not be elected to consecutive terms as chairperson.
14299 (5) All action taken by the review panel shall be by
14300 majority vote of those present. The commissioner of Jobs Florida
14301 ~~director of the Office of Tourism, Trade, and Economic~~
14302 ~~Development~~ or the commissioner's ~~director's~~ designee shall
14303 serve without voting rights as secretary to the panel. Jobs
14304 Florida ~~The Office of Tourism, Trade, and Economic Development~~
14305 shall provide necessary staff assistance to the panel.
14306 (6) It is the responsibility of the panel to evaluate
14307 proposals for awards of inner-city redevelopment grants
14308 administered by Jobs Florida ~~the Office of Tourism, Trade, and~~
14309 ~~Economic Development~~. The panel shall review and evaluate all
14310 proposals for grants and shall make recommendations, including a
14311 priority ranking, reflecting such evaluation.
14312 Section 247. Paragraph (d) of subsection (2), subsection
14313 (4), paragraphs (a), (c), (d), (e), and (f) of subsection (5),
14314 paragraph (e) of subsection (7), subsection (8), and paragraphs
14315 (b), (c), (d), and (e) of subsection (9) of section 411.01,
14316 Florida Statutes, are amended to read:
14317 411.01 School readiness programs; early learning
14318 coalitions.—
14319 (2) LEGISLATIVE INTENT.—
14320 (d) It is the intent of the Legislature that the
14321 administrative staff for school readiness programs be kept to
14322 the minimum necessary to administer the duties of the Department
14323 of Education ~~Agency for Workforce Innovation~~ and early learning
14324 coalitions. The Department of Education ~~Agency for Workforce~~
14325 ~~Innovation~~ shall adopt system support services at the state
14326 level to build a comprehensive early learning system. Each early

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14327 learning coalition shall implement and maintain direct
14328 enhancement services at the local level, as approved in its
14329 school readiness plan by the Department of Education ~~Agency for~~
14330 ~~Workforce Innovation~~, and ensure access to such services in all
14331 67 counties.
14332 (4) DEPARTMENT OF EDUCATION ~~AGENCY FOR WORKFORCE~~
14333 ~~INNOVATION.~~
14334 (a) The Department of Education ~~Agency for Workforce~~
14335 ~~Innovation~~ shall administer school readiness programs at the
14336 state level and shall coordinate with the early learning
14337 coalitions in providing school readiness services on a full-day,
14338 full-year, full-choice basis to the extent possible in order to
14339 enable parents to work and be financially self-sufficient.
14340 (b) The Department of Education ~~Agency for Workforce~~
14341 ~~Innovation~~ shall:
14342 1. Coordinate the birth-to-kindergarten services for
14343 children who are eligible under subsection (6) and the
14344 programmatic, administrative, and fiscal standards under this
14345 section for all public providers of school readiness programs.
14346 2. Focus on improving the educational quality of all
14347 program providers participating in publicly funded school
14348 readiness programs.
14349 (c) The Governor shall designate the Department of
14350 Education ~~Agency for Workforce Innovation~~ as the lead agency for
14351 administration of the federal Child Care and Development Fund,
14352 45 C.F.R. parts 98 and 99, and the department ~~agency~~ shall
14353 comply with the lead agency responsibilities under federal law.
14354 (d) The Department of Education ~~Agency for Workforce~~
14355 ~~Innovation~~ shall:

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14356 1. Be responsible for the prudent use of all public and
14357 private funds in accordance with all legal and contractual
14358 requirements.
14359 2. Provide final approval and every 2 years review early
14360 learning coalitions and school readiness plans.
14361 3. Establish a unified approach to the state's efforts
14362 toward enhancement of school readiness. In support of this
14363 effort, the Department of Education ~~Agency for Workforce~~
14364 ~~Innovation~~ shall adopt specific system support services that
14365 address the state's school readiness programs. An early learning
14366 coalition shall amend its school readiness plan to conform to
14367 the specific system support services adopted by the Department
14368 of Education ~~Agency for Workforce Innovation~~. System support
14369 services shall include, but are not limited to:
14370 a. Child care resource and referral services;
14371 b. Warm-Line services;
14372 c. Eligibility determinations;
14373 d. Child performance standards;
14374 e. Child screening and assessment;
14375 f. Developmentally appropriate curricula;
14376 g. Health and safety requirements;
14377 h. Statewide data system requirements; and
14378 i. Rating and improvement systems.
14379 4. Safeguard the effective use of federal, state, local,
14380 and private resources to achieve the highest possible level of
14381 school readiness for the children in this state.
14382 5. Adopt a rule establishing criteria for the expenditure
14383 of funds designated for the purpose of funding activities to
14384 improve the quality of child care within the state in accordance

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14385 with s. 658G of the federal Child Care and Development Block
14386 Grant Act.
14387 6. Provide technical assistance to early learning
14388 coalitions in a manner determined by the Department of Education
14389 ~~Agency for Workforce Innovation~~ based upon information obtained
14390 by the department ~~agency~~ from various sources, including, but
14391 not limited to, public input, government reports, private
14392 interest group reports, department ~~agency~~ monitoring visits, and
14393 coalition requests for service.
14394 7. In cooperation with the ~~Department of Education and~~
14395 early learning coalitions, coordinate with the Child Care
14396 Services Program Office of the Department of Children and Family
14397 Services to minimize duplicating interagency activities, health
14398 and safety monitoring, and acquiring and composing data
14399 pertaining to child care training and credentialing.
14400 8. Develop and adopt performance standards and outcome
14401 measures for school readiness programs. The performance
14402 standards must address the age-appropriate progress of children
14403 in the development of school readiness skills. The performance
14404 standards for children from birth to 5 years of age in school
14405 readiness programs must be integrated with the performance
14406 standards adopted by the Department of Education for children in
14407 the Voluntary Prekindergarten Education Program under s.
14408 1002.67.
14409 9. Adopt a standard contract that must be used by the
14410 coalitions when contracting with school readiness providers.
14411 (e) The Department of Education ~~Agency for Workforce~~
14412 ~~Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 to
14413 administer the provisions of law conferring duties upon the

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14414 department ~~agency~~, including, but not limited to, rules
14415 governing the administration of system support services of
14416 school readiness programs, the collection of data, the approval
14417 of early learning coalitions and school readiness plans, the
14418 provision of a method whereby an early learning coalition may
14419 serve two or more counties, the award of incentives to early
14420 learning coalitions, child performance standards, child outcome
14421 measures, the issuance of waivers, and the implementation of the
14422 state's Child Care and Development Fund Plan as approved by the
14423 federal Administration for Children and Families.
14424 (f) The Department of Education ~~Agency for Workforce~~
14425 ~~Innovation~~ shall have all powers necessary to administer this
14426 section, including, but not limited to, the power to receive and
14427 accept grants, loans, or advances of funds from any public or
14428 private agency and to receive and accept from any source
14429 contributions of money, property, labor, or any other thing of
14430 value, to be held, used, and applied for purposes of this
14431 section.
14432 (g) Except as provided by law, the Department of Education
14433 ~~Agency for Workforce Innovation~~ may not impose requirements on a
14434 child care or early childhood education provider that does not
14435 deliver services under the school readiness programs or receive
14436 state or federal funds under this section.
14437 (h) The Department of Education ~~Agency for Workforce~~
14438 ~~Innovation~~ shall have a budget for school readiness programs,
14439 which shall be financed through an annual appropriation made for
14440 purposes of this section in the General Appropriations Act.
14441 (i) The Department of Education ~~Agency for Workforce~~
14442 ~~Innovation~~ shall coordinate the efforts toward school readiness

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14443 in this state and provide independent policy analyses, data
14444 analyses, and recommendations to the Governor, the State Board
14445 of Education, and the Legislature.
14446 (j) The Department of Education ~~Agency for Workforce~~
14447 ~~Innovation~~ shall require that school readiness programs, at a
14448 minimum, enhance the age-appropriate progress of each child in
14449 attaining the performance standards adopted under subparagraph
14450 (d)8. and in the development of the following school readiness
14451 skills:
14452 1. Compliance with rules, limitations, and routines.
14453 2. Ability to perform tasks.
14454 3. Interactions with adults.
14455 4. Interactions with peers.
14456 5. Ability to cope with challenges.
14457 6. Self-help skills.
14458 7. Ability to express the child's needs.
14459 8. Verbal communication skills.
14460 9. Problem-solving skills.
14461 10. Following of verbal directions.
14462 11. Demonstration of curiosity, persistence, and
14463 exploratory behavior.
14464 12. Interest in books and other printed materials.
14465 13. Paying attention to stories.
14466 14. Participation in art and music activities.
14467 15. Ability to identify colors, geometric shapes, letters
14468 of the alphabet, numbers, and spatial and temporal
14469 relationships.
14470
14471 Within 30 days after enrollment in the school readiness program,

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14472 the early learning coalition must ensure that the program
14473 provider obtains information regarding the child's
14474 immunizations, physical development, and other health
14475 requirements as necessary, including appropriate vision and
14476 hearing screening and examinations. For a program provider
14477 licensed by the Department of Children and Family Services, the
14478 provider's compliance with s. 402.305(9), as verified pursuant
14479 to s. 402.311, shall satisfy this requirement.
14480 (k) The Department of Education ~~Agency for Workforce~~
14481 ~~Innovation~~ shall conduct studies and planning activities related
14482 to the overall improvement and effectiveness of the outcome
14483 measures adopted by the department ~~agency~~ for school readiness
14484 programs and the specific system support services to address the
14485 state's school readiness programs adopted by the Department of
14486 Education ~~Agency for Workforce Innovation~~ in accordance with
14487 subparagraph (d)3.
14488 (l) The Department of Education ~~Agency for Workforce~~
14489 ~~Innovation~~ shall monitor and evaluate the performance of each
14490 early learning coalition in administering the school readiness
14491 program, implementing the coalition's school readiness plan, and
14492 administering the Voluntary Prekindergarten Education Program.
14493 These monitoring and performance evaluations must include, at a
14494 minimum, onsite monitoring of each coalition's finances,
14495 management, operations, and programs.
14496 (m) The Department of Education ~~Agency for Workforce~~
14497 ~~Innovation~~ shall submit an annual report of its activities
14498 conducted under this section to the Governor, the President of
14499 the Senate, the Speaker of the House of Representatives, and the
14500 minority leaders of both houses of the Legislature. In addition,

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14501 the Department of Education's ~~Agency for Workforce Innovation's~~
14502 reports and recommendations shall be made available to the
14503 Florida Early Learning Advisory Council and other appropriate
14504 state agencies and entities. The annual report must provide an
14505 analysis of school readiness activities across the state,
14506 including the number of children who were served in the
14507 programs.
14508 (n) The Department of Education ~~Agency for Workforce~~
14509 ~~Innovation~~ shall work with the early learning coalitions to
14510 ensure availability of training and support for parental
14511 involvement in children's early education and to provide family
14512 literacy activities and services.
14513 (5) CREATION OF EARLY LEARNING COALITIONS.—
14514 (a) *Early learning coalitions.*—
14515 1. Each early learning coalition shall maintain direct
14516 enhancement services at the local level and ensure access to
14517 such services in all 67 counties.
14518 2. The Department of Education ~~Agency for Workforce~~
14519 ~~Innovation~~ shall establish the minimum number of children to be
14520 served by each early learning coalition through the coalition's
14521 school readiness program. The Department of Education ~~Agency for~~
14522 ~~Workforce Innovation~~ may only approve school readiness plans in
14523 accordance with this minimum number. The minimum number must be
14524 uniform for every early learning coalition and must:
14525 a. Permit 31 or fewer coalitions to be established; and
14526 b. Require each coalition to serve at least 2,000 children
14527 based upon the average number of all children served per month
14528 through the coalition's school readiness program during the
14529 previous 12 months.

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14530 3. If an early learning coalition would serve fewer
14531 children than the minimum number established under subparagraph
14532 2., the coalition must merge with another county to form a
14533 multicounty coalition. The Department of Education ~~Agency for~~
14534 ~~Workforce Innovation~~ shall adopt procedures for merging early
14535 learning coalitions, including procedures for the consolidation
14536 of merging coalitions, and for the early termination of the
14537 terms of coalition members which are necessary to accomplish the
14538 mergers. However, the Department of Education ~~Agency for~~
14539 ~~Workforce Innovation~~ shall grant a waiver to an early learning
14540 coalition to serve fewer children than the minimum number
14541 established under subparagraph 2., if:
14542 a. The Department of Education ~~Agency for Workforce~~
14543 ~~Innovation~~ has determined during the most recent review of the
14544 coalition's school readiness plan, or through monitoring and
14545 performance evaluations conducted under paragraph (4)(l), that
14546 the coalition has substantially implemented its plan;
14547 b. The coalition demonstrates to the Department of
14548 Education ~~Agency for Workforce Innovation~~ the coalition's
14549 ability to effectively and efficiently implement the Voluntary
14550 Prekindergarten Education Program; and
14551 c. The coalition demonstrates to the Department of
14552 Education ~~Agency for Workforce Innovation~~ that the coalition can
14553 perform its duties in accordance with law.
14554
14555 If an early learning coalition fails or refuses to merge as
14556 required by this subparagraph, the Department of Education
14557 ~~Agency for Workforce Innovation~~ may dissolve the coalition and
14558 temporarily contract with a qualified entity to continue school

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14559 readiness and prekindergarten services in the coalition's county
14560 or multicounty region until the department ~~agency~~ reestablishes
14561 the coalition and a new school readiness plan is approved by the
14562 department ~~agency~~.
14563 4. Each early learning coalition shall be composed of at
14564 least 15 members but not more than 30 members. The Department of
14565 Education ~~Agency for Workforce Innovation~~ shall adopt standards
14566 establishing within this range the minimum and maximum number of
14567 members that may be appointed to an early learning coalition and
14568 procedures for identifying which members have voting privileges
14569 under subparagraph 6. These standards must include variations
14570 for a coalition serving a multicounty region. Each early
14571 learning coalition must comply with these standards.
14572 5. The Governor shall appoint the chair and two other
14573 members of each early learning coalition, who must each meet the
14574 same qualifications as private sector business members appointed
14575 by the coalition under subparagraph 7.
14576 6. Each early learning coalition must include the following
14577 member positions; however, in a multicounty coalition, each ex
14578 officio member position may be filled by multiple nonvoting
14579 members but no more than one voting member shall be seated per
14580 member position. If an early learning coalition has more than
14581 one member representing the same entity, only one of such
14582 members may serve as a voting member:
14583 a. A Department of Children and Family Services circuit
14584 administrator or his or her designee who is authorized to make
14585 decisions on behalf of the department.
14586 b. A district superintendent of schools or his or her
14587 designee who is authorized to make decisions on behalf of the

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14588 district.
14589 c. A regional workforce board executive director or his or
14590 her designee.
14591 d. A county health department director or his or her
14592 designee.
14593 e. A children's services council or juvenile welfare board
14594 chair or executive director, if applicable.
14595 f. An agency head of a local licensing agency as defined in
14596 s. 402.302, where applicable.
14597 g. A president of a community college or his or her
14598 designee.
14599 h. One member appointed by a board of county commissioners
14600 or the governing board of a municipality.
14601 i. A central agency administrator, where applicable.
14602 j. A Head Start director.
14603 k. A representative of private for-profit child care
14604 providers, including private for-profit family day care homes.
14605 l. A representative of faith-based child care providers.
14606 m. A representative of programs for children with
14607 disabilities under the federal Individuals with Disabilities
14608 Education Act.
14609 7. Including the members appointed by the Governor under
14610 subparagraph 5., more than one-third of the members of each
14611 early learning coalition must be private sector business members
14612 who do not have, and none of whose relatives as defined in s.
14613 112.3143 has, a substantial financial interest in the design or
14614 delivery of the Voluntary Prekindergarten Education Program
14615 created under part V of chapter 1002 or the coalition's school
14616 readiness program. To meet this requirement an early learning

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14617 coalition must appoint additional members. The Department of
14618 Education ~~Agency for Workforce Innovation~~ shall establish
14619 criteria for appointing private sector business members. These
14620 criteria must include standards for determining whether a member
14621 or relative has a substantial financial interest in the design
14622 or delivery of the Voluntary Prekindergarten Education Program
14623 or the coalition's school readiness program.
14624 8. A majority of the voting membership of an early learning
14625 coalition constitutes a quorum required to conduct the business
14626 of the coalition. An early learning coalition board may use any
14627 method of telecommunications to conduct meetings, including
14628 establishing a quorum through telecommunications, provided that
14629 the public is given proper notice of a telecommunications
14630 meeting and reasonable access to observe and, when appropriate,
14631 participate.
14632 9. A voting member of an early learning coalition may not
14633 appoint a designee to act in his or her place, except as
14634 otherwise provided in this paragraph. A voting member may send a
14635 representative to coalition meetings, but that representative
14636 does not have voting privileges. When a district administrator
14637 for the Department of Children and Family Services appoints a
14638 designee to an early learning coalition, the designee is the
14639 voting member of the coalition, and any individual attending in
14640 the designee's place, including the district administrator, does
14641 not have voting privileges.
14642 10. Each member of an early learning coalition is subject
14643 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
14644 112.3143(3)(a), each voting member is a local public officer who
14645 must abstain from voting when a voting conflict exists.

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14646 11. For purposes of tort liability, each member or employee
14647 of an early learning coalition shall be governed by s. 768.28.
14648 12. An early learning coalition serving a multicounty
14649 region must include representation from each county.
14650 13. Each early learning coalition shall establish terms for
14651 all appointed members of the coalition. The terms must be
14652 staggered and must be a uniform length that does not exceed 4
14653 years per term. Coalition chairs shall be appointed for 4 years
14654 in conjunction with their membership on the Early Learning
14655 Advisory Council under s. 20.052. Appointed members may serve a
14656 maximum of two consecutive terms. When a vacancy occurs in an
14657 appointed position, the coalition must advertise the vacancy.
14658 (c) *Program expectations.*—
14659 1. The school readiness program must meet the following
14660 expectations:
14661 a. The program must, at a minimum, enhance the age-
14662 appropriate progress of each child in attaining the performance
14663 standards and outcome measures adopted by the Department of
14664 Education ~~Agency for Workforce Innovation~~.
14665 b. The program must provide extended-day and extended-year
14666 services to the maximum extent possible without compromising the
14667 quality of the program to meet the needs of parents who work.
14668 c. The program must provide a coordinated professional
14669 development system that supports the achievement and maintenance
14670 of core competencies by school readiness instructors in helping
14671 children attain the performance standards and outcome measures
14672 adopted by the Department of Education ~~Agency for Workforce~~
14673 ~~Innovation~~.
14674 d. There must be expanded access to community services and

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14675 resources for families to help achieve economic self-
14676 sufficiency.
14677 e. There must be a single point of entry and unified
14678 waiting list. As used in this sub-subparagraph, the term “single
14679 point of entry” means an integrated information system that
14680 allows a parent to enroll his or her child in the school
14681 readiness program at various locations throughout a county, that
14682 may allow a parent to enroll his or her child by telephone or
14683 through an Internet website, and that uses a unified waiting
14684 list to track eligible children waiting for enrollment in the
14685 school readiness program. The Department of Education ~~Agency for~~
14686 ~~Workforce Innovation~~ shall establish through technology a single
14687 statewide information system that each coalition must use for
14688 the purposes of managing the single point of entry, tracking
14689 children’s progress, coordinating services among stakeholders,
14690 determining eligibility, tracking child attendance, and
14691 streamlining administrative processes for providers and early
14692 learning coalitions.
14693 f. The Department of Education ~~Agency for Workforce~~
14694 ~~Innovation~~ must consider the access of eligible children to the
14695 school readiness program, as demonstrated in part by waiting
14696 lists, before approving a proposed increase in payment rates
14697 submitted by an early learning coalition. In addition, early
14698 learning coalitions shall use school readiness funds made
14699 available due to enrollment shifts from school readiness
14700 programs to the Voluntary Prekindergarten Education Program for
14701 increasing the number of children served in school readiness
14702 programs before increasing payment rates.
14703 g. The program must meet all state licensing guidelines,

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14704 where applicable.
14705 h. The program must ensure that minimum standards for child
14706 discipline practices are age-appropriate. Such standards must
14707 provide that children not be subjected to discipline that is
14708 severe, humiliating, or frightening or discipline that is
14709 associated with food, rest, or toileting. Spanking or any other
14710 form of physical punishment is prohibited.
14711 2. Each early learning coalition must implement a
14712 comprehensive program of school readiness services in accordance
14713 with the rules adopted by the department ~~agency~~ which enhance
14714 the cognitive, social, and physical development of children to
14715 achieve the performance standards and outcome measures. At a
14716 minimum, these programs must contain the following system
14717 support service elements:
14718 a. Developmentally appropriate curriculum designed to
14719 enhance the age-appropriate progress of children in attaining
14720 the performance standards adopted by the Department of Education
14721 ~~Agency for Workforce Innovation~~ under subparagraph (4)(d)8.
14722 b. A character development program to develop basic values.
14723 c. An age-appropriate screening of each child's
14724 development.
14725 d. An age-appropriate assessment administered to children
14726 when they enter a program and an age-appropriate assessment
14727 administered to children when they leave the program.
14728 e. An appropriate staff-to-children ratio, pursuant to s.
14729 402.305(4) or s. 402.302(7) or (8), as applicable, and as
14730 verified pursuant to s. 402.311.
14731 f. A healthy and safe environment pursuant to s.
14732 401.305(5), (6), and (7), as applicable, and as verified

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14733 pursuant to s. 402.311.
14734 g. A resource and referral network established under s.
14735 411.0101 to assist parents in making an informed choice and a
14736 regional Warm-Line under s. 411.01015.
14737
14738 The ~~Agency for Workforce Innovation, the~~ Department of
14739 Education~~,~~ and early learning coalitions shall coordinate with
14740 the Child Care Services Program Office of the Department of
14741 Children and Family Services to minimize duplicating interagency
14742 activities pertaining to acquiring and composing data for child
14743 care training and credentialing.
14744 (d) *Implementation.*—
14745 1. An early learning coalition may not implement the school
14746 readiness program until the coalition's school readiness plan is
14747 approved by the Department of Education ~~Agency for Workforce~~
14748 ~~Innovation~~.
14749 2. Each early learning coalition shall coordinate with one
14750 another to implement a comprehensive program of school readiness
14751 services which enhances the cognitive, social, physical, and
14752 moral character of the children to achieve the performance
14753 standards and outcome measures and which helps families achieve
14754 economic self-sufficiency. Such program must contain, at a
14755 minimum, the following elements:
14756 a. Implement the school readiness program to meet the
14757 requirements of this section and the system support services,
14758 performance standards, and outcome measures adopted by the
14759 Department of Education ~~Agency for Workforce Innovation~~.
14760 b. Demonstrate how the program will ensure that each child
14761 from birth through 5 years of age in a publicly funded school

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14762 readiness program receives scheduled activities and instruction
14763 designed to enhance the age-appropriate progress of the children
14764 in attaining the performance standards adopted by the department
14765 ~~agency~~ under subparagraph (4)(d)8.
14766 c. Ensure that the coalition has solicited and considered
14767 comments regarding the proposed school readiness plan from the
14768 local community.
14769
14770 Before implementing the school readiness program, the early
14771 learning coalition must submit the plan to the department ~~agency~~
14772 for approval. The department ~~agency~~ may approve the plan, reject
14773 the plan, or approve the plan with conditions. The department
14774 ~~agency~~ shall review school readiness plans at least every 2
14775 years.
14776 3. If the Department of Education ~~Agency for Workforce~~
14777 ~~Innovation~~ determines during the review of school readiness
14778 plans, or through monitoring and performance evaluations
14779 conducted under paragraph (4)(l), that an early learning
14780 coalition has not substantially implemented its plan, has not
14781 substantially met the performance standards and outcome measures
14782 adopted by the department ~~agency~~, or has not effectively
14783 administered the school readiness program or Voluntary
14784 Prekindergarten Education Program, the department ~~agency~~ may
14785 dissolve the coalition and temporarily contract with a qualified
14786 entity to continue school readiness and prekindergarten services
14787 in the coalition's county or multicounty region until the
14788 department ~~agency~~ reestablishes the coalition and a new school
14789 readiness plan is approved in accordance with the rules adopted
14790 by the department ~~agency~~.

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14791 4. The Department of Education ~~Agency for Workforce~~
14792 ~~Innovation~~ shall adopt rules establishing criteria for the
14793 approval of school readiness plans. The criteria must be
14794 consistent with the system support services, performance
14795 standards, and outcome measures adopted by the department ~~agency~~
14796 and must require each approved plan to include the following
14797 minimum standards for the school readiness program:
14798 a. A community plan that addresses the needs of all
14799 children and providers within the coalition's county or
14800 multicounty region.
14801 b. A sliding fee scale establishing a copayment for parents
14802 based upon their ability to pay, which is the same for all
14803 program providers.
14804 c. A choice of settings and locations in licensed,
14805 registered, religious-exempt, or school-based programs to be
14806 provided to parents.
14807 d. Specific eligibility priorities for children in
14808 accordance with subsection (6).
14809 e. Performance standards and outcome measures adopted by
14810 the department ~~agency~~.
14811 f. Payment rates adopted by the early learning coalitions
14812 and approved by the department ~~agency~~. Payment rates may not
14813 have the effect of limiting parental choice or creating
14814 standards or levels of services that have not been expressly
14815 established by the Legislature, unless the creation of such
14816 standards or levels of service, which must be uniform throughout
14817 the state, has been approved by the Federal Government and
14818 result in the state being eligible to receive additional federal
14819 funds available for early learning on a statewide basis.

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14820 g. Direct enhancement services for families and children.
14821 System support and direct enhancement services shall be in
14822 addition to payments for the placement of children in school
14823 readiness programs. Direct enhancement services for families may
14824 include parent training and involvement activities and
14825 strategies to meet the needs of unique populations and local
14826 eligibility priorities. Enhancement services for children may
14827 include provider supports and professional development approved
14828 in the plan by the Department of Education ~~Agency for Workforce~~
14829 ~~Innovation~~.
14830 h. The business organization of the early learning
14831 coalition, which must include the coalition's articles of
14832 incorporation and bylaws if the coalition is organized as a
14833 corporation. If the coalition is not organized as a corporation
14834 or other business entity, the plan must include the contract
14835 with a fiscal agent. An early learning coalition may contract
14836 with other coalitions to achieve efficiency in multicounty
14837 services, and these contracts may be part of the coalition's
14838 school readiness plan.
14839 i. The implementation of locally developed quality programs
14840 in accordance with the requirements adopted by the department
14841 ~~agency~~ under subparagraph (4)(d)5.
14842
14843 The Department of Education ~~Agency for Workforce Innovation~~ may
14844 request the Governor to apply for a waiver to allow the
14845 coalition to administer the Head Start Program to accomplish the
14846 purposes of the school readiness program.
14847 5. Persons with an early childhood teaching certificate may
14848 provide support and supervision to other staff in the school

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14849 readiness program.
14850 6. An early learning coalition may not implement its school
14851 readiness plan until it submits the plan to and receives
14852 approval from the Department of Education ~~Agency for Workforce~~
14853 ~~Innovation~~. Once the plan is approved, the plan and the services
14854 provided under the plan shall be controlled by the early
14855 learning coalition. The plan shall be reviewed and revised as
14856 necessary, but at least biennially. An early learning coalition
14857 may not implement the revisions until the coalition submits the
14858 revised plan to and receives approval from the department
14859 ~~agency~~. If the department ~~agency~~ rejects a revised plan, the
14860 coalition must continue to operate under its prior approved
14861 plan.
14862 7. Section 125.901(2)(a)3. does not apply to school
14863 readiness programs. The Department of Education ~~Agency for~~
14864 ~~Workforce Innovation~~ may apply to the Governor and Cabinet for a
14865 waiver of, and the Governor and Cabinet may waive, any of the
14866 provisions of ss. 411.223 and 1003.54, if the waiver is
14867 necessary for implementation of school readiness programs.
14868 8. Two or more early learning coalitions may join for
14869 purposes of planning and implementing a school readiness
14870 program.
14871 (e) *Requests for proposals; payment schedule.*—
14872 1. Each early learning coalition must comply with the
14873 procurement and expenditure procedures adopted by the Department
14874 of Education ~~Agency for Workforce Innovation~~, including, but not
14875 limited to, applying the procurement and expenditure procedures
14876 required by federal law for the expenditure of federal funds.
14877 2. Each early learning coalition shall adopt a payment

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14878 schedule that encompasses all programs funded under this
14879 section. The payment schedule must take into consideration the
14880 prevailing market rate, must include the projected number of
14881 children to be served, and must be submitted for approval by the
14882 Department of Education ~~Agency for Workforce Innovation~~.
14883 Informal child care arrangements shall be reimbursed at not more
14884 than 50 percent of the rate adopted for a family day care home.
14885 (f) *Evaluation and annual report.*—Each early learning
14886 coalition shall conduct an evaluation of its implementation of
14887 the school readiness program, including system support services,
14888 performance standards, and outcome measures, and shall provide
14889 an annual report and fiscal statement to the Department of
14890 Education ~~Agency for Workforce Innovation~~. This report must also
14891 include an evaluation of the effectiveness of its direct
14892 enhancement services and conform to the content and format
14893 specifications adopted by the Department of Education ~~Agency for~~
14894 ~~Workforce Innovation~~. The Department of Education ~~Agency for~~
14895 ~~Workforce Innovation~~ must include an analysis of the early
14896 learning coalitions' reports in the department's ~~agency's~~ annual
14897 report.
14898 (7) PARENTAL CHOICE.—
14899 (e) The office of the Chief Financial Officer shall
14900 establish an electronic transfer system for the disbursement of
14901 funds in accordance with this subsection. Each early learning
14902 coalition shall fully implement the electronic funds transfer
14903 system within 2 years after approval of the coalition's school
14904 readiness plan, unless a waiver is obtained from the Department
14905 of Education ~~Agency for Workforce Innovation~~.
14906 (8) STANDARDS; OUTCOME MEASURES.—A program provider

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14907 participating in the school readiness program must meet the
14908 performance standards and outcome measures adopted by the
14909 Department of Education ~~Agency for Workforce Innovation~~.
14910 (9) FUNDING; SCHOOL READINESS PROGRAM.—
14911 (b)1. The Department of Education ~~Agency for Workforce~~
14912 ~~Innovation~~ shall administer school readiness funds, plans, and
14913 policies and shall prepare and submit a unified budget request
14914 for the school readiness system in accordance with chapter 216.
14915 2. All instructions to early learning coalitions for
14916 administering this section shall emanate from the Department of
14917 Education ~~Agency for Workforce Innovation~~ in accordance with the
14918 policies of the Legislature.
14919 (c) The Department of Education ~~Agency for Workforce~~
14920 ~~Innovation~~, subject to legislative notice and review under s.
14921 216.177, shall establish a formula for the allocation of all
14922 state and federal school readiness funds provided for children
14923 participating in the school readiness program, whether served by
14924 a public or private provider, based upon equity for each county.
14925 The allocation formula must be submitted to the Governor, the
14926 chair of the Senate Ways and Means Committee or its successor,
14927 and the chair of the House of Representatives Fiscal Council or
14928 its successor no later than January 1 of each year. If the
14929 Legislature specifies changes to the allocation formula, the
14930 Department of Education ~~Agency for Workforce Innovation~~ shall
14931 allocate funds as specified in the General Appropriations Act.
14932 (d) All state, federal, and required local maintenance-of-
14933 effort or matching funds provided to an early learning coalition
14934 for purposes of this section shall be used for implementation of
14935 its approved school readiness plan, including the hiring of

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14936 staff to effectively operate the coalition's school readiness
14937 program. As part of plan approval and periodic plan review, the
14938 Department of Education ~~Agency for Workforce Innovation~~ shall
14939 require that administrative costs be kept to the minimum
14940 necessary for efficient and effective administration of the
14941 school readiness plan, but total administrative expenditures
14942 must not exceed 5 percent unless specifically waived by the
14943 Department of Education ~~Agency for Workforce Innovation~~. The
14944 Department of Education ~~Agency for Workforce Innovation~~ shall
14945 annually report to the Legislature any problems relating to
14946 administrative costs.
14947 (e) The Department of Education ~~Agency for Workforce~~
14948 ~~Innovation~~ shall annually distribute, to a maximum extent
14949 practicable, all eligible funds provided under this section as
14950 block grants to the early learning coalitions in accordance with
14951 the terms and conditions specified by the department ~~agency~~.
14952 Section 248. Subsections (1) and (2), paragraph (a) of
14953 subsection (3), and subsection (4) of section 411.0101, Florida
14954 Statutes, are amended to read:
14955 411.0101 Child care and early childhood resource and
14956 referral.—
14957 (1) As a part of the school readiness programs, the
14958 Department of Education ~~Agency for Workforce Innovation~~ shall
14959 establish a statewide child care resource and referral network
14960 that is unbiased and provides referrals to families for child
14961 care. Preference shall be given to using the already established
14962 early learning coalitions as the child care resource and
14963 referral agencies. If an early learning coalition cannot comply
14964 with the requirements to offer the resource information

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14965 component or does not want to offer that service, the early
14966 learning coalition shall select the resource and referral agency
14967 for its county or multicounty region based upon a request for
14968 proposal pursuant to s. 411.01(5)(e)1.
14969 (2) At least one child care resource and referral agency
14970 must be established in each early learning coalition's county or
14971 multicounty region. The Department of Education ~~Agency for~~
14972 ~~Workforce Innovation~~ shall adopt rules regarding accessibility
14973 of child care resource and referral services offered through
14974 child care resource and referral agencies in each county or
14975 multicounty region which include, at a minimum, required hours
14976 of operation, methods by which parents may request services, and
14977 child care resource and referral staff training requirements.
14978 (3) Child care resource and referral agencies shall provide
14979 the following services:
14980 (a) Identification of existing public and private child
14981 care and early childhood education services, including child
14982 care services by public and private employers, and the
14983 development of a resource file of those services through the
14984 single statewide information system developed by the Department
14985 of Education ~~Agency for Workforce Innovation~~ under s.
14986 411.01(5)(c)1.e. These services may include family day care,
14987 public and private child care programs, the Voluntary
14988 Prekindergarten Education Program, Head Start, the school
14989 readiness program, special education programs for
14990 prekindergarten children with disabilities, services for
14991 children with developmental disabilities, full-time and part-
14992 time programs, before-school and after-school programs, vacation
14993 care programs, parent education, the Temporary Cash Assistance

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14994 Program, and related family support services. The resource file
14995 shall include, but not be limited to:
14996 1. Type of program.
14997 2. Hours of service.
14998 3. Ages of children served.
14999 4. Number of children served.
15000 5. Significant program information.
15001 6. Fees and eligibility for services.
15002 7. Availability of transportation.
15003 (4) The Department of Education ~~Agency for Workforce~~
15004 ~~Innovation~~ shall adopt any rules necessary for the
15005 implementation and administration of this section.
15006 Section 249. Subsections (2), (6), and (7) of section
15007 411.01013, Florida Statutes, are amended to read:
15008 411.01013 Prevailing market rate schedule.—
15009 (2) The Department of Education ~~Agency for Workforce~~
15010 ~~Innovation~~ shall establish procedures for the adoption of a
15011 prevailing market rate schedule. The schedule must include, at a
15012 minimum, county-by-county rates:
15013 (a) At the prevailing market rate, plus the maximum rate,
15014 for child care providers that hold a Gold Seal Quality Care
15015 designation under s. 402.281.
15016 (b) At the prevailing market rate for child care providers
15017 that do not hold a Gold Seal Quality Care designation.
15018 (6) The Department of Education ~~Agency for Workforce~~
15019 ~~Innovation~~ may contract with one or more qualified entities to
15020 administer this section and provide support and technical
15021 assistance for child care providers.
15022 (7) The Department of Education ~~Agency for Workforce~~

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15023 ~~Innovation~~ may adopt rules pursuant to ss. 120.536(1) and 120.54
15024 for establishing procedures for the collection of child care
15025 providers' market rate, the calculation of a reasonable
15026 frequency distribution of the market rate, and the publication
15027 of a prevailing market rate schedule.
15028 Section 250. Subsection (1) of section 411.01014, Florida
15029 Statutes, is amended to read:
15030 411.01014 School readiness transportation services.—
15031 (1) The Department of Education ~~Agency for Workforce~~
15032 ~~Innovation~~, pursuant to chapter 427, may authorize an early
15033 learning coalition to establish school readiness transportation
15034 services for children at risk of abuse or neglect participating
15035 in the school readiness program. The early learning coalitions
15036 may contract for the provision of transportation services as
15037 required by this section.
15038 Section 251. Subsections (1), (3), and (4) of section
15039 411.01015, Florida Statutes, are amended to read:
15040 411.01015 Consultation to child care centers and family day
15041 care homes regarding health, developmental, disability, and
15042 special needs issues.—
15043 (1) Contingent upon specific appropriations, the Department
15044 of Education ~~Agency for Workforce Innovation~~ shall administer a
15045 statewide toll-free Warm-Line for the purpose of providing
15046 assistance and consultation to child care centers and family day
15047 care homes regarding health, developmental, disability, and
15048 special needs issues of the children they are serving,
15049 particularly children with disabilities and other special needs.
15050 (3) The Department of Education ~~Agency for Workforce~~
15051 ~~Innovation~~ shall annually inform child care centers and family

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15052 day care homes of the availability of this service through the
15053 child care resource and referral network under s. 411.0101.
15054 (4) Contingent upon specific appropriations, the Department
15055 of Education ~~Agency for Workforce Innovation~~ shall expand, or
15056 contract for the expansion of, the Warm-Line to maintain at
15057 least one Warm-Line site in each early learning coalition
15058 service area.
15059 Section 252. Subsections (2) and (3) of section 411.0103,
15060 Florida Statutes, are amended to read:
15061 411.0103 Teacher Education and Compensation Helps (TEACH)
15062 scholarship program.—
15063 (2) The Department of Education ~~Agency for Workforce~~
15064 ~~Innovation~~ may contract for the administration of the Teacher
15065 Education and Compensation Helps (TEACH) scholarship program,
15066 which provides educational scholarships to caregivers and
15067 administrators of early childhood programs, family day care
15068 homes, and large family child care homes.
15069 (3) The department ~~agency~~ shall adopt rules under ss.
15070 120.536(1) and 120.54 as necessary to administer this section.
15071 Section 253. Subsections (1) and (3) of section 411.0104,
15072 Florida Statutes, are amended to read:
15073 411.0104 Early Head Start collaboration grants.—
15074 (1) Contingent upon specific appropriations, the Department
15075 of Education ~~Agency for Workforce Innovation~~ shall establish a
15076 program to award collaboration grants to assist local agencies
15077 in securing Early Head Start programs through Early Head Start
15078 program federal grants. The collaboration grants shall provide
15079 the required matching funds for public and private nonprofit
15080 agencies that have been approved for Early Head Start program

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15081 federal grants.
15082 (3) The Department of Education ~~Agency for Workforce~~
15083 ~~Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 as
15084 necessary for the award of collaboration grants to competing
15085 agencies and the administration of the collaboration grants
15086 program under this section.
15087 Section 254. Section 411.0106, Florida Statutes, is amended
15088 to read:
15089 411.0106 Infants and toddlers in state-funded education and
15090 care programs; brain development activities.—Each state-funded
15091 education and care program for children from birth to 5 years of
15092 age must provide activities to foster brain development in
15093 infants and toddlers. A program must provide an environment that
15094 helps children attain the performance standards adopted by the
15095 Department of Education ~~Agency for Workforce Innovation~~ under s.
15096 411.01(4)(d)8. and must be rich in language and music and filled
15097 with objects of various colors, shapes, textures, and sizes to
15098 stimulate visual, tactile, auditory, and linguistic senses in
15099 the children and must include classical music and at least 30
15100 minutes of reading to the children each day. A program may be
15101 offered through an existing early childhood program such as
15102 Healthy Start, the Title I program, the school readiness
15103 program, the Head Start program, or a private child care
15104 program. A program must provide training for the infants' and
15105 toddlers' parents including direct dialogue and interaction
15106 between teachers and parents demonstrating the urgency of brain
15107 development in the first year of a child's life. Family day care
15108 centers are encouraged, but not required, to comply with this
15109 section.

