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;
providing for a transition period; providing for
coordination between the Agency for Workforce
Innovation, the Department of Community Affairs, and
the Office of Tourism, Trade, and Economic Development
and other state agencies to implement the transition;
requiring that the Governor appoint a representative
to coordinate the transition plan; requiring that the
Governor submit information and obtain waivers as
required by federal law; authorizing the Governor to
transfer funds and positions between agencies upon
approval from the Legislative Budget Commission to
implement the act; directing the nonprofit entities to
enter into a plan for merger; transferring the
functions of Space Florida to the Jobs Florida
Partnership, Inc.; providing legislative intent with
respect to the merger of Enterprise Florida, Inc., the
Florida Sports Foundation Incorporated, the Florida
Tourism Industry Marketing Corporation d/b/a VISIT
Florida, and the Florida Black Business Investment
Board, Inc., into and the transfer of Space Florida to
the Jobs Florida Partnership, Inc.; providing for a
transition period; requiring that the Governor appoint
a representative to coordinate the transition plan;
providing for the transfer of any funds held in trust
by the entities to be transferred to the Jobs Florida
Partnership, Inc., to be used for their original
purposes; requiring that the Governor submit
information and obtain waivers as required by federal
law; providing a directive to the Division of
Statutory Revision to prepare conforming legislation; creating s. 14.2016, F.S.; establishing the Office of Emergency Management as a separate budget entity within the Executive Office of the Governor; providing for the director of the office to serve at the pleasure of the Governor; amending s. 20.15, F.S.; establishing the Division of Early Learning within the Department of Education; providing for the office to administer the school readiness system and the Voluntary Prekindergarten Education Program; creating s. 20.60, F.S.; creating Jobs Florida as a new department of state government; providing for the commissioner of Jobs Florida to be appointed by the Governor and confirmed by the Senate; establishing divisions of Jobs Florida and specifying their responsibilities; providing for Jobs Florida to serve as the designated agency for the purposes of federal workforce development grants; authorizing Jobs Florida to contract for training for employees of administrative entities and case managers of contracted providers; specifying that the Unemployment Appeals Commission is not subject to control, supervision, or direction from Jobs Florida; specifying the responsibilities of the commissioner of Jobs Florida; limiting the amount of the commissioner’s public remuneration; specifying powers and responsibilities of the Chief Inspector General in the Executive Office of the Governor with respect to Jobs Florida; providing for Jobs Florida to have an
official seal; providing for Jobs Florida to
administer the role of state government with respect
to laws relating to housing; authorizing Jobs Florida
to adopt rules; amending s. 112.044, F.S.; requiring
an employer, employment agency, and labor organization
to post notices required by the United States
Department of Labor and the United States Equal
Employment Opportunity Commission; amending s.
163.3164, F.S.; redefining the terms “state land
planning agency” and “optional sector plans”; amending
ss. 163.3177 and 163.3180, F.S.; deleting the word
“optional” from the phrase “optional sector plans” to
conform to changes made by the act; amending s.
163.3184, F.S.; creating exceptions to requirements
for comprehensive plan amendments to be reviewed by
the state land planning agency; requiring the state
land planning agency to submit a copy of a
comprehensive plan or plan amendment that relates to
or includes a public schools facilities element to the
Department of Education; amending s. 163.3191, F.S.;
creating exceptions to requirements for a local
government to prepare an evaluation and appraisal
report to assess progress in implementing the local
government’s comprehensive plan; deleting requirements
for a local government to include in an evaluation and
appraisal report certain statements to update a
comprehensive plan; deleting a requirement for a local
government to provide a proposed evaluation and
appraisal report to certain entities and interested
citizens; deleting provisions relating to a requirement for a local government to adopt an evaluation and appraisal report; providing for the report to be submitted as data and analysis in support of the amendments based on evaluation and appraisal report; deleting provisions relating to the delegation of the review of evaluation and appraisal reports; authorizing the state land planning agency to establish a phased schedule for adoption of amendments based on an evaluation and appraisal report; deleting a requirement for the state land planning agency to review the evaluation and appraisal report process and submit a report to the Governor and the Legislature regarding its findings; amending s. 163.3245, F.S.; renaming optional sector plans as sector plans; increasing the minimum size of geographic areas that qualify for the use of sector plans; revising terminology relating to such plans; deleting obsolete provisions; renaming long-term conceptual buildout overlays as long-term master plans; revising the content required to be included in long-term master plans and detailed specified area plans; requiring identification of water development projects and transportation facilities to serve future development needs; exempting certain developments from the requirement to develop a detailed specific area plan; providing that detailed specific area plans shall be adopted by local development orders; requiring that detailed specific area plans include a buildout date.
and precluding certain changes in the development
until after that date; authorizing certain development
agreements between the developer and the local
government; providing for continuation of certain
existing land uses; amending s. 163.3246, F.S.;
deleting the word “optional” from the phrase “optional
sector plans” to conform to changes made by the act;
amending s. 163.32465, F.S.; making the alternative
state review of comprehensive plan amendments
applicable statewide; amending s. 215.559, F.S.;
providing for the Hurricane Loss Mitigation Program to
be housed within the Office of Emergency Management;
extending the repeal date of the program; deleting an
obsolete provision relating to the use of funds for
programs to retrofit certain existing hurricane
shelters; creating s. 288.005, F.S.; defining the
terms “economic benefits” and “commissioner”; creating
s. 288.048, F.S.; creating the incumbent worker
training program within Jobs Florida; providing for
the program to provide preapproved, direct, training-
related costs; providing for the administration of the
program by Jobs Florida in conjunction with Workforce
Florida, Inc.; amending s. 288.061, F.S.; providing
for Jobs Florida and the Jobs Florida Partnership,
Inc., to review applications for state economic
development incentives; authorizing Jobs Florida to
enter into an agreement with an applicant relating to
all incentives offered by the state; amending s.
288.095, F.S.; providing for the Economic Development
Incentives account to be used for certain economic development incentives programs; providing for Jobs Florida to approve applications for certification or requests for participation in certain economic development programs; amending s. 288.1081, F.S.; providing for the Economic Gardening Business Loan Pilot Program to be administered by Jobs Florida; deleting provisions providing for certain funds to be deposited into the General Revenue Fund; deleting provisions that provide for the future repeal of the program; amending s. 288.1082, F.S.; providing for the Economic Gardening Technical Assistance Pilot Program to be administered by Jobs Florida; requesting the Division of Statutory Revision to rename part VII of ch. 288, F.S., as “Jobs Florida Partnership, Inc.”; amending s. 288.901, F.S.; creating the Jobs Florida Partnership, Inc., as a nonprofit corporation; specifying that the partnership is subject to the provisions of chs. 119 and 286, F.S.; specifying that the partnership’s board of directors is subject to certain requirements in ch. 112, F.S.; specifying the purposes of the partnership; creating the board of directors for the partnership; naming the Governor as chair of the board of directors; specifying appointment procedures, terms of office, selecting a vice chairperson, filling vacancies, and removing board members; providing for the appointment of at-large members to the board of directors; specifying terms; allowing the at-large members to make
contributions to the partnership; specifying that the commissioner of Jobs Florida and the chairs of the advisory councils for each division shall serve as ex officio, nonvoting members of the board of directors; specifying that members of the board of directors shall serve without compensation, but are entitled to reimbursement for all reasonable, necessary, and actual expenses as determined by the board of directors; amending s. 288.9015, F.S.; specifying the powers of the partnership and the board of directors; authorizing liberal construction of the partnership’s statutory powers; prohibiting the partnership from pledging the full faith and credit of the state; allowing the partnership to indemnify, purchase, and maintain insurance on its board members, officers, and employees; amending s. 288.903, F.S.; specifying the duties of the partnership; amending s. 288.904, F.S.; providing for legislative appropriations; requiring a private match equal to at least 35 percent of the appropriation of public funds; specifying potential sources of private funding; directing the board of directors to develop annual budgets; providing for the partnership to enter into an agreement with Jobs Florida; requiring performance measures; requiring review of the partnership’s activities as a return on the public’s financial investment; directing the partnership to consult with the Office of Economic and Demographic Research when hiring an economic analysis firm to prepare the return on investment analysis and
when hiring a survey research firm to develop, analyze
and report on the results of its customer satisfaction
survey; amending s. 288.905, F.S.; directing the
partnership’s board of directors to hire a president,
who shall serve at the pleasure of the Governor;
defining the president’s role and responsibilities;
specifying that no employee of the partnership shall
earn more than the Governor, but provides for the
granting of performance-based incentive payments to
employees that may increase their total compensation
in excess of the Governor’s; amending s. 288.906,
F.S.; requiring the partnership to prepare an annual
report by December 1 of each year; specifying the
content of the annual report; creating s. 288.907,
F.S.; requiring the partnership to create an annual
incentives report; specifying the required components
of the report; amending s. 288.911, F.S.; requiring the
partnership to promote and market this state to
businesses in target industries and high-impact
industries; creating s. 288.912, F.S.; requiring that
certain counties and municipalities annually provide
to the partnership an overview of certain local
economic development activities; creating s. 288.92,
F.S.; specifying divisions within the partnership;
providing for hiring of staff; requiring each division
to have a 15-member advisory council; specifying
selection and appointments to the advisory council;
creating s. 288.921, F.S.; creating the Division of
International Trade and Business Development;
specifying its responsibilities; providing for administration of a grant program; specifying minimum responsibilities of the advisory board; requiring an annual report; creating s. 288.922, F.S.; creating the Division of Business Retention and Recruitment; specifying its responsibilities; specifying minimum responsibilities of the advisory board; requiring an annual report; creating s. 288.923, F.S.; creating the Division of Tourism Marketing; providing definitions; specifying the division’s responsibilities and duties, including a 4-year marketing plan; specifying minimum responsibilities of the advisory board; requiring an annual report; creating s. 288.925, F.S.; creating the Division of Minority Business Development; specifying the division’s responsibilities and duties; requiring an annual report; specifying minimum responsibilities of the advisory council; transferring, renumbering, and amending s. 288.1229, F.S.; creating the Division of Sports Industry Development; specifying the division’s responsibilities; requiring an annual report; specifying minimum responsibilities of the advisory board; advisory board; amending s. 290.0055, F.S.; authorizing certain governing bodies to apply to Jobs Florida to amend the boundary of an enterprise zone that includes a rural area of critical economic concern; providing a limitation; authorizing Jobs Florida to approve the amendment application subject to certain requirements; requiring that Jobs Florida establish the effective date of certain enterprise
zones; creating s. 290.00726, F.S.; authorizing Martin County to apply to Jobs Florida for designation of an enterprise zone; providing application requirements; authorizing Jobs Florida to designate an enterprise zone in Martin County; providing responsibilities of Jobs Florida; amending s. 409.942, F.S.; deleting requirements that Workforce Florida, Inc., establish an electronic transfer benefit program; amending s. 411.0102, F.S.; requiring each participating early learning coalition board to develop a plan for the use of child care purchasing pool funds; amending s. 1002.73, F.S.; requiring the Department of Education to administer the operational requirements of the Voluntary Prekindergarten Education Program; requiring the Department of Education to adopt procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts; requiring the Department of Education to adopt procedures for the distribution of funds to early learning coalitions; amending ss. 11.45, 14.20195, 15.18, 15.184, 16.615, 39.001, 45.031, 69.041, 112.3135, 119.071, 120.80, 125.01045, 159.803, 159.8081, 159.8083, 161.54, 163.03, 163.3178, 163.3221, 163.360, 166.0446, 175.021, 186.504, 186.505, 202.037, 212.08, 212.096, 212.097, 212.098, 212.20, 213.053, 215.5586, 216.136, 216.292, 216.31, 218.64, 220.03, 220.183, 220.191, 222.15, 250.06, 252.32, 252.34, 252.35, 252.355, 252.3568, 252.36, 252.365, 252.37, 252.371,
2011.2156e2

320  252.373, 252.38, 252.385, 252.40, 252.41, 252.42,
321  252.43, 252.44, 252.46, 252.55, 252.60, 252.61,
322  252.82, 252.83, 252.85, 252.86, 252.87, 252.88,
323  252.936, 252.937, 252.943, 252.946, 255.099, 259.035,
324  260.0142, 272.11, 282.34, 282.709, 287.09431,
325  287.09451, 287.0947, 288.012, 288.017, 288.018,
326  288.019, 288.021, 288.035, 288.047, 288.065, 288.0655,
327  288.0656, 288.06561, 288.0657, 288.0658, 288.0659,
328  288.075, 288.1045, 288.106, 288.107, 288.108,
329  288.1083, 288.1088, 288.1089, 288.1095, 288.1162,
330  288.11621, 288.1168, 288.1169, 288.1171, 288.122,
331  288.12265, 288.124, 288.1251, 288.1252, 288.1253,
332  288.1254, 288.386, 288.7011, 288.7015, 288.705,
333  288.706, 288.7094, 288.7102, 288.714, 288.773,
334  288.774, 288.776, 288.7771, 288.816, 288.809, 288.826,
335  288.95155, 288.955, 288.9519, 288.9520, 288.9603,
336  288.9604, 288.9605, 288.9606, 288.9614, 288.9624,
337  288.9625, 288.975, 288.980, 288.984, 288.9913,
338  288.9914, 288.9916, 288.9917, 288.9918, 288.9919,
339  288.9920, 288.9921, 290.004, 290.0055, 290.0056,
340  290.0065, 290.0066, 290.00710, 290.0072, 290.00725,
341  290.0073, 290.0074, 290.0077, 290.014, 311.09, 311.11,
342  311.115, 311.22, 320.08058, 331.302, 331.3081,
343  331.369, 339.08, 339.135, 364.0135, 377.703, 377.711,
344  377.712, 377.804, 380.031, 380.06, 380.115, 380.285,
345  381.0054, 381.0086, 381.7354, 381.855, 383.14,
346  402.281, 402.45, 402.56, 403.42, 403.7032, 403.973,
347  409.017, 409.1451, 409.2576, 409.944, 409.946, 411.01,
348  411.0101, 411.01013, 411.01014, 411.01015, 411.0103,
411.0104, 411.0106, 411.011, 411.226, 411.227, 414.24,
414.40, 414.295, 414.411, 420.631, 420.635, 429.907,
440.12, 440.15, 440.381, 440.385, 440.49, 443.012,
443.036, 443.041, 443.051, 443.071, 443.091, 443.101,
443.1113, 443.1115, 443.1116, 443.1215, 443.1216,
443.1217, 443.131, 443.1312, 443.1313, 443.1315,
443.1316, 443.1317, 443.141, 443.151, 443.163,
443.171, 443.1715, 443.181, 443.191, 443.211, 443.221,
445.002, 445.003, 445.004, 445.006, 445.007, 445.009,
445.016, 445.024, 445.0325, 445.038, 445.045, 445.048,
445.049, 445.051, 445.056, 446.41, 446.44, 446.50,
446.52, 448.109, 448.110, 450.161, 450.191, 450.31,
464.203, 468.529, 469.002, 469.003, 489.1455,
489.5335, 526.143, 526.144, 551.104, 553.62, 570.248,
570.96, 597.006, 624.5105, 625.3255, 627.0628,
657.042, 658.67, 768.13, 943.03, 943.03101, 943.0311,
943.0312, 943.0313, 944.012, 944.708, 944.801, 945.10,
985.601, 1002.375, 1002.53, 1002.55, 1002.61, 1002.63,
1002.67, 1002.69, 1002.71, 1002.72, 1002.77, 1002.79,
1003.491, 1003.492, 1003.493, 1003.575, 1003.4285,
1003.493, 1004.226, 1004.65, 1004.77, 1004.78,
1008.39, 1008.41, 1011.76, and 1012.2251, F.S.;
conforming provisions to changes made by the act;
conforming cross-references; deleting obsolete
provisions; amending s. 411.01(4), F.S., to ensure the
Department of Education provides preservation of
parental choice; amending s. 1002.67, F.S., to provide
for private prekindergarten providers or public
schools that are on probation to use a staff

CODING: Words stricken are deletions; words underlined are additions.
development plan to strengthen instruction in language development and phonological awareness approved by the department; transferring, renumbering, and amending ss. 20.505 and 1004.99, F.S.; conforming provisions to changes made by the act; repealing s. 14.2015, F.S., which relates to the creation of the Office of Tourism, Trade, and Economic Development; repealing s. 20.18, F.S., which relates to the creation of the Department of Community Affairs; repealing s. 20.50, F.S., which relates to the creation of the Agency for Workforce Innovation; repealing ss. 255.551, 255.552, 255.553, 255.5535, 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559, 255.56, 255.561, 255.562, and 255.563, F.S., which relates to the abatement of asbestos in state buildings; repealing s. 287.115, F.S., which relates to a requirement for the Chief Financial Officer to submit a report on contractual service contracts disallowed; repealing s. 288.038, F.S., which relates to agreements appointing county tax collectors as an agent of the Department of Labor and Employment Security for licenses and other similar registrations; repealing s. 288.063, F.S., which relates to contracts for transportation projects with the Office of Tourism, Trade, and Economic Development; repealing ss. 288.1221, 288.1222, 288.1223, 288.1224, 288.1226, and 288.1227, F.S., which relate to the Florida Commission on Tourism and the Florida Tourism Industry Marketing Corporation; repealing ss. 288.7065, 288.707, 288.708, 288.709,
288.7091, and 288.712, F.S., which relate to the Black
Business Investment Board; repealing s. 288.12295,
F.S., which relates to a public records exemption for
donors for a direct support organization on promotion
and development of sports-related industries and
amateur athletics; repealing s. 288.90151, F.S., which
relates to return on investment from activities of
Enterprise Florida, Inc.; repealing s. 288.9415, F.S.,
which relates to Enterprise Florida, Inc., and
international trade grants; repealing s. 288.9618,
F.S., which relates to an economic development program
for microenterprises; repealing s. 288.982, F.S.,
which relates to a public records exemption for
certain records relating to the United States
Department of Defense Base Realignment and Closure
2005 process; repealing s. 411.0105, F.S., which
designates the Agency for Workforce Innovation as the
lead agency to administer specified federal laws;
amending s. 443.111, F.S.; providing that unemployment
benefits are payable electronically, except that an
individual being paid by paper warrant on a specified
date may continue to be paid in that manner until the
expiration of a claim for unemployment compensation;
conforming provisions to changes made by the act;
repealing s. 446.60, F.S., which relates to assistance
for displaced local exchange telecommunications
company workers; repealing s. 1002.75, F.S., relating
to the powers and duties of the Agency for Workforce
Innovation; providing an effective date.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Type two transfers from the Agency for Workforce Innovation.—

(1) All powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the following programs in the Agency for Workforce Innovation are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, as follows:

(a) The Office of Early Learning Services, including all related policies and procedures, is transferred to the Department of Education.

(b) The Office of Unemployment Compensation is transferred to Jobs Florida.

(c) The Office of Workforce Services is transferred to Jobs Florida.

(2) The following trust funds are transferred:

(a) From the Agency for Workforce Innovation to the Department of Education, the Child Care and Development Block Grant Trust Fund.

(b) From the Agency for Workforce Innovation to Jobs Florida:

1. The Administrative Trust Fund.

2. The Employment Security Administration Trust Fund.

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

(a) The Florida Housing Finance Corporation is transferred to Jobs Florida.
(b) The Division of Housing and Community Development is transferred to Jobs Florida.
(c) The Division of Community Planning is transferred to Jobs Florida.
(d) The Division of Emergency Management is transferred to the Executive Office of the Governor, and is renamed the Office of Emergency Management.
(e) The Florida Building Commission is transferred to the Department of Business and Professional Regulation.
(f) The responsibilities under the Florida Communities Trust, part III of chapter 380, Florida Statutes, are transferred to the Department of Environmental Protection.
(g) The responsibilities under the Stan Mayfield Working Waterfronts program authorized in s. 380.5105, Florida Statutes, are transferred to the Department of Environmental Protection.

(2) The following trust funds are transferred:
(a) From the Department of Community Affairs to Jobs Florida:
   1. The Administrative Trust Fund.
   2. The State Housing Trust Fund.
   3. The Community Services Block Grant Trust Fund.
   4. The Local Government Housing Trust Fund.
   5. The Florida Small Cities Community Development Block Grant Trust Fund.
8. The Energy Consumption Trust Fund.

(b) From the Department of Community Affairs to the Executive Office of the Governor:

3. The U.S. Contributions Trust Fund.

(c) From the Department of Community Affairs to the Department of Business and Professional Regulation, the Operating Trust Fund of the Florida Building Commission.

