20112156e1

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 requirements that Workforce Florida, Inc., establish
298 an electronic transfer benefit program; amending s.
299 411.0102, F.S.; requiring each participating early
300 learning coalition board to develop a plan for the use
301 of child care purchasing pool funds; amending s.
302 1002.73, F.S.; requiring the Department of Education
303 to administer the operational requirements of the
304 Voluntary Prekindergarten Education Program; requiring
305 the Department of Education to adopt procedures
306 governing the administration of the Voluntary
307 Prekindergarten Education Program by the early
308 learning coalitions and school districts; requiring
309 the Department of Education to adopt procedures for
310 the distribution of funds to early learning
311 coalitions; amending ss. 11.45, 14.20195, 15.18,
312 15.182, 16.615, 39.001, 45.031, 69.041, 112.3135,
313 119.071, 120.80, 125.01045, 159.803, 159.8081,
314 159.8083, 161.54, 163.03, 163.3178, 163.3221, 163.360,
315 166.0446, 175.021, 186.504, 186.505, 202.037, 212.08,
316 212.096, 212.097, 212.098, 212.20, 213.053, 215.5586,
317 216.136, 216.292, 216.231, 218.64, 220.03, 220.183,
318 220.191, 222.15, 250.06, 252.32, 252.34, 252.35,
319 252.355, 252.3568, 252.36, 252.365, 252.37, 252.371,

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252.373, 252.38, 252.385, 252.40, 252.41, 252.42, 252.43, 252.44, 252.46, 252.55, 252.60, 252.61, 252.82, 252.83, 252.85, 252.86, 252.87, 252.88, 252.936, 252.937, 252.943, 252.946, 255.099, 259.035, 260.0142, 272.11, 282.34, 282.709, 287.09431, 287.09451, 287.0947, 288.012, 288.017, 288.018, 288.019, 288.021, 288.035, 288.047, 288.065, 288.0655, 288.0656, 288.06561, 288.0657, 288.0658, 288.0659, 288.075, 288.1045, 288.106, 288.107, 288.108, 288.1083, 288.1088, 288.1089, 288.1095, 288.1162, 288.11621, 288.1168, 288.1169, 288.1171, 288.122, 288.12265, 288.124, 288.1251, 288.1252, 288.1253, 288.1254, 288.386, 288.7011, 288.7015, 288.705, 288.706, 288.7094, 288.7102, 288.714, 288.773, 288.774, 288.776, 288.7771, 288.816, 288.809, 288.826, 288.95155, 288.955, 288.9519, 288.9520, 288.9603, 288.9604, 288.9605, 288.9606, 288.9614, 288.9624, 288.9625, 288.975, 288.980, 288.984, 288.9913, 288.9914, 288.9916, 288.9917, 288.9918, 288.9919, 288.9920, 288.9921, 290.004, 290.0055, 290.0056, 290.0065, 290.0066, 290.00710, 290.0072, 290.00725, 290.0073, 290.0074, 290.0077, 290.014, 311.09, 311.11, 311.115, 311.22, 320.08058, 331.302, 331.3081, 331.369, 339.08, 339.135, 364.0135, 377.703, 377.711, 377.712, 377.804, 380.031, 380.06, 380.115, 380.285, 381.0054, 381.0086, 381.7354, 381.855, 383.14, 402.281, 402.45, 402.56, 403.42, 403.7032, 403.973, 409.017, 409.1451, 409.2576, 409.944, 409.946, 411.01, 411.0101, 411.01013, 411.01014, 411.01015, 411.0103,

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

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

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407 Enterprise Florida, Inc.; repealing s. 288.9415, F.S.,
408 which relates to Enterprise Florida, Inc., and
409 international trade grants; repealing s. 288.9618,
410 F.S., which relates to an economic development program
411 for microenterprises; repealing s. 288.982, F.S.,
412 which relates to a public records exemption for
413 certain records relating to the United States
414 Department of Defense Base Realignment and Closure
415 2005 process; repealing s. 411.0105, F.S., which
416 designates the Agency for Workforce Innovation as the
417 lead agency to administer specified federal laws;
418 amending s. 443.111, F.S.; providing that unemployment
419 benefits are payable electronically, except that an
420 individual being paid by paper warrant on a specified
421 date may continue to be paid in that manner until the
422 expiration of a claim for unemployment compensation;
423 conforming provisions to changes made by the act;
424 repealing s. 446.60, F.S., which relates to assistance
425 for displaced local exchange telecommunications
426 company workers; repealing s. 1002.75, F.S., relating
427 to the powers and duties of the Agency for Workforce
428 Innovation; providing an effective date.
429
430 Be It Enacted by the Legislature of the State of Florida:
431
432 Section 1. Type two transfers from the Agency for Workforce
433 Innovation.—
434 (1) All powers, duties, functions, records, offices,
435 personnel, associated administrative support positions,

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436 property, pending issues, existing contracts, administrative
437 authority, administrative rules, and unexpended balances of
438 appropriations, allocations, and other funds relating to the
439 following programs in the Agency for Workforce Innovation are
440 transferred by a type two transfer, as defined in s. 20.06(2),
441 Florida Statutes, as follows:
442 (a) The Office of Early Learning Services, including all
443 related policies and procedures, is transferred to the
444 Department of Education.
445 (b) The Office of Unemployment Compensation is transferred
446 to Jobs Florida.
447 (c) The Office of Workforce Services is transferred to Jobs
448 Florida.
449 (2) The following trust funds are transferred:
450 (a) From the Agency for Workforce Innovation to the
451 Department of Education, the Child Care and Development Block
452 Grant Trust Fund.
453 (b) From the Agency for Workforce Innovation to Jobs
454 Florida:
455 1. The Administrative Trust Fund.
456 2. The Employment Security Administration Trust Fund.
457 3. The Special Employment Security Administration Trust
458 Fund.
459 4. The Unemployment Compensation Benefit Trust Fund.
460 5. The Unemployment Compensation Clearing Trust Fund.
461 6. The Revolving Trust Fund.
462 7. The Welfare Transition Trust Fund.
463 8. The Displaced Homemaker Trust Fund.
464 (3) Any binding contract or interagency agreement existing

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465 before July 1, 2011, between the Agency for Workforce
466 Innovation, or an entity or agent of the agency, and any other
467 agency, entity, or person shall continue as a binding contract
468 or agreement for the remainder of the term of such contract or
469 agreement on the successor department, agency, or entity
470 responsible for the program, activity, or functions relative to
471 the contract or agreement.
472 (4) All powers, duties, functions, records, offices,
473 personnel, property, pending issues, and existing contracts,
474 administrative authority, administrative rules, and unexpended
475 balances of appropriations, allocations, and other funds
476 relating to the Agency for Workforce Innovation which are not
477 specifically transferred by this section are transferred by a
478 type two transfer, as defined in s. 20.06(2), Florida Statutes,
479 to Jobs Florida.
480 Section 2. Type two transfers from the Department of
481 Community Affairs.—
482 (1) All powers, duties, functions, records, offices,
483 personnel, associated administrative support positions,
484 property, pending issues, existing contracts, administrative
485 authority, administrative rules, and unexpended balances of
486 appropriations, allocations, and other funds relating to the
487 following programs in the Department of Community Affairs are
488 transferred by a type two transfer, as defined in s. 20.06(2),
489 Florida Statutes, as follows:
490 (a) The Florida Housing Finance Corporation is transferred
491 to Jobs Florida.
492 (b) The Division of Housing and Community Development is
493 transferred to Jobs Florida.

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

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

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552 Governor.—
553 (1) All powers, duties, functions, records, offices,
554 personnel, associated administrative support positions,
555 property, pending issues, existing contracts, administrative
556 authority, administrative rules, and unexpended balances of
557 appropriations, allocations, and other funds relating to the
558 Office of Tourism, Trade, and Economic Development in the
559 Executive Office of the Governor are transferred by a type two
560 transfer, as defined in s. 20.06(2), Florida Statutes, to Jobs
561 Florida.
562 (2) The following trust funds are transferred from the
563 Executive Office of the Governor to Jobs Florida:
564 (a) The Economic Development Trust Fund.
565 (b) The Economic Development Transportation Trust Fund.
566 (c) The Tourism Promotional Trust Fund.
567 (d) The Professional Sports Development Trust Fund.
568 (e) The Florida International Trade and Promotion Trust
569 Fund.
570 (3) Any binding contract or interagency agreement existing
571 before July 1, 2011, between the Office of Tourism, Trade, and
572 Economic Development in the Executive Office of the Governor, or
573 an entity or agent of the office, and any other agency, entity,
574 or person shall continue as a binding contract or agreement for
575 the remainder of the term of such contract or agreement on the
576 successor department, agency, or entity responsible for the
577 program, activity, or functions relative to the contract or
578 agreement.
579 (4) All powers, duties, functions, records, offices,
580 personnel, property, pending issues, and existing contracts,

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581 administrative authority, administrative rules, and unexpended
582 balances of appropriations, allocations, and other funds
583 relating to the Office of Tourism, Trade, and Economic
584 Development in the Executive Office of the Governor which are
585 not specifically transferred by this section are transferred by
586 a type two transfer, as defined in s. 20.06(2), Florida
587 Statutes, to Jobs Florida.
588 Section 4. (1) It is the intent of the Legislature that the
589 changes made by this act be accomplished with minimal disruption
590 of services provided to the public and with minimal disruption
591 to employees of any organization. To that end, the Legislature
592 directs all applicable units of state government to contribute
593 to the successful implementation of this act, and the
594 Legislature believes that a transition period between the
595 effective date of this act and October 1, 2011, is appropriate
596 and warranted.
597 (2) The Agency for Workforce Innovation, the Department of
598 Community Affairs, and the Office of Tourism, Trade, and
599 Economic Development in the Executive Office of the Governor
600 shall each coordinate the development and implementation of a
601 transition plan that supports the implementation of this act.
602 Any state agency identified by either the Agency for Workforce
603 Innovation, the Department of Community Affairs, or the Office
604 of Tourism, Trade, and Economic Development in the Executive
605 Office of the Governor shall cooperate fully in developing and
606 implementing the plan and shall dedicate the financial and staff
607 resources that are necessary to implement the plan. The Agency
608 for Workforce Innovation, the Department of Community Affairs,
609 and the Office of Tourism, Trade, and Economic Development in

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

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639 Department of Community Affairs, or the Office of Tourism,
640 Trade, and Economic Development, the Governor shall submit in a
641 timely manner to the applicable federal departments or agencies
642 any necessary amendments or supplemental information concerning
643 plans that the state is required to submit to the Federal
644 Government in connection with any federal or state program. The
645 Governor shall seek any waivers from the requirements of Federal
646 law or rules which may be necessary to administer the provisions
647 of this act.
648 (6) The transfer of any program, activity, duty, or
649 function under this act includes the transfer of any records and
650 unexpended balances of appropriations, allocations, or other
651 funds related to such program, activity, duty, or function.
652 Unless otherwise provided, the successor organization to any
653 program, activity, duty, or function transferred under this act
654 shall become the custodian of any property of the organization
655 that was responsible for the program, activity, duty, or
656 function immediately prior to the transfer.
657 Section 5. (1) The nonprofit corporations established in
658 ss. 288.901, 288.1229, 288.1226, and 288.707, Florida Statutes,
659 are merged into, and the independent special district
660 established in s. 331.302, Florida Statutes, is transferred to a
661 new nonprofit corporation established by this act called the
662 "Jobs Florida Partnership, Inc."
663 (2) Enterprise Florida, Inc., the Florida Sports Foundation
664 Incorporated, the Florida Tourism Industry Marketing Corporation
665 d/b/a VISIT Florida, and the Florida Black Business Investment
666 Board, Inc., must enter into a plan to merge into the Jobs
667 Florida Partnership, Inc. Such merger must be completed by

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668 December 31, 2011. The merger is subject to chapter 617, Florida
669 Statutes, related to the merger of nonprofit corporations.
670 (3) The independent special district of Space Florida, and
671 all powers, duties, functions, records, offices, personnel,
672 property, pending issues, existing contracts, administrative
673 authority, administrative rules, and unexpended balances of
674 appropriations, allocations, and other funds relating to it, are
675 transferred to the Jobs Florida Partnership, Inc.
676 (4) It is the intent of the Legislature that the changes
677 made by this act be accomplished with minimal disruption of
678 services provided to the public and with minimal disruption to
679 employees of any organization. To that end, the Legislature
680 directs that notwithstanding the changes made by this act,
681 Enterprise Florida, Inc., the Florida Sports Foundation
682 Incorporated, the Florida Tourism Industry Marketing Corporation
683 d/b/a VISIT Florida, and the Florida Black Business Investment
684 Board, Inc., may continue with such powers, duties, functions,
685 records, offices, personnel, property, pending issues, and
686 existing contracts as provided in Florida Statutes 2010 until
687 December 31, 2011. The Legislature believes that a transition
688 period between the effective date of this act and December 31,
689 2011, is appropriate and warranted.
690 (5) The Governor shall designate a staff member of the
691 Office of Planning and Budgeting to serve as the Governor's
692 primary representative on matters related to implementing this
693 act for the merger of Enterprise Florida, Inc., the Florida
694 Sports Foundation Incorporated, the Florida Tourism Industry
695 Marketing Corporation d/b/a VISIT Florida, and the Florida Black
696 Business Investment Board, Inc., into, and the transfer of Space

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

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

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

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784 subsection (9) is added to section 20.15, Florida Statutes, to
785 read:
786 20.15 Department of Education.—There is created a
787 Department of Education.
788 (3) DIVISIONS.—The following divisions of the Department of
789 Education are established:
790 (h) The Division of Early Learning, which shall administer
791 the school readiness system in accordance with s. 411.01 and the
792 operational requirements of the Voluntary Prekindergarten
793 Education Program in accordance with part V of chapter 1002. The
794 division shall be directed by the Deputy Commissioner for Early
795 Learning, who shall be appointed by and serve at the pleasure of
796 the commissioner.
797 (9) The department may provide or contract for training for
798 employees of administrative entities and case managers of any
799 contracted providers to ensure they have the necessary
800 competencies and skills to provide adequate administrative
801 oversight and delivery of the full array of client services.
802 Section 9. Section 20.60, Florida Statutes, is created to
803 read:
804 20.60 Jobs Florida; creation; powers and duties.—
805 (1) There is created a department that, notwithstanding the
806 provisions of s. 20.04(1), shall be called Jobs Florida.
807 (2) The head of Jobs Florida is the commissioner of Jobs
808 Florida, who shall be appointed by the Governor, subject to
809 confirmation by the Senate. The commissioner shall serve at the
810 pleasure of and report to the Governor.
811 (3) The following divisions of Jobs Florida are
812 established:

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

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

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871 committees and the appropriate substantive committees, and are
872 subject to the review and approval process provided in s.
873 216.177. The approved performance measures, standards, and
874 sanctions shall be included and made a part of the strategic
875 plan for contracts entered into for delivery of programs
876 authorized by this section.
877 4. Assist the Jobs Florida Partnership, Inc., in preparing
878 an annual report to the Legislature on the state of the business
879 climate in Florida and on the state of economic development in
880 Florida which includes the identification of problems and the
881 recommendation of solutions. This report shall be submitted to
882 the President of the Senate, the Speaker of the House of
883 Representatives, the Senate Minority Leader, and the House
884 Minority Leader by January 1 of each year, and shall be in
885 addition to the Governor's message to the Legislature required
886 by the State Constitution and any other economic reports
887 required by law, including the annual incentives report prepared
888 by the Jobs Florida Partnership, Inc.
889 5. Develop a 5-year statewide strategic plan. The strategic
890 plan must include, but need not be limited to:
891 a. Strategies for the promotion of business formation,
892 expansion, recruitment, and retention through aggressive
893 marketing, international development, and export assistance,
894 which lead to more and better jobs and higher wages for all
895 geographic regions, disadvantaged communities, and populations
896 of the state, including rural areas, minority businesses, and
897 urban core areas.
898 b. The development of realistic policies and programs to
899 further the economic diversity of the state, its regions, and

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900 their associated industrial clusters.
901 c. Specific provisions for the stimulation of economic
902 development and job creation in rural areas and midsize cities
903 and counties of the state.
904 d. Provisions for the promotion of the successful long-term
905 economic development of the state with increased emphasis in
906 market research and information.
907 e. Plans for the generation of foreign investment in the
908 state which creates jobs paying above-average wages and which
909 results in reverse investment in the state, including programs
910 that establish viable overseas markets, assist in meeting the
911 financing requirements of export-ready firms, broaden
912 opportunities for international joint venture relationships, use
913 the resources of academic and other institutions, coordinate
914 trade assistance and facilitation services, and facilitate
915 availability of and access to education and training programs
916 that assure requisite skills and competencies necessary to
917 compete successfully in the global marketplace.
918 f. The identification of business sectors that are of
919 current or future importance to the state's economy and to the
920 state's global business image, and development of specific
921 strategies to promote the development of such sectors.
922 g. Strategies for talent development necessary in the state
923 to encourage economic development growth, taking into account
924 factors such as the state's talent supply chain, education and
925 training opportunities, and available workforce.
926 6. Update the strategic plan every 5 years. The division
927 shall involve local governments; the general public; local and
928 regional economic development organizations; other local, state,

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

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

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

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1016 notwithstanding the provisions of part I of chapter 287, the
1017 commissioner shall enter into specific contracts with the Jobs
1018 Florida Partnership, Inc., the Institute for the
1019 Commercialization of Public Research, and other appropriate
1020 direct-support organizations. Such contracts may be for
1021 multiyear terms and shall include specific performance measures
1022 for each year.
1023 4. Serve as the state protocol officer. In consultation
1024 with the Governor and other governmental officials, the
1025 commissioner shall develop, maintain, publish, and distribute
1026 the state protocol manual.
1027 (b) Notwithstanding any other law, resolution, or rule to
1028 the contrary, the commissioner may not receive more in public
1029 remuneration annually than $130,000, pursuant to the General
1030 Appropriations Act.
1031 (10) The Chief Inspector General in the Executive Office of
1032 the Governor:
1033 (a) Shall advise public-private partnerships in their
1034 development, utilization, and improvement of internal control
1035 measures necessary to ensure fiscal accountability.
1036 (b) May conduct, direct, and supervise audits relating to
1037 the programs and operations of public-private partnerships.
1038 (c) Shall receive and investigate complaints of fraud,
1039 abuses, and deficiencies relating to programs and operations of
1040 public-private partnerships.
1041 (d) May request and have access to any records, data, and
1042 other information in the possession of public-private
1043 partnerships which the Chief Inspector General deems necessary
1044 to carry out his or her responsibilities with respect to

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1045 accountability.
1046 (e) Shall monitor public-private partnerships for
1047 compliance with the terms and conditions of contracts with the
1048 department and report noncompliance to the Governor.
1049 (f) Shall advise public-private partnerships in the
1050 development, utilization, and improvement of performance
1051 measures for the evaluation of their operations.
1052 (g) Shall review and make recommendations for improvements
1053 in the actions taken by public-private partnerships to meet
1054 performance standards.
1055 (11) Jobs Florida shall have an official seal by which its
1056 records, orders, and proceedings are authenticated. The seal
1057 shall be judicially noticed.
1058 (12) Jobs Florida shall administer the role of state
1059 government under part I of chapter 421, relating to public
1060 housing, chapter 422, relating to housing cooperation law, and
1061 chapter 423, tax exemption of housing authorities. Jobs Florida
1062 is the agency of state government responsible for the state's
1063 role in housing and urban development.
1064 (13) Jobs Florida may adopt rules to administer the
1065 provisions of law conferring duties upon it.
1066 Section 10. Paragraph (d) of subsection (2) and subsection
1067 (5) of section 112.044, Florida Statutes, are amended to read:
1068 112.044 Public employers, employment agencies, labor
1069 organizations; discrimination based on age prohibited;
1070 exceptions; remedy.—
1071 (2) DEFINITIONS.—For the purpose of this act:
1072 ~~(d) "Department" means the Department of Labor and~~
1073 ~~Employment Security.~~

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1074 (5) NOTICE TO BE POSTED.—Each employer, employment agency,
1075 and labor organization shall post and keep posted in conspicuous
1076 places upon its premises notices ~~a notice to be prepared or~~
1077 ~~approved by the department setting forth such information as~~
1078 required by the United States Department of Labor and the United
1079 States Equal Employment Opportunity Commission ~~department deems~~
1080 ~~appropriate to effectuate the purposes of this act~~.
1081 Section 11. Subsections (20) and (31) of section 163.3164,
1082 Florida Statutes, are amended to read:
1083 163.3164 Local Government Comprehensive Planning and Land
1084 Development Regulation Act; definitions.—As used in this act:
1085 (20) "State land planning agency" means Jobs Florida ~~the~~
1086 ~~Department of Community Affairs~~.
1087 (31) "~~Optional~~ Sector plan" means the ~~an optional~~ process
1088 authorized by s. 163.3245 in which one or more local governments
1089 engage in long-term planning for a large area and ~~by agreement~~
1090 ~~with the state land planning agency are allowed to~~ address
1091 regional ~~development-of-regional-impact~~ issues through adoption
1092 of detailed specific area plans within the planning area ~~within~~
1093 ~~certain designated geographic areas identified in the local~~
1094 ~~comprehensive plan~~ as a means of fostering innovative planning
1095 and development strategies in s. 163.3177(11)(a) and (b),
1096 furthering the purposes of this part and part I of chapter 380,
1097 reducing overlapping data and analysis requirements, protecting
1098 regionally significant resources and facilities, and addressing
1099 extrajurisdictional impacts. The term includes an optional
1100 sector plan that was adopted pursuant to the Optional Sector
1101 Plan program.
1102 Section 12. Paragraph (d) of subsection (15) of section

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1103 163.3177, Florida Statutes, is amended to read:
1104 163.3177 Required and optional elements of comprehensive
1105 plan; studies and surveys.—
1106 (15)
1107 (d) This subsection does not apply to a a~~n optional~~ sector
1108 plan adopted pursuant to s. 163.3245, a rural land stewardship
1109 area designated pursuant to subsection (11), or any
1110 comprehensive plan amendment that includes an inland port
1111 terminal or affiliated port development.
1112 Section 13. Paragraph (a) of subsection (12) of section
1113 163.3180, Florida Statutes, is amended to read:
1114 163.3180 Concurrency.—
1115 (12)(a) A development of regional impact may satisfy the
1116 transportation concurrency requirements of the local
1117 comprehensive plan, the local government's concurrency
1118 management system, and s. 380.06 by payment of a proportionate-
1119 share contribution for local and regionally significant traffic
1120 impacts, if:
1121 1. The development of regional impact which, based on its
1122 location or mix of land uses, is designed to encourage
1123 pedestrian or other nonautomotive modes of transportation;
1124 2. The proportionate-share contribution for local and
1125 regionally significant traffic impacts is sufficient to pay for
1126 one or more required mobility improvements that will benefit a
1127 regionally significant transportation facility;
1128 3. The owner and developer of the development of regional
1129 impact pays or assures payment of the proportionate-share
1130 contribution; and
1131 4. If the regionally significant transportation facility to

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1132 be constructed or improved is under the maintenance authority of
1133 a governmental entity, as defined by s. 334.03(12), other than
1134 the local government with jurisdiction over the development of
1135 regional impact, the developer is required to enter into a
1136 binding and legally enforceable commitment to transfer funds to
1137 the governmental entity having maintenance authority or to
1138 otherwise assure construction or improvement of the facility.
1139
1140 The proportionate-share contribution may be applied to any
1141 transportation facility to satisfy the provisions of this
1142 subsection and the local comprehensive plan, but, for the
1143 purposes of this subsection, the amount of the proportionate-
1144 share contribution shall be calculated based upon the cumulative
1145 number of trips from the proposed development expected to reach
1146 roadways during the peak hour from the complete buildout of a
1147 stage or phase being approved, divided by the change in the peak
1148 hour maximum service volume of roadways resulting from
1149 construction of an improvement necessary to maintain the adopted
1150 level of service, multiplied by the construction cost, at the
1151 time of developer payment, of the improvement necessary to
1152 maintain the adopted level of service. For purposes of this
1153 subsection, “construction cost” includes all associated costs of
1154 the improvement. Proportionate-share mitigation shall be limited
1155 to ensure that a development of regional impact meeting the
1156 requirements of this subsection mitigates its impact on the
1157 transportation system but is not responsible for the additional
1158 cost of reducing or eliminating backlogs. This subsection also
1159 applies to Florida Quality Developments pursuant to s. 380.061
1160 and to detailed specific area plans implementing ~~optional~~ sector

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1161 plans pursuant to s. 163.3245.
1162 Section 14. Subsections (2), (4), and (11) of section
1163 163.3184, Florida Statutes, are amended to read:
1164 163.3184 Process for adoption of comprehensive plan or plan
1165 amendment.—
1166 (2) COORDINATION.—Each comprehensive plan or plan amendment
1167 proposed to be adopted pursuant to this part, except amendments
1168 adopted pursuant to s. 163.32465 or s. 163.3187(1)(c) and (3),
1169 shall be transmitted, adopted, and reviewed in the manner
1170 prescribed in this section. The state land planning agency shall
1171 have responsibility for plan review, coordination, and the
1172 preparation and transmission of comments, pursuant to this
1173 section, to the local governing body responsible for the
1174 comprehensive plan. The state land planning agency shall
1175 maintain a single file concerning any proposed or adopted plan
1176 amendment submitted by a local government for any review under
1177 this section. Copies of all correspondence, papers, notes,
1178 memoranda, and other documents received or generated by the
1179 state land planning agency must be placed in the appropriate
1180 file. Paper copies of all electronic mail correspondence must be
1181 placed in the file. The file and its contents must be available
1182 for public inspection and copying as provided in chapter 119.
1183 (4) INTERGOVERNMENTAL REVIEW.—The governmental agencies
1184 specified in paragraph (3)(a) shall provide comments to the
1185 state land planning agency within 30 days after receipt by the
1186 state land planning agency of the complete proposed plan
1187 amendment. If the plan or plan amendment includes or relates to
1188 the public school facilities element pursuant to s.
1189 163.3177(12), the state land planning agency shall submit a copy

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

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

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

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1277 services and facilities.
1278 (d) The location of existing development in relation to the
1279 location of development as anticipated in the original plan, or
1280 in the plan as amended by the most recent evaluation and
1281 appraisal report update amendments, such as within areas
1282 designated for urban growth.
1283 (e) An identification of the major issues for the
1284 jurisdiction and, where pertinent, the potential social,
1285 economic, and environmental impacts.
1286 (f) Relevant changes to the state comprehensive plan, the
1287 requirements of this part, the minimum criteria contained in
1288 chapter 9J-5, Florida Administrative Code, and the appropriate
1289 strategic regional policy plan since the adoption of the
1290 original plan or the most recent evaluation and appraisal report
1291 update amendments.
1292 (g) An assessment of whether the plan objectives within
1293 each element, as they relate to major issues, have been
1294 achieved. The report shall include, as appropriate, an
1295 identification as to whether unforeseen or unanticipated changes
1296 in circumstances have resulted in problems or opportunities with
1297 respect to major issues identified in each element and the
1298 social, economic, and environmental impacts of the issue.
1299 (h) A brief assessment of successes and shortcomings
1300 related to each element of the plan.
1301 (i) The identification of any actions or corrective
1302 measures, including whether plan amendments are anticipated to
1303 address the major issues identified and analyzed in the report.
1304 Such identification shall include, as appropriate, new
1305 population projections, new revised planning timeframes, a

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1306 revised future conditions map or map series, an updated capital
1307 improvements element, and any new and revised goals, objectives,
1308 and policies for major issues identified within each element.
1309 This paragraph shall not require the submittal of the plan
1310 amendments with the evaluation and appraisal report.
1311 (j) A summary of the public participation program and
1312 activities undertaken by the local government in preparing the
1313 report.
1314 (k) The coordination of the comprehensive plan with
1315 existing public schools and those identified in the applicable
1316 educational facilities plan adopted pursuant to s. 1013.35. The
1317 assessment shall address, where relevant, the success or failure
1318 of the coordination of the future land use map and associated
1319 planned residential development with public schools and their
1320 capacities, as well as the joint decisionmaking processes
1321 engaged in by the local government and the school board in
1322 regard to establishing appropriate population projections and
1323 the planning and siting of public school facilities. For those
1324 counties or municipalities that do not have a public schools
1325 interlocal agreement or public school facilities element, the
1326 assessment shall determine whether the local government
1327 continues to meet the criteria of s. 163.3177(12). If the county
1328 or municipality determines that it no longer meets the criteria,
1329 it must adopt appropriate school concurrency goals, objectives,
1330 and policies in its plan amendments pursuant to the requirements
1331 of the public school facilities element, and enter into the
1332 existing interlocal agreement required by ss. 163.3177(6)(h)2.
1333 and 163.31777 in order to fully participate in the school
1334 concurrency system.

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1335 (l) The extent to which the local government has been
1336 successful in identifying alternative water supply projects and
1337 traditional water supply projects, including conservation and
1338 reuse, necessary to meet the water needs identified in s.
1339 373.709(2)(a) within the local government's jurisdiction. The
1340 report must evaluate the degree to which the local government
1341 has implemented the work plan for building public, private, and
1342 regional water supply facilities, including development of
1343 alternative water supplies, identified in the element as
1344 necessary to serve existing and new development.
1345 (m) If any of the jurisdiction of the local government is
1346 located within the coastal high-hazard area, an evaluation of
1347 whether any past reduction in land use density impairs the
1348 property rights of current residents when redevelopment occurs,
1349 including, but not limited to, redevelopment following a natural
1350 disaster. The property rights of current residents shall be
1351 balanced with public safety considerations. The local government
1352 must identify strategies to address redevelopment feasibility
1353 and the property rights of affected residents. These strategies
1354 may include the authorization of redevelopment up to the actual
1355 built density in existence on the property prior to the natural
1356 disaster or redevelopment.
1357 (n) An assessment of whether the criteria adopted pursuant
1358 to s. 163.3177(6)(a) were successful in achieving compatibility
1359 with military installations.
1360 (o) The extent to which a concurrency exception area
1361 designated pursuant to s. 163.3180(5), a concurrency management
1362 area designated pursuant to s. 163.3180(7), or a multimodal
1363 transportation district designated pursuant to s. 163.3180(15)

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

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report by parties to which the report relates.

(5) ~~(4)~~ The local planning agency shall prepare the evaluation and appraisal report ~~and shall make recommendations to the governing body regarding adoption of the proposed report~~. ~~The local planning agency shall prepare the report~~ in conformity with its public participation procedures adopted as required by s. 163.3181. To further public participation in the evaluation and appraisal process ~~During the preparation of the proposed report and prior to making any recommendation to the governing body~~, the local planning agency shall hold at least one public hearing, with public notice, on the proposed report. At a minimum, the format and content of the proposed report shall include a table of contents; numbered pages; element headings; section headings within elements; a list of included tables, maps, and figures; a title and sources for all included tables; a preparation date; and the name of the preparer. Where applicable, maps shall include major natural and artificial geographic features; city, county, and state lines; and a legend indicating a north arrow, map scale, and the date.

~~(5) Ninety days prior to the scheduled adoption date, the local government may provide a proposed evaluation and appraisal report to the state land planning agency and distribute copies to state and regional commenting agencies as prescribed by rule, adjacent jurisdictions, and interested citizens for review. All review comments, including comments by the state land planning agency, shall be transmitted to the local government and state land planning agency within 30 days after receipt of the proposed report.~~

~~(6) The governing body, after considering the review~~

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1422 ~~comments and recommended changes, if any, shall adopt the~~
1423 ~~evaluation and appraisal report by resolution or ordinance at a~~
1424 ~~public hearing with public notice. The governing body shall~~
1425 ~~adopt the report in conformity with its public participation~~
1426 ~~procedures adopted as required by s. 163.3181. The local~~
1427 ~~government shall submit to the state land planning agency three~~
1428 ~~copies of the report, a transmittal letter indicating the dates~~
1429 ~~of public hearings, and a copy of the adoption resolution or~~
1430 ~~ordinance. The local government shall provide a copy of the~~
1431 ~~report to the reviewing agencies which provided comments for the~~
1432 ~~proposed report, or to all the reviewing agencies if a proposed~~
1433 ~~report was not provided pursuant to subsection (5), including~~
1434 ~~the adjacent local governments. Within 60 days after receipt,~~
1435 ~~the state land planning agency shall review the adopted report~~
1436 ~~and make a preliminary sufficiency determination that shall be~~
1437 ~~forwarded by the agency to the local government for its~~
1438 ~~consideration. The state land planning agency shall issue a~~
1439 ~~final sufficiency determination within 90 days after receipt of~~
1440 ~~the adopted evaluation and appraisal report.~~
1441 (6) ~~(7)~~ The intent of the evaluation and appraisal process
1442 is the preparation of a plan update that clearly and concisely
1443 achieves the purpose of this section. The evaluation and
1444 appraisal report shall be submitted as data and analysis in
1445 support of the evaluation and appraisal report based amendments.
1446 ~~Toward this end, the sufficiency review of the state land~~
1447 ~~planning agency shall concentrate on whether the evaluation and~~
1448 ~~appraisal report sufficiently fulfills the components of~~
1449 ~~subsection (2). If the state land planning agency determines~~
1450 ~~that the report is insufficient, the governing body shall adopt~~

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1451 ~~a revision of the report and submit the revised report for~~
1452 ~~review pursuant to subsection (6).~~
1453 ~~(8) The state land planning agency may delegate the review~~
1454 ~~of evaluation and appraisal reports, including all state land~~
1455 ~~planning agency duties under subsections (4)-(7), to the~~
1456 ~~appropriate regional planning council. When the review has been~~
1457 ~~delegated to a regional planning council, any local government~~
1458 ~~in the region may elect to have its report reviewed by the~~
1459 ~~regional planning council rather than the state land planning~~
1460 ~~agency. The state land planning agency shall by agreement~~
1461 ~~provide for uniform and adequate review of reports and shall~~
1462 ~~retain oversight for any delegation of review to a regional~~
1463 ~~planning council.~~
1464 (7) ~~(9)~~ The state land planning agency may establish a
1465 phased schedule for adoption of evaluation and appraisal report
1466 based amendments ~~reports~~. The schedule shall provide each local
1467 government at least 7 years from plan adoption or last
1468 established adoption date for evaluation and appraisal report
1469 based amendments ~~a report~~ and shall allot approximately one-
1470 seventh of the reports to any 1 year. In order to allow the
1471 municipalities to use data and analyses gathered by the
1472 counties, the state land planning agency shall schedule
1473 municipal evaluation and appraisal report based amendment ~~report~~
1474 adoption dates between 1 year and 18 months later than the
1475 evaluation and appraisal report based amendment ~~report~~ adoption
1476 date for the county in which those municipalities are located. ~~A~~
1477 ~~local government may adopt its report no earlier than 90 days~~
1478 ~~prior to the established adoption date. Small municipalities~~
1479 ~~which were scheduled by chapter 9J-33, Florida Administrative~~

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1480 ~~Code, to adopt their evaluation and appraisal report after~~
1481 ~~February 2, 1999, shall be rescheduled to adopt their report~~
1482 ~~together with the other municipalities in their county as~~
1483 ~~provided in this subsection.~~
1484 (8) ~~(10)~~ The governing body shall amend its comprehensive
1485 plan based on the recommendations in the report and shall update
1486 the comprehensive plan based on the components of subsection (3)
1487 ~~(2)~~, pursuant to the provisions of ss. 163.3184, 163.3187, and
1488 163.3189. Amendments to update a comprehensive plan based on the
1489 evaluation and appraisal report shall be adopted during a single
1490 amendment cycle within the time period established by the state
1491 land planning agency's schedule authorized in subsection (7) ~~18~~
1492 ~~months after the report is determined to be sufficient by the~~
1493 ~~state land planning agency~~, except the state land planning
1494 agency may grant an extension for adoption of a portion of such
1495 amendments. The state land planning agency may grant a 6-month
1496 extension for the adoption of such amendments if the request is
1497 justified by good and sufficient cause as determined by the
1498 agency. An additional extension may also be granted if the
1499 request will result in greater coordination between
1500 transportation and land use, for the purposes of improving
1501 Florida's transportation system, as determined by the agency in
1502 coordination with the Metropolitan Planning Organization
1503 program. Except for local governments exempted from preparing
1504 evaluation and appraisal reports pursuant to subsection (1),
1505 beginning July 1, 2006, failure to timely adopt and transmit
1506 update amendments to the comprehensive plan based on the
1507 evaluation and appraisal report shall result in a local
1508 government being prohibited from adopting amendments to the

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1509 comprehensive plan until the evaluation and appraisal report
1510 update amendments have been adopted and transmitted to the state
1511 land planning agency. The prohibition on plan amendments shall
1512 commence when the update amendments to the comprehensive plan
1513 are past due. The comprehensive plan as amended shall be in
1514 compliance as defined in s. 163.3184(1)(b). Within 6 months
1515 after the effective date of the update amendments to the
1516 comprehensive plan, the local government shall provide to the
1517 state land planning agency and to all agencies designated by
1518 rule a complete copy of the updated comprehensive plan.
1519 (9) ~~(11)~~ The Administration Commission may impose the
1520 sanctions provided by s. 163.3184(11) against any local
1521 government that fails to ~~adopt and submit a report, or that~~
1522 ~~fails to~~ implement its report through timely and sufficient
1523 amendments to its local plan, except for reasons of excusable
1524 delay or valid planning reasons agreed to by the state land
1525 planning agency or found present by the Administration
1526 Commission. Sanctions for untimely or insufficient plan
1527 amendments shall be prospective only and shall begin after a
1528 final order has been issued by the Administration Commission and
1529 a reasonable period of time has been allowed for the local
1530 government to comply with an adverse determination by the
1531 Administration Commission through adoption of plan amendments
1532 that are in compliance. The state land planning agency may
1533 initiate, and an affected person may intervene in, such a
1534 proceeding by filing a petition with the Division of
1535 Administrative Hearings, which shall appoint an administrative
1536 law judge and conduct a hearing pursuant to ss. 120.569 and
1537 120.57(1) and shall submit a recommended order to the

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1538 Administration Commission. The affected local government shall
1539 be a party to any such proceeding. The commission may implement
1540 this subsection by rule.
1541 (10) ~~(12)~~ The state land planning agency may ~~shall~~ not adopt
1542 rules to implement this section, other than procedural rules.
1543 ~~(13) The state land planning agency shall regularly review~~
1544 ~~the evaluation and appraisal report process and submit a report~~
1545 ~~to the Governor, the Administration Commission, the Speaker of~~
1546 ~~the House of Representatives, the President of the Senate, and~~
1547 ~~the respective community affairs committees of the Senate and~~
1548 ~~the House of Representatives. The first report shall be~~
1549 ~~submitted by December 31, 2004, and subsequent reports shall be~~
1550 ~~submitted every 5 years thereafter. At least 9 months before the~~
1551 ~~due date of each report, the Secretary of Community Affairs~~
1552 ~~shall appoint a technical committee of at least 15 members to~~
1553 ~~assist in the preparation of the report. The membership of the~~
1554 ~~technical committee shall consist of representatives of local~~
1555 ~~governments, regional planning councils, the private sector, and~~
1556 ~~environmental organizations. The report shall assess the~~
1557 ~~effectiveness of the evaluation and appraisal report process.~~
1558 (11) ~~(14)~~ The requirement of subsection (8) ~~(10)~~ prohibiting
1559 a local government from adopting amendments to the local
1560 comprehensive plan until the evaluation and appraisal report
1561 update amendments have been adopted and transmitted to the state
1562 land planning agency does not apply to a plan amendment proposed
1563 for adoption by the appropriate local government as defined in
1564 s. 163.3178(2)(k) in order to integrate a port comprehensive
1565 master plan with the coastal management element of the local
1566 comprehensive plan as required by s. 163.3178(2)(k) if the port

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1567 comprehensive master plan or the proposed plan amendment does
1568 not cause or contribute to the failure of the local government
1569 to comply with the requirements of this section ~~the evaluation~~
1570 ~~and appraisal report~~.
1571 Section 16. Section 163.3245, Florida Statutes, is amended
1572 to read:
1573 163.3245 ~~Optional~~ Sector plans.—
1574 (1) In recognition of the benefits of ~~conceptual~~ long-range
1575 planning for ~~the buildout of an area, and detailed planning for~~
1576 specific areas, ~~as a demonstration project, the requirements of~~
1577 ~~s. 380.06 may be addressed as identified by this section for up~~
1578 ~~to five~~ local governments or combinations of local governments
1579 may ~~which~~ adopt into their ~~the~~ comprehensive plans a ~~plan an~~
1580 ~~optional~~ sector plan in accordance with this section. This
1581 section is intended to promote and encourage long-term planning
1582 for conservation, development, and agriculture on a landscape
1583 scale; to further the intent of s. 163.3177(11), which supports
1584 innovative and flexible planning and development strategies, and
1585 the purposes of this part~~,~~ and part I of chapter 380 to
1586 facilitate protection of regionally significant water courses
1587 and wildlife corridors;~~,~~ and to avoid duplication of effort in
1588 terms of the level of data and analysis required for a
1589 development of regional impact, while ensuring the adequate
1590 mitigation of impacts to applicable regional resources and
1591 facilities, including those within the jurisdiction of other
1592 local governments, as would otherwise be provided. ~~Optional~~
1593 Sector plans are intended for substantial geographic areas that
1594 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more
1595 local governmental jurisdictions and are to emphasize urban form

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1596 and protection of regionally significant resources and public
1597 facilities. ~~The state land planning agency may approve optional~~
1598 ~~sector plans of less than 5,000 acres based on local~~
1599 ~~circumstances if it is determined that the plan would further~~
1600 ~~the purposes of this part and part I of chapter 380. Preparation~~
1601 ~~of an optional sector plan is authorized by agreement between~~
1602 ~~the state land planning agency and the applicable local~~
1603 ~~governments under s. 163.3171(4). An optional sector plan may be~~
1604 ~~adopted through one or more comprehensive plan amendments under~~
1605 ~~s. 163.3184. However, an optional~~ A sector plan may not be
1606 adopted ~~authorized~~ in an area of critical state concern.
1607 (2) Upon the request of a local government having
1608 jurisdiction, ~~The state land planning agency may enter into an~~
1609 ~~agreement to authorize preparation of an optional sector plan~~
1610 ~~upon the request of one or more local governments based on~~
1611 ~~consideration of problems and opportunities presented by~~
1612 ~~existing development trends; the effectiveness of current~~
1613 ~~comprehensive plan provisions; the potential to further the~~
1614 ~~state comprehensive plan, applicable strategic regional policy~~
1615 ~~plans, this part, and part I of chapter 380; and those factors~~
1616 ~~identified by s. 163.3177(10)(i).~~ the applicable regional
1617 planning council shall conduct a scoping meeting with affected
1618 local governments and those agencies identified in s.
1619 163.3184(4) before preparation of the sector plan ~~execution of~~
1620 ~~the agreement authorized by this section~~. The purpose of this
1621 meeting is to assist the state land planning agency and the
1622 local government in the identification of the relevant planning
1623 issues to be addressed and the data and resources available to
1624 assist in the preparation of the sector plan. If a scoping

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1625 meeting is conducted, ~~subsequent plan amendments.~~ the regional
1626 planning council shall make written recommendations to the state
1627 land planning agency and affected local governments on the
1628 issues requested by the local government. The scoping meeting
1629 shall be noticed and open to the public. If the entire planning
1630 area proposed for the sector plan is within the jurisdiction of
1631 two or more local governments, some or all of them may enter
1632 into a joint planning agreement pursuant to s. 163.3171 with
1633 respect to~~, including whether a sustainable sector plan would be~~
1634 ~~appropriate. The agreement must define~~ the geographic area to be
1635 subject to the sector plan, the planning issues that will be
1636 emphasized, procedures ~~requirements~~ for intergovernmental
1637 coordination to address extrajurisdictional impacts, supporting
1638 application materials including data and analysis, and
1639 procedures for public participation, or other issues. ~~An~~
1640 ~~agreement may address previously adopted sector plans that are~~
1641 ~~consistent with the standards in this section. Before executing~~
1642 ~~an agreement under this subsection, the local government shall~~
1643 ~~hold a duly noticed public workshop to review and explain to the~~
1644 ~~public the optional sector planning process and the terms and~~
1645 ~~conditions of the proposed agreement. The local government shall~~
1646 ~~hold a duly noticed public hearing to execute the agreement. All~~
1647 ~~meetings between the department and the local government must be~~
1648 ~~open to the public.~~
1649 (3) ~~Optional~~ Sector planning encompasses two levels:
1650 adoption pursuant to ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term
1651 master plan for the entire planning area as part of the
1652 comprehensive plan, and adoption by local development order of
1653 two or more ~~buildout overlay to the comprehensive plan, having~~

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1654 ~~no immediate effect on the issuance of development orders or the~~
1655 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~
1656 detailed specific area plans that implement the ~~conceptual~~ long-
1657 term master plan ~~buildout overlay and authorize issuance of~~
1658 ~~development orders,~~ and within which s. 380.06 is waived. ~~Until~~
1659 ~~such time as a detailed specific area plan is adopted, the~~
1660 ~~underlying future land use designations apply.~~
1661 (a) In addition to the other requirements of this chapter,
1662 a long-term master plan pursuant to this section ~~conceptual~~
1663 ~~long-term buildout overlay~~ must include maps, illustrations, and
1664 text supported by data and analysis to address the following:
1665 1. A ~~long-range conceptual~~ framework map that:
1666 a. At a minimum, generally depicts ~~identifies anticipated~~
1667 areas of urban, agricultural, rural, and conservation land use;
1668 and
1669 b. Identifies allowed uses in various parts of the planning
1670 area, specifies maximum and minimum densities and intensities of
1671 use, and provides the conceptual framework for the development
1672 pattern in developed areas with graphic illustrations based on a
1673 hierarchy of places and functional place-making components.
1674 2. A general identification of the water supplies needed
1675 and available sources of water, including water resource
1676 development and water supply development projects, and water
1677 conservation measures needed to meet the projected demand of the
1678 future land uses in the long-term master plan.
1679 3. A general identification of the transportation
1680 facilities to serve the future land uses in the long-term master
1681 plan, including guidelines to be used to establish each modal
1682 component intended to optimize mobility.

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

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

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1741 3. Detailed identification of water resource development
1742 and water supply development projects and related
1743 infrastructure, and water conservation measures to address water
1744 needs of development in the detailed specific area plan.
1745 4. Detailed identification of the transportation facilities
1746 to serve the future land uses in the detailed specific area
1747 plan.
1748 5. Detailed identification of other regionally significant
1749 public facilities, including public facilities outside the
1750 jurisdiction of the host local government, ~~anticipated~~ impacts
1751 of future land uses on those facilities, and required
1752 improvements consistent with the long-term master plan ~~chapter~~
1753 ~~9J-2, Florida Administrative Code~~.
1754 6.~~4.~~ Public facilities necessary to serve development in
1755 the detailed specific area plan ~~for the short term~~, including
1756 developer contributions in a ~~financially feasible~~ 5-year capital
1757 improvement schedule of the affected local government.
1758 7.~~5.~~ Detailed analysis and identification of specific
1759 measures to assure the protection or conservation of lands
1760 identified in the long-term master plan to be permanently
1761 preserved and, as appropriate, restored or managed, ~~of~~
1762 ~~regionally significant natural resources~~ and other important
1763 resources both within and outside the host jurisdiction~~,~~
1764 ~~including those regionally significant resources identified in~~
1765 ~~chapter 9J-2, Florida Administrative Code~~.
1766 8.~~6.~~ Detailed principles and guidelines addressing ~~that~~
1767 ~~address~~ the urban form and the interrelationships of ~~anticipated~~
1768 future land uses; ~~and a discussion, at the applicant's option,~~
1769 ~~of the extent, if any, to which the plan will address restoring~~

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1770 ~~key ecosystems,~~ achieving a more clean, healthy environment;~~,~~
1771 limiting urban sprawl;~~,~~ providing a range of housing types;
1772 protecting wildlife and natural areas;~~,~~ advancing the efficient
1773 use of land and other resources;~~, and~~ creating quality
1774 communities of a design that promotes travel by multiple
1775 transportation modes; and enhancing the prospects for the
1776 creation of jobs.
1777 9.~~7.~~ Identification of specific procedures to facilitate
1778 ~~ensure~~ intergovernmental coordination to address
1779 extrajurisdictional impacts from ~~of~~ the detailed specific area
1780 plan.
1781
1782 A detailed specific area plan adopted by local development order
1783 pursuant to this section may be based upon a planning period
1784 longer than the generally applicable planning period of the
1785 local comprehensive plan and must specify the projected
1786 population within the specific planning area during the chosen
1787 planning period. A detailed specific area plan adopted pursuant
1788 to this section is not required to demonstrate need based upon
1789 projected population growth or on any other basis.
1790 (c) In its review of a long-term master plan, the state
1791 land planning agency shall consult with the Department of
1792 Agriculture and Consumer Services, the Department of
1793 Environmental Protection, the Florida Fish and Wildlife
1794 Conservation Commission, and the applicable water management
1795 district regarding the design of areas for protection and
1796 conservation of regionally significant natural resources and for
1797 the protection and, as appropriate, restoration and management
1798 of lands identified for permanent preservation.

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

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1828 (b) The water needs, sources and water resource development
1829 and water supply development projects identified in adopted
1830 plans pursuant to subparagraphs (3)(a)2. and (3)(b)3. shall be
1831 incorporated into the applicable district and regional water
1832 supply plans adopted in accordance with ss. 373.036 and 373.709.
1833 Accordingly, and notwithstanding the permit durations stated in
1834 s. 373.236, an applicant may request and the applicable district
1835 may issue consumptive use permits for durations commensurate
1836 with the long-term master plan. The permitting criteria in s.
1837 373.223 shall be applied based upon the projected population,
1838 the approved densities and intensities of use, and their
1839 distribution in the long-term master plan. ~~The host local~~
1840 ~~government shall submit a monitoring report to the state land~~
1841 ~~planning agency and applicable regional planning council on an~~
1842 ~~annual basis after adoption of a detailed specific area plan.~~
1843 ~~The annual monitoring report must provide summarized information~~
1844 ~~on development orders issued, development that has occurred,~~
1845 ~~public facility improvements made, and public facility~~
1846 ~~improvements anticipated over the upcoming 5 years.~~
1847 (5) When a ~~plan amendment adopting a~~ detailed specific area
1848 plan has become effective for a portion of the planning area
1849 governed by a long-term master plan adopted pursuant to this
1850 section ~~under ss. 163.3184 and 163.3189(2)~~, the provisions of s.
1851 380.06 do not apply to development within the geographic area of
1852 the detailed specific area plan. However, any development-of-
1853 regional-impact development order that is vested from the
1854 detailed specific area plan may be enforced pursuant to ~~under~~ s.
1855 380.11.
1856 (a) The local government adopting the detailed specific

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

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1886 safety, or welfare.
1887 (6) Concurrent with or subsequent to review and adoption of
1888 a long-term master plan pursuant to paragraph (3)(a), an
1889 applicant may apply for master development approval pursuant to
1890 s. 380.06(21) for the entire planning area in order to establish
1891 a buildout date until which the approved uses and densities and
1892 intensities of use of the master plan are not subject to
1893 downzoning, unit density reduction, or intensity reduction,
1894 unless the local government can demonstrate that implementation
1895 of the master plan is not continuing in good faith based on
1896 standards established by plan policy, or that substantial
1897 changes in the conditions underlying the approval of the master
1898 plan have occurred, or that the master plan was based on
1899 substantially inaccurate information provided by the applicant,
1900 or that change is clearly established to be essential to the
1901 public health, safety, or welfare. Review of the application for
1902 master development approval shall be at a level of detail
1903 appropriate for the long-term and conceptual nature of the long-
1904 term master plan and, to the maximum extent possible, shall only
1905 consider information provided in the application for a long-term
1906 master plan. Notwithstanding any provision of s. 380.06 to the
1907 contrary, an increment of development in such an approved master
1908 development plan shall be approved by a detailed specific area
1909 plan pursuant to paragraph (3)(b) and is exempt from review
1910 pursuant to s 380.06. ~~Beginning December 1, 1999, and each year~~
1911 ~~thereafter, the department shall provide a status report to the~~
1912 ~~Legislative Committee on Intergovernmental Relations regarding~~
1913 ~~each optional sector plan authorized under this section.~~
1914 (7) A developer within an area subject to a long-term

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1915 master plan that meets the requirements of paragraph (3)(a) and
1916 subsection (6) or a detailed specific area plan that meets the
1917 requirements of paragraph (3)(b) may enter into a development
1918 agreement with a local government pursuant to ss. 163.3220-
1919 163.3243. The duration of such a development agreement may be
1920 through the planning period of the long-term master plan or the
1921 detailed specific area plan, as the case may be, notwithstanding
1922 the limit on the duration of a development agreement pursuant to
1923 s. 163.3229.
1924 (8) Any owner of property within the planning area of a
1925 proposed long-term master plan may withdraw his consent to the
1926 master plan at any time prior to local government adoption, and
1927 the local government shall exclude such parcels from the adopted
1928 master plan. Thereafter, the long-term master plan, any detailed
1929 specific area plan, and the exemption from development-of-
1930 regional-impact review under this section do not apply to the
1931 subject parcels. After adoption of a long-term master plan, an
1932 owner may withdraw his or her property from the master plan only
1933 with the approval of the local government by plan amendment.
1934 (9) The adoption of a long-term master plan or a detailed
1935 specific area plan pursuant to this section does not limit the
1936 right to continue existing agricultural or silvicultural uses or
1937 other natural resource-based operations or to establish similar
1938 new uses that are consistent with the plans approved pursuant to
1939 this section.
1940 (10) Notwithstanding any provision to the contrary of s.
1941 380.06; this part II; or any planning agreement or plan policy,
1942 a landowner or developer who has received approval of a master
1943 development of regional impact development order pursuant to s.

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1944 380.06(21) may apply to implement this order by filing one or
1945 more applications to approve a detailed specific area plan
1946 pursuant to paragraph (3)(b).
1947 (11) Notwithstanding the provisions of this section, a
1948 detailed specific area plan to implement a conceptual long-term
1949 buildout overlay, adopted by a local government and found in
1950 compliance before July 1, 2011, shall be governed by the
1951 provisions of this section.
1952 (12) This section may not be construed to abrogate the
1953 rights of any person under this chapter.
1954 Section 17. Subsection (9) of section 163.3246, Florida
1955 Statutes, is amended to read:
1956 163.3246 Local government comprehensive planning
1957 certification program.—
1958 (9)(a) Upon certification all comprehensive plan amendments
1959 associated with the area certified must be adopted and reviewed
1960 in the manner described in ss. 163.3184(1), (2), (7), (14),
1961 (15), and (16) and 163.3187, such that state and regional agency
1962 review is eliminated. The department may not issue any
1963 objections, recommendations, and comments report on proposed
1964 plan amendments or a notice of intent on adopted plan
1965 amendments; however, affected persons, as defined by s.
1966 163.3184(1)(a), may file a petition for administrative review
1967 pursuant to the requirements of s. 163.3187(3)(a) to challenge
1968 the compliance of an adopted plan amendment.
1969 (b) Plan amendments that change the boundaries of the
1970 certification area; propose a rural land stewardship area
1971 pursuant to s. 163.3177(11)(d); propose a ~~an optional~~ sector
1972 plan pursuant to s. 163.3245; propose a school facilities

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1973 element; update a comprehensive plan based on an evaluation and
1974 appraisal report; impact lands outside the certification
1975 boundary; implement new statutory requirements that mandate
1976 ~~require~~ specific comprehensive plan amendments; or increase
1977 hurricane evacuation times or the need for shelter capacity on
1978 lands within the coastal high-hazard area shall be reviewed
1979 pursuant to ss. 163.3184 and 163.3187.
1980 Section 18. Section 163.32465, Florida Statutes, is amended
1981 to read:
1982 163.32465 State review of local comprehensive plans ~~in~~
1983 ~~urban areas~~.—
1984 (1) LEGISLATIVE FINDINGS.—
1985 (a) The Legislature finds that local governments in this
1986 state have a wide diversity of resources, conditions, abilities,
1987 and needs. The Legislature also finds that comprehensive
1988 planning has been implemented throughout the state and that it
1989 is appropriate for local governments to have the primary role in
1990 planning for their growth. ~~the needs and resources of urban~~
1991 ~~areas are different from those of rural areas and that different~~
1992 ~~planning and growth management approaches, strategies, and~~
1993 ~~techniques are required in urban areas. The state role in~~
1994 ~~overseeing growth management should reflect this diversity and~~
1995 ~~should vary based on local government conditions, capabilities,~~
1996 ~~needs, and extent of development.~~ Thus, the Legislature
1997 recognizes and finds that reduced state oversight of local
1998 comprehensive planning is justified ~~for some local governments~~
1999 ~~in urban areas~~.
2000 (b) The Legislature finds and declares that this state's
2001 local governments ~~urban areas~~ require a reduced level of state

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2002 oversight ~~because of their high degree of urbanization and the~~
2003 ~~planning capabilities and resources of many of their local~~
2004 ~~governments~~. ~~An alternative state review process that is~~
2005 ~~adequate to protect issues of regional or statewide importance~~
2006 ~~should be created for appropriate local governments in these~~
2007 ~~areas. Further, the Legislature finds that development,~~
2008 ~~including urban infill and redevelopment, should be encouraged~~
2009 ~~in these urban areas. The Legislature finds that an alternative~~
2010 Accordingly, the process provided by this section for amending
2011 local comprehensive plans is ~~in these areas should be~~
2012 established with the ~~an~~ objective of streamlining the process
2013 and recognizing local responsibility and accountability.
2014 ~~(c) The Legislature finds a pilot program will be~~
2015 ~~beneficial in evaluating an alternative, expedited plan~~
2016 ~~amendment adoption and review process. Pilot local governments~~
2017 ~~shall represent highly developed counties and the municipalities~~
2018 ~~within these counties and highly populated municipalities.~~
2019 (2) APPLICABILITY ~~ALTERNATIVE STATE REVIEW PROCESS PILOT~~
2020 ~~PROGRAM~~.—The process for amending a comprehensive plan described
2021 in this section is applicable statewide. ~~Pinellas and Broward~~
2022 ~~Counties, and the municipalities within these counties, and~~
2023 ~~Jacksonville, Miami, Tampa, and Hialeah shall follow an~~
2024 ~~alternative state review process provided in this section.~~
2025 ~~Municipalities within the pilot counties may elect, by super~~
2026 ~~majority vote of the governing body, not to participate in the~~
2027 ~~pilot program. In addition to the pilot program jurisdictions,~~
2028 ~~any local government may use the alternative state review~~
2029 ~~process to designate an urban service area as defined in s.~~
2030 ~~163.3164(29) in its comprehensive plan.~~

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2031 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS
2032 ~~UNDER THE PILOT PROGRAM.—~~
2033 (a) Plan amendments adopted by local governments are
2034 subject to the ~~pilot program jurisdictions shall follow the~~
2035 ~~alternate,~~ expedited process in subsections (4) and (5), except
2036 as set forth in paragraphs (b)-(e) of this subsection.
2037 (b) Amendments that qualify as small-scale development
2038 amendments may continue to be adopted ~~by the pilot program~~
2039 ~~jurisdictions~~ pursuant to s. 163.3187(1)(c) and (3).
2040 (c) Plan amendments that propose a rural land stewardship
2041 area pursuant to s. 163.3177(11)(d); propose an optional sector
2042 plan; update a comprehensive plan based on an evaluation and
2043 appraisal report; implement new statutory requirements; or new
2044 plans for newly incorporated municipalities are subject to state
2045 review as set forth in s. 163.3184.
2046 (d) Local governments are ~~Pilot program jurisdictions shall~~
2047 ~~be~~ subject to the frequency and timing requirements for plan
2048 amendments set forth in ss. 163.3187 and 163.3191, except where
2049 otherwise stated in this section.
2050 (e) The mediation and expedited hearing provisions in s.
2051 163.3189(3) apply to all plan amendments adopted pursuant to
2052 this section ~~by the pilot program jurisdictions~~.
2053 (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT ~~FOR~~
2054 ~~PILOT PROGRAM.—~~
2055 (a) The local government shall hold its first public
2056 hearing on a comprehensive plan amendment on a weekday at least
2057 7 days after the day the first advertisement is published
2058 pursuant to the requirements of chapter 125 or chapter 166. Upon
2059 an affirmative vote of not less than a majority of the members

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

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

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2118 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS ~~FOR PILOT~~
2119 ~~PROGRAM.~~
2120 (a) Any "affected person" as defined in s. 163.3184(1)(a)
2121 may file a petition with the Division of Administrative Hearings
2122 pursuant to ss. 120.569 and 120.57, with a copy served on the
2123 affected local government, to request a formal hearing to
2124 challenge whether the amendments are "in compliance" as defined
2125 in s. 163.3184(1)(b). This petition must be filed with the
2126 Division within 30 days after the local government adopts the
2127 amendment. The state land planning agency may intervene in a
2128 proceeding instituted by an affected person.
2129 (b) The state land planning agency may file a petition with
2130 the Division of Administrative Hearings pursuant to ss. 120.569
2131 and 120.57, with a copy served on the affected local government,
2132 to request a formal hearing. This petition must be filed with
2133 the Division within 30 days after the state land planning agency
2134 notifies the local government that the plan amendment package is
2135 complete. For purposes of this section, an adopted amendment
2136 package shall be deemed complete if it contains a full, executed
2137 copy of the adoption ordinance or ordinances; in the case of a
2138 text amendment, a full copy of the amended language in
2139 legislative format with new words inserted in the text
2140 underlined, and words to be deleted lined through with hyphens;
2141 in the case of a future land use map amendment, a copy of the
2142 future land use map clearly depicting the parcel, its existing
2143 future land use designation, and its adopted designation; and a
2144 copy of any data and analyses the local government deems
2145 appropriate. The state land planning agency shall notify the
2146 local government of any deficiencies within 5 working days of

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2147 receipt of an amendment package.
2148 (c) The state land planning agency's challenge shall be
2149 limited to those issues raised in the comments provided by the
2150 reviewing agencies pursuant to paragraph (4)(b). The state land
2151 planning agency may challenge a plan amendment that has
2152 substantially changed from the version on which the agencies
2153 provided comments. ~~For the purposes of this pilot program,~~ The
2154 Legislature strongly encourages the state land planning agency
2155 to focus any challenge on issues of regional or statewide
2156 importance.
2157 (d) An administrative law judge shall hold a hearing in the
2158 affected local jurisdiction. The local government's
2159 determination that the amendment is "in compliance" is presumed
2160 to be correct and shall be sustained unless it is shown by a
2161 preponderance of the evidence that the amendment is not "in
2162 compliance."
2163 (e) If the administrative law judge recommends that the
2164 amendment be found not in compliance, the judge shall submit the
2165 recommended order to the Administration Commission for final
2166 agency action. The Administration Commission shall enter a final
2167 order within 45 days after its receipt of the recommended order.
2168 (f) If the administrative law judge recommends that the
2169 amendment be found in compliance, the judge shall submit the
2170 recommended order to the state land planning agency.
2171 1. If the state land planning agency determines that the
2172 plan amendment should be found not in compliance, the agency
2173 shall refer, within 30 days of receipt of the recommended order,
2174 the recommended order and its determination to the
2175 Administration Commission for final agency action. If the

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2176 commission determines that the amendment is not in compliance,
2177 it may sanction the local government as set forth in s.
2178 163.3184(11).
2179 2. If the state land planning agency determines that the
2180 plan amendment should be found in compliance, the agency shall
2181 enter its final order not later than 30 days from receipt of the
2182 recommended order.
2183 (g) An amendment adopted under the expedited provisions of
2184 this section shall not become effective until 31 days after
2185 adoption. If timely challenged, an amendment shall not become
2186 effective until the state land planning agency or the
2187 Administration Commission enters a final order determining the
2188 adopted amendment to be in compliance.
2189 (h) Parties to a proceeding under this section may enter
2190 into compliance agreements using the process in s. 163.3184(16).
2191 Any remedial amendment adopted pursuant to a settlement
2192 agreement shall be provided to the agencies and governments
2193 listed in paragraph (4)(a).
2194 ~~(7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL~~
2195 ~~GOVERNMENTS.—Local governments and specific areas that have been~~
2196 ~~designated for alternate review process pursuant to ss. 163.3246~~
2197 ~~and 163.3184(17) and (18) are not subject to this section.~~
2198 ~~(8) RULEMAKING AUTHORITY FOR PILOT PROGRAM.—Agencies shall~~
2199 ~~not promulgate rules to implement this pilot program.~~
2200 ~~(9) REPORT.—The Office of Program Policy Analysis and~~
2201 ~~Government Accountability shall submit to the Governor, the~~
2202 ~~President of the Senate, and the Speaker of the House of~~
2203 ~~Representatives by December 1, 2008, a report and~~
2204 ~~recommendations for implementing a statewide program that~~

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2205 ~~addresses the legislative findings in subsection (1) in areas~~
2206 ~~that meet urban criteria. The Office of Program Policy Analysis~~
2207 ~~and Government Accountability in consultation with the state~~
2208 ~~land planning agency shall develop the report and~~
2209 ~~recommendations with input from other state and regional~~
2210 ~~agencies, local governments, and interest groups. Additionally,~~
2211 ~~the office shall review local and state actions and~~
2212 ~~correspondence relating to the pilot program to identify issues~~
2213 ~~of process and substance in recommending changes to the pilot~~
2214 ~~program. At a minimum, the report and recommendations shall~~
2215 ~~include the following:~~
2216 ~~(a) Identification of local governments beyond those~~
2217 ~~participating in the pilot program that should be subject to the~~
2218 ~~alternative expedited state review process. The report may~~
2219 ~~recommend that pilot program local governments may no longer be~~
2220 ~~appropriate for such alternative review process.~~
2221 ~~(b) Changes to the alternative expedited state review~~
2222 ~~process for local comprehensive plan amendments identified in~~
2223 ~~the pilot program.~~
2224 ~~(c) Criteria for determining issues of regional or~~
2225 ~~statewide importance that are to be protected in the alternative~~
2226 ~~state review process.~~
2227 ~~(d) In preparing the report and recommendations, the Office~~
2228 ~~of Program Policy Analysis and Government Accountability shall~~
2229 ~~consult with the state land planning agency, the Department of~~
2230 ~~Transportation, the Department of Environmental Protection, and~~
2231 ~~the regional planning agencies in identifying highly developed~~
2232 ~~local governments to participate in the alternative expedited~~
2233 ~~state review process. The Office of Program Policy Analysis and~~

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2234 ~~Governmental Accountability shall also solicit citizen input in~~
2235 ~~the potentially affected areas and consult with the affected~~
2236 ~~local governments and stakeholder groups.~~
2237 Section 19. Section 215.559, Florida Statutes, is amended
2238 to read:
2239 215.559 Hurricane Loss Mitigation Program.—
2240 ~~(1) There is created~~ A Hurricane Loss Mitigation Program is
2241 established in the Office of Emergency Management.
2242 (1) The Legislature shall annually appropriate $10 million
2243 of the moneys authorized for appropriation under s.
2244 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the
2245 office ~~Department of Community Affairs~~ for the purposes set
2246 forth in this section. Of the amount:
2247 ~~(2)~~(a) Seven million dollars in funds ~~provided in~~
2248 ~~subsection (1)~~ shall be used for programs to improve the wind
2249 resistance of residences and mobile homes, including loans,
2250 subsidies, grants, demonstration projects, and direct
2251 assistance; educating persons concerning the Florida Building
2252 Code cooperative programs with local governments and the Federal
2253 Government; and other efforts to prevent or reduce losses or
2254 reduce the cost of rebuilding after a disaster.
2255 (b) Three million dollars in funds ~~provided in subsection~~
2256 ~~(1)~~ shall be used to retrofit existing facilities used as public
2257 hurricane shelters. Each year the office shall ~~department must~~
2258 prioritize the use of these funds for projects included in the
2259 annual report of the ~~September 1, 2000, version of the~~ Shelter
2260 Retrofit Report prepared in accordance with s. 252.385(3)~~, and~~
2261 ~~each annual report thereafter~~. The office ~~department~~ must give
2262 funding priority to projects in regional planning council

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

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

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2321 Safety and Motor Vehicles. The moneys appropriated for the
2322 programs set forth in this subsection shall be distributed
2323 directly to Tallahassee Community College to be used as set
2324 forth in this subsection.
2325 (3) ~~(4)~~ Of moneys provided to the Department of Community
2326 Affairs in paragraph (1)(a) ~~(2)(a)~~, 10 percent shall be
2327 allocated to the Florida International University center
2328 dedicated to hurricane research. The center shall develop a
2329 preliminary work plan approved by the advisory council set forth
2330 in subsection (4) ~~(5)~~ to eliminate the state and local barriers
2331 to upgrading existing mobile homes and communities, research and
2332 develop a program for the recycling of existing older mobile
2333 homes, and support programs of research and development relating
2334 to hurricane loss reduction devices and techniques for site-
2335 built residences. The State University System also shall consult
2336 with the Department of Community Affairs and assist the
2337 department with the report required under subsection (6) ~~(7)~~.
2338 (4) ~~(5)~~ Except for the programs set forth in subsection (3)
2339 ~~(4)~~, the office ~~Department of Community Affairs~~ shall develop
2340 the programs set forth in this section in consultation with an
2341 advisory council consisting of a representative designated by
2342 the Chief Financial Officer, a representative designated by the
2343 Florida Home Builders Association, a representative designated
2344 by the Florida Insurance Council, a representative designated by
2345 the Federation of Manufactured Home Owners, a representative
2346 designated by the Florida Association of Counties, ~~and~~ a
2347 representative designated by the Florida Manufactured Housing
2348 Association, and a representative designated by the Florida
2349 Building Commission.

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2350 (5)~~(6)~~ Moneys provided to the office ~~Department of~~
2351 ~~Community Affairs~~ under this section are intended to supplement,
2352 not supplant, the office's other funding sources ~~of the~~
2353 ~~Department of Community Affairs and may not supplant other~~
2354 ~~funding sources of the Department of Community Affairs~~.
2355 (6)~~(7)~~ On January 1st of each year, the office ~~Department~~
2356 ~~of Community Affairs~~ shall provide a full report and accounting
2357 of activities under this section and an evaluation of such
2358 activities to the Speaker of the House of Representatives, the
2359 President of the Senate, and the Majority and Minority Leaders
2360 of the House of Representatives and the Senate. Upon completion
2361 of the report, the office ~~Department of Community Affairs~~ shall
2362 deliver the report to the Office of Insurance Regulation. The
2363 Office of Insurance Regulation shall review the report and shall
2364 make such recommendations available to the insurance industry as
2365 the Office of Insurance Regulation deems appropriate. These
2366 recommendations may be used by insurers for potential discounts
2367 or rebates pursuant to s. 627.0629. The Office of Insurance
2368 Regulation shall make such ~~the~~ recommendations within 1 year
2369 after receiving the report.
2370 ~~(8)(a) Notwithstanding any other provision of this section~~
2371 ~~and for the 2010-2011 fiscal year only, the $3 million~~
2372 ~~appropriation provided for in paragraph (2)(b) may be used for~~
2373 ~~hurricane shelters as identified in the General Appropriations~~
2374 ~~Act.~~
2375 ~~(b) This subsection expires June 30, 2011.~~
2376 (7)~~(9)~~ This section is repealed June 30, 2021 ~~2011~~.
2377 Section 20. Section 288.005, Florida Statutes, is created
2378 to read:

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2379 288.005 Definitions.—As used in this chapter, the following
2380 words and phrases shall have the following meanings and
2381 references:
2382 (1) "Economic benefits" means the direct, indirect, and
2383 induced gains in state revenues as a percentage of the state's
2384 investment. The state's investment includes state grants, tax
2385 exemptions, tax refunds, tax credits, and other state
2386 incentives.
2387 (2) "Commissioner" means the commissioner of Jobs Florida,
2388 unless otherwise stated.
2389 Section 21. Section 288.048, Florida Statutes, is created
2390 to read:
2391 288.048 Incumbent worker training for economic
2392 development.—
2393 (1) The Incumbent Worker Training Program is created within
2394 Jobs Florida for the purpose of providing grant funding for
2395 continuing education and training of incumbent employees at
2396 existing Florida businesses. The program will provide
2397 reimbursement grants to businesses that pay for preapproved,
2398 direct, training-related costs.
2399 (2) The Incumbent Worker Training Program is administered
2400 by Jobs Florida in conjunction with Workforce Florida, Inc. Jobs
2401 Florida, at its discretion, may contract with a private business
2402 organization to serve as the grant administrator.
2403 (3) To be eligible for the program's grant funding, a
2404 business must have been in operation in this state for at least
2405 1 year before applying for grant funding; have at least one
2406 full-time employee; demonstrate financial viability; and be
2407 current on all state tax obligations. Priority for funding shall

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2408 be given to businesses having 25 or fewer employees, businesses
2409 in rural areas, businesses in distressed inner-city areas,
2410 businesses in a qualified targeted industry, businesses whose
2411 grant proposals represent a significant upgrade in employee
2412 skills, or businesses whose grant proposals represent a
2413 significant layoff avoidance strategy.
2414 (4) All costs reimbursed by the program must be preapproved
2415 by Jobs Florida or the grant administrator. The program will not
2416 reimburse businesses for trainee wages, the purchase of capital
2417 equipment, or the purchase of any item or service that may be
2418 used outside the training project. A business approved for a
2419 grant may be reimbursed for preapproved, direct, training-
2420 related costs including tuition, fees, books and training
2421 materials, and overhead or indirect costs not to exceed 5
2422 percent of the grant amount.
2423 (5) A business that is selected to receive grant funding
2424 must provide a matching contribution to the training project,
2425 including, but not limited to, wages paid to trainees or the
2426 purchase of capital equipment used in the training project; must
2427 sign an agreement with Jobs Florida or the grant administrator
2428 to complete the training project as proposed in the application;
2429 must keep accurate records of the project’s implementation
2430 process; and must submit monthly or quarterly reimbursement
2431 requests with required documentation.
2432 (6) All Incumbent Worker Training Program grant projects
2433 shall be performance-based with specific measurable performance
2434 outcomes, including completion of the training project and job
2435 retention. Jobs Florida or the grant administrator shall
2436 withhold the final payment to the grantee until a final grant

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2437 report is submitted and all performance criteria specified in
2438 the grant contract have been achieved.
2439 (7) Jobs Florida may establish guidelines, in conjunction
2440 with Workforce Florida, Inc., necessary to implement the
2441 Incumbent Worker Training Program.
2442 (8) No more than 10 percent of the Incumbent Worker
2443 Training Program's total appropriation may be used for overhead
2444 or indirect purposes. Federal funds available for the program
2445 are limited as set forth in s. 443.003(3).
2446 Section 22. Section 288.061, Florida Statutes, is amended
2447 to read:
2448 288.061 Economic development incentive application
2449 process.—
2450 (1) Within 10 business days after receiving a submitted
2451 economic development incentive application, the Division of
2452 Strategic Business Development of Jobs Florida and designated
2453 staff of the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
2454 shall review the application and inform the applicant business
2455 whether or not its application is complete, whether and what
2456 type of state and local permits may be necessary for the
2457 applicant's project, whether it is possible to waive such
2458 permits, and what state incentives and amounts of such
2459 incentives may be available to the applicant. ~~Within 10 business~~
2460 ~~days after the application is deemed complete, Enterprise~~
2461 ~~Florida, Inc., shall evaluate the application and recommend~~
2462 ~~approval or disapproval of the application to the director of~~
2463 ~~the Office of Tourism, Trade, and Economic Development. In~~
2464 ~~recommending an applicant business for approval, Enterprise~~
2465 ~~Florida, Inc., shall include in its evaluation a recommended~~

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2466 ~~grant award amount and a review of the applicant's ability to~~
2467 ~~meet specific program criteria.~~
2468 (2) Within 14 business ~~10 calendar~~ days after the initial
2469 review and communication with the applicant, Jobs Florida shall
2470 ~~the Office of Tourism, Trade, and Economic Development receives~~
2471 ~~the evaluation and recommendation from Enterprise Florida, Inc.,~~
2472 ~~the Office shall notify Enterprise Florida, Inc., whether or not~~
2473 ~~the application is reviewable. Within 22 calendar days after the~~
2474 ~~Office receives the recommendation from Enterprise Florida,~~
2475 ~~Inc., the director of the Office shall review the application~~
2476 ~~and~~ issue a letter of certification to the applicant which ~~that~~
2477 approves or disapproves an applicant business and includes a
2478 justification of that decision, unless the business requests an
2479 extension of that time.
2480 (a) The final order or agreement with the applicant shall
2481 specify the total amount of the award, the performance
2482 conditions that must be met to obtain the award, and the
2483 schedule for payment. Jobs Florida may enter into one agreement
2484 or issue one final order covering all of the state incentives
2485 that are being provided to the applicant.
2486 (b) The release of funds for the incentive or incentives
2487 awarded to the applicant depends upon the statutory requirements
2488 of the particular incentive program.
2489 Section 23. Section 288.095, Florida Statutes, is amended
2490 to read:
2491 288.095 Economic Development Trust Fund.—
2492 (1) The Economic Development Trust Fund is created within
2493 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
2494 ~~Development~~. Moneys deposited into the fund must be used only to

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2495 support the authorized activities and operations of Jobs Florida
2496 ~~the Office~~.
2497 (2) There is created, within the Economic Development Trust
2498 Fund, the Economic Development Incentives Account. The Economic
2499 Development Incentives Account consists of moneys appropriated
2500 to the account for purposes of the tax incentives programs
2501 authorized under ss. 288.1045 and 288.106; the~~, and~~ local
2502 financial support provided under ss. 288.1045 and 288.106; and
2503 the federal funds designated for purposes of s. 288.048. Moneys
2504 in the Economic Development Incentives Account shall be subject
2505 to the provisions of s. 216.301(1)(a). Federal funds set aside
2506 for the incumbent worker training program under s. 288.048 may
2507 not be used for any other economic development program.
2508 (3)(a) Jobs Florida ~~The Office of Tourism, Trade, and~~
2509 ~~Economic Development~~ may approve applications for certification
2510 pursuant to ss. 288.1045(3) and 288.106. However, the total
2511 state share of tax refund payments ~~scheduled in all active~~
2512 ~~certifications for fiscal year 2001-2002 may not exceed $30~~
2513 ~~million. The total for each subsequent fiscal year~~ may not
2514 exceed $35 million.
2515 (b) The total amount of tax refund claims approved for
2516 payment by Jobs Florida ~~the Office of Tourism, Trade, and~~
2517 ~~Economic Development~~ based on actual project performance may not
2518 exceed the amount appropriated to the Economic Development
2519 Incentives Account for such purposes for the fiscal year. Claims
2520 for tax refunds under ss. 288.1045 and 288.106 shall be paid in
2521 the order the claims are approved by Jobs Florida ~~the Office of~~
2522 ~~Tourism, Trade, and Economic Development~~. In the event the
2523 Legislature does not appropriate an amount sufficient to satisfy

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2524 the tax refunds under ss. 288.1045 and 288.106 in a fiscal year,
2525 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
2526 ~~Development~~ shall pay the tax refunds from the appropriation for
2527 the following fiscal year. By March 1 of each year, Jobs Florida
2528 ~~the Office of Tourism, Trade, and Economic Development~~ shall
2529 notify the legislative appropriations committees of the Senate
2530 and House of Representatives of any anticipated shortfall in the
2531 amount of funds needed to satisfy claims for tax refunds from
2532 the appropriation for the current fiscal year.
2533 (c) Pursuant to s. 288.907 ~~By December 31 of each year~~,
2534 Jobs Florida ~~Enterprise Florida, Inc.,~~ shall submit a complete
2535 and detailed annual report to the Governor, the President of the
2536 Senate, and the Speaker of the House of Representatives~~, and the~~
2537 ~~director of the Office of Tourism, Trade, and Economic~~
2538 ~~Development~~ of all applications received, recommendations made
2539 to Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
2540 ~~Development~~, final decisions issued, tax refund agreements
2541 executed, and tax refunds paid or other payments made under all
2542 programs funded out of the Economic Development Incentives
2543 Account, including analyses of benefits and costs, types of
2544 projects supported, and employment and investment created. Jobs
2545 Florida ~~Enterprise Florida, Inc.,~~ shall also include a separate
2546 analysis of the impact of such tax refunds on state enterprise
2547 zones designated pursuant to s. 290.0065, rural communities,
2548 brownfield areas, and distressed urban communities. The report
2549 must also discuss the efforts made by Jobs Florida ~~the Office of~~
2550 ~~Tourism, Trade, and Economic Development~~ to amend tax refund
2551 agreements to require tax refund claims to be submitted by
2552 January 31 for the net new full-time equivalent jobs in this

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2553 state as of December 31 of the preceding calendar year. The
2554 report must also list the name and tax refund amount for each
2555 business that has received a tax refund under s. 288.1045 or s.
2556 288.106 during the preceding fiscal year. ~~The Office of Tourism,~~
2557 ~~Trade, and Economic Development shall assist Enterprise Florida,~~
2558 ~~Inc., in the collection of data related to business performance~~
2559 ~~and incentive payments.~~
2560 (d) Moneys in the Economic Development Incentives Account
2561 may be used only to pay tax refunds and make other payments
2562 authorized for the programs identified by law ~~under s. 288.1045,~~
2563 ~~s. 288.106, or s. 288.107~~.
2564 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
2565 ~~Development~~ may adopt rules necessary to carry out the
2566 provisions of this subsection, including rules providing for the
2567 use of moneys in the Economic Development Incentives Account and
2568 for the administration of the Economic Development Incentives
2569 Account.
2570 Section 24. Section 288.1081, Florida Statutes, is amended
2571 to read:
2572 288.1081 Economic Gardening Business Loan ~~Pilot~~ Program.—
2573 (1) There is created within Jobs Florida ~~the Office of~~
2574 ~~Tourism, Trade, and Economic Development~~ the Economic Gardening
2575 Business Loan ~~Pilot~~ Program. The purpose of the ~~pilot~~ program is
2576 to stimulate investment in Florida’s economy by providing loans
2577 to expanding businesses in the state. ~~As used in this section,~~
2578 ~~the term “office” means the Office of Tourism, Trade, and~~
2579 ~~Economic Development.~~
2580 (2) The Legislature finds that it is vital to the overall
2581 health and growth of the state’s economy to promote favorable

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2582 conditions for expanding Florida businesses that demonstrate the
2583 ability to grow. The Legislature further finds that, due to the
2584 current extraordinary economic challenges confronting the state,
2585 there exists a public purpose in expending state resources to
2586 stimulate investment in Florida's economy. It is therefore the
2587 intent of the Legislature that resources be provided for the
2588 loan ~~pilot~~ program.
2589 (3)(a) To be eligible for a loan under the ~~pilot~~ program,
2590 an applicant must be a business eligible for assistance under
2591 the Economic Gardening Technical Assistance ~~Pilot~~ Program as
2592 provided in s. 288.1082(4)(a).
2593 (b) A loan applicant must submit a written application to
2594 the loan administrator in the format prescribed by the loan
2595 administrator. The application must include:
2596 1. The applicant's federal employer identification number,
2597 unemployment account number, and sales or other tax registration
2598 number.
2599 2. The street address of the applicant's principal place of
2600 business in this state.
2601 3. A description of the type of economic activity, product,
2602 or research and development undertaken by the applicant,
2603 including the six-digit North American Industry Classification
2604 System code for each type of economic activity conducted by the
2605 applicant.
2606 4. The applicant's annual revenue, number of employees,
2607 number of full-time equivalent employees, and other information
2608 necessary to verify the applicant's eligibility for the
2609 technical assistance ~~pilot~~ program under s. 288.1082(4)(a).
2610 5. The projected investment in the business, if any, which

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2611 the applicant proposes in conjunction with the loan.
2612 6. The total investment in the business from all sources,
2613 if any, which the applicant proposes in conjunction with the
2614 loan.
2615 7. The number of net new full-time equivalent jobs that, as
2616 a result of the loan, the applicant proposes to create in this
2617 state as of December 31 of each year and the average annual wage
2618 of the proposed jobs.
2619 8. The total number of full-time equivalent employees the
2620 applicant currently employs in this state.
2621 9. The date that the applicant anticipates it needs the
2622 loan.
2623 10. A detailed explanation of why the loan is needed to
2624 assist the applicant in expanding jobs in the state.
2625 11. A statement that all of the applicant's available
2626 corporate assets are pledged as collateral for the amount of the
2627 loan.
2628 12. A statement that the applicant, upon receiving the
2629 loan, agrees not to seek additional long-term debt without prior
2630 approval of the loan administrator.
2631 13. A statement that the loan is a joint obligation of the
2632 business and of each person who owns at least 20 percent of the
2633 business.
2634 14. Any additional information requested by Jobs Florida
2635 ~~the office~~ or the loan administrator.
2636 (c) The loan administrator, after verifying the accuracy of
2637 a submitted application, shall award the loan to the applicant
2638 if the administrator determines that the applicant, as compared
2639 to other applicants submitting applications, is in the best

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2640 position to use the loan to continue making a successful long-
2641 term business commitment to the state. The loan administrator
2642 also shall consider the following factors:
2643 1. Whether the applicant has applied for or received
2644 incentives from local governments;
2645 2. Whether the applicant has applied for or received
2646 waivers of taxes, impact fees, or other fees or charges by local
2647 governments; and
2648 3. What other sources of investments or financing for the
2649 project that is the subject of the loan application will be
2650 available to the applicant.
2651 (d) A borrower awarded a loan under this section and the
2652 loan administrator must enter into a loan agreement that
2653 provides for the borrower's repayment of the loan.
2654 (4) The following terms apply to a loan received under the
2655 ~~pilot~~ program:
2656 (a) The maximum amount of the loan is $250,000.
2657 (b) The proceeds of the loan may be used for working
2658 capital purchases, employee training, or salaries for newly
2659 created jobs in the state.
2660 (c) The security interest for the loan's collateral
2661 covering all of the borrower's available corporate assets to
2662 cover the amount of the loan must be perfected by recording a
2663 lien under the Uniform Commercial Code.
2664 (d) The period of the loan is 4 years.
2665 (e) The interest rate of the loan is 2 percent. However, if
2666 the borrower does not create the projected number of jobs within
2667 the terms of the loan agreement, the interest rate shall be
2668 increased for the remaining period of the loan to the prime rate

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2669 published in the Wall Street Journal, as of the date specified
2670 in the loan agreement, plus 4 percentage points. The loan
2671 agreement may provide flexibility in meeting the projected
2672 number of jobs for delays due to governmental regulatory issues,
2673 including, but not limited to, permitting.
2674 (f) For the first 12 months of the loan, payment is due for
2675 interest only, payable during the twelfth month. Thereafter,
2676 payment for interest and principal is due each month until the
2677 loan is paid in full. Interest and principal payments are based
2678 on the unpaid balance of the total loan amount.
2679 (5)(a) Jobs Florida ~~the Office~~ may designate one or more
2680 qualified entities to serve as loan administrators for the ~~pilot~~
2681 program. A loan administrator must:
2682 1. Be a Florida corporation not for profit incorporated
2683 under chapter 617 which has its principal place of business in
2684 the state.
2685 2. Have 5 years of verifiable experience of lending to
2686 businesses in this state.
2687 3. Submit an application to Jobs Florida ~~the Office~~ on
2688 forms prescribed by Jobs Florida ~~the Office~~. The application
2689 must include the loan administrator's business plan for its
2690 proposed lending activities under the ~~pilot~~ program, including,
2691 but not limited to, a description of its outreach efforts,
2692 underwriting, credit policies and procedures, credit decision
2693 processes, monitoring policies and procedures, and collection
2694 practices; the membership of its board of directors; and samples
2695 of its currently used loan documentation. The application must
2696 also include a detailed description and supporting documentation
2697 of the nature of the loan administrator's partnerships with

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2698 local or regional economic and business development
2699 organizations.
2700 (b) Jobs Florida ~~The Office~~, upon selecting a loan
2701 administrator, shall enter into a grant agreement with the
2702 administrator to issue the available loans to eligible
2703 applicants. The grant agreement must specify the aggregate
2704 amount of the loans authorized for award by the loan
2705 administrator. The term of the grant agreement must be at least
2706 4 years, except that Jobs Florida ~~the Office~~ may terminate the
2707 agreement earlier if the loan administrator fails to meet
2708 minimum performance standards set by Jobs Florida ~~the office~~.
2709 The grant agreement may be amended by mutual consent of both
2710 parties.
2711 (c) Jobs Florida ~~The Office~~ shall disburse from the
2712 Economic Development Trust Fund to the loan administrator the
2713 appropriations provided for the ~~pilot~~ program. Disbursements to
2714 the loan administrator must not exceed the aggregate amount of
2715 the loans authorized in the grant agreement. Jobs Florida ~~the~~
2716 ~~Office~~ may not disburse more than 50 percent of the aggregate
2717 amount of the loans authorized in the grant agreement until Jobs
2718 Florida ~~the Office~~ verifies the borrowers' use of the loan
2719 proceeds and the loan administrator's successful credit
2720 decisionmaking policies.
2721 (d) A loan administrator is entitled to receive a loan
2722 origination fee, payable at closing, of 1 percent of each loan
2723 issued by the loan administrator and a servicing fee of 0.625
2724 percent per annum of the loan's outstanding principal balance,
2725 payable monthly. During the first 12 months of the loan, the
2726 servicing fee shall be paid from the disbursement from the

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2727 Economic Development Trust Fund, and thereafter the loan
2728 administrator shall collect the servicing fee from the payments
2729 made by the borrower, charging the fee against repayments of
2730 principal.
2731 (e) A loan administrator, after collecting the servicing
2732 fee in accordance with paragraph (d), shall use ~~remit~~ the
2733 borrower's collected interest, principal payments, and charges
2734 for late payments to provide additional loans to eligible
2735 borrowers under this section ~~the office on a quarterly basis~~. If
2736 the borrower defaults on the loan, the loan administrator shall
2737 initiate collection efforts to seek repayment of the loan. The
2738 loan administrator may, upon collecting payments for a defaulted
2739 loan, deduct the costs of the administrator's collection efforts
2740 ~~shall remit the payments to the office but,~~ to the extent
2741 authorized in the grant agreement, and shall use the remaining
2742 payments to provide additional loans to eligible borrowers under
2743 this section ~~may deduct the costs of the administrator's~~
2744 ~~collection efforts~~. ~~The Office shall deposit all funds received~~
2745 ~~under this paragraph in the General Revenue Fund.~~
2746 (f) A loan administrator shall submit quarterly reports to
2747 Jobs Florida ~~the Office~~ which include the information required
2748 in the grant agreement. A quarterly report must include, at a
2749 minimum, the number of full-time equivalent jobs created as a
2750 result of the loans, the amount of wages paid to employees in
2751 the newly created jobs, and the locations and types of economic
2752 activity undertaken by the borrowers.
2753 (6) All notes, mortgages, security agreements, letters of
2754 credit, or other instruments that are given to secure the
2755 repayment of loans issued in connection with the financing of

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2756 any loan under the program, without regard to the status of any
2757 party thereto as a private party, are exempt from taxation by
2758 the state and its political subdivisions. The exemption granted
2759 in this subsection does not apply to any tax imposed by chapter
2760 220 on interest, income, or profits on debt obligations owned by
2761 corporations.
2762 (7) Jobs Florida ~~The Office~~ shall adopt rules under ss.
2763 120.536(1) and 120.54 to administer this section. ~~To the extent~~
2764 ~~necessary to expedite implementation of the pilot program, the~~
2765 ~~Office may adopt initial emergency rules for the pilot program~~
2766 ~~in accordance with s. 120.54(4).~~
2767 (8) On June 30 and December 31 of each year, Jobs Florida
2768 ~~beginning in 2009, the Office~~ shall submit a report to the
2769 Governor, the President of the Senate, and the Speaker of the
2770 House of Representatives which describes in detail the use of
2771 the loan funds. The report must include, at a minimum, the
2772 number of businesses receiving loans, the number of full-time
2773 equivalent jobs created as a result of the loans, the amount of
2774 wages paid to employees in the newly created jobs, the locations
2775 and types of economic activity undertaken by the borrowers, the
2776 amounts of loan repayments made to date, and the default rate of
2777 borrowers.
2778 (9) Unexpended balances of appropriations provided for the
2779 loan ~~pilot~~ program shall not revert to the fund from which the
2780 appropriation was made at the end of a fiscal year but shall be
2781 retained in the Economic Development Trust Fund and be carried
2782 forward for expenditure for the ~~pilot~~ program during the
2783 following fiscal year. ~~A loan administrator may not award a new~~
2784 ~~loan or enter into a loan agreement after June 30, 2011.~~

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2785 ~~Balances of appropriations provided for the pilot program which~~
2786 ~~remain unexpended as of July 1, 2011, shall revert to the~~
2787 ~~General Revenue Fund.~~
2788 ~~(10) This section is repealed July 1, 2016, unless reviewed~~
2789 ~~and reenacted by the Legislature before that date.~~
2790 Section 25. Section 288.1082, Florida Statutes, is amended
2791 to read:
2792 288.1082 Economic Gardening Technical Assistance ~~Pilot~~
2793 Program.—
2794 (1) There is created within Jobs Florida ~~The Office of~~
2795 ~~Tourism, Trade, and Economic Development~~ the Economic Gardening
2796 Technical Assistance ~~Pilot~~ Program. The purpose of the ~~pilot~~
2797 program is to stimulate investment in Florida's economy by
2798 providing technical assistance for expanding businesses in the
2799 state. ~~As used in this section, the term "Office" means the~~
2800 ~~Office of Tourism, Trade, and Economic Development.~~
2801 (2) Jobs Florida ~~The Office~~ shall contract with one or more
2802 entities to administer the technical assistance ~~pilot~~ program
2803 under this section. Jobs Florida ~~The Office~~ shall award each
2804 contract in accordance with the competitive bidding requirements
2805 in s. 287.057 to an entity that demonstrates the ability to
2806 implement the ~~pilot~~ program on a statewide basis, has an
2807 outreach plan, and has the ability to provide counseling
2808 services, access to technology and information, marketing
2809 services and advice, business management support, and other
2810 similar services. In selecting these entities, Jobs Florida ~~the~~
2811 ~~Office~~ also must consider whether the entities will qualify for
2812 matching funds to provide the technical assistance.
2813 (3) A contracted entity administering the ~~pilot~~ program

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2814 shall provide technical assistance for eligible businesses which
2815 includes, but is not limited to:
2816 (a) Access to free or affordable information services and
2817 consulting services, including information on markets,
2818 customers, and competitors, such as business databases,
2819 geographic information systems, and search engine marketing.
2820 (b) Development of business connections, including
2821 interaction and exchange among business owners and resource
2822 providers, such as trade associations, think tanks, academic
2823 institutions, business roundtables, peer-to-peer learning
2824 sessions, and mentoring programs.
2825 (4)(a) To be eligible for assistance under the ~~pilot~~
2826 program, a business must be a for-profit, privately held,
2827 investment-grade business that employs at least 10 persons but
2828 not more than 50 persons, has maintained its principal place of
2829 business in the state for at least the previous 2 years,
2830 generates at least $1 million but not more than $25 million in
2831 annual revenue, qualifies for the tax refund program for
2832 qualified target industry businesses under s. 288.106, and,
2833 during 3 of the previous 5 years, has increased both its number
2834 of full-time equivalent employees in this state and its gross
2835 revenues.
2836 (b) The ~~A~~ contracted entity administering the ~~pilot~~
2837 program, in selecting the eligible businesses to receive
2838 assistance, shall choose businesses in more than one industry
2839 cluster and, to the maximum extent practicable, shall choose
2840 businesses that are geographically distributed throughout
2841 Florida or are in partnership with businesses that are
2842 geographically distributed throughout Florida.

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2843 (5)(a) A business receiving assistance under the ~~pilot~~
2844 program must enter into an agreement with the contracted entity
2845 administering the program to establish the business's commitment
2846 to participation in the ~~pilot~~ program. The agreement must
2847 require, at a minimum, that the business:
2848 1. Attend a minimum number of meetings between the business
2849 and the contracted entity administering the ~~pilot~~ program.
2850 2. Report job creation data in the manner prescribed by the
2851 contracted entity administering the ~~pilot~~ program.
2852 3. Provide financial data in the manner prescribed by the
2853 contracted entity administering the program.
2854 (b) Jobs Florida ~~The office~~ or the contracted entity
2855 administering the ~~pilot~~ program may prescribe in the agreement
2856 additional reporting requirements that are necessary to track
2857 the progress of the business and monitor the business's
2858 implementation of the assistance. The contracted entity shall
2859 report the information to Jobs Florida ~~the office~~ on a quarterly
2860 basis.
2861 (6) The ~~A~~ contracted entity administering the ~~pilot~~ program
2862 is authorized to promote the general business interests or
2863 industrial interests of the state.
2864 (7) Jobs Florida ~~The Office~~ shall review the progress of
2865 the ~~a~~ contracted entity administering the ~~pilot~~ program at least
2866 once each 6 months and shall determine whether the contracted
2867 entity is meeting its contractual obligations for administering
2868 the ~~pilot~~ program. Jobs Florida ~~The Office~~ may terminate and
2869 rebid a contract if the contracted entity does not meet its
2870 contractual obligations.
2871 (8) On December 31 of each year, Jobs Florida ~~beginning in~~

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2872 ~~2009, the Office~~ shall submit a report to the Governor, the
2873 President of the Senate, and the Speaker of the House of
2874 Representatives which describes in detail the progress of the
2875 ~~pilot~~ program. The report must include, at a minimum, the number
2876 of businesses receiving assistance, the number of full-time
2877 equivalent jobs created as a result of the assistance, if any,
2878 the amount of wages paid to employees in the newly created jobs,
2879 and the locations and types of economic activity undertaken by
2880 the businesses.
2881 (9) Jobs Florida ~~the Office~~ may adopt rules under ss.
2882 120.536(1) and 120.54 to administer this section.
2883 Section 26. The Division of Statutory Revision is requested
2884 to rename part VII of chapter 288, Florida Statutes, consisting
2885 of ss. 288.901-288.9415, Florida Statutes, as "Jobs Florida
2886 Partnership," Inc.
2887 Section 27. Section 288.901, Florida Statutes, is amended
2888 to read:
2889 (Substantial rewording of section. See
2890 s. 288.901, F.S., for present text.)
2891 288.901 Jobs Florida Partnership, Inc.—
2892 (1) CREATION.—
2893 (a) There is created a nonprofit corporation, to be known
2894 as "Jobs Florida Partnership, Inc.," which shall be registered,
2895 incorporated, organized, and operated in compliance with chapter
2896 617, and which is not a unit or entity of state government.
2897 (b) However, the Legislature determines it is in the best
2898 interest of the state and reflects the state's public policy
2899 that Jobs Florida Partnership, Inc., operate in the most open
2900 and accessible manner consistent with its public purposes. To

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2901 this end, the Legislature specifically declares that Jobs
2902 Florida Partnership, Inc., and its divisions, boards and
2903 advisory councils, or similar entities created or managed by the
2904 Jobs Florida Partnership, Inc., are subject to the provisions of
2905 chapter 119, relating to public records and those provisions of
2906 chapter 286 relating to public meetings and records.
2907 (c) Additionally, the Legislature determines that it is in
2908 the public interest for the members of the Jobs Florida
2909 Partnership, Inc., board of directors to be subject to the
2910 requirements of ss. 112.3135, 112.3143, and 112.313, excluding
2911 s. 112.313(2), notwithstanding the fact that the board members
2912 are not public officers or employees. For purposes of those
2913 sections, the board members shall be considered to be public
2914 officers or employees. The exemption set forth in s. 212.313(12)
2915 for advisory boards applies to the members of the Jobs Florida
2916 Partnership, Inc., board of directors. Further, each member of
2917 the board of directors who is not otherwise required to file
2918 financial disclosures pursuant to s. 8, Art. II of the State
2919 Constitution or s. 112.3144, shall file disclosure of financial
2920 interests pursuant to s. 112.3145.
2921 (2) PURPOSES.—Jobs Florida Partnership, Inc., hereafter
2922 referred to as the partnership in this part, will act as an
2923 economic-development organization for the state, utilizing
2924 private-sector and public-sector expertise in collaboration with
2925 Jobs Florida to:
2926 (a) Increase private investment in Florida;
2927 (b) Advance international and domestic trade opportunities;
2928 (c) Market the state both as a pro-business location for
2929 new investment and as an unparalleled tourist destination;

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2930 (d) Revitalize Florida's space and aerospace industries,
2931 and promote emerging complementary industries;
2932 (e) Promote opportunities for minority-owned businesses;
2933 and
2934 (f) Assist and market professional and amateur sport teams
2935 and sporting events in Florida.
2936 (3) PERFORMANCE.—The partnership shall enter into a
2937 performance-based agreement with Jobs Florida, pursuant to s.
2938 20.60, which includes annual measurements of the partnership's
2939 performance.
2940 (4) GOVERNANCE.—The partnership shall be governed by an 11-
2941 member board of directors. The Governor shall serve on the board
2942 as the chair, and shall appoint four other members. Three
2943 members shall be appointed by the President of the Senate, and
2944 three shall be appointed by the Speaker of the House of
2945 Representatives. All appointees are subject to Senate
2946 confirmation.
2947 (a) In making their appointments, the Governor, the
2948 President of the Senate, and the Speaker of the House of
2949 Representatives shall ensure that the composition of the board
2950 of directors reflects the diversity of Florida's business
2951 community and is representative of the economic development
2952 goals in subsection (2). The board must include at least one
2953 director for each of the following areas of expertise:
2954 international business, tourism marketing, the space or
2955 aerospace industry, managing or financing a minority-owned
2956 business, manufacturing, finance and accounting, and sports
2957 marketing.
2958 (b) The Governor, the President of the Senate, and the

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2959 Speaker of the House of Representatives also shall consider
2960 appointees who reflect Florida's racial, ethnic, and gender
2961 diversity, as well as the geographic distribution, of the
2962 population of the state.
2963 (c) Appointed members shall be appointed to 4-year terms,
2964 except that initially, to provide for staggered terms, the
2965 Governor, the President of the Senate, and the Speaker of the
2966 House of Representatives shall each appoint one member to serve
2967 a 2-year term and one member to serve a 3-year term, with the
2968 remaining initial appointees serving 4-year terms. All
2969 subsequent appointments shall be for 4-year terms.
2970 (d) Initial appointments must be made by October 1, 2011,
2971 and be eligible for confirmation at the earliest available
2972 Senate session. Terms end on September 30.
2973 (e) Any member is eligible for reappointment, except that a
2974 member may not serve more than two terms.
2975 (f) A vacancy on the board of directors shall be filled for
2976 the remainder of the unexpired term. Vacancies on the board
2977 shall be filled by appointment by the Governor, the President of
2978 the Senate, or the Speaker of the House of Representatives,
2979 respectively, depending on who appointed the member whose
2980 vacancy is to be filled or whose term has expired.
2981 (g) Appointed members may be removed by the Governor, the
2982 President of the Senate, or the Speaker of the House of
2983 Representatives, respectively, for cause. Absence from three
2984 consecutive meetings results in automatic removal.
2985 (5) AT-LARGE BOARD MEMBERS.—Notwithstanding the provisions
2986 of subsection (4), the board of directors may by resolution
2987 appoint up to 10 at-large members to the board from the private

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2988 sector, each of whom may serve a term of up to 3 years. At-large
2989 members shall have the powers and duties of other members of the
2990 board. An at-large member is eligible for reappointment but may
2991 not vote on his or her own reappointment. An at-large member
2992 shall be eligible to fill vacancies occurring among private-
2993 sector appointees under subsection (4). At-large members may
2994 annually provide contributions to the partnership, in an amount
2995 determined by the 11-member board established in subsection (4).
2996 The contributions must be used to defray the partnership's
2997 operating expenses and help meet the required private match to
2998 the state's annual appropriation.
2999 (6) EX OFFICIO BOARD MEMBERS.—
3000 (a) The commissioner of the Department of Jobs Florida
3001 shall be an ex officio, nonvoting member of the board of
3002 directors.
3003 (b) The chair of each advisory council for a division shall
3004 be an ex officio, nonvoting member of the board of directors.
3005 (c) The chair of the advisory council for Space Florida
3006 shall be an ex officio, nonvoting member of the board of
3007 directors.
3008 (7) MEETING.—The board of directors shall biennially elect
3009 one of its members as vice chairperson. The board of directors
3010 shall meet at least four times each year, upon the call of the
3011 chairperson, at the request of the vice chairperson, or at the
3012 request of a majority of the membership. A majority of the total
3013 number of current voting directors shall constitute a quorum.
3014 The board of directors may take official action by a majority
3015 vote of the members present at any meeting at which a quorum is
3016 present.

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3017 (8) SERVICE.—Members of the board of directors shall serve
3018 without compensation, except for members of Jobs Florida
3019 Partnership, Inc., and the advisory councils created in s.
3020 288.92, but are entitled to reimbursement for all reasonable,
3021 necessary, and actual expenses, as determined by the board of
3022 directors.
3023 (9) PROHIBITION.—The partnership may not endorse any
3024 candidate for any elected public office or contribute moneys to
3025 the campaign of any such candidate.
3026 Section 28. Section 288.9015, Florida Statutes, is amended
3027 to read:
3028 (Substantial rewording of section. See
3029 s. 288.9015, F.S., for present text.)
3030 288.9015 Powers of the Jobs Florida Partnership, Inc.;
3031 board of directors.—
3032 (1) The partnership shall integrate its efforts in business
3033 recruitment and expansion, job creation, marketing the state for
3034 tourism and sports, and promoting economic opportunities for
3035 minority-owned businesses and promoting economic opportunities
3036 for rural and distressed urban communities with those of the
3037 commissioner of the Department of Jobs Florida, to create an
3038 aggressive, agile, and collaborative effort to reinvigorate the
3039 state’s economy.
3040 (2) The partnership’s board of directors may:
3041 (a) Secure funding for its programs and activities, and for
3042 its boards from federal, state, local, and private sources and
3043 from fees charged for services and published materials.
3044 (b) Solicit, receive, hold, invest, and administer any
3045 grant, payment, or gift of funds or property and make

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3046 expenditures consistent with the powers granted to it.
3047 (c) Make and enter into contracts and other instruments
3048 necessary or convenient for the exercise of its powers and
3049 functions. A contract executed by the partnership with a person
3050 or organization under which such person or organization agrees
3051 to perform economic development services or similar business-
3052 assistance services on behalf of the partnership or the state
3053 must include provisions requiring a performance report on the
3054 contracted activities and must account for the proper use of
3055 funds provided under the contract, coordinate with other
3056 components of state and local economic development systems, and
3057 avoid duplication of existing state and local services and
3058 activities.
3059 (d) Elect or appoint such officers, employees, and agents
3060 as required for its activities and for its divisions and pay
3061 such persons reasonable compensation.
3062 (e) Carry forward any unexpended state appropriations into
3063 succeeding fiscal years.
3064 (f) Except for the divisions and advisory councils created
3065 in s. 288.92, create and dissolve advisory divisions, working
3066 groups, task forces, or similar organizations, as necessary to
3067 carry out its mission. Members of advisory divisions, working
3068 groups, task forces, or similar organizations created by the
3069 partnership shall serve without compensation, but may be
3070 reimbursed for reasonable, necessary, and actual expenses, as
3071 determined by the partnership's board of directors.
3072 (g) Sue and be sued, and appear and defend in all actions
3073 and proceedings, in its corporate name to the same extent as a
3074 natural person.

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3075 (h) Adopt, use, and alter a common corporate seal for the
3076 partnership and its divisions. Notwithstanding any provision of
3077 chapter 617 to the contrary, this seal is not required to
3078 contain the words "corporation not for profit."
3079 (i) Adopt, amend, and repeal bylaws, not inconsistent with
3080 the powers granted to it or the articles of incorporation, for
3081 the administration of the partnership's activities and the
3082 exercise of its corporate powers.
3083 (j) Acquire, enjoy, use, and dispose of patents,
3084 copyrights, and trademarks and any licenses, royalties, and
3085 other rights or interests thereunder or therein.
3086 (k) Use the state seal, notwithstanding the provisions of
3087 s. 15.03, when appropriate, for standard corporate identity
3088 applications. Use of the state seal is not intended to replace
3089 use of a corporate seal as provided in this section.
3090 (l) Procure insurance or require bond against any loss in
3091 connection with the property of the partnership and its
3092 divisions, in such amounts and from such insurers as is
3093 necessary or desirable.
3094 (3) The powers granted to the partnership shall be
3095 liberally construed in order that the partnership may pursue and
3096 succeed in its responsibilities under this part.
3097 (4) Under no circumstances may the credit of the State of
3098 Florida be pledged on behalf of the partnership.
3099 (5) In addition to any indemnification available under
3100 chapter 617, the partnership may indemnify, and purchase and
3101 maintain insurance on behalf of, it directors, officers, and
3102 employees of the partnership and its divisions against any
3103 personal liability or accountability by reason of actions taken

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3104 while acting within the scope of their authority.
3105 Section 29. Section 288.903, Florida Statutes, is amended
3106 to read:
3107 (Substantial rewording of section. See
3108 s. 288.903, F.S., for present text.)
3109 288.903 Duties of the Jobs Florida Partnership, Inc.—The
3110 partnership shall have the following duties:
3111 (1) Responsibly and prudently manage all public and private
3112 funds received, and ensure that the use of such funds is in
3113 accordance with all applicable laws, bylaws, or contractual
3114 requirements.
3115 (2) Administer the entities or programs created pursuant to
3116 part IX of this chapter; ss. 288.9622-288.9624; ss. 288.95155
3117 and 288.9519; and chapter 95-429, Laws of Florida, line 1680Y.
3118 (3) Prepare an annual report pursuant to s. 288.906 and an
3119 annual incentives report pursuant to s. 288.907.
3120 (4) Assist Jobs Florida with the development of an annual
3121 and a long-range strategic business blueprint for economic
3122 development.
3123 (5) In coordination with Workforce Florida, Inc., identify
3124 education and training programs that will ensure Florida
3125 businesses have access to a skilled and competent workforce
3126 necessary to compete successfully in the domestic and global
3127 marketplace.
3128 (6) Assist the Office of Property Management within the
3129 Division of Strategic Business Development of Jobs Florida in
3130 managing any state-owned property or assets that are essential
3131 to the activities of its various boards.
3132 Section 30. Section 288.904, Florida Statutes, is amended

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3133 to read:
3134 (Substantial rewording of section. See
3135 s. 288.904, F.S., for present text.)
3136 288.904 Funding for the Jobs Florida Partnership, Inc.;
3137 return on the public's investment.—
3138 (1)(a) The Legislature may annually appropriate to the
3139 partnership a sum of money for its operations, and separate
3140 line-item appropriations for each of the divisions and Space
3141 Florida listed in s. 288.92.
3142 (b) The Legislature finds that it is a priority to maximize
3143 private-sector support in operating the partnership and its
3144 divisions, as an endorsement of its value and as an enhancement
3145 of its efforts. Thus, the state appropriations must be matched
3146 with private-sector support equal to at least 35 percent of the
3147 state funding.
3148 (c) Private-sector support in operating the partnership and
3149 its divisions includes:
3150 1. Cash given directly to the partnership for its
3151 operations, including contributions from at-large members of the
3152 board of directors;
3153 2. Cash donations from the divisions' advisory councils or
3154 from organizations assisted by the divisions;
3155 3. Cash jointly raised by the partnership and a private
3156 local economic development organization, a group of such
3157 organizations, or a statewide private business organization that
3158 supports collaborative projects;
3159 4. Cash generated by fees charged for products or services
3160 of the partnership and its divisions by sponsorship of events,
3161 missions, programs, and publications; and

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3162 5. Copayments, stock, warrants, royalties, or other private
3163 resources dedicated to the partnership or its divisions.
3164 (2)(a) The state's operating investment in the partnership
3165 and its divisions is the budget contracted by Jobs Florida to
3166 the partnership, less any funding that is directed by the
3167 Legislature to be subcontracted to a specific recipient entity.
3168 (b) The partnership's board of directors shall adopt for
3169 each upcoming fiscal year an operating budget for the
3170 organization, including its divisions, which specifies the
3171 intended uses of the state's operating investment and a plan for
3172 securing private-sector support.
3173 (3) The partnership shall fully comply with the performance
3174 measures, standards, and sanctions in its contract with Jobs
3175 Florida, under s. 20.60. Jobs Florida shall ensure, to the
3176 maximum extent possible, that the contract performance measures
3177 are consistent with performance measures that it is required to
3178 develop and track under performance-based program budgeting. The
3179 contract shall also include performance measures for the
3180 divisions.
3181 (4) The Legislature intends to review the partnership's
3182 performance in achieving the performance goals stated in its
3183 annual agreement with Jobs Florida to determine whether the
3184 public is receiving a positive return on its investment in the
3185 partnership and its divisions. It also is the intent of the
3186 Legislature that the partnership coordinate its operations with
3187 local economic development organizations to maximize the state
3188 and local return on investment to create jobs for Floridians.
3189 (5) As part of the annual report required under s. 288.906,
3190 the partnership shall provide the Legislature with information

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3191 quantifying the return on the public's investment as described
3192 in this section each fiscal year.
3193 (6) The partnership, in consultation with the Office of
3194 Economic and Demographic Research, shall hire an economic
3195 analysis firm to develop the methodology for establishing and
3196 reporting the return on the public's investment and in-kind
3197 contributions as described in this section and shall hire a firm
3198 experienced in survey research to develop, analyze, and report
3199 on the results of the customer-satisfaction survey conducted
3200 pursuant to s. 288.906. The Office of Economic and Demographic
3201 Research shall review and offer feedback on the methodology
3202 before it is implemented.
3203 Section 31. Section 288.905, Florida Statutes, is amended
3204 to read:
3205 (Substantial rewording of section. See
3206 s. 288.905, F.S., for present text.)
3207 288.905 President and employees of the Jobs Florida
3208 Partnership, Inc.—
3209 (1) The partnership's board of directors shall appoint a
3210 president, who shall serve at the pleasure of the Governor. The
3211 board of directors shall establish and adjust the president's
3212 compensation. The president shall also be known as the "commerce
3213 secretary."
3214 (2) The president is the chief administrative and
3215 operational officer of the board of directors and of the
3216 partnership, and shall direct and supervise the administrative
3217 affairs of the board of directors and any divisions, councils,
3218 or boards. The board of directors may delegate to the president
3219 those powers and responsibilities it deems appropriate,

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3220 including hiring and management of all staff, except for the
3221 appointment of a president.
3222 (3) No employee of the partnership may receive compensation
3223 for employment that exceeds the salary paid to the Governor,
3224 unless the board of directors and the employee have executed a
3225 contract that prescribes specific, measurable performance
3226 outcomes for the employee, the satisfaction of which provides
3227 the basis for the award of incentive payments that increase the
3228 employee's total compensation to a level above the salary paid
3229 to the Governor.
3230 Section 32. Section 288.906, Florida Statutes, is amended
3231 to read:
3232 (Substantial rewording of section. See
3233 s. 288.906, F.S., for present text.)
3234 288.906 Annual report of the partnership and its divisions;
3235 audits.—
3236 (1) Before December 1 of each year, the partnership shall
3237 submit to the Governor, the President of the Senate, the Speaker
3238 of the House of Representatives, the Senate Minority Leader, and
3239 the House Minority Leader a complete and detailed report
3240 including, but not limited to:
3241 (a) A description of the operations and accomplishments of
3242 the partnership and its divisions, boards, and advisory councils
3243 or similar entities created by the partnership, and an
3244 identification of any major trends, initiatives, or developments
3245 affecting the performance of any program or activity. The
3246 individual annual reports prepared by each division shall be
3247 included as addenda.
3248 (b) An evaluation of progress toward achieving

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3249 organizational goals and specific performance outcomes, both
3250 short-term and long-term, established pursuant this part or
3251 under the agreement with Jobs Florida.
3252 (c) Methods for implementing and funding the operations of
3253 the partnership and its divisions, including the private-sector
3254 support required under s. 288.904.
3255 (d) A description of the operations and accomplishments of
3256 the partnership and its divisions with respect to aggressively
3257 marketing Florida's rural communities and distressed urban
3258 communities as locations for potential new investment and job
3259 creation, aggressively assisting in the creation, retention, and
3260 expansion of existing businesses and job growth in these
3261 communities, and aggressively assisting these communities in the
3262 identification and development of new economic development
3263 opportunities.
3264 (e) A description and evaluation of the operations and
3265 accomplishments of the partnership and its divisions with
3266 respect to interaction with local and private economic
3267 development organizations, including the identification of each
3268 organization that is a primary partner and any specific programs
3269 or activities that promoted the activities of such organizations
3270 and an identification of any specific programs or activities
3271 that promoted a comprehensive and coordinated approach to
3272 economic development in this state.
3273 (f) An assessment of job creation that directly benefits
3274 participants in the welfare transition program or other programs
3275 designed to put long-term unemployed back to work.
3276 (g) The results of a customer-satisfaction survey of
3277 businesses served. The Partnership shall hire a firm experienced

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3278 in survey research to develop, analyze, and report on the
3279 results of the customer-satisfaction survey.
3280 (h) An annual compliance and financial audit of accounts
3281 and records by an independent certified public accountant at the
3282 end of its most recent fiscal year performed in accordance with
3283 rules adopted by the Auditor General.
3284 (2) The detailed report required by this section shall also
3285 include the information identified in subsection (1), if
3286 applicable, for each division and Space Florida established
3287 within the partnership.
3288 Section 33. Section 288.907, Florida Statutes, is created
3289 to read:
3290 288.907 Annual incentives report.—
3291 (1) In addition to the annual report required under s.
3292 288.906, the partnership, by December 30 of each year, shall
3293 provide the Governor, the President of the Senate, and the
3294 Speaker of the House of Representatives a detailed incentives
3295 report quantifying the economic benefits for each of the
3296 following economic development incentive programs marketed by
3297 the partnership in its recruitment efforts: the Qualified Target
3298 Industry Tax Refund Program, the Quick Action Closing Fund, the
3299 Qualified Defense Contractor and Space Flight Business Tax
3300 Refund Program, the High-Impact Business Performance Grant, the
3301 Capital Investment Tax Credit Program, the Brownfield
3302 Redevelopment Bonus Refunds incentive, and the Economic
3303 Development Transportation grant program.
3304 (a) The annual incentives report must include for each
3305 incentive program:
3306 1. A brief description of the incentive program.

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3307 2. The amount of awards granted, by year, since inception.
3308 3. Beginning in 2015, the economic benefits, as defined in
3309 s. 288.005, based on the actual amount of private capital
3310 invested, actual number of jobs created, and actual wages paid
3311 for incentive agreements completed during the previous 3 years.
3312 4. Beginning in 2015, the report shall also include the
3313 actual amount of private capital invested, actual number of jobs
3314 created, and actual wages paid for incentive agreements
3315 completed during the previous 3 years for each target industry
3316 sector.
3317 (b) For projects completed during the previous state fiscal
3318 year, the report must include:
3319 1. The number of economic development incentive
3320 applications received.
3321 2. The number of recommendations made to Jobs Florida by
3322 the partnership, including the number recommended for approval
3323 and the number recommended for denial.
3324 3. The number of final decisions issued by Jobs Florida for
3325 approval and for denial.
3326 4. The projects for which a tax refund, tax credit, or cash
3327 grant agreement was executed, identifying:
3328 a. The number of jobs committed to be created.
3329 b. The amount of capital investments committed to be made.
3330 c. The annual average wage committed to be paid.
3331 d. The amount of state economic development incentives
3332 committed to the project from each incentive program under the
3333 project's terms of agreement with Jobs Florida.
3334 (c) For economic development projects that received tax
3335 refunds, tax credits, or cash grants under the terms of an

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3336 agreement for incentives, the report must identify:
3337 1. The number of jobs actually created.
3338 2. The amount of capital investments actually made.
3339 3. The annual average wage paid.
3340 (d) For a project receiving economic development incentives
3341 approved by Jobs Florida and receiving federal or local
3342 incentives, the report must include a description of the federal
3343 or local incentives, if available.
3344 (e) The report must state the number of withdrawn or
3345 terminated projects that did not fulfill the terms of their
3346 agreements with Jobs Florida and consequently are not receiving
3347 incentives.
3348 (f) The report must include an analysis of the economic
3349 benefits, as defined in s. 288.005, of tax refunds, tax credits,
3350 or other payments made to projects locating or expanding in
3351 state enterprise zones, rural communities, brownfield areas, or
3352 distressed urban communities.
3353 (g) The report must identify the target industry businesses
3354 and high-impact businesses.
3355 (h) The report must describe the trends relating to
3356 business interest in, and usage of, the various incentives, and
3357 the number of minority-owned or woman-owned businesses receiving
3358 incentives.
3359 (2) The Division of Strategic Business Development within
3360 Jobs Florida shall assist the partnership in the preparation of
3361 the annual incentives report.
3362 Section 34. Section 288.911, Florida Statutes, is amended
3363 to read:
3364 (Substantial rewording of section. See

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3365 s. 288.911, F.S., for present text.)
3366 288.911 Creation and implementation of a marketing and
3367 image campaign.—
3368 (1) The Partnership, with the assistance of its Division of
3369 Tourism Marketing and the private sector, shall create a
3370 marketing campaign to help attract, develop, and retain target
3371 industry businesses and high-impact businesses to this state.
3372 The campaign must be coordinated with any existing economic
3373 development promotion efforts in this state, and shall be
3374 jointly funded from private and public resources.
3375 (2) The message of the campaign shall be to increase
3376 national and international awareness of this state as a state
3377 ideally suited for the successful advancement of businesses
3378 within the state's target industries and high-impact industries.
3379 Marketing strategies shall include development of promotional
3380 materials, Internet and print advertising, public relations and
3381 media placement, trade show attendance at information technology
3382 events, and appropriate follow-up activities. Efforts to promote
3383 this state must include the identification and coordination of
3384 existing clusters of target industry businesses and high-impact
3385 businesses and partnerships with economic development
3386 organizations and private-sector businesses.
3387 Section 35. Section 288.912, Florida Statutes, is created
3388 to read:
3389 288.912 Inventory of communities seeking to recruit
3390 businesses.—By September 30 of each year, a county or
3391 municipality that has a population of at least 25,000 or its
3392 local economic development organization must submit to the Jobs
3393 Florida Partnership, Inc., a brief overview of the strengths,

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3394 services, and economic development incentives that its community
3395 offers. The local government or its local economic development
3396 organization also must identify any industries that it is
3397 encouraging to locate or relocate to its area.
3398 Section 36. Section 288.92, Florida Statutes, is created to
3399 read:
3400 288.92 Divisions and advisory councils of Jobs Florida
3401 Partnership, Inc.—
3402 (1) The partnership shall have the following divisions,
3403 which have distinct responsibilities and complementary missions:
3404 (a) The Division of International Trade and Business
3405 Development;
3406 (b) The Division of Business Retention and Recruitment;
3407 (c) The Division of Tourism Marketing;
3408 (d) The Division of Minority Business Development; and
3409 (e) The Division of Sports Industry Development.
3410 (2)(a) The officers and agents of the divisions shall be
3411 hired and their annual compensation established by the president
3412 of the partnership, as deemed appropriate by the board of
3413 directors, and may be eligible for performance bonuses pursuant
3414 to s. 288.905(3).
3415 (b) The Partnership board of directors may organize the
3416 divisions so that administrative staff and costs are shared and
3417 thus minimized to the greatest extent possible.
3418 (3) Space Florida shall be administratively housed within
3419 the partnership and shall have the authority, powers, and duties
3420 set forth in part II of chapter 331.
3421 (4) Each division shall have an advisory council, comprised
3422 of Florida residents with expertise in each division's

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3423 particular responsibilities. The partnership may submit
3424 nominations of persons to serve on each advisory council to the
3425 Governor, who will select the members of each advisory council
3426 from the lists submitted. Each advisory council shall elect a
3427 member to serve as the chair of the council.
3428 (5) The term for an advisory council member is 4 years. A
3429 member may not serve more than two consecutive terms. The
3430 Governor may remove any member for cause and shall fill all
3431 vacancies that occur.
3432 (6) Advisory council members shall serve without
3433 compensation, but may be reimbursed for all reasonable,
3434 necessary, and actual expenses, as determined by the
3435 partnership's board of directors.
3436 Section 37. Section 288.921, Florida Statutes, is created
3437 to read:
3438 288.921 Division of International Trade and Business
3439 Development; responsibilities; advisory council.—
3440 (1) There is created within the partnership the Division of
3441 International Trade and Business Development.
3442 (2) The division shall be responsible for:
3443 (a) Developing business leads that generate increased
3444 foreign investment in Florida;
3445 (b) Developing programs, such as international trade shows,
3446 that establish viable overseas markets for Florida products and
3447 services;
3448 (c) Facilitating the development and implementation of
3449 strategies to secure financing for exporting Florida products
3450 and services;
3451 (d) Promoting opportunities for international joint-venture

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3452 relationships, using the resources of academic, business, and
3453 other institutions;
3454 (e) Coordinating and facilitating trade assistance for
3455 Florida businesses;
3456 (f) Participating in discussions and planning exercises
3457 with the Florida Seaport Advisory Council, the state Department
3458 of Transportation, and statewide transportation logistics and
3459 intermodal mobility organizations regarding proposed
3460 improvements to Florida's infrastructure to attract and manage
3461 international cargo and commerce.
3462 (3) The division also shall assist the commissioner of Jobs
3463 Florida with administering a grant program for promotion of
3464 international trade.
3465 (a) A county, municipality, economic development council,
3466 or a nonprofit association of businesses organized to assist in
3467 the promotion of international trade may apply for a grant of
3468 state funds for the promotion of international trade.
3469 (b) The division shall review each application for a grant
3470 to promote international trade and annually submit to the
3471 commissioner of Jobs Florida for approval a list of all
3472 recommended applications for the award of grants, arranged in
3473 order of priority.
3474 1. The commissioner of Jobs Florida may allocate grants
3475 only for projects that are approved or for which funds are
3476 appropriated by the Legislature.
3477 2. Projects approved and recommended by the division, which
3478 are not funded by the Legislature, shall be retained on the
3479 project list for the following grant cycle only.
3480 3. All projects that are retained shall be required to

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3481 submit such information as may be required by the Department of
3482 Jobs Florida as of the established deadline date of the latest
3483 grant cycle in order to adequately reflect the most current
3484 status of the project.
3485 (4) The division shall draft and submit an annual report by
3486 October 15 of each year which details the division's activities
3487 during the prior fiscal year and includes any recommendations
3488 for improving current statutes related to international trade
3489 and business development.
3490 (5) A 15-member advisory council shall be appointed,
3491 pursuant to s. 288.92, to make recommendations to the
3492 partnership's board of directors on matters pertaining to
3493 international trade and business development projects for the
3494 division to undertake and staffing of the division.
3495 Section 38. Section 288.922, Florida Statutes, is created
3496 to read:
3497 288.922 Division of Business Retention and Recruitment;
3498 responsibilities; advisory council.—
3499 (1) There is created within the partnership the Division
3500 for Business Retention and Recruitment.
3501 (2) The division shall coordinate with the commissioner of
3502 Jobs Florida and the partnership to generate business leads on
3503 companies interested in relocating to Florida, and on Florida-
3504 based companies interested in expanding or diversifying their
3505 operations within the state.
3506 (3) The division shall draft and submit an annual report by
3507 October 15 that details the division's activities during the
3508 prior fiscal year and includes any recommendations for improving
3509 current statutes related to business retention and recruitment.