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15110 Section 255. Subsection (1) and paragraph (g) of subsection
15111 (3) of section 411.011, Florida Statutes, are amended to read:
15112 411.011 Records of children in school readiness programs.—
15113 (1) The individual records of children enrolled in school
15114 readiness programs provided under s. 411.01, held by an early
15115 learning coalition or the Department of Education ~~Agency for~~
15116 ~~Workforce Innovation~~, are confidential and exempt from s.
15117 119.07(1) and s. 24(a), Art. I of the State Constitution. For
15118 purposes of this section, records include assessment data,
15119 health data, records of teacher observations, and personal
15120 identifying information.
15121 (3) School readiness records may be released to:
15122 (g) Parties to an interagency agreement among early
15123 learning coalitions, local governmental agencies, providers of
15124 school readiness programs, state agencies, and the Department of
15125 Education ~~Agency for Workforce Innovation~~ for the purpose of
15126 implementing the school readiness program.
15127
15128 Agencies, organizations, or individuals that receive school
15129 readiness records in order to carry out their official functions
15130 must protect the data in a manner that does not permit the
15131 personal identification of a child enrolled in a school
15132 readiness program and his or her parents by persons other than
15133 those authorized to receive the records.
15134 Section 256. Paragraph (e) of subsection (2) of section
15135 411.226, Florida Statutes, is amended to read:
15136 411.226 Learning Gateway.—
15137 (2) LEARNING GATEWAY STEERING COMMITTEE.—
15138 (e) To support and facilitate system improvements, the

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15139 steering committee must consult with representatives from the
15140 Department of Education, the Department of Health, ~~the Agency~~
15141 ~~for Workforce Innovation,~~ the Department of Children and Family
15142 Services, the Agency for Health Care Administration, the
15143 Department of Juvenile Justice, and the Department of
15144 Corrections and with the director of the Learning Development
15145 and Evaluation Center of Florida Agricultural and Mechanical
15146 University.
15147 Section 257. Paragraph (d) of subsection (1), paragraph (a)
15148 of subsection (2), and paragraph (c) of subsection (3) of
15149 section 411.227, Florida Statutes, are amended to read:
15150 411.227 Components of the Learning Gateway.—The Learning
15151 Gateway system consists of the following components:
15152 (1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED
15153 ACCESS.—
15154 (d) In collaboration with other local resources, the
15155 demonstration projects shall develop public awareness strategies
15156 to disseminate information about developmental milestones,
15157 precursors of learning problems and other developmental delays,
15158 and the service system that is available. The information should
15159 target parents of children from birth through age 9 and should
15160 be distributed to parents, health care providers, and caregivers
15161 of children from birth through age 9. A variety of media should
15162 be used as appropriate, such as print, television, radio, and a
15163 community-based Internet website, as well as opportunities such
15164 as those presented by parent visits to physicians for well-child
15165 checkups. The Learning Gateway Steering Committee shall provide
15166 technical assistance to the local demonstration projects in
15167 developing and distributing educational materials and

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15168 information.
15169 1. Public awareness strategies targeting parents of
15170 children from birth through age 5 shall be designed to provide
15171 information to public and private preschool programs, child care
15172 providers, pediatricians, parents, and local businesses and
15173 organizations. These strategies should include information on
15174 the school readiness performance standards adopted by the
15175 Department of Education ~~Agency for Workforce Innovation~~.
15176 2. Public awareness strategies targeting parents of
15177 children from ages 6 through 9 must be designed to disseminate
15178 training materials and brochures to parents and public and
15179 private school personnel, and must be coordinated with the local
15180 school board and the appropriate school advisory committees in
15181 the demonstration projects. The materials should contain
15182 information on state and district proficiency levels for grades
15183 K-3.
15184 (2) SCREENING AND DEVELOPMENTAL MONITORING.—
15185 (a) In coordination with ~~the Agency for Workforce~~
15186 ~~Innovation,~~ the Department of Education~~,~~ and the Florida
15187 Pediatric Society, and using information learned from the local
15188 demonstration projects, the Learning Gateway Steering Committee
15189 shall establish guidelines for screening children from birth
15190 through age 9. The guidelines should incorporate recent research
15191 on the indicators most likely to predict early learning
15192 problems, mild developmental delays, child-specific precursors
15193 of school failure, and other related developmental indicators in
15194 the domains of cognition; communication; attention; perception;
15195 behavior; and social, emotional, sensory, and motor functioning.
15196 (3) EARLY EDUCATION, SERVICES AND SUPPORTS.—

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15197 (c) The steering committee, in cooperation with the
15198 Department of Children and Family Services and~~,~~ the Department
15199 of Education, ~~and the Agency for Workforce Innovation,~~ shall
15200 identify the elements of an effective research-based curriculum
15201 for early care and education programs.
15202 Section 258. Section 414.24, Florida Statutes, is amended
15203 to read:
15204 414.24 Integrated welfare reform and child welfare
15205 services.—The department shall develop integrated service
15206 delivery strategies to better meet the needs of families subject
15207 to work activity requirements who are involved in the child
15208 welfare system or are at high risk of involvement in the child
15209 welfare system. To the extent that resources are available, the
15210 department and Jobs Florida ~~the Department of Labor and~~
15211 ~~Employment Security~~ shall provide funds to one or more service
15212 districts to promote development of integrated, nonduplicative
15213 case management within the department, Jobs Florida ~~the~~
15214 ~~Department of Labor and Employment Security~~, other participating
15215 government agencies, and community partners. Alternative
15216 delivery systems shall be encouraged which include well-defined,
15217 pertinent outcome measures. Other factors to be considered shall
15218 include innovation regarding training, enhancement of existing
15219 resources, and increased private sector and business sector
15220 participation.
15221 Section 259. Section 414.40, Florida Statutes, is amended
15222 to read:
15223 414.40 Stop Inmate Fraud Program established; guidelines.—
15224 (1) There is created within the Department of Financial
15225 Services ~~Department of Law Enforcement~~ a Stop Inmate Fraud

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15226 Program.
15227 (2) The Department of Financial Services ~~Department of Law~~
15228 ~~Enforcement~~ is directed to implement the Stop Inmate Fraud
15229 Program in accordance with the following guidelines:
15230 (a) The program shall establish procedures for sharing
15231 public records not exempt from the public records law among
15232 social services agencies regarding the identities of persons
15233 incarcerated in state correctional institutions, as defined in
15234 s. 944.02, or in county, municipal, or regional jails or other
15235 detention facilities of local governments under chapter 950 or
15236 chapter 951 who are wrongfully receiving public assistance
15237 benefits or entitlement benefits.
15238 (b) Pursuant to these procedures, the program shall have
15239 access to records containing correctional information not exempt
15240 from the public records law on incarcerated persons which have
15241 been generated as criminal justice information. As used in this
15242 paragraph, the term “record” is defined as provided in s.
15243 943.045(7), and the term “criminal justice information” is
15244 defined as provided in s. 943.045(3).
15245 (c) Database searches shall be conducted of the inmate
15246 population at each correctional institution or other detention
15247 facility. A correctional institution or a detention facility
15248 shall provide the Stop Inmate Fraud Program with the information
15249 necessary to identify persons wrongfully receiving benefits in
15250 the medium requested by the Stop Inmate Fraud Program if the
15251 correctional institution or detention facility maintains the
15252 information in that medium.
15253 (d) Data obtained from correctional institutions or other
15254 detention facilities shall be compared with the client files of

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15255 the Department of Children and Family Services, Jobs Florida ~~the~~
15256 ~~Department of Labor and Employment Security~~, and other state or
15257 local agencies as needed to identify persons wrongfully
15258 obtaining benefits. Data comparisons shall be accomplished
15259 during periods of low information demand by agency personnel to
15260 minimize inconvenience to the agency.
15261 (e) Results of data comparisons shall be furnished to the
15262 appropriate office for use in the county in which the data
15263 originated. The program may provide reports of the data it
15264 obtains to appropriate state, federal, and local government
15265 agencies or governmental entities, including, but not limited
15266 to:
15267 1. The Child Support Enforcement Program of the Department
15268 of Revenue, so that the data may be used as locator information
15269 on persons being sought for purposes of child support.
15270 2. The Social Security Administration, so that the data may
15271 be used to reduce federal entitlement fraud within the state.
15272 (f) Reports by the program to another agency or entity
15273 shall be generated bimonthly, or as otherwise directed, and
15274 shall be designed to accommodate that agency's or entity's
15275 particular needs for data.
15276 (g) Only those persons with active cases, or with cases
15277 that were active during the incarceration period, shall be
15278 reported, in order that the funding agency or entity, upon
15279 verification of the data, may take whatever action is deemed
15280 appropriate.
15281 (h) For purposes of program review and analysis, each
15282 agency or entity receiving data from the program shall submit
15283 reports to the program which indicate the results of how the

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15284 data was used.
15285 Section 260. Subsection (1) of section 414.295, Florida
15286 Statutes, is amended to read:
15287 414.295 Temporary cash assistance programs; public records
15288 exemption.—
15289 (1) Personal identifying information of a temporary cash
15290 assistance program participant, a participant's family, or a
15291 participant's family or household member, except for information
15292 identifying a parent who does not live in the same home as the
15293 child, held by the department, Jobs Florida ~~the Agency for~~
15294 ~~Workforce Innovation~~, Workforce Florida, Inc., the Department of
15295 Health, the Department of Revenue, the Department of Education,
15296 or a regional workforce board or local committee created
15297 pursuant to s. 445.007 is confidential and exempt from s.
15298 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
15299 confidential and exempt information may be released for purposes
15300 directly connected with:
15301 (a) The administration of the temporary assistance for
15302 needy families plan under Title IV-A of the Social Security Act,
15303 as amended, by the department, Jobs Florida ~~the Agency for~~
15304 ~~Workforce Innovation~~, Workforce Florida, Inc., the Department of
15305 Military Affairs, the Department of Health, the Department of
15306 Revenue, the Department of Education, a regional workforce board
15307 or local committee created pursuant to s. 445.007, or a school
15308 district.
15309 (b) The administration of the state's plan or program
15310 approved under Title IV-B, Title IV-D, or Title IV-E of the
15311 Social Security Act, as amended, or under Title I, Title X,
15312 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the

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15313 Social Security Act, as amended.
15314 (c) Any investigation, prosecution, or any criminal, civil,
15315 or administrative proceeding conducted in connection with the
15316 administration of any of the plans or programs specified in
15317 paragraph (a) or paragraph (b) by a federal, state, or local
15318 governmental entity, upon request by that entity, when such
15319 request is made pursuant to the proper exercise of that entity's
15320 duties and responsibilities.
15321 (d) The administration of any other state, federal, or
15322 federally assisted program that provides assistance or services
15323 on the basis of need, in cash or in kind, directly to a
15324 participant.
15325 (e) Any audit or similar activity, such as a review of
15326 expenditure reports or financial review, conducted in connection
15327 with the administration of any of the plans or programs
15328 specified in paragraph (a) or paragraph (b) by a governmental
15329 entity authorized by law to conduct such audit or activity.
15330 (f) The administration of the unemployment compensation
15331 program.
15332 (g) The reporting to the appropriate agency or official of
15333 information about known or suspected instances of physical or
15334 mental injury, sexual abuse or exploitation, or negligent
15335 treatment or maltreatment of a child or elderly person receiving
15336 assistance, if circumstances indicate that the health or welfare
15337 of the child or elderly person is threatened.
15338 (h) The administration of services to elderly persons under
15339 ss. 430.601-430.606.
15340 Section 261. Subsections (1) and (3) of section 414.411,
15341 Florida Statutes, are amended to read:

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15342 414.411 Public assistance fraud.—
15343 (1) The Department of Financial Services shall investigate
15344 all public assistance provided to residents of the state or
15345 provided to others by the state. In the course of such
15346 investigation the department shall examine all records,
15347 including electronic benefits transfer records and make inquiry
15348 of all persons who may have knowledge as to any irregularity
15349 incidental to the disbursement of public moneys, food
15350 assistance, or other items or benefits authorizations to
15351 recipients. All public assistance recipients, as a condition
15352 precedent to qualification for public assistance under chapter
15353 409, chapter 411, or this chapter, must first give in writing,
15354 to the Agency for Health Care Administration, the Department of
15355 Health, Jobs Florida ~~the Agency for Workforce Innovation~~, and
15356 the Department of Children and Family Services, as appropriate,
15357 and to the Department of Financial Services, consent to make
15358 inquiry of past or present employers and records, financial or
15359 otherwise.
15360 (3) The results of such investigation shall be reported by
15361 the Department of Financial Services to the appropriate
15362 legislative committees, the Agency for Health Care
15363 Administration, the Department of Health, Jobs Florida ~~the~~
15364 ~~Agency for Workforce Innovation~~, and the Department of Children
15365 and Family Services, and to such others as the department may
15366 determine.
15367 Section 262. Subsections (2) through (9) of section
15368 420.631, Florida Statutes, are amended to read:
15369 420.631 Definitions relating to Urban Homesteading Act.—As
15370 used in ss. 420.630-420.635:

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15371 ~~(2) "Department" means the Department of Community Affairs.~~
15372 (2)~~(3)~~ "Homestead agreement" means a written contract
15373 between a local government or its designee and a qualified buyer
15374 which contains the terms under which the qualified buyer may
15375 acquire a single-family housing property.
15376 (3)~~(4)~~ "Local government" means any county or incorporated
15377 municipality within this state.
15378 (4)~~(5)~~ "Designee" means a housing authority appointed by a
15379 local government, or a nonprofit community organization
15380 appointed by a local government, to administer the urban
15381 homesteading program for single-family housing under ss.
15382 420.630-420.635.
15383 (5)~~(6)~~ "Nonprofit community organization" means an
15384 organization that is exempt from taxation under s. 501(c)(3) of
15385 the Internal Revenue Code.
15386 (6)~~(7)~~ "Office" means the Office of Urban Opportunity
15387 within Jobs Florida ~~the Department of Community Affairs~~.
15388 (7)~~(8)~~ "Qualified buyer" means a person who meets the
15389 criteria under s. 420.633.
15390 (8)~~(9)~~ "Qualified loan rate" means an interest rate that
15391 does not exceed the interest rate charged for home improvement
15392 loans by the Federal Housing Administration under Title I of the
15393 National Housing Act, ch. 847, 48 Stat. 1246, or 12 U.S.C. ss.
15394 1702, 1703, 1705, and 1706b et seq.
15395 Section 263. Section 420.635, Florida Statutes, is amended
15396 to read:
15397 420.635 Loans to qualified buyers.—Contingent upon an
15398 appropriation, Jobs Florida ~~the department~~, in consultation with
15399 the Office of Urban Opportunity, shall provide loans to

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15400 qualified buyers who are required to pay the pro rata portion of
15401 the bonded debt on single-family housing pursuant to s. 420.634.
15402 Loans provided under this section shall be made at a rate of
15403 interest which does not exceed the qualified loan rate. A buyer
15404 must maintain the qualifications specified in s. 420.633 for the
15405 full term of the loan. The loan agreement may contain additional
15406 terms and conditions as determined by Jobs Florida ~~the~~
15407 ~~department~~.
15408 Section 264. Paragraph (b) of subsection (2) of section
15409 429.907, Florida Statutes, is amended to read:
15410 429.907 License requirement; fee; exemption; display.—
15411 (2)
15412 (b) If ~~In the event~~ a licensed center becomes wholly or
15413 substantially unusable due to a disaster ~~as defined in s.~~
15414 ~~252.34(1)~~ or due to an emergency as those terms are defined in
15415 s. 252.34~~(3)~~:
15416 1. The licensee may continue to operate under its current
15417 license in ~~a premise or~~ premises separate from that authorized
15418 under the license if the licensee has:
15419 a. Specified the location of the ~~premise or~~ premises in its
15420 comprehensive emergency management plan submitted to and
15421 approved by the applicable county emergency management
15422 authority; and
15423 b. Notified the agency and the county emergency management
15424 authority within 24 hours of operating in the separate ~~premise~~
15425 ~~or~~ premises.
15426 2. The licensee shall operate the separate ~~premise or~~
15427 premises only while the licensed center's original location is
15428 substantially unusable and for up to ~~no longer than~~ 180 days.

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15429 The agency may extend use of the alternate ~~premise or~~ premises
15430 beyond the initial 180 days. The agency may also review the
15431 operation of the disaster ~~premise or~~ premises quarterly.
15432 Section 265. Subsection (2) of section 440.12, Florida
15433 Statutes, is amended to read:
15434 440.12 Time for commencement and limits on weekly rate of
15435 compensation.—
15436 (2) Compensation for disability resulting from injuries
15437 which occur after December 31, 1974, shall not be less than $20
15438 per week. However, if the employee's wages at the time of injury
15439 are less than $20 per week, he or she shall receive his or her
15440 full weekly wages. If the employee's wages at the time of the
15441 injury exceed $20 per week, compensation shall not exceed an
15442 amount per week which is:
15443 (a) Equal to 100 percent of the statewide average weekly
15444 wage, determined as hereinafter provided for the year in which
15445 the injury occurred; however, the increase to 100 percent from
15446 66 2/3 percent of the statewide average weekly wage shall apply
15447 only to injuries occurring on or after August 1, 1979; and
15448 (b) Adjusted to the nearest dollar.
15449
15450 For the purpose of this subsection, the "statewide average
15451 weekly wage" means the average weekly wage paid by employers
15452 subject to the Florida Unemployment Compensation Law as reported
15453 to Jobs Florida ~~the Agency for Workforce Innovation~~ for the four
15454 calendar quarters ending each June 30, which average weekly wage
15455 shall be determined by Jobs Florida ~~the Agency for Workforce~~
15456 ~~Innovation~~ on or before November 30 of each year and shall be
15457 used in determining the maximum weekly compensation rate with

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15458 respect to injuries occurring in the calendar year immediately
15459 following. The statewide average weekly wage determined by Jobs
15460 Florida ~~the Agency for Workforce Innovation~~ shall be reported
15461 annually to the Legislature.
15462 Section 266. Paragraph (c) of subsection (9) of section
15463 440.15, Florida Statutes, is amended to read:
15464 440.15 Compensation for disability.—Compensation for
15465 disability shall be paid to the employee, subject to the limits
15466 provided in s. 440.12(2), as follows:
15467 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND
15468 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—
15469 (c) Disability compensation benefits payable for any week,
15470 including those benefits provided by paragraph (1)(f), may not
15471 be reduced pursuant to this subsection until the Social Security
15472 Administration determines the amount otherwise payable to the
15473 employee under 42 U.S.C. ss. 402 and 423 and the employee has
15474 begun receiving such social security benefit payments. The
15475 employee shall, upon demand by the department, the employer, or
15476 the carrier, authorize the Social Security Administration to
15477 release disability information relating to her or him and
15478 authorize Jobs Florida ~~the Agency for Workforce Innovation~~ to
15479 release unemployment compensation information relating to her or
15480 him, in accordance with rules to be adopted by the department
15481 prescribing the procedure and manner for requesting the
15482 authorization and for compliance by the employee. The department
15483 or the employer or carrier may not make any payment of benefits
15484 for total disability or those additional benefits provided by
15485 paragraph (1)(f) for any period during which the employee
15486 willfully fails or refuses to authorize the release of

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15487 information in the manner and within the time prescribed by such
15488 rules. The authority for release of disability information
15489 granted by an employee under this paragraph is effective for a
15490 period not to exceed 12 months and such authority may be
15491 renewed, as the department prescribes by rule.
15492 Section 267. Subsections (4) and (7) of section 440.381,
15493 Florida Statutes, are amended to read:
15494 440.381 Application for coverage; reporting payroll;
15495 payroll audit procedures; penalties.—
15496 (4) Each employer must submit a copy of the quarterly
15497 earnings ~~earning~~ report required by chapter 443 at the end of
15498 each quarter to the carrier and submit self-audits supported by
15499 the quarterly earnings reports required by chapter 443 and the
15500 rules adopted by Jobs Florida ~~the Agency for Workforce~~
15501 ~~Innovation~~ or by the state agency providing unemployment tax
15502 collection services under contract with Jobs Florida ~~the Agency~~
15503 ~~for Workforce Innovation~~ through an interagency agreement
15504 pursuant to s. 443.1316. The reports must include a sworn
15505 statement by an officer or principal of the employer attesting
15506 to the accuracy of the information contained in the report.
15507 (7) If an employee suffering a compensable injury was not
15508 reported as earning wages on the last quarterly earnings report
15509 filed with Jobs Florida ~~the Agency for Workforce Innovation~~ or
15510 the state agency providing unemployment tax collection services
15511 under contract with Jobs Florida ~~the Agency for Workforce~~
15512 ~~Innovation~~ through an interagency agreement pursuant to s.
15513 443.1316 before the accident, the employer shall indemnify the
15514 carrier for all workers' compensation benefits paid to or on
15515 behalf of the employee unless the employer establishes that the

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15516 employee was hired after the filing of the quarterly report, in
15517 which case the employer and employee shall attest to the fact
15518 that the employee was employed by the employer at the time of
15519 the injury. Failure of the employer to indemnify the insurer
15520 within 21 days after demand by the insurer is grounds for the
15521 insurer to immediately cancel coverage. Any action for
15522 indemnification brought by the carrier is cognizable in the
15523 circuit court having jurisdiction where the employer or carrier
15524 resides or transacts business. The insurer is entitled to a
15525 reasonable attorney's fee if it recovers any portion of the
15526 benefits paid in the action.
15527 Section 268. Subsection (5) of section 440.385, Florida
15528 Statutes, is amended to read:
15529 440.385 Florida Self-Insurers Guaranty Association,
15530 Incorporated.—
15531 (5) PLAN OF OPERATION.—The association shall operate
15532 pursuant to a plan of operation approved by the board of
15533 directors. The plan of operation must be ~~in effect on January 1,~~
15534 ~~2002, and~~ approved by the Department of Financial Services and
15535 ~~Department of Labor and Employment Security shall remain in~~
15536 ~~effect. However,~~ any amendments to the plan shall not become
15537 effective until approved by the department ~~of Financial~~
15538 ~~Services~~.
15539 (a) The purpose of the plan of operation shall be to
15540 provide the association and the board of directors with the
15541 authority and responsibility to establish the necessary programs
15542 and to take the necessary actions to protect against the
15543 insolvency of a member of the association. In addition, the plan
15544 shall provide that the members of the association shall be

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15545 responsible for maintaining an adequate Insolvency Fund to meet
15546 the obligations of insolvent members provided for under this act
15547 and shall authorize the board of directors to contract and
15548 employ those persons with the necessary expertise to carry out
15549 this stated purpose. ~~By January 1, 2003,~~ The board of directors
15550 shall submit to the department a proposed plan of operation for
15551 the administration of the association. The department shall
15552 approve the plan by order, consistent with this section. The
15553 department shall approve any amendments to the plan, consistent
15554 with this section, which are determined appropriate to carry out
15555 the duties and responsibilities of the association.
15556 (b) All member employers shall comply with the plan of
15557 operation.
15558 (c) The plan of operation shall:
15559 1. Establish the procedures whereby all the powers and
15560 duties of the association under subsection (3) will be
15561 performed.
15562 2. Establish procedures for handling assets of the
15563 association.
15564 3. Establish the amount and method of reimbursing members
15565 of the board of directors under subsection (2).
15566 4. Establish procedures by which claims may be filed with
15567 the association and establish acceptable forms of proof of
15568 covered claims. Notice of claims to the receiver or liquidator
15569 of the insolvent employer shall be deemed notice to the
15570 association or its agent, and a list of such claims shall be
15571 submitted periodically to the association or similar
15572 organization in another state by the receiver or liquidator.
15573 5. Establish regular places and times for meetings of the

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15574 board of directors.
15575 6. Establish procedures for records to be kept of all
15576 financial transactions of the association and its agents and the
15577 board of directors.
15578 7. Provide that any member employer aggrieved by any final
15579 action or decision of the association may appeal to the
15580 department within 30 days after the action or decision.
15581 8. Establish the procedures whereby recommendations of
15582 candidates for the board of directors shall be submitted to the
15583 department.
15584 9. Contain additional provisions necessary or proper for
15585 the execution of the powers and duties of the association.
15586 (d) The plan of operation may provide that any or all of
15587 the powers and duties of the association, except those specified
15588 under subparagraphs (c)1. and 2., be delegated to a corporation,
15589 association, or other organization which performs or will
15590 perform functions similar to those of this association or its
15591 equivalent in two or more states. Such a corporation,
15592 association, or organization shall be reimbursed as a servicing
15593 facility would be reimbursed and shall be paid for its
15594 performance of any other functions of the association. A
15595 delegation of powers or duties under this subsection shall take
15596 effect only with the approval of both the board of directors and
15597 the department and may be made only to a corporation,
15598 association, or organization which extends protection which is
15599 not substantially less favorable and effective than the
15600 protection provided by this section.
15601 Section 269. Paragraph (b) of subsection (9) of section
15602 440.49, Florida Statutes, is amended to read:

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15603 440.49 Limitation of liability for subsequent injury
15604 through Special Disability Trust Fund.—
15605 (9) SPECIAL DISABILITY TRUST FUND.—
15606 (b)1. The Special Disability Trust Fund shall be maintained
15607 by annual assessments upon the insurance companies writing
15608 compensation insurance in the state, the commercial self-
15609 insurers under ss. 624.462 and 624.4621, the assessable mutuals
15610 as defined in s. 628.6011, and the self-insurers under this
15611 chapter, which assessments shall become due and be paid
15612 quarterly at the same time and in addition to the assessments
15613 provided in s. 440.51. The department shall estimate annually in
15614 advance the amount necessary for the administration of this
15615 subsection and the maintenance of this fund and shall make such
15616 assessment in the manner hereinafter provided.
15617 2. The annual assessment shall be calculated to produce
15618 during the ensuing fiscal year an amount which, when combined
15619 with that part of the balance in the fund on June 30 of the
15620 current fiscal year which is in excess of $100,000, is equal to
15621 the average of:
15622 a. The sum of disbursements from the fund during the
15623 immediate past 3 calendar years, and
15624 b. Two times the disbursements of the most recent calendar
15625 year.
15626
15627 Such amount shall be prorated among the insurance companies
15628 writing compensation insurance in the state and the self-
15629 insurers. ~~Provided however, for those carriers that have~~
15630 ~~excluded ceded reinsurance premiums from their assessments on or~~
15631 ~~before January 1, 2000, no assessments on ceded reinsurance~~

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15632 ~~premiums shall be paid by those carriers until such time as the~~
15633 ~~former Division of Workers' Compensation of the Department of~~
15634 ~~Labor and Employment Security or the department advises each of~~
15635 ~~those carriers of the impact that the inclusion of ceded~~
15636 ~~reinsurance premiums has on their assessment. The department may~~
15637 ~~not recover any past underpayments of assessments levied against~~
15638 ~~any carrier that on or before January 1, 2000, excluded ceded~~
15639 ~~reinsurance premiums from their assessment prior to the point~~
15640 ~~that the former Division of Workers' Compensation of the~~
15641 ~~Department of Labor and Employment Security or the department~~
15642 ~~advises of the appropriate assessment that should have been~~
15643 ~~paid.~~
15644 3. The net premiums written by the companies for workers'
15645 compensation in this state and the net premium written
15646 applicable to the self-insurers in this state are the basis for
15647 computing the amount to be assessed as a percentage of net
15648 premiums. Such payments shall be made by each carrier and self-
15649 insurer to the department for the Special Disability Trust Fund
15650 in accordance with such regulations as the department
15651 prescribes.
15652 4. The Chief Financial Officer is authorized to receive and
15653 credit to such Special Disability Trust Fund any sum or sums
15654 that may at any time be contributed to the state by the United
15655 States under any Act of Congress, or otherwise, to which the
15656 state may be or become entitled by reason of any payments made
15657 out of such fund.
15658 Section 270. Subsections (1), (4), and (5) of section
15659 443.012, Florida Statutes, are amended to read:
15660 443.012 Unemployment Appeals Commission.—

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15661 (1) There is created within the Division of Workforce
15662 Services of Jobs Florida ~~the Agency for Workforce Innovation~~ an
15663 Unemployment Appeals Commission. The commission is composed of a
15664 chair and two other members appointed by the Governor, subject
15665 to confirmation by the Senate. Only one appointee may be a
15666 representative of employers, as demonstrated by his or her
15667 previous vocation, employment, or affiliation; and only one
15668 appointee may be a representative of employees, as demonstrated
15669 by his or her previous vocation, employment, or affiliation.
15670 (a) The chair shall devote his or her entire time to
15671 commission duties and is responsible for the administrative
15672 functions of the commission.
15673 (b) The chair has authority to appoint a general counsel
15674 and other personnel to carry out the duties and responsibilities
15675 of the commission.
15676 (c) The chair must have the qualifications required by law
15677 for a judge of the circuit court and may not engage in any other
15678 business vocation or employment. Notwithstanding any other law,
15679 the chair shall be paid a salary equal to that paid under state
15680 law to a judge of the circuit court.
15681 (d) The remaining members shall be paid a stipend of $100
15682 for each day they are engaged in the work of the commission. The
15683 chair and other members are entitled to be reimbursed for travel
15684 expenses, as provided in s. 112.061.
15685 (e) The total salary and travel expenses of each member of
15686 the commission shall be paid from the Employment Security
15687 Administration Trust Fund.
15688 (4) The property, personnel, and appropriations relating to
15689 the specified authority, powers, duties, and responsibilities of

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15690 the commission shall be provided to the commission by Jobs
15691 Florida ~~the Agency for Workforce Innovation~~.
15692 (5) The commission is not subject to control, supervision,
15693 or direction by Jobs Florida ~~the Agency for Workforce Innovation~~
15694 in performing its powers or duties under this chapter.
15695 Section 271. Subsections (9), (41), (43), and (45) of
15696 section 443.036, Florida Statutes, are amended to read:
15697 443.036 Definitions.—As used in this chapter, the term:
15698 (9) "Benefit year" means, for an individual, the 1-year
15699 period beginning with the first day of the first week for which
15700 the individual first files a valid claim for benefits and,
15701 thereafter, the 1-year period beginning with the first day of
15702 the first week for which the individual next files a valid claim
15703 for benefits after the termination of his or her last preceding
15704 benefit year. Each claim for benefits made in accordance with s.
15705 443.151(2) is a valid claim under this subsection if the
15706 individual was paid wages for insured work in accordance with s.
15707 443.091(1)(g) and is unemployed as defined in subsection (43) at
15708 the time of filing the claim. However, Jobs Florida ~~the Agency~~
15709 ~~for Workforce Innovation~~ may adopt rules providing for the
15710 establishment of a uniform benefit year for all workers in one
15711 or more groups or classes of service or within a particular
15712 industry if Jobs Florida ~~the agency~~ determines, after notice to
15713 the industry and to the workers in the industry and an
15714 opportunity to be heard in the matter, that those groups or
15715 classes of workers in a particular industry periodically
15716 experience unemployment resulting from layoffs or shutdowns for
15717 limited periods of time.
15718 (41) "Tax collection service provider" or "service

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15719 provider" means the state agency providing unemployment tax
15720 collection services under contract with Jobs Florida ~~the Agency~~
15721 ~~for Workforce Innovation~~ through an interagency agreement
15722 pursuant to s. 443.1316.
15723 (43) "Unemployment" means:
15724 (a) An individual is "totally unemployed" in any week
15725 during which he or she does not perform any services and for
15726 which earned income is not payable to him or her. An individual
15727 is "partially unemployed" in any week of less than full-time
15728 work if the earned income payable to him or her for that week is
15729 less than his or her weekly benefit amount. Jobs Florida ~~The~~
15730 ~~Agency for Workforce Innovation~~ may adopt rules prescribing
15731 distinctions in the procedures for unemployed individuals based
15732 on total unemployment, part-time unemployment, partial
15733 unemployment of individuals attached to their regular jobs, and
15734 other forms of short-time work.
15735 (b) An individual's week of unemployment commences only
15736 after his or her registration with Jobs Florida ~~the Agency for~~
15737 ~~Workforce Innovation~~ as required in s. 443.091, except as the
15738 agency may otherwise prescribe by rule.
15739 (45) "Week" means a period of 7 consecutive days as defined
15740 in the rules of Jobs Florida ~~the Agency for Workforce~~
15741 ~~Innovation~~. Jobs Florida ~~The Agency for Workforce Innovation~~ may
15742 by rule prescribe that a week is deemed to be "in," "within," or
15743 "during" the benefit year that contains the greater part of the
15744 week.
15745 Section 272. Subsections (2) and (3) of section 443.041,
15746 Florida Statutes, are amended to read:
15747 443.041 Waiver of rights; fees; privileged communications.—

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15748 (2) FEES.—
15749 (a) Except as otherwise provided in this chapter, an
15750 individual claiming benefits may not be charged fees of any kind
15751 in any proceeding under this chapter by the commission or Jobs
15752 Florida ~~the Agency for Workforce Innovation~~, or their
15753 representatives, or by any court or any officer of the court. An
15754 individual claiming benefits in any proceeding before the
15755 commission or Jobs Florida ~~the Agency for Workforce Innovation~~,
15756 or representatives of either, or a court may be represented by
15757 counsel or an authorized representative, but the counsel or
15758 representative may not charge or receive for those services more
15759 than an amount approved by the commission, Jobs Florida ~~the~~
15760 ~~Agency for Workforce Innovation~~, or the court.
15761 (b) An attorney at law representing a claimant for benefits
15762 in any district court of appeal of this state or in the Supreme
15763 Court of Florida is entitled to counsel fees payable by Jobs
15764 Florida ~~the Agency for Workforce Innovation~~ as set by the court
15765 if the petition for review or appeal is initiated by the
15766 claimant and results in a decision awarding more benefits than
15767 provided in the decision from which appeal was taken. The amount
15768 of the fee may not exceed 50 percent of the total amount of
15769 regular benefits permitted under s. 443.111(5)(a) during the
15770 benefit year.
15771 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
15772 pay attorneys' fees awarded under this section from the
15773 Employment Security Administration Trust Fund as part of the
15774 costs of administration of this chapter and may pay these fees
15775 directly to the attorney for the claimant in a lump sum. Jobs
15776 Florida ~~The Agency for Workforce Innovation~~ or the commission

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15777 may not pay any other fees or costs in connection with an
15778 appeal.
15779 (d) Any person, firm, or corporation who or which seeks or
15780 receives any remuneration or gratuity for any services rendered
15781 on behalf of a claimant, except as allowed by this section and
15782 in an amount approved by Jobs Florida ~~the Agency for Workforce~~
15783 ~~Innovation~~, the commission, or a court, commits a misdemeanor of
15784 the second degree, punishable as provided in s. 775.082 or s.
15785 775.083.
15786 (3) PRIVILEGED COMMUNICATIONS.—All letters, reports,
15787 communications, or any other matters, either oral or written,
15788 between an employer and an employee or between Jobs Florida ~~the~~
15789 ~~Agency for Workforce Innovation~~ or its tax collection service
15790 provider and any of their agents, representatives, or employees
15791 which are written, sent, delivered, or made in connection with
15792 this chapter, are privileged and may not be the subject matter
15793 or basis for any suit for slander or libel in any court of the
15794 state.
15795 Section 273. Subsection (3) of section 443.051, Florida
15796 Statutes, is amended to read:
15797 443.051 Benefits not alienable; exception, child support
15798 intercept.—
15799 (3) EXCEPTION, SUPPORT INTERCEPT.—
15800 (a) The Department of Revenue shall, at least biweekly,
15801 provide Jobs Florida ~~the Agency for Workforce Innovation~~ with a
15802 magnetic tape or other electronic data file disclosing the
15803 individuals who owe support obligations and the amount of any
15804 legally required deductions.
15805 (b) For support obligations established on or after July 1,

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15806 2006, and for support obligations established before July 1,
15807 2006, when the support order does not address the withholding of
15808 unemployment compensation, Jobs Florida ~~the Agency for Workforce~~
15809 ~~Innovation~~ shall deduct and withhold 40 percent of the
15810 unemployment compensation otherwise payable to an individual
15811 disclosed under paragraph (a). If delinquencies, arrearages, or
15812 retroactive support are owed and repayment has not been ordered,
15813 the unpaid amounts are included in the support obligation and
15814 are subject to withholding. If the amount deducted exceeds the
15815 support obligation, the Department of Revenue shall promptly
15816 refund the amount of the excess deduction to the obligor. For
15817 support obligations in effect before July 1, 2006, if the
15818 support order addresses the withholding of unemployment
15819 compensation, Jobs Florida ~~the Agency for Workforce Innovation~~
15820 shall deduct and withhold the amount ordered by the court or
15821 administrative agency that issued the support order as disclosed
15822 by the Department of Revenue.
15823 (c) Jobs Florida ~~the Agency for Workforce Innovation~~ shall
15824 pay any amount deducted and withheld under paragraph (b) to the
15825 Department of Revenue.
15826 (d) Any amount deducted and withheld under this subsection
15827 shall for all purposes be treated as if it were paid to the
15828 individual as unemployment compensation and paid by the
15829 individual to the Department of Revenue for support obligations.
15830 (e) The Department of Revenue shall reimburse Jobs Florida
15831 ~~the Agency for Workforce Innovation~~ for the administrative costs
15832 incurred by Jobs Florida ~~the agency~~ under this subsection which
15833 are attributable to support obligations being enforced by the
15834 department.

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15835 Section 274. Subsections (3) and (4), paragraph (b) of
15836 subsection (5), and subsections (6) and (8) of section 443.071,
15837 Florida Statutes, are amended to read:
15838 443.071 Penalties.—
15839 (3) Any employing unit or any officer or agent of any
15840 employing unit or any other person who fails to furnish any
15841 reports required under this chapter or to produce or permit the
15842 inspection of or copying of records as required under this
15843 chapter, who fails or refuses, within 6 months after written
15844 demand by Jobs Florida ~~the Agency for Workforce Innovation~~ or
15845 its tax collection service provider, to keep and maintain the
15846 payroll records required by this chapter or by rule of Jobs
15847 Florida ~~the Agency for Workforce Innovation~~ or the state agency
15848 providing tax collection services, or who willfully fails or
15849 refuses to make any contribution, reimbursement, or other
15850 payment required from an employer under this chapter commits a
15851 misdemeanor of the second degree, punishable as provided in s.
15852 775.082 or s. 775.083.
15853 (4) Any person who establishes a fictitious employing unit
15854 by submitting to Jobs Florida ~~the Agency for Workforce~~
15855 ~~Innovation~~ or its tax collection service provider fraudulent
15856 employing unit records or tax or wage reports by the
15857 introduction of fraudulent records into a computer system, the
15858 intentional or deliberate alteration or destruction of
15859 computerized information or files, or the theft of financial
15860 instruments, data, and other assets, for the purpose of enabling
15861 herself or himself or any other person to receive benefits under
15862 this chapter to which such person is not entitled, commits a
15863 felony of the third degree, punishable as provided in s.

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15864 775.082, s. 775.083, or s. 775.084.
15865 (5) In any prosecution or action under this section, the
15866 entry into evidence of the signature of a person on a document,
15867 letter, or other writing constitutes prima facie evidence of the
15868 person's identity if the following conditions exist:
15869 (b) The signature of the person is witnessed by an agent or
15870 employee of Jobs Florida ~~the Agency for Workforce Innovation~~ or
15871 its tax collection service provider at the time the document,
15872 letter, or other writing is filed.
15873 (6) The entry into evidence of an application for
15874 unemployment benefits initiated by the use of the Internet
15875 claims program or the interactive voice response system
15876 telephone claims program of Jobs Florida ~~the Agency for~~
15877 ~~Workforce Innovation~~ constitutes prima facie evidence of the
15878 establishment of a personal benefit account by or for an
15879 individual if the following information is provided: the
15880 applicant's name, residence address, date of birth, social
15881 security number, and present or former place of work.
15882 (8) All records relating to investigations of unemployment
15883 compensation fraud in the custody of Jobs Florida ~~the Agency for~~
15884 ~~Workforce Innovation~~ or its tax collection service provider are
15885 available for examination by the Department of Law Enforcement,
15886 the state attorneys, or the Office of the Statewide Prosecutor
15887 in the prosecution of offenses under s. 817.568 or in
15888 proceedings brought under this chapter.
15889 Section 275. Subsections (1) and (4) of section 443.091,
15890 Florida Statutes, are amended to read:
15891 443.091 Benefit eligibility conditions.—
15892 (1) An unemployed individual is eligible to receive

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15893 benefits for any week only if Jobs Florida ~~the Agency for~~
15894 ~~Workforce Innovation~~ finds that:
15895 (a) She or he has made a claim for benefits for that week
15896 in accordance with the rules adopted by Jobs Florida ~~the Agency~~
15897 ~~for Workforce Innovation~~.
15898 (b) She or he has registered with Jobs Florida ~~the agency~~
15899 for work and subsequently reports to the one-stop career center
15900 as directed by the regional workforce board for reemployment
15901 services. This requirement does not apply to persons who are:
15902 1. Non-Florida residents;
15903 2. On a temporary layoff~~, as defined in s. 443.036(42)~~;
15904 3. Union members who customarily obtain employment through
15905 a union hiring hall; or
15906 4. Claiming benefits under an approved short-time
15907 compensation plan as provided in s. 443.1116.
15908 (c) To make continued claims for benefits, she or he is
15909 reporting to Jobs Florida ~~the agency~~ in accordance with its
15910 rules. These rules may not conflict with s. 443.111(1)(b),
15911 including the requirement that each claimant continue to report
15912 regardless of any pending appeal relating to her or his
15913 eligibility or disqualification for benefits.
15914 (d) She or he is able to work and is available for work. In
15915 order to assess eligibility for a claimed week of unemployment,
15916 Jobs Florida ~~the agency~~ shall develop criteria to determine a
15917 claimant's ability to work and availability for work. However:
15918 1. Notwithstanding any other provision of this paragraph or
15919 paragraphs (b) and (e), an otherwise eligible individual may not
15920 be denied benefits for any week because she or he is in training
15921 with the approval of Jobs Florida ~~the agency~~, or by reason of s.

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15922 443.101(2) relating to failure to apply for, or refusal to
15923 accept, suitable work. Training may be approved by Jobs Florida
15924 ~~the agency~~ in accordance with criteria prescribed by rule. A
15925 claimant's eligibility during approved training is contingent
15926 upon satisfying eligibility conditions prescribed by rule.
15927 2. Notwithstanding any other provision of this chapter, an
15928 otherwise eligible individual who is in training approved under
15929 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
15930 determined ineligible or disqualified for benefits due to her or
15931 his enrollment in such training or because of leaving work that
15932 is not suitable employment to enter such training. As used in
15933 this subparagraph, the term "suitable employment" means work of
15934 a substantially equal or higher skill level than the worker's
15935 past adversely affected employment, as defined for purposes of
15936 the Trade Act of 1974, as amended, the wages for which are at
15937 least 80 percent of the worker's average weekly wage as
15938 determined for purposes of the Trade Act of 1974, as amended.
15939 3. Notwithstanding any other provision of this section, an
15940 otherwise eligible individual may not be denied benefits for any
15941 week because she or he is before any state or federal court
15942 pursuant to a lawfully issued summons to appear for jury duty.
15943 (e) She or he participates in reemployment services, such
15944 as job search assistance services, whenever the individual has
15945 been determined, by a profiling system established by the rules
15946 of Jobs Florida ~~agency rule~~, to be likely to exhaust regular
15947 benefits and to be in need of reemployment services.
15948 (f) She or he has been unemployed for a waiting period of 1
15949 week. A week may not be counted as a week of unemployment under
15950 this subsection:

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15951 1. Unless it occurs within the benefit year that includes
15952 the week for which she or he claims payment of benefits.
15953 2. If benefits have been paid for that week.
15954 3. Unless the individual was eligible for benefits for that
15955 week as provided in this section and s. 443.101, except for the
15956 requirements of this subsection and of s. 443.101(5).
15957 (g) She or he has been paid wages for insured work equal to
15958 1.5 times her or his high quarter wages during her or his base
15959 period, except that an unemployed individual is not eligible to
15960 receive benefits if the base period wages are less than $3,400.
15961 (h) She or he submitted to Jobs Florida ~~the agency~~ a valid
15962 social security number assigned to her or him. Jobs Florida ~~The~~
15963 ~~agency~~ may verify the social security number with the United
15964 States Social Security Administration and may deny benefits if
15965 Jobs Florida ~~the agency~~ is unable to verify the individual's
15966 social security number, the social security number is invalid,
15967 or the social security number is not assigned to the individual.
15968 (4) In the event of national emergency, in the course of
15969 which the Federal Emergency Unemployment Payment Plan is, at the
15970 request of the Governor, invoked for all or any part of the
15971 state, the emergency plan shall supersede the procedures
15972 prescribed by this chapter, and by rules adopted under this
15973 chapter, and Jobs Florida ~~the Agency for Workforce Innovation~~
15974 shall act as the Florida agency for the United States Department
15975 of Labor in the administration of the plan.
15976 Section 276. Subsections (1), (2), (4), (6), (7), and (9)
15977 of section 443.101, Florida Statutes, are amended to read:
15978 443.101 Disqualification for benefits.—An individual shall
15979 be disqualified for benefits:

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15980 (1)(a) For the week in which he or she has voluntarily left
15981 work without good cause attributable to his or her employing
15982 unit or in which the individual has been discharged by the
15983 employing unit for misconduct connected with his or her work,
15984 based on a finding by Jobs Florida ~~the Agency for Workforce~~
15985 ~~Innovation~~. As used in this paragraph, the term "work" means any
15986 work, whether full-time, part-time, or temporary.
15987 1. Disqualification for voluntarily quitting continues for
15988 the full period of unemployment next ensuing after the
15989 individual has left his or her full-time, part-time, or
15990 temporary work voluntarily without good cause and until the
15991 individual has earned income equal to or in excess of 17 times
15992 his or her weekly benefit amount. As used in this subsection,
15993 the term "good cause" includes only that cause attributable to
15994 the employing unit or which consists of the individual's illness
15995 or disability requiring separation from his or her work. Any
15996 other disqualification may not be imposed. An individual is not
15997 disqualified under this subsection for voluntarily leaving
15998 temporary work to return immediately when called to work by the
15999 permanent employing unit that temporarily terminated his or her
16000 work within the previous 6 calendar months. An individual is not
16001 disqualified under this subsection for voluntarily leaving work
16002 to relocate as a result of his or her military-connected
16003 spouse's permanent change of station orders, activation orders,
16004 or unit deployment orders.
16005 2. Disqualification for being discharged for misconduct
16006 connected with his or her work continues for the full period of
16007 unemployment next ensuing after having been discharged and until
16008 the individual is reemployed and has earned income of at least

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16009 17 times his or her weekly benefit amount and for not more than
16010 52 weeks that immediately follow that week, as determined by
16011 Jobs Florida ~~the agency~~ in each case according to the
16012 circumstances in each case or the seriousness of the misconduct,
16013 under Jobs Florida ~~the agency's~~ rules adopted for determinations
16014 of disqualification for benefits for misconduct.
16015 3. If an individual has provided notification to the
16016 employing unit of his or her intent to voluntarily leave work
16017 and the employing unit discharges the individual for reasons
16018 other than misconduct before the date the voluntary quit was to
16019 take effect, the individual, if otherwise entitled, shall
16020 receive benefits from the date of the employer's discharge until
16021 the effective date of his or her voluntary quit.
16022 4. If an individual is notified by the employing unit of
16023 the employer's intent to discharge the individual for reasons
16024 other than misconduct and the individual quits without good
16025 cause, as defined in this section, before the date the discharge
16026 was to take effect, the claimant is ineligible for benefits
16027 pursuant to s. 443.091(1)(d) for failing to be available for
16028 work for the week or weeks of unemployment occurring before the
16029 effective date of the discharge.
16030 (b) For any week with respect to which Jobs Florida ~~the~~
16031 ~~Agency for Workforce Innovation~~ finds that his or her
16032 unemployment is due to a suspension for misconduct connected
16033 with the individual's work.
16034 (c) For any week with respect to which Jobs Florida ~~the~~
16035 ~~Agency for Workforce Innovation~~ finds that his or her
16036 unemployment is due to a leave of absence, if the leave was
16037 voluntarily initiated by the individual.