(d) From the Department of Community Affairs to the Department of Environmental Protection:

1. The Florida Forever Program Trust Fund.
2. The Florida Communities Trust Fund.

(3) Any binding contract or interagency agreement existing before July 1, 2011, between the Department of Community Affairs or Division of Emergency Management, or an entity or agent of the department or division, and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement on the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.

(4) All powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts,
administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Department of Community Affairs which are not specifically transferred by this section are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to Jobs Florida.

Section 3. **Type two transfers from Executive Office of the Governor.**

(1) All powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to Jobs Florida.

(2) The following trust funds are transferred from the Executive Office of the Governor to Jobs Florida:

(a) The Economic Development Trust Fund.

(b) The Economic Development Transportation Trust Fund.

(c) The Tourism Promotional Trust Fund.

(d) The Professional Sports Development Trust Fund.

(e) The Florida International Trade and Promotion Trust Fund.

(3) Any binding contract or interagency agreement existing before July 1, 2011, between the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor, or an entity or agent of the office, and any other agency, entity,
or person shall continue as a binding contract or agreement for
the remainder of the term of such contract or agreement on the
successor department, agency, or entity responsible for the
program, activity, or functions relative to the contract or
agreement.

(4) All powers, duties, functions, records, offices,
personnel, property, pending issues, and existing contracts,
administrative authority, administrative rules, and unexpended
balances of appropriations, allocations, and other funds
relating to the Office of Tourism, Trade, and Economic
Development in the Executive Office of the Governor which are
not specifically transferred by this section are transferred by
a type two transfer, as defined in s. 20.06(2), Florida
Statutes, to Jobs Florida.

Section 4. (1) It is the intent of the Legislature that the
changes made by this act be accomplished with minimal disruption
of services provided to the public and with minimal disruption
to employees of any organization. To that end, the Legislature
directs all applicable units of state government to contribute
to the successful implementation of this act, and the
Legislature believes that a transition period between the
effective date of this act and October 1, 2011, is appropriate
and warranted.

(2) The Agency for Workforce Innovation, the Department of
Community Affairs, and the Office of Tourism, Trade, and
Economic Development in the Executive Office of the Governor
shall each coordinate the development and implementation of a
transition plan that supports the implementation of this act.
Any state agency identified by either the Agency for Workforce
Innovation, the Department of Community Affairs, or the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor shall cooperate fully in developing and implementing the plan and shall dedicate the financial and staff resources that are necessary to implement the plan. The Agency for Workforce Innovation, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor shall each designate a staff member to serve as the primary representative on matters related to implementing this act and the transition plans required under this section.

(3) The Governor shall designate a staff member of the Office of Planning and Budgeting to serve as the Governor’s primary representative on matters related to implementing this act for the Agency for Workforce Innovation, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development and the transition plans required under this section. Each representative shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the progress of implementing this act and the transition plans, including, but not limited to, any adverse impact or negative consequences on programs and services related to meeting any deadline imposed by this act, and any difficulties experienced by the Agency for Workforce Innovation, the Department of Community Affairs, or the Office of Tourism, Trade, and Economic Development in securing the full participation and cooperation of applicable state agencies. Each representative shall also coordinate the submission of any budget amendments, in accordance with chapter 216, Florida
(4) Notwithstanding ss. 216.292 and 216.351, Florida Statutes, upon approval by the Legislative Budget Commission, the Executive Office of the Governor may transfer funds and positions between agencies to implement this act.

(5) Upon the recommendation and guidance of the primary representative of the Agency for Workforce Innovation, the Department of Community Affairs, or the Office of Tourism, Trade, and Economic Development, the Governor shall submit in a timely manner to the applicable federal departments or agencies any necessary amendments or supplemental information concerning plans that the state is required to submit to the Federal Government in connection with any federal or state program. The Governor shall seek any waivers from the requirements of Federal law or rules which may be necessary to administer the provisions of this act.

(6) The transfer of any program, activity, duty, or function under this act includes the transfer of any records and unexpended balances of appropriations, allocations, or other funds related to such program, activity, duty, or function. Unless otherwise provided, the successor organization to any program, activity, duty, or function transferred under this act shall become the custodian of any property of the organization that was responsible for the program, activity, duty, or function immediately prior to the transfer.

Section 5. (1) The nonprofit corporations established in ss. 288.901, 288.1229, 288.1226, and 288.707, Florida Statutes, are merged into, and the independent special district established in s. 331.302, Florida Statutes, is transferred to a
new nonprofit corporation established by this act called the
“Jobs Florida Partnership, Inc.”

(2) Enterprise Florida, Inc., the Florida Sports Foundation
Incorporated, the Florida Tourism Industry Marketing Corporation
d/b/a VISIT Florida, and the Florida Black Business Investment
Board, Inc., must enter into a plan to merge into the Jobs
Florida Partnership, Inc. Such merger must be completed by
December 31, 2011. The merger is subject to chapter 617, Florida
Statutes, related to the merger of nonprofit corporations.

(3) The independent special district of Space Florida, and
all powers, duties, functions, records, offices, personnel,
property, pending issues, existing contracts, administrative
authority, administrative rules, and unexpended balances of
appropriations, allocations, and other funds relating to it, are
transferred to the Jobs Florida Partnership, Inc.

(4) It is the intent of the Legislature that the changes
made by this act be accomplished with minimal disruption of
services provided to the public and with minimal disruption to
employees of any organization. To that end, the Legislature
directs that notwithstanding the changes made by this act,
Enterprise Florida, Inc., the Florida Sports Foundation
Incorporated, the Florida Tourism Industry Marketing Corporation
d/b/a VISIT Florida, and the Florida Black Business Investment
Board, Inc., may continue with such powers, duties, functions,
records, offices, personnel, property, pending issues, and
existing contracts as provided in Florida Statutes 2010 until
December 31, 2011. The Legislature believes that a transition
period between the effective date of this act and December 31,
2011, is appropriate and warranted.
(5) The Governor shall designate a staff member of the Office of Planning and Budgeting to serve as the Governor’s primary representative on matters related to implementing this act for the merger of Enterprise Florida, Inc., the Florida Sports Foundation Incorporated, the Florida Tourism Industry Marketing Corporation d/b/a VISIT Florida, and the Florida Black Business Investment Board, Inc., into, and the transfer of Space Florida to the Jobs Florida Partnership, Inc., and the transition plans required under this section. The representative shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the progress of implementing this act and the transition plans, including, but not limited to, any adverse impact or negative consequences on programs and services related to meeting any deadline imposed by this act, and any difficulties experienced by the entities. The representative shall also coordinate the submission of any budget amendments, pursuant to chapter 216, Florida Statutes, which may be necessary to implement this act.

(6) Any funds held in trust which were donated to or earned by Enterprise Florida, Inc., the Florida Sports Foundation Incorporated, the Florida Tourism Industry Marketing Corporation d/b/a VISIT Florida, the Florida Black Business Investment Board, Inc., and Space Florida under a previous incarnation as a corporation under chapter 617, Florida Statutes, or as an independent special district shall be transferred to the Jobs Florida Partnership, Inc., to be used by the relevant division or Space Florida for the original purposes of the funds.

(7) Upon the recommendation and guidance of Enterprise Florida, Inc., the Florida Sports Foundation Incorporated, the
Florida Tourism Industry Marketing Corporation d/b/a VISIT Florida, the Florida Black Business Investment Board, Inc., or Space Florida, the Governor shall submit in a timely manner to the applicable Federal departments or agencies any necessary amendments or supplemental information concerning plans which the state or one of the entities is required to submit to the Federal Government in connection with any federal or state program. The Governor shall seek any waivers from the requirements of Federal law or rules which may be necessary to administer the provisions of this act.

(8) The transfer of any program, activity, duty, or function under this act includes the transfer of any records and unexpended balances of appropriations, allocations, or other funds related to such program, activity, duty, or function.

Unless otherwise provided, the Jobs Florida Partnership, Inc., shall become the custodian of any property of Enterprise Florida, Inc., the Florida Sports Foundation Incorporated, the Florida Tourism Industry Marketing Corporation d/b/a VISIT Florida, the Florida Black Business Investment Board, Inc., or Space Florida by December 31, 2011, by plan of merger.

(9) The Department of Management Services may establish a lease agreement program under which the Jobs Florida Partnership, Inc., may hire any individual who was employed by Enterprise Florida, Inc., or the Florida Black Business Investment Board, Inc., under a previous lease agreement under s. 288.901(2) or s. 288.708(2), Florida Statutes 2010. Under such agreement, the employee shall retain his or her status as a state employee but shall work under the direct supervision of the Jobs Florida Partnership, Inc. Retention of state employee
status shall include the right to participate in the Florida Retirement System and shall continue until the employee voluntarily or involuntarily terminates his or her status with the Jobs Florida Partnership, Inc. The Department of Management Services shall establish the terms and conditions of such lease agreements.

Section 6. The Legislature recognizes that there is a need to conform the Florida Statutes to the policy decisions reflected in this act and that there is a need to resolve apparent conflicts between any other legislation that has been or may be enacted during the 2011 Regular Session of the Legislature and the transfer of duties made by this act. Therefore, in the interim between this act becoming law and the 2012 Regular Session of the Legislature or an earlier special session addressing this issue, the Division of Statutory Revision shall prepare draft legislation to conform the Florida Statutes and any legislation enacted during 2011 to the provisions of this act.

Section 7. Section 14.2016, Florida Statutes, is created to read:

14.2016 Office of Emergency Management.—The Office of Emergency Management is established within the Executive Office of the Governor. The office shall be a separate budget entity, as provided in the General Appropriations Act and shall prepare and submit a budget request in accordance with chapter 216. The office shall be responsible for all professional, technical, and administrative support functions necessary to carry out its responsibilities under part I of chapter 252. The director of the office shall be appointed by and serve at the pleasure of
the Governor, and shall be the head of the office for all purposes. The office shall administer programs to rapidly apply all available aid to communities stricken by an emergency as defined in s. 252.34 and, for this purpose, shall provide liaison with federal agencies and other public and private agencies.

Section 8. Paragraph (h) is added to subsection (3) and subsection (9) is added to section 20.15, Florida Statutes, to read:

20.15 Department of Education.—There is created a Department of Education.

(3) DIVISIONS.—The following divisions of the Department of Education are established:

(h) The Division of Early Learning, which shall administer the school readiness system in accordance with s. 411.01 and the operational requirements of the Voluntary Prekindergarten Education Program in accordance with part V of chapter 1002. The division shall be directed by the Deputy Commissioner for Early Learning, who shall be appointed by and serve at the pleasure of the commissioner.

(9) The department may provide or contract for training for employees of administrative entities and case managers of any contracted providers to ensure they have the necessary competencies and skills to provide adequate administrative oversight and delivery of the full array of client services.

Section 9. Section 20.60, Florida Statutes, is created to read:

20.60 Jobs Florida; creation; powers and duties.—

(1) There is created a department that, notwithstanding the
provisions of s. 20.04(1), shall be called Jobs Florida.

(2) The head of Jobs Florida is the commissioner of Jobs Florida, who shall be appointed by the Governor, subject to confirmation by the Senate. The commissioner shall serve at the pleasure of and report to the Governor.

(3) The following divisions of Jobs Florida are established:

(a) The Division of Strategic Business Development.
(b) The Division of Community Development.
(c) The Division of Workforce Services.
(d) The Division of Finance and Administration.

(4) The purpose of Jobs Florida is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to promote economic opportunities for all Floridians.

To accomplish such purposes, Jobs Florida shall:

(a) Facilitate the direct involvement of the Governor and the Lieutenant Governor in economic development and workforce development projects designed to create, expand, and retain businesses in this state, to recruit business from around the world, and to facilitate other job-creating efforts.

(b) Recruit new businesses to this state and promote the expansion of existing businesses by expediting permitting and location decisions, worker placement and training, and incentive awards.

(c) Ensure that, to the maximum extent possible, there is a link between the economic development and workforce development goals and strategies of the state.
(d) Manage the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; rural community development; commercialization of products, services, or ideas developed in public universities or other public institutions; and the development and promotion of professional and amateur sporting events.

(5) The divisions within Jobs Florida have specific responsibilities to achieve the duties, responsibilities, and goals of Jobs Florida. Specifically:

(a) The Division of Strategic Business Development shall:

1. Analyze and evaluate business prospects identified by the Governor, the commissioner of Jobs Florida, and the Jobs Florida Partnership, Inc. The analysis must include, but is not limited to, a review and processing of a prospect business’s application for incentives and a calculation of its economic benefit to the state. The evaluation shall be based, at a minimum, on the information obtained from the prospect business, the economic benefit calculation, and the business’s eligibility for state incentives.

2. Administer certain tax refund, tax credit, and grant programs created in law. Notwithstanding any other provision of law, Jobs Florida may expend interest earned from the investment of program funds deposited in the Grants and Donations Trust Fund to contract for the administration of those programs, or portions of the programs, assigned to Jobs Florida by law, by...
the appropriations process, or by the Governor. Such
expenditures shall be subject to review under chapter 216.

3. Develop measurement protocols for the state incentive
programs and for the contracted entities which will be used to
determine their performance and competitive value to the state.
Performance measures, benchmarks, and sanctions must be
developed in consultation with the legislative appropriations
committees and the appropriate substantive committees, and are
subject to the review and approval process provided in s.
216.177. The approved performance measures, standards, and
sanctions shall be included and made a part of the strategic
plan for contracts entered into for delivery of programs
authorized by this section.

4. Assist the Jobs Florida Partnership, Inc., in preparing
an annual report to the Legislature on the state of the business
climate in Florida and on the state of economic development in
Florida which includes the identification of problems and the
recommendation of solutions. This report shall be submitted to
the President of the Senate, the Speaker of the House of
Representatives, the Senate Minority Leader, and the House
Minority Leader by January 1 of each year, and shall be in
addition to the Governor’s message to the Legislature required
by the State Constitution and any other economic reports
required by law, including the annual incentives report prepared
by the Jobs Florida Partnership, Inc.

5. Develop a 5-year statewide strategic plan. The strategic
plan must include, but need not be limited to:

a. Strategies for the promotion of business formation,
extension, recruitment, and retention through aggressive
marketing, international development, and export assistance, which lead to more and better jobs and higher wages for all geographic regions, disadvantaged communities, and populations of the state, including rural areas, minority businesses, and urban core areas.

b. The development of realistic policies and programs to further the economic diversity of the state, its regions, and their associated industrial clusters.

c. Specific provisions for the stimulation of economic development and job creation in rural areas and midsize cities and counties of the state.

d. Provisions for the promotion of the successful long-term economic development of the state with increased emphasis in market research and information.

e. Plans for the generation of foreign investment in the state which creates jobs paying above-average wages and which results in reverse investment in the state, including programs that establish viable overseas markets, assist in meeting the financing requirements of export-ready firms, broaden opportunities for international joint venture relationships, use the resources of academic and other institutions, coordinate trade assistance and facilitation services, and facilitate availability of and access to education and training programs that assure requisite skills and competencies necessary to compete successfully in the global marketplace.

f. The identification of business sectors that are of current or future importance to the state’s economy and to the state’s global business image, and development of specific strategies to promote the development of such sectors.
g. Strategies for talent development necessary in the state to encourage economic development growth, taking into account factors such as the state’s talent supply chain, education and training opportunities, and available workforce.

6. Update the strategic plan every 5 years. The division shall involve local governments; the general public; local and regional economic development organizations; other local, state, and federal economic, international, and workforce development entities; the business community; and educational institutions to assist with each update.

(b) The Division of Community Development shall administer:
1. The Community Services Block Grant Program.
2. The Community Development Block Grant Program in chapter 290.
3. The Low-Income Home Energy Assistance Program in chapter 409.
4. The Weatherization Assistance Program in chapter 409.
5. The Neighborhood Stabilization Program.
6. The local comprehensive planning process and the development of regional impact process.
7. The Front Porch Florida Initiative through the Office of Urban Opportunity, which is created within the division. The purpose of the office is to administer the Front Porch Florida initiative, a comprehensive, community-based urban core redevelopment program that enables urban core residents to craft solutions to the unique challenges of each designated community.
8. Any other related programs.

(c) The Division of Workforce Services shall:
1. Prepare and submit a unified budget request for
workforce in accordance with chapter 216 for, and in conjunction with, Workforce Florida, Inc., and its board.

2. Ensure that the state appropriately administers federal and state workforce funding by administering plans and policies of Workforce Florida, Inc., under contract with Workforce Florida, Inc. The operating budget and midyear amendments thereto must be part of such contract.
   a. All program and fiscal instructions to regional workforce boards shall emanate from Jobs Florida pursuant to plans and policies of Workforce Florida, Inc., which shall be responsible for all policy directions to the regional workforce boards.
   b. Unless otherwise provided by agreement with Workforce Florida, Inc., administrative and personnel policies of Jobs Florida shall apply.

3. Implement the state’s unemployment compensation program.

(6)(a) Jobs Florida is the administrative agency designated for receipt of federal workforce development grants and other federal funds. Jobs Florida shall administer the duties and responsibilities assigned by the Governor under each federal grant assigned to Jobs Florida. Jobs Florida shall expend each revenue source as provided by federal and state law and as provided in plans developed by and agreements with Workforce Florida, Inc. Jobs Florida may serve as the contract administrator for contracts entered into by Workforce Florida, Inc., pursuant to s. 445.004(5), as directed by Workforce Florida.
Florida, Inc.

(b) Jobs Florida shall serve as the designated agency for purposes of each federal workforce development grant assigned to it for administration. Jobs Florida shall carry out the duties assigned to it by the Governor, under the terms and conditions of each grant. Jobs Florida shall have the level of authority and autonomy necessary to be the designated recipient of each federal grant assigned to it, and shall disburse such grants pursuant to the plans and policies of Workforce Florida, Inc. The commissioner may, upon delegation from the Governor and pursuant to agreement with Workforce Florida, Inc., sign contracts, grants, and other instruments as necessary to execute functions assigned to Jobs Florida. Notwithstanding other provision of law, Jobs Florida shall administer other programs funded by federal or state appropriations, as determined by the Legislature in the General Appropriations Act or by law.

(7) Jobs Florida may provide or contract for training for employees of administrative entities and case managers of any contracted providers to ensure they have the necessary competencies and skills to provide adequate administrative oversight and delivery of the full array of client services.

(8) The Unemployment Appeals Commission, authorized by s. 443.012, is not subject to control, supervision, or direction by Jobs Florida in the performance of its powers and duties but shall receive any and all support and assistance from Jobs Florida which is required for the performance of its duties.

(9)(a) The commissioner of Jobs Florida shall:

1. Manage all activities and responsibilities of the department.
2. Serve as the Governor’s chief negotiator for business recruitment and business expansion.

3. Serve as the manager for the state with respect to contracts with the Jobs Florida Partnership, Inc., the Institute for the Commercialization of Public Research, and all applicable direct-support organizations. To accomplish the provisions of this section and applicable provisions of chapter 288, and notwithstanding the provisions of part I of chapter 287, the commissioner shall enter into specific contracts with the Jobs Florida Partnership, Inc., the Institute for the Commercialization of Public Research, and other appropriate direct-support organizations. Such contracts may be for multiyear terms and shall include specific performance measures for each year.

4. Serve as the state protocol officer. In consultation with the Governor and other governmental officials, the commissioner shall develop, maintain, publish, and distribute the state protocol manual.

(b) Notwithstanding any other law, resolution, or rule to the contrary, the commissioner may not receive more in public remuneration annually than $130,000, pursuant to the General Appropriations Act.

(10) The Chief Inspector General in the Executive Office of the Governor:

(a) Shall advise public-private partnerships in their development, utilization, and improvement of internal control measures necessary to ensure fiscal accountability.

(b) May conduct, direct, and supervise audits relating to the programs and operations of public-private partnerships.
(c) Shall receive and investigate complaints of fraud, abuses, and deficiencies relating to programs and operations of public-private partnerships.

(d) May request and have access to any records, data, and other information in the possession of public-private partnerships which the Chief Inspector General deems necessary to carry out his or her responsibilities with respect to accountability.

(e) Shall monitor public-private partnerships for compliance with the terms and conditions of contracts with the department and report noncompliance to the Governor.

(f) Shall advise public-private partnerships in the development, utilization, and improvement of performance measures for the evaluation of their operations.

(g) Shall review and make recommendations for improvements in the actions taken by public-private partnerships to meet performance standards.

(11) Jobs Florida shall have an official seal by which its records, orders, and proceedings are authenticated. The seal shall be judicially noticed.