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3510 (4) A 15-member advisory council shall be appointed,
3511 pursuant to s. 288.92, to make recommendations to the
3512 partnership board of directors on matters pertaining to
3513 innovative methods of business development and recruitment
3514 efforts, changes to existing economic development incentives or
3515 implementation of new types of incentives, targeted industries
3516 for recruitment or retention, and staffing of the division.
3517 Section 39. Section 288.923, Florida Statutes, is created
3518 to read:
3519 288.923 Division of Tourism Marketing; definitions;
3520 responsibilities; advisory council.—
3521 (1) There is created within the partnership the Division of
3522 Tourism Marketing. The division shall be known as VISIT Florida.
3523 Jobs Florida Partnership, Inc., may register the fictitious
3524 name, "VISIT Florida" for use in its activities of promoting
3525 Florida as a tourist destination.
3526 (2) As used in this section, the term:
3527 (a) "Tourism marketing" means any effort exercised to
3528 attract domestic and international visitors from outside the
3529 state to destinations in this state and to stimulate Florida
3530 resident tourism to areas within the state.
3531 (b) "Tourist" means any person who participates in trade or
3532 recreation activities outside the county of his or her permanent
3533 residence or who rents or leases transient living quarters or
3534 accommodations as described in s. 125.0104(3)(a).
3535 (c) "County destination marketing organization" means a
3536 public or private agency that is funded by local option tourist
3537 development tax revenues under s. 125.0104, or local option
3538 convention development tax revenues under s. 212.0305, and is

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3539 officially designated by a county commission to market and
3540 promote the area for tourism or convention business or, in any
3541 county that has not levied such taxes, a public or private
3542 agency that is officially designated by the county commission to
3543 market and promote the area for tourism or convention business.
3544 (3) The division's responsibilities and duties include, but
3545 are not limited to:
3546 (a) Advising the commissioner of Jobs Florida and the
3547 partnership on development of domestic and international tourism
3548 marketing campaigns featuring Florida;
3549 (b) Developing and implementing, in conjunction with its
3550 private partners, an annual tourism marketing campaign that
3551 targets each region of the state, each season of the year, and
3552 traditional as well as new tourist populations; and
3553 (c) Developing a 4-year marketing plan explicitly
3554 explaining how the division intends to:
3555 1. Sustain overall tourism growth in this state;
3556 2. Expand to new or under-represented tourist markets;
3557 3. Solidify traditional and loyal tourist markets;
3558 4. Coordinate efforts with county destination marketing
3559 organizations, other local government marketing groups,
3560 privately owned attractions and destinations, and other private-
3561 sector partners to create a seamless, four-season advertising
3562 campaign for the state and its regions;
3563 5. Develop innovative techniques or promotions to build
3564 repeat visitation by targeted segments of the tourist
3565 population;
3566 6. Consider innovative sources of state funding for tourism
3567 marketing; and

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3568 7. Develop and update periodically an emergency response
3569 component to address natural and man-made disasters from a
3570 marketing standpoint.
3571
3572 The plan shall be annual in construction and ongoing in nature.
3573 Any annual revisions of such a plan shall carry forward the
3574 concepts of the remaining 3-year portion of that plan and
3575 consider a continuum portion to preserve the 4-year time-frame
3576 of the plan. The plan also shall include recommendations for
3577 specific performance standards and measurable outcomes for the
3578 division. The commissioner of Jobs Florida, in consultation with
3579 the partnership's board of directors, shall base the actual
3580 performance metrics on these recommendations.
3581 (d) Drafting and submitting an annual report by October 15
3582 that details the division's activities during the prior fiscal
3583 year, and any recommendations for improving current statutes
3584 related to tourism marketing.
3585 (4) A 15-member advisory council shall be appointed,
3586 pursuant to s. 288.92, to make recommendations to the
3587 partnership's board of directors on matters pertaining to ways
3588 to improve or enhance the state's tourism marketing efforts,
3589 research on tourist populations and trends, innovative tourism
3590 funding proposals, and staffing of the division.
3591 Section 40. Section 288.925, Florida Statutes, is created
3592 to read:
3593 288.925 The Division of Minority Business Investment;
3594 responsibilities; advisory council.—
3595 (1) There is created within the partnership the Division of
3596 Minority Business Development.

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3597 (2) The division's primary mission is to assist in the
3598 development and expansion of minority business enterprises by:
3599 (a) Administering the Black Business Loan Program in s.
3600 288.7102 and assisting in the creation of a long-range strategic
3601 policy for that program.
3602 (b) Evaluating the unmet need for capital by minority
3603 business enterprises in the state and providing a 5-year
3604 projection of the need for capital by minority business
3605 enterprises. The division may contract with an independent
3606 entity to prepare the projection once every 5 years.
3607 (c) Developing strategies to increase financial institution
3608 investment in minority business enterprises.
3609 (d) Advising Jobs Florida and the partnership about the
3610 needs of minority business enterprises.
3611 (e) Creating partnerships among federal, state, and local
3612 governments, private enterprises, and national organizations to
3613 aid in the development and expansion of minority business
3614 enterprises.
3615 (f) Acting as a clearinghouse for information by providing
3616 a network of information resources for minority business
3617 enterprises and facilitating the provision of technical
3618 assistance in communities in which such services are otherwise
3619 underserved.
3620 (g) Aiding the development and expansion of minority
3621 business enterprises by leveraging federal, state, local, and
3622 private funds to be held by the partnership board of directors
3623 for uses pursuant to this section and s. 288.7102.
3624 (h) Marketing services to minority business enterprises,
3625 including the Black Business Loan Program.

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3626 (i) Submitting an annual report by October 15 of each year
3627 to the partnership's board of directors which details the
3628 previous fiscal year's activities, including activities of the
3629 black business investment corporations that make the loans to
3630 qualified businesses, pursuant to s. 288.7102, identifiable
3631 trends from the previous fiscal year's loan activity, and any
3632 recommended changes to the current program.
3633 (3) A 15-member advisory council shall be appointed,
3634 pursuant to s. 288.92, to make recommendations to the
3635 partnership's board of directors on such matters as how to
3636 improve minority business access to capital, recommendations on
3637 how to provide technical assistance and other business resources
3638 to minority-owned businesses, and recommendations on the
3639 staffing of the division. Members of the advisory council must
3640 have experience in business, including financial services,
3641 banking, or economic development. At least one of the appointees
3642 must have experience in venture capitalism.
3643 Section 41. Section 288.1229, Florida Statutes, is
3644 transferred, renumbered as section 288.926, Florida Statutes,
3645 and amended to read:
3646 (Substantial rewording of section. See
3647 s. 288.1229, F.S., for present text.)
3648 288.926 Division of Sports Industry Development;
3649 responsibilities; duties; advisory council.—
3650 (1) There is created within the partnership the Division of
3651 Sports Industry Development.
3652 (2) The division is responsible for:
3653 (a) The promotion and development of professional and
3654 amateur sports industries and related industries for the purpose

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3655 of improving the economic presence of these industries in this
3656 state.
3657 (b) The promotion of amateur athletic participation for the
3658 citizens of this state, and the promotion of this state as a
3659 host for national and international amateur athletic
3660 competitions for the purpose of encouraging and increasing the
3661 direct and ancillary economic benefits of amateur athletic
3662 events and competitions.
3663 (c) The retention of professional sports franchises,
3664 including the spring training operations of Major League
3665 Baseball.
3666 (d) The drafting and submittal of an annual report, due
3667 each October 15, to the partnership, which details the
3668 division's activities for the prior fiscal year and any
3669 recommendations for improving current laws related to sports and
3670 related industries.
3671 (3) The division shall have the following duties:
3672 (a) Developing, fostering, and coordinating services and
3673 programs for amateur sports for all Floridians.
3674 (b) Sponsoring amateur sports workshops, clinics,
3675 conferences, and other similar activities.
3676 (c) Giving recognition to outstanding developments and
3677 achievements in, and contributions to, amateur sports.
3678 (d) Encouraging, supporting, and assisting local
3679 governments and communities in the development of or hosting of
3680 local amateur athletic events and competitions.
3681 (e) Promoting this state as a host for national and
3682 international amateur athletic competitions.
3683 (f) Continuing the amateur sports programs previously

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3684 conducted by the Florida Governor's Council on Physical Fitness
3685 and Amateur Sports created under the former s. 14.22.
3686 (g) Encouraging and continuing the use of volunteers in its
3687 amateur sports programs to the maximum extent possible.
3688 (h) Developing, fostering, and coordinating services and
3689 programs designed to encourage the participation of Florida's
3690 youth in Olympic sports activities and competitions.
3691 (i) Fostering and coordinating services and programs
3692 designed to contribute to the physical fitness of the citizens
3693 of this state.
3694 (j) Developing a statewide program of amateur athletic
3695 competition to be known as the "Sunshine State Games." The
3696 Sunshine State Games shall be patterned after the Summer
3697 Olympics with variations as necessitated by availability of
3698 facilities, equipment, and expertise. The games shall be
3699 designed to encourage the participation of athletes representing
3700 a broad range of age groups, skill levels, and Florida
3701 communities. Participants shall be residents of this state.
3702 Regional competitions shall be held throughout the state, and
3703 the top qualifiers in each sport shall proceed to the final
3704 competitions to be held at a site in the state with the
3705 necessary facilities and equipment for conducting the
3706 competitions.
3707 (4) The Executive Office of the Governor is authorized to
3708 permit the use of property, facilities, and personnel services
3709 of or at any State University System facility or institution by
3710 the division for operating the Sunshine State Games. For the
3711 purposes of this paragraph, personnel services includes full-
3712 time or part-time personnel as well as payroll processing. Any

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3713 funds or property held in trust by the Sunshine State Games
3714 Foundation, Inc., and the Florida Governor's Council on Physical
3715 Fitness and Amateur Sports shall revert to the division upon
3716 expiration or cancellation of the contract with the Sunshine
3717 State Games Foundation, Inc., and the Florida Governor's Council
3718 on Physical Fitness and Amateur Sports, to be used for the
3719 promotion of amateur sports in this state.
3720 (5)(a) A 15-member advisory council shall be appointed,
3721 pursuant to s. 288.92, to make recommendations to the
3722 partnership board of directors on the activities and staffing of
3723 the division.
3724 (b) Applicants for the advisory council must have either a
3725 background in community service in, or financial support of, the
3726 sports industry, professional sports, or organized amateur
3727 athletics. They also should be knowledgeable about or active in
3728 professional or organized amateur sports. Additionally, the
3729 advisory council's membership must be representative of all
3730 geographical regions of the state and reflect the state's ethnic
3731 and gender diversity.
3732 Section 42. Paragraph (d) is added to subsection (6) of
3733 section 290.0055, Florida Statutes, to read:
3734 290.0055 Local nominating procedure.—
3735 (6)
3736 (d)1. Effective January 1, 2012, the governing body of a
3737 jurisdiction which nominated the application for an enterprise
3738 zone that is no larger than 12 square miles and includes a
3739 portion of the state designated as a rural area of critical
3740 economic concern pursuant to s. 288.0656(7) may apply to Jobs
3741 Florida to expand the boundary of the enterprise zone by not

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3742 more than 3 square miles. Such application must be submitted by
3743 December 31, 2012.
3744 2. Notwithstanding the area limitations specified in
3745 subsection (4), Jobs Florida may approve the request for a
3746 boundary amendment if the area continues to satisfy the
3747 remaining requirements of this section.
3748 3. Jobs Florida shall establish the initial effective date
3749 of an enterprise zone designated under this paragraph.
3750 Section 43. Section 290.00726, Florida Statutes, is created
3751 to read:
3752 290.00726 Enterprise zone designation for Martin County.—
3753 Effective January 1, 2012, Martin County may apply to Jobs
3754 Florida for designation of one enterprise zone for an area
3755 within Martin County, which zone shall encompass an area up to
3756 10 square miles consisting of land within the primary urban
3757 services boundary and focusing on Indiantown, but excluding
3758 property owned by Florida Power and Light to the west, two areas
3759 to the north designated as estate residential, and the county-
3760 owned Timer Powers Recreational Area. Within the designated
3761 enterprise zone, Martin County shall exempt residential
3762 condominiums from benefiting from state enterprise zone
3763 incentives, unless prohibited by law. The application must have
3764 been submitted by December 31, 2011, and must comply with the
3765 requirements of s. 290.0055. Notwithstanding s. 290.0065
3766 limiting the total number of enterprise zones designated and the
3767 number of enterprise zones within a population category, Jobs
3768 Florida may designate one enterprise zone under this section.
3769 Jobs Florida shall establish the initial effective date of the
3770 enterprise zone designated pursuant to this section.

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3771 Section 44. Subsection (4) of section 409.942, Florida
3772 Statutes, is amended to read:
3773 409.942 Electronic benefit transfer program.—
3774 ~~(4) Workforce Florida, Inc., through the Agency for~~
3775 ~~Workforce Innovation, shall establish an electronic benefit~~
3776 ~~transfer program for the use and management of education,~~
3777 ~~training, child care, transportation, and other program benefits~~
3778 ~~under its direction. The workforce electronic benefit transfer~~
3779 ~~program shall fulfill all federal and state requirements for~~
3780 ~~Individual Training Accounts, Retention Incentive Training~~
3781 ~~Accounts, Individual Development Accounts, and Individual~~
3782 ~~Services Accounts. The workforce electronic benefit transfer~~
3783 ~~program shall be designed to enable an individual who receives~~
3784 ~~an electronic benefit transfer card under subsection (1) to use~~
3785 ~~that card for purposes of benefits provided under the workforce~~
3786 ~~development system as well. The Department of Children and~~
3787 ~~Family Services shall assist Workforce Florida, Inc., in~~
3788 ~~developing an electronic benefit transfer program for the~~
3789 ~~workforce development system that is fully compatible with the~~
3790 ~~department's electronic benefit transfer program. The agency~~
3791 ~~shall reimburse the department for all costs incurred in~~
3792 ~~providing such assistance and shall pay all costs for the~~
3793 ~~development of the workforce electronic benefit transfer~~
3794 ~~program.~~
3795 Section 45. Section 411.0102, Florida Statutes, is amended
3796 to read:
3797 411.0102 Child Care Executive Partnership Act; findings and
3798 intent; grant; limitation; rules.—
3799 (1) This section may be cited as the "Child Care Executive

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3800 Partnership Act."
3801 (2)(a) The Legislature finds that when private employers
3802 provide onsite child care or provide other child care benefits,
3803 they benefit by improved recruitment and higher retention rates
3804 for employees, lower absenteeism, and improved employee morale.
3805 The Legislature also finds that there are many ways in which
3806 private employers can provide child care assistance to
3807 employees: information and referral, vouchering, employer
3808 contribution to child care programs, and onsite care. Private
3809 employers can offer child care as part of a menu of employee
3810 benefits. The Legislature recognizes that flexible compensation
3811 programs providing a child care option are beneficial to the
3812 private employer through increased productivity, to the private
3813 employee in knowing that his or her children are being cared for
3814 in a safe and nurturing environment, and to the state in more
3815 dollars being available for purchasing power and investment.
3816 (b) It is the intent of the Legislature to promote
3817 public/private partnerships to ensure that the children of the
3818 state be provided safe and enriching child care at any time, but
3819 especially while parents work to remain self-sufficient. It is
3820 the intent of the Legislature that private employers be
3821 encouraged to participate in the future of this state by
3822 providing employee child care benefits. Further, it is the
3823 intent of the Legislature to encourage private employers to
3824 explore innovative ways to assist employees to obtain quality
3825 child care.
3826 (c) The Legislature further recognizes that many parents
3827 need assistance in paying the full costs of quality child care.
3828 The public and private sectors, by working in partnership, can

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3829 promote and improve access to quality child care and early
3830 education for children of working families who need it.
3831 Therefore, a more formal mechanism is necessary to stimulate the
3832 establishment of public-private partnerships. It is the intent
3833 of the Legislature to expand the availability of scholarship
3834 options for working families by providing incentives for
3835 employers to contribute to meeting the needs of their employees'
3836 families through matching public dollars available for child
3837 care.
3838 (3) There is created a body politic and corporate known as
3839 the Child Care Executive Partnership which shall establish and
3840 govern the Child Care Executive Partnership Program. The purpose
3841 of the Child Care Executive Partnership Program is to utilize
3842 state and federal funds as incentives for matching local funds
3843 derived from local governments, employers, charitable
3844 foundations, and other sources so that Florida communities may
3845 create local flexible partnerships with employers. The Child
3846 Care Executive Partnership Program funds shall be used at the
3847 discretion of local communities to meet the needs of working
3848 parents. A child care purchasing pool shall be developed with
3849 the state, federal, and local funds to provide subsidies to low-
3850 income working parents whose family income does not exceed the
3851 allowable income for any federally subsidized child care program
3852 with a dollar-for-dollar match from employers, local government,
3853 and other matching contributions. The funds used from the child
3854 care purchasing pool must be used to supplement or extend the
3855 use of existing public or private funds.
3856 (4) The Child Care Executive Partnership, staffed by the
3857 Department of Education ~~Agency for Workforce Innovation~~, shall

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3858 consist of a representative of the Executive Office of the
3859 Governor and nine members of the corporate or child care
3860 community, appointed by the Governor.
3861 (a) Members shall serve for a period of 4 years, except
3862 that the representative of the Executive Office of the Governor
3863 shall serve at the pleasure of the Governor.
3864 (b) The Child Care Executive Partnership shall be chaired
3865 by a member chosen by a majority vote and shall meet at least
3866 quarterly and at other times upon the call of the chair. The
3867 Child Care Executive Partnership may use any method of
3868 telecommunications to conduct meetings, including establishing a
3869 quorum through telecommunications, only if the public is given
3870 proper notice of a telecommunications meeting and reasonable
3871 access to observe and, when appropriate, participate.
3872 (c) Members shall serve without compensation, but may be
3873 reimbursed for per diem and travel expenses in accordance with
3874 s. 112.061.
3875 (d) The Child Care Executive Partnership shall have all the
3876 powers and authority, not explicitly prohibited by statute,
3877 necessary to carry out and effectuate the purposes of this
3878 section, as well as the functions, duties, and responsibilities
3879 of the partnership, including, but not limited to, the
3880 following:
3881 1. Assisting in the formulation and coordination of the
3882 state’s child care policy.
3883 2. Adopting an official seal.
3884 3. Soliciting, accepting, receiving, investing, and
3885 expending funds from public or private sources.
3886 4. Contracting with public or private entities as

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3887 necessary.
3888 5. Approving an annual budget.
3889 6. Carrying forward any unexpended state appropriations
3890 into succeeding fiscal years.
3891 7. Providing a report to the Governor, the Speaker of the
3892 House of Representatives, and the President of the Senate, on or
3893 before December 1 of each year.
3894 (5)(a) The Legislature shall annually determine the amount
3895 of state or federal low-income child care moneys which shall be
3896 used to create Child Care Executive Partnership Program child
3897 care purchasing pools in counties chosen by the Child Care
3898 Executive Partnership, provided that at least two of the
3899 counties have populations of no more than 300,000. The
3900 Legislature shall annually review the effectiveness of the child
3901 care purchasing pool program and reevaluate the percentage of
3902 additional state or federal funds, if any, which ~~that~~ can be
3903 used for the program's expansion.
3904 (b) To ensure a seamless service delivery and ease of
3905 access for families, an early learning coalition or the
3906 Department of Education ~~Agency for Workforce Innovation~~ shall
3907 administer the child care purchasing pool funds.
3908 (c) The Department of Education ~~Agency for Workforce~~
3909 ~~Innovation~~, in conjunction with the Child Care Executive
3910 Partnership, shall develop procedures for disbursement of funds
3911 through the child care purchasing pools. In order to be
3912 considered for funding, an early learning coalition or the
3913 Department of Education ~~Agency for Workforce Innovation~~ must
3914 commit to:
3915 1. Matching the state purchasing pool funds on a dollar-

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3916 for-dollar basis; and
3917 2. Expending only those public funds that ~~which~~ are matched
3918 by employers, local government, and other matching contributors
3919 who contribute to the purchasing pool. Parents shall also pay a
3920 fee, which may not be less than the amount identified in the
3921 early learning coalition's school readiness program sliding fee
3922 scale.
3923 (d) Each early learning coalition shall establish a
3924 community child care task force for each child care purchasing
3925 pool. The task force must be composed of employers, parents,
3926 private child care providers, and one representative from the
3927 local children's services council, if one exists in the area of
3928 the purchasing pool. The early learning coalition is expected to
3929 recruit the task force members from existing child care
3930 councils, commissions, or task forces already operating in the
3931 area of a purchasing pool. A majority of the task force shall
3932 consist of employers.
3933 (e) Each participating early learning coalition board shall
3934 develop a plan for the use of child care purchasing pool funds.
3935 The plan must show how many children will be served by the
3936 purchasing pool, how many will be new to receiving child care
3937 services, and how the early learning coalition intends to
3938 attract new employers and their employees to the program.
3939 (6) The Department of Education ~~Agency for Workforce~~
3940 ~~Innovation~~ shall adopt any rules necessary for the
3941 implementation and administration of this section.
3942 Section 46. Section 1002.73, Florida Statutes, is amended
3943 to read:
3944 1002.73 Department of Education; powers and duties;

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3945 accountability requirements; operational requirements.—
3946 (1) The department shall administer the accountability
3947 requirements and operational requirements of the Voluntary
3948 Prekindergarten Education Program at the state level.
3949 (2) The department shall adopt procedures for its:
3950 (a) Approval of prekindergarten director credentials under
3951 ss. 1002.55 and 1002.57.
3952 (b) Approval of emergent literacy training courses under
3953 ss. 1002.55 and 1002.59.
3954 (c) Administration of the statewide kindergarten screening
3955 and calculation of kindergarten readiness rates under s.
3956 1002.69.
3957 (d) Approval of specialized instructional services
3958 providers under s. 1002.66.
3959 (e) Granting of a private prekindergarten provider's or
3960 public school's request for a good cause exemption under s.
3961 1002.69(7).
3962 (3) The department shall adopt procedures governing the
3963 administration of the Voluntary Prekindergarten Education
3964 Program by the early learning coalitions and school districts
3965 for:
3966 (a) Enrolling children in and determining the eligibility
3967 of children for the Voluntary Prekindergarten Education Program
3968 under s. 1002.53.
3969 (b) Providing parents with profiles of private
3970 prekindergarten providers and public schools under s. 1002.53.
3971 (c) Registering private prekindergarten providers and
3972 public schools to deliver the program under ss. 1002.55,
3973 1002.61, and 1002.63.

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3974 (d) Determining the eligibility of private prekindergarten
3975 providers to deliver the program under ss. 1002.55 and 1002.61.
3976 (e) Verifying the compliance of private prekindergarten
3977 providers and public schools and removing providers or schools
3978 from eligibility to deliver the program due to noncompliance or
3979 misconduct as provided in s. 1002.67.
3980 (f) Paying private prekindergarten providers and public
3981 schools under s. 1002.71.
3982 (g) Documenting and certifying student enrollment and
3983 student attendance under s. 1002.71.
3984 (h) Reconciling advance payments in accordance with the
3985 uniform attendance policy under s. 1002.71.
3986 (i) Reenrolling students dismissed by a private
3987 prekindergarten provider or public school for noncompliance with
3988 the provider's or school district's attendance policy under s.
3989 1002.71.
3990 (4) The department shall adopt procedures governing the
3991 administration of the Voluntary Prekindergarten Education
3992 Program by the early learning coalitions and school districts
3993 for:
3994 (a) Approving improvement plans of private prekindergarten
3995 providers and public schools under s. 1002.67.
3996 (b) Placing private prekindergarten providers and public
3997 schools on probation and requiring corrective actions under s.
3998 1002.67.
3999 (c) Removing a private prekindergarten provider or public
4000 school from eligibility to deliver the program due to the
4001 provider's or school's remaining on probation beyond the time
4002 permitted under s. 1002.67.

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4003 (d) Enrolling children in and determining the eligibility
4004 of children for the Voluntary Prekindergarten Education Program
4005 under s. 1002.66.
4006 (e) Paying specialized instructional services providers
4007 under s. 1002.66.
4008 (5) The department shall also adopt procedures for the
4009 distribution of funds to early learning coalitions under s.
4010 1002.71.
4011 (6) ~~(3)~~ Except as provided by law, the department may not
4012 impose requirements on a private prekindergarten provider or
4013 public school that does not deliver the Voluntary
4014 Prekindergarten Education Program or receive state funds under
4015 this part.
4016 Section 47. Paragraph (i) of subsection (3) of section
4017 11.45, Florida Statutes, is amended to read:
4018 11.45 Definitions; duties; authorities; reports; rules.—
4019 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor
4020 General may, pursuant to his or her own authority, or at the
4021 direction of the Legislative Auditing Committee, conduct audits
4022 or other engagements as determined appropriate by the Auditor
4023 General of:
4024 (i) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
4025 including any of its boards, advisory committees, or similar
4026 groups created by the Jobs Florida Partnership ~~Enterprise~~
4027 ~~Florida~~, Inc., and programs. The audit report may not reveal the
4028 identity of any person who has anonymously made a donation to
4029 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., pursuant
4030 to this paragraph. The identity of a donor or prospective donor
4031 to the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., who

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4032 desires to remain anonymous and all information identifying such
4033 donor or prospective donor are confidential and exempt from the
4034 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
4035 Constitution. Such anonymity shall be maintained in the
4036 auditor's report.
4037 Section 48. Paragraph (b) of subsection (2) of section
4038 14.20195, Florida Statutes, is amended to read:
4039 14.20195 Suicide Prevention Coordinating Council; creation;
4040 membership; duties.—There is created within the Statewide Office
4041 for Suicide Prevention a Suicide Prevention Coordinating
4042 Council. The council shall develop strategies for preventing
4043 suicide.
4044 (2) MEMBERSHIP.—The Suicide Prevention Coordinating Council
4045 shall consist of 28 voting members.
4046 (b) The following state officials or their designees shall
4047 serve on the coordinating council:
4048 1. The Secretary of Elderly Affairs.
4049 2. The State Surgeon General.
4050 3. The Commissioner of Education.
4051 4. The Secretary of Health Care Administration.
4052 5. The Secretary of Juvenile Justice.
4053 6. The Secretary of Corrections.
4054 7. The executive director of the Department of Law
4055 Enforcement.
4056 8. The executive director of the Department of Veterans'
4057 Affairs.
4058 9. The Secretary of Children and Family Services.
4059 10. The commissioner ~~director~~ of Jobs Florida ~~the Agency~~
4060 ~~for Workforce Innovation~~.

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4061 Section 49. Section 15.18, Florida Statutes, is amended to
4062 read:
4063 15.18 International and cultural relations.—The Divisions
4064 of Cultural Affairs, Historical Resources, and Library and
4065 Information Services of the Department of State promote programs
4066 having substantial cultural, artistic, and indirect economic
4067 significance that emphasize American creativity. The Secretary
4068 of State, as the head administrator of these divisions, shall
4069 hereafter be known as "Florida's Chief Cultural Officer." As
4070 this officer, the Secretary of State is encouraged to initiate
4071 and develop relationships between the state and foreign cultural
4072 officers, their representatives, and other foreign governmental
4073 officials in order to promote Florida as the center of American
4074 creativity. The Secretary of State shall coordinate
4075 international activities pursuant to this section with the Jobs
4076 Florida Partnership ~~Enterprise Florida~~, Inc., and any other
4077 organization the secretary deems appropriate. For the
4078 accomplishment of this purpose, the Secretary of State shall
4079 have the power and authority to:
4080 (1) Disseminate any information pertaining to the State of
4081 Florida which promotes the state's cultural assets.
4082 (2) Plan and carry out activities designed to cause
4083 improved cultural and governmental programs and exchanges with
4084 foreign countries.
4085 (3) Plan and implement cultural and social activities for
4086 visiting foreign heads of state, diplomats, dignitaries, and
4087 exchange groups.
4088 (4) Encourage and cooperate with other public and private
4089 organizations or groups in their efforts to promote the cultural

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4090 advantages of Florida.
4091 (5) Serve as the liaison with all foreign consular and
4092 ambassadorial corps, as well as international organizations,
4093 that are consistent with the purposes of this section.
4094 (6) Provide, arrange, and make expenditures for the
4095 achievement of any or all of the purposes specified in this
4096 section.
4097 (7) Notwithstanding the provisions of part I of chapter
4098 287, promulgate rules for entering into contracts which are
4099 primarily for promotional services and events, which may include
4100 commodities involving a service. Such rules shall include the
4101 authority to negotiate costs with the offerors of such services
4102 and commodities who have been determined to be qualified on the
4103 basis of technical merit, creative ability, and professional
4104 competency. The rules shall only apply to the expenditure of
4105 funds donated for promotional services and events. Expenditures
4106 of appropriated funds shall be made only in accordance with part
4107 I of chapter 287.
4108 Section 50. Section 15.182, Florida Statutes, is amended to
4109 read:
4110 15.182 International travel by state-funded musical,
4111 cultural, or artistic organizations; notification to Jobs
4112 Florida ~~Office of Tourism, Trade, and Economic Development~~.—
4113 (1) If a musical, cultural, or artistic organization that
4114 receives state funding is traveling internationally for a
4115 presentation, performance, or other significant public viewing,
4116 including an organization associated with a college or
4117 university, such organization shall notify Jobs Florida ~~The~~
4118 ~~Office of Tourism, Trade, and Economic Development~~ of its

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4119 intentions to travel, together with the date, time, and location
4120 of each appearance.
4121 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
4122 ~~Development~~, in conjunction with the Jobs Florida Partnership
4123 ~~Enterprise Florida~~, Inc., shall act as an intermediary between
4124 performing musical, cultural, and artistic organizations and
4125 Florida businesses to encourage and coordinate joint
4126 undertakings. Such coordination may include, but is not limited
4127 to, encouraging business and industry to sponsor cultural
4128 events, assistance with travel of such organizations, and
4129 coordinating travel schedules of cultural performance groups and
4130 international trade missions.
4131 (3) An organization shall provide the notification to the
4132 Department of State required by this section at least 30 days
4133 before ~~prior to~~ the date the international travel is to commence
4134 or, when an intention to travel internationally is not formed at
4135 least 30 days in advance of the date the travel is to commence,
4136 as soon as feasible after forming such travel intention. The
4137 Department of State shall take an active role in informing such
4138 groups of the responsibility to notify the department of travel
4139 intentions.
4140 Section 51. Paragraph (j) of subsection (1) of section
4141 16.615, Florida Statutes, is amended to read:
4142 16.615 Council on the Social Status of Black Men and Boys.—
4143 (1) The Council on the Social Status of Black Men and Boys
4144 is established within the Department of Legal Affairs and shall
4145 consist of 19 members appointed as follows:
4146 (j) The commissioner ~~director~~ of Jobs Florida ~~the Agency~~
4147 ~~for Workforce Innovation~~ or his or her designee.

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4148 Section 52. Paragraph (a) of subsection (8) and paragraph
4149 (a) of subsection (9) of section 39.001, Florida Statutes, are
4150 amended to read:
4151 39.001 Purposes and intent; personnel standards and
4152 screening.—
4153 (8) PLAN FOR COMPREHENSIVE APPROACH.—
4154 (a) The office shall develop a state plan for the promotion
4155 of adoption, support of adoptive families, and prevention of
4156 abuse, abandonment, and neglect of children and shall submit the
4157 state plan to the Speaker of the House of Representatives, the
4158 President of the Senate, and the Governor no later than December
4159 31, 2008. The Department of Children and Family Services, the
4160 Department of Corrections, the Department of Education, the
4161 Department of Health, the Department of Juvenile Justice, the
4162 Department of Law Enforcement, and the Agency for Persons with
4163 Disabilities~~, and the Agency for Workforce Innovation~~ shall
4164 participate and fully cooperate in the development of the state
4165 plan at both the state and local levels. Furthermore,
4166 appropriate local agencies and organizations shall be provided
4167 an opportunity to participate in the development of the state
4168 plan at the local level. Appropriate local groups and
4169 organizations shall include, but not be limited to, community
4170 mental health centers; guardian ad litem programs for children
4171 under the circuit court; the school boards of the local school
4172 districts; the Florida local advocacy councils; community-based
4173 care lead agencies; private or public organizations or programs
4174 with recognized expertise in working with child abuse prevention
4175 programs for children and families; private or public
4176 organizations or programs with recognized expertise in working

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4177 with children who are sexually abused, physically abused,
4178 emotionally abused, abandoned, or neglected and with expertise
4179 in working with the families of such children; private or public
4180 programs or organizations with expertise in maternal and infant
4181 health care; multidisciplinary child protection teams; child day
4182 care centers; law enforcement agencies; and the circuit courts,
4183 when guardian ad litem programs are not available in the local
4184 area. The state plan to be provided to the Legislature and the
4185 Governor shall include, as a minimum, the information required
4186 of the various groups in paragraph (b).
4187 (9) FUNDING AND SUBSEQUENT PLANS.—
4188 (a) All budget requests submitted by the office, the
4189 department, the Department of Health, the Department of
4190 Education, the Department of Juvenile Justice, the Department of
4191 Corrections, the Agency for Persons with Disabilities, ~~the~~
4192 ~~Agency for Workforce Innovation,~~ or any other agency to the
4193 Legislature for funding of efforts for the promotion of
4194 adoption, support of adoptive families, and prevention of child
4195 abuse, abandonment, and neglect shall be based on the state plan
4196 developed pursuant to this section.
4197 Section 53. Paragraph (a) of subsection (7) of section
4198 45.031, Florida Statutes, is amended to read:
4199 45.031 Judicial sales procedure.—In any sale of real or
4200 personal property under an order or judgment, the procedures
4201 provided in this section and ss. 45.0315-45.035 may be followed
4202 as an alternative to any other sale procedure if so ordered by
4203 the court.
4204 (7) DISBURSEMENTS OF PROCEEDS.—
4205 (a) On filing a certificate of title, the clerk shall

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4206 disburse the proceeds of the sale in accordance with the order
4207 or final judgment and shall file a report of such disbursements
4208 and serve a copy of it on each party, and on the Department of
4209 Revenue if the department was named as a defendant in the action
4210 or if Jobs Florida or the former Agency for Workforce Innovation
4211 ~~or the former Department of Labor and Employment Security~~ was
4212 named as a defendant while the Department of Revenue was
4213 providing unemployment tax collection services under contract
4214 with Jobs Florida or the former Agency for Workforce Innovation
4215 through an interagency agreement pursuant to s. 443.1316.
4216 Section 54. Paragraph (a) of subsection (4) of section
4217 69.041, Florida Statutes, is amended to read:
4218 69.041 State named party; lien foreclosure, suit to quiet
4219 title.—
4220 (4)(a) The Department of Revenue has the right to
4221 participate in the disbursement of funds remaining in the
4222 registry of the court after distribution pursuant to s.
4223 45.031(7). The department shall participate in accordance with
4224 applicable procedures in any mortgage foreclosure action in
4225 which the department has a duly filed tax warrant, or interests
4226 under a lien arising from a judgment, order, or decree for
4227 support, as defined in s. 409.2554, or interest in an
4228 unemployment compensation tax lien under contract with Jobs
4229 Florida ~~the Agency for Workforce Innovation~~ through an
4230 interagency agreement pursuant to s. 443.1316, against the
4231 subject property and with the same priority, regardless of
4232 whether a default against the department, Jobs Florida, or the
4233 former Agency for Workforce Innovation, ~~or the former Department~~
4234 ~~of Labor and Employment Security~~ has been entered for failure to

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4235 file an answer or other responsive pleading.
4236 Section 55. Subsection (3) of section 112.3135, Florida
4237 Statutes, is amended to read:
4238 112.3135 Restriction on employment of relatives.—
4239 (3) An agency may prescribe regulations authorizing the
4240 temporary employment, in the event of an emergency as defined in
4241 s. 252.34~~(3)~~, of individuals whose employment would be otherwise
4242 prohibited by this section.
4243 Section 56. Paragraph (d) of subsection (2) and paragraph
4244 (f) of subsection (5) of section 119.071, Florida Statutes, are
4245 amended to read:
4246 119.071 General exemptions from inspection or copying of
4247 public records.—
4248 (2) AGENCY INVESTIGATIONS.—
4249 (d) Any information revealing surveillance techniques or
4250 procedures or personnel is exempt from s. 119.07(1) and s.
4251 24(a), Art. I of the State Constitution. Any comprehensive
4252 inventory of state and local law enforcement resources compiled
4253 pursuant to part I, chapter 23, and any comprehensive policies
4254 or plans compiled by a criminal justice agency pertaining to the
4255 mobilization, deployment, or tactical operations involved in
4256 responding to an emergency ~~emergencies~~, as defined in s.
4257 252.34~~(3)~~, are exempt from s. 119.07(1) and s. 24(a), Art. I of
4258 the State Constitution and unavailable for inspection, except by
4259 personnel authorized by a state or local law enforcement agency,
4260 the office of the Governor, the Department of Legal Affairs, the
4261 Department of Law Enforcement, or the Office of Emergency
4262 Management ~~the Department of Community Affairs~~ as having an
4263 official need for access to the inventory or comprehensive

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4264 policies or plans.
4265 (5) OTHER PERSONAL INFORMATION.—
4266 (f) Medical history records and information related to
4267 health or property insurance provided to Jobs Florida ~~the~~
4268 ~~Department of Community Affairs~~, the Florida Housing Finance
4269 Corporation, a county, a municipality, or a local housing
4270 finance agency by an applicant for or a participant in a
4271 federal, state, or local housing assistance program are
4272 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
4273 of the State Constitution. Governmental entities or their agents
4274 shall have access to such confidential and exempt records and
4275 information for the purpose of auditing federal, state, or local
4276 housing programs or housing assistance programs. Such
4277 confidential and exempt records and information may be used in
4278 any administrative or judicial proceeding, provided such records
4279 are kept confidential and exempt unless otherwise ordered by a
4280 court.
4281 Section 57. Subsection (10) of section 120.80, Florida
4282 Statutes, is amended to read:
4283 120.80 Exceptions and special requirements; agencies.—
4284 (10) JOBS FLORIDA ~~AGENCY FOR WORKFORCE INNOVATION~~.—
4285 (a) Notwithstanding s. 120.54, the rulemaking provisions of
4286 this chapter do not apply to unemployment appeals referees.
4287 (b) Notwithstanding s. 120.54(5), the uniform rules of
4288 procedure do not apply to appeal proceedings conducted under
4289 chapter 443 by the Unemployment Appeals Commission, special
4290 deputies, or unemployment appeals referees.
4291 (c) Notwithstanding s. 120.57(1)(a), hearings under chapter
4292 443 may not be conducted by an administrative law judge assigned

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4293 by the division, but instead shall be conducted by the
4294 Unemployment Appeals Commission in unemployment compensation
4295 appeals, unemployment appeals referees, and Jobs Florida ~~the~~
4296 ~~Agency for Workforce Innovation~~ or its special deputies under s.
4297 443.141.
4298 Section 58. Subsection (1) of section 125.01045, Florida
4299 Statutes, is amended to read:
4300 125.01045 Prohibition of fees for first responder
4301 services.—
4302 (1) A county may not impose a fee or seek reimbursement for
4303 any costs or expenses that may be incurred for services provided
4304 by a first responder, including costs or expenses related to
4305 personnel, supplies, motor vehicles, or equipment in response to
4306 a motor vehicle accident, except for costs to contain or clean
4307 up hazardous materials in quantities reportable to the Florida
4308 State Warning Point at the Office ~~Division~~ of Emergency
4309 Management, and costs for transportation and treatment provided
4310 by ambulance services licensed pursuant to s. 401.23(4) and (5).
4311 Section 59. Subsection (11) of section 159.803, Florida
4312 Statutes, is amended to read:
4313 159.803 Definitions.—As used in this part, the term:
4314 (11) "Florida First Business project" means any project
4315 which is certified by Jobs Florida ~~the Office of Tourism, Trade,~~
4316 ~~and Economic Development~~ as eligible to receive an allocation
4317 from the Florida First Business allocation pool established
4318 pursuant to s. 159.8083. Jobs Florida ~~The Office of Tourism,~~
4319 ~~Trade, and Economic Development~~ may certify those projects
4320 meeting the criteria set forth in s. 288.106(4)(b) or any
4321 project providing a substantial economic benefit to this state.

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4322 Section 60. Paragraph (a) of subsection (2) of section
4323 159.8081, Florida Statutes, is amended to read:
4324 159.8081 Manufacturing facility bond pool.—
4325 (2)(a) The first 75 percent of this pool shall be available
4326 on a first come, first served basis, except that 15 percent of
4327 the state volume limitation allocated to this pool shall be
4328 available as provided in paragraph (b). Before ~~Prior to~~ issuing
4329 any written confirmations for the remaining 25 percent of this
4330 pool, the director shall forward all notices of intent to issue
4331 which are received by the division for manufacturing facility
4332 projects to Jobs Florida ~~the Office of Tourism, Trade, and~~
4333 ~~Economic Development~~. Jobs Florida ~~The Office of Tourism, Trade,~~
4334 ~~and Economic Development and the Department of Community Affairs~~
4335 shall decide, after receipt of the notices of intent to issue,
4336 which notices will receive written confirmations. Such decision
4337 shall be communicated in writing by Jobs Florida ~~the Office of~~
4338 ~~Tourism, Trade, and Economic Development~~ to the director within
4339 10 days of receipt of such notices of intent to issue. Jobs
4340 Florida ~~The Office of Tourism, Trade, and Economic Development,~~
4341 ~~in consultation with the Department of Community Affairs,~~ may
4342 develop rules to ensure that allocation of the remaining 25
4343 percent is consistent with the state's economic development
4344 policy.
4345 Section 61. Section 159.8083, Florida Statutes, is amended
4346 to read:
4347 159.8083 Florida First Business allocation pool.—The
4348 Florida First Business allocation pool is hereby established.
4349 The Florida First Business allocation pool shall be available
4350 solely to provide written confirmation for private activity

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4351 bonds to finance Florida First Business projects certified by
4352 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
4353 ~~Development~~ as eligible to receive a written confirmation.
4354 Allocations from such pool shall be awarded statewide pursuant
4355 to procedures specified in s. 159.805, except that the
4356 provisions of s. 159.805(2), (3), and (6) do not apply. Florida
4357 First Business projects that are eligible for a carryforward do
4358 ~~shall~~ not lose their allocation pursuant to s. 159.809(3) on
4359 October 1, or pursuant to s. 159.809(4) on November 16, if they
4360 have applied for and have been granted a carryforward by the
4361 division pursuant to s. 159.81(1). In issuing written
4362 confirmations of allocations for Florida First Business
4363 projects, the division shall use the Florida First Business
4364 allocation pool. If allocation is not available from the Florida
4365 First Business allocation pool, the division shall issue written
4366 confirmations of allocations for Florida First Business projects
4367 pursuant to s. 159.806 or s. 159.807, in such order. For the
4368 purpose of determining priority within a regional allocation
4369 pool or the state allocation pool, notices of intent to issue
4370 bonds for Florida First Business projects to be issued from a
4371 regional allocation pool or the state allocation pool shall be
4372 considered to have been received by the division at the time it
4373 is determined by the division that the Florida First Business
4374 allocation pool is unavailable to issue confirmation for such
4375 Florida First Business project. If the total amount requested in
4376 notices of intent to issue private activity bonds for Florida
4377 First Business projects exceeds the total amount of the Florida
4378 First Business allocation pool, the director shall forward all
4379 timely notices of intent to issue, which are received by the

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4380 division for such projects, to Jobs Florida ~~the Office of~~
4381 ~~Tourism, Trade, and Economic Development~~ which shall render a
4382 decision as to which notices of intent to issue are to receive
4383 written confirmations. Jobs Florida ~~The Office of Tourism,~~
4384 ~~Trade, and Economic Development~~, in consultation with the
4385 division, shall develop rules to ensure that the allocation
4386 provided in such pool is available solely to provide written
4387 confirmations for private activity bonds to finance Florida
4388 First Business projects and that such projects are feasible and
4389 financially solvent.
4390 Section 62. Subsection (10) of section 161.54, Florida
4391 Statutes, is amended to read:
4392 161.54 Definitions.—In construing ss. 161.52-161.58:
4393 (10) "State land planning agency" means Jobs Florida ~~the~~
4394 ~~Department of Community Affairs~~.
4395 Section 63. Section 163.03, Florida Statutes, is amended to
4396 read:
4397 163.03 Commissioner of Jobs Florida ~~Secretary of Community~~
4398 ~~Affairs~~; powers and duties; function of Jobs Florida ~~Department~~
4399 ~~of Community Affairs~~ with respect to federal grant-in-aid
4400 programs.—
4401 (1) The commissioner of Jobs Florida, or his or her
4402 designee, ~~Secretary of Community Affairs~~ shall:
4403 (a) Supervise and administer the activities of Jobs Florida
4404 ~~the department~~ and shall advise the Governor, the Cabinet, and
4405 the Legislature with respect to matters affecting community
4406 affairs and local government and participate in the formulation
4407 of policies which best use ~~utilize~~ the resources of state
4408 government for the benefit of local government.

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4409 (b) Render services to local governments by assisting, upon
4410 request, in applying for and securing federal and state funds
4411 and by assisting the Executive Office of the Governor in
4412 coordinating the activities of the state with federal programs
4413 for assistance in and solution of urban problems.
4414 ~~(c) Under the direction of the Governor, administer~~
4415 ~~programs to apply rapidly all available aid to communities~~
4416 ~~stricken by an emergency as defined in s. 252.34(3) and, for~~
4417 ~~this purpose, provide liaison with federal agencies and other~~
4418 ~~public and private agencies.~~
4419 (c) ~~(d)~~ When requested, administer programs which will
4420 assist the efforts of local governments in developing mutual and
4421 cooperative solutions to their common problems.
4422 (d) ~~(e)~~ Conduct programs to encourage and promote the
4423 involvement of private enterprise in the solution of urban
4424 problems.
4425 (e) ~~(f)~~ Conduct continuing programs of analysis and
4426 evaluation of local governments and recommend to the Governor
4427 programs and changes in the powers and organization of local
4428 government as may seem necessary to strengthen local
4429 governments.
4430 (f) ~~(g)~~ Assist the Governor and the Cabinet in coordinating
4431 and making more effective the activities and services of those
4432 departments and agencies of the state which may be of service to
4433 units of local government.
4434 (g) ~~(h)~~ Provide consultative services and technical
4435 assistance to local officials in the fields of housing,
4436 redevelopment and renewal, local public improvement programs,
4437 planning and zoning, and other local programs and collect and

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4438 disseminate information pertaining thereto, including
4439 information concerning federal, state, and private assistance
4440 programs and services.
4441 (h) ~~(i)~~ Conduct research and studies, and prepare model
4442 ordinances and codes relating to the areas referred to herein.
4443 (i) ~~(j)~~ Cooperate with other state agencies in the
4444 preparation of statewide plans relating to housing,
4445 redevelopment and renewal, human resources development, local
4446 planning and zoning, transportation and traffic, and other
4447 matters relating to the purposes of this section.
4448 (j) ~~(k)~~ Accept funds from all sources to be used ~~utilized~~ in
4449 programs designed to combat juvenile crime, including the making
4450 of contributions to the National Youth Emergency Corps.
4451 (k) ~~(l)~~ Be authorized to accept and disburse funds from all
4452 sources in order to carry out the following programs:
4453 1. Advisory and informational services to local
4454 governments.
4455 2. Community development training under Title VIII of the
4456 Housing Act of 1964.
4457 3. Local planning assistance under s. 701 of the Housing
4458 Act of 1954.
4459 4. Statewide planning assistance under s. 701 of the
4460 Housing Act of 1954.
4461 5. Model cities technical assistance under s. 701 of the
4462 Housing Act of 1954.
4463 (l) ~~(m)~~ Perform such other functions, duties, or
4464 responsibilities as may be hereafter assigned to him or her by
4465 law.
4466 (2) It is the intent of this section, with respect to

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4467 federal grant-in-aid programs, that Jobs Florida ~~the department~~
4468 serve as the agency for disseminating information to local
4469 governments regarding the availability of federal grant-in-aid
4470 assistance to local governments in their efforts to secure
4471 federal grant-in-aid assistance, but only upon the request of
4472 such local governments, and for assisting local governments in
4473 maintaining liaison and communications with federal agencies
4474 concerning federal grant-in-aid programs. Nothing contained
4475 herein shall be construed to require consent, approval, or
4476 authorization from Jobs Florida ~~the department~~ as a condition to
4477 any application for or acceptance of grants-in-aid from the
4478 United States Government.
4479 (3) Jobs Florida ~~The department~~ is authorized to adopt
4480 rules implementing the following grant programs, which rules
4481 shall be consistent with the laws, regulations, or guidelines
4482 governing the grant to Jobs Florida ~~the department~~:
4483 (a) Criminal justice grant programs administered by the
4484 Bureau of Criminal Justice Assistance.
4485 (b) Grants under the federal Outer Continental Shelf
4486 Program administered by the Bureau of Land and Water Management.
4487 (c) Federal housing assistance programs.
4488 (d) Community Services Block Grant programs.
4489 (e) Federal weatherization grant programs.
4490 (f) The ~~Jobs Impact Program of the~~ federal Community
4491 Development Block Grant.
4492 Section 64. Paragraph (d) of subsection (2) and subsection
4493 (3) of section 163.3178, Florida Statutes, are amended to read:
4494 163.3178 Coastal management.—
4495 (2) Each coastal management element required by s.

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4496 163.3177(6)(g) shall be based on studies, surveys, and data; be
4497 consistent with coastal resource plans prepared and adopted
4498 pursuant to general or special law; and contain:
4499 (d) A component which outlines principles for hazard
4500 mitigation and protection of human life against the effects of
4501 natural disaster, including population evacuation, which take
4502 into consideration the capability to safely evacuate the density
4503 of coastal population proposed in the future land use plan
4504 element in the event of an impending natural disaster. The
4505 Office ~~Division~~ of Emergency Management shall manage the update
4506 of the regional hurricane evacuation studies, ensure such
4507 studies are done in a consistent manner, and ensure that the
4508 methodology used for modeling storm surge is that used by the
4509 National Hurricane Center.
4510 (3) Expansions to port harbors, spoil disposal sites,
4511 navigation channels, turning basins, harbor berths, and other
4512 related inwater harbor facilities of ports listed in s.
4513 403.021(9); port transportation facilities and projects listed
4514 in s. 311.07(3)(b); intermodal transportation facilities
4515 identified pursuant to s. 311.09(3); and facilities determined
4516 by Jobs Florida ~~the Department of Community Affairs~~ and
4517 applicable general-purpose local government to be port-related
4518 industrial or commercial projects located within 3 miles of or
4519 in a port master plan area which rely upon the use of port and
4520 intermodal transportation facilities shall not be designated as
4521 developments of regional impact if such expansions, projects, or
4522 facilities are consistent with comprehensive master plans that
4523 are in compliance with this section.
4524 Section 65. Subsection (14) of section 163.3221, Florida

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4525 Statutes, is amended to read:
4526 163.3221 Florida Local Government Development Agreement
4527 Act; definitions.—As used in ss. 163.3220-163.3243:
4528 (14) "State land planning agency" means Jobs Florida ~~the~~
4529 ~~Department of Community Affairs~~.
4530 Section 66. Subsection (10) of section 163.360, Florida
4531 Statutes, is amended to read:
4532 163.360 Community redevelopment plans.—
4533 (10) Notwithstanding any other provisions of this part, if
4534 ~~when~~ the governing body certifies that an area is in need of
4535 redevelopment or rehabilitation as a result of an emergency as
4536 defined in ~~under~~ s. 252.34~~(3)~~, with respect to which the
4537 Governor has certified the need for emergency assistance under
4538 federal law, that area may be certified as a "blighted area,"
4539 and the governing body may approve a community redevelopment
4540 plan and community redevelopment with respect to such area
4541 without regard to the provisions of this section requiring a
4542 general plan for the county or municipality and a public hearing
4543 on the community redevelopment.
4544 Section 67. Subsection (1) of section 166.0446, Florida
4545 Statutes, is amended to read:
4546 166.0446 Prohibition of fees for first responder services.—
4547 (1) A municipality may not impose a fee or seek
4548 reimbursement for any costs or expenses that may be incurred for
4549 services provided by a first responder, including costs or
4550 expenses related to personnel, supplies, motor vehicles, or
4551 equipment in response to a motor vehicle accident, except for
4552 costs to contain or clean up hazardous materials in quantities
4553 reportable to the Florida State Warning Point at the Office

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4554 ~~Division~~ of Emergency Management, and costs for transportation
4555 and treatment provided by ambulance services licensed pursuant
4556 to s. 401.23(4) and (5).
4557 Section 68. Subsection (1) of section 175.021, Florida
4558 Statutes, is amended to read:
4559 175.021 Legislative declaration.—
4560 (1) It is hereby declared by the Legislature that
4561 firefighters~~, as hereinafter defined,~~ perform state and
4562 municipal functions; that it is their duty to extinguish fires,
4563 to protect life, and to protect property at their own risk and
4564 peril; that it is their duty to prevent conflagration and to
4565 continuously instruct school personnel, public officials, and
4566 private citizens in the prevention of fires and firesafety; that
4567 they protect both life and property from local emergencies as
4568 defined in s. 252.34~~(3)~~; and that their activities are vital to
4569 the public safety. It is further declared that firefighters
4570 employed by special fire control districts serve under the same
4571 circumstances and perform the same duties as firefighters
4572 employed by municipalities and should therefore be entitled to
4573 the benefits available under this chapter. Therefore, the
4574 Legislature declares that it is a proper and legitimate state
4575 purpose to provide a uniform retirement system for the benefit
4576 of firefighters ~~as hereinafter defined~~ and intends, in
4577 implementing the provisions of s. 14, Art. X of the State
4578 Constitution as they relate to municipal and special district
4579 firefighters' pension trust fund systems and plans, that such
4580 retirement systems or plans be managed, administered, operated,
4581 and funded in such manner as to maximize the protection of the
4582 firefighters' pension trust funds. Pursuant to s. 18, Art. VII

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4583 of the State Constitution, the Legislature hereby determines and
4584 declares that ~~the provisions of~~ this act fulfill an important
4585 state interest.
4586 Section 69. Paragraph (c) of subsection (4) of section
4587 186.504, Florida Statutes, is amended to read:
4588 186.504 Regional planning councils; creation; membership.—
4589 (4) In addition to voting members appointed pursuant to
4590 paragraph (2)(c), the Governor shall appoint the following ex
4591 officio nonvoting members to each regional planning council:
4592 (c) A representative nominated by Jobs Florida ~~Enterprise~~
4593 ~~Florida, Inc., and the Office of Tourism, Trade, and Economic~~
4594 ~~Development~~.
4595
4596 The Governor may also appoint ex officio nonvoting members
4597 representing appropriate metropolitan planning organizations and
4598 regional water supply authorities.
4599 Section 70. Subsection (11) of section 186.505, Florida
4600 Statutes, is amended to read:
4601 186.505 Regional planning councils; powers and duties.—Any
4602 regional planning council created hereunder shall have the
4603 following powers:
4604 (11) To cooperate, in the exercise of its planning
4605 functions, with federal and state agencies in planning for
4606 emergency management as defined in ~~under~~ s. 252.34~~(4)~~.
4607 Section 71. Paragraph (a) of subsection (1) of section
4608 202.37, Florida Statutes, is amended to read:
4609 202.37 Special rules for administration of local
4610 communications services tax.—
4611 (1)(a) Except as otherwise provided in this section, all

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4612 statutory provisions and administrative rules applicable to the
4613 communications services tax imposed by s. 202.12 apply to any
4614 local communications services tax imposed under s. 202.19, and
4615 the department shall administer, collect, and enforce all taxes
4616 imposed under s. 202.19, including interest and penalties
4617 attributable thereto, in accordance with the same procedures
4618 used in the administration, collection, and enforcement of the
4619 communications services tax imposed by s. 202.12. Audits
4620 performed by the department shall include a determination of the
4621 dealer's compliance with the jurisdictional situsing of its
4622 customers' service addresses and a determination of whether the
4623 rate collected for the local tax pursuant to ss. 202.19 and
4624 202.20 is correct. The person or entity designated by a local
4625 government pursuant to s. 213.053(8) ~~s. 213.053(8)(v)~~ may
4626 provide evidence to the department demonstrating a specific
4627 person's failure to fully or correctly report taxable
4628 communications services sales within the jurisdiction. The
4629 department may request additional information from the designee
4630 to assist in any review. The department shall inform the
4631 designee of what action, if any, the department intends to take
4632 regarding the person.
4633 Section 72. Paragraphs (j) and (p) of subsection (5) of
4634 section 212.08, Florida Statutes, are amended to read:
4635 212.08 Sales, rental, use, consumption, distribution, and
4636 storage tax; specified exemptions.—The sale at retail, the
4637 rental, the use, the consumption, the distribution, and the
4638 storage to be used or consumed in this state of the following
4639 are hereby specifically exempt from the tax imposed by this
4640 chapter.

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4641 (5) EXEMPTIONS; ACCOUNT OF USE.—
4642 (j) *Machinery and equipment used in semiconductor, defense,*
4643 *or space technology production.*—
4644 1.a. Industrial machinery and equipment used in
4645 semiconductor technology facilities certified under subparagraph
4646 5. to manufacture, process, compound, or produce semiconductor
4647 technology products for sale or for use by these facilities are
4648 exempt from the tax imposed by this chapter. For purposes of
4649 this paragraph, industrial machinery and equipment includes
4650 molds, dies, machine tooling, other appurtenances or accessories
4651 to machinery and equipment, testing equipment, test beds,
4652 computers, and software, whether purchased or self-fabricated,
4653 and, if self-fabricated, includes materials and labor for
4654 design, fabrication, and assembly.
4655 b. Industrial machinery and equipment used in defense or
4656 space technology facilities certified under subparagraph 5. to
4657 design, manufacture, assemble, process, compound, or produce
4658 defense technology products or space technology products for
4659 sale or for use by these facilities are exempt from the tax
4660 imposed by this chapter.
4661 2. Building materials purchased for use in manufacturing or
4662 expanding clean rooms in semiconductor-manufacturing facilities
4663 are exempt from the tax imposed by this chapter.
4664 3. In addition to meeting the criteria mandated by
4665 subparagraph 1. or subparagraph 2., a business must be certified
4666 by Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
4667 ~~Development~~ in order to qualify for exemption under this
4668 paragraph.
4669 4. For items purchased tax-exempt pursuant to this

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4670 paragraph, possession of a written certification from the
4671 purchaser, certifying the purchaser's entitlement to the
4672 exemption, relieves the seller of the responsibility of
4673 collecting the tax on the sale of such items, and the department
4674 shall look solely to the purchaser for recovery of the tax if it
4675 determines that the purchaser was not entitled to the exemption.
4676 5.a. To be eligible to receive the exemption provided by
4677 subparagraph 1. or subparagraph 2., a qualifying business entity
4678 shall initially apply to the Jobs Florida Partnership ~~Enterprise~~
4679 ~~Florida~~, Inc. The original certification is valid for a period
4680 of 2 years. In lieu of submitting a new application, the
4681 original certification may be renewed biennially by submitting
4682 to Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
4683 ~~Development~~ a statement, certified under oath, that there has
4684 been no material change in the conditions or circumstances
4685 entitling the business entity to the original certification. The
4686 initial application and the certification renewal statement
4687 shall be developed by Jobs Florida ~~the Office of Tourism, Trade,~~
4688 ~~and Economic Development in consultation with Enterprise~~
4689 ~~Florida, Inc~~.
4690 b. The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
4691 shall review each submitted initial application and determine
4692 whether or not the application is complete within 5 working
4693 days. Once complete, the Jobs Florida Partnership ~~Enterprise~~
4694 ~~Florida~~, Inc., shall, within 10 working days, evaluate the
4695 application and recommend approval or disapproval to Jobs
4696 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
4697 c. Upon receipt of the initial application and
4698 recommendation from the Jobs Florida Partnership E~~nterprise~~

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4699 ~~Florida~~, Inc., or upon receipt of a certification renewal
4700 statement, Jobs Florida ~~the Office of Tourism, Trade, and~~
4701 ~~Economic Development~~ shall certify within 5 working days those
4702 applicants who are found to meet the requirements of this
4703 section and notify the applicant, the Jobs Florida Partnership
4704 ~~Enterprise Florida~~, Inc., and the department of the original
4705 certification or certification renewal. If Jobs Florida ~~the~~
4706 ~~Office of Tourism, Trade, and Economic Development~~ finds that
4707 the applicant does not meet the requirements, it shall notify
4708 the applicant and the Jobs Florida Partnership ~~Enterprise~~
4709 ~~Florida~~, Inc., within 10 working days that the application for
4710 certification has been denied and the reasons for denial. Jobs
4711 Florida ~~The Office of Tourism, Trade, and Economic Development~~
4712 has final approval authority for certification under this
4713 section.
4714 d. The initial application and certification renewal
4715 statement must indicate, for program evaluation purposes only,
4716 the average number of full-time equivalent employees at the
4717 facility over the preceding calendar year, the average wage and
4718 benefits paid to those employees over the preceding calendar
4719 year, the total investment made in real and tangible personal
4720 property over the preceding calendar year, and the total value
4721 of tax-exempt purchases and taxes exempted during the previous
4722 year. The department shall assist Jobs Florida ~~the Office of~~
4723 ~~Tourism, Trade, and Economic Development~~ in evaluating and
4724 verifying information provided in the application for exemption.
4725 e. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
4726 ~~Development~~ may use the information reported on the initial
4727 application and certification renewal statement for evaluation

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4728 purposes only.
4729 6. A business certified to receive this exemption may elect
4730 to designate one or more state universities or community
4731 colleges as recipients of up to 100 percent of the amount of the
4732 exemption. To receive these funds, the institution must agree to
4733 match the funds with equivalent cash, programs, services, or
4734 other in-kind support on a one-to-one basis for research and
4735 development projects requested by the certified business. The
4736 rights to any patents, royalties, or real or intellectual
4737 property must be vested in the business unless otherwise agreed
4738 to by the business and the university or community college.
4739 7. As used in this paragraph, the term:
4740 a. “Semiconductor technology products” means raw
4741 semiconductor wafers or semiconductor thin films that are
4742 transformed into semiconductor memory or logic wafers, including
4743 wafers containing mixed memory and logic circuits; related
4744 assembly and test operations; active-matrix flat panel displays;
4745 semiconductor chips; semiconductor lasers; optoelectronic
4746 elements; and related semiconductor technology products as
4747 determined by Jobs Florida ~~the Office of Tourism, Trade, and~~
4748 ~~Economic Development~~.
4749 b. “Clean rooms” means manufacturing facilities enclosed in
4750 a manner that meets the clean manufacturing requirements
4751 necessary for high-technology semiconductor-manufacturing
4752 environments.
4753 c. “Defense technology products” means products that have a
4754 military application, including, but not limited to, weapons,
4755 weapons systems, guidance systems, surveillance systems,
4756 communications or information systems, munitions, aircraft,

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4757 vessels, or boats, or components thereof, which are intended for
4758 military use and manufactured in performance of a contract with
4759 the United States Department of Defense or the military branch
4760 of a recognized foreign government or a subcontract thereunder
4761 which relates to matters of national defense.
4762 d. “Space technology products” means products that are
4763 specifically designed or manufactured for application in space
4764 activities, including, but not limited to, space launch
4765 vehicles, space flight vehicles, missiles, satellites or
4766 research payloads, avionics, and associated control systems and
4767 processing systems and components of any of the foregoing. The
4768 term does not include products that are designed or manufactured
4769 for general commercial aviation or other uses even though those
4770 products may also serve an incidental use in space applications.
4771 (p) *Community contribution tax credit for donations.*—
4772 1. Authorization.—Persons who are registered with the
4773 department under s. 212.18 to collect or remit sales or use tax
4774 and who make donations to eligible sponsors are eligible for tax
4775 credits against their state sales and use tax liabilities as
4776 provided in this paragraph:
4777 a. The credit shall be computed as 50 percent of the
4778 person’s approved annual community contribution.
4779 b. The credit shall be granted as a refund against state
4780 sales and use taxes reported on returns and remitted in the 12
4781 months preceding the date of application to the department for
4782 the credit as required in sub-subparagraph 3.c. If the annual
4783 credit is not fully used through such refund because of
4784 insufficient tax payments during the applicable 12-month period,
4785 the unused amount may be included in an application for a refund

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4786 made pursuant to sub-subparagraph 3.c. in subsequent years
4787 against the total tax payments made for such year. Carryover
4788 credits may be applied for a 3-year period without regard to any
4789 time limitation that would otherwise apply under s. 215.26.
4790 c. A person may not receive more than $200,000 in annual
4791 tax credits for all approved community contributions made in any
4792 one year.
4793 d. All proposals for the granting of the tax credit require
4794 the prior approval of Jobs Florida ~~the Office of Tourism, Trade,~~
4795 ~~and Economic Development~~.
4796 e. The total amount of tax credits which may be granted for
4797 all programs approved under this paragraph, s. 220.183, and s.
4798 624.5105 is $10.5 million annually for projects that provide
4799 homeownership opportunities for low-income or very-low-income
4800 households as defined in s. 420.9071(19) and (28) and $3.5
4801 million annually for all other projects.
4802 f. A person who is eligible to receive the credit provided
4803 for in this paragraph, s. 220.183, or s. 624.5105 may receive
4804 the credit only under the one section of the person's choice.
4805 2. Eligibility requirements.—
4806 a. A community contribution by a person must be in the
4807 following form:
4808 (I) Cash or other liquid assets;
4809 (II) Real property;
4810 (III) Goods or inventory; or
4811 (IV) Other physical resources as identified by Jobs Florida
4812 ~~the Office of Tourism, Trade, and Economic Development~~.
4813 b. All community contributions must be reserved exclusively
4814 for use in a project. As used in this sub-subparagraph, the term

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4815 “project” means any activity undertaken by an eligible sponsor
4816 which is designed to construct, improve, or substantially
4817 rehabilitate housing that is affordable to low-income or very-
4818 low-income households as defined in s. 420.9071(19) and (28);
4819 designed to provide commercial, industrial, or public resources
4820 and facilities; or designed to improve entrepreneurial and job-
4821 development opportunities for low-income persons. A project may
4822 be the investment necessary to increase access to high-speed
4823 broadband capability in rural communities with enterprise zones,
4824 including projects that result in improvements to communications
4825 assets that are owned by a business. A project may include the
4826 provision of museum educational programs and materials that are
4827 directly related to any project approved between January 1,
4828 1996, and December 31, 1999, and located in an enterprise zone
4829 designated pursuant to s. 290.0065. This paragraph does not
4830 preclude projects that propose to construct or rehabilitate
4831 housing for low-income or very-low-income households on
4832 scattered sites. With respect to housing, contributions may be
4833 used to pay the following eligible low-income and very-low-
4834 income housing-related activities:
4835 (I) Project development impact and management fees for low-
4836 income or very-low-income housing projects;
4837 (II) Down payment and closing costs for eligible persons,
4838 as defined in s. 420.9071(19) and (28);
4839 (III) Administrative costs, including housing counseling
4840 and marketing fees, not to exceed 10 percent of the community
4841 contribution, directly related to low-income or very-low-income
4842 projects; and
4843 (IV) Removal of liens recorded against residential property

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4844 by municipal, county, or special district local governments when
4845 satisfaction of the lien is a necessary precedent to the
4846 transfer of the property to an eligible person, as defined in s.
4847 420.9071(19) and (28), for the purpose of promoting home
4848 ownership. Contributions for lien removal must be received from
4849 a nonrelated third party.
4850 c. The project must be undertaken by an "eligible sponsor,"
4851 which includes:
4852 (I) A community action program;
4853 (II) A nonprofit community-based development organization
4854 whose mission is the provision of housing for low-income or
4855 very-low-income households or increasing entrepreneurial and
4856 job-development opportunities for low-income persons;
4857 (III) A neighborhood housing services corporation;
4858 (IV) A local housing authority created under chapter 421;
4859 (V) A community redevelopment agency created under s.
4860 163.356;
4861 (VI) The Florida Industrial Development Corporation;
4862 (VII) A historic preservation district agency or
4863 organization;
4864 (VIII) A regional workforce board;
4865 (IX) A direct-support organization as provided in s.
4866 1009.983;
4867 (X) An enterprise zone development agency created under s.
4868 290.0056;
4869 (XI) A community-based organization incorporated under
4870 chapter 617 which is recognized as educational, charitable, or
4871 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
4872 and whose bylaws and articles of incorporation include

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4873 affordable housing, economic development, or community
4874 development as the primary mission of the corporation;
4875 (XII) Units of local government;
4876 (XIII) Units of state government; or
4877 (XIV) Any other agency that Jobs Florida ~~the Office of~~
4878 ~~Tourism, Trade, and Economic Development~~ designates by rule.
4879
4880 In no event may a contributing person have a financial interest
4881 in the eligible sponsor.
4882 d. The project must be located in an area designated an
4883 enterprise zone or a Front Porch Florida Community ~~pursuant to~~
4884 ~~s. 20.18(6)~~, unless the project increases access to high-speed
4885 broadband capability for rural communities with enterprise zones
4886 but is physically located outside the designated rural zone
4887 boundaries. Any project designed to construct or rehabilitate
4888 housing for low-income or very-low-income households as defined
4889 in s. 420.9071(19) and (28) is exempt from the area requirement
4890 of this sub-subparagraph.
4891 e.(I) If, during the first 10 business days of the state
4892 fiscal year, eligible tax credit applications for projects that
4893 provide homeownership opportunities for low-income or very-low-
4894 income households as defined in s. 420.9071(19) and (28) are
4895 received for less than the annual tax credits available for
4896 those projects, Jobs Florida ~~the Office of Tourism, Trade, and~~
4897 ~~Economic Development~~ shall grant tax credits for those
4898 applications and shall grant remaining tax credits on a first-
4899 come, first-served basis for any subsequent eligible
4900 applications received before the end of the state fiscal year.
4901 If, during the first 10 business days of the state fiscal year,

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4902 eligible tax credit applications for projects that provide
4903 homeownership opportunities for low-income or very-low-income
4904 households as defined in s. 420.9071(19) and (28) are received
4905 for more than the annual tax credits available for those
4906 projects, Jobs Florida ~~the office~~ shall grant the tax credits
4907 for those applications as follows:
4908 (A) If tax credit applications submitted for approved
4909 projects of an eligible sponsor do not exceed $200,000 in total,
4910 the credits shall be granted in full if the tax credit
4911 applications are approved.
4912 (B) If tax credit applications submitted for approved
4913 projects of an eligible sponsor exceed $200,000 in total, the
4914 amount of tax credits granted pursuant to sub-sub-sub-
4915 subparagraph (A) shall be subtracted from the amount of
4916 available tax credits, and the remaining credits shall be
4917 granted to each approved tax credit application on a pro rata
4918 basis.
4919 (II) If, during the first 10 business days of the state
4920 fiscal year, eligible tax credit applications for projects other
4921 than those that provide homeownership opportunities for low-
4922 income or very-low-income households as defined in s.
4923 420.9071(19) and (28) are received for less than the annual tax
4924 credits available for those projects, Jobs Florida ~~the office~~
4925 shall grant tax credits for those applications and shall grant
4926 remaining tax credits on a first-come, first-served basis for
4927 any subsequent eligible applications received before the end of
4928 the state fiscal year. If, during the first 10 business days of
4929 the state fiscal year, eligible tax credit applications for
4930 projects other than those that provide homeownership

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4931 opportunities for low-income or very-low-income households as
4932 defined in s. 420.9071(19) and (28) are received for more than
4933 the annual tax credits available for those projects, the office
4934 shall grant the tax credits for those applications on a pro rata
4935 basis.
4936 3. Application requirements.—
4937 a. Any eligible sponsor seeking to participate in this
4938 program must submit a proposal to Jobs Florida ~~the Office of~~
4939 ~~Tourism, Trade, and Economic Development~~ which sets forth the
4940 name of the sponsor, a description of the project, and the area
4941 in which the project is located, together with such supporting
4942 information as is prescribed by rule. The proposal must also
4943 contain a resolution from the local governmental unit in which
4944 the project is located certifying that the project is consistent
4945 with local plans and regulations.
4946 b. Any person seeking to participate in this program must
4947 submit an application for tax credit to Jobs Florida ~~the office~~
4948 which sets forth the name of the sponsor, a description of the
4949 project, and the type, value, and purpose of the contribution.
4950 The sponsor shall verify the terms of the application and
4951 indicate its receipt of the contribution, which verification
4952 must be in writing and accompany the application for tax credit.
4953 The person must submit a separate tax credit application to Jobs
4954 Florida ~~the office~~ for each individual contribution that it
4955 makes to each individual project.
4956 c. Any person who has received notification from Jobs
4957 Florida ~~the office~~ that a tax credit has been approved must
4958 apply to the department to receive the refund. Application must
4959 be made on the form prescribed for claiming refunds of sales and

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4960 use taxes and be accompanied by a copy of the notification. A
4961 person may submit only one application for refund to the
4962 department within any 12-month period.
4963 4. Administration.—
4964 a. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
4965 ~~Development~~ may adopt rules pursuant to ss. 120.536(1) and
4966 120.54 necessary to administer this paragraph, including rules
4967 for the approval or disapproval of proposals by a person.
4968 b. The decision of Jobs Florida ~~the office~~ must be in
4969 writing, and, if approved, the notification shall state the
4970 maximum credit allowable to the person. Upon approval, Jobs
4971 Florida ~~the office~~ shall transmit a copy of the decision to the
4972 Department of Revenue.
4973 c. Jobs Florida ~~The office~~ shall periodically monitor all
4974 projects in a manner consistent with available resources to
4975 ensure that resources are used in accordance with this
4976 paragraph; however, each project must be reviewed at least once
4977 every 2 years.
4978 d. Jobs Florida ~~The office~~ shall, in consultation with ~~the~~
4979 ~~Department of Community Affairs and~~ the statewide and regional
4980 housing and financial intermediaries, market the availability of
4981 the community contribution tax credit program to community-based
4982 organizations.
4983 5. Expiration.—This paragraph expires June 30, 2015;
4984 however, any accrued credit carryover that is unused on that
4985 date may be used until the expiration of the 3-year carryover
4986 period for such credit.
4987 Section 73. Paragraph (d) of subsection (1) of section
4988 212.096, Florida Statutes, is amended to read:

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4989 212.096 Sales, rental, storage, use tax; enterprise zone
4990 jobs credit against sales tax.—
4991 (1) For the purposes of the credit provided in this
4992 section:
4993 (d) "Job" means a full-time position, as consistent with
4994 terms used by Jobs Florida ~~the Agency for Workforce Innovation~~
4995 and the United States Department of Labor for purposes of
4996 unemployment compensation tax administration and employment
4997 estimation resulting directly from a business operation in this
4998 state. This term may not include a temporary construction job
4999 involved with the construction of facilities or any job that has
5000 previously been included in any application for tax credits
5001 under s. 220.181(1). The term also includes employment of an
5002 employee leased from an employee leasing company licensed under
5003 chapter 468 if such employee has been continuously leased to the
5004 employer for an average of at least 36 hours per week for more
5005 than 6 months.
5006
5007 A person shall be deemed to be employed if the person performs
5008 duties in connection with the operations of the business on a
5009 regular, full-time basis, provided the person is performing such
5010 duties for an average of at least 36 hours per week each month.
5011 The person must be performing such duties at a business site
5012 located in the enterprise zone.
5013 Section 74. Paragraphs (a) and (e) of subsection (1) and
5014 subsections (6), (7), and (10) of section 212.097, Florida
5015 Statutes, are amended to read:
5016 212.097 Urban High-Crime Area Job Tax Credit Program.—
5017 (1) As used in this section, the term:

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5018 (a) “Eligible business” means any sole proprietorship,
5019 firm, partnership, or corporation that is located in a qualified
5020 county and is predominantly engaged in, or is headquarters for a
5021 business predominantly engaged in, activities usually provided
5022 for consideration by firms classified within the following
5023 standard industrial classifications: SIC 01-SIC 09 (agriculture,
5024 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-
5025 SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and
5026 storage); SIC 70 (hotels and other lodging places); SIC 7391
5027 (research and development); SIC 781 (motion picture production
5028 and allied services); SIC 7992 (public golf courses); and SIC
5029 7996 (amusement parks). A call center or similar customer
5030 service operation that services a multistate market or
5031 international market is also an eligible business. In addition,
5032 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5033 ~~Development~~ may, as part of its final budget request submitted
5034 pursuant to s. 216.023, recommend additions to or deletions from
5035 the list of standard industrial classifications used to
5036 determine an eligible business, and the Legislature may
5037 implement such recommendations. Excluded from eligible receipts
5038 are receipts from retail sales, except such receipts for SIC 52-
5039 SIC 57 and SIC 59 (retail) hotels and other lodging places
5040 classified in SIC 70, public golf courses in SIC 7992, and
5041 amusement parks in SIC 7996. For purposes of this paragraph, the
5042 term “predominantly” means that more than 50 percent of the
5043 business’s gross receipts from all sources is generated by those
5044 activities usually provided for consideration by firms in the
5045 specified standard industrial classification. The determination
5046 of whether the business is located in a qualified high-crime

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5047 area and the tier ranking of that area must be based on the date
5048 of application for the credit under this section. Commonly owned
5049 and controlled entities are to be considered a single business
5050 entity.
5051 (e) "Qualified high-crime area" means an area selected by
5052 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5053 ~~Development~~ in the following manner: every third year, Jobs
5054 Florida ~~the Office~~ shall rank and tier those areas nominated
5055 under subsection (7), according to the following prioritized
5056 criteria:
5057 1. Highest arrest rates within the geographic area for
5058 violent crime and for such other crimes as drug sale, drug
5059 possession, prostitution, vandalism, and civil disturbances;
5060 2. Highest reported crime volume and rate of specific
5061 property crimes such as business and residential burglary, motor
5062 vehicle theft, and vandalism;
5063 3. Highest percentage of reported index crimes that are
5064 violent in nature;
5065 4. Highest overall index crime volume for the area; and
5066 5. Highest overall index crime rate for the geographic
5067 area.
5068
5069 Tier-one areas are ranked 1 through 5 and represent the highest
5070 crime areas according to this ranking. Tier-two areas are ranked
5071 6 through 10 according to this ranking. Tier-three areas are
5072 ranked 11 through 15. Notwithstanding this definition,
5073 "qualified high-crime area" also means an area that has been
5074 designated as a federal Empowerment Zone pursuant to the
5075 Taxpayer Relief Act of 1997. Such a designated area is ranked in

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5076 tier three until the areas are reevaluated by Jobs Florida ~~the~~
5077 ~~Office of Tourism, Trade, and Economic Development~~.
5078 (6) Any county or municipality, or a county and one or more
5079 municipalities together, may apply to Jobs Florida ~~the Office of~~
5080 ~~Tourism, Trade, and Economic Development~~ for the designation of
5081 an area as a high-crime area after the adoption by the governing
5082 body or bodies of a resolution that:
5083 (a) Finds that a high-crime area exists in such county or
5084 municipality, or in both the county and one or more
5085 municipalities, which chronically exhibits extreme and
5086 unacceptable levels of poverty, unemployment, physical
5087 deterioration, and economic disinvestment;
5088 (b) Determines that the rehabilitation, conservation, or
5089 redevelopment, or a combination thereof, of such a high-crime
5090 area is necessary in the interest of the health, safety, and
5091 welfare of the residents of such county or municipality, or such
5092 county and one or more municipalities; and
5093 (c) Determines that the revitalization of such a high-crime
5094 area can occur if the public sector or private sector can be
5095 induced to invest its own resources in productive enterprises
5096 that build or rebuild the economic viability of the area.
5097 (7) The governing body of the entity nominating the area
5098 shall provide to Jobs Florida ~~the Office of Tourism, Trade, and~~
5099 ~~Economic Development~~ the following:
5100 (a) The overall index crime rate for the geographic area;
5101 (b) The overall index crime volume for the area;
5102 (c) The percentage of reported index crimes that are
5103 violent in nature;
5104 (d) The reported crime volume and rate of specific property

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5105 crimes such as business and residential burglary, motor vehicle
5106 theft, and vandalism; and
5107 (e) The arrest rates within the geographic area for violent
5108 crime and for such other crimes as drug sale, drug possession,
5109 prostitution, disorderly conduct, vandalism, and other public-
5110 order offenses.
5111 (10)(a) In order to claim this credit, an eligible business
5112 must file under oath with Jobs Florida ~~the Office of Tourism,~~
5113 ~~Trade, and Economic Development~~ a statement that includes the
5114 name and address of the eligible business and any other
5115 information that is required to process the application.
5116 (b) Applications shall be reviewed and certified pursuant
5117 to s. 288.061.
5118 (c) The maximum credit amount that may be approved during
5119 any calendar year is $5 million, of which $1 million shall be
5120 exclusively reserved for tier-one areas. The Department of
5121 Revenue, in conjunction with Jobs Florida ~~the Office of Tourism,~~
5122 ~~Trade, and Economic Development~~, shall notify the governing
5123 bodies in areas designated as urban high-crime areas when the $5
5124 million maximum amount has been reached. Applications must be
5125 considered for approval in the order in which they are received
5126 without regard to whether the credit is for a new or existing
5127 business. This limitation applies to the value of the credit as
5128 contained in approved applications. Approved credits may be
5129 taken in the time and manner allowed pursuant to this section.
5130 Section 75. Paragraphs (a) and (c) of subsection (1) and
5131 subsections (6) and (7), of section 212.098, Florida Statutes,
5132 are amended to read:
5133 212.098 Rural Job Tax Credit Program.—

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5134 (1) As used in this section, the term:
5135 (a) “Eligible business” means any sole proprietorship,
5136 firm, partnership, or corporation that is located in a qualified
5137 county and is predominantly engaged in, or is headquarters for a
5138 business predominantly engaged in, activities usually provided
5139 for consideration by firms classified within the following
5140 standard industrial classifications: SIC 01-SIC 09 (agriculture,
5141 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422
5142 (public warehousing and storage); SIC 70 (hotels and other
5143 lodging places); SIC 7391 (research and development); SIC 781
5144 (motion picture production and allied services); SIC 7992
5145 (public golf courses); SIC 7996 (amusement parks); and a
5146 targeted industry eligible for the qualified target industry
5147 business tax refund under s. 288.106. A call center or similar
5148 customer service operation that services a multistate market or
5149 an international market is also an eligible business. In
5150 addition, Jobs Florida ~~the Office of Tourism, Trade, and~~
5151 ~~Economic Development~~ may, as part of its final budget request
5152 submitted pursuant to s. 216.023, recommend additions to or
5153 deletions from the list of standard industrial classifications
5154 used to determine an eligible business, and the Legislature may
5155 implement such recommendations. Excluded from eligible receipts
5156 are receipts from retail sales, except such receipts for hotels
5157 and other lodging places classified in SIC 70, public golf
5158 courses in SIC 7992, and amusement parks in SIC 7996. For
5159 purposes of this paragraph, the term “predominantly” means that
5160 more than 50 percent of the business’s gross receipts from all
5161 sources is generated by those activities usually provided for
5162 consideration by firms in the specified standard industrial

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5163 classification. The determination of whether the business is
5164 located in a qualified county and the tier ranking of that
5165 county must be based on the date of application for the credit
5166 under this section. Commonly owned and controlled entities are
5167 to be considered a single business entity.
5168 (c) "Qualified area" means any area that is contained
5169 within a rural area of critical economic concern designated
5170 under s. 288.0656, a county that has a population of fewer than
5171 75,000 persons, or a county that has a population of 125,000 or
5172 less and is contiguous to a county that has a population of less
5173 than 75,000, selected in the following manner: every third year,
5174 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5175 ~~Development~~ shall rank and tier the state's counties according
5176 to the following four factors:
5177 1. Highest unemployment rate for the most recent 36-month
5178 period.
5179 2. Lowest per capita income for the most recent 36-month
5180 period.
5181 3. Highest percentage of residents whose incomes are below
5182 the poverty level, based upon the most recent data available.
5183 4. Average weekly manufacturing wage, based upon the most
5184 recent data available.
5185 (6)(a) In order to claim this credit, an eligible business
5186 must file under oath with Jobs Florida ~~the Office of Tourism,~~
5187 ~~Trade, and Economic Development~~ a statement that includes the
5188 name and address of the eligible business, the starting salary
5189 or hourly wages paid to the new employee, and any other
5190 information that the Department of Revenue requires.
5191 (b) Within 30 working days after receipt of an application

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5192 for credit, Jobs Florida ~~the Office of Tourism, Trade, and~~
5193 ~~Economic Development~~ shall review the application to determine
5194 whether it contains all the information required by this
5195 subsection and meets the criteria set out in this section.
5196 Subject to the provisions of paragraph (c), Jobs Florida ~~the~~
5197 ~~Office of Tourism, Trade, and Economic Development~~ shall approve
5198 all applications that contain the information required by this
5199 subsection and meet the criteria set out in this section as
5200 eligible to receive a credit.
5201 (c) The maximum credit amount that may be approved during
5202 any calendar year is $5 million. The Department of Revenue, in
5203 conjunction with Jobs Florida ~~the Office of Tourism, Trade, and~~
5204 ~~Economic Development~~, shall notify the governing bodies in areas
5205 designated as qualified counties when the $5 million maximum
5206 amount has been reached. Applications must be considered for
5207 approval in the order in which they are received without regard
5208 to whether the credit is for a new or existing business. This
5209 limitation applies to the value of the credit as contained in
5210 approved applications. Approved credits may be taken in the time
5211 and manner allowed pursuant to this section.
5212 (d) A business may not receive more than $500,000 of tax
5213 credits under this section during any one calendar year.
5214 (7) If the application is insufficient to support the
5215 credit authorized in this section, Jobs Florida ~~the Office of~~
5216 ~~Tourism, Trade, and Economic Development~~ shall deny the credit
5217 and notify the business of that fact. The business may reapply
5218 for this credit within 3 months after such notification.
5219 Section 76. Paragraph (d) of subsection (6) of section
5220 212.20, Florida Statutes, is amended to read:

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5221 212.20 Funds collected, disposition; additional powers of
5222 department; operational expense; refund of taxes adjudicated
5223 unconstitutionally collected.—
5224 (6) Distribution of all proceeds under this chapter and s.
5225 202.18(1)(b) and (2)(b) shall be as follows:
5226 (d) The proceeds of all other taxes and fees imposed
5227 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
5228 and (2)(b) shall be distributed as follows:
5229 1. In any fiscal year, the greater of $500 million, minus
5230 an amount equal to 4.6 percent of the proceeds of the taxes
5231 collected pursuant to chapter 201, or 5.2 percent of all other
5232 taxes and fees imposed pursuant to this chapter or remitted
5233 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
5234 monthly installments into the General Revenue Fund.
5235 2. After the distribution under subparagraph 1., 8.814
5236 percent of the amount remitted by a sales tax dealer located
5237 within a participating county pursuant to s. 218.61 shall be
5238 transferred into the Local Government Half-cent Sales Tax
5239 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
5240 transferred shall be reduced by 0.1 percent, and the department
5241 shall distribute this amount to the Public Employees Relations
5242 Commission Trust Fund less $5,000 each month, which shall be
5243 added to the amount calculated in subparagraph 3. and
5244 distributed accordingly.
5245 3. After the distribution under subparagraphs 1. and 2.,
5246 0.095 percent shall be transferred to the Local Government Half-
5247 cent Sales Tax Clearing Trust Fund and distributed pursuant to
5248 s. 218.65.
5249 4. After the distributions under subparagraphs 1., 2., and

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5250 3., 2.0440 percent of the available proceeds shall be
5251 transferred monthly to the Revenue Sharing Trust Fund for
5252 Counties pursuant to s. 218.215.
5253 5. After the distributions under subparagraphs 1., 2., and
5254 3., 1.3409 percent of the available proceeds shall be
5255 transferred monthly to the Revenue Sharing Trust Fund for
5256 Municipalities pursuant to s. 218.215. If the total revenue to
5257 be distributed pursuant to this subparagraph is at least as
5258 great as the amount due from the Revenue Sharing Trust Fund for
5259 Municipalities and the former Municipal Financial Assistance
5260 Trust Fund in state fiscal year 1999-2000, no municipality shall
5261 receive less than the amount due from the Revenue Sharing Trust
5262 Fund for Municipalities and the former Municipal Financial
5263 Assistance Trust Fund in state fiscal year 1999-2000. If the
5264 total proceeds to be distributed are less than the amount
5265 received in combination from the Revenue Sharing Trust Fund for
5266 Municipalities and the former Municipal Financial Assistance
5267 Trust Fund in state fiscal year 1999-2000, each municipality
5268 shall receive an amount proportionate to the amount it was due
5269 in state fiscal year 1999-2000.
5270 6. Of the remaining proceeds:
5271 a. In each fiscal year, the sum of $29,915,500 shall be
5272 divided into as many equal parts as there are counties in the
5273 state, and one part shall be distributed to each county. The
5274 distribution among the several counties must begin each fiscal
5275 year on or before January 5th and continue monthly for a total
5276 of 4 months. If a local or special law required that any moneys
5277 accruing to a county in fiscal year 1999-2000 under the then-
5278 existing provisions of s. 550.135 be paid directly to the

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5279 district school board, special district, or a municipal
5280 government, such payment must continue until the local or
5281 special law is amended or repealed. The state covenants with
5282 holders of bonds or other instruments of indebtedness issued by
5283 local governments, special districts, or district school boards
5284 before July 1, 2000, that it is not the intent of this
5285 subparagraph to adversely affect the rights of those holders or
5286 relieve local governments, special districts, or district school
5287 boards of the duty to meet their obligations as a result of
5288 previous pledges or assignments or trusts entered into which
5289 obligated funds received from the distribution to county
5290 governments under then-existing s. 550.135. This distribution
5291 specifically is in lieu of funds distributed under s. 550.135
5292 before July 1, 2000.
5293 b. The department shall distribute $166,667 monthly
5294 pursuant to s. 288.1162 to each applicant certified as a
5295 facility for a new or retained professional sports franchise
5296 pursuant to s. 288.1162. Up to $41,667 shall be distributed
5297 monthly by the department to each certified applicant as defined
5298 in s. 288.11621 for a facility for a spring training franchise.
5299 However, not more than $416,670 may be distributed monthly in
5300 the aggregate to all certified applicants for facilities for
5301 spring training franchises. Distributions begin 60 days after
5302 such certification and continue for not more than 30 years,
5303 except as otherwise provided in s. 288.11621. A certified
5304 applicant identified in this sub-subparagraph may not receive
5305 more in distributions than expended by the applicant for the
5306 public purposes provided for in s. 288.1162(5) or s.
5307 288.11621(3).

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5308 c. Beginning 30 days after notice by Jobs Florida ~~the~~
5309 ~~Office of Tourism, Trade, and Economic Development~~ to the
5310 Department of Revenue that an applicant has been certified as
5311 the professional golf hall of fame pursuant to s. 288.1168 and
5312 is open to the public, $166,667 shall be distributed monthly,
5313 for up to 300 months, to the applicant.
5314 d. Beginning 30 days after notice by Jobs Florida ~~the~~
5315 ~~Office of Tourism, Trade, and Economic Development~~ to the
5316 Department of Revenue that the applicant has been certified as
5317 the International Game Fish Association World Center facility
5318 pursuant to s. 288.1169, and the facility is open to the public,
5319 $83,333 shall be distributed monthly, for up to 168 months, to
5320 the applicant. This distribution is subject to reduction
5321 pursuant to s. 288.1169. A lump sum payment of $999,996 shall be
5322 made, after certification and before July 1, 2000.
5323 7. All other proceeds must remain in the General Revenue
5324 Fund.
5325 Section 77. Subsection (4), paragraph (a) of subsection
5326 (7), paragraphs (k) through (cc) of subsection (8), and
5327 subsections (19), (20), and (21) of section 213.053, Florida
5328 Statutes, as amended by chapter 2010-280, Laws of Florida, are
5329 amended, to read:
5330 213.053 Confidentiality and information sharing.—
5331 (4) The department, while providing unemployment tax
5332 collection services under contract with Jobs Florida ~~the Agency~~
5333 ~~for Workforce Innovation~~ through an interagency agreement
5334 pursuant to s. 443.1316, may release unemployment tax rate
5335 information to the agent of an employer, which agent provides
5336 payroll services for more than 100 ~~500~~ employers, pursuant to

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5337 the terms of a memorandum of understanding. The memorandum of
5338 understanding must state that the agent affirms, subject to the
5339 criminal penalties contained in ss. 443.171 and 443.1715, that
5340 the agent will retain the confidentiality of the information,
5341 that the agent has in effect a power of attorney from the
5342 employer which permits the agent to obtain unemployment tax rate
5343 information, and that the agent shall provide the department
5344 with a copy of the employer's power of attorney upon request.
5345 (7)(a) Any information received by the Department of
5346 Revenue in connection with the administration of taxes,
5347 including, but not limited to, information contained in returns,
5348 reports, accounts, or declarations filed by persons subject to
5349 tax, shall be made available to the following in performance of
5350 their official duties:
5351 1. The Auditor General or his or her authorized agent;
5352 2. The director of the Office of Program Policy Analysis
5353 and Government Accountability or his or her authorized agent;
5354 3. The Chief Financial Officer or his or her authorized
5355 agent;
5356 4. The Director of the Office of Insurance Regulation of
5357 the Financial Services Commission or his or her authorized
5358 agent;
5359 5. A property appraiser or tax collector or their
5360 authorized agents pursuant to s. 195.084(1); ~~or~~
5361 6. Designated employees of the Department of Education
5362 solely for determination of each school district's price level
5363 index pursuant to s. 1011.62(2); and
5364 7. The commissioner of Jobs Florida or his or her
5365 authorized agent.

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5366 (8) Notwithstanding any other provision of this section,
5367 the department may provide:
5368 ~~(k)1. Payment information relative to chapters 199, 201,~~
5369 ~~202, 212, 220, 221, and 624 to the Office of Tourism, Trade, and~~
5370 ~~Economic Development, or its employees or agents that are~~
5371 ~~identified in writing by the office to the department, in the~~
5372 ~~administration of the tax refund program for qualified defense~~
5373 ~~contractors and space flight business contractors authorized by~~
5374 ~~s. 288.1045 and the tax refund program for qualified target~~
5375 ~~industry businesses authorized by s. 288.106.~~
5376 ~~2. Information relative to tax credits taken by a business~~
5377 ~~under s. 220.191 and exemptions or tax refunds received by a~~
5378 ~~business under s. 212.08(5)(j) to the Office of Tourism, Trade,~~
5379 ~~and Economic Development, or its employees or agents that are~~
5380 ~~identified in writing by to the department, in the~~
5381 ~~administration and evaluation of the capital investment tax~~
5382 ~~credit program authorized in s. 220.191 and the semiconductor,~~
5383 ~~defense, and space tax exemption program authorized in s.~~
5384 ~~212.08(5)(j).~~
5385 ~~3. Information relative to tax credits taken by a taxpayer~~
5386 ~~pursuant to the tax credit programs created in ss. 193.017;~~
5387 ~~212.08(5)(g),(h),(n),(o) and (p); 212.08(15); 212.096; 212.097;~~
5388 ~~212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;~~
5389 ~~220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;~~
5390 ~~290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;~~
5391 ~~550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to~~
5392 ~~the Office of Tourism, Trade, and Economic Development, or its~~
5393 ~~employees or agents that are identified in writing by the office~~
5394 ~~to the department, for use in the administration or evaluation~~

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5395 ~~of such programs.~~
5396 (k) ~~(l)~~ Information relative to chapter 212 and the Bill of
5397 Lading Program to the Office of Agriculture Law Enforcement of
5398 the Department of Agriculture and Consumer Services in the
5399 conduct of its official duties.
5400 (l) ~~(m)~~ Information relative to chapter 198 to the Agency
5401 for Health Care Administration in the conduct of its official
5402 business relating to ss. 409.901-409.9101.
5403 (m) ~~(n)~~ Information contained in returns, reports, accounts,
5404 or declarations to the Board of Accountancy in connection with a
5405 disciplinary proceeding conducted pursuant to chapter 473 when
5406 related to a certified public accountant participating in the
5407 certified audits project, or to the court in connection with a
5408 civil proceeding brought by the department relating to a claim
5409 for recovery of taxes due to negligence on the part of a
5410 certified public accountant participating in the certified
5411 audits project. In any judicial proceeding brought by the
5412 department, upon motion for protective order, the court shall
5413 limit disclosure of tax information when necessary to effectuate
5414 the purposes of this section.
5415 (n) ~~(o)~~ Information relative to ss. 376.70 and 376.75 to the
5416 Department of Environmental Protection in the conduct of its
5417 official business and to the facility owner, facility operator,
5418 and real property owners as defined in s. 376.301.
5419 (o) ~~(p)~~ Information relative to ss. 220.1845 and 376.30781
5420 to the Department of Environmental Protection in the conduct of
5421 its official business.
5422 (p) ~~(q)~~ Names, addresses, and sales tax registration
5423 information to the Division of Consumer Services of the

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5424 Department of Agriculture and Consumer Services in the conduct
5425 of its official duties.
5426 (q) ~~(r)~~ Information relative to the returns required by ss.
5427 175.111 and 185.09 to the Department of Management Services in
5428 the conduct of its official duties. The Department of Management
5429 Services is, in turn, authorized to disclose payment information
5430 to a governmental agency or the agency's agent for purposes
5431 related to budget preparation, auditing, revenue or financial
5432 administration, or administration of chapters 175 and 185.
5433 (r) ~~(s)~~ Names, addresses, and federal employer
5434 identification numbers, or similar identifiers, to the
5435 Department of Highway Safety and Motor Vehicles for use in the
5436 conduct of its official duties.
5437 (s) ~~(t)~~ Information relative to the tax exemptions under ss.
5438 212.031, 212.06, and 212.08 for those persons qualified under s.
5439 288.1258 to the Office of Film and Entertainment. The Department
5440 of Revenue shall provide the Office of Film and Entertainment
5441 with information in the aggregate.
5442 (t) ~~(u)~~ Information relative to ss. 211.0251, 212.1831,
5443 220.1875, 561.1211, 624.51055, and 1002.395 to the Department of
5444 Education and the Division of Alcoholic Beverages and Tobacco in
5445 the conduct of official business.
5446 (u) ~~(v)~~ Information relative to chapter 202 to each local
5447 government that imposes a tax pursuant to s. 202.19 in the
5448 conduct of its official duties as specified in chapter 202.
5449 Information provided under this paragraph may include, but is
5450 not limited to, any reports required pursuant to s. 202.231,
5451 audit files, notices of intent to audit, tax returns, and other
5452 confidential tax information in the department's possession

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5453 relating to chapter 202. A person or an entity designated by the
5454 local government in writing to the department as requiring
5455 access to confidential taxpayer information shall have
5456 reasonable access to information provided pursuant to this
5457 paragraph. Such person or entity may disclose such information
5458 to other persons or entities with direct responsibility for
5459 budget preparation, auditing, revenue or financial
5460 administration, or legal counsel. Such information shall only be
5461 used for purposes related to budget preparation, auditing, and
5462 revenue and financial administration. Any confidential and
5463 exempt information furnished to a local government, or to any
5464 person or entity designated by the local government as
5465 authorized by this paragraph may not be further disclosed by the
5466 recipient except as provided by this paragraph.
5467 ~~(w) Tax registration information to the Agency for~~
5468 ~~Workforce Innovation for use in the conduct of its official~~
5469 ~~duties, which information may not be redisclosed by the Agency~~
5470 ~~for Workforce Innovation.~~
5471 (v)~~(x)~~ Rental car surcharge revenues authorized by s.
5472 212.0606, reported according to the county to which the
5473 surcharge was attributed to the Department of Transportation.
5474 (w)~~(y)~~ Information relative to ss. 212.08(7)(ccc) and
5475 220.192 to the Florida Energy and Climate Commission for use in
5476 the conduct of its official business.
5477 (x)~~(z)~~ Taxpayer names and identification numbers for the
5478 purposes of information-sharing agreements with financial
5479 institutions pursuant to s. 213.0532.
5480 (y)~~(aa)~~ Information relative to chapter 212 to the
5481 Department of Environmental Protection in the conduct of its

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5482 official duties in the administration of s. 253.03(7)(b) and
5483 (11).
5484 ~~(bb) Information relative to tax credits taken under s.~~
5485 ~~288.1254 to the Office of Film and Entertainment and the Office~~
5486 ~~of Tourism, Trade, and Economic Development.~~
5487 (z) ~~(cc)~~ Information relative to ss. 253.03(8) and 253.0325
5488 to the Department of Environmental Protection in the conduct of
5489 its official business.
5490
5491 Disclosure of information under this subsection shall be
5492 pursuant to a written agreement between the executive director
5493 and the agency. Such agencies, governmental or nongovernmental,
5494 shall be bound by the same requirements of confidentiality as
5495 the Department of Revenue. Breach of confidentiality is a
5496 misdemeanor of the first degree, punishable as provided by s.
5497 775.082 or s. 775.083.
5498 ~~(19) The department may disclose information relative to~~
5499 ~~tax credits taken by a taxpayer pursuant to s. 288.9916 to the~~
5500 ~~Office of Tourism, Trade, and Economic Development or its~~
5501 ~~employees or agents. Such employees must be identified in~~
5502 ~~writing by the office to the department. All information~~
5503 ~~disclosed under this subsection is subject to the same~~
5504 ~~requirements of confidentiality and the same penalties for~~
5505 ~~violation of the requirements as the department.~~
5506 (19) ~~(20)~~ (a) The department may publish a list of taxpayers
5507 against whom the department has filed a warrant, notice of lien,
5508 or judgment lien certificate. The list may include the name and
5509 address of each taxpayer; the amounts and types of delinquent
5510 taxes, fees, or surcharges, penalties, or interest; and the

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5511 employer identification number or other taxpayer identification
5512 number.
5513 (b) The department shall update the list at least monthly
5514 to reflect payments for resolution of deficiencies and to
5515 otherwise add or remove taxpayers from the list.
5516 (c) The department may adopt rules to administer this
5517 subsection.
5518 (20) ~~(21)~~ The department may disclose information relating
5519 to taxpayers against whom the department has filed a warrant,
5520 notice of lien, or judgment lien certificate. Such information
5521 includes the name and address of the taxpayer, the actions
5522 taken, the amounts and types of liabilities, and the amount of
5523 any collections made.
5524 Section 78. Paragraph (j) of subsection (4) of section
5525 215.5586, Florida Statutes, is amended to read:
5526 215.5586 My Safe Florida Home Program.—There is established
5527 within the Department of Financial Services the My Safe Florida
5528 Home Program. The department shall provide fiscal
5529 accountability, contract management, and strategic leadership
5530 for the program, consistent with this section. This section does
5531 not create an entitlement for property owners or obligate the
5532 state in any way to fund the inspection or retrofitting of
5533 residential property in this state. Implementation of this
5534 program is subject to annual legislative appropriations. It is
5535 the intent of the Legislature that the My Safe Florida Home
5536 Program provide trained and certified inspectors to perform
5537 inspections for owners of site-built, single-family, residential
5538 properties and grants to eligible applicants as funding allows.
5539 The program shall develop and implement a comprehensive and

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5540 coordinated approach for hurricane damage mitigation that may
5541 include the following:
5542 (4) ADVISORY COUNCIL.—There is created an advisory council
5543 to provide advice and assistance to the department regarding
5544 administration of the program. The advisory council shall
5545 consist of:
5546 (j) The director of the Office ~~Florida Division~~ of
5547 Emergency Management.
5548
5549 Members appointed under paragraphs (a)-(d) shall serve at the
5550 pleasure of the Financial Services Commission. Members appointed
5551 under paragraphs (e) and (f) shall serve at the pleasure of the
5552 appointing officer. All other members shall serve as voting ex
5553 officio members. Members of the advisory council shall serve
5554 without compensation but may receive reimbursement as provided
5555 in s. 112.061 for per diem and travel expenses incurred in the
5556 performance of their official duties.
5557 Section 79. Paragraph (b) of subsection (8) of section
5558 216.136, Florida Statutes, is amended to read:
5559 216.136 Consensus estimating conferences; duties and
5560 principals.—
5561 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—
5562 (b) The Department of Education ~~Agency for Workforce~~
5563 ~~Innovation~~ shall provide information on needs and waiting lists
5564 for school readiness programs, and information on the needs for
5565 the Voluntary Prekindergarten Education Program, as requested by
5566 the Early Learning Programs Estimating Conference or individual
5567 conference principals in a timely manner.
5568 Section 80. Paragraph (a) of subsection (6) of section

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5569 216.292, Florida Statutes, is amended to read:
5570 216.292 Appropriations nontransferable; exceptions.—
5571 (6) The Chief Financial Officer shall transfer from any
5572 available funds of an agency or the judicial branch the
5573 following amounts and shall report all such transfers and the
5574 reasons therefor to the legislative appropriations committees
5575 and the Executive Office of the Governor:
5576 (a) The amount due to the Unemployment Compensation Trust
5577 Fund which is more than 90 days delinquent on reimbursements due
5578 to the Unemployment Compensation Trust Fund. The amount
5579 transferred shall be that certified by the state agency
5580 providing unemployment tax collection services under contract
5581 with Jobs Florida ~~the Agency for Workforce Innovation~~ through an
5582 interagency agreement pursuant to s. 443.1316.
5583 Section 81. Subsection (1) of section 216.231, Florida
5584 Statutes, is amended to read:
5585 216.231 Release of certain classified appropriations.—
5586 (1)(a) Any appropriation to the Executive Office of the
5587 Governor which is classified as an "emergency," as defined in s.
5588 252.34~~(3)~~, may be released only with the approval of the
5589 Governor. The state agency, or the judicial branch, desiring the
5590 use of the emergency appropriation shall submit to the Executive
5591 Office of the Governor application ~~therefor~~ in writing setting
5592 forth the facts from which the alleged need arises. The
5593 Executive Office of the Governor shall, at a public hearing,
5594 review such application promptly and approve or disapprove the
5595 applications as the circumstances may warrant. All actions of
5596 the Executive Office of the Governor shall be reported to the
5597 legislative appropriations committees, and the committees may

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5598 advise the Executive Office of the Governor relative to the
5599 release of such funds.
5600 (b) The release of appropriated funds classified as
5601 “emergency” shall be approved only if ~~when~~ an act or
5602 circumstance caused by an act of God, civil disturbance, natural
5603 disaster, or other circumstance of an emergency nature
5604 threatens, endangers, or damages the property, safety, health,
5605 or welfare of the state or its residents ~~citizens~~, which
5606 condition has not been provided for in appropriation acts of the
5607 Legislature. Funds allocated for this purpose may be used to pay
5608 overtime pay to personnel of agencies called upon to perform
5609 extra duty because of any civil disturbance or other emergency
5610 as defined in s. 252.34~~(3)~~ and to provide the required state
5611 match for federal grants under the federal Disaster Relief Act.
5612 Section 82. Paragraph (a) of subsection (3) of section
5613 218.64, Florida Statutes, is amended to read:
5614 218.64 Local government half-cent sales tax; uses;
5615 limitations.—
5616 (3) Subject to ordinances enacted by the majority of the
5617 members of the county governing authority and by the majority of
5618 the members of the governing authorities of municipalities
5619 representing at least 50 percent of the municipal population of
5620 such county, counties may use up to $2 million annually of the
5621 local government half-cent sales tax allocated to that county
5622 for funding for any of the following applicants:
5623 (a) A certified applicant as a facility for a new or
5624 retained professional sports franchise under s. 288.1162 or a
5625 certified applicant as defined in s. 288.11621 for a facility
5626 for a spring training franchise. It is the Legislature’s intent

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5627 that the provisions of s. 288.1162, including, but not limited
5628 to, the evaluation process ~~by the Office of Tourism, Trade, and~~
5629 ~~Economic Development~~ except for the limitation on the number of
5630 certified applicants or facilities as provided in that section
5631 and the restrictions set forth in s. 288.1162(8), shall apply to
5632 an applicant's facility to be funded by local government as
5633 provided in this subsection.
5634 Section 83. Paragraph (ff) of subsection (1) of section
5635 220.03, Florida Statutes, is amended to read:
5636 220.03 Definitions.—
5637 (1) SPECIFIC TERMS.—When used in this code, and when not
5638 otherwise distinctly expressed or manifestly incompatible with
5639 the intent thereof, the following terms shall have the following
5640 meanings:
5641 (ff) "Job" means a full-time position, as consistent with
5642 terms used by Jobs Florida ~~the Agency for Workforce Innovation~~
5643 and the United States Department of Labor for purposes of
5644 unemployment compensation tax administration and employment
5645 estimation resulting directly from business operations in this
5646 state. The term may not include a temporary construction job
5647 involved with the construction of facilities or any job that has
5648 previously been included in any application for tax credits
5649 under s. 212.096. The term also includes employment of an
5650 employee leased from an employee leasing company licensed under
5651 chapter 468 if the employee has been continuously leased to the
5652 employer for an average of at least 36 hours per week for more
5653 than 6 months.
5654 Section 84. Paragraph (d) of subsection (1), paragraphs
5655 (b), (c), and (d) of subsection (2), and subsections (3), and

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5656 (4) of section 220.183, Florida Statutes, are amended to read:
5657 220.183 Community contribution tax credit.—
5658 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
5659 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
5660 SPENDING.—
5661 (d) All proposals for the granting of the tax credit shall
5662 require the prior approval of Jobs Florida ~~the Office of~~
5663 ~~Tourism, Trade, and Economic Development~~.
5664 (2) ELIGIBILITY REQUIREMENTS.—
5665 (b)1. All community contributions must be reserved
5666 exclusively for use in projects as defined in s. 220.03(1)(t).
5667 2. If, during the first 10 business days of the state
5668 fiscal year, eligible tax credit applications for projects that
5669 provide homeownership opportunities for low-income or very-low-
5670 income households as defined in s. 420.9071(19) and (28) are
5671 received for less than the annual tax credits available for
5672 those projects, Jobs Florida ~~the Office of Tourism, Trade, and~~
5673 ~~Economic Development~~ shall grant tax credits for those
5674 applications and shall grant remaining tax credits on a first-
5675 come, first-served basis for any subsequent eligible
5676 applications received before the end of the state fiscal year.
5677 If, during the first 10 business days of the state fiscal year,
5678 eligible tax credit applications for projects that provide
5679 homeownership opportunities for low-income or very-low-income
5680 households as defined in s. 420.9071(19) and (28) are received
5681 for more than the annual tax credits available for those
5682 projects, the office shall grant the tax credits for those
5683 applications as follows:
5684 a. If tax credit applications submitted for approved

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5685 projects of an eligible sponsor do not exceed $200,000 in total,
5686 the credit shall be granted in full if the tax credit
5687 applications are approved.
5688 b. If tax credit applications submitted for approved
5689 projects of an eligible sponsor exceed $200,000 in total, the
5690 amount of tax credits granted under sub-subparagraph a. shall be
5691 subtracted from the amount of available tax credits, and the
5692 remaining credits shall be granted to each approved tax credit
5693 application on a pro rata basis.
5694 3. If, during the first 10 business days of the state
5695 fiscal year, eligible tax credit applications for projects other
5696 than those that provide homeownership opportunities for low-
5697 income or very-low-income households as defined in s.
5698 420.9071(19) and (28) are received for less than the annual tax
5699 credits available for those projects, the office shall grant tax
5700 credits for those applications and shall grant remaining tax
5701 credits on a first-come, first-served basis for any subsequent
5702 eligible applications received before the end of the state
5703 fiscal year. If, during the first 10 business days of the state
5704 fiscal year, eligible tax credit applications for projects other
5705 than those that provide homeownership opportunities for low-
5706 income or very-low-income households as defined in s.
5707 420.9071(19) and (28) are received for more than the annual tax
5708 credits available for those projects, the office shall grant the
5709 tax credits for those applications on a pro rata basis.
5710 (c) The project must be undertaken by an “eligible
5711 sponsor,” defined here as:
5712 1. A community action program;
5713 2. A nonprofit community-based development organization

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5714 whose mission is the provision of housing for low-income or
5715 very-low-income households or increasing entrepreneurial and
5716 job-development opportunities for low-income persons;
5717 3. A neighborhood housing services corporation;
5718 4. A local housing authority, created pursuant to chapter
5719 421;
5720 5. A community redevelopment agency, created pursuant to s.
5721 163.356;
5722 6. The Florida Industrial Development Corporation;
5723 7. An historic preservation district agency or
5724 organization;
5725 8. A regional workforce board;
5726 9. A direct-support organization as provided in s.
5727 1009.983;
5728 10. An enterprise zone development agency created pursuant
5729 to s. 290.0056;
5730 11. A community-based organization incorporated under
5731 chapter 617 which is recognized as educational, charitable, or
5732 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
5733 and whose bylaws and articles of incorporation include
5734 affordable housing, economic development, or community
5735 development as the primary mission of the corporation;
5736 12. Units of local government;
5737 13. Units of state government; or
5738 14. Such other agency as Jobs Florida ~~the Office of~~
5739 ~~Tourism, Trade, and Economic Development~~ may, from time to time,
5740 designate by rule.
5741
5742 In no event shall a contributing business firm have a financial

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5743 interest in the eligible sponsor.
5744 (d) The project shall be located in an area designated as
5745 an enterprise zone or a Front Porch Florida Community ~~pursuant~~
5746 ~~to s. 20.18(6)~~. Any project designed to construct or
5747 rehabilitate housing for low-income or very-low-income
5748 households as defined in s. 420.9071(19) and (28) is exempt from
5749 the area requirement of this paragraph. This section does not
5750 preclude projects that propose to construct or rehabilitate
5751 housing for low-income or very-low-income households on
5752 scattered sites. Any project designed to provide increased
5753 access to high-speed broadband capabilities which includes
5754 coverage of a rural enterprise zone may locate the project's
5755 infrastructure in any area of a rural county.
5756 (3) APPLICATION REQUIREMENTS.—
5757 (a) Any eligible sponsor wishing to participate in this
5758 program must submit a proposal to Jobs Florida ~~the Office of~~
5759 ~~Tourism, Trade, and Economic Development~~ which sets forth the
5760 sponsor, the project, the area in which the project is located,
5761 and such supporting information as may be prescribed by rule.
5762 The proposal shall also contain a resolution from the local
5763 governmental unit in which it is located certifying that the
5764 project is consistent with local plans and regulations.
5765 (b) Any business wishing to participate in this program
5766 must submit an application for tax credit to Jobs Florida ~~the~~
5767 ~~Office of Tourism, Trade, and Economic Development~~, which
5768 application sets forth the sponsor; the project; and the type,
5769 value, and purpose of the contribution. The sponsor shall verify
5770 the terms of the application and indicate its receipt of the
5771 contribution, which verification must be in writing and

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5772 accompany the application for tax credit.
5773 (c) The business firm must submit a separate application
5774 for tax credit for each individual contribution that it makes to
5775 each individual project.
5776 (4) ADMINISTRATION.—
5777 (a) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
5778 ~~Development~~ has authority to adopt rules pursuant to ss.
5779 120.536(1) and 120.54 to implement the provisions of this
5780 section, including rules for the approval or disapproval of
5781 proposals by business firms.
5782 (b) The decision of Jobs Florida ~~the Office of Tourism,~~
5783 ~~Trade, and Economic Development~~ shall be in writing, and, if
5784 approved, the notification must state the maximum credit
5785 allowable to the business firm. A copy of the decision shall be
5786 transmitted to the executive director of the Department of
5787 Revenue, who shall apply such credit to the tax liability of the
5788 business firm.
5789 (c) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
5790 ~~Development~~ shall periodically monitor all projects in a manner
5791 consistent with available resources to ensure that resources are
5792 utilized in accordance with this section; however, each project
5793 shall be reviewed no less often than once every 2 years.
5794 (d) The Department of Revenue has authority to adopt rules
5795 pursuant to ss. 120.536(1) and 120.54 to implement the
5796 provisions of this section.
5797 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
5798 ~~Development~~ shall, in consultation with ~~the Department of~~
5799 ~~Community Affairs,~~ the Florida Housing Finance Corporation~~,~~ and
5800 the statewide and regional housing and financial intermediaries,

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5801 market the availability of the community contribution tax credit
5802 program to community-based organizations.
5803 Section 85. Paragraphs (e), (f), (g), and (h) of subsection
5804 (1) and subsections (5) and (6) of section 220.191, Florida
5805 Statutes, are amended to read:
5806 220.191 Capital investment tax credit.—
5807 (1) DEFINITIONS.—For purposes of this section:
5808 (e) "Jobs" means full-time equivalent positions, as that
5809 term is consistent with terms used by Jobs Florida ~~the Agency~~
5810 ~~for Workforce Innovation~~ and the United States Department of
5811 Labor for purposes of unemployment tax administration and
5812 employment estimation, resulting directly from a project in this
5813 state. The term does not include temporary construction jobs
5814 involved in the construction of the project facility.
5815 ~~(f) "Office" means the Office of Tourism, Trade, and~~
5816 ~~Economic Development.~~
5817 (f)~~(g)~~ "Qualifying business" means a business which
5818 establishes a qualifying project in this state and which is
5819 certified by Jobs Florida ~~the office~~ to receive tax credits
5820 pursuant to this section.
5821 (g)~~(h)~~ "Qualifying project" means:
5822 1. A new or expanding facility in this state which creates
5823 at least 100 new jobs in this state and is in one of the high-
5824 impact sectors identified by the Jobs Florida Partnership
5825 ~~Enterprise Florida~~, Inc., and certified by Jobs Florida ~~the~~
5826 ~~office~~ pursuant to s. 288.108(6), including, but not limited to,
5827 aviation, aerospace, automotive, and silicon technology
5828 industries;
5829 2. A new or expanded facility in this state which is

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5830 engaged in a target industry designated pursuant to the
5831 procedure specified in s. 288.106(2) ~~s. 288.106(2)(t)~~ and which
5832 is induced by this credit to create or retain at least 1,000
5833 jobs in this state, provided that at least 100 of those jobs are
5834 new, pay an annual average wage of at least 130 percent of the
5835 average private sector wage in the area as defined in s.
5836 288.106(2), and make a cumulative capital investment of at least
5837 $100 million after July 1, 2005. Jobs may be considered retained
5838 only if there is significant evidence that the loss of jobs is
5839 imminent. Notwithstanding subsection (2), annual credits against
5840 the tax imposed by this chapter shall not exceed 50 percent of
5841 the increased annual corporate income tax liability or the
5842 premium tax liability generated by or arising out of a project
5843 qualifying under this subparagraph. A facility that qualifies
5844 under this subparagraph for an annual credit against the tax
5845 imposed by this chapter may take the tax credit for a period not
5846 to exceed 5 years; or
5847 3. A new or expanded headquarters facility in this state
5848 which locates in an enterprise zone and brownfield area and is
5849 induced by this credit to create at least 1,500 jobs which on
5850 average pay at least 200 percent of the statewide average annual
5851 private sector wage, as published by Jobs Florida ~~the Agency for~~
5852 ~~Workforce Innovation or its successor~~, and which new or expanded
5853 headquarters facility makes a cumulative capital investment in
5854 this state of at least $250 million.
5855 (5) Applications shall be reviewed and certified pursuant
5856 to s. 288.061. Jobs Florida ~~The office~~, upon a recommendation by
5857 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., shall
5858 first certify a business as eligible to receive tax credits

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5859 pursuant to this section prior to the commencement of operations
5860 of a qualifying project, and such certification shall be
5861 transmitted to the Department of Revenue. Upon receipt of the
5862 certification, the Department of Revenue shall enter into a
5863 written agreement with the qualifying business specifying, at a
5864 minimum, the method by which income generated by or arising out
5865 of the qualifying project will be determined.
5866 (6) Jobs Florida ~~The office~~, in consultation with the Jobs
5867 Florida Partnership ~~Enterprise Florida~~, Inc., is authorized to
5868 develop the necessary guidelines and application materials for
5869 the certification process described in subsection (5).
5870 Section 86. Subsection (2) of section 222.15, Florida
5871 Statutes, is amended to read:
5872 222.15 Wages or unemployment compensation payments due
5873 deceased employee may be paid spouse or certain relatives.—
5874 (2) It is also lawful for Jobs Florida ~~the Agency for~~
5875 ~~Workforce Innovation~~, in case of death of any unemployed
5876 individual, to pay to those persons referred to in subsection
5877 (1) any unemployment compensation payments that may be due to
5878 the individual at the time of his or her death.
5879 Section 87. Subsections (3) and (4) of section 250.06,
5880 Florida Statutes, are amended to read:
5881 250.06 Commander in chief.—
5882 (3) The Governor may, in order to preserve the public
5883 peace, execute the laws of the state, suppress insurrection,
5884 repel invasion, respond to an emergency as defined in s.
5885 252.34~~(3)~~ or imminent danger thereof, or, in case of the calling
5886 of all or any portion of the militia of this state ~~Florida~~ into
5887 the services of the United States, may increase the Florida

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5888 National Guard and organize it in accordance with rules and
5889 regulations governing the Armed Forces of the United States.
5890 Such organization and increase may be pursuant to or in advance
5891 of any call made by the President of the United States. If the
5892 Florida National Guard is activated into service of the United
5893 States, another organization may not be designated as the
5894 Florida National Guard.
5895 (4) The Governor may, in order to preserve the public
5896 peace, execute the laws of the state, enhance domestic security,
5897 respond to terrorist threats or attacks, respond to an emergency
5898 as defined in s. 252.34~~(3)~~ or imminent danger thereof, or
5899 respond to any need for emergency aid to civil authorities as
5900 specified in s. 250.28, order into state active duty all or any
5901 part of the militia which he or she deems proper.
5902 Section 88. Paragraphs (a) and (b) of subsection (1) of
5903 section 252.32, Florida Statutes, are amended to read:
5904 252.32 Policy and purpose.—
5905 (1) Because of the existing and continuing possibility of
5906 the occurrence of emergencies and disasters resulting from
5907 natural, technological, or manmade causes; in order to ensure
5908 that preparations of this state will be adequate to deal with,
5909 reduce vulnerability to, and recover from such emergencies and
5910 disasters; to provide for the common defense and to protect the
5911 public peace, health, and safety; and to preserve the lives and
5912 property of the people of the state, it is hereby found and
5913 declared to be necessary:
5914 (a) To create a state emergency management agency to be
5915 known as the "Office ~~Division~~ of Emergency Management," to
5916 authorize the creation of local organizations for emergency

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5917 management in the political subdivisions of the state, and to
5918 authorize cooperation with the Federal Government and the
5919 governments of other states.
5920 (b) To confer upon the Governor, the Office ~~Division~~ of
5921 Emergency Management, and the governing body of each political
5922 subdivision of the state the emergency powers provided herein.
5923 Section 89. Section 252.34, Florida Statutes, is amended to
5924 read:
5925 252.34 Definitions.—As used in this part ~~ss. 252.31-252.60~~,
5926 the term:
5927 (1) "Disaster" means any natural, technological, or civil
5928 emergency that causes damage of sufficient severity and
5929 magnitude to result in a declaration of a state of emergency by
5930 a county, the Governor, or the President of the United States.
5931 Disasters are ~~shall be~~ identified by the severity of resulting
5932 damage, as follows:
5933 (a) "Catastrophic disaster" means a disaster that will
5934 require massive state and federal assistance, including
5935 immediate military involvement.
5936 (b) "Major disaster" means a disaster that will likely
5937 exceed local capabilities and require a broad range of state and
5938 federal assistance.
5939 (c) "Minor disaster" means a disaster that is likely to be
5940 within the response capabilities of local government and to
5941 result in only a minimal need for state or federal assistance.
5942 ~~(2) "Division" means the Division of Emergency Management~~
5943 ~~of the Department of Community Affairs, or the successor to that~~
5944 ~~division.~~
5945 (2)~~(3)~~ "Emergency" means any occurrence, or threat thereof,

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5946 whether natural, technological, or manmade, in war or in peace,
5947 which results or may result in substantial injury or harm to the
5948 population or substantial damage to or loss of property.
5949 (3) ~~(4)~~ "Emergency management" means the preparation for,
5950 the mitigation of, the response to, and the recovery from
5951 emergencies and disasters. Specific emergency management
5952 responsibilities include, but are not limited to:
5953 (a) Reduction of vulnerability of people and communities of
5954 this state to damage, injury, and loss of life and property
5955 resulting from natural, technological, or manmade emergencies or
5956 hostile military or paramilitary action.
5957 (b) Preparation for prompt and efficient response and
5958 recovery to protect lives and property affected by emergencies.
5959 (c) Response to emergencies using all systems, plans, and
5960 resources necessary to preserve adequately the health, safety,
5961 and welfare of persons or property affected by the emergency.
5962 (d) Recovery from emergencies by providing for the rapid
5963 and orderly start of restoration and rehabilitation of persons
5964 and property affected by emergencies.
5965 (e) Provision of an emergency management system embodying
5966 all aspects of preemergency preparedness and postemergency
5967 response, recovery, and mitigation.
5968 (f) Assistance in anticipation, recognition, appraisal,
5969 prevention, and mitigation of emergencies which may be caused or
5970 aggravated by inadequate planning for, and regulation of, public
5971 and private facilities and land use.
5972 (4) ~~(5)~~ "Local emergency management agency" means an
5973 organization created in accordance with ~~the provisions of~~ ss.
5974 252.31-252.90 to discharge the emergency management

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5975 responsibilities and functions of a political subdivision.
5976 (5) ~~(6)~~ "Manmade emergency" means an emergency caused by an
5977 action against persons or society, including, but not limited
5978 to, enemy attack, sabotage, terrorism, civil unrest, or other
5979 action impairing the orderly administration of government.
5980 (6) ~~(7)~~ "Natural emergency" means an emergency caused by a
5981 natural event, including, but not limited to, a hurricane, a
5982 storm, a flood, severe wave action, a drought, or an earthquake.
5983 (7) "Office" means the Office of Emergency Management
5984 within the Executive Office of the Governor, or the successor to
5985 that office.
5986 (8) "Political subdivision" means any county or
5987 municipality created pursuant to law.
5988 (9) "Technological emergency" means an emergency caused by
5989 a technological failure or accident, including, but not limited
5990 to, an explosion, transportation accident, radiological
5991 accident, or chemical or other hazardous material incident.
5992 Section 90. Section 252.35, Florida Statutes, is amended to
5993 read:
5994 252.35 Emergency management powers~~; Division of Emergency~~
5995 ~~Management.~~
5996 (1) The office ~~division~~ is responsible for maintaining a
5997 comprehensive statewide program of emergency management and for
5998 coordinating the~~. The division is responsible for coordination~~
5999 ~~with~~ efforts of the Federal Government with other departments
6000 and agencies of state government, with county and municipal
6001 governments and school boards, and with private agencies that
6002 have a role in emergency management.
6003 (2) The office ~~division~~ is responsible for carrying out the

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6004 provisions of ss. 252.31-252.90. In performing its duties ~~under~~
6005 ~~ss. 252.31-252.90~~, the office ~~division~~ shall:
6006 (a) Prepare a state comprehensive emergency management
6007 plan, which shall be integrated into and coordinated with the
6008 emergency management plans and programs of the Federal
6009 Government. The office ~~division~~ must adopt the plan as a rule in
6010 accordance with chapter 120. The plan shall be implemented by a
6011 continuous, integrated comprehensive emergency management
6012 program. The plan must contain provisions to ensure that the
6013 state is prepared for emergencies and minor, major, and
6014 catastrophic disasters, and the office ~~division~~ shall work
6015 closely with local governments and agencies and organizations
6016 with emergency management responsibilities in preparing and
6017 maintaining the plan. The state comprehensive emergency
6018 management plan must ~~shall~~ be operations oriented and:
6019 1. Include an evacuation component that includes specific
6020 regional and interregional planning provisions and promotes
6021 intergovernmental coordination of evacuation activities. This
6022 component must, at a minimum: contain guidelines for lifting
6023 tolls on state highways; ensure coordination pertaining to
6024 evacuees crossing county lines; set forth procedures for
6025 directing people caught on evacuation routes to safe shelter;
6026 establish strategies for ensuring sufficient, reasonably priced
6027 fueling locations along evacuation routes; and establish
6028 policies and strategies for emergency medical evacuations.
6029 2. Include a shelter component that includes specific
6030 regional and interregional planning provisions and promotes
6031 coordination of shelter activities between the public, private,
6032 and nonprofit sectors. This component must, at a minimum:

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6033 contain strategies to ensure the availability of adequate public
6034 shelter space in each region of the state; establish strategies
6035 for refuge-of-last-resort programs; provide strategies to assist
6036 local emergency management efforts to ensure that adequate
6037 staffing plans exist for all shelters, including medical and
6038 security personnel; provide for a postdisaster communications
6039 system for public shelters; establish model shelter guidelines
6040 for operations, registration, inventory, power generation
6041 capability, information management, and staffing; and set forth
6042 policy guidance for sheltering people with special needs.
6043 3. Include a postdisaster response and recovery component
6044 that includes specific regional and interregional planning
6045 provisions and promotes intergovernmental coordination of
6046 postdisaster response and recovery activities. This component
6047 must provide for postdisaster response and recovery strategies
6048 according to whether a disaster is minor, major, or
6049 catastrophic. The postdisaster response and recovery component
6050 must, at a minimum: establish the structure of the state's
6051 postdisaster response and recovery organization; establish
6052 procedures for activating the state's plan; set forth policies
6053 used to guide postdisaster response and recovery activities;
6054 describe the chain of command during the postdisaster response
6055 and recovery period; describe initial and continuous
6056 postdisaster response and recovery actions; identify the roles
6057 and responsibilities of each involved agency and organization;
6058 provide for a comprehensive communications plan; establish
6059 procedures for monitoring mutual aid agreements; provide for
6060 rapid impact assessment teams; ensure the availability of an
6061 effective statewide urban search and rescue program coordinated

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6062 with the fire services; ensure the existence of a comprehensive
6063 statewide medical care and relief plan administered by the
6064 Department of Health; and establish systems for coordinating
6065 volunteers and accepting and distributing donated funds and
6066 goods.
6067 4. Include additional provisions addressing aspects of
6068 preparedness, response, recovery, and mitigation as determined
6069 necessary by the office ~~division~~.
6070 5. Address the need for coordinated and expeditious
6071 deployment of state resources, including the Florida National
6072 Guard. In the case of an imminent major disaster, procedures
6073 should address predeployment of the Florida National Guard, and,
6074 in the case of an imminent catastrophic disaster, procedures
6075 should address predeployment of the Florida National Guard and
6076 the United States Armed Forces.
6077 6. Establish a system of communications and warning to
6078 ensure that the state's population and emergency management
6079 agencies are warned of developing emergency situations and can
6080 communicate emergency response decisions.
6081 7. Establish guidelines and schedules for annual exercises
6082 that evaluate the ability of the state and its political
6083 subdivisions to respond to minor, major, and catastrophic
6084 disasters and support local emergency management agencies. Such
6085 exercises must ~~shall~~ be coordinated with local governments and,
6086 to the extent possible, the Federal Government.
6087 8. Assign lead and support responsibilities to state
6088 agencies and personnel for emergency support functions and other
6089 support activities.
6090

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6091 The complete state comprehensive emergency management plan must
6092 ~~shall~~ be submitted to the President of the Senate, the Speaker
6093 of the House of Representatives, and the Governor on February 1
6094 of every even-numbered year.
6095 (b) Adopt standards and requirements for county emergency
6096 management plans. The standards and requirements must ensure
6097 that county plans are coordinated and consistent with the state
6098 comprehensive emergency management plan. If a municipality
6099 elects to establish an emergency management program, it must
6100 adopt a city emergency management plan that complies with all
6101 standards and requirements applicable to county emergency
6102 management plans.
6103 (c) Assist political subdivisions in preparing and
6104 maintaining emergency management plans.
6105 (d) Review periodically political subdivision emergency
6106 management plans for consistency with the state comprehensive
6107 emergency management plan and standards and requirements adopted
6108 under this section.
6109 (e) Cooperate with the President, the heads of the Armed
6110 Forces, the various federal emergency management agencies, and
6111 the officers and agencies of other states in matters pertaining
6112 to emergency management in the state and the nation and
6113 incidents thereof and, in connection therewith, take any
6114 measures that it deems proper to carry into effect any request
6115 of the President and the appropriate federal officers and
6116 agencies for any emergency management action, including the
6117 direction or control of:
6118 1. Emergency management drills, tests, or exercises of
6119 whatever nature.