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16038 (d) For any week with respect to which Jobs Florida ~~the~~
16039 ~~Agency for Workforce Innovation~~ finds that his or her
16040 unemployment is due to a discharge for misconduct connected with
16041 the individual's work, consisting of drug use, as evidenced by a
16042 positive, confirmed drug test.
16043 (2) If Jobs Florida ~~the Agency for Workforce Innovation~~
16044 finds that the individual has failed without good cause to apply
16045 for available suitable work when directed by Jobs Florida ~~the~~
16046 ~~agency~~ or the one-stop career center, to accept suitable work
16047 when offered to him or her, or to return to the individual's
16048 customary self-employment when directed by Jobs Florida ~~the~~
16049 ~~agency~~, the disqualification continues for the full period of
16050 unemployment next ensuing after he or she failed without good
16051 cause to apply for available suitable work, to accept suitable
16052 work, or to return to his or her customary self-employment,
16053 under this subsection, and until the individual has earned
16054 income at least 17 times his or her weekly benefit amount. Jobs
16055 Florida ~~The Agency for Workforce Innovation~~ shall by rule adopt
16056 criteria for determining the "suitability of work," as used in
16057 this section. Jobs Florida ~~The Agency for Workforce Innovation~~
16058 in developing these rules shall consider the duration of a
16059 claimant's unemployment in determining the suitability of work
16060 and the suitability of proposed rates of compensation for
16061 available work. Further, after an individual has received 25
16062 weeks of benefits in a single year, suitable work is a job that
16063 pays the minimum wage and is 120 percent or more of the weekly
16064 benefit amount the individual is drawing.
16065 (a) In determining whether or not any work is suitable for
16066 an individual, Jobs Florida ~~the Agency for Workforce Innovation~~

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16067 shall consider the degree of risk involved to his or her health,
16068 safety, and morals; his or her physical fitness and prior
16069 training; the individual's experience and prior earnings; his or
16070 her length of unemployment and prospects for securing local work
16071 in his or her customary occupation; and the distance of the
16072 available work from his or her residence.
16073 (b) Notwithstanding any other provisions of this chapter,
16074 work is not deemed suitable and benefits may not be denied under
16075 this chapter to any otherwise eligible individual for refusing
16076 to accept new work under any of the following conditions:
16077 1. If the position offered is vacant due directly to a
16078 strike, lockout, or other labor dispute.
16079 2. If the wages, hours, or other conditions of the work
16080 offered are substantially less favorable to the individual than
16081 those prevailing for similar work in the locality.
16082 3. If as a condition of being employed, the individual
16083 would be required to join a company union or to resign from or
16084 refrain from joining any bona fide labor organization.
16085 (c) If Jobs Florida ~~the Agency for Workforce Innovation~~
16086 finds that an individual was rejected for offered employment as
16087 the direct result of a positive, confirmed drug test required as
16088 a condition of employment, the individual is disqualified for
16089 refusing to accept an offer of suitable work.
16090 (4) For any week with respect to which Jobs Florida ~~the~~
16091 ~~Agency for Workforce Innovation~~ finds that his or her total or
16092 partial unemployment is due to a labor dispute in active
16093 progress which exists at the factory, establishment, or other
16094 premises at which he or she is or was last employed; except that
16095 this subsection does not apply if it is shown to the

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16096 satisfaction of Jobs Florida ~~the Agency for Workforce Innovation~~
16097 that:
16098 (a)1. He or she is not participating in, financing, or
16099 directly interested in the labor dispute that is in active
16100 progress; however, the payment of regular union dues may not be
16101 construed as financing a labor dispute within the meaning of
16102 this section; and
16103 2. He or she does not belong to a grade or class of workers
16104 of which immediately before the commencement of the labor
16105 dispute there were members employed at the premises at which the
16106 labor dispute occurs any of whom are participating in,
16107 financing, or directly interested in the dispute; if in any case
16108 separate branches of work are commonly conducted as separate
16109 businesses in separate premises, or are conducted in separate
16110 departments of the same premises, each department, for the
16111 purpose of this subsection, is deemed to be a separate factory,
16112 establishment, or other premise.
16113 (b) His or her total or partial unemployment results from a
16114 lockout by his or her employer. As used in this section, the
16115 term “lockout” means a situation in which employees have not
16116 gone on strike, nor have employees notified the employer of a
16117 date certain for a strike, but in which employees have been
16118 denied entry to the factory, establishment, or other premises of
16119 employment by the employer. However, benefits are not payable
16120 under this paragraph if the lockout action was taken in response
16121 to threats, actions, or other indications of impending damage to
16122 property and equipment or possible physical violence by
16123 employees or in response to actual damage or violence or a
16124 substantial reduction in production instigated or perpetrated by

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16125 employees.
16126 (6) For a period not to exceed 1 year from the date of the
16127 discovery by Jobs Florida ~~the Agency for Workforce Innovation~~ of
16128 the making of any false or fraudulent representation for the
16129 purpose of obtaining benefits contrary to this chapter,
16130 constituting a violation under s. 443.071. This disqualification
16131 may be appealed in the same manner as any other disqualification
16132 imposed under this section. A conviction by any court of
16133 competent jurisdiction in this state of the offense prohibited
16134 or punished by s. 443.071 is conclusive upon the appeals referee
16135 and the commission of the making of the false or fraudulent
16136 representation for which disqualification is imposed under this
16137 section.
16138 (7) If Jobs Florida ~~the Agency for Workforce Innovation~~
16139 finds that the individual is an alien, unless the alien is an
16140 individual who has been lawfully admitted for permanent
16141 residence or otherwise is permanently residing in the United
16142 States under color of law, including an alien who is lawfully
16143 present in the United States as a result of the application of
16144 s. 203(a)(7) or s. 212(d)(5) of the Immigration and Nationality
16145 Act, if any modifications to s. 3304(a)(14) of the Federal
16146 Unemployment Tax Act, as provided by Pub. L. No. 94-566, which
16147 specify other conditions or other effective dates than those
16148 stated under federal law for the denial of benefits based on
16149 services performed by aliens, and which modifications are
16150 required to be implemented under state law as a condition for
16151 full tax credit against the tax imposed by the Federal
16152 Unemployment Tax Act, are deemed applicable under this section,
16153 if:

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16154 (a) Any data or information required of individuals
16155 applying for benefits to determine whether benefits are not
16156 payable to them because of their alien status is uniformly
16157 required from all applicants for benefits; and
16158 (b) In the case of an individual whose application for
16159 benefits would otherwise be approved, a determination that
16160 benefits to such individual are not payable because of his or
16161 her alien status may not be made except by a preponderance of
16162 the evidence.
16163
16164 If Jobs Florida ~~the Agency for Workforce Innovation~~ finds that
16165 the individual has refused without good cause an offer of
16166 resettlement or relocation, which offer provides for suitable
16167 employment for the individual notwithstanding the distance of
16168 relocation, resettlement, or employment from the current
16169 location of the individual in this state, this disqualification
16170 continues for the week in which the failure occurred and for not
16171 more than 17 weeks immediately after that week, or a reduction
16172 by not more than 5 weeks from the duration of benefits, as
16173 determined by Jobs Florida ~~the Agency for Workforce Innovation~~
16174 in each case.
16175 (9) If the individual was terminated from his or her work
16176 for violation of any criminal law punishable by imprisonment, or
16177 for any dishonest act, in connection with his or her work, as
16178 follows:
16179 (a) If Jobs Florida ~~the Agency for Workforce Innovation~~ or
16180 the Unemployment Appeals Commission finds that the individual
16181 was terminated from his or her work for violation of any
16182 criminal law punishable by imprisonment in connection with his

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16183 or her work, and the individual was found guilty of the offense,
16184 made an admission of guilt in a court of law, or entered a plea
16185 of no contest, the individual is not entitled to unemployment
16186 benefits for up to 52 weeks, under rules adopted by Jobs Florida
16187 ~~the Agency for Workforce Innovation~~, and until he or she has
16188 earned income of at least 17 times his or her weekly benefit
16189 amount. If, before an adjudication of guilt, an admission of
16190 guilt, or a plea of no contest, the employer shows Jobs Florida
16191 ~~the Agency for Workforce Innovation~~ that the arrest was due to a
16192 crime against the employer or the employer's business and, after
16193 considering all the evidence, Jobs Florida ~~the Agency for~~
16194 ~~Workforce Innovation~~ finds misconduct in connection with the
16195 individual's work, the individual is not entitled to
16196 unemployment benefits.
16197 (b) If Jobs Florida ~~the Agency for Workforce Innovation~~ or
16198 the Unemployment Appeals Commission finds that the individual
16199 was terminated from work for any dishonest act in connection
16200 with his or her work, the individual is not entitled to
16201 unemployment benefits for up to 52 weeks, under rules adopted by
16202 Jobs Florida ~~the Agency for Workforce Innovation~~, and until he
16203 or she has earned income of at least 17 times his or her weekly
16204 benefit amount. In addition, if the employer terminates an
16205 individual as a result of a dishonest act in connection with his
16206 or her work and Jobs Florida ~~the Agency for Workforce Innovation~~
16207 finds misconduct in connection with his or her work, the
16208 individual is not entitled to unemployment benefits.
16209
16210 With respect to an individual disqualified for benefits, the
16211 account of the terminating employer, if the employer is in the

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16212 base period, is noncharged at the time the disqualification is
16213 imposed.
16214 Section 277. Subsection (1) of section 443.111, Florida
16215 Statutes, is amended to read:
16216 443.111 Payment of benefits.—
16217 (1) MANNER OF PAYMENT.—Benefits are payable from the fund
16218 in accordance with rules adopted by Jobs Florida ~~the Agency for~~
16219 ~~Workforce Innovation~~, subject to the following requirements:
16220 (a) Benefits are payable by mail or electronically.
16221 ~~Notwithstanding s. 409.942(4),~~ Jobs Florida ~~the agency~~ may
16222 develop a system for the payment of benefits by electronic funds
16223 transfer, including, but not limited to, debit cards, electronic
16224 payment cards, or any other means of electronic payment that
16225 Jobs Florida ~~the agency~~ deems to be commercially viable or cost-
16226 effective. Commodities or services related to the development of
16227 such a system shall be procured by competitive solicitation,
16228 unless they are purchased from a state term contract pursuant to
16229 s. 287.056. Jobs Florida ~~The agency~~ shall adopt rules necessary
16230 to administer the system.
16231 (b) Each claimant must report in the manner prescribed by
16232 Jobs Florida ~~the Agency for Workforce Innovation~~ to certify for
16233 benefits that are paid and must continue to report at least
16234 biweekly to receive unemployment benefits and to attest to the
16235 fact that she or he is able and available for work, has not
16236 refused suitable work, is seeking work, and, if she or he has
16237 worked, to report earnings from that work. Each claimant must
16238 continue to report regardless of any appeal or pending appeal
16239 relating to her or his eligibility or disqualification for
16240 benefits.

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16241 Section 278. Subsections (1), (4), and (5) of section
16242 443.1113, Florida Statutes, are amended to read:
16243 443.1113 Unemployment Compensation Claims and Benefits
16244 Information System.—
16245 (1) To the extent that funds are appropriated for each
16246 phase of the Unemployment Compensation Claims and Benefits
16247 Information System by the Legislature, Jobs Florida ~~the Agency~~
16248 ~~for Workforce Innovation~~ shall replace and enhance the
16249 functionality provided in the following systems with an
16250 integrated Internet-based system that is known as the
16251 "Unemployment Compensation Claims and Benefits Information
16252 System":
16253 (a) Claims and benefit mainframe system.
16254 (b) Florida unemployment Internet direct.
16255 (c) Florida continued claim Internet directory.
16256 (d) Call center interactive voice response system.
16257 (e) Benefit overpayment screening system.
16258 (f) Internet and Intranet appeals system.
16259 (4) The project to implement the Unemployment Compensation
16260 Claims and Benefits Information System shall be comprised of the
16261 following phases and corresponding implementation timeframes:
16262 (a) No later than the end of fiscal year 2009-2010
16263 completion of the business re-engineering analysis and
16264 documentation of both the detailed system requirements and the
16265 overall system architecture.
16266 (b) The Unemployment Claims and Benefits Internet portal
16267 that replaces the Florida Unemployment Internet Direct and the
16268 Florida Continued Claims Internet Directory systems, the Call
16269 Center Interactive Voice Response System, the Benefit

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16270 Overpayment Screening System, the Internet and Intranet Appeals
16271 System and the Claims and Benefits Mainframe System shall be
16272 deployed to full operational status no later than the end of
16273 fiscal year 2012-2013.
16274 ~~(b) The new Unemployment Claims and Benefits Internet~~
16275 ~~portal that replaces the Florida Unemployment Internet Direct~~
16276 ~~and the Florida Continued Claims Internet Directory systems and~~
16277 ~~shall be deployed to full production operational status no later~~
16278 ~~than the end of fiscal year 2010-2011.~~
16279 ~~(c) The new Call Center Interactive Voice Response System~~
16280 ~~and the Benefit Overpayment Screening System shall be deployed~~
16281 ~~to full production operational status no later than the end of~~
16282 ~~fiscal year 2011-2012.~~
16283 ~~(d) The new Internet and Intranet Appeals System and the~~
16284 ~~Claims and Benefits Mainframe System shall be deployed to full~~
16285 ~~operational status no later than the end of fiscal year 2012-~~
16286 ~~2013.~~
16287 (5) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
16288 implement the following project governance structure until such
16289 time as the project is completed, suspended, or terminated:
16290 (a) The project sponsor for the Unemployment Compensation
16291 Claims and Benefits Information System project is Jobs Florida
16292 ~~the executive director of the Agency for Workforce Innovation~~.
16293 (b) The project shall be governed by an executive steering
16294 committee composed of the following voting members or their
16295 designees:
16296 1. The commissioner of Jobs Florida ~~executive director of~~
16297 ~~the Agency for Workforce Innovation~~.
16298 2. The executive director of the Department of Revenue.

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16299 3. The director of the Division of Workforce Services
16300 within Jobs Florida ~~Office of Unemployment Compensation within~~
16301 ~~the Agency for Workforce Innovation~~.
16302 4. The program director of the General Tax Administration
16303 Program Office within the Department of Revenue.
16304 5. The chief information officer of Jobs Florida ~~the Agency~~
16305 ~~for Workforce Innovation~~.
16306 (c) The executive steering committee has the overall
16307 responsibility for ensuring that the project meets its primary
16308 objectives and is specifically responsible for:
16309 1. Providing management direction and support to the
16310 project management team.
16311 2. Assessing the project's alignment with the strategic
16312 goals of Jobs Florida ~~the Agency for Workforce Innovation~~ for
16313 administering the unemployment compensation program.
16314 3. Reviewing and approving or disapproving any changes to
16315 the project's scope, schedule, and costs.
16316 4. Reviewing, approving or disapproving, and determining
16317 whether to proceed with any major project deliverables.
16318 5. Recommending suspension or termination of the project to
16319 the Governor, the President of the Senate, and the Speaker of
16320 the House of Representatives if it determines that the primary
16321 objectives cannot be achieved.
16322 (d) The project management team shall work under the
16323 direction of the executive steering committee and shall be
16324 minimally comprised of senior managers and stakeholders from
16325 Jobs Florida ~~the Agency for Workforce Innovation~~ and the
16326 Department of Revenue. The project management team is
16327 responsible for:

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16328 1. Providing daily planning, management, and oversight of
16329 the project.
16330 2. Submitting an operational work plan and providing
16331 quarterly updates to that plan to the executive steering
16332 committee. The plan must specify project milestones,
16333 deliverables, and expenditures.
16334 3. Submitting written monthly project status reports to the
16335 executive steering committee which include:
16336 a. Planned versus actual project costs;
16337 b. An assessment of the status of major milestones and
16338 deliverables;
16339 c. Identification of any issues requiring resolution, the
16340 proposed resolution for these issues, and information regarding
16341 the status of the resolution;
16342 d. Identification of risks that must be managed; and
16343 e. Identification of and recommendations regarding
16344 necessary changes in the project's scope, schedule, or costs.
16345 All recommendations must be reviewed by project stakeholders
16346 before submission to the executive steering committee in order
16347 to ensure that the recommendations meet required acceptance
16348 criteria.
16349 Section 279. Paragraph (d) of subsection (1), subsection
16350 (2), paragraphs (a) and (c) of subsection (3), and subsection
16351 (6) of section 443.1115, Florida Statutes, are amended to read:
16352 443.1115 Extended benefits.—
16353 (1) DEFINITIONS.—As used in this section, the term:
16354 (d) "Rate of insured unemployment" means the percentage
16355 derived by dividing the average weekly number of individuals
16356 filing claims for regular compensation in this state, excluding

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16357 extended-benefit claimants for weeks of unemployment with
16358 respect to the most recent 13-consecutive-week period, as
16359 determined by Jobs Florida ~~the Agency for Workforce Innovation~~
16360 on the basis of its reports to the United States Secretary of
16361 Labor, by the average monthly employment covered under this
16362 chapter for the first four of the most recent six completed
16363 calendar quarters ending before the end of that 13-week period.
16364 (2) REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF,
16365 EXTENDED BENEFITS.—Except when the result is inconsistent with
16366 the other provisions of this section and as provided in the
16367 rules of Jobs Florida ~~the Agency for Workforce Innovation~~, the
16368 provisions of this chapter applying to claims for, or the
16369 payment of, regular benefits apply to claims for, and the
16370 payment of, extended benefits. These extended benefits are
16371 charged to the employment records of employers to the extent
16372 that the share of those extended benefits paid from this state's
16373 Unemployment Compensation Trust Fund is not eligible to be
16374 reimbursed from federal sources.
16375 (3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.—
16376 (a) An individual is eligible to receive extended benefits
16377 for any week of unemployment in her or his eligibility period
16378 only if Jobs Florida ~~the Agency for Workforce Innovation~~ finds
16379 that, for that week:
16380 1. She or he is an exhaustee as defined in subsection (1).
16381 2. She or he satisfies the requirements of this chapter for
16382 the receipt of regular benefits applicable to individuals
16383 claiming extended benefits, including not being subject to
16384 disqualification from the receipt of benefits. An individual
16385 disqualified from receiving regular benefits may not receive

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16386 extended benefits after the disqualification period terminates
16387 if he or she was disqualified for voluntarily leaving work,
16388 being discharged from work for misconduct, or refusing suitable
16389 work. However, if the disqualification period for regular
16390 benefits terminates because the individual received the required
16391 amount of remuneration for services rendered as a common-law
16392 employee, she or he may receive extended benefits.
16393 3. The individual was paid wages for insured work for the
16394 applicable benefit year equal to 1.5 times the high quarter
16395 earnings during the base period.
16396 (c)1. An individual is disqualified from receiving extended
16397 benefits if Jobs Florida ~~the Agency for Workforce Innovation~~
16398 finds that, during any week of unemployment in her or his
16399 eligibility period:
16400 a. She or he failed to apply for suitable work or, if
16401 offered, failed to accept suitable work, unless the individual
16402 can furnish to Jobs Florida ~~the agency~~ satisfactory evidence
16403 that her or his prospects for obtaining work in her or his
16404 customary occupation within a reasonably short period are good.
16405 If this evidence is deemed satisfactory for this purpose, the
16406 determination of whether any work is suitable for the individual
16407 shall be made in accordance with the definition of suitable work
16408 in s. 443.101(2). This disqualification begins with the week the
16409 failure occurred and continues until she or he is employed for
16410 at least 4 weeks and receives earned income of at least 17 times
16411 her or his weekly benefit amount.
16412 b. She or he failed to furnish tangible evidence that she
16413 or he actively engaged in a systematic and sustained effort to
16414 find work. This disqualification begins with the week the

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16415 failure occurred and continues until she or he is employed for
16416 at least 4 weeks and receives earned income of at least 4 times
16417 her or his weekly benefit amount.
16418 2. Except as otherwise provided in sub-subparagraph 1.a.,
16419 as used in this paragraph, the term “suitable work” means any
16420 work within the individual’s capabilities to perform, if:
16421 a. The gross average weekly remuneration payable for the
16422 work exceeds the sum of the individual’s weekly benefit amount
16423 plus the amount, if any, of supplemental unemployment benefits,
16424 as defined in s. 501(c)(17)(D) of the Internal Revenue Code of
16425 1954, as amended, payable to the individual for that week;
16426 b. The wages payable for the work equal the higher of the
16427 minimum wages provided by s. 6(a)(1) of the Fair Labor Standards
16428 Act of 1938, without regard to any exemption, or the state or
16429 local minimum wage; and
16430 c. The work otherwise meets the definition of suitable work
16431 in s. 443.101(2) to the extent that the criteria for suitability
16432 are not inconsistent with this paragraph.
16433 (6) COMPUTATIONS.—Jobs Florida ~~The Agency for Workforce~~
16434 ~~Innovation~~ shall perform the computations required under
16435 paragraph (1)(d) in accordance with regulations of the United
16436 States Secretary of Labor.
16437 Section 280. Subsection (2) and paragraphs (a) and (b) of
16438 subsection (5) of section 443.1116, Florida Statutes, are
16439 amended to read:
16440 443.1116 Short-time compensation.—
16441 (2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer
16442 wishing to participate in the short-time compensation program
16443 must submit a signed, written, short-time plan to Jobs Florida

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16444 ~~the director of the Agency for Workforce Innovation~~ for
16445 approval. The commissioner ~~director~~ or his or her designee shall
16446 approve the plan if:
16447 (a) The plan applies to and identifies each specific
16448 affected unit;
16449 (b) The individuals in the affected unit are identified by
16450 name and social security number;
16451 (c) The normal weekly hours of work for individuals in the
16452 affected unit are reduced by at least 10 percent and by not more
16453 than 40 percent;
16454 (d) The plan includes a certified statement by the employer
16455 that the aggregate reduction in work hours is in lieu of
16456 temporary layoffs that would affect at least 10 percent of the
16457 employees in the affected unit and that would have resulted in
16458 an equivalent reduction in work hours;
16459 (e) The plan applies to at least 10 percent of the
16460 employees in the affected unit;
16461 (f) The plan is approved in writing by the collective
16462 bargaining agent for each collective bargaining agreement
16463 covering any individual in the affected unit;
16464 (g) The plan does not serve as a subsidy to seasonal
16465 employers during the off-season or as a subsidy to employers who
16466 traditionally use part-time employees; and
16467 (h) The plan certifies the manner in which the employer
16468 will treat fringe benefits of the individuals in the affected
16469 unit if the hours of the individuals are reduced to less than
16470 their normal weekly hours of work. As used in this paragraph,
16471 the term “fringe benefits” includes, but is not limited to,
16472 health insurance, retirement benefits under defined benefit

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16473 pension plans as defined in subsection 35 of s. 1002 of the
16474 Employee Retirement Income Security Act of 1974, 29 U.S.C., paid
16475 vacation and holidays, and sick leave.
16476 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION
16477 BENEFITS.—
16478 (a) Except as provided in this subsection, an individual is
16479 eligible to receive short-time compensation benefits for any
16480 week only if she or he complies with this chapter and Jobs
16481 Florida ~~the Agency for Workforce Innovation~~ finds that:
16482 1. The individual is employed as a member of an affected
16483 unit in an approved plan that was approved before the week and
16484 is in effect for the week;
16485 2. The individual is able to work and is available for
16486 additional hours of work or for full-time work with the short-
16487 time employer; and
16488 3. The normal weekly hours of work of the individual are
16489 reduced by at least 10 percent but not by more than 40 percent,
16490 with a corresponding reduction in wages.
16491 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ may
16492 not deny short-time compensation benefits to an individual who
16493 is otherwise eligible for these benefits for any week by reason
16494 of the application of any provision of this chapter relating to
16495 availability for work, active search for work, or refusal to
16496 apply for or accept work from other than the short-time
16497 compensation employer of that individual.
16498 Section 281. Subsection (3) of section 443.1215, Florida
16499 Statutes, is amended to read:
16500 443.1215 Employers.—
16501 (3) An employing unit that fails to keep the records of

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16502 employment required by this chapter and by the rules of Jobs
16503 Florida ~~the Agency for Workforce Innovation~~ and the state agency
16504 providing unemployment tax collection services is presumed to be
16505 an employer liable for the payment of contributions under this
16506 chapter, regardless of the number of individuals employed by the
16507 employing unit. However, the tax collection service provider
16508 shall make written demand that the employing unit keep and
16509 maintain required payroll records. The demand must be made at
16510 least 6 months before assessing contributions against an
16511 employing unit determined to be an employer that is subject to
16512 this chapter solely by reason of this subsection.
16513 Section 282. Paragraphs (a) and (d) of subsection (1),
16514 subsection (12), and paragraph (p) of subsection (13) of section
16515 443.1216, Florida Statutes, are amended to read:
16516 443.1216 Employment.—Employment, as defined in s. 443.036,
16517 is subject to this chapter under the following conditions:
16518 (1)(a) The employment subject to this chapter includes a
16519 service performed, including a service performed in interstate
16520 commerce, by:
16521 1. An officer of a corporation.
16522 2. An individual who, under the usual common-law rules
16523 applicable in determining the employer-employee relationship, is
16524 an employee. However, whenever a client, as defined in s.
16525 443.036(18), which would otherwise be designated as an employing
16526 unit has contracted with an employee leasing company to supply
16527 it with workers, those workers are considered employees of the
16528 employee leasing company. An employee leasing company may lease
16529 corporate officers of the client to the client and other workers
16530 to the client, except as prohibited by regulations of the

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16531 Internal Revenue Service. Employees of an employee leasing
16532 company must be reported under the employee leasing company's
16533 tax identification number and contribution rate for work
16534 performed for the employee leasing company.
16535 a. In addition to any other report required to be filed by
16536 law, an employee leasing company shall submit a report to the
16537 Labor Market Statistics Center within Jobs Florida ~~the Agency~~
16538 ~~for Workforce Innovation~~ which includes each client
16539 establishment and each establishment of the employee leasing
16540 company, or as otherwise directed by Jobs Florida ~~the agency~~.
16541 The report must include the following information for each
16542 establishment:
16543 (I) The trade or establishment name;
16544 (II) The former unemployment compensation account number,
16545 if available;
16546 (III) The former federal employer's identification number
16547 (FEIN), if available;
16548 (IV) The industry code recognized and published by the
16549 United States Office of Management and Budget, if available;
16550 (V) A description of the client's primary business activity
16551 in order to verify or assign an industry code;
16552 (VI) The address of the physical location;
16553 (VII) The number of full-time and part-time employees who
16554 worked during, or received pay that was subject to unemployment
16555 compensation taxes for, the pay period including the 12th of the
16556 month for each month of the quarter;
16557 (VIII) The total wages subject to unemployment compensation
16558 taxes paid during the calendar quarter;
16559 (IX) An internal identification code to uniquely identify

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16560 each establishment of each client;
16561 (X) The month and year that the client entered into the
16562 contract for services; and
16563 (XI) The month and year that the client terminated the
16564 contract for services.
16565 b. The report shall be submitted electronically or in a
16566 manner otherwise prescribed by Jobs Florida ~~the Agency for~~
16567 ~~Workforce Innovation~~ in the format specified by the Bureau of
16568 Labor Statistics of the United States Department of Labor for
16569 its Multiple Worksite Report for Professional Employer
16570 Organizations. The report must be provided quarterly to the
16571 Labor Market Statistics Center within Jobs Florida ~~the Agency~~
16572 ~~for Workforce Innovation~~, or as otherwise directed by Jobs
16573 Florida ~~the agency~~, and must be filed by the last day of the
16574 month immediately following the end of the calendar quarter. The
16575 information required in sub-sub-subparagraphs a.(X) and (XI)
16576 need be provided only in the quarter in which the contract to
16577 which it relates was entered into or terminated. The sum of the
16578 employment data and the sum of the wage data in this report must
16579 match the employment and wages reported in the unemployment
16580 compensation quarterly tax and wage report. A report is not
16581 required for any calendar quarter preceding the third calendar
16582 quarter of 2010.
16583 c. Jobs Florida ~~The Agency for Workforce Innovation~~ shall
16584 adopt rules as necessary to administer this subparagraph, and
16585 may administer, collect, enforce, and waive the penalty imposed
16586 by s. 443.141(1)(b) for the report required by this
16587 subparagraph.
16588 d. For the purposes of this subparagraph, the term

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16589 "establishment" means any location where business is conducted
16590 or where services or industrial operations are performed.
16591 3. An individual other than an individual who is an
16592 employee under subparagraph 1. or subparagraph 2., who performs
16593 services for remuneration for any person:
16594 a. As an agent-driver or commission-driver engaged in
16595 distributing meat products, vegetable products, fruit products,
16596 bakery products, beverages other than milk, or laundry or
16597 drycleaning services for his or her principal.
16598 b. As a traveling or city salesperson engaged on a full-
16599 time basis in the solicitation on behalf of, and the
16600 transmission to, his or her principal of orders from
16601 wholesalers, retailers, contractors, or operators of hotels,
16602 restaurants, or other similar establishments for merchandise for
16603 resale or supplies for use in their business operations. This
16604 sub-subparagraph does not apply to an agent-driver or a
16605 commission-driver and does not apply to sideline sales
16606 activities performed on behalf of a person other than the
16607 salesperson's principal.
16608 4. The services described in subparagraph 3. are employment
16609 subject to this chapter only if:
16610 a. The contract of service contemplates that substantially
16611 all of the services are to be performed personally by the
16612 individual;
16613 b. The individual does not have a substantial investment in
16614 facilities used in connection with the services, other than
16615 facilities used for transportation; and
16616 c. The services are not in the nature of a single
16617 transaction that is not part of a continuing relationship with

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16618 the person for whom the services are performed.
16619 (d) If two or more related corporations concurrently employ
16620 the same individual and compensate the individual through a
16621 common paymaster, each related corporation is considered to have
16622 paid wages to the individual only in the amounts actually
16623 disbursed by that corporation to the individual and is not
16624 considered to have paid the wages actually disbursed to the
16625 individual by another of the related corporations. Jobs Florida
16626 ~~The Agency for Workforce Innovation~~ and the state agency
16627 providing unemployment tax collection services may adopt rules
16628 necessary to administer this paragraph.
16629 1. As used in this paragraph, the term "common paymaster"
16630 means a member of a group of related corporations that disburses
16631 wages to concurrent employees on behalf of the related
16632 corporations and that is responsible for keeping payroll records
16633 for those concurrent employees. A common paymaster is not
16634 required to disburse wages to all the employees of the related
16635 corporations; however, this subparagraph does not apply to wages
16636 of concurrent employees which are not disbursed through a common
16637 paymaster. A common paymaster must pay concurrently employed
16638 individuals under this subparagraph by one combined paycheck.
16639 2. As used in this paragraph, the term "concurrent
16640 employment" means the existence of simultaneous employment
16641 relationships between an individual and related corporations.
16642 Those relationships require the performance of services by the
16643 employee for the benefit of the related corporations, including
16644 the common paymaster, in exchange for wages that, if deductible
16645 for the purposes of federal income tax, are deductible by the
16646 related corporations.

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16647 3. Corporations are considered related corporations for an
16648 entire calendar quarter if they satisfy any one of the following
16649 tests at any time during the calendar quarter:
16650 a. The corporations are members of a "controlled group of
16651 corporations" as defined in s. 1563 of the Internal Revenue Code
16652 of 1986 or would be members if s. 1563(a)(4) and (b) did not
16653 apply.
16654 b. In the case of a corporation that does not issue stock,
16655 at least 50 percent of the members of the board of directors or
16656 other governing body of one corporation are members of the board
16657 of directors or other governing body of the other corporation or
16658 the holders of at least 50 percent of the voting power to select
16659 those members are concurrently the holders of at least 50
16660 percent of the voting power to select those members of the other
16661 corporation.
16662 c. At least 50 percent of the officers of one corporation
16663 are concurrently officers of the other corporation.
16664 d. At least 30 percent of the employees of one corporation
16665 are concurrently employees of the other corporation.
16666 4. The common paymaster must report to the tax collection
16667 service provider, as part of the unemployment compensation
16668 quarterly tax and wage report, the state unemployment
16669 compensation account number and name of each related corporation
16670 for which concurrent employees are being reported. Failure to
16671 timely report this information shall result in the related
16672 corporations being denied common paymaster status for that
16673 calendar quarter.
16674 5. The common paymaster also has the primary responsibility
16675 for remitting contributions due under this chapter for the wages

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16676 it disburses as the common paymaster. The common paymaster must
16677 compute these contributions as though it were the sole employer
16678 of the concurrently employed individuals. If a common paymaster
16679 fails to timely remit these contributions or reports, in whole
16680 or in part, the common paymaster remains liable for the full
16681 amount of the unpaid portion of these contributions. In
16682 addition, each of the other related corporations using the
16683 common paymaster is jointly and severally liable for its
16684 appropriate share of these contributions. Each related
16685 corporation's share equals the greater of:
16686 a. The liability of the common paymaster under this
16687 chapter, after taking into account any contributions made.
16688 b. The liability under this chapter which, notwithstanding
16689 this section, would have existed for the wages from the other
16690 related corporations, reduced by an allocable portion of any
16691 contributions previously paid by the common paymaster for those
16692 wages.
16693 (12) The employment subject to this chapter includes
16694 services covered by a reciprocal arrangement under s. 443.221
16695 between Jobs Florida ~~the Agency for Workforce Innovation~~ or its
16696 tax collection service provider and the agency charged with the
16697 administration of another state unemployment compensation law or
16698 a federal unemployment compensation law, under which all
16699 services performed by an individual for an employing unit are
16700 deemed to be performed entirely within this state, if Jobs
16701 Florida ~~the Agency for Workforce Innovation~~ or its tax
16702 collection service provider approved an election of the
16703 employing unit in which all of the services performed by the
16704 individual during the period covered by the election are deemed

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16705 to be insured work.
16706 (13) The following are exempt from coverage under this
16707 chapter:
16708 (p) Service covered by an arrangement between Jobs Florida
16709 ~~the Agency for Workforce Innovation~~, or its tax collection
16710 service provider, and the agency charged with the administration
16711 of another state or federal unemployment compensation law under
16712 which all services performed by an individual for an employing
16713 unit during the period covered by the employing unit's duly
16714 approved election is deemed to be performed entirely within the
16715 other agency's state or under the federal law.
16716 Section 283. Subsection (1) of section 443.1217, Florida
16717 Statutes, is amended to read:
16718 443.1217 Wages.—
16719 (1) The wages subject to this chapter include all
16720 remuneration for employment, including commissions, bonuses,
16721 back pay awards, and the cash value of all remuneration paid in
16722 any medium other than cash. The reasonable cash value of
16723 remuneration in any medium other than cash must be estimated and
16724 determined in accordance with rules adopted by Jobs Florida ~~the~~
16725 ~~Agency for Workforce Innovation~~ or the state agency providing
16726 tax collection services. The wages subject to this chapter
16727 include tips or gratuities received while performing services
16728 that constitute employment and are included in a written
16729 statement furnished to the employer under s. 6053(a) of the
16730 Internal Revenue Code of 1954. As used in this section only, the
16731 term "employment" includes services constituting employment
16732 under any employment security law of another state or of the
16733 Federal Government.