(12) Jobs Florida shall administer the role of state government under part I of chapter 421, relating to public housing, chapter 422, relating to housing cooperation law, and chapter 423, tax exemption of housing authorities. Jobs Florida is the agency of state government responsible for the state’s role in housing and urban development.

(13) Jobs Florida may adopt rules to administer the provisions of law conferring duties upon it.
(5) of section 112.044, Florida Statutes, are amended to read:

112.044 Public employers, employment agencies, labor organizations; discrimination based on age prohibited; exceptions; remedy.—

(2) DEFINITIONS.—For the purpose of this act:

(d) “Department” means the Department of Labor and Employment Security.

(5) NOTICE TO BE POSTED.—Each employer, employment agency, and labor organization shall post and keep posted in conspicuous places upon its premises notices a notice to be prepared or approved by the department setting forth such information as required by the United States Department of Labor and the United States Equal Employment Opportunity Commission department deems appropriate to effectuate the purposes of this act.

Section 11. Subsections (20) and (31) of section 163.3164, Florida Statutes, are amended to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.—As used in this act:

(20) “State land planning agency” means Jobs Florida the Department of Community Affairs.

(31) “Optional Sector plan” means the an optional process authorized by s. 163.3245 in which one or more local governments engage in long-term planning for a large area and by agreement with the state land planning agency are allowed to address regional development of regional impact issues through adoption of detailed specific area plans within the planning area within certain designated geographic areas identified in the local comprehensive plan as a means of fostering innovative planning and development strategies in s. 163.3177(11)(a) and (b),
furthering the purposes of this part and part I of chapter 380, reducing overlapping data and analysis requirements, protecting regionally significant resources and facilities, and addressing extrajurisdictional impacts. The term includes an optional sector plan that was adopted pursuant to the Optional Sector Plan program.

Section 12. Paragraph (d) of subsection (15) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(15)

(d) This subsection does not apply to an optional sector plan adopted pursuant to s. 163.3245, a rural land stewardship area designated pursuant to subsection (11), or any comprehensive plan amendment that includes an inland port terminal or affiliated port development.

Section 13. Paragraph (a) of subsection (12) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(12)(a) A development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government’s concurrency management system, and s. 380.06 by payment of a proportionate-share contribution for local and regionally significant traffic impacts, if:

1. The development of regional impact which, based on its location or mix of land uses, is designed to encourage pedestrian or other nonautomotive modes of transportation;

2. The proportionate-share contribution for local and...
regionally significant traffic impacts is sufficient to pay for one or more required mobility improvements that will benefit a regionally significant transportation facility;

3. The owner and developer of the development of regional impact pays or assures payment of the proportionate-share contribution; and

4. If the regionally significant transportation facility to be constructed or improved is under the maintenance authority of a governmental entity, as defined by s. 334.03(12), other than the local government with jurisdiction over the development of regional impact, the developer is required to enter into a binding and legally enforceable commitment to transfer funds to the governmental entity having maintenance authority or to otherwise assure construction or improvement of the facility.

The proportionate-share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate-share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, “construction cost” includes all associated costs of...
the improvement. Proportionate-share mitigation shall be limited to ensure that a development of regional impact meeting the requirements of this subsection mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs. This subsection also applies to Florida Quality Developments pursuant to s. 380.061 and to detailed specific area plans implementing optional sector plans pursuant to s. 163.3245.

Section 14. Subsections (2), (4), and (11) of section 163.3184, Florida Statutes, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(2) COORDINATION.—Each comprehensive plan or plan amendment proposed to be adopted pursuant to this part, except amendments adopted pursuant to s. 163.32465 or s. 163.3187(1)(c) and (3), shall be transmitted, adopted, and reviewed in the manner prescribed in this section. The state land planning agency shall have responsibility for plan review, coordination, and the preparation and transmission of comments, pursuant to this section, to the local governing body responsible for the comprehensive plan. The state land planning agency shall maintain a single file concerning any proposed or adopted plan amendment submitted by a local government for any review under this section. Copies of all correspondence, papers, notes, memoranda, and other documents received or generated by the state land planning agency must be placed in the appropriate file. Paper copies of all electronic mail correspondence must be placed in the file. The file and its contents must be available for public inspection and copying as provided in chapter 119.
(4) INTERGOVERNMENTAL REVIEW.—The governmental agencies specified in paragraph (3)(a) shall provide comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment. If the plan or plan amendment includes or relates to the public school facilities element pursuant to s. 163.3177(12), the state land planning agency shall submit a copy to the Department of Education Office of Educational Facilities of the Commissioner of Education for review and comment. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. Written comments submitted by the public within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).

(11) ADMINISTRATION COMMISSION.—

(c) The sanctions provided by paragraphs (a) and (b) do not apply to a local government regarding any plan amendment, except for plan amendments that amend plans that have not been finally determined to be in compliance with this part, and except as provided in s. 163.3189(2) or s. 163.3191(9) or s. 163.3191(11).

Section 15. Section 163.3191, Florida Statutes, is amended
163.3191 Evaluation and appraisal of comprehensive plan.—

(1) The planning program shall be a continuous and ongoing process. Each local government shall prepare an evaluation and appraisal report once every 7 years assessing the progress in implementing the local government’s comprehensive plan unless:

(a) The local government has issued development orders for residential units composing less than 10 percent of the local government’s residential development capacity at the time it last submitted amendments based on the evaluation and appraisal report pursuant to subsection (8); and

(b) The local government has not adopted amendments to its comprehensive plan which increase the local government’s residential development capacity by 10 percent or more since it last submitted amendments based on the evaluation and appraisal report pursuant to subsection (8); and

(c) Based upon resident population estimates supplied by the Bureau of Economic and Business Research of the University of Florida or the Executive Office of Governor, the local government demonstrates that its population has not increased by more than 10 percent since it last submitted amendments based on the evaluation and appraisal report pursuant to subsection (8).

Furthermore,

(2) It is the intent of this section that:

(a) Adopted comprehensive plans be reviewed through such evaluation process to respond to changes in state, regional, and local policies on planning and growth management and changing conditions and trends, to ensure effective intergovernmental...
coordination, and to identify major issues regarding the community’s achievement of its goals.

(b) After completion of the initial evaluation and appraisal report and any supporting plan amendments, each subsequent evaluation and appraisal report must evaluate the comprehensive plan in effect at the time of the initiation of the evaluation and appraisal report process.

(c) Local governments identify the major issues, if applicable, with input from state agencies, regional agencies, adjacent local governments, and the public in the evaluation and appraisal report process. It is also the intent of this section to establish minimum requirements for information to ensure predictability, certainty, and integrity in the growth management process. The report is intended to serve as a summary audit of the actions that a local government has undertaken and identify changes that it may need to make. The report should be based on the local government’s analysis of major issues to further the community’s goals consistent with statewide minimum standards. The report is not intended to require a comprehensive rewrite of the elements within the local plan, unless a local government chooses to do so.

(3) The report shall present an evaluation and assessment of the comprehensive plan and the local government is encouraged to include appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(a) Population growth and changes in land area, including annexation, since the adoption of the original plan or the most recent update amendments.
(b) The extent of vacant and developable land.

(c) The financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted level-of-service standards and sustain concurrency management systems through the capital improvements element, as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities.

(d) The location of existing development in relation to the location of development as anticipated in the original plan, or in the plan as amended by the most recent evaluation and appraisal report update amendments, such as within areas designated for urban growth.

(e) An identification of the major issues for the jurisdiction and, where pertinent, the potential social, economic, and environmental impacts.

(f) Relevant changes to the state comprehensive plan, the requirements of this part, the minimum criteria contained in chapter 9J-5, Florida Administrative Code, and the appropriate strategic regional policy plan since the adoption of the original plan or the most recent evaluation and appraisal report update amendments.

(g) An assessment of whether the plan objectives within each element, as they relate to major issues, have been achieved. The report shall include, as appropriate, an identification as to whether unforeseen or unanticipated changes in circumstances have resulted in problems or opportunities with respect to major issues identified in each element and the social, economic, and environmental impacts of the issue.
(h) A brief assessment of successes and shortcomings related to each element of the plan.

(i) The identification of any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report. Such identification shall include, as appropriate, new population projections, new revised planning timeframes, a revised future conditions map or map series, an updated capital improvements element, and any new and revised goals, objectives, and policies for major issues identified within each element. This paragraph shall not require the submittal of the plan amendments with the evaluation and appraisal report.

(j) A summary of the public participation program and activities undertaken by the local government in preparing the report.

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to s. 1013.35. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. For those counties or municipalities that do not have a public schools interlocal agreement or public school facilities element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county
or municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facilities element, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777 in order to fully participate in the school concurrency system.

(l) The extent to which the local government has been successful in identifying alternative water supply projects and traditional water supply projects, including conservation and reuse, necessary to meet the water needs identified in s. 373.709(2)(a) within the local government’s jurisdiction. The report must evaluate the degree to which the local government has implemented the work plan for building public, private, and regional water supply facilities, including development of alternative water supplies, identified in the element as necessary to serve existing and new development.

(m) If any of the jurisdiction of the local government is located within the coastal high-hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.
(n) An assessment of whether the criteria adopted pursuant to s. 163.3177(6)(a) were successful in achieving compatibility with military installations.

(o) The extent to which a concurrency exception area designated pursuant to s. 163.3180(5), a concurrency management area designated pursuant to s. 163.3180(7), or a multimodal transportation district designated pursuant to s. 163.3180(15) has achieved the purpose for which it was created and otherwise complies with the provisions of s. 163.3180.

(p) An assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination with the municipalities and counties, as appropriate pursuant to s. 163.3180(10).

(4)(3) Voluntary scoping meetings may be conducted by each local government or several local governments within the same county which agree to meet together. Joint meetings among all local governments in a county are encouraged. All scoping meetings shall be completed at least 1 year prior to the established adoption date of the report. The purpose of the meetings shall be to distribute data and resources available to assist in the preparation of the report, to provide input on major issues in each community which should be addressed in the report, and to advise on the extent of the effort for the components of subsection (3) (2). If scoping meetings are held, the local government is encouraged to shall invite each state and regional reviewing agency, as well as adjacent and other affected local governments. A preliminary list of new data and
major issues that have emerged since the adoption of the original plan, or the most recent evaluation and appraisal report-based update amendments, should be developed by state and regional entities and involved local governments for distribution at the scoping meeting. For purposes of this subsection, a “scoping meeting” is a meeting conducted to determine the scope of review of the evaluation and appraisal report by parties to which the report relates.

(5) 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 comments and recommended changes, if any, shall adopt the evaluation and appraisal report by resolution or ordinance at a public hearing with public notice. The governing body shall adopt the report in conformity with its public participation procedures adopted as required by s. 163.3181. The local government shall submit to the state land planning agency three copies of the report, a transmittal letter indicating the dates of public hearings, and a copy of the adoption resolution or ordinance. The local government shall provide a copy of the report to the reviewing agencies which provided comments for the proposed report, or to all the reviewing agencies if a proposed report was not provided pursuant to subsection (5), including the adjacent local governments. Within 60 days after receipt, the state land planning agency shall review the adopted report and make a preliminary sufficiency determination that shall be forwarded by the agency to the local government for its consideration. The state land planning agency shall issue a final sufficiency determination within 90 days after receipt of the adopted evaluation and appraisal report.

(6)(7) The intent of the evaluation and appraisal process is the preparation of a plan update that clearly and concisely achieves the purpose of this section. The evaluation and
appraisal report shall be submitted as data and analysis in support of the evaluation and appraisal report based amendments. Toward this end, the sufficiency review of the state land planning agency shall concentrate on whether the evaluation and appraisal report sufficiently fulfills the components of subsection (2). If the state land planning agency determines that the report is insufficient, the governing body shall adopt a revision of the report and submit the revised report for review pursuant to subsection (6).

(8) The state land planning agency may delegate the review of evaluation and appraisal reports, including all state land planning agency duties under subsections (4)–(7), to the appropriate regional planning council. When the review has been delegated to a regional planning council, any local government in the region may elect to have its report reviewed by the regional planning council rather than the state land planning agency. The state land planning agency shall by agreement provide for uniform and adequate review of reports and shall retain oversight for any delegation of review to a regional planning council.

(7)(9) The state land planning agency may establish a phased schedule for adoption of evaluation and appraisal report based amendments reports. The schedule shall provide each local government at least 7 years from plan adoption or last established adoption date for evaluation and appraisal report based amendments a report and shall allot approximately one-seventh of the reports to any 1 year. In order to allow the municipalities to use data and analyses gathered by the counties, the state land planning agency shall schedule
municipal evaluation and appraisal report based amendment report
adoption dates between 1 year and 18 months later than the
evaluation and appraisal report based amendment report adoption
date for the county in which those municipalities are located. A
local government may adopt its report no earlier than 90 days
prior to the established adoption date. Small municipalities
which were scheduled by chapter 9J-33, Florida Administrative
Code, to adopt their evaluation and appraisal report after
February 2, 1999, shall be rescheduled to adopt their report
together with the other municipalities in their county as
provided in this subsection.

(8)(10) The governing body shall amend its comprehensive
plan based on the recommendations in the report and shall update
the comprehensive plan based on the components of subsection (3)
(2), pursuant to the provisions of ss. 163.3184, 163.3187, and
163.3189. Amendments to update a comprehensive plan based on the
evaluation and appraisal report shall be adopted during a single
amendment cycle within the time period established by the state
land planning agency’s schedule authorized in subsection (7) 18
months after the report is determined to be sufficient by the
state land planning agency, except the state land planning
agency may grant an extension for adoption of a portion of such
amendments. The state land planning agency may grant a 6-month
extension for the adoption of such amendments if the request is
justified by good and sufficient cause as determined by the
agency. An additional extension may also be granted if the
request will result in greater coordination between
transportation and land use, for the purposes of improving
Florida’s transportation system, as determined by the agency in
coordination with the Metropolitan Planning Organization
program. Except for local governments exempted from preparing
evaluation and appraisal reports pursuant to subsection (1),
beginning July 1, 2006, failure to timely adopt and transmit
update amendments to the comprehensive plan based on the
evaluation and appraisal report shall result in a local
government being prohibited from adopting amendments to the
comprehensive plan until the evaluation and appraisal report
update amendments have been adopted and transmitted to the state
land planning agency. The prohibition on plan amendments shall
commence when the update amendments to the comprehensive plan
are past due. The comprehensive plan as amended shall be in
compliance as defined in s. 163.3184(1)(b). Within 6 months
after the effective date of the update amendments to the
comprehensive plan, the local government shall provide to the
state land planning agency and to all agencies designated by
rule a complete copy of the updated comprehensive plan.

(9)(11) The Administration Commission may impose the
sanctions provided by s. 163.3184(11) against any local
government that fails to adopt and submit a report, or that
fails to implement its report through timely and sufficient
amendments to its local plan, except for reasons of excusable
delay or valid planning reasons agreed to by the state land
planning agency or found present by the Administration
Commission. Sanctions for untimely or insufficient plan
amendments shall be prospective only and shall begin after a
final order has been issued by the Administration Commission and
a reasonable period of time has been allowed for the local
government to comply with an adverse determination by the
Administration Commission through adoption of plan amendments that are in compliance. The state land planning agency may initiate, and an affected person may intervene in, such a proceeding by filing a petition with the Division of Administrative Hearings, which shall appoint an administrative law judge and conduct a hearing pursuant to ss. 120.569 and 120.57(1) and shall submit a recommended order to the Administration Commission. The affected local government shall be a party to any such proceeding. The commission may implement this subsection by rule.

(10) The state land planning agency may not adopt rules to implement this section, other than procedural rules.

(12) The state land planning agency shall regularly review the evaluation and appraisal report process and submit a report to the Governor, the Administration Commission, the Speaker of the House of Representatives, the President of the Senate, and the respective community affairs committees of the Senate and the House of Representatives. The first report shall be submitted by December 31, 2004, and subsequent reports shall be submitted every 5 years thereafter. At least 9 months before the due date of each report, the Secretary of Community Affairs shall appoint a technical committee of at least 15 members to assist in the preparation of the report. The membership of the technical committee shall consist of representatives of local governments, regional planning councils, the private sector, and environmental organizations. The report shall assess the effectiveness of the evaluation and appraisal report process.

(11) The requirement of subsection (8) prohibiting a local government from adopting amendments to the local
comprehensive plan until the evaluation and appraisal report
update amendments have been adopted and transmitted to the state
land planning agency does not apply to a plan amendment proposed
for adoption by the appropriate local government as defined in
s. 163.3178(2)(k) in order to integrate a port comprehensive
master plan with the coastal management element of the local
comprehensive plan as required by s. 163.3178(2)(k) if the port
comprehensive master plan or the proposed plan amendment does
not cause or contribute to the failure of the local government
to comply with the requirements of this section the evaluation
and appraisal report.

Section 16. Section 163.3245, Florida Statutes, is amended
to read:

163.3245 Optional Sector plans.—
(1) In recognition of the benefits of conceptual long-range
planning for the buildout of an area, and detailed planning for
specific areas, as a demonstration project, the requirements of
s. 380.06 may be addressed as identified by this section for up
to five local governments or combinations of local governments
may which adopt into their the comprehensive plans a plan an
optional sector plan in accordance with this section. This
section is intended to promote and encourage long-term planning
for conservation, development, and agriculture on a landscape
scale; to further the intent of s. 163.3177(11), which supports
innovative and flexible planning and development strategies, and
the purposes of this part and part I of chapter 380 to
facilitate protection of regionally significant water courses
and wildlife corridors; and to avoid duplication of effort in
terms of the level of data and analysis required for a
development of regional impact, while ensuring the adequate
mitigation of impacts to applicable regional resources and
facilities, including those within the jurisdiction of other
local governments, as would otherwise be provided. Optional
Sector plans are intended for substantial geographic areas that
include including at least 15,000 5,000 acres of one or more
local governmental jurisdictions and are to emphasize urban form
and protection of regionally significant resources and public
facilities. The state land planning agency may approve optional
sector plans of less than 5,000 acres based on local
circumstances if it is determined that the plan would further
the purposes of this part and part I of chapter 380. Preparation
of an optional sector plan is authorized by agreement between
the state land planning agency and the applicable local
governments under s. 163.3171(4). An optional sector plan may be
adopted through one or more comprehensive plan amendments under
s. 163.3184. However, an optional A sector plan may not be
adopted authorized in an area of critical state concern.

(2) Upon the request of a local government having
jurisdiction, The state land planning agency may enter into an
agreement to authorize preparation of an optional sector plan
upon the request of one or more local governments based on
consideration of problems and opportunities presented by
existing development trends; the effectiveness of current
comprehensive plan provisions; the potential to further the
state comprehensive plan, applicable strategic regional policy
plans, this part, and part I of chapter 380; and those factors
identified by s. 163.3177(10)(i). the applicable regional
planning council shall conduct a scoping meeting with affected
local governments and those agencies identified in s. 163.3184(4) before preparation of the sector plan execution of the agreement authorized by this section. The purpose of this meeting is to assist the state land planning agency and the local government in the identification of the relevant planning issues to be addressed and the data and resources available to assist in the preparation of the sector plan. If a scoping meeting is conducted, subsequent plan amendments. the regional planning council shall make written recommendations to the state land planning agency and affected local governments on the issues requested by the local government. The scoping meeting shall be noticed and open to the public. If the entire planning area proposed for the sector plan is within the jurisdiction of two or more local governments, some or all of them may enter into a joint planning agreement pursuant to s. 163.3171 with respect to, including whether a sustainable sector plan would be appropriate. The agreement must define the geographic area to be subject to the sector plan, the planning issues that will be emphasized, procedures requirements for intergovernmental coordination to address extrajurisdictional impacts, supporting application materials including data and analysis, and procedures for public participation, or other issues. An agreement may address previously adopted sector plans that are consistent with the standards in this section. Before executing an agreement under this subsection, the local government shall hold a duly noticed public workshop to review and explain to the public the optional sector planning process and the terms and conditions of the proposed agreement. The local government shall hold a duly noticed public hearing to execute the agreement. All
meetings between the department and the local government must be open to the public.

(3) Optional Sector planning encompasses two levels:

adoption pursuant to under s. 163.3184 of a conceptual long-term master plan for the entire planning area as part of the comprehensive plan, and adoption by local development order of two or more buildout overlay to the comprehensive plan, having no immediate effect on the issuance of development orders or the applicability of s. 380.06, and adoption under s. 163.3184 of detailed specific area plans that implement the conceptual long-term master plan buildout overlay and authorize issuance of development orders, and within which s. 380.06 is waived. Until such time as a detailed specific area plan is adopted, the underlying future land use designations apply.