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6120 2. Warnings and signals for tests and drills, attacks, or
6121 other imminent emergencies or threats thereof and the mechanical
6122 devices to be used in connection with such warnings and signals.
6123 (f) Make recommendations to the Legislature, building code
6124 organizations, and political subdivisions for zoning, building,
6125 and other land use controls; safety measures for securing mobile
6126 homes or other nonpermanent or semipermanent structures; and
6127 other preparedness, prevention, and mitigation measures designed
6128 to eliminate emergencies or reduce their impact.
6129 (g) In accordance with the state comprehensive emergency
6130 management plan and program for emergency management, ascertain
6131 the requirements of the state and its political subdivisions for
6132 equipment and supplies of all kinds in the event of an
6133 emergency; plan for and ~~either~~ procure supplies, medicines,
6134 materials, and equipment or enter into memoranda of agreement or
6135 open purchase orders that will ensure their availability; and
6136 use and employ from time to time any of the property, services,
6137 and resources within the state in accordance with ss. 252.31-
6138 252.90.
6139 (h) Anticipate trends and promote innovations that will
6140 enhance the emergency management system.
6141 (i) Institute statewide public awareness programs. This
6142 shall include an intensive public educational campaign on
6143 emergency preparedness issues, including, but not limited to,
6144 the personal responsibility of individual citizens to be self-
6145 sufficient for up to 72 hours following a natural or manmade
6146 disaster. The public educational campaign must ~~shall~~ include
6147 relevant information on statewide disaster plans, evacuation
6148 routes, fuel suppliers, and shelters. All educational materials

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6149 must be available in alternative formats and mediums to ensure
6150 that they are available to persons with disabilities.
6151 (j) In cooperation with ~~The Division of Emergency~~
6152 ~~Management and~~ the Department of Education, ~~shall~~ coordinate
6153 with the Agency for Persons with Disabilities to provide an
6154 educational outreach program on disaster preparedness and
6155 readiness to individuals who have limited English skills and
6156 identify persons who are in need of assistance but are not
6157 defined under special-needs criteria.
6158 (k) Prepare and distribute to appropriate state and local
6159 officials catalogs of federal, state, and private assistance
6160 programs.
6161 (l) Coordinate federal, state, and local emergency
6162 management activities and take all other steps, including the
6163 partial or full mobilization of emergency management forces and
6164 organizations in advance of an actual emergency, to ensure the
6165 availability of adequately trained and equipped forces of
6166 emergency management personnel before, during, and after
6167 emergencies and disasters.
6168 (m) Establish a schedule of fees that may be charged by
6169 local emergency management agencies for review of emergency
6170 management plans on behalf of external agencies and
6171 institutions. In establishing such schedule, the office ~~division~~
6172 shall consider facility size, review complexity, and other
6173 factors.
6174 (n) Implement training programs to improve the ability of
6175 state and local emergency management personnel to prepare and
6176 implement emergency management plans and programs. This includes
6177 ~~shall include~~ a continuous training program for agencies and

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6178 individuals that will be called on to perform key roles in state
6179 and local postdisaster response and recovery efforts and for
6180 local government personnel on federal and state postdisaster
6181 response and recovery strategies and procedures.
6182 (o) ~~Review~~ Periodically review emergency operating
6183 procedures of state agencies and recommend revisions as needed
6184 to ensure consistency with the state comprehensive emergency
6185 management plan and program.
6186 (p) Make such surveys of industries, resources, and
6187 facilities within the state, both public and private, as are
6188 necessary to carry out the purposes of ss. 252.31-252.90.
6189 (q) Prepare, in advance if ~~whenever~~ possible, such
6190 executive orders, proclamations, and rules for issuance by the
6191 Governor as are necessary or appropriate for coping with
6192 emergencies and disasters.
6193 (r) Cooperate with the Federal Government and any public or
6194 private agency or entity in achieving any purpose of ss. 252.31-
6195 252.90 and in implementing programs for mitigation, preparation,
6196 response, and recovery.
6197 (s) ~~By January 1, 2007, the Division of Emergency~~
6198 ~~Management shall~~ Complete an inventory of portable generators
6199 owned by the state and local governments which are capable of
6200 operating during a major disaster. The inventory must identify,
6201 at a minimum, the location of each generator, the number of
6202 generators stored at each specific location, the agency to which
6203 each generator belongs, the primary use of the generator by the
6204 owner agency, and the names, addresses, and telephone numbers of
6205 persons having the authority to loan the stored generators as
6206 authorized by the office ~~Division of Emergency Management~~ during

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6207 a declared emergency.
6208 (t) ~~The division shall~~ Maintain an inventory list of
6209 generators owned by the state and local governments. In
6210 addition, the office ~~division~~ may keep a list of private
6211 entities, along with appropriate contact information, which
6212 offer generators for sale or lease. The list of private entities
6213 shall be available to the public for inspection in written and
6214 electronic formats.
6215 (u) Assist political subdivisions with the creation and
6216 training of urban search and rescue teams and promote the
6217 development and maintenance of a state urban search and rescue
6218 program.
6219 (v) Delegate, as necessary and appropriate, authority
6220 vested in it under ss. 252.31-252.90 and provide for the
6221 subdelegation of such authority.
6222 (w) Report biennially to the President of the Senate, the
6223 Speaker of the House of Representatives, and the Governor, no
6224 later than February 1 of every odd-numbered year, the status of
6225 the emergency management capabilities of the state and its
6226 political subdivisions.
6227 (x) In accordance with chapter 120, create, implement,
6228 administer, adopt, amend, and rescind rules, programs, and plans
6229 needed to carry out the provisions of ss. 252.31-252.90 with due
6230 consideration for, and in cooperating with, the plans and
6231 programs of the Federal Government. In addition, the office
6232 ~~division~~ may adopt rules in accordance with chapter 120 to
6233 administer and distribute federal financial predisaster and
6234 postdisaster assistance for prevention, mitigation,
6235 preparedness, response, and recovery.

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6236 (y) Do other things necessary, incidental, or appropriate
6237 for the implementation of ss. 252.31-252.90.
6238 Section 91. Subsection (2) of section 252.355, Florida
6239 Statutes, is amended to read:
6240 252.355 Registry of persons with special needs; notice.—
6241 (2) The office ~~Department of Community Affairs~~ shall be the
6242 designated lead agency responsible for community education and
6243 outreach to the public, including special needs clients,
6244 regarding registration and special needs shelters and general
6245 information regarding shelter stays.
6246 Section 92. Section 252.3568, Florida Statutes, is amended
6247 to read:
6248 252.3568 Emergency sheltering of persons with pets.—In
6249 accordance with s. 252.35, the office ~~division~~ shall address
6250 strategies for the evacuation of persons with pets in the
6251 shelter component of the state comprehensive emergency
6252 management plan and shall include the requirement for similar
6253 strategies in its standards and requirements for local
6254 comprehensive emergency management plans. The Department of
6255 Agriculture and Consumer Services shall assist the office
6256 ~~division~~ in determining strategies regarding this activity.
6257 Section 93. Subsections (8) and (9) of section 252.36,
6258 Florida Statutes, are amended to read:
6259 252.36 Emergency management powers of the Governor.—
6260 (8) The Governor shall delegate emergency responsibilities
6261 to the officers and agencies of the state and of the political
6262 subdivisions thereof prior to an emergency or threat of an
6263 emergency and shall utilize the services and facilities of
6264 existing officers and agencies of the state and of the political

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6265 subdivisions thereof, including their personnel and other
6266 resources, as the primary emergency management forces of the
6267 state, and all such officers and agencies shall cooperate with
6268 and extend their services and facilities to the office ~~division~~,
6269 as it may require.
6270 (9) The Governor and the office ~~division~~ shall establish
6271 agencies and offices and appoint executive, professional,
6272 technical, clerical, and other personnel as may be necessary to
6273 carry out the provisions of ss. 252.31-252.90.
6274 Section 94. Subsections (2), (3), and (4) of section
6275 252.365, Florida Statutes, are amended to read:
6276 252.365 Emergency coordination officers; disaster-
6277 preparedness plans.—
6278 (2) The emergency coordination officer is responsible for
6279 coordinating with the office ~~division~~ on emergency preparedness
6280 issues, preparing and maintaining emergency preparedness and
6281 postdisaster response and recovery plans for such agency,
6282 maintaining rosters of personnel to assist in disaster
6283 operations, and coordinating appropriate training for agency
6284 personnel.
6285 (3) These individuals shall be responsible for ensuring
6286 that each state agency and facility, such as a prison, office
6287 building, or university, has a disaster preparedness plan that
6288 is coordinated with the applicable local emergency-management
6289 agency and approved by the office ~~division~~.
6290 (a) The disaster-preparedness plan must outline a
6291 comprehensive and effective program to ensure continuity of
6292 essential state functions under all circumstances. The plan must
6293 identify a baseline of preparedness for a full range of

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6294 potential emergencies to establish a viable capability to
6295 perform essential functions during any emergency or other
6296 situation that disrupts normal operations.
6297 (b) The plan must include, at a minimum, the following
6298 elements: identification of essential functions, programs, and
6299 personnel; procedures to implement the plan and personnel
6300 notification and accountability; delegations of authority and
6301 lines of succession; identification of alternative facilities
6302 and related infrastructure, including those for communications;
6303 identification and protection of vital records and databases;
6304 and schedules and procedures for periodic tests, training, and
6305 exercises.
6306 (c) The office ~~division~~ shall develop and distribute
6307 guidelines for developing and implementing the plan. Each agency
6308 is encouraged to initiate and complete development of its plan
6309 immediately, but no later than July 1, 2003.
6310 (4) The head of each agency shall notify the Governor and
6311 the office ~~division~~ in writing of the person initially
6312 designated as the emergency coordination officer for such agency
6313 and her or his alternate and of any changes in persons so
6314 designated thereafter.
6315 Section 95. Subsection (4) of section 252.37, Florida
6316 Statutes, is amended to read:
6317 252.37 Financing.—
6318 (4)(a) Whenever the Federal Government or any agency or
6319 officer thereof offers to the state or, through the state, to
6320 any political subdivision thereof services, equipment, supplies,
6321 materials, or funds by way of gift, grant, or loan for the
6322 purposes of emergency management, the state, acting through the

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6323 office ~~division~~, or such political subdivision, acting with the
6324 consent of the Governor or the Governor's authorized
6325 representative, may accept such offer. Upon such acceptance, the
6326 office ~~division~~ or the presiding officer or governing body of
6327 such political subdivision may authorize receipt of the gift,
6328 grant, or loan on behalf of the state or such political
6329 subdivision, subject to the terms of the offer and the rules and
6330 regulations of the agency making the offer.
6331 (b) Whenever any person, firm, or corporation offers to the
6332 state or to any political subdivision thereof services,
6333 equipment, supplies, materials, or funds by way of gift, grant,
6334 loan, or other agreement for the purpose of emergency
6335 management, the state, acting through the office ~~division~~, or
6336 such political subdivision, acting through its governing body or
6337 a local emergency management agency, may accept such offer. Upon
6338 such acceptance, the office ~~division~~ or the presiding officer or
6339 governing body of the political subdivision may authorize
6340 receipt of the gift, grant, or loan on behalf of the state or
6341 such political subdivision, subject to the terms of the offer.
6342 Section 96. Section 252.371, Florida Statutes, is amended
6343 to read:
6344 252.371 Emergency Management, Preparedness, and Assistance
6345 Trust Fund.—There is created the Emergency Management,
6346 Preparedness, and Assistance Trust Fund to be administered by
6347 the office ~~Department of Community Affairs~~.
6348 Section 97. Subsections (1) and (3) of section 252.373,
6349 Florida Statutes, are amended to read:
6350 252.373 Allocation of funds; rules.—
6351 (1) Funds appropriated from the Emergency Management,

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6352 Preparedness, and Assistance Trust Fund shall be allocated by
6353 the office ~~Department of Community Affairs~~ for the following
6354 purposes:
6355 (a) To implement and administer state and local emergency
6356 management programs, including administration, training, and
6357 operations.
6358 (b) For grants and loans to state or regional agencies,
6359 local governments, and private organizations to implement
6360 projects that will further state and local emergency management
6361 objectives. These projects must include, but need not be limited
6362 to, projects that will promote public education on disaster
6363 preparedness and recovery issues, enhance coordination of relief
6364 efforts of statewide private sector organizations, and improve
6365 the training and operations capabilities of agencies assigned
6366 lead or support responsibilities in the state comprehensive
6367 emergency management plan, including the State Fire Marshal's
6368 Office for coordinating the Florida fire services. The office
6369 ~~division~~ shall establish criteria and procedures for competitive
6370 allocation of these funds by rule. No more than 5 percent of any
6371 award made pursuant to this subparagraph may be used for
6372 administrative expenses. This competitive criteria must give
6373 priority consideration to hurricane evacuation shelter retrofit
6374 projects.
6375 (c) To meet any matching requirements imposed as a
6376 condition of receiving federal disaster relief assistance.
6377 (3) If adequate funds are available as determined by the
6378 office ~~division~~, every county shall receive funds at least
6379 sufficient to fund a dedicated, full-time emergency preparedness
6380 officer position.

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6381 Section 98. Paragraphs (a), (b), and (e) of subsection (1)
6382 of section 252.38, Florida Statutes, are amended to read:
6383 252.38 Emergency management powers of political
6384 subdivisions.—Safeguarding the life and property of its citizens
6385 is an innate responsibility of the governing body of each
6386 political subdivision of the state.
6387 (1) COUNTIES.—
6388 (a) In order to provide effective and orderly governmental
6389 control and coordination of emergency operations in emergencies
6390 within the scope of ss. 252.31-252.90, each county within this
6391 state shall be within the jurisdiction of, and served by, the
6392 office ~~division~~. Except as otherwise provided in ss. 252.31-
6393 252.90, each local emergency management agency shall have
6394 jurisdiction over and serve an entire county. Unless part of an
6395 interjurisdictional emergency management agreement entered into
6396 pursuant to paragraph (3)(b) which is recognized by the Governor
6397 by executive order or rule, each county must establish and
6398 maintain such an emergency management agency and shall develop a
6399 county emergency management plan and program that is coordinated
6400 and consistent with the state comprehensive emergency management
6401 plan and program. Counties that are part of an
6402 interjurisdictional emergency management agreement entered into
6403 pursuant to paragraph (3)(b) which is recognized by the Governor
6404 by executive order or rule shall cooperatively develop an
6405 emergency management plan and program that is coordinated and
6406 consistent with the state comprehensive emergency management
6407 plan and program.
6408 (b) Each county emergency management agency created and
6409 established pursuant to ss. 252.31-252.90 shall have a director.

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6410 The director must meet the minimum training and education
6411 qualifications established in a job description approved by the
6412 county. The director shall be appointed by the board of county
6413 commissioners or the chief administrative officer of the county,
6414 as described in chapter 125 or the county charter, if
6415 applicable, to serve at the pleasure of the appointing
6416 authority, in conformance with applicable resolutions,
6417 ordinances, and laws. A county constitutional officer, or an
6418 employee of a county constitutional officer, may be appointed as
6419 director following prior notification to the division. Each
6420 board of county commissioners shall promptly inform the office
6421 ~~division~~ of the appointment of the director and other personnel.
6422 Each director has direct responsibility for the organization,
6423 administration, and operation of the county emergency management
6424 agency. The director shall coordinate emergency management
6425 activities, services, and programs within the county and shall
6426 serve as liaison to the office ~~division~~ and other local
6427 emergency management agencies and organizations.
6428 (e) County emergency management agencies may charge and
6429 collect fees for the review of emergency management plans on
6430 behalf of external agencies and institutions. Fees must be
6431 reasonable and may not exceed the cost of providing a review of
6432 emergency management plans in accordance with fee schedules
6433 established by the office ~~division~~.
6434 Section 99. Subsections (2) and (3) of section 252.385,
6435 Florida Statutes, are amended to read:
6436 252.385 Public shelter space.—
6437 (2)(a) The office ~~division~~ shall administer a program to
6438 survey existing schools, universities, community colleges, and

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6439 other state-owned, municipally owned, and county-owned public
6440 buildings and any private facility that the owner, in writing,
6441 agrees to provide for use as a public hurricane evacuation
6442 shelter to identify those that are appropriately designed and
6443 located to serve as such shelters. The owners of the facilities
6444 must be given the opportunity to participate in the surveys. The
6445 state university boards of trustees, district school boards,
6446 community college boards of trustees, and the Department of
6447 Education are responsible for coordinating and implementing the
6448 survey of public schools, universities, and community colleges
6449 with the office ~~division~~ or the local emergency management
6450 agency.
6451 (b) By January 31 of each even-numbered year, the office
6452 ~~division~~ shall prepare and submit a statewide emergency shelter
6453 plan to the Governor and Cabinet for approval, subject to the
6454 requirements for approval in s. 1013.37(2). The plan shall
6455 identify the general location and square footage of special
6456 needs shelters, by regional planning council region, during the
6457 next 5 years. The plan shall also include information on the
6458 availability of shelters that accept pets. The Department of
6459 Health shall assist the office ~~division~~ in determining the
6460 estimated need for special needs shelter space and the adequacy
6461 of facilities to meet the needs of persons with special needs
6462 based on information from the registries of persons with special
6463 needs and other information.
6464 (3) The office ~~division~~ shall annually provide to the
6465 President of the Senate, the Speaker of the House of
6466 Representatives, and the Governor a list of facilities
6467 recommended to be retrofitted using state funds. State funds

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6468 should be maximized and targeted to regional planning council
6469 regions with hurricane evacuation shelter deficits. Retrofitting
6470 facilities in regions with public hurricane evacuation shelter
6471 deficits shall be given first priority ~~and should be completed~~
6472 ~~by 2003. All recommended facilities should be retrofitted by~~
6473 ~~2008~~. The owner or lessee of a public hurricane evacuation
6474 shelter that is included on the list of facilities recommended
6475 for retrofitting is not required to perform any recommended
6476 improvements.
6477 Section 100. Subsection (1) of section 252.40, Florida
6478 Statutes, is amended to read:
6479 252.40 Mutual aid arrangements.—
6480 (1) The governing body of each political subdivision of the
6481 state is authorized to develop and enter into mutual aid
6482 agreements within the state for reciprocal emergency aid and
6483 assistance in case of emergencies too extensive to be dealt with
6484 unassisted. Copies of such agreements shall be sent to the
6485 office ~~division~~. Such agreements shall be consistent with the
6486 state comprehensive emergency management plan and program, and
6487 in time of emergency it shall be the duty of each local
6488 emergency management agency to render assistance in accordance
6489 with the provisions of such mutual aid agreements to the fullest
6490 possible extent.
6491 Section 101. Subsection (1) and paragraph (c) of subsection
6492 (2) of section 252.41, Florida Statutes, are amended to read:
6493 252.41 Emergency management support forces.—
6494 (1) The office ~~division~~ is authorized to provide, within or
6495 without the state, such support from available personnel,
6496 equipment, and other resources of state agencies and the

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6497 political subdivisions of the state as may be necessary to
6498 reinforce emergency management agencies in areas stricken by
6499 emergency. Such support shall be rendered with due consideration
6500 of the plans of the Federal Government, this state, the other
6501 states, and of the criticalness of the existing situation.
6502 Emergency management support forces shall be called to duty upon
6503 orders of the office ~~division~~ and shall perform functions in any
6504 part of the state or, upon the conditions specified in this
6505 section, in other states.
6506 (2) Personnel of emergency management support forces while
6507 on duty, whether within or without the state, shall:
6508 (c) If they are not employees of the state or a political
6509 subdivision thereof, they shall be entitled to the same rights
6510 and immunities as are provided by law for the employees of this
6511 state and to such compensation as may be fixed by the office
6512 ~~division~~. All personnel of emergency management support forces
6513 shall, while on duty, be subject to the operational control of
6514 the authority in charge of emergency management activities in
6515 the area in which they are serving and shall be reimbursed for
6516 all actual and necessary travel and subsistence expenses to the
6517 extent of funds available.
6518 Section 102. Section 252.42, Florida Statutes, is amended
6519 to read:
6520 252.42 Government equipment, services, and facilities.—In
6521 the event of any emergency, the office ~~division~~ may make
6522 available any equipment, services, or facilities owned or
6523 organized by the state or its political subdivisions for use in
6524 the affected area upon request of the duly constituted authority
6525 of the area or upon the request of any recognized and accredited

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6526 relief agency through such duly constituted authority.
6527 Section 103. Subsections (2), (4), and (5) of section
6528 252.43, Florida Statutes, are amended to read:
6529 252.43 Compensation.—
6530 (2) Compensation owed for personal services shall be only
6531 such as may be fixed by the office ~~division~~.
6532 (4) Any person claiming compensation for the use, damage,
6533 loss, or destruction of property under ss. 252.31-252.60 shall
6534 file a claim therefor with the office ~~division~~ in the form and
6535 manner that the office ~~division~~ provides.
6536 (5) Unless the amount of compensation owed on account of
6537 property damaged, lost, or destroyed is agreed between the
6538 claimant and the office ~~division~~, the amount of compensation
6539 shall be calculated in the same manner as compensation due for a
6540 taking of property pursuant to the condemnation laws of this
6541 state.
6542 Section 104. Subsections (2) and (3) of section 252.44,
6543 Florida Statutes, are amended to read:
6544 252.44 Emergency mitigation.—
6545 (2) The appropriate state agencies, in conjunction with the
6546 office ~~division~~, shall keep land uses and construction of
6547 structures and other facilities under continuing study and
6548 identify areas which are particularly susceptible to severe land
6549 shifting, subsidence, flood, or other catastrophic occurrence,
6550 manmade or natural. The studies under this subsection shall
6551 concentrate on means of reducing or avoiding the dangers caused
6552 by these occurrences or the consequences thereof.
6553 (3) If the office ~~division~~ believes, on the basis of the
6554 studies or other competent evidence, that an area is susceptible

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6555 to an emergency of catastrophic proportions without adequate
6556 warning; that existing building standards and land use controls
6557 in that area are inadequate and could add substantially to the
6558 magnitude of the emergency; and that changes in zoning
6559 regulations, other land use regulations, or building
6560 requirements are essential in order to further the purposes of
6561 this section, it shall specify the essential changes to the
6562 Governor. If the Governor upon review of the recommendation
6563 finds after public hearing that changes are essential, she or he
6564 shall so recommend to the agencies or political subdivisions
6565 with jurisdiction over the area and subject matter. If no
6566 action, or insufficient action, pursuant to her or his
6567 recommendations is taken within the time specified by the
6568 Governor, she or he shall so inform the Legislature and request
6569 legislative action appropriate to mitigate the impact of such an
6570 emergency.
6571 Section 105. Subsections (1) and (2) of section 252.46,
6572 Florida Statutes, are amended to read:
6573 252.46 Orders and rules.—
6574 (1) In accordance with the provisions of chapter 120, the
6575 political subdivisions of the state and other agencies
6576 designated or appointed by the Governor or in the state
6577 comprehensive emergency management plan are authorized and
6578 empowered to make, amend, and rescind such orders and rules as
6579 are necessary for emergency management purposes and to
6580 supplement the carrying out of the provisions of ss. 252.31-
6581 252.90, but which are not inconsistent with any orders or rules
6582 adopted by the office ~~division~~ or by any state agency exercising
6583 a power delegated to it by the Governor or the office ~~division~~.

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6584 (2) All orders and rules adopted by the office ~~division~~ or
6585 any political subdivision or other agency authorized by ss.
6586 252.31-252.90 to make orders and rules have full force and
6587 effect of law after adoption in accordance with the provisions
6588 of chapter 120 in the event of issuance by the office ~~division~~
6589 or any state agency or, if promulgated by a political
6590 subdivision of the state or agency thereof, when filed in the
6591 office of the clerk or recorder of the political subdivision or
6592 agency promulgating the same. All existing laws, ordinances, and
6593 rules inconsistent with the provisions of ss. 252.31-252.90, or
6594 any order or rule issued under the authority of ss. 252.31-
6595 252.90, shall be suspended during the period of time and to the
6596 extent that such conflict exists.
6597 Section 106. Subsection (5) of section 252.55, Florida
6598 Statutes, is amended to read:
6599 252.55 Civil Air Patrol, Florida Wing.—
6600 (5) The wing commander of the Florida Wing of the Civil Air
6601 Patrol shall biennially furnish the office ~~Bureau of Emergency~~
6602 ~~Management~~ a 2-year projection of the goals and objectives of
6603 the Civil Air Patrol which shall be reported in the office's
6604 ~~division's~~ biennial report submitted pursuant to s. 252.35.
6605 Section 107. Subsection (3) and paragraph (a) of subsection
6606 (4) of section 252.60, Florida Statutes, are amended to read:
6607 252.60 Radiological emergency preparedness.—
6608 (3) EMERGENCY RESPONSE PLANS.—In addition to the other
6609 plans required by this chapter, the office ~~division~~ shall
6610 develop, prepare, test, and implement as needed, in conjunction
6611 with the appropriate counties and the affected operator, such
6612 radiological emergency response plans and preparedness

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6613 requirements as may be imposed by the United States Nuclear
6614 Regulatory Commission or the Federal Emergency Management Agency
6615 as a requirement for obtaining or continuing the appropriate
6616 licenses for a commercial nuclear electric generating facility.
6617 (4) POWERS AND DUTIES.—In implementing the requirements of
6618 this section, the director of the office ~~secretary of the~~
6619 ~~department~~, or the director's ~~secretary's~~ designated
6620 representative, shall:
6621 (a) Negotiate and enter into such additional contracts and
6622 arrangements among the office ~~division~~, appropriate counties,
6623 and each operator to provide for the level of funding and the
6624 respective roles of each in the development, preparation,
6625 testing, and implementation of the plans.
6626 Section 108. Section 252.61, Florida Statutes, is amended
6627 to read:
6628 252.61 List of persons for contact relating to release of
6629 toxic substances into atmosphere.—The Office of Emergency
6630 Management ~~Department of Community Affairs~~ shall maintain a list
6631 of contact persons ~~after the survey pursuant to s. 403.771 is~~
6632 ~~completed~~.
6633 Section 109. Section 252.82, Florida Statutes, is amended
6634 to read:
6635 252.82 Definitions.—As used in this part:
6636 (1) "Commission" means the State Hazardous Materials
6637 Emergency Response Commission created pursuant to s. 301 of
6638 EPCRA.
6639 (2) "Committee" means any local emergency planning
6640 committee established in the state pursuant to s. 301 of EPCRA.
6641 ~~(3) "Department" means the Department of Community Affairs.~~

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6642 (3) ~~(4)~~ "Facility" means facility as defined in s. 329 of
6643 EPCRA. Vehicles placarded according to title 49 Code of Federal
6644 Regulations are ~~shall~~ not ~~be~~ considered a facility except for
6645 purposes of s. 304 of EPCRA.
6646 (4) ~~(5)~~ "Hazardous material" means any hazardous chemical,
6647 toxic chemical, or extremely hazardous substance, as defined in
6648 s. 329 of EPCRA.
6649 (5) ~~(6)~~ "EPCRA" means the Emergency Planning and Community
6650 Right-to-Know Act of 1986, title III of the Superfund Amendments
6651 and Reauthorization Act of 1986, ~~Pub. L. No. 99-499,~~ ss. 300-
6652 329, 42 U.S.C. ss. 11001 et seq.; and federal regulations
6653 adopted thereunder.
6654 (6) "Office" means the Office of Emergency Management
6655 within the Executive Office of the Governor.
6656 (7) "Trust fund" means the Operating Trust Fund of the
6657 office ~~Department of Community Affairs~~.
6658 Section 110. Section 252.83, Florida Statutes, is amended
6659 to read:
6660 252.83 Powers and duties of the office ~~department~~.—
6661 (1) The office ~~department~~ shall have the authority:
6662 (a) To coordinate its activities under this part with its
6663 other emergency management responsibilities, including its
6664 responsibilities under part I of this chapter, and activities
6665 and with the related activities of other agencies, keeping
6666 separate accounts for all activities supported or partially
6667 supported from the Operating Trust Fund.
6668 (b) To make rules, with the advice and consent of the
6669 commission, to implement this part.
6670 (2) The office ~~department~~ shall provide administrative

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6671 support, including staff, facilities, materials, and services,
6672 to the commission and shall provide funding to the committees to
6673 enable the commission and the committees to perform their
6674 functions under EPCRA and this part.
6675 (3) The office ~~department~~ and the commission, to the extent
6676 possible, shall use the emergency planning capabilities of local
6677 governments to reduce duplication and paperwork to achieve the
6678 intent of this part. It is the intent of the Legislature that
6679 this part be implemented in the most cost-efficient manner
6680 possible, with the least possible financial impact on local
6681 government and the community.
6682 Section 111. Subsections (1), (3), (4), and (5) of section
6683 252.85, Florida Statutes, are amended to read:
6684 252.85 Fees.—
6685 (1) Any owner or operator of a facility required under s.
6686 302 or s. 312 of EPCRA, or by s. 252.87, to submit a
6687 notification or an annual inventory form to the commission shall
6688 be required to pay an annual registration fee. The fee for any
6689 company, including all facilities under common ownership or
6690 control, shall not be less than $25 nor more than $2,000. The
6691 office ~~department~~ shall establish a reduced fee, of not less
6692 than $25 nor more than $500, applicable to any owner or operator
6693 regulated under part I of chapter 368, chapter 527, or s.
6694 376.303, which does not have present any extremely hazardous
6695 substance, as defined by EPCRA, in excess of a threshold
6696 planning quantity, as established by EPCRA. The office
6697 ~~department~~ shall establish a reduced fee of not less than $25
6698 nor more than $1,000, applicable to any owner or operator of a
6699 facility with a Standard Industrial Classification Code of 01,

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6700 02, or 07, which is eligible for the "routine agricultural use"
6701 exemption provided in ss. 311 and 312 of EPCRA. The fee under
6702 this subsection shall be based on the number of employees
6703 employed within the state at facilities under the common
6704 ownership or control of such owner or operator, which number
6705 shall be determined, to the extent possible, in accordance with
6706 data supplied by Jobs Florida or its tax collection service
6707 provider ~~the Department of Labor and Employment Security~~. In
6708 order to avoid the duplicative reporting of seasonal and
6709 temporary agricultural employees, fees applicable to owners or
6710 operators of agricultural facilities, which are eligible for the
6711 "routine agricultural use" reporting exemption provided in ss.
6712 311 and 312 of EPCRA, shall be based on employee data which most
6713 closely reflects such owner or operator's permanent nonseasonal
6714 workforce. The office ~~department~~ shall establish by rule the
6715 date by which the fee is to be paid, as well as a formula or
6716 method of determining the applicable fee under this subsection
6717 without regard to the number of facilities under common
6718 ownership or control. The office ~~department~~ may require owners
6719 or operators of multiple facilities to demonstrate common
6720 ownership or control for purposes of this subsection.
6721 (3) Any owner or operator of a facility that is required to
6722 submit a report or filing under s. 313 of EPCRA shall pay an
6723 annual reporting fee not to exceed $150 for those s. 313 EPCRA
6724 listed substances in effect on January 1, 2005. The office
6725 ~~department~~ shall establish by rule the date by which the fee is
6726 to be paid, as well as a formula or method of determining the
6727 applicable fee under this subsection.
6728 (4)(a) The office ~~department~~ may assess a late fee for the

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6729 failure to submit a report or filing that substantially complies
6730 with the requirements of EPCRA or s. 252.87 by the specified
6731 date or for failure to pay any fee, including any late fee,
6732 required by this section. This late fee shall be in addition to
6733 the fee otherwise imposed pursuant to this section. If the
6734 office ~~department~~ elects to impose a late fee, it shall provide
6735 the owner or operator with a written notice that identifies the
6736 specific requirements which have not been met and advises of its
6737 intent to assess a late fee.
6738 (b) The office ~~department~~ may impose a late fee, subject to
6739 the limitations set forth below:
6740 1. If the report, filing, or fee is submitted within 30
6741 days after the receipt of the office's ~~department's~~ notice, no
6742 late fee may be assessed.
6743 2. If the report, filing, or fee is not submitted within 30
6744 days after the receipt of the office's ~~department's~~ notice, the
6745 office ~~department~~ may impose a late fee in an amount equal to
6746 the amount of the annual registration fee, filing fee, or s. 313
6747 fee due, not to exceed $2,000.
6748 3. If the report, filing, or fee is not submitted within 90
6749 days after the receipt of the office's ~~department's~~ notice, the
6750 office ~~department~~ may issue a second notice. If the report,
6751 filing, or fee is not submitted within 30 days after receipt of
6752 the office's ~~department's~~ second notice, the office ~~department~~
6753 may assess a second late fee in an amount equal to twice the
6754 amount of the annual registration fee, filing fee, or s. 313 fee
6755 due, not to exceed $4,000.
6756 4. The office ~~department~~ may consider, but is not limited
6757 to considering, the following factors in assessing late fees:

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6758 good faith attempt to comply; history of noncompliance; ability
6759 to pay or continue in business; threat to health and safety
6760 posed by noncompliance; and degree of culpability.
6761 (5) The office ~~department~~ shall establish by rule the dates
6762 by which the fee is to be paid, as well as a formula or method
6763 of determining the facility registration fee and late fee.
6764 Section 112. Subsections (1) and (3) of section 252.86,
6765 Florida Statutes, are amended to read:
6766 252.86 Penalties and remedies.—
6767 (1) The owner or operator of a facility, an employer, or
6768 any other person submitting written information pursuant to
6769 EPCRA or this part to the commission, a committee, or a fire
6770 department shall be liable for a civil penalty of $5,000 for
6771 each item of information in the submission that is false, if
6772 such person knew or should have known the information was false
6773 or if such person submitted the information with reckless
6774 disregard of its truth or falsity. The office ~~department~~ may
6775 institute a civil action in a court of competent jurisdiction to
6776 impose and recover a civil penalty for the amount indicated in
6777 this subsection. However, the court may receive evidence in
6778 mitigation.
6779 (3) Any provision of s. 325 or s. 326 of EPCRA which
6780 creates a federal cause of action shall create a corresponding
6781 cause of action under state law, with jurisdiction in the
6782 circuit courts. Any provision of s. 325 or s. 326 of EPCRA which
6783 imposes or authorizes the imposition of a civil penalty by the
6784 Administrator of the Environmental Protection Agency, or which
6785 creates a liability to the United States, shall impose or
6786 authorize the imposition of such a penalty by the office

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6787 ~~department~~ or create such a liability to and for the benefit of
6788 the state, to be paid into the Operating Trust Fund. Venue shall
6789 be proper in the county where the violation occurred or where
6790 the defendant has its principal place of business.
6791 Section 113. Subsections (4) and (7) of section 252.87,
6792 Florida Statutes, are amended to read:
6793 252.87 Supplemental state reporting requirements.—
6794 (4) Each employer that owns or operates a facility in this
6795 state at which hazardous materials are present in quantities at
6796 or above the thresholds established under ss. 311(b) and 312(b)
6797 of EPCRA shall comply with the reporting requirements of ss. 311
6798 and 312 of EPCRA. Such employer shall also be responsible for
6799 notifying the office ~~department~~, the local emergency planning
6800 committee, and the local fire department in writing within 30
6801 days if there is a discontinuance or abandonment of the
6802 employer's business activities that could affect any stored
6803 hazardous materials.
6804 (7) The office ~~department~~ shall avoid duplicative reporting
6805 requirements by using ~~utilizing~~ the reporting requirements of
6806 other state agencies that regulate hazardous materials to the
6807 extent feasible and shall request the information authorized
6808 under EPCRA. With the advice and consent of the State Emergency
6809 Response Commission for Hazardous Materials, the office
6810 ~~department~~ may require by rule that the maximum daily amount
6811 entry on the chemical inventory report required under s. 312 of
6812 EPCRA provide for reporting in estimated actual amounts. The
6813 office ~~department~~ may also require by rule an entry for the
6814 Federal Employer Identification Number on this report. To the
6815 extent feasible, the office ~~department~~ shall encourage and

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6816 accept required information in a form initiated through
6817 electronic data interchange and shall describe by rule the
6818 format, manner of execution, and method of electronic
6819 transmission necessary for using such form. To the extent
6820 feasible, the Department of Financial Services, the Department
6821 of Agriculture and Consumer Services, the Department of
6822 Environmental Protection, the Public Service Commission, the
6823 Department of Revenue, ~~the Department of Labor and Employment~~
6824 ~~Security,~~ and other state agencies which regulate hazardous
6825 materials shall coordinate with the office ~~department~~ in order
6826 to avoid duplicative requirements contained in each agency's
6827 respective reporting or registration forms. The other state
6828 agencies that inspect facilities storing hazardous materials and
6829 suppliers and distributors of covered substances shall assist
6830 the office ~~department~~ in informing the facility owner or
6831 operator of the requirements of this part. The office ~~department~~
6832 shall provide the other state agencies with the necessary
6833 information and materials to inform the owners and operators of
6834 the requirements of this part to ensure that the budgets of
6835 these agencies are not adversely affected.
6836 Section 114. Subsection (4) of section 252.88, Florida
6837 Statutes, is amended to read:
6838 252.88 Public records.—
6839 (4) The office ~~department~~, the commission, and the
6840 committees shall furnish copies of public records submitted
6841 under EPCRA or this part, and may charge a fee of $1 per page
6842 per person per year for over 25 pages of materials copied.
6843 Section 115. Subsections (3), (8), (9), and (19) of section
6844 252.936, Florida Statutes, are amended to read:

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6845 252.936 Definitions.—As used in this part, the term:
6846 (3) "Audit" means a review of information at, ~~a stationary~~
6847 ~~source subject to s. 112(r)(7),~~ or submitted by, a stationary
6848 source subject to s. 112(r)(7), to determine whether that
6849 stationary source is in compliance with ~~the requirements of~~ this
6850 part and rules adopted to administer ~~implement~~ this part. Audits
6851 must include a review of the adequacy of the stationary source's
6852 Risk Management Plan, may consist of reviews of information
6853 submitted to the office ~~department~~ or the United States
6854 Environmental Protection Agency to determine whether the plan is
6855 complete or whether revisions to the plan are needed, and the
6856 reviews may be conducted at the stationary source to confirm
6857 that information onsite is consistent with reported information.
6858 ~~(8) "Department" means the Department of Community Affairs.~~
6859 (8) ~~(9)~~ "Inspection" means a review of information at a
6860 stationary source subject to s. 112(r)(7), including
6861 documentation and operating practices and access to the source
6862 and to any area where an accidental release could occur, to
6863 determine whether the stationary source is in compliance with
6864 ~~the requirements of~~ this part or rules adopted to administer
6865 ~~implement~~ this part.
6866 (9) "Office" means the Office of Emergency Management in
6867 the Executive Office of the Governor.
6868 (19) "Trust fund" means the Operating Trust Fund of the
6869 office ~~established in the department's Division of Emergency~~
6870 ~~Management~~.
6871 Section 116. Section 252.937, Florida Statutes, is amended
6872 to read:
6873 252.937 Office ~~Department~~ powers and duties.—

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6874 (1) The office ~~department~~ has the power and duty to:
6875 (a)1. Seek delegation from the United States Environmental
6876 Protection Agency to implement the Accidental Release Prevention
6877 Program under s. 112(r)(7) of the Clean Air Act and the federal
6878 implementing regulations for specified sources subject to s.
6879 112(r)(7) of the Clean Air Act. Implementation for all other
6880 sources subject to s. 112(r)(7) of the Clean Air Act shall ~~will~~
6881 be performed by the United States Environmental Protection
6882 Agency; and
6883 2. Ensure the timely submission of Risk Management Plans
6884 and any subsequent revisions of Risk Management Plans.
6885 (b) Adopt, modify, and repeal rules, with the advice and
6886 consent of the commission, necessary to obtain delegation from
6887 the United States Environmental Protection Agency and to
6888 administer the s. 112(r)(7) Accidental Release Prevention
6889 Program in this state for the specified stationary sources with
6890 no expansion or addition of the regulatory program.
6891 (c) Make and execute contracts and other agreements
6892 necessary or convenient to the administration ~~implementation~~ of
6893 this part.
6894 (d) Coordinate its activities under this part with its
6895 other emergency management responsibilities, including its
6896 responsibilities and activities under parts I, II, and III of
6897 this chapter and with the related activities of other state and
6898 local agencies, keeping separate accounts for all activities
6899 conducted under this part which are supported or partially
6900 supported from the trust fund.
6901 (e) Establish, with the advice and consent of the
6902 commission, a technical assistance and outreach program ~~on or~~

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6903 ~~before January 31, 1999,~~ to assist owners and operators of
6904 specified stationary sources subject to s. 112(r)(7) in
6905 complying with the reporting and fee requirements of this part.
6906 This program is designed to facilitate and ensure timely
6907 submission of proper certifications or compliance schedules and
6908 timely submission and registration of Risk Management Plans and
6909 revised registrations and Risk Management Plans if ~~when~~ required
6910 for these sources.
6911 (f) Make a quarterly report to the State Emergency Response
6912 Commission on income and expenses for the state's Accidental
6913 Release Prevention Program under this part.
6914 (2) To ensure that this program is self-supporting, the
6915 office ~~department~~ shall provide administrative support,
6916 including staff, facilities, materials, and services to
6917 implement this part for specified stationary sources subject to
6918 s. 252.939 and ~~shall~~ provide necessary funding to local
6919 emergency planning committees and county emergency management
6920 agencies for work performed to implement this part. Each state
6921 agency with regulatory, inspection, or technical assistance
6922 programs for specified stationary sources subject to this part
6923 shall enter into a memorandum of understanding with the office
6924 ~~department~~ which specifically outlines how each agency's staff,
6925 facilities, materials, and services will be used ~~utilized~~ to
6926 support implementation. ~~At a minimum, these agencies and~~
6927 ~~programs include: the Department of Environmental Protection's~~
6928 ~~Division of Air Resources Management and Division of Water~~
6929 ~~Resource Management, and the Department of Labor and Employment~~
6930 ~~Security's Division of Safety.~~ It is the Legislature's intent to
6931 implement this part as efficiently and economically as possible,

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6932 using existing expertise and resources, if available and
6933 appropriate.
6934 (3) To prevent the duplication of investigative efforts and
6935 resources, the office ~~department~~, on behalf of the commission,
6936 shall coordinate with any federal agencies or agents thereof,
6937 including the federal Chemical Safety and Hazard Investigation
6938 Board, or its successor, which are performing accidental release
6939 investigations for specified stationary sources, and may
6940 coordinate with any agencies of the state which are performing
6941 accidental release investigations. This accidental release
6942 investigation coordination is not intended to limit or take the
6943 place of any individual agency accidental release investigation
6944 under separate authority.
6945 (4) To promote efficient administration of this program and
6946 specified stationary sources, ~~the~~ only the office ~~agency which~~
6947 may seek delegation from the United States Environmental
6948 Protection Agency for this program ~~is the Florida Department of~~
6949 ~~Community Affairs~~. Further, the office may ~~Florida Department of~~
6950 ~~Community Affairs shall~~ not delegate this program to any local
6951 environmental agency.
6952 Section 117. Section 252.943, Florida Statutes, is amended
6953 to read:
6954 252.943 Public records.—
6955 (1) The office ~~Department of Community Affairs~~ shall
6956 protect records, reports, or information or particular parts
6957 thereof, other than release or emissions data, contained in a
6958 risk management plan from public disclosure pursuant to ss.
6959 112(r) and 114(c) of the federal Clean Air Act and authorities
6960 cited therein, based upon a showing satisfactory to the

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6961 Administrator of the United States Environmental Protection
6962 Agency, by any owner or operator of a stationary source subject
6963 to the Accidental Release Prevention Program, that public
6964 release of such records, reports, or information would divulge
6965 methods or processes entitled to protection as trade secrets as
6966 provided for in 40 C.F.R. part 2, subpart B. Such records,
6967 reports, or information held by the office ~~department~~ are
6968 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
6969 s. 24(a), Art. I of the State Constitution, unless a final
6970 determination has been made by the Administrator of the
6971 Environmental Protection Agency that such records, reports, or
6972 information are not entitled to trade secret protection, or
6973 pursuant to an order of court.
6974 (2) The office ~~department~~ shall protect records, reports,
6975 or information or particular parts thereof, other than release
6976 or emissions data, obtained from an investigation, inspection,
6977 or audit from public disclosure pursuant to ss. 112(r) and
6978 114(c) of the federal Clean Air Act and authorities cited
6979 therein, based upon a showing satisfactory to the Administrator
6980 of the United States Environmental Protection Agency, by any
6981 owner or operator of a stationary source subject to the
6982 Accidental Release Prevention Program, that public release of
6983 such records, reports, or information would divulge methods or
6984 processes entitled to protection as trade secrets as provided
6985 for in 40 C.F.R. part 2, subpart B. Such records, reports, or
6986 information held by the office ~~department~~ are confidential and
6987 exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I
6988 of the State Constitution, unless a final determination has been
6989 made by the Administrator of the Environmental Protection Agency

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6990 that such records, reports, or information are not entitled to
6991 trade secret protection, or pursuant to a court ~~an~~ order ~~of~~
6992 ~~court~~.
6993 Section 118. Section 252.946, Florida Statutes, is amended
6994 to read:
6995 252.946 Public records.—With regard to information
6996 submitted to the United States Environmental Protection Agency
6997 under this part or s. 112(r)(7), the office ~~department of~~
6998 ~~Community Affairs~~, the State Hazardous Materials Emergency
6999 Response Commission, and any local emergency planning committee
7000 may assist persons in electronically accessing such information
7001 held by the United States Environmental Protection Agency in its
7002 centralized database. If requested, the office ~~department~~, the
7003 commission, or a committee may furnish copies of such United
7004 States Environmental Protection Agency records.
7005 Section 119. Paragraph (b) of subsection (1) of section
7006 255.099, Florida Statutes, is amended to read:
7007 255.099 Preference to state residents.—
7008 (1) Each contract for construction that is funded by state
7009 funds must contain a provision requiring the contractor to give
7010 preference to the employment of state residents in the
7011 performance of the work on the project if state residents have
7012 substantially equal qualifications to those of nonresidents. A
7013 contract for construction funded by local funds may contain such
7014 a provision.
7015 (b) A contractor required to employ state residents must
7016 contact Jobs Florida ~~the Agency for Workforce Innovation~~ to post
7017 the contractor's employment needs in the state's job bank
7018 system.

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7019 Section 120. Paragraph (b) of subsection (1) of section
7020 259.035, Florida Statutes, is amended to read:
7021 259.035 Acquisition and Restoration Council.—
7022 (1) There is created the Acquisition and Restoration
7023 Council.
7024 (b) The four ~~five~~ remaining appointees shall be composed of
7025 the Secretary of Environmental Protection, the director of the
7026 Division of Forestry of the Department of Agriculture and
7027 Consumer Services, the executive director of the Fish and
7028 Wildlife Conservation Commission, and the director of the
7029 Division of Historical Resources of the Department of State, ~~and~~
7030 ~~the secretary of the Department of Community Affairs,~~ or their
7031 respective designees.
7032 Section 121. Paragraph (d) of subsection (1) of section
7033 260.0142, Florida Statutes, is amended to read:
7034 260.0142 Florida Greenways and Trails Council; composition;
7035 powers and duties.—
7036 (1) There is created within the department the Florida
7037 Greenways and Trails Council which shall advise the department
7038 in the execution of the department's powers and duties under
7039 this chapter. The council shall be composed of 20 ~~21~~ members,
7040 consisting of:
7041 (d) The 9 ~~10~~ remaining members shall include:
7042 1. The Secretary of Environmental Protection or a designee.
7043 2. The executive director of the Fish and Wildlife
7044 Conservation Commission or a designee.
7045 ~~3. The Secretary of Community Affairs or a designee.~~
7046 3.~~4.~~ The Secretary of Transportation or a designee.
7047 4.~~5.~~ The Director of the Division of Forestry of the

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7048 Department of Agriculture and Consumer Services or a designee.
7049 5.~~6.~~ The director of the Division of Historical Resources
7050 of the Department of State or a designee.
7051 6.~~7.~~ A representative of the water management districts.
7052 Membership on the council shall rotate among the five districts.
7053 The districts shall determine the order of rotation.
7054 7.~~8.~~ A representative of a federal land management agency.
7055 The Secretary of Environmental Protection shall identify the
7056 appropriate federal agency and request designation of a
7057 representative from the agency to serve on the council.
7058 8.~~9.~~ A representative of the regional planning councils to
7059 be appointed by the Secretary of Environmental Protection ~~in~~
7060 ~~consultation with the Secretary of Community Affairs~~. Membership
7061 on the council shall rotate among the seven regional planning
7062 councils. The regional planning councils shall determine the
7063 order of rotation.
7064 9.~~10.~~ A representative of local governments to be appointed
7065 by the Secretary of Environmental Protection ~~in consultation~~
7066 ~~with the Secretary of Community Affairs~~. Membership shall
7067 alternate between a county representative and a municipal
7068 representative.
7069 Section 122. Section 272.11, Florida Statutes, is amended
7070 to read:
7071 272.11 Capitol information center.—The Jobs Florida
7072 Partnership, Inc., ~~Florida Commission on Tourism~~ shall
7073 establish, maintain, and operate a Capitol information center
7074 somewhere within the area of the Capitol Center and employ
7075 personnel or enter into contracts to maintain same.
7076 Section 123. Paragraph (a) of subsection (4) of section

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7077 282.34, Florida Statutes, is amended to read:
7078 282.34 Statewide e-mail service.—A state e-mail system that
7079 includes the delivery and support of e-mail, messaging, and
7080 calendaring capabilities is established as an enterprise
7081 information technology service as defined in s. 282.0041. The
7082 service shall be designed to meet the needs of all executive
7083 branch agencies. The primary goals of the service are to
7084 minimize the state investment required to establish, operate,
7085 and support the statewide service; reduce the cost of current e-
7086 mail operations and the number of duplicative e-mail systems;
7087 and eliminate the need for each state agency to maintain its own
7088 e-mail staff.
7089 (4) All agencies must be completely migrated to the
7090 statewide e-mail service as soon as financially and
7091 operationally feasible, but no later than June 30, 2015.
7092 (a) The following statewide e-mail service implementation
7093 schedule is established for state agencies:
7094 1. Phase 1.—The following agencies must be completely
7095 migrated to the statewide e-mail system by June 30, 2012: the
7096 Agency for Enterprise Information Technology; ~~the Department of~~
7097 ~~Community Affairs, including the Division of Emergency~~
7098 ~~Management;~~ the Department of Corrections; the Department of
7099 Health; the Department of Highway Safety and Motor Vehicles; the
7100 Department of Management Services, including the Division of
7101 Administrative Hearings, the Division of Retirement, the
7102 Commission on Human Relations, and the Public Employees
7103 Relations Commission; the Southwood Shared Resource Center; and
7104 the Department of Revenue.
7105 2. Phase 2.—The following agencies must be completely

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7106 migrated to the statewide e-mail system by June 30, 2013: the
7107 Department of Business and Professional Regulation; the
7108 Department of Education, including the Board of Governors; the
7109 Department of Environmental Protection; the Department of
7110 Juvenile Justice; the Department of the Lottery; the Department
7111 of State; the Department of Law Enforcement; the Department of
7112 Veterans' Affairs; the Judicial Administration Commission; the
7113 Public Service Commission; and the Statewide Guardian Ad Litem
7114 Office.
7115 3. Phase 3.—The following agencies must be completely
7116 migrated to the statewide e-mail system by June 30, 2014: the
7117 Agency for Health Care Administration; ~~the Agency for Workforce~~
7118 ~~Innovation;~~ the Department of Financial Services, including the
7119 Office of Financial Regulation and the Office of Insurance
7120 Regulation; the Department of Agriculture and Consumer Services;
7121 the Executive Office of the Governor, including the Office of
7122 Emergency Management; the Department of Transportation; the Fish
7123 and Wildlife Conservation Commission; the Agency for Persons
7124 With Disabilities; the Northwood Shared Resource Center; and the
7125 State Board of Administration.
7126 4. Phase 4.—The following agencies must be completely
7127 migrated to the statewide e-mail system by June 30, 2015: the
7128 Department of Children and Family Services; the Department of
7129 Citrus; the Department of Elderly Affairs; and the Department of
7130 Legal Affairs.
7131 Section 124. Paragraphs (a) and (d) of subsection (1) and
7132 subsection (4) of section 282.709, Florida Statutes, are amended
7133 to read:
7134 282.709 State agency law enforcement radio system and

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7135 interoperability network.—
7136 (1) The department may acquire and administer a statewide
7137 radio communications system to serve law enforcement units of
7138 state agencies, and to serve local law enforcement agencies
7139 through mutual aid channels.
7140 (a) The department shall, in conjunction with the
7141 Department of Law Enforcement and the Office ~~Division~~ of
7142 Emergency Management ~~of the Department of Community Affairs~~,
7143 establish policies, procedures, and standards to be incorporated
7144 into a comprehensive management plan for the use and operation
7145 of the statewide radio communications system.
7146 (d) The department shall exercise its powers and duties
7147 under this part to plan, manage, and administer the mutual aid
7148 channels in the statewide radio communication system.
7149 1. In implementing such powers and duties, the department
7150 shall consult and act in conjunction with the Department of Law
7151 Enforcement and the Office ~~Division~~ of Emergency Management ~~of~~
7152 ~~the Department of Community Affairs~~, and shall manage and
7153 administer the mutual aid channels in a manner that reasonably
7154 addresses the needs and concerns of the involved law enforcement
7155 agencies and emergency response agencies and entities.
7156 2. The department may make the mutual aid channels
7157 available to federal agencies, state agencies, and agencies of
7158 the political subdivisions of the state for the purpose of
7159 public safety and domestic security.
7160 (4) The department may create and administer an
7161 interoperability network to enable interoperability between
7162 various radio communications technologies and to serve federal
7163 agencies, state agencies, and agencies of political subdivisions

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7164 of the state for the purpose of public safety and domestic
7165 security.
7166 (a) The department shall, in conjunction with the
7167 Department of Law Enforcement and the Office ~~Division~~ of
7168 Emergency Management ~~of the Department of Community Affairs~~,
7169 exercise its powers and duties pursuant to this chapter to plan,
7170 manage, and administer the interoperability network. The office
7171 may:
7172 1. Enter into mutual aid agreements among federal agencies,
7173 state agencies, and political subdivisions of the state for the
7174 use of the interoperability network.
7175 2. Establish the cost of maintenance and operation of the
7176 interoperability network and charge subscribing federal and
7177 local law enforcement agencies for access and use of the
7178 network. The department may not charge state law enforcement
7179 agencies identified in paragraph (2)(a) to use the network.
7180 3. In consultation with the Department of Law Enforcement
7181 and the Office ~~Division~~ of Emergency Management ~~of the~~
7182 ~~Department of Community Affairs~~, amend and enhance the statewide
7183 radio communications system as necessary to implement the
7184 interoperability network.
7185 (b) The department, in consultation with the Joint Task
7186 Force on State Agency Law Enforcement Communications, and in
7187 conjunction with the Department of Law Enforcement and the
7188 Office ~~Division~~ of Emergency Management ~~of the Department of~~
7189 ~~Community Affairs~~, shall establish policies, procedures, and
7190 standards to incorporate into a comprehensive management plan
7191 for the use and operation of the interoperability network.
7192 Section 125. Section 287.09431, Florida Statutes, is

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7193 amended to read:
7194 287.09431 Statewide and interlocal agreement on
7195 certification of business concerns for the status of minority
7196 business enterprise.—The statewide and interlocal agreement on
7197 certification of business concerns for the status of minority
7198 business enterprise is hereby enacted and entered into with all
7199 jurisdictions or organizations legally joining therein. If,
7200 within 2 years from the date that the certification core
7201 criteria are approved by the Department of Management Services
7202 ~~Department of Labor and Employment Security~~, the agreement
7203 included herein is not executed by a majority of county and
7204 municipal governing bodies that administer a minority business
7205 assistance program on the effective date of this act, then the
7206 Legislature shall review this agreement. It is the intent of the
7207 Legislature that if the agreement is not executed by a majority
7208 of the requisite governing bodies, then a statewide uniform
7209 certification process should be adopted, and that said agreement
7210 should be repealed and replaced by a mandatory state government
7211 certification process.
7212
7213 ARTICLE I
7214
7215 PURPOSE, FINDINGS, AND POLICY.—
7216 (1) The parties to this agreement, desiring by common
7217 action to establish a uniform certification process in order to
7218 reduce the multiplicity of applications by business concerns to
7219 state and local governmental programs for minority business
7220 assistance, declare that it is the policy of each of them, on
7221 the basis of cooperation with one another, to remedy social and

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7222 economic disadvantage suffered by certain groups, resulting in
7223 their being historically underutilized in ownership and control
7224 of commercial enterprises. Thus, the parties seek to address
7225 this history by increasing the participation of the identified
7226 groups in opportunities afforded by government procurement.
7227 (2) The parties find that the State of Florida presently
7228 certifies firms for participation in the minority business
7229 assistance programs of the state. The parties find further that
7230 some counties, municipalities, school boards, special districts,
7231 and other divisions of local government require a separate, yet
7232 similar, and in most cases redundant certification in order for
7233 businesses to participate in the programs sponsored by each
7234 government entity.
7235 (3) The parties find further that this redundant
7236 certification has proven to be unduly burdensome to the
7237 minority-owned firms intended to benefit from the underlying
7238 purchasing incentives.
7239 (4) The parties agree that:
7240 (a) They will facilitate integrity, stability, and
7241 cooperation in the statewide and interlocal certification
7242 process, and in other elements of programs established to assist
7243 minority-owned businesses.
7244 (b) They shall cooperate with agencies, organizations, and
7245 associations interested in certification and other elements of
7246 minority business assistance.
7247 (c) It is the purpose of this agreement to provide for a
7248 uniform process whereby the status of a business concern may be
7249 determined in a singular review of the business information for
7250 these purposes, in order to eliminate any undue expense, delay,

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7251 or confusion to the minority-owned businesses in seeking to
7252 participate in the minority business assistance programs of
7253 state and local jurisdictions.
7254
7255 ARTICLE II
7256
7257 DEFINITIONS.—As used in this agreement and contracts made
7258 pursuant to it, unless the context clearly requires otherwise:
7259 (1) “Awarding organization” means any political subdivision
7260 or organization authorized by law, ordinance, or agreement to
7261 enter into contracts and for which the governing body has
7262 entered into this agreement.
7263 (2) “Department” means the Department of Management
7264 Services ~~Department of Labor and Employment Security~~.
7265 (3) “Minority” means a person who is a lawful, permanent
7266 resident of the state, having origins in one of the minority
7267 groups as described and adopted by the Department of Management
7268 Services ~~Department of Labor and Employment Security~~, hereby
7269 incorporated by reference.
7270 (4) “Minority business enterprise” means any small business
7271 concern as defined in subsection (6) that meets all of the
7272 criteria described and adopted by the Department of Management
7273 Services ~~Department of Labor and Employment Security~~, hereby
7274 incorporated by reference.
7275 (5) “Participating state or local organization” means any
7276 political subdivision of the state or organization designated by
7277 such that elects to participate in the certification process
7278 pursuant to this agreement, which has been approved according to
7279 s. 287.0943(3) and has legally entered into this agreement.

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7280 (6) “Small business concern” means an independently owned
7281 and operated business concern which is of a size and type as
7282 described and adopted by vote related to this agreement of the
7283 commission, hereby incorporated by reference.
7284
7285 ARTICLE III
7286
7287 STATEWIDE AND INTERLOCAL CERTIFICATIONS.—
7288 (1) All awarding organizations shall accept a certification
7289 granted by any participating organization which has been
7290 approved according to s. 287.0943(3) and has entered into this
7291 agreement, as valid status of minority business enterprise.
7292 (2) A participating organization shall certify a business
7293 concern that meets the definition of minority business
7294 enterprise in this agreement, in accordance with the duly
7295 adopted eligibility criteria.
7296 (3) All participating organizations shall issue notice of
7297 certification decisions granting or denying certification to all
7298 other participating organizations within 14 days of the
7299 decision. Such notice may be made through electronic media.
7300 (4) No certification will be granted without an onsite
7301 visit to verify ownership and control of the prospective
7302 minority business enterprise, unless verification can be
7303 accomplished by other methods of adequate verification or
7304 assessment of ownership and control.
7305 (5) The certification of a minority business enterprise
7306 pursuant to the terms of this agreement shall not be suspended,
7307 revoked, or otherwise impaired except on any grounds which would
7308 be sufficient for revocation or suspension of a certification in

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7309 the jurisdiction of the participating organization.
7310 (6) The certification determination of a party may be
7311 challenged by any other participating organization by the
7312 issuance of a timely written notice by the challenging
7313 organization to the certifying organization's determination
7314 within 10 days of receiving notice of the certification
7315 decision, stating the grounds therefor.
7316 (7) The sole accepted grounds for challenge shall be the
7317 failure of the certifying organization to adhere to the adopted
7318 criteria or the certifying organization's rules or procedures,
7319 or the perpetuation of a misrepresentation or fraud by the firm.
7320 (8) The certifying organization shall reexamine its
7321 certification determination and submit written notice to the
7322 applicant and the challenging organization of its findings
7323 within 30 days after the receipt of the notice of challenge.
7324 (9) If the certification determination is affirmed, the
7325 challenging agency may subsequently submit timely written notice
7326 to the firm of its intent to revoke certification of the firm.
7327
7328 ARTICLE IV
7329
7330 APPROVED AND ACCEPTED PROGRAMS.—Nothing in this agreement
7331 shall be construed to repeal or otherwise modify any ordinance,
7332 law, or regulation of a party relating to the existing minority
7333 business assistance provisions and procedures by which minority
7334 business enterprises participate therein.
7335
7336 ARTICLE V
7337

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7338 TERM.—The term of the agreement shall be 5 years, after
7339 which it may be reexecuted by the parties.
7340
7341 ARTICLE VI
7342
7343 AGREEMENT EVALUATION.—The designated state and local
7344 officials may meet from time to time as a group to evaluate
7345 progress under the agreement, to formulate recommendations for
7346 changes, or to propose a new agreement.
7347
7348 ARTICLE VII
7349
7350 OTHER ARRANGEMENTS.—Nothing in this agreement shall be
7351 construed to prevent or inhibit other arrangements or practices
7352 of any party in order to comply with federal law.
7353
7354 ARTICLE VIII
7355
7356 EFFECT AND WITHDRAWAL.—
7357 (1) This agreement shall become effective when properly
7358 executed by a legal representative of the participating
7359 organization, when enacted into the law of the state and after
7360 an ordinance or other legislation is enacted into law by the
7361 governing body of each participating organization. Thereafter it
7362 shall become effective as to any participating organization upon
7363 the enactment of this agreement by the governing body of that
7364 organization.
7365 (2) Any party may withdraw from this agreement by enacting
7366 legislation repealing the same, but no such withdrawal shall

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7367 take effect until one year after the governing body of the
7368 withdrawing party has given notice in writing of the withdrawal
7369 to the other parties.
7370 (3) No withdrawal shall relieve the withdrawing party of
7371 any obligations imposed upon it by law.
7372
7373 ARTICLE IX
7374
7375 FINANCIAL RESPONSIBILITY.—
7376 (1) A participating organization shall not be financially
7377 responsible or liable for the obligations of any other
7378 participating organization related to this agreement.
7379 (2) The provisions of this agreement shall constitute
7380 neither a waiver of any governmental immunity under Florida law
7381 nor a waiver of any defenses of the parties under Florida law.
7382 The provisions of this agreement are solely for the benefit of
7383 its executors and not intended to create or grant any rights,
7384 contractual or otherwise, to any person or entity.
7385
7386 ARTICLE X
7387
7388 VENUE AND GOVERNING LAW.—The obligations of the parties to
7389 this agreement are performable only within the county where the
7390 participating organization is located, and statewide for the
7391 Office of Supplier Diversity, and venue for any legal action in
7392 connection with this agreement shall lie, for any participating
7393 organization except the Office of Supplier Diversity,
7394 exclusively in the county where the participating organization
7395 is located. This agreement shall be governed by and construed in

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7396 accordance with the laws and court decisions of the state.
7397
7398 ARTICLE XI
7399
7400 CONSTRUCTION AND SEVERABILITY.—This agreement shall be
7401 liberally construed so as to effectuate the purposes thereof.
7402 The provisions of this agreement shall be severable and if any
7403 phrase, clause, sentence, or provision of this agreement is
7404 declared to be contrary to the State Constitution or the United
7405 States Constitution, or the application thereof to any
7406 government, agency, person, or circumstance is held invalid, the
7407 validity of the remainder of this agreement and the
7408 applicability thereof to any government, agency, person, or
7409 circumstance shall not be affected thereby. If this agreement
7410 shall be held contrary to the State Constitution, the agreement
7411 shall remain in full force and effect as to all severable
7412 matters.
7413 Section 126. Paragraphs (h) and (o) of subsection (4) of
7414 section 287.09451, Florida Statutes, are amended to read:
7415 287.09451 Office of Supplier Diversity; powers, duties, and
7416 functions.—
7417 (4) The Office of Supplier Diversity shall have the
7418 following powers, duties, and functions:
7419 (h) To develop procedures to investigate complaints against
7420 minority business enterprises or contractors alleged to violate
7421 any provision related to this section or s. 287.0943, that may
7422 include visits to worksites or business premises, and to refer
7423 all information on businesses suspected of misrepresenting
7424 minority status to the Department of Management Services for

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7425 investigation. When an investigation is completed and there is
7426 reason to believe that a violation has occurred, ~~the Department~~
7427 ~~of Labor and Employment Security shall refer~~ the matter shall be
7428 referred to the office of the Attorney General, Department of
7429 Legal Affairs, for prosecution.
7430 (o)1. To establish a system to record and measure the use
7431 of certified minority business enterprises in state contracting.
7432 This system shall maintain information and statistics on
7433 certified minority business enterprise participation, awards,
7434 dollar volume of expenditures and agency goals, and other
7435 appropriate types of information to analyze progress in the
7436 access of certified minority business enterprises to state
7437 contracts and to monitor agency compliance with this section.
7438 Such reporting must include, but is not limited to, the
7439 identification of all subcontracts in state contracting by
7440 dollar amount and by number of subcontracts and the
7441 identification of the utilization of certified minority business
7442 enterprises as prime contractors and subcontractors by dollar
7443 amounts of contracts and subcontracts, number of contracts and
7444 subcontracts, minority status, industry, and any conditions or
7445 circumstances that significantly affected the performance of
7446 subcontractors. Agencies shall report their compliance with the
7447 requirements of this reporting system at least annually and at
7448 the request of the office. All agencies shall cooperate with the
7449 office in establishing this reporting system. Except in
7450 construction contracting, all agencies shall review contracts
7451 costing in excess of CATEGORY FOUR as defined in s. 287.017 to
7452 determine if such contracts could be divided into smaller
7453 contracts to be separately solicited and awarded, and shall,

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7454 when economical, offer such smaller contracts to encourage
7455 minority participation.
7456 2. To report agency compliance with the provisions of
7457 subparagraph 1. for the preceding fiscal year to the Governor
7458 and Cabinet, the President of the Senate, and the Speaker of the
7459 House of Representatives~~, and the secretary of the Department of~~
7460 ~~Labor and Employment Security~~ on or before February 1 of each
7461 year. The report must contain, at a minimum, the following:
7462 a. Total expenditures of each agency by industry.
7463 b. The dollar amount and percentage of contracts awarded to
7464 certified minority business enterprises by each state agency.
7465 c. The dollar amount and percentage of contracts awarded
7466 indirectly to certified minority business enterprises as
7467 subcontractors by each state agency.
7468 d. The total dollar amount and percentage of contracts
7469 awarded to certified minority business enterprises, whether
7470 directly or indirectly, as subcontractors.
7471 e. A statement and assessment of good faith efforts taken
7472 by each state agency.
7473 f. A status report of agency compliance with subsection
7474 (6), as determined by the Minority Business Enterprise Office.
7475 Section 127. Subsections (1) and (5) of section 287.0947,
7476 Florida Statutes, are amended to read:
7477 287.0947 Florida Advisory Council on Small and Minority
7478 Business Development; creation; membership; duties.—
7479 (1) ~~On or after October 1, 1996,~~ The Secretary of
7480 Management Services ~~the Department of Labor and Employment~~
7481 ~~Security~~ may create the Florida Advisory Council on Small and
7482 Minority Business Development with the purpose of advising and

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7483 assisting the secretary in carrying out the secretary's duties
7484 with respect to minority businesses and economic and business
7485 development. It is the intent of the Legislature that the
7486 membership of such council include practitioners, laypersons,
7487 financiers, and others with business development experience who
7488 can provide invaluable insight and expertise for this state in
7489 the diversification of its markets and networking of business
7490 opportunities. The council shall initially consist of 19
7491 persons, each of whom is or has been actively engaged in small
7492 and minority business development, either in private industry,
7493 in governmental service, or as a scholar of recognized
7494 achievement in the study of such matters. Initially, the council
7495 shall consist of members representing all regions of the state
7496 and shall include at least one member from each group identified
7497 within the definition of "minority person" in s. 288.703(3),
7498 considering also gender and nationality subgroups, and shall
7499 consist of the following:
7500 (a) Four members consisting of representatives of local and
7501 federal small and minority business assistance programs or
7502 community development programs.
7503 (b) Eight members composed of representatives of the
7504 minority private business sector, including certified minority
7505 business enterprises and minority supplier development councils,
7506 among whom at least two shall be women and at least four shall
7507 be minority persons.
7508 (c) Two representatives of local government, one of whom
7509 shall be a representative of a large local government, and one
7510 of whom shall be a representative of a small local government.
7511 (d) Two representatives from the banking and insurance

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7512 industry.
7513 (e) Two members from the private business sector,
7514 representing the construction and commodities industries.
7515 (f) A member from the board of directors of the Jobs
7516 Florida Partnership, Inc ~~The chairperson of the Florida Black~~
7517 ~~Business Investment Board or the chairperson's designee~~.
7518
7519 A candidate for appointment may be considered if eligible to be
7520 certified as an owner of a minority business enterprise, or if
7521 otherwise qualified under the criteria above. Vacancies may be
7522 filled by appointment of the secretary, in the manner of the
7523 original appointment.
7524 (5) The powers and duties of the council include, but are
7525 not limited to: researching and reviewing the role of small and
7526 minority businesses in the state's economy; reviewing issues and
7527 emerging topics relating to small and minority business economic
7528 development; studying the ability of financial markets and
7529 institutions to meet small business credit needs and determining
7530 the impact of government demands on credit for small businesses;
7531 assessing the implementation of s. 187.201(21) ~~187.201(22)~~,
7532 requiring a state economic development comprehensive plan, as it
7533 relates to small and minority businesses; assessing the
7534 reasonableness and effectiveness of efforts by any state agency
7535 or by all state agencies collectively to assist minority
7536 business enterprises; and advising the Governor, the secretary,
7537 and the Legislature on matters relating to small and minority
7538 business development which are of importance to the
7539 international strategic planning and activities of this state.
7540 Section 128. Section 288.012, Florida Statutes, is amended

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7541 to read:
7542 288.012 State of Florida international ~~foreign~~ offices.—The
7543 Legislature finds that the expansion of international trade and
7544 tourism is vital to the overall health and growth of the economy
7545 of this state. This expansion is hampered by the lack of
7546 technical and business assistance, financial assistance, and
7547 information services for businesses in this state. The
7548 Legislature finds that these businesses could be assisted by
7549 providing these services at State of Florida international
7550 ~~foreign~~ offices. The Legislature further finds that the
7551 accessibility and provision of services at these offices can be
7552 enhanced through cooperative agreements or strategic alliances
7553 between private businesses and state ~~entities~~, local ~~entities~~,
7554 and international governmental ~~foreign~~ entities~~, and private~~
7555 ~~businesses~~.
7556 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7557 ~~Development~~ is authorized to:
7558 (a) Establish and operate offices in other ~~foreign~~
7559 countries for the purpose of promoting ~~the~~ trade and economic
7560 development opportunities of the state, and promoting the
7561 gathering of trade data information and research on trade
7562 opportunities in specific countries.
7563 (b) Enter into agreements with governmental and private
7564 sector entities to establish and operate offices in other
7565 ~~foreign~~ countries containing provisions which may be in conflict
7566 with general laws of the state pertaining to the purchase of
7567 office space, employment of personnel, and contracts for
7568 services. When agreements pursuant to this section are made
7569 which set compensation in foreign currency, such agreements

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7570 shall be subject to the requirements of s. 215.425, but the
7571 purchase of foreign currency by Jobs Florida ~~the Office of~~
7572 ~~Tourism, Trade, and Economic Development~~ to meet such
7573 obligations shall be subject only to s. 216.311.
7574 (2) Each international ~~foreign~~ office shall have in place
7575 an operational plan approved by the participating boards or
7576 other governing authority, a copy of which shall be provided to
7577 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
7578 ~~Development~~. These operating plans shall be reviewed and updated
7579 each fiscal year and shall include, at a minimum, the following:
7580 (a) Specific policies and procedures encompassing the
7581 entire scope of the operation and management of each office.
7582 (b) A comprehensive, commercial strategic plan identifying
7583 marketing opportunities and industry sector priorities for the
7584 ~~foreign~~ country ~~or area~~ in which an international ~~a foreign~~
7585 office is located.
7586 (c) Provisions for access to information for Florida
7587 businesses through the Florida Trade Data Center. Each
7588 international ~~foreign~~ office shall obtain and forward trade
7589 leads and inquiries to the center on a regular basis.
7590 (d) Identification of new and emerging market opportunities
7591 for Florida businesses. Each international ~~foreign~~ office shall
7592 provide the Florida Trade Data Center with a compilation of
7593 foreign buyers and importers in industry sector priority areas
7594 on an annual basis. In return, the Florida Trade Data Center
7595 shall make available to each international ~~foreign~~ office, and
7596 to the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., ~~the~~
7597 ~~Florida Commission on Tourism,~~ the Florida Ports Council, the
7598 Department of State, the Department of Citrus, and the

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7599 Department of Agriculture and Consumer Services, trade industry,
7600 commodity, and opportunity information. This information shall
7601 be provided to such offices and entities either free of charge
7602 or on a fee basis with fees set only to recover the costs of
7603 providing the information.
7604 (e) Provision of access for Florida businesses to the
7605 services of the Florida Trade Data Center, international trade
7606 assistance services provided by state and local entities,
7607 seaport and airport information, and other services identified
7608 by Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
7609 ~~Development~~.
7610 (f) Qualitative and quantitative performance measures for
7611 each office, including, but not limited to, the number of
7612 businesses assisted, the number of trade leads and inquiries
7613 generated, the number of international ~~foreign~~ buyers and
7614 importers contacted, and the amount and type of marketing
7615 conducted.
7616 (3) By October 1 of each year, each international ~~foreign~~
7617 office shall submit to Jobs Florida ~~the Office of Tourism,~~
7618 ~~Trade, and Economic Development~~ a complete and detailed report
7619 on its activities and accomplishments during the preceding
7620 fiscal year. In a format provided by the Jobs Florida
7621 Partnership ~~Enterprise Florida~~, Inc., the report must set forth
7622 information on:
7623 (a) The number of Florida companies assisted.
7624 (b) The number of inquiries received about investment
7625 opportunities in this state.
7626 (c) The number of trade leads generated.
7627 (d) The number of investment projects announced.

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7628 (e) The estimated U.S. dollar value of sales confirmations.
7629 (f) The number of representation agreements.
7630 (g) The number of company consultations.
7631 (h) Barriers or other issues affecting the effective
7632 operation of the office.
7633 (i) Changes in office operations which are planned for the
7634 current fiscal year.
7635 (j) Marketing activities conducted.
7636 (k) Strategic alliances formed with organizations in the
7637 country in which the office is located.
7638 (l) Activities conducted with Florida's other ~~Florida~~
7639 international ~~foreign~~ offices.
7640 (m) Any other information that the office believes would
7641 contribute to an understanding of its activities.
7642 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7643 ~~Development~~, in connection with the establishment, operation,
7644 and management of any of its offices located in another ~~a~~
7645 ~~foreign~~ country, is exempt from the provisions of ss. 255.21,
7646 255.25, and 255.254 relating to leasing of buildings; ss. 283.33
7647 and 283.35 relating to bids for printing; ss. 287.001-287.20
7648 relating to purchasing and motor vehicles; and ss. 282.003-
7649 282.0056 and 282.702-282.7101 relating to communications, and
7650 from all statutory provisions relating to state employment.
7651 (a) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7652 ~~Development~~ may exercise such exemptions only upon prior
7653 approval of the Governor.
7654 (b) If approval for an exemption under this section is
7655 granted as an integral part of a plan of operation for a
7656 specified international ~~foreign~~ office, such action shall

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7657 constitute continuing authority for Jobs Florida ~~the Office of~~
7658 ~~Tourism, Trade, and Economic Development~~ to exercise the
7659 exemption, but only in the context and upon the terms originally
7660 granted. Any modification of the approved plan of operation with
7661 respect to an exemption contained therein must be resubmitted to
7662 the Governor for his or her approval. An approval granted to
7663 exercise an exemption in any other context shall be restricted
7664 to the specific instance for which the exemption is to be
7665 exercised.
7666 (c) As used in this subsection, the term "plan of
7667 operation" means the plan developed pursuant to subsection (2).
7668 (d) Upon final action by the Governor with respect to a
7669 request to exercise the exemption authorized in this subsection,
7670 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
7671 ~~Development~~ shall report such action, along with the original
7672 request and any modifications thereto, to the President of the
7673 Senate and the Speaker of the House of Representatives within 30
7674 days.
7675 (5) Where feasible and appropriate, international ~~and~~
7676 ~~subject to s. 288.1224(9), foreign~~ offices established and
7677 operated under this section may provide one-stop access to the
7678 economic development, trade, and tourism information, services,
7679 and programs of the state. Where feasible and appropriate, ~~and~~
7680 ~~subject to s. 288.1224(9),~~ such offices may also be collocated
7681 with other international ~~foreign~~ offices of the state.
7682 (6) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7683 ~~Development~~ is authorized to make and to enter into contracts
7684 with the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., ~~and~~
7685 ~~the Florida Commission on Tourism~~ to carry out the provisions of

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7686 this section. The authority, duties, and exemptions provided in
7687 this section apply to the Jobs Florida Partnership ~~Enterprise~~
7688 ~~Florida~~, Inc., ~~and the Florida Commission on Tourism~~ to the same
7689 degree and subject to the same conditions as applied to Jobs
7690 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
7691 To the greatest extent possible, such contracts shall include
7692 provisions for cooperative agreements or strategic alliances
7693 between private businesses and state ~~entities~~, international,
7694 ~~foreign entities,~~ and local governmental entities~~, and private~~
7695 ~~businesses~~ to operate international ~~foreign~~ offices.
7696 Section 129. Subsections (1) and (3) of section 288.017,
7697 Florida Statutes, are amended to read:
7698 288.017 Cooperative advertising matching grants program.—
7699 (1) The Florida Commission on Tourism is authorized to
7700 establish a cooperative advertising matching grants program and,
7701 pursuant thereto, to make expenditures and enter into contracts
7702 with local governments and nonprofit corporations for the
7703 purpose of publicizing the tourism advantages of the state. Jobs
7704 Florida ~~The Office of Tourism, Trade, and Economic Development~~,
7705 based on recommendations from the Florida Commission on Tourism,
7706 shall have final approval of grants awarded through this
7707 program. The commission may contract with its direct-support
7708 organization to administer the program.
7709 (3) The Florida Commission on Tourism shall conduct an
7710 annual competitive selection process for the award of grants
7711 under the program. In determining its recommendations for the
7712 grant awards, the commission shall consider the demonstrated
7713 need of the applicant for advertising assistance, the
7714 feasibility and projected benefit of the applicant’s proposal,

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7715 the amount of nonstate funds that will be leveraged, and such
7716 other criteria as the commission deems appropriate. In
7717 evaluating grant applications, Jobs Florida ~~the Office~~ shall
7718 consider recommendations from the Florida Commission on Tourism.
7719 Jobs Florida ~~the Office~~, however, has final approval authority
7720 for any grant under this section.
7721 Section 130. Section 288.018, Florida Statutes, is amended
7722 to read:
7723 288.018 Regional Rural Development Grants Program.—
7724 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7725 ~~Development~~ shall establish a matching grant program to provide
7726 funding to regionally based economic development organizations
7727 representing rural counties and communities for the purpose of
7728 building the professional capacity of their organizations. Such
7729 matching grants may also be used by an economic development
7730 organization to provide technical assistance to businesses
7731 within the rural counties and communities that it serves. Jobs
7732 Florida ~~The Office of Tourism, Trade, and Economic Development~~
7733 is authorized to approve, on an annual basis, grants to such
7734 regionally based economic development organizations. The maximum
7735 amount an organization may receive in any year will be $35,000,
7736 or $100,000 in a rural area of critical economic concern
7737 recommended by the Rural Economic Development Initiative and
7738 designated by the Governor, and must be matched each year by an
7739 equivalent amount of nonstate resources.
7740 (2) In approving the participants, Jobs Florida ~~the Office~~
7741 ~~of Tourism, Trade, and Economic Development~~ shall consider the
7742 demonstrated need of the applicant for assistance and require
7743 the following:

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7744 (a) Documentation of official commitments of support from
7745 each of the units of local government represented by the
7746 regional organization.
7747 (b) Demonstration that each unit of local government has
7748 made a financial or in-kind commitment to the regional
7749 organization.
7750 (c) Demonstration that the private sector has made
7751 financial or in-kind commitments to the regional organization.
7752 (d) Demonstration that the organization is in existence and
7753 actively involved in economic development activities serving the
7754 region.
7755 (e) Demonstration of the manner in which the organization
7756 is or will coordinate its efforts with those of other local and
7757 state organizations.
7758 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7759 ~~Development~~ may also contract for the development of an
7760 enterprise zone web portal or websites for each enterprise zone
7761 which will be used to market the program for job creation in
7762 disadvantaged urban and rural enterprise zones. Each enterprise
7763 zone web page should include downloadable links to state forms
7764 and information, as well as local message boards that help
7765 businesses and residents receive information concerning zone
7766 boundaries, job openings, zone programs, and neighborhood
7767 improvement activities.
7768 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7769 ~~Development~~ may expend up to $750,000 each fiscal year from
7770 funds appropriated to the Rural Community Development Revolving
7771 Loan Fund for the purposes outlined in this section. Jobs
7772 Florida ~~The Office of Tourism, Trade, and Economic Development~~

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7773 may contract with the Jobs Florida Partnership ~~Enterprise~~
7774 ~~Florida~~, Inc., for the administration of the purposes specified
7775 in this section. Funds released to the Jobs Florida Partnership
7776 ~~Enterprise Florida~~, Inc., for this purpose shall be released
7777 quarterly and shall be calculated based on the applications in
7778 process.
7779 Section 131. Subsection (4) of section 288.019, Florida
7780 Statutes, is amended to read:
7781 288.019 Rural considerations in grant review and evaluation
7782 processes.—Notwithstanding any other law, and to the fullest
7783 extent possible, the member agencies and organizations of the
7784 Rural Economic Development Initiative (REDI) as defined in s.
7785 288.0656(6)(a) shall review all grant and loan application
7786 evaluation criteria to ensure the fullest access for rural
7787 counties as defined in s. 288.0656(2) to resources available
7788 throughout the state.
7789 (4) For existing programs, the modified evaluation criteria
7790 and scoring procedure must be delivered to Jobs Florida ~~the~~
7791 ~~Office of Tourism, Trade, and Economic Development~~ for
7792 distribution to the REDI agencies and organizations. The REDI
7793 agencies and organizations shall review and make comments.
7794 Future rules, programs, evaluation criteria, and scoring
7795 processes must be brought before a REDI meeting for review,
7796 discussion, and recommendation to allow rural counties fuller
7797 access to the state’s resources.
7798 Section 132. Subsection (1) of section 288.021, Florida
7799 Statutes, is amended to read:
7800 288.021 Economic development liaison.—
7801 (1) The heads of the Department of Transportation, the

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7802 Department of Environmental Protection and an additional member
7803 appointed by the secretary of the department, ~~the Department of~~
7804 ~~Labor and Employment Security~~, the Department of Education, ~~the~~
7805 ~~Department of Community Affairs,~~ the Department of Management
7806 Services, the Department of Revenue, the Fish and Wildlife
7807 Conservation Commission, each water management district, and
7808 each Department of Transportation District office shall
7809 designate a high-level staff member from within such agency to
7810 serve as the economic development liaison for the agency. This
7811 person shall report to the agency head and have general
7812 knowledge both of the state's permitting and other regulatory
7813 functions and of the state's economic goals, policies, and
7814 programs. This person shall also be the primary point of contact
7815 for the agency with Jobs Florida ~~the Office of Tourism, Trade,~~
7816 ~~and Economic Development~~ on issues and projects important to the
7817 economic development of Florida, including its rural areas, to
7818 expedite project review, to ensure a prompt, effective response
7819 to problems arising with regard to permitting and regulatory
7820 functions, and to work closely with the other economic
7821 development liaisons to resolve interagency conflicts.
7822 Section 133. Subsection (1) of section 288.035, Florida
7823 Statutes, is amended to read:
7824 288.035 Economic development activities.—
7825 (1) The Florida Public Service Commission may authorize
7826 public utilities to recover reasonable economic development
7827 expenses. For purposes of this section, recoverable "economic
7828 development expenses" are those expenses described in subsection
7829 (2) which are consistent with criteria to be established by
7830 rules adopted by Jobs Florida ~~the Department of Commerce as of~~

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7831 ~~June 30, 1996, or as those criteria are later modified by the~~
7832 ~~Office of Tourism, Trade, and Economic Development~~.
7833 Section 134. Section 288.047, Florida Statutes, is amended
7834 to read:
7835 288.047 Quick-response training for economic development.—
7836 (1) The Quick-Response Training Program is created within
7837 Jobs Florida to meet the workforce-skill needs of existing, new,
7838 and expanding industries. The program shall be administered in
7839 conjunction with ~~by~~ Workforce Florida, Inc., the Jobs Florida
7840 Partnership ~~in conjunction with Enterprise Florida~~, Inc., and
7841 the Department of Education. Workforce Florida, Inc., shall
7842 adopt guidelines for the administration of this program.
7843 Workforce Florida, Inc., shall provide technical services and
7844 shall help identify businesses that seek services through the
7845 program. ~~Workforce Florida, Inc., may contract with Enterprise~~
7846 ~~Florida, Inc., or administer this program directly, if it is~~
7847 ~~determined that such an arrangement maximizes the amount of the~~
7848 ~~Quick Response grant going to direct services.~~
7849 (2) Jobs Florida ~~Workforce Florida, Inc.,~~ shall ensure that
7850 instruction funded pursuant to this section is not available
7851 through the local community college or school district and that
7852 the instruction promotes economic development by providing
7853 specialized training to new workers or retraining for current
7854 employees to meet changing skill requirements caused by new
7855 technology or new product lines and to prevent potential
7856 layoffs. Such funds may not be expended to provide training for
7857 instruction related to retail businesses or to reimburse
7858 businesses for trainee wages. Funds made available pursuant to
7859 this section may not be expended in connection with the

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7860 relocation of a business from one community to another community
7861 in this state unless Jobs Florida ~~Workforce Florida, Inc.,~~
7862 determines that without such relocation the business will move
7863 outside this state or determines that the business has a
7864 compelling economic rationale for the relocation which creates
7865 additional jobs.
7866 (3) Requests for funding through the Quick-Response
7867 Training Program may be produced through inquiries from a
7868 specific business or industry, inquiries from a school district
7869 director of career education or community college occupational
7870 dean on behalf of a business or industry, or through official
7871 state or local economic development efforts. In allocating funds
7872 for the purposes of the program, Jobs Florida ~~Workforce Florida,~~
7873 ~~Inc.,~~ shall establish criteria for approval of requests for
7874 funding and shall select the entity that provides the most
7875 efficient, cost-effective instruction meeting such criteria.
7876 Program funds may be allocated to any career center, community
7877 college, or state university. Program funds may be allocated to
7878 private postsecondary institutions only upon a review that
7879 includes, but is not limited to, accreditation and licensure
7880 documentation and prior approval by Jobs Florida ~~Workforce~~
7881 ~~Florida, Inc~~. Instruction funded through the program must
7882 terminate when participants demonstrate competence at the level
7883 specified in the request; however, the grant term may not exceed
7884 24 months. Costs and expenditures for the Quick-Response
7885 Training Program must be documented and separated from those
7886 incurred by the training provider.
7887 (4) For the first 6 months of each fiscal year, Jobs
7888 Florida ~~Workforce Florida, Inc.,~~ shall set aside 30 percent of

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7889 the amount appropriated for the Quick-Response Training Program
7890 by the Legislature to fund instructional programs for businesses
7891 located in an enterprise zone or brownfield area. Any
7892 unencumbered funds remaining undisbursed from this set-aside at
7893 the end of the 6-month period may be used to provide funding for
7894 any program qualifying for funding pursuant to this section.
7895 (5) Before ~~Prior to~~ the allocation of funds for any request
7896 pursuant to this section, Jobs Florida ~~Workforce Florida, Inc.,~~
7897 shall prepare a grant agreement between the business or industry
7898 requesting funds, the educational institution receiving funding
7899 through the program, and Jobs Florida ~~Workforce Florida, Inc~~.
7900 Such agreement must include, but is not limited to:
7901 (a) An identification of the personnel necessary to conduct
7902 the instructional program, the qualifications of such personnel,
7903 and the respective responsibilities of the parties for paying
7904 costs associated with the employment of such personnel.
7905 (b) An identification of the estimated length of the
7906 instructional program.
7907 (c) An identification of all direct, training-related
7908 costs, including tuition and fees, curriculum development, books
7909 and classroom materials, and overhead or indirect costs, not to
7910 exceed 5 percent of the grant amount.
7911 (d) An identification of special program requirements that
7912 are not addressed otherwise in the agreement.
7913 (e) Permission to access information specific to the wages
7914 and performance of participants upon the completion of
7915 instruction for evaluation purposes. Information which, if
7916 released, would disclose the identity of the person to whom the
7917 information pertains or disclose the identity of the person's

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7918 employer is confidential and exempt from the provisions of s.
7919 119.07(1). The agreement must specify that any evaluations
7920 published subsequent to the instruction may not identify the
7921 employer or any individual participant.
7922 (6) For the purposes of this section, Jobs Florida
7923 ~~Workforce Florida, Inc.,~~ may accept grants of money, materials,
7924 services, or property of any kind from any agency, corporation,
7925 or individual.
7926 (7) In providing instruction pursuant to this section,
7927 materials that relate to methods of manufacture or production,
7928 potential trade secrets, business transactions, or proprietary
7929 information received, produced, ascertained, or discovered by
7930 employees of the respective departments, district school boards,
7931 community college district boards of trustees, or other
7932 personnel employed for the purposes of this section is
7933 confidential and exempt from the provisions of s. 119.07(1). The
7934 state may seek copyright protection for all instructional
7935 materials and ancillary written documents developed wholly or
7936 partially with state funds as a result of instruction provided
7937 pursuant to this section, except for materials that are
7938 confidential and exempt from the provisions of s. 119.07(1).
7939 (8) There is created a Quick-Response Training Program for
7940 participants in the welfare transition program. Workforce
7941 Florida, Inc., in conjunction with Jobs Florida, may award
7942 quick-response training grants and develop applicable guidelines
7943 for the training of participants in the welfare transition
7944 program. In addition to a local economic development
7945 organization, grants must be endorsed by the applicable regional
7946 workforce board.

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7947 (a) Training funded pursuant to this subsection may not
7948 exceed 12 months, and may be provided by the local community
7949 college, school district, regional workforce board, or the
7950 business employing the participant, including on-the-job
7951 training. Training will provide entry-level skills to new
7952 workers, including those employed in retail, who are
7953 participants in the welfare transition program.
7954 (b) Participants trained pursuant to this subsection must
7955 be employed at a wage not less than $6 per hour.
7956 (c) Funds made available pursuant to this subsection may be
7957 expended in connection with the relocation of a business from
7958 one community to another community if approved by Workforce
7959 Florida, Inc.
7960 ~~(9) Notwithstanding any other provision of law, eligible~~
7961 ~~matching contributions received under the Quick-Response~~
7962 ~~Training Program under this section may be counted toward the~~
7963 ~~private sector support of Enterprise Florida, Inc., under s.~~
7964 ~~288.90151(5)(d).~~
7965 (9) ~~(10)~~ Jobs Florida ~~Workforce Florida, Inc., and~~
7966 ~~Enterprise Florida, Inc.,~~ shall ensure maximum coordination and
7967 cooperation in administering this section, in such a manner that
7968 any division of responsibility between the two organizations
7969 which relates to marketing or administering the Quick-Response
7970 Training Program is not apparent to a business that inquires
7971 about or applies for funding under this section. ~~The~~
7972 ~~organizations shall provide such~~ A business shall be provided
7973 with a single point of contact for information and assistance.
7974 Section 135. Subsections (1), (2), and (3) of section
7975 288.065, Florida Statutes, are amended to read:

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7976 288.065 Rural Community Development Revolving Loan Fund.—
7977 (1) The Rural Community Development Revolving Loan Fund
7978 Program is established within Jobs Florida ~~in the Office of~~
7979 ~~Tourism, Trade, and Economic Development~~ to facilitate the use
7980 of existing federal, state, and local financial resources by
7981 providing local governments with financial assistance to further
7982 promote the economic viability of rural communities. These funds
7983 may be used to finance initiatives directed toward maintaining
7984 or developing the economic base of rural communities, especially
7985 initiatives addressing employment opportunities for residents of
7986 these communities.
7987 (2)(a) The program shall provide for long-term loans, loan
7988 guarantees, and loan loss reserves to units of local
7989 governments, or economic development organizations substantially
7990 underwritten by a unit of local government, within counties with
7991 populations of 75,000 or fewer, or within any county with a
7992 population of 125,000 or fewer which is contiguous to a county
7993 with a population of 75,000 or fewer, based on the most recent
7994 official population estimate as determined under s. 186.901,
7995 including those residing in incorporated areas and those
7996 residing in unincorporated areas of the county, or to units of
7997 local government, or economic development organizations
7998 substantially underwritten by a unit of local government, within
7999 a rural area of critical economic concern.
8000 (b) Requests for loans shall be made by application to Jobs
8001 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
8002 Loans shall be made pursuant to agreements specifying the terms
8003 and conditions agreed to between the applicant and Jobs Florida
8004 ~~the Office of Tourism, Trade, and Economic Development~~. The

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8005 loans shall be the legal obligations of the applicant.
8006 (c) All repayments of principal and interest shall be
8007 returned to the loan fund and made available for loans to other
8008 applicants. However, in a rural area of critical economic
8009 concern designated by the Governor, and upon approval by Jobs
8010 Florida ~~the Office of Tourism, Trade, and Economic Development~~,
8011 repayments of principal and interest may be retained by the
8012 applicant if such repayments are dedicated and matched to fund
8013 regionally based economic development organizations representing
8014 the rural area of critical economic concern.
8015 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8016 ~~Development~~ shall manage the fund, establishing loan practices
8017 that must include, but are not limited to, procedures for
8018 establishing loan interest rates, uses of funding, application
8019 procedures, and application review procedures. Jobs Florida ~~The~~
8020 ~~Office of Tourism, Trade, and Economic Development~~ shall have
8021 final approval authority for any loan under this section.
8022 Section 136. Subsections (1), (2), (3), and (4) of section
8023 288.0655, Florida Statutes, are amended to read:
8024 288.0655 Rural Infrastructure Fund.—
8025 (1) There is created within Jobs Florida ~~the Office of~~
8026 ~~Tourism, Trade, and Economic Development~~ the Rural
8027 Infrastructure Fund to facilitate the planning, preparing, and
8028 financing of infrastructure projects in rural communities which
8029 will encourage job creation, capital investment, and the
8030 strengthening and diversification of rural economies by
8031 promoting tourism, trade, and economic development.
8032 (2)(a) Funds appropriated by the Legislature shall be
8033 distributed by Jobs Florida ~~the Office~~ through grant programs

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8034 that maximize the use of federal, local, and private resources,
8035 including, but not limited to, those available under the Small
8036 Cities Community Development Block Grant Program.
8037 (b) To facilitate access of rural communities and rural
8038 areas of critical economic concern as defined by the Rural
8039 Economic Development Initiative to infrastructure funding
8040 programs of the Federal Government, such as those offered by the
8041 United States Department of Agriculture and the United States
8042 Department of Commerce, and state programs, including those
8043 offered by Rural Economic Development Initiative agencies, and
8044 to facilitate local government or private infrastructure funding
8045 efforts, Jobs Florida ~~the Office~~ may award grants for up to 30
8046 percent of the total infrastructure project cost. If an
8047 application for funding is for a catalyst site, as defined in s.
8048 288.0656, Jobs Florida ~~the Office~~ may award grants for up to 40
8049 percent of the total infrastructure project cost. Eligible
8050 projects must be related to specific job-creation or job-
8051 retention opportunities. Eligible projects may also include
8052 improving any inadequate infrastructure that has resulted in
8053 regulatory action that prohibits economic or community growth or
8054 reducing the costs to community users of proposed infrastructure
8055 improvements that exceed such costs in comparable communities.
8056 Eligible uses of funds shall include improvements to public
8057 infrastructure for industrial or commercial sites and upgrades
8058 to or development of public tourism infrastructure. Authorized
8059 infrastructure may include the following public or public-
8060 private partnership facilities: storm water systems;
8061 telecommunications facilities; broadband facilities; roads or
8062 other remedies to transportation impediments; nature-based

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8063 tourism facilities; or other physical requirements necessary to
8064 facilitate tourism, trade, and economic development activities
8065 in the community. Authorized infrastructure may also include
8066 publicly or privately owned self-powered nature-based tourism
8067 facilities, publicly owned telecommunications facilities, and
8068 broadband facilities, and additions to the distribution
8069 facilities of the existing natural gas utility as defined in s.
8070 366.04(3)(c), the existing electric utility as defined in s.
8071 366.02, or the existing water or wastewater utility as defined
8072 in s. 367.021(12), or any other existing water or wastewater
8073 facility, which owns a gas or electric distribution system or a
8074 water or wastewater system in this state where:
8075 1. A contribution-in-aid of construction is required to
8076 serve public or public-private partnership facilities under the
8077 tariffs of any natural gas, electric, water, or wastewater
8078 utility as defined herein; and
8079 2. Such utilities as defined herein are willing and able to
8080 provide such service.
8081 (c) To facilitate timely response and induce the location
8082 or expansion of specific job creating opportunities, Jobs
8083 Florida ~~the Office~~ may award grants for infrastructure
8084 feasibility studies, design and engineering activities, or other
8085 infrastructure planning and preparation activities. Authorized
8086 grants shall be up to $50,000 for an employment project with a
8087 business committed to create at least 100 jobs;~~,~~ up to $150,000
8088 for an employment project with a business committed to create at
8089 least 300 jobs;~~,~~ and up to $300,000 for a project in a rural
8090 area of critical economic concern. Grants awarded under this
8091 paragraph may be used in conjunction with grants awarded under

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8092 paragraph (b), provided that the total amount of both grants
8093 does not exceed 30 percent of the total project cost. In
8094 evaluating applications under this paragraph, Jobs Florida ~~the~~
8095 ~~Office~~ shall consider the extent to which the application seeks
8096 to minimize administrative and consultant expenses.
8097 (d) Jobs Florida ~~By September 1, 1999, the Office~~ shall
8098 participate in ~~pursue execution of~~ a memorandum of agreement
8099 with the United States Department of Agriculture under which
8100 state funds available through the Rural Infrastructure Fund may
8101 be advanced, in excess of the prescribed state share, for a
8102 project that has received from the department a preliminary
8103 determination of eligibility for federal financial support.
8104 State funds in excess of the prescribed state share which are
8105 advanced pursuant to this paragraph and the memorandum of
8106 agreement shall be reimbursed when funds are awarded under an
8107 application for federal funding.
8108 (e) To enable local governments to access the resources
8109 available pursuant to s. 403.973(18), Jobs Florida ~~the Office~~
8110 may award grants for surveys, feasibility studies, and other
8111 activities related to the identification and preclearance review
8112 of land which is suitable for preclearance review. Authorized
8113 grants under this paragraph shall not exceed $75,000 each,
8114 except in the case of a project in a rural area of critical
8115 economic concern, in which case the grant shall not exceed
8116 $300,000. Any funds awarded under this paragraph must be matched
8117 at a level of 50 percent with local funds, except that any funds
8118 awarded for a project in a rural area of critical economic
8119 concern must be matched at a level of 33 percent with local
8120 funds. If an application for funding is for a catalyst site, as

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8121 defined in s. 288.0656, the requirement for local match may be
8122 waived pursuant to the process in s. 288.06561. In evaluating
8123 applications under this paragraph, Jobs Florida ~~the office~~ shall
8124 consider the extent to which the application seeks to minimize
8125 administrative and consultant expenses.
8126 (3) Jobs Florida ~~the office~~, in consultation with the Jobs
8127 Florida Partnership ~~Enterprise Florida~~, Inc., ~~VISIT Florida,~~ the
8128 Department of Environmental Protection, and the Florida Fish and
8129 Wildlife Conservation Commission, as appropriate, shall review
8130 and certify applications pursuant to s. 288.061. The review
8131 shall include an evaluation of the economic benefit of the
8132 projects and their long-term viability. Jobs Florida ~~The office~~
8133 shall have final approval for any grant under this section.
8134 (4) By September 1, 2011 ~~1999~~, Jobs Florida ~~the office~~
8135 shall, in consultation with the organizations listed in
8136 subsection (3), and other organizations, reevaluate existing
8137 ~~develop~~ guidelines and criteria governing submission of
8138 applications for funding, review and evaluation of such
8139 applications, and approval of funding under this section. Jobs
8140 Florida ~~The office~~ shall consider factors including, but not
8141 limited to, the project's potential for enhanced job creation or
8142 increased capital investment, the demonstration and level of
8143 local public and private commitment, whether the project is
8144 located ~~location of the project~~ in an enterprise zone, ~~the~~
8145 ~~location of the project~~ in a community development corporation
8146 service area, or in an urban high-crime area as ~~the location of~~
8147 ~~the project in a county~~ designated under s. 212.097, the
8148 unemployment rate of the county in which the project would be
8149 located ~~surrounding area~~, and the poverty rate of the community.

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8150 Section 137. Paragraph (b) of subsection (1), paragraphs
8151 (b) and (e) of subsection (2), paragraph (a) of subsection (6),
8152 and subsection (7) of section 288.0656, Florida Statutes, are
8153 amended to read:
8154 288.0656 Rural Economic Development Initiative.—
8155 (1)(b) The Rural Economic Development Initiative, known as
8156 "REDI," is created within Jobs Florida ~~the Office of Tourism,~~
8157 ~~Trade, and Economic Development~~, and the participation of state
8158 and regional agencies in this initiative is authorized.
8159 (2) As used in this section, the term:
8160 (b) "Catalyst site" means a parcel or parcels of land
8161 within a rural area of critical economic concern that has been
8162 prioritized as a geographic site for economic development
8163 through partnerships with state, regional, and local
8164 organizations. The site must be reviewed by REDI and approved by
8165 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
8166 ~~Development~~ for the purposes of locating a catalyst project.
8167 (e) "Rural community" means:
8168 1. A county with a population of 75,000 or fewer.
8169 2. A county with a population of 125,000 or fewer which is
8170 contiguous to a county with a population of 75,000 or fewer.
8171 3. A municipality within a county described in subparagraph
8172 1. or subparagraph 2.
8173 4. An unincorporated federal enterprise community or an
8174 incorporated rural city with a population of 25,000 or fewer and
8175 an employment base focused on traditional agricultural or
8176 resource-based industries, located in a county not defined as
8177 rural, which has at least three or more of the economic distress
8178 factors identified in paragraph (c) and verified by Jobs Florida

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8179 ~~the Office of Tourism, Trade, and Economic Development~~.
8180
8181 For purposes of this paragraph, population shall be determined
8182 in accordance with the most recent official estimate pursuant to
8183 s. 186.901.
8184 (6)(a) By August 1 of each year, the head of each of the
8185 following agencies and organizations shall designate a deputy
8186 secretary or higher-level staff person from within the agency or
8187 organization to serve as the REDI representative for the agency
8188 or organization:
8189 ~~1. The Department of Community Affairs.~~
8190 1.~~2.~~ The Department of Transportation.
8191 2.~~3.~~ The Department of Environmental Protection.
8192 3.~~4.~~ The Department of Agriculture and Consumer Services.
8193 4.~~5.~~ The Department of State.
8194 5.~~6.~~ The Department of Health.
8195 6.~~7.~~ The Department of Children and Family Services.
8196 7.~~8.~~ The Department of Corrections.
8197 ~~9. The Agency for Workforce Innovation~~.
8198 8.~~10.~~ The Department of Education.
8199 9.~~11.~~ The Department of Juvenile Justice.
8200 10.~~12.~~ The Fish and Wildlife Conservation Commission.
8201 11.~~13.~~ Each water management district.
8202 12.~~14.~~ The Jobs Florida Partnership ~~Enterprise Florida~~,
8203 Inc.
8204 13.~~15.~~ Workforce Florida, Inc.
8205 ~~16. The Florida Commission on Tourism or VISIT Florida.~~
8206 14.~~17.~~ The Florida Regional Planning Council Association.
8207 15.~~18.~~ The Agency for Health Care Administration.

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8208 16.~~19.~~ The Institute of Food and Agricultural Sciences
8209 (IFAS).
8210
8211 An alternate for each designee shall also be chosen, and the
8212 names of the designees and alternates shall be sent to the
8213 director of Jobs Florida ~~the Office of Tourism, Trade, and~~
8214 ~~Economic Development~~.
8215 (7)(a) REDI may recommend to the Governor up to three rural
8216 areas of critical economic concern. The Governor may by
8217 executive order designate up to three rural areas of critical
8218 economic concern which will establish these areas as priority
8219 assignments for REDI as well as to allow the Governor, acting
8220 through REDI, to waive criteria, requirements, or similar
8221 provisions of any economic development incentive. Such
8222 incentives shall include, but not be limited to: the Qualified
8223 Target Industry Tax Refund Program under s. 288.106, the Quick
8224 Response Training Program under s. 288.047, the Quick Response
8225 Training Program for participants in the welfare transition
8226 program under s. 288.047(8), ~~transportation projects under s.~~
8227 ~~288.063,~~ the brownfield redevelopment bonus refund under s.
8228 288.107, and the rural job tax credit program under ss. 212.098
8229 and 220.1895.
8230 (b) Designation as a rural area of critical economic
8231 concern under this subsection shall be contingent upon the
8232 execution of a memorandum of agreement among Jobs Florida ~~the~~
8233 ~~Office of Tourism, Trade, and Economic Development~~; the
8234 governing body of the county; and the governing bodies of any
8235 municipalities to be included within a rural area of critical
8236 economic concern. Such agreement shall specify the terms and

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8237 conditions of the designation, including, but not limited to,
8238 the duties and responsibilities of the county and any
8239 participating municipalities to take actions designed to
8240 facilitate the retention and expansion of existing businesses in
8241 the area, as well as the recruitment of new businesses to the
8242 area.
8243 (c) Each rural area of critical economic concern may
8244 designate catalyst projects, provided that each catalyst project
8245 is specifically recommended by REDI, identified as a catalyst
8246 project by the Jobs Florida Partnership ~~Enterprise Florida~~,
8247 Inc., and confirmed as a catalyst project by Jobs Florida ~~the~~
8248 ~~Office of Tourism, Trade, and Economic Development~~. All state
8249 agencies and departments shall use all available tools and
8250 resources to the extent permissible by law to promote the
8251 creation and development of each catalyst project and the
8252 development of catalyst sites.
8253 Section 138. Subsections (2) and (3) of section 288.06561,
8254 Florida Statutes, are amended to read:
8255 288.06561 Reduction or waiver of financial match
8256 requirements.—Notwithstanding any other law, the member agencies
8257 and organizations of the Rural Economic Development Initiative
8258 (REDI), as defined in s. 288.0656(6)(a), shall review the
8259 financial match requirements for projects in rural areas as
8260 defined in s. 288.0656(2).
8261 (2) Agencies and organizations shall ensure that all
8262 proposals are submitted to Jobs Florida ~~the Office of Tourism,~~
8263 ~~Trade, and Economic Development~~ for review by the REDI agencies.
8264 (3) These proposals shall be delivered to Jobs Florida ~~the~~
8265 ~~Office of Tourism, Trade, and Economic Development~~ for

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8266 distribution to the REDI agencies and organizations. A meeting
8267 of REDI agencies and organizations must be called within 30 days
8268 after receipt of such proposals for REDI comment and
8269 recommendations on each proposal.
8270 Section 139. Subsections (2) and (4) of section 288.0657,
8271 Florida Statutes, are amended to read:
8272 288.0657 Florida rural economic development strategy
8273 grants.—
8274 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8275 ~~Development~~ may accept and administer moneys appropriated to
8276 Jobs Florida ~~the office~~ for providing grants to assist rural
8277 communities to develop and implement strategic economic
8278 development plans.
8279 (4) Jobs Florida ~~Enterprise Florida, Inc., and VISIT~~
8280 ~~Florida,~~ shall establish criteria for reviewing grant
8281 applications. These criteria shall include, but are not limited
8282 to, the degree of participation and commitment by the local
8283 community and the application’s consistency with local
8284 comprehensive plans or the application’s proposal to ensure such
8285 consistency. Jobs Florida ~~The International Trade and Economic~~
8286 ~~Development Board of Enterprise Florida, Inc., and VISIT~~
8287 ~~Florida,~~ shall review each application for a grant ~~and shall~~
8288 ~~submit annually to the Office for approval a list of all~~
8289 ~~applications that are recommended by the board and VISIT~~
8290 ~~Florida, arranged in order of priority~~. Jobs Florida ~~The office~~
8291 may approve grants only to the extent that funds are
8292 appropriated for such grants by the Legislature.
8293 Section 140. Section 288.0658, Florida Statutes, is amended
8294 to read:

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8295 288.0658 Nature-based recreation; promotion and other
8296 assistance by Fish and Wildlife Conservation Commission.—The
8297 Florida Fish and Wildlife Conservation Commission is directed to
8298 assist the Jobs Florida Partnership, Inc. ~~Florida Commission on~~
8299 ~~Tourism; the Florida Tourism Industry Marketing Corporation,~~
8300 ~~doing business as VISIT Florida~~; convention and visitor bureaus;
8301 tourist development councils; economic development
8302 organizations; and local governments through the provision of
8303 marketing advice, technical expertise, promotional support, and
8304 product development related to nature-based recreation and
8305 sustainable use of natural resources. In carrying out this
8306 responsibility, the Florida Fish and Wildlife Conservation
8307 Commission shall focus its efforts on fostering nature-based
8308 recreation in rural communities and regions encompassing rural
8309 communities. As used in this section, the term "nature-based
8310 recreation" means leisure activities related to the state's
8311 lands, waters, and fish and wildlife resources, including, but
8312 not limited to, wildlife viewing, fishing, hiking, canoeing,
8313 kayaking, camping, hunting, backpacking, and nature photography.
8314 Section 141. Section 288.0659, Florida Statutes, is amended
8315 to read:
8316 288.0659 Local Government Distressed Area Matching Grant
8317 Program.—
8318 (1) The Local Government Distressed Area Matching Grant
8319 Program is created within Jobs Florida ~~the Office of Tourism,~~
8320 ~~Trade, and Economic Development~~. The purpose of the program is
8321 to stimulate investment in the state's economy by providing
8322 grants to match demonstrated business assistance by local
8323 governments to attract and retain businesses in this state.

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8324 (2) As used in this section, the term:
8325 (a) "Local government" means a county or municipality.
8326 ~~(b) "Office" means the Office of Tourism, Trade, and~~
8327 ~~Economic Development~~.
8328 (b) ~~(c)~~ "Qualified business assistance" means economic
8329 incentives provided by a local government for the purpose of
8330 attracting or retaining a specific business, including, but not
8331 limited to, suspensions, waivers, or reductions of impact fees
8332 or permit fees; direct incentive payments; expenditures for
8333 onsite or offsite improvements directly benefiting a specific
8334 business; or construction or renovation of buildings for a
8335 specific business.
8336 (3) Jobs Florida ~~The Office~~ may accept and administer
8337 moneys appropriated by the Legislature ~~to the Office~~ for
8338 providing grants to match expenditures by local governments to
8339 attract or retain businesses in this state.
8340 (4) A local government may apply for grants to match
8341 qualified business assistance made by the local government for
8342 the purpose of attracting or retaining a specific business. A
8343 local government may apply for no more than one grant per
8344 targeted business. A local government may only have one
8345 application pending with Jobs Florida ~~the Office~~. Additional
8346 applications may be filed after a previous application has been
8347 approved or denied.
8348 (5) To qualify for a grant, the business being targeted by
8349 a local government must create at least 15 full-time jobs, must
8350 be new to this state, must be expanding its operations in this
8351 state, or would otherwise leave the state absent state and local
8352 assistance, and the local government applying for the grant must

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8353 expedite its permitting processes for the target business by
8354 accelerating the normal review and approval timelines. In
8355 addition to these requirements, Jobs Florida ~~the office~~ shall
8356 review the grant requests using the following evaluation
8357 criteria, with priority given in descending order:
8358 (a) The presence and degree of pervasive poverty,
8359 unemployment, and general distress as determined pursuant to s.
8360 290.0058 in the area where the business will locate, with
8361 priority given to locations with greater degrees of poverty,
8362 unemployment, and general distress.
8363 (b) The extent of reliance on the local government
8364 expenditure as an inducement for the business's location
8365 decision, with priority given to higher levels of local
8366 government expenditure.
8367 (c) The number of new full-time jobs created, with priority
8368 given to higher numbers of jobs created.
8369 (d) The average hourly wage for jobs created, with priority
8370 given to higher average wages.
8371 (e) The amount of capital investment to be made by the
8372 business, with priority given to higher amounts of capital
8373 investment.
8374 (6) In evaluating grant requests, Jobs Florida ~~the Office~~
8375 shall take into consideration the need for grant assistance as
8376 it relates to the local government's general fund balance as
8377 well as local incentive programs that are already in existence.
8378 (7) Funds made available pursuant to this section may not
8379 be expended in connection with the relocation of a business from
8380 one community to another community in this state unless Jobs
8381 Florida ~~the Office~~ determines that without such relocation the

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8382 business will move outside this state or determines that the
8383 business has a compelling economic rationale for the relocation
8384 which creates additional jobs. Funds made available pursuant to
8385 this section may not be used by the receiving local government
8386 to supplant matching commitments required of the local
8387 government pursuant to other state or federal incentive
8388 programs.
8389 (8) Within 30 days after Jobs Florida ~~the Office~~ receives
8390 an application for a grant, Jobs Florida ~~the Office~~ shall
8391 approve a preliminary grant allocation or disapprove the
8392 application. The preliminary grant allocation shall be based on
8393 estimates of qualified business assistance submitted by the
8394 local government and shall equal 50 percent of the amount of the
8395 estimated qualified business assistance or $50,000, whichever is
8396 less. The preliminary grant allocation shall be executed by
8397 contract with the local government. The contract shall set forth
8398 the terms and conditions, including the timeframes within which
8399 the final grant award will be disbursed. The final grant award
8400 may not exceed the preliminary grant allocation. Jobs Florida
8401 ~~the Office~~ may approve preliminary grant allocations only to the
8402 extent that funds are appropriated for such grants by the
8403 Legislature.
8404 (a) Preliminary grant allocations that are revoked or
8405 voluntarily surrendered shall be immediately available for
8406 reallocation.
8407 (b) Recipients of preliminary grant allocations shall
8408 promptly report to Jobs Florida ~~the Office~~ the date on which the
8409 local government’s permitting and approval process is completed
8410 and the date on which all qualified business assistance is

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8411 completed.
8412 (9) Jobs Florida ~~the Office~~ shall make a final grant award
8413 to a local government within 30 days after receiving information
8414 from the local government sufficient to demonstrate actual
8415 qualified business assistance. An awarded grant amount shall
8416 equal 50 percent of the amount of the qualified business
8417 assistance or $50,000, whichever is less, and may not exceed the
8418 preliminary grant allocation. The amount by which a preliminary
8419 grant allocation exceeds a final grant award shall be
8420 immediately available for reallocation.
8421 (10) Up to 2 percent of the funds appropriated annually by
8422 the Legislature for the program may be used by Jobs Florida ~~the~~
8423 ~~Office~~ for direct administrative costs associated with
8424 implementing this section.
8425 Section 142. Paragraph (a) of subsection (1) of section
8426 288.075, Florida Statutes, is amended to read:
8427 288.075 Confidentiality of records.—
8428 (1) DEFINITIONS.—As used in this section, the term:
8429 (a) "Economic development agency" means:
8430 1. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8431 ~~Development~~;
8432 2. Any industrial development authority created in
8433 accordance with part III of chapter 159 or by special law;
8434 3. Space Florida created in part II of chapter 331;
8435 4. The public economic development agency of a county or
8436 municipality or, if the county or municipality does not have a
8437 public economic development agency, the county or municipal
8438 officers or employees assigned the duty to promote the general
8439 business interests or industrial interests of that county or

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8440 municipality or the responsibilities related thereto;
8441 5. Any research and development authority created in
8442 accordance with part V of chapter 159; or
8443 6. Any private agency, person, partnership, corporation, or
8444 business entity when authorized by the state, a municipality, or
8445 a county to promote the general business interests or industrial
8446 interests of the state or that municipality or county.
8447 Section 143. Paragraphs (c), (h), (p), and (r) of
8448 subsection (1), paragraphs (a), (d), (e), (f), (h) of subsection
8449 (2), subsections (3) and (4), paragraphs (a), (d), (e), and (g)
8450 of subsection (5), paragraphs (a), (b), and (c) of subsection
8451 (6), and subsections (7) and (8) of section 288.1045, Florida
8452 Statutes, are amended, and present paragraphs (i) through (u) of
8453 subsection (1) are redesignated as paragraphs (h) through (s),
8454 respectively, to read:
8455 288.1045 Qualified defense contractor and space flight
8456 business tax refund program.—
8457 (1) DEFINITIONS.—As used in this section:
8458 (c) "Business unit" means an employing unit, as defined in
8459 s. 443.036, that is registered with Jobs Florida ~~the Agency for~~
8460 ~~Workforce Innovation~~ for unemployment compensation purposes or
8461 means a subcategory or division of an employing unit that is
8462 accepted by Jobs Florida ~~the Agency for Workforce Innovation~~ as
8463 a reporting unit.
8464 ~~(h) "Director" means the director of the Office of Tourism,~~
8465 ~~Trade, and Economic Development~~.
8466 ~~(p) "Office" means the Office of Tourism, Trade, and~~
8467 ~~Economic Development.~~
8468 (p) ~~(r)~~ "Qualified applicant" means an applicant that has

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8469 been approved by Jobs Florida ~~the director~~ to be eligible for
8470 tax refunds pursuant to this section.
8471 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—
8472 (a) There shall be allowed, from the Economic Development
8473 Trust Fund, a refund to a qualified applicant for the amount of
8474 eligible taxes certified by Jobs Florida ~~the director~~ which were
8475 paid by such qualified applicant. The total amount of refunds
8476 for all fiscal years for each qualified applicant shall be
8477 determined pursuant to subsection (3). The annual amount of a
8478 refund to a qualified applicant shall be determined pursuant to
8479 subsection (5).
8480 (d) Contingent upon an annual appropriation by the
8481 Legislature, Jobs Florida ~~the director~~ may approve not more in
8482 tax refunds than the amount appropriated to the Economic
8483 Development Trust Fund for tax refunds, for a fiscal year
8484 pursuant to subsection (5) and s. 288.095.
8485 (e) For the first 6 months of each fiscal year, Jobs
8486 Florida ~~the director~~ shall set aside 30 percent of the amount
8487 appropriated for refunds pursuant to this section by the
8488 Legislature to provide tax refunds only to qualified applicants
8489 who employ 500 or fewer full-time employees in this state. Any
8490 unencumbered funds remaining undisbursed from this set-aside at
8491 the end of the 6-month period may be used to provide tax refunds
8492 for any qualified applicants pursuant to this section.
8493 (f) After entering into a tax refund agreement pursuant to
8494 subsection (4), a qualified applicant may:
8495 1. Receive refunds from the account for corporate income
8496 taxes due and paid pursuant to chapter 220 by that business
8497 beginning with the first taxable year of the business which

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8498 begins after entering into the agreement.
8499 2. Receive refunds from the account for the following taxes
8500 due and paid by that business after entering into the agreement:
8501 a. Taxes on sales, use, and other transactions paid
8502 pursuant to chapter 212.
8503 b. Intangible personal property taxes paid pursuant to
8504 chapter 199.
8505 c. Emergency excise taxes paid pursuant to chapter 221.
8506 d. Excise taxes paid on documents pursuant to chapter 201.
8507 e. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on
8508 June 1, 1996.
8509 f. State communications services taxes administered under
8510 chapter 202. This provision does not apply to the gross receipts
8511 tax imposed under chapter 203 and administered under chapter 202
8512 or the local communications services tax authorized under s.
8513 202.19.
8514
8515 However, a qualified applicant may not receive a tax refund
8516 pursuant to this section for any amount of credit, refund, or
8517 exemption granted such contractor for any of such taxes. If a
8518 refund for such taxes is provided by Jobs Florida ~~the Office~~,
8519 which taxes are subsequently adjusted by the application of any
8520 credit, refund, or exemption granted to the qualified applicant
8521 other than that provided in this section, the qualified
8522 applicant shall reimburse the Economic Development Trust Fund
8523 for the amount of such credit, refund, or exemption. A qualified
8524 applicant must notify and tender payment to the office within 20
8525 days after receiving a credit, refund, or exemption, other than
8526 that provided in this section. ~~The addition of communications~~

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8527 ~~services taxes administered under chapter 202 is remedial in~~
8528 ~~nature and retroactive to October 1, 2001. The Office may make~~
8529 ~~supplemental tax refund payments to allow for tax refunds for~~
8530 ~~communications services taxes paid by an eligible qualified~~
8531 ~~defense contractor after October 1, 2001.~~
8532 (h) Funds made available pursuant to this section may not
8533 be expended in connection with the relocation of a business from
8534 one community to another community in this state unless Jobs
8535 Florida ~~the Office of Tourism, Trade, and Economic Development~~
8536 determines that without such relocation the business will move
8537 outside this state or determines that the business has a
8538 compelling economic rationale for the relocation which creates
8539 additional jobs.
8540 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
8541 DETERMINATION.—
8542 (a) To apply for certification as a qualified applicant
8543 pursuant to this section, an applicant must file an application
8544 with Jobs Florida ~~the Office~~ which satisfies the requirements of
8545 paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d)
8546 and (e), or paragraphs (e) and (j). An applicant may not apply
8547 for certification pursuant to this section after a proposal has
8548 been submitted for a new Department of Defense contract, after
8549 the applicant has made the decision to consolidate an existing
8550 Department of Defense contract in this state for which such
8551 applicant is seeking certification, after a proposal has been
8552 submitted for a new space flight business contract in this
8553 state, after the applicant has made the decision to consolidate
8554 an existing space flight business contract in this state for
8555 which such applicant is seeking certification, or after the

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8556 applicant has made the decision to convert defense production
8557 jobs to nondefense production jobs for which such applicant is
8558 seeking certification.
8559 (b) Applications for certification based on the
8560 consolidation of a Department of Defense contract or a new
8561 Department of Defense contract must be submitted to Jobs Florida
8562 ~~the Office~~ as prescribed by Jobs Florida ~~the Office~~ and must
8563 include, but are not limited to, the following information:
8564 1. The applicant's federal employer identification number,
8565 the applicant's Florida sales tax registration number, and a
8566 signature of an officer of the applicant.
8567 2. The permanent location of the manufacturing, assembling,
8568 fabricating, research, development, or design facility in this
8569 state at which the project is or is to be located.
8570 3. The Department of Defense contract numbers of the
8571 contract to be consolidated, the new Department of Defense
8572 contract number, or the "RFP" number of a proposed Department of
8573 Defense contract.
8574 4. The date the contract was executed or is expected to be
8575 executed, and the date the contract is due to expire or is
8576 expected to expire.
8577 5. The commencement date for project operations under the
8578 contract in this state.
8579 6. The number of net new full-time equivalent Florida jobs
8580 included in the project as of December 31 of each year and the
8581 average wage of such jobs.
8582 7. The total number of full-time equivalent employees
8583 employed by the applicant in this state.
8584 8. The percentage of the applicant's gross receipts derived

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8585 from Department of Defense contracts during the 5 taxable years
8586 immediately preceding the date the application is submitted.
8587 9. The number of full-time equivalent jobs in this state to
8588 be retained by the project.
8589 10. A brief statement concerning the applicant's need for
8590 tax refunds, and the proposed uses of such refunds by the
8591 applicant.
8592 11. A resolution adopted by the governing board of the
8593 county or municipality in which the project will be located,
8594 which recommends the applicant be approved as a qualified
8595 applicant, and which indicates that the necessary commitments of
8596 local financial support for the applicant exist. Prior to the
8597 adoption of the resolution, the county commission may review the
8598 proposed public or private sources of such support and determine
8599 whether the proposed sources of local financial support can be
8600 provided or, for any applicant whose project is located in a
8601 county designated by the Rural Economic Development Initiative,
8602 a resolution adopted by the county commissioners of such county
8603 requesting that the applicant's project be exempt from the local
8604 financial support requirement.
8605 12. Any additional information requested by Jobs Florida
8606 ~~the Office~~.
8607 (c) Applications for certification based on the conversion
8608 of defense production jobs to nondefense production jobs must be
8609 submitted to Jobs Florida ~~the Office~~ as prescribed by Jobs
8610 Florida ~~the Office~~ and must include, but are not limited to, the
8611 following information:
8612 1. The applicant's federal employer identification number,
8613 the applicant's Florida sales tax registration number, and a

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8614 signature of an officer of the applicant.
8615 2. The permanent location of the manufacturing, assembling,
8616 fabricating, research, development, or design facility in this
8617 state at which the project is or is to be located.
8618 3. The Department of Defense contract numbers of the
8619 contract under which the defense production jobs will be
8620 converted to nondefense production jobs.
8621 4. The date the contract was executed, and the date the
8622 contract is due to expire or is expected to expire, or was
8623 canceled.
8624 5. The commencement date for the nondefense production
8625 operations in this state.
8626 6. The number of net new full-time equivalent Florida jobs
8627 included in the nondefense production project as of December 31
8628 of each year and the average wage of such jobs.
8629 7. The total number of full-time equivalent employees
8630 employed by the applicant in this state.
8631 8. The percentage of the applicant’s gross receipts derived
8632 from Department of Defense contracts during the 5 taxable years
8633 immediately preceding the date the application is submitted.
8634 9. The number of full-time equivalent jobs in this state to
8635 be retained by the project.
8636 10. A brief statement concerning the applicant’s need for
8637 tax refunds, and the proposed uses of such refunds by the
8638 applicant.
8639 11. A resolution adopted by the governing board of the
8640 county or municipality in which the project will be located,
8641 which recommends the applicant be approved as a qualified
8642 applicant, and which indicates that the necessary commitments of

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8643 local financial support for the applicant exist. Prior to the
8644 adoption of the resolution, the county commission may review the
8645 proposed public or private sources of such support and determine
8646 whether the proposed sources of local financial support can be
8647 provided or, for any applicant whose project is located in a
8648 county designated by the Rural Economic Development Initiative,
8649 a resolution adopted by the county commissioners of such county
8650 requesting that the applicant's project be exempt from the local
8651 financial support requirement.
8652 12. Any additional information requested by Jobs Florida
8653 ~~the Office~~.
8654 (d) Applications for certification based on a contract for
8655 reuse of a defense-related facility must be submitted to Jobs
8656 Florida ~~the Office~~ as prescribed by Jobs Florida ~~the office~~ and
8657 must include, but are not limited to, the following information:
8658 1. The applicant's Florida sales tax registration number
8659 and a signature of an officer of the applicant.
8660 2. The permanent location of the manufacturing, assembling,
8661 fabricating, research, development, or design facility in this
8662 state at which the project is or is to be located.
8663 3. The business entity holding a valid Department of
8664 Defense contract or branch of the Armed Forces of the United
8665 States that previously occupied the facility, and the date such
8666 entity last occupied the facility.
8667 4. A copy of the contract to reuse the facility, or such
8668 alternative proof as may be prescribed by Jobs Florida ~~the~~
8669 ~~office~~ that the applicant is seeking to contract for the reuse
8670 of such facility.
8671 5. The date the contract to reuse the facility was executed

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8672 or is expected to be executed, and the date the contract is due
8673 to expire or is expected to expire.
8674 6. The commencement date for project operations under the
8675 contract in this state.
8676 7. The number of net new full-time equivalent Florida jobs
8677 included in the project as of December 31 of each year and the
8678 average wage of such jobs.
8679 8. The total number of full-time equivalent employees
8680 employed by the applicant in this state.
8681 9. The number of full-time equivalent jobs in this state to
8682 be retained by the project.
8683 10. A brief statement concerning the applicant's need for
8684 tax refunds, and the proposed uses of such refunds by the
8685 applicant.
8686 11. A resolution adopted by the governing board of the
8687 county or municipality in which the project will be located,
8688 which recommends the applicant be approved as a qualified
8689 applicant, and which indicates that the necessary commitments of
8690 local financial support for the applicant exist. Prior to the
8691 adoption of the resolution, the county commission may review the
8692 proposed public or private sources of such support and determine
8693 whether the proposed sources of local financial support can be
8694 provided or, for any applicant whose project is located in a
8695 county designated by the Rural Economic Development Initiative,
8696 a resolution adopted by the county commissioners of such county
8697 requesting that the applicant's project be exempt from the local
8698 financial support requirement.
8699 12. Any additional information requested by Jobs Florida
8700 ~~the Office~~.