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16734 Section 284. Subsection (1) and paragraphs (a), (g), and
16735 (i) of subsection (3) of section 443.131, Florida Statutes, are
16736 amended to read:
16737 443.131 Contributions.—
16738 (1) PAYMENT OF CONTRIBUTIONS.—Contributions accrue and are
16739 payable by each employer for each calendar quarter he or she is
16740 subject to this chapter for wages paid during each calendar
16741 quarter for employment. Contributions are due and payable by
16742 each employer to the tax collection service provider, in
16743 accordance with the rules adopted by Jobs Florida ~~the Agency for~~
16744 ~~Workforce Innovation~~ or the state agency providing tax
16745 collection services. This subsection does not prohibit the tax
16746 collection service provider from allowing, at the request of the
16747 employer, employers of employees performing domestic services,
16748 as defined in s. 443.1216(6), to pay contributions or report
16749 wages at intervals other than quarterly when the nonquarterly
16750 payment or reporting assists the service provider and when
16751 nonquarterly payment and reporting is authorized under federal
16752 law. Employers of employees performing domestic services may
16753 report wages and pay contributions annually, with a due date of
16754 January 1 and a delinquency date of February 1. To qualify for
16755 this election, the employer must employ only employees
16756 performing domestic services, be eligible for a variation from
16757 the standard rate computed under subsection (3), apply to this
16758 program no later than December 1 of the preceding calendar year,
16759 and agree to provide Jobs Florida ~~the Agency for Workforce~~
16760 ~~Innovation~~ or its tax collection service provider with any
16761 special reports that are requested, including copies of all
16762 federal employment tax forms. An employer who fails to timely

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16763 furnish any wage information required by Jobs Florida ~~the Agency~~
16764 ~~for Workforce Innovation~~ or its tax collection service provider
16765 loses the privilege to participate in this program, effective
16766 the calendar quarter immediately after the calendar quarter the
16767 failure occurred. The employer may reapply for annual reporting
16768 when a complete calendar year elapses after the employer's
16769 disqualification if the employer timely furnished any requested
16770 wage information during the period in which annual reporting was
16771 denied. An employer may not deduct contributions, interests,
16772 penalties, fines, or fees required under this chapter from any
16773 part of the wages of his or her employees. A fractional part of
16774 a cent less than one-half cent shall be disregarded from the
16775 payment of contributions, but a fractional part of at least one-
16776 half cent shall be increased to 1 cent.
16777 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
16778 EXPERIENCE.—
16779 (a) *Employment records.*—The regular and short-time
16780 compensation benefits paid to an eligible individual shall be
16781 charged to the employment record of each employer who paid the
16782 individual wages of at least $100 during the individual's base
16783 period in proportion to the total wages paid by all employers
16784 who paid the individual wages during the individual's base
16785 period. Benefits may not be charged to the employment record of
16786 an employer who furnishes part-time work to an individual who,
16787 because of loss of employment with one or more other employers,
16788 is eligible for partial benefits while being furnished part-time
16789 work by the employer on substantially the same basis and in
16790 substantially the same amount as the individual's employment
16791 during his or her base period, regardless of whether this part-

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16792 time work is simultaneous or successive to the individual's lost
16793 employment. Further, as provided in s. 443.151(3), benefits may
16794 not be charged to the employment record of an employer who
16795 furnishes Jobs Florida ~~the Agency for Workforce Innovation~~ with
16796 notice, as prescribed in ~~agency~~ rules of Jobs Florida, that any
16797 of the following apply:
16798 1. If an individual leaves his or her work without good
16799 cause attributable to the employer or is discharged by the
16800 employer for misconduct connected with his or her work, benefits
16801 subsequently paid to the individual based on wages paid by the
16802 employer before the separation may not be charged to the
16803 employment record of the employer.
16804 2. If an individual is discharged by the employer for
16805 unsatisfactory performance during an initial employment
16806 probationary period, benefits subsequently paid to the
16807 individual based on wages paid during the probationary period by
16808 the employer before the separation may not be charged to the
16809 employer's employment record. As used in this subparagraph, the
16810 term "initial employment probationary period" means an
16811 established probationary plan that applies to all employees or a
16812 specific group of employees and that does not exceed 90 calendar
16813 days following the first day a new employee begins work. The
16814 employee must be informed of the probationary period within the
16815 first 7 days of work. The employer must demonstrate by
16816 conclusive evidence that the individual was separated because of
16817 unsatisfactory work performance and not because of lack of work
16818 due to temporary, seasonal, casual, or other similar employment
16819 that is not of a regular, permanent, and year-round nature.
16820 3. Benefits subsequently paid to an individual after his or

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16821 her refusal without good cause to accept suitable work from an
16822 employer may not be charged to the employment record of the
16823 employer if any part of those benefits are based on wages paid
16824 by the employer before the individual's refusal to accept
16825 suitable work. As used in this subparagraph, the term "good
16826 cause" does not include distance to employment caused by a
16827 change of residence by the individual. Jobs Florida ~~The Agency~~
16828 ~~for Workforce Innovation~~ shall adopt rules prescribing for the
16829 payment of all benefits whether this subparagraph applies
16830 regardless of whether a disqualification under s. 443.101
16831 applies to the claim.
16832 4. If an individual is separated from work as a direct
16833 result of a natural disaster declared under the Robert T.
16834 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
16835 ss. 5121 et seq., benefits subsequently paid to the individual
16836 based on wages paid by the employer before the separation may
16837 not be charged to the employment record of the employer.
16838 (g) *Transfer of unemployment experience upon transfer or*
16839 *acquisition of a business.*—Notwithstanding any other provision
16840 of law, upon transfer or acquisition of a business, the
16841 following conditions apply to the assignment of rates and to
16842 transfers of unemployment experience:
16843 1.a. If an employer transfers its trade or business, or a
16844 portion thereof, to another employer and, at the time of the
16845 transfer, there is any common ownership, management, or control
16846 of the two employers, the unemployment experience attributable
16847 to the transferred trade or business shall be transferred to the
16848 employer to whom the business is so transferred. The rates of
16849 both employers shall be recalculated and made effective as of

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16850 the beginning of the calendar quarter immediately following the
16851 date of the transfer of the trade or business unless the
16852 transfer occurred on the first day of a calendar quarter, in
16853 which case the rate shall be recalculated as of that date.
16854 b. If, following a transfer of experience under sub-
16855 subparagraph a., Jobs Florida ~~the Agency for Workforce~~
16856 ~~Innovation~~ or the tax collection service provider determines
16857 that a substantial purpose of the transfer of trade or business
16858 was to obtain a reduced liability for contributions, the
16859 experience rating account of the employers involved shall be
16860 combined into a single account and a single rate assigned to the
16861 account.
16862 2. Whenever a person who is not an employer under this
16863 chapter at the time it acquires the trade or business of an
16864 employer, the unemployment experience of the acquired business
16865 shall not be transferred to the person if Jobs Florida ~~the~~
16866 ~~Agency for Workforce Innovation~~ or the tax collection service
16867 provider finds that such person acquired the business solely or
16868 primarily for the purpose of obtaining a lower rate of
16869 contributions. Instead, such person shall be assigned the new
16870 employer rate under paragraph (2)(a). In determining whether the
16871 business was acquired solely or primarily for the purpose of
16872 obtaining a lower rate of contributions, the tax collection
16873 service provider shall consider, but not be limited to, the
16874 following factors:
16875 a. Whether the person continued the business enterprise of
16876 the acquired business;
16877 b. How long such business enterprise was continued; or
16878 c. Whether a substantial number of new employees was hired

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16879 for performance of duties unrelated to the business activity
16880 conducted before the acquisition.
16881 3. If a person knowingly violates or attempts to violate
16882 subparagraph 1. or subparagraph 2. or any other provision of
16883 this chapter related to determining the assignment of a
16884 contribution rate, or if a person knowingly advises another
16885 person to violate the law, the person shall be subject to the
16886 following penalties:
16887 a. If the person is an employer, the employer shall be
16888 assigned the highest rate assignable under this chapter for the
16889 rate year during which such violation or attempted violation
16890 occurred and for the 3 rate years immediately following this
16891 rate year. However, if the person's business is already at the
16892 highest rate for any year, or if the amount of increase in the
16893 person's rate would be less than 2 percent for such year, then a
16894 penalty rate of contribution of 2 percent of taxable wages shall
16895 be imposed for such year and the following 3 rate years.
16896 b. If the person is not an employer, such person shall be
16897 subject to a civil money penalty of not more than $5,000. The
16898 procedures for the assessment of a penalty shall be in
16899 accordance with the procedures set forth in s. 443.141(2), and
16900 the provisions of s. 443.141(3) shall apply to the collection of
16901 the penalty. Any such penalty shall be deposited in the penalty
16902 and interest account established under s. 443.211(2).
16903 4. For purposes of this paragraph, the term:
16904 a. "Knowingly" means having actual knowledge of or acting
16905 with deliberate ignorance or reckless disregard for the
16906 prohibition involved.
16907 b. "Violates or attempts to violate" includes, but is not

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16908 limited to, intent to evade, misrepresent, or willfully
16909 nondisclose.
16910 5. In addition to the penalty imposed by subparagraph 3.,
16911 any person who violates this paragraph commits a felony of the
16912 third degree, punishable as provided in s. 775.082, s. 775.083,
16913 or s. 775.084.
16914 6. Jobs Florida ~~The Agency for Workforce Innovation~~ and the
16915 tax collection service provider shall establish procedures to
16916 identify the transfer or acquisition of a business for the
16917 purposes of this paragraph and shall adopt any rules necessary
16918 to administer this paragraph.
16919 7. For purposes of this paragraph:
16920 a. "Person" has the meaning given to the term by s.
16921 7701(a)(1) of the Internal Revenue Code of 1986.
16922 b. "Trade or business" shall include the employer's
16923 workforce.
16924 8. This paragraph shall be interpreted and applied in such
16925 a manner as to meet the minimum requirements contained in any
16926 guidance or regulations issued by the United States Department
16927 of Labor.
16928 (i) *Notice of determinations of contribution rates;*
16929 *redeterminations.*—The state agency providing tax collection
16930 services:
16931 1. Shall promptly notify each employer of his or her
16932 contribution rate as determined for any calendar year under this
16933 section. The determination is conclusive and binding on the
16934 employer unless within 20 days after mailing the notice of
16935 determination to the employer's last known address, or, in the
16936 absence of mailing, within 20 days after delivery of the notice,

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16937 the employer files an application for review and redetermination
16938 setting forth the grounds for review. An employer may not, in
16939 any proceeding involving his or her contribution rate or
16940 liability for contributions, contest the chargeability to his or
16941 her employment record of any benefits paid in accordance with a
16942 determination, redetermination, or decision under s. 443.151,
16943 except on the ground that the benefits charged were not based on
16944 services performed in employment for him or her and then only if
16945 the employer was not a party to the determination,
16946 redetermination, or decision, or to any other proceeding under
16947 this chapter, in which the character of those services was
16948 determined.
16949 2. Shall, upon discovery of an error in computation,
16950 reconsider any prior determination or redetermination of a
16951 contribution rate after the 20-day period has expired and issue
16952 a revised notice of contribution rate as redetermined. A
16953 redetermination is subject to review, and is conclusive and
16954 binding if review is not sought, in the same manner as review of
16955 a determination under subparagraph 1. A reconsideration may not
16956 be made after March 31 of the calendar year immediately after
16957 the calendar year for which the contribution rate is applicable,
16958 and interest may not accrue on any additional contributions
16959 found to be due until 30 days after the employer is mailed
16960 notice of his or her revised contribution rate.
16961 3. May adopt rules providing for periodic notification to
16962 employers of benefits paid and charged to their employment
16963 records or of the status of those employment records. A
16964 notification, unless an application for redetermination is filed
16965 in the manner and within the time limits prescribed by Jobs

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16966 Florida ~~the Agency for Workforce Innovation~~, is conclusive and
16967 binding on the employer under this chapter. The redetermination,
16968 and Jobs Florida's ~~the Agency for Workforce Innovation's~~ finding
16969 of fact in connection with the redetermination, may be
16970 introduced in any subsequent administrative or judicial
16971 proceeding involving the determination of the contribution rate
16972 of an employer for any calendar year. A redetermination becomes
16973 final in the same manner provided in this subsection for
16974 findings of fact made by Jobs Florida ~~the Agency for Workforce~~
16975 ~~Innovation~~ in proceedings to redetermine the contribution rate
16976 of an employer. Pending a redetermination or an administrative
16977 or judicial proceeding, the employer must file reports and pay
16978 contributions in accordance with this section.
16979 Section 285. Paragraph (d) of subsection (2) and paragraph
16980 (d) of subsection (3) of section 443.1312, Florida Statutes, are
16981 amended to read:
16982 443.1312 Reimbursements; nonprofit organizations.—Benefits
16983 paid to employees of nonprofit organizations shall be financed
16984 in accordance with this section.
16985 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF
16986 REIMBURSEMENT.—A nonprofit organization that is, or becomes,
16987 subject to this chapter under s. 443.1215(1)(c) or s.
16988 443.121(3)(a) must pay contributions under s. 443.131 unless it
16989 elects, in accordance with this subsection, to reimburse the
16990 Unemployment Compensation Trust Fund for all of the regular
16991 benefits, short-time compensation benefits, and one-half of the
16992 extended benefits paid, which are attributable to service in the
16993 employ of the nonprofit organization, to individuals for weeks
16994 of unemployment which begin during the effective period of the

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16995 election.
16996 (d) In accordance with rules adopted by Jobs Florida ~~the~~
16997 ~~Agency for Workforce Innovation~~ or the state agency providing
16998 unemployment tax collection services, the tax collection service
16999 provider shall notify each nonprofit organization of any
17000 determination of the organization's status as an employer, the
17001 effective date of any election the organization makes, and the
17002 effective date of any termination of the election. Each
17003 determination is subject to reconsideration, appeal, and review
17004 under s. 443.141(2)(c).
17005 (3) PAYMENT OF REIMBURSEMENTS.—Reimbursements in lieu of
17006 contributions must be paid in accordance with this subsection.
17007 (d) The amount due, as specified in any bill from the tax
17008 collection service provider, is conclusive, and the nonprofit
17009 organization is liable for payment of that amount unless, within
17010 20 days after the bill is mailed to the organization's last
17011 known address or otherwise delivered to the organization, the
17012 organization files an application for redetermination by Jobs
17013 Florida ~~the Agency for Workforce Innovation~~, setting forth the
17014 grounds for the application. Jobs Florida ~~The Agency for~~
17015 ~~Workforce Innovation~~ shall promptly review and reconsider the
17016 amount due, as specified in the bill, and shall issue a
17017 redetermination in each case in which an application for
17018 redetermination is filed. The redetermination is conclusive and
17019 the nonprofit organization is liable for payment of the amount
17020 due, as specified in the redetermination, unless, within 20 days
17021 after the redetermination is mailed to the organization's last
17022 known address or otherwise delivered to the organization, the
17023 organization files a protest, setting forth the grounds for the

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17024 appeal. Proceedings on the protest shall be conducted in
17025 accordance with s. 443.141(2).
17026 Section 286. Paragraph (b) of subsection (1) of section
17027 443.1313, Florida Statutes, is amended to read:
17028 443.1313 Public employers; reimbursements; election to pay
17029 contributions.—Benefits paid to employees of a public employer,
17030 as defined in s. 443.036, based on service described in s.
17031 443.1216(2) shall be financed in accordance with this section.
17032 (1) PAYMENT OF REIMBURSEMENTS.—
17033 (b) If a state agency is more than 120 days delinquent on
17034 reimbursements due to the Unemployment Compensation Trust Fund,
17035 the tax collection service provider shall certify to the Chief
17036 Financial Officer the amount due and the Chief Financial Officer
17037 shall transfer the amount due to the Unemployment Compensation
17038 Trust Fund from the funds of the agency which legally may be
17039 used for that purpose. If a public employer other than a state
17040 agency is more than 120 days delinquent on reimbursements due to
17041 the Unemployment Compensation Trust Fund, upon request by the
17042 tax collection service provider after a hearing, the Department
17043 of Revenue or the Department of Financial Services, as
17044 applicable, shall deduct the amount owed by the public employer
17045 from any funds to be distributed by the applicable department to
17046 the public employer for further distribution to the trust fund
17047 in accordance with this chapter. If an employer for whom the
17048 municipal or county tax collector collects taxes fails to make
17049 the reimbursements to the Unemployment Compensation Trust Fund
17050 required by this chapter, the tax collector after a hearing, at
17051 the request of the tax collection service provider and upon
17052 receipt of a certificate showing the amount owed by the

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17053 employer, shall deduct the certified amount from any taxes
17054 collected for the employer and remit that amount to the tax
17055 collection service provider for further distribution to the
17056 trust fund in accordance with this chapter. This paragraph does
17057 not apply to amounts owed by a political subdivision of the
17058 state for benefits erroneously paid in which the claimant must
17059 repay to Jobs Florida ~~the Agency for Workforce Innovation~~ under
17060 s. 443.151(6)(a) or (b) any sum as benefits received.
17061 Section 287. Paragraphs (b) and (c) of subsection (4) and
17062 subsection (7) of section 443.1315, Florida Statutes, are
17063 amended to read:
17064 443.1315 Treatment of Indian tribes.—
17065 (4)
17066 (b)1. Services performed for an Indian tribe or tribal unit
17067 that fails to make required reimbursements, including
17068 assessments of interest and penalty, after all collection
17069 activities deemed necessary by the tax collection service
17070 provider, subject to approval by Jobs Florida ~~the Agency for~~
17071 ~~Workforce Innovation~~, are exhausted may not be treated as
17072 employment for purposes of paragraph (1)(b).
17073 2. The tax collection service provider may determine that
17074 any Indian tribe that loses coverage under subparagraph 1. may
17075 have services performed for the tribe subsequently included as
17076 employment for purposes of paragraph (1)(b) if all
17077 contributions, reimbursements, penalties, and interest are paid.
17078 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ or its
17079 tax collection service provider shall immediately notify the
17080 United States Internal Revenue Service and the United States
17081 Department of Labor when an Indian tribe fails to make

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17082 reimbursements required under this section, including
17083 assessments of interest and penalty, within 90 days after a
17084 final notice of delinquency.
17085 (7) Jobs Florida ~~The Agency for Workforce Innovation~~ and
17086 the state agency providing unemployment tax collection services
17087 shall adopt rules necessary to administer this section.
17088 Section 288. Section 443.1316, Florida Statutes, is amended
17089 to read:
17090 443.1316 Unemployment tax collection services; interagency
17091 agreement.—
17092 (1) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17093 contract with the Department of Revenue, through an interagency
17094 agreement, to perform the duties of the tax collection service
17095 provider and provide other unemployment tax collection services
17096 under this chapter. Under the interagency agreement, the tax
17097 collection service provider may only implement:
17098 (a) The provisions of this chapter conferring duties upon
17099 the tax collection service provider.
17100 (b) The provisions of law conferring duties upon Jobs
17101 Florida ~~the Agency for Workforce Innovation~~ which are
17102 specifically delegated to the tax collection service provider in
17103 the interagency agreement.
17104 (2)(a) The Department of Revenue is considered to be
17105 administering a revenue law of this state when the department
17106 implements this chapter, or otherwise provides unemployment tax
17107 collection services, under contract with Jobs Florida ~~the Agency~~
17108 ~~for Workforce Innovation~~ through the interagency agreement.
17109 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);
17110 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;

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17111 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;
17112 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;
17113 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and
17114 213.757 apply to the collection of unemployment contributions
17115 and reimbursements by the Department of Revenue unless
17116 prohibited by federal law.
17117 Section 289. Section 443.1317, Florida Statutes, is amended
17118 to read:
17119 443.1317 Rulemaking authority; enforcement of rules.—
17120 (1) JOBS FLORIDA ~~AGENCY FOR WORKFORCE INNOVATION~~.—
17121 (a) Except as otherwise provided in s. 443.012, Jobs
17122 Florida ~~the Agency for Workforce Innovation~~ has ultimate
17123 authority over the administration of the Unemployment
17124 Compensation Program.
17125 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ may
17126 adopt rules under ss. 120.536(1) and 120.54 to administer the
17127 provisions of this chapter conferring duties upon either Jobs
17128 Florida ~~the agency~~ or its tax collection service provider.
17129 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency
17130 providing unemployment tax collection services under contract
17131 with Jobs Florida ~~the Agency for Workforce Innovation~~ through an
17132 interagency agreement pursuant to s. 443.1316 may adopt rules
17133 under ss. 120.536(1) and 120.54, subject to approval by Jobs
17134 Florida ~~the Agency for Workforce Innovation~~, to administer the
17135 provisions of law described in s. 443.1316(1)(a) and (b) which
17136 are within this chapter. These rules must not conflict with the
17137 rules adopted by Jobs Florida ~~the Agency for Workforce~~
17138 ~~Innovation~~ or with the interagency agreement.
17139 (3) ENFORCEMENT OF RULES.—Jobs Florida ~~The Agency for~~

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17140 ~~Workforce Innovation~~ may enforce any rule adopted by the state
17141 agency providing unemployment tax collection services to
17142 administer this chapter. The tax collection service provider may
17143 enforce any rule adopted by Jobs Florida ~~the Agency for~~
17144 ~~Workforce Innovation~~ to administer the provisions of law
17145 described in s. 443.1316(1)(a) and (b).
17146 Section 290. Paragraphs (b), (c), and (f) of subsection
17147 (1), subsection (2), paragraphs (f) and (g) of subsection (3),
17148 and paragraph (c) of subsection (4) of section 443.141, Florida
17149 Statutes, are amended to read:
17150 443.141 Collection of contributions and reimbursements.—
17151 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
17152 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—
17153 (b) *Penalty for delinquent, erroneous, incomplete, or*
17154 *insufficient reports.*—
17155 1. An employing unit that fails to file any report required
17156 by Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax
17157 collection service provider, in accordance with rules for
17158 administering this chapter, shall pay to the service provider
17159 for each delinquent report the sum of $25 for each 30 days or
17160 fraction thereof that the employing unit is delinquent, unless
17161 the agency or its service provider, whichever required the
17162 report, finds that the employing unit has good reason for
17163 failing to file the report. Jobs Florida ~~The agency~~ or its
17164 service provider may assess penalties only through the date of
17165 the issuance of the final assessment notice. However, additional
17166 penalties accrue if the delinquent report is subsequently filed.
17167 2.a. An employing unit that files an erroneous, incomplete,
17168 or insufficient report with Jobs Florida ~~the Agency for~~

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17169 ~~Workforce Innovation~~ or its tax collection service provider
17170 shall pay a penalty. The amount of the penalty is $50 or 10
17171 percent of any tax due, whichever is greater, but no more than
17172 $300 per report. The penalty shall be added to any tax, penalty,
17173 or interest otherwise due.
17174 b. Jobs Florida ~~The agency~~ or its tax collection service
17175 provider shall waive the penalty if the employing unit files an
17176 accurate, complete, and sufficient report within 30 days after a
17177 penalty notice is issued to the employing unit. The penalty may
17178 not be waived pursuant to this subparagraph more than one time
17179 during a 12-month period.
17180 c. As used in this subsection, the term "erroneous,
17181 incomplete, or insufficient report" means a report so lacking in
17182 information, completeness, or arrangement that the report cannot
17183 be readily understood, verified, or reviewed. Such reports
17184 include, but are not limited to, reports having missing wage or
17185 employee information, missing or incorrect social security
17186 numbers, or illegible entries; reports submitted in a format
17187 that is not approved by Jobs Florida ~~the agency~~ or its tax
17188 collection service provider; and reports showing gross wages
17189 that do not equal the total of the wages of each employee.
17190 However, the term does not include a report that merely contains
17191 inaccurate data that was supplied to the employer by the
17192 employee, if the employer was unaware of the inaccuracy.
17193 3. Penalties imposed pursuant to this paragraph shall be
17194 deposited in the Special Employment Security Administration
17195 Trust Fund.
17196 4. The penalty and interest for a delinquent, erroneous,
17197 incomplete, or insufficient report may be waived if the penalty

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17198 or interest is inequitable. The provisions of s. 213.24(1) apply
17199 to any penalty or interest that is imposed under this section.
17200 (c) *Application of partial payments.*—If a delinquency
17201 exists in the employment record of an employer not in
17202 bankruptcy, a partial payment less than the total delinquency
17203 amount shall be applied to the employment record as the payor
17204 directs. In the absence of specific direction, the partial
17205 payment shall be applied to the payor's employment record as
17206 prescribed in the rules of Jobs Florida ~~the Agency for Workforce~~
17207 ~~Innovation~~ or the state agency providing tax collection
17208 services.
17209 (f) *Adoption of rules.*—Jobs Florida ~~The Agency for~~
17210 ~~Workforce Innovation~~ and the state agency providing unemployment
17211 tax collection services may adopt rules to administer this
17212 subsection.
17213 (2) REPORTS, CONTRIBUTIONS, APPEALS.—
17214 (a) *Failure to make reports and pay contributions.*—If an
17215 employing unit determined by the tax collection service provider
17216 to be an employer subject to this chapter fails to make and file
17217 any report as and when required by this chapter or by any rule
17218 of Jobs Florida ~~the Agency for Workforce Innovation~~ or the state
17219 agency providing tax collection services, for the purpose of
17220 determining the amount of contributions due by the employer
17221 under this chapter, or if any filed report is found by the
17222 service provider to be incorrect or insufficient, and the
17223 employer, after being notified in writing by the service
17224 provider to file the report, or a corrected or sufficient
17225 report, as applicable, fails to file the report within 15 days
17226 after the date of the mailing of the notice, the tax collection

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17227 service provider may:
17228 1. Determine the amount of contributions due from the
17229 employer based on the information readily available to it, which
17230 determination is deemed to be prima facie correct;
17231 2. Assess the employer the amount of contributions
17232 determined to be due; and
17233 3. Immediately notify the employer by mail of the
17234 determination and assessment including penalties as provided in
17235 this chapter, if any, added and assessed, and demand payment
17236 together with interest on the amount of contributions from the
17237 date that amount was due and payable.
17238 (b) *Hearings.*—The determination and assessment are final 15
17239 days after the date the assessment is mailed unless the employer
17240 files with the tax collection service provider within the 15
17241 days a written protest and petition for hearing specifying the
17242 objections thereto. The tax collection service provider shall
17243 promptly review each petition and may reconsider its
17244 determination and assessment in order to resolve the
17245 petitioner's objections. The tax collection service provider
17246 shall forward each petition remaining unresolved to Jobs Florida
17247 ~~the Agency for Workforce Innovation~~ for a hearing on the
17248 objections. Upon receipt of a petition, Jobs Florida ~~the Agency~~
17249 ~~for Workforce Innovation~~ shall schedule a hearing and notify the
17250 petitioner of the time and place of the hearing. Jobs Florida
17251 ~~The Agency for Workforce Innovation~~ may appoint special deputies
17252 to conduct hearings and to submit their findings together with a
17253 transcript of the proceedings before them and their
17254 recommendations to Jobs Florida ~~the agency~~ for its final order.
17255 Special deputies are subject to the prohibition against ex parte

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17256 communications in s. 120.66. At any hearing conducted by Jobs
17257 Florida ~~the Agency for Workforce Innovation~~ or its special
17258 deputy, evidence may be offered to support the determination and
17259 assessment or to prove it is incorrect. In order to prevail,
17260 however, the petitioner must either prove that the determination
17261 and assessment are incorrect or file full and complete corrected
17262 reports. Evidence may also be submitted at the hearing to rebut
17263 the determination by the tax collection service provider that
17264 the petitioner is an employer under this chapter. Upon evidence
17265 taken before it or upon the transcript submitted to it with the
17266 findings and recommendation of its special deputy, Jobs Florida
17267 ~~the Agency for Workforce Innovation~~ shall either set aside the
17268 tax collection service provider's determination that the
17269 petitioner is an employer under this chapter or reaffirm the
17270 determination. The amounts assessed under the final order,
17271 together with interest and penalties, must be paid within 15
17272 days after notice of the final order is mailed to the employer,
17273 unless judicial review is instituted in a case of status
17274 determination. Amounts due when the status of the employer is in
17275 dispute are payable within 15 days after the entry of an order
17276 by the court affirming the determination. However, any
17277 determination that an employing unit is not an employer under
17278 this chapter does not affect the benefit rights of any
17279 individual as determined by an appeals referee or the commission
17280 unless:
17281 1. The individual is made a party to the proceedings before
17282 the special deputy; or
17283 2. The decision of the appeals referee or the commission
17284 has not become final or the employing unit and Jobs Florida ~~the~~

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17285 ~~Agency for Workforce Innovation~~ were not made parties to the
17286 proceedings before the appeals referee or the commission.
17287 (c) *Appeals.*—Jobs Florida ~~The Agency for Workforce~~
17288 ~~Innovation~~ and the state agency providing unemployment tax
17289 collection services shall adopt rules prescribing the procedures
17290 for an employing unit determined to be an employer to file an
17291 appeal and be afforded an opportunity for a hearing on the
17292 determination. Pending a hearing, the employing unit must file
17293 reports and pay contributions in accordance with s. 443.131.
17294 (3) COLLECTION PROCEEDINGS.—
17295 (f) *Reproductions.*—In any proceedings in any court under
17296 this chapter, reproductions of the original records of Jobs
17297 Florida ~~the Agency for Workforce Innovation~~, its tax collection
17298 service provider, the former Agency for Workforce Innovation,
17299 the former Department of Labor and Employment Security, or the
17300 commission, including, but not limited to, photocopies or
17301 microfilm, are primary evidence in lieu of the original records
17302 or of the documents that were transcribed into those records.
17303 (g) *Jeopardy assessment and warrant.*—If the tax collection
17304 service provider reasonably believes that the collection of
17305 contributions or reimbursements from an employer will be
17306 jeopardized by delay, the service provider may assess the
17307 contributions or reimbursements immediately, together with
17308 interest or penalties when due, regardless of whether the
17309 contributions or reimbursements accrued are due, and may
17310 immediately issue a notice of lien and jeopardy warrant upon
17311 which proceedings may be conducted as provided in this section
17312 for notice of lien and warrant of the service provider. Within
17313 15 days after mailing the notice of lien by registered mail, the

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17314 employer may protest the issuance of the lien in the same manner
17315 provided in paragraph (2)(a). The protest does not operate as a
17316 supersedeas or stay of enforcement unless the employer files
17317 with the sheriff seeking to enforce the warrant a good and
17318 sufficient surety bond in twice the amount demanded by the
17319 notice of lien or warrant. The bond must be conditioned upon
17320 payment of the amount subsequently found to be due from the
17321 employer to the tax collection service provider in the final
17322 order of Jobs Florida ~~the Agency for Workforce Innovation~~ upon
17323 protest of assessment. The jeopardy warrant and notice of lien
17324 are satisfied in the manner provided in this section upon
17325 payment of the amount finally determined to be due from the
17326 employer. If enforcement of the jeopardy warrant is not
17327 superseded as provided in this section, the employer is entitled
17328 to a refund from the fund of all amounts paid as contributions
17329 or reimbursements in excess of the amount finally determined to
17330 be due by the employer upon application being made as provided
17331 in this chapter.
17332 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF
17333 CONTRIBUTIONS AND REIMBURSEMENTS.—
17334 (c) Any agent or employee designated by Jobs Florida ~~the~~
17335 ~~Agency for Workforce Innovation~~ or its tax collection service
17336 provider may administer an oath to any person for any return or
17337 report required by this chapter or by the rules of Jobs Florida
17338 ~~the Agency for Workforce Innovation~~ or the state agency
17339 providing unemployment tax collection services, and an oath made
17340 before Jobs Florida ~~the agency~~ or its service provider or any
17341 authorized agent or employee has the same effect as an oath made
17342 before any judicial officer or notary public of the state.

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17343 Section 291. Section 443.151, Florida Statutes, is amended
17344 to read:
17345 443.151 Procedure concerning claims.—
17346 (1) POSTING OF INFORMATION.—
17347 (a) Each employer must post and maintain in places readily
17348 accessible to individuals in her or his employ printed
17349 statements concerning benefit rights, claims for benefits, and
17350 other matters relating to the administration of this chapter as
17351 Jobs Florida ~~the Agency for Workforce Innovation~~ may by rule
17352 prescribe. Each employer must supply to individuals copies of
17353 printed statements or other materials relating to claims for
17354 benefits as directed by the ~~agency's~~ rules of Jobs Florida. Jobs
17355 Florida ~~The Agency for Workforce Innovation~~ shall supply these
17356 printed statements and other materials to each employer without
17357 cost to the employer.
17358 (b)1. Jobs Florida ~~The Agency for Workforce Innovation~~
17359 shall advise each individual filing a new claim for unemployment
17360 compensation, at the time of filing the claim, that:
17361 a. Unemployment compensation is subject to federal income
17362 tax.
17363 b. Requirements exist pertaining to estimated tax payments.
17364 c. The individual may elect to have federal income tax
17365 deducted and withheld from the individual's payment of
17366 unemployment compensation at the amount specified in the federal
17367 Internal Revenue Code.
17368 d. The individual is not permitted to change a previously
17369 elected withholding status more than twice per calendar year.
17370 2. Amounts deducted and withheld from unemployment
17371 compensation must remain in the Unemployment Compensation Trust

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17372 Fund until transferred to the federal taxing authority as
17373 payment of income tax.
17374 3. Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17375 follow all procedures specified by the United States Department
17376 of Labor and the federal Internal Revenue Service pertaining to
17377 the deducting and withholding of income tax.
17378 4. If more than one authorized request for deduction and
17379 withholding is made, amounts must be deducted and withheld in
17380 accordance with the following priorities:
17381 a. Unemployment overpayments have first priority;
17382 b. Child support payments have second priority; and
17383 c. Withholding under this subsection has third priority.
17384 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
17385 CLAIMANTS AND EMPLOYERS.—
17386 (a) *In general.*—Claims for benefits must be made in
17387 accordance with the rules adopted by Jobs Florida ~~the Agency for~~
17388 ~~Workforce Innovation~~. Jobs Florida ~~The agency~~ must notify
17389 claimants and employers regarding monetary and nonmonetary
17390 determinations of eligibility. Investigations of issues raised
17391 in connection with a claimant which may affect a claimant's
17392 eligibility for benefits or charges to an employer's employment
17393 record shall be conducted by Jobs Florida ~~the agency~~ through
17394 written, telephonic, or electronic means as prescribed by rule.
17395 (b) *Process.*—When the Unemployment Compensation Claims and
17396 Benefits Information System described in s. 443.1113 is fully
17397 operational, the process for filing claims must incorporate the
17398 process for registering for work with the workforce information
17399 systems established pursuant to s. 445.011. A claim for benefits
17400 may not be processed until the work registration requirement is

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17401 satisfied. Jobs Florida ~~The Agency for Workforce Innovation~~ may
17402 adopt rules as necessary to administer the work registration
17403 requirement set forth in this paragraph.
17404 (3) DETERMINATION OF ELIGIBILITY.—
17405 (a) *Notices of claim.*—Jobs Florida ~~The Agency for Workforce~~
17406 ~~Innovation~~ shall promptly provide a notice of claim to the
17407 claimant's most recent employing unit and all employers whose
17408 employment records are liable for benefits under the monetary
17409 determination. The employer must respond to the notice of claim
17410 within 20 days after the mailing date of the notice, or in lieu
17411 of mailing, within 20 days after the delivery of the notice. If
17412 a contributing employer fails to timely respond to the notice of
17413 claim, the employer's account may not be relieved of benefit
17414 charges as provided in s. 443.131(3)(a), notwithstanding
17415 paragraph (5)(b). Jobs Florida ~~The agency~~ may adopt rules as
17416 necessary to implement the processes described in this paragraph
17417 relating to notices of claim.
17418 (b) *Monetary determinations.*—In addition to the notice of
17419 claim, Jobs Florida ~~the agency~~ shall also promptly provide an
17420 initial monetary determination to the claimant and each base
17421 period employer whose account is subject to being charged for
17422 its respective share of benefits on the claim. The monetary
17423 determination must include a statement of whether and in what
17424 amount the claimant is entitled to benefits, and, in the event
17425 of a denial, must state the reasons for the denial. A monetary
17426 determination for the first week of a benefit year must also
17427 include a statement of whether the claimant was paid the wages
17428 required under s. 443.091(1)(g) and, if so, the first day of the
17429 benefit year, the claimant's weekly benefit amount, and the

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17430 maximum total amount of benefits payable to the claimant for a
17431 benefit year. The monetary determination is final unless within
17432 20 days after the mailing of the notices to the parties' last
17433 known addresses, or in lieu of mailing, within 20 days after the
17434 delivery of the notices, an appeal or written request for
17435 reconsideration is filed by the claimant or other party entitled
17436 to notice. Jobs Florida ~~The agency~~ may adopt rules as necessary
17437 to implement the processes described in this paragraph relating
17438 to notices of monetary determinations and the appeals or
17439 reconsideration requests filed in response to such notices.
17440 (c) *Nonmonetary determinations.*—If Jobs Florida ~~the agency~~
17441 receives information that may result in a denial of benefits,
17442 Jobs Florida ~~the agency~~ must complete an investigation of the
17443 claim required by subsection (2) and provide notice of a
17444 nonmonetary determination to the claimant and the employer from
17445 whom the claimant's reason for separation affects his or her
17446 entitlement to benefits. The determination must state the reason
17447 for the determination and whether the unemployment tax account
17448 of the contributing employer is charged for benefits paid on the
17449 claim. The nonmonetary determination is final unless within 20
17450 days after the mailing of the notices to the parties' last known
17451 addresses, or in lieu of mailing, within 20 days after the
17452 delivery of the notices, an appeal or written request for
17453 reconsideration is filed by the claimant or other party entitled
17454 to notice. Jobs Florida ~~The agency~~ may adopt rules as necessary
17455 to implement the processes described in this paragraph relating
17456 to notices of nonmonetary determination and the appeals or
17457 reconsideration requests filed in response to such notices, and
17458 may adopt rules prescribing the manner and procedure by which

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17459 employers within the base period of a claimant become entitled
17460 to notice of nonmonetary determination.
17461 (d) *Determinations in labor dispute cases.*—Whenever any
17462 claim involves a labor dispute described in s. 443.101(4), Jobs
17463 Florida ~~the Agency for Workforce Innovation~~ shall promptly
17464 assign the claim to a special examiner who shall make a
17465 determination on the issues involving unemployment due to the
17466 labor dispute. The special examiner shall make the determination
17467 after an investigation, as necessary. The claimant or another
17468 party entitled to notice of the determination may appeal a
17469 determination under subsection (4).
17470 (e) *Redeterminations.*—
17471 1. Jobs Florida ~~The Agency for Workforce Innovation~~ may
17472 reconsider a determination if it finds an error or if new
17473 evidence or information pertinent to the determination is
17474 discovered after a prior determination or redetermination. A
17475 redetermination may not be made more than 1 year after the last
17476 day of the benefit year unless the disqualification for making a
17477 false or fraudulent representation under s. 443.101(6) is
17478 applicable, in which case the redetermination may be made within
17479 2 years after the false or fraudulent representation. Jobs
17480 Florida ~~The agency~~ must promptly give notice of redetermination
17481 to the claimant and to any employers entitled to notice in the
17482 manner prescribed in this section for the notice of an initial
17483 determination.
17484 2. If the amount of benefits is increased by the
17485 redetermination, an appeal of the redetermination based solely
17486 on the increase may be filed as provided in subsection (4). If
17487 the amount of benefits is decreased by the redetermination, the

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17488 redetermination may be appealed by the claimant if a subsequent
17489 claim for benefits is affected in amount or duration by the
17490 redetermination. If the final decision on the determination or
17491 redetermination to be reconsidered was made by an appeals
17492 referee, the commission, or a court, Jobs Florida ~~the Agency for~~
17493 ~~Workforce Innovation~~ may apply for a revised decision from the
17494 body or court that made the final decision.
17495 3. If an appeal of an original determination is pending
17496 when a redetermination is issued, the appeal unless withdrawn is
17497 treated as an appeal from the redetermination.
17498 (4) APPEALS.—
17499 (a) *Appeals referees.*—Jobs Florida ~~The Agency for Workforce~~
17500 ~~Innovation~~ shall appoint one or more impartial salaried appeals
17501 referees in accordance with s. 443.171(3) to hear and decide
17502 appealed claims. A person may not participate on behalf of Jobs
17503 Florida ~~the Agency for Workforce Innovation~~ as an appeals
17504 referee in any case in which she or he is an interested party.
17505 Jobs Florida ~~The Agency for Workforce Innovation~~ may designate
17506 alternates to serve in the absence or disqualification of any
17507 appeals referee on a temporary basis. These alternates must have
17508 the same qualifications required of appeals referees. Jobs
17509 Florida ~~The Agency for Workforce Innovation~~ shall provide the
17510 commission and the appeals referees with proper facilities and
17511 assistance for the execution of their functions.
17512 (b) *Filing and hearing.*—
17513 1. The claimant or any other party entitled to notice of a
17514 determination may appeal an adverse determination to an appeals
17515 referee within 20 days after the date of mailing of the notice
17516 to her or his last known address or, if the notice is not

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17517 mailed, within 20 days after the date of delivery of the notice.
17518 2. Unless the appeal is untimely or withdrawn or review is
17519 initiated by the commission, the appeals referee, after mailing
17520 all parties and attorneys of record a notice of hearing at least
17521 10 days before the date of hearing, notwithstanding the 14-day
17522 notice requirement in s. 120.569(2)(b), may only affirm, modify,
17523 or reverse the determination. An appeal may not be withdrawn
17524 without the permission of the appeals referee.
17525 3. However, when an appeal appears to have been filed after
17526 the permissible time limit, the Office of Appeals may issue an
17527 order to show cause to the appellant, requiring the appellant to
17528 show why the appeal should not be dismissed as untimely. If the
17529 appellant does not, within 15 days after the mailing date of the
17530 order to show cause, provide written evidence of timely filing
17531 or good cause for failure to appeal timely, the appeal shall be
17532 dismissed.
17533 4. When an appeal involves a question of whether services
17534 were performed by a claimant in employment or for an employer,
17535 the referee must give special notice of the question and of the
17536 pendency of the appeal to the employing unit and to Jobs Florida
17537 ~~the Agency for Workforce Innovation~~, both of which become
17538 parties to the proceeding.
17539 5. The parties must be notified promptly of the referee's
17540 decision. The referee's decision is final unless further review
17541 is initiated under paragraph (c) within 20 days after the date
17542 of mailing notice of the decision to the party's last known
17543 address or, in lieu of mailing, within 20 days after the
17544 delivery of the notice.
17545 (c) *Review by commission.*—The commission may, on its own

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17546 motion, within the time limit in paragraph (b), initiate a
17547 review of the decision of an appeals referee. The commission may
17548 also allow Jobs Florida ~~the Agency for Workforce Innovation~~ or
17549 any adversely affected party entitled to notice of the decision
17550 to appeal the decision by filing an application within the time
17551 limit in paragraph (b). An adversely affected party has the
17552 right to appeal the decision if Jobs Florida's ~~the Agency for~~
17553 ~~Workforce Innovation's~~ determination is not affirmed by the
17554 appeals referee. The commission may affirm, modify, or reverse
17555 the findings and conclusions of the appeals referee based on
17556 evidence previously submitted in the case or based on additional
17557 evidence taken at the direction of the commission. The
17558 commission may assume jurisdiction of or transfer to another
17559 appeals referee the proceedings on any claim pending before an
17560 appeals referee. Any proceeding in which the commission assumes
17561 jurisdiction before completion must be heard by the commission
17562 in accordance with the requirement of this subsection for
17563 proceedings before an appeals referee. When the commission
17564 denies an application to hear an appeal of an appeals referee's
17565 decision, the decision of the appeals referee is the decision of
17566 the commission for purposes of this paragraph and is subject to
17567 judicial review within the same time and manner as decisions of
17568 the commission, except that the time for initiating review runs
17569 from the date of notice of the commission's order denying the
17570 application to hear an appeal.
17571 (d) *Procedure.*—The manner that appealed claims are
17572 presented must comply with the commission's rules. Witnesses
17573 subpoenaed under this section are allowed fees at the rate
17574 established by s. 92.142, and fees of witnesses subpoenaed on

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17575 behalf of Jobs Florida ~~the Agency for Workforce Innovation~~ or
17576 any claimant are deemed part of the expense of administering
17577 this chapter.
17578 (e) *Judicial review.*—Orders of the commission entered under
17579 paragraph (c) are subject to review only by notice of appeal in
17580 the district court of appeal in the appellate district in which
17581 the issues involved were decided by an appeals referee.
17582 Notwithstanding chapter 120, the commission is a party
17583 respondent to every such proceeding. Jobs Florida ~~The Agency for~~
17584 ~~Workforce Innovation~~ may initiate judicial review of orders in
17585 the same manner and to the same extent as any other party.
17586 (5) PAYMENT OF BENEFITS.—
17587 (a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17588 promptly pay benefits in accordance with a determination or
17589 redetermination regardless of any appeal or pending appeal.
17590 Before payment of benefits to the claimant, however, each
17591 employer who is liable for reimbursements in lieu of
17592 contributions for payment of the benefits must be notified, at
17593 the address on file with Jobs Florida ~~the Agency for Workforce~~
17594 ~~Innovation~~ or its tax collection service provider, of the
17595 initial determination of the claim and must be given 10 days to
17596 respond.
17597 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17598 promptly pay benefits, regardless of whether a determination is
17599 under appeal if the determination allowing benefits is affirmed
17600 in any amount by an appeals referee or is affirmed by the
17601 commission, or if a decision of an appeals referee allowing
17602 benefits is affirmed in any amount by the commission. In these
17603 instances, a court may not issue an injunction, supersedeas,

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17604 stay, or other writ or process suspending payment of benefits. A
17605 contributing employer that responded to the notice of claim
17606 within the time limit provided in subsection (3) may not,
17607 however, be charged with benefits paid under an erroneous
17608 determination if the decision is ultimately reversed. Benefits
17609 are not paid for any subsequent weeks of unemployment involved
17610 in a reversal.
17611 (c) The provisions of paragraph (b) relating to charging an
17612 employer liable for contributions do not apply to reimbursing
17613 employers.
17614 (6) RECOVERY AND RECOUPMENT.—
17615 (a) Any person who, by reason of her or his fraud, receives
17616 benefits under this chapter to which she or he is not entitled
17617 is liable for repaying those benefits to Jobs Florida ~~the Agency~~
17618 ~~for Workforce Innovation~~ on behalf of the trust fund or, in the
17619 ~~agency's~~ discretion of Jobs Florida, to have those benefits
17620 deducted from future benefits payable to her or him under this
17621 chapter. To enforce this paragraph, Jobs Florida ~~the agency~~ must
17622 find the existence of fraud through a redetermination or
17623 decision under this section within 2 years after the fraud was
17624 committed. Any recovery or recoupment of benefits must be
17625 effected within 5 years after the redetermination or decision.
17626 (b) Any person who, by reason other than her or his fraud,
17627 receives benefits under this chapter to which, under a
17628 redetermination or decision pursuant to this section, she or he
17629 is not entitled, is liable for repaying those benefits to Jobs
17630 Florida ~~the Agency for Workforce Innovation~~ on behalf of the
17631 trust fund or, in the ~~agency's~~ discretion of Jobs Florida, to
17632 have those benefits deducted from any future benefits payable to