(a) In addition to the other requirements of this chapter, a long-term master plan pursuant to this section conceptual long-term buildout overlay must include maps, illustrations, and text supported by data and analysis to address the following:

1. A long-range conceptual framework map that:

   a. At a minimum, generally depicts identifies anticipated areas of urban, agricultural, rural, and conservation land use; and

   b. Identifies allowed uses in various parts of the planning area, specifies maximum and minimum densities and intensities of use, and provides the conceptual framework for the development pattern in developed areas with graphic illustrations based on a hierarchy of places and functional place-making components.

2. A general identification of the water supplies needed and available sources of water, including water resource
development and water supply development projects, and water
conservation measures needed to meet the projected demand of the
future land uses in the long-term master plan.

3. A general identification of the transportation
facilities to serve the future land uses in the long-term master
plan, including guidelines to be used to establish each modal
component intended to optimize mobility.

4. A general identification of other regionally
significant public facilities consistent with chapter 9J-2,
Florida Administrative Code, irrespective of local governmental
jurisdiction necessary to support buildout of the anticipated
future land uses, which may include central utilities provided
on-site within the planning area, and policies setting forth the
procedures to be used to mitigate the impacts of future land
uses on public facilities.

5. A general identification of regionally significant
natural resources within the planning area and policies setting
forth the procedures for protection or conservation of specific
resources consistent with the overall conservation and
development strategy for the planning area consistent with
chapter 9J-2, Florida Administrative Code.

6. General principles and guidelines addressing that
address the urban form and the interrelationships of anticipated
future land uses, the protection and, as appropriate,
restoration and management of lands identified for permanent
preservation, and a discussion, at the applicant’s option, of
the extent, if any, to which the plan will address restoring key
ecosystems, achieving a more clean, healthy environment,
limiting urban sprawl, providing a range of housing types,
protecting wildlife and natural areas, advancing the efficient use of land and other resources, and creating quality communities of a design that promotes travel by multiple transportation modes, and enhancing the prospects for the creation of jobs.

7.5. Identification of general procedures and policies to facilitate ensure intergovernmental coordination to address extrajurisdictional impacts from future land uses the long-range conceptual framework map.

A long-term master plan adopted pursuant to this section must be based upon a planning period longer than the generally applicable planning period of the local comprehensive plan, must specify the projected population within the planning area during the chosen planning period, and may include a phasing or staging schedule that allocates a portion of the local government’s future growth to the planning area through the planning period. A long-term master plan adopted pursuant to this section is not required to demonstrate need based upon projected population growth or on any other basis.

(b) In addition to the other requirements of this chapter, including those in paragraph (a), the detailed specific area plans shall be consistent with the long-term master plan and must include conditions and commitments that provide for:

1. Development or conservation of an area of adequate size to accommodate a level of development which achieves a functional relationship between a full range of land uses within the area and to encompass at least 1,000 acres consistent with the long-term master plan. The local government state land

CODING: Words stricken are deletions; words underlined are additions.
planning agency may approve detailed specific area plans of less
than 1,000 acres based on local circumstances if it is
determined that the detailed specific area plan furthers the
purposes of this part and part I of chapter 380.

2. Detailed identification and analysis of the maximum and
minimum densities and intensities of use, and the distribution,
extent, and location of future land uses.

3. Detailed identification of water resource development
and water supply development projects and related
infrastructure, and water conservation measures to address water
needs of development in the detailed specific area plan.

4. Detailed identification of the transportation facilities
to serve the future land uses in the detailed specific area
plan.

5. Detailed identification of other regionally significant
public facilities, including public facilities outside the
jurisdiction of the host local government, anticipated impacts
of future land uses on those facilities, and required
improvements consistent with the long-term master plan chapter
9J-2, Florida Administrative Code.

6. Public facilities necessary to serve development in
the detailed specific area plan for the short term, including
developer contributions in a financially feasible 5-year capital
improvement schedule of the affected local government.

7. Detailed analysis and identification of specific
measures to assure the protection or conservation of lands
identified in the long-term master plan to be permanently
preserved and, as appropriate, restored or managed, of
regionally significant natural resources and other important

Page 61 of 724

CODING: Words stricken are deletions; words underlined are additions.
resources both within and outside the host jurisdiction,
including those regionally significant resources identified in
chapter 9J-2, Florida Administrative Code.

8.6. Detailed principles and guidelines addressing that
address the urban form and the interrelationships of anticipated
future land uses; and a discussion, at the applicant’s option,
of the extent, if any, to which the plan will address restoring
key ecosystems, achieving a more clean, healthy environment;
limiting urban sprawl; providing a range of housing types;
protecting wildlife and natural areas; advancing the efficient
use of land and other resources; and creating quality
communities of a design that promotes travel by multiple
transportation modes; and enhancing the prospects for the
creation of jobs.

9.7. Identification of specific procedures to facilitate
ensure intergovernmental coordination to address
extrajurisdictional impacts from of the detailed specific area
plan.

A detailed specific area plan adopted by local development order
pursuant to this section may be based upon a planning period
longer than the generally applicable planning period of the
local comprehensive plan and must specify the projected
population within the specific planning area during the chosen
planning period. A detailed specific area plan adopted pursuant
to this section is not required to demonstrate need based upon
projected population growth or on any other basis.

(c) In its review of a long-term master plan, the state
land planning agency shall consult with the Department of
Agriculture and Consumer Services, the Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, and the applicable water management district regarding the design of areas for protection and conservation of regionally significant natural resources and for the protection and, as appropriate, restoration and management of lands identified for permanent preservation.

(d) The state land planning agency may initiate a civil action pursuant to s. 163.3215 with respect to a detailed specific area plan that is not consistent with a long-term master plan adopted pursuant to this section. For purposes of such a proceeding, the state land planning agency shall be deemed an aggrieved and adversely affected party. Regardless of whether the local government has adopted an ordinance that establishes a local process that meets the requirements of s. 163.3215(4), judicial review of a detailed specific area plan initiated by the state land planning agency shall be de novo pursuant to s. 163.3215(3) and not by petition for writ of certiorari pursuant to s. 163.3215(4). Any other aggrieved or adversely affected party is subject to s. 163.3215 in all respects when initiating a consistency challenge to a detailed specific area plan.

(e) This subsection may not be construed to prevent preparation and approval of the optional sector plan and detailed specific area plan concurrently or in the same submission.

(4) Upon the long-term master plan becoming legally effective:

(a) Any long-range transportation plan developed by a
metropolitan planning organization pursuant to s. 339.175(7) shall be consistent, to the maximum extent feasible, with the long-term master plan, including but not limited to the projected population, the approved uses and densities and intensities of use and their distribution within the planning area; and the transportation facilities identified in adopted plans pursuant to subparagraphs (3)(a)3. and (3)(b)4.

(b) The water needs, sources and water resource development and water supply development projects identified in adopted plans pursuant to subparagraphs (3)(a)2. and (3)(b)3. shall be incorporated into the applicable district and regional water supply plans adopted in accordance with ss. 373.036 and 373.709. Accordingly, and notwithstanding the permit durations stated in s. 373.236, an applicant may request and the applicable district may issue consumptive use permits for durations commensurate with the long-term master plan. The permitting criteria in s. 373.223 shall be applied based upon the projected population, the approved densities and intensities of use, and their distribution in the long-term master plan. The host local government shall submit a monitoring report to the state land planning agency and applicable regional planning council on an annual basis after adoption of a detailed specific area plan. The annual monitoring report must provide summarized information on development orders issued, development that has occurred, public facility improvements made, and public facility improvements anticipated over the upcoming 5 years.

(5) When a plan amendment adopting a detailed specific area plan has become effective for a portion of the planning area governed by a long-term master plan adopted pursuant to this
section under ss. 163.3184 and 163.3189(2), the provisions of s. 380.06 do not apply to development within the geographic area of the detailed specific area plan. However, any development-of-regional-impact development order that is vested from the detailed specific area plan may be enforced pursuant to under s. 380.11.

(a) The local government adopting the detailed specific area plan is primarily responsible for monitoring and enforcing the detailed specific area plan. Local governments shall not issue any permits or approvals or provide any extensions of services to development which are not consistent with the detailed sector area plan.

(b) If the state land planning agency has reason to believe that a violation of any detailed specific area plan, or of any agreement entered into under this section, has occurred or is about to occur, it may institute an administrative or judicial proceeding to prevent, abate, or control the conditions or activity creating the violation, using the procedures in s. 380.11.

(c) In instituting an administrative or judicial proceeding involving a an optional sector plan or detailed specific area plan, including a proceeding pursuant to paragraph (b), the complaining party shall comply with the requirements of s. 163.3215(4), (5), (6), and (7), except as provided in paragraph (3)(d).

(d) The detailed specific area plan must establish a buildout date until which the approved development is not subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that...
implementation of the plan is not continuing in good faith based on standards established by plan policy, or that substantial changes in the conditions underlying the approval of the detailed specific area plan have occurred, or that the detailed specific area plan was based on substantially inaccurate information provided by the applicant, or that the change is clearly established to be essential to the public health, safety, or welfare.

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

(7) A developer within an area subject to a long-term
master plan that meets the requirements of paragraph (3)(a) and
subsection (6) or a detailed specific area plan that meets the
requirements of paragraph (3)(b) may enter into a development
agreement with a local government pursuant to ss. 163.3220-
163.3243. The duration of such a development agreement may be
through the planning period of the long-term master plan or the
detailed specific area plan, as the case may be, notwithstanding
the limit on the duration of a development agreement pursuant to
s. 163.3229.

(8) Any owner of property within the planning area of a
proposed long-term master plan may withdraw his consent to the
master plan at any time prior to local government adoption, and
the local government shall exclude such parcels from the adopted
master plan. Thereafter, the long-term master plan, any detailed
specific area plan, and the exemption from development-of-
regional-impact review under this section do not apply to the
subject parcels. After adoption of a long-term master plan, an
owner may withdraw his or her property from the master plan only
with the approval of the local government by plan amendment.

(9) The adoption of a long-term master plan or a detailed
specific area plan pursuant to this section does not limit the
right to continue existing agricultural or silvicultural uses or
other natural resource-based operations or to establish similar new uses that are consistent with the plans approved pursuant to this section.

(10) Notwithstanding any provision to the contrary of s. 380.06; this part II; or any planning agreement or plan policy, a landowner or developer who has received approval of a master development of regional impact development order pursuant to s. 380.06(21) may apply to implement this order by filing one or more applications to approve a detailed specific area plan pursuant to paragraph (3)(b).

(11) Notwithstanding the provisions of this section, a detailed specific area plan to implement a conceptual long-term buildout overlay, adopted by a local government and found in compliance before July 1, 2011, shall be governed by the provisions of this section.

(12) This section may not be construed to abrogate the rights of any person under this chapter.

Section 17. Subsection (9) of section 163.3246, Florida Statutes, is amended to read:

163.3246 Local government comprehensive planning certification program.—

(9)(a) Upon certification all comprehensive plan amendments associated with the area certified must be adopted and reviewed in the manner described in ss. 163.3184(1), (2), (7), (14), (15), and (16) and 163.3187, such that state and regional agency review is eliminated. The department may not issue any objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by s.
163.3184(1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment.

(b) Plan amendments that change the boundaries of the certification area; propose a rural land stewardship area pursuant to s. 163.3177(11)(d); propose an optional sector plan pursuant to s. 163.3245; propose a school facilities element; update a comprehensive plan based on an evaluation and appraisal report; impact lands outside the certification boundary; implement new statutory requirements that mandate specific comprehensive plan amendments; or increase hurricane evacuation times or the need for shelter capacity on lands within the coastal high-hazard area shall be reviewed pursuant to ss. 163.3184 and 163.3187.

Section 18. Section 163.32465, Florida Statutes, is amended to read:

163.32465 State review of local comprehensive plans in urban areas.—

(1) LEGISLATIVE FINDINGS.—

(a) The Legislature finds that local governments in this state have a wide diversity of resources, conditions, abilities, and needs. The Legislature also finds that comprehensive planning has been implemented throughout the state and that it is appropriate for local governments to have the primary role in planning for their growth. The needs and resources of urban areas are different from those of rural areas and that different planning and growth management approaches, strategies, and techniques are required in urban areas. The state role in overseeing growth management should reflect this diversity and
should vary based on local government conditions, capabilities, needs, and extent of development. Thus, the Legislature recognizes and finds that reduced state oversight of local comprehensive planning is justified for some local governments in urban areas.

(b) The Legislature finds and declares that this state’s local governments in urban areas require a reduced level of state oversight because of their high degree of urbanization and the planning capabilities and resources of many of their local governments. An alternative state review process that is adequate to protect issues of regional or statewide importance should be created for appropriate local governments in these areas. Further, the Legislature finds that development, including urban infill and redevelopment, should be encouraged in these urban areas. The Legislature finds that an alternative Planning Code allows an alternative state review process for appropriate local governments in these areas. The Legislature finds that an alternative state review process for appropriate local governments in these areas is necessary to protect issues of regional or statewide importance.

Accordingly, the process provided by this section for amending local comprehensive plans in these areas should be established with the objective of streamlining the process and recognizing local responsibility and accountability.

(c) The Legislature finds a pilot program will be beneficial in evaluating an alternative, expedited plan amendment adoption and review process. Pilot local governments shall represent highly developed counties and the municipalities within those counties and highly populated municipalities.

(2) APPLICABILITY ALTERNATIVE STATE REVIEW PROCESS PILOT PROGRAM.—The process for amending a comprehensive plan described in this section is applicable statewide. Pinellas and Broward Counties, and the municipalities within those counties, and Jacksonville, Miami, Tampa, and Hialeah shall follow an
alternative state review process provided in this section. Municipalities within the pilot counties may elect, by super
majority vote of the governing body, not to participate in the
pilot program. In addition to the pilot program jurisdictions, any local government may use the alternative state review
process to designate an urban service area as defined in s. 163.3164(29) in its comprehensive plan.

(3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS UNDER THE PILOT PROGRAM.—

(a) Plan amendments adopted by local governments are
subject to the pilot program jurisdictions shall follow the alternate, expedited process in subsections (4) and (5), except as set forth in paragraphs (b)-(e) of this subsection.

(b) Amendments that qualify as small-scale development
amendments may continue to be adopted by the pilot program
jurisdictions pursuant to s. 163.3187(1)(c) and (3).

(c) Plan amendments that propose a rural land stewardship
area pursuant to s. 163.3177(11)(d); propose an optional sector plan; update a comprehensive plan based on an evaluation and appraisal report; implement new statutory requirements; or new plans for newly incorporated municipalities are subject to state review as set forth in s. 163.3184.

(d) Local governments are Pilot program jurisdictions shall be subject to the frequency and timing requirements for plan amendments set forth in ss. 163.3187 and 163.3191, except where otherwise stated in this section.

(e) The mediation and expedited hearing provisions in s.
163.3189(3) apply to all plan amendments adopted pursuant to this section by the pilot program jurisdictions.
(4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT FOR PILOT PROGRAM.—

(a) The local government shall hold its first public hearing on a comprehensive plan amendment on a weekday at least 7 days after the day the first advertisement is published pursuant to the requirements of chapter 125 or chapter 166. Upon an affirmative vote of not less than a majority of the members of the governing body present at the hearing, the local government shall immediately transmit the amendment or amendments and appropriate supporting data and analyses to the state land planning agency; the appropriate regional planning council and water management district; the Department of Environmental Protection; the Department of State; the Department of Transportation; in the case of municipal plans, to the appropriate county; the Fish and Wildlife Conservation Commission; the Department of Agriculture and Consumer Services; and in the case of amendments that include or impact the public school facilities element, the Office of Educational Facilities of the Commissioner of Education. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.

(b) The agencies and local governments specified in paragraph (a) may provide comments regarding the amendment or amendments to the local government. The regional planning council review and comment shall be limited to effects on regional resources or facilities identified in the strategic regional policy plan and extraterritorial impacts that would be inconsistent with the comprehensive plan of the affected
local government. A regional planning council shall not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council. County comments on municipal comprehensive plan amendments shall be primarily in the context of the relationship and effect of the proposed plan amendments on the county plan. Municipal comments on county plan amendments shall be primarily in the context of the relationship and effect of the amendments on the municipal plan. State agency comments may include technical guidance on issues of agency jurisdiction as it relates to the requirements of this part. Such comments shall clearly identify issues that, if not resolved, may result in an agency challenge to the plan amendment. For the purposes of this pilot program, Agencies are encouraged to focus potential challenges on issues of regional or statewide importance. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later than thirty days from the date on which the agency or government received the amendment or amendments.

(5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT FOR PILOT AREAS.—

(a) The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, on a weekday at least 5 days after the day the second advertisement is published pursuant to the requirements of chapter 125 or chapter 166. Adoption of comprehensive plan amendments must be by ordinance and requires
an affirmative vote of a majority of the members of the
governing body present at the second hearing.

(b) All comprehensive plan amendments adopted by the
governing body along with the supporting data and analysis shall
be transmitted within 10 days of the second public hearing to
the state land planning agency and any other agency or local
government that provided timely comments under paragraph (4)(b).

(6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR PILOT
PROGRAM.—

(a) Any “affected person” as defined in s. 163.3184(1)(a)
may file a petition with the Division of Administrative Hearings
pursuant to ss. 120.569 and 120.57, with a copy served on the
affected local government, to request a formal hearing to
challenge whether the amendments are “in compliance” as defined
in s. 163.3184(1)(b). This petition must be filed with the
Division within 30 days after the local government adopts the
amendment. The state land planning agency may intervene in a
proceeding instituted by an affected person.

(b) The state land planning agency may file a petition with
the Division of Administrative Hearings pursuant to ss. 120.569
and 120.57, with a copy served on the affected local government,
to request a formal hearing. This petition must be filed with
the Division within 30 days after the state land planning agency
notifies the local government that the plan amendment package is
complete. For purposes of this section, an adopted amendment
package shall be deemed complete if it contains a full, executed
copy of the adoption ordinance or ordinances; in the case of a
text amendment, a full copy of the amended language in
legislative format with new words inserted in the text
underlined, and words to be deleted lined through with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate. The state land planning agency shall notify the local government of any deficiencies within 5 working days of receipt of an amendment package.

(c) The state land planning agency’s challenge shall be limited to those issues raised in the comments provided by the reviewing agencies pursuant to paragraph (4)(b). The state land planning agency may challenge a plan amendment that has substantially changed from the version on which the agencies provided comments. For the purposes of this pilot program, The Legislature strongly encourages the state land planning agency to focus any challenge on issues of regional or statewide importance.

(d) An administrative law judge shall hold a hearing in the affected local jurisdiction. The local government’s determination that the amendment is “in compliance” is presumed to be correct and shall be sustained unless it is shown by a preponderance of the evidence that the amendment is not “in compliance.”

(e) If the administrative law judge recommends that the amendment be found not in compliance, the judge shall submit the recommended order to the Administration Commission for final agency action. The Administration Commission shall enter a final order within 45 days after its receipt of the recommended order.

(f) If the administrative law judge recommends that the
amendment be found in compliance, the judge shall submit the recommended order to the state land planning agency.

1. If the state land planning agency determines that the plan amendment should be found not in compliance, the agency shall refer, within 30 days of receipt of the recommended order, the recommended order and its determination to the Administration Commission for final agency action. If the commission determines that the amendment is not in compliance, it may sanction the local government as set forth in s. 163.3184(11).

2. If the state land planning agency determines that the plan amendment should be found in compliance, the agency shall enter its final order not later than 30 days from receipt of the recommended order.

(g) An amendment adopted under the expedited provisions of this section shall not become effective until 31 days after adoption. If timely challenged, an amendment shall not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

(h) Parties to a proceeding under this section may enter into compliance agreements using the process in s. 163.3184(16). Any remedial amendment adopted pursuant to a settlement agreement shall be provided to the agencies and governments listed in paragraph (4)(a).

(7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL GOVERNMENTS. Local governments and specific areas that have been designated for alternate review process pursuant to ss. 163.3246 and 163.3184(17) and (18) are not subject to this section.
RULEMAKING AUTHORITY FOR PILOT PROGRAM.—Agencies shall not promulgate rules to implement this pilot program.