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8701 (e) To qualify for review by Jobs Florida ~~the Office~~, the
8702 application of an applicant must, at a minimum, establish the
8703 following to the satisfaction of the office:
8704 1. The jobs proposed to be provided under the application,
8705 pursuant to subparagraph (b)6., subparagraph (c)6., or
8706 subparagraph (j)6., must pay an estimated annual average wage
8707 equaling at least 115 percent of the average wage in the area
8708 where the project is to be located.
8709 2. The consolidation of a Department of Defense contract
8710 must result in a net increase of at least 25 percent in the
8711 number of jobs at the applicant's facilities in this state or
8712 the addition of at least 80 jobs at the applicant's facilities
8713 in this state.
8714 3. The conversion of defense production jobs to nondefense
8715 production jobs must result in net increases in nondefense
8716 employment at the applicant's facilities in this state.
8717 4. The Department of Defense contract or the space flight
8718 business contract cannot allow the business to include the costs
8719 of relocation or retooling in its base as allowable costs under
8720 a cost-plus, or similar, contract.
8721 5. A business unit of the applicant must have derived not
8722 less than 60 percent of its gross receipts in this state from
8723 Department of Defense contracts or space flight business
8724 contracts over the applicant's last fiscal year, and must have
8725 derived not less than an average of 60 percent of its gross
8726 receipts in this state from Department of Defense contracts or
8727 space flight business contracts over the 5 years preceding the
8728 date an application is submitted pursuant to this section. This
8729 subparagraph does not apply to any application for certification

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8730 based on a contract for reuse of a defense-related facility.
8731 6. The reuse of a defense-related facility must result in
8732 the creation of at least 100 jobs at such facility.
8733 7. A new space flight business contract or the
8734 consolidation of a space flight business contract must result in
8735 net increases in space flight business employment at the
8736 applicant's facilities in this state.
8737 (f) Each application meeting the requirements of paragraphs
8738 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
8739 paragraphs (e) and (j) must be submitted to Jobs Florida ~~the~~
8740 ~~office~~ for a determination of eligibility. Jobs Florida ~~the~~
8741 ~~Office~~ shall review and evaluate each application based on, but
8742 not limited to, the following criteria:
8743 1. Expected contributions to the state strategic economic
8744 development plan adopted by the Jobs Florida Partnership
8745 ~~Enterprise Florida~~, Inc., taking into account the extent to
8746 which the project contributes to the state's high-technology
8747 base, and the long-term impact of the project and the applicant
8748 on the state's economy.
8749 2. The economic benefit of the jobs created or retained by
8750 the project in this state, taking into account the cost and
8751 average wage of each job created or retained, and the potential
8752 risk to existing jobs.
8753 3. The amount of capital investment to be made by the
8754 applicant in this state.
8755 4. The local commitment and support for the project and
8756 applicant.
8757 5. The impact of the project on the local community, taking
8758 into account the unemployment rate for the county where the

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8759 project will be located.
8760 6. The dependence of the local community on the defense
8761 industry or space flight business.
8762 7. The impact of any tax refunds granted pursuant to this
8763 section on the viability of the project and the probability that
8764 the project will occur in this state if such tax refunds are
8765 granted to the applicant, taking into account the expected long-
8766 term commitment of the applicant to economic growth and
8767 employment in this state.
8768 8. The length of the project, or the expected long-term
8769 commitment to this state resulting from the project.
8770 (g) Applications shall be reviewed and certified pursuant
8771 to s. 288.061. If appropriate, Jobs Florida ~~the director~~ shall
8772 enter into a written agreement with the qualified applicant
8773 pursuant to subsection (4).
8774 (h) Jobs Florida ~~The director~~ may not certify any applicant
8775 as a qualified applicant when the value of tax refunds to be
8776 included in that letter of certification exceeds the available
8777 amount of authority to certify new businesses as determined in
8778 s. 288.095(3). A letter of certification that approves an
8779 application must specify the maximum amount of a tax refund that
8780 is to be available to the contractor for each fiscal year and
8781 the total amount of tax refunds for all fiscal years.
8782 (i) This section does not create a presumption that an
8783 applicant should receive any tax refunds under this section.
8784 (j) Applications for certification based upon a new space
8785 flight business contract or the consolidation of a space flight
8786 business contract must be submitted to Jobs Florida ~~the office~~
8787 as prescribed by Jobs Florida ~~the office~~ and must include, but

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8788 are not limited to, the following information:
8789 1. The applicant's federal employer identification number,
8790 the applicant's Florida sales tax registration number, and a
8791 signature of an officer of the applicant.
8792 2. The permanent location of the space flight business
8793 facility in this state where the project is or will be located.
8794 3. The new space flight business contract number, the space
8795 flight business contract numbers of the contract to be
8796 consolidated, or the request-for-proposal number of a proposed
8797 space flight business contract.
8798 4. The date the contract was executed and the date the
8799 contract is due to expire, is expected to expire, or was
8800 canceled.
8801 5. The commencement date for project operations under the
8802 contract in this state.
8803 6. The number of net new full-time equivalent Florida jobs
8804 included in the project as of December 31 of each year and the
8805 average wage of such jobs.
8806 7. The total number of full-time equivalent employees
8807 employed by the applicant in this state.
8808 8. The percentage of the applicant's gross receipts derived
8809 from space flight business contracts during the 5 taxable years
8810 immediately preceding the date the application is submitted.
8811 9. The number of full-time equivalent jobs in this state to
8812 be retained by the project.
8813 10. A brief statement concerning the applicant's need for
8814 tax refunds and the proposed uses of such refunds by the
8815 applicant.
8816 11. A resolution adopted by the governing board of the

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8817 county or municipality in which the project will be located
8818 which recommends the applicant be approved as a qualified
8819 applicant and indicates that the necessary commitments of local
8820 financial support for the applicant exist. Prior to the adoption
8821 of the resolution, the county commission may review the proposed
8822 public or private sources of such support and determine whether
8823 the proposed sources of local financial support can be provided
8824 or, for any applicant whose project is located in a county
8825 designated by the Rural Economic Development Initiative, a
8826 resolution adopted by the county commissioners of such county
8827 requesting that the applicant's project be exempt from the local
8828 financial support requirement.
8829 12. Any additional information requested by Jobs Florida
8830 ~~the office~~.
8831 (4) QUALIFIED APPLICANT TAX REFUND AGREEMENT.—
8832 (a) A qualified applicant shall enter into a written
8833 agreement with Jobs Florida ~~the Office~~ containing, but not
8834 limited to, the following:
8835 1. The total number of full-time equivalent jobs in this
8836 state that are or will be dedicated to the qualified applicant's
8837 project, the average wage of such jobs, the definitions that
8838 will apply for measuring the achievement of these terms during
8839 the pendency of the agreement, and a time schedule or plan for
8840 when such jobs will be in place and active in this state.
8841 2. The maximum amount of a refund that the qualified
8842 applicant is eligible to receive for each fiscal year, based on
8843 the job creation or retention and maintenance schedule specified
8844 in subparagraph 1.
8845 3. An agreement with Jobs Florida ~~the Office~~ allowing Jobs

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8846 Florida ~~the Office~~ to review and verify the financial and
8847 personnel records of the qualified applicant to ascertain
8848 whether the qualified applicant is complying with the
8849 requirements of this section.
8850 4. The date by which, in each fiscal year, the qualified
8851 applicant may file a claim pursuant to subsection (5) to be
8852 considered to receive a tax refund in the following fiscal year.
8853 5. That local financial support shall be annually available
8854 and will be paid to the Economic Development Trust Fund.
8855 (b) Compliance with the terms and conditions of the
8856 agreement is a condition precedent for receipt of tax refunds
8857 each year. The failure to comply with the terms and conditions
8858 of the agreement shall result in the loss of eligibility for
8859 receipt of all tax refunds previously authorized pursuant to
8860 this section, and the revocation of the certification as a
8861 qualified applicant by Jobs Florida ~~the director~~, unless the
8862 qualified applicant is eligible to receive and elects to accept
8863 a prorated refund under paragraph (5)(g) or Jobs Florida ~~the~~
8864 ~~Office~~ grants the qualified applicant an economic-stimulus
8865 exemption.
8866 1. A qualified applicant may submit, in writing, a request
8867 to Jobs Florida ~~the Office~~ for an economic-stimulus exemption.
8868 The request must provide quantitative evidence demonstrating how
8869 negative economic conditions in the qualified applicant's
8870 industry, the effects of the impact of a named hurricane or
8871 tropical storm, or specific acts of terrorism affecting the
8872 qualified applicant have prevented the qualified applicant from
8873 complying with the terms and conditions of its tax refund
8874 agreement.

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8875 2. Upon receipt of a request under subparagraph 1., Jobs
8876 Florida ~~the director~~ shall have 45 days to notify the requesting
8877 qualified applicant, in writing, if its exemption has been
8878 granted or denied. In determining if an exemption should be
8879 granted, Jobs Florida ~~the director~~ shall consider the extent to
8880 which negative economic conditions in the requesting qualified
8881 applicant's industry, the effects of the impact of a named
8882 hurricane or tropical storm, or specific acts of terrorism
8883 affecting the qualified applicant have prevented the qualified
8884 applicant from complying with the terms and conditions of its
8885 tax refund agreement.
8886 3. As a condition for receiving a prorated refund under
8887 paragraph (5)(g) or an economic-stimulus exemption under this
8888 paragraph, a qualified applicant must agree to renegotiate its
8889 tax refund agreement with Jobs Florida ~~the Office~~ to, at a
8890 minimum, ensure that the terms of the agreement comply with
8891 current law and the ~~Office~~ procedures of Jobs Florida governing
8892 application for and award of tax refunds. Upon approving the
8893 award of a prorated refund or granting an economic-stimulus
8894 exemption, Jobs Florida ~~the Office~~ shall renegotiate the tax
8895 refund agreement with the qualified applicant as required by
8896 this subparagraph. When amending the agreement of a qualified
8897 applicant receiving an economic-stimulus exemption, Jobs Florida
8898 ~~the Office~~ may extend the duration of the agreement for a period
8899 not to exceed 2 years.
8900 ~~4. A qualified applicant may submit a request for an~~
8901 ~~economic-stimulus exemption to the Office in lieu of any tax~~
8902 ~~refund claim scheduled to be submitted after January 1, 2005,~~
8903 ~~but before July 1, 2006.~~

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8904 4.~~5.~~ A qualified applicant that receives an economic-
8905 stimulus exemption may not receive a tax refund for the period
8906 covered by the exemption.
8907 (c) The agreement shall be signed by the commissioner
8908 ~~director~~ and the authorized officer of the qualified applicant.
8909 (d) The agreement must contain the following legend,
8910 clearly printed on its face in bold type of not less than 10
8911 points:
8912
8913 "This agreement is neither a general obligation of the
8914 State of Florida, nor is it backed by the full faith
8915 and credit of the State of Florida. Payment of tax
8916 refunds are conditioned on and subject to specific
8917 annual appropriations by the Florida Legislature of
8918 funds sufficient to pay amounts authorized in s.
8919 288.1045, Florida Statutes."
8920
8921 (5) ANNUAL CLAIM FOR REFUND.—
8922 (a) To be eligible to claim any scheduled tax refund,
8923 qualified applicants who have entered into a written agreement
8924 with Jobs Florida ~~the Office~~ pursuant to subsection (4) and who
8925 have entered into a valid new Department of Defense contract,
8926 entered into a valid new space flight business contract,
8927 commenced the consolidation of a space flight business contract,
8928 commenced the consolidation of a Department of Defense contract,
8929 commenced the conversion of defense production jobs to
8930 nondefense production jobs, or entered into a valid contract for
8931 reuse of a defense-related facility must apply by January 31 of
8932 each fiscal year to Jobs Florida ~~the Office~~ for tax refunds

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8933 scheduled to be paid from the appropriation for the fiscal year
8934 that begins on July 1 following the January 31 claims-submission
8935 date. Jobs Florida ~~The Office~~ may, upon written request, grant a
8936 30-day extension of the filing date. The application must
8937 include a notarized signature of an officer of the applicant.
8938 (d) Jobs Florida ~~The director~~, with assistance from ~~the~~
8939 ~~Office,~~ the Department of Revenue~~, and the Agency for Workforce~~
8940 ~~Innovation~~, shall, by June 30 following the scheduled date for
8941 submitting the tax refund claim, specify by written order the
8942 approval or disapproval of the tax refund claim and, if
8943 approved, the amount of the tax refund that is authorized to be
8944 paid to the qualified applicant for the annual tax refund. Jobs
8945 Florida ~~The Office~~ may grant an extension of this date upon the
8946 request of the qualified applicant for the purpose of filing
8947 additional information in support of the claim.
8948 (e) The total amount of tax refunds approved by Jobs
8949 Florida ~~the director~~ under this section in any fiscal year may
8950 not exceed the amount authorized under s. 288.095(3).
8951 (g) A prorated tax refund, less a 5 percent penalty, shall
8952 be approved for a qualified applicant provided all other
8953 applicable requirements have been satisfied and the applicant
8954 proves to the satisfaction of Jobs Florida ~~the director~~ that it
8955 has achieved at least 80 percent of its projected employment and
8956 that the average wage paid by the qualified applicant is at
8957 least 90 percent of the average wage specified in the tax refund
8958 agreement, but in no case less than 115 percent of the average
8959 private sector wage in the area available at the time of
8960 certification. The prorated tax refund shall be calculated by
8961 multiplying the tax refund amount for which the qualified

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8962 applicant would have been eligible, if all applicable
8963 requirements had been satisfied, by the percentage of the
8964 average employment specified in the tax refund agreement which
8965 was achieved, and by the percentage of the average wages
8966 specified in the tax refund agreement which was achieved.
8967 (6) ADMINISTRATION.—
8968 (a) Jobs Florida ~~The Office~~ may adopt rules pursuant to
8969 chapter 120 for the administration of this section.
8970 (b) Jobs Florida ~~The Office~~ may verify information provided
8971 in any claim submitted for tax credits under this section with
8972 regard to employment and wage levels or the payment of the taxes
8973 with the appropriate agency or authority including the
8974 Department of Revenue, Jobs Florida ~~the Agency for Workforce~~
8975 ~~Innovation~~, or any local government or authority.
8976 (c) To facilitate the process of monitoring and auditing
8977 applications made under this program, Jobs Florida ~~the Office~~
8978 may provide a list of qualified applicants to the Department of
8979 Revenue~~, to the Agency for Workforce Innovation,~~ or to any local
8980 government or authority. Jobs Florida ~~the Office~~ may request the
8981 assistance of said entities with respect to monitoring jobs,
8982 wages, and the payment of the taxes listed in subsection (2).
8983 ~~(7) Notwithstanding paragraphs (4)(a) and (5)(c), the~~
8984 ~~Office may approve a waiver of the local financial support~~
8985 ~~requirement for a business located in any of the following~~
8986 ~~counties in which businesses received emergency loans~~
8987 ~~administered by the Office in response to the named hurricanes~~
8988 ~~of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,~~
8989 ~~Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,~~
8990 ~~Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk,~~

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8991 ~~Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A~~
8992 ~~waiver may be granted only if the Office determines that the~~
8993 ~~local financial support cannot be provided or that doing so~~
8994 ~~would effect a demonstrable hardship on the unit of local~~
8995 ~~government providing the local financial support. If the Office~~
8996 ~~grants a waiver of the local financial support requirement, the~~
8997 ~~state shall pay 100 percent of the refund due to an eligible~~
8998 ~~business. The waiver shall apply for tax refund applications~~
8999 ~~made for fiscal years 2004-2005, 2005-2006, and 2006-2007.~~
9000 (7) ~~(8)~~ EXPIRATION.—An applicant may not be certified as
9001 qualified under this section after June 30, 2014. A tax refund
9002 agreement existing on that date shall continue in effect in
9003 accordance with its terms.
9004 Section 144. Paragraphs (d), (f), (n), (p), (r), and (t) of
9005 subsection (2), paragraphs (a), (b), and (f) of subsection (3),
9006 subsection (4), paragraphs (a), (b), and (c) of subsection (5),
9007 paragraphs (a), (c), (f), and (g) of subsection (6), and
9008 subsection (7) of section 288.106, Florida Statutes, are
9009 amended, and present paragraphs (g) through (u) of subsection
9010 (2) are redesignated as paragraphs (f) through (n),
9011 respectively, to read:
9012 288.106 Tax refund program for qualified target industry
9013 businesses.—
9014 (2) DEFINITIONS.—As used in this section:
9015 (d) “Business” means an employing unit, as defined in s.
9016 443.036, that is registered for unemployment compensation
9017 purposes with the state agency providing unemployment tax
9018 collection services ~~under contract with the Agency for Workforce~~
9019 ~~Innovation through an interagency agreement pursuant to s.~~

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9020 ~~443.1316,~~ or a subcategory or division of an employing unit that
9021 is accepted by the state agency providing unemployment tax
9022 collection services as a reporting unit.
9023 ~~(f) "Director" means the Director of the Office of Tourism,~~
9024 ~~Trade, and Economic Development~~.
9025 ~~(n) "Office" means the Office of Tourism, Trade, and~~
9026 ~~Economic Development.~~
9027 (n) ~~(p)~~ "Qualified target industry business" means a target
9028 industry business approved by Jobs Florida ~~the Office~~ to be
9029 eligible for tax refunds under this section.
9030 ~~(q) "Return on investment" means the gain in state revenues~~
9031 ~~as a percentage of the state's investment. The state's~~
9032 ~~investment includes state grants, tax exemptions, tax refunds,~~
9033 ~~tax credits, and other state incentives.~~
9034 (o) ~~(r)~~ "Rural city" means a city having a population of
9035 10,000 or fewer, or a city having a population of greater than
9036 10,000 but fewer than 20,000 that has been determined by Jobs
9037 Florida ~~the Office~~ to have economic characteristics such as, but
9038 not limited to, a significant percentage of residents on public
9039 assistance, a significant percentage of residents with income
9040 below the poverty level, or a significant percentage of the
9041 city's employment base in agriculture-related industries.
9042 (q) ~~(t)~~ "Target industry business" means a corporate
9043 headquarters business or any business that is engaged in one of
9044 the target industries identified pursuant to the following
9045 criteria developed by Jobs Florida ~~the Office~~ in consultation
9046 with the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.:
9047 1. Future growth.—Industry forecasts should indicate strong
9048 expectation for future growth in both employment and output,

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9049 according to the most recent available data. Special
9050 consideration should be given to businesses that export goods
9051 to, or provide services in, international markets and businesses
9052 that replace domestic and international imports of goods or
9053 services.
9054 2. Stability.—The industry should not be subject to
9055 periodic layoffs, whether due to seasonality or sensitivity to
9056 volatile economic variables such as weather. The industry should
9057 also be relatively resistant to recession, so that the demand
9058 for products of this industry is not typically subject to
9059 decline during an economic downturn.
9060 3. High wage.—The industry should pay relatively high wages
9061 compared to statewide or area averages.
9062 4. Market and resource independent.—The location of
9063 industry businesses should not be dependent on Florida markets
9064 or resources as indicated by industry analysis, except for
9065 businesses in the renewable energy industry.
9066 5. Industrial base diversification and strengthening.—The
9067 industry should contribute toward expanding or diversifying the
9068 state’s or area’s economic base, as indicated by analysis of
9069 employment and output shares compared to national and regional
9070 trends. Special consideration should be given to industries that
9071 strengthen regional economies by adding value to basic products
9072 or building regional industrial clusters as indicated by
9073 industry analysis. Special consideration should also be given to
9074 the development of strong industrial clusters that include
9075 defense and homeland security businesses.
9076 6. Positive economic impact ~~benefits~~.—The industry is
9077 expected to have strong positive economic impacts on or benefits

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9078 to the state or regional economies.
9079
9080 The term does not include any business engaged in retail
9081 industry activities; any electrical utility company; any
9082 phosphate or other solid minerals severance, mining, or
9083 processing operation; any oil or gas exploration or production
9084 operation; or any business subject to regulation by the Division
9085 of Hotels and Restaurants of the Department of Business and
9086 Professional Regulation. Any business within NAICS code 5611 or
9087 5614, office administrative services and business support
9088 services, respectively, may be considered a target industry
9089 business only after the local governing body and the Jobs
9090 Florida Partnership ~~Enterprise Florida~~, Inc., make a
9091 determination that the community where the business may locate
9092 has conditions affecting the fiscal and economic viability of
9093 the local community or area, including but not limited to,
9094 factors such as low per capita income, high unemployment, high
9095 underemployment, and a lack of year-round stable employment
9096 opportunities, and such conditions may be improved by the
9097 location of such a business to the community. By January 1 of
9098 every 3rd year, beginning January 1, 2011, Jobs Florida ~~the~~
9099 ~~Office~~, in consultation with the Jobs Florida Partnership
9100 ~~Enterprise Florida~~, Inc., economic development organizations,
9101 the State University System, local governments, employee and
9102 employer organizations, market analysts, and economists, shall
9103 review and, as appropriate, revise the list of such target
9104 industries and submit the list to the Governor, the President of
9105 the Senate, and the Speaker of the House of Representatives.
9106 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

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9107 (a) There shall be allowed, from the account, a refund to a
9108 qualified target industry business for the amount of eligible
9109 taxes certified by Jobs Florida ~~the Office~~ that were paid by the
9110 business. The total amount of refunds for all fiscal years for
9111 each qualified target industry business must be determined
9112 pursuant to subsection (4). The annual amount of a refund to a
9113 qualified target industry business must be determined pursuant
9114 to subsection (6).
9115 (b)1. Upon approval by Jobs Florida ~~the Office~~, a qualified
9116 target industry business shall be allowed tax refund payments
9117 equal to $3,000 multiplied by the number of jobs specified in
9118 the tax refund agreement under subparagraph (5)(a)1., or equal
9119 to $6,000 multiplied by the number of jobs if the project is
9120 located in a rural community or an enterprise zone.
9121 2. A qualified target industry business shall be allowed
9122 additional tax refund payments equal to $1,000 multiplied by the
9123 number of jobs specified in the tax refund agreement under
9124 subparagraph (5)(a)1. if such jobs pay an annual average wage of
9125 at least 150 percent of the average private sector wage in the
9126 area, or equal to $2,000 multiplied by the number of jobs if
9127 such jobs pay an annual average wage of at least 200 percent of
9128 the average private sector wage in the area.
9129 3. A qualified target industry business shall be allowed
9130 tax refund payments in addition to the other payments authorized
9131 in this paragraph equal to $1,000 multiplied by the number of
9132 jobs specified in the tax refund agreement under subparagraph
9133 (5)(a)1. if the local financial support is equal to that of the
9134 state’s incentive award under subparagraph 1.
9135 4. In addition to the other tax refund payments authorized

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9136 in this paragraph, a qualified target industry business shall be
9137 allowed a tax refund payment equal to $2,000 multiplied by the
9138 number of jobs specified in the tax refund agreement under
9139 subparagraph (5)(a)1. if the business:
9140 a. Falls within one of the high-impact sectors designated
9141 under s. 288.108; or
9142 b. Increases exports of its goods through a seaport or
9143 airport in the state by at least 10 percent in value or tonnage
9144 in each of the years that the business receives a tax refund
9145 under this section. For purposes of this sub-subparagraph,
9146 seaports in the state are limited to the ports of Jacksonville,
9147 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm
9148 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,
9149 Pensacola, Fernandina, and Key West.
9150 (f) Refunds made available under this section may not be
9151 expended in connection with the relocation of a business from
9152 one community to another community in the state unless Jobs
9153 Florida ~~the Office~~ determines that, without such relocation, the
9154 business will move outside the state or determines that the
9155 business has a compelling economic rationale for relocation and
9156 that the relocation will create additional jobs.
9157 (4) APPLICATION AND APPROVAL PROCESS.—
9158 (a) To apply for certification as a qualified target
9159 industry business under this section, the business must file an
9160 application with Jobs Florida ~~the Office~~ before the business
9161 decides to locate in this state or before the business decides
9162 to expand its existing operations in this state. The application
9163 must include, but need not be limited to, the following
9164 information:

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9165 1. The applicant's federal employer identification number
9166 and, if applicable, state sales tax registration number.
9167 2. The proposed permanent location of the applicant's
9168 facility in this state at which the project is to be located.
9169 3. A description of the type of business activity or
9170 product covered by the project, including a minimum of a five-
9171 digit NAICS code for all activities included in the project. As
9172 used in this paragraph, "NAICS" means those classifications
9173 contained in the North American Industry Classification System,
9174 as published in 2007 by the Office of Management and Budget,
9175 Executive Office of the President, and updated periodically.
9176 4. The proposed number of net new full-time equivalent
9177 Florida jobs at the qualified target industry business as of
9178 December 31 of each year included in the project and the average
9179 wage of those jobs. If more than one type of business activity
9180 or product is included in the project, the number of jobs and
9181 average wage for those jobs must be separately stated for each
9182 type of business activity or product.
9183 5. The total number of full-time equivalent employees
9184 employed by the applicant in this state, if applicable.
9185 6. The anticipated commencement date of the project.
9186 7. A brief statement explaining the role that the estimated
9187 tax refunds to be requested will play in the decision of the
9188 applicant to locate or expand in this state.
9189 8. An estimate of the proportion of the sales resulting
9190 from the project that will be made outside this state.
9191 9. An estimate of the proportion of the cost of the
9192 machinery and equipment, and any other resources necessary in
9193 the development of its product or service, to be used by the

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9194 business in its Florida operations which will be purchased
9195 outside this state.
9196 10. A resolution adopted by the governing board of the
9197 county or municipality in which the project will be located,
9198 which resolution recommends that the project be approved as a
9199 qualified target industry business and specifies that the
9200 commitments of local financial support necessary for the target
9201 industry business exist. Before the passage of such resolution,
9202 Jobs Florida ~~the office~~ may also accept an official letter from
9203 an authorized local economic development agency that endorses
9204 the proposed target industry project and pledges that sources of
9205 local financial support for such project exist. For the purposes
9206 of making pledges of local financial support under this
9207 subparagraph, the authorized local economic development agency
9208 shall be officially designated by the passage of a one-time
9209 resolution by the local governing board.
9210 11. Any additional information requested by Jobs Florida
9211 ~~the Office~~.
9212 (b) To qualify for review by Jobs Florida ~~the Office~~, the
9213 application of a target industry business must, at a minimum,
9214 establish the following to the satisfaction of Jobs Florida ~~the~~
9215 ~~office~~:
9216 1.a. The jobs proposed to be created under the application,
9217 pursuant to subparagraph (a)4., must pay an estimated annual
9218 average wage equaling at least 115 percent of the average
9219 private sector wage in the area where the business is to be
9220 located or the statewide private sector average wage. The
9221 governing board of the county where the qualified target
9222 industry business is to be located shall notify Jobs Florida ~~the~~

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9223 ~~Office~~ and the Jobs Florida Partnership ~~Enterprise Florida~~,
9224 Inc., which calculation of the average private sector wage in
9225 the area must be used as the basis for the business's wage
9226 commitment. In determining the average annual wage, Jobs Florida
9227 ~~the Office~~ shall include only new proposed jobs, and wages for
9228 existing jobs shall be excluded from this calculation.
9229 b. Jobs Florida ~~the Office~~ may waive the average wage
9230 requirement at the request of the local governing body
9231 recommending the project and the Jobs Florida Partnership
9232 ~~Enterprise Florida~~, Inc. Jobs Florida ~~the Office~~ may waive the
9233 wage requirement for a project located in a brownfield area
9234 designated under s. 376.80, in a rural city, in a rural
9235 community, in an enterprise zone, or for a manufacturing project
9236 at any location in the state if the jobs proposed to be created
9237 pay an estimated annual average wage equaling at least 100
9238 percent of the average private sector wage in the area where the
9239 business is to be located, only if the merits of the individual
9240 project or the specific circumstances in the community in
9241 relationship to the project warrant such action. If the local
9242 governing body and the Jobs Florida Partnership ~~Enterprise~~
9243 ~~Florida~~, Inc., make such a recommendation, it must be
9244 transmitted in writing, and the specific justification for the
9245 waiver recommendation must be explained. If Jobs Florida ~~the~~
9246 ~~Office~~ elects to waive the wage requirement, the waiver must be
9247 stated in writing, and the reasons for granting the waiver must
9248 be explained.
9249 2. The target industry business's project must result in
9250 the creation of at least 10 jobs at the project and, in the case
9251 of an expansion of an existing business, must result in a net

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9252 increase in employment of at least 10 percent at the business.
9253 At the request of the local governing body recommending the
9254 project and the Jobs Florida Partnership ~~Enterprise Florida~~,
9255 Inc., Jobs Florida ~~the Office~~ may waive this requirement for a
9256 business in a rural community or enterprise zone if the merits
9257 of the individual project or the specific circumstances in the
9258 community in relationship to the project warrant such action. If
9259 the local governing body and the Jobs Florida Partnership, Inc.,
9260 ~~Enterprise Florida, Inc.,~~ make such a request, the request must
9261 be transmitted in writing, and the specific justification for
9262 the request must be explained. If Jobs Florida ~~the Office~~ elects
9263 to grant the request, the grant must be stated in writing, and
9264 the reason for granting the request must be explained.
9265 3. The business activity or product for the applicant's
9266 project must be within an industry identified by Jobs Florida
9267 ~~the Office~~ as a target industry business that contributes to the
9268 economic growth of the state and the area in which the business
9269 is located, that produces a higher standard of living for
9270 residents of this state in the new global economy, or that can
9271 be shown to make an equivalent contribution to the area's and
9272 state's economic progress.
9273 (c) Each application meeting the requirements of paragraph
9274 (b) must be submitted to Jobs Florida ~~the Office~~ for
9275 determination of eligibility. Jobs Florida ~~the Office~~ shall
9276 review and evaluate each application based on, but not limited
9277 to, the following criteria:
9278 1. Expected contributions to the state's economy,
9279 consistent with the state strategic economic development plan
9280 adopted by the Jobs Florida Partnership, Inc. ~~Enterprise~~

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9281 ~~Florida, Inc.~~
9282 2. The economic benefits ~~return on investment~~ of the
9283 proposed award of tax refunds under this section and the
9284 economic benefits of ~~return on investment for~~ state incentives
9285 proposed for the project. The term "economic benefits" has the
9286 same meaning as in s. 288.005. The Office of Economic and
9287 Demographic Research shall review and evaluate the methodology
9288 and model used to calculate the economic benefits ~~return on~~
9289 ~~investment~~ and shall report its findings by September 1 of every
9290 3rd year, ~~beginning September 1, 2010,~~ to the President of the
9291 Senate and the Speaker of the House of Representatives.
9292 3. The amount of capital investment to be made by the
9293 applicant in this state.
9294 4. The local financial commitment and support for the
9295 project.
9296 5. The effect of the project on the unemployment rate in
9297 the county where the project will be located.
9298 6. The effect of the award on the viability of the project
9299 and the probability that the project would be undertaken in this
9300 state if such tax refunds are granted to the applicant.
9301 7. The expected long-term commitment of the applicant to
9302 economic growth and employment in this state resulting from the
9303 project.
9304 8. A review of the business's past activities in this state
9305 or other states, including whether such business has been
9306 subjected to criminal or civil fines and penalties. This
9307 subparagraph does not require the disclosure of confidential
9308 information.
9309 (d) Applications shall be reviewed and certified pursuant

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9310 to s. 288.061. Jobs Florida ~~the Office~~ shall include in its
9311 review projections of the tax refunds the business would be
9312 eligible to receive in each fiscal year based on the creation
9313 and maintenance of the net new Florida jobs specified in
9314 subparagraph (a)4. as of December 31 of the preceding state
9315 fiscal year. If appropriate, Jobs Florida ~~the Office~~ shall enter
9316 into a written agreement with the qualified target industry
9317 business pursuant to subsection (5).
9318 (e) Jobs Florida ~~the Office~~ may not certify any target
9319 industry business as a qualified target industry business if the
9320 value of tax refunds to be included in that letter of
9321 certification exceeds the available amount of authority to
9322 certify new businesses as determined in s. 288.095(3). However,
9323 if the commitments of local financial support represent less
9324 than 20 percent of the eligible tax refund payments, or to
9325 otherwise preserve the viability and fiscal integrity of the
9326 program, Jobs Florida ~~the office~~ may certify a qualified target
9327 industry business to receive tax refund payments of less than
9328 the allowable amounts specified in paragraph (3)(b). A letter of
9329 certification that approves an application must specify the
9330 maximum amount of tax refund that will be available to the
9331 qualified industry business in each fiscal year and the total
9332 amount of tax refunds that will be available to the business for
9333 all fiscal years.
9334 (f) This section does not create a presumption that an
9335 applicant will receive any tax refunds under this section.
9336 However, Jobs Florida ~~the Office~~ may issue nonbinding opinion
9337 letters, upon the request of prospective applicants, as to the
9338 applicants' eligibility and the potential amount of refunds.

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9339 (5) TAX REFUND AGREEMENT.—
9340 (a) Each qualified target industry business must enter into
9341 a written agreement with Jobs Florida ~~the Office~~ that specifies,
9342 at a minimum:
9343 1. The total number of full-time equivalent jobs in this
9344 state that will be dedicated to the project, the average wage of
9345 those jobs, the definitions that will apply for measuring the
9346 achievement of these terms during the pendency of the agreement,
9347 and a time schedule or plan for when such jobs will be in place
9348 and active in this state.
9349 2. The maximum amount of tax refunds that the qualified
9350 target industry business is eligible to receive on the project
9351 and the maximum amount of a tax refund that the qualified target
9352 industry business is eligible to receive for each fiscal year,
9353 based on the job creation and maintenance schedule specified in
9354 subparagraph 1.
9355 3. That Jobs Florida ~~the Office~~ may review and verify the
9356 financial and personnel records of the qualified target industry
9357 business to ascertain whether that business is in compliance
9358 with this section.
9359 4. The date by which, in each fiscal year, the qualified
9360 target industry business may file a claim under subsection (6)
9361 to be considered to receive a tax refund in the following fiscal
9362 year.
9363 5. That local financial support will be annually available
9364 and will be paid to the account. Jobs Florida ~~the Office~~ may not
9365 enter into a written agreement with a qualified target industry
9366 business if the local financial support resolution is not passed
9367 by the local governing body within 90 days after Jobs Florida

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9368 ~~the Office~~ has issued the letter of certification under
9369 subsection (4).
9370 6. That Jobs Florida ~~the Office~~ may conduct a review of the
9371 business to evaluate whether the business is continuing to
9372 contribute to the area's or state's economy.
9373 7. That in the event the business does not complete the
9374 agreement, the business will provide Jobs Florida ~~the Office~~
9375 with the reasons the business was unable to complete the
9376 agreement.
9377 (b) Compliance with the terms and conditions of the
9378 agreement is a condition precedent for the receipt of a tax
9379 refund each year. The failure to comply with the terms and
9380 conditions of the tax refund agreement results in the loss of
9381 eligibility for receipt of all tax refunds previously authorized
9382 under this section and the revocation by Jobs Florida ~~the Office~~
9383 of the certification of the business entity as a qualified
9384 target industry business, unless the business is eligible to
9385 receive and elects to accept a prorated refund under paragraph
9386 (6)(e) or Jobs Florida ~~the Office~~ grants the business an
9387 economic recovery extension.
9388 1. A qualified target industry business may submit a
9389 request to Jobs Florida ~~the Office~~ for an economic recovery
9390 extension. The request must provide quantitative evidence
9391 demonstrating how negative economic conditions in the business's
9392 industry, the effects of a named hurricane or tropical storm, or
9393 specific acts of terrorism affecting the qualified target
9394 industry business have prevented the business from complying
9395 with the terms and conditions of its tax refund agreement.
9396 2. Upon receipt of a request under subparagraph 1., Jobs

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9397 Florida ~~the Office~~ has 45 days to notify the requesting
9398 business, in writing, whether its extension has been granted or
9399 denied. In determining whether an extension should be granted,
9400 Jobs Florida ~~the Office~~ shall consider the extent to which
9401 negative economic conditions in the requesting business's
9402 industry have occurred in the state or the effects of a named
9403 hurricane or tropical storm or specific acts of terrorism
9404 affecting the qualified target industry business have prevented
9405 the business from complying with the terms and conditions of its
9406 tax refund agreement. Jobs Florida ~~the Office~~ shall consider
9407 current employment statistics for this state by industry,
9408 including whether the business's industry had substantial job
9409 loss during the prior year, when determining whether an
9410 extension shall be granted.
9411 3. As a condition for receiving a prorated refund under
9412 paragraph (6)(e) or an economic recovery extension under this
9413 paragraph, a qualified target industry business must agree to
9414 renegotiate its tax refund agreement with Jobs Florida ~~the~~
9415 ~~Office~~ to, at a minimum, ensure that the terms of the agreement
9416 comply with current law and office procedures governing
9417 application for and award of tax refunds. Upon approving the
9418 award of a prorated refund or granting an economic recovery
9419 extension, Jobs Florida ~~the Office~~ shall renegotiate the tax
9420 refund agreement with the business as required by this
9421 subparagraph. When amending the agreement of a business
9422 receiving an economic recovery extension, Jobs Florida ~~the~~
9423 ~~Office~~ may extend the duration of the agreement for a period not
9424 to exceed 2 years.
9425 4. A qualified target industry business may submit a

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9426 request for an economic recovery extension to Jobs Florida ~~the~~
9427 ~~Office~~ in lieu of any tax refund claim scheduled to be submitted
9428 after January 1, 2009, but before July 1, 2012.
9429 5. A qualified target industry business that receives an
9430 economic recovery extension may not receive a tax refund for the
9431 period covered by the extension.
9432 (c) The agreement must be signed by the commissioner
9433 ~~director~~ and by an authorized officer of the qualified target
9434 industry business within 120 days after the issuance of the
9435 letter of certification under subsection (4), but not before
9436 passage and receipt of the resolution of local financial
9437 support. Jobs Florida ~~The Office~~ may grant an extension of this
9438 period at the written request of the qualified target industry
9439 business.
9440 (6) ANNUAL CLAIM FOR REFUND.—
9441 (a) To be eligible to claim any scheduled tax refund, a
9442 qualified target industry business that has entered into a tax
9443 refund agreement with Jobs Florida ~~the Office~~ under subsection
9444 (5) must apply by January 31 of each fiscal year to Jobs Florida
9445 ~~the office~~ for the tax refund scheduled to be paid from the
9446 appropriation for the fiscal year that begins on July 1
9447 following the January 31 claims-submission date. Jobs Florida
9448 ~~The Office~~ may, upon written request, grant a 30-day extension
9449 of the filing date.
9450 (c) Jobs Florida ~~the Office~~ may waive the requirement for
9451 proof of taxes paid in future years for a qualified target
9452 industry business that provides the office with proof that, in a
9453 single year, the business has paid an amount of state taxes from
9454 the categories in paragraph (3)(d) that is at least equal to the

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9455 total amount of tax refunds that the business may receive
9456 through successful completion of its tax refund agreement.
9457 (f) Jobs Florida ~~the Office~~, with such assistance as may be
9458 required from the Department of Revenue ~~or the Agency for~~
9459 ~~Workforce Innovation~~, shall, by June 30 following the scheduled
9460 date for submission of the tax refund claim, specify by written
9461 order the approval or disapproval of the tax refund claim and,
9462 if approved, the amount of the tax refund that is authorized to
9463 be paid to the qualified target industry business for the annual
9464 tax refund. Jobs Florida ~~the Office~~ may grant an extension of
9465 this date on the request of the qualified target industry
9466 business for the purpose of filing additional information in
9467 support of the claim.
9468 (g) The total amount of tax refund claims approved by Jobs
9469 Florida ~~the Office~~ under this section in any fiscal year must
9470 not exceed the amount authorized under s. 288.095(3).
9471 (7) ADMINISTRATION.—
9472 (a) Jobs Florida ~~the Office~~ may verify information provided
9473 in any claim submitted for tax credits under this section with
9474 regard to employment and wage levels or the payment of the taxes
9475 to the appropriate agency or authority, including the Department
9476 of Revenue~~, the Agency for Workforce Innovation,~~ or any local
9477 government or authority.
9478 (b) To facilitate the process of monitoring and auditing
9479 applications made under this section, Jobs Florida ~~the Office~~
9480 may provide a list of qualified target industry businesses to
9481 the Department of Revenue~~, to the Agency for Workforce~~
9482 ~~Innovation,~~ or to any local government or authority. Jobs
9483 Florida ~~The Office~~ may request the assistance of those entities

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9484 with respect to monitoring jobs, wages, and the payment of the
9485 taxes listed in subsection (3).
9486 (c) Funds specifically appropriated for tax refunds for
9487 qualified target industry businesses under this section may not
9488 be used by Jobs Florida ~~the Office~~ for any purpose other than
9489 the payment of tax refunds authorized by this section.
9490 (d) Beginning with tax refund agreements signed after July
9491 1, 2010, Jobs Florida ~~the Office~~ shall attempt to ascertain the
9492 causes for any business's failure to complete its agreement and
9493 shall report its findings and recommendations to the Governor,
9494 the President of the Senate, and the Speaker of the House of
9495 Representatives. The report shall be submitted by December 1 of
9496 each year beginning in 2011.
9497 Section 145. Paragraphs (d), (e), (f), (g) and (h) of
9498 subsection (1), subsection (2), paragraphs (a), (b), (f), (g),
9499 (h), and (i) of subsection (4), and subsection (5) of section
9500 288.107, Florida Statutes, are amended to read:
9501 288.107 Brownfield redevelopment bonus refunds.—
9502 (1) DEFINITIONS.—As used in this section:
9503 ~~(d) "Director" means the director of the Office of Tourism,~~
9504 ~~Trade, and Economic Development~~.
9505 (d) ~~(e)~~ "Eligible business" means:
9506 1. A qualified target industry business as defined in s.
9507 288.106(2); or
9508 2. A business that can demonstrate a fixed capital
9509 investment of at least $2 million in mixed-use business
9510 activities, including multiunit housing, commercial, retail, and
9511 industrial in brownfield areas, or at least $500,000 in
9512 brownfield areas that do not require site cleanup, and that

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9513 provides benefits to its employees.
9514 (e) ~~(f)~~ "Jobs" means full-time equivalent positions,
9515 including, but not limited to, positions obtained from a
9516 temporary employment agency or employee leasing company or
9517 through a union agreement or coemployment under a professional
9518 employer organization agreement, that result directly from a
9519 project in this state. The term does not include temporary
9520 construction jobs involved with the construction of facilities
9521 for the project and which are not associated with the
9522 implementation of the site rehabilitation as provided in s.
9523 376.80.
9524 ~~(g) "Office" means The Office of Tourism, Trade, and~~
9525 ~~Economic Development.~~
9526 (f) ~~(h)~~ "Project" means the creation of a new business or
9527 the expansion of an existing business as defined in s. 288.106.
9528 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
9529 shall be approved by Jobs Florida ~~the Office~~ as specified in the
9530 final order and allowed from the account as follows:
9531 (a) A bonus refund of $2,500 shall be allowed to any
9532 qualified target industry business as defined in s. 288.106 for
9533 each new Florida job created in a brownfield area that is
9534 claimed on the qualified target industry business's annual
9535 refund claim authorized in s. 288.106(6).
9536 (b) A bonus refund of up to $2,500 shall be allowed to any
9537 other eligible business as defined in subparagraph (1)(d)2.
9538 ~~subparagraph (1)(e)2.~~ for each new Florida job created in a
9539 brownfield area that is claimed under an annual claim procedure
9540 similar to the annual refund claim authorized in s. 288.106(6).
9541 The amount of the refund shall be equal to 20 percent of the

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9542 average annual wage for the jobs created.
9543 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—
9544 (a) To be eligible to receive a bonus refund for new
9545 Florida jobs created in a brownfield area, a business must have
9546 been certified as a qualified target industry business under s.
9547 288.106 or eligible business as defined in paragraph (1)(d)
9548 ~~paragraph (1)(c)~~ and must have indicated on the qualified target
9549 industry business tax refund application form submitted in
9550 accordance with s. 288.106(4) or other similar agreement for
9551 other eligible business as defined in paragraph (1)(d) ~~paragraph~~
9552 ~~(1)(c)~~ that the project for which the application is submitted
9553 is or will be located in a brownfield area and that the business
9554 is applying for certification as a qualified brownfield business
9555 under this section, and must have signed a qualified target
9556 industry business tax refund agreement with Jobs Florida ~~the~~
9557 ~~Office~~ that indicates that the business has been certified as a
9558 qualified target industry business located in a brownfield area
9559 and specifies the schedule of brownfield redevelopment bonus
9560 refunds that the business may be eligible to receive in each
9561 fiscal year.
9562 (b) To be considered to receive an eligible brownfield
9563 redevelopment bonus refund payment, the business meeting the
9564 requirements of paragraph (a) must submit a claim once each
9565 fiscal year on a claim form approved by Jobs Florida ~~the Office~~
9566 which indicates the location of the brownfield, the address of
9567 the business facility's brownfield location, the name of the
9568 brownfield in which it is located, the number of jobs created,
9569 and the average wage of the jobs created by the business within
9570 the brownfield as defined in s. 288.106 or other eligible

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9571 business as defined in paragraph (1)(d) ~~paragraph (1)(e)~~ and the
9572 administrative rules and policies for that section.
9573 (f) Applications shall be reviewed and certified pursuant
9574 to s. 288.061. Jobs Florida ~~The Office~~ shall review all
9575 applications submitted under s. 288.106 or other similar
9576 application forms for other eligible businesses as defined in
9577 paragraph (1)(d) ~~paragraph (1)(e)~~ which indicate that the
9578 proposed project will be located in a brownfield and determine,
9579 with the assistance of the Department of Environmental
9580 Protection, that the project location is within a brownfield as
9581 provided in this act.
9582 (g) Jobs Florida ~~The Office~~ shall approve all claims for a
9583 brownfield redevelopment bonus refund payment that are found to
9584 meet the requirements of paragraphs (b) and (d).
9585 (h) Jobs Florida ~~The director~~, with such assistance as may
9586 be required from ~~the Office and~~ the Department of Environmental
9587 Protection, shall specify by written final order the amount of
9588 the brownfield redevelopment bonus refund that is authorized for
9589 the qualified target industry business for the fiscal year
9590 within 30 days after the date that the claim for the annual tax
9591 refund is received by Jobs Florida ~~the office~~.
9592 (i) The total amount of the bonus refunds approved by Jobs
9593 Florida ~~the director~~ under this section in any fiscal year must
9594 not exceed the total amount appropriated to the Economic
9595 Development Incentives Account for this purpose for the fiscal
9596 year. In the event that the Legislature does not appropriate an
9597 amount sufficient to satisfy projections by Jobs Florida ~~the~~
9598 ~~Office~~ for brownfield redevelopment bonus refunds under this
9599 section in a fiscal year, Jobs Florida ~~the Office~~ shall, not

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9600 later than July 15 of such year, determine the proportion of
9601 each brownfield redevelopment bonus refund claim which shall be
9602 paid by dividing the amount appropriated for tax refunds for the
9603 fiscal year by the projected total of brownfield redevelopment
9604 bonus refund claims for the fiscal year. The amount of each
9605 claim for a brownfield redevelopment bonus tax refund shall be
9606 multiplied by the resulting quotient. If, after the payment of
9607 all such refund claims, funds remain in the Economic Development
9608 Incentives Account for brownfield redevelopment tax refunds,
9609 Jobs Florida ~~the Office~~ shall recalculate the proportion for
9610 each refund claim and adjust the amount of each claim
9611 accordingly.
9612 (5) ADMINISTRATION.—
9613 (a) Jobs Florida ~~the Office~~ may verify information provided
9614 in any claim submitted for tax credits under this section with
9615 regard to employment and wage levels or the payment of the taxes
9616 to the appropriate agency or authority, including the Department
9617 of Revenue, ~~the Agency for Workforce Innovation,~~ or any local
9618 government or authority.
9619 (b) To facilitate the process of monitoring and auditing
9620 applications made under this program, Jobs Florida ~~the Office~~
9621 may provide a list of qualified target industry businesses to
9622 the Department of Revenue, ~~to the Agency for Workforce~~
9623 ~~Innovation,~~ to the Department of Environmental Protection, or to
9624 any local government authority. Jobs Florida ~~the office~~ may
9625 request the assistance of those entities with respect to
9626 monitoring the payment of the taxes listed in s. 288.106(3).
9627 Section 146. Paragraphs (a), (b), (c), and (d) of
9628 subsection (2), paragraphs (b), (d), and (e) of subsection (3),

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9629 subsection (4), paragraphs (a) and (c) of subsection (5), and
9630 subsections (6) and (7) of section 288.108, Florida Statutes,
9631 are amended, and present paragraphs (e) through (j) of
9632 subsection (2) are redesignated as paragraphs (c) through (h),
9633 respectively, to read:
9634 288.108 High-impact business.—
9635 (2) DEFINITIONS.—As used in this section, the term:
9636 (a) "Eligible high-impact business" means a business in one
9637 of the high-impact sectors identified by the Jobs Florida
9638 Partnership ~~Enterprise Florida~~, Inc., and certified by Jobs
9639 Florida ~~the Office of Tourism, Trade, and Economic Development~~
9640 as provided in subsection (5), which is making a cumulative
9641 investment in the state of at least $50 million and creating at
9642 least 50 new full-time equivalent jobs in the state or a
9643 research and development facility making a cumulative investment
9644 of at least $25 million and creating at least 25 new full-time
9645 equivalent jobs. Such investment and employment must be achieved
9646 in a period not to exceed 3 years after the date the business is
9647 certified as a qualified high-impact business.
9648 (b) "Qualified high-impact business" means a business in
9649 one of the high-impact sectors that has been certified by Jobs
9650 Florida ~~the Office~~ as a qualified high-impact business to
9651 receive a high-impact sector performance grant.
9652 ~~(c) "Office" means the Office of Tourism, Trade, and~~
9653 ~~Economic Development.~~
9654 ~~(d) "Director" means the director of the Office of Tourism,~~
9655 ~~Trade, and Economic Development~~.
9656 (3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE
9657 AMOUNTS.—

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9658 (b) Jobs Florida ~~The Office~~ may~~, in consultation with~~
9659 ~~Enterprise Florida, Inc.,~~ negotiate qualified high-impact
9660 business performance grant awards for any single qualified high-
9661 impact business. In negotiating such awards, Jobs Florida ~~the~~
9662 ~~Office~~ shall consider the following guidelines in conjunction
9663 with other relevant applicant impact and cost information and
9664 analysis as required in subsection (5).
9665 1. A qualified high-impact business making a cumulative
9666 investment of $50 million and creating 50 jobs may be eligible
9667 for a total qualified high-impact business performance grant of
9668 $500,000 to $1 million.
9669 2. A qualified high-impact business making a cumulative
9670 investment of $100 million and creating 100 jobs may be eligible
9671 for a total qualified high-impact business performance grant of
9672 $1 million to $2 million.
9673 3. A qualified high-impact business making a cumulative
9674 investment of $800 million and creating 800 jobs may be eligible
9675 for a qualified high-impact business performance grant of $10
9676 million to $12 million.
9677 4. A qualified high-impact business engaged in research and
9678 development making a cumulative investment of $25 million and
9679 creating 25 jobs may be eligible for a total qualified high-
9680 impact business performance grant of $700,000 to $1 million.
9681 5. A qualified high-impact business engaged in research and
9682 development making a cumulative investment of $75 million, and
9683 creating 75 jobs may be eligible for a total qualified high-
9684 impact business performance grant of $2 million to $3 million.
9685 6. A qualified high-impact business engaged in research and
9686 development making a cumulative investment of $150 million, and

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9687 creating 150 jobs may be eligible for a qualified high-impact
9688 business performance grant of $3.5 million to $4.5 million.
9689 (d) The balance of the performance grant award shall be
9690 paid to the qualified high-impact business upon the business's
9691 certification that full operations have commenced and that the
9692 full investment and employment goals specified in the qualified
9693 high-impact business agreement have been met and verified by
9694 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
9695 ~~Development~~. The verification must occur not later than 60 days
9696 after the qualified high-impact business has provided the
9697 certification specified in this paragraph.
9698 (e) Jobs Florida ~~The office~~ may, upon a showing of
9699 reasonable cause for delay and significant progress toward the
9700 achievement of the investment and employment goals specified in
9701 the qualified high-impact business agreement, extend the date
9702 for commencement of operations, not to exceed an additional 2
9703 years beyond the limit specified in paragraph (2)(a), but in no
9704 case may any high-impact sector performance grant payment be
9705 made to the business until the scheduled goals have been
9706 achieved.
9707 (4) ~~OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT~~
9708 AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS PERFORMANCE
9709 GRANTS.—
9710 (a) The total amount of active performance grants scheduled
9711 for payment by Jobs Florida ~~the office~~ in any single fiscal year
9712 may not exceed the lesser of $30 million or the amount
9713 appropriated by the Legislature for that fiscal year for
9714 qualified high-impact business performance grants. If the
9715 scheduled grant payments are not made in the year for which they

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9716 were scheduled in the qualified high-impact business agreement
9717 and are rescheduled as authorized in paragraph (3)(e), they are,
9718 for purposes of this paragraph, deemed to have been paid in the
9719 year in which they were originally scheduled in the qualified
9720 high-impact business agreement.
9721 (b) If the Legislature does not appropriate an amount
9722 sufficient to satisfy the qualified high-impact business
9723 performance grant payments scheduled for any fiscal year, Jobs
9724 Florida ~~the Office~~ shall, not later than July 15 of that year,
9725 determine the proportion of each grant payment which may be paid
9726 by dividing the amount appropriated for qualified high-impact
9727 business performance grant payments for the fiscal year by the
9728 total performance grant payments scheduled in all performance
9729 grant agreements for the fiscal year. The amount of each grant
9730 scheduled for payment in that fiscal year must be multiplied by
9731 the resulting quotient. All businesses affected by this
9732 calculation must be notified by August 1 of each fiscal year.
9733 If, after the payment of all the refund claims, funds remain in
9734 the appropriation for payment of qualified high-impact business
9735 performance grants, Jobs Florida ~~the Office~~ shall recalculate
9736 the proportion for each performance grant payment and adjust the
9737 amount of each claim accordingly.
9738 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—
9739 (a) Any eligible business, as defined in subsection (2),
9740 shall apply to the Jobs Florida Partnership ~~Enterprise Florida~~,
9741 Inc., for consideration as a qualified high-impact business
9742 before the business has made a decision to locate or expand a
9743 facility in this state. The application, developed by Jobs
9744 Florida ~~The Office of Tourism, Trade, and Economic Development~~,

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9745 in consultation with the Jobs Florida Partnership ~~Enterprise~~
9746 ~~Florida~~, Inc., must include, but is not limited to, the
9747 following information:
9748 1. A complete description of the type of facility, business
9749 operations, and product or service associated with the project.
9750 2. The number of full-time equivalent jobs that will be
9751 created by the project and the average annual wage of those
9752 jobs.
9753 3. The cumulative amount of investment to be dedicated to
9754 this project within 3 years.
9755 4. A statement concerning any special impacts the facility
9756 is expected to stimulate in the sector, the state, or regional
9757 economy and in state universities and community colleges.
9758 5. A statement concerning the role the grant will play in
9759 the decision of the applicant business to locate or expand in
9760 this state.
9761 6. Any additional information requested by Jobs Florida and
9762 the Jobs Florida Partnership ~~Enterprise Florida,~~ Inc., ~~and the~~
9763 ~~Office of Tourism, Trade, and Economic Development.~~
9764 (c) Jobs Florida ~~The director~~ and the qualified high-impact
9765 business shall enter into a performance grant agreement setting
9766 forth the conditions for payment of the qualified high-impact
9767 business performance grant. The agreement shall include the
9768 total amount of the qualified high-impact business facility
9769 performance grant award, the performance conditions that must be
9770 met to obtain the award, including the employment, average
9771 salary, investment, the methodology for determining if the
9772 conditions have been met, and the schedule of performance grant
9773 payments.

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9774 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—
9775 (a) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
9776 shall, by January 1, of every third year, beginning January 1,
9777 2011, initiate the process of reviewing and, if appropriate,
9778 selecting a new high-impact sector for designation or
9779 recommending the deactivation of a designated high-impact
9780 sector. The process of reviewing designated high-impact sectors
9781 or recommending the deactivation of a designated high-impact
9782 sector shall be in consultation with Jobs Florida ~~the office~~,
9783 economic development organizations, the State University System,
9784 local governments, employee and employer organizations, market
9785 analysts, and economists.
9786 (b) Jobs Florida ~~the Office~~ has authority, ~~only~~ after
9787 recommendation from the Jobs Florida Partnership ~~Enterprise~~
9788 ~~Florida~~, Inc., to designate a high-impact sector or to
9789 deauthorize a designated high-impact sector.
9790 (c) To begin the process of selecting and designating a new
9791 high-impact sector, the Jobs Florida Partnership ~~Enterprise~~
9792 ~~Florida~~, Inc., shall undertake a thorough study of the proposed
9793 sector. This study must consider the definition of the sector,
9794 including the types of facilities which characterize the sector
9795 that might qualify for a high-impact performance grant and
9796 whether a powerful incentive like the high-impact performance
9797 grant is needed to induce major facilities in the sector to
9798 locate or grow in this state; the benefits that major facilities
9799 in the sector have or could have on the state’s economy and the
9800 relative significance of those benefits; the needs of the sector
9801 and major sector facilities, including natural, public, and
9802 human resources and benefits and costs with regard to these

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9803 resources; the sector's current and future markets; the current
9804 fiscal and potential fiscal impacts of the sector, to both the
9805 state and its communities; any geographic opportunities or
9806 limitations with regard to the sector, including areas of the
9807 state most likely to benefit from the sector and areas unlikely
9808 to benefit from the sector; the state's advantages or
9809 disadvantages with regard to the sector; and the long-term
9810 expectations for the industry on a global level and in the
9811 state. If the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
9812 finds favorable conditions for the designation of the sector as
9813 a high-impact sector, it shall include in the study
9814 recommendations for a complete and comprehensive sector
9815 strategy, including appropriate marketing and workforce
9816 strategies for the entire sector and any recommendations that
9817 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., may have
9818 for statutory or policy changes needed to improve the state's
9819 business climate and to attract and grow Florida businesses,
9820 particularly small businesses, in the proposed sector. The study
9821 shall reflect the finding of the sector-business network
9822 specified in paragraph (d).
9823 (d) In conjunction with the study required in paragraph
9824 (c), the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
9825 shall develop and consult with a network of sector businesses.
9826 While this network may include non-Florida businesses, it must
9827 include any businesses currently within the state. If the number
9828 of Florida businesses in the sector is large, a representative
9829 cross-section of Florida sector businesses may form the core of
9830 this network.
9831 (e) The study and its findings and recommendations and the

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9832 recommendations gathered from the sector-business network must
9833 be discussed and considered during the at least one meeting per
9834 calendar year of leaders in business, government, education,
9835 workforce development, and economic development called by the
9836 Governor to address the business climate in the state, develop a
9837 common vision for the economic future of the state, and identify
9838 economic development efforts to fulfill that vision ~~required in~~
9839 ~~s. 14.2015(2)(e)~~.
9840 (f) If after consideration of the completed study required
9841 in paragraph (c) and the input derived from consultation with
9842 the sector-business network in paragraph (d) and the ~~quarterly~~
9843 meeting as required in paragraph (e), the board of directors of
9844 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., finds
9845 that the sector will have exceptionally large and widespread
9846 benefits to the state and its citizens, relative to any public
9847 costs; that the sector is characterized by the types of
9848 facilities that require exceptionally large investments and
9849 provide employment opportunities to a relatively large number of
9850 workers in high-quality, high-income jobs that might qualify for
9851 a high-impact performance grant; and that given the competition
9852 for such businesses it may be necessary for the state to be able
9853 to offer a large inducement, such as a high-impact performance
9854 grant, to attract such a business to the state or to encourage
9855 businesses to continue to grow in the state, the board of
9856 directors of the Jobs Florida Partnership ~~Enterprise Florida~~,
9857 Inc., may recommend that Jobs Florida ~~the office~~ consider the
9858 designation of the sector as a high-impact business sector.
9859 (g) Upon receiving a recommendation from the board of
9860 directors of the Jobs Florida Partnership ~~Enterprise Florida~~,

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9861 Inc., together with the study required in paragraph (c) and a
9862 summary of the findings and recommendations of the sector-
9863 business network required in paragraph (d), including a list of
9864 all meetings of the sector network and participants in those
9865 meetings and the findings and recommendations from the ~~quarterly~~
9866 meeting as required in paragraph (e), Jobs Florida ~~the Office~~
9867 shall after a thorough evaluation of the study and accompanying
9868 materials report its findings and either concur in the
9869 recommendation of the Jobs Florida Partnership ~~Enterprise~~
9870 ~~Florida~~, Inc., and designate the sector as a high-impact
9871 business sector or notify the Jobs Florida Partnership
9872 ~~Enterprise Florida~~, Inc., that it does not concur and deny the
9873 board's request for designation or return the recommendation and
9874 study to the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
9875 for further evaluation. In any case, Jobs Florida's ~~the~~
9876 ~~director's~~ decision must be in writing and justify the reasons
9877 for the decision.
9878 (h) If Jobs Florida ~~the Office~~ designates the sector as a
9879 high-impact sector, it shall, within 30 days, notify the
9880 Governor, the President of the Senate, and the Speaker of the
9881 House of Representatives of its decision and provide a complete
9882 report on its decision, including copies of the material
9883 provided by the Jobs Florida Partnership ~~Enterprise Florida~~,
9884 Inc., and Jobs Florida's ~~the Office of Tourism, Trade, and~~
9885 ~~Economic Development's~~ evaluation and comment on any statutory
9886 or policy changes recommended by the Jobs Florida Partnership
9887 ~~Enterprise Florida~~, Inc.
9888 (i) For the purposes of this subsection, a high-impact
9889 sector consists of the silicon technology sector that the Jobs

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9890 Florida Partnership ~~Enterprise Florida~~, Inc., has found to be
9891 focused around the type of high-impact businesses for which the
9892 incentive created in this subsection is required and will create
9893 the kinds of sector and economy wide benefits that justify the
9894 use of state resources to encourage these investments and
9895 require substantial inducements to compete with the incentive
9896 packages offered by other states and nations.
9897 (7) RULEMAKING.—Jobs Florida ~~the Office~~ may adopt rules
9898 necessary to carry out the provisions of this section.
9899 Section 147. Subsection (1), paragraph (f) of subsection
9900 (2), and subsections (4), (5), and (9) of section 288.1083,
9901 Florida Statutes, are amended, and present paragraph (g) of
9902 subsection (2) is redesignated as paragraph (f), to read:
9903 288.1083 Manufacturing and Spaceport Investment Incentive
9904 Program.—
9905 (1) The Manufacturing and Spaceport Investment Incentive
9906 Program is created within Jobs Florida ~~the office of Tourism,~~
9907 ~~Trade, and Economic Development~~. The purpose of the program is
9908 to encourage capital investment and job creation in
9909 manufacturing and spaceport activities in this state.
9910 (2) As used in this section, the term:
9911 ~~(f) "Office" means the Office of Tourism, Trade, and~~
9912 ~~Economic Development.~~
9913 (4) To receive a refund, a business entity must first apply
9914 to Jobs Florida ~~the office~~ for a tax refund allocation. The
9915 entity shall provide such information in the application as
9916 reasonably required by Jobs Florida ~~the office~~. Further, the
9917 business entity shall provide such information as is required by
9918 Jobs Florida ~~the office~~ to establish the cost incurred and

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9919 actual sales and use tax paid to purchase eligible equipment
9920 located and placed into service in this state during its taxable
9921 year that began in 2008.
9922 (a) Within 30 days after Jobs Florida ~~the office~~ receives
9923 an application for a refund, Jobs Florida ~~the office~~ shall
9924 approve or disapprove the application.
9925 (b) Refund allocations made during the 2010-2011 fiscal
9926 year shall be awarded in the same order in which applications
9927 are received. Eligible entities may apply to Jobs Florida ~~the~~
9928 ~~office~~ beginning July 1, 2010, for refunds attributable to
9929 eligible equipment purchases made during the 2010-2011 fiscal
9930 year. For the 2010-2011 fiscal year, Jobs Florida ~~the office~~
9931 shall allocate the maximum amount of $50,000 per entity until
9932 the entire $19 million available for refund in state fiscal year
9933 2010-2011 has been allocated. If the total amount available for
9934 allocation during the 2010-2011 fiscal year is allocated, Jobs
9935 Florida ~~the office~~ shall continue taking applications. Each
9936 applicant shall be informed of its place in the queue and
9937 whether the applicant received an allocation of the eligible
9938 funds.
9939 (c) Refund allocations made during the 2011-2012 fiscal
9940 year shall first be given to any applicants remaining in the
9941 queue from the prior fiscal year. Jobs Florida ~~The office~~ shall
9942 allocate the maximum amount of $50,000 per entity, first to
9943 those applicants that remained in the queue from 2010-2011 for
9944 eligible purchases in 2010-2011, then to applicants for 2011-
9945 2012 in the order applications are received for eligible
9946 purchases in 2011-2012. Jobs Florida ~~The office~~ shall allocate
9947 the maximum amount of $50,000 per entity until the entire $24

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9948 million available to be allocated for refund in the 2011-2012
9949 fiscal year is allocated. If the total amount available for
9950 refund in 2011-2012 has been allocated, Jobs Florida ~~The office~~
9951 shall continue to accept applications from eligible entities in
9952 the 2011-2012 fiscal year for refunds attributable to eligible
9953 equipment purchases made during the 2011-2012 fiscal year.
9954 Refund allocations made during the 2011-2012 fiscal year shall
9955 be awarded in the same order in which applications are received.
9956 Upon submitting an application, each applicant shall be informed
9957 of its place in the queue and whether the applicant has received
9958 an allocation of the eligible funds.
9959 (5) Upon completion of eligible equipment purchases, a
9960 business entity that received a refund allocation from Jobs
9961 Florida ~~the office~~ must apply to Jobs Florida ~~the office~~ for
9962 certification of a refund. For eligible equipment purchases made
9963 during the 2010-2011 fiscal year, the application for
9964 certification must be made no later than September 1, 2011. For
9965 eligible equipment purchases made during the 2011-2012 fiscal
9966 year, the application for certification must be made no later
9967 than September 1, 2012. The application shall provide such
9968 documentation as is reasonably required by Jobs Florida ~~the~~
9969 ~~office~~ to calculate the refund amount, including documentation
9970 necessary to confirm the cost of eligible equipment purchases
9971 supporting the claim of the sales and use tax paid thereon.
9972 Further, the business entity shall provide such documentation as
9973 required by Jobs Florida ~~the office~~ to establish the entity's
9974 base year purchases. If, upon reviewing the application, Jobs
9975 Florida ~~the office~~ determines that eligible equipment purchases
9976 did not occur, that the amount of tax claimed to have been paid

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9977 or remitted on the eligible equipment purchases is not supported
9978 by the documentation provided, or that the information provided
9979 to Jobs Florida ~~the office~~ was otherwise inaccurate, the amount
9980 of the refund allocation not substantiated shall not be
9981 certified. Otherwise, Jobs Florida ~~the office~~ shall determine
9982 and certify the amount of the refund to the eligible entity and
9983 to the department within 30 days after Jobs Florida ~~the office~~
9984 receives the application for certification.
9985 (9) Jobs Florida ~~The office~~ shall adopt emergency rules
9986 governing applications for, issuance of, and procedures for
9987 allocation and certification and may establish guidelines as to
9988 the requisites for demonstrating base year purchases and
9989 eligible equipment purchases.
9990 Section 148. Subsections (2) and (3) of section 288.1088,
9991 Florida Statutes, are amended to read:
9992 288.1088 Quick Action Closing Fund.—
9993 (2) There is created within Jobs Florida ~~the Office of~~
9994 ~~Tourism, Trade, and Economic Development~~ the Quick Action
9995 Closing Fund. Projects eligible for receipt of funds from the
9996 Quick Action Closing Fund shall:
9997 (a) Be in an industry as referenced in s. 288.106.
9998 (b) Have a positive economic benefit ~~payback~~ ratio of at
9999 least 5 to 1.
10000 (c) Be an inducement to the project’s location or expansion
10001 in the state.
10002 (d) Pay an average annual wage of at least 125 percent of
10003 the areawide or statewide private sector average wage.
10004 (e) Be supported by the local community in which the
10005 project is to be located.

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10006 (3)(a) Jobs Florida and the Jobs Florida Partnership
10007 ~~Enterprise Florida~~, Inc., shall jointly review applications
10008 pursuant to s. 288.061 and determine the eligibility of each
10009 project consistent with the criteria in subsection (2). Jobs
10010 Florida ~~Enterprise Florida, Inc.~~, in consultation with the Jobs
10011 Florida Partnership, Inc., ~~the Office of Tourism, Trade, and~~
10012 ~~Economic Development,~~ may waive these criteria:
10013 1. Based on extraordinary circumstances;
10014 2. In order to mitigate the impact of the conclusion of the
10015 space shuttle program; or
10016 3. In rural areas of critical economic concern if the
10017 project would significantly benefit the local or regional
10018 economy.
10019 (b) Jobs Florida and the Jobs Florida Partnership
10020 ~~Enterprise Florida~~, Inc., shall jointly evaluate individual
10021 proposals for high-impact business facilities ~~and forward~~
10022 ~~recommendations regarding the use of moneys in the fund for such~~
10023 ~~facilities to the director of the Office of Tourism, Trade, and~~
10024 ~~Economic Development~~. Such evaluation ~~and recommendation~~ must
10025 include, but need not be limited to:
10026 1. A description of the type of facility or infrastructure,
10027 its operations, and the associated product or service associated
10028 with the facility.
10029 2. The number of full-time-equivalent jobs that will be
10030 created by the facility and the total estimated average annual
10031 wages of those jobs or, in the case of privately developed rural
10032 infrastructure, the types of business activities and jobs
10033 stimulated by the investment.
10034 3. The cumulative amount of investment to be dedicated to

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10035 the facility within a specified period.
10036 4. A statement of any special impacts the facility is
10037 expected to stimulate in a particular business sector in the
10038 state or regional economy or in the state's universities and
10039 community colleges.
10040 5. A statement of the role the incentive is expected to
10041 play in the decision of the applicant business to locate or
10042 expand in this state or for the private investor to provide
10043 critical rural infrastructure.
10044 6. A report evaluating the quality and value of the company
10045 submitting a proposal. The report must include:
10046 a. A financial analysis of the company, including an
10047 evaluation of the company's short-term liquidity ratio as
10048 measured by its assets to liability, the company's profitability
10049 ratio, and the company's long-term solvency as measured by its
10050 debt-to-equity ratio;
10051 b. The historical market performance of the company;
10052 c. A review of any independent evaluations of the company;
10053 d. A review of the latest audit of the company's financial
10054 statement and the related auditor's management letter; and
10055 e. A review of any other types of audits that are related
10056 to the internal and management controls of the company.
10057 (c)1. Within 7 business ~~22 calendar~~ days after evaluating a
10058 project, Jobs Florida ~~receiving the evaluation and~~
10059 ~~recommendation from Enterprise Florida, Inc., the director of~~
10060 ~~the Office of Tourism, Trade, and Economic Development~~ shall
10061 recommend to the Governor approval or disapproval of a project
10062 for receipt of funds from the Quick Action Closing Fund. In
10063 recommending a project, Jobs Florida ~~the director~~ shall include

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10064 proposed performance conditions that the project must meet to
10065 obtain incentive funds.
10066 2. The Governor may approve projects without consulting the
10067 Legislature for projects requiring less than $1 million in
10068 funding.
10069 3. For projects requiring funding in the amount of $1
10070 million to $5 million, the Governor shall provide a written ~~the~~
10071 description and evaluation of a project ~~projects~~ recommended for
10072 approval to the President of the Senate, ~~and~~ the Speaker of the
10073 House of Representatives, and the chairs of the Senate and House
10074 appropriations committees that oversee economic development
10075 funding, and, no sooner than 3 days subsequent to providing the
10076 written project descriptions and evaluations, shall consult with
10077 the President of the Senate and the Speaker of the House of
10078 Representatives before giving final approval for a project. At
10079 least 14 days before releasing funds for a project, the
10080 Executive Office of the Governor shall recommend approval of the
10081 project and the release of funds by delivering notice of such
10082 action pursuant to the legislative consultation and review
10083 requirements set forth in s. 216.177. The recommendation must
10084 include proposed performance conditions that the project must
10085 meet in order to obtain funds.
10086 4. If the chair or vice chair of the Legislative Budget
10087 Commission or the President of the Senate or the Speaker of the
10088 House of Representatives timely advises the Executive Office of
10089 the Governor, in writing, that such action or proposed action
10090 exceeds the delegated authority of the Executive Office of the
10091 Governor or is contrary to legislative policy or intent, the
10092 Executive Office of the Governor shall void the release of funds

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10093 and instruct Jobs Florida ~~the Office of Tourism, Trade, and~~
10094 ~~Economic Development~~ to immediately change such action or
10095 proposed action until the Legislative Budget Commission or the
10096 Legislature addresses the issue. Notwithstanding such
10097 requirement, any project exceeding $5 million ~~$2,000,000~~ must be
10098 approved by the Legislative Budget Commission prior to the funds
10099 being released.
10100 (d) Upon the approval of the Governor, Jobs Florida ~~the~~
10101 ~~director of the Office of Tourism, Trade, and Economic~~
10102 ~~Development~~ and the business shall enter into a contract that
10103 sets forth the conditions for payment of moneys from the fund.
10104 The contract must include the total amount of funds awarded; the
10105 performance conditions that must be met to obtain the award,
10106 including, but not limited to, net new employment in the state,
10107 average salary, and total capital investment; demonstrate a
10108 baseline of current service and a measure of enhanced
10109 capability; the methodology for validating performance; the
10110 schedule of payments from the fund; and sanctions for failure to
10111 meet performance conditions. The contract must provide that
10112 payment of moneys from the fund is contingent upon sufficient
10113 appropriation of funds by the Legislature.
10114 (e) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
10115 shall validate contractor performance. Such validation shall be
10116 reported within 6 months after completion of the contract to the
10117 Governor, President of the Senate, and the Speaker of the House
10118 of Representatives.
10119 Section 149. Subsection (1), paragraphs (b), (f), and (o)
10120 of subsection (2), and subsections (3), through (9), (11), and
10121 (12) of section 288.1089, Florida Statutes, are amended, and

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10122 present paragraphs (g) through (n) and (p) through (s) of
10123 subsection (2) are redesignated as paragraphs (f) through (p),
10124 respectively, to read:
10125 288.1089 Innovation Incentive Program.—
10126 (1) The Innovation Incentive Program is created within Jobs
10127 Florida ~~the Office of Tourism, Trade, and Economic Development~~
10128 to ensure that sufficient resources are available to allow the
10129 state to respond expeditiously to extraordinary economic
10130 opportunities and to compete effectively for high-value research
10131 and development, innovation business, and alternative and
10132 renewal energy projects.
10133 (2) As used in this section, the term:
10134 (b) "Average private sector wage" means the statewide
10135 average wage in the private sector or the average of all private
10136 sector wages in the county or in the standard metropolitan area
10137 in which the project is located as determined by Jobs Florida
10138 ~~the Agency for Workforce Innovation~~.
10139 ~~(f) "Director" means the director of the Office of Tourism,~~
10140 ~~Trade, and Economic Development~~.
10141 ~~(o) "Office" means the Office of Tourism, Trade, and~~
10142 ~~Economic Development.~~
10143 (3) To be eligible for consideration for an innovation
10144 incentive award, an innovation business, a research and
10145 development entity, or an alternative and renewable energy
10146 company must submit a written application to the Jobs Florida
10147 Partnership ~~Enterprise Florida~~, Inc., before making a decision
10148 to locate new operations in this state or expand an existing
10149 operation in this state. The application must include, but not
10150 be limited to:

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10151 (a) The applicant's federal employer identification number,
10152 unemployment account number, and state sales tax registration
10153 number. If such numbers are not available at the time of
10154 application, they must be submitted to Jobs Florida ~~the office~~
10155 in writing prior to the disbursement of any payments under this
10156 section.
10157 (b) The location in this state at which the project is
10158 located or is to be located.
10159 (c) A description of the type of business activity,
10160 product, or research and development undertaken by the
10161 applicant, including six-digit North American Industry
10162 Classification System codes for all activities included in the
10163 project.
10164 (d) The applicant's projected investment in the project.
10165 (e) The total investment, from all sources, in the project.
10166 (f) The number of net new full-time equivalent jobs in this
10167 state the applicant anticipates having created as of December 31
10168 of each year in the project and the average annual wage of such
10169 jobs.
10170 (g) The total number of full-time equivalent employees
10171 currently employed by the applicant in this state, if
10172 applicable.
10173 (h) The anticipated commencement date of the project.
10174 (i) A detailed explanation of why the innovation incentive
10175 is needed to induce the applicant to expand or locate in the
10176 state and whether an award would cause the applicant to locate
10177 or expand in this state.
10178 (j) If applicable, an estimate of the proportion of the
10179 revenues resulting from the project that will be generated

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10180 outside this state.
10181 (4) To qualify for review by Jobs Florida ~~the office~~, the
10182 applicant must, at a minimum, establish the following to the
10183 satisfaction of Jobs Florida and the Jobs Florida Partnership
10184 ~~Enterprise Florida~~, Inc.~~, and the office~~:
10185 (a) The jobs created by the project must pay an estimated
10186 annual average wage equaling at least 130 percent of the average
10187 private sector wage. Jobs Florida ~~The office~~ may waive this
10188 average wage requirement at the request of the Jobs Florida
10189 Partnership ~~Enterprise Florida,~~ Inc., for a project located in a
10190 rural area, a brownfield area, or an enterprise zone, when the
10191 merits of the individual project or the specific circumstances
10192 in the community in relationship to the project warrant such
10193 action. A recommendation for waiver by the Jobs Florida
10194 Partnership ~~Enterprise Florida~~, Inc., must include a specific
10195 justification for the waiver and be transmitted to Jobs Florida
10196 ~~the office~~ in writing. If Jobs Florida ~~the director~~ elects to
10197 waive the wage requirement, the waiver must be stated in writing
10198 and the reasons for granting the waiver must be explained.
10199 (b) A research and development project must:
10200 1. Serve as a catalyst for an emerging or evolving
10201 technology cluster.
10202 2. Demonstrate a plan for significant higher education
10203 collaboration.
10204 3. Provide the state, at a minimum, a break-even return on
10205 investment within a 20-year period.
10206 4. Be provided with a one-to-one match from the local
10207 community. The match requirement may be reduced or waived in
10208 rural areas of critical economic concern or reduced in rural

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10209 areas, brownfield areas, and enterprise zones.
10210 (c) An innovation business project in this state, other
10211 than a research and development project, must:
10212 1.a. Result in the creation of at least 1,000 direct, new
10213 jobs at the business; or
10214 b. Result in the creation of at least 500 direct, new jobs
10215 if the project is located in a rural area, a brownfield area, or
10216 an enterprise zone.
10217 2. Have an activity or product that is within an industry
10218 that is designated as a target industry business under s.
10219 288.106 or a designated sector under s. 288.108.
10220 3.a. Have a cumulative investment of at least $500 million
10221 within a 5-year period; or
10222 b. Have a cumulative investment that exceeds $250 million
10223 within a 10-year period if the project is located in a rural
10224 area, brownfield area, or an enterprise zone.
10225 4. Be provided with a one-to-one match from the local
10226 community. The match requirement may be reduced or waived in
10227 rural areas of critical economic concern or reduced in rural
10228 areas, brownfield areas, and enterprise zones.
10229 (d) For an alternative and renewable energy project in this
10230 state, the project must:
10231 1. Demonstrate a plan for significant collaboration with an
10232 institution of higher education;
10233 2. Provide the state, at a minimum, a break-even return on
10234 investment within a 20-year period;
10235 3. Include matching funds provided by the applicant or
10236 other available sources. The match requirement may be reduced or
10237 waived in rural areas of critical economic concern or reduced in

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10238 rural areas, brownfield areas, and enterprise zones;
10239 4. Be located in this state; and
10240 5. Provide at least 35 direct, new jobs that pay an
10241 estimated annual average wage that equals at least 130 percent
10242 of the average private sector wage.
10243 (5) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
10244 shall evaluate proposals for all three categories of innovation
10245 incentive awards and transmit recommendations for awards to Jobs
10246 Florida ~~the office~~. Before making its recommendations on
10247 alternative and renewable energy projects, the Jobs Florida
10248 Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall solicit
10249 comments and recommendations from the Florida Energy and Climate
10250 Commission. For each project, the evaluation and recommendation
10251 to Jobs Florida ~~the office~~ must include, but need not be limited
10252 to:
10253 (a) A description of the project, its required facilities,
10254 and the associated product, service, or research and development
10255 associated with the project.
10256 (b) The percentage of match provided for the project.
10257 (c) The number of full-time equivalent jobs that will be
10258 created by the project, the total estimated average annual wages
10259 of such jobs, and the types of business activities and jobs
10260 likely to be stimulated by the project.
10261 (d) The cumulative investment to be dedicated to the
10262 project within 5 years and the total investment expected in the
10263 project if more than 5 years.
10264 (e) The projected economic and fiscal impacts on the local
10265 and state economies relative to investment.
10266 (f) A statement of any special impacts the project is

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10267 expected to stimulate in a particular business sector in the
10268 state or regional economy or in the state's universities and
10269 community colleges.
10270 (g) A statement of any anticipated or proposed
10271 relationships with state universities.
10272 (h) A statement of the role the incentive is expected to
10273 play in the decision of the applicant to locate or expand in
10274 this state.
10275 (i) A recommendation and explanation of the amount of the
10276 award needed to cause the applicant to expand or locate in this
10277 state.
10278 (j) A discussion of the efforts and commitments made by the
10279 local community in which the project is to be located to induce
10280 the applicant's location or expansion, taking into consideration
10281 local resources and abilities.
10282 (k) A recommendation for specific performance criteria the
10283 applicant would be expected to achieve in order to receive
10284 payments from the fund and penalties or sanctions for failure to
10285 meet or maintain performance conditions.
10286 (l) Additional evaluative criteria for a research and
10287 development facility project, including:
10288 1. A description of the extent to which the project has the
10289 potential to serve as catalyst for an emerging or evolving
10290 cluster.
10291 2. A description of the extent to which the project has or
10292 could have a long-term collaborative research and development
10293 relationship with one or more universities or community colleges
10294 in this state.
10295 3. A description of the existing or projected impact of the

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10296 project on established clusters or targeted industry sectors.
10297 4. A description of the project's contribution to the
10298 diversity and resiliency of the innovation economy of this
10299 state.
10300 5. A description of the project's impact on special needs
10301 communities, including, but not limited to, rural areas,
10302 distressed urban areas, and enterprise zones.
10303 (m) Additional evaluative criteria for alternative and
10304 renewable energy proposals, including:
10305 1. The availability of matching funds or other in-kind
10306 contributions applied to the total project from an applicant.
10307 The commission shall give greater preference to projects that
10308 provide such matching funds or other in-kind contributions.
10309 2. The degree to which the project stimulates in-state
10310 capital investment and economic development in metropolitan and
10311 rural areas, including the creation of jobs and the future
10312 development of a commercial market for renewable energy
10313 technologies.
10314 3. The extent to which the proposed project has been
10315 demonstrated to be technically feasible based on pilot project
10316 demonstrations, laboratory testing, scientific modeling, or
10317 engineering or chemical theory that supports the proposal.
10318 4. The degree to which the project incorporates an
10319 innovative new technology or an innovative application of an
10320 existing technology.
10321 5. The degree to which a project generates thermal,
10322 mechanical, or electrical energy by means of a renewable energy
10323 resource that has substantial long-term production potential.
10324 6. The degree to which a project demonstrates efficient use

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10325 of energy and material resources.
10326 7. The degree to which the project fosters overall
10327 understanding and appreciation of renewable energy technologies.
10328 8. The ability to administer a complete project.
10329 9. Project duration and timeline for expenditures.
10330 10. The geographic area in which the project is to be
10331 conducted in relation to other projects.
10332 11. The degree of public visibility and interaction.
10333 (6) In consultation with the Jobs Florida Partnership,
10334 Inc., Jobs Florida ~~Enterprise Florida, Inc., the office~~ may
10335 negotiate the proposed amount of an award for any applicant
10336 meeting the requirements of this section. In negotiating such
10337 award, Jobs Florida ~~the office~~ shall consider the amount of the
10338 incentive needed to cause the applicant to locate or expand in
10339 this state in conjunction with other relevant applicant impact
10340 and cost information and analysis as described in this section.
10341 Particular emphasis shall be given to the potential for the
10342 project to stimulate additional private investment and high-
10343 quality employment opportunities in the area.
10344 (7) Upon receipt of the evaluation and recommendation from
10345 the Jobs Florida Partnership, Inc., Jobs Florida ~~Enterprise~~
10346 ~~Florida, Inc., the director~~ shall recommend to the Governor the
10347 approval or disapproval of an award. In recommending approval of
10348 an award, Jobs Florida ~~the director~~ shall include proposed
10349 performance conditions that the applicant must meet in order to
10350 obtain incentive funds and any other conditions that must be met
10351 before the receipt of any incentive funds. The Governor shall
10352 consult with the President of the Senate and the Speaker of the
10353 House of Representatives before giving approval for an award.

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10354 Upon review and approval of an award by the Legislative Budget
10355 Commission, the Executive Office of the Governor shall release
10356 the funds.
10357 (8)(a) After the conditions set forth in subsection (7)
10358 have been met, Jobs Florida ~~the director~~ shall issue a letter
10359 certifying the applicant as qualified for an award. Jobs Florida
10360 ~~the office~~ and the award recipient shall enter into an agreement
10361 that sets forth the conditions for payment of the incentive
10362 funds. The agreement must include, at a minimum:
10363 1. The total amount of funds awarded.
10364 2. The performance conditions that must be met in order to
10365 obtain the award or portions of the award, including, but not
10366 limited to, net new employment in the state, average wage, and
10367 total cumulative investment.
10368 3. Demonstration of a baseline of current service and a
10369 measure of enhanced capability.
10370 4. The methodology for validating performance.
10371 5. The schedule of payments.
10372 6. Sanctions for failure to meet performance conditions,
10373 including any clawback provisions.
10374 (b) Additionally, agreements signed on or after July 1,
10375 2009, must include the following provisions:
10376 1. Notwithstanding subsection (4), a requirement that the
10377 jobs created by the recipient of the incentive funds pay an
10378 annual average wage at least equal to the relevant industry's
10379 annual average wage or at least 130 percent of the average
10380 private sector wage, whichever is greater.
10381 2. A reinvestment requirement. Each recipient of an award
10382 shall reinvest up to 15 percent of net royalty revenues,

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10383 including revenues from spin-off companies and the revenues from
10384 the sale of stock it receives from the licensing or transfer of
10385 inventions, methods, processes, and other patentable discoveries
10386 conceived or reduced to practice using its facilities in Florida
10387 or its Florida-based employees, in whole or in part, and to
10388 which the recipient of the grant becomes entitled during the 20
10389 years following the effective date of its agreement with the
10390 office. Each recipient of an award also shall reinvest up to 15
10391 percent of the gross revenues it receives from naming
10392 opportunities associated with any facility it builds in this
10393 state. Reinvestment payments shall commence no later than 6
10394 months after the recipient of the grant has received the final
10395 disbursement under the contract and shall continue until the
10396 maximum reinvestment, as specified in the contract, has been
10397 paid. Reinvestment payments shall be remitted to Jobs Florida
10398 ~~the office~~ for deposit in the Biomedical Research Trust Fund for
10399 companies specializing in biomedicine or life sciences, or in
10400 the Economic Development Trust Fund for companies specializing
10401 in fields other than biomedicine or the life sciences. If these
10402 trust funds no longer exist at the time of the reinvestment, the
10403 state’s share of reinvestment shall be deposited in their
10404 successor trust funds as determined by law. Each recipient of an
10405 award shall annually submit a schedule of the shares of stock
10406 held by it as payment of the royalty required by this paragraph
10407 and report on any trades or activity concerning such stock. Each
10408 recipient’s reinvestment obligations survive the expiration or
10409 termination of its agreement with the state.
10410 3. Requirements for the establishment of internship
10411 programs or other learning opportunities for educators and

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10412 secondary, postsecondary, graduate, and doctoral students.
10413 4. A requirement that the recipient submit quarterly
10414 reports and annual reports related to activities and performance
10415 to Jobs Florida ~~the office~~, according to standardized reporting
10416 periods.
10417 5. A requirement for an annual accounting to Jobs Florida
10418 ~~the Office~~ of the expenditure of funds disbursed under this
10419 section.
10420 6. A process for amending the agreement.
10421 (9) Jobs Florida, assisted by the Jobs Florida Partnership
10422 ~~Enterprise Florida~~, Inc., shall validate ~~assist the Office in~~
10423 ~~validating~~ the performance of an innovation business, a research
10424 and development facility, or an alternative and renewable energy
10425 business that has received an award. At the conclusion of the
10426 innovation incentive award agreement, or its earlier
10427 termination, Jobs Florida ~~Enterprise Florida, Inc.,~~ shall,
10428 within 90 days, submit a report to the Governor, the President
10429 of the Senate, and the Speaker of the House of Representatives
10430 detailing whether the recipient of the innovation incentive
10431 grant achieved its specified outcomes.
10432 (11)(a) On January 5 of each year, Jobs Florida ~~Beginning~~
10433 ~~January 5, 2010, and every year thereafter, the office~~ shall
10434 submit to the Governor, the President of the Senate, and the
10435 Speaker of the House of Representatives a report summarizing the
10436 activities and accomplishments of the recipients of grants from
10437 the Innovation Incentive Program during the previous 12 months
10438 and an evaluation ~~by the office~~ of whether the recipients are
10439 catalysts for additional direct and indirect economic
10440 development in Florida.

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10441 (b) Beginning March 1, 2010, and every third year
10442 thereafter, the Office of Program Policy Analysis and Government
10443 Accountability, in consultation with the Auditor General's
10444 Office, shall release a report evaluating the Innovation
10445 Incentive Program's progress toward creating clusters of high-
10446 wage, high-skilled, complementary industries that serve as
10447 catalysts for economic growth specifically in the regions in
10448 which they are located, and generally for the state as a whole.
10449 Such report should include critical analyses of quarterly and
10450 annual reports, annual audits, and other documents prepared by
10451 the Innovation Incentive Program awardees; relevant economic
10452 development reports prepared by Jobs Florida, the Jobs Florida
10453 Partnership ~~the office, Enterprise Florida~~, Inc., and local or
10454 regional economic development organizations; interviews with the
10455 parties involved; and any other relevant data. Such report
10456 should also include legislative recommendations, if necessary,
10457 on how to improve the Innovation Incentive Program so that the
10458 program reaches its anticipated potential as a catalyst for
10459 direct and indirect economic development in this state.
10460 (12) Jobs Florida ~~the office~~ may seek the assistance of the
10461 Office of Program Policy Analysis and Government Accountability,
10462 the Legislature's Office of Economic and Demographic Research,
10463 and other entities for the purpose of developing performance
10464 measures or techniques to quantify the synergistic economic
10465 development impacts that awardees of grants are having within
10466 their communities.
10467 Section 150. Section 288.1095, Florida Statutes, is amended
10468 to read:
10469 288.1095 Information concerning the One-Stop Permitting

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10470 System.—Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
10471 ~~Development~~ shall develop literature that explains the One-Stop
10472 Permitting System and identifies those counties that have been
10473 designated as Quick Permitting Counties. The literature must be
10474 updated at least once each year. To the maximum extent feasible,
10475 state agencies and the Jobs Florida Partnership ~~Enterprise~~
10476 ~~Florida~~, Inc., shall distribute such literature and inform the
10477 public of the One-Stop Permitting System and the Quick
10478 Permitting Counties. In addition, the Jobs Florida Partnership
10479 ~~Enterprise Florida~~, Inc., shall provide this information to
10480 prospective, new, expanding, and relocating businesses seeking
10481 to conduct business in this state, municipalities, counties,
10482 economic-development organizations, and chambers of commerce.
10483 Section 151. Subsections (1) and (2), paragraphs (d) and
10484 (e) of subsection (4), paragraph (a) of subsection (6), and
10485 subsection (8) of section 288.1162, Florida Statutes, are
10486 amended to read:
10487 288.1162 Professional sports franchises; duties.—
10488 (1) The Division of Strategic Business Development of Jobs
10489 Florida ~~Office of Tourism, Trade, and Economic Development~~ shall
10490 serve as the state agency for screening applicants for state
10491 funding under s. 212.20 and for certifying an applicant as a
10492 facility for a new or retained professional sports franchise.
10493 (2) The Division of Strategic Business Development of Jobs
10494 Florida ~~Office of Tourism, Trade, and Economic Development~~ shall
10495 develop rules for the receipt and processing of applications for
10496 funding under s. 212.20.
10497 (4) Before certifying an applicant as a facility for a new
10498 or retained professional sports franchise, the Division of

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10499 Strategic Business Development of Jobs Florida ~~Office of~~
10500 ~~Tourism, Trade, and Economic Development~~ must determine that:
10501 (d) The applicant has projections, verified by the Division
10502 of Strategic Business Development of Jobs Florida ~~Office of~~
10503 ~~Tourism, Trade, and Economic Development~~, which demonstrate that
10504 the new or retained professional sports franchise will attract a
10505 paid attendance of more than 300,000 annually.
10506 (e) The applicant has an independent analysis or study,
10507 verified by the Division of Strategic Business Development of
10508 Jobs Florida ~~Office of Tourism, Trade, and Economic Development~~,
10509 which demonstrates that the amount of the revenues generated by
10510 the taxes imposed under chapter 212 with respect to the use and
10511 operation of the professional sports franchise facility will
10512 equal or exceed $2 million annually.
10513 (6)(a) The Division of Strategic Business Development of
10514 Jobs Florida ~~Office of Tourism, Trade, and Economic Development~~
10515 shall notify the Department of Revenue of any facility certified
10516 as a facility for a new or retained professional sports
10517 franchise. The Division of Strategic Business Development of
10518 Jobs Florida ~~Office of Tourism, Trade, and Economic Development~~
10519 shall certify no more than eight facilities as facilities for a
10520 new professional sports franchise or as facilities for a
10521 retained professional sports franchise, including in the total
10522 any facilities certified by the former Department of Commerce
10523 before July 1, 1996. The division ~~office~~ may make no more than
10524 one certification for any facility.
10525 (8) An applicant is not qualified for certification under
10526 this section if the franchise formed the basis for a previous
10527 certification, unless the previous certification was withdrawn

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10528 by the facility or invalidated by the Division of Strategic
10529 Business Development of Jobs Florida ~~Office of Tourism, Trade,~~
10530 ~~and Economic Development~~ or the former Department of Commerce
10531 before any funds were distributed under s. 212.20. This
10532 subsection does not disqualify an applicant if the previous
10533 certification occurred between May 23, 1993, and May 25, 1993;
10534 however, any funds to be distributed under s. 212.20 for the
10535 second certification shall be offset by the amount distributed
10536 to the previous certified facility. Distribution of funds for
10537 the second certification shall not be made until all amounts
10538 payable for the first certification are distributed.
10539 Section 152. Subsections (1), (2), (4), (5), (6), (7), and
10540 (8) of section 288.11621, Florida Statutes, are amended to read:
10541 288.11621 Spring training baseball franchises.—
10542 (1) DEFINITIONS.—As used in this section, the term:
10543 (a) “Agreement” means a certified, signed lease between an
10544 applicant that applies for certification on or after July 1,
10545 2010, and the spring training franchise for the use of a
10546 facility.
10547 (b) “Applicant” means a unit of local government as defined
10548 in s. 218.369, including local governments located in the same
10549 county that have partnered with a certified applicant before the
10550 effective date of this section or with an applicant for a new
10551 certification, for purposes of sharing in the responsibilities
10552 of a facility.
10553 (c) “Certified applicant” means a facility for a spring
10554 training franchise that was certified before July 1, 2010, under
10555 s. 288.1162(5), Florida Statutes 2009, or a unit of local
10556 government that is certified under this section.

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10557 (d) “Facility” means a spring training stadium, playing
10558 fields, and appurtenances intended to support spring training
10559 activities.
10560 (e) “Local funds” and “local matching funds” mean funds
10561 provided by a county, municipality, or other local government.
10562 ~~(f) “Office” means The Office of Tourism, Trade, and~~
10563 ~~Economic Development~~.
10564 (2) CERTIFICATION PROCESS.—
10565 (a) Before certifying an applicant to receive state funding
10566 for a facility for a spring training franchise, Jobs Florida ~~the~~
10567 ~~Office~~ must verify that:
10568 1. The applicant is responsible for the acquisition,
10569 construction, management, or operation of the facility for a
10570 spring training franchise or holds title to the property on
10571 which the facility for a spring training franchise is located.
10572 2. The applicant has a certified copy of a signed agreement
10573 with a spring training franchise for the use of the facility for
10574 a term of at least 20 years. The agreement also must require the
10575 franchise to reimburse the state for state funds expended by an
10576 applicant under this section if the franchise relocates before
10577 the agreement expires. The agreement may be contingent on an
10578 award of funds under this section and other conditions
10579 precedent.
10580 3. The applicant has made a financial commitment to provide
10581 50 percent or more of the funds required by an agreement for the
10582 acquisition, construction, or renovation of the facility for a
10583 spring training franchise. The commitment may be contingent upon
10584 an award of funds under this section and other conditions
10585 precedent.

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10586 4. The applicant demonstrates that the facility for a
10587 spring training franchise will attract a paid attendance of at
10588 least 50,000 annually to the spring training games.
10589 5. The facility for a spring training franchise is located
10590 in a county that levies a tourist development tax under s.
10591 125.0104.
10592 (b) Jobs Florida ~~The office~~ shall competitively evaluate
10593 applications for state funding of a facility for a spring
10594 training franchise. The total number of certifications may not
10595 exceed 10 at any time. The evaluation criteria must include,
10596 with priority given in descending order to, the following items:
10597 1. The anticipated effect on the economy of the local
10598 community where the spring training facility is to be built,
10599 including projections on paid attendance, local and state tax
10600 collections generated by spring training games, and direct and
10601 indirect job creation resulting from the spring training
10602 activities. Priority shall be given to applicants who can
10603 demonstrate the largest projected economic impact.
10604 2. The amount of the local matching funds committed to a
10605 facility relative to the amount of state funding sought, with
10606 priority given to applicants that commit the largest amount of
10607 local matching funds relative to the amount of state funding
10608 sought.
10609 3. The potential for the facility to serve multiple uses.
10610 4. The intended use of the funds by the applicant, with
10611 priority given to the funds being used to acquire a facility,
10612 construct a new facility, or renovate an existing facility.
10613 5. The length of time that a spring training franchise has
10614 been under an agreement to conduct spring training activities

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10615 within an applicant's geographic location or jurisdiction, with
10616 priority given to applicants having agreements with the same
10617 franchise for the longest period of time.
10618 6. The length of time that an applicant's facility has been
10619 used by one or more spring training franchises, with priority
10620 given to applicants whose facilities have been in continuous use
10621 as facilities for spring training the longest.
10622 7. The term remaining on a lease between an applicant and a
10623 spring training franchise for a facility, with priority given to
10624 applicants having the shortest lease terms remaining.
10625 8. The length of time that a spring training franchise
10626 agrees to use an applicant's facility if an application is
10627 granted under this section, with priority given to applicants
10628 having agreements for the longest future use.
10629 9. The net increase of total active recreation space owned
10630 by the applicant after an acquisition of land for the facility,
10631 with priority given to applicants having the largest percentage
10632 increase of total active recreation space that will be available
10633 for public use.
10634 10. The location of the facility in a brownfield, an
10635 enterprise zone, a community redevelopment area, or other area
10636 of targeted development or revitalization included in an urban
10637 infill redevelopment plan, with priority given to applicants
10638 having facilities located in these areas.
10639 (c) Each applicant certified on or after July 1, 2010,
10640 shall enter into an agreement with Jobs Florida ~~the office~~ that:
10641 1. Specifies the amount of the state incentive funding to
10642 be distributed.
10643 2. States the criteria that the certified applicant must

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10644 meet in order to remain certified.
10645 3. States that the certified applicant is subject to
10646 decertification if the certified applicant fails to comply with
10647 this section or the agreement.
10648 4. States that Jobs Florida ~~the office~~ may recover state
10649 incentive funds if the certified applicant is decertified.
10650 5. Specifies information that the certified applicant must
10651 report to Jobs Florida ~~the office~~.
10652 6. Includes any provision deemed prudent by Jobs Florida
10653 ~~the office~~.
10654 (4) ANNUAL REPORTS.—On or before September 1 of each year,
10655 a certified applicant shall submit to Jobs Florida ~~the office~~ a
10656 report that includes, but is not limited to:
10657 (a) A copy of its most recent annual audit.
10658 (b) A detailed report on all local and state funds expended
10659 to date on the project being financed under this section.
10660 (c) A copy of the contract between the certified local
10661 governmental entity and the spring training team.
10662 (d) A cost-benefit analysis of the team's impact on the
10663 community.
10664 (e) Evidence that the certified applicant continues to meet
10665 the criteria in effect when the applicant was certified.
10666 (5) DECERTIFICATION.—
10667 (a) Jobs Florida ~~The office~~ shall decertify a certified
10668 applicant upon the request of the certified applicant.
10669 (b) Jobs Florida ~~The office~~ shall decertify a certified
10670 applicant if the certified applicant does not:
10671 1. Have a valid agreement with a spring training franchise;
10672 or

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10673 2. Satisfy its commitment to provide local matching funds
10674 to the facility.
10675
10676 However, decertification proceedings against a local government
10677 certified before July 1, 2010, shall be delayed until 12 months
10678 after the expiration of the local government's existing
10679 agreement with a spring training franchise, and without a new
10680 agreement being signed, if the certified local government can
10681 demonstrate to Jobs Florida ~~the office~~ that it is in active
10682 negotiations with a major league spring training franchise,
10683 other than the franchise that was the basis for the original
10684 certification.
10685 (c) A certified applicant has 60 days after it receives a
10686 notice of intent to decertify from Jobs Florida ~~the office~~ to
10687 petition ~~the office's director~~ for review of the
10688 decertification. Within 45 days after receipt of the request for
10689 review, Jobs Florida ~~the director~~ must notify a certified
10690 applicant of the outcome of the review.
10691 (d) Jobs Florida ~~the office~~ shall notify the Department of
10692 Revenue that a certified applicant is decertified within 10 days
10693 after the order of decertification becomes final. The Department
10694 of Revenue shall immediately stop the payment of any funds under
10695 this section that were not encumbered by the certified applicant
10696 under subparagraph (3)(a)2.
10697 (e) Jobs Florida ~~the office~~ shall order a decertified
10698 applicant to repay all of the unencumbered state funds that the
10699 local government received under this section and any interest
10700 that accrued on those funds. The repayment must be made within
10701 60 days after the decertification order becomes final. These

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10702 funds shall be deposited into the General Revenue Fund.
10703 (f) A local government as defined in s. 218.369 may not be
10704 decertified by Jobs Florida if it has paid or pledged for the
10705 payment of debt service on, or to fund debt service reserve
10706 funds, arbitrage rebate obligations, or other amounts payable
10707 with respect thereto, bonds issued for the acquisition,
10708 construction, reconstruction, or renovation of the facility for
10709 which the local government was certified, or for the
10710 reimbursement of such costs or the refinancing of bonds issued
10711 for the acquisition, construction, reconstruction, or renovation
10712 of the facility for which the local government was certified, or
10713 for the reimbursement of such costs or the refinancing of bonds
10714 issued for such purpose. This subsection does not preclude or
10715 restrict the ability of a certified local government to
10716 refinance, refund, or defease such bonds.
10717 (6) ADDITIONAL CERTIFICATIONS.—If Jobs Florida ~~the office~~
10718 decertifies a unit of local government, Jobs Florida ~~the office~~
10719 may accept applications for an additional certification. A unit
10720 of local government may not be certified for more than one
10721 spring training franchise at any time.
10722 (7) STRATEGIC PLANNING.—
10723 (a) Jobs Florida ~~The office~~ shall request assistance from
10724 the Jobs Florida Partnership, Inc., ~~Florida Sports Foundation~~
10725 and the Florida Grapefruit League Association to update every 5
10726 years the spring training ~~develop a~~ comprehensive strategic plan
10727 that ~~to~~:
10728 1. Explores alternatives for financing ~~Finance~~ spring
10729 training facilities.
10730 2. Evaluates and monitors ~~Monitor and oversee~~ the use of

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10731 state funds awarded to applicants.
10732 3. Identifies ~~Identify~~ the financial impact that spring
10733 training has on the state and ways in which to maintain or
10734 improve that impact.
10735 4. Identifies ~~Identify~~ opportunities to develop public-
10736 private partnerships to engage in marketing activities and
10737 advertise spring training baseball.
10738 5. Identifies ~~Identify~~ efforts made by other states to
10739 maintain or develop partnerships with baseball spring training
10740 teams.
10741 6. Develops ~~Develop~~ recommendations for the Legislature to
10742 sustain or improve this state's spring training tradition.
10743 (b) Jobs Florida ~~The office~~ shall submit a copy of the
10744 updated strategic plan to the Governor, the President of the
10745 Senate, and the Speaker of the House of Representatives by
10746 December 31 of every fifth year, beginning in 2015~~, 2010~~.
10747 (8) RULEMAKING.—Jobs Florida ~~The office~~ shall adopt rules
10748 to implement the certification, decertification, and
10749 decertification review processes required by this section.
10750 Section 153. Subsections (1), (2), and (4) of section
10751 288.1168, Florida Statutes, are amended to read:
10752 288.1168 Professional golf hall of fame facility.—
10753 (1) The Division of Strategic Business Development of Jobs
10754 Florida ~~Department of Commerce~~ shall serve as the state agency
10755 for screening applicants for state funding pursuant to s. 212.20
10756 and for certifying one applicant as the professional golf hall
10757 of fame facility in the state.
10758 (2) Prior to certifying the professional golf hall of fame
10759 facility, the Division of Strategic Business Development of Jobs

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10760 Florida ~~Department of Commerce~~ must determine that:
10761 (a) The professional golf hall of fame facility is the only
10762 professional golf hall of fame in the United States recognized
10763 by the PGA Tour, Inc.
10764 (b) The applicant is a unit of local government as defined
10765 in s. 218.369 or a private sector group that has contracted to
10766 construct or operate the professional golf hall of fame facility
10767 on land owned by a unit of local government.
10768 (c) The municipality in which the professional golf hall of
10769 fame facility is located, or the county if the facility is
10770 located in an unincorporated area, has certified by resolution
10771 after a public hearing that the application serves a public
10772 purpose.
10773 (d) There are existing projections that the professional
10774 golf hall of fame facility will attract a paid attendance of
10775 more than 300,000 annually.
10776 (e) There is an independent analysis or study, using
10777 methodology approved by the division ~~department~~, which
10778 demonstrates that the amount of the revenues generated by the
10779 taxes imposed under chapter 212 with respect to the use and
10780 operation of the professional golf hall of fame facility will
10781 equal or exceed $2 million annually.
10782 (f) The applicant has submitted an agreement to provide $2
10783 million annually in national and international media promotion
10784 of the professional golf hall of fame facility, Florida, and
10785 Florida tourism, through the PGA Tour, Inc., or its affiliates,
10786 at the then-current commercial rate, during the period of time
10787 that the facility receives funds pursuant to s. 212.20. The Jobs
10788 Florida Partnership, Inc., ~~Office of Tourism, Trade, and~~

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10789 ~~Economic Development~~ and the PGA Tour, Inc., or its affiliates,
10790 must agree annually on a reasonable percentage of advertising
10791 specifically allocated for generic Florida advertising. The Jobs
10792 Florida Partnership, Inc., ~~Office of Tourism, Trade, and~~
10793 ~~Economic Development~~ shall have final approval of all generic
10794 advertising. Failure on the part of the PGA Tour, Inc., or its
10795 affiliates to annually provide the advertising as provided in
10796 this paragraph or subsection (6) shall result in the termination
10797 of funding as provided in s. 212.20.
10798 (g) Documentation exists that demonstrates that the
10799 applicant has provided, is capable of providing, or has
10800 financial or other commitments to provide more than one-half of
10801 the costs incurred or related to the improvement and development
10802 of the facility.
10803 (h) The application is signed by an official senior
10804 executive of the applicant and is notarized according to Florida
10805 law providing for penalties for falsification.
10806 (4) Upon determining that an applicant is or is not
10807 certifiable, the Division of Strategic Business Development of
10808 Jobs Florida ~~Secretary of Commerce~~ shall notify the applicant of
10809 his or her status by means of an official letter. If
10810 certifiable, the division ~~secretary~~ shall notify the executive
10811 director of the Department of Revenue and the applicant of such
10812 certification by means of an official letter granting
10813 certification. From the date of such certification, the
10814 applicant shall have 5 years to open the professional golf hall
10815 of fame facility to the public and notify the division ~~Office of~~
10816 ~~Tourism, Trade, and Economic Development~~ of such opening. The
10817 Department of Revenue shall not begin distributing funds until

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10818 30 days following notice by the division ~~Office of Tourism,~~
10819 ~~Trade, and Economic Development~~ that the professional golf hall
10820 of fame facility is open to the public.
10821 Section 154. Section 288.1169, Florida Statutes, is amended
10822 to read:
10823 288.1169 International Game Fish Association World Center
10824 facility.—
10825 (1) The Division of Strategic Business Development of Jobs
10826 Florida ~~Department of Commerce~~ shall serve as the state agency
10827 approving applicants for funding pursuant to s. 212.20 and for
10828 certifying the applicant as the International Game Fish
10829 Association World Center facility. For purposes of this section,
10830 "facility" means the International Game Fish Association World
10831 Center, and "project" means the International Game Fish
10832 Association World Center and new colocated improvements by
10833 private sector concerns who have made cash or in-kind
10834 contributions to the facility of $1 million or more.
10835 (2) Prior to certifying this facility, the division
10836 ~~department~~ must determine that:
10837 (a) The International Game Fish Association World Center is
10838 the only fishing museum, Hall of Fame, and international
10839 administrative headquarters in the United States recognized by
10840 the International Game Fish Association, and that one or more
10841 private sector concerns have committed to donate to the
10842 International Game Fish Association land upon which the
10843 International Game Fish Association World Center will operate.
10844 (b) International Game Fish Association is a not-for-profit
10845 Florida corporation that has contracted to construct and operate
10846 the facility.

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10847 (c) The municipality in which the facility is located, or
10848 the county if the facility is located in an unincorporated area,
10849 has certified by resolution after a public hearing that the
10850 facility serves a public purpose.
10851 (d) There are existing projections that the International
10852 Game Fish Association World Center facility and the colocated
10853 facilities of private sector concerns will attract an attendance
10854 of more than 1.8 million annually.
10855 (e) There is an independent analysis or study, using
10856 methodology approved by the division ~~department~~, which
10857 demonstrates that the amount of the revenues generated by the
10858 taxes imposed under chapter 212 with respect to the use and
10859 operation of the project will exceed $1 million annually.
10860 (f) There are existing projections that the project will
10861 attract more than 300,000 persons annually who are not residents
10862 of the state.
10863 (g) The applicant has submitted an agreement to provide
10864 $500,000 annually in national and international media promotion
10865 of the facility, at the then-current commercial rates, during
10866 the period of time that the facility receives funds pursuant to
10867 s. 212.20. Failure on the part of the applicant to annually
10868 provide the advertising as provided in this paragraph shall
10869 result in the termination of the funding as provided in s.
10870 212.20. The applicant can discharge its obligation under this
10871 paragraph by contracting with other persons, including private
10872 sector concerns who participate in the project.
10873 (h) Documentation exists that demonstrates that the
10874 applicant has provided, and is capable of providing, or has
10875 financial or other commitments to provide, more than one-half of

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10876 the cost incurred or related to the improvements and the
10877 development of the facility.
10878 (i) The application is signed by senior officials of the
10879 International Game Fish Association and is notarized according
10880 to Florida law providing for penalties for falsification.
10881 (3) The applicant may use funds provided pursuant to s.
10882 212.20 for the purpose of paying for the construction,
10883 reconstruction, renovation, promotion, or operation of the
10884 facility, or to pay or pledge for payment of debt service on, or
10885 to fund debt service reserve funds, arbitrage rebate
10886 obligations, or other amounts payable with respect to, bonds
10887 issued for the construction, reconstruction, or renovation of
10888 the facility or for the reimbursement of such costs or by
10889 refinancing of bonds issued for such purposes.
10890 (4) Upon determining that an applicant is or is not
10891 certifiable, the Division of Strategic Business Development of
10892 Jobs Florida ~~Department of Commerce~~ shall notify the applicant
10893 of its status by means of an official letter. If certifiable,
10894 the division ~~Department of Commerce~~ shall notify the executive
10895 director of the Department of Revenue and the applicant of such
10896 certification by means of an official letter granting
10897 certification. From the date of such certification, the
10898 applicant shall have 5 years to open the facility to the public
10899 and notify the division ~~Department of Commerce~~ of such opening.
10900 The Department of Revenue shall not begin distributing funds
10901 until 30 days following notice by the division ~~Department of~~
10902 ~~Commerce~~ that the facility is open to the public.
10903 (5) The Department of Revenue may audit as provided in s.
10904 213.34 to verify that the contributions pursuant to this section

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10905 have been expended as required by this section.
10906 (6) The Division of Strategic Business Development of Jobs
10907 Florida ~~Department of Commerce~~ must recertify every 10 years
10908 that the facility is open, that the International Game Fish
10909 Association World Center continues to be the only international
10910 administrative headquarters, fishing museum, and Hall of Fame in
10911 the United States recognized by the International Game Fish
10912 Association, and that the project is meeting the minimum
10913 projections for attendance or sales tax revenues as required at
10914 the time of original certification. If the facility is not
10915 recertified during this 10-year review as meeting the minimum
10916 projections, then funding shall be abated until certification
10917 criteria are met. If the project fails to generate $1 million of
10918 annual revenues pursuant to paragraph (2)(e), the distribution
10919 of revenues pursuant to s. 212.20(6)(d)6.d. shall be reduced to
10920 an amount equal to $83,333 multiplied by a fraction, the
10921 numerator of which is the actual revenues generated and the
10922 denominator of which is $1 million. Such reduction remains in
10923 effect until revenues generated by the project in a 12-month
10924 period equal or exceed $1 million.
10925 Section 155. Paragraph (d) of subsection (1), and
10926 subsections (2) and (3) of section 288.1171, Florida Statutes,
10927 are amended, and present paragraphs (e) through (g) of
10928 subsection (1) are redesignated as paragraphs (d) through (f),
10929 respectively, to read:
10930 288.1171 Motorsports entertainment complex; definitions;
10931 certification; duties.—
10932 (1) As used in this section, the term:
10933 ~~(d) "Office" means The Office of Tourism, Trade, and~~

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10934 ~~Economic Development of the Executive Office of the Governor.~~
10935 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
10936 ~~Development~~ shall serve as the state agency for screening
10937 applicants for local option funding under s. 218.64(3) and for
10938 certifying an applicant as a motorsports entertainment complex.
10939 Jobs Florida ~~The Office~~ shall develop and adopt rules for the
10940 receipt and processing of applications for funding under s.
10941 218.64(3). Jobs Florida ~~The Office~~ shall make a determination
10942 regarding any application filed by an applicant not later than
10943 120 days after the application is filed.
10944 (3) Before certifying an applicant as a motorsports
10945 entertainment complex, Jobs Florida ~~the Office~~ must determine
10946 that:
10947 (a) A unit of local government holds title to the land on
10948 which the motorsports entertainment complex is located or holds
10949 title to the motorsports entertainment complex.
10950 (b) The municipality in which the motorsports entertainment
10951 complex is located, or the county if the motorsports
10952 entertainment complex is located in an unincorporated area, has
10953 certified by resolution after a public hearing that the
10954 application serves a public purpose.
10955 Section 156. Section 288.122, Florida Statutes, is amended
10956 to read:
10957 288.122 Tourism Promotional Trust Fund.—There is created
10958 within Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
10959 ~~Development of the Executive Office of the Governor~~ the Tourism
10960 Promotional Trust Fund. Moneys deposited in the Tourism
10961 Promotional Trust Fund shall only be used to support the
10962 authorized activities and operations ~~of the Florida Commission~~

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10963 ~~on Tourism,~~ and ~~to support~~ tourism promotion and marketing
10964 activities, services, functions, and programs administered by
10965 the Jobs Florida Partnership, Inc., ~~Florida Commission on~~
10966 ~~Tourism~~ through a contract with Jobs Florida ~~the commission's~~
10967 ~~direct-support organization created under s. 288.1226~~.
10968 Section 157. Section 288.12265, Florida Statutes, is
10969 amended to read:
10970 288.12265 Welcome centers.—
10971 (1) Responsibility for the welcome centers is assigned to
10972 the Jobs Florida Partnership, Inc., ~~Florida Commission on~~
10973 ~~Tourism~~ which shall ~~contract with the commission's direct-~~
10974 ~~support organization to~~ employ all welcome center staff.
10975 (2) The Jobs Florida Partnership, Inc., ~~Florida Commission~~
10976 ~~on Tourism, through its direct-support organization,~~ shall
10977 administer and operate the welcome centers. Pursuant to a
10978 contract with the Department of Transportation, the Jobs Florida
10979 Partnership, Inc., ~~commission~~ shall be responsible for routine
10980 repair, replacement, or improvement and the day-to-day
10981 management of interior areas occupied by the welcome centers.
10982 All other repairs, replacements, or improvements to the welcome
10983 centers shall be the responsibility of the Department of
10984 Transportation.
10985 Section 158. Section 288.124, Florida Statutes, is amended
10986 to read:
10987 288.124 Convention grants program.—The Jobs Florida
10988 Partnership, Inc., ~~Commission on Tourism~~ is authorized to
10989 establish a convention grants program and, pursuant thereto, to
10990 recommend to Jobs Florida ~~The Office of Tourism, Trade, and~~
10991 ~~Economic Development~~ expenditures and contracts with local

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10992 governments and nonprofit corporations or organizations for the
10993 purpose of attracting national conferences and conventions to
10994 Florida. Preference shall be given to local governments and
10995 nonprofit corporations or organizations seeking to attract
10996 minority conventions to Florida. Minority conventions are events
10997 that primarily involve minority persons, as defined in s.
10998 288.703, who are residents or nonresidents of the state. The
10999 commission shall establish guidelines governing the award of
11000 grants and the administration of this program. Jobs Florida ~~The~~
11001 ~~Office of Tourism, Trade, and Economic Development~~ has final
11002 approval authority for any grants under this section. The total
11003 annual allocation of funds for this program shall not exceed
11004 $40,000.
11005 Section 159. Subsection (1) of section 288.1251, Florida
11006 Statutes, is amended to read:
11007 288.1251 Promotion and development of entertainment
11008 industry; Office of Film and Entertainment; creation; purpose;
11009 powers and duties.—
11010 (1) CREATION.—
11011 (a) There is hereby created within Jobs Florida ~~The Office~~
11012 ~~of Tourism, Trade, and Economic Development~~ the Office of Film
11013 and Entertainment for the purpose of developing, marketing,
11014 promoting, and providing services to the state's entertainment
11015 industry.
11016 (b) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11017 ~~Development~~ shall conduct a national search for a qualified
11018 person to fill the position of Commissioner of Film and
11019 Entertainment when the position is vacant. The commissioner of
11020 Jobs Florida ~~Executive Director of the Office of Tourism, Trade,~~

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11021 ~~and Economic Development~~ has the responsibility to hire the film
11022 commissioner. Qualifications for the film commissioner include,
11023 but are not limited to, the following:
11024 1. A working knowledge of the equipment, personnel,
11025 financial, and day-to-day production operations of the
11026 industries to be served by the Office of Film and Entertainment;
11027 2. Marketing and promotion experience related to the film
11028 and entertainment industries to be served;
11029 3. Experience working with a variety of individuals
11030 representing large and small entertainment-related businesses,
11031 industry associations, local community entertainment industry
11032 liaisons, and labor organizations; and
11033 4. Experience working with a variety of state and local
11034 governmental agencies.
11035 Section 160. Subsections (1) and (2), paragraph (e) of
11036 subsection (3), and paragraphs (d), (f), (g), and (h) of
11037 subsection (5) of section 288.1252, Florida Statutes, are
11038 amended to read:
11039 288.1252 Florida Film and Entertainment Advisory Council;
11040 creation; purpose; membership; powers and duties.—
11041 (1) CREATION.—There is hereby created within Jobs Florida
11042 ~~The Office of Tourism, Trade, and Economic Development of the~~
11043 ~~Executive Office of the Governor~~, for administrative purposes
11044 only, the Florida Film and Entertainment Advisory Council.
11045 (2) PURPOSE.—The purpose of the council shall be to serve
11046 as an advisory body to Jobs Florida ~~The Office of Tourism,~~
11047 ~~Trade, and Economic Development~~ and to the Office of Film and
11048 Entertainment to provide these offices with industry insight and
11049 expertise related to developing, marketing, promoting, and

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11050 providing service to the state's entertainment industry.
11051 (3) MEMBERSHIP.—
11052 (e) A representative of the Jobs Florida Partnership,
11053 Inc., and ~~Enterprise Florida, Inc.,~~ a representative of
11054 Workforce Florida, Inc., ~~and a representative of VISIT Florida~~
11055 shall serve as ex officio, nonvoting members of the council, and
11056 shall be in addition to the 17 appointed members of the council.
11057 (5) POWERS AND DUTIES.—The Florida Film and Entertainment
11058 Advisory Council shall have all the powers necessary or
11059 convenient to carry out and effectuate the purposes and
11060 provisions of this act, including, but not limited to, the power
11061 to:
11062 (d) Consider and study the needs of the entertainment
11063 industry for the purpose of advising the film commissioner and
11064 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11065 ~~Development~~.
11066 (f) Consider all matters submitted to it by the film
11067 commissioner and Jobs Florida ~~the Office of Tourism, Trade, and~~
11068 ~~Economic Development~~.
11069 (g) Advise and consult with the film commissioner and Jobs
11070 Florida ~~The Office of Tourism, Trade, and Economic Development~~,
11071 at their request or upon its own initiative, regarding the
11072 promulgation, administration, and enforcement of all laws and
11073 rules relating to the entertainment industry.
11074 (h) Suggest policies and practices for the conduct of
11075 business by the Office of Film and Entertainment or by Jobs
11076 Florida ~~The Office of Tourism, Trade, and Economic Development~~
11077 that will improve internal operations affecting the
11078 entertainment industry and will enhance the economic development

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11079 initiatives of the state for the industry.
11080 Section 161. Subsections (1), (2), (3), and (4) of section
11081 288.1253, Florida Statutes, are amended to read:
11082 288.1253 Travel and entertainment expenses.—
11083 (1) As used in this section, the term “travel expenses”
11084 means the actual, necessary, and reasonable costs of
11085 transportation, meals, lodging, and incidental expenses normally
11086 incurred by an employee of the Office of Film and Entertainment,
11087 which costs are defined and prescribed by rules adopted by Jobs
11088 Florida ~~The Office of Tourism, Trade, and Economic Development~~,
11089 subject to approval by the Chief Financial Officer.
11090 (2) Notwithstanding the provisions of s. 112.061, Jobs
11091 Florida ~~The Office of Tourism, Trade, and Economic Development~~
11092 shall adopt rules by which it may make expenditures by
11093 reimbursement to: the Governor, the Lieutenant Governor,
11094 security staff of the Governor or Lieutenant Governor, the
11095 Commissioner of Film and Entertainment, or staff of the Office
11096 of Film and Entertainment for travel expenses or entertainment
11097 expenses incurred by such individuals solely and exclusively in
11098 connection with the performance of the statutory duties of the
11099 Office of Film and Entertainment. The rules are subject to
11100 approval by the Chief Financial Officer before adoption. The
11101 rules shall require the submission of paid receipts, or other
11102 proof of expenditure prescribed by the Chief Financial Officer,
11103 with any claim for reimbursement.
11104 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11105 ~~Development~~ shall prepare an annual report of the expenditures
11106 of the Office of Film and Entertainment and provide such report
11107 to the Legislature no later than December 30 of each year for

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11108 the expenditures of the previous fiscal year. The report shall
11109 consist of a summary of all travel, entertainment, and
11110 incidental expenses incurred within the United States and all
11111 travel, entertainment, and incidental expenses incurred outside
11112 the United States, as well as a summary of all successful
11113 projects that developed from such travel.
11114 (4) The Office of Film and Entertainment and its employees
11115 and representatives, when authorized, may accept and use
11116 complimentary travel, accommodations, meeting space, meals,
11117 equipment, transportation, and any other goods or services
11118 necessary for or beneficial to the performance of the office's
11119 duties and purposes, so long as such acceptance or use is not in
11120 conflict with part III of chapter 112. Jobs Florida ~~The Office~~
11121 ~~of Tourism, Trade, and Economic Development~~ shall, by rule,
11122 develop internal controls to ensure that such goods or services
11123 accepted or used pursuant to this subsection are limited to
11124 those that will assist solely and exclusively in the furtherance
11125 of the office's goals and are in compliance with part III of
11126 chapter 112.
11127 Section 162. Paragraph (a) of subsection (1), paragraphs
11128 (d), (f), and (g) of subsection (3), paragraphs (c) and (d) of
11129 subsection (4), paragraph (a) of subsection (5), and paragraph
11130 (b) of subsection (9) of section 288.1254, Florida Statutes, are
11131 amended to read:
11132 288.1254 Entertainment industry financial incentive
11133 program.—
11134 (1) DEFINITIONS.—As used in this section, the term:
11135 (a) "Certified production" means a qualified production
11136 that has tax credits allocated to it by Jobs Florida ~~the Office~~

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11137 ~~of Tourism, Trade, and Economic Development~~ based on the
11138 production's estimated qualified expenditures, up to the
11139 production's maximum certified amount of tax credits, by Jobs
11140 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
11141 The term does not include a production if its first day of
11142 principal photography or project start date in this state occurs
11143 before the production is certified by Jobs Florida ~~The Office of~~
11144 ~~Tourism, Trade, and Economic Development~~, unless the production
11145 spans more than 1 fiscal year, was a certified production on its
11146 first day of principal photography or project start date in this
11147 state, and submits an application for continuing the same
11148 production for the subsequent fiscal year.
11149 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—
11150 (d) *Certification.*—The Office of Film and Entertainment
11151 shall review the application within 15 business days after
11152 receipt. Upon its determination that the application contains
11153 all the information required by this subsection and meets the
11154 criteria set out in this section, the Office of Film and
11155 Entertainment shall qualify the applicant and recommend to Jobs
11156 Florida ~~the Office of Tourism, Trade, and Economic Development~~
11157 that the applicant be certified for the maximum tax credit award
11158 amount. Within 5 business days after receipt of the
11159 recommendation, Jobs Florida ~~the Office of Tourism, Trade, and~~
11160 ~~Economic Development~~ shall reject the recommendation or certify
11161 the maximum recommended tax credit award, if any, to the
11162 applicant and to the executive director of the Department of
11163 Revenue.
11164 (f) *Verification of actual qualified expenditures.*—
11165 1. The Office of Film and Entertainment shall develop a

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11166 process to verify the actual qualified expenditures of a
11167 certified production. The process must require:
11168 a. A certified production to submit, in a timely manner
11169 after production ends in this state and after making all of its
11170 qualified expenditures in this state, data substantiating each
11171 qualified expenditure, including documentation on the net
11172 expenditure on equipment and other tangible personal property by
11173 the qualified production, to an independent certified public
11174 accountant licensed in this state;
11175 b. Such accountant to conduct a compliance audit, at the
11176 certified production's expense, to substantiate each qualified
11177 expenditure and submit the results as a report, along with the
11178 required substantiating data, to the Office of Film and
11179 Entertainment; and
11180 c. The Office of Film and Entertainment to review the
11181 accountant's submittal and report to Jobs Florida ~~the Office of~~
11182 ~~Tourism, Trade, and Economic Development~~ the final verified
11183 amount of actual qualified expenditures made by the certified
11184 production.
11185 2. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11186 ~~Development~~ shall determine and approve the final tax credit
11187 award amount to each certified applicant based on the final
11188 verified amount of actual qualified expenditures and shall
11189 notify the executive director of the Department of Revenue in
11190 writing that the certified production has met the requirements
11191 of the incentive program and of the final amount of the tax
11192 credit award. The final tax credit award amount may not exceed
11193 the maximum tax credit award amount certified under paragraph
11194 (d).