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17633 her or him under this chapter. Any recovery or recoupment of
17634 benefits must be effected within 3 years after the
17635 redetermination or decision.
17636 (c) Any person who, by reason other than fraud, receives
17637 benefits under this chapter to which she or he is not entitled
17638 as a result of an employer's failure to respond to a claim
17639 within the timeframe provided in subsection (3) is not liable
17640 for repaying those benefits to Jobs Florida ~~the Agency for~~
17641 ~~Workforce Innovation~~ on behalf of the trust fund or to have
17642 those benefits deducted from any future benefits payable to her
17643 or him under this chapter.
17644 (d) Recoupment from future benefits is not permitted if the
17645 benefits are received by any person without fault on the
17646 person's part and recoupment would defeat the purpose of this
17647 chapter or would be inequitable and against good conscience.
17648 (e) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17649 collect the repayment of benefits without interest by the
17650 deduction of benefits through a redetermination or by a civil
17651 action.
17652 (f) Notwithstanding any other provision of this chapter,
17653 any person who is determined by this state, a cooperating state
17654 agency, the United States Secretary of Labor, or a court to have
17655 received any payments under the Trade Act of 1974, as amended,
17656 to which the person was not entitled shall have those payments
17657 deducted from any regular benefits, as defined in s.
17658 443.1115(1)(e), payable to her or him under this chapter. Each
17659 such deduction may not exceed 50 percent of the amount otherwise
17660 payable. The payments deducted shall be remitted to the agency
17661 that issued the payments under the Trade Act of 1974, as

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17662 amended, for return to the United States Treasury. Except for
17663 overpayments determined by a court, a deduction may not be made
17664 under this paragraph until a determination by the state agency
17665 or the United States Secretary of Labor is final.
17666 (7) REPRESENTATION IN ADMINISTRATIVE PROCEEDINGS.—In any
17667 administrative proceeding conducted under this chapter, an
17668 employer or a claimant has the right, at his or her own expense,
17669 to be represented by counsel or by an authorized representative.
17670 Notwithstanding s. 120.62(2), the authorized representative need
17671 not be a qualified representative.
17672 (8) BILINGUAL REQUIREMENTS.—
17673 (a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17674 provide printed bilingual instructional and educational
17675 materials in the appropriate language in those counties in which
17676 5 percent or more of the households in the county are classified
17677 as a single-language minority.
17678 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17679 ensure that one-stop career centers and appeals offices located
17680 in counties subject to the requirements of paragraph (c)
17681 prominently post notices in the appropriate languages and that
17682 translators are available in those centers and offices.
17683 (c) As used in this subsection, the term "single-language
17684 minority" means households that speak the same non-English
17685 language and that do not contain an adult fluent in English.
17686 Jobs Florida ~~The Agency for Workforce Innovation~~ shall develop
17687 estimates of the percentages of single-language minority
17688 households for each county by using data from the United States
17689 Bureau of the Census.
17690 Section 292. Subsection (1), paragraphs (a) and (c) of

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17691 subsection (3), and subsection (4) of section 443.163, Florida
17692 Statutes, are amended to read:
17693 443.163 Electronic reporting and remitting of contributions
17694 and reimbursements.—
17695 (1) An employer may file any report and remit any
17696 contributions or reimbursements required under this chapter by
17697 electronic means. Jobs Florida ~~The Agency for Workforce~~
17698 ~~Innovation~~ or the state agency providing unemployment tax
17699 collection services shall adopt rules prescribing the format and
17700 instructions necessary for electronically filing reports and
17701 remitting contributions and reimbursements to ensure a full
17702 collection of contributions and reimbursements due. The
17703 acceptable method of transfer, the method, form, and content of
17704 the electronic means, and the method, if any, by which the
17705 employer will be provided with an acknowledgment shall be
17706 prescribed by Jobs Florida ~~the Agency for Workforce Innovation~~
17707 or its tax collection service provider. However, any employer
17708 who employed 10 or more employees in any quarter during the
17709 preceding state fiscal year must file the Employers Quarterly
17710 Reports (UCT-6) for the current calendar year and remit the
17711 contributions and reimbursements due by electronic means
17712 approved by the tax collection service provider. A person who
17713 prepared and reported for 100 or more employers in any quarter
17714 during the preceding state fiscal year must file the Employers
17715 Quarterly Reports (UCT-6) for each calendar quarter in the
17716 current calendar year, beginning with reports due for the second
17717 calendar quarter of 2003, by electronic means approved by the
17718 tax collection service provider.
17719 (3) The tax collection service provider may waive the

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17720 requirement to file an Employers Quarterly Report (UCT-6) by
17721 electronic means for employers that are unable to comply despite
17722 good faith efforts or due to circumstances beyond the employer's
17723 reasonable control.
17724 (a) As prescribed by Jobs Florida ~~the Agency for Workforce~~
17725 ~~Innovation~~ or its tax collection service provider, grounds for
17726 approving the waiver include, but are not limited to,
17727 circumstances in which the employer does not:
17728 1. Currently file information or data electronically with
17729 any business or government agency; or
17730 2. Have a compatible computer that meets or exceeds the
17731 standards prescribed by Jobs Florida ~~the Agency for Workforce~~
17732 ~~Innovation~~ or its tax collection service provider.
17733 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ or the
17734 state agency providing unemployment tax collection services may
17735 establish by rule the length of time a waiver is valid and may
17736 determine whether subsequent waivers will be authorized, based
17737 on this subsection.
17738 (4) As used in this section, the term "electronic means"
17739 includes, but is not limited to, electronic data interchange;
17740 electronic funds transfer; and use of the Internet, telephone,
17741 or other technology specified by Jobs Florida ~~the Agency for~~
17742 ~~Workforce Innovation~~ or its tax collection service provider.
17743 Section 293. Section 443.171, Florida Statutes, is amended
17744 to read:
17745 443.171 Jobs Florida ~~Agency for Workforce Innovation~~ and
17746 commission; powers and duties; records and reports; proceedings;
17747 state-federal cooperation.—
17748 (1) POWERS AND DUTIES.—Jobs Florida ~~The Agency for~~

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17749 ~~Workforce Innovation~~ shall administer this chapter. Jobs Florida
17750 ~~The agency~~ may employ those persons, make expenditures, require
17751 reports, conduct investigations, and take other action necessary
17752 or suitable to administer this chapter. Jobs Florida ~~the Agency~~
17753 ~~for Workforce Innovation~~ shall annually submit information to
17754 Workforce Florida, Inc., covering the administration and
17755 operation of this chapter during the preceding calendar year for
17756 inclusion in the strategic plan under s. 445.006 and may make
17757 recommendations for amendment to this chapter.
17758 (2) PUBLICATION OF ACTS AND RULES.—Jobs Florida ~~the Agency~~
17759 ~~for Workforce Innovation~~ shall cause to be printed and
17760 distributed to the public, or otherwise distributed to the
17761 public through the Internet or similar electronic means, the
17762 text of this chapter and of the rules for administering this
17763 chapter adopted by Jobs Florida ~~the agency~~ or the state agency
17764 providing unemployment tax collection services and any other
17765 matter relevant and suitable. Jobs Florida ~~The Agency for~~
17766 ~~Workforce Innovation~~ shall furnish this information to any
17767 person upon request. However, any pamphlet, rules, circulars, or
17768 reports required by this chapter may not contain any matter
17769 except the actual data necessary to complete them or the actual
17770 language of the rule, together with the proper notices.
17771 (3) PERSONNEL.—Subject to chapter 110 and the other
17772 provisions of this chapter, Jobs Florida ~~the Agency for~~
17773 ~~Workforce Innovation~~ may appoint, set the compensation of, and
17774 prescribe the duties and powers of employees, accountants,
17775 attorneys, experts, and other persons as necessary for the
17776 performance of the ~~agency's~~ duties of Jobs Florida under this
17777 chapter. Jobs Florida ~~The Agency for Workforce Innovation~~ may

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17778 delegate to any person its power and authority under this
17779 chapter as necessary for the effective administration of this
17780 chapter and may bond any person handling moneys or signing
17781 checks under this chapter. The cost of these bonds must be paid
17782 from the Employment Security Administration Trust Fund.
17783 (4) EMPLOYMENT STABILIZATION.—Jobs Florida ~~The Agency for~~
17784 ~~Workforce Innovation~~, under the direction of Workforce Florida,
17785 Inc., shall take all appropriate steps to reduce and prevent
17786 unemployment; to encourage and assist in the adoption of
17787 practical methods of career training, retraining, and career
17788 guidance; to investigate, recommend, advise, and assist in the
17789 establishment and operation, by municipalities, counties, school
17790 districts, and the state, of reserves for public works to be
17791 used in times of business depression and unemployment; to
17792 promote the reemployment of the unemployed workers throughout
17793 the state in every other way that may be feasible; to refer any
17794 claimant entitled to extended benefits to suitable work which
17795 meets the criteria of this chapter; and, to these ends, to carry
17796 on and publish the results of investigations and research
17797 studies.
17798 (5) RECORDS AND REPORTS.—Each employing unit shall keep
17799 true and accurate work records, containing the information
17800 required by Jobs Florida ~~the Agency for Workforce Innovation~~ or
17801 its tax collection service provider. These records must be open
17802 to inspection and are subject to being copied by Jobs Florida
17803 ~~the Agency for Workforce Innovation~~ or its tax collection
17804 service provider at any reasonable time and as often as
17805 necessary. Jobs Florida ~~The Agency for Workforce Innovation~~ or
17806 its tax collection service provider may require from any

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17807 employing unit any sworn or unsworn reports, for persons
17808 employed by the employing unit, necessary for the effective
17809 administration of this chapter. However, a state or local
17810 governmental agency performing intelligence or
17811 counterintelligence functions need not report an employee if the
17812 head of that agency determines that reporting the employee could
17813 endanger the safety of the employee or compromise an ongoing
17814 investigation or intelligence mission. Information revealing the
17815 employing unit's or individual's identity obtained from the
17816 employing unit or from any individual through the administration
17817 of this chapter, is, except to the extent necessary for the
17818 proper presentation of a claim or upon written authorization of
17819 the claimant who has a workers' compensation claim pending,
17820 confidential and exempt from s. 119.07(1). This confidential
17821 information is available only to public employees in the
17822 performance of their public duties. Any claimant, or the
17823 claimant's legal representative, at a hearing before an appeals
17824 referee or the commission must be supplied with information from
17825 these records to the extent necessary for the proper
17826 presentation of her or his claim. Any employee or member of the
17827 commission, any employee of Jobs Florida ~~the Agency for~~
17828 ~~Workforce Innovation~~ or its tax collection service provider, or
17829 any other person receiving confidential information who violates
17830 this subsection commits a misdemeanor of the second degree,
17831 punishable as provided in s. 775.082 or s. 775.083. However,
17832 Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax
17833 collection service provider may furnish to any employer copies
17834 of any report previously submitted by that employer, upon the
17835 request of the employer. Jobs Florida ~~The Agency for Workforce~~

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17836 ~~Innovation~~ or its tax collection service provider may charge a
17837 reasonable fee for copies of reports, which may not exceed the
17838 actual reasonable cost of the preparation of the copies as
17839 prescribed by rules adopted by Jobs Florida ~~the Agency for~~
17840 ~~Workforce Innovation~~ or the state agency providing tax
17841 collection services. Fees received by Jobs Florida ~~the Agency~~
17842 ~~for Workforce Innovation~~ or its tax collection service provider
17843 for copies furnished under this subsection must be deposited in
17844 the Employment Security Administration Trust Fund.
17845 (6) OATHS AND WITNESSES.—In the discharge of the duties
17846 imposed by this chapter, Jobs Florida ~~the Agency for Workforce~~
17847 ~~Innovation~~, its tax collection service provider, the members of
17848 the commission, and any authorized representative of any of
17849 these entities may administer oaths and affirmations, take
17850 depositions, certify to official acts, and issue subpoenas to
17851 compel the attendance of witnesses and the production of books,
17852 papers, correspondence, memoranda, and other records deemed
17853 necessary as evidence in connection with the administration of
17854 this chapter.
17855 (7) SUBPOENAS.—If a person refuses to obey a subpoena
17856 issued to that person, any court of this state within the
17857 jurisdiction of which the inquiry is carried on, or within the
17858 jurisdiction of which the person is found, resides, or transacts
17859 business, upon application by Jobs Florida ~~the Agency for~~
17860 ~~Workforce Innovation~~, its tax collection service provider, the
17861 commission, or any authorized representative of any of these
17862 entities has jurisdiction to order the person to appear before
17863 the entity to produce evidence or give testimony on the matter
17864 under investigation or in question. Failure to obey the order of

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17865 the court may be punished by the court as contempt. Any person
17866 who fails or refuses without just cause to appear or testify; to
17867 answer any lawful inquiry; or to produce books, papers,
17868 correspondence, memoranda, and other records within her or his
17869 control as commanded in a subpoena of Jobs Florida ~~the Agency~~
17870 ~~for Workforce Innovation~~, its tax collection service provider,
17871 the commission, or any authorized representative of any of these
17872 entities commits a misdemeanor of the second degree, punishable
17873 as provided in s. 775.082 or s. 775.083. Each day that a
17874 violation continues is a separate offense.
17875 (8) PROTECTION AGAINST SELF-INCRIMINATION.—A person is not
17876 excused from appearing or testifying, or from producing books,
17877 papers, correspondence, memoranda, or other records, before Jobs
17878 Florida ~~the Agency for Workforce Innovation~~, its tax collection
17879 service provider, the commission, or any authorized
17880 representative of any of these entities or as commanded in a
17881 subpoena of any of these entities in any proceeding before Jobs
17882 Florida ~~the Agency for Workforce Innovation~~, the commission, an
17883 appeals referee, or a special deputy on the ground that the
17884 testimony or evidence, documentary or otherwise, required of the
17885 person may incriminate her or him or subject her or him to a
17886 penalty or forfeiture. That person may not be prosecuted or
17887 subjected to any penalty or forfeiture for or on account of any
17888 transaction, matter, or thing concerning which she or he is
17889 compelled, after having claimed her or his privilege against
17890 self-incrimination, to testify or produce evidence, documentary
17891 or otherwise, except that the person testifying is not exempt
17892 from prosecution and punishment for perjury committed while
17893 testifying.

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17894 (9) STATE-FEDERAL COOPERATION.—
17895 (a)1. In the administration of this chapter, Jobs Florida
17896 ~~the Agency for Workforce Innovation~~ and its tax collection
17897 service provider shall cooperate with the United States
17898 Department of Labor to the fullest extent consistent with this
17899 chapter and shall take those actions, through the adoption of
17900 appropriate rules, administrative methods, and standards,
17901 necessary to secure for this state all advantages available
17902 under the provisions of federal law relating to unemployment
17903 compensation.
17904 2. In the administration of the provisions in s. 443.1115,
17905 which are enacted to conform with the Federal-State Extended
17906 Unemployment Compensation Act of 1970, Jobs Florida ~~the Agency~~
17907 ~~for Workforce Innovation~~ shall take those actions necessary to
17908 ensure that those provisions are interpreted and applied to meet
17909 the requirements of the federal act as interpreted by the United
17910 States Department of Labor and to secure for this state the full
17911 reimbursement of the federal share of extended benefits paid
17912 under this chapter which is reimbursable under the federal act.
17913 3. Jobs Florida ~~The Agency for Workforce Innovation~~ and its
17914 tax collection service provider shall comply with the
17915 regulations of the United States Department of Labor relating to
17916 the receipt or expenditure by this state of funds granted under
17917 federal law; shall submit the reports in the form and containing
17918 the information the United States Department of Labor requires;
17919 and shall comply with directions of the United States Department
17920 of Labor necessary to assure the correctness and verification of
17921 these reports.
17922 (b) Jobs Florida ~~the Agency for Workforce Innovation~~ and

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17923 its tax collection service provider may cooperate with every
17924 agency of the United States charged with administration of any
17925 unemployment insurance law.
17926 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ and
17927 its tax collection service provider shall cooperate with the
17928 agencies of other states, and shall make every proper effort
17929 within their means, to oppose and prevent any further action
17930 leading to the complete or substantial federalization of state
17931 unemployment compensation funds or state employment security
17932 programs. Jobs Florida ~~The Agency for Workforce Innovation~~ and
17933 its tax collection service provider may make, and may cooperate
17934 with other appropriate agencies in making, studies as to the
17935 practicability and probable cost of possible new state-
17936 administered social security programs and the relative
17937 desirability of state, rather than federal, action in that field
17938 of study.
17939 Section 294. Subsections (1) and (2) of section 443.1715,
17940 Florida Statutes, are amended to read:
17941 443.1715 Disclosure of information; confidentiality.—
17942 (1) RECORDS AND REPORTS.—Information revealing an employing
17943 unit's or individual's identity obtained from the employing unit
17944 or any individual under the administration of this chapter, and
17945 any determination revealing that information, except to the
17946 extent necessary for the proper presentation of a claim or upon
17947 written authorization of the claimant who has a workers'
17948 compensation claim pending or is receiving compensation
17949 benefits, is confidential and exempt from s. 119.07(1) and s.
17950 24(a), Art. I of the State Constitution. This confidential
17951 information may be released only to public employees in the

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17952 performance of their public duties. Except as otherwise provided
17953 by law, public employees receiving this confidential information
17954 must maintain the confidentiality of the information. Any
17955 claimant, or the claimant's legal representative, at a hearing
17956 before an appeals referee or the commission is entitled to
17957 information from these records to the extent necessary for the
17958 proper presentation of her or his claim. A person receiving
17959 confidential information who violates this subsection commits a
17960 misdemeanor of the second degree, punishable as provided in s.
17961 775.082 or s. 775.083. Jobs Florida ~~The Agency for Workforce~~
17962 ~~Innovation~~ or its tax collection service provider may, however,
17963 furnish to any employer copies of any report submitted by that
17964 employer upon the request of the employer and may furnish to any
17965 claimant copies of any report submitted by that claimant upon
17966 the request of the claimant. Jobs Florida ~~The Agency for~~
17967 ~~Workforce Innovation~~ or its tax collection service provider may
17968 charge a reasonable fee for copies of these reports as
17969 prescribed by rule, which may not exceed the actual reasonable
17970 cost of the preparation of the copies. Fees received for copies
17971 under this subsection must be deposited in the Employment
17972 Security Administration Trust Fund.
17973 (2) DISCLOSURE OF INFORMATION.—
17974 (a) Subject to restrictions Jobs Florida ~~the Agency for~~
17975 ~~Workforce Innovation~~ or the state agency providing unemployment
17976 tax collection services adopts by rule, information declared
17977 confidential under this section is available to any agency of
17978 this or any other state, or any federal agency, charged with the
17979 administration of any unemployment compensation law or the
17980 maintenance of the one-stop delivery system, or the Bureau of

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17981 Internal Revenue of the United States Department of the
17982 Treasury, ~~the Governor's Office of Tourism, Trade, and Economic~~
17983 ~~Development,~~ or the Florida Department of Revenue. Information
17984 obtained in connection with the administration of the one-stop
17985 delivery system may be made available to persons or agencies for
17986 purposes appropriate to the operation of a public employment
17987 service or a job-preparatory or career education or training
17988 program. Jobs Florida ~~The Agency for Workforce Innovation~~ shall,
17989 on a quarterly basis, furnish the National Directory of New
17990 Hires with information concerning the wages and unemployment
17991 benefits paid to individuals, by the dates, in the format, and
17992 containing the information specified in the regulations of the
17993 United States Secretary of Health and Human Services. Upon
17994 request, Jobs Florida ~~the Agency for Workforce Innovation~~ shall
17995 furnish any agency of the United States charged with the
17996 administration of public works or assistance through public
17997 employment, and may furnish to any state agency similarly
17998 charged, the name, address, ordinary occupation, and employment
17999 status of each recipient of benefits and the recipient's rights
18000 to further benefits under this chapter. Except as otherwise
18001 provided by law, the receiving agency must retain the
18002 confidentiality of this information as provided in this section.
18003 The tax collection service provider may request the Comptroller
18004 of the Currency of the United States to examine the correctness
18005 of any return or report of any national banking association
18006 rendered under this chapter and may in connection with that
18007 request transmit any report or return for examination to the
18008 Comptroller of the Currency of the United States as provided in
18009 s. 3305(c) of the federal Internal Revenue Code.

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18010 (b) The employer or the employer's workers' compensation
18011 carrier against whom a claim for benefits under chapter 440 has
18012 been made, or a representative of either, may request from Jobs
18013 Florida ~~the Agency for Workforce Innovation~~ records of wages of
18014 the employee reported to Jobs Florida ~~the agency~~ by any employer
18015 for the quarter that includes the date of the accident that is
18016 the subject of such claim and for subsequent quarters.
18017 1. The request must be made with the authorization or
18018 consent of the employee or any employer who paid wages to the
18019 employee after the date of the accident.
18020 2. The employer or carrier shall make the request on a form
18021 prescribed by rule for such purpose by the agency. Such form
18022 shall contain a certification by the requesting party that it is
18023 a party entitled to the information requested.
18024 3. Jobs Florida ~~The agency~~ shall provide the most current
18025 information readily available within 15 days after receiving the
18026 request.
18027 Section 295. Section 443.181, Florida Statutes, is amended
18028 to read:
18029 443.181 Public employment service.—
18030 (1) The one-stop delivery system established under s.
18031 445.009 is this state's public employment service as part of the
18032 national system of public employment offices under 29 U.S.C. s.
18033 49. Jobs Florida ~~The Agency for Workforce Innovation~~, under
18034 policy direction from Workforce Florida, Inc., shall cooperate
18035 with any official or agency of the United States having power or
18036 duties under 29 U.S.C. ss. 49-49l-1 and shall perform those
18037 duties necessary to secure to this state the funds provided
18038 under federal law for the promotion and maintenance of the

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18039 state's public employment service. In accordance with 29 U.S.C.
18040 s. 49c, this state accepts 29 U.S.C. ss. 49-49l-1. Jobs Florida
18041 ~~The Agency for Workforce Innovation~~ is designated the state
18042 agency responsible for cooperating with the United States
18043 Secretary of Labor under 29 U.S.C. s. 49c. Jobs Florida ~~The~~
18044 ~~Agency for Workforce Innovation~~ shall appoint sufficient
18045 employees to administer this section. Jobs Florida ~~The Agency~~
18046 ~~for Workforce Innovation~~ may cooperate with or enter into
18047 agreements with the Railroad Retirement Board for the
18048 establishment, maintenance, and use of one-stop career centers.
18049 (2) All funds received by this state under 29 U.S.C. ss.
18050 49-49l-1 must be paid into the Employment Security
18051 Administration Trust Fund, and these funds are available to Jobs
18052 Florida ~~the Agency for Workforce Innovation~~ for expenditure as
18053 provided by this chapter or by federal law. For the purpose of
18054 establishing and maintaining one-stop career centers, Jobs
18055 Florida ~~the Agency for Workforce Innovation~~ may enter into
18056 agreements with the Railroad Retirement Board or any other
18057 agency of the United States charged with the administration of
18058 an unemployment compensation law, with any political subdivision
18059 of this state, or with any private, nonprofit organization. As a
18060 part of any such agreement, Jobs Florida ~~the Agency for~~
18061 ~~Workforce Innovation~~ may accept moneys, services, or quarters as
18062 a contribution to the Employment Security Administration Trust
18063 Fund.
18064 Section 296. Subsections (1), (2), (3), and (4) of section
18065 443.191, Florida Statutes, are amended to read:
18066 443.191 Unemployment Compensation Trust Fund; establishment
18067 and control.—

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18068 (1) There is established, as a separate trust fund apart
18069 from all other public funds of this state, an Unemployment
18070 Compensation Trust Fund, which shall be administered by Jobs
18071 Florida ~~the Agency for Workforce Innovation~~ exclusively for the
18072 purposes of this chapter. The fund shall consist of:
18073 (a) All contributions and reimbursements collected under
18074 this chapter;
18075 (b) Interest earned on any moneys in the fund;
18076 (c) Any property or securities acquired through the use of
18077 moneys belonging to the fund;
18078 (d) All earnings of these properties or securities;
18079 (e) All money credited to this state's account in the
18080 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.
18081 1103; and
18082 (f) Advances on the amount in the federal Unemployment
18083 Compensation Trust Fund credited to the state under 42 U.S.C. s.
18084 1321, as requested by the Governor or the Governor's designee.
18085
18086 Except as otherwise provided in s. 443.1313(4), all moneys in
18087 the fund shall be mingled and undivided.
18088 (2) The Chief Financial Officer is the ex officio treasurer
18089 and custodian of the fund and shall administer the fund in
18090 accordance with the directions of Jobs Florida ~~the Agency for~~
18091 ~~Workforce Innovation~~. All payments from the fund must be
18092 approved by Jobs Florida ~~the Agency for Workforce Innovation~~ or
18093 by an authorized agent. The Chief Financial Officer shall
18094 maintain within the fund three separate accounts:
18095 (a) A clearing account;
18096 (b) An Unemployment Compensation Trust Fund account; and

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18097 (c) A benefit account.
18098
18099 All moneys payable to the fund, including moneys received from
18100 the United States as reimbursement for extended benefits paid by
18101 Jobs Florida ~~the Agency for Workforce Innovation~~, must be
18102 forwarded to the Chief Financial Officer, who shall immediately
18103 deposit them in the clearing account. Refunds payable under s.
18104 443.141 may be paid from the clearing account. After clearance,
18105 all other moneys in the clearing account must be immediately
18106 deposited with the Secretary of the Treasury of the United
18107 States to the credit of this state's account in the federal
18108 Unemployment Compensation Trust Fund notwithstanding any state
18109 law relating to the deposit, administration, release, or
18110 disbursement of moneys in the possession or custody of this
18111 state. The benefit account consists of all moneys requisitioned
18112 from this state's account in the federal Unemployment
18113 Compensation Trust Fund. Except as otherwise provided by law,
18114 moneys in the clearing and benefit accounts may be deposited by
18115 the Chief Financial Officer, under the direction of Jobs Florida
18116 ~~the Agency for Workforce Innovation~~, in any bank or public
18117 depository in which general funds of the state are deposited,
18118 but a public deposit insurance charge or premium may not be paid
18119 out of the fund. If any warrant issued against the clearing
18120 account or the benefit account is not presented for payment
18121 within 1 year after issuance, the Chief Financial Officer must
18122 cancel the warrant and credit without restriction the amount of
18123 the warrant to the account upon which it is drawn. When the
18124 payee or person entitled to a canceled warrant requests payment
18125 of the warrant, the Chief Financial Officer, upon direction of

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18126 Jobs Florida ~~the Agency for Workforce Innovation~~, must issue a
18127 new warrant, payable from the account against which the canceled
18128 warrant was drawn.
18129 (3) Moneys may only be requisitioned from the state's
18130 account in the federal Unemployment Compensation Trust Fund
18131 solely for the payment of benefits and extended benefits and for
18132 payment in accordance with rules prescribed by Jobs Florida ~~the~~
18133 ~~Agency for Workforce Innovation~~, or for the repayment of
18134 advances made pursuant to 42 U.S.C. s. 1321, as authorized by
18135 the Governor or the Governor's designee, except that money
18136 credited to this state's account under 42 U.S.C. s. 1103 may
18137 only be used exclusively as provided in subsection (5). Jobs
18138 Florida ~~The Agency for Workforce Innovation~~, through the Chief
18139 Financial Officer, shall requisition from the federal
18140 Unemployment Compensation Trust Fund amounts, not exceeding the
18141 amounts credited to this state's account in the fund, as
18142 necessary for the payment of benefits and extended benefits for
18143 a reasonable future period. Upon receipt of these amounts, the
18144 Chief Financial Officer shall deposit the moneys in the benefit
18145 account in the State Treasury and warrants for the payment of
18146 benefits and extended benefits shall be drawn upon the order of
18147 Jobs Florida ~~the Agency for Workforce Innovation~~ against the
18148 account. All warrants for benefits and extended benefits are
18149 payable directly to the ultimate beneficiary. Expenditures of
18150 these moneys in the benefit account and refunds from the
18151 clearing account are not subject to any law requiring specific
18152 appropriations or other formal release by state officers of
18153 money in their custody. All warrants issued for the payment of
18154 benefits and refunds must bear the signature of the Chief

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18155 Financial Officer. Any balance of moneys requisitioned from this
18156 state's account in the federal Unemployment Compensation Trust
18157 Fund which remains unclaimed or unpaid in the benefit account
18158 after the period for which the moneys were requisitioned shall
18159 be deducted from estimates for, and may be used for the payment
18160 of, benefits and extended benefits during succeeding periods,
18161 or, in the discretion of Jobs Florida ~~the Agency for Workforce~~
18162 ~~Innovation~~, shall be redeposited with the Secretary of the
18163 Treasury of the United States, to the credit of this state's
18164 account in the federal Unemployment Compensation Trust Fund, as
18165 provided in subsection (2).
18166 (4) Subsections (1), (2), and (3), to the extent they
18167 relate to the federal Unemployment Compensation Trust Fund,
18168 apply only while the fund continues to exist and while the
18169 Secretary of the Treasury of the United States continues to
18170 maintain for this state a separate account of all funds
18171 deposited by this state for the payment of benefits, together
18172 with this state's proportionate share of the earnings of the
18173 federal Unemployment Compensation Trust Fund, from which no
18174 other state is permitted to make withdrawals. If the federal
18175 Unemployment Compensation Trust Fund ceases to exist, or the
18176 separate account is no longer maintained, all moneys,
18177 properties, or securities belonging to this state's account in
18178 the federal Unemployment Compensation Trust Fund must be
18179 transferred to the treasurer of the Unemployment Compensation
18180 Trust Fund, who must hold, invest, transfer, sell, deposit, and
18181 release those moneys, properties, or securities in a manner
18182 approved by Jobs Florida ~~the Agency for Workforce Innovation~~ in
18183 accordance with this chapter. These moneys must, however, be

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18184 invested in the following readily marketable classes of
18185 securities: bonds or other interest-bearing obligations of the
18186 United States or of the state. Further, the investment must at
18187 all times be made in a manner that allows all the assets of the
18188 fund to always be readily convertible into cash when needed for
18189 the payment of benefits. The treasurer may only dispose of
18190 securities or other properties belonging to the Unemployment
18191 Compensation Trust Fund under the direction of Jobs Florida ~~the~~
18192 ~~Agency for Workforce Innovation~~.
18193 Section 297. Section 443.211, Florida Statutes, is amended
18194 to read:
18195 443.211 Employment Security Administration Trust Fund;
18196 appropriation; reimbursement.—
18197 (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is
18198 created in the State Treasury the "Employment Security
18199 Administration Trust Fund." All moneys deposited into this fund
18200 remain continuously available to Jobs Florida ~~the Agency for~~
18201 ~~Workforce Innovation~~ for expenditure in accordance with this
18202 chapter and do not revert at any time and may not be transferred
18203 to any other fund. All moneys in this fund which are received
18204 from the Federal Government or any federal agency or which are
18205 appropriated by this state under ss. 443.171 and 443.181, except
18206 money received under s. 443.191(5)(c), must be expended solely
18207 for the purposes and in the amounts found necessary by the
18208 authorized cooperating federal agencies for the proper and
18209 efficient administration of this chapter. The fund consists of:
18210 all moneys appropriated by this state; all moneys received from
18211 the United States or any federal agency; all moneys received
18212 from any other source for the administration of this chapter;

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18213 any funds collected for enhanced, specialized, or value-added
18214 labor market information services; any moneys received from any
18215 agency of the United States or any other state as compensation
18216 for services or facilities supplied to that agency; any amounts
18217 received from any surety bond or insurance policy or from other
18218 sources for losses sustained by the Employment Security
18219 Administration Trust Fund or by reason of damage to equipment or
18220 supplies purchased from moneys in the fund; and any proceeds
18221 from the sale or disposition of such equipment or supplies. All
18222 money requisitioned and deposited in this fund under s.
18223 443.191(5)(c) remains part of the Unemployment Compensation
18224 Trust Fund and must be used only in accordance with s.
18225 443.191(5). All moneys in this fund must be deposited,
18226 administered, and disbursed in the same manner and under the
18227 same conditions and requirements as provided by law for other
18228 trust funds in the State Treasury. These moneys must be secured
18229 by the depositary in which they are held to the same extent and
18230 in the same manner as required by the general depositary law of
18231 the state, and collateral pledged must be maintained in a
18232 separate custody account. All payments from the Employment
18233 Security Administration Trust Fund must be approved by Jobs
18234 Florida ~~the Agency for Workforce Innovation~~ or by an authorized
18235 agent and must be made by the Chief Financial Officer. Any
18236 balances in this fund do not revert at any time and must remain
18237 continuously available to Jobs Florida ~~the Agency for Workforce~~
18238 ~~Innovation~~ for expenditure consistent with this chapter.
18239 (2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—
18240 There is created in the State Treasury the "Special Employment
18241 Security Administration Trust Fund," into which shall be

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18242 deposited or transferred all interest on contributions and
18243 reimbursements, penalties, and fines or fees collected under
18244 this chapter. Interest on contributions and reimbursements,
18245 penalties, and fines or fees deposited during any calendar
18246 quarter in the clearing account in the Unemployment Compensation
18247 Trust Fund shall, as soon as practicable after the close of that
18248 calendar quarter and upon certification of Jobs Florida ~~the~~
18249 ~~Agency for Workforce Innovation~~, be transferred to the Special
18250 Employment Security Administration Trust Fund. The amount
18251 certified by Jobs Florida ~~the Agency for Workforce Innovation~~ as
18252 required under this chapter to pay refunds of interest on
18253 contributions and reimbursements, penalties, and fines or fees
18254 collected and erroneously deposited into the clearing account in
18255 the Unemployment Compensation Trust Fund shall, however, be
18256 withheld from this transfer. The interest and penalties
18257 certified for transfer are deemed as being erroneously deposited
18258 in the clearing account, and their transfer to the Special
18259 Employment Security Administration Trust Fund is deemed to be a
18260 refund of the erroneous deposits. All moneys in this fund shall
18261 be deposited, administered, and disbursed in the same manner and
18262 under the same requirements as provided by law for other trust
18263 funds in the State Treasury. These moneys may not be expended or
18264 be available for expenditure in any manner that would permit
18265 their substitution for, or permit a corresponding reduction in,
18266 federal funds that would, in the absence of these moneys, be
18267 available to finance expenditures for the administration of this
18268 chapter. This section does not prevent these moneys from being
18269 used as a revolving fund to cover lawful expenditures for which
18270 federal funds are requested but not yet received, subject to the

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18271 charging of the expenditures against the funds when received.
18272 The moneys in this fund, with the approval of the Executive
18273 Office of the Governor, shall be used by Jobs Florida ~~the Agency~~
18274 ~~for Workforce Innovation~~ for paying administrative costs that
18275 are not chargeable against funds obtained from federal sources.
18276 All moneys in the Special Employment Security Administration
18277 Trust Fund shall be continuously available to Jobs Florida ~~the~~
18278 ~~Agency for Workforce Innovation~~ for expenditure in accordance
18279 with this chapter and do not revert at any time. All payments
18280 from the Special Employment Security Administration Trust Fund
18281 must be approved by Jobs Florida ~~the Agency for Workforce~~
18282 ~~Innovation~~ or by an authorized agent and shall be made by the
18283 Chief Financial Officer. The moneys in this fund are available
18284 to replace, as contemplated by subsection (3), expenditures from
18285 the Employment Security Administration Trust Fund which the
18286 United States Secretary of Labor, or other authorized federal
18287 agency or authority, finds are lost or improperly expended
18288 because of any action or contingency. The Chief Financial
18289 Officer is liable on her or his official bond for the faithful
18290 performance of her or his duties in connection with the Special
18291 Employment Security Administration Trust Fund.
18292 (3) REIMBURSEMENT OF FUND.—If any moneys received from the
18293 United States Secretary of Labor under 42 U.S.C. ss. 501-504,
18294 any unencumbered balances in the Employment Security
18295 Administration Trust Fund, any moneys granted to this state
18296 under the Wagner-Peyser Act, or any moneys made available by
18297 this state or its political subdivisions and matched by the
18298 moneys granted to this state under the Wagner-Peyser Act, are
18299 after reasonable notice and opportunity for hearing, found by

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18300 the United States Secretary of Labor, because of any action or
18301 contingency, to be lost or expended for purposes other than, or
18302 in amounts in excess of, those allowed by the United States
18303 Secretary of Labor for the administration of this chapter, these
18304 moneys shall be replaced by moneys appropriated for that purpose
18305 from the General Revenue Fund to the Employment Security
18306 Administration Trust Fund for expenditure as provided in
18307 subsection (1). Upon receipt of notice of such a finding by the
18308 United States Secretary of Labor, Jobs Florida ~~the Agency for~~
18309 ~~Workforce Innovation~~ shall promptly report the amount required
18310 for replacement to the Governor. The Governor shall, at the
18311 earliest opportunity, submit to the Legislature a request for
18312 the appropriation of the replacement funds.
18313 (4) RESPONSIBILITY FOR TRUST FUNDS.—In connection with its
18314 duties under s. 443.181, Jobs Florida ~~the Agency for Workforce~~
18315 ~~Innovation~~ is responsible for the deposit, requisition,
18316 expenditure, approval of payment, reimbursement, and reporting
18317 in regard to the trust funds established by this section.
18318 Section 298. Section 443.221, Florida Statutes, is amended
18319 to read:
18320 443.221 Reciprocal arrangements.—
18321 (1)(a) Jobs Florida ~~The Agency for Workforce Innovation~~ or
18322 its tax collection service provider may enter into reciprocal
18323 arrangements with other states or with the Federal Government,
18324 or both, for considering services performed by an individual for
18325 a single employing unit for which services are performed by the
18326 individual in more than one state as services performed entirely
18327 within any one of the states:
18328 1. In which any part of the individual's service is

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18329 performed;
18330 2. In which the individual has her or his residence; or
18331 3. In which the employing unit maintains a place of
18332 business.
18333 (b) For services to be considered as performed within a
18334 state under a reciprocal agreement, the employing unit must have
18335 an election in effect for those services, which is approved by
18336 the agency charged with the administration of such state's
18337 unemployment compensation law, under which all the services
18338 performed by the individual for the employing unit are deemed to
18339 be performed entirely within that state.
18340 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
18341 participate in any arrangements for the payment of compensation
18342 on the basis of combining an individual's wages and employment
18343 covered under this chapter with her or his wages and employment
18344 covered under the unemployment compensation laws of other
18345 states, which are approved by the United States Secretary of
18346 Labor, in consultation with the state unemployment compensation
18347 agencies, as reasonably calculated to assure the prompt and full
18348 payment of compensation in those situations and which include
18349 provisions for:
18350 1. Applying the base period of a single state law to a
18351 claim involving the combining of an individual's wages and
18352 employment covered under two or more state unemployment
18353 compensation laws; and
18354 2. Avoiding the duplicate use of wages and employment
18355 because of the combination.
18356 (d) Contributions or reimbursements due under this chapter
18357 with respect to wages for insured work are, for the purposes of

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18358 ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid
18359 to the fund as of the date payment was made as contributions or
18360 reimbursements therefor under another state or federal
18361 unemployment compensation law, but an arrangement may not be
18362 entered into unless it contains provisions for reimbursement to
18363 the fund of the contributions or reimbursements and the actual
18364 earnings thereon as Jobs Florida ~~the Agency for Workforce~~
18365 ~~Innovation~~ or its tax collection service provider finds are fair
18366 and reasonable as to all affected interests.
18367 (2) Jobs Florida ~~The Agency for Workforce Innovation~~ or its
18368 tax collection service provider may make to other state or
18369 federal agencies and receive from these other state or federal
18370 agencies reimbursements from or to the fund, in accordance with
18371 arrangements entered into under subsection (1).
18372 (3) Jobs Florida ~~The Agency for Workforce Innovation~~ or its
18373 tax collection service provider may enter into reciprocal
18374 arrangements with other states or the Federal Government, or
18375 both, for exchanging services, determining and enforcing payment
18376 obligations, and making available facilities and information.
18377 Jobs Florida ~~The Agency for Workforce Innovation~~ or its tax
18378 collection service provider may conduct investigations, secure
18379 and transmit information, make available services and
18380 facilities, and exercise other powers provided under this
18381 chapter to facilitate the administration of any unemployment
18382 compensation or public employment service law and, in a similar
18383 manner, accept and use information, services, and facilities
18384 made available to this state by the agency charged with the
18385 administration of any other unemployment compensation or public
18386 employment service law.

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18387 (4) To the extent permissible under federal law, Jobs
18388 Florida ~~the Agency for Workforce Innovation~~ may enter into or
18389 cooperate in arrangements whereby facilities and services
18390 provided under this chapter and facilities and services provided
18391 under the unemployment compensation law of any foreign
18392 government may be used for the taking of claims and the payment
18393 of benefits under the employment security law of the state or
18394 under a similar law of that government.
18395 Section 299. Section 445.002, Florida Statutes, is amended
18396 to read:
18397 445.002 Definitions.—As used in this chapter, the term:
18398 ~~(1) "Agency" means the Agency for Workforce Innovation.~~
18399 (1)~~(2)~~ "Services and one-time payments" or "services," when
18400 used in reference to individuals who are not receiving temporary
18401 cash assistance, means nonrecurrent, short-term benefits
18402 designed to deal with a specific crisis situation or episode of
18403 need and other services; work subsidies; supportive services
18404 such as child care and transportation; services such as
18405 counseling, case management, peer support, and child care
18406 information and referral; transitional services, job retention,
18407 job advancement, and other employment-related services;
18408 nonmedical treatment for substance abuse or mental health
18409 problems; teen pregnancy prevention; two-parent family support,
18410 including noncustodial parent employment; court-ordered
18411 supervised visitation, and responsible fatherhood services; and
18412 any other services that are reasonably calculated to further the
18413 purposes of the welfare transition program. Such terms do not
18414 include assistance as defined in federal regulations at 45
18415 C.F.R. s. 260.31(a).