REPORT.—The Office of Program Policy Analysis and Government Accountability shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2008, a report and recommendations for implementing a statewide program that addresses the legislative findings in subsection (1) in areas that meet urban criteria. The Office of Program Policy Analysis and Government Accountability in consultation with the state land planning agency shall develop the report and recommendations with input from other state and regional agencies, local governments, and interest groups. Additionally, the office shall review local and state actions and correspondence relating to the pilot program to identify issues of process and substance in recommending changes to the pilot program. At a minimum, the report and recommendations shall include the following:

(a) Identification of local governments beyond those participating in the pilot program that should be subject to the alternative expedited state review process. The report may recommend that pilot program local governments may no longer be appropriate for such alternative review process.

(b) Changes to the alternative expedited state review process for local comprehensive plan amendments identified in the pilot program.

(c) Criteria for determining issues of regional or statewide importance that are to be protected in the alternative state review process.
(d) In preparing the report and recommendations, the Office of Program Policy Analysis and Government Accountability shall consult with the state land planning agency, the Department of Transportation, the Department of Environmental Protection, and the regional planning agencies in identifying highly developed local governments to participate in the alternative expedited state review process. The Office of Program Policy Analysis and Government Accountability shall also solicit citizen input in the potentially affected areas and consult with the affected local governments and stakeholder groups.

Section 19. Section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.—

(1) There is created a Hurricane Loss Mitigation Program established in the Office of Emergency Management.

(1) The Legislature shall annually appropriate $10 million of the moneys authorized for appropriation under s. 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the Department of Community Affairs for the purposes set forth in this section. Of the amount:

(2)(a) Seven million dollars in funds provided in subsection (1) shall be used for programs to improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance; educating persons concerning the Florida Building Code cooperative programs with local governments and the Federal Government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.

(b) Three million dollars in funds provided in subsection
shall be used to retrofit existing facilities used as public hurricane shelters. Each year the office shall prioritize the use of these funds for projects included in the annual report of the September 1, 2000, version of the Shelter Retrofit Report prepared in accordance with s. 252.385(3), and each annual report thereafter. The department must give funding priority to projects in regional planning council regions that have shelter deficits and to projects that maximize the use of state funds.

(2) (a) Forty percent of the total appropriation in paragraph (1)(a) (2)(a) shall be used to inspect and improve tie-downs for mobile homes.

(b)1. There is created The Manufactured Housing and Mobile Home Mitigation and Enhancement Program is established. The program shall require the mitigation of damage to or the enhancement of homes for the areas of concern raised by the Department of Highway Safety and Motor Vehicles in the 2004-2005 Hurricane Reports on the effects of the 2004 and 2005 hurricanes on manufactured and mobile homes in this state. The mitigation or enhancement must include, but need not be limited to, problems associated with weakened trusses, studs, and other structural components caused by wood rot or termite damage; site-built additions; or tie-down systems and may also address any other issues deemed appropriate by Tallahassee Community College, the Federation of Manufactured Home Owners of Florida, Inc., the Florida Manufactured Housing Association, and the Department of Highway Safety and Motor Vehicles. The program shall include an education and outreach component to ensure that owners of manufactured and mobile homes are aware of the
benefits of participation.

2. The program shall be a grant program that ensures that entire manufactured home communities and mobile home parks may be improved wherever practicable. The moneys appropriated for this program shall be distributed directly to Tallahassee Community College for the uses set forth under this subsection.

3. Upon evidence of completion of the program, the Citizens Property Insurance Corporation shall grant, on a pro rata basis, actuarially reasonable discounts, credits, or other rate differentials or appropriate reductions in deductibles for the properties of owners of manufactured homes or mobile homes on which fixtures or construction techniques that have been demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. The discount on the premium must be applied to subsequent renewal premium amounts. Premiums of the Citizens Property Insurance Corporation must reflect the location of the home and the fact that the home has been installed in compliance with building codes adopted after Hurricane Andrew. Rates resulting from the completion of the Manufactured Housing and Mobile Home Mitigation and Enhancement Program are not considered competitive rates for the purposes of s. 627.351(6)(d)1. and 2.

4. On or before January 1 of each year, Tallahassee Community College shall provide a report of activities under this subsection to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must set forth the number of homes that have taken advantage of the program, the types of enhancements and improvements made to the manufactured or mobile homes and attachments to such homes, and
whether there has been an increase in availability of insurance products to owners of manufactured or mobile homes.

Tallahassee Community College shall develop the programs set forth in this subsection in consultation with the Federation of Manufactured Home Owners of Florida, Inc., the Florida Manufactured Housing Association, and the Department of Highway Safety and Motor Vehicles. The moneys appropriated for the programs set forth in this subsection shall be distributed directly to Tallahassee Community College to be used as set forth in this subsection.

(3) Of moneys provided to the Department of Community Affairs in paragraph (1)(a) (2)(a), 10 percent shall be allocated to the Florida International University center dedicated to hurricane research. The center shall develop a preliminary work plan approved by the advisory council set forth in subsection (4) (5) to eliminate the state and local barriers to upgrading existing mobile homes and communities, research and develop a program for the recycling of existing older mobile homes, and support programs of research and development relating to hurricane loss reduction devices and techniques for site-built residences. The State University System also shall consult with the Department of Community Affairs and assist the department with the report required under subsection (6) (7).

(4) Except for the programs set forth in subsection (3) (4), the [Office] Department of Community Affairs shall develop the programs set forth in this section in consultation with an advisory council consisting of a representative designated by the Chief Financial Officer, a representative designated by the
Florida Home Builders Association, a representative designated by the Florida Insurance Council, a representative designated by the Federation of Manufactured Home Owners, a representative designated by the Florida Association of Counties, and a representative designated by the Florida Manufactured Housing Association, and a representative designated by the Florida Building Commission.

(5)(6) Moneys provided to the Department of Community Affairs under this section are intended to supplement, not supplant, the office’s other funding sources of the Department of Community Affairs and may not supplant other funding sources of the Department of Community Affairs.

(6)(7) On January 1st of each year, the Department of Community Affairs shall provide a full report and accounting of activities under this section and an evaluation of such activities to the Speaker of the House of Representatives, the President of the Senate, and the Majority and Minority Leaders of the House of Representatives and the Senate. Upon completion of the report, the Department of Community Affairs shall deliver the report to the Office of Insurance Regulation. The Office of Insurance Regulation shall review the report and shall make such recommendations available to the insurance industry as the Office of Insurance Regulation deems appropriate. These recommendations may be used by insurers for potential discounts or rebates pursuant to s. 627.0629. The Office of Insurance Regulation shall make such recommendations within 1 year after receiving the report.

(8)(a) Notwithstanding any other provision of this section and for the 2010-2011 fiscal year only, the $3 million
appropriation provided for in paragraph (2)(b) may be used for
hurricane shelters as identified in the General Appropriations
Act.
(b) This subsection expires June 30, 2011.
(7)-(9) This section is repealed June 30, 2021 2011.
Section 20. Section 288.005, Florida Statutes, is created
to read:
288.005 Definitions.—As used in this chapter, the following
words and phrases shall have the following meanings and
references:
(1) “Economic benefits” means the direct, indirect, and
induced gains in state revenues as a percentage of the state’s
investment. The state’s investment includes state grants, tax
exemptions, tax refunds, tax credits, and other state
incentives.
(2) “Commissioner” means the commissioner of Jobs Florida,
unless otherwise stated.
Section 21. Section 288.048, Florida Statutes, is created
to read:
288.048 Incumbent worker training for economic
development.—
(1) The Incumbent Worker Training Program is created within
Jobs Florida for the purpose of providing grant funding for
continuing education and training of incumbent employees at
existing Florida businesses. The program will provide
reimbursement grants to businesses that pay for preapproved,
direct, training-related costs.
(2) The Incumbent Worker Training Program is administered
by Jobs Florida in conjunction with Workforce Florida, Inc. Jobs
Florida, at its discretion, may contract with a private business organization to serve as the grant administrator.

(3) To be eligible for the program’s grant funding, a business must have been in operation in this state for at least 1 year before applying for grant funding; have at least one full-time employee; demonstrate financial viability; and be current on all state tax obligations. Priority for funding shall be given to businesses having 25 or fewer employees, businesses in rural areas, businesses in distressed inner-city areas, businesses in a qualified targeted industry, businesses whose grant proposals represent a significant upgrade in employee skills, or businesses whose grant proposals represent a significant layoff avoidance strategy.

(4) All costs reimbursed by the program must be preapproved by Jobs Florida or the grant administrator. The program will not reimburse businesses for trainee wages, the purchase of capital equipment, or the purchase of any item or service that may be used outside the training project. A business approved for a grant may be reimbursed for preapproved, direct, training-related costs including tuition, fees, books and training materials, and overhead or indirect costs not to exceed 5 percent of the grant amount.

(5) A business that is selected to receive grant funding must provide a matching contribution to the training project, including, but not limited to, wages paid to trainees or the purchase of capital equipment used in the training project; must sign an agreement with Jobs Florida or the grant administrator to complete the training project as proposed in the application; must keep accurate records of the project’s implementation.
process; and must submit monthly or quarterly reimbursement
requests with required documentation.

(6) All Incumbent Worker Training Program grant projects
shall be performance-based with specific measurable performance
outcomes, including completion of the training project and job
retention. Jobs Florida or the grant administrator shall
withhold the final payment to the grantee until a final grant
report is submitted and all performance criteria specified in
the grant contract have been achieved.

(7) Jobs Florida may establish guidelines, in conjunction
with Workforce Florida, Inc., necessary to implement the
Incumbent Worker Training Program.

(8) No more than 10 percent of the Incumbent Worker
Training Program’s total appropriation may be used for overhead
or indirect purposes. Federal funds available for the program
are limited as set forth in s. 443.003(3).

Section 22. Section 288.061, Florida Statutes, is amended
to read:

288.061 Economic development incentive application
process.—

(1) Within 10 business days after receiving a submitted
economic development incentive application, the Division of
Strategic Business Development of Jobs Florida and designated
staff of the Jobs Florida Partnership Enterprise Florida, Inc.,
shall review the application and inform the applicant business
whether or not its application is complete, whether and what
type of state and local permits may be necessary for the
applicant’s project, whether it is possible to waive such
permits, and what state incentives and amounts of such
incentives may be available to the applicant. Within 10 business
days after the application is deemed complete, Enterprise
Florida, Inc., shall evaluate the application and recommend
approval or disapproval of the application to the director of
the Office of Tourism, Trade, and Economic Development. In
recommending an applicant business for approval, Enterprise
Florida, Inc., shall include in its evaluation a recommended
grant award amount and a review of the applicant’s ability to
meet specific program criteria.

(2) Within 14 business 10 calendar days after the initial
review and communication with the applicant, Jobs Florida shall
the Office of Tourism, Trade, and Economic Development receives
the evaluation and recommendation from Enterprise Florida, Inc.,
the Office shall notify Enterprise Florida, Inc., whether or not
the application is reviewable. Within 22 calendar days after the
Office receives the recommendation from Enterprise Florida,
Inc., the director of the Office shall review the application
and issue a letter of certification to the applicant which that
approves or disapproves an applicant business and includes a
justification of that decision, unless the business requests an
extension of that time.

(a) The final order or agreement with the applicant shall
specify the total amount of the award, the performance
conditions that must be met to obtain the award, and the
schedule for payment. Jobs Florida may enter into one agreement
or issue one final order covering all of the state incentives
that are being provided to the applicant.

(b) The release of funds for the incentive or incentives
awarded to the applicant depends upon the statutory requirements
Section 23. Section 288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.—

(1) The Economic Development Trust Fund is created within Jobs Florida the Office of Tourism, Trade, and Economic Development. Moneys deposited into the fund must be used only to support the authorized activities and operations of Jobs Florida the Office.

(2) There is created, within the Economic Development Trust Fund, the Economic Development Incentives Account. The Economic Development Incentives Account consists of moneys appropriated to the account for purposes of the tax incentives programs authorized under ss. 288.1045 and 288.106; the, and local financial support provided under ss. 288.1045 and 288.106; and the federal funds designated for purposes of s. 288.048. Moneys in the Economic Development Incentives Account shall be subject to the provisions of s. 216.301(1)(a). Federal funds set aside for the incumbent worker training program under s. 288.048 may not be used for any other economic development program.

(3)(a) Jobs Florida The Office of Tourism, Trade, and Economic Development may approve applications for certification pursuant to ss. 288.1045(3) and 288.106. However, the total state share of tax refund payments scheduled in all active certifications for fiscal year 2001-2002 may not exceed $30 million. The total for each subsequent fiscal year may not exceed $35 million.

(b) The total amount of tax refund claims approved for payment by Jobs Florida the Office of Tourism, Trade, and

CODING: Words stricken are deletions; words underlined are additions.
Economic Development based on actual project performance may not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. Claims for tax refunds under ss. 288.1045 and 288.106 shall be paid in the order the claims are approved by Jobs Florida the Office of Tourism, Trade, and Economic Development. In the event the Legislature does not appropriate an amount sufficient to satisfy the tax refunds under ss. 288.1045 and 288.106 in a fiscal year, Jobs Florida the Office of Tourism, Trade, and Economic Development shall pay the tax refunds from the appropriation for the following fiscal year. By March 1 of each year, Jobs Florida the Office of Tourism, Trade, and Economic Development shall notify the legislative appropriations committees of the Senate and House of Representatives of any anticipated shortfall in the amount of funds needed to satisfy claims for tax refunds from the appropriation for the current fiscal year.

(c) Pursuant to s. 288.907 by December 31 of each year, Jobs Florida Enterprise Florida, Inc., shall submit a complete and detailed annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and the director of the Office of Tourism, Trade, and Economic Development of all applications received, recommendations made to Jobs Florida the Office of Tourism, Trade, and Economic Development, final decisions issued, tax refund agreements executed, and tax refunds paid or other payments made under all programs funded out of the Economic Development Incentives Account, including analyses of benefits and costs, types of projects supported, and employment and investment created. Jobs Florida Enterprise Florida, Inc., shall also include a separate...
analysis of the impact of such tax refunds on state enterprise
zones designated pursuant to s. 290.0065, rural communities,
brownfield areas, and distressed urban communities. The report
must also discuss the efforts made by Jobs Florida the Office of
Tourism, Trade, and Economic Development to amend tax refund
agreements to require tax refund claims to be submitted by
January 31 for the net new full-time equivalent jobs in this
state as of December 31 of the preceding calendar year. The
report must also list the name and tax refund amount for each
business that has received a tax refund under s. 288.1045 or s.
288.106 during the preceding fiscal year. The Office of Tourism,
Trade, and Economic Development shall assist Enterprise Florida,
Inc., in the collection of data related to business performance
and incentive payments.

(d) Moneys in the Economic Development Incentives Account
may be used only to pay tax refunds and make other payments
authorized for the programs identified by law under s. 288.1045,
s. 288.106, or s. 288.107.

(e) Jobs Florida The Office of Tourism, Trade, and Economic
Development may adopt rules necessary to carry out the
provisions of this subsection, including rules providing for the
use of moneys in the Economic Development Incentives Account and
for the administration of the Economic Development Incentives
Account.

Section 24. Section 288.1081, Florida Statutes, is amended
to read:

288.1081 Economic Gardening Business Loan Pilot Program.—
(1) There is created within Jobs Florida the Office of
Tourism, Trade, and Economic Development the Economic Gardening
Business Loan Pilot Program. The purpose of the pilot program is to stimulate investment in Florida’s economy by providing loans to expanding businesses in the state. As used in this section, the term “office” means the Office of Tourism, Trade, and Economic Development.

(2) The Legislature finds that it is vital to the overall health and growth of the state’s economy to promote favorable conditions for expanding Florida businesses that demonstrate the ability to grow. The Legislature further finds that, due to the current extraordinary economic challenges confronting the state, there exists a public purpose in expending state resources to stimulate investment in Florida’s economy. It is therefore the intent of the Legislature that resources be provided for the loan pilot program.

(3)(a) To be eligible for a loan under the pilot program, an applicant must be a business eligible for assistance under the Economic Gardening Technical Assistance Pilot Program as provided in s. 288.1082(4)(a).

(b) A loan applicant must submit a written application to the loan administrator in the format prescribed by the loan administrator. The application must include:

1. The applicant’s federal employer identification number, unemployment account number, and sales or other tax registration number.

2. The street address of the applicant’s principal place of business in this state.

3. A description of the type of economic activity, product, or research and development undertaken by the applicant, including the six-digit North American Industry Classification
System code for each type of economic activity conducted by the applicant.

4. The applicant’s annual revenue, number of employees, number of full-time equivalent employees, and other information necessary to verify the applicant’s eligibility for the technical assistance pilot program under s. 288.1082(4)(a).

5. The projected investment in the business, if any, which the applicant proposes in conjunction with the loan.

6. The total investment in the business from all sources, if any, which the applicant proposes in conjunction with the loan.

7. The number of net new full-time equivalent jobs that, as a result of the loan, the applicant proposes to create in this state as of December 31 of each year and the average annual wage of the proposed jobs.

8. The total number of full-time equivalent employees the applicant currently employs in this state.

9. The date that the applicant anticipates it needs the loan.

10. A detailed explanation of why the loan is needed to assist the applicant in expanding jobs in the state.

11. A statement that all of the applicant’s available corporate assets are pledged as collateral for the amount of the loan.

12. A statement that the applicant, upon receiving the loan, agrees not to seek additional long-term debt without prior approval of the loan administrator.

13. A statement that the loan is a joint obligation of the business and of each person who owns at least 20 percent of the
14. Any additional information requested by Jobs Florida the office or the loan administrator.

(c) The loan administrator, after verifying the accuracy of a submitted application, shall award the loan to the applicant if the administrator determines that the applicant, as compared to other applicants submitting applications, is in the best position to use the loan to continue making a successful long-term business commitment to the state. The loan administrator also shall consider the following factors:

1. Whether the applicant has applied for or received incentives from local governments;

2. Whether the applicant has applied for or received waivers of taxes, impact fees, or other fees or charges by local governments; and

3. What other sources of investments or financing for the project that is the subject of the loan application will be available to the applicant.

(d) A borrower awarded a loan under this section and the loan administrator must enter into a loan agreement that provides for the borrower’s repayment of the loan.

(4) The following terms apply to a loan received under the pilot program:

(a) The maximum amount of the loan is $250,000.

(b) The proceeds of the loan may be used for working capital purchases, employee training, or salaries for newly created jobs in the state.

(c) The security interest for the loan’s collateral covering all of the borrower’s available corporate assets to
cover the amount of the loan must be perfected by recording a lien under the Uniform Commercial Code.

(d) The period of the loan is 4 years.
(e) The interest rate of the loan is 2 percent. However, if the borrower does not create the projected number of jobs within the terms of the loan agreement, the interest rate shall be increased for the remaining period of the loan to the prime rate published in the Wall Street Journal, as of the date specified in the loan agreement, plus 4 percentage points. The loan agreement may provide flexibility in meeting the projected number of jobs for delays due to governmental regulatory issues, including, but not limited to, permitting.

(f) For the first 12 months of the loan, payment is due for interest only, payable during the twelfth month. Thereafter, payment for interest and principal is due each month until the loan is paid in full. Interest and principal payments are based on the unpaid balance of the total loan amount.

(5)(a) Jobs Florida the Office may designate one or more qualified entities to serve as loan administrators for the pilot program. A loan administrator must:

1. Be a Florida corporation not for profit incorporated under chapter 617 which has its principal place of business in the state.

2. Have 5 years of verifiable experience of lending to businesses in this state.

3. Submit an application to Jobs Florida the Office on forms prescribed by Jobs Florida the Office. The application must include the loan administrator’s business plan for its proposed lending activities under the pilot program, including,
but not limited to, a description of its outreach efforts,
deriving, credit policies and procedures, credit decision
processes, monitoring policies and procedures, and collection
practices; the membership of its board of directors; and samples
of its currently used loan documentation. The application must
also include a detailed description and supporting documentation
of the nature of the loan administrator’s partnerships with
local or regional economic and business development
organizations.

(b) Jobs Florida The Office, upon selecting a loan
administrator, shall enter into a grant agreement with the
administrator to issue the available loans to eligible
applicants. The grant agreement must specify the aggregate
amount of the loans authorized for award by the loan
administrator. The term of the grant agreement must be at least
4 years, except that Jobs Florida the Office may terminate the
agreement earlier if the loan administrator fails to meet
minimum performance standards set by Jobs Florida the Office.
The grant agreement may be amended by mutual consent of both
parties.