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11195 (g) *Promoting Florida.*—The Office of Film and Entertainment
11196 shall ensure that, as a condition of receiving a tax credit
11197 under this section, marketing materials promoting this state as
11198 a tourist destination or film and entertainment production
11199 destination are included, when appropriate, at no cost to the
11200 state, which must, at a minimum, include placement of a "Filmed
11201 in Florida" or "Produced in Florida" logo in the end credits.
11202 The placement of a "Filmed in Florida" or "Produced in Florida"
11203 logo on all packaging material and hard media is also required,
11204 unless such placement is prohibited by licensing or other
11205 contractual obligations. The size and placement of such logo
11206 shall be commensurate to other logos used. If no logos are used,
11207 the statement "Filmed in Florida using Florida's Entertainment
11208 Industry Financial Incentive," or a similar statement approved
11209 by the Office of Film and Entertainment, shall be used. The
11210 Office of Film and Entertainment shall provide a logo and supply
11211 it for the purposes specified in this paragraph. A 30-second
11212 "Visit Florida" promotional video must also be included on all
11213 optical disc formats of a film, unless such placement is
11214 prohibited by licensing or other contractual obligations. The
11215 30-second promotional video shall be approved and provided by
11216 the Jobs Florida Partnership, Inc., ~~Florida Tourism Industry~~
11217 ~~Marketing Corporation~~ in consultation with the Commissioner of
11218 Film and Entertainment.
11219 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
11220 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
11221 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
11222 ACQUISITIONS.—
11223 (c) *Withdrawal of tax credit eligibility.*—A qualified or

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11224 certified production must continue on a reasonable schedule,
11225 which includes beginning principal photography or the production
11226 project in this state no more than 45 calendar days before or
11227 after the principal photography or project start date provided
11228 in the production's program application. Jobs Florida ~~The Office~~
11229 ~~of Tourism, Trade, and Economic Development~~ shall withdraw the
11230 eligibility of a qualified or certified production that does not
11231 continue on a reasonable schedule.
11232 (d) *Election and distribution of tax credits.*—
11233 1. A certified production company receiving a tax credit
11234 award under this section shall, at the time the credit is
11235 awarded by Jobs Florida ~~the Office of Tourism, Trade, and~~
11236 ~~Economic Development~~ after production is completed and all
11237 requirements to receive a credit award have been met, make an
11238 irrevocable election to apply the credit against taxes due under
11239 chapter 220, against state taxes collected or accrued under
11240 chapter 212, or against a stated combination of the two taxes.
11241 The election is binding upon any distributee, successor,
11242 transferee, or purchaser. Jobs Florida ~~the Office of Tourism,~~
11243 ~~Trade, and Economic Development~~ shall notify the Department of
11244 Revenue of any election made pursuant to this paragraph.
11245 2. A qualified production company is eligible for tax
11246 credits against its sales and use tax liabilities and corporate
11247 income tax liabilities as provided in this section. However, tax
11248 credits awarded under this section may not be claimed against
11249 sales and use tax liabilities or corporate income tax
11250 liabilities for any tax period beginning before July 1, 2011,
11251 regardless of when the credits are applied for or awarded.
11252 (5) TRANSFER OF TAX CREDITS.—

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11253 (a) *Authorization.*—Upon application to the Office of Film
11254 and Entertainment and approval by Jobs Florida ~~the Office of~~
11255 ~~Tourism, Trade, and Economic Development~~, a certified production
11256 company, or a partner or member that has received a distribution
11257 under paragraph (4)(g), may elect to transfer, in whole or in
11258 part, any unused credit amount granted under this section. An
11259 election to transfer any unused tax credit amount under chapter
11260 212 or chapter 220 must be made no later than 5 years after the
11261 date the credit is awarded, after which period the credit
11262 expires and may not be used. Jobs Florida ~~The Office of Tourism,~~
11263 ~~Trade, and Economic Development~~ shall notify the Department of
11264 Revenue of the election and transfer.
11265 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
11266 CREDITS; FRAUDULENT CLAIMS.—
11267 (b) *Revocation of tax credits.*—Jobs Florida ~~The Office of~~
11268 ~~Tourism, Trade, and Economic Development~~ may revoke or modify
11269 any written decision qualifying, certifying, or otherwise
11270 granting eligibility for tax credits under this section if it is
11271 discovered that the tax credit applicant submitted any false
11272 statement, representation, or certification in any application,
11273 record, report, plan, or other document filed in an attempt to
11274 receive tax credits under this section. Jobs Florida ~~The Office~~
11275 ~~of Tourism, Trade, and Economic Development~~ shall immediately
11276 notify the Department of Revenue of any revoked or modified
11277 orders affecting previously granted tax credits. Additionally,
11278 the applicant must notify the Department of Revenue of any
11279 change in its tax credit claimed.
11280 Section 163. Section 288.386, Florida Statutes, is amended
11281 to read:

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11282 288.386 Florida-Caribbean Basin Trade Initiative.—
11283 (1) Contingent upon a specific appropriation, the Seaport
11284 Employment Training Grant Program (STEP) shall establish and
11285 administer the Florida-Caribbean Basin Trade Initiative for the
11286 purpose of assisting small and medium-sized businesses to become
11287 involved in international activities and helping them to
11288 identify markets with product demand, identify strategic
11289 alliances in those markets, and obtain the financing to
11290 effectuate trade opportunities in the Caribbean Basin. The
11291 initiative must focus assistance to businesses located in urban
11292 communities. The initiative shall offer export readiness,
11293 assistance and referral services, internships, seminars,
11294 workshops, conferences, and e-commerce plus mentoring and
11295 matchmaking services, but shall coordinate with and not
11296 duplicate those services provided by the Jobs Florida
11297 Partnership ~~Enterprise Florida~~, Inc.
11298 (2) To enhance initiative effectiveness and leverage
11299 resources, STEP shall coordinate initiative activities with the
11300 Jobs Florida Partnership ~~Enterprise Florida~~, Inc., United States
11301 Export Assistance Centers, Florida Export Finance Corporation,
11302 Florida Trade Data Center, Small Business Development Centers,
11303 and any other organizations STEP deems appropriate. The
11304 coordination may encompass export assistance and referral
11305 services, export financing, job-training programs, educational
11306 programs, market research and development, market promotion,
11307 trade missions, e-commerce, and mentoring and matchmaking
11308 services relative to the expansion of trade between Florida and
11309 the Caribbean Basin. The initiative shall also form alliances
11310 with multilateral, international, and domestic funding programs

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11311 from Florida, the United States, and the Caribbean Basin to
11312 coordinate systems and programs for fundamental assistance in
11313 facilitating trade and investment.
11314 (3) STEP shall administer the Florida-Caribbean Basin Trade
11315 Initiative pursuant to a performance-based contract with Jobs
11316 Florida, which ~~the Office of Tourism, Trade, and Economic~~
11317 ~~Development. The Office of Tourism, Trade, and Economic~~
11318 ~~Development~~ shall develop performance measures, standards, and
11319 sanctions for the initiative. Performance measures must include,
11320 but are not limited to, the number of businesses assisted; the
11321 number of urban businesses assisted; and the increase in value
11322 of exports to the Caribbean which is attributable to the
11323 initiative.
11324 Section 164. Section 288.7011, Florida Statutes, is amended
11325 to read:
11326 288.7011 Assistance to certified development corporation.—
11327 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11328 ~~Development~~ is authorized to enter into contracts with a
11329 nonprofit, statewide development corporation certified pursuant
11330 to s. 503 of the Small Business Investment Act of 1958, as
11331 amended, to permit such corporation to locate and contract for
11332 administrative and technical staff assistance and support,
11333 including, without limitation, assistance to the development
11334 corporation in the packaging and servicing of loans for the
11335 purpose of stimulating and expanding the availability of private
11336 equity capital and long-term loans to small businesses. Such
11337 assistance and support will cease when the corporation has
11338 received state support in an amount the equivalent of $250,000
11339 per year over a 5-year period beginning July 1, 1997. Any

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11340 contract between Jobs Florida ~~the Office~~ and such corporation
11341 shall specify that the records of the corporation must be
11342 available for audit by Jobs Florida ~~the Office~~ and by the
11343 Auditor General.
11344 Section 165. Section 288.7015, Florida Statutes, is amended
11345 to read:
11346 288.7015 Appointment of rules ombudsman; duties.—The
11347 Governor shall appoint a rules ombudsman, as defined in s.
11348 288.703, in the Executive Office of the Governor, for
11349 considering the impact of agency rules on the state's citizens
11350 and businesses. In carrying out duties as provided by law, the
11351 ombudsman shall consult with the Jobs Florida Partnership
11352 ~~Enterprise Florida~~, Inc., at which point Jobs Florida ~~the office~~
11353 may recommend to improve the regulatory environment of this
11354 state. The duties of the rules ombudsman are to:
11355 (1) Carry out the responsibility provided in s. 120.54(2),
11356 with respect to small businesses.
11357 (2) Review state agency rules that adversely or
11358 disproportionately impact businesses, particularly those
11359 relating to small and minority businesses.
11360 (3) Make recommendations on any existing or proposed rules
11361 to alleviate unnecessary or disproportionate adverse effects to
11362 businesses.
11363 (4) Each state agency shall cooperate fully with the rules
11364 ombudsman in identifying such rules. Further, each agency shall
11365 take the necessary steps to waive, modify, or otherwise minimize
11366 such adverse effects of any such rules. However, nothing in this
11367 section authorizes any state agency to waive, modify, provide
11368 exceptions to, or otherwise alter any rule that is:

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11369 (a) Expressly required to implement or enforce any
11370 statutory provision or the express legislative intent thereof;
11371 (b) Designed to protect persons against discrimination on
11372 the basis of race, color, national origin, religion, sex, age,
11373 handicap, or marital status; or
11374 (c) Likely to prevent a significant risk or danger to the
11375 public health, the public safety, or the environment of the
11376 state.
11377 (5) The modification or waiver of any such rule pursuant to
11378 this section must be accomplished in accordance with the
11379 provisions of chapter 120.
11380 Section 166. Section 288.705, Florida Statutes, is amended
11381 to read:
11382 288.705 Statewide contracts register.—All state agencies
11383 shall in a timely manner provide the Florida Small Business
11384 Development Center Procurement System with all formal
11385 solicitations for contractual services, supplies, and
11386 commodities. The Small Business Development Center shall
11387 coordinate with Minority Business Development Centers to compile
11388 and distribute this information to small and minority businesses
11389 requesting such service for the period of time necessary to
11390 familiarize the business with the market represented by state
11391 agencies. On or before February 1 of each year, the Small
11392 Business Development Center shall report to Jobs Florida ~~the~~
11393 ~~Agency for Workforce Innovation~~ on the use of the statewide
11394 contracts register. The report shall include, but not be limited
11395 to, information relating to:
11396 (1) The total number of solicitations received from state
11397 agencies during the calendar year.

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11398 (2) The number of solicitations received from each state
11399 agency during the calendar year.
11400 (3) The method of distributing solicitation information to
11401 businesses requesting such service.
11402 (4) The total number of businesses using the service.
11403 (5) The percentage of businesses using the service which
11404 are owned and controlled by minorities.
11405 (6) The percentage of service-disabled veteran business
11406 enterprises using the service.
11407 Section 167. Subsection (12) of section 288.706, Florida
11408 Statutes, is amended to read:
11409 288.706 Florida Minority Business Loan Mobilization
11410 Program.—
11411 (12) The Department of Management Services shall
11412 collaborate with the Jobs Florida Partnership ~~Florida Black~~
11413 ~~Business Investment Board~~, Inc., and Jobs Florida ~~the Office of~~
11414 ~~Tourism, Trade, and Economic Development~~ to assist in the
11415 development and enhancement of black business enterprises.
11416 Section 168. Subsection (2) of section 288.7094, Florida
11417 Statutes, is amended to read:
11418 288.7094 Black business investment corporations.—
11419 (2) A black business investment corporation that meets the
11420 requirements of s. 288.7102(4) is eligible to participate in the
11421 Black Business Loan Program and shall receive priority
11422 consideration by Jobs Florida ~~the Office of Tourism, Trade, and~~
11423 ~~Economic Development~~ for participation in the program.
11424 Section 169. Section 288.7102, Florida Statutes, is amended
11425 to read:
11426 288.7102 Black Business Loan Program.—

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11427 (1) The Black Business Loan Program is established in Jobs
11428 Florida, which ~~the Office of Tourism, Trade, and Economic~~
11429 ~~Development. Under the program, the office~~ shall annually
11430 certify eligible recipients and subsequently disburse funds
11431 appropriated by the Legislature, through such eligible
11432 recipients, to black business enterprises that cannot obtain
11433 capital through conventional lending institutions but that could
11434 otherwise compete successfully in the private sector.
11435 (2) Jobs Florida ~~The office~~ shall establish an application
11436 and annual certification process for entities seeking funds to
11437 participate in providing loans, loan guarantees, or investments
11438 in black business enterprises pursuant to the Florida Black
11439 Business Investment Act. Jobs Florida ~~The office~~ shall process
11440 all applications and recertifications submitted by June 1 on or
11441 before July 31.
11442 (3) If the Black Business Loan Program is appropriated any
11443 funding in a fiscal year, Jobs Florida ~~the Office~~ shall
11444 distribute an equal amount of the appropriation, calculated as
11445 the total annual appropriation divided by the total number of
11446 program recipients certified on or before July 31 of that fiscal
11447 year.
11448 (4) To be eligible to receive funds and provide loans, loan
11449 guarantees, or investments under this section, a recipient must:
11450 (a) Be a corporation registered in the state.
11451 (b) For an existing recipient, annually submit to Jobs
11452 Florida ~~the office~~ a financial audit performed by an independent
11453 certified public account for the most recently completed fiscal
11454 year, which audit does not reveal any material weaknesses or
11455 instances of material noncompliance.

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11456 (c) For a new recipient:
11457 1. Demonstrate that its board of directors includes
11458 citizens of the state experienced in the development of black
11459 business enterprises.
11460 2. Demonstrate that the recipient has a business plan that
11461 allows the recipient to operate in a manner consistent with the
11462 requirements of the Jobs Florida Partnership, Inc., ~~ss. 288.707-~~
11463 ~~288.714~~ and the rules of Jobs Florida ~~the office~~.
11464 3. Demonstrate that the recipient has the technical skills
11465 to analyze and evaluate applications by black business
11466 enterprises for loans, loan guarantees, or investments.
11467 4. Demonstrate that the recipient has established viable
11468 partnerships with public and private funding sources, economic
11469 development agencies, and workforce development and job referral
11470 networks.
11471 5. Demonstrate that the recipient can provide a private
11472 match equal to 20 percent of the amount of funds provided by the
11473 office.
11474 (d) For an existing or new recipient, agree to maintain the
11475 recipient's books and records relating to funds received by Jobs
11476 Florida ~~the office~~ according to generally accepted accounting
11477 principles and in accordance with the requirements of s.
11478 215.97(7) and to make those books and records available to Jobs
11479 Florida ~~the office~~ for inspection upon reasonable notice.
11480 (5) Each eligible recipient must meet the requirements of
11481 the Jobs Florida Partnership, Inc., ~~provisions of ss. 288.707-~~
11482 ~~288.714,~~ the terms of the contract between the recipient and
11483 Jobs Florida ~~the Office~~, and any other applicable state or
11484 federal laws. An entity may not receive funds ~~under ss. 288.707-~~

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11485 ~~288.714~~ unless the entity meets annual certification
11486 requirements.
11487 (6) Upon approval by Jobs Florida ~~the Office~~ and before
11488 release of the funds as provided in this section, Jobs Florida
11489 ~~the Office~~ shall issue a letter certifying the applicant as
11490 qualified for an award. Jobs Florida ~~the Office~~ and the
11491 applicant shall enter into an agreement that sets forth the
11492 conditions for award of the funds. The agreement must include
11493 the total amount of funds awarded; the performance conditions
11494 that must be met once the funding has been awarded, including,
11495 but not limited to, compliance with all of the requirements of
11496 this section for eligible recipients of funds under this
11497 section; and sanctions for failure to meet performance
11498 conditions, including any provisions to recover awards.
11499 (7) Jobs Florida ~~The Office~~, in consultation with the
11500 board, shall adopt rules pursuant to ss. 120.536(1) and 120.54
11501 to implement this section.
11502 (8) A black business investment corporation certified by
11503 Jobs Florida ~~the Office~~ as an eligible recipient under this
11504 section is authorized to use funds appropriated for the Black
11505 Business Loan Program in any of the following forms:
11506 (a) Purchases of stock, preferred or common, voting or
11507 nonvoting; however, no more than 40 percent of the funds may be
11508 used for direct investments in black business enterprises;
11509 (b) Loans or loan guarantees, with or without recourse, in
11510 either a subordinated or priority position; or
11511 (c) Technical support to black business enterprises, not to
11512 exceed 9 percent of the funds received, and direct
11513 administrative costs, not to exceed 12 percent of the funds

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11514 received.
11515 (9) It is the intent of the Legislature that if any one
11516 type of investment mechanism authorized in subsection (8) is
11517 held to be invalid, all other valid mechanisms remain available.
11518 (10) All loans, loan guarantees, and investments, and any
11519 income related thereto, shall be used to carry out the public
11520 purpose ~~of ss. 288.707-288.714, which is~~ to develop black
11521 business enterprises. This subsection does not preclude a
11522 reasonable profit for the participating black business
11523 investment corporation or for return of equity developed to the
11524 state and participating financial institutions upon any
11525 distribution of the assets or excess income of the investment
11526 corporation.
11527 Section 170. Section 288.714, Florida Statutes, is amended
11528 to read:
11529 288.714 Quarterly and annual reports.—
11530 (1) Each recipient of state funds under s. 288.7102 shall
11531 provide to Jobs Florida ~~the Office~~ a quarterly report within 15
11532 days after the end of each calendar quarter that includes a
11533 detailed summary of the recipient's performance of the duties
11534 imposed by s. 288.7102, including, but not limited to:
11535 (a) The dollar amount of all loans or loan guarantees made
11536 to black business enterprises, the percentages of the loans
11537 guaranteed, and the names and identification of the types of
11538 businesses served.
11539 (b) Loan performance information.
11540 (c) The amount and nature of all other financial assistance
11541 provided to black business enterprises.
11542 (d) The amount and nature of technical assistance provided

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11543 to black business enterprises, including technical assistance
11544 services provided in areas in which such services are otherwise
11545 unavailable.
11546 (e) A balance sheet for the recipient, including an
11547 explanation of all investments and administrative and
11548 operational expenses.
11549 (f) A summary of all services provided to nonblack business
11550 enterprises, including the dollar value and nature of such
11551 services and the names and identification of the types of
11552 businesses served.
11553 (g) Any other information as required by policies adopted
11554 by Jobs Florida ~~the Office~~.
11555 (2) Jobs Florida ~~The Office~~ must compile a summary of all
11556 quarterly reports and provide a copy of the summary to the board
11557 within 30 days after the end of each calendar quarter that
11558 includes a detailed summary of the recipient's performance of
11559 the duties imposed by s. 288.7102.
11560 (3) By August 31 of each year, Jobs Florida ~~the Office~~
11561 shall provide to the Governor, the President of the Senate, and
11562 the Speaker of the House of Representatives a detailed report of
11563 the performance of the Black Business Loan Program. The report
11564 must include a cumulative summary of quarterly report data
11565 required by subsection (1).
11566 ~~(4) By August 31 of each year, the board shall provide to~~
11567 ~~the Governor, the President of the Senate, and the Speaker of~~
11568 ~~the House of Representatives a detailed report of the board's~~
11569 ~~performance, including:~~
11570 ~~(a) A description of the strategies implemented by the~~
11571 ~~board to increase private investment in black business~~

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11572 ~~enterprises.~~
11573 ~~(b) A summary of the board's performance of its duties~~
11574 ~~under ss. 288.707-288.712.~~
11575 ~~(c) The most recent 5-year projection of the need for~~
11576 ~~capital by black business enterprises.~~
11577 ~~(d) Recommendations for legislative or other changes to~~
11578 ~~enhance the development and expansion of black business~~
11579 ~~enterprises in the state.~~
11580 ~~(e) A projection of the program's activities during the~~
11581 ~~next 12 months.~~
11582 Section 171. Subsection (1) of section 288.773, Florida
11583 Statutes, is amended to read:
11584 288.773 Florida Export Finance Corporation.—The Florida
11585 Export Finance Corporation is hereby created as a corporation
11586 not for profit, to be incorporated under the provisions of
11587 chapter 617 and approved by the Department of State. The
11588 corporation is organized on a nonstock basis. The purpose of the
11589 corporation is to expand employment and income opportunities for
11590 residents of this state through increased exports of goods and
11591 services, by providing businesses domiciled in this state
11592 information and technical assistance on export opportunities,
11593 exporting techniques, and financial assistance through
11594 guarantees and direct loan originations for sale in support of
11595 export transactions. The corporation shall have the power and
11596 authority to carry out the following functions:
11597 (1) To coordinate the efforts of the corporation with
11598 programs and goals of the United States Export-Import Bank, the
11599 International Trade Administration of the United States
11600 Department of Commerce, the Foreign Credit Insurance

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11601 Association, the Jobs Florida Partnership ~~Enterprise Florida~~,
11602 Inc., ~~and its boards,~~ and other private and public programs and
11603 organizations, domestic and foreign, designed to provide export
11604 assistance and export-related financing.
11605 Section 172. Paragraph (b) of subsection (3) of section
11606 288.774, Florida Statutes, is amended to read:
11607 288.774 Powers and limitations.—
11608 (3)
11609 (b) In providing assistance, the board shall be guided by
11610 the statewide economic development plan adopted by Jobs Florida
11611 and the Jobs Florida Partnership, Inc ~~pursuant to s. 288.905~~.
11612 Section 173. Paragraph (a) of subsection (1) and paragraphs
11613 (a), (c), and (g) of subsection (3) of section 288.776, Florida
11614 Statutes, are amended to read:
11615 288.776 Board of directors; powers and duties.—
11616 (1)(a) The corporation shall have a board of directors
11617 consisting of 15 members representing all geographic areas of
11618 the state. Minority and gender representation must be considered
11619 when making appointments to the board. The board membership must
11620 include:
11621 1. A representative of the following businesses, all of
11622 which must be registered to do business in this state: a foreign
11623 bank, a state bank, a federal bank, an insurance company
11624 involved in covering trade financing risks, and a small or
11625 medium-sized exporter.
11626 2. The following persons or their designee: the President
11627 of the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., the
11628 Chief Financial Officer, the Secretary of State, and a senior
11629 official of the United States Department of Commerce~~, and the~~

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11630 ~~chair of the Florida Black Business Investment Board~~.
11631 (3) The board shall:
11632 (a) Prior to the expenditure of funds from the export
11633 finance account, adopt bylaws, rules, and policies which are
11634 necessary to carry out the responsibilities under this part,
11635 particularly with respect to the implementation of the
11636 corporation's programs to insure, coinsure, lend, provide loan
11637 guarantees, and make direct, guaranteed, or collateralized loans
11638 by the corporation to support export transactions. The
11639 corporation's bylaws, rules, and policies shall be reviewed and
11640 approved by the Jobs Florida Partnership ~~Enterprise Florida~~,
11641 Inc., prior to final adoption by the board.
11642 (c) Issue an annual report to the Jobs Florida Partnership
11643 ~~Enterprise Florida~~, Inc., on the activities of the corporation,
11644 including an evaluation of activities and recommendations for
11645 change. The evaluation shall include the corporation's impact on
11646 the following:
11647 1. Participation of private banks and other private
11648 organizations and individuals in the corporation's export
11649 financing programs.
11650 2. Access of small and medium-sized businesses in this
11651 state to federal export financing programs.
11652 3. Export volume of the small and medium-sized businesses
11653 in this state accessing the corporation's programs.
11654 4. Other economic and social benefits to international
11655 programs in this state.
11656 (g) Consult with the Jobs Florida Partnership ~~Enterprise~~
11657 ~~Florida~~, Inc., ~~and its boards,~~ or any state or federal agency,
11658 to ensure that the respective loan guarantee or working capital

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11659 loan origination programs are not duplicative and that each
11660 program makes full use of, to the extent practicable, the
11661 resources of the other.
11662 Section 174. Section 288.7771, Florida Statutes, is amended
11663 to read:
11664 288.7771 Annual report of Florida Export Finance
11665 Corporation.—The corporation shall annually prepare and submit
11666 to Jobs Florida ~~Enterprise Florida, Inc.,~~ for inclusion in its
11667 annual report required by s. 288.095 a complete and detailed
11668 report setting forth:
11669 (1) The report required in s. 288.776(3).
11670 (2) Its assets and liabilities at the end of its most
11671 recent fiscal year.
11672 Section 175. Section 288.816, Florida Statutes, is amended
11673 to read:
11674 288.816 Intergovernmental relations.—
11675 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11676 ~~Development~~ shall be responsible for consular operations and the
11677 sister city and sister state program and shall serve as liaison
11678 with foreign, federal, and other state international
11679 organizations and with county and municipal governments in
11680 Florida.
11681 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11682 ~~Development~~ shall be responsible for all consular relations
11683 between the state and all foreign governments doing business in
11684 Florida. Jobs Florida ~~The office~~ shall monitor United States
11685 laws and directives to ensure that all federal treaties
11686 regarding foreign privileges and immunities are properly
11687 observed. Jobs Florida ~~The office~~ shall promulgate rules which

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11688 shall:
11689 (a) Establish a viable system of registration for foreign
11690 government officials residing or having jurisdiction in the
11691 state. Emphasis shall be placed on maintaining active
11692 communication between Jobs Florida ~~The Office of Tourism, Trade,~~
11693 ~~and Economic Development~~ and the United States Department of
11694 State in order to be currently informed regarding foreign
11695 governmental personnel stationed in, or with official
11696 responsibilities for, Florida. Active dialogue shall also be
11697 maintained with foreign countries which historically have had
11698 dealings with Florida in order to keep them informed of the
11699 proper procedure for registering with the state.
11700 (b) Maintain and systematically update a current and
11701 accurate list of all such foreign governmental officials,
11702 consuls, or consulates.
11703 (c) Issue certificates to such foreign governmental
11704 officials after verification pursuant to proper investigations
11705 through United States Department of State sources and the
11706 appropriate foreign government.
11707 (d) Verify entitlement to sales and use tax exemptions
11708 pursuant to United States Department of State guidelines and
11709 identification methods.
11710 (e) Verify entitlement to issuance of special motor vehicle
11711 license plates by the Division of Motor Vehicles of the
11712 Department of Highway Safety and Motor Vehicles to honorary
11713 consuls or such other officials representing foreign governments
11714 who are not entitled to issuance of special Consul Corps license
11715 plates by the United States Government.
11716 (f) Establish a system of communication to provide all

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11717 state and local law enforcement agencies with information
11718 regarding proper procedures relating to the arrest or
11719 incarceration of a foreign citizen.
11720 (g) Request the Department of Law Enforcement to provide
11721 transportation and protection services when necessary pursuant
11722 to s. 943.68.
11723 (h) Coordinate, when necessary, special activities between
11724 foreign governments and Florida state and local governments.
11725 These may include Consular Corps Day, Consular Corps
11726 conferences, and various other social, cultural, or educational
11727 activities.
11728 (i) Notify all newly arrived foreign governmental officials
11729 of the services offered by Jobs Florida ~~The Office of Tourism,~~
11730 ~~Trade, and Economic Development~~.
11731 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11732 ~~Development~~ shall operate the sister city and sister state
11733 program and establish such new programs as needed to further
11734 global understanding through the interchange of people, ideas,
11735 and culture between Florida and the world. To accomplish this
11736 purpose, Jobs Florida ~~the office~~ shall have the power and
11737 authority to:
11738 (a) Coordinate and carry out activities designed to
11739 encourage the state and its subdivisions to participate in
11740 sister city and sister state affiliations with foreign countries
11741 and their subdivisions. Such activities may include a State of
11742 Florida sister cities conference.
11743 (b) Encourage cooperation with and disseminate information
11744 pertaining to the Sister Cities International Program and any
11745 other program whose object is to promote linkages with foreign

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11746 countries and their subdivisions.
11747 (c) Maximize any aid available from all levels of
11748 government, public and private agencies, and other entities to
11749 facilitate such activities.
11750 (d) Establish a viable system of registration for sister
11751 city and sister state affiliations between the state and foreign
11752 countries and their subdivisions. Such system shall include a
11753 method to determine that sufficient ties are properly
11754 established as well as a method to supervise how these ties are
11755 maintained.
11756 (e) Maintain a current and accurate listing of all such
11757 affiliations. Sister city affiliations shall not be discouraged
11758 between the state and any country specified in s. 620(f)(1) of
11759 the federal Foreign Assistance Act of 1961, as amended, with
11760 whom the United States is currently conducting diplomatic
11761 relations unless a mandate from the United States Government
11762 expressly prohibits such affiliations.
11763 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11764 ~~Development~~ shall serve as a contact for the state with the
11765 Florida Washington Office, the Florida Congressional Delegation,
11766 and United States Government agencies with respect to laws or
11767 policies which may affect the interests of the state in the area
11768 of international relations. All inquiries received regarding
11769 international economic trade development or reverse investment
11770 opportunities shall be referred to the Jobs Florida Partnership
11771 ~~Enterprise Florida~~, Inc. In addition, Jobs Florida ~~the office~~
11772 shall serve as liaison with other states with respect to
11773 international programs of interest to Florida. Jobs Florida ~~The~~
11774 ~~office~~ shall also investigate and make suggestions regarding

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11775 possible areas of joint action or regional cooperation with
11776 these states.
11777 (5) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11778 ~~Development~~ shall have the power and duty to encourage the
11779 relocation to Florida of consular offices and multilateral and
11780 international agencies and organizations.
11781 (6) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11782 ~~Development, through membership on the board of directors of~~
11783 ~~Enterprise Florida, Inc.,~~ shall help to contribute an
11784 international perspective to the state's development efforts.
11785 Section 176. Paragraph (a) of subsection (1) and subsection
11786 (2) of section 288.809, Florida Statutes, are amended to read:
11787 288.809 Florida Intergovernmental Relations Foundation; use
11788 of property; board of directors; audit.—
11789 (1) DEFINITIONS.—For the purposes of this section, the
11790 term:
11791 (a) "Florida Intergovernmental Relations Foundation" means
11792 a direct-support organization:
11793 1. Which is a corporation not for profit that is
11794 incorporated under the provisions of chapter 617 and approved by
11795 the Department of State;
11796 2. Which is organized and operated exclusively to solicit,
11797 receive, hold, invest, and administer property and, subject to
11798 the approval of Jobs Florida ~~the Office of Tourism, Trade, and~~
11799 ~~Economic Development~~, to make expenditures to or for the
11800 promotion of intergovernmental relations programs; and
11801 3. Which Jobs Florida ~~the Office of Tourism, Trade, and~~
11802 ~~Economic Development~~, after review, has certified to be
11803 operating in a manner consistent with the policies and goals of

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11804 Jobs Florida ~~the office~~.
11805 (2) USE OF PROPERTY.—Jobs Florida ~~The Office of Tourism,~~
11806 ~~Trade, and Economic Development~~:
11807 (a) Is authorized to permit the use of property,
11808 facilities, and personal services of Jobs Florida ~~the Office of~~
11809 ~~Tourism, Trade, and Economic Development~~ by the foundation,
11810 subject to the provisions of this section.
11811 (b) Shall prescribe conditions with which the foundation
11812 must comply in order to use property, facilities, or personal
11813 services of the department. Such conditions shall provide for
11814 budget and audit review and for oversight by Jobs Florida ~~the~~
11815 ~~Office of Tourism, Trade, and Economic Development~~.
11816 (c) Shall not permit the use of property, facilities, or
11817 personal services of the foundation if the foundation does not
11818 provide equal employment opportunities to all persons,
11819 regardless of race, color, national origin, sex, age, or
11820 religion.
11821 Section 177. Section 288.826, Florida Statutes, is amended
11822 to read:
11823 288.826 Florida International Trade and Promotion Trust
11824 Fund.—There is hereby established in the State Treasury the
11825 Florida International Trade and Promotion Trust Fund. The moneys
11826 deposited into this trust fund shall be administered by Jobs
11827 Florida ~~the Office of Tourism, Trade, and Economic Development~~
11828 for the operation of the Jobs Florida Partnership ~~Enterprise~~
11829 ~~Florida~~, Inc., ~~and its boards~~ and for the operation of Florida
11830 international ~~foreign~~ offices under s. 288.012.
11831 Section 178. Section 288.95155, Florida Statutes, is
11832 amended to read:

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11833 288.95155 Florida Small Business Technology Growth
11834 Program.—
11835 (1) The Florida Small Business Technology Growth Program is
11836 hereby established to provide financial assistance to businesses
11837 in this state having high job growth and emerging technology
11838 potential and fewer than 100 employees. The program shall be
11839 administered and managed by the Jobs Florida Partnership
11840 ~~Enterprise Florida~~, Inc.
11841 (2)~~(a)~~ The Jobs Florida Partnership ~~Enterprise Florida~~,
11842 Inc., shall establish a separate small business technology
11843 growth account in the Florida Technology Research Investment
11844 Fund for purposes of this section. Moneys in the account shall
11845 consist of appropriations by the Legislature, proceeds of any
11846 collateral used to secure such assistance, transfers, fees
11847 assessed for providing or processing such financial assistance,
11848 grants, interest earnings, and earnings on financial assistance.
11849 ~~(b) For the 2009-2010 fiscal year only, Enterprise Florida,~~
11850 ~~Inc., shall advance up to $600,000 from the account to the~~
11851 ~~Institute for Commercialization of Public Research for its~~
11852 ~~operations. This paragraph expires July 1, 2010.~~
11853 (3) Pursuant to s. 216.351, the amount of any moneys
11854 appropriated to the account which are unused at the end of the
11855 fiscal year shall not be subject to reversion under s. 216.301.
11856 All moneys in the account are continuously appropriated to the
11857 account and may be used for loan guarantees, letter of credit
11858 guarantees, cash reserves for loan and letter of credit
11859 guarantees, payments of claims pursuant to contracts for
11860 guarantees, subordinated loans, loans with warrants, royalty
11861 investments, equity investments, and operations of the program.

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11862 Any claim against the program shall be paid solely from the
11863 account. Neither the credit nor the taxing power of the state
11864 shall be pledged to secure the account or moneys in the account,
11865 other than from moneys appropriated or assigned to the account,
11866 and the state shall not be liable or obligated in any way for
11867 any claims against the account or against the Jobs Florida
11868 Partnership ~~Enterprise Florida~~, Inc.
11869 (4) Awards of assistance from the program shall be
11870 finalized subject to the policies and procedures of the Jobs
11871 Florida Partnership ~~Enterprise Florida~~, Inc. The Jobs Florida
11872 Partnership ~~Enterprise Florida~~, Inc., shall leverage at least
11873 one dollar of matching investment for each dollar awarded from
11874 the program. The Jobs Florida Partnership ~~Enterprise Florida~~,
11875 Inc., shall give the highest priority to moderate-risk and high-
11876 risk ventures that offer the greatest opportunity for compelling
11877 economic development impact. The Jobs Florida Partnership
11878 ~~Enterprise Florida~~, Inc., shall establish for each award a risk-
11879 reward timetable that profiles the risks of the assistance,
11880 estimates the potential economic development impact, and
11881 establishes a timetable for reviewing the success or failure of
11882 the assistance. By December 31 of each year, the Jobs Florida
11883 Partnership ~~Enterprise Florida~~, Inc., shall evaluate, on a
11884 portfolio basis, the results of all awards of assistance made
11885 from the program during the year.
11886 (5) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
11887 shall prepare for inclusion in Job Florida's ~~and include in its~~
11888 annual report required by s. 288.095 a report on the financial
11889 status of the program. The report must specify the assets and
11890 liabilities of the program within the current fiscal year and

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11891 must include a portfolio update that lists all of the businesses
11892 assisted, the private dollars leveraged by each business
11893 assisted, and the growth in sales and in employment of each
11894 business assisted.
11895 Section 179. Paragraph (e) of subsection (2), paragraph (a)
11896 of subsection (4), subsection (7), paragraph (b) of subsection
11897 (8), subsection (9), paragraph (l) of subsection (10), and
11898 subsection (15) of section 288.955, Florida Statutes, are
11899 amended, and present subsections (16) and (17) of that section
11900 are renumbered as subsections (15) and (16), respectively, to
11901 read:
11902 288.955 Scripps Florida Funding Corporation.—
11903 (2) CREATION.—
11904 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11905 ~~Development~~ shall provide administrative support to the
11906 corporation as requested by the corporation. In the event of the
11907 dissolution of the corporation, Jobs Florida ~~the office~~ shall be
11908 the corporation's successor in interest and shall assume all
11909 rights, duties, and obligations of the corporation under any
11910 contract to which the corporation is then a party and under law.
11911 (4) BOARD; MEMBERSHIP.—The corporation shall be governed by
11912 a board of directors.
11913 (a) The board of directors shall consist of nine voting
11914 members, of whom the Governor shall appoint three, the President
11915 of the Senate shall appoint three, and the Speaker of the House
11916 of Representatives shall appoint three. The commissioner of Jobs
11917 Florida or the commissioner's designee ~~director of the Office of~~
11918 ~~Tourism, Trade, and Economic Development or the director's~~
11919 ~~designee~~ shall serve as an ex-officio, nonvoting member of the

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11920 board of directors.
11921 (7) INVESTMENT OF FUNDS.—The corporation must enter into an
11922 agreement with the State Board of Administration under which
11923 funds received by the corporation from Jobs Florida ~~the Office~~
11924 ~~of Tourism, Trade, and Economic Development~~ which are not
11925 disbursed to the grantee shall be invested by the State Board of
11926 Administration on behalf of the corporation. Funds shall be
11927 invested in suitable instruments authorized under s. 215.47 and
11928 specified in investment guidelines established and agreed to by
11929 the State Board of Administration and the corporation.
11930 (8) CONTRACT.—
11931 (b) The contract, at a minimum, must contain provisions:
11932 1. Specifying the procedures and schedules that govern the
11933 disbursement of funds under this section and specifying the
11934 conditions or deliverables that the grantee must satisfy before
11935 the release of each disbursement.
11936 2. Requiring the grantee to submit to the corporation a
11937 business plan in a form and manner prescribed by the
11938 corporation.
11939 3. Prohibiting The Scripps Research Institute or the
11940 grantee from establishing other biomedical science or research
11941 facilities in any state other than this state or California for
11942 a period of 12 years from the commencement of the contract.
11943 Nothing in this subparagraph shall prohibit the grantee from
11944 establishing or engaging in normal collaborative activities with
11945 other organizations.
11946 4. Governing the ownership of or security interests in real
11947 property and personal property, including, but not limited to,
11948 research equipment, obtained through the financial support of

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11949 state or local government, including a provision that in the
11950 event of a breach of the contract or in the event the grantee
11951 ceases operations in this state, such property purchased with
11952 state funds shall revert to the state and such property
11953 purchased with local funds shall revert to the local governing
11954 authority.
11955 5. Requiring the grantee to be an equal opportunity
11956 employer.
11957 6. Requiring the grantee to maintain a policy of awarding
11958 preference in employment to residents of this state, as defined
11959 by law, except for professional scientific staff positions
11960 requiring a doctoral degree, postdoctoral training positions,
11961 and graduate student positions.
11962 7. Requiring the grantee to maintain a policy of making
11963 purchases from vendors in this state, to the extent it is cost-
11964 effective and scientifically sound.
11965 8. Requiring the grantee to use the Internet-based job-
11966 listing system of Jobs Florida ~~the Agency for Workforce~~
11967 ~~Innovation~~ in advertising employment opportunities.
11968 9. Requiring the grantee to establish accredited science
11969 degree programs.
11970 10. Requiring the grantee to establish internship programs
11971 to create learning opportunities for educators and secondary,
11972 postsecondary, graduate, and doctoral students.
11973 11. Requiring the grantee to submit data to the corporation
11974 on the activities and performance during each fiscal year and to
11975 provide to the corporation an annual accounting of the
11976 expenditure of funds disbursed under this section.
11977 12. Establishing that the corporation shall review the

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11978 activities of the grantee to assess the grantee's financial and
11979 operational compliance with the provisions of the contract and
11980 with relevant provisions of law.
11981 13. Authorizing the grantee, when feasible, to use
11982 information submitted by it to the Federal Government or to
11983 other organizations awarding research grants to the grantee to
11984 help meet reporting requirements imposed under this section or
11985 the contract, if the information satisfies the reporting
11986 standards of this section and the contract.
11987 14. Requiring the grantee during the first 7 years of the
11988 contract to create 545 positions and to acquire associated
11989 research equipment for the grantee's facility in this state, and
11990 pay for related maintenance of the equipment, in a total amount
11991 of not less than $45 million.
11992 15. Requiring the grantee to progress in the creation of
11993 the total number of jobs prescribed in subparagraph 14. on the
11994 following schedule: At least 38 positions in the 1st year, 168
11995 positions in the 2nd year, 280 positions in the 3rd year, 367
11996 positions in the 4th year, 436 positions in the 5th year, 500
11997 positions in the 6th year, and 545 positions in the 7th year.
11998 The board may allow the grantee to deviate downward from such
11999 employee levels by 25 percent in any year, to allow the grantee
12000 flexibility in achieving the objectives set forth in the
12001 business plan provided to the corporation; however, the grantee
12002 must have no fewer than 545 positions by the end of the 7th
12003 year.
12004 16. Requiring the grantee to allow the corporation to
12005 retain an independent certified public accountant licensed in
12006 this state pursuant to chapter 473 to inspect the records of the

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12007 grantee in order to audit the expenditure of funds disbursed to
12008 the grantee. The independent certified public accountant shall
12009 not disclose any confidential or proprietary scientific
12010 information of the grantee.
12011 17. Requiring the grantee to purchase liability insurance
12012 and governing the coverage level of such insurance.
12013 (9) PERFORMANCE EXPECTATIONS.—In addition to the provisions
12014 prescribed in subsection (8), the contract between the
12015 corporation and the grantee shall include a provision that the
12016 grantee, in cooperation with Jobs Florida ~~the Office of Tourism,~~
12017 ~~Trade, and Economic Development~~, shall report to the corporation
12018 on performance expectations that reflect the aspirations of the
12019 Governor and the Legislature for the benefits accruing to this
12020 state as a result of the funds appropriated pursuant to this
12021 section. These shall include, but are not limited to,
12022 performance expectations addressing:
12023 (a) The number and dollar value of research grants obtained
12024 from the Federal Government or sources other than this state.
12025 (b) The percentage of total research dollars received by
12026 The Scripps Research Institute from sources other than this
12027 state which is used to conduct research activities by the
12028 grantee in this state.
12029 (c) The number or value of patents obtained by the grantee.
12030 (d) The number or value of licensing agreements executed by
12031 the grantee.
12032 (e) The extent to which research conducted by the grantee
12033 results in commercial applications.
12034 (f) The number of collaborative agreements reached and
12035 maintained with colleges and universities in this state and with

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12036 research institutions in this state, including agreements that
12037 foster participation in research opportunities by public and
12038 private colleges and universities and research institutions in
12039 this state with significant minority populations, including
12040 historically black colleges and universities.
12041 (g) The number of collaborative partnerships established
12042 and maintained with businesses in this state.
12043 (h) The total amount of funding received by the grantee
12044 from sources other than the State of Florida.
12045 (i) The number or value of spin-off businesses created in
12046 this state as a result of commercialization of the research of
12047 the grantee.
12048 (j) The number or value of businesses recruited to this
12049 state by the grantee.
12050 (k) The establishment and implementation of policies to
12051 promote supplier diversity using the guidelines developed by the
12052 Office of Supplier Diversity under s. 287.09451 and to comply
12053 with the ordinances, including any small business ordinances,
12054 enacted by the county and which are applicable to the biomedical
12055 research institution and campus located in this state.
12056 (l) The designation by the grantee of a representative to
12057 coordinate with the Office of Supplier Diversity.
12058 (m) The establishment and implementation of a program to
12059 conduct workforce recruitment activities at public and private
12060 colleges and universities and community colleges in this state
12061 which request the participation of the grantee.
12062
12063 The contract shall require the grantee to provide information to
12064 the corporation on the progress in meeting these performance

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12065 expectations on an annual basis. It is the intent of the
12066 Legislature that, in fulfilling its obligation to work with
12067 Florida's public and private colleges and universities, Scripps
12068 Florida work with such colleges and universities regardless of
12069 size.
12070 (10) DISBURSEMENT CONDITIONS.—In addition to the provisions
12071 prescribed in subsection (8), the contract between the
12072 corporation and the grantee shall include disbursement
12073 conditions that must be satisfied by the grantee as a condition
12074 for the continued disbursement of funds under this section.
12075 These disbursement conditions shall be negotiated between the
12076 corporation and the grantee and shall not be designed to impede
12077 the ability of the grantee to attain full operational status.
12078 The disbursement conditions may be appropriately varied as to
12079 timeframes, numbers, values, and percentages. The disbursement
12080 conditions shall include, but are not limited to, the following
12081 areas:
12082 (l) Beginning June 2004, the grantee shall commence
12083 collaboration efforts with Jobs Florida ~~the Office of Tourism,~~
12084 ~~Trade, and Economic Development~~ by complying with reasonable
12085 requests for cooperation in economic development efforts in the
12086 biomed/biotech industry. No later than July 2004, the grantee
12087 shall designate a person who shall be charged with assisting in
12088 these collaborative efforts.
12089 ~~(15) PROGRAM EVALUATION.—~~
12090 ~~(a) Before January 1, 2007, the Office of Program Policy~~
12091 ~~Analysis and Government Accountability shall conduct a~~
12092 ~~performance audit of the Office of Tourism, Trade, and Economic~~
12093 ~~Development and the corporation relating to the provisions of~~

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12094 ~~this section. The audit shall assess the implementation and~~
12095 ~~outcomes of activities under this section. At a minimum, the~~
12096 ~~audit shall address:~~
12097 ~~1. Performance of the Office of Tourism, Trade, and~~
12098 ~~Economic Development in disbursing funds appropriated under this~~
12099 ~~section.~~
12100 ~~2. Performance of the corporation in managing and enforcing~~
12101 ~~the contract with the grantee.~~
12102 ~~3. Compliance by the corporation with the provisions of~~
12103 ~~this section and the provisions of the contract.~~
12104 ~~4. Economic activity generated through funds disbursed~~
12105 ~~under the contract.~~
12106 ~~(b) Before January 1, 2010, the Office of Program Policy~~
12107 ~~Analysis and Government Accountability shall update the report~~
12108 ~~required under this subsection. In addition to addressing the~~
12109 ~~items prescribed in paragraph (a), the updated report shall~~
12110 ~~include a recommendation on whether the Legislature should~~
12111 ~~retain the statutory authority for the corporation.~~
12112
12113 ~~A report of each audit's findings and recommendations shall be~~
12114 ~~submitted to the Governor, the President of the Senate, and the~~
12115 ~~Speaker of the House of Representatives. In completing the~~
12116 ~~performance audits required under this subsection, the Office of~~
12117 ~~Program Policy Analysis and Government Accountability shall~~
12118 ~~maximize the use of reports submitted by the grantee to the~~
12119 ~~Federal Government or to other organizations awarding research~~
12120 ~~grants to the grantee.~~
12121 Section 180. Subsection (1) and paragraph (a) of subsection
12122 (2) of section 288.9519, Florida Statutes, are amended to read:

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12123 288.9519 Not-for-profit corporation.—
12124 (1) It is the intent of the Legislature to promote the
12125 development of the state economy and to authorize the
12126 establishment of a not-for-profit organization that shall
12127 promote the competitiveness and profitability of high-technology
12128 business and industry through technology development projects of
12129 importance to specific manufacturing sectors in this state. This
12130 not-for-profit corporation shall work cooperatively with the
12131 Jobs Florida Partnership ~~Enterprise Florida~~, Inc., and shall
12132 avoid duplicating the activities, programs, and functions of the
12133 Jobs Florida Partnership ~~Enterprise Florida~~, Inc.
12134 (2) In addition to all other powers and authority, not
12135 explicitly prohibited by statutes, this not-for-profit
12136 organization has the following powers and duties:
12137 (a) To receive funds appropriated to the organization by
12138 the Legislature. Such funds may not duplicate funds appropriated
12139 to the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., but
12140 shall serve to further the advancement of the state economy,
12141 jointly and collaboratively with the Jobs Florida Partnership
12142 ~~Enterprise Florida~~, Inc.
12143 Section 181. Section 288.9520, Florida Statutes, is amended
12144 to read:
12145 288.9520 Public records exemption.—Materials that relate to
12146 methods of manufacture or production, potential trade secrets,
12147 potentially patentable material, actual trade secrets, business
12148 transactions, financial and proprietary information, and
12149 agreements or proposals to receive funding that are received,
12150 generated, ascertained, or discovered by the Jobs Florida
12151 Partnership ~~Enterprise Florida~~, Inc., including its affiliates

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12152 or subsidiaries and partnership participants, such as private
12153 enterprises, educational institutions, and other organizations,
12154 are confidential and exempt from the provisions of s. 119.07(1)
12155 and s. 24(a), Art. I of the State Constitution, except that a
12156 recipient of the Jobs Florida Partnership ~~Enterprise Florida~~,
12157 Inc., research funds shall make available, upon request, the
12158 title and description of the research project, the name of the
12159 researcher, and the amount and source of funding provided for
12160 the project.
12161 Section 182. Subsection (10) of section 288.9603, Florida
12162 Statutes, is amended to read:
12163 288.9603 Definitions.—
12164 (10) "Partnership" means the Jobs Florida Partnership
12165 ~~Enterprise Florida~~, Inc.
12166 Section 183. Subsection (2) of section 288.9604, Florida
12167 Statutes, is amended to read:
12168 288.9604 Creation of the authority.—
12169 (2) The Governor, subject to confirmation by the Senate,
12170 shall appoint the board of directors of the corporation, who
12171 shall be five in number. The terms of office for the directors
12172 shall be for 4 years from the date of their appointment. A
12173 vacancy occurring during a term shall be filled for the
12174 unexpired term. A director shall be eligible for reappointment.
12175 At least three of the directors of the corporation shall be
12176 bankers who have been selected by the Governor from a list of
12177 bankers who were nominated by the Jobs Florida Partnership,
12178 Inc., ~~Enterprise Florida, Inc.,~~ and one of the directors shall
12179 be an economic development specialist. ~~The chairperson of the~~
12180 ~~Florida Black Business Investment Board shall be an ex officio~~

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12181 ~~member of the board of the corporation.~~
12182 Section 184. Paragraph (v) of subsection (2) of section
12183 288.9605, Florida Statutes, is amended to read:
12184 288.9605 Corporation powers.—
12185 (2) The corporation is authorized and empowered to:
12186 (v) Enter into investment agreements with the Jobs Florida
12187 Partnership, Inc., ~~Florida Black Business Investment Board~~
12188 concerning the issuance of bonds and other forms of indebtedness
12189 and capital ~~for the purposes of ss. 288.707-288.714~~.
12190 Section 185. Subsection (1) of section 288.9606, Florida
12191 Statutes, is amended to read:
12192 288.9606 Issue of revenue bonds.—
12193 (1) When authorized by a public agency pursuant to s.
12194 163.01(7), the corporation has power in its corporate capacity,
12195 in its discretion, to issue revenue bonds or other evidences of
12196 indebtedness which a public agency has the power to issue, from
12197 time to time to finance the undertaking of any purpose of this
12198 act ~~and ss. 288.707-288.714~~, including, without limiting the
12199 generality thereof, the payment of principal and interest upon
12200 any advances for surveys and plans or preliminary loans, and has
12201 the power to issue refunding bonds for the payment or retirement
12202 of bonds previously issued. Bonds issued pursuant to this
12203 section shall bear the name “Florida Development Finance
12204 Corporation Revenue Bonds.” The security for such bonds may be
12205 based upon such revenues as are legally available. In
12206 anticipation of the sale of such revenue bonds, the corporation
12207 may issue bond anticipation notes and may renew such notes from
12208 time to time, but the maximum maturity of any such note,
12209 including renewals thereof, may not exceed 5 years from the date

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12210 of issuance of the original note. Such notes shall be paid from
12211 any revenues of the corporation available therefor and not
12212 otherwise pledged or from the proceeds of sale of the revenue
12213 bonds in anticipation of which they were issued. Any bond, note,
12214 or other form of indebtedness issued pursuant to this act shall
12215 mature no later than the end of the 30th fiscal year after the
12216 fiscal year in which the bond, note, or other form of
12217 indebtedness was issued.
12218 Section 186. Section 288.9614, Florida Statutes, is amended
12219 to read:
12220 288.9614 Authorized programs.—The Jobs Florida Partnership
12221 ~~Enterprise Florida~~, Inc., may take any action that it deems
12222 necessary to achieve the purposes of this act in partnership
12223 with private enterprises, public agencies, and other
12224 organizations, including, but not limited to, efforts to address
12225 the long-term debt needs of small-sized and medium-sized firms,
12226 to address the needs of microenterprises, to expand availability
12227 of venture capital, and to increase international trade and
12228 export finance opportunities for firms critical to achieving the
12229 purposes of this act.
12230 Section 187. Subsection (1) of section 288.9624, Florida
12231 Statutes, are amended to read:
12232 288.9624 Florida Opportunity Fund; creation; duties.—
12233 (1)(a) The Jobs Florida Partnership ~~Enterprise Florida~~,
12234 Inc., shall facilitate the creation of the Florida Opportunity
12235 Fund, a private, not-for-profit corporation organized and
12236 operated under chapter 617. The Jobs Florida Partnership
12237 ~~Enterprise Florida~~, Inc., shall be the fund’s sole shareholder
12238 or member. The fund is not a public corporation or

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12239 instrumentality of the state. The fund shall manage its business
12240 affairs and conduct business consistent with its organizational
12241 documents and the purposes set forth in this section.
12242 Notwithstanding the powers granted under chapter 617, the
12243 corporation may not amend, modify, or repeal a bylaw or article
12244 of incorporation without the express written consent of the Jobs
12245 Florida Partnership ~~Enterprise Florida~~, Inc.
12246 (b) The board of directors for the fund shall be a five-
12247 member board appointed by vote of the board of directors of the
12248 Jobs Florida Partnership, Inc., and board members shall serve
12249 terms as provided in the fund's organizational documents. ~~The~~
12250 ~~vice chair of Enterprise Florida, Inc., shall select from among~~
12251 ~~its sitting board of directors a five-person appointment~~
12252 ~~committee. The appointment committee shall select five initial~~
12253 ~~members of a board of directors for the fund.~~
12254 (c) The persons appointed ~~elected~~ to the ~~initial~~ board of
12255 directors ~~by the appointment committee~~ shall include persons who
12256 have expertise in the area of the selection and supervision of
12257 early stage investment managers or in the fiduciary management
12258 of investment funds and other areas of expertise as considered
12259 appropriate ~~by the appointment committee~~.
12260 ~~(d) After election of the initial board of directors,~~
12261 ~~vacancies on the board shall be filled by vote of the board of~~
12262 ~~directors of Enterprise Florida, Inc., and board members shall~~
12263 ~~serve terms as provided in the fund's organizational documents.~~
12264 (d) ~~(e)~~ Members of the board are subject to any restrictions
12265 on conflicts of interest specified in the organizational
12266 documents and may not have an interest in any venture capital
12267 investment selected by the fund under ss. 288.9621-288.9624.

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12268 (e) ~~(f)~~ Members of the board shall serve without
12269 compensation, but members, the president of the board, and other
12270 board employees may be reimbursed for all reasonable, necessary,
12271 and actual expenses as determined and approved by the board
12272 pursuant to s. 112.061.
12273 (f) ~~(g)~~ The fund shall have all powers granted under its
12274 organizational documents and shall indemnify members to the
12275 broadest extent permissible under the laws of this state.
12276 Section 188. Subsections (3), (4), (5), and (6) of section
12277 288.9625, Florida Statutes, are amended to read:
12278 288.9625 Institute for the Commercialization of Public
12279 Research.—There is established at a public university or
12280 research center in this state the Institute for the
12281 Commercialization of Public Research.
12282 (3) The articles of incorporation of the institute must be
12283 approved in a written agreement with Jobs Florida ~~Enterprise~~
12284 ~~Florida, Inc~~. The agreement and the articles of incorporation
12285 shall:
12286 (a) Provide that the institute shall provide equal
12287 employment opportunities for all persons regardless of race,
12288 color, religion, gender, national origin, age, handicap, or
12289 marital status;
12290 (b) Provide that the institute is subject to the public
12291 records and meeting requirements of s. 24, Art. I of the State
12292 Constitution;
12293 (c) Provide that all officers, directors, and employees of
12294 the institute shall be governed by the code of ethics for public
12295 officers and employees as set forth in part III of chapter 112;
12296 (d) Provide that members of the board of directors of the

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12297 institute are responsible for the prudent use of all public and
12298 private funds and that they will ensure that the use of funds is
12299 in accordance with all applicable laws, bylaws, and contractual
12300 requirements; and
12301 (e) Provide that the fiscal year of the institute is from
12302 July 1 to June 30.
12303 (4) The affairs of the institute shall be managed by a
12304 board of directors who shall serve without compensation. Each
12305 director shall have only one vote. The chair of the board of
12306 directors shall be selected by a majority vote of the directors,
12307 a quorum being present. The board of directors shall consist of
12308 the following five members:
12309 (a) The commissioner of Jobs Florida ~~chair of Enterprise~~
12310 ~~Florida, Inc.~~, or the commissioner's ~~chair's~~ designee.
12311 (b) The president of the university where the institute is
12312 located or the president's designee unless multiple universities
12313 jointly sponsor the institute, in which case the presidents of
12314 the sponsoring universities shall agree upon a designee.
12315 (c) Three directors appointed by the Governor to 3-year
12316 staggered terms, to which the directors may be reappointed.
12317 (5) The board of directors shall provide a copy of the
12318 institute's annual report to the Governor, the President of the
12319 Senate, the Speaker of the House of Representatives, ~~Enterprise~~
12320 ~~Florida, Inc.,~~ and the president of the university at which the
12321 institute is located.
12322 (6) Jobs Florida ~~Enterprise Florida, Inc.~~, the president
12323 and the board of trustees of the university where the institute
12324 is located, the Auditor General, and the Office of Program
12325 Policy Analysis and Government Accountability may require and

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12326 receive from the institute or its independent auditor any detail
12327 or supplemental data relative to the operation of the institute.
12328 Section 189. Subsections (3), (8), and (9) of section
12329 288.975, Florida Statutes, are amended to read:
12330 288.975 Military base reuse plans.—
12331 (3) No later than 6 months after the designation of a
12332 military base for closure by the Federal Government, each host
12333 local government shall notify the Jobs Florida ~~secretary of the~~
12334 ~~Department of Community Affairs and the director of the Office~~
12335 ~~of Tourism, Trade, and Economic Development~~ in writing, by hand
12336 delivery or return receipt requested, as to whether it intends
12337 to use the optional provisions provided in this act. If a host
12338 local government does not opt to use the provisions of this act,
12339 land use planning and regulation pertaining to base reuse
12340 activities within those host local governments shall be subject
12341 to all applicable statutory requirements, including those
12342 contained within chapters 163 and 380.
12343 (8) At the request of a host local government, Jobs Florida
12344 ~~The Office of Tourism, Trade, and Economic Development~~ shall
12345 coordinate a presubmission workshop concerning a military base
12346 reuse plan within the boundaries of the host jurisdiction.
12347 Agencies that shall participate in the workshop shall include
12348 any affected local governments; the Department of Environmental
12349 Protection; Jobs Florida ~~the Office of Tourism, Trade, and~~
12350 ~~Economic Development~~; ~~the Department of Community Affairs;~~ the
12351 Department of Transportation; the Department of Health; the
12352 Department of Children and Family Services; the Department of
12353 Juvenile Justice; the Department of Agriculture and Consumer
12354 Services; the Department of State; the Fish and Wildlife

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12355 Conservation Commission; and any applicable water management
12356 districts and regional planning councils. The purposes of the
12357 workshop shall be to assist the host local government to
12358 understand issues of concern to the above listed entities
12359 pertaining to the military base site and to identify
12360 opportunities for better coordination of planning and review
12361 efforts with the information and analyses generated by the
12362 federal environmental impact statement process and the federal
12363 community base reuse planning process.
12364 (9) If a host local government elects to use the optional
12365 provisions of this act, it shall, no later than 12 months after
12366 notifying the agencies of its intent pursuant to subsection (3)
12367 either:
12368 (a) Send a copy of the proposed military base reuse plan
12369 for review to any affected local governments; the Department of
12370 Environmental Protection; Jobs Florida ~~the Office of Tourism,~~
12371 ~~Trade, and Economic Development~~; ~~the Department of Community~~
12372 ~~Affairs;~~ the Department of Transportation; the Department of
12373 Health; the Department of Children and Family Services; the
12374 Department of Juvenile Justice; the Department of Agriculture
12375 and Consumer Services; the Department of State; the Fish and
12376 Wildlife Conservation Commission; and any applicable water
12377 management districts and regional planning councils, or
12378 (b) Petition Jobs Florida ~~the secretary of the Department~~
12379 ~~of Community Affairs~~ for an extension of the deadline for
12380 submitting a proposed reuse plan. Such an extension request must
12381 be justified by changes or delays in the closure process by the
12382 federal Department of Defense or for reasons otherwise deemed to
12383 promote the orderly and beneficial planning of the subject

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12384 military base reuse. Jobs Florida ~~The secretary of the~~
12385 ~~Department of Community Affairs~~ may grant extensions to the
12386 required submission date of the reuse plan.
12387 Section 190. Paragraph (b) of subsection (1), paragraphs
12388 (a) and (c) of subsection (2) and subsections (3), (4), (5),
12389 (6), (7), and (9) of section 288.980, Florida Statutes, are
12390 amended to read:
12391 288.980 Military base retention; legislative intent; grants
12392 program.—
12393 (1)
12394 (b) The Florida Defense Alliance, an organization within
12395 the Jobs Florida Partnership, Inc., ~~Enterprise Florida,~~ is
12396 designated as the organization to ensure that Florida, its
12397 resident military bases and missions, and its military host
12398 communities are in competitive positions as the United States
12399 continues its defense realignment and downsizing. The defense
12400 alliance shall serve as an overall advisory body for ~~Enterprise~~
12401 ~~Florida~~ defense-related activity of the Jobs Florida
12402 Partnership, Inc. The Florida Defense Alliance may receive
12403 funding from appropriations made for that purpose administered
12404 by Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
12405 ~~Development~~.
12406 (2)(a) Jobs Florida ~~The Office of Tourism, Trade, and~~
12407 ~~Economic Development~~ is authorized to award grants from any
12408 funds available to it to support activities related to the
12409 retention of military installations potentially affected by
12410 federal base closure or realignment.
12411 (c) Except for grants issued pursuant to the Florida
12412 Military Installation Reuse Planning and Marketing Grant Program

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12413 as described in paragraph (3)(c), the amount of any grant
12414 provided to an applicant may not exceed $250,000. Jobs Florida
12415 ~~The Office of Tourism, Trade, and Economic Development~~ shall
12416 require that an applicant:
12417 1. Represent a local government with a military
12418 installation or military installations that could be adversely
12419 affected by federal base realignment or closure.
12420 2. Agree to match at least 30 percent of any grant awarded.
12421 3. Prepare a coordinated program or plan of action
12422 delineating how the eligible project will be administered and
12423 accomplished.
12424 4. Provide documentation describing the potential for
12425 realignment or closure of a military installation located in the
12426 applicant's community and the adverse impacts such realignment
12427 or closure will have on the applicant's community.
12428 (3) The Florida Economic Reinvestment Initiative is
12429 established to respond to the need for this state and defense-
12430 dependent communities in this state to develop alternative
12431 economic diversification strategies to lessen reliance on
12432 national defense dollars in the wake of base closures and
12433 reduced federal defense expenditures and the need to formulate
12434 specific base reuse plans and identify any specific
12435 infrastructure needed to facilitate reuse. The initiative shall
12436 consist of the following two ~~three~~ distinct grant programs to be
12437 administered by Jobs Florida ~~the Office of Tourism, Trade, and~~
12438 ~~Economic Development~~:
12439 (a) The Florida Defense Planning Grant Program, through
12440 which funds shall be used to analyze the extent to which the
12441 state is dependent on defense dollars and defense infrastructure

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12442 and prepare alternative economic development strategies. The
12443 state shall work in conjunction with defense-dependent
12444 communities in developing strategies and approaches that will
12445 help communities make the transition from a defense economy to a
12446 nondefense economy. Grant awards may not exceed $250,000 per
12447 applicant and shall be available on a competitive basis.
12448 (b) The Florida Defense Implementation Grant Program,
12449 through which funds shall be made available to defense-dependent
12450 communities to implement the diversification strategies
12451 developed pursuant to paragraph (a). Eligible applicants include
12452 defense-dependent counties and cities, and local economic
12453 development councils located within such communities. Grant
12454 awards may not exceed $100,000 per applicant and shall be
12455 available on a competitive basis. Awards shall be matched on a
12456 one-to-one basis.
12457
12458 Applications for grants under this subsection must include a
12459 coordinated program of work or plan of action delineating how
12460 the eligible project will be administered and accomplished,
12461 which must include a plan for ensuring close cooperation between
12462 civilian and military authorities in the conduct of the funded
12463 activities and a plan for public involvement.
12464 (4) The Defense Infrastructure Grant Program is created.
12465 Jobs Florida ~~The director of the Office of Tourism, Trade, and~~
12466 ~~Economic Development~~ shall coordinate and implement this
12467 program, the purpose of which is to support local infrastructure
12468 projects deemed to have a positive impact on the military value
12469 of installations within the state. Funds are to be used for
12470 projects that benefit both the local community and the military

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12471 installation. It is not the intent, however, to fund on-base
12472 military construction projects. Infrastructure projects to be
12473 funded under this program include, but are not limited to, those
12474 related to encroachment, transportation and access, utilities,
12475 communications, housing, environment, and security. Grant
12476 requests will be accepted only from economic development
12477 applicants serving in the official capacity of a governing board
12478 of a county, municipality, special district, or state agency
12479 that will have the authority to maintain the project upon
12480 completion. An applicant must represent a community or county in
12481 which a military installation is located. There is no limit as
12482 to the amount of any grant awarded to an applicant. A match by
12483 the county or local community may be required. Jobs Florida ~~The~~
12484 ~~Office of Tourism, Trade, and Economic Development~~ shall
12485 establish guidelines to implement the purpose of this
12486 subsection.
12487 (5)(a) The Defense-Related Business Adjustment Program is
12488 hereby created. Jobs Florida ~~The Director of the Office of~~
12489 ~~Tourism, Trade, and Economic Development~~ shall coordinate the
12490 development of the Defense-Related Business Adjustment Program.
12491 Funds shall be available to assist defense-related companies in
12492 the creation of increased commercial technology development
12493 through investments in technology. Such technology must have a
12494 direct impact on critical state needs for the purpose of
12495 generating investment-grade technologies and encouraging the
12496 partnership of the private sector and government defense-related
12497 business adjustment. The following areas shall receive
12498 precedence in consideration for funding commercial technology
12499 development: law enforcement or corrections, environmental

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12500 protection, transportation, education, and health care. Travel
12501 and costs incidental thereto, and staff salaries, are not
12502 considered an "activity" for which grant funds may be awarded.
12503 (b) Jobs Florida ~~The Office~~ shall require that an
12504 applicant:
12505 1. Be a defense-related business that could be adversely
12506 affected by federal base realignment or closure or reduced
12507 defense expenditures.
12508 2. Agree to match at least 50 percent of any funds awarded
12509 by the department in cash or in-kind services. Such match shall
12510 be directly related to activities for which the funds are being
12511 sought.
12512 3. Prepare a coordinated program or plan delineating how
12513 the funds will be administered.
12514 4. Provide documentation describing how defense-related
12515 realignment or closure will adversely impact defense-related
12516 companies.
12517 (6) The Retention of Military Installations Program is
12518 created. Jobs Florida ~~The Director of the Office of Tourism,~~
12519 ~~Trade, and Economic Development~~ shall coordinate and implement
12520 this program. ~~The sum of $1.2 million is appropriated from the~~
12521 ~~General Revenue Fund for fiscal year 1999-2000 to the Office of~~
12522 ~~Tourism, Trade, and Economic Development to implement this~~
12523 ~~program for military installations located in counties with a~~
12524 ~~population greater than 824,000. The funds shall be used to~~
12525 ~~assist military installations potentially affected by federal~~
12526 ~~base closure or realignment in covering current operating costs~~
12527 ~~in an effort to retain the installation in this state. An~~
12528 ~~eligible military installation for this program shall include a~~

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12529 ~~provider of simulation solutions for war-fighting~~
12530 ~~experimentation, testing, and training which employs at least~~
12531 ~~500 civilian and military employees and has been operating in~~
12532 ~~the state for a period of more than 10 years.~~
12533 (7) Jobs Florida ~~The director~~ may award nonfederal matching
12534 funds specifically appropriated for construction, maintenance,
12535 and analysis of a Florida defense workforce database. Such funds
12536 will be used to create a registry of worker skills that can be
12537 used to match the worker needs of companies that are relocating
12538 to this state or to assist workers in relocating to other areas
12539 within this state where similar or related employment is
12540 available.
12541 (9) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12542 ~~Development~~ shall establish guidelines to implement and carry
12543 out the purpose and intent of this section.
12544 Section 191. Paragraphs (a), (e), and (f) of subsection (2)
12545 of section 288.984, Florida Statutes, are amended to read:
12546 288.984 Florida Council on Military Base and Mission
12547 Support.—The Florida Council on Military Base and Mission
12548 Support is established. The council shall provide oversight and
12549 direction for initiatives, claims, and actions taken on behalf
12550 of the state, its agencies, and political subdivisions under
12551 this part.
12552 (2) MEMBERSHIP.—
12553 (a) The council shall be composed of nine members. The
12554 President of the Senate, the Speaker of the House of
12555 Representatives, and the Governor shall each appoint three
12556 members as follows:
12557 1. The President of the Senate shall appoint one member of

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12558 the Senate, one community representative from a community-based
12559 defense support organization, and one member who is a retired
12560 military general or flag-rank officer residing in this state or
12561 an executive officer of a defense contracting firm doing
12562 significant business in this state.
12563 2. The Speaker of the House of Representatives shall
12564 appoint one member of the House of Representatives, one
12565 community representative from a community-based defense support
12566 organization, and one member who is a retired military general
12567 or flag-rank officer residing in this state or an executive
12568 officer of a defense contracting firm doing significant business
12569 in this state.
12570 3. The Governor shall appoint the commissioner of Jobs
12571 Florida or the commissioner's designee, a board member of the
12572 Jobs Florida Partnership, Inc., ~~director or designee of the~~
12573 ~~Office of Tourism, Trade, and Economic Development, the vice~~
12574 ~~chairperson or designee of Enterprise Florida, Inc.,~~ and one at-
12575 large member.
12576 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12577 ~~Development~~ shall provide administrative support to the council.
12578 (f) The ~~Secretary of Community Affairs or his or her~~
12579 ~~designee, the~~ Secretary of Environmental Protection or his or
12580 her designee, the Secretary of Transportation or his or her
12581 designee, the Adjutant General of the state or his or her
12582 designee, and the executive director of the Department of
12583 Veterans' Affairs or his or her designee shall attend meetings
12584 held by the council and provide assistance, information, and
12585 support as requested by the council.
12586 Section 192. Subsection (5) and paragraph (b) of subsection

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12587 (8) of section 288.9913, Florida Statutes, are amended, and
12588 present subsections (6) through (10) of that section are
12589 renumbered as subsections (5) through (9), respectively, to
12590 read:
12591 288.9913 Definitions.—As used in ss. 288.991-288.9922, the
12592 term:
12593 ~~(5) "Office" means the Office of Tourism, Trade, and~~
12594 ~~Economic Development.~~
12595 (7)~~(8)~~ "Qualified community development entity" means an
12596 entity that:
12597 (b) Is the Jobs Florida Partnership ~~Enterprise Florida~~,
12598 Inc., or an entity created by the Jobs Florida Partnership
12599 ~~Enterprise Florida~~, Inc.
12600 Section 193. Subsections (1), (2), and (3), paragraphs (a)
12601 and (b) of subsection (4), and subsection (6) of section
12602 288.9914, Florida Statutes, are amended to read:
12603 288.9914 Certification of qualified investments; investment
12604 issuance reporting.—
12605 (1) ELIGIBLE INDUSTRIES.—
12606 (a) Jobs Florida ~~The office~~, in consultation with the Jobs
12607 Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall
12608 designate industries using the North American Industry
12609 Classification System which are eligible to receive low-income
12610 community investments. The designated industries must be those
12611 industries that have the greatest potential to create strong
12612 positive impacts on or benefits to the state, regional, and
12613 local economies.
12614 (b) A qualified community development entity may not make a
12615 qualified low-income community investment in a business unless

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12616 the principal activities of the business are within an eligible
12617 industry. Jobs Florida ~~the office~~ may waive this limitation if
12618 Jobs Florida ~~the office~~ determines that the investment will have
12619 a positive impact on a community.
12620 (2) APPLICATION.—A qualified community development entity
12621 must submit an application to Jobs Florida ~~the Office~~ to approve
12622 a proposed investment as a qualified investment. The application
12623 must include:
12624 (a) The name, address, and tax identification number of the
12625 qualified community development entity.
12626 (b) Proof of certification as a qualified community
12627 development entity under 26 U.S.C. s. 45D.
12628 (c) A copy of an allocation agreement executed by the
12629 entity, or its controlling entity, and the Community Development
12630 Financial Institutions Fund, which authorizes the entity to
12631 serve businesses in this state.
12632 (d) A verified statement by the chief executive officer of
12633 the entity that the allocation agreement remains in effect.
12634 (e) A description of the proposed amount, structure, and
12635 purchaser of an equity investment or long-term debt security.
12636 (f) The name and tax identification number of any person
12637 authorized to claim a tax credit earned as a result of the
12638 purchase of the proposed qualified investment.
12639 (g) A detailed explanation of the proposed use of the
12640 proceeds from a proposed qualified investment.
12641 (h) A nonrefundable application fee of $1,000, payable to
12642 Jobs Florida ~~the office~~.
12643 (i) A statement that the entity will invest only in the
12644 industries designated by Jobs Florida ~~the office~~.

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12645 (j) The entity's plans for the development of relationships
12646 with community-based organizations, local community development
12647 offices and organizations, and economic development
12648 organizations. The entity must also explain steps it has taken
12649 to implement its plans to develop these relationships.
12650 (k) A statement that the entity will not invest in a
12651 qualified active low-income community business unless the
12652 business will create or retain jobs that pay an average wage of
12653 at least 115 percent of the federal poverty income guidelines
12654 for a family of four.
12655 (3) REVIEW.—
12656 (a) Jobs Florida ~~The office~~ shall review applications to
12657 approve an investment as a qualified investment in the order
12658 received. Jobs Florida ~~The office~~ shall approve or deny an
12659 application within 30 days after receipt.
12660 (b) If Jobs Florida ~~the office~~ intends to deny the
12661 application, Jobs Florida ~~the office~~ shall inform the applicant
12662 of the basis of the proposed denial. The applicant shall have 15
12663 days after it receives the notice of the intent to deny the
12664 application to submit a revised application to Jobs Florida ~~the~~
12665 ~~office~~. Jobs Florida ~~the office~~ shall issue a final order
12666 approving or denying the revised application within 30 days
12667 after receipt.
12668 (c) Jobs Florida ~~The office~~ may not approve a cumulative
12669 amount of qualified investments that may result in the claim of
12670 more than $97.5 million in tax credits during the existence of
12671 the program or more than $20 million in tax credits in a single
12672 state fiscal year. However, the potential for a taxpayer to
12673 carry forward an unused tax credit may not be considered in

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12674 calculating the annual limit.
12675 (4) APPROVAL.—
12676 (a) Jobs Florida ~~The office~~ shall provide a copy of the
12677 final order approving an investment as a qualified investment to
12678 the qualified community development entity and to the
12679 department. The notice shall include the identity of the
12680 taxpayers who are eligible to claim the tax credits and the
12681 amount that may be claimed by each taxpayer.
12682 (b) Jobs Florida ~~The office~~ shall approve an application
12683 for part of the amount of the proposed investment if the amount
12684 of tax credits available is insufficient.
12685 (6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The
12686 qualified community development entity must provide Jobs Florida
12687 ~~the office~~ with evidence of the receipt of the cash in exchange
12688 for the qualified investment within 30 business days after
12689 receipt.
12690 Section 194. Subsection (2) of section 288.9916, Florida
12691 Statutes, is amended to read:
12692 288.9916 New markets tax credit.—
12693 (2) A tax credit earned under this section may not be sold
12694 or transferred, except as provided in this subsection.
12695 (a) A partner, member, or shareholder of a partnership,
12696 limited liability company, S-corporation, or other "pass-
12697 through" entity may claim the tax credit pursuant to an
12698 agreement among the partners, members, or shareholders. Any
12699 change in the allocation of a tax credit under the agreement
12700 must be reported to Jobs Florida ~~the office~~ and to the
12701 department.
12702 (b) Eligibility to claim a tax credit transfers to

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12703 subsequent purchasers of a qualified investment. Such transfers
12704 must be reported to Jobs Florida ~~the office~~ and to the
12705 department along with the identity, tax identification number,
12706 and tax credit amount allocated to a taxpayer pursuant to
12707 paragraph (a). The notice of transfer also must state whether
12708 unused tax credits are being transferred and the amount of
12709 unused tax credits being transferred.
12710 Section 195. Section 288.9917, Florida Statutes, is amended
12711 to read:
12712 288.9917 Community development entity reporting after a
12713 credit allowance date; certification of tax credit amount.—
12714 (1) A qualified community development entity that has
12715 issued a qualified investment shall submit the following to Jobs
12716 Florida ~~the office~~ within 30 days after each credit allowance
12717 date:
12718 (a) A list of all qualified active low-income community
12719 businesses in which a qualified low-income community investment
12720 was made since the last credit allowance date. The list shall
12721 also describe the type and amount of investment in each business
12722 and the address of the principal location of each business. The
12723 list must be verified by the chief executive officer of the
12724 community development entity.
12725 (b) Bank records, wire transfer records, or similar
12726 documents that provide evidence of the qualified low-income
12727 community investments made since the last credit allowance date.
12728 (c) A verified statement by the chief financial or
12729 accounting officer of the community development entity that no
12730 redemption or principal repayment was made with respect to the
12731 qualified investment since the previous credit allowance date.

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12732 (d) Information relating to the recapture of the federal
12733 new markets tax credit since the last credit allowance date.
12734 (2) Jobs Florida ~~The office~~ shall certify in writing to the
12735 qualified community development entity and to the department the
12736 amount of the tax credit authorized for each taxpayer eligible
12737 to claim the tax credit in the tax year containing the last
12738 credit allowance date.
12739 Section 196. Section 288.9918, Florida Statutes, is amended
12740 to read:
12741 288.9918 Annual reporting by a community development
12742 entity.—A community development entity that has issued a
12743 qualified investment shall submit an annual report to Jobs
12744 Florida ~~the office~~ by April 30 after the end of each year which
12745 includes a credit allowance date. The report shall include:
12746 (1) The entity's annual financial statements for the
12747 preceding tax year, audited by an independent certified public
12748 accountant.
12749 (2) The identity of the types of industries, identified by
12750 the North American Industry Classification System Code, in which
12751 qualified low-income community investments were made.
12752 (3) The names of the counties in which the qualified active
12753 low-income businesses are located which received qualified low-
12754 income community investments.
12755 (4) The number of jobs created and retained by qualified
12756 active low-income community businesses receiving qualified low-
12757 income community investments, including verification that the
12758 average wages paid meet or exceed 115 percent of the federal
12759 poverty income guidelines for a family of four.
12760 (5) A description of the relationships that the entity has

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12761 established with community-based organizations and local
12762 community development offices and organizations and a summary of
12763 the outcomes resulting from those relationships.
12764 (6) Other information and documentation required by Jobs
12765 Florida ~~the office~~ to verify continued certification as a
12766 qualified community development entity under 26 U.S.C. s. 45D.
12767 Section 197. Section 288.9919, Florida Statutes, is amended
12768 to read:
12769 288.9919 Audits and examinations; penalties.—
12770 (1) AUDITS.—A community development entity that issues an
12771 investment approved by Jobs Florida ~~the office~~ as a qualified
12772 investment shall be deemed a recipient of state financial
12773 assistance under s. 215.97, the Florida Single Audit Act.
12774 However, an entity that makes a qualified investment or receives
12775 a qualified low-income community investment is not a
12776 subrecipient for the purposes of s. 215.97.
12777 (2) EXAMINATIONS.—Jobs Florida ~~the office~~ may conduct
12778 examinations to verify compliance with the New Markets
12779 Development Program Act.
12780 Section 198. Section 288.9920, Florida Statutes, is amended
12781 to read:
12782 288.9920 Recapture and penalties.—
12783 (1) Notwithstanding s. 95.091, Jobs Florida ~~the office~~
12784 shall direct the department, at any time before December 31,
12785 2022, to recapture all or a portion of a tax credit authorized
12786 pursuant to the New Markets Development Program Act if one or
12787 more of the following occur:
12788 (a) The Federal Government recaptures any portion of the
12789 federal new markets tax credit. The recapture by the department

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12790 shall equal the recapture by the Federal Government.
12791 (b) The qualified community development entity redeems or
12792 makes a principal repayment on a qualified investment before the
12793 final allowance date. The recapture by the department shall
12794 equal the redemption or principal repayment divided by the
12795 purchase price and multiplied by the tax credit authorized to a
12796 taxpayer for the qualified investment.
12797 (c)1. The qualified community development entity fails to
12798 invest at least 85 percent of the purchase price in qualified
12799 low-income community investments within 12 months after the
12800 issuance of a qualified investment; or
12801 2. The qualified community development entity fails to
12802 maintain 85 percent of the purchase price in qualified low-
12803 income community investments until the last credit allowance
12804 date for a qualified investment.
12805
12806 For the purposes of this paragraph, an investment by a qualified
12807 community development entity includes principal recovered from
12808 an investment for 12 months after its recovery or principal
12809 recovered after the sixth credit allowance date. Principal held
12810 for longer than 12 months or recovered before the sixth credit
12811 allowance date is not an investment unless it is reinvested in a
12812 qualified low-income community investment.
12813 (d) The qualified community development entity fails to
12814 provide Jobs Florida ~~the office~~ with information, reports, or
12815 documentation required by the New Markets Development Program
12816 Act.
12817 (e) Jobs Florida ~~The office~~ determines that a taxpayer
12818 received tax credits to which the taxpayer was not entitled.

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12819 (2) Jobs Florida ~~The office~~ shall provide notice to the
12820 qualified community development entity and the department of a
12821 proposed recapture of a tax credit. The entity shall have 6
12822 months following the receipt of the notice to cure a deficiency
12823 identified in the notice and avoid recapture. Jobs Florida ~~the~~
12824 ~~office~~ shall issue a final order of recapture if the entity
12825 fails to cure a deficiency within the 6-month period. The final
12826 order of recapture shall be provided to the entity, the
12827 department, and a taxpayer otherwise authorized to claim the tax
12828 credit. Only one correction is permitted for each qualified
12829 equity investment during the 7-year credit period. Recaptured
12830 funds shall be deposited into the General Revenue Fund.
12831 (3) An entity that submits fraudulent information to Jobs
12832 Florida ~~the office~~ is liable for the costs associated with the
12833 investigation and prosecution of the fraudulent claim plus a
12834 penalty in an amount equal to double the tax credits claimed by
12835 investors in the entity's qualified investments. This penalty is
12836 in addition to any other penalty that may be imposed by law.
12837 Section 199. Section 288.9921, Florida Statutes, is amended
12838 to read:
12839 288.9921 Rulemaking.—Jobs Florida ~~the Office~~ and the
12840 Department of Revenue may adopt rules pursuant to ss. 120.536(1)
12841 and 120.54 to administer ss. 288.991-288.9920.
12842 Section 200. Subsection (5) of section 290.004, Florida
12843 Statutes, is amended, and present subsections (6) and (7) of
12844 that subsection are renumbered as subsections (5) and (6),
12845 respectively, to read:
12846 290.004 Definitions relating to Florida Enterprise Zone
12847 Act.—As used in ss. 290.001-290.016:

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12848 ~~(5) "Office" means The Office of Tourism, Trade, and~~
12849 ~~Economic Development.~~
12850 Section 201. Subsection (1) and paragraphs (a) and (b) of
12851 subsection (6) of section 290.0055, Florida Statutes, are
12852 amended to read:
12853 290.0055 Local nominating procedure.—
12854 (1) If, pursuant to s. 290.0065, an opportunity exists for
12855 designation of a new enterprise zone, any county or
12856 municipality, or a county and one or more municipalities
12857 together, may apply to Jobs Florida ~~the office~~ for the
12858 designation of an area as an enterprise zone after completion of
12859 the following:
12860 (a) The adoption by the governing body or bodies of a
12861 resolution which:
12862 1. Finds that an area exists in such county or
12863 municipality, or in both the county and one or more
12864 municipalities, which chronically exhibits extreme and
12865 unacceptable levels of poverty, unemployment, physical
12866 deterioration, and economic disinvestment;
12867 2. Determines that the rehabilitation, conservation, or
12868 redevelopment, or a combination thereof, of such area is
12869 necessary in the interest of the public health, safety, and
12870 welfare of the residents of such county or municipality, or such
12871 county and one or more municipalities; and
12872 3. Determines that the revitalization of such area can
12873 occur only if the private sector can be induced to invest its
12874 own resources in productive enterprises that build or rebuild
12875 the economic viability of the area.
12876 (b) The creation of an enterprise zone development agency

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12877 pursuant to s. 290.0056.
12878 (c) The creation and adoption of a strategic plan pursuant
12879 to s. 290.0057.
12880 (6)(a) Jobs Florida ~~The office~~ may approve a change in the
12881 boundary of any enterprise zone which was designated pursuant to
12882 s. 290.0065. A boundary change must continue to satisfy the
12883 requirements of subsections (3), (4), and (5).
12884 (b) Upon a recommendation by the enterprise zone
12885 development agency, the governing body of the jurisdiction which
12886 authorized the application for an enterprise zone may apply to
12887 Jobs Florida ~~the Office~~ for a change in boundary once every 3
12888 years by adopting a resolution that:
12889 1. States with particularity the reasons for the change;
12890 and
12891 2. Describes specifically and, to the extent required by
12892 Jobs Florida ~~the office~~, the boundary change to be made.
12893 Section 202. Subsections (11) and (12) of section 290.0056,
12894 Florida Statutes, are amended to read:
12895 290.0056 Enterprise zone development agency.—
12896 (11) Prior to December 1 of each year, the agency shall
12897 submit to Jobs Florida ~~the Office of Tourism, Trade, and~~
12898 ~~Economic Development~~ a complete and detailed written report
12899 setting forth:
12900 (a) Its operations and accomplishments during the fiscal
12901 year.
12902 (b) The accomplishments and progress concerning the
12903 implementation of the strategic plan or measurable goals, and
12904 any updates to the strategic plan or measurable goals.
12905 (c) The number and type of businesses assisted by the

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12906 agency during the fiscal year.
12907 (d) The number of jobs created within the enterprise zone
12908 during the fiscal year.
12909 (e) The usage and revenue impact of state and local
12910 incentives granted during the calendar year.
12911 (f) Any other information required by Jobs Florida ~~the~~
12912 ~~office~~.
12913 (12) In the event that the nominated area selected by the
12914 governing body is not designated a state enterprise zone, the
12915 governing body may dissolve the agency after receiving
12916 notification from Jobs Florida ~~the office~~ that the area was not
12917 designated as an enterprise zone.
12918 Section 203. Subsections (2) and (4), paragraph (a) of
12919 subsection (6), and subsection (7) of section 290.0065, Florida
12920 Statutes, are amended to read:
12921 290.0065 State designation of enterprise zones.—
12922 (2) If, pursuant to subsection (4), Jobs Florida ~~the office~~
12923 does not redesignate an enterprise zone, a governing body of a
12924 county or municipality or the governing bodies of a county and
12925 one or more municipalities jointly, pursuant to s. 290.0055, may
12926 apply for designation of an enterprise zone to take the place of
12927 the enterprise zone not redesignated and request designation of
12928 an enterprise zone. Jobs Florida ~~the Office, in consultation~~
12929 ~~with Enterprise Florida, Inc.,~~ shall determine which areas
12930 nominated by such governing bodies meet the criteria outlined in
12931 s. 290.0055 and are the most appropriate for designation as
12932 state enterprise zones. Each application made pursuant to s.
12933 290.0055 shall be ranked competitively based on the pervasive
12934 poverty, unemployment, and general distress of the area; the

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12935 strategic plan, including local fiscal and regulatory
12936 incentives, prepared pursuant to s. 290.0057; and the prospects
12937 for new investment and economic development in the area.
12938 Pervasive poverty, unemployment, and general distress shall be
12939 weighted 35 percent; strategic plan and local fiscal and
12940 regulatory incentives shall be weighted 40 percent; and
12941 prospects for new investment and economic development in the
12942 area shall be weighted 25 percent.
12943 (4)(a) Notwithstanding s. 290.0055, Jobs Florida ~~the office~~
12944 may redesignate any state enterprise zone having an effective
12945 date on or before January 1, 2005, as a state enterprise zone
12946 upon completion and submittal to the office by the governing
12947 body for an enterprise zone of the following:
12948 1. An updated zone profile for the enterprise zone based on
12949 the most recent census data that complies with s. 290.0055,
12950 except that pervasive poverty criteria may be set aside for
12951 rural enterprise zones.
12952 2. A resolution passed by the governing body for that
12953 enterprise zone requesting redesignation and explaining the
12954 reasons the conditions of the zone merit redesignation.
12955 3. Measurable goals for the enterprise zone developed by
12956 the enterprise zone development agency, which may be the goals
12957 established in the enterprise zone's strategic plan.
12958
12959 The governing body may also submit a request for a boundary
12960 change in an enterprise zone in the same application to Jobs
12961 Florida ~~the office~~ as long as the new area complies with the
12962 requirements of s. 290.0055, except that pervasive poverty
12963 criteria may be set aside for rural enterprise zones.

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12964 (b) Jobs Florida ~~In consultation with Enterprise Florida,~~
12965 ~~Inc., the office~~ shall, based on the enterprise zone profile and
12966 the grounds for redesignation expressed in the resolution,
12967 determine whether the enterprise zone merits redesignation. Jobs
12968 Florida ~~the office~~ may also examine and consider the following:
12969 1. Progress made, if any, in the enterprise zone's
12970 strategic plan.
12971 2. Use of enterprise zone incentives during the life of the
12972 enterprise zone.
12973
12974 If Jobs Florida ~~the office~~ determines that the enterprise zone
12975 merits redesignation, Jobs Florida ~~the office~~ shall notify the
12976 governing body in writing of its approval of redesignation.
12977 (c) If the enterprise zone is redesignated, Jobs Florida
12978 ~~the office~~ shall determine if the measurable goals submitted are
12979 reasonable. If Jobs Florida ~~the office~~ determines that the goals
12980 are reasonable, it ~~the office~~ shall notify the governing body in
12981 writing that the goals have been approved.
12982 (d) If Jobs Florida ~~the office~~ denies redesignation of an
12983 enterprise zone, it ~~the Office~~ shall notify the governing body
12984 in writing of the denial. Any county or municipality having
12985 jurisdiction over an area denied redesignation as a state
12986 enterprise zone pursuant to this subsection may not apply for
12987 designation of that area for 1 year following the date of
12988 denial.
12989 (6)(a) Jobs Florida ~~the office, in consultation with~~
12990 ~~Enterprise Florida, Inc.,~~ may develop guidelines necessary for
12991 the approval of areas under this section by the director.
12992 (7) Upon approval by Jobs Florida ~~the director~~ of a

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12993 resolution authorizing an area to be an enterprise zone pursuant
12994 to this section, Jobs Florida ~~the office~~ shall assign a unique
12995 identifying number to that resolution. Jobs Florida ~~the office~~
12996 shall provide the Department of Revenue and Enterprise Florida,
12997 Inc., with a copy of each resolution approved, together with its
12998 identifying number.
12999 Section 204. Subsection (1) of section 290.0066, Florida
13000 Statutes, is amended to read:
13001 290.0066 Revocation of enterprise zone designation.—
13002 (1) Jobs Florida ~~The director~~ may revoke the designation of
13003 an enterprise zone if Jobs Florida ~~the director~~ determines that
13004 the governing body or bodies:
13005 (a) Have failed to make progress in achieving the
13006 benchmarks set forth in the strategic plan or measurable goals;
13007 or
13008 (b) Have not complied substantially with the strategic plan
13009 or measurable goals.
13010 Section 205. Section 290.00710, Florida Statutes, is
13011 amended to read:
13012 290.00710 Enterprise zone designation for the City of
13013 Lakeland.—The City of Lakeland may apply to Jobs Florida ~~the~~
13014 ~~Office of Tourism, Trade, and Economic Development~~ for
13015 designation of one enterprise zone for an area within the City
13016 of Lakeland, which zone shall encompass an area up to 10 square
13017 miles. ~~The application must be submitted by December 31, 2005,~~
13018 ~~and must comply with the requirements of s. 290.0055.~~
13019 Notwithstanding s. 290.0065, limiting the total number of
13020 enterprise zones designated and the number of enterprise zones
13021 within a population category, Jobs Florida ~~the Office of~~

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13022 ~~Tourism, Trade, and Economic Development~~ may designate one
13023 enterprise zone under this section. Jobs Florida ~~The Office of~~
13024 ~~Tourism, Trade, and Economic Development~~ shall establish the
13025 initial effective date of the enterprise zone designated
13026 pursuant to this section.
13027 Section 206. Section 290.0072, Florida Statutes, is amended
13028 to read:
13029 290.0072 Enterprise zone designation for the City of Winter
13030 Haven.—The City of Winter Haven may apply to Jobs Florida ~~the~~
13031 ~~Office of Tourism, Trade, and Economic Development~~ for
13032 designation of one enterprise zone for an area within the City
13033 of Winter Haven, which zone shall encompass an area up to 5
13034 square miles. Notwithstanding s. 290.0065 limiting the total
13035 number of enterprise zones designated and the number of
13036 enterprise zones within a population category, Jobs Florida ~~the~~
13037 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13038 one enterprise zone under this section. Jobs Florida ~~The Office~~
13039 ~~of Tourism, Trade, and Economic Development~~ shall establish the
13040 initial effective date of the enterprise zone designated
13041 pursuant to this section.
13042 Section 207. Section 290.00725, Florida Statutes, is
13043 amended to read:
13044 290.00725 Enterprise zone designation for the City of
13045 Ocala.—The City of Ocala may apply to Jobs Florida ~~the Office of~~
13046 ~~Tourism, Trade, and Economic Development~~ for designation of one
13047 enterprise zone for an area within the western portion of the
13048 city, which zone shall encompass an area up to 5 square miles.
13049 ~~The application must be submitted by December 31, 2009, and must~~
13050 ~~comply with the requirements of s. 290.0055.~~ Notwithstanding s.

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13051 290.0065 limiting the total number of enterprise zones
13052 designated and the number of enterprise zones within a
13053 population category, Jobs Florida ~~the Office of Tourism, Trade,~~
13054 ~~and Economic Development~~ may designate one enterprise zone under
13055 this section. Jobs Florida ~~The Office of Tourism, Trade, and~~
13056 ~~Economic Development~~ shall establish the initial effective date
13057 of the enterprise zone designated under this section.
13058 Section 208. Section 290.0073, Florida Statutes, is amended
13059 to read:
13060 290.0073 Enterprise zone designation for Indian River
13061 County, the City of Vero Beach, and the City of Sebastian.—
13062 Indian River County, the City of Vero Beach, and the City of
13063 Sebastian may jointly apply to Jobs Florida ~~the Office of~~
13064 ~~Tourism, Trade, and Economic Development~~ for designation of one
13065 enterprise zone encompassing an area not to exceed 10 square
13066 miles. ~~The application must be submitted by December 31, 2005,~~
13067 ~~and must comply with the requirements of s. 290.0055.~~
13068 Notwithstanding the provisions of s. 290.0065 limiting the total
13069 number of enterprise zones designated and the number of
13070 enterprise zones within a population category, Jobs Florida ~~the~~
13071 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13072 one enterprise zone under this section. Jobs Florida ~~The Office~~
13073 ~~of Tourism, Trade, and Economic Development~~ shall establish the
13074 initial effective date of the enterprise zone designated
13075 pursuant to this section.
13076 Section 209. Section 290.0074, Florida Statutes, is amended
13077 to read:
13078 290.0074 Enterprise zone designation for Sumter County.—
13079 Sumter County may apply to Jobs Florida ~~the Office of Tourism,~~

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13080 ~~Trade, and Economic Development~~ for designation of one
13081 enterprise zone encompassing an area not to exceed 10 square
13082 miles. The application must be submitted by December 31, 2005.
13083 Notwithstanding the provisions of s. 290.0065 limiting the total
13084 number of enterprise zones designated and the number of
13085 enterprise zones within a population category, Jobs Florida ~~the~~
13086 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13087 one enterprise zone under this section. Jobs Florida ~~The Office~~
13088 ~~of Tourism, Trade and Economic Development~~ shall establish the
13089 initial effective date of the enterprise zone designated
13090 pursuant to this section.
13091 Section 210. Section 290.0077, Florida Statutes, is amended
13092 to read:
13093 290.0077 Enterprise zone designation for Orange County and
13094 the municipality of Apopka.—Orange County and the municipality
13095 of Apopka may jointly apply to Jobs Florida ~~the Office of~~
13096 ~~Tourism, Trade, and Economic Development~~ for designation of one
13097 enterprise zone. ~~The application must be submitted by December~~
13098 ~~31, 2005, and must comply with the requirements of s. 290.0055.~~
13099 Notwithstanding the provisions of s. 290.0065 limiting the total
13100 number of enterprise zones designated and the number of
13101 enterprise zones within a population category, Jobs Florida ~~the~~
13102 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13103 one enterprise zone under this section. Jobs Florida ~~The Office~~
13104 ~~of Tourism, Trade, and Economic Development~~ shall establish the
13105 initial effective date of the enterprise zone designated
13106 pursuant to this section.
13107 Section 211. Section 290.014, Florida Statutes, is amended
13108 to read:

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13109 290.014 Annual reports on enterprise zones.—
13110 (1) By February 1 of each year, the Department of Revenue
13111 shall submit an annual report to Jobs Florida ~~the Office of~~
13112 ~~Tourism, Trade, and Economic Development~~ detailing the usage and
13113 revenue impact by county of the state incentives listed in s.
13114 290.007.
13115 (2) By March 1 of each year, Jobs Florida ~~the office~~ shall
13116 submit an annual report to the Governor, the Speaker of the
13117 House of Representatives, and the President of the Senate. The
13118 report shall include the information provided by the Department
13119 of Revenue pursuant to subsection (1) and the information
13120 provided by enterprise zone development agencies pursuant to s.
13121 290.0056. In addition, the report shall include an analysis of
13122 the activities and accomplishments of each enterprise zone.
13123 Section 212. Subsections (3), (5), (8), (9), (10), and (11)
13124 of section 311.09, Florida Statutes, are amended to read:
13125 311.09 Florida Seaport Transportation and Economic
13126 Development Council.—
13127 (3) The council shall prepare a 5-year Florida Seaport
13128 Mission Plan defining the goals and objectives of the council
13129 concerning the development of port facilities and an intermodal
13130 transportation system consistent with the goals of the Florida
13131 Transportation Plan developed pursuant to s. 339.155. The
13132 Florida Seaport Mission Plan shall include specific
13133 recommendations for the construction of transportation
13134 facilities connecting any port to another transportation mode
13135 and for the efficient, cost-effective development of
13136 transportation facilities or port facilities for the purpose of
13137 enhancing international trade, promoting cargo flow, increasing

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13138 cruise passenger movements, increasing port revenues, and
13139 providing economic benefits to the state. The council shall
13140 update the 5-year Florida Seaport Mission Plan annually and
13141 shall submit the plan no later than February 1 of each year to
13142 the President of the Senate, ~~;~~ the Speaker of the House of
13143 Representatives, ~~;~~ Jobs Florida, and ~~the Office of Tourism,~~
13144 ~~Trade, and Economic Development;~~ the Department of
13145 Transportation ~~; and the Department of Community Affairs~~. The
13146 council shall develop programs, based on an examination of
13147 existing programs in Florida and other states, for the training
13148 of minorities and secondary school students in job skills
13149 associated with employment opportunities in the maritime
13150 industry, and report on progress and recommendations for further
13151 action to the President of the Senate and the Speaker of the
13152 House of Representatives annually.
13153 (5) The council shall review and approve or disapprove each
13154 project eligible to be funded pursuant to the Florida Seaport
13155 Transportation and Economic Development Program. The council
13156 shall annually submit to the Secretary of Transportation and ~~;~~
13157 the commissioner of Jobs Florida, or his or her designee,
13158 ~~director of the Office of Tourism, Trade, and Economic~~
13159 ~~Development; and the Secretary of Community Affairs~~ a list of
13160 projects which have been approved by the council. The list shall
13161 specify the recommended funding level for each project; and, if
13162 staged implementation of the project is appropriate, the funding
13163 requirements for each stage shall be specified.
13164 (8) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
13165 ~~Development, in consultation with Enterprise Florida, Inc.,~~
13166 shall review the list of projects approved by the council to

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13167 evaluate the economic benefit of the project and to determine
13168 whether the project is consistent with the Florida Seaport
13169 Mission Plan. Jobs Florida ~~The Office of Tourism, Trade, and~~
13170 ~~Economic Development~~ shall review the economic benefits of each
13171 project based upon the rules adopted pursuant to subsection (4).
13172 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
13173 ~~Development~~ shall identify those projects which it has
13174 determined do not offer an economic benefit to the state or are
13175 not consistent with the Florida Seaport Mission Plan and shall
13176 notify the council of its findings.
13177 (9) The council shall review the findings of Jobs Florida
13178 ~~the Department of Community Affairs; the Office of Tourism,~~
13179 ~~Trade, and Economic Development;~~ and the Department of
13180 Transportation. Projects found to be inconsistent pursuant to
13181 subsections (6), (7), and (8) and projects which have been
13182 determined not to offer an economic benefit to the state
13183 pursuant to subsection (8) shall not be included in the list of
13184 projects to be funded.
13185 (10) The Department of Transportation shall include in its
13186 annual legislative budget request a Florida Seaport
13187 Transportation and Economic Development grant program for
13188 expenditure of funds of not less than $8 million per year. Such
13189 budget shall include funding for projects approved by the
13190 council which have been determined by each agency to be
13191 consistent and which have been determined by Jobs Florida ~~the~~
13192 ~~Office of Tourism, Trade, and Economic Development~~ to be
13193 economically beneficial. The department shall include the
13194 specific approved seaport projects to be funded under this
13195 section during the ensuing fiscal year in the tentative work

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13196 program developed pursuant to s. 339.135(4). The total amount of
13197 funding to be allocated to seaport projects under s. 311.07
13198 during the successive 4 fiscal years shall also be included in
13199 the tentative work program developed pursuant to s. 339.135(4).
13200 The council may submit to the department a list of approved
13201 projects that could be made production-ready within the next 2
13202 years. The list shall be submitted by the department as part of
13203 the needs and project list prepared pursuant to s.
13204 339.135(2)(b). However, the department shall, upon written
13205 request of the Florida Seaport Transportation and Economic
13206 Development Council, submit work program amendments pursuant to
13207 s. 339.135(7) to the Governor within 10 days after the later of
13208 the date the request is received by the department or the
13209 effective date of the amendment, termination, or closure of the
13210 applicable funding agreement between the department and the
13211 affected seaport, as required to release the funds from the
13212 existing commitment. Notwithstanding s. 339.135(7)(c), any work
13213 program amendment to transfer prior year funds from one approved
13214 seaport project to another seaport project is subject to the
13215 procedures in s. 339.135(7)(d). Notwithstanding any provision of
13216 law to the contrary, the department may transfer unexpended
13217 budget between the seaport projects as identified in the
13218 approved work program amendments.
13219 (11) The council shall meet at the call of its chairperson,
13220 at the request of a majority of its membership, or at such times
13221 as may be prescribed in its bylaws. However, the council must
13222 meet at least semiannually. A majority of voting members of the
13223 council constitutes a quorum for the purpose of transacting the
13224 business of the council. All members of the council are voting

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13225 members. A vote of the majority of the voting members present is
13226 sufficient for any action of the council, except that a member
13227 representing the Department of Transportation~~, the Department of~~
13228 ~~Community Affairs,~~ or Jobs Florida ~~the Office of Tourism, Trade,~~
13229 ~~and Economic Development~~ may vote to overrule any action of the
13230 council approving a project pursuant to subsection (5). The
13231 bylaws of the council may require a greater vote for a
13232 particular action.
13233 Section 213. Section 311.11, Florida Statutes, is amended
13234 to read:
13235 311.11 Seaport Employment Training Grant Program.—
13236 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
13237 ~~Development~~, in cooperation with the Florida Seaport
13238 Transportation and Economic Development Council, shall establish
13239 a Seaport Employment Training Grant Program within Jobs Florida
13240 ~~the Office~~. Jobs Florida ~~the office~~ shall grant funds
13241 appropriated by the Legislature to the program for the purpose
13242 of stimulating and supporting seaport training and employment
13243 programs which will seek to match state and local training
13244 programs with identified job skills associated with employment
13245 opportunities in the port, maritime, and transportation
13246 industries, and for the purpose of providing such other
13247 training, educational, and information services as required to
13248 stimulate jobs in the described industries. Funds may be used
13249 for the purchase of equipment to be used for training purposes,
13250 hiring instructors, and any other purpose associated with the
13251 training program. The ~~office's~~ contribution of Jobs Florida to
13252 any specific training program may not exceed 50 percent of the
13253 total cost of the program. Matching contributions may include

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13254 services in kind, including, but not limited to, training
13255 instructors, equipment usage, and training facilities.
13256 (2) Jobs Florida ~~The Office~~ shall adopt criteria to
13257 implement this section.
13258 Section 214. Paragraphs (i) and (l) of subsection (1) of
13259 section 311.115, Florida Statutes, are amended to read:
13260 311.115 Seaport Security Standards Advisory Council.—The
13261 Seaport Security Standards Advisory Council is created under the
13262 Office of Drug Control. The council shall serve as an advisory
13263 council as provided in s. 20.03(7).
13264 (1) The members of the council shall be appointed by the
13265 Governor and consist of the following:
13266 (i) One representative of Jobs Florida ~~member from the~~
13267 ~~Office of Tourism, Trade, and Economic Development~~.
13268 (l) The Director of the Office ~~Division~~ of Emergency
13269 Management, or his or her designee.
13270 Section 215. Subsection (2) of section 311.22, Florida
13271 Statutes, is amended to read:
13272 311.22 Additional authorization for funding certain
13273 dredging projects.—
13274 (2) The council shall adopt rules for evaluating the
13275 projects that may be funded pursuant to this section. The rules
13276 must provide criteria for evaluating the economic benefit of the
13277 project. The rules must include the creation of an
13278 administrative review process by the council which is similar to
13279 the process described in s. 311.09(5)-(12), and provide for a
13280 review by ~~the Department of Community Affairs,~~ the Department of
13281 Transportation~~,~~ and Jobs Florida ~~the Office of Tourism, Trade,~~
13282 ~~and Economic Development~~ of all projects submitted for funding

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13283 under this section.
13284 Section 216. Paragraph (a) of subsection (6), paragraph (b)
13285 of subsection (9), subsection (60), and paragraph (b) of
13286 subsection (65) of section 320.08058, Florida Statutes, are
13287 amended to read:
13288 320.08058 Specialty license plates.—
13289 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE
13290 PLATES.—
13291 (a) Because the United States Olympic Committee has
13292 selected this state to participate in a combined fundraising
13293 program that provides for one-half of all money raised through
13294 volunteer giving to stay in this state and be administered by
13295 the Jobs Florida Partnership, Inc., ~~direct-support organization~~
13296 ~~established under s. 288.1229~~ to support amateur sports, and
13297 because the United States Olympic Committee and the Jobs Florida
13298 Partnership, Inc., ~~direct-support organization~~ are nonprofit
13299 organizations dedicated to providing athletes with support and
13300 training and preparing athletes of all ages and skill levels for
13301 sports competition, and because the Jobs Florida Partnership,
13302 Inc., ~~direct-support organization~~ assists in the bidding for
13303 sports competitions that provide significant impact to the
13304 economy of this state, and the Legislature supports the efforts
13305 of the United States Olympic Committee and the Jobs Florida
13306 Partnership, Inc. ~~direct-support organization~~, the Legislature
13307 establishes a Florida United States Olympic Committee license
13308 plate for the purpose of providing a continuous funding source
13309 to support this worthwhile effort. Florida United States Olympic
13310 Committee license plates must contain the official United States
13311 Olympic Committee logo and must bear a design and colors that

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13312 are approved by the department. The word “Florida” must be
13313 centered at the top of the plate.
13314 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—
13315 (b) The license plate annual use fees are to be annually
13316 distributed as follows:
13317 1. Fifty-five percent of the proceeds from the Florida
13318 Professional Sports Team plate must be deposited into the
13319 Professional Sports Development Trust Fund within Jobs Florida
13320 ~~the Office of Tourism, Trade, and Economic Development~~. These
13321 funds must be used solely to attract and support major sports
13322 events in this state. As used in this subparagraph, the term
13323 “major sports events” means, but is not limited to, championship
13324 or all-star contests of Major League Baseball, the National
13325 Basketball Association, the National Football League, the
13326 National Hockey League, the men’s and women’s National
13327 Collegiate Athletic Association Final Four basketball
13328 championship, or a horseracing or dogracing Breeders’ Cup. All
13329 funds must be used to support and promote major sporting events,
13330 and the uses must be approved by the Florida Sports Foundation.
13331 2. The remaining proceeds of the Florida Professional
13332 Sports Team license plate must be allocated to the Jobs Florida
13333 Partnership, Inc ~~Florida Sports Foundation, a direct-support~~
13334 ~~organization of the Office of Tourism, Trade, and Economic~~
13335 ~~Development~~. These funds must be deposited into the Professional
13336 Sports Development Trust Fund within Jobs Florida ~~the Office of~~
13337 ~~Tourism, Trade, and Economic Development~~. These funds must be
13338 used by the Jobs Florida Partnership, Inc., ~~Florida Sports~~
13339 ~~Foundation~~ to promote the economic development of the sports
13340 industry; to distribute licensing and royalty fees to

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13341 participating professional sports teams; to promote education
13342 programs in Florida schools that provide an awareness of the
13343 benefits of physical activity and nutrition standards; to
13344 partner with the Department of Education and the Department of
13345 Health to develop a program that recognizes schools whose
13346 students demonstrate excellent physical fitness or fitness
13347 improvement; to institute a grant program for communities
13348 bidding on minor sporting events that create an economic impact
13349 for the state; to distribute funds to Florida-based charities
13350 designated by the Jobs Florida Partnership, Inc., ~~Florida Sports~~
13351 ~~Foundation~~ and the participating professional sports teams; and
13352 to fulfill the sports promotion responsibilities of Jobs Florida
13353 ~~the Office of Tourism, Trade, and Economic Development~~.
13354 3. The Jobs Florida Partnership, Inc., ~~Florida Sports~~
13355 ~~Foundation~~ shall provide an annual financial audit in accordance
13356 with s. 215.981 of its financial accounts and records by an
13357 independent certified public accountant pursuant to the contract
13358 established by Jobs Florida ~~the Office of Tourism, Trade, and~~
13359 ~~Economic Development as specified in s. 288.1229(5)~~. The auditor
13360 shall submit the audit report to Jobs Florida ~~the Office of~~
13361 ~~Tourism, Trade, and Economic Development~~ for review and
13362 approval. If the audit report is approved, Jobs Florida ~~the~~
13363 ~~office~~ shall certify the audit report to the Auditor General for
13364 review.
13365 4. Notwithstanding the provisions of subparagraphs 1. and
13366 2., proceeds from the Professional Sports Development Trust Fund
13367 may also be used for operational expenses of the Jobs Florida
13368 Partnership, Inc., ~~Florida Sports Foundation~~ and financial
13369 support of the Sunshine State Games.