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18416 (2) ~~(3)~~ "Welfare transition services" means those workforce
18417 services provided to current or former recipients of temporary
18418 cash assistance under chapter 414.
18419 Section 300. Subsection (3) of section 445.003, Florida
18420 Statutes, is amended to read:
18421 445.003 Implementation of the federal Workforce Investment
18422 Act of 1998.—
18423 (3) FUNDING.—
18424 (a) Title I, Workforce Investment Act of 1998 funds;
18425 Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended
18426 based on the 5-year plan of Workforce Florida, Inc. The plan
18427 shall outline and direct the method used to administer and
18428 coordinate various funds and programs that are operated by
18429 various agencies. The following provisions shall also apply to
18430 these funds:
18431 1. At least 50 percent of the Title I funds for Adults and
18432 Dislocated Workers that are passed through to regional workforce
18433 boards shall be allocated to Individual Training Accounts unless
18434 a regional workforce board obtains a waiver from Workforce
18435 Florida, Inc. Tuition and fees qualify as an Individual Training
18436 Account expenditure, as do other programs developed by regional
18437 workforce boards in compliance with policies of Workforce
18438 Florida, Inc.
18439 2. Fifteen percent of Title I funding shall be retained at
18440 the state level and shall be dedicated to state administration
18441 and used to design, develop, induce, and fund innovative
18442 Individual Training Account pilots, demonstrations, and
18443 programs. Of such funds retained at the state level, $2 million
18444 shall be reserved for the Incumbent Worker Training Program,

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18445 created under s. 288.048 ~~subparagraph 3~~. Eligible state
18446 administration costs include the costs of: funding for the board
18447 and staff of Workforce Florida, Inc.; operating fiscal,
18448 compliance, and management accountability systems through
18449 Workforce Florida, Inc.; conducting evaluation and research on
18450 workforce development activities; and providing technical and
18451 capacity building assistance to regions at the direction of
18452 Workforce Florida, Inc. Notwithstanding s. 445.004, such
18453 administrative costs shall not exceed 25 percent of these funds.
18454 An amount not to exceed 75 percent of these funds shall be
18455 allocated to Individual Training Accounts and other workforce
18456 development strategies for other training designed and tailored
18457 by Workforce Florida, Inc., including, but not limited to,
18458 programs for incumbent workers, displaced homemakers,
18459 nontraditional employment, and enterprise zones. Workforce
18460 Florida, Inc., shall design, adopt, and fund Individual Training
18461 Accounts for distressed urban and rural communities.
18462 ~~3. The Incumbent Worker Training Program is created for the~~
18463 ~~purpose of providing grant funding for continuing education and~~
18464 ~~training of incumbent employees at existing Florida businesses.~~
18465 ~~The program will provide reimbursement grants to businesses that~~
18466 ~~pay for preapproved, direct, training-related costs.~~
18467 ~~a. The Incumbent Worker Training Program will be~~
18468 ~~administered by Workforce Florida, Inc. Workforce Florida, Inc.,~~
18469 ~~at its discretion, may contract with a private business~~
18470 ~~organization to serve as grant administrator.~~
18471 ~~b. To be eligible for the program's grant funding, a~~
18472 ~~business must have been in operation in Florida for a minimum of~~
18473 ~~1 year prior to the application for grant funding; have at least~~

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18474 ~~one full-time employee; demonstrate financial viability; and be~~
18475 ~~current on all state tax obligations. Priority for funding shall~~
18476 ~~be given to businesses with 25 employees or fewer, businesses in~~
18477 ~~rural areas, businesses in distressed inner-city areas,~~
18478 ~~businesses in a qualified targeted industry, businesses whose~~
18479 ~~grant proposals represent a significant upgrade in employee~~
18480 ~~skills, or businesses whose grant proposals represent a~~
18481 ~~significant layoff avoidance strategy.~~
18482 ~~c. All costs reimbursed by the program must be preapproved~~
18483 ~~by Workforce Florida, Inc., or the grant administrator. The~~
18484 ~~program will not reimburse businesses for trainee wages, the~~
18485 ~~purchase of capital equipment, or the purchase of any item or~~
18486 ~~service that may possibly be used outside the training project.~~
18487 ~~A business approved for a grant may be reimbursed for~~
18488 ~~preapproved, direct, training-related costs including tuition;~~
18489 ~~fees; books and training materials; and overhead or indirect~~
18490 ~~costs not to exceed 5 percent of the grant amount.~~
18491 ~~d. A business that is selected to receive grant funding~~
18492 ~~must provide a matching contribution to the training project,~~
18493 ~~including, but not limited to, wages paid to trainees or the~~
18494 ~~purchase of capital equipment used in the training project; must~~
18495 ~~sign an agreement with Workforce Florida, Inc., or the grant~~
18496 ~~administrator to complete the training project as proposed in~~
18497 ~~the application; must keep accurate records of the project's~~
18498 ~~implementation process; and must submit monthly or quarterly~~
18499 ~~reimbursement requests with required documentation.~~
18500 ~~e. All Incumbent Worker Training Program grant projects~~
18501 ~~shall be performance-based with specific measurable performance~~
18502 ~~outcomes, including completion of the training project and job~~

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18503 ~~retention. Workforce Florida, Inc., or the grant administrator~~
18504 ~~shall withhold the final payment to the grantee until a final~~
18505 ~~grant report is submitted and all performance criteria specified~~
18506 ~~in the grant contract have been achieved.~~
18507 ~~f. Workforce Florida, Inc., may establish guidelines~~
18508 ~~necessary to implement the Incumbent Worker Training Program.~~
18509 ~~g. No more than 10 percent of the Incumbent Worker Training~~
18510 ~~Program's total appropriation may be used for overhead or~~
18511 ~~indirect purposes.~~
18512 3.~~4.~~ At least 50 percent of Rapid Response funding shall be
18513 dedicated to Intensive Services Accounts and Individual Training
18514 Accounts for dislocated workers and incumbent workers who are at
18515 risk of dislocation. Workforce Florida, Inc., shall also
18516 maintain an Emergency Preparedness Fund from Rapid Response
18517 funds which will immediately issue Intensive Service Accounts
18518 and Individual Training Accounts as well as other federally
18519 authorized assistance to eligible victims of natural or other
18520 disasters. At the direction of the Governor, for events that
18521 qualify under federal law, these Rapid Response funds shall be
18522 released to regional workforce boards for immediate use. Funding
18523 shall also be dedicated to maintain a unit at the state level to
18524 respond to Rapid Response emergencies around the state, to work
18525 with state emergency management officials, and to work with
18526 regional workforce boards. All Rapid Response funds must be
18527 expended based on a plan developed by Workforce Florida, Inc.,
18528 and approved by the Governor.
18529 (b) The administrative entity for Title I, Workforce
18530 Investment Act of 1998 funds, and Rapid Response activities,
18531 shall be Jobs Florida ~~the Agency for Workforce Innovation~~, which

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18532 shall provide direction to regional workforce boards regarding
18533 Title I programs and Rapid Response activities pursuant to the
18534 direction of Workforce Florida, Inc.
18535 Section 301. Subsection (1), paragraph (a) of subsection
18536 (3), paragraphs (b), (c), (d), (e), and (g) of subsection (5),
18537 and subsection (12) of section 445.004, Florida Statutes, are
18538 amended to read:
18539 445.004 Workforce Florida, Inc.; creation; purpose;
18540 membership; duties and powers.—
18541 (1) There is created a not-for-profit corporation, to be
18542 known as "Workforce Florida, Inc.," which shall be registered,
18543 incorporated, organized, and operated in compliance with chapter
18544 617, and which shall not be a unit or entity of state government
18545 and shall be exempt from chapters 120 and 287. Workforce
18546 Florida, Inc., shall apply the procurement and expenditure
18547 procedures required by federal law for the expenditure of
18548 federal funds. Workforce Florida, Inc., shall be
18549 administratively housed within Jobs Florida ~~the Agency for~~
18550 ~~Workforce Innovation~~; however, Workforce Florida, Inc., shall
18551 not be subject to control, supervision, or direction by Jobs
18552 Florida ~~the Agency for Workforce Innovation~~ in any manner. The
18553 Legislature determines, however, that public policy dictates
18554 that Workforce Florida, Inc., operate in the most open and
18555 accessible manner consistent with its public purpose. To this
18556 end, the Legislature specifically declares that Workforce
18557 Florida, Inc., its board, councils, and any advisory committees
18558 or similar groups created by Workforce Florida, Inc., are
18559 subject to the provisions of chapter 119 relating to public
18560 records, and those provisions of chapter 286 relating to public

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18561 meetings.
18562 (3)(a) Workforce Florida, Inc., shall be governed by a
18563 board of directors, the number of directors to be determined by
18564 the Governor, whose membership and appointment must be
18565 consistent with Pub. L. No. 105-220, Title I, s. 111(b), and
18566 contain one member representing the licensed nonpublic
18567 postsecondary educational institutions authorized as individual
18568 training account providers, one member from the staffing service
18569 industry, at least one member who is a current or former
18570 recipient of welfare transition services as defined in s.
18571 445.002(2) ~~s. 445.002(3)~~ or workforce services as provided in s.
18572 445.009(1), and five representatives of organized labor who
18573 shall be appointed by the Governor. Members described in Pub. L.
18574 No. 105-220, Title I, s. 111(b)(1)(C)(vi) shall be nonvoting
18575 members. The importance of minority, gender, and geographic
18576 representation shall be considered when making appointments to
18577 the board.
18578 (5) Workforce Florida, Inc., shall have all the powers and
18579 authority, not explicitly prohibited by statute, necessary or
18580 convenient to carry out and effectuate the purposes as
18581 determined by statute, Pub. L. No. 105-220, and the Governor, as
18582 well as its functions, duties, and responsibilities, including,
18583 but not limited to, the following:
18584 (b) Providing oversight and policy direction to ensure that
18585 the following programs are administered by Jobs Florida ~~the~~
18586 ~~Agency for Workforce Innovation~~ in compliance with approved
18587 plans and under contract with Workforce Florida, Inc.:
18588 1. Programs authorized under Title I of the Workforce
18589 Investment Act of 1998, Pub. L. No. 105-220, with the exception

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18590 of programs funded directly by the United States Department of
18591 Labor under Title I, s. 167.
18592 2. Programs authorized under the Wagner-Peyser Act of 1933,
18593 as amended, 29 U.S.C. ss. 49 et seq.
18594 3. Activities authorized under Title II of the Trade Act of
18595 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade
18596 Adjustment Assistance Program.
18597 4. Activities authorized under 38 U.S.C., chapter 41,
18598 including job counseling, training, and placement for veterans.
18599 5. Employment and training activities carried out under
18600 funds awarded to this state by the United States Department of
18601 Housing and Urban Development.
18602 6. Welfare transition services funded by the Temporary
18603 Assistance for Needy Families Program, created under the
18604 Personal Responsibility and Work Opportunity Reconciliation Act
18605 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,
18606 of the Social Security Act, as amended.
18607 7. Displaced homemaker programs, provided under s. 446.50.
18608 8. The Florida Bonding Program, provided under Pub. L. No.
18609 97-300, s. 164(a)(1).
18610 9. The Food Assistance Employment and Training Program,
18611 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.
18612 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;
18613 and the Hunger Prevention Act, Pub. L. No. 100-435.
18614 10. The Quick-Response Training Program for participants in
18615 the welfare transition program, as provided under s. 288.047 ~~ss.~~
18616 ~~288.046-288.047~~. ~~Matching funds and in-kind contributions that~~
18617 ~~are provided by clients of the Quick-Response Training Program~~
18618 ~~shall count toward the requirements of s. 288.90151(5)(d),~~

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18619 ~~pertaining to the return on investment from activities of~~
18620 ~~Enterprise Florida, Inc.~~
18621 11. The Work Opportunity Tax Credit, provided under the Tax
18622 and Trade Relief Extension Act of 1998, Pub. L. No. 105-277, and
18623 the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.
18624 12. Offender placement services, provided under ss.
18625 944.707-944.708.
18626 (c) Jobs Florida ~~the agency~~ may adopt rules necessary to
18627 administer the provisions of this chapter which relate to
18628 implementing and administering the programs listed in paragraph
18629 (b) as well as rules related to eligible training providers and
18630 auditing and monitoring subrecipients of the workforce system
18631 grant funds.
18632 (d) Contracting with public and private entities as
18633 necessary to further the directives of this section. All
18634 contracts executed by Workforce Florida, Inc., must include
18635 specific performance expectations and deliverables. All
18636 Workforce Florida, Inc., contracts, including those solicited,
18637 managed, or paid by Jobs Florida ~~the Agency for Workforce~~
18638 ~~Innovation~~ pursuant to s. 20.60(5)(c) ~~20.50(2)~~ are exempt from
18639 s. 112.061, but shall be governed by subsection (1).
18640 (e) Notifying the Governor, the President of the Senate,
18641 and the Speaker of the House of Representatives of noncompliance
18642 by Jobs Florida ~~the Agency for Workforce Innovation~~ or other
18643 agencies or obstruction of the board's efforts by such agencies.
18644 Upon such notification, the Executive Office of the Governor
18645 shall assist agencies to bring them into compliance with board
18646 objectives.
18647 (g) Establish a dispute resolution process for all

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18648 memoranda of understanding or other contracts or agreements
18649 entered into between Jobs Florida ~~the agency~~ and regional
18650 workforce boards.
18651 (12) Workforce Florida, Inc., shall enter into agreement
18652 with Space Florida and collaborate with vocational institutes,
18653 community colleges, colleges, and universities in this state, to
18654 develop a workforce development strategy to implement the
18655 workforce provisions of s. 331.3051.
18656 Section 302. Paragraph (c) of subsection (2) of section
18657 445.006, Florida Statutes, is amended to read:
18658 445.006 Strategic and operational plans for workforce
18659 development.—
18660 (2) Workforce Florida, Inc., shall establish an operational
18661 plan to implement the state strategic plan. The operational plan
18662 shall be submitted to the Governor and the Legislature along
18663 with the strategic plan and must reflect the allocation of
18664 resources as appropriated by the Legislature to specific
18665 responsibilities enumerated in law. As a component of the
18666 operational plan required under this section, Workforce Florida,
18667 Inc., shall develop a workforce marketing plan, with the goal of
18668 educating individuals inside and outside the state about the
18669 employment market and employment conditions in the state. The
18670 marketing plan must include, but need not be limited to,
18671 strategies for:
18672 (c) Coordinating with the Jobs Florida Partnership
18673 ~~Enterprise Florida~~, Inc., to ensure that workforce marketing
18674 efforts complement the economic development marketing efforts of
18675 the state.
18676 Section 303. Subsection (1) of section 445.007, Florida

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18677 Statutes, is amended to read:
18678 445.007 Regional workforce boards.—
18679 (1) One regional workforce board shall be appointed in each
18680 designated service delivery area and shall serve as the local
18681 workforce investment board pursuant to Pub. L. No. 105-220. The
18682 membership of the board shall be consistent with Pub. L. No.
18683 105-220, Title I, s. 117(b), and contain one representative from
18684 a nonpublic postsecondary educational institution that is an
18685 authorized individual training account provider within the
18686 region and confers certificates and diplomas, one representative
18687 from a nonpublic postsecondary educational institution that is
18688 an authorized individual training account provider within the
18689 region and confers degrees, and three representatives of
18690 organized labor. The board shall include one nonvoting
18691 representative from a military installation if a military
18692 installation is located within the region and the appropriate
18693 military command or organization authorizes such representation.
18694 It is the intent of the Legislature that membership of a
18695 regional workforce board include persons who are current or
18696 former recipients of welfare transition assistance as defined in
18697 s. 445.002(2) ~~s. 445.002(3)~~ or workforce services as provided in
18698 s. 445.009(1) or that such persons be included as ex officio
18699 members of the board or of committees organized by the board.
18700 The importance of minority and gender representation shall be
18701 considered when making appointments to the board. The board, its
18702 committees, subcommittees, and subdivisions, and other units of
18703 the workforce system, including units that may consist in whole
18704 or in part of local governmental units, may use any method of
18705 telecommunications to conduct meetings, including establishing a

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18706 quorum through telecommunications, provided that the public is
18707 given proper notice of the telecommunications meeting and
18708 reasonable access to observe and, when appropriate, participate.
18709 Regional workforce boards are subject to chapters 119 and 286
18710 and s. 24, Art. I of the State Constitution. If the regional
18711 workforce board enters into a contract with an organization or
18712 individual represented on the board of directors, the contract
18713 must be approved by a two-thirds vote of the entire board, and
18714 the board member who could benefit financially from the
18715 transaction must abstain from voting on the contract. A board
18716 member must disclose any such conflict in a manner that is
18717 consistent with the procedures outlined in s. 112.3143.
18718 Section 304. Subsections (3) and (9) of section 445.009,
18719 Florida Statutes, are amended to read:
18720 445.009 One-stop delivery system.—
18721 (3) ~~Beginning October 1, 2000,~~ Regional workforce boards
18722 shall enter into a memorandum of understanding with Jobs Florida
18723 ~~the Agency for Workforce Innovation~~ for the delivery of
18724 employment services authorized by the federal Wagner-Peyser Act.
18725 This memorandum of understanding must be performance based.
18726 (a) Unless otherwise required by federal law, at least 90
18727 percent of the Wagner-Peyser funding must go into direct
18728 customer service costs.
18729 (b) Employment services must be provided through the one-
18730 stop delivery system, under the guidance of one-stop delivery
18731 system operators. One-stop delivery system operators shall have
18732 overall authority for directing the staff of the workforce
18733 system. Personnel matters shall remain under the ultimate
18734 authority of Jobs Florida ~~the Agency for Workforce Innovation~~.

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18735 However, the one-stop delivery system operator shall submit to
18736 Jobs Florida ~~the agency~~ information concerning the job
18737 performance of ~~agency~~ employees of Jobs Florida who deliver
18738 employment services. Jobs Florida ~~The agency~~ shall consider any
18739 such information submitted by the one-stop delivery system
18740 operator in conducting performance appraisals of the employees.
18741 (c) Jobs Florida ~~The agency~~ shall retain fiscal
18742 responsibility and accountability for the administration of
18743 funds allocated to the state under the Wagner-Peyser Act. An
18744 ~~agency~~ employee of Jobs Florida who is providing services
18745 authorized under the Wagner-Peyser Act shall be paid using
18746 Wagner-Peyser Act funds.
18747 (9)(a) Workforce Florida, Inc., working with Jobs Florida
18748 ~~the Agency for Workforce Innovation~~, shall coordinate among the
18749 agencies a plan for a One-Stop Electronic Network made up of
18750 one-stop delivery system centers and other partner agencies that
18751 are operated by authorized public or private for-profit or not-
18752 for-profit agents. The plan shall identify resources within
18753 existing revenues to establish and support this electronic
18754 network for service delivery that includes Government Services
18755 Direct. If necessary, the plan shall identify additional funding
18756 needed to achieve the provisions of this subsection.
18757 (b) The network shall assure that a uniform method is used
18758 to determine eligibility for and management of services provided
18759 by agencies that conduct workforce development activities. The
18760 Department of Management Services shall develop strategies to
18761 allow access to the databases and information management systems
18762 of the following systems in order to link information in those
18763 databases with the one-stop delivery system:

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18764 1. The Unemployment Compensation Program under chapter 443
18765 ~~of the Agency for Workforce Innovation~~.
18766 2. The public employment service described in s. 443.181.
18767 3. The FLORIDA System and the components related to
18768 temporary cash assistance, food assistance, and Medicaid
18769 eligibility.
18770 4. The Student Financial Assistance System of the
18771 Department of Education.
18772 5. Enrollment in the public postsecondary education system.
18773 6. Other information systems determined appropriate by
18774 Workforce Florida, Inc.
18775 Section 305. Subsection (5) of section 445.016, Florida
18776 Statutes, is amended to read:
18777 445.016 Untried Worker Placement and Employment Incentive
18778 Act.—
18779 (5) Incentives must be paid according to the incentive
18780 schedule developed by Workforce Florida, Inc., Jobs Florida ~~the~~
18781 ~~Agency for Workforce Development~~, and the Department of Children
18782 and Family Services which costs the state less per placement
18783 than the state's 12-month expenditure on a welfare recipient.
18784 Section 306. Subsection (1) of section 445.024, Florida
18785 Statutes, is amended to read:
18786 445.024 Work requirements.—
18787 (1) WORK ACTIVITIES.—Jobs Florida ~~The Agency for Workforce~~
18788 ~~Innovation~~ may develop activities under each of the following
18789 categories of work activities. The following categories of work
18790 activities, based on federal law and regulations, may be used
18791 individually or in combination to satisfy the work requirements
18792 for a participant in the temporary cash assistance program:

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18793 (a) Unsubsidized employment.
18794 (b) Subsidized private sector employment.
18795 (c) Subsidized public sector employment.
18796 (d) On-the-job training.
18797 (e) Community service programs.
18798 (f) Work experience.
18799 (g) Job search and job readiness assistance.
18800 (h) Vocational educational training.
18801 (i) Job skills training directly related to employment.
18802 (j) Education directly related to employment.
18803 (k) Satisfactory attendance at a secondary school or in a
18804 course of study leading to a graduate equivalency diploma.
18805 (l) Providing child care services.
18806 Section 307. Subsection (1) of section 445.0325, Florida
18807 Statutes, is amended to read:
18808 445.0325 Welfare Transition Trust Fund.—
18809 (1) The Welfare Transition Trust Fund is created in the
18810 State Treasury, to be administered by Jobs Florida ~~the Agency~~
18811 ~~for Workforce Innovation~~. Funds shall be credited to the trust
18812 fund to be used for the purposes of the welfare transition
18813 program set forth in ss. 445.017-445.032.
18814 Section 308. Section 445.038, Florida Statutes, is amended
18815 to read:
18816 445.038 Digital media; job training.—Workforce Florida,
18817 Inc., through Jobs Florida ~~the Agency for Workforce Innovation~~,
18818 may use funds dedicated for Incumbent Worker Training for the
18819 digital media industry. Training may be provided by public or
18820 private training providers for broadband digital media jobs
18821 listed on the targeted occupations list developed by the

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18822 Workforce Estimating Conference or Workforce Florida, Inc.
18823 Programs that operate outside the normal semester time periods
18824 and coordinate the use of industry and public resources should
18825 be given priority status for funding.
18826 Section 309. Subsection (2), paragraph (b) of subsection
18827 (4), and subsections (5) and (6) of section 445.045, Florida
18828 Statutes, are amended to read:
18829 445.045 Development of an Internet-based system for
18830 information technology industry promotion and workforce
18831 recruitment.—
18832 (2) Workforce Florida, Inc., shall coordinate with the
18833 Agency for Enterprise Information Technology and Jobs Florida
18834 ~~the Agency for Workforce Innovation~~ to ensure links, where
18835 feasible and appropriate, to existing job information websites
18836 maintained by the state and state agencies and to ensure that
18837 information technology positions offered by the state and state
18838 agencies are posted on the information technology website.
18839 (4)
18840 (b) Workforce Florida, Inc., may enter into an agreement
18841 with the Agency for Enterprise Information Technology, Jobs
18842 Florida ~~the Agency for Workforce Innovation~~, or any other public
18843 agency with the requisite information technology expertise for
18844 the provision of design, operating, or other technological
18845 services necessary to develop and maintain the website.
18846 (5) In furtherance of the requirements of this section that
18847 the website promote and market the information technology
18848 industry by communicating information on the scope of the
18849 industry in this state, Workforce Florida, Inc., shall
18850 coordinate its efforts with the high-technology industry

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18851 marketing efforts of the Jobs Florida Partnership ~~Enterprise~~
18852 ~~Florida~~, Inc.~~, under s. 288.911.~~ Through links or actual
18853 content, the website developed under this section shall serve as
18854 a forum for distributing the marketing campaign developed by the
18855 Jobs Florida Partnership ~~Enterprise Florida~~, Inc.~~, under s.~~
18856 ~~288.911.~~ In addition, Workforce Florida, Inc., shall solicit
18857 input from the not-for-profit corporation created to advocate on
18858 behalf of the information technology industry as an outgrowth of
18859 the Information Service Technology Development Task Force
18860 created under chapter 99-354, Laws of Florida.
18861 (6) In fulfilling its responsibilities under this section,
18862 Workforce Florida, Inc., may enlist the assistance of and act
18863 through Jobs Florida ~~the Agency for Workforce Innovation~~. Jobs
18864 Florida ~~The agency~~ is authorized and directed to provide the
18865 services that Workforce Florida, Inc., and Jobs Florida ~~the~~
18866 ~~agency~~ consider necessary to implement this section.
18867 Section 310. Subsection (1), paragraph (b) of subsection
18868 (4), and subsection (5) of section 445.048, Florida Statutes,
18869 are amended to read:
18870 445.048 Passport to Economic Progress program.—
18871 (1) AUTHORIZATION.—Notwithstanding any law to the contrary,
18872 Workforce Florida, Inc., in conjunction with the Department of
18873 Children and Family Services and Jobs Florida ~~the Agency for~~
18874 ~~Workforce Innovation~~, shall implement a Passport to Economic
18875 Progress program consistent with the provisions of this section.
18876 Workforce Florida, Inc., may designate regional workforce boards
18877 to participate in the program. Expenses for the program may come
18878 from appropriated revenues or from funds otherwise available to
18879 a regional workforce board which may be legally used for such

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18880 purposes. Workforce Florida, Inc., must consult with the
18881 applicable regional workforce boards and the applicable local
18882 offices of the Department of Children and Family Services which
18883 serve the program areas and must encourage community input into
18884 the implementation process.
18885 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—
18886 (b) Workforce Florida, Inc., in cooperation with the
18887 Department of Children and Family Services and Jobs Florida ~~the~~
18888 ~~Agency for Workforce Innovation~~, shall offer performance-based
18889 incentive bonuses as a component of the Passport to Economic
18890 Progress program. The bonuses do not represent a program
18891 entitlement and shall be contingent on achieving specific
18892 benchmarks prescribed in the self-sufficiency plan. If the funds
18893 appropriated for this purpose are insufficient to provide this
18894 financial incentive, the board of directors of Workforce
18895 Florida, Inc., may reduce or suspend the bonuses in order not to
18896 exceed the appropriation or may direct the regional boards to
18897 use resources otherwise given to the regional workforce to pay
18898 such bonuses if such payments comply with applicable state and
18899 federal laws.
18900 (5) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida,
18901 Inc., in conjunction with the Department of Children and Family
18902 Services, Jobs Florida ~~the Agency for Workforce Innovation~~, and
18903 the regional workforce boards, shall conduct a comprehensive
18904 evaluation of the effectiveness of the program operated under
18905 this section. Evaluations and recommendations for the program
18906 shall be submitted by Workforce Florida, Inc., as part of its
18907 annual report to the Legislature.
18908 Section 311. Subsection (2) of section 445.049, Florida

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18909 Statutes, is amended to read:
18910 445.049 Digital Divide Council.—
18911 (2) DIGITAL DIVIDE COUNCIL.—The Digital Divide Council is
18912 created in the Department of Education. The council shall
18913 consist of:
18914 (a) A representative from the information technology
18915 industry in this state appointed by the Governor.
18916 (b) The commissioner of Jobs Florida, or his or her
18917 designee ~~The director of the Office of Tourism, Trade, and~~
18918 ~~Economic Development in the Executive Office of the Governor~~.
18919 (c) The president of Workforce Florida, Inc.
18920 ~~(d) The director of the Agency for Workforce Innovation.~~
18921 (d) ~~(e)~~ The chair of itflorida.com, Inc.
18922 (e) ~~(f)~~ The Commissioner of Education.
18923 (f) ~~(g)~~ A representative of the information technology
18924 industry in this state appointed by the Speaker of the House of
18925 Representatives.
18926 (g) ~~(h)~~ A representative of the information technology
18927 industry in this state appointed by the President of the Senate.
18928 (h) ~~(i)~~ Two members of the House of Representatives, who
18929 shall be ex officio, nonvoting members of the council, appointed
18930 by the Speaker of the House of Representatives, one of whom
18931 shall be a member of the Republican Caucus and the other of whom
18932 shall be a member of the Democratic Caucus.
18933 (i) ~~(j)~~ Two members of the Senate, who shall be ex officio,
18934 nonvoting members of the council, appointed by the President of
18935 the Senate, one of whom shall be a member of the Republican
18936 Caucus and the other of whom shall be a member of the Democratic
18937 Caucus.

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18938 Section 312. Subsection (13) of section 445.051, Florida
18939 Statutes, is amended to read:
18940 445.051 Individual development accounts.—
18941 (13) Pursuant to policy direction by Workforce Florida,
18942 Inc., Jobs Florida ~~the Agency for Workforce Innovation~~ shall
18943 adopt such rules as are necessary to implement this act.
18944 Section 313. Section 445.056, Florida Statutes, is amended
18945 to read:
18946 445.056 Citizen Soldier Matching Grant Program.—Jobs
18947 Florida ~~The Agency for Workforce Innovation~~ shall implement the
18948 ~~establish a~~ matching grant program established by the former
18949 Agency for Workforce Innovation to award matching grants to
18950 private sector employers in this state which ~~that~~ provide wages
18951 to employees serving in the United States Armed Forces Reserves
18952 or the Florida National Guard while those employees are on
18953 federal active duty. A grant may not be provided for federal
18954 active duty served before January 1, 2005. Each grant shall be
18955 awarded to reimburse the employer for not more than one-half of
18956 the monthly wages paid to an employee who is a resident of this
18957 state for the actual period of federal active duty. The monthly
18958 grant per employee may not exceed one-half of the difference
18959 between the amount of monthly wages paid by the employer to the
18960 employee at the level paid before the date the employee was
18961 called to federal active duty and the amount of the employee's
18962 active duty base pay, housing and variable allowances, and
18963 subsistence allowance. Jobs Florida shall implement the plan
18964 administered by the former Agency for Workforce Innovation ~~The~~
18965 ~~agency shall develop a plan by no later than October 1, 2005,~~
18966 ~~subject to the notice, review, and objection procedures of s.~~

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18967 ~~216.177, to administer the application and payment procedures~~
18968 ~~for the matching grant program~~. ~~The Agency for Workforce~~
18969 ~~Innovation shall not award any matching grants prior to the~~
18970 ~~approval of the plan.~~
18971 Section 314. Section 446.41, Florida Statutes, is amended
18972 to read:
18973 446.41 Legislative intent with respect to rural workforce
18974 training and development; establishment of Rural Workforce
18975 Services Program.—In order that the state may achieve its full
18976 economic and social potential, consideration must be given to
18977 rural workforce training and development to enable its rural
18978 citizens as well as urban citizens to develop their maximum
18979 capacities and participate productively in our society. It is,
18980 therefore, the policy of the state to make available those
18981 services needed to assist individuals and communities in rural
18982 areas to improve their quality of life. It is with a great sense
18983 of urgency that a Rural Workforce Services Program is
18984 established within Jobs Florida ~~the Agency for Workforce~~
18985 ~~Innovation~~, under the direction of Workforce Florida, Inc., to
18986 provide equal access to all manpower training programs available
18987 to rural as well as urban areas.
18988 Section 315. Subsection (2) and paragraph (b) of subsection
18989 (5) of section 446.44, Florida Statutes, is amended to read:
18990 446.44 Duties of Rural Workforce Services Program.—It shall
18991 be the direct responsibility of the Rural Workforce Services
18992 Program to promote and deliver employment and workforce services
18993 and resources to the rural undeveloped and underdeveloped
18994 counties of the state in an effort to:
18995 (2) Assist the Jobs Florida Partnership ~~Enterprise Florida~~,

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18996 Inc., in attracting light, pollution-free industry to the rural
18997 counties.
18998 (5) Develop rural workforce programs that will be
18999 evaluated, planned, and implemented through communications and
19000 planning with appropriate:
19001 (b) Units of the Jobs Florida Partnership ~~Enterprise~~
19002 ~~Florida~~, Inc.
19003 Section 316. Section 446.50, Florida Statutes, is amended
19004 to read:
19005 446.50 Displaced homemakers; multiservice programs; report
19006 to the Legislature; Displaced Homemaker Trust Fund created.—
19007 (1) INTENT.—It is the intent of the Legislature to require
19008 Jobs Florida ~~the Agency for Workforce Innovation~~ to enter into
19009 contracts with, and make grants to, public and nonprofit private
19010 entities for purposes of establishing multipurpose service
19011 programs to provide necessary training, counseling, and services
19012 for displaced homemakers so that they may enjoy the independence
19013 and economic security vital to a productive life.
19014 (2) DEFINITIONS.—For the purposes of this section the term~~:~~
19015 ~~(a)~~ "Displaced homemaker" means an individual who:
19016 (a)~~1.~~ Is 35 years of age or older;
19017 (b)~~2.~~ Has worked in the home, providing unpaid household
19018 services for family members;
19019 (c)~~3.~~ Is not adequately employed, as defined by rule of the
19020 agency;
19021 (d)~~4.~~ Has had, or would have, difficulty in securing
19022 adequate employment; and
19023 (e)~~5.~~ Has been dependent on the income of another family
19024 member but is no longer supported by such income, or has been

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19025 dependent on federal assistance.
19026 ~~(b) "Agency" means the Agency for Workforce Innovation~~.
19027 (3) ~~AGENCY~~ POWERS AND DUTIES OF JOBS FLORIDA.—
19028 (a) Jobs Florida ~~The agency~~, under plans established by
19029 Workforce Florida, Inc., shall establish, or contract for the
19030 establishment of, programs for displaced homemakers which shall
19031 include:
19032 1. Job counseling, by professionals and peers, specifically
19033 designed for a person entering the job market after a number of
19034 years as a homemaker.
19035 2. Job training and placement services, including:
19036 a. Training programs for available jobs in the public and
19037 private sectors, taking into account the skills and job
19038 experiences of a homemaker and developed by working with public
19039 and private employers.
19040 b. Assistance in locating available employment for
19041 displaced homemakers, some of whom could be employed in existing
19042 job training and placement programs.
19043 c. Utilization of the services of the state employment
19044 service in locating employment opportunities.
19045 3. Financial management services providing information and
19046 assistance with respect to insurance, including, but not limited
19047 to, life, health, home, and automobile insurance, and taxes,
19048 estate and probate problems, mortgages, loans, and other related
19049 financial matters.
19050 4. Educational services, including high school equivalency
19051 degree and such other courses as Jobs Florida ~~the agency~~
19052 determines would be of interest and benefit to displaced
19053 homemakers.

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19054 5. Outreach and information services with respect to
19055 federal and state employment, education, health, and
19056 unemployment assistance programs which Jobs Florida ~~the agency~~
19057 determines would be of interest and benefit to displaced
19058 homemakers.
19059 (b)1. Jobs Florida ~~The agency~~ shall enter into contracts
19060 with, and make grants to, public and nonprofit private entities
19061 for purposes of establishing multipurpose service programs for
19062 displaced homemakers under this section. Such grants and
19063 contracts shall be awarded pursuant to chapter 287 and based on
19064 criteria established in the state plan developed pursuant to
19065 this section. Jobs Florida ~~The agency~~ shall designate catchment
19066 areas that ~~which~~ together, shall compose ~~comprise~~ the entire
19067 state, and, to the extent possible from revenues in the
19068 Displaced Homemaker Trust Fund, Jobs Florida ~~the agency~~ shall
19069 contract with, and make grants to, entities that ~~which~~ will
19070 serve entire catchment areas so that displaced homemaker service
19071 programs are available statewide. These catchment areas shall be
19072 coterminous with the state's workforce development regions. Jobs
19073 Florida ~~The agency~~ may give priority to existing displaced
19074 homemaker programs when evaluating bid responses to the ~~agency's~~
19075 request for proposals.
19076 2. In order to receive funds under this section, and unless
19077 specifically prohibited by law from doing so, an entity that
19078 provides displaced homemaker service programs must receive at
19079 least 25 percent of its funding from one or more local,
19080 municipal, or county sources or nonprofit private sources. In-
19081 kind contributions may be evaluated by Jobs Florida ~~the agency~~
19082 and counted as part of the required local funding.

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19083 3. Jobs Florida ~~The agency~~ shall require an entity that
19084 receives funds under this section to maintain appropriate data
19085 to be compiled in an annual report to Jobs Florida ~~the agency~~.
19086 Such data shall include, but shall not be limited to, the number
19087 of clients served, the units of services provided, designated
19088 client-specific information including intake and outcome
19089 information specific to each client, costs associated with
19090 specific services and program administration, total program
19091 revenues by source and other appropriate financial data, and
19092 client followup information at specified intervals after the
19093 placement of a displaced homemaker in a job.
19094 (c) Jobs Florida ~~The agency~~ shall consult and cooperate
19095 with the Commissioner of Education, the United States
19096 Commissioner of the Social Security Administration, and such
19097 other persons in the executive branch of the state government as
19098 Jobs Florida ~~the agency~~ considers appropriate to facilitate the
19099 coordination of multipurpose service programs established under
19100 this section with existing programs of a similar nature.
19101 (d) Supervisory, technical, and administrative positions
19102 relating to programs established under this section shall, to
19103 the maximum extent practicable, be filled by displaced
19104 homemakers.
19105 (e) Jobs Florida ~~The agency~~ shall adopt rules establishing
19106 minimum standards necessary for entities that provide displaced
19107 homemaker service programs to receive funds ~~from the agency~~ and
19108 any other rules necessary to administer this section.
19109 (4) STATE PLAN.—
19110 (a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
19111 develop a 3-year state plan for the displaced homemaker program

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19112 which shall be updated annually. The plan must address, at a
19113 minimum, the need for programs specifically designed to serve
19114 displaced homemakers, any necessary service components for such
19115 programs in addition to those enumerated in this section, goals
19116 of the displaced homemaker program with an analysis of the
19117 extent to which those goals are being met, and recommendations
19118 for ways to address any unmet program goals. Any request for
19119 funds for program expansion must be based on the state plan.
19120 (b) Each annual update must address any changes in the
19121 components of the 3-year state plan and a report that ~~which~~ must
19122 include, but need not be limited to, the following:
19123 1. The scope of the incidence of displaced homemakers;
19124 2. A compilation and report, by program, of data submitted
19125 to Jobs Florida ~~the agency~~ pursuant to subparagraph 3. by funded
19126 displaced homemaker service programs;
19127 3. An identification and description of the programs in the
19128 state which ~~that~~ receive funding from Jobs Florida ~~the agency~~,
19129 including funding information; and
19130 4. An assessment of the effectiveness of each displaced
19131 homemaker service program based on outcome criteria established
19132 by rule of Jobs Florida ~~the agency~~.
19133 (c) The 3-year state plan must be submitted to the
19134 President of the Senate, the Speaker of the House of
19135 Representatives, and the Governor on or before January 1, 2001,
19136 and annual updates of the plan must be submitted by January 1 of
19137 each subsequent year.
19138 (5) DISPLACED HOMEMAKER TRUST FUND.—
19139 (a) There is established within the State Treasury a
19140 Displaced Homemaker Trust Fund to be used by Jobs Florida ~~the~~

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19141 ~~agency~~ for its administration of the displaced homemaker program
19142 and to fund displaced homemaker service programs according to
19143 criteria established under this section.
19144 (b) The trust fund shall receive funds generated from an
19145 additional fee on marriage license applications and dissolution
19146 of marriage filings as specified in ss. 741.01(3) and 28.101,
19147 respectively, and may receive funds from any other public or
19148 private source.
19149 (c) Funds that are not expended by Jobs Florida ~~the agency~~
19150 at the end of the budget cycle or through a supplemental budget
19151 approved by Jobs Florida ~~the agency~~ shall revert to the trust
19152 fund.
19153 Section 317. Section 446.52, Florida Statutes, is amended
19154 to read:
19155 446.52 Confidentiality of information.—Information about
19156 displaced homemakers who receive services under ss. 446.50 and
19157 446.51 which is received through files, reports, inspections, or
19158 otherwise, by Jobs Florida ~~the division~~ or by its authorized
19159 employees ~~of the division~~, by persons who volunteer services, or
19160 by persons who provide services to displaced homemakers under
19161 ss. 446.50 and 446.51 through contracts with the division is
19162 confidential and exempt from the provisions of s. 119.07(1).
19163 Such information may not be disclosed publicly in such a manner
19164 as to identify a displaced homemaker, unless such person or the
19165 person's legal guardian provides written consent.
19166 Section 318. Paragraph (a) of subsection (3) of section
19167 448.109, Florida Statutes, is amended to read:
19168 448.109 Notification of the state minimum wage.—
19169 (3)(a) Each year Jobs Florida ~~the Agency for Workforce~~

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19170 ~~Innovation~~ shall, on or before December 1, create and make
19171 available to employers a poster in English and in Spanish which
19172 reads substantially as follows:
19173
19174 NOTICE TO EMPLOYEES
19175
19176 The Florida minimum wage is $ ...(amount)... per hour,
19177 with a minimum wage of at least $ ...(amount)... per
19178 hour for tipped employees, in addition to tips, for
19179 January 1, ...(year)..., through December 31,
19180 ...(year)....
19181
19182 The rate of the minimum wage is recalculated yearly on
19183 September 30, based on the Consumer Price Index. Every
19184 year on January 1 the new Florida minimum wage takes
19185 effect.
19186
19187 An employer may not retaliate against an employee for
19188 exercising his or her right to receive the minimum
19189 wage. Rights protected by the State Constitution
19190 include the right to:
19191 1. File a complaint about an employer’s alleged
19192 noncompliance with lawful minimum wage requirements.
19193 2. Inform any person about an employer’s alleged
19194 noncompliance with lawful minimum wage requirements.
19195 3. Inform any person of his or her potential
19196 rights under Section 24, Article X of the State
19197 Constitution and to assist him or her in asserting
19198 such rights.