(c) Jobs Florida The Office shall disburse from the
Economic Development Trust Fund to the loan administrator the
appropriations provided for the pilot program. Disbursements to
the loan administrator must not exceed the aggregate amount of
the loans authorized in the grant agreement. Jobs Florida the
Office may not disburse more than 50 percent of the aggregate
amount of the loans authorized in the grant agreement until Jobs
Florida the Office verifies the borrowers’ use of the loan
proceeds and the loan administrator’s successful credit
(d) A loan administrator is entitled to receive a loan origination fee, payable at closing, of 1 percent of each loan issued by the loan administrator and a servicing fee of 0.625 percent per annum of the loan’s outstanding principal balance, payable monthly. During the first 12 months of the loan, the servicing fee shall be paid from the disbursement from the Economic Development Trust Fund, and thereafter the loan administrator shall collect the servicing fee from the payments made by the borrower, charging the fee against repayments of principal.

(e) A loan administrator, after collecting the servicing fee in accordance with paragraph (d), shall use the borrower’s collected interest, principal payments, and charges for late payments to provide additional loans to eligible borrowers under this section the office on a quarterly basis. If the borrower defaults on the loan, the loan administrator shall initiate collection efforts to seek repayment of the loan. The loan administrator may, upon collecting payments for a defaulted loan, deduct the costs of the administrator’s collection efforts shall remit the payments to the office but, to the extent authorized in the grant agreement, and shall use the remaining payments to provide additional loans to eligible borrowers under this section may deduct the costs of the administrator’s collection efforts. The Office shall deposit all funds received under this paragraph in the General Revenue Fund.

(f) A loan administrator shall submit quarterly reports to Jobs Florida the Office which include the information required in the grant agreement. A quarterly report must include, at a
minimum, the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic activity undertaken by the borrowers.

(6) All notes, mortgages, security agreements, letters of credit, or other instruments that are given to secure the repayment of loans issued in connection with the financing of any loan under the program, without regard to the status of any party thereto as a private party, are exempt from taxation by the state and its political subdivisions. The exemption granted in this subsection does not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

(7) Jobs Florida The Office shall adopt rules under ss. 120.536(1) and 120.54 to administer this section. To the extent necessary to expedite implementation of the pilot program, the Office may adopt initial emergency rules for the pilot program in accordance with s. 120.54(4).

(8) On June 30 and December 31 of each year, Jobs Florida beginning in 2009, the Office shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes in detail the use of the loan funds. The report must include, at a minimum, the number of businesses receiving loans, the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, the locations and types of economic activity undertaken by the borrowers, the amounts of loan repayments made to date, and the default rate of borrowers.
SB 2156

Second Engrossed

Page 97 of 724

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

(9) Unexpended balances of appropriations provided for the loan program shall not revert to the fund from which the appropriation was made at the end of a fiscal year but shall be retained in the Economic Development Trust Fund and be carried forward for expenditure for the program during the following fiscal year. A loan administrator may not award a new loan or enter into a loan agreement after June 30, 2011. Balances of appropriations provided for the program which remain unexpended as of July 1, 2011, shall revert to the General Revenue Fund.

(10) This section is repealed July 1, 2016, unless reviewed and enacted by the Legislature before that date.

Section 25. Section 288.1082, Florida Statutes, is amended to read:

288.1082 Economic Gardening Technical Assistance Pilot Program.—

(1) There is created within Jobs Florida The Office of Tourism, Trade, and Economic Development the Economic Gardening Technical Assistance Pilot Program. The purpose of the pilot program is to stimulate investment in Florida’s economy by providing technical assistance for expanding businesses in the state. As used in this section, the term “Office” means the Office of Tourism, Trade, and Economic Development.

(2) Jobs Florida The Office shall contract with one or more entities to administer the technical assistance pilot program under this section. Jobs Florida The Office shall award each contract in accordance with the competitive bidding requirements in s. 287.057 to an entity that demonstrates the ability to implement the pilot program on a statewide basis, has an
outreach plan, and has the ability to provide counseling services, access to technology and information, marketing services and advice, business management support, and other similar services. In selecting these entities, Jobs Florida the Office also must consider whether the entities will qualify for matching funds to provide the technical assistance.

(3) A contracted entity administering the pilot program shall provide technical assistance for eligible businesses which includes, but is not limited to:

(a) Access to free or affordable information services and consulting services, including information on markets, customers, and competitors, such as business databases, geographic information systems, and search engine marketing.

(b) Development of business connections, including interaction and exchange among business owners and resource providers, such as trade associations, think tanks, academic institutions, business roundtables, peer-to-peer learning sessions, and mentoring programs.

(4)(a) To be eligible for assistance under the pilot program, a business must be a for-profit, privately held, investment-grade business that employs at least 10 persons but not more than 50 persons, has maintained its principal place of business in the state for at least the previous 2 years, generates at least $1 million but not more than $25 million in annual revenue, qualifies for the tax refund program for qualified target industry businesses under s. 288.106, and, during 3 of the previous 5 years, has increased both its number of full-time equivalent employees in this state and its gross revenues.
(b) The contracted entity administering the pilot program, in selecting the eligible businesses to receive assistance, shall choose businesses in more than one industry cluster and, to the maximum extent practicable, shall choose businesses that are geographically distributed throughout Florida or are in partnership with businesses that are geographically distributed throughout Florida.

(5)(a) A business receiving assistance under the pilot program must enter into an agreement with the contracted entity administering the program to establish the business’s commitment to participation in the pilot program. The agreement must require, at a minimum, that the business:

1. Attend a minimum number of meetings between the business and the contracted entity administering the pilot program.

2. Report job creation data in the manner prescribed by the contracted entity administering the pilot program.

3. Provide financial data in the manner prescribed by the contracted entity administering the program.

(b) Jobs Florida The office or the contracted entity administering the pilot program may prescribe in the agreement additional reporting requirements that are necessary to track the progress of the business and monitor the business’s implementation of the assistance. The contracted entity shall report the information to Jobs Florida the office on a quarterly basis.

(6) The contracted entity administering the pilot program is authorized to promote the general business interests or industrial interests of the state.

(7) Jobs Florida The Office shall review the progress of
the contracted entity administering the pilot program at least once each 6 months and shall determine whether the contracted entity is meeting its contractual obligations for administering the pilot program. Jobs Florida The Office may terminate and rebid a contract if the contracted entity does not meet its contractual obligations.

(8) On December 31 of each year, Jobs Florida beginning in 2009, the Office shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes in detail the progress of the pilot program. The report must include, at a minimum, the number of businesses receiving assistance, the number of full-time equivalent jobs created as a result of the assistance, if any, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic activity undertaken by the businesses.

(9) Jobs Florida the Office may adopt rules under ss. 120.536(1) and 120.54 to administer this section.

Section 26. The Division of Statutory Revision is requested to rename part VII of chapter 288, Florida Statutes, consisting of ss. 288.901-288.9415, Florida Statutes, as “Jobs Florida Partnership,” Inc.

Section 27. Section 288.901, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.901, F.S., for present text.)

288.901 Jobs Florida Partnership, Inc.—

(1) CREATION.—

(a) There is created a nonprofit corporation, to be known
as “Jobs Florida Partnership, Inc.,” which shall be registered, 
incorporated, organized, and operated in compliance with chapter 
617, and which is not a unit or entity of state government.

(b) However, the Legislature determines it is in the best 
interest of the state and reflects the state’s public policy 
that Jobs Florida Partnership, Inc., operate in the most open 
and accessible manner consistent with its public purposes. To 
this end, the Legislature specifically declares that Jobs 
Florida Partnership, Inc., and its divisions, boards and 
advisory councils, or similar entities created or managed by the 
Jobs Florida Partnership, Inc., are subject to the provisions of 
chapter 119, relating to public records and those provisions of 
chapter 286 relating to public meetings and records.

(c) Additionally, the Legislature determines that it is in 
the public interest for the members of the Jobs Florida 
Partnership, Inc., board of directors to be subject to the 
requirements of ss. 112.3135, 112.3143, and 112.313, excluding 
s. 112.313(2), notwithstanding the fact that the board members 
are not public officers or employees. For purposes of those 
sections, the board members shall be considered to be public 
officers or employees. The exemption set forth in s. 212.313(12) 
for advisory boards applies to the members of the Jobs Florida 
Partnership, Inc., board of directors. Further, each member of 
the board of directors who is not otherwise required to file 
financial disclosures pursuant to s. 8, Art. II of the State 
Constitution or s. 112.3144, shall file disclosure of financial 
interests pursuant to s. 112.3145.

(2) PURPOSES.—Jobs Florida Partnership, Inc., hereafter 
referred to as the partnership in this part, will act as an
economic-development organization for the state, utilizing private-sector and public-sector expertise in collaboration with Jobs Florida to:

(a) Increase private investment in Florida;
(b) Advance international and domestic trade opportunities;
(c) Market the state both as a pro-business location for new investment and as an unparalleled tourist destination;
(d) Revitalize Florida’s space and aerospace industries, and promote emerging complementary industries;
(e) Promote opportunities for minority-owned businesses;
and
(f) Assist and market professional and amateur sport teams and sporting events in Florida.

(g) Assist, promote, and enhance economic opportunities in this state’s rural and urban communities.

(3) PERFORMANCE.—The partnership shall enter into a performance-based agreement with Jobs Florida, pursuant to s. 20.60, which includes annual measurements of the partnership’s performance.

(4) GOVERNANCE.—The partnership shall be governed by an 11-member board of directors. The Governor shall serve on the board as the chair, and shall appoint four other members. Three members shall be appointed by the President of the Senate, and three shall be appointed by the Speaker of the House of Representatives. All appointees are subject to Senate confirmation.

(a) In making their appointments, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall ensure that the composition of the board
of directors reflects the diversity of Florida’s business
community and is representative of the economic development
goals in subsection (2). The board must include at least one
director for each of the following areas of expertise:
international business, tourism marketing, the space or
aerospace industry, managing or financing a minority-owned
business, manufacturing, finance and accounting, and sports
marketing.

(b) The Governor, the President of the Senate, and the
Speaker of the House of Representatives also shall consider
appointees who reflect Florida’s racial, ethnic, and gender
diversity. Efforts shall be taken to ensure participation from
all geographic areas of the state, including representation from
urban and rural communities.

(c) Appointed members shall be appointed to 4-year terms,
except that initially, to provide for staggered terms, the
Governor, the President of the Senate, and the Speaker of the
House of Representatives shall each appoint one member to serve
a 2-year term and one member to serve a 3-year term, with the
remaining initial appointees serving 4-year terms. All
subsequent appointments shall be for 4-year terms.

(d) Initial appointments must be made by October 1, 2011,
and be eligible for confirmation at the earliest available
Senate session. Terms end on September 30.

(e) Any member is eligible for reappointment, except that a
member may not serve more than two terms.

(f) A vacancy on the board of directors shall be filled for
the remainder of the unexpired term. Vacancies on the board
shall be filled by appointment by the Governor, the President of
the Senate, or the Speaker of the House of Representatives, respectively, depending on who appointed the member whose vacancy is to be filled or whose term has expired.

(g) Appointed members may be removed by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, for cause. Absence from three consecutive meetings results in automatic removal.

(5) AT-LARGE BOARD MEMBERS.—Notwithstanding the provisions of subsection (4), the board of directors may by resolution appoint up to 10 at-large members to the board from the private sector, each of whom may serve a term of up to 3 years. At-large members shall have the powers and duties of other members of the board. An at-large member is eligible for reappointment but may not vote on his or her own reappointment. An at-large member shall be eligible to fill vacancies occurring among private-sector appointees under subsection (4). At-large members may annually provide contributions to the partnership, in an amount determined by the 11-member board established in subsection (4). The contributions must be used to defray the partnership’s operating expenses and help meet the required private match to the state’s annual appropriation.

(6) EX OFFICIO BOARD MEMBERS.—

(a) The commissioner of the Department of Jobs Florida shall be an ex officio, nonvoting member of the board of directors.

(b) The chair of each advisory council for a division shall be an ex officio, nonvoting member of the board of directors.

(c) The chair of the advisory council for Space Florida shall be an ex officio, nonvoting member of the board of directors.
directors.

(7) MEETING.—The board of directors shall biennially elect one of its members as vice chairperson. The board of directors shall meet at least four times each year, upon the call of the chairperson, at the request of the vice chairperson, or at the request of a majority of the membership. A majority of the total number of current voting directors shall constitute a quorum. The board of directors may take official action by a majority vote of the members present at any meeting at which a quorum is present.

(8) SERVICE.—Members of the board of directors shall serve without compensation, except for members of Jobs Florida Partnership, Inc., and the advisory councils created in s. 288.92, but are entitled to reimbursement for all reasonable, necessary, and actual expenses, as determined by the board of directors.

(9) PROHIBITION.—The partnership may not endorse any candidate for any elected public office or contribute moneys to the campaign of any such candidate.

Section 28. Section 288.9015, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.9015, F.S., for present text.)

288.9015 Powers of the Jobs Florida Partnership, Inc.; board of directors.—

(1) The partnership shall integrate its efforts in business recruitment and expansion, job creation, marketing the state for tourism and sports, and promoting economic opportunities for minority-owned businesses and promoting economic opportunities
for rural and distressed urban communities with those of the commissioner of the Department of Jobs Florida, to create an aggressive, agile, and collaborative effort to reinvigorate the state’s economy.

(2) The partnership’s board of directors may:
   (a) Secure funding for its programs and activities, and for its boards from federal, state, local, and private sources and from fees charged for services and published materials.
   (b) Solicit, receive, hold, invest, and administer any grant, payment, or gift of funds or property and make expenditures consistent with the powers granted to it.
   (c) Make and enter into contracts and other instruments necessary or convenient for the exercise of its powers and functions. A contract executed by the partnership with a person or organization under which such person or organization agrees to perform economic development services or similar business-assistance services on behalf of the partnership or the state must include provisions requiring a performance report on the contracted activities and must account for the proper use of funds provided under the contract, coordinate with other components of state and local economic development systems, and avoid duplication of existing state and local services and activities.
   (d) Elect or appoint such officers, employees, and agents as required for its activities and for its divisions and pay such persons reasonable compensation.
   (e) Carry forward any unexpended state appropriations into succeeding fiscal years.
   (f) Except for the divisions and advisory councils created
in s. 288.92, create and dissolve advisory divisions, working
groups, task forces, or similar organizations, as necessary to
carry out its mission. Members of advisory divisions, working
groups, task forces, or similar organizations created by the
partnership shall serve without compensation, but may be
reimbursed for reasonable, necessary, and actual expenses, as
determined by the partnership’s board of directors.

(g) Sue and be sued, and appear and defend in all actions
and proceedings, in its corporate name to the same extent as a
natural person.

(h) Adopt, use, and alter a common corporate seal for the
partnership and its divisions. Notwithstanding any provision of
chapter 617 to the contrary, this seal is not required to
contain the words “corporation not for profit.”

(i) Adopt, amend, and repeal bylaws, not inconsistent with
the powers granted to it or the articles of incorporation, for
the administration of the partnership’s activities and the
exercise of its corporate powers.

(j) Acquire, enjoy, use, and dispose of patents,
copyrights, and trademarks and any licenses, royalties, and
other rights or interests thereunder or therein.

(k) Use the state seal, notwithstanding the provisions of
s. 15.03, when appropriate, for standard corporate identity
applications. Use of the state seal is not intended to replace
use of a corporate seal as provided in this section.

(l) Procure insurance or require bond against any loss in
connection with the property of the partnership and its
divisions, in such amounts and from such insurers as is
necessary or desirable.
(3) The powers granted to the partnership shall be liberally construed in order that the partnership may pursue and succeed in its responsibilities under this part.

(4) Under no circumstances may the credit of the State of Florida be pledged on behalf of the partnership.

(5) In addition to any indemnification available under chapter 617, the partnership may indemnify, and purchase and maintain insurance on behalf of, its directors, officers, and employees of the partnership and its divisions against any personal liability or accountability by reason of actions taken while acting within the scope of their authority.

Section 29. Section 288.903, Florida Statutes, is amended to read:

(3) Duties of the Jobs Florida Partnership, Inc.—The partnership shall have the following duties:

(1) Responsibly and prudently manage all public and private funds received, and ensure that the use of such funds is in accordance with all applicable laws, bylaws, or contractual requirements.

(2) Administer the entities or programs created pursuant to part IX of this chapter; ss. 288.9622-288.9624; ss. 288.95155 and 288.9519; and chapter 95-429, Laws of Florida, line 1680Y.

(3) Prepare an annual report pursuant to s. 288.906 and an annual incentives report pursuant to s. 288.907.

(4) Assist Jobs Florida with the development of an annual and a long-range strategic business blueprint for economic development.
(5) In coordination with Workforce Florida, Inc., identify education and training programs that will ensure Florida businesses have access to a skilled and competent workforce necessary to compete successfully in the domestic and global marketplace.

(6) Assist the Office of Property Management within the Division of Strategic Business Development of Jobs Florida in managing any state-owned property or assets that are essential to the activities of its various boards.

Section 30. Section 288.904, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.904, F.S., for present text.) 288.904 Funding for the Jobs Florida Partnership, Inc.; return on the public’s investment.—

(1)(a) The Legislature may annually appropriate to the partnership a sum of money for its operations, and separate line-item appropriations for each of the divisions and Space Florida listed in s. 288.92.

(b) The Legislature finds that it is a priority to maximize private-sector support in operating the partnership and its divisions, as an endorsement of its value and as an enhancement of its efforts. Thus, the state appropriations must be matched with private-sector support equal to at least 35 percent of the state funding.

(c) Private-sector support in operating the partnership and its divisions includes:

1. Cash given directly to the partnership for its operations, including contributions from at-large members of the
2. Cash donations from the divisions’ advisory councils or from organizations assisted by the divisions;

3. Cash jointly raised by the partnership and a private local economic development organization, a group of such organizations, or a statewide private business organization that supports collaborative projects;

4. Cash generated by fees charged for products or services of the partnership and its divisions by sponsorship of events, missions, programs, and publications; and

5. Copayments, stock, warrants, royalties, or other private resources dedicated to the partnership or its divisions.

(2)(a) The state’s operating investment in the partnership and its divisions is the budget contracted by Jobs Florida to the partnership, less any funding that is directed by the Legislature to be subcontracted to a specific recipient entity.

(b) The partnership’s board of directors shall adopt for each upcoming fiscal year an operating budget for the organization, including its divisions, which specifies the intended uses of the state’s operating investment and a plan for securing private-sector support.

(3) The partnership shall fully comply with the performance measures, standards, and sanctions in its contract with Jobs Florida, under s. 20.60. Jobs Florida shall ensure, to the maximum extent possible, that the contract performance measures are consistent with performance measures that it is required to develop and track under performance-based program budgeting. The contract shall also include performance measures for the divisions.
(4) The Legislature intends to review the partnership’s performance in achieving the performance goals stated in its annual agreement with Jobs Florida to determine whether the public is receiving a positive return on its investment in the partnership and its divisions. It also is the intent of the Legislature that the partnership coordinate its operations with local economic development organizations to maximize the state and local return on investment to create jobs for Floridians.

(5) As part of the annual report required under s. 288.906, the partnership shall provide the Legislature with information quantifying the return on the public’s investment as described in this section each fiscal year.

(6) The partnership, in consultation with the Office of Economic and Demographic Research, shall hire an economic analysis firm to develop the methodology for establishing and reporting the return on the public’s investment and in-kind contributions as described in this section and shall hire a firm experienced in survey research to develop, analyze, and report on the results of the customer-satisfaction survey conducted pursuant to s. 288.906. The Office of Economic and Demographic Research shall review and offer feedback on the methodology before it is implemented.

Section 31. Section 288.905, Florida Statutes, is amended to read:

(1) The partnership’s board of directors shall appoint a
president, who shall serve at the pleasure of the Governor. The board of directors shall establish and adjust the president’s compensation. The president shall also be known as the “commerce secretary.”

(2) The president is the chief administrative and operational officer of the board of directors and of the partnership, and shall direct and supervise the administrative affairs of the board of directors and any divisions, councils, or boards. The board of directors may delegate to the president those powers and responsibilities it deems appropriate, including hiring and management of all staff, except for the appointment of a president.

(3) No employee of the partnership may receive compensation for employment that exceeds the salary paid to the Governor, unless the board of directors and the employee have executed a contract that prescribes specific, measurable performance outcomes for the employee, the satisfaction of which provides the basis for the award of incentive payments that increase the employee’s total compensation to a level above the salary paid to the Governor.

Section 32. Section 288.906, Florida Statutes, is amended to read:

(1) Before December 1 of each year, the partnership shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and

CODING: Words stricken are deletions; words underlined are additions.
the House Minority Leader a complete and detailed report
including, but not limited to:

(a) A description of the operations and accomplishments of
the partnership and its divisions, boards, and advisory councils
or similar entities created by the partnership, and an
identification of any major trends, initiatives, or developments
affecting the performance of any program or activity. The
individual annual reports prepared by each division shall be
included as addenda.