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13370 (60) FLORIDA NASCAR LICENSE PLATES.—
13371 (a) The department shall develop a Florida NASCAR license
13372 plate as provided in this section. Florida NASCAR license plates
13373 must bear the colors and design approved by the department. The
13374 word "Florida" must appear at the top of the plate, and the term
13375 "NASCAR" must appear at the bottom of the plate. The National
13376 Association for Stock Car Auto Racing, following consultation
13377 with the Jobs Florida Partnership, Inc. ~~Florida Sports~~
13378 ~~Foundation~~, may submit a sample plate for consideration by the
13379 department.
13380 (b) The license plate annual use fees shall be distributed
13381 to the Jobs Florida Partnership, Inc. ~~Florida Sports Foundation,~~
13382 ~~a direct-support organization of the Office of Tourism, Trade,~~
13383 ~~and Economic Development.~~ The license plate annual use fees
13384 shall be annually allocated as follows:
13385 1. Up to 5 percent of the proceeds from the annual use fees
13386 may be used by the Jobs Florida Partnership, Inc., ~~Florida~~
13387 ~~Sports Foundation~~ for the administration of the NASCAR license
13388 plate program.
13389 2. The National Association for Stock Car Auto Racing shall
13390 receive up to $60,000 in proceeds from the annual use fees to be
13391 used to pay startup costs, including costs incurred in
13392 developing and issuing the plates. Thereafter, 10 percent of the
13393 proceeds from the annual use fees shall be provided to the
13394 association for the royalty rights for the use of its marks.
13395 3. The remaining proceeds from the annual use fees shall be
13396 distributed to the Jobs Florida Partnership, Inc ~~Florida Sports~~
13397 ~~Foundation~~. The Jobs Florida Partnership, Inc., ~~Florida Sports~~
13398 ~~Foundation~~ will retain 15 percent to support its regional grant

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13399 program, attracting sporting events to Florida; 20 percent to
13400 support the marketing of motorsports-related tourism in the
13401 state; and 50 percent to be paid to the NASCAR Foundation, a s.
13402 501(c)(3) charitable organization, to support Florida-based
13403 charitable organizations.
13404 (c) The Jobs Florida Partnership, Inc., ~~Florida Sports~~
13405 ~~Foundation~~ shall provide an annual financial audit in accordance
13406 with s. 215.981 of its financial accounts and records by an
13407 independent certified public accountant pursuant to the contract
13408 established by Jobs Florida ~~the Office of Tourism, Trade, and~~
13409 ~~Economic Development as specified in s. 288.1229(5)~~. The auditor
13410 shall submit the audit report to Jobs Florida ~~the Office of~~
13411 ~~Tourism, Trade, and Economic Development~~ for review and
13412 approval. If the audit report is approved, Jobs Florida ~~the~~
13413 ~~office~~ shall certify the audit report to the Auditor General for
13414 review.
13415 (65) FLORIDA TENNIS LICENSE PLATES.—
13416 (b) The department shall distribute the annual use fees to
13417 the Jobs Florida Partnership, Inc ~~Florida Sports Foundation, a~~
13418 ~~direct-support organization of the Office of Tourism, Trade, and~~
13419 ~~Economic Development~~. The license plate annual use fees shall be
13420 annually allocated as follows:
13421 1. Up to 5 percent of the proceeds from the annual use fees
13422 may be used by the Jobs Florida Partnership, Inc., ~~Florida~~
13423 ~~Sports Foundation~~ to administer the license plate program.
13424 2. The United States Tennis Association Florida Section
13425 Foundation shall receive the first $60,000 in proceeds from the
13426 annual use fees to reimburse it for startup costs,
13427 administrative costs, and other costs it incurs in the

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13428 development and approval process.
13429 3. Up to 5 percent of the proceeds from the annual use fees
13430 may be used for promoting and marketing the license plates. The
13431 remaining proceeds shall be available for grants by the United
13432 States Tennis Association Florida Section Foundation to
13433 nonprofit organizations to operate youth tennis programs and
13434 adaptive tennis programs for special populations of all ages,
13435 and for building, renovating, and maintaining public tennis
13436 courts.
13437 Section 217. Section 331.302, Florida Statutes, is amended
13438 to read:
13439 331.302 Space Florida; creation; purpose.—
13440 (1) There is established, formed, and created Space
13441 Florida, which is created as an independent special district, ~~a~~
13442 ~~body politic and corporate, and a subdivision of the state,~~ to
13443 foster the growth and development of a sustainable and world-
13444 leading aerospace industry in this state. Space Florida shall
13445 promote aerospace business development by facilitating business
13446 financing, spaceport operations, research and development,
13447 workforce development, and innovative education programs. Space
13448 Florida has all the powers, rights, privileges, and authority as
13449 provided in this chapter ~~under the laws of this state~~.
13450 (2) In carrying out its duties and responsibilities, Space
13451 Florida shall advise, coordinate, cooperate, and, when
13452 necessary, enter into memoranda of agreement with
13453 municipalities, counties, regional authorities, state agencies
13454 and organizations, appropriate federal agencies and
13455 organizations, and other interested persons and groups.
13456 (3) Space Florida shall be administratively housed within

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13457 the Jobs Florida Partnership, Inc. ~~Space Florida may not endorse~~
13458 ~~any candidate for any elected public office or contribute money~~
13459 ~~to the campaign of any candidate for public office.~~
13460 (4) Space Florida is not an agency as defined in ss.
13461 216.011 and 287.012.
13462 (5) Space Florida is subject to applicable provisions of
13463 chapter 189. To the extent that any provisions of chapter 189
13464 conflict with this act, this act shall prevail.
13465 (6) Space Florida may not endorse any candidate for any
13466 elected public office or contribute money to the campaign of any
13467 candidate for public office.
13468 Section 218. Section 331.3081, Florida Statutes, is amended
13469 to read:
13470 (Substantial rewording of section. See
13471 s. 331.3081, F.S., for present text.)
13472 331.3081 Board of Directors; advisory board.—
13473 (1) Space Florida shall be governed by the 11-member board
13474 of directors of the Jobs Florida Partnership, Inc., created in
13475 s. 288.901(4).
13476 (2) Space Florida shall have a 15-member advisory council,
13477 appointed by the Governor from a list of nominations submitted
13478 by the board of directors. The advisory council shall be
13479 comprised of Florida residents with expertise in the space
13480 industry, and each of the following areas of expertise or
13481 experience must be represented by at least one advisory council
13482 member: human space-flight programs, commercial launches into
13483 space, organized labor with experience working in the aerospace
13484 industry, aerospace-related industries, a commercial company
13485 working under Federal Government contracts to conduct space-

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13486 related business, an aerospace company whose primary client is
13487 the United States Department of Defense, and an alternative
13488 energy enterprise with potential for aerospace applications. The
13489 advisory council shall elect a member to serve as the chair of
13490 the council.
13491 (3) The advisory council shall make recommendations to the
13492 partnership's board of directors on the operation of Space
13493 Florida, including matters pertaining to ways to improve or
13494 enhance Florida's efforts to expand its existing space and
13495 aerospace industry, to improve management and use of Florida's
13496 state-owned real property assets related to space and aerospace,
13497 how best to retain and, if necessary, retrain Florida's highly
13498 skilled space and aerospace workforce, and how to strengthen
13499 bonds between this state, NASA, the Department of Defense, and
13500 private space and aerospace industries.
13501 (4) The term for an advisory council member is 4 years. A
13502 member may not serve more than two consecutive terms. The
13503 Governor may remove any member for cause and shall fill all
13504 vacancies that occur.
13505 (5) Advisory council members shall serve without
13506 compensation, but may be reimbursed for all reasonable,
13507 necessary, and actual expenses, as determined by the
13508 partnership's board of directors.
13509 Section 219. Subsections (2), (4), and (5) of section
13510 331.369, Florida Statutes, are amended to read:
13511 331.369 Space Industry Workforce Initiative.—
13512 (2) Workforce Florida ~~The Workforce Development Board of~~
13513 ~~Enterprise Florida~~, Inc., or its successor entity, shall
13514 coordinate development of a Space Industry Workforce Initiative

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13515 in partnership with Space Florida, public and private
13516 universities, community colleges, and other training providers
13517 approved by the board. The purpose of the initiative is to use
13518 or revise existing programs and to develop innovative new
13519 programs to address the workforce needs of the aerospace
13520 industry.
13521 (4) Workforce Florida ~~The Workforce Development Board of~~
13522 ~~Enterprise Florida~~, Inc., or its successor entity, with the
13523 assistance of Space Florida, shall convene representatives from
13524 the aerospace industry to identify the priority training and
13525 education needs of the industry and to appoint a team to design
13526 programs to meet the priority needs.
13527 (5) Workforce Florida ~~The Workforce Development Board of~~
13528 ~~Enterprise Florida~~, Inc., or its successor entity, as part of
13529 its statutorily prescribed annual report to the Legislature,
13530 shall provide recommendations for policies, programs, and
13531 funding to enhance the workforce needs of the aerospace
13532 industry.
13533 Section 220. Paragraph (f) of subsection (1) of section
13534 339.08, Florida Statutes, is amended to read:
13535 339.08 Use of moneys in State Transportation Trust Fund.—
13536 (1) The department shall expend moneys in the State
13537 Transportation Trust Fund accruing to the department, in
13538 accordance with its annual budget. The use of such moneys shall
13539 be restricted to the following purposes:
13540 (f) To pay the cost of economic development transportation
13541 projects ~~in accordance with s. 288.063~~.
13542 Section 221. Paragraph (f) of subsection (4) and paragraph
13543 (g) of subsection (7) of section 339.135, Florida Statutes, are

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13544 amended to read:
13545 339.135 Work program; legislative budget request;
13546 definitions; preparation, adoption, execution, and amendment.—
13547 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—
13548 (f) The central office shall submit a preliminary copy of
13549 the tentative work program to the Executive Office of the
13550 Governor, the legislative appropriations committees, the Florida
13551 Transportation Commission, and Jobs Florida ~~the Department of~~
13552 ~~Community Affairs~~ at least 14 days prior to the convening of the
13553 regular legislative session. Prior to the statewide public
13554 hearing required by paragraph (g), Jobs Florida ~~the Department~~
13555 ~~of Community Affairs~~ shall transmit to the Florida
13556 Transportation Commission a list of those projects and project
13557 phases contained in the tentative work program which are
13558 identified as being inconsistent with approved local government
13559 comprehensive plans. For urbanized areas of metropolitan
13560 planning organizations, the list may not contain any project or
13561 project phase that is scheduled in a transportation improvement
13562 program unless such inconsistency has been previously reported
13563 to the affected metropolitan planning organization.
13564 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—
13565 (g) Notwithstanding ~~the requirements in~~ paragraphs (d) and
13566 (g) and ss. 216.177(2) and 216.351, the secretary may request
13567 the Executive Office of the Governor to amend the adopted work
13568 program when an emergency exists, as defined in s. 252.34~~(3)~~,
13569 and the emergency relates to the repair or rehabilitation of any
13570 state transportation facility. The Executive Office of the
13571 Governor may approve the amendment to the adopted work program
13572 and amend that portion of the department’s approved budget if a

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13573 ~~in the event that the~~ delay incident to the notification
13574 requirements in paragraph (d) would be detrimental to the
13575 interests of the state. However, the department shall
13576 immediately notify the parties specified in paragraph (d) and
13577 ~~shall~~ provide such parties written justification for the
13578 emergency action within 7 days after ~~of the~~ approval by the
13579 Executive Office of the Governor of the amendment to the adopted
13580 work program and the department's budget. ~~In no event may~~ The
13581 adopted work program may not be amended under ~~the provisions of~~
13582 this subsection without ~~the~~ certification by the comptroller of
13583 the department that there are sufficient funds available
13584 pursuant to the 36-month cash forecast and applicable statutes.
13585 Section 222. Subsection (2) of section 364.0135, Florida
13586 Statutes, is amended to read:
13587 364.0135 Promotion of broadband deployment.—
13588 (2) The Department of Management Services is authorized to
13589 work collaboratively with, and to receive staffing support and
13590 other resources from, the Jobs Florida Partnership ~~Enterprise~~
13591 ~~Florida~~, Inc., state agencies, local governments, private
13592 businesses, and community organizations to:
13593 (a) Conduct a needs assessment of broadband Internet
13594 service in collaboration with communications service providers,
13595 including, but not limited to, wireless and wireline Internet
13596 service providers, to develop geographical information system
13597 maps at the census tract level that will:
13598 1. Identify geographic gaps in broadband services,
13599 including areas unserved by any broadband provider and areas
13600 served by a single broadband provider;
13601 2. Identify the download and upload transmission speeds

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13602 made available to businesses and individuals in the state, at
13603 the census tract level of detail, using data rate benchmarks for
13604 broadband service used by the Federal Communications Commission
13605 to reflect different speed tiers; and
13606 3. Provide a baseline assessment of statewide broadband
13607 deployment in terms of percentage of households with broadband
13608 availability.
13609 (b) Create a strategic plan that has goals and strategies
13610 for increasing the use of broadband Internet service in the
13611 state.
13612 (c) Build and facilitate local technology planning teams or
13613 partnerships with members representing cross-sections of the
13614 community, which may include, but are not limited to,
13615 representatives from the following organizations and industries:
13616 libraries, K-12 education, colleges and universities, local
13617 health care providers, private businesses, community
13618 organizations, economic development organizations, local
13619 governments, tourism, parks and recreation, and agriculture.
13620 (d) Encourage the use of broadband Internet service,
13621 especially in the rural, unserved, and underserved communities
13622 of the state through grant programs having effective strategies
13623 to facilitate the statewide deployment of broadband Internet
13624 service. For any grants to be awarded, priority must be given to
13625 projects that:
13626 1. Provide access to broadband education, awareness,
13627 training, access, equipment, and support to libraries, schools,
13628 colleges and universities, health care providers, and community
13629 support organizations.
13630 2. Encourage investments in primarily unserved areas to

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13631 give consumers a choice of more than one broadband Internet
13632 service provider.
13633 3. Work toward establishing affordable and sustainable
13634 broadband Internet service in unserved areas of the state.
13635 4. Facilitate the development of applications, programs,
13636 and services, including, but not limited to, telework,
13637 telemedicine, and e-learning to increase the usage of, and
13638 demand for, broadband Internet service in the state.
13639 Section 223. Paragraph (h) of subsection (2) of section
13640 377.703, Florida Statutes, is amended to read:
13641 377.703 Additional functions of the Florida Energy and
13642 Climate Commission.—
13643 (2) FLORIDA ENERGY AND CLIMATE COMMISSION; DUTIES.—The
13644 commission shall perform the following functions consistent with
13645 the development of a state energy policy:
13646 (h) The commission shall promote the development and use of
13647 renewable energy resources, in conformance with the provisions
13648 of chapter 187 and s. 377.601, by:
13649 1. Establishing goals and strategies for increasing the use
13650 of solar energy in this state.
13651 2. Aiding and promoting the commercialization of solar
13652 energy technology, in cooperation with the Florida Solar Energy
13653 Center, the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
13654 and any other federal, state, or local governmental agency which
13655 may seek to promote research, development, and demonstration of
13656 solar energy equipment and technology.
13657 3. Identifying barriers to greater use of solar energy
13658 systems in this state, and developing specific recommendations
13659 for overcoming identified barriers, with findings and

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13660 recommendations to be submitted annually in the report to the
13661 Governor and Legislature required under paragraph (f).
13662 4. In cooperation with the Department of Environmental
13663 Protection, the Department of Transportation, the Jobs Florida
13664 Partnership ~~the Department of Community Affairs, Enterprise~~
13665 ~~Florida~~, Inc., the Florida Solar Energy Center, and the Florida
13666 Solar Energy Industries Association, investigating
13667 opportunities, pursuant to the National Energy Policy Act of
13668 1992, the Housing and Community Development Act of 1992, and any
13669 subsequent federal legislation, for solar electric vehicles and
13670 other solar energy manufacturing, distribution, installation,
13671 and financing efforts which will enhance this state's position
13672 as the leader in solar energy research, development, and use.
13673 5. Undertaking other initiatives to advance the development
13674 and use of renewable energy resources in this state.
13675
13676 In the exercise of its responsibilities under this paragraph,
13677 the commission shall seek the assistance of the solar energy
13678 industry in this state and other interested parties and is
13679 authorized to enter into contracts, retain professional
13680 consulting services, and expend funds appropriated by the
13681 Legislature for such purposes.
13682 Section 224. Paragraph (h) of subsection (5) of section
13683 377.711, Florida Statutes, is amended to read:
13684 377.711 Florida party to Southern States Energy Compact.—
13685 The Southern States Energy Compact is enacted into law and
13686 entered into by the state as a party, and is of full force and
13687 effect between the state and any other states joining therein in
13688 accordance with the terms of the compact, which compact is

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13689 substantially as follows:
13690 (5) POWERS.—The board shall have the power to:
13691 (h) Recommend such changes in, or amendments or additions
13692 to, the laws, codes, rules, regulations, administrative
13693 procedures and practices, or ordinances of the party states in
13694 any of the fields of its interest and competence as in its
13695 judgment may be appropriate. Any such recommendation shall be
13696 made through the appropriate state agency with due consideration
13697 of the desirability of uniformity and appropriate weight to any
13698 special circumstances that may justify variations to meet local
13699 conditions. ~~Any such recommendation shall be made, in the case~~
13700 ~~of Florida, through the Department of Commerce.~~
13701 Section 225. Subsection (3) of section 377.712, Florida
13702 Statutes, is amended to read:
13703 377.712 Florida participation.—
13704 (3) Departments ~~The department~~, agencies, and officers of
13705 this state, and its subdivisions are authorized to cooperate
13706 with the board in the furtherance of any of its activities
13707 pursuant to the compact, provided such proposed activities have
13708 been made known to, and have the approval of, either the
13709 Governor or the Department of Health.
13710 Section 226. Subsection (5) of section 377.804, Florida
13711 Statutes, is amended to read:
13712 377.804 Renewable Energy and Energy-Efficient Technologies
13713 Grants Program.—
13714 (5) The commission shall solicit the expertise of state
13715 agencies, the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
13716 and state universities, and may solicit the expertise of other
13717 public and private entities it deems appropriate, in evaluating

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13718 project proposals. State agencies shall cooperate with the
13719 commission and provide such assistance as requested.
13720 Section 227. Subsection (18) of section 380.031, Florida
13721 Statutes, is amended to read:
13722 380.031 Definitions.—As used in this chapter:
13723 (18) "State land planning agency" means Jobs Florida ~~the~~
13724 ~~Department of Community Affairs~~ and may be referred to in this
13725 part as the "department."
13726 Section 228. Paragraph (s) of subsection (24) of section
13727 380.06, Florida Statutes, is amended to read:
13728 380.06 Developments of regional impact.—
13729 (24) STATUTORY EXEMPTIONS.—
13730 (s) Any development in a detailed specific area plan which
13731 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~
13732 ~~the comprehensive plan~~ is exempt from this section.
13733
13734 If a use is exempt from review as a development of regional
13735 impact under paragraphs (a)-(s), but will be part of a larger
13736 project that is subject to review as a development of regional
13737 impact, the impact of the exempt use must be included in the
13738 review of the larger project, unless such exempt use involves a
13739 development of regional impact that includes a landowner,
13740 tenant, or user that has entered into a funding agreement with
13741 the Office of Tourism, Trade, and Economic Development under the
13742 Innovation Incentive Program and the agreement contemplates a
13743 state award of at least $50 million.
13744 Section 229. Subsection (3) of section 380.115, Florida
13745 Statutes, is amended to read:
13746 380.115 Vested rights and duties; effect of size reduction,

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13747 changes in guidelines and standards.—
13748 (3) A landowner that has filed an application for a
13749 development-of-regional-impact review prior to the adoption of a
13750 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to
13751 have the application reviewed pursuant to s. 380.06,
13752 comprehensive plan provisions in force prior to adoption of the
13753 sector plan, and any requested comprehensive plan amendments
13754 that accompany the application.
13755 Section 230. Section 380.285, Florida Statutes, is amended
13756 to read:
13757 380.285 Lighthouses; study; preservation; funding.—The
13758 ~~Department of Community Affairs and the~~ Division of Historical
13759 Resources of the Department of State shall undertake a study of
13760 the lighthouses in the state. The study must determine the
13761 location, ownership, condition, and historical significance of
13762 all lighthouses in the state and ensure that all historically
13763 significant lighthouses are nominated for inclusion on the
13764 National Register of Historic Places. The study must assess the
13765 condition and restoration needs of historic lighthouses and
13766 develop plans for appropriate future public access and use. The
13767 Division of Historical Resources shall take a leadership role in
13768 implementing plans to stabilize lighthouses and associated
13769 structures and to preserve and protect them from future
13770 deterioration. When possible, the lighthouses and associated
13771 buildings should be made available to the public for educational
13772 and recreational purposes. The Department of State shall request
13773 in its annual legislative budget requests funding necessary to
13774 carry out the duties and responsibilities specified in this act.
13775 Funds for the rehabilitation of lighthouses should be allocated

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13776 through matching grants-in-aid to state and local government
13777 agencies and to nonprofit organizations. The Department of
13778 Environmental Protection may assist the Division of Historical
13779 Resources in projects to accomplish the goals and activities
13780 described in this section.
13781 Section 231. Paragraph (e) of subsection (1) of section
13782 381.0054, Florida Statutes, is amended to read:
13783 381.0054 Healthy lifestyles promotion.—
13784 (1) The Department of Health shall promote healthy
13785 lifestyles to reduce the prevalence of excess weight gain and
13786 obesity in Florida by implementing appropriate physical activity
13787 and nutrition programs that are directed towards all Floridians
13788 by:
13789 (e) Partnering with the Department of Education, school
13790 districts, and the Jobs Florida Partnership, Inc., ~~Florida~~
13791 ~~Sports Foundation~~ to develop a program that recognizes schools
13792 whose students demonstrate excellent physical fitness or fitness
13793 improvement.
13794 Section 232. Subsection (6) of section 381.0086, Florida
13795 Statutes, is amended to read:
13796 381.0086 Rules; variances; penalties.—
13797 (6) For the purposes of filing an interstate clearance
13798 order with Jobs Florida ~~the Agency for Workforce Innovation~~, if
13799 the housing is covered by 20 C.F.R. part 654, subpart E, no
13800 permanent structural variance referred to in subsection (2) is
13801 allowed.
13802 Section 233. Subsection (3) of section 381.7354, Florida
13803 Statutes, is amended to read:
13804 381.7354 Eligibility.—

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13805 (3) In addition to the grants awarded under subsections (1)
13806 and (2), up to 20 percent of the funding for the Reducing Racial
13807 and Ethnic Health Disparities: Closing the Gap grant program
13808 shall be dedicated to projects that address improving racial and
13809 ethnic health status within specific Front Porch Florida
13810 Communities~~, as designated pursuant to s. 20.18(6)~~.
13811 Section 234. Paragraph (a) of subsection (5) of section
13812 381.855, Florida Statutes, is amended to read:
13813 381.855 Florida Center for Universal Research to Eradicate
13814 Disease.—
13815 (5) There is established within the center an advisory
13816 council that shall meet at least annually.
13817 (a) The council shall consist of one representative from a
13818 Florida not-for-profit institution engaged in basic and clinical
13819 biomedical research and education which receives more than $10
13820 million in annual grant funding from the National Institutes of
13821 Health, to be appointed by the State Surgeon General from a
13822 different institution each term, and one representative from and
13823 appointed by each of the following entities:
13824 1. The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.
13825 2. BioFlorida.
13826 3. The Biomedical Research Advisory Council.
13827 4. The Florida Medical Foundation.
13828 5. Pharmaceutical Research and Manufacturers of America.
13829 6. The American Cancer Society, Florida Division, Inc.
13830 7. The American Heart Association.
13831 8. The American Lung Association of Florida.
13832 9. The American Diabetes Association, South Coastal Region.
13833 10. The Alzheimer’s Association.

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13834 11. The Epilepsy Foundation.
13835 12. The National Parkinson Foundation.
13836 13. The Florida Public Health Institute, Inc.
13837 14. The Florida Research Consortium.
13838 Section 235. Paragraph (b) of subsection (1) and subsection
13839 (2) of section 383.14, Florida Statutes, are amended to read:
13840 383.14 Screening for metabolic disorders, other hereditary
13841 and congenital disorders, and environmental risk factors.—
13842 (1) SCREENING REQUIREMENTS.—To help ensure access to the
13843 maternal and child health care system, the Department of Health
13844 shall promote the screening of all newborns born in Florida for
13845 metabolic, hereditary, and congenital disorders known to result
13846 in significant impairment of health or intellect, as screening
13847 programs accepted by current medical practice become available
13848 and practical in the judgment of the department. The department
13849 shall also promote the identification and screening of all
13850 newborns in this state and their families for environmental risk
13851 factors such as low income, poor education, maternal and family
13852 stress, emotional instability, substance abuse, and other high-
13853 risk conditions associated with increased risk of infant
13854 mortality and morbidity to provide early intervention,
13855 remediation, and prevention services, including, but not limited
13856 to, parent support and training programs, home visitation, and
13857 case management. Identification, perinatal screening, and
13858 intervention efforts shall begin prior to and immediately
13859 following the birth of the child by the attending health care
13860 provider. Such efforts shall be conducted in hospitals,
13861 perinatal centers, county health departments, school health
13862 programs that provide prenatal care, and birthing centers, and

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13863 reported to the Office of Vital Statistics.
13864 (b) *Postnatal screening.*—A risk factor analysis using the
13865 department's designated risk assessment instrument shall also be
13866 conducted as part of the medical screening process upon the
13867 birth of a child and submitted to the department's Office of
13868 Vital Statistics for recording and other purposes provided for
13869 in this chapter. The department's screening process for risk
13870 assessment shall include a scoring mechanism and procedures that
13871 establish thresholds for notification, further assessment,
13872 referral, and eligibility for services by professionals or
13873 paraprofessionals consistent with the level of risk. Procedures
13874 for developing and using the screening instrument, notification,
13875 referral, and care coordination services, reporting
13876 requirements, management information, and maintenance of a
13877 computer-driven registry in the Office of Vital Statistics which
13878 ensures privacy safeguards must be consistent with the
13879 provisions and plans established under chapter 411, Pub. L. No.
13880 99-457, and this chapter. Procedures established for reporting
13881 information and maintaining a confidential registry must include
13882 a mechanism for a centralized information depository at the
13883 state and county levels. The department shall coordinate with
13884 existing risk assessment systems and information registries. The
13885 department must ensure, to the maximum extent possible, that the
13886 screening information registry is integrated with the
13887 department's automated data systems, including the Florida On-
13888 line Recipient Integrated Data Access (FLORIDA) system. Tests
13889 and screenings must be performed by the State Public Health
13890 Laboratory, in coordination with Children's Medical Services, at
13891 such times and in such manner as is prescribed by the department

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13892 after consultation with the Genetics and Newborn ~~Infant~~
13893 Screening Advisory Council and the Department of Education
13894 ~~Agency for Workforce Innovation~~.
13895 (2) RULES.—After consultation with the Genetics and Newborn
13896 Screening Advisory Council, the department shall adopt and
13897 enforce rules requiring that every newborn in this state shall,
13898 prior to becoming 1 week of age, be subjected to a test for
13899 phenylketonuria and, at the appropriate age, be tested for such
13900 other metabolic diseases and hereditary or congenital disorders
13901 as the department may deem necessary from time to time. After
13902 consultation with the Department of Education ~~Agency for~~
13903 ~~Workforce Innovation~~, the department shall also adopt and
13904 enforce rules requiring every newborn in this state to be
13905 screened for environmental risk factors that place children and
13906 their families at risk for increased morbidity, mortality, and
13907 other negative outcomes. The department shall adopt such
13908 additional rules as are found necessary for the administration
13909 of this section and s. 383.145, including rules providing
13910 definitions of terms, rules relating to the methods used and
13911 time or times for testing as accepted medical practice
13912 indicates, rules relating to charging and collecting fees for
13913 the administration of the newborn screening program authorized
13914 by this section, rules for processing requests and releasing
13915 test and screening results, and rules requiring mandatory
13916 reporting of the results of tests and screenings for these
13917 conditions to the department.
13918 Section 236. Paragraph (b) of subsection (3) of section
13919 402.281, Florida Statutes, is amended to read:
13920 402.281 Gold Seal Quality Care program.—

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13921 (3)
13922 (b) In approving accrediting associations, the department
13923 shall consult with the Department of Education, ~~the Agency for~~
13924 ~~Workforce Innovation,~~ the Florida Head Start Directors
13925 Association, the Florida Association of Child Care Management,
13926 the Florida Family Day Care Association, the Florida Children's
13927 Forum, the Early Childhood Association of Florida, the Child
13928 Development Education Alliance, providers receiving exemptions
13929 under s. 402.316, and parents.
13930 Section 237. Subsection (6) of section 402.45, Florida
13931 Statutes, is amended to read:
13932 402.45 Community resource mother or father program.—
13933 (6) Individuals under contract to provide community
13934 resource mother or father services shall participate in
13935 preservice and ongoing training as determined by the Department
13936 of Health in consultation with the Department of Education
13937 ~~Agency for Workforce Innovation~~. A community resource mother or
13938 father shall not be assigned a client caseload until all
13939 preservice training requirements are completed.
13940 Section 238. Paragraph (a) of subsection (4) of section
13941 402.56, Florida Statutes, is amended to read:
13942 402.56 Children's cabinet; organization; responsibilities;
13943 annual report.—
13944 (4) MEMBERS.—The cabinet shall consist of 14 ~~15~~ members
13945 including the Governor and the following persons:
13946 (a)1. The Secretary of Children and Family Services;
13947 2. The Secretary of Juvenile Justice;
13948 3. The director of the Agency for Persons with
13949 Disabilities;

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13950 ~~4. The director of the Agency for Workforce Innovation;~~
13951 4.~~5.~~ The State Surgeon General;
13952 5.~~6.~~ The Secretary of Health Care Administration;
13953 6.~~7.~~ The Commissioner of Education;
13954 7.~~8.~~ The director of the Statewide Guardian Ad Litem
13955 Office;
13956 8.~~9.~~ The director of the Office of Child Abuse Prevention;
13957 and
13958 9.~~10.~~ Five members representing children and youth advocacy
13959 organizations, who are not service providers and who are
13960 appointed by the Governor.
13961 Section 239. Paragraph (b) of subsection (3) of section
13962 403.42, Florida Statutes, is amended to read:
13963 403.42 Florida Clean Fuel Act.—
13964 (3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED;
13965 MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—
13966 (b)1. The advisory board shall consist of ~~the Secretary of~~
13967 ~~Community Affairs, or a designee from that department,~~ the
13968 Secretary of Environmental Protection, or a designee from that
13969 department, the Commissioner of Education, or a designee from
13970 that department, the Secretary of Transportation, or a designee
13971 from that department, the Commissioner of Agriculture, or a
13972 designee from the Department of Agriculture and Consumer
13973 Services, the Secretary of Management Services, or a designee
13974 from that department, and a representative of each of the
13975 following, who shall be appointed by the Secretary of
13976 Environmental Protection:
13977 a. The Florida biodiesel industry.
13978 b. The Florida electric utility industry.

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13979 c. The Florida natural gas industry.
13980 d. The Florida propane gas industry.
13981 e. An automobile manufacturers' association.
13982 f. A Florida Clean Cities Coalition designated by the
13983 United States Department of Energy.
13984 g. The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.
13985 h. EV Ready Broward.
13986 i. The Florida petroleum industry.
13987 j. The Florida League of Cities.
13988 k. The Florida Association of Counties.
13989 l. Floridians for Better Transportation.
13990 m. A motor vehicle manufacturer.
13991 n. Florida Local Environment Resource Agencies.
13992 o. Project for an Energy Efficient Florida.
13993 p. Florida Transportation Builders Association.
13994 2. The purpose of the advisory board is to serve as a
13995 resource for the department and to provide the Governor, the
13996 Legislature, and the Secretary of Environmental Protection with
13997 private sector and other public agency perspectives on achieving
13998 the goal of increasing the use of alternative fuel vehicles in
13999 this state.
14000 3. Members shall be appointed to serve terms of 1 year
14001 each, with reappointment at the discretion of the Secretary of
14002 Environmental Protection. Vacancies shall be filled for the
14003 remainder of the unexpired term in the same manner as the
14004 original appointment.
14005 4. The board shall annually select a chairperson.
14006 5.a. The board shall meet at least once each quarter or
14007 more often at the call of the chairperson or the Secretary of

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14008 Environmental Protection.
14009 b. Meetings are exempt from the notice requirements of
14010 chapter 120, and sufficient notice shall be given to afford
14011 interested persons reasonable notice under the circumstances.
14012 6. Members of the board are entitled to travel expenses
14013 while engaged in the performance of board duties.
14014 7. The board shall terminate 5 years after the effective
14015 date of this act.
14016 Section 240. Subsection (5) of section 403.7032, Florida
14017 Statutes, is amended to read:
14018 403.7032 Recycling.—
14019 (5) The Department of Environmental Protection shall create
14020 the Recycling Business Assistance Center by December 1, 2010. In
14021 carrying out its duties under this subsection, the department
14022 shall consult with state agency personnel appointed to serve as
14023 economic development liaisons under s. 288.021 and seek
14024 technical assistance from the Jobs Florida Partnership
14025 ~~Enterprise Florida~~, Inc., to ensure the Recycling Business
14026 Assistance Center is positioned to succeed. The purpose of the
14027 center shall be to serve as the mechanism for coordination among
14028 state agencies and the private sector in order to coordinate
14029 policy and overall strategic planning for developing new markets
14030 and expanding and enhancing existing markets for recyclable
14031 materials in this state, other states, and foreign countries.
14032 The duties of the center must include, at a minimum:
14033 (a) Identifying and developing new markets and expanding
14034 and enhancing existing markets for recyclable materials.
14035 (b) Pursuing expanded end uses for recycled materials.
14036 (c) Targeting materials for concentrated market development

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14037 efforts.
14038 (d) Developing proposals for new incentives for market
14039 development, particularly focusing on targeted materials.
14040 (e) Providing guidance on issues such as permitting,
14041 finance options for recycling market development, site location,
14042 research and development, grant program criteria for recycled
14043 materials markets, recycling markets education and information,
14044 and minimum content.
14045 (f) Coordinating the efforts of various governmental
14046 entities having market development responsibilities in order to
14047 optimize supply and demand for recyclable materials.
14048 (g) Evaluating source-reduced products as they relate to
14049 state procurement policy. The evaluation shall include, but is
14050 not limited to, the environmental and economic impact of source-
14051 reduced product purchases to the state. For the purposes of this
14052 paragraph, the term “source-reduced” means any method, process,
14053 product, or technology that significantly or substantially
14054 reduces the volume or weight of a product while providing, at a
14055 minimum, equivalent or generally similar performance and service
14056 to and for the users of such materials.
14057 (h) Providing evaluation of solid waste management grants,
14058 pursuant to s. 403.7095, to reduce the flow of solid waste to
14059 disposal facilities and encourage the sustainable recovery of
14060 materials from Florida’s waste stream.
14061 (i) Providing below-market financing for companies that
14062 manufacture products from recycled materials or convert
14063 recyclable materials into raw materials for use in manufacturing
14064 pursuant to the Florida Recycling Loan Program as administered
14065 by the Florida First Capital Finance Corporation.

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14066 (j) Maintaining a continuously updated online directory
14067 listing the public and private entities that collect, transport,
14068 broker, process, or remanufacture recyclable materials in the
14069 state.
14070 (k) Providing information on the availability and benefits
14071 of using recycled materials to private entities and industries
14072 in the state.
14073 (l) Distributing any materials prepared in implementing
14074 this subsection to the public, private entities, industries,
14075 governmental entities, or other organizations upon request.
14076 (m) Coordinating with Jobs Florida ~~the Agency for Workforce~~
14077 ~~Innovation~~ and its partners to provide job placement and job
14078 training services to job seekers through the state's workforce
14079 services programs.
14080 Section 241. Paragraphs (c), (d), and (e) of subsection
14081 (2), paragraphs (b) and (c) of subsection (3), and subsections
14082 (4), (15), (17), and (18) of section 403.973, Florida Statutes,
14083 are amended to read:
14084 403.973 Expedited permitting; amendments to comprehensive
14085 plans.—
14086 (2) As used in this section, the term:
14087 ~~(c) "Office" means the Office of Tourism, Trade, and~~
14088 ~~Economic Development.~~
14089 (c) ~~(d)~~ "Permit applications" means state permits and
14090 licenses, and at the option of a participating local government,
14091 local development permits or orders.
14092 (d) ~~(e)~~ "Secretary" means the Secretary of Environmental
14093 Protection or his or her designee.
14094 (3)

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14095 (b) On a case-by-case basis and at the request of a county
14096 or municipal government, Jobs Florida ~~the office~~ may certify as
14097 eligible for expedited review a project not meeting the minimum
14098 job creation thresholds but creating a minimum of 10 jobs. The
14099 recommendation from the governing body of the county or
14100 municipality in which the project may be located is required in
14101 order for Jobs Florida ~~the office~~ to certify that any project is
14102 eligible for expedited review under this paragraph. When
14103 considering projects that do not meet the minimum job creation
14104 thresholds but that are recommended by the governing body in
14105 which the project may be located, Jobs Florida ~~the office~~ shall
14106 consider economic impact factors that include, but are not
14107 limited to:
14108 1. The proposed wage and skill levels relative to those
14109 existing in the area in which the project may be located;
14110 2. The project’s potential to diversify and strengthen the
14111 area’s economy;
14112 3. The amount of capital investment; and
14113 4. The number of jobs that will be made available for
14114 persons served by the welfare transition program.
14115 (c) At the request of a county or municipal government,
14116 Jobs Florida ~~the office~~ or a Quick Permitting County may certify
14117 projects located in counties where the ratio of new jobs per
14118 participant in the welfare transition program, as determined by
14119 Workforce Florida, Inc., is less than one or otherwise critical,
14120 as eligible for the expedited permitting process. Such projects
14121 must meet the numerical job creation criteria of this
14122 subsection, but the jobs created by the project do not have to
14123 be high-wage jobs that diversify the state’s economy.

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14124 (4) The regional teams shall be established through the
14125 execution of memoranda of agreement developed by the applicant
14126 and the secretary, with input solicited from Jobs Florida ~~the~~
14127 ~~office~~ and the respective heads of ~~the Department of Community~~
14128 ~~Affairs,~~ the Department of Transportation and its district
14129 offices, the Department of Agriculture and Consumer Services,
14130 the Fish and Wildlife Conservation Commission, appropriate
14131 regional planning councils, appropriate water management
14132 districts, and voluntarily participating municipalities and
14133 counties. The memoranda of agreement should also accommodate
14134 participation in this expedited process by other local
14135 governments and federal agencies as circumstances warrant.
14136 (15) Jobs Florida ~~The office~~, working with the agencies
14137 providing cooperative assistance and input regarding the
14138 memoranda of agreement, shall review sites proposed for the
14139 location of facilities eligible for the Innovation Incentive
14140 Program under s. 288.1089. Within 20 days after the request for
14141 the review by Jobs Florida ~~the office~~, the agencies shall
14142 provide to Jobs Florida ~~the office~~ a statement as to each site's
14143 necessary permits under local, state, and federal law and an
14144 identification of significant permitting issues, which if
14145 unresolved, may result in the denial of an agency permit or
14146 approval or any significant delay caused by the permitting
14147 process.
14148 (17) Jobs Florida ~~The office~~ shall be responsible for
14149 certifying a business as eligible for undergoing expedited
14150 review under this section. The Jobs Florida Partnership
14151 ~~Enterprise Florida~~, Inc., a county or municipal government, or
14152 the Rural Economic Development Initiative may recommend to Jobs

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14153 Florida ~~the Office of Tourism, Trade, and Economic Development~~
14154 that a project meeting the minimum job creation threshold
14155 undergo expedited review.
14156 (18) Jobs Florida ~~The office~~, working with the Rural
14157 Economic Development Initiative and the agencies participating
14158 in the memoranda of agreement, shall provide technical
14159 assistance in preparing permit applications and local
14160 comprehensive plan amendments for counties having a population
14161 of fewer than 75,000 residents, or counties having fewer than
14162 125,000 residents which are contiguous to counties having fewer
14163 than 75,000 residents. Additional assistance may include, but
14164 not be limited to, guidance in land development regulations and
14165 permitting processes, working cooperatively with state,
14166 regional, and local entities to identify areas within these
14167 counties which may be suitable or adaptable for preclearance
14168 review of specified types of land uses and other activities
14169 requiring permits.
14170 Section 242. Paragraph (a) of subsection (3) of section
14171 409.017, Florida Statutes, is amended to read:
14172 409.017 Revenue Maximization Act; legislative intent;
14173 revenue maximization program.—
14174 (3) REVENUE MAXIMIZATION PROGRAM.—
14175 (a) For purposes of this section, the term "agency" means
14176 any state agency or department that is involved in providing
14177 health, social, or human services, including, but not limited
14178 to, the Agency for Health Care Administration, ~~the Agency for~~
14179 ~~Workforce Innovation,~~ the Department of Children and Family
14180 Services, the Department of Elderly Affairs, the Department of
14181 Juvenile Justice, the Department of Education, and the State

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14182 Board of Education.
14183 Section 243. Paragraph (c) of subsection (7) of section
14184 409.1451, Florida Statutes, is amended to read:
14185 409.1451 Independent living transition services.—
14186 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
14187 Secretary of Children and Family Services shall establish the
14188 Independent Living Services Advisory Council for the purpose of
14189 reviewing and making recommendations concerning the
14190 implementation and operation of the independent living
14191 transition services. This advisory council shall continue to
14192 function as specified in this subsection until the Legislature
14193 determines that the advisory council can no longer provide a
14194 valuable contribution to the department's efforts to achieve the
14195 goals of the independent living transition services.
14196 (c) Members of the advisory council shall be appointed by
14197 the secretary of the department. The membership of the advisory
14198 council must include, at a minimum, representatives from the
14199 headquarters and district offices of the Department of Children
14200 and Family Services, community-based care lead agencies, ~~the~~
14201 ~~Agency for Workforce Innovation,~~ the Department of Education,
14202 the Agency for Health Care Administration, the State Youth
14203 Advisory Board, Workforce Florida, Inc., the Statewide Guardian
14204 Ad Litem Office, foster parents, recipients of Road-to-
14205 Independence Program funding, and advocates for foster children.
14206 The secretary shall determine the length of the term to be
14207 served by each member appointed to the advisory council, which
14208 may not exceed 4 years.
14209 Section 244. Subsection (1), paragraph (b) of subsection
14210 (3), and subsection (8) of section 409.2576, Florida Statutes,

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14211 are amended to read:
14212 409.2576 State Directory of New Hires.—
14213 (1) DIRECTORY CREATED.—The State Directory of New Hires is
14214 hereby created and shall be administered by the Department of
14215 Revenue or its agent. ~~The Department of Labor and Employment~~
14216 ~~Security will act as the agent until a date not later than~~
14217 ~~October 1, 1998.~~ All employers in the state shall furnish a
14218 report consistent with subsection (3) for each newly hired or
14219 rehired employee unless the employee is employed by a federal or
14220 state agency performing intelligence or counterintelligence
14221 functions and the head of such agency has determined that
14222 reporting pursuant to this section could endanger the safety of
14223 the employee or compromise an ongoing investigation or
14224 intelligence mission.
14225 (3) EMPLOYERS TO FURNISH REPORTS.—
14226 (b) ~~Upon termination of the contract with the Department of~~
14227 ~~Labor and Employment Security, but not later than October 1,~~
14228 ~~1998,~~ All employers shall furnish a report to the State
14229 Directory of New Hires of the state in which the newly hired or
14230 rehired employee works. The report required in this section
14231 shall be made on a W-4 form or, at the option of the employer,
14232 an equivalent form, and can be transmitted magnetically,
14233 electronically, by first-class mail, or other methods which may
14234 be prescribed by the State Directory. Each report shall include
14235 the name, address, date of hire, and social security number of
14236 every new and rehired employee and the name, address, and
14237 federal employer identification number of the reporting
14238 employer. If available, the employer may also include the
14239 employee’s date of birth in the report. Multistate employers

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14240 that report new hire information electronically or magnetically
14241 may designate a single state to which it will transmit the above
14242 noted report, provided the employer has employees in that state
14243 and the employer notifies the Secretary of Health and Human
14244 Services in writing to which state the information will be
14245 provided. Agencies of the United States Government shall report
14246 directly to the National Directory of New Hires.
14247 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY. ~~Not later~~
14248 ~~than October 1, 1997,~~ The State Directory of New Hires must
14249 furnish information regarding newly hired or rehired employees
14250 to the National Directory of New Hires for matching with the
14251 records of other state case registries within 3 business days of
14252 entering such information from the employer into the State
14253 Directory of New Hires. The State Directory of New Hires shall
14254 enter into an agreement with Jobs Florida or its tax collection
14255 service provider ~~the Florida Department of Labor and Employment~~
14256 ~~Security~~ for the quarterly reporting to the National Directory
14257 of New Hires information on wages and unemployment compensation
14258 taken from the quarterly report to the Secretary of Labor, now
14259 required by Title III of the Social Security Act, except that no
14260 report shall be filed with respect to an employee of a state or
14261 local agency performing intelligence or counterintelligence
14262 functions, if the head of such agency has determined that filing
14263 such a report could endanger the safety of the employee or
14264 compromise an ongoing investigation or intelligence mission.
14265 Section 245. Section 409.944, Florida Statutes, is amended
14266 to read:
14267 409.944 Inner City Redevelopment Assistance Grants
14268 Program.—There is created an Inner City Redevelopment Assistance

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14269 Grants Program to be administered by Jobs Florida ~~the Office of~~
14270 ~~Tourism, Trade, and Economic Development~~. Jobs Florida ~~The~~
14271 ~~Office~~ shall develop criteria for awarding these grants which
14272 give weighted consideration to urban high-crime areas as
14273 identified by the Florida Department of Law Enforcement. These
14274 criteria shall also be weighted to immediate creation of jobs
14275 for residents in the targeted areas.
14276 Section 246. Section 409.946, Florida Statutes, is amended
14277 to read:
14278 409.946 Inner City Redevelopment Review Panel.—In order to
14279 enhance public participation and involvement in the
14280 redevelopment of inner-city areas, there is created within Jobs
14281 Florida ~~the Office of Tourism, Trade, and Economic Development~~
14282 the Inner City Redevelopment Review Panel.
14283 (1) The review panel shall consist of six ~~seven~~ members who
14284 represent different areas of the state, who are appointed by the
14285 commissioner of Jobs Florida ~~Director of the Office of Tourism,~~
14286 ~~Trade, and Economic Development~~, and who are qualified, through
14287 the demonstration of special interest, experience, or education,
14288 in the redevelopment of the state's inner-city areas, as
14289 follows:
14290 (a) One member must be affiliated with the advisory council
14291 of the Division of Minority Business Development of the Jobs
14292 Florida Partnership, Inc. ~~Black Business Investment Board~~;
14293 (b) One member must be affiliated with the Institute on
14294 Urban Policy and Commerce at Florida Agricultural and Mechanical
14295 University;
14296 (c) One member must be affiliated with a local economic
14297 development agency ~~the Office of Tourism, Trade, and Economic~~

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14298 ~~Development~~;
14299 (d) One member must be the president of the Jobs Florida
14300 Partnership, Inc., ~~Enterprise Florida, Inc.,~~ or the president's
14301 designee;
14302 ~~(e) One member must be the Secretary of Community Affairs~~
14303 ~~or the secretary's designee;~~
14304 (e) ~~(f)~~ One member must be affiliated with the Better
14305 Jobs/Better Wages Council of Workforce Florida, Inc.; and
14306 (f) ~~(g)~~ One member must be affiliated with the First
14307 Jobs/First Wages Council of Workforce Florida, Inc.
14308 (2) The importance of minority and gender representation
14309 must be considered when making appointments to the panel, and
14310 the geographic representation of panel members must also be
14311 considered.
14312 (3) Members of the review panel shall be appointed for 4-
14313 year terms. A person may not serve more than two consecutive
14314 terms on the panel.
14315 (4) Members shall elect a chairperson annually. A member
14316 may not be elected to consecutive terms as chairperson.
14317 (5) All action taken by the review panel shall be by
14318 majority vote of those present. The commissioner of Jobs Florida
14319 ~~director of the Office of Tourism, Trade, and Economic~~
14320 ~~Development~~ or the commissioner's ~~director's~~ designee shall
14321 serve without voting rights as secretary to the panel. Jobs
14322 Florida ~~The Office of Tourism, Trade, and Economic Development~~
14323 shall provide necessary staff assistance to the panel.
14324 (6) It is the responsibility of the panel to evaluate
14325 proposals for awards of inner-city redevelopment grants
14326 administered by Jobs Florida ~~the Office of Tourism, Trade, and~~

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14327 ~~Economic Development~~. The panel shall review and evaluate all
14328 proposals for grants and shall make recommendations, including a
14329 priority ranking, reflecting such evaluation.
14330 Section 247. Paragraph (d) of subsection (2), subsection
14331 (4), paragraphs (a), (c), (d), (e), and (f) of subsection (5),
14332 paragraph (e) of subsection (7), subsection (8), and paragraphs
14333 (b), (c), (d), and (e) of subsection (9) of section 411.01,
14334 Florida Statutes, are amended to read:
14335 411.01 School readiness programs; early learning
14336 coalitions.—
14337 (2) LEGISLATIVE INTENT.—
14338 (d) It is the intent of the Legislature that the
14339 administrative staff for school readiness programs be kept to
14340 the minimum necessary to administer the duties of the Department
14341 of Education ~~Agency for Workforce Innovation~~ and early learning
14342 coalitions. The Department of Education ~~Agency for Workforce~~
14343 ~~Innovation~~ shall adopt system support services at the state
14344 level to build a comprehensive early learning system. Each early
14345 learning coalition shall implement and maintain direct
14346 enhancement services at the local level, as approved in its
14347 school readiness plan by the Department of Education ~~Agency for~~
14348 ~~Workforce Innovation~~, and ensure access to such services in all
14349 67 counties.
14350 (4) DEPARTMENT OF EDUCATION ~~AGENCY FOR WORKFORCE~~
14351 ~~INNOVATION~~.—
14352 (a) The Department of Education ~~Agency for Workforce~~
14353 ~~Innovation~~ shall administer school readiness programs at the
14354 state level and shall coordinate with the early learning
14355 coalitions in providing school readiness services on a full-day,

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14356 full-year, full-choice basis to the extent possible in order to
14357 enable parents to work and be financially self-sufficient.
14358 (b) The Department of Education ~~Agency for Workforce~~
14359 ~~Innovation~~ shall:
14360 1. Coordinate the birth-to-kindergarten services for
14361 children who are eligible under subsection (6) and the
14362 programmatic, administrative, and fiscal standards under this
14363 section for all public providers of school readiness programs.
14364 2. Focus on improving the educational quality of all
14365 program providers participating in publicly funded school
14366 readiness programs.
14367 (c) The Governor shall designate the Department of
14368 Education ~~Agency for Workforce Innovation~~ as the lead agency for
14369 administration of the federal Child Care and Development Fund,
14370 45 C.F.R. parts 98 and 99, and the department ~~agency~~ shall
14371 comply with the lead agency responsibilities under federal law.
14372 (d) The Department of Education ~~Agency for Workforce~~
14373 ~~Innovation~~ shall:
14374 1. Be responsible for the prudent use of all public and
14375 private funds in accordance with all legal and contractual
14376 requirements.
14377 2. Provide final approval and every 2 years review early
14378 learning coalitions and school readiness plans.
14379 3. Establish a unified approach to the state’s efforts
14380 toward enhancement of school readiness. In support of this
14381 effort, the Department of Education ~~Agency for Workforce~~
14382 ~~Innovation~~ shall adopt specific system support services that
14383 address the state’s school readiness programs. An early learning
14384 coalition shall amend its school readiness plan to conform to

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14385 the specific system support services adopted by the Department
14386 of Education ~~Agency for Workforce Innovation~~. System support
14387 services shall include, but are not limited to:
14388 a. Child care resource and referral services;
14389 b. Warm-Line services;
14390 c. Eligibility determinations;
14391 d. Child performance standards;
14392 e. Child screening and assessment;
14393 f. Developmentally appropriate curricula;
14394 g. Health and safety requirements;
14395 h. Statewide data system requirements; and
14396 i. Rating and improvement systems.
14397 4. Safeguard the effective use of federal, state, local,
14398 and private resources to achieve the highest possible level of
14399 school readiness for the children in this state.
14400 5. Adopt a rule establishing criteria for the expenditure
14401 of funds designated for the purpose of funding activities to
14402 improve the quality of child care within the state in accordance
14403 with s. 658G of the federal Child Care and Development Block
14404 Grant Act.
14405 6. Provide technical assistance to early learning
14406 coalitions in a manner determined by the Department of Education
14407 ~~Agency for Workforce Innovation~~ based upon information obtained
14408 by the department ~~agency~~ from various sources, including, but
14409 not limited to, public input, government reports, private
14410 interest group reports, department ~~agency~~ monitoring visits, and
14411 coalition requests for service.
14412 7. In cooperation with the ~~Department of Education and~~
14413 early learning coalitions, coordinate with the Child Care

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14414 Services Program Office of the Department of Children and Family
14415 Services to minimize duplicating interagency activities, health
14416 and safety monitoring, and acquiring and composing data
14417 pertaining to child care training and credentialing.
14418 8. Develop and adopt performance standards and outcome
14419 measures for school readiness programs. The performance
14420 standards must address the age-appropriate progress of children
14421 in the development of school readiness skills. The performance
14422 standards for children from birth to 5 years of age in school
14423 readiness programs must be integrated with the performance
14424 standards adopted by the Department of Education for children in
14425 the Voluntary Prekindergarten Education Program under s.
14426 1002.67.
14427 9. Adopt a standard contract that must be used by the
14428 coalitions when contracting with school readiness providers.
14429 (e) The Department of Education ~~Agency for Workforce~~
14430 ~~Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 to
14431 administer the provisions of law conferring duties upon the
14432 department ~~agency~~, including, but not limited to, rules
14433 governing the administration of system support services of
14434 school readiness programs, the collection of data, the approval
14435 of early learning coalitions and school readiness plans, the
14436 provision of a method whereby an early learning coalition may
14437 serve two or more counties, the award of incentives to early
14438 learning coalitions, child performance standards, child outcome
14439 measures, the issuance of waivers, and the implementation of the
14440 state’s Child Care and Development Fund Plan as approved by the
14441 federal Administration for Children and Families.
14442 (f) The Department of Education ~~Agency for Workforce~~

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14443 ~~Innovation~~ shall have all powers necessary to administer this
14444 section, including, but not limited to, the power to receive and
14445 accept grants, loans, or advances of funds from any public or
14446 private agency and to receive and accept from any source
14447 contributions of money, property, labor, or any other thing of
14448 value, to be held, used, and applied for purposes of this
14449 section.
14450 (g) Except as provided by law, the Department of Education
14451 ~~Agency for Workforce Innovation~~ may not impose requirements on a
14452 child care or early childhood education provider that does not
14453 deliver services under the school readiness programs or receive
14454 state or federal funds under this section.
14455 (h) The Department of Education ~~Agency for Workforce~~
14456 ~~Innovation~~ shall have a budget for school readiness programs,
14457 which shall be financed through an annual appropriation made for
14458 purposes of this section in the General Appropriations Act.
14459 (i) The Department of Education ~~Agency for Workforce~~
14460 ~~Innovation~~ shall coordinate the efforts toward school readiness
14461 in this state and provide independent policy analyses, data
14462 analyses, and recommendations to the Governor, the State Board
14463 of Education, and the Legislature.
14464 (j) The Department of Education ~~Agency for Workforce~~
14465 ~~Innovation~~ shall require that school readiness programs, at a
14466 minimum, enhance the age-appropriate progress of each child in
14467 attaining the performance standards adopted under subparagraph
14468 (d)8. and in the development of the following school readiness
14469 skills:
14470 1. Compliance with rules, limitations, and routines.
14471 2. Ability to perform tasks.

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14472 3. Interactions with adults.
14473 4. Interactions with peers.
14474 5. Ability to cope with challenges.
14475 6. Self-help skills.
14476 7. Ability to express the child's needs.
14477 8. Verbal communication skills.
14478 9. Problem-solving skills.
14479 10. Following of verbal directions.
14480 11. Demonstration of curiosity, persistence, and
14481 exploratory behavior.
14482 12. Interest in books and other printed materials.
14483 13. Paying attention to stories.
14484 14. Participation in art and music activities.
14485 15. Ability to identify colors, geometric shapes, letters
14486 of the alphabet, numbers, and spatial and temporal
14487 relationships.
14488
14489 Within 30 days after enrollment in the school readiness program,
14490 the early learning coalition must ensure that the program
14491 provider obtains information regarding the child's
14492 immunizations, physical development, and other health
14493 requirements as necessary, including appropriate vision and
14494 hearing screening and examinations. For a program provider
14495 licensed by the Department of Children and Family Services, the
14496 provider's compliance with s. 402.305(9), as verified pursuant
14497 to s. 402.311, shall satisfy this requirement.
14498 (k) The Department of Education ~~Agency for Workforce~~
14499 ~~Innovation~~ shall conduct studies and planning activities related
14500 to the overall improvement and effectiveness of the outcome

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14501 measures adopted by the department ~~agency~~ for school readiness
14502 programs and the specific system support services to address the
14503 state's school readiness programs adopted by the Department of
14504 Education ~~Agency for Workforce Innovation~~ in accordance with
14505 subparagraph (d)3.
14506 (l) The Department of Education ~~Agency for Workforce~~
14507 ~~Innovation~~ shall monitor and evaluate the performance of each
14508 early learning coalition in administering the school readiness
14509 program, implementing the coalition's school readiness plan, and
14510 administering the Voluntary Prekindergarten Education Program.
14511 These monitoring and performance evaluations must include, at a
14512 minimum, onsite monitoring of each coalition's finances,
14513 management, operations, and programs.
14514 (m) The Department of Education ~~Agency for Workforce~~
14515 ~~Innovation~~ shall submit an annual report of its activities
14516 conducted under this section to the Governor, the President of
14517 the Senate, the Speaker of the House of Representatives, and the
14518 minority leaders of both houses of the Legislature. In addition,
14519 the Department of Education's ~~Agency for Workforce Innovation's~~
14520 reports and recommendations shall be made available to the
14521 Florida Early Learning Advisory Council and other appropriate
14522 state agencies and entities. The annual report must provide an
14523 analysis of school readiness activities across the state,
14524 including the number of children who were served in the
14525 programs.
14526 (n) The Department of Education ~~Agency for Workforce~~
14527 ~~Innovation~~ shall work with the early learning coalitions to
14528 ensure availability of training and support for parental
14529 involvement in children's early education and to provide family

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14530 literacy activities and services.
14531 (5) CREATION OF EARLY LEARNING COALITIONS.—
14532 (a) *Early learning coalitions.*—
14533 1. Each early learning coalition shall maintain direct
14534 enhancement services at the local level and ensure access to
14535 such services in all 67 counties.
14536 2. The Department of Education ~~Agency for Workforce~~
14537 ~~Innovation~~ shall establish the minimum number of children to be
14538 served by each early learning coalition through the coalition's
14539 school readiness program. The Department of Education ~~Agency for~~
14540 ~~Workforce Innovation~~ may only approve school readiness plans in
14541 accordance with this minimum number. The minimum number must be
14542 uniform for every early learning coalition and must:
14543 a. Permit 31 or fewer coalitions to be established; and
14544 b. Require each coalition to serve at least 2,000 children
14545 based upon the average number of all children served per month
14546 through the coalition's school readiness program during the
14547 previous 12 months.
14548 3. If an early learning coalition would serve fewer
14549 children than the minimum number established under subparagraph
14550 2., the coalition must merge with another county to form a
14551 multicounty coalition. The Department of Education ~~Agency for~~
14552 ~~Workforce Innovation~~ shall adopt procedures for merging early
14553 learning coalitions, including procedures for the consolidation
14554 of merging coalitions, and for the early termination of the
14555 terms of coalition members which are necessary to accomplish the
14556 mergers. However, the Department of Education ~~Agency for~~
14557 ~~Workforce Innovation~~ shall grant a waiver to an early learning
14558 coalition to serve fewer children than the minimum number

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14559 established under subparagraph 2., if:
14560 a. The Department of Education ~~Agency for Workforce~~
14561 ~~Innovation~~ has determined during the most recent review of the
14562 coalition's school readiness plan, or through monitoring and
14563 performance evaluations conducted under paragraph (4)(l), that
14564 the coalition has substantially implemented its plan;
14565 b. The coalition demonstrates to the Department of
14566 Education ~~Agency for Workforce Innovation~~ the coalition's
14567 ability to effectively and efficiently implement the Voluntary
14568 Prekindergarten Education Program; and
14569 c. The coalition demonstrates to the Department of
14570 Education ~~Agency for Workforce Innovation~~ that the coalition can
14571 perform its duties in accordance with law.
14572
14573 If an early learning coalition fails or refuses to merge as
14574 required by this subparagraph, the Department of Education
14575 ~~Agency for Workforce Innovation~~ may dissolve the coalition and
14576 temporarily contract with a qualified entity to continue school
14577 readiness and prekindergarten services in the coalition's county
14578 or multicounty region until the department ~~agency~~ reestablishes
14579 the coalition and a new school readiness plan is approved by the
14580 department ~~agency~~.
14581 4. Each early learning coalition shall be composed of at
14582 least 15 members but not more than 30 members. The Department of
14583 Education ~~Agency for Workforce Innovation~~ shall adopt standards
14584 establishing within this range the minimum and maximum number of
14585 members that may be appointed to an early learning coalition and
14586 procedures for identifying which members have voting privileges
14587 under subparagraph 6. These standards must include variations

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14588 for a coalition serving a multicounty region. Each early
14589 learning coalition must comply with these standards.
14590 5. The Governor shall appoint the chair and two other
14591 members of each early learning coalition, who must each meet the
14592 same qualifications as private sector business members appointed
14593 by the coalition under subparagraph 7.
14594 6. Each early learning coalition must include the following
14595 member positions; however, in a multicounty coalition, each ex
14596 officio member position may be filled by multiple nonvoting
14597 members but no more than one voting member shall be seated per
14598 member position. If an early learning coalition has more than
14599 one member representing the same entity, only one of such
14600 members may serve as a voting member:
14601 a. A Department of Children and Family Services circuit
14602 administrator or his or her designee who is authorized to make
14603 decisions on behalf of the department.
14604 b. A district superintendent of schools or his or her
14605 designee who is authorized to make decisions on behalf of the
14606 district.
14607 c. A regional workforce board executive director or his or
14608 her designee.
14609 d. A county health department director or his or her
14610 designee.
14611 e. A children’s services council or juvenile welfare board
14612 chair or executive director, if applicable.
14613 f. An agency head of a local licensing agency as defined in
14614 s. 402.302, where applicable.
14615 g. A president of a community college or his or her
14616 designee.

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14617 h. One member appointed by a board of county commissioners
14618 or the governing board of a municipality.
14619 i. A central agency administrator, where applicable.
14620 j. A Head Start director.
14621 k. A representative of private for-profit child care
14622 providers, including private for-profit family day care homes.
14623 l. A representative of faith-based child care providers.
14624 m. A representative of programs for children with
14625 disabilities under the federal Individuals with Disabilities
14626 Education Act.
14627 7. Including the members appointed by the Governor under
14628 subparagraph 5., more than one-third of the members of each
14629 early learning coalition must be private sector business members
14630 who do not have, and none of whose relatives as defined in s.
14631 112.3143 has, a substantial financial interest in the design or
14632 delivery of the Voluntary Prekindergarten Education Program
14633 created under part V of chapter 1002 or the coalition's school
14634 readiness program. To meet this requirement an early learning
14635 coalition must appoint additional members. The Department of
14636 Education ~~Agency for Workforce Innovation~~ shall establish
14637 criteria for appointing private sector business members. These
14638 criteria must include standards for determining whether a member
14639 or relative has a substantial financial interest in the design
14640 or delivery of the Voluntary Prekindergarten Education Program
14641 or the coalition's school readiness program.
14642 8. A majority of the voting membership of an early learning
14643 coalition constitutes a quorum required to conduct the business
14644 of the coalition. An early learning coalition board may use any
14645 method of telecommunications to conduct meetings, including

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14646 establishing a quorum through telecommunications, provided that
14647 the public is given proper notice of a telecommunications
14648 meeting and reasonable access to observe and, when appropriate,
14649 participate.
14650 9. A voting member of an early learning coalition may not
14651 appoint a designee to act in his or her place, except as
14652 otherwise provided in this paragraph. A voting member may send a
14653 representative to coalition meetings, but that representative
14654 does not have voting privileges. When a district administrator
14655 for the Department of Children and Family Services appoints a
14656 designee to an early learning coalition, the designee is the
14657 voting member of the coalition, and any individual attending in
14658 the designee’s place, including the district administrator, does
14659 not have voting privileges.
14660 10. Each member of an early learning coalition is subject
14661 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
14662 112.3143(3)(a), each voting member is a local public officer who
14663 must abstain from voting when a voting conflict exists.
14664 11. For purposes of tort liability, each member or employee
14665 of an early learning coalition shall be governed by s. 768.28.
14666 12. An early learning coalition serving a multicounty
14667 region must include representation from each county.
14668 13. Each early learning coalition shall establish terms for
14669 all appointed members of the coalition. The terms must be
14670 staggered and must be a uniform length that does not exceed 4
14671 years per term. Coalition chairs shall be appointed for 4 years
14672 in conjunction with their membership on the Early Learning
14673 Advisory Council under s. 20.052. Appointed members may serve a
14674 maximum of two consecutive terms. When a vacancy occurs in an

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14675 appointed position, the coalition must advertise the vacancy.
14676 (c) *Program expectations.*—
14677 1. The school readiness program must meet the following
14678 expectations:
14679 a. The program must, at a minimum, enhance the age-
14680 appropriate progress of each child in attaining the performance
14681 standards and outcome measures adopted by the Department of
14682 Education ~~Agency for Workforce Innovation~~.
14683 b. The program must provide extended-day and extended-year
14684 services to the maximum extent possible without compromising the
14685 quality of the program to meet the needs of parents who work.
14686 c. The program must provide a coordinated professional
14687 development system that supports the achievement and maintenance
14688 of core competencies by school readiness instructors in helping
14689 children attain the performance standards and outcome measures
14690 adopted by the Department of Education ~~Agency for Workforce~~
14691 ~~Innovation~~.
14692 d. There must be expanded access to community services and
14693 resources for families to help achieve economic self-
14694 sufficiency.
14695 e. There must be a single point of entry and unified
14696 waiting list. As used in this sub-subparagraph, the term "single
14697 point of entry" means an integrated information system that
14698 allows a parent to enroll his or her child in the school
14699 readiness program at various locations throughout a county, that
14700 may allow a parent to enroll his or her child by telephone or
14701 through an Internet website, and that uses a unified waiting
14702 list to track eligible children waiting for enrollment in the
14703 school readiness program. The Department of Education ~~Agency for~~

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14704 ~~Workforce Innovation~~ shall establish through technology a single
14705 statewide information system that each coalition must use for
14706 the purposes of managing the single point of entry, tracking
14707 children's progress, coordinating services among stakeholders,
14708 determining eligibility, tracking child attendance, and
14709 streamlining administrative processes for providers and early
14710 learning coalitions.
14711 f. The Department of Education ~~Agency for Workforce~~
14712 ~~Innovation~~ must consider the access of eligible children to the
14713 school readiness program, as demonstrated in part by waiting
14714 lists, before approving a proposed increase in payment rates
14715 submitted by an early learning coalition. In addition, early
14716 learning coalitions shall use school readiness funds made
14717 available due to enrollment shifts from school readiness
14718 programs to the Voluntary Prekindergarten Education Program for
14719 increasing the number of children served in school readiness
14720 programs before increasing payment rates.
14721 g. The program must meet all state licensing guidelines,
14722 where applicable.
14723 h. The program must ensure that minimum standards for child
14724 discipline practices are age-appropriate. Such standards must
14725 provide that children not be subjected to discipline that is
14726 severe, humiliating, or frightening or discipline that is
14727 associated with food, rest, or toileting. Spanking or any other
14728 form of physical punishment is prohibited.
14729 2. Each early learning coalition must implement a
14730 comprehensive program of school readiness services in accordance
14731 with the rules adopted by the department ~~agency~~ which enhance
14732 the cognitive, social, and physical development of children to

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14733 achieve the performance standards and outcome measures. At a
14734 minimum, these programs must contain the following system
14735 support service elements:
14736 a. Developmentally appropriate curriculum designed to
14737 enhance the age-appropriate progress of children in attaining
14738 the performance standards adopted by the Department of Education
14739 ~~Agency for Workforce Innovation~~ under subparagraph (4)(d)8.
14740 b. A character development program to develop basic values.
14741 c. An age-appropriate screening of each child's
14742 development.
14743 d. An age-appropriate assessment administered to children
14744 when they enter a program and an age-appropriate assessment
14745 administered to children when they leave the program.
14746 e. An appropriate staff-to-children ratio, pursuant to s.
14747 402.305(4) or s. 402.302(7) or (8), as applicable, and as
14748 verified pursuant to s. 402.311.
14749 f. A healthy and safe environment pursuant to s.
14750 401.305(5), (6), and (7), as applicable, and as verified
14751 pursuant to s. 402.311.
14752 g. A resource and referral network established under s.
14753 411.0101 to assist parents in making an informed choice and a
14754 regional Warm-Line under s. 411.01015.
14755
14756 The ~~Agency for Workforce Innovation, the~~ Department of
14757 Education~~,~~ and early learning coalitions shall coordinate with
14758 the Child Care Services Program Office of the Department of
14759 Children and Family Services to minimize duplicating interagency
14760 activities pertaining to acquiring and composing data for child
14761 care training and credentialing.

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14762 (d) *Implementation.*—
14763 1. An early learning coalition may not implement the school
14764 readiness program until the coalition's school readiness plan is
14765 approved by the Department of Education ~~Agency for Workforce~~
14766 ~~Innovation~~.
14767 2. Each early learning coalition shall coordinate with one
14768 another to implement a comprehensive program of school readiness
14769 services which enhances the cognitive, social, physical, and
14770 moral character of the children to achieve the performance
14771 standards and outcome measures and which helps families achieve
14772 economic self-sufficiency. Such program must contain, at a
14773 minimum, the following elements:
14774 a. Implement the school readiness program to meet the
14775 requirements of this section and the system support services,
14776 performance standards, and outcome measures adopted by the
14777 Department of Education ~~Agency for Workforce Innovation~~.
14778 b. Demonstrate how the program will ensure that each child
14779 from birth through 5 years of age in a publicly funded school
14780 readiness program receives scheduled activities and instruction
14781 designed to enhance the age-appropriate progress of the children
14782 in attaining the performance standards adopted by the department
14783 ~~agency~~ under subparagraph (4)(d)8.
14784 c. Ensure that the coalition has solicited and considered
14785 comments regarding the proposed school readiness plan from the
14786 local community.
14787
14788 Before implementing the school readiness program, the early
14789 learning coalition must submit the plan to the department ~~agency~~
14790 for approval. The department ~~agency~~ may approve the plan, reject

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14791 the plan, or approve the plan with conditions. The department
14792 ~~agency~~ shall review school readiness plans at least every 2
14793 years.
14794 3. If the Department of Education ~~Agency for Workforce~~
14795 ~~Innovation~~ determines during the review of school readiness
14796 plans, or through monitoring and performance evaluations
14797 conducted under paragraph (4)(l), that an early learning
14798 coalition has not substantially implemented its plan, has not
14799 substantially met the performance standards and outcome measures
14800 adopted by the department ~~agency~~, or has not effectively
14801 administered the school readiness program or Voluntary
14802 Prekindergarten Education Program, the department ~~agency~~ may
14803 dissolve the coalition and temporarily contract with a qualified
14804 entity to continue school readiness and prekindergarten services
14805 in the coalition's county or multicounty region until the
14806 department ~~agency~~ reestablishes the coalition and a new school
14807 readiness plan is approved in accordance with the rules adopted
14808 by the department ~~agency~~.
14809 4. The Department of Education ~~Agency for Workforce~~
14810 ~~Innovation~~ shall adopt rules establishing criteria for the
14811 approval of school readiness plans. The criteria must be
14812 consistent with the system support services, performance
14813 standards, and outcome measures adopted by the department ~~agency~~
14814 and must require each approved plan to include the following
14815 minimum standards for the school readiness program:
14816 a. A community plan that addresses the needs of all
14817 children and providers within the coalition's county or
14818 multicounty region.
14819 b. A sliding fee scale establishing a copayment for parents

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14820 based upon their ability to pay, which is the same for all
14821 program providers.
14822 c. A choice of settings and locations in licensed,
14823 registered, religious-exempt, or school-based programs to be
14824 provided to parents.
14825 d. Specific eligibility priorities for children in
14826 accordance with subsection (6).
14827 e. Performance standards and outcome measures adopted by
14828 the department ~~agency~~.
14829 f. Payment rates adopted by the early learning coalitions
14830 and approved by the department ~~agency~~. Payment rates may not
14831 have the effect of limiting parental choice or creating
14832 standards or levels of services that have not been expressly
14833 established by the Legislature, unless the creation of such
14834 standards or levels of service, which must be uniform throughout
14835 the state, has been approved by the Federal Government and
14836 result in the state being eligible to receive additional federal
14837 funds available for early learning on a statewide basis.
14838 g. Direct enhancement services for families and children.
14839 System support and direct enhancement services shall be in
14840 addition to payments for the placement of children in school
14841 readiness programs. Direct enhancement services for families may
14842 include parent training and involvement activities and
14843 strategies to meet the needs of unique populations and local
14844 eligibility priorities. Enhancement services for children may
14845 include provider supports and professional development approved
14846 in the plan by the Department of Education ~~Agency for Workforce~~
14847 ~~Innovation~~.
14848 h. The business organization of the early learning

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14849 coalition, which must include the coalition's articles of
14850 incorporation and bylaws if the coalition is organized as a
14851 corporation. If the coalition is not organized as a corporation
14852 or other business entity, the plan must include the contract
14853 with a fiscal agent. An early learning coalition may contract
14854 with other coalitions to achieve efficiency in multicounty
14855 services, and these contracts may be part of the coalition's
14856 school readiness plan.
14857 i. The implementation of locally developed quality programs
14858 in accordance with the requirements adopted by the department
14859 ~~agency~~ under subparagraph (4)(d)5.
14860
14861 The Department of Education ~~Agency for Workforce Innovation~~ may
14862 request the Governor to apply for a waiver to allow the
14863 coalition to administer the Head Start Program to accomplish the
14864 purposes of the school readiness program.
14865 5. Persons with an early childhood teaching certificate may
14866 provide support and supervision to other staff in the school
14867 readiness program.
14868 6. An early learning coalition may not implement its school
14869 readiness plan until it submits the plan to and receives
14870 approval from the Department of Education ~~Agency for Workforce~~
14871 ~~Innovation~~. Once the plan is approved, the plan and the services
14872 provided under the plan shall be controlled by the early
14873 learning coalition. The plan shall be reviewed and revised as
14874 necessary, but at least biennially. An early learning coalition
14875 may not implement the revisions until the coalition submits the
14876 revised plan to and receives approval from the department
14877 ~~agency~~. If the department ~~agency~~ rejects a revised plan, the

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14878 coalition must continue to operate under its prior approved
14879 plan.
14880 7. Section 125.901(2)(a)3. does not apply to school
14881 readiness programs. The Department of Education ~~Agency for~~
14882 ~~Workforce Innovation~~ may apply to the Governor and Cabinet for a
14883 waiver of, and the Governor and Cabinet may waive, any of the
14884 provisions of ss. 411.223 and 1003.54, if the waiver is
14885 necessary for implementation of school readiness programs.
14886 8. Two or more early learning coalitions may join for
14887 purposes of planning and implementing a school readiness
14888 program.
14889 (e) *Requests for proposals; payment schedule.*—
14890 1. Each early learning coalition must comply with the
14891 procurement and expenditure procedures adopted by the Department
14892 of Education ~~Agency for Workforce Innovation~~, including, but not
14893 limited to, applying the procurement and expenditure procedures
14894 required by federal law for the expenditure of federal funds.
14895 2. Each early learning coalition shall adopt a payment
14896 schedule that encompasses all programs funded under this
14897 section. The payment schedule must take into consideration the
14898 prevailing market rate, must include the projected number of
14899 children to be served, and must be submitted for approval by the
14900 Department of Education ~~Agency for Workforce Innovation~~.
14901 Informal child care arrangements shall be reimbursed at not more
14902 than 50 percent of the rate adopted for a family day care home.
14903 (f) *Evaluation and annual report.*—Each early learning
14904 coalition shall conduct an evaluation of its implementation of
14905 the school readiness program, including system support services,
14906 performance standards, and outcome measures, and shall provide

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14907 an annual report and fiscal statement to the Department of
14908 Education ~~Agency for Workforce Innovation~~. This report must also
14909 include an evaluation of the effectiveness of its direct
14910 enhancement services and conform to the content and format
14911 specifications adopted by the Department of Education ~~Agency for~~
14912 ~~Workforce Innovation~~. The Department of Education ~~Agency for~~
14913 ~~Workforce Innovation~~ must include an analysis of the early
14914 learning coalitions' reports in the department's ~~agency's~~ annual
14915 report.
14916 (7) PARENTAL CHOICE.—
14917 (e) The office of the Chief Financial Officer shall
14918 establish an electronic transfer system for the disbursement of
14919 funds in accordance with this subsection. Each early learning
14920 coalition shall fully implement the electronic funds transfer
14921 system within 2 years after approval of the coalition's school
14922 readiness plan, unless a waiver is obtained from the Department
14923 of Education ~~Agency for Workforce Innovation~~.
14924 (8) STANDARDS; OUTCOME MEASURES.—A program provider
14925 participating in the school readiness program must meet the
14926 performance standards and outcome measures adopted by the
14927 Department of Education ~~Agency for Workforce Innovation~~.
14928 (9) FUNDING; SCHOOL READINESS PROGRAM.—
14929 (b)1. The Department of Education ~~Agency for Workforce~~
14930 ~~Innovation~~ shall administer school readiness funds, plans, and
14931 policies and shall prepare and submit a unified budget request
14932 for the school readiness system in accordance with chapter 216.
14933 2. All instructions to early learning coalitions for
14934 administering this section shall emanate from the Department of
14935 Education ~~Agency for Workforce Innovation~~ in accordance with the

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14936 policies of the Legislature.
14937 (c) The Department of Education ~~Agency for Workforce~~
14938 ~~Innovation~~, subject to legislative notice and review under s.
14939 216.177, shall establish a formula for the allocation of all
14940 state and federal school readiness funds provided for children
14941 participating in the school readiness program, whether served by
14942 a public or private provider, based upon equity for each county.
14943 The allocation formula must be submitted to the Governor, the
14944 chair of the Senate Ways and Means Committee or its successor,
14945 and the chair of the House of Representatives Fiscal Council or
14946 its successor no later than January 1 of each year. If the
14947 Legislature specifies changes to the allocation formula, the
14948 Department of Education ~~Agency for Workforce Innovation~~ shall
14949 allocate funds as specified in the General Appropriations Act.
14950 (d) All state, federal, and required local maintenance-of-
14951 effort or matching funds provided to an early learning coalition
14952 for purposes of this section shall be used for implementation of
14953 its approved school readiness plan, including the hiring of
14954 staff to effectively operate the coalition's school readiness
14955 program. As part of plan approval and periodic plan review, the
14956 Department of Education ~~Agency for Workforce Innovation~~ shall
14957 require that administrative costs be kept to the minimum
14958 necessary for efficient and effective administration of the
14959 school readiness plan, but total administrative expenditures
14960 must not exceed 5 percent unless specifically waived by the
14961 Department of Education ~~Agency for Workforce Innovation~~. The
14962 Department of Education ~~Agency for Workforce Innovation~~ shall
14963 annually report to the Legislature any problems relating to
14964 administrative costs.

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14965 (e) The Department of Education ~~Agency for Workforce~~
14966 ~~Innovation~~ shall annually distribute, to a maximum extent
14967 practicable, all eligible funds provided under this section as
14968 block grants to the early learning coalitions in accordance with
14969 the terms and conditions specified by the department ~~agency~~.
14970 Section 248. Subsections (1) and (2), paragraph (a) of
14971 subsection (3), and subsection (4) of section 411.0101, Florida
14972 Statutes, are amended to read:
14973 411.0101 Child care and early childhood resource and
14974 referral.—
14975 (1) As a part of the school readiness programs, the
14976 Department of Education ~~Agency for Workforce Innovation~~ shall
14977 establish a statewide child care resource and referral network
14978 that is unbiased and provides referrals to families for child
14979 care. Preference shall be given to using the already established
14980 early learning coalitions as the child care resource and
14981 referral agencies. If an early learning coalition cannot comply
14982 with the requirements to offer the resource information
14983 component or does not want to offer that service, the early
14984 learning coalition shall select the resource and referral agency
14985 for its county or multicounty region based upon a request for
14986 proposal pursuant to s. 411.01(5)(e)1.
14987 (2) At least one child care resource and referral agency
14988 must be established in each early learning coalition's county or
14989 multicounty region. The Department of Education ~~Agency for~~
14990 ~~Workforce Innovation~~ shall adopt rules regarding accessibility
14991 of child care resource and referral services offered through
14992 child care resource and referral agencies in each county or
14993 multicounty region which include, at a minimum, required hours

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14994 of operation, methods by which parents may request services, and
14995 child care resource and referral staff training requirements.
14996 (3) Child care resource and referral agencies shall provide
14997 the following services:
14998 (a) Identification of existing public and private child
14999 care and early childhood education services, including child
15000 care services by public and private employers, and the
15001 development of a resource file of those services through the
15002 single statewide information system developed by the Department
15003 of Education ~~Agency for Workforce Innovation~~ under s.
15004 411.01(5)(c)1.e. These services may include family day care,
15005 public and private child care programs, the Voluntary
15006 Prekindergarten Education Program, Head Start, the school
15007 readiness program, special education programs for
15008 prekindergarten children with disabilities, services for
15009 children with developmental disabilities, full-time and part-
15010 time programs, before-school and after-school programs, vacation
15011 care programs, parent education, the Temporary Cash Assistance
15012 Program, and related family support services. The resource file
15013 shall include, but not be limited to:
15014 1. Type of program.
15015 2. Hours of service.
15016 3. Ages of children served.
15017 4. Number of children served.
15018 5. Significant program information.
15019 6. Fees and eligibility for services.
15020 7. Availability of transportation.
15021 (4) The Department of Education ~~Agency for Workforce~~
15022 ~~Innovation~~ shall adopt any rules necessary for the

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15023 implementation and administration of this section.
15024 Section 249. Subsections (2), (6), and (7) of section
15025 411.01013, Florida Statutes, are amended to read:
15026 411.01013 Prevailing market rate schedule.—
15027 (2) The Department of Education ~~Agency for Workforce~~
15028 ~~Innovation~~ shall establish procedures for the adoption of a
15029 prevailing market rate schedule. The schedule must include, at a
15030 minimum, county-by-county rates:
15031 (a) At the prevailing market rate, plus the maximum rate,
15032 for child care providers that hold a Gold Seal Quality Care
15033 designation under s. 402.281.
15034 (b) At the prevailing market rate for child care providers
15035 that do not hold a Gold Seal Quality Care designation.
15036 (6) The Department of Education ~~Agency for Workforce~~
15037 ~~Innovation~~ may contract with one or more qualified entities to
15038 administer this section and provide support and technical
15039 assistance for child care providers.
15040 (7) The Department of Education ~~Agency for Workforce~~
15041 ~~Innovation~~ may adopt rules pursuant to ss. 120.536(1) and 120.54
15042 for establishing procedures for the collection of child care
15043 providers' market rate, the calculation of a reasonable
15044 frequency distribution of the market rate, and the publication
15045 of a prevailing market rate schedule.
15046 Section 250. Subsection (1) of section 411.01014, Florida
15047 Statutes, is amended to read:
15048 411.01014 School readiness transportation services.—
15049 (1) The Department of Education ~~Agency for Workforce~~
15050 ~~Innovation~~, pursuant to chapter 427, may authorize an early
15051 learning coalition to establish school readiness transportation

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15052 services for children at risk of abuse or neglect participating
15053 in the school readiness program. The early learning coalitions
15054 may contract for the provision of transportation services as
15055 required by this section.
15056 Section 251. Subsections (1), (3), and (4) of section
15057 411.01015, Florida Statutes, are amended to read:
15058 411.01015 Consultation to child care centers and family day
15059 care homes regarding health, developmental, disability, and
15060 special needs issues.—
15061 (1) Contingent upon specific appropriations, the Department
15062 of Education ~~Agency for Workforce Innovation~~ shall administer a
15063 statewide toll-free Warm-Line for the purpose of providing
15064 assistance and consultation to child care centers and family day
15065 care homes regarding health, developmental, disability, and
15066 special needs issues of the children they are serving,
15067 particularly children with disabilities and other special needs.
15068 (3) The Department of Education ~~Agency for Workforce~~
15069 ~~Innovation~~ shall annually inform child care centers and family
15070 day care homes of the availability of this service through the
15071 child care resource and referral network under s. 411.0101.
15072 (4) Contingent upon specific appropriations, the Department
15073 of Education ~~Agency for Workforce Innovation~~ shall expand, or
15074 contract for the expansion of, the Warm-Line to maintain at
15075 least one Warm-Line site in each early learning coalition
15076 service area.
15077 Section 252. Subsections (2) and (3) of section 411.0103,
15078 Florida Statutes, are amended to read:
15079 411.0103 Teacher Education and Compensation Helps (TEACH)
15080 scholarship program.—

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15081 (2) The Department of Education ~~Agency for Workforce~~
15082 ~~Innovation~~ may contract for the administration of the Teacher
15083 Education and Compensation Helps (TEACH) scholarship program,
15084 which provides educational scholarships to caregivers and
15085 administrators of early childhood programs, family day care
15086 homes, and large family child care homes.
15087 (3) The department ~~agency~~ shall adopt rules under ss.
15088 120.536(1) and 120.54 as necessary to administer this section.
15089 Section 253. Subsections (1) and (3) of section 411.0104,
15090 Florida Statutes, are amended to read:
15091 411.0104 Early Head Start collaboration grants.—
15092 (1) Contingent upon specific appropriations, the Department
15093 of Education ~~Agency for Workforce Innovation~~ shall establish a
15094 program to award collaboration grants to assist local agencies
15095 in securing Early Head Start programs through Early Head Start
15096 program federal grants. The collaboration grants shall provide
15097 the required matching funds for public and private nonprofit
15098 agencies that have been approved for Early Head Start program
15099 federal grants.
15100 (3) The Department of Education ~~Agency for Workforce~~
15101 ~~Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 as
15102 necessary for the award of collaboration grants to competing
15103 agencies and the administration of the collaboration grants
15104 program under this section.
15105 Section 254. Section 411.0106, Florida Statutes, is amended
15106 to read:
15107 411.0106 Infants and toddlers in state-funded education and
15108 care programs; brain development activities.—Each state-funded
15109 education and care program for children from birth to 5 years of

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15110 age must provide activities to foster brain development in
15111 infants and toddlers. A program must provide an environment that
15112 helps children attain the performance standards adopted by the
15113 Department of Education ~~Agency for Workforce Innovation~~ under s.
15114 411.01(4)(d)8. and must be rich in language and music and filled
15115 with objects of various colors, shapes, textures, and sizes to
15116 stimulate visual, tactile, auditory, and linguistic senses in
15117 the children and must include classical music and at least 30
15118 minutes of reading to the children each day. A program may be
15119 offered through an existing early childhood program such as
15120 Healthy Start, the Title I program, the school readiness
15121 program, the Head Start program, or a private child care
15122 program. A program must provide training for the infants' and
15123 toddlers' parents including direct dialogue and interaction
15124 between teachers and parents demonstrating the urgency of brain
15125 development in the first year of a child's life. Family day care
15126 centers are encouraged, but not required, to comply with this
15127 section.
15128 Section 255. Subsection (1) and paragraph (g) of subsection
15129 (3) of section 411.011, Florida Statutes, are amended to read:
15130 411.011 Records of children in school readiness programs.—
15131 (1) The individual records of children enrolled in school
15132 readiness programs provided under s. 411.01, held by an early
15133 learning coalition or the Department of Education ~~Agency for~~
15134 ~~Workforce Innovation~~, are confidential and exempt from s.
15135 119.07(1) and s. 24(a), Art. I of the State Constitution. For
15136 purposes of this section, records include assessment data,
15137 health data, records of teacher observations, and personal
15138 identifying information.

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15139 (3) School readiness records may be released to:
15140 (g) Parties to an interagency agreement among early
15141 learning coalitions, local governmental agencies, providers of
15142 school readiness programs, state agencies, and the Department of
15143 Education ~~Agency for Workforce Innovation~~ for the purpose of
15144 implementing the school readiness program.
15145
15146 Agencies, organizations, or individuals that receive school
15147 readiness records in order to carry out their official functions
15148 must protect the data in a manner that does not permit the
15149 personal identification of a child enrolled in a school
15150 readiness program and his or her parents by persons other than
15151 those authorized to receive the records.
15152 Section 256. Paragraph (e) of subsection (2) of section
15153 411.226, Florida Statutes, is amended to read:
15154 411.226 Learning Gateway.—
15155 (2) LEARNING GATEWAY STEERING COMMITTEE.—
15156 (e) To support and facilitate system improvements, the
15157 steering committee must consult with representatives from the
15158 Department of Education, the Department of Health, ~~the Agency~~
15159 ~~for Workforce Innovation,~~ the Department of Children and Family
15160 Services, the Agency for Health Care Administration, the
15161 Department of Juvenile Justice, and the Department of
15162 Corrections and with the director of the Learning Development
15163 and Evaluation Center of Florida Agricultural and Mechanical
15164 University.
15165 Section 257. Paragraph (d) of subsection (1), paragraph (a)
15166 of subsection (2), and paragraph (c) of subsection (3) of
15167 section 411.227, Florida Statutes, are amended to read:

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15168 411.227 Components of the Learning Gateway.—The Learning
15169 Gateway system consists of the following components:
15170 (1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED
15171 ACCESS.—
15172 (d) In collaboration with other local resources, the
15173 demonstration projects shall develop public awareness strategies
15174 to disseminate information about developmental milestones,
15175 precursors of learning problems and other developmental delays,
15176 and the service system that is available. The information should
15177 target parents of children from birth through age 9 and should
15178 be distributed to parents, health care providers, and caregivers
15179 of children from birth through age 9. A variety of media should
15180 be used as appropriate, such as print, television, radio, and a
15181 community-based Internet website, as well as opportunities such
15182 as those presented by parent visits to physicians for well-child
15183 checkups. The Learning Gateway Steering Committee shall provide
15184 technical assistance to the local demonstration projects in
15185 developing and distributing educational materials and
15186 information.
15187 1. Public awareness strategies targeting parents of
15188 children from birth through age 5 shall be designed to provide
15189 information to public and private preschool programs, child care
15190 providers, pediatricians, parents, and local businesses and
15191 organizations. These strategies should include information on
15192 the school readiness performance standards adopted by the
15193 Department of Education ~~Agency for Workforce Innovation~~.
15194 2. Public awareness strategies targeting parents of
15195 children from ages 6 through 9 must be designed to disseminate
15196 training materials and brochures to parents and public and

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15197 private school personnel, and must be coordinated with the local
15198 school board and the appropriate school advisory committees in
15199 the demonstration projects. The materials should contain
15200 information on state and district proficiency levels for grades
15201 K-3.
15202 (2) SCREENING AND DEVELOPMENTAL MONITORING.—
15203 (a) In coordination with ~~the Agency for Workforce~~
15204 ~~Innovation,~~ the Department of Education~~,~~ and the Florida
15205 Pediatric Society, and using information learned from the local
15206 demonstration projects, the Learning Gateway Steering Committee
15207 shall establish guidelines for screening children from birth
15208 through age 9. The guidelines should incorporate recent research
15209 on the indicators most likely to predict early learning
15210 problems, mild developmental delays, child-specific precursors
15211 of school failure, and other related developmental indicators in
15212 the domains of cognition; communication; attention; perception;
15213 behavior; and social, emotional, sensory, and motor functioning.
15214 (3) EARLY EDUCATION, SERVICES AND SUPPORTS.—
15215 (c) The steering committee, in cooperation with the
15216 Department of Children and Family Services and~~,~~ the Department
15217 of Education, ~~and the Agency for Workforce Innovation,~~ shall
15218 identify the elements of an effective research-based curriculum
15219 for early care and education programs.
15220 Section 258. Section 414.24, Florida Statutes, is amended
15221 to read:
15222 414.24 Integrated welfare reform and child welfare
15223 services.—The department shall develop integrated service
15224 delivery strategies to better meet the needs of families subject
15225 to work activity requirements who are involved in the child

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15226 welfare system or are at high risk of involvement in the child
15227 welfare system. To the extent that resources are available, the
15228 department and Jobs Florida ~~the Department of Labor and~~
15229 ~~Employment Security~~ shall provide funds to one or more service
15230 districts to promote development of integrated, nonduplicative
15231 case management within the department, Jobs Florida ~~the~~
15232 ~~Department of Labor and Employment Security~~, other participating
15233 government agencies, and community partners. Alternative
15234 delivery systems shall be encouraged which include well-defined,
15235 pertinent outcome measures. Other factors to be considered shall
15236 include innovation regarding training, enhancement of existing
15237 resources, and increased private sector and business sector
15238 participation.
15239 Section 259. Section 414.40, Florida Statutes, is amended
15240 to read:
15241 414.40 Stop Inmate Fraud Program established; guidelines.—
15242 (1) There is created within the Department of Financial
15243 Services ~~Department of Law Enforcement~~ a Stop Inmate Fraud
15244 Program.
15245 (2) The Department of Financial Services ~~Department of Law~~
15246 ~~Enforcement~~ is directed to implement the Stop Inmate Fraud
15247 Program in accordance with the following guidelines:
15248 (a) The program shall establish procedures for sharing
15249 public records not exempt from the public records law among
15250 social services agencies regarding the identities of persons
15251 incarcerated in state correctional institutions, as defined in
15252 s. 944.02, or in county, municipal, or regional jails or other
15253 detention facilities of local governments under chapter 950 or
15254 chapter 951 who are wrongfully receiving public assistance

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15255 benefits or entitlement benefits.
15256 (b) Pursuant to these procedures, the program shall have
15257 access to records containing correctional information not exempt
15258 from the public records law on incarcerated persons which have
15259 been generated as criminal justice information. As used in this
15260 paragraph, the term “record” is defined as provided in s.
15261 943.045(7), and the term “criminal justice information” is
15262 defined as provided in s. 943.045(3).
15263 (c) Database searches shall be conducted of the inmate
15264 population at each correctional institution or other detention
15265 facility. A correctional institution or a detention facility
15266 shall provide the Stop Inmate Fraud Program with the information
15267 necessary to identify persons wrongfully receiving benefits in
15268 the medium requested by the Stop Inmate Fraud Program if the
15269 correctional institution or detention facility maintains the
15270 information in that medium.
15271 (d) Data obtained from correctional institutions or other
15272 detention facilities shall be compared with the client files of
15273 the Department of Children and Family Services, Jobs Florida ~~the~~
15274 ~~Department of Labor and Employment Security~~, and other state or
15275 local agencies as needed to identify persons wrongfully
15276 obtaining benefits. Data comparisons shall be accomplished
15277 during periods of low information demand by agency personnel to
15278 minimize inconvenience to the agency.
15279 (e) Results of data comparisons shall be furnished to the
15280 appropriate office for use in the county in which the data
15281 originated. The program may provide reports of the data it
15282 obtains to appropriate state, federal, and local government
15283 agencies or governmental entities, including, but not limited

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15284 to:
15285 1. The Child Support Enforcement Program of the Department
15286 of Revenue, so that the data may be used as locator information
15287 on persons being sought for purposes of child support.
15288 2. The Social Security Administration, so that the data may
15289 be used to reduce federal entitlement fraud within the state.
15290 (f) Reports by the program to another agency or entity
15291 shall be generated bimonthly, or as otherwise directed, and
15292 shall be designed to accommodate that agency's or entity's
15293 particular needs for data.
15294 (g) Only those persons with active cases, or with cases
15295 that were active during the incarceration period, shall be
15296 reported, in order that the funding agency or entity, upon
15297 verification of the data, may take whatever action is deemed
15298 appropriate.
15299 (h) For purposes of program review and analysis, each
15300 agency or entity receiving data from the program shall submit
15301 reports to the program which indicate the results of how the
15302 data was used.
15303 Section 260. Subsection (1) of section 414.295, Florida
15304 Statutes, is amended to read:
15305 414.295 Temporary cash assistance programs; public records
15306 exemption.—
15307 (1) Personal identifying information of a temporary cash
15308 assistance program participant, a participant's family, or a
15309 participant's family or household member, except for information
15310 identifying a parent who does not live in the same home as the
15311 child, held by the department, Jobs Florida ~~the Agency for~~
15312 ~~Workforce Innovation~~, Workforce Florida, Inc., the Department of

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15313 Health, the Department of Revenue, the Department of Education,
15314 or a regional workforce board or local committee created
15315 pursuant to s. 445.007 is confidential and exempt from s.
15316 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
15317 confidential and exempt information may be released for purposes
15318 directly connected with:
15319 (a) The administration of the temporary assistance for
15320 needy families plan under Title IV-A of the Social Security Act,
15321 as amended, by the department, Jobs Florida ~~the Agency for~~
15322 ~~Workforce Innovation~~, Workforce Florida, Inc., the Department of
15323 Military Affairs, the Department of Health, the Department of
15324 Revenue, the Department of Education, a regional workforce board
15325 or local committee created pursuant to s. 445.007, or a school
15326 district.
15327 (b) The administration of the state's plan or program
15328 approved under Title IV-B, Title IV-D, or Title IV-E of the
15329 Social Security Act, as amended, or under Title I, Title X,
15330 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the
15331 Social Security Act, as amended.
15332 (c) Any investigation, prosecution, or any criminal, civil,
15333 or administrative proceeding conducted in connection with the
15334 administration of any of the plans or programs specified in
15335 paragraph (a) or paragraph (b) by a federal, state, or local
15336 governmental entity, upon request by that entity, when such
15337 request is made pursuant to the proper exercise of that entity's
15338 duties and responsibilities.
15339 (d) The administration of any other state, federal, or
15340 federally assisted program that provides assistance or services
15341 on the basis of need, in cash or in kind, directly to a

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15342 participant.
15343 (e) Any audit or similar activity, such as a review of
15344 expenditure reports or financial review, conducted in connection
15345 with the administration of any of the plans or programs
15346 specified in paragraph (a) or paragraph (b) by a governmental
15347 entity authorized by law to conduct such audit or activity.
15348 (f) The administration of the unemployment compensation
15349 program.
15350 (g) The reporting to the appropriate agency or official of
15351 information about known or suspected instances of physical or
15352 mental injury, sexual abuse or exploitation, or negligent
15353 treatment or maltreatment of a child or elderly person receiving
15354 assistance, if circumstances indicate that the health or welfare
15355 of the child or elderly person is threatened.
15356 (h) The administration of services to elderly persons under
15357 ss. 430.601-430.606.
15358 Section 261. Subsections (1) and (3) of section 414.411,
15359 Florida Statutes, are amended to read:
15360 414.411 Public assistance fraud.—
15361 (1) The Department of Financial Services shall investigate
15362 all public assistance provided to residents of the state or
15363 provided to others by the state. In the course of such
15364 investigation the department shall examine all records,
15365 including electronic benefits transfer records and make inquiry
15366 of all persons who may have knowledge as to any irregularity
15367 incidental to the disbursement of public moneys, food
15368 assistance, or other items or benefits authorizations to
15369 recipients. All public assistance recipients, as a condition
15370 precedent to qualification for public assistance under chapter

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15371 409, chapter 411, or this chapter, must first give in writing,
15372 to the Agency for Health Care Administration, the Department of
15373 Health, Jobs Florida ~~the Agency for Workforce Innovation~~, and
15374 the Department of Children and Family Services, as appropriate,
15375 and to the Department of Financial Services, consent to make
15376 inquiry of past or present employers and records, financial or
15377 otherwise.
15378 (3) The results of such investigation shall be reported by
15379 the Department of Financial Services to the appropriate
15380 legislative committees, the Agency for Health Care
15381 Administration, the Department of Health, Jobs Florida ~~the~~
15382 ~~Agency for Workforce Innovation~~, and the Department of Children
15383 and Family Services, and to such others as the department may
15384 determine.
15385 Section 262. Subsections (2) through (9) of section
15386 420.631, Florida Statutes, are amended to read:
15387 420.631 Definitions relating to Urban Homesteading Act.—As
15388 used in ss. 420.630-420.635:
15389 ~~(2) "Department" means the Department of Community Affairs.~~
15390 (2)~~(3)~~ "Homestead agreement" means a written contract
15391 between a local government or its designee and a qualified buyer
15392 which contains the terms under which the qualified buyer may
15393 acquire a single-family housing property.
15394 (3)~~(4)~~ "Local government" means any county or incorporated
15395 municipality within this state.
15396 (4)~~(5)~~ "Designee" means a housing authority appointed by a
15397 local government, or a nonprofit community organization
15398 appointed by a local government, to administer the urban
15399 homesteading program for single-family housing under ss.

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15400 420.630-420.635.
15401 (5) ~~(6)~~ “Nonprofit community organization” means an
15402 organization that is exempt from taxation under s. 501(c)(3) of
15403 the Internal Revenue Code.
15404 (6) ~~(7)~~ “Office” means the Office of Urban Opportunity
15405 within Jobs Florida ~~the Department of Community Affairs~~.
15406 (7) ~~(8)~~ “Qualified buyer” means a person who meets the
15407 criteria under s. 420.633.
15408 (8) ~~(9)~~ “Qualified loan rate” means an interest rate that
15409 does not exceed the interest rate charged for home improvement
15410 loans by the Federal Housing Administration under Title I of the
15411 National Housing Act, ch. 847, 48 Stat. 1246, or 12 U.S.C. ss.
15412 1702, 1703, 1705, and 1706b et seq.
15413 Section 263. Section 420.635, Florida Statutes, is amended
15414 to read:
15415 420.635 Loans to qualified buyers.—Contingent upon an
15416 appropriation, Jobs Florida ~~the department~~, in consultation with
15417 the Office of Urban Opportunity, shall provide loans to
15418 qualified buyers who are required to pay the pro rata portion of
15419 the bonded debt on single-family housing pursuant to s. 420.634.
15420 Loans provided under this section shall be made at a rate of
15421 interest which does not exceed the qualified loan rate. A buyer
15422 must maintain the qualifications specified in s. 420.633 for the
15423 full term of the loan. The loan agreement may contain additional
15424 terms and conditions as determined by Jobs Florida ~~the~~
15425 ~~department~~.
15426 Section 264. Paragraph (b) of subsection (2) of section
15427 429.907, Florida Statutes, is amended to read:
15428 429.907 License requirement; fee; exemption; display.—

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15429 (2)
15430 (b) If ~~In the event~~ a licensed center becomes wholly or
15431 substantially unusable due to a disaster ~~as defined in s.~~
15432 ~~252.34(1)~~ or due to an emergency as those terms are defined in
15433 s. 252.34~~(3)~~:
15434 1. The licensee may continue to operate under its current
15435 license in ~~a premise or~~ premises separate from that authorized
15436 under the license if the licensee has:
15437 a. Specified the location of the ~~premise or~~ premises in its
15438 comprehensive emergency management plan submitted to and
15439 approved by the applicable county emergency management
15440 authority; and
15441 b. Notified the agency and the county emergency management
15442 authority within 24 hours of operating in the separate ~~premise~~
15443 ~~or~~ premises.
15444 2. The licensee shall operate the separate ~~premise or~~
15445 premises only while the licensed center's original location is
15446 substantially unusable and for up to ~~no longer than~~ 180 days.
15447 The agency may extend use of the alternate ~~premise or~~ premises
15448 beyond the initial 180 days. The agency may also review the
15449 operation of the disaster ~~premise or~~ premises quarterly.
15450 Section 265. Subsection (2) of section 440.12, Florida
15451 Statutes, is amended to read:
15452 440.12 Time for commencement and limits on weekly rate of
15453 compensation.—
15454 (2) Compensation for disability resulting from injuries
15455 which occur after December 31, 1974, shall not be less than $20
15456 per week. However, if the employee's wages at the time of injury
15457 are less than $20 per week, he or she shall receive his or her

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15458 full weekly wages. If the employee's wages at the time of the
15459 injury exceed $20 per week, compensation shall not exceed an
15460 amount per week which is:
15461 (a) Equal to 100 percent of the statewide average weekly
15462 wage, determined as hereinafter provided for the year in which
15463 the injury occurred; however, the increase to 100 percent from
15464 66 2/3 percent of the statewide average weekly wage shall apply
15465 only to injuries occurring on or after August 1, 1979; and
15466 (b) Adjusted to the nearest dollar.
15467
15468 For the purpose of this subsection, the "statewide average
15469 weekly wage" means the average weekly wage paid by employers
15470 subject to the Florida Unemployment Compensation Law as reported
15471 to Jobs Florida ~~the Agency for Workforce Innovation~~ for the four
15472 calendar quarters ending each June 30, which average weekly wage
15473 shall be determined by Jobs Florida ~~the Agency for Workforce~~
15474 ~~Innovation~~ on or before November 30 of each year and shall be
15475 used in determining the maximum weekly compensation rate with
15476 respect to injuries occurring in the calendar year immediately
15477 following. The statewide average weekly wage determined by Jobs
15478 Florida ~~the Agency for Workforce Innovation~~ shall be reported
15479 annually to the Legislature.
15480 Section 266. Paragraph (c) of subsection (9) of section
15481 440.15, Florida Statutes, is amended to read:
15482 440.15 Compensation for disability.—Compensation for
15483 disability shall be paid to the employee, subject to the limits
15484 provided in s. 440.12(2), as follows:
15485 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND
15486 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

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15487 (c) Disability compensation benefits payable for any week,
15488 including those benefits provided by paragraph (1)(f), may not
15489 be reduced pursuant to this subsection until the Social Security
15490 Administration determines the amount otherwise payable to the
15491 employee under 42 U.S.C. ss. 402 and 423 and the employee has
15492 begun receiving such social security benefit payments. The
15493 employee shall, upon demand by the department, the employer, or
15494 the carrier, authorize the Social Security Administration to
15495 release disability information relating to her or him and
15496 authorize Jobs Florida ~~the Agency for Workforce Innovation~~ to
15497 release unemployment compensation information relating to her or
15498 him, in accordance with rules to be adopted by the department
15499 prescribing the procedure and manner for requesting the
15500 authorization and for compliance by the employee. The department
15501 or the employer or carrier may not make any payment of benefits
15502 for total disability or those additional benefits provided by
15503 paragraph (1)(f) for any period during which the employee
15504 willfully fails or refuses to authorize the release of
15505 information in the manner and within the time prescribed by such
15506 rules. The authority for release of disability information
15507 granted by an employee under this paragraph is effective for a
15508 period not to exceed 12 months and such authority may be
15509 renewed, as the department prescribes by rule.
15510 Section 267. Subsections (4) and (7) of section 440.381,
15511 Florida Statutes, are amended to read:
15512 440.381 Application for coverage; reporting payroll;
15513 payroll audit procedures; penalties.—
15514 (4) Each employer must submit a copy of the quarterly
15515 earnings ~~earning~~ report required by chapter 443 at the end of

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15516 each quarter to the carrier and submit self-audits supported by
15517 the quarterly earnings reports required by chapter 443 and the
15518 rules adopted by Jobs Florida ~~the Agency for Workforce~~
15519 ~~Innovation~~ or by the state agency providing unemployment tax
15520 collection services under contract with Jobs Florida ~~the Agency~~
15521 ~~for Workforce Innovation~~ through an interagency agreement
15522 pursuant to s. 443.1316. The reports must include a sworn
15523 statement by an officer or principal of the employer attesting
15524 to the accuracy of the information contained in the report.
15525 (7) If an employee suffering a compensable injury was not
15526 reported as earning wages on the last quarterly earnings report
15527 filed with Jobs Florida ~~the Agency for Workforce Innovation~~ or
15528 the state agency providing unemployment tax collection services
15529 under contract with Jobs Florida ~~the Agency for Workforce~~
15530 ~~Innovation~~ through an interagency agreement pursuant to s.
15531 443.1316 before the accident, the employer shall indemnify the
15532 carrier for all workers' compensation benefits paid to or on
15533 behalf of the employee unless the employer establishes that the
15534 employee was hired after the filing of the quarterly report, in
15535 which case the employer and employee shall attest to the fact
15536 that the employee was employed by the employer at the time of
15537 the injury. Failure of the employer to indemnify the insurer
15538 within 21 days after demand by the insurer is grounds for the
15539 insurer to immediately cancel coverage. Any action for
15540 indemnification brought by the carrier is cognizable in the
15541 circuit court having jurisdiction where the employer or carrier
15542 resides or transacts business. The insurer is entitled to a
15543 reasonable attorney's fee if it recovers any portion of the
15544 benefits paid in the action.

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15545 Section 268. Subsection (5) of section 440.385, Florida
15546 Statutes, is amended to read:
15547 440.385 Florida Self-Insurers Guaranty Association,
15548 Incorporated.—
15549 (5) PLAN OF OPERATION.—The association shall operate
15550 pursuant to a plan of operation approved by the board of
15551 directors. The plan of operation must be ~~in effect on January 1,~~
15552 ~~2002, and~~ approved by the Department of Financial Services and
15553 ~~Department of Labor and Employment Security shall remain in~~
15554 ~~effect. However,~~ any amendments to the plan shall not become
15555 effective until approved by the department ~~of Financial~~
15556 ~~Services~~.
15557 (a) The purpose of the plan of operation shall be to
15558 provide the association and the board of directors with the
15559 authority and responsibility to establish the necessary programs
15560 and to take the necessary actions to protect against the
15561 insolvency of a member of the association. In addition, the plan
15562 shall provide that the members of the association shall be
15563 responsible for maintaining an adequate Insolvency Fund to meet
15564 the obligations of insolvent members provided for under this act
15565 and shall authorize the board of directors to contract and
15566 employ those persons with the necessary expertise to carry out
15567 this stated purpose. ~~By January 1, 2003,~~ The board of directors
15568 shall submit to the department a proposed plan of operation for
15569 the administration of the association. The department shall
15570 approve the plan by order, consistent with this section. The
15571 department shall approve any amendments to the plan, consistent
15572 with this section, which are determined appropriate to carry out
15573 the duties and responsibilities of the association.

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15574 (b) All member employers shall comply with the plan of
15575 operation.
15576 (c) The plan of operation shall:
15577 1. Establish the procedures whereby all the powers and
15578 duties of the association under subsection (3) will be
15579 performed.
15580 2. Establish procedures for handling assets of the
15581 association.
15582 3. Establish the amount and method of reimbursing members
15583 of the board of directors under subsection (2).
15584 4. Establish procedures by which claims may be filed with
15585 the association and establish acceptable forms of proof of
15586 covered claims. Notice of claims to the receiver or liquidator
15587 of the insolvent employer shall be deemed notice to the
15588 association or its agent, and a list of such claims shall be
15589 submitted periodically to the association or similar
15590 organization in another state by the receiver or liquidator.
15591 5. Establish regular places and times for meetings of the
15592 board of directors.
15593 6. Establish procedures for records to be kept of all
15594 financial transactions of the association and its agents and the
15595 board of directors.
15596 7. Provide that any member employer aggrieved by any final
15597 action or decision of the association may appeal to the
15598 department within 30 days after the action or decision.
15599 8. Establish the procedures whereby recommendations of
15600 candidates for the board of directors shall be submitted to the
15601 department.
15602 9. Contain additional provisions necessary or proper for

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15603 the execution of the powers and duties of the association.
15604 (d) The plan of operation may provide that any or all of
15605 the powers and duties of the association, except those specified
15606 under subparagraphs (c)1. and 2., be delegated to a corporation,
15607 association, or other organization which performs or will
15608 perform functions similar to those of this association or its
15609 equivalent in two or more states. Such a corporation,
15610 association, or organization shall be reimbursed as a servicing
15611 facility would be reimbursed and shall be paid for its
15612 performance of any other functions of the association. A
15613 delegation of powers or duties under this subsection shall take
15614 effect only with the approval of both the board of directors and
15615 the department and may be made only to a corporation,
15616 association, or organization which extends protection which is
15617 not substantially less favorable and effective than the
15618 protection provided by this section.
15619 Section 269. Paragraph (b) of subsection (9) of section
15620 440.49, Florida Statutes, is amended to read:
15621 440.49 Limitation of liability for subsequent injury
15622 through Special Disability Trust Fund.—
15623 (9) SPECIAL DISABILITY TRUST FUND.—
15624 (b)1. The Special Disability Trust Fund shall be maintained
15625 by annual assessments upon the insurance companies writing
15626 compensation insurance in the state, the commercial self-
15627 insurers under ss. 624.462 and 624.4621, the assessable mutuals
15628 as defined in s. 628.6011, and the self-insurers under this
15629 chapter, which assessments shall become due and be paid
15630 quarterly at the same time and in addition to the assessments
15631 provided in s. 440.51. The department shall estimate annually in

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15632 advance the amount necessary for the administration of this
15633 subsection and the maintenance of this fund and shall make such
15634 assessment in the manner hereinafter provided.
15635 2. The annual assessment shall be calculated to produce
15636 during the ensuing fiscal year an amount which, when combined
15637 with that part of the balance in the fund on June 30 of the
15638 current fiscal year which is in excess of $100,000, is equal to
15639 the average of:
15640 a. The sum of disbursements from the fund during the
15641 immediate past 3 calendar years, and
15642 b. Two times the disbursements of the most recent calendar
15643 year.
15644
15645 Such amount shall be prorated among the insurance companies
15646 writing compensation insurance in the state and the self-
15647 insurers. ~~Provided however, for those carriers that have~~
15648 ~~excluded ceded reinsurance premiums from their assessments on or~~
15649 ~~before January 1, 2000, no assessments on ceded reinsurance~~
15650 ~~premiums shall be paid by those carriers until such time as the~~
15651 ~~former Division of Workers' Compensation of the Department of~~
15652 ~~Labor and Employment Security or the department advises each of~~
15653 ~~those carriers of the impact that the inclusion of ceded~~
15654 ~~reinsurance premiums has on their assessment. The department may~~
15655 ~~not recover any past underpayments of assessments levied against~~
15656 ~~any carrier that on or before January 1, 2000, excluded ceded~~
15657 ~~reinsurance premiums from their assessment prior to the point~~
15658 ~~that the former Division of Workers' Compensation of the~~
15659 ~~Department of Labor and Employment Security or the department~~
15660 ~~advises of the appropriate assessment that should have been~~

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15661 ~~paid.~~
15662 3. The net premiums written by the companies for workers'
15663 compensation in this state and the net premium written
15664 applicable to the self-insurers in this state are the basis for
15665 computing the amount to be assessed as a percentage of net
15666 premiums. Such payments shall be made by each carrier and self-
15667 insurer to the department for the Special Disability Trust Fund
15668 in accordance with such regulations as the department
15669 prescribes.
15670 4. The Chief Financial Officer is authorized to receive and
15671 credit to such Special Disability Trust Fund any sum or sums
15672 that may at any time be contributed to the state by the United
15673 States under any Act of Congress, or otherwise, to which the
15674 state may be or become entitled by reason of any payments made
15675 out of such fund.
15676 Section 270. Subsections (1), (4), and (5) of section
15677 443.012, Florida Statutes, are amended to read:
15678 443.012 Unemployment Appeals Commission.—
15679 (1) There is created within the Division of Workforce
15680 Services of Jobs Florida ~~the Agency for Workforce Innovation~~ an
15681 Unemployment Appeals Commission. The commission is composed of a
15682 chair and two other members appointed by the Governor, subject
15683 to confirmation by the Senate. Only one appointee may be a
15684 representative of employers, as demonstrated by his or her
15685 previous vocation, employment, or affiliation; and only one
15686 appointee may be a representative of employees, as demonstrated
15687 by his or her previous vocation, employment, or affiliation.
15688 (a) The chair shall devote his or her entire time to
15689 commission duties and is responsible for the administrative

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15690 functions of the commission.
15691 (b) The chair has authority to appoint a general counsel
15692 and other personnel to carry out the duties and responsibilities
15693 of the commission.
15694 (c) The chair must have the qualifications required by law
15695 for a judge of the circuit court and may not engage in any other
15696 business vocation or employment. Notwithstanding any other law,
15697 the chair shall be paid a salary equal to that paid under state
15698 law to a judge of the circuit court.
15699 (d) The remaining members shall be paid a stipend of $100
15700 for each day they are engaged in the work of the commission. The
15701 chair and other members are entitled to be reimbursed for travel
15702 expenses, as provided in s. 112.061.
15703 (e) The total salary and travel expenses of each member of
15704 the commission shall be paid from the Employment Security
15705 Administration Trust Fund.
15706 (4) The property, personnel, and appropriations relating to
15707 the specified authority, powers, duties, and responsibilities of
15708 the commission shall be provided to the commission by Jobs
15709 Florida ~~the Agency for Workforce Innovation~~.
15710 (5) The commission is not subject to control, supervision,
15711 or direction by Jobs Florida ~~the Agency for Workforce Innovation~~
15712 in performing its powers or duties under this chapter.
15713 Section 271. Subsections (9), (41), (43), and (45) of
15714 section 443.036, Florida Statutes, are amended to read:
15715 443.036 Definitions.—As used in this chapter, the term:
15716 (9) “Benefit year” means, for an individual, the 1-year
15717 period beginning with the first day of the first week for which
15718 the individual first files a valid claim for benefits and,

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15719 thereafter, the 1-year period beginning with the first day of
15720 the first week for which the individual next files a valid claim
15721 for benefits after the termination of his or her last preceding
15722 benefit year. Each claim for benefits made in accordance with s.
15723 443.151(2) is a valid claim under this subsection if the
15724 individual was paid wages for insured work in accordance with s.
15725 443.091(1)(g) and is unemployed as defined in subsection (43) at
15726 the time of filing the claim. However, Jobs Florida ~~the Agency~~
15727 ~~for Workforce Innovation~~ may adopt rules providing for the
15728 establishment of a uniform benefit year for all workers in one
15729 or more groups or classes of service or within a particular
15730 industry if Jobs Florida ~~the agency~~ determines, after notice to
15731 the industry and to the workers in the industry and an
15732 opportunity to be heard in the matter, that those groups or
15733 classes of workers in a particular industry periodically
15734 experience unemployment resulting from layoffs or shutdowns for
15735 limited periods of time.
15736 (41) "Tax collection service provider" or "service
15737 provider" means the state agency providing unemployment tax
15738 collection services under contract with Jobs Florida ~~the Agency~~
15739 ~~for Workforce Innovation~~ through an interagency agreement
15740 pursuant to s. 443.1316.
15741 (43) "Unemployment" means:
15742 (a) An individual is "totally unemployed" in any week
15743 during which he or she does not perform any services and for
15744 which earned income is not payable to him or her. An individual
15745 is "partially unemployed" in any week of less than full-time
15746 work if the earned income payable to him or her for that week is
15747 less than his or her weekly benefit amount. Jobs Florida ~~The~~

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15748 ~~Agency for Workforce Innovation~~ may adopt rules prescribing
15749 distinctions in the procedures for unemployed individuals based
15750 on total unemployment, part-time unemployment, partial
15751 unemployment of individuals attached to their regular jobs, and
15752 other forms of short-time work.
15753 (b) An individual's week of unemployment commences only
15754 after his or her registration with Jobs Florida ~~the Agency for~~
15755 ~~Workforce Innovation~~ as required in s. 443.091, except as the
15756 agency may otherwise prescribe by rule.
15757 (45) "Week" means a period of 7 consecutive days as defined
15758 in the rules of Jobs Florida ~~the Agency for Workforce~~
15759 ~~Innovation~~. Jobs Florida ~~The Agency for Workforce Innovation~~ may
15760 by rule prescribe that a week is deemed to be "in," "within," or
15761 "during" the benefit year that contains the greater part of the
15762 week.
15763 Section 272. Subsections (2) and (3) of section 443.041,
15764 Florida Statutes, are amended to read:
15765 443.041 Waiver of rights; fees; privileged communications.—
15766 (2) FEES.—
15767 (a) Except as otherwise provided in this chapter, an
15768 individual claiming benefits may not be charged fees of any kind
15769 in any proceeding under this chapter by the commission or Jobs
15770 Florida ~~the Agency for Workforce Innovation~~, or their
15771 representatives, or by any court or any officer of the court. An
15772 individual claiming benefits in any proceeding before the
15773 commission or Jobs Florida ~~the Agency for Workforce Innovation~~,
15774 or representatives of either, or a court may be represented by
15775 counsel or an authorized representative, but the counsel or
15776 representative may not charge or receive for those services more

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15777 than an amount approved by the commission, Jobs Florida ~~the~~
15778 ~~Agency for Workforce Innovation~~, or the court.
15779 (b) An attorney at law representing a claimant for benefits
15780 in any district court of appeal of this state or in the Supreme
15781 Court of Florida is entitled to counsel fees payable by Jobs
15782 Florida ~~the Agency for Workforce Innovation~~ as set by the court
15783 if the petition for review or appeal is initiated by the
15784 claimant and results in a decision awarding more benefits than
15785 provided in the decision from which appeal was taken. The amount
15786 of the fee may not exceed 50 percent of the total amount of
15787 regular benefits permitted under s. 443.111(5)(a) during the
15788 benefit year.
15789 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
15790 pay attorneys' fees awarded under this section from the
15791 Employment Security Administration Trust Fund as part of the
15792 costs of administration of this chapter and may pay these fees
15793 directly to the attorney for the claimant in a lump sum. Jobs
15794 Florida ~~The Agency for Workforce Innovation~~ or the commission
15795 may not pay any other fees or costs in connection with an
15796 appeal.
15797 (d) Any person, firm, or corporation who or which seeks or
15798 receives any remuneration or gratuity for any services rendered
15799 on behalf of a claimant, except as allowed by this section and
15800 in an amount approved by Jobs Florida ~~the Agency for Workforce~~
15801 ~~Innovation~~, the commission, or a court, commits a misdemeanor of
15802 the second degree, punishable as provided in s. 775.082 or s.
15803 775.083.
15804 (3) PRIVILEGED COMMUNICATIONS.—All letters, reports,
15805 communications, or any other matters, either oral or written,

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15806 between an employer and an employee or between Jobs Florida ~~the~~
15807 ~~Agency for Workforce Innovation~~ or its tax collection service
15808 provider and any of their agents, representatives, or employees
15809 which are written, sent, delivered, or made in connection with
15810 this chapter, are privileged and may not be the subject matter
15811 or basis for any suit for slander or libel in any court of the
15812 state.
15813 Section 273. Subsection (3) of section 443.051, Florida
15814 Statutes, is amended to read:
15815 443.051 Benefits not alienable; exception, child support
15816 intercept.—
15817 (3) EXCEPTION, SUPPORT INTERCEPT.—
15818 (a) The Department of Revenue shall, at least biweekly,
15819 provide Jobs Florida ~~the Agency for Workforce Innovation~~ with a
15820 magnetic tape or other electronic data file disclosing the
15821 individuals who owe support obligations and the amount of any
15822 legally required deductions.
15823 (b) For support obligations established on or after July 1,
15824 2006, and for support obligations established before July 1,
15825 2006, when the support order does not address the withholding of
15826 unemployment compensation, Jobs Florida ~~the Agency for Workforce~~
15827 ~~Innovation~~ shall deduct and withhold 40 percent of the
15828 unemployment compensation otherwise payable to an individual
15829 disclosed under paragraph (a). If delinquencies, arrearages, or
15830 retroactive support are owed and repayment has not been ordered,
15831 the unpaid amounts are included in the support obligation and
15832 are subject to withholding. If the amount deducted exceeds the
15833 support obligation, the Department of Revenue shall promptly
15834 refund the amount of the excess deduction to the obligor. For

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15835 support obligations in effect before July 1, 2006, if the
15836 support order addresses the withholding of unemployment
15837 compensation, Jobs Florida ~~the Agency for Workforce Innovation~~
15838 shall deduct and withhold the amount ordered by the court or
15839 administrative agency that issued the support order as disclosed
15840 by the Department of Revenue.
15841 (c) Jobs Florida ~~the Agency for Workforce Innovation~~ shall
15842 pay any amount deducted and withheld under paragraph (b) to the
15843 Department of Revenue.
15844 (d) Any amount deducted and withheld under this subsection
15845 shall for all purposes be treated as if it were paid to the
15846 individual as unemployment compensation and paid by the
15847 individual to the Department of Revenue for support obligations.
15848 (e) The Department of Revenue shall reimburse Jobs Florida
15849 ~~the Agency for Workforce Innovation~~ for the administrative costs
15850 incurred by Jobs Florida ~~the agency~~ under this subsection which
15851 are attributable to support obligations being enforced by the
15852 department.
15853 Section 274. Subsections (3) and (4), paragraph (b) of
15854 subsection (5), and subsections (6) and (8) of section 443.071,
15855 Florida Statutes, are amended to read:
15856 443.071 Penalties.—
15857 (3) Any employing unit or any officer or agent of any
15858 employing unit or any other person who fails to furnish any
15859 reports required under this chapter or to produce or permit the
15860 inspection of or copying of records as required under this
15861 chapter, who fails or refuses, within 6 months after written
15862 demand by Jobs Florida ~~the Agency for Workforce Innovation~~ or
15863 its tax collection service provider, to keep and maintain the

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15864 payroll records required by this chapter or by rule of Jobs
15865 Florida ~~the Agency for Workforce Innovation~~ or the state agency
15866 providing tax collection services, or who willfully fails or
15867 refuses to make any contribution, reimbursement, or other
15868 payment required from an employer under this chapter commits a
15869 misdemeanor of the second degree, punishable as provided in s.
15870 775.082 or s. 775.083.
15871 (4) Any person who establishes a fictitious employing unit
15872 by submitting to Jobs Florida ~~the Agency for Workforce~~
15873 ~~Innovation~~ or its tax collection service provider fraudulent
15874 employing unit records or tax or wage reports by the
15875 introduction of fraudulent records into a computer system, the
15876 intentional or deliberate alteration or destruction of
15877 computerized information or files, or the theft of financial
15878 instruments, data, and other assets, for the purpose of enabling
15879 herself or himself or any other person to receive benefits under
15880 this chapter to which such person is not entitled, commits a
15881 felony of the third degree, punishable as provided in s.
15882 775.082, s. 775.083, or s. 775.084.
15883 (5) In any prosecution or action under this section, the
15884 entry into evidence of the signature of a person on a document,
15885 letter, or other writing constitutes prima facie evidence of the
15886 person’s identity if the following conditions exist:
15887 (b) The signature of the person is witnessed by an agent or
15888 employee of Jobs Florida ~~the Agency for Workforce Innovation~~ or
15889 its tax collection service provider at the time the document,
15890 letter, or other writing is filed.
15891 (6) The entry into evidence of an application for
15892 unemployment benefits initiated by the use of the Internet

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15893 claims program or the interactive voice response system
15894 telephone claims program of Jobs Florida ~~the Agency for~~
15895 ~~Workforce Innovation~~ constitutes prima facie evidence of the
15896 establishment of a personal benefit account by or for an
15897 individual if the following information is provided: the
15898 applicant's name, residence address, date of birth, social
15899 security number, and present or former place of work.
15900 (8) All records relating to investigations of unemployment
15901 compensation fraud in the custody of Jobs Florida ~~the Agency for~~
15902 ~~Workforce Innovation~~ or its tax collection service provider are
15903 available for examination by the Department of Law Enforcement,
15904 the state attorneys, or the Office of the Statewide Prosecutor
15905 in the prosecution of offenses under s. 817.568 or in
15906 proceedings brought under this chapter.
15907 Section 275. Subsections (1) and (4) of section 443.091,
15908 Florida Statutes, are amended to read:
15909 443.091 Benefit eligibility conditions.—
15910 (1) An unemployed individual is eligible to receive
15911 benefits for any week only if Jobs Florida ~~the Agency for~~
15912 ~~Workforce Innovation~~ finds that:
15913 (a) She or he has made a claim for benefits for that week
15914 in accordance with the rules adopted by Jobs Florida ~~the Agency~~
15915 ~~for Workforce Innovation~~.
15916 (b) She or he has registered with Jobs Florida ~~the agency~~
15917 for work and subsequently reports to the one-stop career center
15918 as directed by the regional workforce board for reemployment
15919 services. This requirement does not apply to persons who are:
15920 1. Non-Florida residents;
15921 2. On a temporary layoff~~, as defined in s. 443.036(42)~~;

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15922 3. Union members who customarily obtain employment through
15923 a union hiring hall; or
15924 4. Claiming benefits under an approved short-time
15925 compensation plan as provided in s. 443.1116.
15926 (c) To make continued claims for benefits, she or he is
15927 reporting to Jobs Florida ~~the agency~~ in accordance with its
15928 rules. These rules may not conflict with s. 443.111(1)(b),
15929 including the requirement that each claimant continue to report
15930 regardless of any pending appeal relating to her or his
15931 eligibility or disqualification for benefits.
15932 (d) She or he is able to work and is available for work. In
15933 order to assess eligibility for a claimed week of unemployment,
15934 Jobs Florida ~~the agency~~ shall develop criteria to determine a
15935 claimant's ability to work and availability for work. However:
15936 1. Notwithstanding any other provision of this paragraph or
15937 paragraphs (b) and (e), an otherwise eligible individual may not
15938 be denied benefits for any week because she or he is in training
15939 with the approval of Jobs Florida ~~the agency~~, or by reason of s.
15940 443.101(2) relating to failure to apply for, or refusal to
15941 accept, suitable work. Training may be approved by Jobs Florida
15942 ~~the agency~~ in accordance with criteria prescribed by rule. A
15943 claimant's eligibility during approved training is contingent
15944 upon satisfying eligibility conditions prescribed by rule.
15945 2. Notwithstanding any other provision of this chapter, an
15946 otherwise eligible individual who is in training approved under
15947 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
15948 determined ineligible or disqualified for benefits due to her or
15949 his enrollment in such training or because of leaving work that
15950 is not suitable employment to enter such training. As used in

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15951 this subparagraph, the term “suitable employment” means work of
15952 a substantially equal or higher skill level than the worker’s
15953 past adversely affected employment, as defined for purposes of
15954 the Trade Act of 1974, as amended, the wages for which are at
15955 least 80 percent of the worker’s average weekly wage as
15956 determined for purposes of the Trade Act of 1974, as amended.
15957 3. Notwithstanding any other provision of this section, an
15958 otherwise eligible individual may not be denied benefits for any
15959 week because she or he is before any state or federal court
15960 pursuant to a lawfully issued summons to appear for jury duty.
15961 (e) She or he participates in reemployment services, such
15962 as job search assistance services, whenever the individual has
15963 been determined, by a profiling system established by the rules
15964 of Jobs Florida ~~agency rule~~, to be likely to exhaust regular
15965 benefits and to be in need of reemployment services.
15966 (f) She or he has been unemployed for a waiting period of 1
15967 week. A week may not be counted as a week of unemployment under
15968 this subsection:
15969 1. Unless it occurs within the benefit year that includes
15970 the week for which she or he claims payment of benefits.
15971 2. If benefits have been paid for that week.
15972 3. Unless the individual was eligible for benefits for that
15973 week as provided in this section and s. 443.101, except for the
15974 requirements of this subsection and of s. 443.101(5).
15975 (g) She or he has been paid wages for insured work equal to
15976 1.5 times her or his high quarter wages during her or his base
15977 period, except that an unemployed individual is not eligible to
15978 receive benefits if the base period wages are less than $3,400.
15979 (h) She or he submitted to Jobs Florida ~~the agency~~ a valid

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15980 social security number assigned to her or him. Jobs Florida ~~The~~
15981 ~~agency~~ may verify the social security number with the United
15982 States Social Security Administration and may deny benefits if
15983 Jobs Florida ~~the agency~~ is unable to verify the individual's
15984 social security number, the social security number is invalid,
15985 or the social security number is not assigned to the individual.
15986 (4) In the event of national emergency, in the course of
15987 which the Federal Emergency Unemployment Payment Plan is, at the
15988 request of the Governor, invoked for all or any part of the
15989 state, the emergency plan shall supersede the procedures
15990 prescribed by this chapter, and by rules adopted under this
15991 chapter, and Jobs Florida ~~the Agency for Workforce Innovation~~
15992 shall act as the Florida agency for the United States Department
15993 of Labor in the administration of the plan.
15994 Section 276. Subsections (1), (2), (4), (6), (7), and (9)
15995 of section 443.101, Florida Statutes, are amended to read:
15996 443.101 Disqualification for benefits.—An individual shall
15997 be disqualified for benefits:
15998 (1)(a) For the week in which he or she has voluntarily left
15999 work without good cause attributable to his or her employing
16000 unit or in which the individual has been discharged by the
16001 employing unit for misconduct connected with his or her work,
16002 based on a finding by Jobs Florida ~~the Agency for Workforce~~
16003 ~~Innovation~~. As used in this paragraph, the term "work" means any
16004 work, whether full-time, part-time, or temporary.
16005 1. Disqualification for voluntarily quitting continues for
16006 the full period of unemployment next ensuing after the
16007 individual has left his or her full-time, part-time, or
16008 temporary work voluntarily without good cause and until the