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19199
19200 An employee who has not received the lawful minimum
19201 wage after notifying his or her employer and giving
19202 the employer 15 days to resolve any claims for unpaid
19203 wages may bring a civil action in a court of law
19204 against an employer to recover back wages plus damages
19205 and attorney's fees.
19206
19207 An employer found liable for intentionally violating
19208 minimum wage requirements is subject to a fine of
19209 $1,000 per violation, payable to the state.
19210
19211 The Attorney General or other official designated by
19212 the Legislature may bring a civil action to enforce
19213 the minimum wage.
19214
19215 For details see Section 24, Article X of the State
19216 Constitution.
19217
19218 Section 319. Subsections (2), (4), and (11) of section
19219 448.110, Florida Statutes, are amended to read:
19220 448.110 State minimum wage; annual wage adjustment;
19221 enforcement.—
19222 (2) The purpose of this section is to provide measures
19223 appropriate for the implementation of s. 24, Art. X of the State
19224 Constitution, in accordance with authority granted to the
19225 Legislature pursuant to s. 24(f), Art. X of the State
19226 Constitution. To implement s. 24, Art. X of the State
19227 Constitution, Jobs Florida is designated as the state Agency for

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19228 Workforce Innovation.
19229 (4)(a) Beginning September 30, 2005, and annually on
19230 September 30 thereafter, Jobs Florida ~~the Agency for Workforce~~
19231 ~~Innovation~~ shall calculate an adjusted state minimum wage rate
19232 by increasing the state minimum wage by the rate of inflation
19233 for the 12 months prior to September 1. In calculating the
19234 adjusted state minimum wage, Jobs Florida ~~the agency~~ shall use
19235 the Consumer Price Index for Urban Wage Earners and Clerical
19236 Workers, not seasonally adjusted, for the South Region or a
19237 successor index as calculated by the United States Department of
19238 Labor. Each adjusted state minimum wage rate shall take effect
19239 on the following January 1, with the initial adjusted minimum
19240 wage rate to take effect on January 1, 2006.
19241 (b) The ~~Agency for Workforce Innovation and the~~ Department
19242 of Revenue and Jobs Florida shall annually publish the amount of
19243 the adjusted state minimum wage and the effective date.
19244 Publication shall occur by posting the adjusted state minimum
19245 wage rate and the effective date on the Internet home pages of
19246 Jobs Florida ~~the agency~~ and the department by October 15 of each
19247 year. In addition, to the extent funded in the General
19248 Appropriations Act, Jobs Florida ~~the agency~~ shall provide
19249 written notice of the adjusted rate and the effective date of
19250 the adjusted state minimum wage to all employers registered in
19251 the most current unemployment compensation database. Such notice
19252 shall be mailed by November 15 of each year using the addresses
19253 included in the database. Employers are responsible for
19254 maintaining current address information in the unemployment
19255 compensation database. Jobs Florida is ~~The agency shall~~ not ~~be~~
19256 responsible for failure to provide notice due to incorrect or

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19257 incomplete address information in the database. Jobs Florida ~~The~~
19258 ~~agency~~ shall provide the Department of Revenue with the adjusted
19259 state minimum wage rate information and effective date in a
19260 timely manner.
19261 (11) Except for calculating the adjusted state minimum wage
19262 and publishing the initial state minimum wage and any annual
19263 adjustments thereto, the authority of Jobs Florida ~~the Agency~~
19264 ~~for Workforce Innovation~~ in implementing s. 24, Art. X of the
19265 State Constitution, pursuant to this section, shall be limited
19266 to that authority expressly granted by the Legislature.
19267 Section 320. Section 450.161, Florida Statutes, is amended
19268 to read:
19269 450.161 Chapter not to affect career education of children;
19270 other exceptions.—Nothing in this chapter shall prevent minors
19271 of any age from receiving career education furnished by the
19272 United States, this state, or any county or other political
19273 subdivision of this state and duly approved by the Department of
19274 Education or other duly constituted authority, nor any
19275 apprentice indentured under a plan approved by the Department of
19276 Education ~~Division of Jobs and Benefits~~, or prevent the
19277 employment of any minor 14 years of age or older when such
19278 employment is authorized as an integral part of, or supplement
19279 to, such a course in career education and is authorized by
19280 regulations of the district school board of the district in
19281 which such minor is employed, provided the employment is in
19282 compliance with the provisions of ss. 450.021(4) and 450.061.
19283 Exemptions for the employment of student learners 16 to 18 years
19284 of age are provided in s. 450.061. Such an exemption shall apply
19285 when:

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19286 (1) The student learner is enrolled in a youth vocational
19287 training program under a recognized state or local educational
19288 authority.
19289 (2) Such student learner is employed under a written
19290 agreement that ~~which~~ provides:
19291 (a) That the work of the student learner in the occupation
19292 declared particularly hazardous shall be incidental to the
19293 training.
19294 (b) That such work shall be intermittent and for short
19295 periods of time and under the direct and close supervision of a
19296 qualified and experienced person.
19297 (c) That safety instructions shall be given by the school
19298 and correlated by the employer with on-the-job training.
19299 (d) That a schedule of organized and progressive work
19300 processes to be performed on the job shall have been prepared.
19301
19302 Each such written agreement shall contain the name of the
19303 student learner and shall be signed by the employer, the school
19304 coordinator and principal, and the parent or legal guardian.
19305 Copies of each agreement shall be kept on file by both the
19306 school and the employer. This exemption for the employment of
19307 student learners may be revoked in any individual situation when
19308 it is found that reasonable precautions have not been observed
19309 for the safety of minors employed thereunder. A high school
19310 graduate may be employed in an occupation in which he or she has
19311 completed training as a student learner, as provided in this
19312 section, even though he or she is not yet 18 years of age.
19313 Section 321. Paragraph (j) of subsection (1) of section
19314 450.191, Florida Statutes, is amended to read:

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19315 450.191 Executive Office of the Governor; powers and
19316 duties.—
19317 (1) The Executive Office of the Governor is authorized and
19318 directed to:
19319 (j) Cooperate with Jobs Florida ~~the Agency for Workforce~~
19320 ~~Innovation~~ in the recruitment and referral of migrant laborers
19321 and other persons for the planting, cultivation, and harvesting
19322 of agricultural crops in Florida.
19323 Section 322. Paragraph (e) of subsection (2) of section
19324 450.31, Florida Statutes, is amended to read:
19325 450.31 Issuance, revocation, and suspension of, and refusal
19326 to issue or renew, certificate of registration.—
19327 (2) The department may revoke, suspend, or refuse to issue
19328 or renew any certificate of registration when it is shown that
19329 the farm labor contractor has:
19330 (e) Failed to pay unemployment compensation taxes as
19331 determined by Jobs Florida ~~the Agency for Workforce Innovation~~;
19332 or
19333 Section 323. Paragraph (d) of subsection (1) of section
19334 464.203, Florida Statutes, is amended to read:
19335 464.203 Certified nursing assistants; certification
19336 requirement.—
19337 (1) The board shall issue a certificate to practice as a
19338 certified nursing assistant to any person who demonstrates a
19339 minimum competency to read and write and successfully passes the
19340 required background screening pursuant to s. 400.215 and meets
19341 one of the following requirements:
19342 (d) Has completed the curriculum developed by the
19343 Department of Education ~~under the Enterprise Florida Jobs and~~

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19344 ~~Education Partnership Grant~~ and achieved a minimum score,
19345 established by rule of the board, on the nursing assistant
19346 competency examination, which consists of a written portion and
19347 skills-demonstration portion, approved by the board and
19348 administered at a site and by personnel approved by the
19349 department.
19350 Section 324. Subsection (3) of section 468.529, Florida
19351 Statutes, is amended to read:
19352 468.529 Licensee's insurance; employment tax; benefit
19353 plans.—
19354 (3) A licensed employee leasing company shall within 30
19355 days after initiation or termination notify its workers'
19356 compensation insurance carrier, the Division of Workers'
19357 Compensation of the Department of Financial Services, and the
19358 state agency providing unemployment tax collection services
19359 under contract with Jobs Florida ~~the Agency for Workforce~~
19360 ~~Innovation~~ through an interagency agreement pursuant to s.
19361 443.1316 of both the initiation or the termination of the
19362 company's relationship with any client company.
19363 Section 325. Paragraph (e) of subsection (1) of section
19364 469.002, Florida Statutes, is amended to read:
19365 469.002 Exemptions.—
19366 (1) This chapter does not apply to:
19367 (e) An authorized employee of the United States, this
19368 state, or any municipality, county, or other political
19369 subdivision who has completed all training required by NESHAP
19370 and OSHA or by ASHARA for the activities described in this
19371 paragraph, while engaged in ~~asbestos-related activities set~~
19372 ~~forth in s. 255.5535 and~~ asbestos-related activities involving

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19373 the demolition of a building owned by that governmental unit,
19374 where such activities are within the scope of that employment
19375 and the employee does not hold out for hire or otherwise engage
19376 in asbestos abatement, contracting, or consulting.
19377 Section 326. Subsection (2) of section 469.003, Florida
19378 Statutes, is amended to read:
19379 469.003 License required.—
19380 (2)~~(a)~~ A ~~No~~ person may not prepare asbestos abatement
19381 specifications unless trained and licensed as an asbestos
19382 consultant as required by this chapter.
19383 ~~(b) Any person engaged in the business of asbestos surveys~~
19384 ~~prior to October 1, 1987, who has been certified by the~~
19385 ~~Department of Labor and Employment Security as a certified~~
19386 ~~asbestos surveyor, and who has complied with the training~~
19387 ~~requirements of s. 469.013(1)(b), may provide survey services as~~
19388 ~~described in s. 255.553(1), (2), and (3). The Department of~~
19389 ~~Labor and Employment Security may, by rule, establish~~
19390 ~~violations, disciplinary procedures, and penalties for certified~~
19391 ~~asbestos surveyors.~~
19392 Section 327. Paragraph (b) of subsection (1) of section
19393 489.1455, Florida Statutes, is amended to read:
19394 489.1455 Journeyman; reciprocity; standards.—
19395 (1) An individual who holds a valid, active journeyman
19396 license in the plumbing/pipe fitting, mechanical, or HVAC trades
19397 issued by any county or municipality in this state may work as a
19398 journeyman in the trade in which he or she is licensed in any
19399 county or municipality of this state without taking an
19400 additional examination or paying an additional license fee, if
19401 he or she:

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19402 (b) Has completed an apprenticeship program registered with
19403 a registration agency defined in 29 C.F.R. 29.2 ~~the Department~~
19404 ~~of Labor and Employment Security~~ and demonstrates 4 years'
19405 verifiable practical experience in the trade for which he or she
19406 is licensed, or demonstrates 6 years' verifiable practical
19407 experience in the trade for which he or she is licensed;
19408 Section 328. Paragraph (b) of subsection (1) of section
19409 489.5335, Florida Statutes, is amended to read:
19410 489.5335 Journeyman; reciprocity; standards.—
19411 (1) An individual who holds a valid, active journeyman
19412 license in the electrical trade issued by any county or
19413 municipality in this state may work as a journeyman in any other
19414 county or municipality of this state without taking an
19415 additional examination or paying an additional license fee, if
19416 he or she:
19417 (b) Has completed an apprenticeship program registered with
19418 a registration agency defined in 29 C.F.R. 29.2 ~~the Department~~
19419 ~~of Labor and Employment Security~~ and demonstrates 4 years'
19420 verifiable practical experience in the electrical trade, or
19421 demonstrates 6 years' verifiable practical experience in the
19422 electrical trade;
19423 Section 329. Subsections (1) and (2), paragraph (b) of
19424 subsection (3), and paragraph (b) of subsection (4) of section
19425 526.143, Florida Statutes, are amended to read:
19426 526.143 Alternate generated power capacity for motor fuel
19427 dispensing facilities.—
19428 (1) ~~By June 1, 2007,~~ Each motor fuel terminal facility, as
19429 defined in s. 526.303(16), and each wholesaler, as defined in s.
19430 526.303(17), which sells motor fuel in this state must be

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19431 capable of operating its distribution loading racks using an
19432 alternate generated power source for a minimum of 72 hours.
19433 Pending a postdisaster examination of the equipment by the
19434 operator to determine any extenuating damage that would render
19435 it unsafe to use, the facility must have such alternate
19436 generated power source available for operation within ~~no later~~
19437 ~~than~~ 36 hours after a major disaster as defined in s. 252.34.
19438 Installation of appropriate wiring, including a transfer switch,
19439 shall be performed by a certified electrical contractor. Each
19440 business that is subject to this subsection must keep a copy of
19441 the documentation of such installation on site or at its
19442 corporate headquarters. In addition, each business must keep a
19443 written statement attesting to the periodic testing and ensured
19444 operational capacity of the equipment. The required documents
19445 must be made available, upon request, to the Office ~~Division~~ of
19446 Emergency Management and the director of the county emergency
19447 management agency.
19448 (2) Each newly constructed or substantially renovated motor
19449 fuel retail outlet, as defined in s. 526.303(14), for which a
19450 certificate of occupancy is issued on or after July 1, 2006,
19451 shall be prewired with an appropriate transfer switch, and
19452 capable of operating all fuel pumps, dispensing equipment,
19453 lifesafety systems, and payment-acceptance equipment using an
19454 alternate generated power source. As used in this subsection,
19455 the term “substantially renovated” means a renovation that
19456 results in an increase of greater than 50 percent in the
19457 assessed value of the motor fuel retail outlet. Local building
19458 inspectors shall include this equipment and operations check in
19459 the normal inspection process before issuing a certificate of

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19460 occupancy. Each retail outlet that is subject to this subsection
19461 must keep a copy of the certificate of occupancy on site or at
19462 its corporate headquarters. In addition, each retail outlet must
19463 keep a written statement attesting to the periodic testing of
19464 and ensured operational capability of the equipment. The
19465 required documents must be made available, upon request, to the
19466 Office ~~Division~~ of Emergency Management and the director of the
19467 county emergency management agency.
19468 (3)
19469 (b) Installation of appropriate wiring and transfer
19470 switches must be performed by a certified electrical contractor.
19471 Each retail outlet that is subject to this subsection must keep
19472 a copy of the documentation of such installation on site or at
19473 its corporate headquarters. In addition, each retail outlet must
19474 keep a written statement attesting to the periodic testing of
19475 and ensured operational capacity of the equipment. The required
19476 documents must be made available, upon request, to the Office
19477 ~~Division~~ of Emergency Management and the director of the county
19478 emergency management agency.
19479 (4)
19480 (b) Subsections (2) and (3) do not apply to:
19481 1. An automobile dealer;
19482 2. A person who operates a fleet of motor vehicles;
19483 3. A person who sells motor fuel exclusively to a fleet of
19484 motor vehicles; or
19485 4. A motor fuel retail outlet that has a written agreement
19486 with a public hospital, in a form approved by the Office
19487 ~~Division~~ of Emergency Management, wherein the public hospital
19488 agrees to provide the motor fuel retail outlet with an

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19489 alternative means of power generation onsite so that the
19490 outlet's fuel pumps may be operated in the event of a power
19491 outage.
19492 Section 330. Paragraph (a) of subsection (1) and paragraph
19493 (b) of subsection (4) of section 526.144, Florida Statutes, are
19494 amended to read:
19495 526.144 Florida Disaster Motor Fuel Supplier Program.—
19496 (1)(a) There is created the Florida Disaster Motor Fuel
19497 Supplier Program within the Office of Emergency Management
19498 ~~Department of Community Affairs~~.
19499 (4)
19500 (b) Notwithstanding any other law or other ordinance and
19501 for the purpose of ensuring an appropriate emergency management
19502 response following major disasters in this state, the regulation
19503 of all other retail establishments participating in such
19504 response is ~~shall be~~ as follows:
19505 1. Regulation of retail establishments that meet the
19506 standards created by the Office ~~Division~~ of Emergency Management
19507 in the report required in s. 8, chapter 2006-71, Laws of
19508 Florida, by July 1, 2007, is preempted to the state and until
19509 such standards are adopted, the regulation of these retail
19510 establishments is preempted to the state;
19511 2. The office ~~division~~ shall provide written certification
19512 of such preemption to retail establishments that qualify and
19513 ~~shall~~ provide such information to local governments upon
19514 request; and
19515 3. Regulation of retail establishments that do not meet the
19516 operational standards is subject to local government laws or
19517 ordinances.

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19518 Section 331. Paragraph (i) of subsection (4) of section
19519 551.104, Florida Statutes, is amended to read:
19520 551.104 License to conduct slot machine gaming.—
19521 (4) As a condition of licensure and to maintain continued
19522 authority for the conduct of slot machine gaming, the slot
19523 machine licensee shall:
19524 (i) Create and file with the division a written policy for:
19525 1. Creating opportunities to purchase from vendors in this
19526 state, including minority vendors.
19527 2. Creating opportunities for employment of residents of
19528 this state, including minority residents.
19529 3. Ensuring opportunities for construction services from
19530 minority contractors.
19531 4. Ensuring that opportunities for employment are offered
19532 on an equal, nondiscriminatory basis.
19533 5. Training for employees on responsible gaming and working
19534 with a compulsive or addictive gambling prevention program to
19535 further its purposes as provided for in s. 551.118.
19536 6. The implementation of a drug-testing program that
19537 includes, but is not limited to, requiring each employee to sign
19538 an agreement that he or she understands that the slot machine
19539 facility is a drug-free workplace.
19540
19541 The slot machine licensee shall use the Internet-based job-
19542 listing system of Jobs Florida ~~the Agency for Workforce~~
19543 ~~Innovation~~ in advertising employment opportunities. Beginning in
19544 June 2007, each slot machine licensee shall provide an annual
19545 report to the division containing information indicating
19546 compliance with this paragraph in regard to minority persons.

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19547 Section 332. Section 553.62, Florida Statutes, is amended
19548 to read:
19549 553.62 State standard.—The Occupational Safety and Health
19550 Administration's excavation safety standards, 29 C.F.R. s.
19551 1926.650 Subpart P, are hereby incorporated as the state
19552 standard. ~~The Department of Labor and Employment Security may,~~
19553 ~~by rule, adopt updated or revised versions of those standards,~~
19554 ~~provided that the updated or revised versions are consistent~~
19555 ~~with the intent expressed in this act and s. 553.72, and are not~~
19556 ~~otherwise inconsistent with state law. Any rule adopted as~~
19557 ~~provided in this section shall be complied with upon its~~
19558 ~~effective date.~~
19559 Section 333. Paragraph (c) of subsection (1) of section
19560 570.248, Florida Statutes, is amended to read:
19561 570.248 Agricultural Economic Development Project Review
19562 Committee; powers and duties.—
19563 (1) There is created an Agricultural Economic Development
19564 Project Review Committee consisting of five members appointed by
19565 the commissioner. The members shall be appointed based upon the
19566 recommendations submitted by each entity represented on the
19567 committee and shall include:
19568 (c) One representative from the Jobs Florida Partnership
19569 ~~Enterprise Florida~~, Inc.
19570 Section 334. Section 570.96, Florida Statutes, is amended
19571 to read:
19572 570.96 Agritourism.—The Department of Agriculture and
19573 Consumer Services may provide marketing advice, technical
19574 expertise, promotional support, and product development related
19575 to agritourism to assist the following in their agritourism

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19576 initiatives: the Jobs Florida Partnership, Inc. ~~Florida~~
19577 ~~Commission on Tourism~~; convention and visitor bureaus; tourist
19578 development councils; economic development organizations; and
19579 local governments. In carrying out this responsibility, the
19580 department shall focus its agritourism efforts on rural and
19581 urban communities.
19582 Section 335. Subsection (1) of section 597.006, Florida
19583 Statutes, is amended to read:
19584 597.006 Aquaculture Interagency Coordinating Council.—
19585 (1) CREATION.—The Legislature finds and declares that there
19586 is a need for interagency coordination with regard to
19587 aquaculture by the following agencies: the Department of
19588 Agriculture and Consumer Services; Jobs Florida; ~~the Office of~~
19589 ~~Tourism, Trade, and Economic Development; the Department of~~
19590 ~~Community Affairs;~~ the Department of Environmental Protection;
19591 ~~the Department of Labor and Employment Security;~~ the Fish and
19592 Wildlife Conservation Commission; the statewide consortium of
19593 universities under the Florida Institute of Oceanography;
19594 Florida Agricultural and Mechanical University; the Institute of
19595 Food and Agricultural Sciences at the University of Florida; and
19596 the Florida Sea Grant Program. It is therefore the intent of the
19597 Legislature to hereby create an Aquaculture Interagency
19598 Coordinating Council to act as an advisory body as defined in s.
19599 20.03(9).
19600 Section 336. Paragraph (d) of subsection (2) of section
19601 624.5105, Florida Statutes, is amended to read:
19602 624.5105 Community contribution tax credit; authorization;
19603 limitations; eligibility and application requirements;
19604 administration; definitions; expiration.—

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19605 (2) ELIGIBILITY REQUIREMENTS.—
19606 (d) The project shall be located in an area designated as
19607 an enterprise zone or a Front Porch Community ~~pursuant to s.~~
19608 ~~20.18(6)~~. Any project designed to construct or rehabilitate
19609 housing for low-income or very-low-income households as defined
19610 in s. 420.9071(19) and (28) is exempt from the area requirement
19611 of this paragraph.
19612 Section 337. Section 625.3255, Florida Statutes, is amended
19613 to read:
19614 625.3255 Capital participation instrument.—An insurer may
19615 invest in any capital participation instrument or evidence of
19616 indebtedness issued by the Jobs Florida Partnership, Inc.,
19617 ~~Florida Black Business Investment Board~~ pursuant to the Florida
19618 Small and Minority Business Assistance Act.
19619 Section 338. Paragraph (b) of subsection (2) of section
19620 627.0628, Florida Statutes, is amended to read:
19621 627.0628 Florida Commission on Hurricane Loss Projection
19622 Methodology; public records exemption; public meetings
19623 exemption.—
19624 (2) COMMISSION CREATED.—
19625 (b) The commission shall consist of the following 11
19626 members:
19627 1. The insurance consumer advocate.
19628 2. The senior employee of the State Board of Administration
19629 responsible for operations of the Florida Hurricane Catastrophe
19630 Fund.
19631 3. The Executive Director of the Citizens Property
19632 Insurance Corporation.
19633 4. The Director of the Office ~~Division~~ of Emergency

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19634 Management ~~of the Department of Community Affairs~~.
19635 5. The actuary member of the Florida Hurricane Catastrophe
19636 Fund Advisory Council.
19637 6. An employee of the office who is an actuary responsible
19638 for property insurance rate filings and who is appointed by the
19639 director of the office.
19640 7. Five members appointed by the Chief Financial Officer,
19641 as follows:
19642 a. An actuary who is employed full time by a property and
19643 casualty insurer that ~~which~~ was responsible for at least 1
19644 percent of the aggregate statewide direct written premium for
19645 homeowner's insurance in the calendar year preceding the
19646 member's appointment to the commission.
19647 b. An expert in insurance finance who is a full-time member
19648 of the faculty of the State University System and who has a
19649 background in actuarial science.
19650 c. An expert in statistics who is a full-time member of the
19651 faculty of the State University System and who has a background
19652 in insurance.
19653 d. An expert in computer system design who is a full-time
19654 member of the faculty of the State University System.
19655 e. An expert in meteorology who is a full-time member of
19656 the faculty of the State University System and who specializes
19657 in hurricanes.
19658 Section 339. Paragraph (b) of subsection (4) of section
19659 657.042, Florida Statutes, is amended to read:
19660 657.042 Investment powers and limitations.—A credit union
19661 may invest its funds subject to the following definitions,
19662 restrictions, and limitations:

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19663 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF
19664 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of
19665 the credit union may be invested in any of the following:
19666 (b) Any capital participation instrument or evidence of
19667 indebtedness issued by the Jobs Florida Partnership, Inc.,
19668 ~~Florida Black Business Investment Board~~ pursuant to the Florida
19669 Small and Minority Business Assistance Act.
19670 Section 340. Paragraph (g) of subsection (4) of section
19671 658.67, Florida Statutes, is amended to read:
19672 658.67 Investment powers and limitations.—A bank may invest
19673 its funds, and a trust company may invest its corporate funds,
19674 subject to the following definitions, restrictions, and
19675 limitations:
19676 (4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR
19677 LESS OF CAPITAL ACCOUNTS.—
19678 (g) Up to 10 percent of the capital accounts of a bank or
19679 trust company may be invested in any capital participation
19680 instrument or evidence of indebtedness issued by the Jobs
19681 Florida Partnership, Inc., ~~Florida Black Business Investment~~
19682 ~~Board~~ pursuant to the Florida Small and Minority Business
19683 Assistance Act.
19684 Section 341. Paragraph (d) of subsection (2) of section
19685 768.13, Florida Statutes, is amended to read:
19686 768.13 Good Samaritan Act; immunity from civil liability.—
19687 (2)
19688 (d) Any person whose acts or omissions are not otherwise
19689 covered by this section and who participates in emergency
19690 response activities under the direction of or in connection with
19691 a community emergency response team, local emergency management

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19692 agencies, the Office ~~Division~~ of Emergency Management ~~of the~~
19693 ~~Department of Community Affairs~~, or the Federal Emergency
19694 Management Agency is not liable for any civil damages as a
19695 result of care, treatment, or services provided gratuitously in
19696 such capacity and resulting from any act or failure to act in
19697 such capacity in providing or arranging further care, treatment,
19698 or services, if such person acts as a reasonably prudent person
19699 would have acted under the same or similar circumstances.
19700 Section 342. Subsection (14) of section 943.03, Florida
19701 Statutes, is amended to read:
19702 943.03 Department of Law Enforcement.—
19703 (14) The department, with respect to counter-terrorism
19704 efforts, responses to acts of terrorism within or affecting this
19705 state, and other matters related to the domestic security of
19706 Florida as it relates to terrorism, shall coordinate and direct
19707 the law enforcement, initial emergency, and other initial
19708 responses. The department shall work closely with the Office
19709 ~~Division~~ of Emergency Management, other federal, state, and
19710 local law enforcement agencies, fire and rescue agencies, first-
19711 responder agencies, and others involved in preparation against
19712 acts of terrorism in or affecting this state and in the response
19713 to such acts. The executive director of the department, or
19714 another member of the department designated by the director,
19715 shall serve as Chief of Domestic Security for the purpose of
19716 directing and coordinating such efforts. The department and
19717 Chief of Domestic Security shall use the regional domestic
19718 security task forces as established in this chapter to assist in
19719 such efforts.
19720 Section 343. Section 943.03101, Florida Statutes, is

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19721 amended to read:
19722 943.03101 Counter-terrorism coordination.—The Legislature
19723 finds that with respect to counter-terrorism efforts and initial
19724 responses to acts of terrorism within or affecting this state,
19725 specialized efforts of emergency management which ~~that~~ are
19726 unique to such situations are required and that these efforts
19727 intrinsically involve very close coordination of federal, state,
19728 and local law enforcement agencies with the efforts of all
19729 others involved in emergency-response efforts. In order to best
19730 provide this specialized effort ~~with respect to counter-~~
19731 ~~terrorism efforts and responses~~, the Legislature has determined
19732 that such efforts should be coordinated by and through the
19733 Department of Law Enforcement, working closely with the Office
19734 ~~Division~~ of Emergency Management and others involved in
19735 preparation against acts of terrorism in or affecting this
19736 state, and in the initial response to such acts, in accordance
19737 with the state comprehensive emergency management plan prepared
19738 pursuant to s. 252.35(2)(a).
19739 Section 344. Subsection (7) of section 943.0311, Florida
19740 Statutes, is amended to read:
19741 943.0311 Chief of Domestic Security; duties of the
19742 department with respect to domestic security.—
19743 (7) As used in this section, the term "state agency"
19744 includes the Agency for Health Care Administration, ~~the Agency~~
19745 ~~for Workforce Innovation,~~ the Department of Agriculture and
19746 Consumer Services, the Department of Business and Professional
19747 Regulation, the Department of Children and Family Services, the
19748 Department of Citrus, ~~the Department of Community Affairs,~~ the
19749 Department of Corrections, the Department of Education, the

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19750 Department of Elderly Affairs, the Office of Emergency
19751 Management, the Department of Environmental Protection, the
19752 Department of Financial Services, the Department of Health, the
19753 Department of Highway Safety and Motor Vehicles, Jobs Florida,
19754 the Department of Juvenile Justice, the Department of Law
19755 Enforcement, the Department of Legal Affairs, the Department of
19756 Management Services, the Department of Military Affairs, the
19757 Department of Revenue, the Department of State, the Department
19758 of the Lottery, the Department of Transportation, the Department
19759 of Veterans' Affairs, the Fish and Wildlife Conservation
19760 Commission, the Parole Commission, the State Board of
19761 Administration, and the Executive Office of the Governor.
19762 Section 345. Paragraph (d) of subsection (1) and subsection
19763 (3) of section 943.0312, Florida Statutes, are amended to read:
19764 943.0312 Regional domestic security task forces.—The
19765 Legislature finds that there is a need to develop and implement
19766 a statewide strategy to address prevention, preparation,
19767 protection, response, and recovery efforts by federal, state,
19768 and local law enforcement agencies, emergency management
19769 agencies, fire and rescue departments, first-responder personnel
19770 and others in dealing with potential or actual terrorist acts
19771 within or affecting this state.
19772 (1) To assist the department and the Chief of Domestic
19773 Security in performing their roles and duties in this regard,
19774 the department shall establish a regional domestic security task
19775 force in each of the department's operational regions. The task
19776 forces shall serve in an advisory capacity to the department and
19777 the Chief of Domestic Security and shall provide support to the
19778 department in its performance of functions pertaining to

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19779 domestic security.
19780 (d) The co-chairs of each task force may appoint
19781 subcommittees and subcommittee chairs as necessary in order to
19782 address issues related to the various disciplines represented on
19783 the task force, except that subcommittee chairs for emergency
19784 management shall be appointed with the approval of the director
19785 of the Office ~~Division~~ of Emergency Management. A subcommittee
19786 chair shall serve at the pleasure of the co-chairs.
19787 (3) The Chief of Domestic Security, in conjunction with the
19788 Office ~~Division~~ of Emergency Management, the regional domestic
19789 security task forces, and the various state entities responsible
19790 for establishing training standards applicable to state law
19791 enforcement officers and fire, emergency, and first-responder
19792 personnel shall identify appropriate equipment and training
19793 needs, curricula, and materials related to the effective
19794 response to suspected or actual acts of terrorism or incidents
19795 involving real or hoax weapons of mass destruction as defined in
19796 s. 790.166. Recommendations for funding for purchases of
19797 equipment, delivery of training, implementation of, or revision
19798 to basic or continued training required for state licensure or
19799 certification, or other related responses shall be made by the
19800 Chief of Domestic Security to the Domestic Security Oversight
19801 Council, the Executive Office of the Governor, the President of
19802 the Senate, and the Speaker of the House of Representatives as
19803 necessary to ensure that the needs of this state with regard to
19804 the preparing, equipping, training, and exercising of response
19805 personnel are identified and addressed. In making such
19806 recommendations, the Chief of Domestic Security and the Office
19807 ~~Division~~ of Emergency Management shall identify all funding

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19808 sources that may be available to fund such efforts.
19809 Section 346. Paragraph (a) of subsection (1), paragraph (b)
19810 of subsection (2), and paragraphs (a) and (b) of subsection (4)
19811 of section 943.0313, Florida Statutes, are amended to read:
19812 943.0313 Domestic Security Oversight Council.—The
19813 Legislature finds that there exists a need to provide executive
19814 direction and leadership with respect to terrorism prevention,
19815 preparation, protection, response, and recovery efforts by state
19816 and local agencies in this state. In recognition of this need,
19817 the Domestic Security Oversight Council is hereby created. The
19818 council shall serve as an advisory council pursuant to s.
19819 20.03(7) to provide guidance to the state's regional domestic
19820 security task forces and other domestic security working groups
19821 and to make recommendations to the Governor and the Legislature
19822 regarding the expenditure of funds and allocation of resources
19823 related to counter-terrorism and domestic security efforts.
19824 (1) MEMBERSHIP.—
19825 (a) The Domestic Security Oversight Council shall consist
19826 of the following voting members:
19827 1. The executive director of the Department of Law
19828 Enforcement.
19829 2. The director of the Office ~~Division~~ of Emergency
19830 Management ~~within the Department of Community Affairs~~.
19831 3. The Attorney General.
19832 4. The Commissioner of Agriculture.
19833 5. The State Surgeon General.
19834 6. The Commissioner of Education.
19835 7. The State Fire Marshal.
19836 8. The adjutant general of the Florida National Guard.

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19837 9. The state chief information officer.
19838 10. Each sheriff or chief of police who serves as a co-
19839 chair of a regional domestic security task force pursuant to s.
19840 943.0312(1)(b).
19841 11. Each of the department's special agents in charge who
19842 serve as a co-chair of a regional domestic security task force.
19843 12. Two representatives of the Florida Fire Chiefs
19844 Association.
19845 13. One representative of the Florida Police Chiefs
19846 Association.
19847 14. One representative of the Florida Prosecuting Attorneys
19848 Association.
19849 15. The chair of the Statewide Domestic Security
19850 Intelligence Committee.
19851 16. One representative of the Florida Hospital Association.
19852 17. One representative of the Emergency Medical Services
19853 Advisory Council.
19854 18. One representative of the Florida Emergency
19855 Preparedness Association.
19856 19. One representative of the Florida Seaport
19857 Transportation and Economic Development Council.
19858 (2) ORGANIZATION.—
19859 (b) The executive director of the Department of Law
19860 Enforcement shall serve as chair of the council, and the
19861 director of the Office ~~Division~~ of Emergency Management ~~within~~
19862 ~~the Department of Community Affairs~~ shall serve as vice chair of
19863 the council. In the absence of the chair, the vice chair shall
19864 serve as chair. In the absence of the vice chair, the chair may
19865 name any member of the council to perform the duties of the

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19866 chair if such substitution does not extend beyond a defined
19867 meeting, duty, or period of time.
19868 (4) EXECUTIVE COMMITTEE.—
19869 (a) The council shall establish an executive committee
19870 consisting of the following members:
19871 1. The executive director of the Department of Law
19872 Enforcement.
19873 2. The director of the Office ~~Division~~ of Emergency
19874 Management ~~within the Department of Community Affairs~~.
19875 3. The Attorney General.
19876 4. The Commissioner of Agriculture.
19877 5. The State Surgeon General.
19878 6. The Commissioner of Education.
19879 7. The State Fire Marshal.
19880 (b) The executive director of the Department of Law
19881 Enforcement shall serve as the chair of the executive committee,
19882 and the director of the Office ~~Division~~ of Emergency Management
19883 ~~within the Department of Community Affairs~~ shall serve as the
19884 vice chair of the executive committee.
19885 Section 347. Subsection (5) of section 944.012, Florida
19886 Statutes, is amended to read:
19887 944.012 Legislative intent.—The Legislature hereby finds
19888 and declares that:
19889 (5) In order to make the correctional system an efficient
19890 and effective mechanism, the various agencies involved in the
19891 correctional process must coordinate their efforts. Where
19892 possible, interagency offices should be physically located
19893 within major institutions and should include representatives of
19894 the public employment service ~~the Florida State Employment~~

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19895 ~~Service~~, the vocational rehabilitation programs of the
19896 Department of Education, and the Parole Commission. Duplicative
19897 and unnecessary methods of evaluating offenders must be
19898 eliminated and areas of responsibility consolidated in order to
19899 more economically utilize present scarce resources.
19900 Section 348. Section 944.708, Florida Statutes, is amended
19901 to read:
19902 944.708 Rules.—The Department of Corrections ~~and the Agency~~
19903 ~~for Workforce Innovation~~ shall adopt rules to implement the
19904 provisions of ss. 944.701-944.707.
19905 Section 349. Paragraph (h) of subsection (3) of section
19906 944.801, Florida Statutes, is amended to read:
19907 944.801 Education for state prisoners.—
19908 (3) The responsibilities of the Correctional Education
19909 Program shall be to:
19910 (h) Develop a written procedure for selecting programs to
19911 add to or delete from the vocational curriculum. The procedure
19912 shall include labor market analyses that ~~which~~ demonstrate the
19913 projected demand for certain occupations and the projected
19914 supply of potential employees. In conducting these analyses, the
19915 department shall evaluate the feasibility of adding vocational
19916 education programs that ~~which~~ have been identified by Jobs
19917 Florida, the Department of Education, ~~the Agency for Workforce~~
19918 ~~Innovation~~ or a regional coordinating council as being in
19919 undersupply in this state. The department shall periodically
19920 reevaluate the vocational education programs in major
19921 institutions to determine which of the programs support and
19922 provide relevant skills to inmates who could be assigned to a
19923 correctional work program that is operated as a Prison Industry

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19924 Enhancement Program.
19925 Section 350. Paragraph (d) of subsection (3) of section
19926 945.10, Florida Statutes, is amended to read:
19927 945.10 Confidential information.—
19928 (3) Due to substantial concerns regarding institutional
19929 security and unreasonable and excessive demands on personnel and
19930 resources if an inmate or an offender has unlimited or routine
19931 access to records of the Department of Corrections, an inmate or
19932 an offender who is under the jurisdiction of the department may
19933 not have unrestricted access to the department's records or to
19934 information contained in the department's records. However,
19935 except as to another inmate's or offender's records, the
19936 department may permit limited access to its records if an inmate
19937 or an offender makes a written request and demonstrates an
19938 exceptional need for information contained in the department's
19939 records and the information is otherwise unavailable.
19940 Exceptional circumstances include, but are not limited to:
19941 (d) The requested records contain information required to
19942 process an application or claim by the inmate or offender with
19943 the Internal Revenue Service, the Social Security
19944 Administration, Jobs Florida ~~the Agency for Workforce~~
19945 ~~Innovation,~~ or any other similar application or claim with a
19946 state agency or federal agency.
19947 Section 351. Subsection (4) of section 985.601, Florida
19948 Statutes, is amended to read:
19949 985.601 Administering the juvenile justice continuum.—
19950 (4) The department shall maintain continuing cooperation
19951 with the Department of Education, the Department of Children and
19952 Family Services, ~~the Agency for Workforce Innovation,~~ Jobs

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19953 Florida, and the Department of Corrections for the purpose of
19954 participating in agreements with respect to dropout prevention
19955 and the reduction of suspensions, expulsions, and truancy;
19956 increased access to and participation in GED, vocational, and
19957 alternative education programs; and employment training and
19958 placement assistance. The cooperative agreements between the
19959 departments shall include an interdepartmental plan to cooperate
19960 in accomplishing the reduction of inappropriate transfers of
19961 children into the adult criminal justice and correctional
19962 systems.
19963 Section 352. Subsections (1) and (2) of section 1002.375,
19964 Florida Statutes, are amended to read:
19965 1002.375 Alternative credit for high school courses; pilot
19966 project.—
19967 (1) The Commissioner of Education shall implement a pilot
19968 project in up to three school districts beginning in the 2008-
19969 2009 school year which allows school districts to award
19970 alternative course credit for students enrolled in nationally or
19971 state-recognized industry certification programs, as defined by
19972 the former Agency for Workforce Innovation or Jobs Florida, in
19973 accordance with the criteria described in s. 1003.492(2). The
19974 Commissioner of Education shall establish criteria for districts
19975 that participate in the pilot program. School districts
19976 interested in participating in the program must submit a letter
19977 of interest by July 15, 2008, to the Commissioner of Education
19978 identifying up to five nationally or state-recognized industry
19979 certification programs, as defined by the former Agency for
19980 Workforce Innovation or Jobs Florida, in accordance with the
19981 criteria described in s. 1003.492(2), under which the district

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19982 would like to award alternative credit for the eligible courses
19983 identified in subsection (2). The Commissioner of Education
19984 shall select up to three participating school districts by July
19985 30, 2008. The Commissioner of Education shall submit a report to
19986 the Governor, the President of the Senate, and the Speaker of
19987 the House of Representatives identifying the number of students
19988 choosing to earn alternative credit, the number of students that
19989 received alternative credit, and legislative recommendations for
19990 expanding the use of alternative credit for core academic
19991 courses required for high school graduation. The report shall be
19992 submitted by January 1, 2010.
19993 (2) For purposes of designing and implementing a successful
19994 pilot project, eligible alternative credit courses include
19995 Algebra 1a, Algebra 1b, Algebra 1, Geometry, and Biology.
19996 Alternative credits shall be awarded for courses in which a
19997 student is not enrolled, but for which the student may earn
19998 academic credit by enrolling in another course or sequence of
19999 courses required to earn a nationally or state-recognized
20000 industry certificate, as defined by the former Agency for
20001 Workforce Innovation or Jobs Florida, in accordance with the
20002 criteria described in s. 1003.492(2), of which the majority of
20003 the standards-based content in the course description is
20004 consistent with the alternative credit course description
20005 approved by the Department of Education.
20006 Section 353. Paragraph (b) of subsection (4) and subsection
20007 (5) of section 1002.53, Florida Statutes, are amended to read:
20008 1002.53 Voluntary Prekindergarten Education Program;
20009 eligibility and enrollment.—
20010 (4)

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20011 (b) The application must be submitted on forms prescribed
20012 by the department ~~Agency for Workforce Innovation~~ and must be
20013 accompanied by a certified copy of the child's birth
20014 certificate. The forms must include a certification, in
20015 substantially the form provided in s. 1002.71(6)(b)2., that the
20016 parent chooses the private prekindergarten provider or public
20017 school in accordance with this section and directs that payments
20018 for the program be made to the provider or school. The
20019 department ~~Agency for Workforce Innovation~~ may authorize
20020 alternative methods for submitting proof of the child's age in
20021 lieu of a certified copy of the child's birth certificate.
20022 (5) The early learning coalition shall provide each parent
20023 enrolling a child in the Voluntary Prekindergarten Education
20024 Program with a profile of every private prekindergarten provider
20025 and public school delivering the program within the county where
20026 the child is being enrolled. The profiles shall be provided to
20027 parents in a format prescribed by the department ~~Agency for~~
20028 ~~Workforce Innovation~~. The profiles must include, at a minimum,
20029 the following information about each provider and school:
20030 (a) The provider's or school's services, curriculum,
20031 instructor credentials, and instructor-to-student ratio; and
20032 (b) The provider's or school's kindergarten readiness rate
20033 calculated in accordance with s. 1002.69, based upon the most
20034 recent available results of the statewide kindergarten
20035 screening.
20036 Section 354. Paragraphs (e) and (h) of subsection (3) of
20037 section 1002.55, Florida Statutes, are amended to read:
20038 1002.55 School-year prekindergarten program delivered by
20039 private prekindergarten providers.—

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20040 (3) To be eligible to deliver the prekindergarten program,
20041 a private prekindergarten provider must meet each of the
20042 following requirements:
20043 (e) A private prekindergarten provider may assign a
20044 substitute instructor to temporarily replace a credentialed
20045 instructor if the credentialed instructor assigned to a
20046 prekindergarten class is absent, as long as the substitute
20047 instructor is of good moral character and has been screened
20048 before employment in accordance with level 2 background
20049 screening requirements in chapter 435. The department ~~Agency for~~
20050 ~~Workforce Innovation~~ shall adopt rules to implement this
20051 paragraph which shall include required qualifications of
20052 substitute instructors and the circumstances and time limits for
20053 which a private prekindergarten provider may assign a substitute
20054 instructor.
20055 (h) The private prekindergarten provider must register with
20056 the early learning coalition on forms prescribed by the
20057 department ~~Agency for Workforce Innovation~~.
20058 Section 355. Subsections (6) and (8) of section 1002.61,
20059 Florida Statutes, are amended to read:
20060 1002.61 Summer prekindergarten program delivered by public
20061 schools and private prekindergarten providers.—
20062 (6) A public school or private prekindergarten provider may
20063 assign a substitute instructor to temporarily replace a
20064 credentialed instructor if the credentialed instructor assigned
20065 to a prekindergarten class is absent, as long as the substitute
20066 instructor is of good moral character and has been screened
20067 before employment in accordance with level 2 background
20068 screening requirements in chapter 435. This subsection does not