(b) An evaluation of progress toward achieving
organizational goals and specific performance outcomes, both
short-term and long-term, established pursuant this part or
under the agreement with Jobs Florida.

(c) Methods for implementing and funding the operations of
the partnership and its divisions, including the private-sector
support required under s. 288.904.

(d) A description of the operations and accomplishments of
the partnership and its divisions with respect to aggressively
marketing Florida’s rural communities and distressed urban
communities as locations for potential new investment and job
creation, aggressively assisting in the creation, retention, and
expansion of existing businesses and job growth in these
communities, and aggressively assisting these communities in the
identification and development of new economic development
opportunities.

(e) A description and evaluation of the operations and
accomplishments of the partnership and its divisions with
respect to interaction with local and private economic
development organizations, including the identification of each
organization that is a primary partner and any specific programs or activities that promoted the activities of such organizations and an identification of any specific programs or activities that promoted a comprehensive and coordinated approach to economic development in this state.

(f) An assessment of job creation that directly benefits participants in the welfare transition program or other programs designed to put long-term unemployed back to work.

(g) The results of a customer-satisfaction survey of businesses served. The Partnership shall hire a firm experienced in survey research to develop, analyze, and report on the results of the customer-satisfaction survey.

(h) An annual compliance and financial audit of accounts and records by an independent certified public accountant at the end of its most recent fiscal year performed in accordance with rules adopted by the Auditor General.

(2) The detailed report required by this section shall also include the information identified in subsection (1), if applicable, for each division and Space Florida established within the partnership.

Section 33. Section 288.907, Florida Statutes, is created to read:

288.907 Annual incentives report.—

(1) In addition to the annual report required under s. 288.906, the partnership, by December 30 of each year, shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed incentives report quantifying the economic benefits for each of the following economic development incentive programs marketed by
the partnership in its recruitment efforts: the Qualified Target Industry Tax Refund Program, the Quick Action Closing Fund, the Qualified Defense Contractor and Space Flight Business Tax Refund Program, the High-Impact Business Performance Grant, the Capital Investment Tax Credit Program, the Brownfield Redevelopment Bonus Refunds incentive, and the Economic Development Transportation grant program.

(a) The annual incentives report must include for each incentive program:

1. A brief description of the incentive program.
2. The amount of awards granted, by year, since inception.
3. Beginning in 2015, the economic benefits, as defined in s. 288.005, based on the actual amount of private capital invested, actual number of jobs created, and actual wages paid for incentive agreements completed during the previous 3 years.
4. Beginning in 2015, the report shall also include the actual amount of private capital invested, actual number of jobs created, and actual wages paid for incentive agreements completed during the previous 3 years for each target industry sector.

(b) For projects completed during the previous state fiscal year, the report must include:

1. The number of economic development incentive applications received.
2. The number of recommendations made to Jobs Florida by the partnership, including the number recommended for approval and the number recommended for denial.
3. The number of final decisions issued by Jobs Florida for approval and for denial.
4. The projects for which a tax refund, tax credit, or cash grant agreement was executed, identifying:
   a. The number of jobs committed to be created.
   b. The amount of capital investments committed to be made.
   c. The annual average wage committed to be paid.
   d. The amount of state economic development incentives committed to the project from each incentive program under the project’s terms of agreement with Jobs Florida.
(c) For economic development projects that received tax refunds, tax credits, or cash grants under the terms of an agreement for incentives, the report must identify:
   1. The number of jobs actually created.
   2. The amount of capital investments actually made.
   3. The annual average wage paid.
(d) For a project receiving economic development incentives approved by Jobs Florida and receiving federal or local incentives, the report must include a description of the federal or local incentives, if available.
(e) The report must state the number of withdrawn or terminated projects that did not fulfill the terms of their agreements with Jobs Florida and consequently are not receiving incentives.
(f) The report must include an analysis of the economic benefits, as defined in s. 288.005, of tax refunds, tax credits, or other payments made to projects locating or expanding in state enterprise zones, rural communities, brownfield areas, or distressed urban communities.
(g) The report must identify the target industry businesses and high-impact businesses.
(h) The report must describe the trends relating to business interest in, and usage of, the various incentives, and the number of minority-owned or woman-owned businesses receiving incentives.

(2) The Division of Strategic Business Development within Jobs Florida shall assist the partnership in the preparation of the annual incentives report.

Section 34. Section 288.911, Florida Statutes, is amended to read:

(1) The Partnership, with the assistance of its Division of Tourism Marketing and the private sector, shall create a marketing campaign to help attract, develop, and retain target industry businesses and high-impact businesses to this state. The campaign must be coordinated with any existing economic development promotion efforts in this state, and shall be jointly funded from private and public resources.

(2) The message of the campaign shall be to increase national and international awareness of this state as a state ideally suited for the successful advancement of businesses within the state’s target industries and high-impact industries. Marketing strategies shall include development of promotional materials, Internet and print advertising, public relations and media placement, trade show attendance at information technology events, and appropriate follow-up activities. Efforts to promote this state must include the identification and coordination of
existing clusters of target industry businesses and high-impact
businesses and partnerships with economic development
organizations and private-sector businesses.

Section 35. Section 288.912, Florida Statutes, is created
to read:

288.912 Inventory of communities seeking to recruit
businesses.—By September 30 of each year, a county or
municipality that has a population of at least 25,000 or its
local economic development organization must submit to the Jobs
Florida Partnership, Inc., a brief overview of the strengths,
services, and economic development incentives that its community
offers. The local government or its local economic development
organization also must identify any industries that it is
encouraging to locate or relocate to its area. A county or
municipality having a population of 25,000 or fewer or its local
economic development organization seeking to recruit businesses
may submit information as required in this section and may
participate in any activity or initiative resulting from the
collection, analysis, and reporting of the information to the
Jobs Florida Partnership, Inc., pursuant to this section.

Section 36. Section 288.92, Florida Statutes, is created to
read:

288.92 Divisions and advisory councils of Jobs Florida
Partnership, Inc.—

(1) The partnership shall have the following divisions,
which have distinct responsibilities and complementary missions:

(a) The Division of International Trade and Business
Development;
(b) The Division of Business Retention and Recruitment;
(c) The Division of Tourism Marketing;
(d) The Division of Minority Business Development; and
(e) The Division of Sports Industry Development.

(2)(a) The officers and agents of the divisions shall be
hired and their annual compensation established by the president
of the partnership, as deemed appropriate by the board of
directors, and may be eligible for performance bonuses pursuant
to s. 288.905(3).

(b) The Partnership board of directors may organize the
divisions so that administrative staff and costs are shared and
thus minimized to the greatest extent possible.

(3) Space Florida shall be administratively housed within
the partnership and shall have the authority, powers, and duties
set forth in part II of chapter 331.

(4) Each division shall have an advisory council, comprised
of Florida residents with expertise in each division’s
particular responsibilities. The partnership may submit
nominations of persons to serve on each advisory council to the
Governor, who will select the members of each advisory council
from the lists submitted. Nominations for advisory council
membership shall include representatives from all geographic
areas of the state, including rural and urban communities. Each
advisory council shall elect a member to serve as the chair of
the council.

(5) The term for an advisory council member is 4 years. A
member may not serve more than two consecutive terms. The
Governor may remove any member for cause and shall fill all
vacancies that occur.

(6) Advisory council members shall serve without
compensation, but may be reimbursed for all reasonable, necessary, and actual expenses, as determined by the partnership’s board of directors.

Section 37. Section 288.921, Florida Statutes, is created to read:

288.921 Division of International Trade and Business Development; responsibilities; advisory council.—

(1) There is created within the partnership the Division of International Trade and Business Development.

(2) The division shall be responsible for:

(a) Developing business leads that generate increased foreign investment in Florida;

(b) Developing programs, such as international trade shows, that establish viable overseas markets for Florida products and services;

(c) Facilitating the development and implementation of strategies to secure financing for exporting Florida products and services;

(d) Promoting opportunities for international joint-venture relationships, using the resources of academic, business, and other institutions;

(e) Coordinating and facilitating trade assistance for Florida businesses;

(f) Participating in discussions and planning exercises with the Florida Seaport Advisory Council, the state Department of Transportation, and statewide transportation logistics and intermodal mobility organizations regarding proposed improvements to Florida’s infrastructure to attract and manage international cargo and commerce.
(3) The division also shall assist the commissioner of Jobs Florida with administering a grant program for promotion of international trade.

(a) A county, municipality, economic development council, or a nonprofit association of businesses organized to assist in the promotion of international trade may apply for a grant of state funds for the promotion of international trade.

(b) The division shall review each application for a grant to promote international trade and annually submit to the commissioner of Jobs Florida for approval a list of all recommended applications for the award of grants, arranged in order of priority.

1. The commissioner of Jobs Florida may allocate grants only for projects that are approved or for which funds are appropriated by the Legislature.

2. Projects approved and recommended by the division, which are not funded by the Legislature, shall be retained on the project list for the following grant cycle only.

3. All projects that are retained shall be required to submit such information as may be required by the Department of Jobs Florida as of the established deadline date of the latest grant cycle in order to adequately reflect the most current status of the project.

(4) The division shall draft and submit an annual report by October 15 of each year which details the division’s activities during the prior fiscal year and includes any recommendations for improving current statutes related to international trade and business development.

(5) A 15-member advisory council shall be appointed,
pursuant to s. 288.92, to make recommendations to the
partnership’s board of directors on matters pertaining to
international trade and business development projects for the
division to undertake and staffing of the division.

Section 38. Section 288.922, Florida Statutes, is created
to read:

288.922 Division of Business Retention and Recruitment;
responsibilities; advisory council.—

(1) There is created within the partnership the Division
for Business Retention and Recruitment.

(2) The division shall coordinate with the commissioner of
Jobs Florida and the partnership to generate business leads on
companies interested in relocating to Florida, and on Florida-
based companies interested in expanding or diversifying their
operations within the state.

(3) The division shall draft and submit an annual report by
October 15 that details the division’s activities during the
prior fiscal year and includes any recommendations for improving
current statutes related to business retention and recruitment.

(4) A 15-member advisory council shall be appointed,
pursuant to s. 288.92, to make recommendations to the
partnership board of directors on matters pertaining to
innovative methods of business development and recruitment
efforts, changes to existing economic development incentives or
implementation of new types of incentives, targeted industries
for recruitment or retention, and staffing of the division. The
advisory council shall include at least one representative from
each of the rural areas of critical economic concern established
pursuant to s. 288.0656(7).
Section 39. Section 288.923, Florida Statutes, is created to read:

288.923 Division of Tourism Marketing; definitions; responsibilities; advisory council.—

(1) There is created within the partnership the Division of Tourism Marketing. The division shall be known as VISIT Florida. Jobs Florida Partnership, Inc., may register the fictitious name, “VISIT Florida” for use in its activities of promoting Florida as a tourist destination.

(2) As used in this section, the term:

(a) “Tourism marketing” means any effort exercised to attract domestic and international visitors from outside the state to destinations in this state and to stimulate Florida resident tourism to areas within the state.

(b) “Tourist” means any person who participates in trade or recreation activities outside the county of his or her permanent residence or who rents or leases transient living quarters or accommodations as described in s. 125.0104(3)(a).

(c) “County destination marketing organization” means a public or private agency that is funded by local option tourist development tax revenues under s. 125.0104, or local option convention development tax revenues under s. 212.0305, and is officially designated by a county commission to market and promote the area for tourism or convention business or, in any county that has not levied such taxes, a public or private agency that is officially designated by the county commission to market and promote the area for tourism or convention business.

(3) The division’s responsibilities and duties include, but are not limited to:
(a) Advising the commissioner of Jobs Florida and the partnership on development of domestic and international tourism marketing campaigns featuring Florida;

(b) Developing and implementing, in conjunction with its private partners, an annual tourism marketing campaign that targets each region of the state, each season of the year, and traditional as well as new tourist populations; and

(c) Developing a 4-year marketing plan explicitly explaining how the division intends to:

1. Sustain overall tourism growth in this state;
2. Expand to new or under-represented tourist markets;
3. Solidify traditional and loyal tourist markets;
4. Coordinate efforts with county destination marketing organizations, other local government marketing groups, privately owned attractions and destinations, and other private-sector partners to create a seamless, four-season advertising campaign for the state and its regions;
5. Develop innovative techniques or promotions to build repeat visitation by targeted segments of the tourist population;
6. Consider innovative sources of state funding for tourism marketing; and
7. Develop and update periodically an emergency response component to address natural and man-made disasters from a marketing standpoint.

The plan shall be annual in construction and ongoing in nature. Any annual revisions of such a plan shall carry forward the concepts of the remaining 3-year portion of that plan and
consider a continuum portion to preserve the 4-year time-frame of the plan. The plan also shall include recommendations for specific performance standards and measurable outcomes for the division. The commissioner of Jobs Florida, in consultation with the partnership’s board of directors, shall base the actual performance metrics on these recommendations.

(d) Drafting and submitting an annual report by October 15 that details the division’s activities during the prior fiscal year, and any recommendations for improving current statutes related to tourism marketing.

(4) A 15-member advisory council shall be appointed, pursuant to s. 288.92, to make recommendations to the partnership’s board of directors on matters pertaining to ways to improve or enhance the state’s tourism marketing efforts, research on tourist populations and trends, innovative tourism funding proposals, and staffing of the division. The advisory council shall make recommendations to promote tourism opportunities in all areas of this state.

Section 40. Section 288.925, Florida Statutes, is created to read:

288.925 The Division of Minority Business Investment; responsibilities; advisory council.—

(1) There is created within the partnership the Division of Minority Business Development.

(2) The division’s primary mission is to assist in the development and expansion of minority business enterprises by:

(a) Administering the Black Business Loan Program in s. 288.7102 and assisting in the creation of a long-range strategic policy for that program.
(b) Evaluating the unmet need for capital by minority business enterprises in the state and providing a 5-year projection of the need for capital by minority business enterprises. The division may contract with an independent entity to prepare the projection once every 5 years.

(c) Developing strategies to increase financial institution investment in minority business enterprises.

(d) Advising Jobs Florida and the partnership about the needs of minority business enterprises.

(e) Creating partnerships among federal, state, and local governments, private enterprises, and national organizations to aid in the development and expansion of minority business enterprises.

(f) Acting as a clearinghouse for information by providing a network of information resources for minority business enterprises and facilitating the provision of technical assistance in communities in which such services are otherwise underserved.

(g) Aiding the development and expansion of minority business enterprises by leveraging federal, state, local, and private funds to be held by the partnership board of directors for uses pursuant to this section and s. 288.7102.

(h) Marketing services to minority business enterprises, including the Black Business Loan Program.

(i) Submitting an annual report by October 15 of each year to the partnership’s board of directors which details the previous fiscal year’s activities, including activities of the black business investment corporations that make the loans to qualified businesses, pursuant to s. 288.7102, identifiable
trends from the previous fiscal year’s loan activity, and any
recommended changes to the current program.

(3) A 15-member advisory council shall be appointed,
pursuant to s. 288.92, to make recommendations to the
partnership’s board of directors on such matters as how to
improve minority business access to capital, recommendations on
how to provide technical assistance and other business resources
to minority-owned businesses, and recommendations on the
staffing of the division. Members of the advisory council must
have experience in business, including financial services,
banking, or economic development. At least one of the appointees
must have experience in venture capitalism.

Section 41. Section 288.1229, Florida Statutes, is
transferred, renumbered as section 288.926, Florida Statutes,
and amended to read:

(Substantial rewording of section. See
s. 288.1229, F.S., for present text.)
288.926 Division of Sports Industry Development;
responsibilities; duties; advisory council.—
(1) There is created within the partnership the Division of
Sports Industry Development.

(2) The division is responsible for:
(a) The promotion and development of professional and
amateur sports industries and related industries for the purpose
of improving the economic presence of these industries in this
state.

(b) The promotion of amateur athletic participation for the
citizens of this state, and the promotion of this state as a
host for national and international amateur athletic
competitions for the purpose of encouraging and increasing the
direct and ancillary economic benefits of amateur athletic
events and competitions.

(c) The retention of professional sports franchises,
including the spring training operations of Major League
Baseball.

(d) The drafting and submittal of an annual report, due
each October 15, to the partnership, which details the
division’s activities for the prior fiscal year and any
recommendations for improving current laws related to sports and
related industries.

(3) The division shall have the following duties:

(a) Developing, fostering, and coordinating services and
programs for amateur sports for all Floridians.

(b) Sponsoring amateur sports workshops, clinics,
conferences, and other similar activities.

(c) Giving recognition to outstanding developments and
achievements in, and contributions to, amateur sports.

(d) Encouraging, supporting, and assisting local
governments and communities in the development of or hosting of
local amateur athletic events and competitions.

(e) Promoting this state as a host for national and
international amateur athletic competitions.

(f) Continuing the amateur sports programs previously
conducted by the Florida Governor’s Council on Physical Fitness
and Amateur Sports created under the former s. 14.22.

(g) Encouraging and continuing the use of volunteers in its
amateur sports programs to the maximum extent possible.

(h) Developing, fostering, and coordinating services and
programs designed to encourage the participation of Florida’s youth in Olympic sports activities and competitions.

(i) Fostering and coordinating services and programs designed to contribute to the physical fitness of the citizens of this state.

(j) Developing a statewide program of amateur athletic competition to be known as the “Sunshine State Games.” The Sunshine State Games shall be patterned after the Summer Olympics with variations as necessitated by availability of facilities, equipment, and expertise. The games shall be designed to encourage the participation of athletes representing a broad range of age groups, skill levels, and Florida communities. Participants shall be residents of this state. Regional competitions shall be held throughout the state, and the top qualifiers in each sport shall proceed to the final competitions to be held at a site in the state with the necessary facilities and equipment for conducting the competitions.

(4) The Executive Office of the Governor is authorized to permit the use of property, facilities, and personnel services of or at any State University System facility or institution by the division for operating the Sunshine State Games. For the purposes of this paragraph, personnel services includes full-time or part-time personnel as well as payroll processing. Any funds or property held in trust by the Sunshine State Games Foundation, Inc., and the Florida Governor’s Council on Physical Fitness and Amateur Sports shall revert to the division upon expiration or cancellation of the contract with the Sunshine State Games Foundation, Inc., and the Florida Governor’s Council.
on Physical Fitness and Amateur Sports, to be used for the promotion of amateur sports in this state.

(5)(a) A 15-member advisory council shall be appointed, pursuant to s. 288.92, to make recommendations to the partnership board of directors on the activities and staffing of the division.

(b) Applicants for the advisory council must have either a background in community service in, or financial support of, the sports industry, professional sports, or organized amateur athletics. They also should be knowledgeable about or active in professional or organized amateur sports. Additionally, the advisory council’s membership must be representative of all geographical regions of the state and reflect the state’s ethnic and gender diversity.

Section 42. Paragraph (d) is added to subsection (6) of section 290.0055, Florida Statutes, to read:

290.0055 Local nominating procedure.—

(6)

(d)1. Effective January 1, 2012, the governing body of a jurisdiction which nominated the application for an enterprise zone that is no larger than 12 square miles and includes a portion of the state designated as a rural area of critical economic concern pursuant to s. 288.0656(7) may apply to Jobs Florida to expand the boundary of the enterprise zone by not more than 3 square miles. Such application must be submitted by December 31, 2012.

2. Notwithstanding the area limitations specified in subsection (4), Jobs Florida may approve the request for a boundary amendment if the area continues to satisfy the
remaining requirements of this section.