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16009 individual has earned income equal to or in excess of 17 times
16010 his or her weekly benefit amount. As used in this subsection,
16011 the term “good cause” includes only that cause attributable to
16012 the employing unit or which consists of the individual’s illness
16013 or disability requiring separation from his or her work. Any
16014 other disqualification may not be imposed. An individual is not
16015 disqualified under this subsection for voluntarily leaving
16016 temporary work to return immediately when called to work by the
16017 permanent employing unit that temporarily terminated his or her
16018 work within the previous 6 calendar months. An individual is not
16019 disqualified under this subsection for voluntarily leaving work
16020 to relocate as a result of his or her military-connected
16021 spouse’s permanent change of station orders, activation orders,
16022 or unit deployment orders.
16023 2. Disqualification for being discharged for misconduct
16024 connected with his or her work continues for the full period of
16025 unemployment next ensuing after having been discharged and until
16026 the individual is reemployed and has earned income of at least
16027 17 times his or her weekly benefit amount and for not more than
16028 52 weeks that immediately follow that week, as determined by
16029 Jobs Florida ~~the agency~~ in each case according to the
16030 circumstances in each case or the seriousness of the misconduct,
16031 under Jobs Florida ~~the agency’s~~ rules adopted for determinations
16032 of disqualification for benefits for misconduct.
16033 3. If an individual has provided notification to the
16034 employing unit of his or her intent to voluntarily leave work
16035 and the employing unit discharges the individual for reasons
16036 other than misconduct before the date the voluntary quit was to
16037 take effect, the individual, if otherwise entitled, shall

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16038 receive benefits from the date of the employer's discharge until
16039 the effective date of his or her voluntary quit.
16040 4. If an individual is notified by the employing unit of
16041 the employer's intent to discharge the individual for reasons
16042 other than misconduct and the individual quits without good
16043 cause, as defined in this section, before the date the discharge
16044 was to take effect, the claimant is ineligible for benefits
16045 pursuant to s. 443.091(1)(d) for failing to be available for
16046 work for the week or weeks of unemployment occurring before the
16047 effective date of the discharge.
16048 (b) For any week with respect to which Jobs Florida ~~the~~
16049 ~~Agency for Workforce Innovation~~ finds that his or her
16050 unemployment is due to a suspension for misconduct connected
16051 with the individual's work.
16052 (c) For any week with respect to which Jobs Florida ~~the~~
16053 ~~Agency for Workforce Innovation~~ finds that his or her
16054 unemployment is due to a leave of absence, if the leave was
16055 voluntarily initiated by the individual.
16056 (d) For any week with respect to which Jobs Florida ~~the~~
16057 ~~Agency for Workforce Innovation~~ finds that his or her
16058 unemployment is due to a discharge for misconduct connected with
16059 the individual's work, consisting of drug use, as evidenced by a
16060 positive, confirmed drug test.
16061 (2) If Jobs Florida ~~the Agency for Workforce Innovation~~
16062 finds that the individual has failed without good cause to apply
16063 for available suitable work when directed by Jobs Florida ~~the~~
16064 ~~agency~~ or the one-stop career center, to accept suitable work
16065 when offered to him or her, or to return to the individual's
16066 customary self-employment when directed by Jobs Florida ~~the~~

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16067 ~~agency~~, the disqualification continues for the full period of
16068 unemployment next ensuing after he or she failed without good
16069 cause to apply for available suitable work, to accept suitable
16070 work, or to return to his or her customary self-employment,
16071 under this subsection, and until the individual has earned
16072 income at least 17 times his or her weekly benefit amount. Jobs
16073 Florida ~~The Agency for Workforce Innovation~~ shall by rule adopt
16074 criteria for determining the "suitability of work," as used in
16075 this section. Jobs Florida ~~The Agency for Workforce Innovation~~
16076 in developing these rules shall consider the duration of a
16077 claimant's unemployment in determining the suitability of work
16078 and the suitability of proposed rates of compensation for
16079 available work. Further, after an individual has received 25
16080 weeks of benefits in a single year, suitable work is a job that
16081 pays the minimum wage and is 120 percent or more of the weekly
16082 benefit amount the individual is drawing.
16083 (a) In determining whether or not any work is suitable for
16084 an individual, Jobs Florida ~~the Agency for Workforce Innovation~~
16085 shall consider the degree of risk involved to his or her health,
16086 safety, and morals; his or her physical fitness and prior
16087 training; the individual's experience and prior earnings; his or
16088 her length of unemployment and prospects for securing local work
16089 in his or her customary occupation; and the distance of the
16090 available work from his or her residence.
16091 (b) Notwithstanding any other provisions of this chapter,
16092 work is not deemed suitable and benefits may not be denied under
16093 this chapter to any otherwise eligible individual for refusing
16094 to accept new work under any of the following conditions:
16095 1. If the position offered is vacant due directly to a

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16096 strike, lockout, or other labor dispute.
16097 2. If the wages, hours, or other conditions of the work
16098 offered are substantially less favorable to the individual than
16099 those prevailing for similar work in the locality.
16100 3. If as a condition of being employed, the individual
16101 would be required to join a company union or to resign from or
16102 refrain from joining any bona fide labor organization.
16103 (c) If Jobs Florida ~~the Agency for Workforce Innovation~~
16104 finds that an individual was rejected for offered employment as
16105 the direct result of a positive, confirmed drug test required as
16106 a condition of employment, the individual is disqualified for
16107 refusing to accept an offer of suitable work.
16108 (4) For any week with respect to which Jobs Florida ~~the~~
16109 ~~Agency for Workforce Innovation~~ finds that his or her total or
16110 partial unemployment is due to a labor dispute in active
16111 progress which exists at the factory, establishment, or other
16112 premises at which he or she is or was last employed; except that
16113 this subsection does not apply if it is shown to the
16114 satisfaction of Jobs Florida ~~the Agency for Workforce Innovation~~
16115 that:
16116 (a)1. He or she is not participating in, financing, or
16117 directly interested in the labor dispute that is in active
16118 progress; however, the payment of regular union dues may not be
16119 construed as financing a labor dispute within the meaning of
16120 this section; and
16121 2. He or she does not belong to a grade or class of workers
16122 of which immediately before the commencement of the labor
16123 dispute there were members employed at the premises at which the
16124 labor dispute occurs any of whom are participating in,

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16125 financing, or directly interested in the dispute; if in any case
16126 separate branches of work are commonly conducted as separate
16127 businesses in separate premises, or are conducted in separate
16128 departments of the same premises, each department, for the
16129 purpose of this subsection, is deemed to be a separate factory,
16130 establishment, or other premise.
16131 (b) His or her total or partial unemployment results from a
16132 lockout by his or her employer. As used in this section, the
16133 term “lockout” means a situation in which employees have not
16134 gone on strike, nor have employees notified the employer of a
16135 date certain for a strike, but in which employees have been
16136 denied entry to the factory, establishment, or other premises of
16137 employment by the employer. However, benefits are not payable
16138 under this paragraph if the lockout action was taken in response
16139 to threats, actions, or other indications of impending damage to
16140 property and equipment or possible physical violence by
16141 employees or in response to actual damage or violence or a
16142 substantial reduction in production instigated or perpetrated by
16143 employees.
16144 (6) For a period not to exceed 1 year from the date of the
16145 discovery by Jobs Florida ~~the Agency for Workforce Innovation~~ of
16146 the making of any false or fraudulent representation for the
16147 purpose of obtaining benefits contrary to this chapter,
16148 constituting a violation under s. 443.071. This disqualification
16149 may be appealed in the same manner as any other disqualification
16150 imposed under this section. A conviction by any court of
16151 competent jurisdiction in this state of the offense prohibited
16152 or punished by s. 443.071 is conclusive upon the appeals referee
16153 and the commission of the making of the false or fraudulent

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16154 representation for which disqualification is imposed under this
16155 section.
16156 (7) If Jobs Florida ~~the Agency for Workforce Innovation~~
16157 finds that the individual is an alien, unless the alien is an
16158 individual who has been lawfully admitted for permanent
16159 residence or otherwise is permanently residing in the United
16160 States under color of law, including an alien who is lawfully
16161 present in the United States as a result of the application of
16162 s. 203(a)(7) or s. 212(d)(5) of the Immigration and Nationality
16163 Act, if any modifications to s. 3304(a)(14) of the Federal
16164 Unemployment Tax Act, as provided by Pub. L. No. 94-566, which
16165 specify other conditions or other effective dates than those
16166 stated under federal law for the denial of benefits based on
16167 services performed by aliens, and which modifications are
16168 required to be implemented under state law as a condition for
16169 full tax credit against the tax imposed by the Federal
16170 Unemployment Tax Act, are deemed applicable under this section,
16171 if:
16172 (a) Any data or information required of individuals
16173 applying for benefits to determine whether benefits are not
16174 payable to them because of their alien status is uniformly
16175 required from all applicants for benefits; and
16176 (b) In the case of an individual whose application for
16177 benefits would otherwise be approved, a determination that
16178 benefits to such individual are not payable because of his or
16179 her alien status may not be made except by a preponderance of
16180 the evidence.
16181
16182 If Jobs Florida ~~the Agency for Workforce Innovation~~ finds that

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16183 the individual has refused without good cause an offer of
16184 resettlement or relocation, which offer provides for suitable
16185 employment for the individual notwithstanding the distance of
16186 relocation, resettlement, or employment from the current
16187 location of the individual in this state, this disqualification
16188 continues for the week in which the failure occurred and for not
16189 more than 17 weeks immediately after that week, or a reduction
16190 by not more than 5 weeks from the duration of benefits, as
16191 determined by Jobs Florida ~~the Agency for Workforce Innovation~~
16192 in each case.
16193 (9) If the individual was terminated from his or her work
16194 for violation of any criminal law punishable by imprisonment, or
16195 for any dishonest act, in connection with his or her work, as
16196 follows:
16197 (a) If Jobs Florida ~~the Agency for Workforce Innovation~~ or
16198 the Unemployment Appeals Commission finds that the individual
16199 was terminated from his or her work for violation of any
16200 criminal law punishable by imprisonment in connection with his
16201 or her work, and the individual was found guilty of the offense,
16202 made an admission of guilt in a court of law, or entered a plea
16203 of no contest, the individual is not entitled to unemployment
16204 benefits for up to 52 weeks, under rules adopted by Jobs Florida
16205 ~~the Agency for Workforce Innovation~~, and until he or she has
16206 earned income of at least 17 times his or her weekly benefit
16207 amount. If, before an adjudication of guilt, an admission of
16208 guilt, or a plea of no contest, the employer shows Jobs Florida
16209 ~~the Agency for Workforce Innovation~~ that the arrest was due to a
16210 crime against the employer or the employer's business and, after
16211 considering all the evidence, Jobs Florida ~~the Agency for~~

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16212 ~~Workforce Innovation~~ finds misconduct in connection with the
16213 individual's work, the individual is not entitled to
16214 unemployment benefits.
16215 (b) If Jobs Florida ~~the Agency for Workforce Innovation~~ or
16216 the Unemployment Appeals Commission finds that the individual
16217 was terminated from work for any dishonest act in connection
16218 with his or her work, the individual is not entitled to
16219 unemployment benefits for up to 52 weeks, under rules adopted by
16220 Jobs Florida ~~the Agency for Workforce Innovation~~, and until he
16221 or she has earned income of at least 17 times his or her weekly
16222 benefit amount. In addition, if the employer terminates an
16223 individual as a result of a dishonest act in connection with his
16224 or her work and Jobs Florida ~~the Agency for Workforce Innovation~~
16225 finds misconduct in connection with his or her work, the
16226 individual is not entitled to unemployment benefits.
16227
16228 With respect to an individual disqualified for benefits, the
16229 account of the terminating employer, if the employer is in the
16230 base period, is noncharged at the time the disqualification is
16231 imposed.
16232 Section 277. Subsection (1) of section 443.111, Florida
16233 Statutes, is amended to read:
16234 443.111 Payment of benefits.—
16235 (1) MANNER OF PAYMENT.—Benefits are payable from the fund
16236 in accordance with rules adopted by Jobs Florida ~~the Agency for~~
16237 ~~Workforce Innovation~~, subject to the following requirements:
16238 (a) Benefits are payable ~~by mail or~~ electronically, except
16239 that an individual being paid by paper warrant on July 1, 2011,
16240 may continue to be paid in that manner until the expiration of

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16241 the claim. Jobs Florida ~~Notwithstanding s. 409.942(4), the~~
16242 ~~agency~~ may develop a system for the payment of benefits by
16243 electronic funds transfer, including, but not limited to, debit
16244 cards, electronic payment cards, or any other means of
16245 electronic payment that Jobs Florida ~~the agency~~ deems to be
16246 commercially viable or cost-effective. Commodities or services
16247 related to the development of such a system shall be procured by
16248 competitive solicitation, unless they are purchased from a state
16249 term contract pursuant to s. 287.056. Jobs Florida ~~The agency~~
16250 shall adopt rules necessary to administer this paragraph ~~the~~
16251 ~~system~~.
16252 (b) Each claimant must report in the manner prescribed by
16253 Jobs Florida ~~the Agency for Workforce Innovation~~ to certify for
16254 benefits that are paid and must continue to report at least
16255 biweekly to receive unemployment benefits and to attest to the
16256 fact that she or he is able and available for work, has not
16257 refused suitable work, is seeking work, and, if she or he has
16258 worked, to report earnings from that work. Each claimant must
16259 continue to report regardless of any appeal or pending appeal
16260 relating to her or his eligibility or disqualification for
16261 benefits.
16262 Section 278. Subsections (1), (4), and (5) of section
16263 443.1113, Florida Statutes, are amended to read:
16264 443.1113 Unemployment Compensation Claims and Benefits
16265 Information System.—
16266 (1) To the extent that funds are appropriated for each
16267 phase of the Unemployment Compensation Claims and Benefits
16268 Information System by the Legislature, Jobs Florida ~~the Agency~~
16269 ~~for Workforce Innovation~~ shall replace and enhance the

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16270 functionality provided in the following systems with an
16271 integrated Internet-based system that is known as the
16272 "Unemployment Compensation Claims and Benefits Information
16273 System":
16274 (a) Claims and benefit mainframe system.
16275 (b) Florida unemployment Internet direct.
16276 (c) Florida continued claim Internet directory.
16277 (d) Call center interactive voice response system.
16278 (e) Benefit overpayment screening system.
16279 (f) Internet and Intranet appeals system.
16280 (4) The project to implement the Unemployment Compensation
16281 Claims and Benefits Information System shall be comprised of the
16282 following phases and corresponding implementation timeframes:
16283 (a) No later than the end of fiscal year 2009-2010
16284 completion of the business re-engineering analysis and
16285 documentation of both the detailed system requirements and the
16286 overall system architecture.
16287 (b) The Unemployment Claims and Benefits Internet portal
16288 that replaces the Florida Unemployment Internet Direct and the
16289 Florida Continued Claims Internet Directory systems, the Call
16290 Center Interactive Voice Response System, the Benefit
16291 Overpayment Screening System, the Internet and Intranet Appeals
16292 System and the Claims and Benefits Mainframe System shall be
16293 deployed to full operational status no later than the end of
16294 fiscal year 2012-2013.
16295 ~~(b) The new Unemployment Claims and Benefits Internet~~
16296 ~~portal that replaces the Florida Unemployment Internet Direct~~
16297 ~~and the Florida Continued Claims Internet Directory systems and~~
16298 ~~shall be deployed to full production operational status no later~~

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16299 ~~than the end of fiscal year 2010-2011.~~
16300 ~~(c) The new Call Center Interactive Voice Response System~~
16301 ~~and the Benefit Overpayment Screening System shall be deployed~~
16302 ~~to full production operational status no later than the end of~~
16303 ~~fiscal year 2011-2012.~~
16304 ~~(d) The new Internet and Intranet Appeals System and the~~
16305 ~~Claims and Benefits Mainframe System shall be deployed to full~~
16306 ~~operational status no later than the end of fiscal year 2012-~~
16307 ~~2013.~~
16308 (5) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
16309 implement the following project governance structure until such
16310 time as the project is completed, suspended, or terminated:
16311 (a) The project sponsor for the Unemployment Compensation
16312 Claims and Benefits Information System project is Jobs Florida
16313 ~~the executive director of the Agency for Workforce Innovation~~.
16314 (b) The project shall be governed by an executive steering
16315 committee composed of the following voting members or their
16316 designees:
16317 1. The commissioner of Jobs Florida ~~executive director of~~
16318 ~~the Agency for Workforce Innovation~~.
16319 2. The executive director of the Department of Revenue.
16320 3. The director of the Division of Workforce Services
16321 within Jobs Florida ~~Office of Unemployment Compensation within~~
16322 ~~the Agency for Workforce Innovation~~.
16323 4. The program director of the General Tax Administration
16324 Program Office within the Department of Revenue.
16325 5. The chief information officer of Jobs Florida ~~the Agency~~
16326 ~~for Workforce Innovation~~.
16327 (c) The executive steering committee has the overall

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16328 responsibility for ensuring that the project meets its primary
16329 objectives and is specifically responsible for:
16330 1. Providing management direction and support to the
16331 project management team.
16332 2. Assessing the project's alignment with the strategic
16333 goals of Jobs Florida ~~the Agency for Workforce Innovation~~ for
16334 administering the unemployment compensation program.
16335 3. Reviewing and approving or disapproving any changes to
16336 the project's scope, schedule, and costs.
16337 4. Reviewing, approving or disapproving, and determining
16338 whether to proceed with any major project deliverables.
16339 5. Recommending suspension or termination of the project to
16340 the Governor, the President of the Senate, and the Speaker of
16341 the House of Representatives if it determines that the primary
16342 objectives cannot be achieved.
16343 (d) The project management team shall work under the
16344 direction of the executive steering committee and shall be
16345 minimally comprised of senior managers and stakeholders from
16346 Jobs Florida ~~the Agency for Workforce Innovation~~ and the
16347 Department of Revenue. The project management team is
16348 responsible for:
16349 1. Providing daily planning, management, and oversight of
16350 the project.
16351 2. Submitting an operational work plan and providing
16352 quarterly updates to that plan to the executive steering
16353 committee. The plan must specify project milestones,
16354 deliverables, and expenditures.
16355 3. Submitting written monthly project status reports to the
16356 executive steering committee which include:

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16357 a. Planned versus actual project costs;
16358 b. An assessment of the status of major milestones and
16359 deliverables;
16360 c. Identification of any issues requiring resolution, the
16361 proposed resolution for these issues, and information regarding
16362 the status of the resolution;
16363 d. Identification of risks that must be managed; and
16364 e. Identification of and recommendations regarding
16365 necessary changes in the project's scope, schedule, or costs.
16366 All recommendations must be reviewed by project stakeholders
16367 before submission to the executive steering committee in order
16368 to ensure that the recommendations meet required acceptance
16369 criteria.
16370 Section 279. Paragraph (d) of subsection (1), subsection
16371 (2), paragraphs (a) and (c) of subsection (3), and subsection
16372 (6) of section 443.1115, Florida Statutes, are amended to read:
16373 443.1115 Extended benefits.—
16374 (1) DEFINITIONS.—As used in this section, the term:
16375 (d) "Rate of insured unemployment" means the percentage
16376 derived by dividing the average weekly number of individuals
16377 filing claims for regular compensation in this state, excluding
16378 extended-benefit claimants for weeks of unemployment with
16379 respect to the most recent 13-consecutive-week period, as
16380 determined by Jobs Florida ~~the Agency for Workforce Innovation~~
16381 on the basis of its reports to the United States Secretary of
16382 Labor, by the average monthly employment covered under this
16383 chapter for the first four of the most recent six completed
16384 calendar quarters ending before the end of that 13-week period.
16385 (2) REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF,

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16386 EXTENDED BENEFITS.—Except when the result is inconsistent with
16387 the other provisions of this section and as provided in the
16388 rules of Jobs Florida ~~the Agency for Workforce Innovation~~, the
16389 provisions of this chapter applying to claims for, or the
16390 payment of, regular benefits apply to claims for, and the
16391 payment of, extended benefits. These extended benefits are
16392 charged to the employment records of employers to the extent
16393 that the share of those extended benefits paid from this state's
16394 Unemployment Compensation Trust Fund is not eligible to be
16395 reimbursed from federal sources.
16396 (3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.—
16397 (a) An individual is eligible to receive extended benefits
16398 for any week of unemployment in her or his eligibility period
16399 only if Jobs Florida ~~the Agency for Workforce Innovation~~ finds
16400 that, for that week:
16401 1. She or he is an exhaustee as defined in subsection (1).
16402 2. She or he satisfies the requirements of this chapter for
16403 the receipt of regular benefits applicable to individuals
16404 claiming extended benefits, including not being subject to
16405 disqualification from the receipt of benefits. An individual
16406 disqualified from receiving regular benefits may not receive
16407 extended benefits after the disqualification period terminates
16408 if he or she was disqualified for voluntarily leaving work,
16409 being discharged from work for misconduct, or refusing suitable
16410 work. However, if the disqualification period for regular
16411 benefits terminates because the individual received the required
16412 amount of remuneration for services rendered as a common-law
16413 employee, she or he may receive extended benefits.
16414 3. The individual was paid wages for insured work for the

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16415 applicable benefit year equal to 1.5 times the high quarter
16416 earnings during the base period.
16417 (c)1. An individual is disqualified from receiving extended
16418 benefits if Jobs Florida ~~the Agency for Workforce Innovation~~
16419 finds that, during any week of unemployment in her or his
16420 eligibility period:
16421 a. She or he failed to apply for suitable work or, if
16422 offered, failed to accept suitable work, unless the individual
16423 can furnish to Jobs Florida ~~the agency~~ satisfactory evidence
16424 that her or his prospects for obtaining work in her or his
16425 customary occupation within a reasonably short period are good.
16426 If this evidence is deemed satisfactory for this purpose, the
16427 determination of whether any work is suitable for the individual
16428 shall be made in accordance with the definition of suitable work
16429 in s. 443.101(2). This disqualification begins with the week the
16430 failure occurred and continues until she or he is employed for
16431 at least 4 weeks and receives earned income of at least 17 times
16432 her or his weekly benefit amount.
16433 b. She or he failed to furnish tangible evidence that she
16434 or he actively engaged in a systematic and sustained effort to
16435 find work. This disqualification begins with the week the
16436 failure occurred and continues until she or he is employed for
16437 at least 4 weeks and receives earned income of at least 4 times
16438 her or his weekly benefit amount.
16439 2. Except as otherwise provided in sub-subparagraph 1.a.,
16440 as used in this paragraph, the term “suitable work” means any
16441 work within the individual’s capabilities to perform, if:
16442 a. The gross average weekly remuneration payable for the
16443 work exceeds the sum of the individual’s weekly benefit amount

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16444 plus the amount, if any, of supplemental unemployment benefits,
16445 as defined in s. 501(c)(17)(D) of the Internal Revenue Code of
16446 1954, as amended, payable to the individual for that week;
16447 b. The wages payable for the work equal the higher of the
16448 minimum wages provided by s. 6(a)(1) of the Fair Labor Standards
16449 Act of 1938, without regard to any exemption, or the state or
16450 local minimum wage; and
16451 c. The work otherwise meets the definition of suitable work
16452 in s. 443.101(2) to the extent that the criteria for suitability
16453 are not inconsistent with this paragraph.
16454 (6) COMPUTATIONS.—Jobs Florida ~~The Agency for Workforce~~
16455 ~~Innovation~~ shall perform the computations required under
16456 paragraph (1)(d) in accordance with regulations of the United
16457 States Secretary of Labor.
16458 Section 280. Subsection (2) and paragraphs (a) and (b) of
16459 subsection (5) of section 443.1116, Florida Statutes, are
16460 amended to read:
16461 443.1116 Short-time compensation.—
16462 (2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer
16463 wishing to participate in the short-time compensation program
16464 must submit a signed, written, short-time plan to Jobs Florida
16465 ~~the director of the Agency for Workforce Innovation~~ for
16466 approval. The commissioner ~~director~~ or his or her designee shall
16467 approve the plan if:
16468 (a) The plan applies to and identifies each specific
16469 affected unit;
16470 (b) The individuals in the affected unit are identified by
16471 name and social security number;
16472 (c) The normal weekly hours of work for individuals in the

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16473 affected unit are reduced by at least 10 percent and by not more
16474 than 40 percent;
16475 (d) The plan includes a certified statement by the employer
16476 that the aggregate reduction in work hours is in lieu of
16477 temporary layoffs that would affect at least 10 percent of the
16478 employees in the affected unit and that would have resulted in
16479 an equivalent reduction in work hours;
16480 (e) The plan applies to at least 10 percent of the
16481 employees in the affected unit;
16482 (f) The plan is approved in writing by the collective
16483 bargaining agent for each collective bargaining agreement
16484 covering any individual in the affected unit;
16485 (g) The plan does not serve as a subsidy to seasonal
16486 employers during the off-season or as a subsidy to employers who
16487 traditionally use part-time employees; and
16488 (h) The plan certifies the manner in which the employer
16489 will treat fringe benefits of the individuals in the affected
16490 unit if the hours of the individuals are reduced to less than
16491 their normal weekly hours of work. As used in this paragraph,
16492 the term “fringe benefits” includes, but is not limited to,
16493 health insurance, retirement benefits under defined benefit
16494 pension plans as defined in subsection 35 of s. 1002 of the
16495 Employee Retirement Income Security Act of 1974, 29 U.S.C., paid
16496 vacation and holidays, and sick leave.
16497 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION
16498 BENEFITS.—
16499 (a) Except as provided in this subsection, an individual is
16500 eligible to receive short-time compensation benefits for any
16501 week only if she or he complies with this chapter and Jobs

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16502 Florida ~~the Agency for Workforce Innovation~~ finds that:
16503 1. The individual is employed as a member of an affected
16504 unit in an approved plan that was approved before the week and
16505 is in effect for the week;
16506 2. The individual is able to work and is available for
16507 additional hours of work or for full-time work with the short-
16508 time employer; and
16509 3. The normal weekly hours of work of the individual are
16510 reduced by at least 10 percent but not by more than 40 percent,
16511 with a corresponding reduction in wages.
16512 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ may
16513 not deny short-time compensation benefits to an individual who
16514 is otherwise eligible for these benefits for any week by reason
16515 of the application of any provision of this chapter relating to
16516 availability for work, active search for work, or refusal to
16517 apply for or accept work from other than the short-time
16518 compensation employer of that individual.
16519 Section 281. Subsection (3) of section 443.1215, Florida
16520 Statutes, is amended to read:
16521 443.1215 Employers.—
16522 (3) An employing unit that fails to keep the records of
16523 employment required by this chapter and by the rules of Jobs
16524 Florida ~~the Agency for Workforce Innovation~~ and the state agency
16525 providing unemployment tax collection services is presumed to be
16526 an employer liable for the payment of contributions under this
16527 chapter, regardless of the number of individuals employed by the
16528 employing unit. However, the tax collection service provider
16529 shall make written demand that the employing unit keep and
16530 maintain required payroll records. The demand must be made at

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16531 least 6 months before assessing contributions against an
16532 employing unit determined to be an employer that is subject to
16533 this chapter solely by reason of this subsection.
16534 Section 282. Paragraphs (a) and (d) of subsection (1),
16535 subsection (12), and paragraph (p) of subsection (13) of section
16536 443.1216, Florida Statutes, are amended to read:
16537 443.1216 Employment.—Employment, as defined in s. 443.036,
16538 is subject to this chapter under the following conditions:
16539 (1)(a) The employment subject to this chapter includes a
16540 service performed, including a service performed in interstate
16541 commerce, by:
16542 1. An officer of a corporation.
16543 2. An individual who, under the usual common-law rules
16544 applicable in determining the employer-employee relationship, is
16545 an employee. However, whenever a client, as defined in s.
16546 443.036(18), which would otherwise be designated as an employing
16547 unit has contracted with an employee leasing company to supply
16548 it with workers, those workers are considered employees of the
16549 employee leasing company. An employee leasing company may lease
16550 corporate officers of the client to the client and other workers
16551 to the client, except as prohibited by regulations of the
16552 Internal Revenue Service. Employees of an employee leasing
16553 company must be reported under the employee leasing company's
16554 tax identification number and contribution rate for work
16555 performed for the employee leasing company.
16556 a. In addition to any other report required to be filed by
16557 law, an employee leasing company shall submit a report to the
16558 Labor Market Statistics Center within Jobs Florida ~~the Agency~~
16559 ~~for Workforce Innovation~~ which includes each client

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16560 establishment and each establishment of the employee leasing
16561 company, or as otherwise directed by Jobs Florida ~~the agency~~.
16562 The report must include the following information for each
16563 establishment:
16564 (I) The trade or establishment name;
16565 (II) The former unemployment compensation account number,
16566 if available;
16567 (III) The former federal employer's identification number
16568 (FEIN), if available;
16569 (IV) The industry code recognized and published by the
16570 United States Office of Management and Budget, if available;
16571 (V) A description of the client's primary business activity
16572 in order to verify or assign an industry code;
16573 (VI) The address of the physical location;
16574 (VII) The number of full-time and part-time employees who
16575 worked during, or received pay that was subject to unemployment
16576 compensation taxes for, the pay period including the 12th of the
16577 month for each month of the quarter;
16578 (VIII) The total wages subject to unemployment compensation
16579 taxes paid during the calendar quarter;
16580 (IX) An internal identification code to uniquely identify
16581 each establishment of each client;
16582 (X) The month and year that the client entered into the
16583 contract for services; and
16584 (XI) The month and year that the client terminated the
16585 contract for services.
16586 b. The report shall be submitted electronically or in a
16587 manner otherwise prescribed by Jobs Florida ~~the Agency for~~
16588 ~~Workforce Innovation~~ in the format specified by the Bureau of

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16589 Labor Statistics of the United States Department of Labor for
16590 its Multiple Worksite Report for Professional Employer
16591 Organizations. The report must be provided quarterly to the
16592 Labor Market Statistics Center within Jobs Florida ~~the Agency~~
16593 ~~for Workforce Innovation~~, or as otherwise directed by Jobs
16594 Florida ~~the agency~~, and must be filed by the last day of the
16595 month immediately following the end of the calendar quarter. The
16596 information required in sub-sub-subparagraphs a.(X) and (XI)
16597 need be provided only in the quarter in which the contract to
16598 which it relates was entered into or terminated. The sum of the
16599 employment data and the sum of the wage data in this report must
16600 match the employment and wages reported in the unemployment
16601 compensation quarterly tax and wage report. A report is not
16602 required for any calendar quarter preceding the third calendar
16603 quarter of 2010.
16604 c. Jobs Florida ~~The Agency for Workforce Innovation~~ shall
16605 adopt rules as necessary to administer this subparagraph, and
16606 may administer, collect, enforce, and waive the penalty imposed
16607 by s. 443.141(1)(b) for the report required by this
16608 subparagraph.
16609 d. For the purposes of this subparagraph, the term
16610 “establishment” means any location where business is conducted
16611 or where services or industrial operations are performed.
16612 3. An individual other than an individual who is an
16613 employee under subparagraph 1. or subparagraph 2., who performs
16614 services for remuneration for any person:
16615 a. As an agent-driver or commission-driver engaged in
16616 distributing meat products, vegetable products, fruit products,
16617 bakery products, beverages other than milk, or laundry or

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16618 drycleaning services for his or her principal.
16619 b. As a traveling or city salesperson engaged on a full-
16620 time basis in the solicitation on behalf of, and the
16621 transmission to, his or her principal of orders from
16622 wholesalers, retailers, contractors, or operators of hotels,
16623 restaurants, or other similar establishments for merchandise for
16624 resale or supplies for use in their business operations. This
16625 sub-subparagraph does not apply to an agent-driver or a
16626 commission-driver and does not apply to sideline sales
16627 activities performed on behalf of a person other than the
16628 salesperson's principal.
16629 4. The services described in subparagraph 3. are employment
16630 subject to this chapter only if:
16631 a. The contract of service contemplates that substantially
16632 all of the services are to be performed personally by the
16633 individual;
16634 b. The individual does not have a substantial investment in
16635 facilities used in connection with the services, other than
16636 facilities used for transportation; and
16637 c. The services are not in the nature of a single
16638 transaction that is not part of a continuing relationship with
16639 the person for whom the services are performed.
16640 (d) If two or more related corporations concurrently employ
16641 the same individual and compensate the individual through a
16642 common paymaster, each related corporation is considered to have
16643 paid wages to the individual only in the amounts actually
16644 disbursed by that corporation to the individual and is not
16645 considered to have paid the wages actually disbursed to the
16646 individual by another of the related corporations. Jobs Florida

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16647 ~~The Agency for Workforce Innovation~~ and the state agency
16648 providing unemployment tax collection services may adopt rules
16649 necessary to administer this paragraph.
16650 1. As used in this paragraph, the term "common paymaster"
16651 means a member of a group of related corporations that disburses
16652 wages to concurrent employees on behalf of the related
16653 corporations and that is responsible for keeping payroll records
16654 for those concurrent employees. A common paymaster is not
16655 required to disburse wages to all the employees of the related
16656 corporations; however, this subparagraph does not apply to wages
16657 of concurrent employees which are not disbursed through a common
16658 paymaster. A common paymaster must pay concurrently employed
16659 individuals under this subparagraph by one combined paycheck.
16660 2. As used in this paragraph, the term "concurrent
16661 employment" means the existence of simultaneous employment
16662 relationships between an individual and related corporations.
16663 Those relationships require the performance of services by the
16664 employee for the benefit of the related corporations, including
16665 the common paymaster, in exchange for wages that, if deductible
16666 for the purposes of federal income tax, are deductible by the
16667 related corporations.
16668 3. Corporations are considered related corporations for an
16669 entire calendar quarter if they satisfy any one of the following
16670 tests at any time during the calendar quarter:
16671 a. The corporations are members of a "controlled group of
16672 corporations" as defined in s. 1563 of the Internal Revenue Code
16673 of 1986 or would be members if s. 1563(a)(4) and (b) did not
16674 apply.
16675 b. In the case of a corporation that does not issue stock,

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16676 at least 50 percent of the members of the board of directors or
16677 other governing body of one corporation are members of the board
16678 of directors or other governing body of the other corporation or
16679 the holders of at least 50 percent of the voting power to select
16680 those members are concurrently the holders of at least 50
16681 percent of the voting power to select those members of the other
16682 corporation.
16683 c. At least 50 percent of the officers of one corporation
16684 are concurrently officers of the other corporation.
16685 d. At least 30 percent of the employees of one corporation
16686 are concurrently employees of the other corporation.
16687 4. The common paymaster must report to the tax collection
16688 service provider, as part of the unemployment compensation
16689 quarterly tax and wage report, the state unemployment
16690 compensation account number and name of each related corporation
16691 for which concurrent employees are being reported. Failure to
16692 timely report this information shall result in the related
16693 corporations being denied common paymaster status for that
16694 calendar quarter.
16695 5. The common paymaster also has the primary responsibility
16696 for remitting contributions due under this chapter for the wages
16697 it disburses as the common paymaster. The common paymaster must
16698 compute these contributions as though it were the sole employer
16699 of the concurrently employed individuals. If a common paymaster
16700 fails to timely remit these contributions or reports, in whole
16701 or in part, the common paymaster remains liable for the full
16702 amount of the unpaid portion of these contributions. In
16703 addition, each of the other related corporations using the
16704 common paymaster is jointly and severally liable for its

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16705 appropriate share of these contributions. Each related
16706 corporation's share equals the greater of:
16707 a. The liability of the common paymaster under this
16708 chapter, after taking into account any contributions made.
16709 b. The liability under this chapter which, notwithstanding
16710 this section, would have existed for the wages from the other
16711 related corporations, reduced by an allocable portion of any
16712 contributions previously paid by the common paymaster for those
16713 wages.
16714 (12) The employment subject to this chapter includes
16715 services covered by a reciprocal arrangement under s. 443.221
16716 between Jobs Florida ~~the Agency for Workforce Innovation~~ or its
16717 tax collection service provider and the agency charged with the
16718 administration of another state unemployment compensation law or
16719 a federal unemployment compensation law, under which all
16720 services performed by an individual for an employing unit are
16721 deemed to be performed entirely within this state, if Jobs
16722 Florida ~~the Agency for Workforce Innovation~~ or its tax
16723 collection service provider approved an election of the
16724 employing unit in which all of the services performed by the
16725 individual during the period covered by the election are deemed
16726 to be insured work.
16727 (13) The following are exempt from coverage under this
16728 chapter:
16729 (p) Service covered by an arrangement between Jobs Florida
16730 ~~the Agency for Workforce Innovation~~, or its tax collection
16731 service provider, and the agency charged with the administration
16732 of another state or federal unemployment compensation law under
16733 which all services performed by an individual for an employing

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16734 unit during the period covered by the employing unit's duly
16735 approved election is deemed to be performed entirely within the
16736 other agency's state or under the federal law.
16737 Section 283. Subsection (1) of section 443.1217, Florida
16738 Statutes, is amended to read:
16739 443.1217 Wages.—
16740 (1) The wages subject to this chapter include all
16741 remuneration for employment, including commissions, bonuses,
16742 back pay awards, and the cash value of all remuneration paid in
16743 any medium other than cash. The reasonable cash value of
16744 remuneration in any medium other than cash must be estimated and
16745 determined in accordance with rules adopted by Jobs Florida ~~the~~
16746 ~~Agency for Workforce Innovation~~ or the state agency providing
16747 tax collection services. The wages subject to this chapter
16748 include tips or gratuities received while performing services
16749 that constitute employment and are included in a written
16750 statement furnished to the employer under s. 6053(a) of the
16751 Internal Revenue Code of 1954. As used in this section only, the
16752 term "employment" includes services constituting employment
16753 under any employment security law of another state or of the
16754 Federal Government.
16755 Section 284. Subsection (1) and paragraphs (a), (g), and
16756 (i) of subsection (3) of section 443.131, Florida Statutes, are
16757 amended to read:
16758 443.131 Contributions.—
16759 (1) PAYMENT OF CONTRIBUTIONS.—Contributions accrue and are
16760 payable by each employer for each calendar quarter he or she is
16761 subject to this chapter for wages paid during each calendar
16762 quarter for employment. Contributions are due and payable by

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16763 each employer to the tax collection service provider, in
16764 accordance with the rules adopted by Jobs Florida ~~the Agency for~~
16765 ~~Workforce Innovation~~ or the state agency providing tax
16766 collection services. This subsection does not prohibit the tax
16767 collection service provider from allowing, at the request of the
16768 employer, employers of employees performing domestic services,
16769 as defined in s. 443.1216(6), to pay contributions or report
16770 wages at intervals other than quarterly when the nonquarterly
16771 payment or reporting assists the service provider and when
16772 nonquarterly payment and reporting is authorized under federal
16773 law. Employers of employees performing domestic services may
16774 report wages and pay contributions annually, with a due date of
16775 January 1 and a delinquency date of February 1. To qualify for
16776 this election, the employer must employ only employees
16777 performing domestic services, be eligible for a variation from
16778 the standard rate computed under subsection (3), apply to this
16779 program no later than December 1 of the preceding calendar year,
16780 and agree to provide Jobs Florida ~~the Agency for Workforce~~
16781 ~~Innovation~~ or its tax collection service provider with any
16782 special reports that are requested, including copies of all
16783 federal employment tax forms. An employer who fails to timely
16784 furnish any wage information required by Jobs Florida ~~the Agency~~
16785 ~~for Workforce Innovation~~ or its tax collection service provider
16786 loses the privilege to participate in this program, effective
16787 the calendar quarter immediately after the calendar quarter the
16788 failure occurred. The employer may reapply for annual reporting
16789 when a complete calendar year elapses after the employer's
16790 disqualification if the employer timely furnished any requested
16791 wage information during the period in which annual reporting was

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16792 denied. An employer may not deduct contributions, interests,
16793 penalties, fines, or fees required under this chapter from any
16794 part of the wages of his or her employees. A fractional part of
16795 a cent less than one-half cent shall be disregarded from the
16796 payment of contributions, but a fractional part of at least one-
16797 half cent shall be increased to 1 cent.
16798 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
16799 EXPERIENCE.—
16800 (a) *Employment records.*—The regular and short-time
16801 compensation benefits paid to an eligible individual shall be
16802 charged to the employment record of each employer who paid the
16803 individual wages of at least $100 during the individual's base
16804 period in proportion to the total wages paid by all employers
16805 who paid the individual wages during the individual's base
16806 period. Benefits may not be charged to the employment record of
16807 an employer who furnishes part-time work to an individual who,
16808 because of loss of employment with one or more other employers,
16809 is eligible for partial benefits while being furnished part-time
16810 work by the employer on substantially the same basis and in
16811 substantially the same amount as the individual's employment
16812 during his or her base period, regardless of whether this part-
16813 time work is simultaneous or successive to the individual's lost
16814 employment. Further, as provided in s. 443.151(3), benefits may
16815 not be charged to the employment record of an employer who
16816 furnishes Jobs Florida ~~the Agency for Workforce Innovation~~ with
16817 notice, as prescribed in ~~agency~~ rules of Jobs Florida, that any
16818 of the following apply:
16819 1. If an individual leaves his or her work without good
16820 cause attributable to the employer or is discharged by the

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16821 employer for misconduct connected with his or her work, benefits
16822 subsequently paid to the individual based on wages paid by the
16823 employer before the separation may not be charged to the
16824 employment record of the employer.
16825 2. If an individual is discharged by the employer for
16826 unsatisfactory performance during an initial employment
16827 probationary period, benefits subsequently paid to the
16828 individual based on wages paid during the probationary period by
16829 the employer before the separation may not be charged to the
16830 employer's employment record. As used in this subparagraph, the
16831 term "initial employment probationary period" means an
16832 established probationary plan that applies to all employees or a
16833 specific group of employees and that does not exceed 90 calendar
16834 days following the first day a new employee begins work. The
16835 employee must be informed of the probationary period within the
16836 first 7 days of work. The employer must demonstrate by
16837 conclusive evidence that the individual was separated because of
16838 unsatisfactory work performance and not because of lack of work
16839 due to temporary, seasonal, casual, or other similar employment
16840 that is not of a regular, permanent, and year-round nature.
16841 3. Benefits subsequently paid to an individual after his or
16842 her refusal without good cause to accept suitable work from an
16843 employer may not be charged to the employment record of the
16844 employer if any part of those benefits are based on wages paid
16845 by the employer before the individual's refusal to accept
16846 suitable work. As used in this subparagraph, the term "good
16847 cause" does not include distance to employment caused by a
16848 change of residence by the individual. Jobs Florida ~~The Agency~~
16849 ~~for Workforce Innovation~~ shall adopt rules prescribing for the

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16850 payment of all benefits whether this subparagraph applies
16851 regardless of whether a disqualification under s. 443.101
16852 applies to the claim.
16853 4. If an individual is separated from work as a direct
16854 result of a natural disaster declared under the Robert T.
16855 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
16856 ss. 5121 et seq., benefits subsequently paid to the individual
16857 based on wages paid by the employer before the separation may
16858 not be charged to the employment record of the employer.
16859 (g) *Transfer of unemployment experience upon transfer or*
16860 *acquisition of a business.*—Notwithstanding any other provision
16861 of law, upon transfer or acquisition of a business, the
16862 following conditions apply to the assignment of rates and to
16863 transfers of unemployment experience:
16864 1.a. If an employer transfers its trade or business, or a
16865 portion thereof, to another employer and, at the time of the
16866 transfer, there is any common ownership, management, or control
16867 of the two employers, the unemployment experience attributable
16868 to the transferred trade or business shall be transferred to the
16869 employer to whom the business is so transferred. The rates of
16870 both employers shall be recalculated and made effective as of
16871 the beginning of the calendar quarter immediately following the
16872 date of the transfer of the trade or business unless the
16873 transfer occurred on the first day of a calendar quarter, in
16874 which case the rate shall be recalculated as of that date.
16875 b. If, following a transfer of experience under sub-
16876 subparagraph a., Jobs Florida ~~the Agency for Workforce~~
16877 ~~Innovation~~ or the tax collection service provider determines
16878 that a substantial purpose of the transfer of trade or business

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16879 was to obtain a reduced liability for contributions, the
16880 experience rating account of the employers involved shall be
16881 combined into a single account and a single rate assigned to the
16882 account.
16883 2. Whenever a person who is not an employer under this
16884 chapter at the time it acquires the trade or business of an
16885 employer, the unemployment experience of the acquired business
16886 shall not be transferred to the person if Jobs Florida ~~the~~
16887 ~~Agency for Workforce Innovation~~ or the tax collection service
16888 provider finds that such person acquired the business solely or
16889 primarily for the purpose of obtaining a lower rate of
16890 contributions. Instead, such person shall be assigned the new
16891 employer rate under paragraph (2)(a). In determining whether the
16892 business was acquired solely or primarily for the purpose of
16893 obtaining a lower rate of contributions, the tax collection
16894 service provider shall consider, but not be limited to, the
16895 following factors:
16896 a. Whether the person continued the business enterprise of
16897 the acquired business;
16898 b. How long such business enterprise was continued; or
16899 c. Whether a substantial number of new employees was hired
16900 for performance of duties unrelated to the business activity
16901 conducted before the acquisition.
16902 3. If a person knowingly violates or attempts to violate
16903 subparagraph 1. or subparagraph 2. or any other provision of
16904 this chapter related to determining the assignment of a
16905 contribution rate, or if a person knowingly advises another
16906 person to violate the law, the person shall be subject to the
16907 following penalties:

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16908 a. If the person is an employer, the employer shall be
16909 assigned the highest rate assignable under this chapter for the
16910 rate year during which such violation or attempted violation
16911 occurred and for the 3 rate years immediately following this
16912 rate year. However, if the person’s business is already at the
16913 highest rate for any year, or if the amount of increase in the
16914 person’s rate would be less than 2 percent for such year, then a
16915 penalty rate of contribution of 2 percent of taxable wages shall
16916 be imposed for such year and the following 3 rate years.
16917 b. If the person is not an employer, such person shall be
16918 subject to a civil money penalty of not more than $5,000. The
16919 procedures for the assessment of a penalty shall be in
16920 accordance with the procedures set forth in s. 443.141(2), and
16921 the provisions of s. 443.141(3) shall apply to the collection of
16922 the penalty. Any such penalty shall be deposited in the penalty
16923 and interest account established under s. 443.211(2).
16924 4. For purposes of this paragraph, the term:
16925 a. “Knowingly” means having actual knowledge of or acting
16926 with deliberate ignorance or reckless disregard for the
16927 prohibition involved.
16928 b. “Violates or attempts to violate” includes, but is not
16929 limited to, intent to evade, misrepresent, or willfully
16930 nondisclose.
16931 5. In addition to the penalty imposed by subparagraph 3.,
16932 any person who violates this paragraph commits a felony of the
16933 third degree, punishable as provided in s. 775.082, s. 775.083,
16934 or s. 775.084.
16935 6. Jobs Florida ~~The Agency for Workforce Innovation~~ and the
16936 tax collection service provider shall establish procedures to

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16937 identify the transfer or acquisition of a business for the
16938 purposes of this paragraph and shall adopt any rules necessary
16939 to administer this paragraph.
16940 7. For purposes of this paragraph:
16941 a. “Person” has the meaning given to the term by s.
16942 7701(a)(1) of the Internal Revenue Code of 1986.
16943 b. “Trade or business” shall include the employer’s
16944 workforce.
16945 8. This paragraph shall be interpreted and applied in such
16946 a manner as to meet the minimum requirements contained in any
16947 guidance or regulations issued by the United States Department
16948 of Labor.
16949 (i) *Notice of determinations of contribution rates;*
16950 *redeterminations.*—The state agency providing tax collection
16951 services:
16952 1. Shall promptly notify each employer of his or her
16953 contribution rate as determined for any calendar year under this
16954 section. The determination is conclusive and binding on the
16955 employer unless within 20 days after mailing the notice of
16956 determination to the employer’s last known address, or, in the
16957 absence of mailing, within 20 days after delivery of the notice,
16958 the employer files an application for review and redetermination
16959 setting forth the grounds for review. An employer may not, in
16960 any proceeding involving his or her contribution rate or
16961 liability for contributions, contest the chargeability to his or
16962 her employment record of any benefits paid in accordance with a
16963 determination, redetermination, or decision under s. 443.151,
16964 except on the ground that the benefits charged were not based on
16965 services performed in employment for him or her and then only if

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16966 the employer was not a party to the determination,
16967 redetermination, or decision, or to any other proceeding under
16968 this chapter, in which the character of those services was
16969 determined.
16970 2. Shall, upon discovery of an error in computation,
16971 reconsider any prior determination or redetermination of a
16972 contribution rate after the 20-day period has expired and issue
16973 a revised notice of contribution rate as redetermined. A
16974 redetermination is subject to review, and is conclusive and
16975 binding if review is not sought, in the same manner as review of
16976 a determination under subparagraph 1. A reconsideration may not
16977 be made after March 31 of the calendar year immediately after
16978 the calendar year for which the contribution rate is applicable,
16979 and interest may not accrue on any additional contributions
16980 found to be due until 30 days after the employer is mailed
16981 notice of his or her revised contribution rate.
16982 3. May adopt rules providing for periodic notification to
16983 employers of benefits paid and charged to their employment
16984 records or of the status of those employment records. A
16985 notification, unless an application for redetermination is filed
16986 in the manner and within the time limits prescribed by Jobs
16987 Florida ~~the Agency for Workforce Innovation~~, is conclusive and
16988 binding on the employer under this chapter. The redetermination,
16989 and Jobs Florida's ~~the Agency for Workforce Innovation's~~ finding
16990 of fact in connection with the redetermination, may be
16991 introduced in any subsequent administrative or judicial
16992 proceeding involving the determination of the contribution rate
16993 of an employer for any calendar year. A redetermination becomes
16994 final in the same manner provided in this subsection for

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16995 findings of fact made by Jobs Florida ~~the Agency for Workforce~~
16996 ~~Innovation~~ in proceedings to redetermine the contribution rate
16997 of an employer. Pending a redetermination or an administrative
16998 or judicial proceeding, the employer must file reports and pay
16999 contributions in accordance with this section.
17000 Section 285. Paragraph (d) of subsection (2) and paragraph
17001 (d) of subsection (3) of section 443.1312, Florida Statutes, are
17002 amended to read:
17003 443.1312 Reimbursements; nonprofit organizations.—Benefits
17004 paid to employees of nonprofit organizations shall be financed
17005 in accordance with this section.
17006 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF
17007 REIMBURSEMENT.—A nonprofit organization that is, or becomes,
17008 subject to this chapter under s. 443.1215(1)(c) or s.
17009 443.121(3)(a) must pay contributions under s. 443.131 unless it
17010 elects, in accordance with this subsection, to reimburse the
17011 Unemployment Compensation Trust Fund for all of the regular
17012 benefits, short-time compensation benefits, and one-half of the
17013 extended benefits paid, which are attributable to service in the
17014 employ of the nonprofit organization, to individuals for weeks
17015 of unemployment which begin during the effective period of the
17016 election.
17017 (d) In accordance with rules adopted by Jobs Florida ~~the~~
17018 ~~Agency for Workforce Innovation~~ or the state agency providing
17019 unemployment tax collection services, the tax collection service
17020 provider shall notify each nonprofit organization of any
17021 determination of the organization’s status as an employer, the
17022 effective date of any election the organization makes, and the
17023 effective date of any termination of the election. Each

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17024 determination is subject to reconsideration, appeal, and review
17025 under s. 443.141(2)(c).
17026 (3) PAYMENT OF REIMBURSEMENTS.—Reimbursements in lieu of
17027 contributions must be paid in accordance with this subsection.
17028 (d) The amount due, as specified in any bill from the tax
17029 collection service provider, is conclusive, and the nonprofit
17030 organization is liable for payment of that amount unless, within
17031 20 days after the bill is mailed to the organization's last
17032 known address or otherwise delivered to the organization, the
17033 organization files an application for redetermination by Jobs
17034 Florida ~~the Agency for Workforce Innovation~~, setting forth the
17035 grounds for the application. Jobs Florida ~~The Agency for~~
17036 ~~Workforce Innovation~~ shall promptly review and reconsider the
17037 amount due, as specified in the bill, and shall issue a
17038 redetermination in each case in which an application for
17039 redetermination is filed. The redetermination is conclusive and
17040 the nonprofit organization is liable for payment of the amount
17041 due, as specified in the redetermination, unless, within 20 days
17042 after the redetermination is mailed to the organization's last
17043 known address or otherwise delivered to the organization, the
17044 organization files a protest, setting forth the grounds for the
17045 appeal. Proceedings on the protest shall be conducted in
17046 accordance with s. 443.141(2).
17047 Section 286. Paragraph (b) of subsection (1) of section
17048 443.1313, Florida Statutes, is amended to read:
17049 443.1313 Public employers; reimbursements; election to pay
17050 contributions.—Benefits paid to employees of a public employer,
17051 as defined in s. 443.036, based on service described in s.
17052 443.1216(2) shall be financed in accordance with this section.

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17053 (1) PAYMENT OF REIMBURSEMENTS.—
17054 (b) If a state agency is more than 120 days delinquent on
17055 reimbursements due to the Unemployment Compensation Trust Fund,
17056 the tax collection service provider shall certify to the Chief
17057 Financial Officer the amount due and the Chief Financial Officer
17058 shall transfer the amount due to the Unemployment Compensation
17059 Trust Fund from the funds of the agency which legally may be
17060 used for that purpose. If a public employer other than a state
17061 agency is more than 120 days delinquent on reimbursements due to
17062 the Unemployment Compensation Trust Fund, upon request by the
17063 tax collection service provider after a hearing, the Department
17064 of Revenue or the Department of Financial Services, as
17065 applicable, shall deduct the amount owed by the public employer
17066 from any funds to be distributed by the applicable department to
17067 the public employer for further distribution to the trust fund
17068 in accordance with this chapter. If an employer for whom the
17069 municipal or county tax collector collects taxes fails to make
17070 the reimbursements to the Unemployment Compensation Trust Fund
17071 required by this chapter, the tax collector after a hearing, at
17072 the request of the tax collection service provider and upon
17073 receipt of a certificate showing the amount owed by the
17074 employer, shall deduct the certified amount from any taxes
17075 collected for the employer and remit that amount to the tax
17076 collection service provider for further distribution to the
17077 trust fund in accordance with this chapter. This paragraph does
17078 not apply to amounts owed by a political subdivision of the
17079 state for benefits erroneously paid in which the claimant must
17080 repay to Jobs Florida ~~the Agency for Workforce Innovation~~ under
17081 s. 443.151(6)(a) or (b) any sum as benefits received.

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17082 Section 287. Paragraphs (b) and (c) of subsection (4) and
17083 subsection (7) of section 443.1315, Florida Statutes, are
17084 amended to read:
17085 443.1315 Treatment of Indian tribes.—
17086 (4)
17087 (b)1. Services performed for an Indian tribe or tribal unit
17088 that fails to make required reimbursements, including
17089 assessments of interest and penalty, after all collection
17090 activities deemed necessary by the tax collection service
17091 provider, subject to approval by Jobs Florida ~~the Agency for~~
17092 ~~Workforce Innovation~~, are exhausted may not be treated as
17093 employment for purposes of paragraph (1)(b).
17094 2. The tax collection service provider may determine that
17095 any Indian tribe that loses coverage under subparagraph 1. may
17096 have services performed for the tribe subsequently included as
17097 employment for purposes of paragraph (1)(b) if all
17098 contributions, reimbursements, penalties, and interest are paid.
17099 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ or its
17100 tax collection service provider shall immediately notify the
17101 United States Internal Revenue Service and the United States
17102 Department of Labor when an Indian tribe fails to make
17103 reimbursements required under this section, including
17104 assessments of interest and penalty, within 90 days after a
17105 final notice of delinquency.
17106 (7) Jobs Florida ~~The Agency for Workforce Innovation~~ and
17107 the state agency providing unemployment tax collection services
17108 shall adopt rules necessary to administer this section.
17109 Section 288. Section 443.1316, Florida Statutes, is amended
17110 to read:

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17111 443.1316 Unemployment tax collection services; interagency
17112 agreement.—
17113 (1) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17114 contract with the Department of Revenue, through an interagency
17115 agreement, to perform the duties of the tax collection service
17116 provider and provide other unemployment tax collection services
17117 under this chapter. Under the interagency agreement, the tax
17118 collection service provider may only implement:
17119 (a) The provisions of this chapter conferring duties upon
17120 the tax collection service provider.
17121 (b) The provisions of law conferring duties upon Jobs
17122 Florida ~~the Agency for Workforce Innovation~~ which are
17123 specifically delegated to the tax collection service provider in
17124 the interagency agreement.
17125 (2)(a) The Department of Revenue is considered to be
17126 administering a revenue law of this state when the department
17127 implements this chapter, or otherwise provides unemployment tax
17128 collection services, under contract with Jobs Florida ~~the Agency~~
17129 ~~for Workforce Innovation~~ through the interagency agreement.
17130 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);
17131 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;
17132 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;
17133 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;
17134 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and
17135 213.757 apply to the collection of unemployment contributions
17136 and reimbursements by the Department of Revenue unless
17137 prohibited by federal law.
17138 Section 289. Section 443.1317, Florida Statutes, is amended
17139 to read:

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17140 443.1317 Rulemaking authority; enforcement of rules.—
17141 (1) JOBS FLORIDA ~~AGENCY FOR WORKFORCE INNOVATION~~.—
17142 (a) Except as otherwise provided in s. 443.012, Jobs
17143 Florida ~~the Agency for Workforce Innovation~~ has ultimate
17144 authority over the administration of the Unemployment
17145 Compensation Program.
17146 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ may
17147 adopt rules under ss. 120.536(1) and 120.54 to administer the
17148 provisions of this chapter conferring duties upon either Jobs
17149 Florida ~~the agency~~ or its tax collection service provider.
17150 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency
17151 providing unemployment tax collection services under contract
17152 with Jobs Florida ~~the Agency for Workforce Innovation~~ through an
17153 interagency agreement pursuant to s. 443.1316 may adopt rules
17154 under ss. 120.536(1) and 120.54, subject to approval by Jobs
17155 Florida ~~the Agency for Workforce Innovation~~, to administer the
17156 provisions of law described in s. 443.1316(1)(a) and (b) which
17157 are within this chapter. These rules must not conflict with the
17158 rules adopted by Jobs Florida ~~the Agency for Workforce~~
17159 ~~Innovation~~ or with the interagency agreement.
17160 (3) ENFORCEMENT OF RULES.—Jobs Florida ~~The Agency for~~
17161 ~~Workforce Innovation~~ may enforce any rule adopted by the state
17162 agency providing unemployment tax collection services to
17163 administer this chapter. The tax collection service provider may
17164 enforce any rule adopted by Jobs Florida ~~the Agency for~~
17165 ~~Workforce Innovation~~ to administer the provisions of law
17166 described in s. 443.1316(1)(a) and (b).
17167 Section 290. Paragraphs (b), (c), and (f) of subsection
17168 (1), subsection (2), paragraphs (f) and (g) of subsection (3),

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17169 and paragraph (c) of subsection (4) of section 443.141, Florida
17170 Statutes, are amended to read:
17171 443.141 Collection of contributions and reimbursements.—
17172 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
17173 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—
17174 (b) *Penalty for delinquent, erroneous, incomplete, or*
17175 *insufficient reports.*—
17176 1. An employing unit that fails to file any report required
17177 by Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax
17178 collection service provider, in accordance with rules for
17179 administering this chapter, shall pay to the service provider
17180 for each delinquent report the sum of $25 for each 30 days or
17181 fraction thereof that the employing unit is delinquent, unless
17182 the agency or its service provider, whichever required the
17183 report, finds that the employing unit has good reason for
17184 failing to file the report. Jobs Florida ~~The agency~~ or its
17185 service provider may assess penalties only through the date of
17186 the issuance of the final assessment notice. However, additional
17187 penalties accrue if the delinquent report is subsequently filed.
17188 2.a. An employing unit that files an erroneous, incomplete,
17189 or insufficient report with Jobs Florida ~~the Agency for~~
17190 ~~Workforce Innovation~~ or its tax collection service provider
17191 shall pay a penalty. The amount of the penalty is $50 or 10
17192 percent of any tax due, whichever is greater, but no more than
17193 $300 per report. The penalty shall be added to any tax, penalty,
17194 or interest otherwise due.
17195 b. Jobs Florida ~~The agency~~ or its tax collection service
17196 provider shall waive the penalty if the employing unit files an
17197 accurate, complete, and sufficient report within 30 days after a

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17198 penalty notice is issued to the employing unit. The penalty may
17199 not be waived pursuant to this subparagraph more than one time
17200 during a 12-month period.
17201 c. As used in this subsection, the term “erroneous,
17202 incomplete, or insufficient report” means a report so lacking in
17203 information, completeness, or arrangement that the report cannot
17204 be readily understood, verified, or reviewed. Such reports
17205 include, but are not limited to, reports having missing wage or
17206 employee information, missing or incorrect social security
17207 numbers, or illegible entries; reports submitted in a format
17208 that is not approved by Jobs Florida ~~the agency~~ or its tax
17209 collection service provider; and reports showing gross wages
17210 that do not equal the total of the wages of each employee.
17211 However, the term does not include a report that merely contains
17212 inaccurate data that was supplied to the employer by the
17213 employee, if the employer was unaware of the inaccuracy.
17214 3. Penalties imposed pursuant to this paragraph shall be
17215 deposited in the Special Employment Security Administration
17216 Trust Fund.
17217 4. The penalty and interest for a delinquent, erroneous,
17218 incomplete, or insufficient report may be waived if the penalty
17219 or interest is inequitable. The provisions of s. 213.24(1) apply
17220 to any penalty or interest that is imposed under this section.
17221 (c) *Application of partial payments.*—If a delinquency
17222 exists in the employment record of an employer not in
17223 bankruptcy, a partial payment less than the total delinquency
17224 amount shall be applied to the employment record as the payor
17225 directs. In the absence of specific direction, the partial
17226 payment shall be applied to the payor’s employment record as

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17227 prescribed in the rules of Jobs Florida ~~the Agency for Workforce~~
17228 ~~Innovation~~ or the state agency providing tax collection
17229 services.
17230 (f) *Adoption of rules.*—Jobs Florida ~~The Agency for~~
17231 ~~Workforce Innovation~~ and the state agency providing unemployment
17232 tax collection services may adopt rules to administer this
17233 subsection.
17234 (2) REPORTS, CONTRIBUTIONS, APPEALS.—
17235 (a) *Failure to make reports and pay contributions.*—If an
17236 employing unit determined by the tax collection service provider
17237 to be an employer subject to this chapter fails to make and file
17238 any report as and when required by this chapter or by any rule
17239 of Jobs Florida ~~the Agency for Workforce Innovation~~ or the state
17240 agency providing tax collection services, for the purpose of
17241 determining the amount of contributions due by the employer
17242 under this chapter, or if any filed report is found by the
17243 service provider to be incorrect or insufficient, and the
17244 employer, after being notified in writing by the service
17245 provider to file the report, or a corrected or sufficient
17246 report, as applicable, fails to file the report within 15 days
17247 after the date of the mailing of the notice, the tax collection
17248 service provider may:
17249 1. Determine the amount of contributions due from the
17250 employer based on the information readily available to it, which
17251 determination is deemed to be prima facie correct;
17252 2. Assess the employer the amount of contributions
17253 determined to be due; and
17254 3. Immediately notify the employer by mail of the
17255 determination and assessment including penalties as provided in

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17256 this chapter, if any, added and assessed, and demand payment
17257 together with interest on the amount of contributions from the
17258 date that amount was due and payable.
17259 (b) *Hearings.*—The determination and assessment are final 15
17260 days after the date the assessment is mailed unless the employer
17261 files with the tax collection service provider within the 15
17262 days a written protest and petition for hearing specifying the
17263 objections thereto. The tax collection service provider shall
17264 promptly review each petition and may reconsider its
17265 determination and assessment in order to resolve the
17266 petitioner's objections. The tax collection service provider
17267 shall forward each petition remaining unresolved to Jobs Florida
17268 ~~the Agency for Workforce Innovation~~ for a hearing on the
17269 objections. Upon receipt of a petition, Jobs Florida ~~the Agency~~
17270 ~~for Workforce Innovation~~ shall schedule a hearing and notify the
17271 petitioner of the time and place of the hearing. Jobs Florida
17272 ~~The Agency for Workforce Innovation~~ may appoint special deputies
17273 to conduct hearings and to submit their findings together with a
17274 transcript of the proceedings before them and their
17275 recommendations to Jobs Florida ~~the agency~~ for its final order.
17276 Special deputies are subject to the prohibition against ex parte
17277 communications in s. 120.66. At any hearing conducted by Jobs
17278 Florida ~~the Agency for Workforce Innovation~~ or its special
17279 deputy, evidence may be offered to support the determination and
17280 assessment or to prove it is incorrect. In order to prevail,
17281 however, the petitioner must either prove that the determination
17282 and assessment are incorrect or file full and complete corrected
17283 reports. Evidence may also be submitted at the hearing to rebut
17284 the determination by the tax collection service provider that

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17285 the petitioner is an employer under this chapter. Upon evidence
17286 taken before it or upon the transcript submitted to it with the
17287 findings and recommendation of its special deputy, Jobs Florida
17288 ~~the Agency for Workforce Innovation~~ shall either set aside the
17289 tax collection service provider's determination that the
17290 petitioner is an employer under this chapter or reaffirm the
17291 determination. The amounts assessed under the final order,
17292 together with interest and penalties, must be paid within 15
17293 days after notice of the final order is mailed to the employer,
17294 unless judicial review is instituted in a case of status
17295 determination. Amounts due when the status of the employer is in
17296 dispute are payable within 15 days after the entry of an order
17297 by the court affirming the determination. However, any
17298 determination that an employing unit is not an employer under
17299 this chapter does not affect the benefit rights of any
17300 individual as determined by an appeals referee or the commission
17301 unless:
17302 1. The individual is made a party to the proceedings before
17303 the special deputy; or
17304 2. The decision of the appeals referee or the commission
17305 has not become final or the employing unit and Jobs Florida ~~the~~
17306 ~~Agency for Workforce Innovation~~ were not made parties to the
17307 proceedings before the appeals referee or the commission.
17308 (c) *Appeals.*—Jobs Florida ~~The Agency for Workforce~~
17309 ~~Innovation~~ and the state agency providing unemployment tax
17310 collection services shall adopt rules prescribing the procedures
17311 for an employing unit determined to be an employer to file an
17312 appeal and be afforded an opportunity for a hearing on the
17313 determination. Pending a hearing, the employing unit must file

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17314 reports and pay contributions in accordance with s. 443.131.
17315 (3) COLLECTION PROCEEDINGS.—
17316 (f) *Reproductions.*—In any proceedings in any court under
17317 this chapter, reproductions of the original records of Jobs
17318 Florida ~~the Agency for Workforce Innovation~~, its tax collection
17319 service provider, the former Agency for Workforce Innovation,
17320 the former Department of Labor and Employment Security, or the
17321 commission, including, but not limited to, photocopies or
17322 microfilm, are primary evidence in lieu of the original records
17323 or of the documents that were transcribed into those records.
17324 (g) *Jeopardy assessment and warrant.*—If the tax collection
17325 service provider reasonably believes that the collection of
17326 contributions or reimbursements from an employer will be
17327 jeopardized by delay, the service provider may assess the
17328 contributions or reimbursements immediately, together with
17329 interest or penalties when due, regardless of whether the
17330 contributions or reimbursements accrued are due, and may
17331 immediately issue a notice of lien and jeopardy warrant upon
17332 which proceedings may be conducted as provided in this section
17333 for notice of lien and warrant of the service provider. Within
17334 15 days after mailing the notice of lien by registered mail, the
17335 employer may protest the issuance of the lien in the same manner
17336 provided in paragraph (2)(a). The protest does not operate as a
17337 supersedeas or stay of enforcement unless the employer files
17338 with the sheriff seeking to enforce the warrant a good and
17339 sufficient surety bond in twice the amount demanded by the
17340 notice of lien or warrant. The bond must be conditioned upon
17341 payment of the amount subsequently found to be due from the
17342 employer to the tax collection service provider in the final

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17343 order of Jobs Florida ~~the Agency for Workforce Innovation~~ upon
17344 protest of assessment. The jeopardy warrant and notice of lien
17345 are satisfied in the manner provided in this section upon
17346 payment of the amount finally determined to be due from the
17347 employer. If enforcement of the jeopardy warrant is not
17348 superseded as provided in this section, the employer is entitled
17349 to a refund from the fund of all amounts paid as contributions
17350 or reimbursements in excess of the amount finally determined to
17351 be due by the employer upon application being made as provided
17352 in this chapter.
17353 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF
17354 CONTRIBUTIONS AND REIMBURSEMENTS.—
17355 (c) Any agent or employee designated by Jobs Florida ~~the~~
17356 ~~Agency for Workforce Innovation~~ or its tax collection service
17357 provider may administer an oath to any person for any return or
17358 report required by this chapter or by the rules of Jobs Florida
17359 ~~the Agency for Workforce Innovation~~ or the state agency
17360 providing unemployment tax collection services, and an oath made
17361 before Jobs Florida ~~the agency~~ or its service provider or any
17362 authorized agent or employee has the same effect as an oath made
17363 before any judicial officer or notary public of the state.
17364 Section 291. Section 443.151, Florida Statutes, is amended
17365 to read:
17366 443.151 Procedure concerning claims.—
17367 (1) POSTING OF INFORMATION.—
17368 (a) Each employer must post and maintain in places readily
17369 accessible to individuals in her or his employ printed
17370 statements concerning benefit rights, claims for benefits, and
17371 other matters relating to the administration of this chapter as

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17372 Jobs Florida ~~the Agency for Workforce Innovation~~ may by rule
17373 prescribe. Each employer must supply to individuals copies of
17374 printed statements or other materials relating to claims for
17375 benefits as directed by the ~~agency's~~ rules of Jobs Florida. Jobs
17376 Florida ~~The Agency for Workforce Innovation~~ shall supply these
17377 printed statements and other materials to each employer without
17378 cost to the employer.
17379 (b)1. Jobs Florida ~~The Agency for Workforce Innovation~~
17380 shall advise each individual filing a new claim for unemployment
17381 compensation, at the time of filing the claim, that:
17382 a. Unemployment compensation is subject to federal income
17383 tax.
17384 b. Requirements exist pertaining to estimated tax payments.
17385 c. The individual may elect to have federal income tax
17386 deducted and withheld from the individual's payment of
17387 unemployment compensation at the amount specified in the federal
17388 Internal Revenue Code.
17389 d. The individual is not permitted to change a previously
17390 elected withholding status more than twice per calendar year.
17391 2. Amounts deducted and withheld from unemployment
17392 compensation must remain in the Unemployment Compensation Trust
17393 Fund until transferred to the federal taxing authority as
17394 payment of income tax.
17395 3. Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17396 follow all procedures specified by the United States Department
17397 of Labor and the federal Internal Revenue Service pertaining to
17398 the deducting and withholding of income tax.
17399 4. If more than one authorized request for deduction and
17400 withholding is made, amounts must be deducted and withheld in

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17401 accordance with the following priorities:
17402 a. Unemployment overpayments have first priority;
17403 b. Child support payments have second priority; and
17404 c. Withholding under this subsection has third priority.
17405 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
17406 CLAIMANTS AND EMPLOYERS.—
17407 (a) *In general.*—Claims for benefits must be made in
17408 accordance with the rules adopted by Jobs Florida ~~the Agency for~~
17409 ~~Workforce Innovation~~. Jobs Florida ~~The agency~~ must notify
17410 claimants and employers regarding monetary and nonmonetary
17411 determinations of eligibility. Investigations of issues raised
17412 in connection with a claimant which may affect a claimant's
17413 eligibility for benefits or charges to an employer's employment
17414 record shall be conducted by Jobs Florida ~~the agency~~ through
17415 written, telephonic, or electronic means as prescribed by rule.
17416 (b) *Process.*—When the Unemployment Compensation Claims and
17417 Benefits Information System described in s. 443.1113 is fully
17418 operational, the process for filing claims must incorporate the
17419 process for registering for work with the workforce information
17420 systems established pursuant to s. 445.011. A claim for benefits
17421 may not be processed until the work registration requirement is
17422 satisfied. Jobs Florida ~~The Agency for Workforce Innovation~~ may
17423 adopt rules as necessary to administer the work registration
17424 requirement set forth in this paragraph.
17425 (3) DETERMINATION OF ELIGIBILITY.—
17426 (a) *Notices of claim.*—Jobs Florida ~~The Agency for Workforce~~
17427 ~~Innovation~~ shall promptly provide a notice of claim to the
17428 claimant's most recent employing unit and all employers whose
17429 employment records are liable for benefits under the monetary

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17430 determination. The employer must respond to the notice of claim
17431 within 20 days after the mailing date of the notice, or in lieu
17432 of mailing, within 20 days after the delivery of the notice. If
17433 a contributing employer fails to timely respond to the notice of
17434 claim, the employer's account may not be relieved of benefit
17435 charges as provided in s. 443.131(3)(a), notwithstanding
17436 paragraph (5)(b). Jobs Florida ~~The agency~~ may adopt rules as
17437 necessary to implement the processes described in this paragraph
17438 relating to notices of claim.
17439 (b) *Monetary determinations.*—In addition to the notice of
17440 claim, Jobs Florida ~~the agency~~ shall also promptly provide an
17441 initial monetary determination to the claimant and each base
17442 period employer whose account is subject to being charged for
17443 its respective share of benefits on the claim. The monetary
17444 determination must include a statement of whether and in what
17445 amount the claimant is entitled to benefits, and, in the event
17446 of a denial, must state the reasons for the denial. A monetary
17447 determination for the first week of a benefit year must also
17448 include a statement of whether the claimant was paid the wages
17449 required under s. 443.091(1)(g) and, if so, the first day of the
17450 benefit year, the claimant's weekly benefit amount, and the
17451 maximum total amount of benefits payable to the claimant for a
17452 benefit year. The monetary determination is final unless within
17453 20 days after the mailing of the notices to the parties' last
17454 known addresses, or in lieu of mailing, within 20 days after the
17455 delivery of the notices, an appeal or written request for
17456 reconsideration is filed by the claimant or other party entitled
17457 to notice. Jobs Florida ~~The agency~~ may adopt rules as necessary
17458 to implement the processes described in this paragraph relating

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17459 to notices of monetary determinations and the appeals or
17460 reconsideration requests filed in response to such notices.
17461 (c) *Nonmonetary determinations.*—If Jobs Florida ~~the agency~~
17462 receives information that may result in a denial of benefits,
17463 Jobs Florida ~~the agency~~ must complete an investigation of the
17464 claim required by subsection (2) and provide notice of a
17465 nonmonetary determination to the claimant and the employer from
17466 whom the claimant's reason for separation affects his or her
17467 entitlement to benefits. The determination must state the reason
17468 for the determination and whether the unemployment tax account
17469 of the contributing employer is charged for benefits paid on the
17470 claim. The nonmonetary determination is final unless within 20
17471 days after the mailing of the notices to the parties' last known
17472 addresses, or in lieu of mailing, within 20 days after the
17473 delivery of the notices, an appeal or written request for
17474 reconsideration is filed by the claimant or other party entitled
17475 to notice. Jobs Florida ~~The agency~~ may adopt rules as necessary
17476 to implement the processes described in this paragraph relating
17477 to notices of nonmonetary determination and the appeals or
17478 reconsideration requests filed in response to such notices, and
17479 may adopt rules prescribing the manner and procedure by which
17480 employers within the base period of a claimant become entitled
17481 to notice of nonmonetary determination.
17482 (d) *Determinations in labor dispute cases.*—Whenever any
17483 claim involves a labor dispute described in s. 443.101(4), Jobs
17484 Florida ~~the Agency for Workforce Innovation~~ shall promptly
17485 assign the claim to a special examiner who shall make a
17486 determination on the issues involving unemployment due to the
17487 labor dispute. The special examiner shall make the determination

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17488 after an investigation, as necessary. The claimant or another
17489 party entitled to notice of the determination may appeal a
17490 determination under subsection (4).
17491 (e) *Redeterminations.*—
17492 1. Jobs Florida ~~The Agency for Workforce Innovation~~ may
17493 reconsider a determination if it finds an error or if new
17494 evidence or information pertinent to the determination is
17495 discovered after a prior determination or redetermination. A
17496 redetermination may not be made more than 1 year after the last
17497 day of the benefit year unless the disqualification for making a
17498 false or fraudulent representation under s. 443.101(6) is
17499 applicable, in which case the redetermination may be made within
17500 2 years after the false or fraudulent representation. Jobs
17501 Florida ~~The agency~~ must promptly give notice of redetermination
17502 to the claimant and to any employers entitled to notice in the
17503 manner prescribed in this section for the notice of an initial
17504 determination.
17505 2. If the amount of benefits is increased by the
17506 redetermination, an appeal of the redetermination based solely
17507 on the increase may be filed as provided in subsection (4). If
17508 the amount of benefits is decreased by the redetermination, the
17509 redetermination may be appealed by the claimant if a subsequent
17510 claim for benefits is affected in amount or duration by the
17511 redetermination. If the final decision on the determination or
17512 redetermination to be reconsidered was made by an appeals
17513 referee, the commission, or a court, Jobs Florida ~~the Agency for~~
17514 ~~Workforce Innovation~~ may apply for a revised decision from the
17515 body or court that made the final decision.
17516 3. If an appeal of an original determination is pending

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17517 when a redetermination is issued, the appeal unless withdrawn is
17518 treated as an appeal from the redetermination.
17519 (4) APPEALS.—
17520 (a) *Appeals referees.*—Jobs Florida ~~The Agency for Workforce~~
17521 ~~Innovation~~ shall appoint one or more impartial salaried appeals
17522 referees in accordance with s. 443.171(3) to hear and decide
17523 appealed claims. A person may not participate on behalf of Jobs
17524 Florida ~~the Agency for Workforce Innovation~~ as an appeals
17525 referee in any case in which she or he is an interested party.
17526 Jobs Florida ~~The Agency for Workforce Innovation~~ may designate
17527 alternates to serve in the absence or disqualification of any
17528 appeals referee on a temporary basis. These alternates must have
17529 the same qualifications required of appeals referees. Jobs
17530 Florida ~~The Agency for Workforce Innovation~~ shall provide the
17531 commission and the appeals referees with proper facilities and
17532 assistance for the execution of their functions.
17533 (b) *Filing and hearing.*—
17534 1. The claimant or any other party entitled to notice of a
17535 determination may appeal an adverse determination to an appeals
17536 referee within 20 days after the date of mailing of the notice
17537 to her or his last known address or, if the notice is not
17538 mailed, within 20 days after the date of delivery of the notice.
17539 2. Unless the appeal is untimely or withdrawn or review is
17540 initiated by the commission, the appeals referee, after mailing
17541 all parties and attorneys of record a notice of hearing at least
17542 10 days before the date of hearing, notwithstanding the 14-day
17543 notice requirement in s. 120.569(2)(b), may only affirm, modify,
17544 or reverse the determination. An appeal may not be withdrawn
17545 without the permission of the appeals referee.

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17546 3. However, when an appeal appears to have been filed after
17547 the permissible time limit, the Office of Appeals may issue an
17548 order to show cause to the appellant, requiring the appellant to
17549 show why the appeal should not be dismissed as untimely. If the
17550 appellant does not, within 15 days after the mailing date of the
17551 order to show cause, provide written evidence of timely filing
17552 or good cause for failure to appeal timely, the appeal shall be
17553 dismissed.
17554 4. When an appeal involves a question of whether services
17555 were performed by a claimant in employment or for an employer,
17556 the referee must give special notice of the question and of the
17557 pendency of the appeal to the employing unit and to Jobs Florida
17558 ~~the Agency for Workforce Innovation~~, both of which become
17559 parties to the proceeding.
17560 5. The parties must be notified promptly of the referee's
17561 decision. The referee's decision is final unless further review
17562 is initiated under paragraph (c) within 20 days after the date
17563 of mailing notice of the decision to the party's last known
17564 address or, in lieu of mailing, within 20 days after the
17565 delivery of the notice.
17566 (c) *Review by commission.*—The commission may, on its own
17567 motion, within the time limit in paragraph (b), initiate a
17568 review of the decision of an appeals referee. The commission may
17569 also allow Jobs Florida ~~the Agency for Workforce Innovation~~ or
17570 any adversely affected party entitled to notice of the decision
17571 to appeal the decision by filing an application within the time
17572 limit in paragraph (b). An adversely affected party has the
17573 right to appeal the decision if Jobs Florida's ~~the Agency for~~
17574 ~~Workforce Innovation's~~ determination is not affirmed by the

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17575 appeals referee. The commission may affirm, modify, or reverse
17576 the findings and conclusions of the appeals referee based on
17577 evidence previously submitted in the case or based on additional
17578 evidence taken at the direction of the commission. The
17579 commission may assume jurisdiction of or transfer to another
17580 appeals referee the proceedings on any claim pending before an
17581 appeals referee. Any proceeding in which the commission assumes
17582 jurisdiction before completion must be heard by the commission
17583 in accordance with the requirement of this subsection for
17584 proceedings before an appeals referee. When the commission
17585 denies an application to hear an appeal of an appeals referee's
17586 decision, the decision of the appeals referee is the decision of
17587 the commission for purposes of this paragraph and is subject to
17588 judicial review within the same time and manner as decisions of
17589 the commission, except that the time for initiating review runs
17590 from the date of notice of the commission's order denying the
17591 application to hear an appeal.
17592 (d) *Procedure.*—The manner that appealed claims are
17593 presented must comply with the commission's rules. Witnesses
17594 subpoenaed under this section are allowed fees at the rate
17595 established by s. 92.142, and fees of witnesses subpoenaed on
17596 behalf of Jobs Florida ~~the Agency for Workforce Innovation~~ or
17597 any claimant are deemed part of the expense of administering
17598 this chapter.
17599 (e) *Judicial review.*—Orders of the commission entered under
17600 paragraph (c) are subject to review only by notice of appeal in
17601 the district court of appeal in the appellate district in which
17602 the issues involved were decided by an appeals referee.
17603 Notwithstanding chapter 120, the commission is a party

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17604 respondent to every such proceeding. Jobs Florida ~~The Agency for~~
17605 ~~Workforce Innovation~~ may initiate judicial review of orders in
17606 the same manner and to the same extent as any other party.
17607 (5) PAYMENT OF BENEFITS.—
17608 (a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17609 promptly pay benefits in accordance with a determination or
17610 redetermination regardless of any appeal or pending appeal.
17611 Before payment of benefits to the claimant, however, each
17612 employer who is liable for reimbursements in lieu of
17613 contributions for payment of the benefits must be notified, at
17614 the address on file with Jobs Florida ~~the Agency for Workforce~~
17615 ~~Innovation~~ or its tax collection service provider, of the
17616 initial determination of the claim and must be given 10 days to
17617 respond.
17618 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17619 promptly pay benefits, regardless of whether a determination is
17620 under appeal if the determination allowing benefits is affirmed
17621 in any amount by an appeals referee or is affirmed by the
17622 commission, or if a decision of an appeals referee allowing
17623 benefits is affirmed in any amount by the commission. In these
17624 instances, a court may not issue an injunction, supersedeas,
17625 stay, or other writ or process suspending payment of benefits. A
17626 contributing employer that responded to the notice of claim
17627 within the time limit provided in subsection (3) may not,
17628 however, be charged with benefits paid under an erroneous
17629 determination if the decision is ultimately reversed. Benefits
17630 are not paid for any subsequent weeks of unemployment involved
17631 in a reversal.
17632 (c) The provisions of paragraph (b) relating to charging an

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17633 employer liable for contributions do not apply to reimbursing
17634 employers.
17635 (6) RECOVERY AND RECOUPMENT.—
17636 (a) Any person who, by reason of her or his fraud, receives
17637 benefits under this chapter to which she or he is not entitled
17638 is liable for repaying those benefits to Jobs Florida ~~the Agency~~
17639 ~~for Workforce Innovation~~ on behalf of the trust fund or, in the
17640 ~~agency's~~ discretion of Jobs Florida, to have those benefits
17641 deducted from future benefits payable to her or him under this
17642 chapter. To enforce this paragraph, Jobs Florida ~~the agency~~ must
17643 find the existence of fraud through a redetermination or
17644 decision under this section within 2 years after the fraud was
17645 committed. Any recovery or recoupment of benefits must be
17646 effected within 5 years after the redetermination or decision.
17647 (b) Any person who, by reason other than her or his fraud,
17648 receives benefits under this chapter to which, under a
17649 redetermination or decision pursuant to this section, she or he
17650 is not entitled, is liable for repaying those benefits to Jobs
17651 Florida ~~the Agency for Workforce Innovation~~ on behalf of the
17652 trust fund or, in the ~~agency's~~ discretion of Jobs Florida, to
17653 have those benefits deducted from any future benefits payable to
17654 her or him under this chapter. Any recovery or recoupment of
17655 benefits must be effected within 3 years after the
17656 redetermination or decision.
17657 (c) Any person who, by reason other than fraud, receives
17658 benefits under this chapter to which she or he is not entitled
17659 as a result of an employer's failure to respond to a claim
17660 within the timeframe provided in subsection (3) is not liable
17661 for repaying those benefits to Jobs Florida ~~the Agency for~~

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17662 ~~Workforce Innovation~~ on behalf of the trust fund or to have
17663 those benefits deducted from any future benefits payable to her
17664 or him under this chapter.
17665 (d) Recoupment from future benefits is not permitted if the
17666 benefits are received by any person without fault on the
17667 person's part and recoupment would defeat the purpose of this
17668 chapter or would be inequitable and against good conscience.
17669 (e) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17670 collect the repayment of benefits without interest by the
17671 deduction of benefits through a redetermination or by a civil
17672 action.
17673 (f) Notwithstanding any other provision of this chapter,
17674 any person who is determined by this state, a cooperating state
17675 agency, the United States Secretary of Labor, or a court to have
17676 received any payments under the Trade Act of 1974, as amended,
17677 to which the person was not entitled shall have those payments
17678 deducted from any regular benefits, as defined in s.
17679 443.1115(1)(e), payable to her or him under this chapter. Each
17680 such deduction may not exceed 50 percent of the amount otherwise
17681 payable. The payments deducted shall be remitted to the agency
17682 that issued the payments under the Trade Act of 1974, as
17683 amended, for return to the United States Treasury. Except for
17684 overpayments determined by a court, a deduction may not be made
17685 under this paragraph until a determination by the state agency
17686 or the United States Secretary of Labor is final.
17687 (7) REPRESENTATION IN ADMINISTRATIVE PROCEEDINGS.—In any
17688 administrative proceeding conducted under this chapter, an
17689 employer or a claimant has the right, at his or her own expense,
17690 to be represented by counsel or by an authorized representative.

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17691 Notwithstanding s. 120.62(2), the authorized representative need
17692 not be a qualified representative.
17693 (8) BILINGUAL REQUIREMENTS.—
17694 (a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17695 provide printed bilingual instructional and educational
17696 materials in the appropriate language in those counties in which
17697 5 percent or more of the households in the county are classified
17698 as a single-language minority.
17699 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17700 ensure that one-stop career centers and appeals offices located
17701 in counties subject to the requirements of paragraph (c)
17702 prominently post notices in the appropriate languages and that
17703 translators are available in those centers and offices.
17704 (c) As used in this subsection, the term "single-language
17705 minority" means households that speak the same non-English
17706 language and that do not contain an adult fluent in English.
17707 Jobs Florida ~~The Agency for Workforce Innovation~~ shall develop
17708 estimates of the percentages of single-language minority
17709 households for each county by using data from the United States
17710 Bureau of the Census.
17711 Section 292. Subsection (1), paragraphs (a) and (c) of
17712 subsection (3), and subsection (4) of section 443.163, Florida
17713 Statutes, are amended to read:
17714 443.163 Electronic reporting and remitting of contributions
17715 and reimbursements.—
17716 (1) An employer may file any report and remit any
17717 contributions or reimbursements required under this chapter by
17718 electronic means. Jobs Florida ~~The Agency for Workforce~~
17719 ~~Innovation~~ or the state agency providing unemployment tax

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17720 collection services shall adopt rules prescribing the format and
17721 instructions necessary for electronically filing reports and
17722 remitting contributions and reimbursements to ensure a full
17723 collection of contributions and reimbursements due. The
17724 acceptable method of transfer, the method, form, and content of
17725 the electronic means, and the method, if any, by which the
17726 employer will be provided with an acknowledgment shall be
17727 prescribed by Jobs Florida ~~the Agency for Workforce Innovation~~
17728 or its tax collection service provider. However, any employer
17729 who employed 10 or more employees in any quarter during the
17730 preceding state fiscal year must file the Employers Quarterly
17731 Reports (UCT-6) for the current calendar year and remit the
17732 contributions and reimbursements due by electronic means
17733 approved by the tax collection service provider. A person who
17734 prepared and reported for 100 or more employers in any quarter
17735 during the preceding state fiscal year must file the Employers
17736 Quarterly Reports (UCT-6) for each calendar quarter in the
17737 current calendar year, beginning with reports due for the second
17738 calendar quarter of 2003, by electronic means approved by the
17739 tax collection service provider.
17740 (3) The tax collection service provider may waive the
17741 requirement to file an Employers Quarterly Report (UCT-6) by
17742 electronic means for employers that are unable to comply despite
17743 good faith efforts or due to circumstances beyond the employer's
17744 reasonable control.
17745 (a) As prescribed by Jobs Florida ~~the Agency for Workforce~~
17746 ~~Innovation~~ or its tax collection service provider, grounds for
17747 approving the waiver include, but are not limited to,
17748 circumstances in which the employer does not:

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17749 1. Currently file information or data electronically with
17750 any business or government agency; or
17751 2. Have a compatible computer that meets or exceeds the
17752 standards prescribed by Jobs Florida ~~the Agency for Workforce~~
17753 ~~Innovation~~ or its tax collection service provider.
17754 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ or the
17755 state agency providing unemployment tax collection services may
17756 establish by rule the length of time a waiver is valid and may
17757 determine whether subsequent waivers will be authorized, based
17758 on this subsection.
17759 (4) As used in this section, the term "electronic means"
17760 includes, but is not limited to, electronic data interchange;
17761 electronic funds transfer; and use of the Internet, telephone,
17762 or other technology specified by Jobs Florida ~~the Agency for~~
17763 ~~Workforce Innovation~~ or its tax collection service provider.
17764 Section 293. Section 443.171, Florida Statutes, is amended
17765 to read:
17766 443.171 Jobs Florida ~~Agency for Workforce Innovation~~ and
17767 commission; powers and duties; records and reports; proceedings;
17768 state-federal cooperation.—
17769 (1) POWERS AND DUTIES.—Jobs Florida ~~The Agency for~~
17770 ~~Workforce Innovation~~ shall administer this chapter. Jobs Florida
17771 ~~The agency~~ may employ those persons, make expenditures, require
17772 reports, conduct investigations, and take other action necessary
17773 or suitable to administer this chapter. Jobs Florida ~~the Agency~~
17774 ~~for Workforce Innovation~~ shall annually submit information to
17775 Workforce Florida, Inc., covering the administration and
17776 operation of this chapter during the preceding calendar year for
17777 inclusion in the strategic plan under s. 445.006 and may make

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17778 recommendations for amendment to this chapter.
17779 (2) PUBLICATION OF ACTS AND RULES.—Jobs Florida ~~the Agency~~
17780 ~~for Workforce Innovation~~ shall cause to be printed and
17781 distributed to the public, or otherwise distributed to the
17782 public through the Internet or similar electronic means, the
17783 text of this chapter and of the rules for administering this
17784 chapter adopted by Jobs Florida ~~the agency~~ or the state agency
17785 providing unemployment tax collection services and any other
17786 matter relevant and suitable. Jobs Florida ~~The Agency for~~
17787 ~~Workforce Innovation~~ shall furnish this information to any
17788 person upon request. However, any pamphlet, rules, circulars, or
17789 reports required by this chapter may not contain any matter
17790 except the actual data necessary to complete them or the actual
17791 language of the rule, together with the proper notices.
17792 (3) PERSONNEL.—Subject to chapter 110 and the other
17793 provisions of this chapter, Jobs Florida ~~the Agency for~~
17794 ~~Workforce Innovation~~ may appoint, set the compensation of, and
17795 prescribe the duties and powers of employees, accountants,
17796 attorneys, experts, and other persons as necessary for the
17797 performance of the ~~agency's~~ duties of Jobs Florida under this
17798 chapter. Jobs Florida ~~The Agency for Workforce Innovation~~ may
17799 delegate to any person its power and authority under this
17800 chapter as necessary for the effective administration of this
17801 chapter and may bond any person handling moneys or signing
17802 checks under this chapter. The cost of these bonds must be paid
17803 from the Employment Security Administration Trust Fund.
17804 (4) EMPLOYMENT STABILIZATION.—Jobs Florida ~~The Agency for~~
17805 ~~Workforce Innovation~~, under the direction of Workforce Florida,
17806 Inc., shall take all appropriate steps to reduce and prevent

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17807 unemployment; to encourage and assist in the adoption of
17808 practical methods of career training, retraining, and career
17809 guidance; to investigate, recommend, advise, and assist in the
17810 establishment and operation, by municipalities, counties, school
17811 districts, and the state, of reserves for public works to be
17812 used in times of business depression and unemployment; to
17813 promote the reemployment of the unemployed workers throughout
17814 the state in every other way that may be feasible; to refer any
17815 claimant entitled to extended benefits to suitable work which
17816 meets the criteria of this chapter; and, to these ends, to carry
17817 on and publish the results of investigations and research
17818 studies.
17819 (5) RECORDS AND REPORTS.—Each employing unit shall keep
17820 true and accurate work records, containing the information
17821 required by Jobs Florida ~~the Agency for Workforce Innovation~~ or
17822 its tax collection service provider. These records must be open
17823 to inspection and are subject to being copied by Jobs Florida
17824 ~~the Agency for Workforce Innovation~~ or its tax collection
17825 service provider at any reasonable time and as often as
17826 necessary. Jobs Florida ~~The Agency for Workforce Innovation~~ or
17827 its tax collection service provider may require from any
17828 employing unit any sworn or unsworn reports, for persons
17829 employed by the employing unit, necessary for the effective
17830 administration of this chapter. However, a state or local
17831 governmental agency performing intelligence or
17832 counterintelligence functions need not report an employee if the
17833 head of that agency determines that reporting the employee could
17834 endanger the safety of the employee or compromise an ongoing
17835 investigation or intelligence mission. Information revealing the

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17836 employing unit's or individual's identity obtained from the
17837 employing unit or from any individual through the administration
17838 of this chapter, is, except to the extent necessary for the
17839 proper presentation of a claim or upon written authorization of
17840 the claimant who has a workers' compensation claim pending,
17841 confidential and exempt from s. 119.07(1). This confidential
17842 information is available only to public employees in the
17843 performance of their public duties. Any claimant, or the
17844 claimant's legal representative, at a hearing before an appeals
17845 referee or the commission must be supplied with information from
17846 these records to the extent necessary for the proper
17847 presentation of her or his claim. Any employee or member of the
17848 commission, any employee of Jobs Florida ~~the Agency for~~
17849 ~~Workforce Innovation~~ or its tax collection service provider, or
17850 any other person receiving confidential information who violates
17851 this subsection commits a misdemeanor of the second degree,
17852 punishable as provided in s. 775.082 or s. 775.083. However,
17853 Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax
17854 collection service provider may furnish to any employer copies
17855 of any report previously submitted by that employer, upon the
17856 request of the employer. Jobs Florida ~~The Agency for Workforce~~
17857 ~~Innovation~~ or its tax collection service provider may charge a
17858 reasonable fee for copies of reports, which may not exceed the
17859 actual reasonable cost of the preparation of the copies as
17860 prescribed by rules adopted by Jobs Florida ~~the Agency for~~
17861 ~~Workforce Innovation~~ or the state agency providing tax
17862 collection services. Fees received by Jobs Florida ~~the Agency~~
17863 ~~for Workforce Innovation~~ or its tax collection service provider
17864 for copies furnished under this subsection must be deposited in

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17865 the Employment Security Administration Trust Fund.
17866 (6) OATHS AND WITNESSES.—In the discharge of the duties
17867 imposed by this chapter, Jobs Florida ~~the Agency for Workforce~~
17868 ~~Innovation~~, its tax collection service provider, the members of
17869 the commission, and any authorized representative of any of
17870 these entities may administer oaths and affirmations, take
17871 depositions, certify to official acts, and issue subpoenas to
17872 compel the attendance of witnesses and the production of books,
17873 papers, correspondence, memoranda, and other records deemed
17874 necessary as evidence in connection with the administration of
17875 this chapter.
17876 (7) SUBPOENAS.—If a person refuses to obey a subpoena
17877 issued to that person, any court of this state within the
17878 jurisdiction of which the inquiry is carried on, or within the
17879 jurisdiction of which the person is found, resides, or transacts
17880 business, upon application by Jobs Florida ~~the Agency for~~
17881 ~~Workforce Innovation~~, its tax collection service provider, the
17882 commission, or any authorized representative of any of these
17883 entities has jurisdiction to order the person to appear before
17884 the entity to produce evidence or give testimony on the matter
17885 under investigation or in question. Failure to obey the order of
17886 the court may be punished by the court as contempt. Any person
17887 who fails or refuses without just cause to appear or testify; to
17888 answer any lawful inquiry; or to produce books, papers,
17889 correspondence, memoranda, and other records within her or his
17890 control as commanded in a subpoena of Jobs Florida ~~the Agency~~
17891 ~~for Workforce Innovation~~, its tax collection service provider,
17892 the commission, or any authorized representative of any of these
17893 entities commits a misdemeanor of the second degree, punishable

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17894 as provided in s. 775.082 or s. 775.083. Each day that a
17895 violation continues is a separate offense.
17896 (8) PROTECTION AGAINST SELF-INCRIMINATION.—A person is not
17897 excused from appearing or testifying, or from producing books,
17898 papers, correspondence, memoranda, or other records, before Jobs
17899 Florida ~~the Agency for Workforce Innovation~~, its tax collection
17900 service provider, the commission, or any authorized
17901 representative of any of these entities or as commanded in a
17902 subpoena of any of these entities in any proceeding before Jobs
17903 Florida ~~the Agency for Workforce Innovation~~, the commission, an
17904 appeals referee, or a special deputy on the ground that the
17905 testimony or evidence, documentary or otherwise, required of the
17906 person may incriminate her or him or subject her or him to a
17907 penalty or forfeiture. That person may not be prosecuted or
17908 subjected to any penalty or forfeiture for or on account of any
17909 transaction, matter, or thing concerning which she or he is
17910 compelled, after having claimed her or his privilege against
17911 self-incrimination, to testify or produce evidence, documentary
17912 or otherwise, except that the person testifying is not exempt
17913 from prosecution and punishment for perjury committed while
17914 testifying.
17915 (9) STATE-FEDERAL COOPERATION.—
17916 (a)1. In the administration of this chapter, Jobs Florida
17917 ~~the Agency for Workforce Innovation~~ and its tax collection
17918 service provider shall cooperate with the United States
17919 Department of Labor to the fullest extent consistent with this
17920 chapter and shall take those actions, through the adoption of
17921 appropriate rules, administrative methods, and standards,
17922 necessary to secure for this state all advantages available

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17923 under the provisions of federal law relating to unemployment
17924 compensation.
17925 2. In the administration of the provisions in s. 443.1115,
17926 which are enacted to conform with the Federal-State Extended
17927 Unemployment Compensation Act of 1970, Jobs Florida ~~the Agency~~
17928 ~~for Workforce Innovation~~ shall take those actions necessary to
17929 ensure that those provisions are interpreted and applied to meet
17930 the requirements of the federal act as interpreted by the United
17931 States Department of Labor and to secure for this state the full
17932 reimbursement of the federal share of extended benefits paid
17933 under this chapter which is reimbursable under the federal act.
17934 3. Jobs Florida ~~The Agency for Workforce Innovation~~ and its
17935 tax collection service provider shall comply with the
17936 regulations of the United States Department of Labor relating to
17937 the receipt or expenditure by this state of funds granted under
17938 federal law; shall submit the reports in the form and containing
17939 the information the United States Department of Labor requires;
17940 and shall comply with directions of the United States Department
17941 of Labor necessary to assure the correctness and verification of
17942 these reports.
17943 (b) Jobs Florida ~~the Agency for Workforce Innovation~~ and
17944 its tax collection service provider may cooperate with every
17945 agency of the United States charged with administration of any
17946 unemployment insurance law.
17947 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ and
17948 its tax collection service provider shall cooperate with the
17949 agencies of other states, and shall make every proper effort
17950 within their means, to oppose and prevent any further action
17951 leading to the complete or substantial federalization of state

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17952 unemployment compensation funds or state employment security
17953 programs. Jobs Florida ~~The Agency for Workforce Innovation~~ and
17954 its tax collection service provider may make, and may cooperate
17955 with other appropriate agencies in making, studies as to the
17956 practicability and probable cost of possible new state-
17957 administered social security programs and the relative
17958 desirability of state, rather than federal, action in that field
17959 of study.
17960 Section 294. Subsections (1) and (2) of section 443.1715,
17961 Florida Statutes, are amended to read:
17962 443.1715 Disclosure of information; confidentiality.—
17963 (1) RECORDS AND REPORTS.—Information revealing an employing
17964 unit's or individual's identity obtained from the employing unit
17965 or any individual under the administration of this chapter, and
17966 any determination revealing that information, except to the
17967 extent necessary for the proper presentation of a claim or upon
17968 written authorization of the claimant who has a workers'
17969 compensation claim pending or is receiving compensation
17970 benefits, is confidential and exempt from s. 119.07(1) and s.
17971 24(a), Art. I of the State Constitution. This confidential
17972 information may be released only to public employees in the
17973 performance of their public duties. Except as otherwise provided
17974 by law, public employees receiving this confidential information
17975 must maintain the confidentiality of the information. Any
17976 claimant, or the claimant's legal representative, at a hearing
17977 before an appeals referee or the commission is entitled to
17978 information from these records to the extent necessary for the
17979 proper presentation of her or his claim. A person receiving
17980 confidential information who violates this subsection commits a

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17981 misdemeanor of the second degree, punishable as provided in s.
17982 775.082 or s. 775.083. Jobs Florida ~~The Agency for Workforce~~
17983 ~~Innovation~~ or its tax collection service provider may, however,
17984 furnish to any employer copies of any report submitted by that
17985 employer upon the request of the employer and may furnish to any
17986 claimant copies of any report submitted by that claimant upon
17987 the request of the claimant. Jobs Florida ~~The Agency for~~
17988 ~~Workforce Innovation~~ or its tax collection service provider may
17989 charge a reasonable fee for copies of these reports as
17990 prescribed by rule, which may not exceed the actual reasonable
17991 cost of the preparation of the copies. Fees received for copies
17992 under this subsection must be deposited in the Employment
17993 Security Administration Trust Fund.
17994 (2) DISCLOSURE OF INFORMATION.—
17995 (a) Subject to restrictions Jobs Florida ~~the Agency for~~
17996 ~~Workforce Innovation~~ or the state agency providing unemployment
17997 tax collection services adopts by rule, information declared
17998 confidential under this section is available to any agency of
17999 this or any other state, or any federal agency, charged with the
18000 administration of any unemployment compensation law or the
18001 maintenance of the one-stop delivery system, or the Bureau of
18002 Internal Revenue of the United States Department of the
18003 Treasury, ~~the Governor's Office of Tourism, Trade, and Economic~~
18004 ~~Development,~~ or the Florida Department of Revenue. Information
18005 obtained in connection with the administration of the one-stop
18006 delivery system may be made available to persons or agencies for
18007 purposes appropriate to the operation of a public employment
18008 service or a job-preparatory or career education or training
18009 program. Jobs Florida ~~The Agency for Workforce Innovation~~ shall,

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18010 on a quarterly basis, furnish the National Directory of New
18011 Hires with information concerning the wages and unemployment
18012 benefits paid to individuals, by the dates, in the format, and
18013 containing the information specified in the regulations of the
18014 United States Secretary of Health and Human Services. Upon
18015 request, Jobs Florida ~~the Agency for Workforce Innovation~~ shall
18016 furnish any agency of the United States charged with the
18017 administration of public works or assistance through public
18018 employment, and may furnish to any state agency similarly
18019 charged, the name, address, ordinary occupation, and employment
18020 status of each recipient of benefits and the recipient's rights
18021 to further benefits under this chapter. Except as otherwise
18022 provided by law, the receiving agency must retain the
18023 confidentiality of this information as provided in this section.
18024 The tax collection service provider may request the Comptroller
18025 of the Currency of the United States to examine the correctness
18026 of any return or report of any national banking association
18027 rendered under this chapter and may in connection with that
18028 request transmit any report or return for examination to the
18029 Comptroller of the Currency of the United States as provided in
18030 s. 3305(c) of the federal Internal Revenue Code.
18031 (b) The employer or the employer's workers' compensation
18032 carrier against whom a claim for benefits under chapter 440 has
18033 been made, or a representative of either, may request from Jobs
18034 Florida ~~the Agency for Workforce Innovation~~ records of wages of
18035 the employee reported to Jobs Florida ~~the agency~~ by any employer
18036 for the quarter that includes the date of the accident that is
18037 the subject of such claim and for subsequent quarters.
18038 1. The request must be made with the authorization or

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18039 consent of the employee or any employer who paid wages to the
18040 employee after the date of the accident.
18041 2. The employer or carrier shall make the request on a form
18042 prescribed by rule for such purpose by the agency. Such form
18043 shall contain a certification by the requesting party that it is
18044 a party entitled to the information requested.
18045 3. Jobs Florida ~~The agency~~ shall provide the most current
18046 information readily available within 15 days after receiving the
18047 request.
18048 Section 295. Section 443.181, Florida Statutes, is amended
18049 to read:
18050 443.181 Public employment service.—
18051 (1) The one-stop delivery system established under s.
18052 445.009 is this state's public employment service as part of the
18053 national system of public employment offices under 29 U.S.C. s.
18054 49. Jobs Florida ~~The Agency for Workforce Innovation~~, under
18055 policy direction from Workforce Florida, Inc., shall cooperate
18056 with any official or agency of the United States having power or
18057 duties under 29 U.S.C. ss. 49-49l-1 and shall perform those
18058 duties necessary to secure to this state the funds provided
18059 under federal law for the promotion and maintenance of the
18060 state's public employment service. In accordance with 29 U.S.C.
18061 s. 49c, this state accepts 29 U.S.C. ss. 49-49l-1. Jobs Florida
18062 ~~The Agency for Workforce Innovation~~ is designated the state
18063 agency responsible for cooperating with the United States
18064 Secretary of Labor under 29 U.S.C. s. 49c. Jobs Florida ~~The~~
18065 ~~Agency for Workforce Innovation~~ shall appoint sufficient
18066 employees to administer this section. Jobs Florida ~~The Agency~~
18067 ~~for Workforce Innovation~~ may cooperate with or enter into

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18068 agreements with the Railroad Retirement Board for the
18069 establishment, maintenance, and use of one-stop career centers.
18070 (2) All funds received by this state under 29 U.S.C. ss.
18071 49-49l-1 must be paid into the Employment Security
18072 Administration Trust Fund, and these funds are available to Jobs
18073 Florida ~~the Agency for Workforce Innovation~~ for expenditure as
18074 provided by this chapter or by federal law. For the purpose of
18075 establishing and maintaining one-stop career centers, Jobs
18076 Florida ~~the Agency for Workforce Innovation~~ may enter into
18077 agreements with the Railroad Retirement Board or any other
18078 agency of the United States charged with the administration of
18079 an unemployment compensation law, with any political subdivision
18080 of this state, or with any private, nonprofit organization. As a
18081 part of any such agreement, Jobs Florida ~~the Agency for~~
18082 ~~Workforce Innovation~~ may accept moneys, services, or quarters as
18083 a contribution to the Employment Security Administration Trust
18084 Fund.
18085 Section 296. Subsections (1), (2), (3), and (4) of section
18086 443.191, Florida Statutes, are amended to read:
18087 443.191 Unemployment Compensation Trust Fund; establishment
18088 and control.—
18089 (1) There is established, as a separate trust fund apart
18090 from all other public funds of this state, an Unemployment
18091 Compensation Trust Fund, which shall be administered by Jobs
18092 Florida ~~the Agency for Workforce Innovation~~ exclusively for the
18093 purposes of this chapter. The fund shall consist of:
18094 (a) All contributions and reimbursements collected under
18095 this chapter;
18096 (b) Interest earned on any moneys in the fund;

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18097 (c) Any property or securities acquired through the use of
18098 moneys belonging to the fund;
18099 (d) All earnings of these properties or securities;
18100 (e) All money credited to this state's account in the
18101 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.
18102 1103; and
18103 (f) Advances on the amount in the federal Unemployment
18104 Compensation Trust Fund credited to the state under 42 U.S.C. s.
18105 1321, as requested by the Governor or the Governor's designee.
18106
18107 Except as otherwise provided in s. 443.1313(4), all moneys in
18108 the fund shall be mingled and undivided.
18109 (2) The Chief Financial Officer is the ex officio treasurer
18110 and custodian of the fund and shall administer the fund in
18111 accordance with the directions of Jobs Florida ~~the Agency for~~
18112 ~~Workforce Innovation~~. All payments from the fund must be
18113 approved by Jobs Florida ~~the Agency for Workforce Innovation~~ or
18114 by an authorized agent. The Chief Financial Officer shall
18115 maintain within the fund three separate accounts:
18116 (a) A clearing account;
18117 (b) An Unemployment Compensation Trust Fund account; and
18118 (c) A benefit account.
18119
18120 All moneys payable to the fund, including moneys received from
18121 the United States as reimbursement for extended benefits paid by
18122 Jobs Florida ~~the Agency for Workforce Innovation~~, must be
18123 forwarded to the Chief Financial Officer, who shall immediately
18124 deposit them in the clearing account. Refunds payable under s.
18125 443.141 may be paid from the clearing account. After clearance,

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18126 all other moneys in the clearing account must be immediately
18127 deposited with the Secretary of the Treasury of the United
18128 States to the credit of this state’s account in the federal
18129 Unemployment Compensation Trust Fund notwithstanding any state
18130 law relating to the deposit, administration, release, or
18131 disbursement of moneys in the possession or custody of this
18132 state. The benefit account consists of all moneys requisitioned
18133 from this state’s account in the federal Unemployment
18134 Compensation Trust Fund. Except as otherwise provided by law,
18135 moneys in the clearing and benefit accounts may be deposited by
18136 the Chief Financial Officer, under the direction of Jobs Florida
18137 ~~the Agency for Workforce Innovation~~, in any bank or public
18138 depository in which general funds of the state are deposited,
18139 but a public deposit insurance charge or premium may not be paid
18140 out of the fund. If any warrant issued against the clearing
18141 account or the benefit account is not presented for payment
18142 within 1 year after issuance, the Chief Financial Officer must
18143 cancel the warrant and credit without restriction the amount of
18144 the warrant to the account upon which it is drawn. When the
18145 payee or person entitled to a canceled warrant requests payment
18146 of the warrant, the Chief Financial Officer, upon direction of
18147 Jobs Florida ~~the Agency for Workforce Innovation~~, must issue a
18148 new warrant, payable from the account against which the canceled
18149 warrant was drawn.
18150 (3) Moneys may only be requisitioned from the state’s
18151 account in the federal Unemployment Compensation Trust Fund
18152 solely for the payment of benefits and extended benefits and for
18153 payment in accordance with rules prescribed by Jobs Florida ~~the~~
18154 ~~Agency for Workforce Innovation~~, or for the repayment of

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18155 advances made pursuant to 42 U.S.C. s. 1321, as authorized by
18156 the Governor or the Governor’s designee, except that money
18157 credited to this state’s account under 42 U.S.C. s. 1103 may
18158 only be used exclusively as provided in subsection (5). Jobs
18159 Florida ~~The Agency for Workforce Innovation~~, through the Chief
18160 Financial Officer, shall requisition from the federal
18161 Unemployment Compensation Trust Fund amounts, not exceeding the
18162 amounts credited to this state’s account in the fund, as
18163 necessary for the payment of benefits and extended benefits for
18164 a reasonable future period. Upon receipt of these amounts, the
18165 Chief Financial Officer shall deposit the moneys in the benefit
18166 account in the State Treasury and warrants for the payment of
18167 benefits and extended benefits shall be drawn upon the order of
18168 Jobs Florida ~~the Agency for Workforce Innovation~~ against the
18169 account. All warrants for benefits and extended benefits are
18170 payable directly to the ultimate beneficiary. Expenditures of
18171 these moneys in the benefit account and refunds from the
18172 clearing account are not subject to any law requiring specific
18173 appropriations or other formal release by state officers of
18174 money in their custody. All warrants issued for the payment of
18175 benefits and refunds must bear the signature of the Chief
18176 Financial Officer. Any balance of moneys requisitioned from this
18177 state’s account in the federal Unemployment Compensation Trust
18178 Fund which remains unclaimed or unpaid in the benefit account
18179 after the period for which the moneys were requisitioned shall
18180 be deducted from estimates for, and may be used for the payment
18181 of, benefits and extended benefits during succeeding periods,
18182 or, in the discretion of Jobs Florida ~~the Agency for Workforce~~
18183 ~~Innovation~~, shall be redeposited with the Secretary of the

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18184 Treasury of the United States, to the credit of this state's
18185 account in the federal Unemployment Compensation Trust Fund, as
18186 provided in subsection (2).
18187 (4) Subsections (1), (2), and (3), to the extent they
18188 relate to the federal Unemployment Compensation Trust Fund,
18189 apply only while the fund continues to exist and while the
18190 Secretary of the Treasury of the United States continues to
18191 maintain for this state a separate account of all funds
18192 deposited by this state for the payment of benefits, together
18193 with this state's proportionate share of the earnings of the
18194 federal Unemployment Compensation Trust Fund, from which no
18195 other state is permitted to make withdrawals. If the federal
18196 Unemployment Compensation Trust Fund ceases to exist, or the
18197 separate account is no longer maintained, all moneys,
18198 properties, or securities belonging to this state's account in
18199 the federal Unemployment Compensation Trust Fund must be
18200 transferred to the treasurer of the Unemployment Compensation
18201 Trust Fund, who must hold, invest, transfer, sell, deposit, and
18202 release those moneys, properties, or securities in a manner
18203 approved by Jobs Florida ~~the Agency for Workforce Innovation~~ in
18204 accordance with this chapter. These moneys must, however, be
18205 invested in the following readily marketable classes of
18206 securities: bonds or other interest-bearing obligations of the
18207 United States or of the state. Further, the investment must at
18208 all times be made in a manner that allows all the assets of the
18209 fund to always be readily convertible into cash when needed for
18210 the payment of benefits. The treasurer may only dispose of
18211 securities or other properties belonging to the Unemployment
18212 Compensation Trust Fund under the direction of Jobs Florida ~~the~~

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18213 ~~Agency for Workforce Innovation~~.
18214 Section 297. Section 443.211, Florida Statutes, is amended
18215 to read:
18216 443.211 Employment Security Administration Trust Fund;
18217 appropriation; reimbursement.—
18218 (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is
18219 created in the State Treasury the "Employment Security
18220 Administration Trust Fund." All moneys deposited into this fund
18221 remain continuously available to Jobs Florida ~~the Agency for~~
18222 ~~Workforce Innovation~~ for expenditure in accordance with this
18223 chapter and do not revert at any time and may not be transferred
18224 to any other fund. All moneys in this fund which are received
18225 from the Federal Government or any federal agency or which are
18226 appropriated by this state under ss. 443.171 and 443.181, except
18227 money received under s. 443.191(5)(c), must be expended solely
18228 for the purposes and in the amounts found necessary by the
18229 authorized cooperating federal agencies for the proper and
18230 efficient administration of this chapter. The fund consists of:
18231 all moneys appropriated by this state; all moneys received from
18232 the United States or any federal agency; all moneys received
18233 from any other source for the administration of this chapter;
18234 any funds collected for enhanced, specialized, or value-added
18235 labor market information services; any moneys received from any
18236 agency of the United States or any other state as compensation
18237 for services or facilities supplied to that agency; any amounts
18238 received from any surety bond or insurance policy or from other
18239 sources for losses sustained by the Employment Security
18240 Administration Trust Fund or by reason of damage to equipment or
18241 supplies purchased from moneys in the fund; and any proceeds

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18242 from the sale or disposition of such equipment or supplies. All
18243 money requisitioned and deposited in this fund under s.
18244 443.191(5)(c) remains part of the Unemployment Compensation
18245 Trust Fund and must be used only in accordance with s.
18246 443.191(5). All moneys in this fund must be deposited,
18247 administered, and disbursed in the same manner and under the
18248 same conditions and requirements as provided by law for other
18249 trust funds in the State Treasury. These moneys must be secured
18250 by the depositary in which they are held to the same extent and
18251 in the same manner as required by the general depositary law of
18252 the state, and collateral pledged must be maintained in a
18253 separate custody account. All payments from the Employment
18254 Security Administration Trust Fund must be approved by Jobs
18255 Florida ~~the Agency for Workforce Innovation~~ or by an authorized
18256 agent and must be made by the Chief Financial Officer. Any
18257 balances in this fund do not revert at any time and must remain
18258 continuously available to Jobs Florida ~~the Agency for Workforce~~
18259 ~~Innovation~~ for expenditure consistent with this chapter.
18260 (2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—
18261 There is created in the State Treasury the "Special Employment
18262 Security Administration Trust Fund," into which shall be
18263 deposited or transferred all interest on contributions and
18264 reimbursements, penalties, and fines or fees collected under
18265 this chapter. Interest on contributions and reimbursements,
18266 penalties, and fines or fees deposited during any calendar
18267 quarter in the clearing account in the Unemployment Compensation
18268 Trust Fund shall, as soon as practicable after the close of that
18269 calendar quarter and upon certification of Jobs Florida ~~the~~
18270 ~~Agency for Workforce Innovation~~, be transferred to the Special

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18271 Employment Security Administration Trust Fund. The amount
18272 certified by Jobs Florida ~~the Agency for Workforce Innovation~~ as
18273 required under this chapter to pay refunds of interest on
18274 contributions and reimbursements, penalties, and fines or fees
18275 collected and erroneously deposited into the clearing account in
18276 the Unemployment Compensation Trust Fund shall, however, be
18277 withheld from this transfer. The interest and penalties
18278 certified for transfer are deemed as being erroneously deposited
18279 in the clearing account, and their transfer to the Special
18280 Employment Security Administration Trust Fund is deemed to be a
18281 refund of the erroneous deposits. All moneys in this fund shall
18282 be deposited, administered, and disbursed in the same manner and
18283 under the same requirements as provided by law for other trust
18284 funds in the State Treasury. These moneys may not be expended or
18285 be available for expenditure in any manner that would permit
18286 their substitution for, or permit a corresponding reduction in,
18287 federal funds that would, in the absence of these moneys, be
18288 available to finance expenditures for the administration of this
18289 chapter. This section does not prevent these moneys from being
18290 used as a revolving fund to cover lawful expenditures for which
18291 federal funds are requested but not yet received, subject to the
18292 charging of the expenditures against the funds when received.
18293 The moneys in this fund, with the approval of the Executive
18294 Office of the Governor, shall be used by Jobs Florida ~~the Agency~~
18295 ~~for Workforce Innovation~~ for paying administrative costs that
18296 are not chargeable against funds obtained from federal sources.
18297 All moneys in the Special Employment Security Administration
18298 Trust Fund shall be continuously available to Jobs Florida ~~the~~
18299 ~~Agency for Workforce Innovation~~ for expenditure in accordance

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18300 with this chapter and do not revert at any time. All payments
18301 from the Special Employment Security Administration Trust Fund
18302 must be approved by Jobs Florida ~~the Agency for Workforce~~
18303 ~~Innovation~~ or by an authorized agent and shall be made by the
18304 Chief Financial Officer. The moneys in this fund are available
18305 to replace, as contemplated by subsection (3), expenditures from
18306 the Employment Security Administration Trust Fund which the
18307 United States Secretary of Labor, or other authorized federal
18308 agency or authority, finds are lost or improperly expended
18309 because of any action or contingency. The Chief Financial
18310 Officer is liable on her or his official bond for the faithful
18311 performance of her or his duties in connection with the Special
18312 Employment Security Administration Trust Fund.
18313 (3) REIMBURSEMENT OF FUND.—If any moneys received from the
18314 United States Secretary of Labor under 42 U.S.C. ss. 501-504,
18315 any unencumbered balances in the Employment Security
18316 Administration Trust Fund, any moneys granted to this state
18317 under the Wagner-Peyser Act, or any moneys made available by
18318 this state or its political subdivisions and matched by the
18319 moneys granted to this state under the Wagner-Peyser Act, are
18320 after reasonable notice and opportunity for hearing, found by
18321 the United States Secretary of Labor, because of any action or
18322 contingency, to be lost or expended for purposes other than, or
18323 in amounts in excess of, those allowed by the United States
18324 Secretary of Labor for the administration of this chapter, these
18325 moneys shall be replaced by moneys appropriated for that purpose
18326 from the General Revenue Fund to the Employment Security
18327 Administration Trust Fund for expenditure as provided in
18328 subsection (1). Upon receipt of notice of such a finding by the

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18329 United States Secretary of Labor, Jobs Florida ~~the Agency for~~
18330 ~~Workforce Innovation~~ shall promptly report the amount required
18331 for replacement to the Governor. The Governor shall, at the
18332 earliest opportunity, submit to the Legislature a request for
18333 the appropriation of the replacement funds.
18334 (4) RESPONSIBILITY FOR TRUST FUNDS.—In connection with its
18335 duties under s. 443.181, Jobs Florida ~~the Agency for Workforce~~
18336 ~~Innovation~~ is responsible for the deposit, requisition,
18337 expenditure, approval of payment, reimbursement, and reporting
18338 in regard to the trust funds established by this section.
18339 Section 298. Section 443.221, Florida Statutes, is amended
18340 to read:
18341 443.221 Reciprocal arrangements.—
18342 (1)(a) Jobs Florida ~~The Agency for Workforce Innovation~~ or
18343 its tax collection service provider may enter into reciprocal
18344 arrangements with other states or with the Federal Government,
18345 or both, for considering services performed by an individual for
18346 a single employing unit for which services are performed by the
18347 individual in more than one state as services performed entirely
18348 within any one of the states:
18349 1. In which any part of the individual’s service is
18350 performed;
18351 2. In which the individual has her or his residence; or
18352 3. In which the employing unit maintains a place of
18353 business.
18354 (b) For services to be considered as performed within a
18355 state under a reciprocal agreement, the employing unit must have
18356 an election in effect for those services, which is approved by
18357 the agency charged with the administration of such state’s

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18358 unemployment compensation law, under which all the services
18359 performed by the individual for the employing unit are deemed to
18360 be performed entirely within that state.
18361 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
18362 participate in any arrangements for the payment of compensation
18363 on the basis of combining an individual's wages and employment
18364 covered under this chapter with her or his wages and employment
18365 covered under the unemployment compensation laws of other
18366 states, which are approved by the United States Secretary of
18367 Labor, in consultation with the state unemployment compensation
18368 agencies, as reasonably calculated to assure the prompt and full
18369 payment of compensation in those situations and which include
18370 provisions for:
18371 1. Applying the base period of a single state law to a
18372 claim involving the combining of an individual's wages and
18373 employment covered under two or more state unemployment
18374 compensation laws; and
18375 2. Avoiding the duplicate use of wages and employment
18376 because of the combination.
18377 (d) Contributions or reimbursements due under this chapter
18378 with respect to wages for insured work are, for the purposes of
18379 ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid
18380 to the fund as of the date payment was made as contributions or
18381 reimbursements therefor under another state or federal
18382 unemployment compensation law, but an arrangement may not be
18383 entered into unless it contains provisions for reimbursement to
18384 the fund of the contributions or reimbursements and the actual
18385 earnings thereon as Jobs Florida ~~the Agency for Workforce~~
18386 ~~Innovation~~ or its tax collection service provider finds are fair

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18387 and reasonable as to all affected interests.
18388 (2) Jobs Florida ~~The Agency for Workforce Innovation~~ or its
18389 tax collection service provider may make to other state or
18390 federal agencies and receive from these other state or federal
18391 agencies reimbursements from or to the fund, in accordance with
18392 arrangements entered into under subsection (1).
18393 (3) Jobs Florida ~~The Agency for Workforce Innovation~~ or its
18394 tax collection service provider may enter into reciprocal
18395 arrangements with other states or the Federal Government, or
18396 both, for exchanging services, determining and enforcing payment
18397 obligations, and making available facilities and information.
18398 Jobs Florida ~~The Agency for Workforce Innovation~~ or its tax
18399 collection service provider may conduct investigations, secure
18400 and transmit information, make available services and
18401 facilities, and exercise other powers provided under this
18402 chapter to facilitate the administration of any unemployment
18403 compensation or public employment service law and, in a similar
18404 manner, accept and use information, services, and facilities
18405 made available to this state by the agency charged with the
18406 administration of any other unemployment compensation or public
18407 employment service law.
18408 (4) To the extent permissible under federal law, Jobs
18409 Florida ~~the Agency for Workforce Innovation~~ may enter into or
18410 cooperate in arrangements whereby facilities and services
18411 provided under this chapter and facilities and services provided
18412 under the unemployment compensation law of any foreign
18413 government may be used for the taking of claims and the payment
18414 of benefits under the employment security law of the state or
18415 under a similar law of that government.