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20069 supersede employment requirements for instructional personnel in
20070 public schools which are more stringent than the requirements of
20071 this subsection. The department ~~Agency for Workforce Innovation~~
20072 shall adopt rules to implement this subsection which shall
20073 include required qualifications of substitute instructors and
20074 the circumstances and time limits for which a public school or
20075 private prekindergarten provider may assign a substitute
20076 instructor.
20077 (8) Each public school delivering the summer
20078 prekindergarten program must also:
20079 (a) Register with the early learning coalition on forms
20080 prescribed by the department ~~Agency for Workforce Innovation~~;
20081 and
20082 (b) Deliver the Voluntary Prekindergarten Education Program
20083 in accordance with this part.
20084 Section 356. Subsections (6) and (8) of section 1002.63,
20085 Florida Statutes, are amended to read:
20086 1002.63 School-year prekindergarten program delivered by
20087 public schools.—
20088 (6) A public school prekindergarten provider may assign a
20089 substitute instructor to temporarily replace a credentialed
20090 instructor if the credentialed instructor assigned to a
20091 prekindergarten class is absent, as long as the substitute
20092 instructor is of good moral character and has been screened
20093 before employment in accordance with level 2 background
20094 screening requirements in chapter 435. This subsection does not
20095 supersede employment requirements for instructional personnel in
20096 public schools which are more stringent than the requirements of
20097 this subsection. The department ~~Agency for Workforce Innovation~~

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20098 shall adopt rules to implement this subsection which shall
20099 include required qualifications of substitute instructors and
20100 the circumstances and time limits for which a public school
20101 prekindergarten provider may assign a substitute instructor.
20102 (8) Each public school delivering the school-year
20103 prekindergarten program must:
20104 (a) Register with the early learning coalition on forms
20105 prescribed by the department ~~Agency for Workforce Innovation~~;
20106 and
20107 (b) Deliver the Voluntary Prekindergarten Education Program
20108 in accordance with this part.
20109 Section 357. Subsections (1) and (3) of section 1002.67,
20110 Florida Statutes, are amended to read:
20111 1002.67 Performance standards; curricula and
20112 accountability.—
20113 (1) ~~By April 1, 2005,~~ The department shall develop and
20114 adopt performance standards for students in the Voluntary
20115 Prekindergarten Education Program. The performance standards
20116 must address the age-appropriate progress of students in the
20117 development of:
20118 (a) The capabilities, capacities, and skills required under
20119 s. 1(b), Art. IX of the State Constitution; and
20120 (b) Emergent literacy skills, including oral communication,
20121 knowledge of print and letters, phonemic and phonological
20122 awareness, and vocabulary and comprehension development.
20123 (3)(a) Each early learning coalition shall verify that each
20124 private prekindergarten provider delivering the Voluntary
20125 Prekindergarten Education Program within the coalition's county
20126 or multicounty region complies with this part. Each district

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20127 school board shall verify that each public school delivering the
20128 program within the school district complies with this part.
20129 (b) If a private prekindergarten provider or public school
20130 fails or refuses to comply with this part, or if a provider or
20131 school engages in misconduct, the department ~~Agency for~~
20132 ~~Workforce Innovation~~ shall require the early learning coalition
20133 to remove the provider or ~~, and the Department of Education~~
20134 ~~shall require~~ the school district to remove the school~~,~~ from
20135 eligibility to deliver the Voluntary Prekindergarten Education
20136 Program and receive state funds under this part.
20137 (c)1. If the kindergarten readiness rate of a private
20138 prekindergarten provider or public school falls below the
20139 minimum rate adopted by the State Board of Education as
20140 satisfactory under s. 1002.69(6), the early learning coalition
20141 or school district, as applicable, shall require the provider or
20142 school to submit an improvement plan for approval by the
20143 coalition or school district, as applicable, and to implement
20144 the plan.
20145 2. If a private prekindergarten provider or public school
20146 fails to meet the minimum rate adopted by the State Board of
20147 Education as satisfactory under s. 1002.69(6) for 2 consecutive
20148 years, the early learning coalition or school district, as
20149 applicable, shall place the provider or school on probation and
20150 must require the provider or school to take certain corrective
20151 actions, including the use of a curriculum approved by the
20152 department under paragraph (2)(c).
20153 3. A private prekindergarten provider or public school that
20154 is placed on probation must continue the corrective actions
20155 required under subparagraph 2., including the use of a

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20156 curriculum approved by the department, until the provider or
20157 school meets the minimum rate adopted by the State Board of
20158 Education as satisfactory under s. 1002.69(6).
20159 4. If a private prekindergarten provider or public school
20160 remains on probation for 2 consecutive years and fails to meet
20161 the minimum rate adopted by the State Board of Education as
20162 satisfactory under s. 1002.69(6) and is not granted a good cause
20163 exemption by the department pursuant to s. 1002.69(7), the
20164 department ~~Agency for Workforce Innovation~~ shall require the
20165 early learning coalition or ~~the Department of Education shall~~
20166 ~~require~~ the school district to remove, as applicable, the
20167 provider or school from eligibility to deliver the Voluntary
20168 Prekindergarten Education Program and receive state funds for
20169 the program.
20170 (d) Each early learning coalition~~, the Agency for Workforce~~
20171 ~~Innovation,~~ and the department shall coordinate with the Child
20172 Care Services Program Office of the Department of Children and
20173 Family Services to minimize interagency duplication of
20174 activities for monitoring private prekindergarten providers for
20175 compliance with requirements of the Voluntary Prekindergarten
20176 Education Program under this part, the school readiness programs
20177 under s. 411.01, and the licensing of providers under ss.
20178 402.301-402.319.
20179 Section 358. Paragraph (f) of subsection (7) of section
20180 1002.69, Florida Statutes, is amended to read:
20181 1002.69 Statewide kindergarten screening; kindergarten
20182 readiness rates.—
20183 (7)
20184 (f) The State Board of Education shall notify the

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20185 department ~~Agency for Workforce Innovation~~ of any good cause
20186 exemption granted to a private prekindergarten provider under
20187 this subsection. If a good cause exemption is granted to a
20188 private prekindergarten provider who remains on probation for 2
20189 consecutive years, the department ~~Agency for Workforce~~
20190 ~~Innovation~~ shall notify the early learning coalition of the good
20191 cause exemption and direct that the coalition, notwithstanding
20192 s. 1002.67(3)(c)4., not remove the provider from eligibility to
20193 deliver the Voluntary Prekindergarten Education Program or to
20194 receive state funds for the program, if the provider meets all
20195 other applicable requirements of this part.
20196 Section 359. Paragraph (c) of subsection (3), subsection
20197 (4), paragraph (b) of subsection (5), and subsections (6) and
20198 (7) of section 1002.71, Florida Statutes, are amended to read:
20199 1002.71 Funding; financial and attendance reporting.—
20200 (3)
20201 (c) The initial allocation shall be based on estimated
20202 student enrollment in each coalition service area. The
20203 department ~~Agency for Workforce Innovation~~ shall reallocate
20204 funds among the coalitions based on actual full-time equivalent
20205 student enrollment in each coalition service area.
20206 (4) Notwithstanding s. 1002.53(3) and subsection (2):
20207 (a) A child who, for any of the prekindergarten programs
20208 listed in s. 1002.53(3), has not completed more than 70 percent
20209 of the hours authorized to be reported for funding under
20210 subsection (2), or has not expended more than 70 percent of the
20211 funds authorized for the child under s. 1002.66, may withdraw
20212 from the program for good cause and reenroll in one of the
20213 programs. The total funding for a child who reenrolls in one of

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20214 the programs for good cause may not exceed one full-time
20215 equivalent student. Funding for a child who withdraws and
20216 reenrolls in one of the programs for good cause shall be issued
20217 in accordance with the department's ~~agency's~~ uniform attendance
20218 policy adopted pursuant to paragraph (6)(d).
20219 (b) A child who has not substantially completed any of the
20220 prekindergarten programs listed in s. 1002.53(3) may withdraw
20221 from the program due to an extreme hardship that is beyond the
20222 child's or parent's control, reenroll in one of the summer
20223 programs, and be reported for funding purposes as a full-time
20224 equivalent student in the summer program for which the child is
20225 reenrolled.
20226
20227 A child may reenroll only once in a prekindergarten program
20228 under this section. A child who reenrolls in a prekindergarten
20229 program under this subsection may not subsequently withdraw from
20230 the program and reenroll. The department ~~Agency for Workforce~~
20231 ~~Innovation~~ shall establish criteria specifying whether a good
20232 cause exists for a child to withdraw from a program under
20233 paragraph (a), whether a child has substantially completed a
20234 program under paragraph (b), and whether an extreme hardship
20235 exists which is beyond the child's or parent's control under
20236 paragraph (b).
20237 (5)
20238 (b) The department ~~Agency for Workforce Innovation~~ shall
20239 adopt procedures for the payment of private prekindergarten
20240 providers and public schools delivering the Voluntary
20241 Prekindergarten Education Program. The procedures shall provide
20242 for the advance payment of providers and schools based upon

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20243 student enrollment in the program, the certification of student
20244 attendance, and the reconciliation of advance payments in
20245 accordance with the uniform attendance policy adopted under
20246 paragraph (6)(d). The procedures shall provide for the monthly
20247 distribution of funds by the department ~~Agency for Workforce~~
20248 ~~Innovation~~ to the early learning coalitions for payment by the
20249 coalitions to private prekindergarten providers and public
20250 schools. ~~The department shall transfer to the Agency for~~
20251 ~~Workforce Innovation at least once each quarter the funds~~
20252 ~~available for payment to private prekindergarten providers and~~
20253 ~~public schools in accordance with this paragraph from the funds~~
20254 ~~appropriated for that purpose.~~
20255 (6)(a) Each parent enrolling his or her child in the
20256 Voluntary Prekindergarten Education Program must agree to comply
20257 with the attendance policy of the private prekindergarten
20258 provider or district school board, as applicable. Upon
20259 enrollment of the child, the private prekindergarten provider or
20260 public school, as applicable, must provide the child's parent
20261 with a copy of the provider's or school district's attendance
20262 policy, as applicable.
20263 (b)1. Each private prekindergarten provider's and district
20264 school board's attendance policy must require the parent of each
20265 student in the Voluntary Prekindergarten Education Program to
20266 verify, each month, the student's attendance on the prior
20267 month's certified student attendance.
20268 2. The parent must submit the verification of the student's
20269 attendance to the private prekindergarten provider or public
20270 school on forms prescribed by the department ~~Agency for~~
20271 ~~Workforce Innovation~~. The forms must include, in addition to the

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20272 verification of the student's attendance, a certification, in
20273 substantially the following form, that the parent continues to
20274 choose the private prekindergarten provider or public school in
20275 accordance with s. 1002.53 and directs that payments for the
20276 program be made to the provider or school:
20277
20278 VERIFICATION OF STUDENT'S ATTENDANCE
20279 AND CERTIFICATION OF PARENTAL CHOICE
20280
20281 I, ...(Name of Parent)..., swear (or affirm) that my child,
20282 ...(Name of Student)..., attended the Voluntary Prekindergarten
20283 Education Program on the days listed above and certify that I
20284 continue to choose ...(Name of Provider or School)... to deliver
20285 the program for my child and direct that program funds be paid
20286 to the provider or school for my child.
20287 ...(Signature of Parent)...
20288 ...(Date)...
20289
20290 3. The private prekindergarten provider or public school
20291 must keep each original signed form for at least 2 years. Each
20292 private prekindergarten provider must permit the early learning
20293 coalition, and each public school must permit the school
20294 district, to inspect the original signed forms during normal
20295 business hours. The department ~~Agency for Workforce Innovation~~
20296 shall adopt procedures for early learning coalitions and school
20297 districts to review the original signed forms against the
20298 certified student attendance. The review procedures shall
20299 provide for the use of selective inspection techniques,
20300 including, but not limited to, random sampling. Each early

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20301 learning coalition and the school districts must comply with the
20302 review procedures.
20303 (c) A private prekindergarten provider or school district,
20304 as applicable, may dismiss a student who does not comply with
20305 the provider's or district's attendance policy. A student
20306 dismissed under this paragraph is not removed from the Voluntary
20307 Prekindergarten Education Program and may continue in the
20308 program through reenrollment with another private
20309 prekindergarten provider or public school. Notwithstanding s.
20310 1002.53(6)(b), a school district is not required to provide for
20311 the admission of a student dismissed under this paragraph.
20312 (d) The department ~~Agency for Workforce Innovation~~ shall
20313 adopt, for funding purposes, a uniform attendance policy for the
20314 Voluntary Prekindergarten Education Program. The attendance
20315 policy must apply statewide and apply equally to all private
20316 prekindergarten providers and public schools. The attendance
20317 policy must include at least the following provisions:
20318 1. ~~Beginning with the 2009-2010 fiscal year for school-year~~
20319 ~~programs,~~ A student's attendance may be reported on a pro rata
20320 basis as a fractional part of a full-time equivalent student.
20321 2. At a maximum, 20 percent of the total payment made on
20322 behalf of a student to a private prekindergarten provider or a
20323 public school may be for hours a student is absent.
20324 3. A private prekindergarten provider or public school may
20325 not receive payment for absences that occur before a student's
20326 first day of attendance or after a student's last day of
20327 attendance.
20328
20329 The uniform attendance policy shall be used only for funding

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20330 purposes and does not prohibit a private prekindergarten
20331 provider or public school from adopting and enforcing its
20332 attendance policy under paragraphs (a) and (c).
20333 (7) The department ~~Agency for Workforce Innovation~~ shall
20334 require that administrative expenditures be kept to the minimum
20335 necessary for efficient and effective administration of the
20336 Voluntary Prekindergarten Education Program. Administrative
20337 policies and procedures shall be revised, to the maximum extent
20338 practicable, to incorporate the use of automation and electronic
20339 submission of forms, including those required for child
20340 eligibility and enrollment, provider and class registration, and
20341 monthly certification of attendance for payment. A school
20342 district may use its automated daily attendance reporting system
20343 for the purpose of transmitting attendance records to the early
20344 learning coalition in a mutually agreed-upon format. In
20345 addition, actions shall be taken to reduce paperwork, eliminate
20346 the duplication of reports, and eliminate other duplicative
20347 activities. Beginning with the 2010-2011 fiscal year, each early
20348 learning coalition may retain and expend no more than 4.5
20349 percent of the funds paid by the coalition to private
20350 prekindergarten providers and public schools under paragraph
20351 (5)(b). Funds retained by an early learning coalition under this
20352 subsection may be used only for administering the Voluntary
20353 Prekindergarten Education Program and may not be used for the
20354 school readiness program or other programs.
20355 Section 360. Subsection (1) of section 1002.72, Florida
20356 Statutes, is amended to read:
20357 1002.72 Records of children in the Voluntary
20358 Prekindergarten Education Program.—

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20359 (1)(a) The records of a child enrolled in the Voluntary
20360 Prekindergarten Education Program held by an early learning
20361 coalition, the department ~~Agency for Workforce Innovation~~, or a
20362 Voluntary Prekindergarten Education Program provider are
20363 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
20364 of the State Constitution. For purposes of this section, such
20365 records include assessment data, health data, records of teacher
20366 observations, and personal identifying information of an
20367 enrolled child and his or her parent.
20368 (b) This exemption applies to the records of a child
20369 enrolled in the Voluntary Prekindergarten Education Program held
20370 by an early learning coalition, the department ~~Agency for~~
20371 ~~Workforce Innovation~~, or a Voluntary Prekindergarten Education
20372 Program provider before, on, or after the effective date of this
20373 exemption.
20374 Section 361. Subsections (1) and (5) of section 1002.77,
20375 Florida Statutes, are amended to read:
20376 1002.77 Florida Early Learning Advisory Council.—
20377 (1) There is created the Florida Early Learning Advisory
20378 Council within the department ~~Agency for Workforce Innovation~~.
20379 The purpose of the advisory council is to submit recommendations
20380 to the department ~~and the Agency for Workforce Innovation~~ on the
20381 early learning policy of this state, including recommendations
20382 relating to administration of the Voluntary Prekindergarten
20383 Education Program under this part and the school readiness
20384 programs under s. 411.01.
20385 (5) The department ~~Agency for Workforce Innovation~~ shall
20386 provide staff and administrative support for the advisory
20387 council.

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20388 Section 362. Section 1002.79, Florida Statutes, is amended
20389 to read:
20390 1002.79 Rulemaking authority.—
20391 ~~(1)~~ The State Board of Education shall adopt rules under
20392 ss. 120.536(1) and 120.54 to administer the provisions of this
20393 part ~~conferring duties upon the department~~.
20394 ~~(2) The Agency for Workforce Innovation shall adopt rules~~
20395 ~~under ss. 120.536(1) and 120.54 to administer the provisions of~~
20396 ~~this part conferring duties upon the agency.~~
20397 Section 363. Subsections (2) and (3), paragraph (c) of
20398 subsection (4), and subsection (5) of section 1003.491, Florida
20399 Statutes, are amended to read:
20400 1003.491 Florida Career and Professional Education Act.—The
20401 Florida Career and Professional Education Act is created to
20402 provide a statewide planning partnership between the business
20403 and education communities in order to attract, expand, and
20404 retain targeted, high-value industry and to sustain a strong,
20405 knowledge-based economy.
20406 (2) ~~Beginning with the 2007-2008 school year,~~ Each district
20407 school board shall develop, in collaboration with local
20408 workforce boards and postsecondary institutions approved to
20409 operate in the state, a strategic 5-year plan to address and
20410 meet local and regional workforce demands. If involvement of the
20411 local workforce board in the strategic plan development is not
20412 feasible, the local school board, with the approval of Jobs
20413 Florida ~~the Agency for Workforce Innovation~~, shall collaborate
20414 with the most appropriate local business leadership board. Two
20415 or more school districts may collaborate in the development of
20416 the strategic plan and offer a career and professional academy

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20417 as a joint venture. Such plans must describe in detail
20418 provisions for efficient transportation of students, maximum use
20419 of shared resources, and access to courses through the Florida
20420 Virtual School when appropriate. Each strategic plan shall ~~be~~
20421 ~~completed no later than June 30, 2008, and shall~~ include
20422 provisions to have in place at least one operational career and
20423 professional academy, pursuant to s. 1003.492~~, no later than the~~
20424 ~~beginning of the 2008-2009 school year~~.
20425 (3) The strategic 5-year plan developed jointly between the
20426 local school district, local workforce boards, and state-
20427 approved postsecondary institutions shall be constructed and
20428 based on:
20429 (a) Research conducted to objectively determine local and
20430 regional workforce needs for the ensuing 5 years, using labor
20431 projections of the United States Department of Labor and Jobs
20432 Florida ~~the Agency for Workforce Innovation~~;
20433 (b) Strategies to develop and implement career academies
20434 based on those careers determined to be in high demand;
20435 (c) Maximum use of private sector facilities and personnel;
20436 (d) Strategies that ensure instruction by industry-
20437 certified faculty and standards and strategies to maintain
20438 current industry credentials and for recruiting and retaining
20439 faculty to meet those standards;
20440 (e) Alignment to requirements for middle school career
20441 exploration and high school redesign;
20442 (f) Provisions to ensure that courses offered through
20443 career and professional academies are academically rigorous,
20444 meet or exceed appropriate state-adopted subject area standards,
20445 result in attainment of industry certification, and, when

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20446 appropriate, result in postsecondary credit;
20447 (g) Establishment of student eligibility criteria in career
20448 and professional academies which include opportunities for
20449 students who have been unsuccessful in traditional classrooms
20450 but who show aptitude to participate in academies. School boards
20451 shall address the analysis of eighth grade student achievement
20452 data to provide opportunities for students who may be deemed as
20453 potential dropouts to participate in career and professional
20454 academies;
20455 (h) Strategies to provide sufficient space within academies
20456 to meet workforce needs and to provide access to all interested
20457 and qualified students;
20458 (i) Strategies to engage Department of Juvenile Justice
20459 students in career and professional academy training that leads
20460 to industry certification;
20461 (j) Opportunities for high school students to earn weighted
20462 or dual enrollment credit for higher-level career and technical
20463 courses;
20464 (k) Promotion of the benefits of the Gold Seal Bright
20465 Futures Scholarship;
20466 (l) Strategies to ensure the review of district pupil-
20467 progression plans and to amend such plans to include career and
20468 professional courses and to include courses that may qualify as
20469 substitute courses for core graduation requirements and those
20470 that may be counted as elective courses; and
20471 (m) Strategies to provide professional development for
20472 secondary guidance counselors on the benefits of career and
20473 professional academies.
20474 (4) The State Board of Education shall establish a process

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20475 for the continual and uninterrupted review of newly proposed
20476 core secondary courses and existing courses requested to be
20477 considered as core courses to ensure that sufficient rigor and
20478 relevance is provided for workforce skills and postsecondary
20479 education and aligned to state curriculum standards. The review
20480 of newly proposed core secondary courses shall be the
20481 responsibility of a curriculum review committee whose membership
20482 is approved by the Workforce Florida Board as described in s.
20483 445.004, and shall include:
20484 (c) Three workforce representatives recommended by Jobs
20485 Florida ~~the Agency for Workforce Innovation~~.
20486 (5) The submission and review of newly proposed core
20487 courses shall be conducted electronically, and each proposed
20488 core course shall be approved or denied within 60 days. All
20489 courses approved as core courses for high school graduation
20490 purposes shall be immediately added to the Course Code
20491 Directory. Approved core courses shall also be reviewed and
20492 considered for approval for dual enrollment credit. The Board of
20493 Governors and the Commissioner of Education shall jointly
20494 recommend an annual deadline for approval of new core courses to
20495 be included for purposes of postsecondary admissions and dual
20496 enrollment credit the following academic year. The State Board
20497 of Education shall establish an appeals process in the event
20498 that a proposed course is denied which shall require a consensus
20499 ruling by Jobs Florida ~~the Agency for Workforce Innovation~~ and
20500 the Commissioner of Education within 15 days. ~~The curriculum~~
20501 ~~review committee must be established and operational no later~~
20502 ~~than September 1, 2007.~~
20503 Section 364. Subsections (2) and (3) of section 1003.492,

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20504 Florida Statutes, are amended to read:
20505 1003.492 Industry-certified career education programs.—
20506 (2) The State Board of Education shall use the expertise of
20507 Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ to
20508 develop and adopt rules pursuant to ss. 120.536(1) and 120.54
20509 for implementing an industry certification process. Industry
20510 certification shall be defined by Jobs Florida ~~the Agency for~~
20511 ~~Workforce Innovation~~, based upon the highest available national
20512 standards for specific industry certification, to ensure student
20513 skill proficiency and to address emerging labor market and
20514 industry trends. A regional workforce board or a career and
20515 professional academy may apply to Workforce Florida, Inc., to
20516 request additions to the approved list of industry
20517 certifications based on high-demand job requirements in the
20518 regional economy. The list of industry certifications approved
20519 by Workforce Florida, Inc., and the Department of Education
20520 shall be published and updated annually by a date certain, to be
20521 included in the adopted rule.
20522 (3) The Department of Education shall collect student
20523 achievement and performance data in industry-certified career
20524 education programs and shall work with Workforce Florida, Inc.,
20525 ~~and Enterprise Florida, Inc.,~~ in the analysis of collected data.
20526 The data collection and analyses shall examine the performance
20527 of participating students over time. Performance factors shall
20528 include, but not be limited to, graduation rates, retention
20529 rates, Florida Bright Futures Scholarship awards, additional
20530 educational attainment, employment records, earnings, industry
20531 certification, and employer satisfaction. The results of this
20532 study shall be submitted to the President of the Senate and the

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20533 Speaker of the House of Representatives annually by December 31.
20534 Section 365. Paragraphs (f) and (k) of subsection (4) of
20535 section 1003.493, Florida Statutes, are amended to read:
20536 1003.493 Career and professional academies.—
20537 (4) Each career and professional academy must:
20538 (f) Provide instruction in careers designated as high
20539 growth, high demand, and high pay by the local workforce
20540 development board, the chamber of commerce, or Jobs Florida ~~the~~
20541 ~~Agency for Workforce Innovation~~.
20542 (k) Include an evaluation plan developed jointly with the
20543 Department of Education and the local workforce board. The
20544 evaluation plan must include an assessment tool based on
20545 national industry standards, such as the Career Academy National
20546 Standards of Practice, and outcome measures, including, but not
20547 limited to, achievement of national industry certifications
20548 identified in the Industry Certification Funding List, pursuant
20549 to rules adopted by the State Board of Education, graduation
20550 rates, enrollment in postsecondary education, business and
20551 industry satisfaction, employment and earnings, awards of
20552 postsecondary credit and scholarships, and student achievement
20553 levels and learning gains on statewide assessments administered
20554 under s. 1008.22(3)(c). The Department of Education shall use
20555 Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ in
20556 identifying industry experts to participate in developing and
20557 implementing such assessments.
20558 Section 366. Subsection (3) of section 1003.575, Florida
20559 Statutes, is amended to read:
20560 1003.575 Assistive technology devices; findings;
20561 interagency agreements.—Accessibility, utilization, and

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20562 coordination of appropriate assistive technology devices and
20563 services are essential as a young person with disabilities moves
20564 from early intervention to preschool, from preschool to school,
20565 from one school to another, and from school to employment or
20566 independent living. To ensure that an assistive technology
20567 device issued to a young person as part of his or her
20568 individualized family support plan, individual support plan, or
20569 an individual education plan remains with the individual through
20570 such transitions, the following agencies shall enter into
20571 interagency agreements, as appropriate, to ensure the
20572 transaction of assistive technology devices:
20573 (3) The Voluntary Prekindergarten Education Program
20574 administered by the Department of Education ~~and the Agency for~~
20575 ~~Workforce Innovation~~.
20576
20577 Interagency agreements entered into pursuant to this section
20578 shall provide a framework for ensuring that young persons with
20579 disabilities and their families, educators, and employers are
20580 informed about the utilization and coordination of assistive
20581 technology devices and services that may assist in meeting
20582 transition needs, and shall establish a mechanism by which a
20583 young person or his or her parent may request that an assistive
20584 technology device remain with the young person as he or she
20585 moves through the continuum from home to school to postschool.
20586 Section 367. Subsection (4) of section 1003.4285, Florida
20587 Statutes, is amended to read:
20588 1003.4285 Standard high school diploma designations.—Each
20589 standard high school diploma shall include, as applicable:
20590 (4) A designation reflecting a Florida Ready to Work

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20591 Credential in accordance with s. 445.06 ~~s. 1004.99~~.
20592 Section 368. Paragraph (j) of subsection (4) of section
20593 1003.493, Florida Statutes, is amended to read:
20594 1003.493 Career and professional academies.—
20595 (4) Each career and professional academy must:
20596 (j) Provide opportunities for students to obtain the
20597 Florida Ready to Work Certification pursuant to s. 445.06 ~~s.~~
20598 ~~1004.99~~.
20599 Section 369. Paragraphs (a), (e), and (f) of subsection (4)
20600 and paragraph (c) of subsection (5) of section 1004.226, Florida
20601 Statutes, are amended to read:
20602 1004.226 The 21st Century Technology, Research, and
20603 Scholarship Enhancement Act.—
20604 (4) FLORIDA TECHNOLOGY, RESEARCH, AND SCHOLARSHIP BOARD.—
20605 The Florida Technology, Research, and Scholarship Board is
20606 created within the Board of Governors of the State University
20607 System to guide the establishment of Centers of Excellence, the
20608 attraction of world class scholars, and the commercialization of
20609 products and services developed from the research and
20610 development conducted at state universities.
20611 (a) The board shall consist of 11 members. Five members
20612 shall be appointed by the Governor, one of whom the Governor
20613 shall appoint as chair of the board, one of whom must be a
20614 member of the board of directors of the Jobs Florida Partnership
20615 ~~Enterprise Florida~~, Inc., and one of whom must be a member of
20616 the Board of Governors of the State University System. Three
20617 members shall be appointed by the President of the Senate, and
20618 three members shall be appointed by the Speaker of the House of
20619 Representatives. Appointed members must be representative of

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20620 business leaders, industrial researchers, academic researchers,
20621 scientists, and leaders in the emerging and advanced technology
20622 sector. Appointed members may not serve for more than 4 years,
20623 and any vacancy that occurs during these appointees' terms shall
20624 be filled in the same manner as the original appointment. A
20625 majority of members constitutes a quorum.
20626 (e) The board shall recommend to the Board of Governors the
20627 qualifications, standards, and requirements for approval of
20628 investments in Centers of Excellence under this act. The board
20629 may form committees of its members and is encouraged to consult
20630 with the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., the
20631 Florida Research Consortium, Bio-Florida, IT Florida, the
20632 Florida Aviation Aerospace Alliance, and any other entity whose
20633 input may be helpful in determining the requirements and
20634 standards for the program.
20635 (f) The board shall review and approve State University
20636 Research Commercialization Assistance Grants under subsection
20637 (7). The board is encouraged to consult with the Jobs Florida
20638 Partnership ~~Enterprise Florida~~, Inc.; entities with prior
20639 experience in early stage business investment; and any other
20640 entity whose input may be helpful in evaluating grant proposals.
20641 (5) THE 21ST CENTURY WORLD CLASS SCHOLARS PROGRAM.—
20642 (c) The board, in consultation with senior administrators
20643 of state universities, state university foundation directors,
20644 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
20645 ~~Development~~, the board of directors of the Jobs Florida
20646 Partnership ~~Enterprise Florida~~, Inc., and leading members of
20647 private industry, shall develop and recommend to the Board of
20648 Governors criteria for the 21st Century World Class Scholars

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20649 Program. Such criteria shall address, at a minimum, the
20650 following:
20651 1. The presence of distinguished faculty members, including
20652 whether the university has a substantial history of external
20653 funding, along with the strong potential for attracting a
20654 scholar of national or international eminence.
20655 2. The presence of academically outstanding students, along
20656 with the promise and potential for attracting additional highly
20657 qualified students.
20658 3. The presence of adequate research and scholarly support
20659 services.
20660 4. The existence of an academic environment having
20661 appropriate infrastructure, including buildings, classrooms,
20662 libraries, laboratories, and specialized equipment, that is
20663 conducive to the conduct of the highest quality of scholarship
20664 and research.
20665 5. The demonstration of concordance with Florida's
20666 strategic plan for economic development or an emphasis on one or
20667 more emerging sciences or technologies that could favorably
20668 impact the state's economic future.
20669 Section 370. Paragraph (d) of subsection (5) of section
20670 1004.65, Florida Statutes, is amended to read:
20671 1004.65 Florida colleges; governance, mission, and
20672 responsibilities.—
20673 (5) The primary mission and responsibility of Florida
20674 colleges is responding to community needs for postsecondary
20675 academic education and career degree education. This mission and
20676 responsibility includes being responsible for:
20677 (d) Promoting economic development for the state within

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20678 each Florida college district through the provision of special
20679 programs, including, but not limited to, the:
20680 1. Programs relating to the Jobs Florida Partnership, Inc
20681 ~~Enterprise Florida-related programs~~.
20682 2. Technology transfer centers.
20683 3. Economic development centers.
20684 4. Workforce literacy programs.
20685 Section 371. Subsection (5) of section 1004.77, Florida
20686 Statutes, is amended to read:
20687 1004.77 Centers of technology innovation.—
20688 (5) The State Board of Education shall give priority in the
20689 designation of centers to those community colleges that
20690 specialize in technology in environmental areas and in areas
20691 related to target industries of the Jobs Florida Partnership
20692 ~~Enterprise Florida~~, Inc. Priority in designation shall also be
20693 given to community colleges that develop new and improved
20694 manufacturing techniques and related business practices.
20695 Section 372. Paragraph (b) of subsection (10) of section
20696 1004.78, Florida Statutes, is amended to read:
20697 1004.78 Technology transfer centers at community colleges.—
20698 (10) The State Board of Education may award grants to
20699 community colleges, or consortia of public and private colleges
20700 and universities and other public and private entities, for the
20701 purpose of supporting the objectives of this section. Grants
20702 awarded pursuant to this subsection shall be in accordance with
20703 rules of the State Board of Education. Such rules shall include
20704 the following provisions:
20705 (b) Grants to centers funded with state revenues
20706 appropriated specifically for technology transfer activities

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20707 shall be reviewed and approved by the State Board of Education
20708 using proposal solicitation, evaluation, and selection
20709 procedures established by the state board in consultation with
20710 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc. Such
20711 procedures may include designation of specific areas or
20712 applications of technology as priorities for the receipt of
20713 funding.
20714 Section 373. Subsection (3) of section 1008.39, Florida
20715 Statutes, is amended to read:
20716 1008.39 Florida Education and Training Placement
20717 Information Program.—
20718 (3) The Florida Education and Training Placement
20719 Information Program must not make public any information that
20720 could identify an individual or the individual's employer. The
20721 Department of Education must ensure that the purpose of
20722 obtaining placement information is to evaluate and improve
20723 public programs or to conduct research for the purpose of
20724 improving services to the individuals whose social security
20725 numbers are used to identify their placement. If an agreement
20726 assures that this purpose will be served and that privacy will
20727 be protected, the Department of Education shall have access to
20728 the unemployment insurance wage reports maintained by Jobs
20729 Florida ~~the Agency for Workforce Innovation~~, the files of the
20730 Department of Children and Family Services that contain
20731 information about the distribution of public assistance, the
20732 files of the Department of Corrections that contain records of
20733 incarcerations, and the files of the Department of Business and
20734 Professional Regulation that contain the results of licensure
20735 examination.

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20736 Section 374. Subsection (3) of section 1008.41, Florida
20737 Statutes, is amended to read:
20738 1008.41 Workforce education; management information
20739 system.—
20740 (3) Planning and evaluation of job-preparatory programs
20741 shall be based on standard sources of data and use standard
20742 occupational definitions and coding structures, including, but
20743 not limited to:
20744 (a) The Florida Occupational Information System;
20745 (b) The Florida Education and Training Placement
20746 Information Program;
20747 (c) Jobs Florida ~~The Agency for Workforce Innovation~~;
20748 (d) The United States Department of Labor; and
20749 (e) Other sources of data developed using statistically
20750 valid procedures.
20751 Section 375. Subsections (2), (3), (4), (5), and (6) of
20752 section 1011.76, Florida Statutes, are amended to read:
20753 1011.76 Small School District Stabilization Program.—
20754 (2) In order to participate in this program, a school
20755 district must be located in a rural area of critical economic
20756 concern designated by the Executive Office of the Governor, and
20757 the district school board must submit a resolution to Jobs
20758 Florida ~~the Office of Tourism, Trade, and Economic Development~~
20759 requesting participation in the program. A rural area of
20760 critical economic concern must be a rural community, or a region
20761 composed of such, that has been adversely affected by an
20762 extraordinary economic event or a natural disaster or that
20763 presents a unique economic development concern or opportunity of
20764 regional impact. The resolution must be accompanied with

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20765 documentation of the economic conditions in the community,
20766 provide information indicating the negative impact of these
20767 conditions on the school district's financial stability, and the
20768 school district must participate in a best financial management
20769 practices review to determine potential efficiencies that could
20770 be implemented to reduce program costs in the district.
20771 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
20772 ~~Development~~, in consultation with the Department of Education,
20773 shall review the resolution and other information required by
20774 subsection (2) and determine whether the school district is
20775 eligible to participate in the program. Factors influencing the
20776 office's determination may include, but are not limited to,
20777 reductions in the county tax roll resulting from business
20778 closures or other causes, or a reduction in student enrollment
20779 due to business closures or impacts in the local economy.
20780 (4) ~~Effective July 1, 2000, and thereafter,~~ When Jobs
20781 Florida ~~the Office of Tourism, Trade, and Economic Development~~
20782 authorizes a school district to participate in the program, the
20783 Legislature may give priority to that district for a best
20784 financial management practices review in the school district,
20785 subject to approval pursuant to s. 1008.35(7), to the extent
20786 that funding is provided annually for such purpose in the
20787 General Appropriations Act. The scope of the review shall be as
20788 set forth in s. 1008.35.
20789 (5) ~~Effective July 1, 2000, and thereafter,~~ The Department
20790 of Education may award the school district a stabilization grant
20791 intended to protect the district from continued financial
20792 reductions. The amount of the grant will be determined by the
20793 Department of Education and may be equivalent to the amount of

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20794 the decline in revenues projected for the next fiscal year. In
20795 addition, Jobs Florida ~~the Office of Tourism, Trade, and~~
20796 ~~Economic Development~~ may implement a rural economic development
20797 initiative to identify the economic factors that are negatively
20798 impacting the community and may consult with the Jobs Florida
20799 Partnership, Inc. ~~Enterprise Florida, Inc.~~, in developing a plan
20800 to assist the county with its economic transition. The grant
20801 will be available to the school district for a period of up to 5
20802 years to the extent that funding is provided for such purpose in
20803 the General Appropriations Act.
20804 (6) Based on the availability of funds, Jobs Florida ~~the~~
20805 ~~Office of Tourism, Trade, and Economic Development~~ or the
20806 Department of Education may enter into contracts or issue grants
20807 necessary to implement the program.
20808 Section 376. Section 1012.2251, Florida Statutes, is
20809 amended to read:
20810 1012.2251 End-of-course examinations for Merit Award
20811 Program. ~~Beginning with the 2007-2008 school year,~~ School
20812 districts that participate in the Merit Award Program under s.
20813 1012.225 must be able to administer end-of-course examinations
20814 based on the Sunshine State Standards in order to measure a
20815 student's understanding and mastery of the entire course in all
20816 grade groupings and subjects for any year in which the districts
20817 participate in the program. The statewide standardized
20818 assessment, College Board Advanced Placement Examination,
20819 International Baccalaureate examination, Advanced International
20820 Certificate of Education examination, or examinations resulting
20821 in national or state industry certification recognized by Jobs
20822 Florida ~~the Agency for Workforce Innovation~~ satisfy the

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20823 requirements of this section for the respective grade groupings
20824 and subjects assessed by these examinations and assessments.
20825 Section 377. Section 20.505, Florida Statutes, is
20826 transferred, renumbered as section 20.605, Florida Statutes, and
20827 amended to read:
20828 20.605 ~~20.505~~ Administrative Trust Fund of Jobs Florida ~~the~~
20829 ~~Agency for Workforce Innovation~~.—
20830 (1) The Administrative Trust Fund is created within Jobs
20831 Florida ~~the Agency for Workforce Innovation~~.
20832 (2) Funds shall be used for the purpose of supporting the
20833 administrative functions of Jobs Florida ~~the agency~~ as required
20834 by law, pursuant to legislative appropriation or an approved
20835 amendment to Jobs Florida ~~the agency's~~ operating budget pursuant
20836 to the provisions of chapter 216.
20837 (3) Notwithstanding the provisions of s. 216.301 and
20838 pursuant to s. 216.351, any balance in the trust fund at the end
20839 of any fiscal year shall remain in the trust fund at the end of
20840 the year and shall be available for carrying out the purposes of
20841 the trust fund.
20842 Section 378. Section 1004.99, Florida Statutes, is
20843 transferred, renumbered as section 445.06, Florida Statutes, and
20844 amended to read:
20845 445.06 ~~1004.99~~ Florida Ready to Work Certification
20846 Program.—
20847 (1) There is created the Florida Ready to Work
20848 Certification Program to enhance the workplace skills of
20849 Floridians ~~Florida's students~~ to better prepare them for
20850 successful employment in specific occupations.
20851 (2) The Florida Ready to Work Certification Program may be

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20852 conducted in public middle and high schools, community colleges,
20853 technical centers, one-stop career centers, vocational
20854 rehabilitation centers, and Department of Juvenile Justice
20855 educational facilities. The program may be made available to
20856 other entities that provide job training. Jobs Florida, in
20857 coordination with the Department of Education, shall establish
20858 institutional readiness criteria for program implementation.
20859 (3) The Florida Ready to Work Certification Program shall
20860 be composed of:
20861 (a) A comprehensive identification of workplace skills for
20862 each occupation identified for inclusion in the program by Jobs
20863 Florida ~~the Agency for Workforce Innovation~~ and the Department
20864 of Education.
20865 (b) A preinstructional assessment that delineates an
20866 individual's ~~the student's~~ mastery level on the specific
20867 workplace skills identified for that occupation.
20868 (c) A targeted instructional program limited to those
20869 identified workplace skills in which the individual ~~student~~ is
20870 not proficient as measured by the preinstructional assessment.
20871 Instruction must utilize a web-based program and be customized
20872 to meet identified specific needs of local employers.
20873 (d) A Florida Ready to Work Credential and portfolio
20874 awarded to individuals ~~students~~ upon successful completion of
20875 the instruction. Each portfolio must delineate the skills
20876 demonstrated by the individuals ~~student~~ as evidence of the
20877 individual's ~~student's~~ preparation for employment.
20878 (4) A Florida Ready to Work Credential shall be awarded to
20879 an individual ~~a student~~ who successfully passes assessments in
20880 Reading for Information, Applied Mathematics, and Locating

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20881 Information or any other assessments of comparable rigor. Each
20882 assessment shall be scored on a scale of 3 to 7. The level of
20883 the credential each individual ~~student~~ receives is based on the
20884 following:
20885 (a) A bronze-level credential requires a minimum score of 3
20886 or above on each of the assessments.
20887 (b) A silver-level credential requires a minimum score of 4
20888 or above on each of the assessments.
20889 (c) A gold-level credential requires a minimum score of 5
20890 or above on each of the assessments.
20891 (5) Jobs Florida ~~The State Board of Education~~, in
20892 consultation with the Department of Education ~~Agency for~~
20893 ~~Workforce Innovation~~, may adopt rules pursuant to ss. 120.536(1)
20894 and 120.54 to implement the provisions of this section.
20895 Section 379. Section 14.2015, Florida Statutes, is
20896 repealed.
20897 Section 380. Section 20.18, Florida Statutes, is repealed.
20898 Section 381. Section 20.50, Florida Statutes, is repealed.
20899 Section 382. Sections 255.551, 255.552, 255.553, 255.5535,
20900 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559, 255.56,
20901 255.561, 255.562, and 255.563, Florida Statutes, are repealed.
20902 Section 383. Section 287.115, Florida Statutes, is
20903 repealed.
20904 Section 384. Section 288.038, Florida Statutes, is
20905 repealed.
20906 Section 385. Section 288.063, Florida Statutes, is
20907 repealed.
20908 Section 386. Sections 288.1221, 288.1222, 288.1223,
20909 288.1224, 288.1226, and 288.1227, Florida Statutes, are

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20910 repealed.
20911 Section 387. Sections 288.7065, 288.707, 288.708, 288.709,
20912 288.7091, and 288.712, Florida Statutes, are repealed.
20913 Section 388. Section 288.12295, Florida Statutes, is
20914 repealed.
20915 Section 389. Section 288.90151, Florida Statutes, is
20916 repealed.
20917 Section 390. Section 288.9415, Florida Statutes, is
20918 repealed.
20919 Section 391. Section 288.9618, Florida Statutes, is
20920 repealed.
20921 Section 392. Section 288.982, Florida Statutes, is
20922 repealed.
20923 Section 393. Section 411.0105, Florida Statutes, is
20924 repealed.
20925 Section 394. Section 446.60, Florida Statutes, is repealed.
20926 Section 395. Section 1002.75, Florida Statutes, is
20927 repealed.
20928 Section 396. This act shall take effect July 1, 2011.

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