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18416 Section 299. Section 445.002, Florida Statutes, is amended
18417 to read:
18418 445.002 Definitions.—As used in this chapter, the term:
18419 ~~(1) "Agency" means the Agency for Workforce Innovation.~~
18420 (1)~~(2)~~ "Services and one-time payments" or "services," when
18421 used in reference to individuals who are not receiving temporary
18422 cash assistance, means nonrecurrent, short-term benefits
18423 designed to deal with a specific crisis situation or episode of
18424 need and other services; work subsidies; supportive services
18425 such as child care and transportation; services such as
18426 counseling, case management, peer support, and child care
18427 information and referral; transitional services, job retention,
18428 job advancement, and other employment-related services;
18429 nonmedical treatment for substance abuse or mental health
18430 problems; teen pregnancy prevention; two-parent family support,
18431 including noncustodial parent employment; court-ordered
18432 supervised visitation, and responsible fatherhood services; and
18433 any other services that are reasonably calculated to further the
18434 purposes of the welfare transition program. Such terms do not
18435 include assistance as defined in federal regulations at 45
18436 C.F.R. s. 260.31(a).
18437 (2)~~(3)~~ "Welfare transition services" means those workforce
18438 services provided to current or former recipients of temporary
18439 cash assistance under chapter 414.
18440 Section 300. Subsection (3) of section 445.003, Florida
18441 Statutes, is amended to read:
18442 445.003 Implementation of the federal Workforce Investment
18443 Act of 1998.—
18444 (3) FUNDING.—

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18445 (a) Title I, Workforce Investment Act of 1998 funds;
18446 Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended
18447 based on the 5-year plan of Workforce Florida, Inc. The plan
18448 shall outline and direct the method used to administer and
18449 coordinate various funds and programs that are operated by
18450 various agencies. The following provisions shall also apply to
18451 these funds:
18452 1. At least 50 percent of the Title I funds for Adults and
18453 Dislocated Workers that are passed through to regional workforce
18454 boards shall be allocated to Individual Training Accounts unless
18455 a regional workforce board obtains a waiver from Workforce
18456 Florida, Inc. Tuition and fees qualify as an Individual Training
18457 Account expenditure, as do other programs developed by regional
18458 workforce boards in compliance with policies of Workforce
18459 Florida, Inc.
18460 2. Fifteen percent of Title I funding shall be retained at
18461 the state level and shall be dedicated to state administration
18462 and used to design, develop, induce, and fund innovative
18463 Individual Training Account pilots, demonstrations, and
18464 programs. Of such funds retained at the state level, $2 million
18465 shall be reserved for the Incumbent Worker Training Program,
18466 created under s. 288.048 ~~subparagraph 3~~. Eligible state
18467 administration costs include the costs of: funding for the board
18468 and staff of Workforce Florida, Inc.; operating fiscal,
18469 compliance, and management accountability systems through
18470 Workforce Florida, Inc.; conducting evaluation and research on
18471 workforce development activities; and providing technical and
18472 capacity building assistance to regions at the direction of
18473 Workforce Florida, Inc. Notwithstanding s. 445.004, such

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18474 administrative costs shall not exceed 25 percent of these funds.
18475 An amount not to exceed 75 percent of these funds shall be
18476 allocated to Individual Training Accounts and other workforce
18477 development strategies for other training designed and tailored
18478 by Workforce Florida, Inc., including, but not limited to,
18479 programs for incumbent workers, displaced homemakers,
18480 nontraditional employment, and enterprise zones. Workforce
18481 Florida, Inc., shall design, adopt, and fund Individual Training
18482 Accounts for distressed urban and rural communities.
18483 ~~3. The Incumbent Worker Training Program is created for the~~
18484 ~~purpose of providing grant funding for continuing education and~~
18485 ~~training of incumbent employees at existing Florida businesses.~~
18486 ~~The program will provide reimbursement grants to businesses that~~
18487 ~~pay for preapproved, direct, training-related costs.~~
18488 ~~a. The Incumbent Worker Training Program will be~~
18489 ~~administered by Workforce Florida, Inc. Workforce Florida, Inc.,~~
18490 ~~at its discretion, may contract with a private business~~
18491 ~~organization to serve as grant administrator.~~
18492 ~~b. To be eligible for the program's grant funding, a~~
18493 ~~business must have been in operation in Florida for a minimum of~~
18494 ~~1 year prior to the application for grant funding; have at least~~
18495 ~~one full-time employee; demonstrate financial viability; and be~~
18496 ~~current on all state tax obligations. Priority for funding shall~~
18497 ~~be given to businesses with 25 employees or fewer, businesses in~~
18498 ~~rural areas, businesses in distressed inner-city areas,~~
18499 ~~businesses in a qualified targeted industry, businesses whose~~
18500 ~~grant proposals represent a significant upgrade in employee~~
18501 ~~skills, or businesses whose grant proposals represent a~~
18502 ~~significant layoff avoidance strategy.~~

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18503 ~~c. All costs reimbursed by the program must be preapproved~~
18504 ~~by Workforce Florida, Inc., or the grant administrator. The~~
18505 ~~program will not reimburse businesses for trainee wages, the~~
18506 ~~purchase of capital equipment, or the purchase of any item or~~
18507 ~~service that may possibly be used outside the training project.~~
18508 ~~A business approved for a grant may be reimbursed for~~
18509 ~~preapproved, direct, training-related costs including tuition;~~
18510 ~~fees; books and training materials; and overhead or indirect~~
18511 ~~costs not to exceed 5 percent of the grant amount.~~
18512 ~~d. A business that is selected to receive grant funding~~
18513 ~~must provide a matching contribution to the training project,~~
18514 ~~including, but not limited to, wages paid to trainees or the~~
18515 ~~purchase of capital equipment used in the training project; must~~
18516 ~~sign an agreement with Workforce Florida, Inc., or the grant~~
18517 ~~administrator to complete the training project as proposed in~~
18518 ~~the application; must keep accurate records of the project's~~
18519 ~~implementation process; and must submit monthly or quarterly~~
18520 ~~reimbursement requests with required documentation.~~
18521 ~~e. All Incumbent Worker Training Program grant projects~~
18522 ~~shall be performance-based with specific measurable performance~~
18523 ~~outcomes, including completion of the training project and job~~
18524 ~~retention. Workforce Florida, Inc., or the grant administrator~~
18525 ~~shall withhold the final payment to the grantee until a final~~
18526 ~~grant report is submitted and all performance criteria specified~~
18527 ~~in the grant contract have been achieved.~~
18528 ~~f. Workforce Florida, Inc., may establish guidelines~~
18529 ~~necessary to implement the Incumbent Worker Training Program.~~
18530 ~~g. No more than 10 percent of the Incumbent Worker Training~~
18531 ~~Program's total appropriation may be used for overhead or~~

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18532 ~~indirect purposes.~~
18533 3.~~4.~~ At least 50 percent of Rapid Response funding shall be
18534 dedicated to Intensive Services Accounts and Individual Training
18535 Accounts for dislocated workers and incumbent workers who are at
18536 risk of dislocation. Workforce Florida, Inc., shall also
18537 maintain an Emergency Preparedness Fund from Rapid Response
18538 funds which will immediately issue Intensive Service Accounts
18539 and Individual Training Accounts as well as other federally
18540 authorized assistance to eligible victims of natural or other
18541 disasters. At the direction of the Governor, for events that
18542 qualify under federal law, these Rapid Response funds shall be
18543 released to regional workforce boards for immediate use. Funding
18544 shall also be dedicated to maintain a unit at the state level to
18545 respond to Rapid Response emergencies around the state, to work
18546 with state emergency management officials, and to work with
18547 regional workforce boards. All Rapid Response funds must be
18548 expended based on a plan developed by Workforce Florida, Inc.,
18549 and approved by the Governor.
18550 (b) The administrative entity for Title I, Workforce
18551 Investment Act of 1998 funds, and Rapid Response activities,
18552 shall be Jobs Florida ~~the Agency for Workforce Innovation~~, which
18553 shall provide direction to regional workforce boards regarding
18554 Title I programs and Rapid Response activities pursuant to the
18555 direction of Workforce Florida, Inc.
18556 Section 301. Subsection (1), paragraph (a) of subsection
18557 (3), paragraphs (b), (c), (d), (e), and (g) of subsection (5),
18558 and subsection (12) of section 445.004, Florida Statutes, are
18559 amended to read:
18560 445.004 Workforce Florida, Inc.; creation; purpose;

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18561 membership; duties and powers.—
18562 (1) There is created a not-for-profit corporation, to be
18563 known as "Workforce Florida, Inc.," which shall be registered,
18564 incorporated, organized, and operated in compliance with chapter
18565 617, and which shall not be a unit or entity of state government
18566 and shall be exempt from chapters 120 and 287. Workforce
18567 Florida, Inc., shall apply the procurement and expenditure
18568 procedures required by federal law for the expenditure of
18569 federal funds. Workforce Florida, Inc., shall be
18570 administratively housed within Jobs Florida ~~the Agency for~~
18571 ~~Workforce Innovation~~; however, Workforce Florida, Inc., shall
18572 not be subject to control, supervision, or direction by Jobs
18573 Florida ~~the Agency for Workforce Innovation~~ in any manner. The
18574 Legislature determines, however, that public policy dictates
18575 that Workforce Florida, Inc., operate in the most open and
18576 accessible manner consistent with its public purpose. To this
18577 end, the Legislature specifically declares that Workforce
18578 Florida, Inc., its board, councils, and any advisory committees
18579 or similar groups created by Workforce Florida, Inc., are
18580 subject to the provisions of chapter 119 relating to public
18581 records, and those provisions of chapter 286 relating to public
18582 meetings.
18583 (3)(a) Workforce Florida, Inc., shall be governed by a
18584 board of directors, the number of directors to be determined by
18585 the Governor, whose membership and appointment must be
18586 consistent with Pub. L. No. 105-220, Title I, s. 111(b), and
18587 contain one member representing the licensed nonpublic
18588 postsecondary educational institutions authorized as individual
18589 training account providers, one member from the staffing service

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18590 industry, at least one member who is a current or former
18591 recipient of welfare transition services as defined in s.
18592 445.002(2) ~~s. 445.002(3)~~ or workforce services as provided in s.
18593 445.009(1), and five representatives of organized labor who
18594 shall be appointed by the Governor. Members described in Pub. L.
18595 No. 105-220, Title I, s. 111(b)(1)(C)(vi) shall be nonvoting
18596 members. The importance of minority, gender, and geographic
18597 representation shall be considered when making appointments to
18598 the board.
18599 (5) Workforce Florida, Inc., shall have all the powers and
18600 authority, not explicitly prohibited by statute, necessary or
18601 convenient to carry out and effectuate the purposes as
18602 determined by statute, Pub. L. No. 105-220, and the Governor, as
18603 well as its functions, duties, and responsibilities, including,
18604 but not limited to, the following:
18605 (b) Providing oversight and policy direction to ensure that
18606 the following programs are administered by Jobs Florida ~~the~~
18607 ~~Agency for Workforce Innovation~~ in compliance with approved
18608 plans and under contract with Workforce Florida, Inc.:
18609 1. Programs authorized under Title I of the Workforce
18610 Investment Act of 1998, Pub. L. No. 105-220, with the exception
18611 of programs funded directly by the United States Department of
18612 Labor under Title I, s. 167.
18613 2. Programs authorized under the Wagner-Peyser Act of 1933,
18614 as amended, 29 U.S.C. ss. 49 et seq.
18615 3. Activities authorized under Title II of the Trade Act of
18616 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade
18617 Adjustment Assistance Program.
18618 4. Activities authorized under 38 U.S.C., chapter 41,

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18619 including job counseling, training, and placement for veterans.
18620 5. Employment and training activities carried out under
18621 funds awarded to this state by the United States Department of
18622 Housing and Urban Development.
18623 6. Welfare transition services funded by the Temporary
18624 Assistance for Needy Families Program, created under the
18625 Personal Responsibility and Work Opportunity Reconciliation Act
18626 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,
18627 of the Social Security Act, as amended.
18628 7. Displaced homemaker programs, provided under s. 446.50.
18629 8. The Florida Bonding Program, provided under Pub. L. No.
18630 97-300, s. 164(a)(1).
18631 9. The Food Assistance Employment and Training Program,
18632 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.
18633 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;
18634 and the Hunger Prevention Act, Pub. L. No. 100-435.
18635 10. The Quick-Response Training Program for participants in
18636 the welfare transition program, as provided under s. 288.047 ~~ss.~~
18637 ~~288.046-288.047~~. ~~Matching funds and in-kind contributions that~~
18638 ~~are provided by clients of the Quick-Response Training Program~~
18639 ~~shall count toward the requirements of s. 288.90151(5)(d),~~
18640 ~~pertaining to the return on investment from activities of~~
18641 ~~Enterprise Florida, Inc.~~
18642 11. The Work Opportunity Tax Credit, provided under the Tax
18643 and Trade Relief Extension Act of 1998, Pub. L. No. 105-277, and
18644 the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.
18645 12. Offender placement services, provided under ss.
18646 944.707-944.708.
18647 (c) Jobs Florida ~~the agency~~ may adopt rules necessary to

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18648 administer the provisions of this chapter which relate to
18649 implementing and administering the programs listed in paragraph
18650 (b) as well as rules related to eligible training providers and
18651 auditing and monitoring subrecipients of the workforce system
18652 grant funds.
18653 (d) Contracting with public and private entities as
18654 necessary to further the directives of this section. All
18655 contracts executed by Workforce Florida, Inc., must include
18656 specific performance expectations and deliverables. All
18657 Workforce Florida, Inc., contracts, including those solicited,
18658 managed, or paid by Jobs Florida ~~the Agency for Workforce~~
18659 ~~Innovation~~ pursuant to s. 20.60(5)(c) ~~20.50(2)~~ are exempt from
18660 s. 112.061, but shall be governed by subsection (1).
18661 (e) Notifying the Governor, the President of the Senate,
18662 and the Speaker of the House of Representatives of noncompliance
18663 by Jobs Florida ~~the Agency for Workforce Innovation~~ or other
18664 agencies or obstruction of the board's efforts by such agencies.
18665 Upon such notification, the Executive Office of the Governor
18666 shall assist agencies to bring them into compliance with board
18667 objectives.
18668 (g) Establish a dispute resolution process for all
18669 memoranda of understanding or other contracts or agreements
18670 entered into between Jobs Florida ~~the agency~~ and regional
18671 workforce boards.
18672 (12) Workforce Florida, Inc., shall enter into agreement
18673 with Space Florida and collaborate with vocational institutes,
18674 community colleges, colleges, and universities in this state, to
18675 develop a workforce development strategy to implement the
18676 workforce provisions of s. 331.3051.

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18677 Section 302. Paragraph (c) of subsection (2) of section
18678 445.006, Florida Statutes, is amended to read:
18679 445.006 Strategic and operational plans for workforce
18680 development.—
18681 (2) Workforce Florida, Inc., shall establish an operational
18682 plan to implement the state strategic plan. The operational plan
18683 shall be submitted to the Governor and the Legislature along
18684 with the strategic plan and must reflect the allocation of
18685 resources as appropriated by the Legislature to specific
18686 responsibilities enumerated in law. As a component of the
18687 operational plan required under this section, Workforce Florida,
18688 Inc., shall develop a workforce marketing plan, with the goal of
18689 educating individuals inside and outside the state about the
18690 employment market and employment conditions in the state. The
18691 marketing plan must include, but need not be limited to,
18692 strategies for:
18693 (c) Coordinating with the Jobs Florida Partnership
18694 ~~Enterprise Florida~~, Inc., to ensure that workforce marketing
18695 efforts complement the economic development marketing efforts of
18696 the state.
18697 Section 303. Subsection (1) of section 445.007, Florida
18698 Statutes, is amended to read:
18699 445.007 Regional workforce boards.—
18700 (1) One regional workforce board shall be appointed in each
18701 designated service delivery area and shall serve as the local
18702 workforce investment board pursuant to Pub. L. No. 105-220. The
18703 membership of the board shall be consistent with Pub. L. No.
18704 105-220, Title I, s. 117(b), and contain one representative from
18705 a nonpublic postsecondary educational institution that is an

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18706 authorized individual training account provider within the
18707 region and confers certificates and diplomas, one representative
18708 from a nonpublic postsecondary educational institution that is
18709 an authorized individual training account provider within the
18710 region and confers degrees, and three representatives of
18711 organized labor. The board shall include one nonvoting
18712 representative from a military installation if a military
18713 installation is located within the region and the appropriate
18714 military command or organization authorizes such representation.
18715 It is the intent of the Legislature that membership of a
18716 regional workforce board include persons who are current or
18717 former recipients of welfare transition assistance as defined in
18718 s. 445.002(2) ~~s. 445.002(3)~~ or workforce services as provided in
18719 s. 445.009(1) or that such persons be included as ex officio
18720 members of the board or of committees organized by the board.
18721 The importance of minority and gender representation shall be
18722 considered when making appointments to the board. The board, its
18723 committees, subcommittees, and subdivisions, and other units of
18724 the workforce system, including units that may consist in whole
18725 or in part of local governmental units, may use any method of
18726 telecommunications to conduct meetings, including establishing a
18727 quorum through telecommunications, provided that the public is
18728 given proper notice of the telecommunications meeting and
18729 reasonable access to observe and, when appropriate, participate.
18730 Regional workforce boards are subject to chapters 119 and 286
18731 and s. 24, Art. I of the State Constitution. If the regional
18732 workforce board enters into a contract with an organization or
18733 individual represented on the board of directors, the contract
18734 must be approved by a two-thirds vote of the entire board, and

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18735 the board member who could benefit financially from the
18736 transaction must abstain from voting on the contract. A board
18737 member must disclose any such conflict in a manner that is
18738 consistent with the procedures outlined in s. 112.3143.
18739 Section 304. Subsections (3) and (9) of section 445.009,
18740 Florida Statutes, are amended to read:
18741 445.009 One-stop delivery system.—
18742 (3) ~~Beginning October 1, 2000,~~ Regional workforce boards
18743 shall enter into a memorandum of understanding with Jobs Florida
18744 ~~the Agency for Workforce Innovation~~ for the delivery of
18745 employment services authorized by the federal Wagner-Peyser Act.
18746 This memorandum of understanding must be performance based.
18747 (a) Unless otherwise required by federal law, at least 90
18748 percent of the Wagner-Peyser funding must go into direct
18749 customer service costs.
18750 (b) Employment services must be provided through the one-
18751 stop delivery system, under the guidance of one-stop delivery
18752 system operators. One-stop delivery system operators shall have
18753 overall authority for directing the staff of the workforce
18754 system. Personnel matters shall remain under the ultimate
18755 authority of Jobs Florida ~~the Agency for Workforce Innovation~~.
18756 However, the one-stop delivery system operator shall submit to
18757 Jobs Florida ~~the agency~~ information concerning the job
18758 performance of ~~agency~~ employees of Jobs Florida who deliver
18759 employment services. Jobs Florida ~~The agency~~ shall consider any
18760 such information submitted by the one-stop delivery system
18761 operator in conducting performance appraisals of the employees.
18762 (c) Jobs Florida ~~The agency~~ shall retain fiscal
18763 responsibility and accountability for the administration of

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18764 funds allocated to the state under the Wagner-Peyser Act. An
18765 ~~agency~~ employee of Jobs Florida who is providing services
18766 authorized under the Wagner-Peyser Act shall be paid using
18767 Wagner-Peyser Act funds.
18768 (9)(a) Workforce Florida, Inc., working with Jobs Florida
18769 ~~the Agency for Workforce Innovation~~, shall coordinate among the
18770 agencies a plan for a One-Stop Electronic Network made up of
18771 one-stop delivery system centers and other partner agencies that
18772 are operated by authorized public or private for-profit or not-
18773 for-profit agents. The plan shall identify resources within
18774 existing revenues to establish and support this electronic
18775 network for service delivery that includes Government Services
18776 Direct. If necessary, the plan shall identify additional funding
18777 needed to achieve the provisions of this subsection.
18778 (b) The network shall assure that a uniform method is used
18779 to determine eligibility for and management of services provided
18780 by agencies that conduct workforce development activities. The
18781 Department of Management Services shall develop strategies to
18782 allow access to the databases and information management systems
18783 of the following systems in order to link information in those
18784 databases with the one-stop delivery system:
18785 1. The Unemployment Compensation Program under chapter 443
18786 ~~of the Agency for Workforce Innovation~~.
18787 2. The public employment service described in s. 443.181.
18788 3. The FLORIDA System and the components related to
18789 temporary cash assistance, food assistance, and Medicaid
18790 eligibility.
18791 4. The Student Financial Assistance System of the
18792 Department of Education.

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18793 5. Enrollment in the public postsecondary education system.
18794 6. Other information systems determined appropriate by
18795 Workforce Florida, Inc.
18796 Section 305. Subsection (5) of section 445.016, Florida
18797 Statutes, is amended to read:
18798 445.016 Untried Worker Placement and Employment Incentive
18799 Act.—
18800 (5) Incentives must be paid according to the incentive
18801 schedule developed by Workforce Florida, Inc., Jobs Florida ~~the~~
18802 ~~Agency for Workforce Development~~, and the Department of Children
18803 and Family Services which costs the state less per placement
18804 than the state's 12-month expenditure on a welfare recipient.
18805 Section 306. Subsection (1) of section 445.024, Florida
18806 Statutes, is amended to read:
18807 445.024 Work requirements.—
18808 (1) WORK ACTIVITIES.—Jobs Florida ~~The Agency for Workforce~~
18809 ~~Innovation~~ may develop activities under each of the following
18810 categories of work activities. The following categories of work
18811 activities, based on federal law and regulations, may be used
18812 individually or in combination to satisfy the work requirements
18813 for a participant in the temporary cash assistance program:
18814 (a) Unsubsidized employment.
18815 (b) Subsidized private sector employment.
18816 (c) Subsidized public sector employment.
18817 (d) On-the-job training.
18818 (e) Community service programs.
18819 (f) Work experience.
18820 (g) Job search and job readiness assistance.
18821 (h) Vocational educational training.

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18822 (i) Job skills training directly related to employment.
18823 (j) Education directly related to employment.
18824 (k) Satisfactory attendance at a secondary school or in a
18825 course of study leading to a graduate equivalency diploma.
18826 (l) Providing child care services.
18827 Section 307. Subsection (1) of section 445.0325, Florida
18828 Statutes, is amended to read:
18829 445.0325 Welfare Transition Trust Fund.—
18830 (1) The Welfare Transition Trust Fund is created in the
18831 State Treasury, to be administered by Jobs Florida ~~the Agency~~
18832 ~~for Workforce Innovation~~. Funds shall be credited to the trust
18833 fund to be used for the purposes of the welfare transition
18834 program set forth in ss. 445.017-445.032.
18835 Section 308. Section 445.038, Florida Statutes, is amended
18836 to read:
18837 445.038 Digital media; job training.—Workforce Florida,
18838 Inc., through Jobs Florida ~~the Agency for Workforce Innovation~~,
18839 may use funds dedicated for Incumbent Worker Training for the
18840 digital media industry. Training may be provided by public or
18841 private training providers for broadband digital media jobs
18842 listed on the targeted occupations list developed by the
18843 Workforce Estimating Conference or Workforce Florida, Inc.
18844 Programs that operate outside the normal semester time periods
18845 and coordinate the use of industry and public resources should
18846 be given priority status for funding.
18847 Section 309. Subsection (2), paragraph (b) of subsection
18848 (4), and subsections (5) and (6) of section 445.045, Florida
18849 Statutes, are amended to read:
18850 445.045 Development of an Internet-based system for

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18851 information technology industry promotion and workforce
18852 recruitment.—
18853 (2) Workforce Florida, Inc., shall coordinate with the
18854 Agency for Enterprise Information Technology and Jobs Florida
18855 ~~the Agency for Workforce Innovation~~ to ensure links, where
18856 feasible and appropriate, to existing job information websites
18857 maintained by the state and state agencies and to ensure that
18858 information technology positions offered by the state and state
18859 agencies are posted on the information technology website.
18860 (4)
18861 (b) Workforce Florida, Inc., may enter into an agreement
18862 with the Agency for Enterprise Information Technology, Jobs
18863 Florida ~~the Agency for Workforce Innovation~~, or any other public
18864 agency with the requisite information technology expertise for
18865 the provision of design, operating, or other technological
18866 services necessary to develop and maintain the website.
18867 (5) In furtherance of the requirements of this section that
18868 the website promote and market the information technology
18869 industry by communicating information on the scope of the
18870 industry in this state, Workforce Florida, Inc., shall
18871 coordinate its efforts with the high-technology industry
18872 marketing efforts of the Jobs Florida Partnership ~~Enterprise~~
18873 ~~Florida~~, Inc.~~, under s. 288.911.~~ Through links or actual
18874 content, the website developed under this section shall serve as
18875 a forum for distributing the marketing campaign developed by the
18876 Jobs Florida Partnership ~~Enterprise Florida~~, Inc.~~, under s.~~
18877 ~~288.911.~~ In addition, Workforce Florida, Inc., shall solicit
18878 input from the not-for-profit corporation created to advocate on
18879 behalf of the information technology industry as an outgrowth of

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18880 the Information Service Technology Development Task Force
18881 created under chapter 99-354, Laws of Florida.
18882 (6) In fulfilling its responsibilities under this section,
18883 Workforce Florida, Inc., may enlist the assistance of and act
18884 through Jobs Florida ~~the Agency for Workforce Innovation~~. Jobs
18885 Florida ~~The agency~~ is authorized and directed to provide the
18886 services that Workforce Florida, Inc., and Jobs Florida ~~the~~
18887 ~~agency~~ consider necessary to implement this section.
18888 Section 310. Subsection (1), paragraph (b) of subsection
18889 (4), and subsection (5) of section 445.048, Florida Statutes,
18890 are amended to read:
18891 445.048 Passport to Economic Progress program.—
18892 (1) AUTHORIZATION.—Notwithstanding any law to the contrary,
18893 Workforce Florida, Inc., in conjunction with the Department of
18894 Children and Family Services and Jobs Florida ~~the Agency for~~
18895 ~~Workforce Innovation~~, shall implement a Passport to Economic
18896 Progress program consistent with the provisions of this section.
18897 Workforce Florida, Inc., may designate regional workforce boards
18898 to participate in the program. Expenses for the program may come
18899 from appropriated revenues or from funds otherwise available to
18900 a regional workforce board which may be legally used for such
18901 purposes. Workforce Florida, Inc., must consult with the
18902 applicable regional workforce boards and the applicable local
18903 offices of the Department of Children and Family Services which
18904 serve the program areas and must encourage community input into
18905 the implementation process.
18906 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—
18907 (b) Workforce Florida, Inc., in cooperation with the
18908 Department of Children and Family Services and Jobs Florida ~~the~~

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18909 ~~Agency for Workforce Innovation~~, shall offer performance-based
18910 incentive bonuses as a component of the Passport to Economic
18911 Progress program. The bonuses do not represent a program
18912 entitlement and shall be contingent on achieving specific
18913 benchmarks prescribed in the self-sufficiency plan. If the funds
18914 appropriated for this purpose are insufficient to provide this
18915 financial incentive, the board of directors of Workforce
18916 Florida, Inc., may reduce or suspend the bonuses in order not to
18917 exceed the appropriation or may direct the regional boards to
18918 use resources otherwise given to the regional workforce to pay
18919 such bonuses if such payments comply with applicable state and
18920 federal laws.
18921 (5) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida,
18922 Inc., in conjunction with the Department of Children and Family
18923 Services, Jobs Florida ~~the Agency for Workforce Innovation~~, and
18924 the regional workforce boards, shall conduct a comprehensive
18925 evaluation of the effectiveness of the program operated under
18926 this section. Evaluations and recommendations for the program
18927 shall be submitted by Workforce Florida, Inc., as part of its
18928 annual report to the Legislature.
18929 Section 311. Subsection (2) of section 445.049, Florida
18930 Statutes, is amended to read:
18931 445.049 Digital Divide Council.—
18932 (2) DIGITAL DIVIDE COUNCIL.—The Digital Divide Council is
18933 created in the Department of Education. The council shall
18934 consist of:
18935 (a) A representative from the information technology
18936 industry in this state appointed by the Governor.
18937 (b) The commissioner of Jobs Florida, or his or her

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18938 designee ~~The director of the Office of Tourism, Trade, and~~
18939 ~~Economic Development in the Executive Office of the Governor~~.
18940 (c) The president of Workforce Florida, Inc.
18941 ~~(d) The director of the Agency for Workforce Innovation.~~
18942 (d) ~~(e)~~ The chair of itflorida.com, Inc.
18943 (e) ~~(f)~~ The Commissioner of Education.
18944 (f) ~~(g)~~ A representative of the information technology
18945 industry in this state appointed by the Speaker of the House of
18946 Representatives.
18947 (g) ~~(h)~~ A representative of the information technology
18948 industry in this state appointed by the President of the Senate.
18949 (h) ~~(i)~~ Two members of the House of Representatives, who
18950 shall be ex officio, nonvoting members of the council, appointed
18951 by the Speaker of the House of Representatives, one of whom
18952 shall be a member of the Republican Caucus and the other of whom
18953 shall be a member of the Democratic Caucus.
18954 (i) ~~(j)~~ Two members of the Senate, who shall be ex officio,
18955 nonvoting members of the council, appointed by the President of
18956 the Senate, one of whom shall be a member of the Republican
18957 Caucus and the other of whom shall be a member of the Democratic
18958 Caucus.
18959 Section 312. Subsection (13) of section 445.051, Florida
18960 Statutes, is amended to read:
18961 445.051 Individual development accounts.—
18962 (13) Pursuant to policy direction by Workforce Florida,
18963 Inc., Jobs Florida ~~the Agency for Workforce Innovation~~ shall
18964 adopt such rules as are necessary to implement this act.
18965 Section 313. Section 445.056, Florida Statutes, is amended
18966 to read:

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18967 445.056 Citizen Soldier Matching Grant Program.—Jobs
18968 Florida ~~The Agency for Workforce Innovation~~ shall implement the
18969 ~~establish a~~ matching grant program established by the former
18970 Agency for Workforce Innovation to award matching grants to
18971 private sector employers in this state which ~~that~~ provide wages
18972 to employees serving in the United States Armed Forces Reserves
18973 or the Florida National Guard while those employees are on
18974 federal active duty. A grant may not be provided for federal
18975 active duty served before January 1, 2005. Each grant shall be
18976 awarded to reimburse the employer for not more than one-half of
18977 the monthly wages paid to an employee who is a resident of this
18978 state for the actual period of federal active duty. The monthly
18979 grant per employee may not exceed one-half of the difference
18980 between the amount of monthly wages paid by the employer to the
18981 employee at the level paid before the date the employee was
18982 called to federal active duty and the amount of the employee's
18983 active duty base pay, housing and variable allowances, and
18984 subsistence allowance. Jobs Florida shall implement the plan
18985 administered by the former Agency for Workforce Innovation ~~The~~
18986 ~~agency shall develop a plan by no later than October 1, 2005,~~
18987 ~~subject to the notice, review, and objection procedures of s.~~
18988 ~~216.177, to administer the application and payment procedures~~
18989 ~~for the matching grant program~~. ~~The Agency for Workforce~~
18990 ~~Innovation shall not award any matching grants prior to the~~
18991 ~~approval of the plan.~~
18992 Section 314. Section 446.41, Florida Statutes, is amended
18993 to read:
18994 446.41 Legislative intent with respect to rural workforce
18995 training and development; establishment of Rural Workforce

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18996 Services Program.—In order that the state may achieve its full
18997 economic and social potential, consideration must be given to
18998 rural workforce training and development to enable its rural
18999 citizens as well as urban citizens to develop their maximum
19000 capacities and participate productively in our society. It is,
19001 therefore, the policy of the state to make available those
19002 services needed to assist individuals and communities in rural
19003 areas to improve their quality of life. It is with a great sense
19004 of urgency that a Rural Workforce Services Program is
19005 established within Jobs Florida ~~the Agency for Workforce~~
19006 ~~Innovation~~, under the direction of Workforce Florida, Inc., to
19007 provide equal access to all manpower training programs available
19008 to rural as well as urban areas.
19009 Section 315. Subsection (2) and paragraph (b) of subsection
19010 (5) of section 446.44, Florida Statutes, is amended to read:
19011 446.44 Duties of Rural Workforce Services Program.—It shall
19012 be the direct responsibility of the Rural Workforce Services
19013 Program to promote and deliver employment and workforce services
19014 and resources to the rural undeveloped and underdeveloped
19015 counties of the state in an effort to:
19016 (2) Assist the Jobs Florida Partnership ~~Enterprise Florida~~,
19017 Inc., in attracting light, pollution-free industry to the rural
19018 counties.
19019 (5) Develop rural workforce programs that will be
19020 evaluated, planned, and implemented through communications and
19021 planning with appropriate:
19022 (b) Units of the Jobs Florida Partnership ~~Enterprise~~
19023 ~~Florida~~, Inc.
19024 Section 316. Section 446.50, Florida Statutes, is amended

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19025 to read:
19026 446.50 Displaced homemakers; multiservice programs; report
19027 to the Legislature; Displaced Homemaker Trust Fund created.—
19028 (1) INTENT.—It is the intent of the Legislature to require
19029 Jobs Florida ~~the Agency for Workforce Innovation~~ to enter into
19030 contracts with, and make grants to, public and nonprofit private
19031 entities for purposes of establishing multipurpose service
19032 programs to provide necessary training, counseling, and services
19033 for displaced homemakers so that they may enjoy the independence
19034 and economic security vital to a productive life.
19035 (2) DEFINITIONS.—For the purposes of this section the term~~:~~
19036 ~~(a)~~ "Displaced homemaker" means an individual who:
19037 (a)~~1.~~ Is 35 years of age or older;
19038 (b)~~2.~~ Has worked in the home, providing unpaid household
19039 services for family members;
19040 (c)~~3.~~ Is not adequately employed, as defined by rule of the
19041 agency;
19042 (d)~~4.~~ Has had, or would have, difficulty in securing
19043 adequate employment; and
19044 (e)~~5.~~ Has been dependent on the income of another family
19045 member but is no longer supported by such income, or has been
19046 dependent on federal assistance.
19047 ~~(b) "Agency" means the Agency for Workforce Innovation~~.
19048 (3) ~~AGENCY~~ POWERS AND DUTIES OF JOBS FLORIDA.—
19049 (a) Jobs Florida ~~The agency~~, under plans established by
19050 Workforce Florida, Inc., shall establish, or contract for the
19051 establishment of, programs for displaced homemakers which shall
19052 include:
19053 1. Job counseling, by professionals and peers, specifically

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19054 designed for a person entering the job market after a number of
19055 years as a homemaker.
19056 2. Job training and placement services, including:
19057 a. Training programs for available jobs in the public and
19058 private sectors, taking into account the skills and job
19059 experiences of a homemaker and developed by working with public
19060 and private employers.
19061 b. Assistance in locating available employment for
19062 displaced homemakers, some of whom could be employed in existing
19063 job training and placement programs.
19064 c. Utilization of the services of the state employment
19065 service in locating employment opportunities.
19066 3. Financial management services providing information and
19067 assistance with respect to insurance, including, but not limited
19068 to, life, health, home, and automobile insurance, and taxes,
19069 estate and probate problems, mortgages, loans, and other related
19070 financial matters.
19071 4. Educational services, including high school equivalency
19072 degree and such other courses as Jobs Florida ~~the agency~~
19073 determines would be of interest and benefit to displaced
19074 homemakers.
19075 5. Outreach and information services with respect to
19076 federal and state employment, education, health, and
19077 unemployment assistance programs which Jobs Florida ~~the agency~~
19078 determines would be of interest and benefit to displaced
19079 homemakers.
19080 (b)1. Jobs Florida ~~The agency~~ shall enter into contracts
19081 with, and make grants to, public and nonprofit private entities
19082 for purposes of establishing multipurpose service programs for

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19083 displaced homemakers under this section. Such grants and
19084 contracts shall be awarded pursuant to chapter 287 and based on
19085 criteria established in the state plan developed pursuant to
19086 this section. Jobs Florida ~~The agency~~ shall designate catchment
19087 areas that ~~which~~ together, shall compose ~~comprise~~ the entire
19088 state, and, to the extent possible from revenues in the
19089 Displaced Homemaker Trust Fund, Jobs Florida ~~the agency~~ shall
19090 contract with, and make grants to, entities that ~~which~~ will
19091 serve entire catchment areas so that displaced homemaker service
19092 programs are available statewide. These catchment areas shall be
19093 coterminous with the state's workforce development regions. Jobs
19094 Florida ~~The agency~~ may give priority to existing displaced
19095 homemaker programs when evaluating bid responses to the ~~agency's~~
19096 request for proposals.
19097 2. In order to receive funds under this section, and unless
19098 specifically prohibited by law from doing so, an entity that
19099 provides displaced homemaker service programs must receive at
19100 least 25 percent of its funding from one or more local,
19101 municipal, or county sources or nonprofit private sources. In-
19102 kind contributions may be evaluated by Jobs Florida ~~the agency~~
19103 and counted as part of the required local funding.
19104 3. Jobs Florida ~~The agency~~ shall require an entity that
19105 receives funds under this section to maintain appropriate data
19106 to be compiled in an annual report to Jobs Florida ~~the agency~~.
19107 Such data shall include, but shall not be limited to, the number
19108 of clients served, the units of services provided, designated
19109 client-specific information including intake and outcome
19110 information specific to each client, costs associated with
19111 specific services and program administration, total program

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19112 revenues by source and other appropriate financial data, and
19113 client followup information at specified intervals after the
19114 placement of a displaced homemaker in a job.
19115 (c) Jobs Florida ~~The agency~~ shall consult and cooperate
19116 with the Commissioner of Education, the United States
19117 Commissioner of the Social Security Administration, and such
19118 other persons in the executive branch of the state government as
19119 Jobs Florida ~~the agency~~ considers appropriate to facilitate the
19120 coordination of multipurpose service programs established under
19121 this section with existing programs of a similar nature.
19122 (d) Supervisory, technical, and administrative positions
19123 relating to programs established under this section shall, to
19124 the maximum extent practicable, be filled by displaced
19125 homemakers.
19126 (e) Jobs Florida ~~The agency~~ shall adopt rules establishing
19127 minimum standards necessary for entities that provide displaced
19128 homemaker service programs to receive funds ~~from the agency~~ and
19129 any other rules necessary to administer this section.
19130 (4) STATE PLAN.—
19131 (a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
19132 develop a 3-year state plan for the displaced homemaker program
19133 which shall be updated annually. The plan must address, at a
19134 minimum, the need for programs specifically designed to serve
19135 displaced homemakers, any necessary service components for such
19136 programs in addition to those enumerated in this section, goals
19137 of the displaced homemaker program with an analysis of the
19138 extent to which those goals are being met, and recommendations
19139 for ways to address any unmet program goals. Any request for
19140 funds for program expansion must be based on the state plan.

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19141 (b) Each annual update must address any changes in the
19142 components of the 3-year state plan and a report that ~~which~~ must
19143 include, but need not be limited to, the following:
19144 1. The scope of the incidence of displaced homemakers;
19145 2. A compilation and report, by program, of data submitted
19146 to Jobs Florida ~~the agency~~ pursuant to subparagraph 3. by funded
19147 displaced homemaker service programs;
19148 3. An identification and description of the programs in the
19149 state which ~~that~~ receive funding from Jobs Florida ~~the agency~~,
19150 including funding information; and
19151 4. An assessment of the effectiveness of each displaced
19152 homemaker service program based on outcome criteria established
19153 by rule of Jobs Florida ~~the agency~~.
19154 (c) The 3-year state plan must be submitted to the
19155 President of the Senate, the Speaker of the House of
19156 Representatives, and the Governor on or before January 1, 2001,
19157 and annual updates of the plan must be submitted by January 1 of
19158 each subsequent year.
19159 (5) DISPLACED HOMEMAKER TRUST FUND.—
19160 (a) There is established within the State Treasury a
19161 Displaced Homemaker Trust Fund to be used by Jobs Florida ~~the~~
19162 ~~agency~~ for its administration of the displaced homemaker program
19163 and to fund displaced homemaker service programs according to
19164 criteria established under this section.
19165 (b) The trust fund shall receive funds generated from an
19166 additional fee on marriage license applications and dissolution
19167 of marriage filings as specified in ss. 741.01(3) and 28.101,
19168 respectively, and may receive funds from any other public or
19169 private source.

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19170 (c) Funds that are not expended by Jobs Florida ~~the agency~~
19171 at the end of the budget cycle or through a supplemental budget
19172 approved by Jobs Florida ~~the agency~~ shall revert to the trust
19173 fund.
19174 Section 317. Section 446.52, Florida Statutes, is amended
19175 to read:
19176 446.52 Confidentiality of information.—Information about
19177 displaced homemakers who receive services under ss. 446.50 and
19178 446.51 which is received through files, reports, inspections, or
19179 otherwise, by Jobs Florida ~~the division~~ or by its authorized
19180 employees ~~of the division~~, by persons who volunteer services, or
19181 by persons who provide services to displaced homemakers under
19182 ss. 446.50 and 446.51 through contracts with the division is
19183 confidential and exempt from the provisions of s. 119.07(1).
19184 Such information may not be disclosed publicly in such a manner
19185 as to identify a displaced homemaker, unless such person or the
19186 person's legal guardian provides written consent.
19187 Section 318. Paragraph (a) of subsection (3) of section
19188 448.109, Florida Statutes, is amended to read:
19189 448.109 Notification of the state minimum wage.—
19190 (3)(a) Each year Jobs Florida ~~the Agency for Workforce~~
19191 ~~Innovation~~ shall, on or before December 1, create and make
19192 available to employers a poster in English and in Spanish which
19193 reads substantially as follows:
19194
19195 NOTICE TO EMPLOYEES
19196
19197 The Florida minimum wage is $ ...(amount)... per hour,
19198 with a minimum wage of at least $ ...(amount)... per

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19199 hour for tipped employees, in addition to tips, for
19200 January 1, ...(year)..., through December 31,
19201 ...(year)....
19202
19203 The rate of the minimum wage is recalculated yearly on
19204 September 30, based on the Consumer Price Index. Every
19205 year on January 1 the new Florida minimum wage takes
19206 effect.
19207
19208 An employer may not retaliate against an employee for
19209 exercising his or her right to receive the minimum
19210 wage. Rights protected by the State Constitution
19211 include the right to:
19212 1. File a complaint about an employer's alleged
19213 noncompliance with lawful minimum wage requirements.
19214 2. Inform any person about an employer's alleged
19215 noncompliance with lawful minimum wage requirements.
19216 3. Inform any person of his or her potential
19217 rights under Section 24, Article X of the State
19218 Constitution and to assist him or her in asserting
19219 such rights.
19220
19221 An employee who has not received the lawful minimum
19222 wage after notifying his or her employer and giving
19223 the employer 15 days to resolve any claims for unpaid
19224 wages may bring a civil action in a court of law
19225 against an employer to recover back wages plus damages
19226 and attorney's fees.
19227

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19228 An employer found liable for intentionally violating
19229 minimum wage requirements is subject to a fine of
19230 $1,000 per violation, payable to the state.
19231
19232 The Attorney General or other official designated by
19233 the Legislature may bring a civil action to enforce
19234 the minimum wage.
19235
19236 For details see Section 24, Article X of the State
19237 Constitution.
19238
19239 Section 319. Subsections (2), (4), and (11) of section
19240 448.110, Florida Statutes, are amended to read:
19241 448.110 State minimum wage; annual wage adjustment;
19242 enforcement.—
19243 (2) The purpose of this section is to provide measures
19244 appropriate for the implementation of s. 24, Art. X of the State
19245 Constitution, in accordance with authority granted to the
19246 Legislature pursuant to s. 24(f), Art. X of the State
19247 Constitution. To implement s. 24, Art. X of the State
19248 Constitution, Jobs Florida is designated as the state Agency for
19249 Workforce Innovation.
19250 (4)(a) Beginning September 30, 2005, and annually on
19251 September 30 thereafter, Jobs Florida ~~the Agency for Workforce~~
19252 ~~Innovation~~ shall calculate an adjusted state minimum wage rate
19253 by increasing the state minimum wage by the rate of inflation
19254 for the 12 months prior to September 1. In calculating the
19255 adjusted state minimum wage, Jobs Florida ~~the agency~~ shall use
19256 the Consumer Price Index for Urban Wage Earners and Clerical

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19257 Workers, not seasonally adjusted, for the South Region or a
19258 successor index as calculated by the United States Department of
19259 Labor. Each adjusted state minimum wage rate shall take effect
19260 on the following January 1, with the initial adjusted minimum
19261 wage rate to take effect on January 1, 2006.
19262 (b) The ~~Agency for Workforce Innovation and the~~ Department
19263 of Revenue and Jobs Florida shall annually publish the amount of
19264 the adjusted state minimum wage and the effective date.
19265 Publication shall occur by posting the adjusted state minimum
19266 wage rate and the effective date on the Internet home pages of
19267 Jobs Florida ~~the agency~~ and the department by October 15 of each
19268 year. In addition, to the extent funded in the General
19269 Appropriations Act, Jobs Florida ~~the agency~~ shall provide
19270 written notice of the adjusted rate and the effective date of
19271 the adjusted state minimum wage to all employers registered in
19272 the most current unemployment compensation database. Such notice
19273 shall be mailed by November 15 of each year using the addresses
19274 included in the database. Employers are responsible for
19275 maintaining current address information in the unemployment
19276 compensation database. Jobs Florida is ~~The agency shall~~ not ~~be~~
19277 responsible for failure to provide notice due to incorrect or
19278 incomplete address information in the database. Jobs Florida ~~The~~
19279 ~~agency~~ shall provide the Department of Revenue with the adjusted
19280 state minimum wage rate information and effective date in a
19281 timely manner.
19282 (11) Except for calculating the adjusted state minimum wage
19283 and publishing the initial state minimum wage and any annual
19284 adjustments thereto, the authority of Jobs Florida ~~the Agency~~
19285 ~~for Workforce Innovation~~ in implementing s. 24, Art. X of the

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19286 State Constitution, pursuant to this section, shall be limited
19287 to that authority expressly granted by the Legislature.
19288 Section 320. Section 450.161, Florida Statutes, is amended
19289 to read:
19290 450.161 Chapter not to affect career education of children;
19291 other exceptions.—Nothing in this chapter shall prevent minors
19292 of any age from receiving career education furnished by the
19293 United States, this state, or any county or other political
19294 subdivision of this state and duly approved by the Department of
19295 Education or other duly constituted authority, nor any
19296 apprentice indentured under a plan approved by the Department of
19297 Education ~~Division of Jobs and Benefits~~, or prevent the
19298 employment of any minor 14 years of age or older when such
19299 employment is authorized as an integral part of, or supplement
19300 to, such a course in career education and is authorized by
19301 regulations of the district school board of the district in
19302 which such minor is employed, provided the employment is in
19303 compliance with the provisions of ss. 450.021(4) and 450.061.
19304 Exemptions for the employment of student learners 16 to 18 years
19305 of age are provided in s. 450.061. Such an exemption shall apply
19306 when:
19307 (1) The student learner is enrolled in a youth vocational
19308 training program under a recognized state or local educational
19309 authority.
19310 (2) Such student learner is employed under a written
19311 agreement that ~~which~~ provides:
19312 (a) That the work of the student learner in the occupation
19313 declared particularly hazardous shall be incidental to the
19314 training.

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19315 (b) That such work shall be intermittent and for short
19316 periods of time and under the direct and close supervision of a
19317 qualified and experienced person.
19318 (c) That safety instructions shall be given by the school
19319 and correlated by the employer with on-the-job training.
19320 (d) That a schedule of organized and progressive work
19321 processes to be performed on the job shall have been prepared.
19322
19323 Each such written agreement shall contain the name of the
19324 student learner and shall be signed by the employer, the school
19325 coordinator and principal, and the parent or legal guardian.
19326 Copies of each agreement shall be kept on file by both the
19327 school and the employer. This exemption for the employment of
19328 student learners may be revoked in any individual situation when
19329 it is found that reasonable precautions have not been observed
19330 for the safety of minors employed thereunder. A high school
19331 graduate may be employed in an occupation in which he or she has
19332 completed training as a student learner, as provided in this
19333 section, even though he or she is not yet 18 years of age.
19334 Section 321. Paragraph (j) of subsection (1) of section
19335 450.191, Florida Statutes, is amended to read:
19336 450.191 Executive Office of the Governor; powers and
19337 duties.—
19338 (1) The Executive Office of the Governor is authorized and
19339 directed to:
19340 (j) Cooperate with Jobs Florida ~~the Agency for Workforce~~
19341 ~~Innovation~~ in the recruitment and referral of migrant laborers
19342 and other persons for the planting, cultivation, and harvesting
19343 of agricultural crops in Florida.

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19344 Section 322. Paragraph (e) of subsection (2) of section
19345 450.31, Florida Statutes, is amended to read:
19346 450.31 Issuance, revocation, and suspension of, and refusal
19347 to issue or renew, certificate of registration.—
19348 (2) The department may revoke, suspend, or refuse to issue
19349 or renew any certificate of registration when it is shown that
19350 the farm labor contractor has:
19351 (e) Failed to pay unemployment compensation taxes as
19352 determined by Jobs Florida ~~the Agency for Workforce Innovation~~;
19353 or
19354 Section 323. Paragraph (d) of subsection (1) of section
19355 464.203, Florida Statutes, is amended to read:
19356 464.203 Certified nursing assistants; certification
19357 requirement.—
19358 (1) The board shall issue a certificate to practice as a
19359 certified nursing assistant to any person who demonstrates a
19360 minimum competency to read and write and successfully passes the
19361 required background screening pursuant to s. 400.215 and meets
19362 one of the following requirements:
19363 (d) Has completed the curriculum developed by the
19364 Department of Education ~~under the Enterprise Florida Jobs and~~
19365 ~~Education Partnership Grant~~ and achieved a minimum score,
19366 established by rule of the board, on the nursing assistant
19367 competency examination, which consists of a written portion and
19368 skills-demonstration portion, approved by the board and
19369 administered at a site and by personnel approved by the
19370 department.
19371 Section 324. Subsection (3) of section 468.529, Florida
19372 Statutes, is amended to read:

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19373 468.529 Licensee's insurance; employment tax; benefit
19374 plans.—
19375 (3) A licensed employee leasing company shall within 30
19376 days after initiation or termination notify its workers'
19377 compensation insurance carrier, the Division of Workers'
19378 Compensation of the Department of Financial Services, and the
19379 state agency providing unemployment tax collection services
19380 under contract with Jobs Florida ~~the Agency for Workforce~~
19381 ~~Innovation~~ through an interagency agreement pursuant to s.
19382 443.1316 of both the initiation or the termination of the
19383 company's relationship with any client company.
19384 Section 325. Paragraph (e) of subsection (1) of section
19385 469.002, Florida Statutes, is amended to read:
19386 469.002 Exemptions.—
19387 (1) This chapter does not apply to:
19388 (e) An authorized employee of the United States, this
19389 state, or any municipality, county, or other political
19390 subdivision who has completed all training required by NESHAP
19391 and OSHA or by ASHARA for the activities described in this
19392 paragraph, while engaged in ~~asbestos-related activities set~~
19393 ~~forth in s. 255.5535 and~~ asbestos-related activities involving
19394 the demolition of a building owned by that governmental unit,
19395 where such activities are within the scope of that employment
19396 and the employee does not hold out for hire or otherwise engage
19397 in asbestos abatement, contracting, or consulting.
19398 Section 326. Subsection (2) of section 469.003, Florida
19399 Statutes, is amended to read:
19400 469.003 License required.—
19401 (2)~~(a)~~ A ~~No~~ person may not prepare asbestos abatement

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19402 specifications unless trained and licensed as an asbestos
19403 consultant as required by this chapter.
19404 ~~(b) Any person engaged in the business of asbestos surveys~~
19405 ~~prior to October 1, 1987, who has been certified by the~~
19406 ~~Department of Labor and Employment Security as a certified~~
19407 ~~asbestos surveyor, and who has complied with the training~~
19408 ~~requirements of s. 469.013(1)(b), may provide survey services as~~
19409 ~~described in s. 255.553(1), (2), and (3). The Department of~~
19410 ~~Labor and Employment Security may, by rule, establish~~
19411 ~~violations, disciplinary procedures, and penalties for certified~~
19412 ~~asbestos surveyors.~~
19413 Section 327. Paragraph (b) of subsection (1) of section
19414 489.1455, Florida Statutes, is amended to read:
19415 489.1455 Journeyman; reciprocity; standards.—
19416 (1) An individual who holds a valid, active journeyman
19417 license in the plumbing/pipe fitting, mechanical, or HVAC trades
19418 issued by any county or municipality in this state may work as a
19419 journeyman in the trade in which he or she is licensed in any
19420 county or municipality of this state without taking an
19421 additional examination or paying an additional license fee, if
19422 he or she:
19423 (b) Has completed an apprenticeship program registered with
19424 a registration agency defined in 29 C.F.R. 29.2 ~~the Department~~
19425 ~~of Labor and Employment Security~~ and demonstrates 4 years'
19426 verifiable practical experience in the trade for which he or she
19427 is licensed, or demonstrates 6 years' verifiable practical
19428 experience in the trade for which he or she is licensed;
19429 Section 328. Paragraph (b) of subsection (1) of section
19430 489.5335, Florida Statutes, is amended to read:

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19431 489.5335 Journeyman; reciprocity; standards.—
19432 (1) An individual who holds a valid, active journeyman
19433 license in the electrical trade issued by any county or
19434 municipality in this state may work as a journeyman in any other
19435 county or municipality of this state without taking an
19436 additional examination or paying an additional license fee, if
19437 he or she:
19438 (b) Has completed an apprenticeship program registered with
19439 a registration agency defined in 29 C.F.R. 29.2 ~~the Department~~
19440 ~~of Labor and Employment Security~~ and demonstrates 4 years'
19441 verifiable practical experience in the electrical trade, or
19442 demonstrates 6 years' verifiable practical experience in the
19443 electrical trade;
19444 Section 329. Subsections (1) and (2), paragraph (b) of
19445 subsection (3), and paragraph (b) of subsection (4) of section
19446 526.143, Florida Statutes, are amended to read:
19447 526.143 Alternate generated power capacity for motor fuel
19448 dispensing facilities.—
19449 (1) ~~By June 1, 2007,~~ Each motor fuel terminal facility, as
19450 defined in s. 526.303(16), and each wholesaler, as defined in s.
19451 526.303(17), which sells motor fuel in this state must be
19452 capable of operating its distribution loading racks using an
19453 alternate generated power source for a minimum of 72 hours.
19454 Pending a postdisaster examination of the equipment by the
19455 operator to determine any extenuating damage that would render
19456 it unsafe to use, the facility must have such alternate
19457 generated power source available for operation within ~~no later~~
19458 ~~than~~ 36 hours after a major disaster as defined in s. 252.34.
19459 Installation of appropriate wiring, including a transfer switch,

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19460 shall be performed by a certified electrical contractor. Each
19461 business that is subject to this subsection must keep a copy of
19462 the documentation of such installation on site or at its
19463 corporate headquarters. In addition, each business must keep a
19464 written statement attesting to the periodic testing and ensured
19465 operational capacity of the equipment. The required documents
19466 must be made available, upon request, to the Office ~~Division~~ of
19467 Emergency Management and the director of the county emergency
19468 management agency.
19469 (2) Each newly constructed or substantially renovated motor
19470 fuel retail outlet, as defined in s. 526.303(14), for which a
19471 certificate of occupancy is issued on or after July 1, 2006,
19472 shall be prewired with an appropriate transfer switch, and
19473 capable of operating all fuel pumps, dispensing equipment,
19474 lifesafety systems, and payment-acceptance equipment using an
19475 alternate generated power source. As used in this subsection,
19476 the term “substantially renovated” means a renovation that
19477 results in an increase of greater than 50 percent in the
19478 assessed value of the motor fuel retail outlet. Local building
19479 inspectors shall include this equipment and operations check in
19480 the normal inspection process before issuing a certificate of
19481 occupancy. Each retail outlet that is subject to this subsection
19482 must keep a copy of the certificate of occupancy on site or at
19483 its corporate headquarters. In addition, each retail outlet must
19484 keep a written statement attesting to the periodic testing of
19485 and ensured operational capability of the equipment. The
19486 required documents must be made available, upon request, to the
19487 Office ~~Division~~ of Emergency Management and the director of the
19488 county emergency management agency.

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19489 (3)
19490 (b) Installation of appropriate wiring and transfer
19491 switches must be performed by a certified electrical contractor.
19492 Each retail outlet that is subject to this subsection must keep
19493 a copy of the documentation of such installation on site or at
19494 its corporate headquarters. In addition, each retail outlet must
19495 keep a written statement attesting to the periodic testing of
19496 and ensured operational capacity of the equipment. The required
19497 documents must be made available, upon request, to the Office
19498 ~~Division~~ of Emergency Management and the director of the county
19499 emergency management agency.
19500 (4)
19501 (b) Subsections (2) and (3) do not apply to:
19502 1. An automobile dealer;
19503 2. A person who operates a fleet of motor vehicles;
19504 3. A person who sells motor fuel exclusively to a fleet of
19505 motor vehicles; or
19506 4. A motor fuel retail outlet that has a written agreement
19507 with a public hospital, in a form approved by the Office
19508 ~~Division~~ of Emergency Management, wherein the public hospital
19509 agrees to provide the motor fuel retail outlet with an
19510 alternative means of power generation onsite so that the
19511 outlet’s fuel pumps may be operated in the event of a power
19512 outage.
19513 Section 330. Paragraph (a) of subsection (1) and paragraph
19514 (b) of subsection (4) of section 526.144, Florida Statutes, are
19515 amended to read:
19516 526.144 Florida Disaster Motor Fuel Supplier Program.—
19517 (1)(a) There is created the Florida Disaster Motor Fuel

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19518 Supplier Program within the Office of Emergency Management
19519 ~~Department of Community Affairs~~.
19520 (4)
19521 (b) Notwithstanding any other law or other ordinance and
19522 for the purpose of ensuring an appropriate emergency management
19523 response following major disasters in this state, the regulation
19524 of all other retail establishments participating in such
19525 response is ~~shall be~~ as follows:
19526 1. Regulation of retail establishments that meet the
19527 standards created by the Office ~~Division~~ of Emergency Management
19528 in the report required in s. 8, chapter 2006-71, Laws of
19529 Florida, by July 1, 2007, is preempted to the state and until
19530 such standards are adopted, the regulation of these retail
19531 establishments is preempted to the state;
19532 2. The office ~~division~~ shall provide written certification
19533 of such preemption to retail establishments that qualify and
19534 ~~shall~~ provide such information to local governments upon
19535 request; and
19536 3. Regulation of retail establishments that do not meet the
19537 operational standards is subject to local government laws or
19538 ordinances.
19539 Section 331. Paragraph (i) of subsection (4) of section
19540 551.104, Florida Statutes, is amended to read:
19541 551.104 License to conduct slot machine gaming.—
19542 (4) As a condition of licensure and to maintain continued
19543 authority for the conduct of slot machine gaming, the slot
19544 machine licensee shall:
19545 (i) Create and file with the division a written policy for:
19546 1. Creating opportunities to purchase from vendors in this

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19547 state, including minority vendors.
19548 2. Creating opportunities for employment of residents of
19549 this state, including minority residents.
19550 3. Ensuring opportunities for construction services from
19551 minority contractors.
19552 4. Ensuring that opportunities for employment are offered
19553 on an equal, nondiscriminatory basis.
19554 5. Training for employees on responsible gaming and working
19555 with a compulsive or addictive gambling prevention program to
19556 further its purposes as provided for in s. 551.118.
19557 6. The implementation of a drug-testing program that
19558 includes, but is not limited to, requiring each employee to sign
19559 an agreement that he or she understands that the slot machine
19560 facility is a drug-free workplace.
19561
19562 The slot machine licensee shall use the Internet-based job-
19563 listing system of Jobs Florida ~~the Agency for Workforce~~
19564 ~~Innovation~~ in advertising employment opportunities. Beginning in
19565 June 2007, each slot machine licensee shall provide an annual
19566 report to the division containing information indicating
19567 compliance with this paragraph in regard to minority persons.
19568 Section 332. Section 553.62, Florida Statutes, is amended
19569 to read:
19570 553.62 State standard.—The Occupational Safety and Health
19571 Administration's excavation safety standards, 29 C.F.R. s.
19572 1926.650 Subpart P, are hereby incorporated as the state
19573 standard. ~~The Department of Labor and Employment Security may,~~
19574 ~~by rule, adopt updated or revised versions of those standards,~~
19575 ~~provided that the updated or revised versions are consistent~~

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19576 ~~with the intent expressed in this act and s. 553.72, and are not~~
19577 ~~otherwise inconsistent with state law. Any rule adopted as~~
19578 ~~provided in this section shall be complied with upon its~~
19579 ~~effective date.~~
19580 Section 333. Paragraph (c) of subsection (1) of section
19581 570.248, Florida Statutes, is amended to read:
19582 570.248 Agricultural Economic Development Project Review
19583 Committee; powers and duties.—
19584 (1) There is created an Agricultural Economic Development
19585 Project Review Committee consisting of five members appointed by
19586 the commissioner. The members shall be appointed based upon the
19587 recommendations submitted by each entity represented on the
19588 committee and shall include:
19589 (c) One representative from the Jobs Florida Partnership
19590 ~~Enterprise Florida~~, Inc.
19591 Section 334. Section 570.96, Florida Statutes, is amended
19592 to read:
19593 570.96 Agritourism.—The Department of Agriculture and
19594 Consumer Services may provide marketing advice, technical
19595 expertise, promotional support, and product development related
19596 to agritourism to assist the following in their agritourism
19597 initiatives: the Jobs Florida Partnership, Inc. ~~Florida~~
19598 ~~Commission on Tourism~~; convention and visitor bureaus; tourist
19599 development councils; economic development organizations; and
19600 local governments. In carrying out this responsibility, the
19601 department shall focus its agritourism efforts on rural and
19602 urban communities.
19603 Section 335. Subsection (1) of section 597.006, Florida
19604 Statutes, is amended to read:

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19605 597.006 Aquaculture Interagency Coordinating Council.—
19606 (1) CREATION.—The Legislature finds and declares that there
19607 is a need for interagency coordination with regard to
19608 aquaculture by the following agencies: the Department of
19609 Agriculture and Consumer Services; Jobs Florida; ~~the Office of~~
19610 ~~Tourism, Trade, and Economic Development; the Department of~~
19611 ~~Community Affairs;~~ the Department of Environmental Protection;
19612 ~~the Department of Labor and Employment Security;~~ the Fish and
19613 Wildlife Conservation Commission; the statewide consortium of
19614 universities under the Florida Institute of Oceanography;
19615 Florida Agricultural and Mechanical University; the Institute of
19616 Food and Agricultural Sciences at the University of Florida; and
19617 the Florida Sea Grant Program. It is therefore the intent of the
19618 Legislature to hereby create an Aquaculture Interagency
19619 Coordinating Council to act as an advisory body as defined in s.
19620 20.03(9).
19621 Section 336. Paragraph (d) of subsection (2) of section
19622 624.5105, Florida Statutes, is amended to read:
19623 624.5105 Community contribution tax credit; authorization;
19624 limitations; eligibility and application requirements;
19625 administration; definitions; expiration.—
19626 (2) ELIGIBILITY REQUIREMENTS.—
19627 (d) The project shall be located in an area designated as
19628 an enterprise zone or a Front Porch Community ~~pursuant to s.~~
19629 ~~20.18(6)~~. Any project designed to construct or rehabilitate
19630 housing for low-income or very-low-income households as defined
19631 in s. 420.9071(19) and (28) is exempt from the area requirement
19632 of this paragraph.
19633 Section 337. Section 625.3255, Florida Statutes, is amended

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19634 to read:
19635 625.3255 Capital participation instrument.—An insurer may
19636 invest in any capital participation instrument or evidence of
19637 indebtedness issued by the Jobs Florida Partnership, Inc.,
19638 ~~Florida Black Business Investment Board~~ pursuant to the Florida
19639 Small and Minority Business Assistance Act.
19640 Section 338. Paragraph (b) of subsection (2) of section
19641 627.0628, Florida Statutes, is amended to read:
19642 627.0628 Florida Commission on Hurricane Loss Projection
19643 Methodology; public records exemption; public meetings
19644 exemption.—
19645 (2) COMMISSION CREATED.—
19646 (b) The commission shall consist of the following 11
19647 members:
19648 1. The insurance consumer advocate.
19649 2. The senior employee of the State Board of Administration
19650 responsible for operations of the Florida Hurricane Catastrophe
19651 Fund.
19652 3. The Executive Director of the Citizens Property
19653 Insurance Corporation.
19654 4. The Director of the Office ~~Division~~ of Emergency
19655 Management ~~of the Department of Community Affairs~~.
19656 5. The actuary member of the Florida Hurricane Catastrophe
19657 Fund Advisory Council.
19658 6. An employee of the office who is an actuary responsible
19659 for property insurance rate filings and who is appointed by the
19660 director of the office.
19661 7. Five members appointed by the Chief Financial Officer,
19662 as follows:

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19663 a. An actuary who is employed full time by a property and
19664 casualty insurer that ~~which~~ was responsible for at least 1
19665 percent of the aggregate statewide direct written premium for
19666 homeowner's insurance in the calendar year preceding the
19667 member's appointment to the commission.
19668 b. An expert in insurance finance who is a full-time member
19669 of the faculty of the State University System and who has a
19670 background in actuarial science.
19671 c. An expert in statistics who is a full-time member of the
19672 faculty of the State University System and who has a background
19673 in insurance.
19674 d. An expert in computer system design who is a full-time
19675 member of the faculty of the State University System.
19676 e. An expert in meteorology who is a full-time member of
19677 the faculty of the State University System and who specializes
19678 in hurricanes.
19679 Section 339. Paragraph (b) of subsection (4) of section
19680 657.042, Florida Statutes, is amended to read:
19681 657.042 Investment powers and limitations.—A credit union
19682 may invest its funds subject to the following definitions,
19683 restrictions, and limitations:
19684 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF
19685 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of
19686 the credit union may be invested in any of the following:
19687 (b) Any capital participation instrument or evidence of
19688 indebtedness issued by the Jobs Florida Partnership, Inc.,
19689 ~~Florida Black Business Investment Board~~ pursuant to the Florida
19690 Small and Minority Business Assistance Act.
19691 Section 340. Paragraph (g) of subsection (4) of section

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19692 658.67, Florida Statutes, is amended to read:
19693 658.67 Investment powers and limitations.—A bank may invest
19694 its funds, and a trust company may invest its corporate funds,
19695 subject to the following definitions, restrictions, and
19696 limitations:
19697 (4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR
19698 LESS OF CAPITAL ACCOUNTS.—
19699 (g) Up to 10 percent of the capital accounts of a bank or
19700 trust company may be invested in any capital participation
19701 instrument or evidence of indebtedness issued by the Jobs
19702 Florida Partnership, Inc., ~~Florida Black Business Investment~~
19703 ~~Board~~ pursuant to the Florida Small and Minority Business
19704 Assistance Act.
19705 Section 341. Paragraph (d) of subsection (2) of section
19706 768.13, Florida Statutes, is amended to read:
19707 768.13 Good Samaritan Act; immunity from civil liability.—
19708 (2)
19709 (d) Any person whose acts or omissions are not otherwise
19710 covered by this section and who participates in emergency
19711 response activities under the direction of or in connection with
19712 a community emergency response team, local emergency management
19713 agencies, the Office ~~Division~~ of Emergency Management ~~of the~~
19714 ~~Department of Community Affairs~~, or the Federal Emergency
19715 Management Agency is not liable for any civil damages as a
19716 result of care, treatment, or services provided gratuitously in
19717 such capacity and resulting from any act or failure to act in
19718 such capacity in providing or arranging further care, treatment,
19719 or services, if such person acts as a reasonably prudent person
19720 would have acted under the same or similar circumstances.

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19721 Section 342. Subsection (14) of section 943.03, Florida
19722 Statutes, is amended to read:
19723 943.03 Department of Law Enforcement.—
19724 (14) The department, with respect to counter-terrorism
19725 efforts, responses to acts of terrorism within or affecting this
19726 state, and other matters related to the domestic security of
19727 Florida as it relates to terrorism, shall coordinate and direct
19728 the law enforcement, initial emergency, and other initial
19729 responses. The department shall work closely with the Office
19730 ~~Division~~ of Emergency Management, other federal, state, and
19731 local law enforcement agencies, fire and rescue agencies, first-
19732 responder agencies, and others involved in preparation against
19733 acts of terrorism in or affecting this state and in the response
19734 to such acts. The executive director of the department, or
19735 another member of the department designated by the director,
19736 shall serve as Chief of Domestic Security for the purpose of
19737 directing and coordinating such efforts. The department and
19738 Chief of Domestic Security shall use the regional domestic
19739 security task forces as established in this chapter to assist in
19740 such efforts.
19741 Section 343. Section 943.03101, Florida Statutes, is
19742 amended to read:
19743 943.03101 Counter-terrorism coordination.—The Legislature
19744 finds that with respect to counter-terrorism efforts and initial
19745 responses to acts of terrorism within or affecting this state,
19746 specialized efforts of emergency management which ~~that~~ are
19747 unique to such situations are required and that these efforts
19748 intrinsically involve very close coordination of federal, state,
19749 and local law enforcement agencies with the efforts of all

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19750 others involved in emergency-response efforts. In order to best
19751 provide this specialized effort ~~with respect to counter-~~
19752 ~~terrorism efforts and responses~~, the Legislature has determined
19753 that such efforts should be coordinated by and through the
19754 Department of Law Enforcement, working closely with the Office
19755 ~~Division~~ of Emergency Management and others involved in
19756 preparation against acts of terrorism in or affecting this
19757 state, and in the initial response to such acts, in accordance
19758 with the state comprehensive emergency management plan prepared
19759 pursuant to s. 252.35(2)(a).
19760 Section 344. Subsection (7) of section 943.0311, Florida
19761 Statutes, is amended to read:
19762 943.0311 Chief of Domestic Security; duties of the
19763 department with respect to domestic security.—
19764 (7) As used in this section, the term "state agency"
19765 includes the Agency for Health Care Administration, ~~the Agency~~
19766 ~~for Workforce Innovation,~~ the Department of Agriculture and
19767 Consumer Services, the Department of Business and Professional
19768 Regulation, the Department of Children and Family Services, the
19769 Department of Citrus, ~~the Department of Community Affairs,~~ the
19770 Department of Corrections, the Department of Education, the
19771 Department of Elderly Affairs, the Office of Emergency
19772 Management, the Department of Environmental Protection, the
19773 Department of Financial Services, the Department of Health, the
19774 Department of Highway Safety and Motor Vehicles, Jobs Florida,
19775 the Department of Juvenile Justice, the Department of Law
19776 Enforcement, the Department of Legal Affairs, the Department of
19777 Management Services, the Department of Military Affairs, the
19778 Department of Revenue, the Department of State, the Department

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19779 of the Lottery, the Department of Transportation, the Department
19780 of Veterans' Affairs, the Fish and Wildlife Conservation
19781 Commission, the Parole Commission, the State Board of
19782 Administration, and the Executive Office of the Governor.
19783 Section 345. Paragraph (d) of subsection (1) and subsection
19784 (3) of section 943.0312, Florida Statutes, are amended to read:
19785 943.0312 Regional domestic security task forces.—The
19786 Legislature finds that there is a need to develop and implement
19787 a statewide strategy to address prevention, preparation,
19788 protection, response, and recovery efforts by federal, state,
19789 and local law enforcement agencies, emergency management
19790 agencies, fire and rescue departments, first-responder personnel
19791 and others in dealing with potential or actual terrorist acts
19792 within or affecting this state.
19793 (1) To assist the department and the Chief of Domestic
19794 Security in performing their roles and duties in this regard,
19795 the department shall establish a regional domestic security task
19796 force in each of the department's operational regions. The task
19797 forces shall serve in an advisory capacity to the department and
19798 the Chief of Domestic Security and shall provide support to the
19799 department in its performance of functions pertaining to
19800 domestic security.
19801 (d) The co-chairs of each task force may appoint
19802 subcommittees and subcommittee chairs as necessary in order to
19803 address issues related to the various disciplines represented on
19804 the task force, except that subcommittee chairs for emergency
19805 management shall be appointed with the approval of the director
19806 of the Office ~~Division~~ of Emergency Management. A subcommittee
19807 chair shall serve at the pleasure of the co-chairs.

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19808 (3) The Chief of Domestic Security, in conjunction with the
19809 Office ~~Division~~ of Emergency Management, the regional domestic
19810 security task forces, and the various state entities responsible
19811 for establishing training standards applicable to state law
19812 enforcement officers and fire, emergency, and first-responder
19813 personnel shall identify appropriate equipment and training
19814 needs, curricula, and materials related to the effective
19815 response to suspected or actual acts of terrorism or incidents
19816 involving real or hoax weapons of mass destruction as defined in
19817 s. 790.166. Recommendations for funding for purchases of
19818 equipment, delivery of training, implementation of, or revision
19819 to basic or continued training required for state licensure or
19820 certification, or other related responses shall be made by the
19821 Chief of Domestic Security to the Domestic Security Oversight
19822 Council, the Executive Office of the Governor, the President of
19823 the Senate, and the Speaker of the House of Representatives as
19824 necessary to ensure that the needs of this state with regard to
19825 the preparing, equipping, training, and exercising of response
19826 personnel are identified and addressed. In making such
19827 recommendations, the Chief of Domestic Security and the Office
19828 ~~Division~~ of Emergency Management shall identify all funding
19829 sources that may be available to fund such efforts.
19830 Section 346. Paragraph (a) of subsection (1), paragraph (b)
19831 of subsection (2), and paragraphs (a) and (b) of subsection (4)
19832 of section 943.0313, Florida Statutes, are amended to read:
19833 943.0313 Domestic Security Oversight Council.—The
19834 Legislature finds that there exists a need to provide executive
19835 direction and leadership with respect to terrorism prevention,
19836 preparation, protection, response, and recovery efforts by state

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19837 and local agencies in this state. In recognition of this need,
19838 the Domestic Security Oversight Council is hereby created. The
19839 council shall serve as an advisory council pursuant to s.
19840 20.03(7) to provide guidance to the state's regional domestic
19841 security task forces and other domestic security working groups
19842 and to make recommendations to the Governor and the Legislature
19843 regarding the expenditure of funds and allocation of resources
19844 related to counter-terrorism and domestic security efforts.
19845 (1) MEMBERSHIP.—
19846 (a) The Domestic Security Oversight Council shall consist
19847 of the following voting members:
19848 1. The executive director of the Department of Law
19849 Enforcement.
19850 2. The director of the Office ~~Division~~ of Emergency
19851 Management ~~within the Department of Community Affairs~~.
19852 3. The Attorney General.
19853 4. The Commissioner of Agriculture.
19854 5. The State Surgeon General.
19855 6. The Commissioner of Education.
19856 7. The State Fire Marshal.
19857 8. The adjutant general of the Florida National Guard.
19858 9. The state chief information officer.
19859 10. Each sheriff or chief of police who serves as a co-
19860 chair of a regional domestic security task force pursuant to s.
19861 943.0312(1)(b).
19862 11. Each of the department's special agents in charge who
19863 serve as a co-chair of a regional domestic security task force.
19864 12. Two representatives of the Florida Fire Chiefs
19865 Association.

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19866 13. One representative of the Florida Police Chiefs
19867 Association.
19868 14. One representative of the Florida Prosecuting Attorneys
19869 Association.
19870 15. The chair of the Statewide Domestic Security
19871 Intelligence Committee.
19872 16. One representative of the Florida Hospital Association.
19873 17. One representative of the Emergency Medical Services
19874 Advisory Council.
19875 18. One representative of the Florida Emergency
19876 Preparedness Association.
19877 19. One representative of the Florida Seaport
19878 Transportation and Economic Development Council.
19879 (2) ORGANIZATION.—
19880 (b) The executive director of the Department of Law
19881 Enforcement shall serve as chair of the council, and the
19882 director of the Office ~~Division~~ of Emergency Management ~~within~~
19883 ~~the Department of Community Affairs~~ shall serve as vice chair of
19884 the council. In the absence of the chair, the vice chair shall
19885 serve as chair. In the absence of the vice chair, the chair may
19886 name any member of the council to perform the duties of the
19887 chair if such substitution does not extend beyond a defined
19888 meeting, duty, or period of time.
19889 (4) EXECUTIVE COMMITTEE.—
19890 (a) The council shall establish an executive committee
19891 consisting of the following members:
19892 1. The executive director of the Department of Law
19893 Enforcement.
19894 2. The director of the Office ~~Division~~ of Emergency

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19895 Management ~~within the Department of Community Affairs~~.
19896 3. The Attorney General.
19897 4. The Commissioner of Agriculture.
19898 5. The State Surgeon General.
19899 6. The Commissioner of Education.
19900 7. The State Fire Marshal.
19901 (b) The executive director of the Department of Law
19902 Enforcement shall serve as the chair of the executive committee,
19903 and the director of the Office ~~Division~~ of Emergency Management
19904 ~~within the Department of Community Affairs~~ shall serve as the
19905 vice chair of the executive committee.
19906 Section 347. Subsection (5) of section 944.012, Florida
19907 Statutes, is amended to read:
19908 944.012 Legislative intent.—The Legislature hereby finds
19909 and declares that:
19910 (5) In order to make the correctional system an efficient
19911 and effective mechanism, the various agencies involved in the
19912 correctional process must coordinate their efforts. Where
19913 possible, interagency offices should be physically located
19914 within major institutions and should include representatives of
19915 the public employment service ~~the Florida State Employment~~
19916 ~~Service~~, the vocational rehabilitation programs of the
19917 Department of Education, and the Parole Commission. Duplicative
19918 and unnecessary methods of evaluating offenders must be
19919 eliminated and areas of responsibility consolidated in order to
19920 more economically utilize present scarce resources.
19921 Section 348. Section 944.708, Florida Statutes, is amended
19922 to read:
19923 944.708 Rules.—The Department of Corrections ~~and the Agency~~

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19924 ~~for Workforce Innovation~~ shall adopt rules to implement the
19925 provisions of ss. 944.701-944.707.
19926 Section 349. Paragraph (h) of subsection (3) of section
19927 944.801, Florida Statutes, is amended to read:
19928 944.801 Education for state prisoners.—
19929 (3) The responsibilities of the Correctional Education
19930 Program shall be to:
19931 (h) Develop a written procedure for selecting programs to
19932 add to or delete from the vocational curriculum. The procedure
19933 shall include labor market analyses that ~~which~~ demonstrate the
19934 projected demand for certain occupations and the projected
19935 supply of potential employees. In conducting these analyses, the
19936 department shall evaluate the feasibility of adding vocational
19937 education programs that ~~which~~ have been identified by Jobs
19938 Florida, the Department of Education, ~~the Agency for Workforce~~
19939 ~~Innovation~~ or a regional coordinating council as being in
19940 undersupply in this state. The department shall periodically
19941 reevaluate the vocational education programs in major
19942 institutions to determine which of the programs support and
19943 provide relevant skills to inmates who could be assigned to a
19944 correctional work program that is operated as a Prison Industry
19945 Enhancement Program.
19946 Section 350. Paragraph (d) of subsection (3) of section
19947 945.10, Florida Statutes, is amended to read:
19948 945.10 Confidential information.—
19949 (3) Due to substantial concerns regarding institutional
19950 security and unreasonable and excessive demands on personnel and
19951 resources if an inmate or an offender has unlimited or routine
19952 access to records of the Department of Corrections, an inmate or

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19953 an offender who is under the jurisdiction of the department may
19954 not have unrestricted access to the department's records or to
19955 information contained in the department's records. However,
19956 except as to another inmate's or offender's records, the
19957 department may permit limited access to its records if an inmate
19958 or an offender makes a written request and demonstrates an
19959 exceptional need for information contained in the department's
19960 records and the information is otherwise unavailable.
19961 Exceptional circumstances include, but are not limited to:
19962 (d) The requested records contain information required to
19963 process an application or claim by the inmate or offender with
19964 the Internal Revenue Service, the Social Security
19965 Administration, Jobs Florida ~~the Agency for Workforce~~
19966 ~~Innovation,~~ or any other similar application or claim with a
19967 state agency or federal agency.
19968 Section 351. Subsection (4) of section 985.601, Florida
19969 Statutes, is amended to read:
19970 985.601 Administering the juvenile justice continuum.—
19971 (4) The department shall maintain continuing cooperation
19972 with the Department of Education, the Department of Children and
19973 Family Services, ~~the Agency for Workforce Innovation,~~ Jobs
19974 Florida, and the Department of Corrections for the purpose of
19975 participating in agreements with respect to dropout prevention
19976 and the reduction of suspensions, expulsions, and truancy;
19977 increased access to and participation in GED, vocational, and
19978 alternative education programs; and employment training and
19979 placement assistance. The cooperative agreements between the
19980 departments shall include an interdepartmental plan to cooperate
19981 in accomplishing the reduction of inappropriate transfers of

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19982 children into the adult criminal justice and correctional
19983 systems.
19984 Section 352. Subsections (1) and (2) of section 1002.375,
19985 Florida Statutes, are amended to read:
19986 1002.375 Alternative credit for high school courses; pilot
19987 project.—
19988 (1) The Commissioner of Education shall implement a pilot
19989 project in up to three school districts beginning in the 2008-
19990 2009 school year which allows school districts to award
19991 alternative course credit for students enrolled in nationally or
19992 state-recognized industry certification programs, as defined by
19993 the former Agency for Workforce Innovation or Jobs Florida, in
19994 accordance with the criteria described in s. 1003.492(2). The
19995 Commissioner of Education shall establish criteria for districts
19996 that participate in the pilot program. School districts
19997 interested in participating in the program must submit a letter
19998 of interest by July 15, 2008, to the Commissioner of Education
19999 identifying up to five nationally or state-recognized industry
20000 certification programs, 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), under which the district
20003 would like to award alternative credit for the eligible courses
20004 identified in subsection (2). The Commissioner of Education
20005 shall select up to three participating school districts by July
20006 30, 2008. The Commissioner of Education shall submit a report to
20007 the Governor, the President of the Senate, and the Speaker of
20008 the House of Representatives identifying the number of students
20009 choosing to earn alternative credit, the number of students that
20010 received alternative credit, and legislative recommendations for

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20011 expanding the use of alternative credit for core academic
20012 courses required for high school graduation. The report shall be
20013 submitted by January 1, 2010.
20014 (2) For purposes of designing and implementing a successful
20015 pilot project, eligible alternative credit courses include
20016 Algebra 1a, Algebra 1b, Algebra 1, Geometry, and Biology.
20017 Alternative credits shall be awarded for courses in which a
20018 student is not enrolled, but for which the student may earn
20019 academic credit by enrolling in another course or sequence of
20020 courses required to earn a nationally or state-recognized
20021 industry certificate, as defined by the former Agency for
20022 Workforce Innovation or Jobs Florida, in accordance with the
20023 criteria described in s. 1003.492(2), of which the majority of
20024 the standards-based content in the course description is
20025 consistent with the alternative credit course description
20026 approved by the Department of Education.
20027 Section 353. Paragraph (b) of subsection (4) and subsection
20028 (5) of section 1002.53, Florida Statutes, are amended to read:
20029 1002.53 Voluntary Prekindergarten Education Program;
20030 eligibility and enrollment.—
20031 (4)
20032 (b) The application must be submitted on forms prescribed
20033 by the department ~~Agency for Workforce Innovation~~ and must be
20034 accompanied by a certified copy of the child's birth
20035 certificate. The forms must include a certification, in
20036 substantially the form provided in s. 1002.71(6)(b)2., that the
20037 parent chooses the private prekindergarten provider or public
20038 school in accordance with this section and directs that payments
20039 for the program be made to the provider or school. The

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20040 department ~~Agency for Workforce Innovation~~ may authorize
20041 alternative methods for submitting proof of the child's age in
20042 lieu of a certified copy of the child's birth certificate.
20043 (5) The early learning coalition shall provide each parent
20044 enrolling a child in the Voluntary Prekindergarten Education
20045 Program with a profile of every private prekindergarten provider
20046 and public school delivering the program within the county where
20047 the child is being enrolled. The profiles shall be provided to
20048 parents in a format prescribed by the department ~~Agency for~~
20049 ~~Workforce Innovation~~. The profiles must include, at a minimum,
20050 the following information about each provider and school:
20051 (a) The provider's or school's services, curriculum,
20052 instructor credentials, and instructor-to-student ratio; and
20053 (b) The provider's or school's kindergarten readiness rate
20054 calculated in accordance with s. 1002.69, based upon the most
20055 recent available results of the statewide kindergarten
20056 screening.
20057 Section 354. Paragraphs (e) and (h) of subsection (3) of
20058 section 1002.55, Florida Statutes, are amended to read:
20059 1002.55 School-year prekindergarten program delivered by
20060 private prekindergarten providers.—
20061 (3) To be eligible to deliver the prekindergarten program,
20062 a private prekindergarten provider must meet each of the
20063 following requirements:
20064 (e) A private prekindergarten provider may assign a
20065 substitute instructor to temporarily replace a credentialed
20066 instructor if the credentialed instructor assigned to a
20067 prekindergarten class is absent, as long as the substitute
20068 instructor is of good moral character and has been screened

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20069 before employment in accordance with level 2 background
20070 screening requirements in chapter 435. The department ~~Agency for~~
20071 ~~Workforce Innovation~~ shall adopt rules to implement this
20072 paragraph which shall include required qualifications of
20073 substitute instructors and the circumstances and time limits for
20074 which a private prekindergarten provider may assign a substitute
20075 instructor.
20076 (h) The private prekindergarten provider must register with
20077 the early learning coalition on forms prescribed by the
20078 department ~~Agency for Workforce Innovation~~.
20079 Section 355. Subsections (6) and (8) of section 1002.61,
20080 Florida Statutes, are amended to read:
20081 1002.61 Summer prekindergarten program delivered by public
20082 schools and private prekindergarten providers.—
20083 (6) A public school or private prekindergarten provider may
20084 assign a substitute instructor to temporarily replace a
20085 credentialed instructor if the credentialed instructor assigned
20086 to a prekindergarten class is absent, as long as the substitute
20087 instructor is of good moral character and has been screened
20088 before employment in accordance with level 2 background
20089 screening requirements in chapter 435. This subsection does not
20090 supersede employment requirements for instructional personnel in
20091 public schools which are more stringent than the requirements of
20092 this subsection. The department ~~Agency for Workforce Innovation~~
20093 shall adopt rules to implement this subsection which shall
20094 include required qualifications of substitute instructors and
20095 the circumstances and time limits for which a public school or
20096 private prekindergarten provider may assign a substitute
20097 instructor.

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20098 (8) Each public school delivering the summer
20099 prekindergarten program must also:
20100 (a) Register with the early learning coalition on forms
20101 prescribed by the department ~~Agency for Workforce Innovation~~;
20102 and
20103 (b) Deliver the Voluntary Prekindergarten Education Program
20104 in accordance with this part.
20105 Section 356. Subsections (6) and (8) of section 1002.63,
20106 Florida Statutes, are amended to read:
20107 1002.63 School-year prekindergarten program delivered by
20108 public schools.—
20109 (6) A public school prekindergarten provider may assign a
20110 substitute instructor to temporarily replace a credentialed
20111 instructor if the credentialed instructor assigned to a
20112 prekindergarten class is absent, as long as the substitute
20113 instructor is of good moral character and has been screened
20114 before employment in accordance with level 2 background
20115 screening requirements in chapter 435. This subsection does not
20116 supersede employment requirements for instructional personnel in
20117 public schools which are more stringent than the requirements of
20118 this subsection. The department ~~Agency for Workforce Innovation~~
20119 shall adopt rules to implement this subsection which shall
20120 include required qualifications of substitute instructors and
20121 the circumstances and time limits for which a public school
20122 prekindergarten provider may assign a substitute instructor.
20123 (8) Each public school delivering the school-year
20124 prekindergarten program must:
20125 (a) Register with the early learning coalition on forms
20126 prescribed by the department ~~Agency for Workforce Innovation~~;

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20127 and
20128 (b) Deliver the Voluntary Prekindergarten Education Program
20129 in accordance with this part.
20130 Section 357. Subsections (1) and (3) of section 1002.67,
20131 Florida Statutes, are amended to read:
20132 1002.67 Performance standards; curricula and
20133 accountability.—
20134 (1) ~~By April 1, 2005,~~ The department shall develop and
20135 adopt performance standards for students in the Voluntary
20136 Prekindergarten Education Program. The performance standards
20137 must address the age-appropriate progress of students in the
20138 development of:
20139 (a) The capabilities, capacities, and skills required under
20140 s. 1(b), Art. IX of the State Constitution; and
20141 (b) Emergent literacy skills, including oral communication,
20142 knowledge of print and letters, phonemic and phonological
20143 awareness, and vocabulary and comprehension development.
20144 (3)(a) Each early learning coalition shall verify that each
20145 private prekindergarten provider delivering the Voluntary
20146 Prekindergarten Education Program within the coalition's county
20147 or multicounty region complies with this part. Each district
20148 school board shall verify that each public school delivering the
20149 program within the school district complies with this part.
20150 (b) If a private prekindergarten provider or public school
20151 fails or refuses to comply with this part, or if a provider or
20152 school engages in misconduct, the department ~~Agency for~~
20153 ~~Workforce Innovation~~ shall require the early learning coalition
20154 to remove the provider or ~~, and~~ ~~the Department of Education~~
20155 ~~shall require~~ the school district to remove the school~~,~~ from

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20156 eligibility to deliver the Voluntary Prekindergarten Education
20157 Program and receive state funds under this part.
20158 (c)1. If the kindergarten readiness rate of a private
20159 prekindergarten provider or public school falls below the
20160 minimum rate adopted by the State Board of Education as
20161 satisfactory under s. 1002.69(6), the early learning coalition
20162 or school district, as applicable, shall require the provider or
20163 school to submit an improvement plan for approval by the
20164 coalition or school district, as applicable, and to implement
20165 the plan.
20166 2. If a private prekindergarten provider or public school
20167 fails to meet the minimum rate adopted by the State Board of
20168 Education as satisfactory under s. 1002.69(6) for 2 consecutive
20169 years, the early learning coalition or school district, as
20170 applicable, shall place the provider or school on probation and
20171 must require the provider or school to take certain corrective
20172 actions, including the use of a curriculum approved by the
20173 department under paragraph (2)(c).
20174 3. A private prekindergarten provider or public school that
20175 is placed on probation must continue the corrective actions
20176 required under subparagraph 2., including the use of a
20177 curriculum approved by the department, until the provider or
20178 school meets the minimum rate adopted by the State Board of
20179 Education as satisfactory under s. 1002.69(6).
20180 4. If a private prekindergarten provider or public school
20181 remains on probation for 2 consecutive years and fails to meet
20182 the minimum rate adopted by the State Board of Education as
20183 satisfactory under s. 1002.69(6) and is not granted a good cause
20184 exemption by the department pursuant to s. 1002.69(7), the

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20185 department ~~Agency for Workforce Innovation~~ shall require the
20186 early learning coalition or ~~the Department of Education shall~~
20187 ~~require~~ the school district to remove, as applicable, the
20188 provider or school from eligibility to deliver the Voluntary
20189 Prekindergarten Education Program and receive state funds for
20190 the program.
20191 (d) Each early learning coalition~~, the Agency for Workforce~~
20192 ~~Innovation,~~ and the department shall coordinate with the Child
20193 Care Services Program Office of the Department of Children and
20194 Family Services to minimize interagency duplication of
20195 activities for monitoring private prekindergarten providers for
20196 compliance with requirements of the Voluntary Prekindergarten
20197 Education Program under this part, the school readiness programs
20198 under s. 411.01, and the licensing of providers under ss.
20199 402.301-402.319.
20200 Section 358. Paragraph (f) of subsection (7) of section
20201 1002.69, Florida Statutes, is amended to read:
20202 1002.69 Statewide kindergarten screening; kindergarten
20203 readiness rates.—
20204 (7)
20205 (f) The State Board of Education shall notify the
20206 department ~~Agency for Workforce Innovation~~ of any good cause
20207 exemption granted to a private prekindergarten provider under
20208 this subsection. If a good cause exemption is granted to a
20209 private prekindergarten provider who remains on probation for 2
20210 consecutive years, the department ~~Agency for Workforce~~
20211 ~~Innovation~~ shall notify the early learning coalition of the good
20212 cause exemption and direct that the coalition, notwithstanding
20213 s. 1002.67(3)(c)4., not remove the provider from eligibility to

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20214 deliver the Voluntary Prekindergarten Education Program or to
20215 receive state funds for the program, if the provider meets all
20216 other applicable requirements of this part.
20217 Section 359. Paragraph (c) of subsection (3), subsection
20218 (4), paragraph (b) of subsection (5), and subsections (6) and
20219 (7) of section 1002.71, Florida Statutes, are amended to read:
20220 1002.71 Funding; financial and attendance reporting.—
20221 (3)
20222 (c) The initial allocation shall be based on estimated
20223 student enrollment in each coalition service area. The
20224 department ~~Agency for Workforce Innovation~~ shall reallocate
20225 funds among the coalitions based on actual full-time equivalent
20226 student enrollment in each coalition service area.
20227 (4) Notwithstanding s. 1002.53(3) and subsection (2):
20228 (a) A child who, for any of the prekindergarten programs
20229 listed in s. 1002.53(3), has not completed more than 70 percent
20230 of the hours authorized to be reported for funding under
20231 subsection (2), or has not expended more than 70 percent of the
20232 funds authorized for the child under s. 1002.66, may withdraw
20233 from the program for good cause and reenroll in one of the
20234 programs. The total funding for a child who reenrolls in one of
20235 the programs for good cause may not exceed one full-time
20236 equivalent student. Funding for a child who withdraws and
20237 reenrolls in one of the programs for good cause shall be issued
20238 in accordance with the department's ~~agency's~~ uniform attendance
20239 policy adopted pursuant to paragraph (6)(d).
20240 (b) A child who has not substantially completed any of the
20241 prekindergarten programs listed in s. 1002.53(3) may withdraw
20242 from the program due to an extreme hardship that is beyond the

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20243 child's or parent's control, reenroll in one of the summer
20244 programs, and be reported for funding purposes as a full-time
20245 equivalent student in the summer program for which the child is
20246 reenrolled.
20247
20248 A child may reenroll only once in a prekindergarten program
20249 under this section. A child who reenrolls in a prekindergarten
20250 program under this subsection may not subsequently withdraw from
20251 the program and reenroll. The department ~~Agency for Workforce~~
20252 ~~Innovation~~ shall establish criteria specifying whether a good
20253 cause exists for a child to withdraw from a program under
20254 paragraph (a), whether a child has substantially completed a
20255 program under paragraph (b), and whether an extreme hardship
20256 exists which is beyond the child's or parent's control under
20257 paragraph (b).
20258 (5)
20259 (b) The department ~~Agency for Workforce Innovation~~ shall
20260 adopt procedures for the payment of private prekindergarten
20261 providers and public schools delivering the Voluntary
20262 Prekindergarten Education Program. The procedures shall provide
20263 for the advance payment of providers and schools based upon
20264 student enrollment in the program, the certification of student
20265 attendance, and the reconciliation of advance payments in
20266 accordance with the uniform attendance policy adopted under
20267 paragraph (6)(d). The procedures shall provide for the monthly
20268 distribution of funds by the department ~~Agency for Workforce~~
20269 ~~Innovation~~ to the early learning coalitions for payment by the
20270 coalitions to private prekindergarten providers and public
20271 schools. ~~The department shall transfer to the Agency for~~

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20272 ~~Workforce Innovation at least once each quarter the funds~~
20273 ~~available for payment to private prekindergarten providers and~~
20274 ~~public schools in accordance with this paragraph from the funds~~
20275 ~~appropriated for that purpose.~~
20276 (6)(a) Each parent enrolling his or her child in the
20277 Voluntary Prekindergarten Education Program must agree to comply
20278 with the attendance policy of the private prekindergarten
20279 provider or district school board, as applicable. Upon
20280 enrollment of the child, the private prekindergarten provider or
20281 public school, as applicable, must provide the child's parent
20282 with a copy of the provider's or school district's attendance
20283 policy, as applicable.
20284 (b)1. Each private prekindergarten provider's and district
20285 school board's attendance policy must require the parent of each
20286 student in the Voluntary Prekindergarten Education Program to
20287 verify, each month, the student's attendance on the prior
20288 month's certified student attendance.
20289 2. The parent must submit the verification of the student's
20290 attendance to the private prekindergarten provider or public
20291 school on forms prescribed by the department ~~Agency for~~
20292 ~~Workforce Innovation~~. The forms must include, in addition to the
20293 verification of the student's attendance, a certification, in
20294 substantially the following form, that the parent continues to
20295 choose the private prekindergarten provider or public school in
20296 accordance with s. 1002.53 and directs that payments for the
20297 program be made to the provider or school:
20298
20299 VERIFICATION OF STUDENT'S ATTENDANCE
20300 AND CERTIFICATION OF PARENTAL CHOICE

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20301
20302 I, ...(Name of Parent)..., swear (or affirm) that my child,
20303 ...(Name of Student)..., attended the Voluntary Prekindergarten
20304 Education Program on the days listed above and certify that I
20305 continue to choose ...(Name of Provider or School)... to deliver
20306 the program for my child and direct that program funds be paid
20307 to the provider or school for my child.
20308 ...(Signature of Parent)...
20309 ...(Date)...
20310
20311 3. The private prekindergarten provider or public school
20312 must keep each original signed form for at least 2 years. Each
20313 private prekindergarten provider must permit the early learning
20314 coalition, and each public school must permit the school
20315 district, to inspect the original signed forms during normal
20316 business hours. The department ~~Agency for Workforce Innovation~~
20317 shall adopt procedures for early learning coalitions and school
20318 districts to review the original signed forms against the
20319 certified student attendance. The review procedures shall
20320 provide for the use of selective inspection techniques,
20321 including, but not limited to, random sampling. Each early
20322 learning coalition and the school districts must comply with the
20323 review procedures.
20324 (c) A private prekindergarten provider or school district,
20325 as applicable, may dismiss a student who does not comply with
20326 the provider’s or district’s attendance policy. A student
20327 dismissed under this paragraph is not removed from the Voluntary
20328 Prekindergarten Education Program and may continue in the
20329 program through reenrollment with another private

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20330 prekindergarten provider or public school. Notwithstanding s.
20331 1002.53(6)(b), a school district is not required to provide for
20332 the admission of a student dismissed under this paragraph.
20333 (d) The department ~~Agency for Workforce Innovation~~ shall
20334 adopt, for funding purposes, a uniform attendance policy for the
20335 Voluntary Prekindergarten Education Program. The attendance
20336 policy must apply statewide and apply equally to all private
20337 prekindergarten providers and public schools. The attendance
20338 policy must include at least the following provisions:
20339 1. ~~Beginning with the 2009-2010 fiscal year for school-year~~
20340 ~~programs,~~ A student's attendance may be reported on a pro rata
20341 basis as a fractional part of a full-time equivalent student.
20342 2. At a maximum, 20 percent of the total payment made on
20343 behalf of a student to a private prekindergarten provider or a
20344 public school may be for hours a student is absent.
20345 3. A private prekindergarten provider or public school may
20346 not receive payment for absences that occur before a student's
20347 first day of attendance or after a student's last day of
20348 attendance.
20349
20350 The uniform attendance policy shall be used only for funding
20351 purposes and does not prohibit a private prekindergarten
20352 provider or public school from adopting and enforcing its
20353 attendance policy under paragraphs (a) and (c).
20354 (7) The department ~~Agency for Workforce Innovation~~ shall
20355 require that administrative expenditures be kept to the minimum
20356 necessary for efficient and effective administration of the
20357 Voluntary Prekindergarten Education Program. Administrative
20358 policies and procedures shall be revised, to the maximum extent

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20359 practicable, to incorporate the use of automation and electronic
20360 submission of forms, including those required for child
20361 eligibility and enrollment, provider and class registration, and
20362 monthly certification of attendance for payment. A school
20363 district may use its automated daily attendance reporting system
20364 for the purpose of transmitting attendance records to the early
20365 learning coalition in a mutually agreed-upon format. In
20366 addition, actions shall be taken to reduce paperwork, eliminate
20367 the duplication of reports, and eliminate other duplicative
20368 activities. Beginning with the 2010-2011 fiscal year, each early
20369 learning coalition may retain and expend no more than 4.5
20370 percent of the funds paid by the coalition to private
20371 prekindergarten providers and public schools under paragraph
20372 (5)(b). Funds retained by an early learning coalition under this
20373 subsection may be used only for administering the Voluntary
20374 Prekindergarten Education Program and may not be used for the
20375 school readiness program or other programs.
20376 Section 360. Subsection (1) of section 1002.72, Florida
20377 Statutes, is amended to read:
20378 1002.72 Records of children in the Voluntary
20379 Prekindergarten Education Program.—
20380 (1)(a) The records of a child enrolled in the Voluntary
20381 Prekindergarten Education Program held by an early learning
20382 coalition, the department ~~Agency for Workforce Innovation~~, or a
20383 Voluntary Prekindergarten Education Program provider are
20384 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
20385 of the State Constitution. For purposes of this section, such
20386 records include assessment data, health data, records of teacher
20387 observations, and personal identifying information of an

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20388 enrolled child and his or her parent.
20389 (b) This exemption applies to the records of a child
20390 enrolled in the Voluntary Prekindergarten Education Program held
20391 by an early learning coalition, the department ~~Agency for~~
20392 ~~Workforce Innovation~~, or a Voluntary Prekindergarten Education
20393 Program provider before, on, or after the effective date of this
20394 exemption.
20395 Section 361. Subsections (1) and (5) of section 1002.77,
20396 Florida Statutes, are amended to read:
20397 1002.77 Florida Early Learning Advisory Council.—
20398 (1) There is created the Florida Early Learning Advisory
20399 Council within the department ~~Agency for Workforce Innovation~~.
20400 The purpose of the advisory council is to submit recommendations
20401 to the department ~~and the Agency for Workforce Innovation~~ on the
20402 early learning policy of this state, including recommendations
20403 relating to administration of the Voluntary Prekindergarten
20404 Education Program under this part and the school readiness
20405 programs under s. 411.01.
20406 (5) The department ~~Agency for Workforce Innovation~~ shall
20407 provide staff and administrative support for the advisory
20408 council.
20409 Section 362. Section 1002.79, Florida Statutes, is amended
20410 to read:
20411 1002.79 Rulemaking authority.—
20412 ~~(1)~~ The State Board of Education shall adopt rules under
20413 ss. 120.536(1) and 120.54 to administer the provisions of this
20414 part ~~conferring duties upon the department~~.
20415 ~~(2) The Agency for Workforce Innovation shall adopt rules~~
20416 ~~under ss. 120.536(1) and 120.54 to administer the provisions of~~

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20417 ~~this part conferring duties upon the agency.~~
20418 Section 363. Subsections (2) and (3), paragraph (c) of
20419 subsection (4), and subsection (5) of section 1003.491, Florida
20420 Statutes, are amended to read:
20421 1003.491 Florida Career and Professional Education Act.—The
20422 Florida Career and Professional Education Act is created to
20423 provide a statewide planning partnership between the business
20424 and education communities in order to attract, expand, and
20425 retain targeted, high-value industry and to sustain a strong,
20426 knowledge-based economy.
20427 (2) ~~Beginning with the 2007-2008 school year,~~ Each district
20428 school board shall develop, in collaboration with local
20429 workforce boards and postsecondary institutions approved to
20430 operate in the state, a strategic 5-year plan to address and
20431 meet local and regional workforce demands. If involvement of the
20432 local workforce board in the strategic plan development is not
20433 feasible, the local school board, with the approval of Jobs
20434 Florida ~~the Agency for Workforce Innovation~~, shall collaborate
20435 with the most appropriate local business leadership board. Two
20436 or more school districts may collaborate in the development of
20437 the strategic plan and offer a career and professional academy
20438 as a joint venture. Such plans must describe in detail
20439 provisions for efficient transportation of students, maximum use
20440 of shared resources, and access to courses through the Florida
20441 Virtual School when appropriate. Each strategic plan shall ~~be~~
20442 ~~completed no later than June 30, 2008, and shall~~ include
20443 provisions to have in place at least one operational career and
20444 professional academy, pursuant to s. 1003.492~~, no later than the~~
20445 ~~beginning of the 2008-2009 school year~~.

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20446 (3) The strategic 5-year plan developed jointly between the
20447 local school district, local workforce boards, and state-
20448 approved postsecondary institutions shall be constructed and
20449 based on:
20450 (a) Research conducted to objectively determine local and
20451 regional workforce needs for the ensuing 5 years, using labor
20452 projections of the United States Department of Labor and Jobs
20453 Florida ~~the Agency for Workforce Innovation~~;
20454 (b) Strategies to develop and implement career academies
20455 based on those careers determined to be in high demand;
20456 (c) Maximum use of private sector facilities and personnel;
20457 (d) Strategies that ensure instruction by industry-
20458 certified faculty and standards and strategies to maintain
20459 current industry credentials and for recruiting and retaining
20460 faculty to meet those standards;
20461 (e) Alignment to requirements for middle school career
20462 exploration and high school redesign;
20463 (f) Provisions to ensure that courses offered through
20464 career and professional academies are academically rigorous,
20465 meet or exceed appropriate state-adopted subject area standards,
20466 result in attainment of industry certification, and, when
20467 appropriate, result in postsecondary credit;
20468 (g) Establishment of student eligibility criteria in career
20469 and professional academies which include opportunities for
20470 students who have been unsuccessful in traditional classrooms
20471 but who show aptitude to participate in academies. School boards
20472 shall address the analysis of eighth grade student achievement
20473 data to provide opportunities for students who may be deemed as
20474 potential dropouts to participate in career and professional

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20475 academies;
20476 (h) Strategies to provide sufficient space within academies
20477 to meet workforce needs and to provide access to all interested
20478 and qualified students;
20479 (i) Strategies to engage Department of Juvenile Justice
20480 students in career and professional academy training that leads
20481 to industry certification;
20482 (j) Opportunities for high school students to earn weighted
20483 or dual enrollment credit for higher-level career and technical
20484 courses;
20485 (k) Promotion of the benefits of the Gold Seal Bright
20486 Futures Scholarship;
20487 (l) Strategies to ensure the review of district pupil-
20488 progression plans and to amend such plans to include career and
20489 professional courses and to include courses that may qualify as
20490 substitute courses for core graduation requirements and those
20491 that may be counted as elective courses; and
20492 (m) Strategies to provide professional development for
20493 secondary guidance counselors on the benefits of career and
20494 professional academies.
20495 (4) The State Board of Education shall establish a process
20496 for the continual and uninterrupted review of newly proposed
20497 core secondary courses and existing courses requested to be
20498 considered as core courses to ensure that sufficient rigor and
20499 relevance is provided for workforce skills and postsecondary
20500 education and aligned to state curriculum standards. The review
20501 of newly proposed core secondary courses shall be the
20502 responsibility of a curriculum review committee whose membership
20503 is approved by the Workforce Florida Board as described in s.

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20504 445.004, and shall include:
20505 (c) Three workforce representatives recommended by Jobs
20506 Florida ~~the Agency for Workforce Innovation~~.
20507 (5) The submission and review of newly proposed core
20508 courses shall be conducted electronically, and each proposed
20509 core course shall be approved or denied within 60 days. All
20510 courses approved as core courses for high school graduation
20511 purposes shall be immediately added to the Course Code
20512 Directory. Approved core courses shall also be reviewed and
20513 considered for approval for dual enrollment credit. The Board of
20514 Governors and the Commissioner of Education shall jointly
20515 recommend an annual deadline for approval of new core courses to
20516 be included for purposes of postsecondary admissions and dual
20517 enrollment credit the following academic year. The State Board
20518 of Education shall establish an appeals process in the event
20519 that a proposed course is denied which shall require a consensus
20520 ruling by Jobs Florida ~~the Agency for Workforce Innovation~~ and
20521 the Commissioner of Education within 15 days. ~~The curriculum~~
20522 ~~review committee must be established and operational no later~~
20523 ~~than September 1, 2007.~~
20524 Section 364. Subsections (2) and (3) of section 1003.492,
20525 Florida Statutes, are amended to read:
20526 1003.492 Industry-certified career education programs.—
20527 (2) The State Board of Education shall use the expertise of
20528 Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ to
20529 develop and adopt rules pursuant to ss. 120.536(1) and 120.54
20530 for implementing an industry certification process. Industry
20531 certification shall be defined by Jobs Florida ~~the Agency for~~
20532 ~~Workforce Innovation~~, based upon the highest available national

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20533 standards for specific industry certification, to ensure student
20534 skill proficiency and to address emerging labor market and
20535 industry trends. A regional workforce board or a career and
20536 professional academy may apply to Workforce Florida, Inc., to
20537 request additions to the approved list of industry
20538 certifications based on high-demand job requirements in the
20539 regional economy. The list of industry certifications approved
20540 by Workforce Florida, Inc., and the Department of Education
20541 shall be published and updated annually by a date certain, to be
20542 included in the adopted rule.
20543 (3) The Department of Education shall collect student
20544 achievement and performance data in industry-certified career
20545 education programs and shall work with Workforce Florida, Inc.,
20546 ~~and Enterprise Florida, Inc.,~~ in the analysis of collected data.
20547 The data collection and analyses shall examine the performance
20548 of participating students over time. Performance factors shall
20549 include, but not be limited to, graduation rates, retention
20550 rates, Florida Bright Futures Scholarship awards, additional
20551 educational attainment, employment records, earnings, industry
20552 certification, and employer satisfaction. The results of this
20553 study shall be submitted to the President of the Senate and the
20554 Speaker of the House of Representatives annually by December 31.
20555 Section 365. Paragraphs (f) and (k) of subsection (4) of
20556 section 1003.493, Florida Statutes, are amended to read:
20557 1003.493 Career and professional academies.—
20558 (4) Each career and professional academy must:
20559 (f) Provide instruction in careers designated as high
20560 growth, high demand, and high pay by the local workforce
20561 development board, the chamber of commerce, or Jobs Florida ~~the~~

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20562 ~~Agency for Workforce Innovation~~.
20563 (k) Include an evaluation plan developed jointly with the
20564 Department of Education and the local workforce board. The
20565 evaluation plan must include an assessment tool based on
20566 national industry standards, such as the Career Academy National
20567 Standards of Practice, and outcome measures, including, but not
20568 limited to, achievement of national industry certifications
20569 identified in the Industry Certification Funding List, pursuant
20570 to rules adopted by the State Board of Education, graduation
20571 rates, enrollment in postsecondary education, business and
20572 industry satisfaction, employment and earnings, awards of
20573 postsecondary credit and scholarships, and student achievement
20574 levels and learning gains on statewide assessments administered
20575 under s. 1008.22(3)(c). The Department of Education shall use
20576 Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ in
20577 identifying industry experts to participate in developing and
20578 implementing such assessments.
20579 Section 366. Subsection (3) of section 1003.575, Florida
20580 Statutes, is amended to read:
20581 1003.575 Assistive technology devices; findings;
20582 interagency agreements.—Accessibility, utilization, and
20583 coordination of appropriate assistive technology devices and
20584 services are essential as a young person with disabilities moves
20585 from early intervention to preschool, from preschool to school,
20586 from one school to another, and from school to employment or
20587 independent living. To ensure that an assistive technology
20588 device issued to a young person as part of his or her
20589 individualized family support plan, individual support plan, or
20590 an individual education plan remains with the individual through

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20591 such transitions, the following agencies shall enter into
20592 interagency agreements, as appropriate, to ensure the
20593 transaction of assistive technology devices:
20594 (3) The Voluntary Prekindergarten Education Program
20595 administered by the Department of Education ~~and the Agency for~~
20596 ~~Workforce Innovation~~.
20597
20598 Interagency agreements entered into pursuant to this section
20599 shall provide a framework for ensuring that young persons with
20600 disabilities and their families, educators, and employers are
20601 informed about the utilization and coordination of assistive
20602 technology devices and services that may assist in meeting
20603 transition needs, and shall establish a mechanism by which a
20604 young person or his or her parent may request that an assistive
20605 technology device remain with the young person as he or she
20606 moves through the continuum from home to school to postschool.
20607 Section 367. Subsection (4) of section 1003.4285, Florida
20608 Statutes, is amended to read:
20609 1003.4285 Standard high school diploma designations.—Each
20610 standard high school diploma shall include, as applicable:
20611 (4) A designation reflecting a Florida Ready to Work
20612 Credential in accordance with s. 445.06 ~~s. 1004.99~~.
20613 Section 368. Paragraph (j) of subsection (4) of section
20614 1003.493, Florida Statutes, is amended to read:
20615 1003.493 Career and professional academies.—
20616 (4) Each career and professional academy must:
20617 (j) Provide opportunities for students to obtain the
20618 Florida Ready to Work Certification pursuant to s. 445.06 ~~s.~~
20619 ~~1004.99~~.

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20620 Section 369. Paragraphs (a), (e), and (f) of subsection (4)
20621 and paragraph (c) of subsection (5) of section 1004.226, Florida
20622 Statutes, are amended to read:
20623 1004.226 The 21st Century Technology, Research, and
20624 Scholarship Enhancement Act.—
20625 (4) FLORIDA TECHNOLOGY, RESEARCH, AND SCHOLARSHIP BOARD.—
20626 The Florida Technology, Research, and Scholarship Board is
20627 created within the Board of Governors of the State University
20628 System to guide the establishment of Centers of Excellence, the
20629 attraction of world class scholars, and the commercialization of
20630 products and services developed from the research and
20631 development conducted at state universities.
20632 (a) The board shall consist of 11 members. Five members
20633 shall be appointed by the Governor, one of whom the Governor
20634 shall appoint as chair of the board, one of whom must be a
20635 member of the board of directors of the Jobs Florida Partnership
20636 ~~Enterprise Florida~~, Inc., and one of whom must be a member of
20637 the Board of Governors of the State University System. Three
20638 members shall be appointed by the President of the Senate, and
20639 three members shall be appointed by the Speaker of the House of
20640 Representatives. Appointed members must be representative of
20641 business leaders, industrial researchers, academic researchers,
20642 scientists, and leaders in the emerging and advanced technology
20643 sector. Appointed members may not serve for more than 4 years,
20644 and any vacancy that occurs during these appointees' terms shall
20645 be filled in the same manner as the original appointment. A
20646 majority of members constitutes a quorum.
20647 (e) The board shall recommend to the Board of Governors the
20648 qualifications, standards, and requirements for approval of

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20649 investments in Centers of Excellence under this act. The board
20650 may form committees of its members and is encouraged to consult
20651 with the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., the
20652 Florida Research Consortium, Bio-Florida, IT Florida, the
20653 Florida Aviation Aerospace Alliance, and any other entity whose
20654 input may be helpful in determining the requirements and
20655 standards for the program.
20656 (f) The board shall review and approve State University
20657 Research Commercialization Assistance Grants under subsection
20658 (7). The board is encouraged to consult with the Jobs Florida
20659 Partnership ~~Enterprise Florida~~, Inc.; entities with prior
20660 experience in early stage business investment; and any other
20661 entity whose input may be helpful in evaluating grant proposals.
20662 (5) THE 21ST CENTURY WORLD CLASS SCHOLARS PROGRAM.—
20663 (c) The board, in consultation with senior administrators
20664 of state universities, state university foundation directors,
20665 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
20666 ~~Development~~, the board of directors of the Jobs Florida
20667 Partnership ~~Enterprise Florida~~, Inc., and leading members of
20668 private industry, shall develop and recommend to the Board of
20669 Governors criteria for the 21st Century World Class Scholars
20670 Program. Such criteria shall address, at a minimum, the
20671 following:
20672 1. The presence of distinguished faculty members, including
20673 whether the university has a substantial history of external
20674 funding, along with the strong potential for attracting a
20675 scholar of national or international eminence.
20676 2. The presence of academically outstanding students, along
20677 with the promise and potential for attracting additional highly

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20678 qualified students.
20679 3. The presence of adequate research and scholarly support
20680 services.
20681 4. The existence of an academic environment having
20682 appropriate infrastructure, including buildings, classrooms,
20683 libraries, laboratories, and specialized equipment, that is
20684 conducive to the conduct of the highest quality of scholarship
20685 and research.
20686 5. The demonstration of concordance with Florida's
20687 strategic plan for economic development or an emphasis on one or
20688 more emerging sciences or technologies that could favorably
20689 impact the state's economic future.
20690 Section 370. Paragraph (d) of subsection (5) of section
20691 1004.65, Florida Statutes, is amended to read:
20692 1004.65 Florida colleges; governance, mission, and
20693 responsibilities.—
20694 (5) The primary mission and responsibility of Florida
20695 colleges is responding to community needs for postsecondary
20696 academic education and career degree education. This mission and
20697 responsibility includes being responsible for:
20698 (d) Promoting economic development for the state within
20699 each Florida college district through the provision of special
20700 programs, including, but not limited to, the:
20701 1. Programs relating to the Jobs Florida Partnership, Inc
20702 ~~Enterprise Florida-related programs~~.
20703 2. Technology transfer centers.
20704 3. Economic development centers.
20705 4. Workforce literacy programs.
20706 Section 371. Subsection (5) of section 1004.77, Florida

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20707 Statutes, is amended to read:
20708 1004.77 Centers of technology innovation.—
20709 (5) The State Board of Education shall give priority in the
20710 designation of centers to those community colleges that
20711 specialize in technology in environmental areas and in areas
20712 related to target industries of the Jobs Florida Partnership
20713 ~~Enterprise Florida~~, Inc. Priority in designation shall also be
20714 given to community colleges that develop new and improved
20715 manufacturing techniques and related business practices.
20716 Section 372. Paragraph (b) of subsection (10) of section
20717 1004.78, Florida Statutes, is amended to read:
20718 1004.78 Technology transfer centers at community colleges.—
20719 (10) The State Board of Education may award grants to
20720 community colleges, or consortia of public and private colleges
20721 and universities and other public and private entities, for the
20722 purpose of supporting the objectives of this section. Grants
20723 awarded pursuant to this subsection shall be in accordance with
20724 rules of the State Board of Education. Such rules shall include
20725 the following provisions:
20726 (b) Grants to centers funded with state revenues
20727 appropriated specifically for technology transfer activities
20728 shall be reviewed and approved by the State Board of Education
20729 using proposal solicitation, evaluation, and selection
20730 procedures established by the state board in consultation with
20731 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc. Such
20732 procedures may include designation of specific areas or
20733 applications of technology as priorities for the receipt of
20734 funding.
20735 Section 373. Subsection (3) of section 1008.39, Florida

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20736 Statutes, is amended to read:
20737 1008.39 Florida Education and Training Placement
20738 Information Program.—
20739 (3) The Florida Education and Training Placement
20740 Information Program must not make public any information that
20741 could identify an individual or the individual's employer. The
20742 Department of Education must ensure that the purpose of
20743 obtaining placement information is to evaluate and improve
20744 public programs or to conduct research for the purpose of
20745 improving services to the individuals whose social security
20746 numbers are used to identify their placement. If an agreement
20747 assures that this purpose will be served and that privacy will
20748 be protected, the Department of Education shall have access to
20749 the unemployment insurance wage reports maintained by Jobs
20750 Florida ~~the Agency for Workforce Innovation~~, the files of the
20751 Department of Children and Family Services that contain
20752 information about the distribution of public assistance, the
20753 files of the Department of Corrections that contain records of
20754 incarcerations, and the files of the Department of Business and
20755 Professional Regulation that contain the results of licensure
20756 examination.
20757 Section 374. Subsection (3) of section 1008.41, Florida
20758 Statutes, is amended to read:
20759 1008.41 Workforce education; management information
20760 system.—
20761 (3) Planning and evaluation of job-preparatory programs
20762 shall be based on standard sources of data and use standard
20763 occupational definitions and coding structures, including, but
20764 not limited to:

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20765 (a) The Florida Occupational Information System;
20766 (b) The Florida Education and Training Placement
20767 Information Program;
20768 (c) Jobs Florida ~~The Agency for Workforce Innovation~~;
20769 (d) The United States Department of Labor; and
20770 (e) Other sources of data developed using statistically
20771 valid procedures.
20772 Section 375. Subsections (2), (3), (4), (5), and (6) of
20773 section 1011.76, Florida Statutes, are amended to read:
20774 1011.76 Small School District Stabilization Program.—
20775 (2) In order to participate in this program, a school
20776 district must be located in a rural area of critical economic
20777 concern designated by the Executive Office of the Governor, and
20778 the district school board must submit a resolution to Jobs
20779 Florida ~~the Office of Tourism, Trade, and Economic Development~~
20780 requesting participation in the program. A rural area of
20781 critical economic concern must be a rural community, or a region
20782 composed of such, that has been adversely affected by an
20783 extraordinary economic event or a natural disaster or that
20784 presents a unique economic development concern or opportunity of
20785 regional impact. The resolution must be accompanied with
20786 documentation of the economic conditions in the community,
20787 provide information indicating the negative impact of these
20788 conditions on the school district’s financial stability, and the
20789 school district must participate in a best financial management
20790 practices review to determine potential efficiencies that could
20791 be implemented to reduce program costs in the district.
20792 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
20793 ~~Development~~, in consultation with the Department of Education,

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20794 shall review the resolution and other information required by
20795 subsection (2) and determine whether the school district is
20796 eligible to participate in the program. Factors influencing the
20797 office's determination may include, but are not limited to,
20798 reductions in the county tax roll resulting from business
20799 closures or other causes, or a reduction in student enrollment
20800 due to business closures or impacts in the local economy.
20801 (4) ~~Effective July 1, 2000, and thereafter,~~ When Jobs
20802 Florida ~~the Office of Tourism, Trade, and Economic Development~~
20803 authorizes a school district to participate in the program, the
20804 Legislature may give priority to that district for a best
20805 financial management practices review in the school district,
20806 subject to approval pursuant to s. 1008.35(7), to the extent
20807 that funding is provided annually for such purpose in the
20808 General Appropriations Act. The scope of the review shall be as
20809 set forth in s. 1008.35.
20810 (5) ~~Effective July 1, 2000, and thereafter,~~ The Department
20811 of Education may award the school district a stabilization grant
20812 intended to protect the district from continued financial
20813 reductions. The amount of the grant will be determined by the
20814 Department of Education and may be equivalent to the amount of
20815 the decline in revenues projected for the next fiscal year. In
20816 addition, Jobs Florida ~~the Office of Tourism, Trade, and~~
20817 ~~Economic Development~~ may implement a rural economic development
20818 initiative to identify the economic factors that are negatively
20819 impacting the community and may consult with the Jobs Florida
20820 Partnership, Inc. ~~Enterprise Florida, Inc.~~, in developing a plan
20821 to assist the county with its economic transition. The grant
20822 will be available to the school district for a period of up to 5

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20823 years to the extent that funding is provided for such purpose in
20824 the General Appropriations Act.
20825 (6) Based on the availability of funds, Jobs Florida ~~the~~
20826 ~~Office of Tourism, Trade, and Economic Development~~ or the
20827 Department of Education may enter into contracts or issue grants
20828 necessary to implement the program.
20829 Section 376. Section 1012.2251, Florida Statutes, is
20830 amended to read:
20831 1012.2251 End-of-course examinations for Merit Award
20832 Program. ~~Beginning with the 2007-2008 school year,~~ School
20833 districts that participate in the Merit Award Program under s.
20834 1012.225 must be able to administer end-of-course examinations
20835 based on the Sunshine State Standards in order to measure a
20836 student's understanding and mastery of the entire course in all
20837 grade groupings and subjects for any year in which the districts
20838 participate in the program. The statewide standardized
20839 assessment, College Board Advanced Placement Examination,
20840 International Baccalaureate examination, Advanced International
20841 Certificate of Education examination, or examinations resulting
20842 in national or state industry certification recognized by Jobs
20843 Florida ~~the Agency for Workforce Innovation~~ satisfy the
20844 requirements of this section for the respective grade groupings
20845 and subjects assessed by these examinations and assessments.
20846 Section 377. Section 20.505, Florida Statutes, is
20847 transferred, renumbered as section 20.605, Florida Statutes, and
20848 amended to read:
20849 20.605 ~~20.505~~ Administrative Trust Fund of Jobs Florida ~~the~~
20850 ~~Agency for Workforce Innovation~~.
20851 (1) The Administrative Trust Fund is created within Jobs

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20852 Florida ~~the Agency for Workforce Innovation~~.
20853 (2) Funds shall be used for the purpose of supporting the
20854 administrative functions of Jobs Florida ~~the agency~~ as required
20855 by law, pursuant to legislative appropriation or an approved
20856 amendment to Jobs Florida ~~the agency's~~ operating budget pursuant
20857 to the provisions of chapter 216.
20858 (3) Notwithstanding the provisions of s. 216.301 and
20859 pursuant to s. 216.351, any balance in the trust fund at the end
20860 of any fiscal year shall remain in the trust fund at the end of
20861 the year and shall be available for carrying out the purposes of
20862 the trust fund.
20863 Section 378. Section 1004.99, Florida Statutes, is
20864 transferred, renumbered as section 445.06, Florida Statutes, and
20865 amended to read:
20866 445.06 ~~1004.99~~ Florida Ready to Work Certification
20867 Program.—
20868 (1) There is created the Florida Ready to Work
20869 Certification Program to enhance the workplace skills of
20870 Floridians ~~Florida's students~~ to better prepare them for
20871 successful employment in specific occupations.
20872 (2) The Florida Ready to Work Certification Program may be
20873 conducted in public middle and high schools, community colleges,
20874 technical centers, one-stop career centers, vocational
20875 rehabilitation centers, and Department of Juvenile Justice
20876 educational facilities. The program may be made available to
20877 other entities that provide job training. Jobs Florida, in
20878 coordination with the Department of Education, shall establish
20879 institutional readiness criteria for program implementation.
20880 (3) The Florida Ready to Work Certification Program shall

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20881 be composed of:
20882 (a) A comprehensive identification of workplace skills for
20883 each occupation identified for inclusion in the program by Jobs
20884 Florida ~~the Agency for Workforce Innovation~~ and the Department
20885 of Education.
20886 (b) A preinstructional assessment that delineates an
20887 individual's ~~the student's~~ mastery level on the specific
20888 workplace skills identified for that occupation.
20889 (c) A targeted instructional program limited to those
20890 identified workplace skills in which the individual ~~student~~ is
20891 not proficient as measured by the preinstructional assessment.
20892 Instruction must utilize a web-based program and be customized
20893 to meet identified specific needs of local employers.
20894 (d) A Florida Ready to Work Credential and portfolio
20895 awarded to individuals ~~students~~ upon successful completion of
20896 the instruction. Each portfolio must delineate the skills
20897 demonstrated by the individuals ~~student~~ as evidence of the
20898 individual's ~~student's~~ preparation for employment.
20899 (4) A Florida Ready to Work Credential shall be awarded to
20900 an individual ~~a student~~ who successfully passes assessments in
20901 Reading for Information, Applied Mathematics, and Locating
20902 Information or any other assessments of comparable rigor. Each
20903 assessment shall be scored on a scale of 3 to 7. The level of
20904 the credential each individual ~~student~~ receives is based on the
20905 following:
20906 (a) A bronze-level credential requires a minimum score of 3
20907 or above on each of the assessments.
20908 (b) A silver-level credential requires a minimum score of 4
20909 or above on each of the assessments.

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20910 (c) A gold-level credential requires a minimum score of 5
20911 or above on each of the assessments.
20912 (5) Jobs Florida ~~The State Board of Education~~, in
20913 consultation with the Department of Education ~~Agency for~~
20914 ~~Workforce Innovation~~, may adopt rules pursuant to ss. 120.536(1)
20915 and 120.54 to implement the provisions of this section.
20916 Section 379. Section 14.2015, Florida Statutes, is
20917 repealed.
20918 Section 380. Section 20.18, Florida Statutes, is repealed.
20919 Section 381. Section 20.50, Florida Statutes, is repealed.
20920 Section 382. Sections 255.551, 255.552, 255.553, 255.5535,
20921 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559, 255.56,
20922 255.561, 255.562, and 255.563, Florida Statutes, are repealed.
20923 Section 383. Section 287.115, Florida Statutes, is
20924 repealed.
20925 Section 384. Section 288.038, Florida Statutes, is
20926 repealed.
20927 Section 385. Section 288.063, Florida Statutes, is
20928 repealed.
20929 Section 386. Sections 288.1221, 288.1222, 288.1223,
20930 288.1224, 288.1226, and 288.1227, Florida Statutes, are
20931 repealed.
20932 Section 387. Sections 288.7065, 288.707, 288.708, 288.709,
20933 288.7091, and 288.712, Florida Statutes, are repealed.
20934 Section 388. Section 288.12295, Florida Statutes, is
20935 repealed.
20936 Section 389. Section 288.90151, Florida Statutes, is
20937 repealed.
20938 Section 390. Section 288.9415, Florida Statutes, is

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20939 repealed.
20940 Section 391. Section 288.9618, Florida Statutes, is
20941 repealed.
20942 Section 392. Section 288.982, Florida Statutes, is
20943 repealed.
20944 Section 393. Section 411.0105, Florida Statutes, is
20945 repealed.
20946 Section 394. Section 446.60, Florida Statutes, is repealed.
20947 Section 395. Section 1002.75, Florida Statutes, is
20948 repealed.
20949 Section 396. This act shall take effect July 1, 2011.

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