3. Jobs Florida shall establish the initial effective date of an enterprise zone designated under this paragraph.

Section 43. Section 290.00726, Florida Statutes, is created to read:

290.00726 Enterprise zone designation for Martin County.—

Effective January 1, 2012, Martin County may apply to Jobs Florida for designation of one enterprise zone for an area within Martin County, which zone shall encompass an area up to 10 square miles consisting of land within the primary urban services boundary and focusing on Indiantown, but excluding property owned by Florida Power and Light to the west, two areas to the north designated as estate residential, and the county-owned Timer Powers Recreational Area. Within the designated enterprise zone, Martin County shall exempt residential condominiums from benefiting from state enterprise zone incentives, unless prohibited by law. The application must have been submitted by December 31, 2011, and must comply with the requirements of s. 290.0055. Notwithstanding s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, Jobs Florida may designate one enterprise zone under this section. Jobs Florida shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 44. Subsection (4) of section 409.942, Florida Statutes, is amended to read:

409.942 Electronic benefit transfer program.—

(4) Workforce Florida, Inc., through the Agency for Workforce Innovation, shall establish an electronic benefit
transfer program for the use and management of education, training, child care, transportation, and other program benefits under its direction. The workforce electronic benefit transfer program shall fulfill all federal and state requirements for Individual Training Accounts, Retention Incentive Training Accounts, Individual Development Accounts, and Individual Services Accounts. The workforce electronic benefit transfer program shall be designed to enable an individual who receives an electronic benefit transfer card under subsection (1) to use that card for purposes of benefits provided under the workforce development system as well. The Department of Children and Family Services shall assist Workforce Florida, Inc., in developing an electronic benefit transfer program for the workforce development system that is fully compatible with the department’s electronic benefit transfer program. The agency shall reimburse the department for all costs incurred in providing such assistance and shall pay all costs for the development of the workforce electronic benefit transfer program.

Section 45. Section 411.0102, Florida Statutes, is amended to read:

411.0102 Child Care Executive Partnership Act; findings and intent; grant; limitation; rules.—

(1) This section may be cited as the “Child Care Executive Partnership Act.”

(2)(a) The Legislature finds that when private employers provide onsite child care or provide other child care benefits, they benefit by improved recruitment and higher retention rates for employees, lower absenteeism, and improved employee morale.
The Legislature also finds that there are many ways in which private employers can provide child care assistance to employees: information and referral, vouchering, employer contribution to child care programs, and onsite care. Private employers can offer child care as part of a menu of employee benefits. The Legislature recognizes that flexible compensation programs providing a child care option are beneficial to the private employer through increased productivity, to the private employee in knowing that his or her children are being cared for in a safe and nurturing environment, and to the state in more dollars being available for purchasing power and investment.

(b) It is the intent of the Legislature to promote public/private partnerships to ensure that the children of the state be provided safe and enriching child care at any time, but especially while parents work to remain self-sufficient. It is the intent of the Legislature that private employers be encouraged to participate in the future of this state by providing employee child care benefits. Further, it is the intent of the Legislature to encourage private employers to explore innovative ways to assist employees to obtain quality child care.

(c) The Legislature further recognizes that many parents need assistance in paying the full costs of quality child care. The public and private sectors, by working in partnership, can promote and improve access to quality child care and early education for children of working families who need it. Therefore, a more formal mechanism is necessary to stimulate the establishment of public-private partnerships. It is the intent of the Legislature to expand the availability of scholarship.
options for working families by providing incentives for employers to contribute to meeting the needs of their employees’ families through matching public dollars available for child care.

(3) There is created a body politic and corporate known as the Child Care Executive Partnership which shall establish and govern the Child Care Executive Partnership Program. The purpose of the Child Care Executive Partnership Program is to utilize state and federal funds as incentives for matching local funds derived from local governments, employers, charitable foundations, and other sources so that Florida communities may create local flexible partnerships with employers. The Child Care Executive Partnership Program funds shall be used at the discretion of local communities to meet the needs of working parents. A child care purchasing pool shall be developed with the state, federal, and local funds to provide subsidies to low-income working parents whose family income does not exceed the allowable income for any federally subsidized child care program with a dollar-for-dollar match from employers, local government, and other matching contributions. The funds used from the child care purchasing pool must be used to supplement or extend the use of existing public or private funds.

(4) The Child Care Executive Partnership, staffed by the Department of Education Agency for Workforce Innovation, shall consist of a representative of the Executive Office of the Governor and nine members of the corporate or child care community, appointed by the Governor.

(a) Members shall serve for a period of 4 years, except that the representative of the Executive Office of the Governor
shall serve at the pleasure of the Governor.

(b) The Child Care Executive Partnership shall be chaired by a member chosen by a majority vote and shall meet at least quarterly and at other times upon the call of the chair. The Child Care Executive Partnership may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, only if the public is given proper notice of a telecommunications meeting and reasonable access to observe and, when appropriate, participate.

(c) Members shall serve without compensation, but may be reimbursed for per diem and travel expenses in accordance with s. 112.061.

(d) The Child Care Executive Partnership shall have all the powers and authority, not explicitly prohibited by statute, necessary to carry out and effectuate the purposes of this section, as well as the functions, duties, and responsibilities of the partnership, including, but not limited to, the following:

1. Assisting in the formulation and coordination of the state’s child care policy.

2. Adopting an official seal.

3. Soliciting, accepting, receiving, investing, and expending funds from public or private sources.

4. Contracting with public or private entities as necessary.

5. Approving an annual budget.

6. Carrying forward any unexpended state appropriations into succeeding fiscal years.

7. Providing a report to the Governor, the Speaker of the
House of Representatives, and the President of the Senate, on or before December 1 of each year.

(5)(a) The Legislature shall annually determine the amount of state or federal low-income child care moneys which shall be used to create Child Care Executive Partnership Program child care purchasing pools in counties chosen by the Child Care Executive Partnership, provided that at least two of the counties have populations of no more than 300,000. The Legislature shall annually review the effectiveness of the child care purchasing pool program and reevaluate the percentage of additional state or federal funds, if any, that can be used for the program’s expansion.

(b) To ensure a seamless service delivery and ease of access for families, an early learning coalition or the Department of Education Agency for Workforce Innovation shall administer the child care purchasing pool funds.

(c) The Department of Education Agency for Workforce Innovation, in conjunction with the Child Care Executive Partnership, shall develop procedures for disbursement of funds through the child care purchasing pools. In order to be considered for funding, an early learning coalition or the Department of Education Agency for Workforce Innovation must commit to:

1. Matching the state purchasing pool funds on a dollar-for-dollar basis; and

2. Expending only those public funds that are matched by employers, local government, and other matching contributors who contribute to the purchasing pool. Parents shall also pay a fee, which may not be less than the amount identified in the
early learning coalition’s school readiness program sliding fee scale.

(d) Each early learning coalition shall establish a community child care task force for each child care purchasing pool. The task force must be composed of employers, parents, private child care providers, and one representative from the local children’s services council, if one exists in the area of the purchasing pool. The early learning coalition is expected to recruit the task force members from existing child care councils, commissions, or task forces already operating in the area of a purchasing pool. A majority of the task force shall consist of employers.

(e) Each participating early learning coalition board shall develop a plan for the use of child care purchasing pool funds. The plan must show how many children will be served by the purchasing pool, how many will be new to receiving child care services, and how the early learning coalition intends to attract new employers and their employees to the program.

(6) The Department of Education Agency for Workforce Innovation shall adopt any rules necessary for the implementation and administration of this section.

Section 46. Section 1002.73, Florida Statutes, is amended to read:

1002.73 Department of Education; powers and duties; accountability requirements; operational requirements.—

(1) The department shall administer the accountability requirements and operational requirements of the Voluntary Prekindergarten Education Program at the state level. The department shall ensure the preservation of parental choice by
permitting parents to choose from a variety of child care categories, including: Center-based child care; Group home child care; Family child care; and In-home child care. Under each of the above categories, care and curriculum by a sectarian provider may not be limited or excluded.

(2) The department shall adopt procedures for its:
   (a) Approval of prekindergarten director credentials under ss. 1002.55 and 1002.57.
   (b) Approval of emergent literacy training courses under ss. 1002.55 and 1002.59.
   (c) Administration of the statewide kindergarten screening and calculation of kindergarten readiness rates under s. 1002.69.
   (d) Approval of specialized instructional services providers under s. 1002.66.
   (e) Granting of a private prekindergarten provider’s or public school’s request for a good cause exemption under s. 1002.69(7).

(3) The department shall adopt procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:
   (a) Enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program under s. 1002.53.
   (b) Providing parents with profiles of private prekindergarten providers and public schools under s. 1002.53.
   (c) Registering private prekindergarten providers and public schools to deliver the program under ss. 1002.55,
(d) Determining the eligibility of private prekindergarten providers to deliver the program under ss. 1002.55 and 1002.61.

(e) Verifying the compliance of private prekindergarten providers and public schools and removing providers or schools from eligibility to deliver the program due to noncompliance or misconduct as provided in s. 1002.67.

(f) Paying private prekindergarten providers and public schools under s. 1002.71.

(g) Documenting and certifying student enrollment and student attendance under s. 1002.71.

(h) Reconciling advance payments in accordance with the uniform attendance policy under s. 1002.71.

(i) Reenrolling students dismissed by a private prekindergarten provider or public school for noncompliance with the provider’s or school district’s attendance policy under s. 1002.71.

(4) The department shall adopt procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:

(a) Approving improvement plans of private prekindergarten providers and public schools under s. 1002.67.

(b) Placing private prekindergarten providers and public schools on probation and requiring corrective actions under s. 1002.67.

(c) Removing a private prekindergarten provider or public school from eligibility to deliver the program due to the provider’s or school’s remaining on probation beyond the time...
permitted under s. 1002.67.

(d) Enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program under s. 1002.66.

(e) Paying specialized instructional services providers under s. 1002.66.

(5) The department shall also adopt procedures for the distribution of funds to early learning coalitions under s. 1002.71.

(6) Except as provided by law, the department may not impose requirements on a private prekindergarten provider or public school that does not deliver the Voluntary Prekindergarten Education Program or receive state funds under this part.

Section 47. Paragraph (i) of subsection (3) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

(i) The Jobs Florida Partnership Enterprise Florida, Inc., including any of its boards, advisory committees, or similar groups created by the Jobs Florida Partnership Enterprise Florida, Inc., and programs. The audit report may not reveal the identity of any person who has anonymously made a donation to the Jobs Florida Partnership Enterprise Florida, Inc., pursuant to this paragraph. The identity of a donor or prospective donor...
Section 48. Paragraph (b) of subsection (2) of section 14.20195, Florida Statutes, is amended to read:

14.20195 Suicide Prevention Coordinating Council; creation; membership; duties.—There is created within the Statewide Office for Suicide Prevention a Suicide Prevention Coordinating Council. The council shall develop strategies for preventing suicide.

(2) MEMBERSHIP.—The Suicide Prevention Coordinating Council shall consist of 28 voting members.

(b) The following state officials or their designees shall serve on the coordinating council:

1. The Secretary of Elderly Affairs.
2. The State Surgeon General.
3. The Commissioner of Education.
4. The Secretary of Health Care Administration.
5. The Secretary of Juvenile Justice.
6. The Secretary of Corrections.
7. The executive director of the Department of Law Enforcement.
8. The executive director of the Department of Veterans’ Affairs.
10. The commissioner director of Jobs Florida the Agency
Section 49. Section 15.18, Florida Statutes, is amended to read:

15.18 International and cultural relations.—The Divisions of Cultural Affairs, Historical Resources, and Library and Information Services of the Department of State promote programs having substantial cultural, artistic, and indirect economic significance that emphasize American creativity. The Secretary of State, as the head administrator of these divisions, shall hereafter be known as “Florida’s Chief Cultural Officer.” As this officer, the Secretary of State is encouraged to initiate and develop relationships between the state and foreign cultural officers, their representatives, and other foreign governmental officials in order to promote Florida as the center of American creativity. The Secretary of State shall coordinate international activities pursuant to this section with the Jobs Florida Partnership Enterprise Florida, Inc., and any other organization the secretary deems appropriate. For the accomplishment of this purpose, the Secretary of State shall have the power and authority to:

1. Disseminate any information pertaining to the State of Florida which promotes the state’s cultural assets.

2. Plan and carry out activities designed to cause improved cultural and governmental programs and exchanges with foreign countries.

3. Plan and implement cultural and social activities for visiting foreign heads of state, diplomats, dignitaries, and exchange groups.

4. Encourage and cooperate with other public and private
organizations or groups in their efforts to promote the cultural
advantages of Florida.

(5) Serve as the liaison with all foreign consular and
ambassadorial corps, as well as international organizations,
that are consistent with the purposes of this section.

(6) Provide, arrange, and make expenditures for the
achievement of any or all of the purposes specified in this
section.

(7) Notwithstanding the provisions of part I of chapter
287, promulgate rules for entering into contracts which are
primarily for promotional services and events, which may include
commodities involving a service. Such rules shall include the
authority to negotiate costs with the offerors of such services
and commodities who have been determined to be qualified on the
basis of technical merit, creative ability, and professional
competency. The rules shall only apply to the expenditure of
funds donated for promotional services and events. Expenditures
of appropriated funds shall be made only in accordance with part
I of chapter 287.

Section 50. Section 15.182, Florida Statutes, is amended to
read:

15.182 International travel by state-funded musical,
cultural, or artistic organizations; notification to Jobs
Florida Office of Tourism, Trade, and Economic Development.—
(1) If a musical, cultural, or artistic organization that
receives state funding is traveling internationally for a
presentation, performance, or other significant public viewing,
including an organization associated with a college or
university, such organization shall notify Jobs Florida The
Office of Tourism, Trade, and Economic Development of its intentions to travel, together with the date, time, and location of each appearance.

(2) Jobs Florida The Office of Tourism, Trade, and Economic Development, in conjunction with the Jobs Florida Partnership Enterprise Florida, Inc., shall act as an intermediary between performing musical, cultural, and artistic organizations and Florida businesses to encourage and coordinate joint undertakings. Such coordination may include, but is not limited to, encouraging business and industry to sponsor cultural events, assistance with travel of such organizations, and coordinating travel schedules of cultural performance groups and international trade missions.

(3) An organization shall provide the notification to the Department of State required by this section at least 30 days before the date the international travel is to commence or, when an intention to travel internationally is not formed at least 30 days in advance of the date the travel is to commence, as soon as feasible after forming such travel intention. The Department of State shall take an active role in informing such groups of the responsibility to notify the department of travel intentions.

Section 51. Paragraph (j) of subsection (1) of section 16.615, Florida Statutes, is amended to read:

16.615 Council on the Social Status of Black Men and Boys.—

(1) The Council on the Social Status of Black Men and Boys is established within the Department of Legal Affairs and shall consist of 19 members appointed as follows:

(j) The commissioner director of Jobs Florida the Agency
Section 52. Paragraph (a) of subsection (8) and paragraph (a) of subsection (9) of section 39.001, Florida Statutes, are amended to read:

39.001 Purposes and intent; personnel standards and screening.—

(8) PLAN FOR COMPREHENSIVE APPROACH.—

(a) The office shall develop a state plan for the promotion of adoption, support of adoptive families, and prevention of abuse, abandonment, and neglect of children and shall submit the state plan to the Speaker of the House of Representatives, the President of the Senate, and the Governor no later than December 31, 2008. The Department of Children and Family Services, the Department of Corrections, the Department of Education, the Department of Health, the Department of Juvenile Justice, the Department of Law Enforcement, and the Agency for Persons with Disabilities, and the Agency for Workforce Innovation shall participate and fully cooperate in the development of the state plan at both the state and local levels. Furthermore, appropriate local agencies and organizations shall be provided an opportunity to participate in the development of the state plan at the local level. Appropriate local groups and organizations shall include, but not be limited to, community mental health centers; guardian ad litem programs for children under the circuit court; the school boards of the local school districts; the Florida local advocacy councils; community-based care lead agencies; private or public organizations or programs with recognized expertise in working with child abuse prevention programs for children and families; private or public
organizations or programs with recognized expertise in working with children who are sexually abused, physically abused, emotionally abused, abandoned, or neglected and with expertise in working with the families of such children; private or public programs or organizations with expertise in maternal and infant health care; multidisciplinary child protection teams; child day care centers; law enforcement agencies; and the circuit courts, when guardian ad litem programs are not available in the local area. The state plan to be provided to the Legislature and the Governor shall include, as a minimum, the information required of the various groups in paragraph (b).

(9) FUNDING AND SUBSEQUENT PLANS.—

(a) All budget requests submitted by the office, the department, the Department of Health, the Department of Education, the Department of Juvenile Justice, the Department of Corrections, the Agency for Persons with Disabilities, the Agency for Workforce Innovation, or any other agency to the Legislature for funding of efforts for the promotion of adoption, support of adoptive families, and prevention of child abuse, abandonment, and neglect shall be based on the state plan developed pursuant to this section.

Section 53. Paragraph (a) of subsection (7) of section 45.031, Florida Statutes, is amended to read:

45.031 Judicial sales procedure.—In any sale of real or personal property under an order or judgment, the procedures provided in this section and ss. 45.0315-45.035 may be followed as an alternative to any other sale procedure if so ordered by the court.

(7) DISBURSEMENTS OF PROCEEDS.—
(a) On filing a certificate of title, the clerk shall disburse the proceeds of the sale in accordance with the order or final judgment and shall file a report of such disbursements and serve a copy of it on each party, and on the Department of Revenue if the department was named as a defendant in the action or if Jobs Florida or the former Agency for Workforce Innovation or the former Department of Labor and Employment Security was named as a defendant while the Department of Revenue was providing unemployment tax collection services under contract with Jobs Florida or the former Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316.

Section 54. Paragraph (a) of subsection (4) of section 69.041, Florida Statutes, is amended to read:

69.041 State named party; lien foreclosure, suit to quiet title.—

(4)(a) The Department of Revenue has the right to participate in the disbursement of funds remaining in the registry of the court after distribution pursuant to s. 45.031(7). The department shall participate in accordance with applicable procedures in any mortgage foreclosure action in which the department has a duly filed tax warrant, or interests under a lien arising from a judgment, order, or decree for support, as defined in s. 409.2554, or interest in an unemployment compensation tax lien under contract with Jobs Florida the Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316, against the subject property and with the same priority, regardless of whether a default against the department, Jobs Florida, or the former Agency for Workforce Innovation, or the former Department
of Labor and Employment Security has been entered for failure to
file an answer or other responsive pleading.

Section 55. Subsection (3) of section 112.3135, Florida
Statutes, is amended to read:

112.3135 Restriction on employment of relatives.—
(3) An agency may prescribe regulations authorizing the
temporary employment, in the event of an emergency as defined in
s. 252.34(3), of individuals whose employment would be otherwise
prohibited by this section.

Section 56. Paragraph (d) of subsection (2) and paragraph
(f) of subsection (5) of section 119.071, Florida Statutes, are
amended to read:

119.071 General exemptions from inspection or copying of
public records.—
(2) AGENCY INVESTIGATIONS.—
(d) Any information revealing surveillance techniques or
procedures or personnel is exempt from s. 119.07(1) and s.
24(a), Art. I of the State Constitution. Any comprehensive
inventory of state and local law enforcement resources compiled
pursuant to part I, chapter 23, and any comprehensive policies
or plans compiled by a criminal justice agency pertaining to the
mobilization, deployment, or tactical operations involved in
responding to an emergency, as defined in s.
252.34(3), are exempt from s. 119.07(1) and s. 24(a), Art. I of
the State Constitution and unavailable for inspection, except by
personnel authorized by a state or local law enforcement agency,
the office of the Governor, the Department of Legal Affairs, the
Department of Law Enforcement, or the Office of Emergency
Management as having an
official need for access to the inventory or comprehensive policies or plans.

(5) OTHER PERSONAL INFORMATION.—

(f) Medical history records and information related to health or property insurance provided to Jobs Florida the Department of Community Affairs, the Florida Housing Finance Corporation, a county, a municipality, or a local housing finance agency by an applicant for or a participant in a federal, state, or local housing assistance program are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Governmental entities or their agents shall have access to such confidential and exempt records and information for the purpose of auditing federal, state, or local housing programs or housing assistance programs. Such confidential and exempt records and information may be used in any administrative or judicial proceeding, provided such records are kept confidential and exempt unless otherwise ordered by a court.

Section 57. Subsection (10) of section 120.80, Florida Statutes, is amended to read:

120.80 Exceptions and special requirements; agencies.—

(10) JOBS FLORIDA AGENCY FOR WORKFORCE INNOVATION.—

(a) Notwithstanding s. 120.54, the rulemaking provisions of this chapter do not apply to unemployment appeals referees.

(b) Notwithstanding s. 120.54(5), the uniform rules of procedure do not apply to appeal proceedings conducted under chapter 443 by the Unemployment Appeals Commission, special deputies, or unemployment appeals referees.

(c) Notwithstanding s. 120.57(1)(a), hearings under chapter
443 may not be conducted by an administrative law judge assigned
by the division, but instead shall be conducted by the
Unemployment Appeals Commission in unemployment compensation
appeals, unemployment appeals referees, and Jobs Florida the
Agency for Workforce Innovation or its special deputies under s.
443.141.

Section 58. Subsection (1) of section 125.01045, Florida
Statutes, is amended to read:

125.01045 Prohibition of fees for first responder
services.—
(1) A county may not impose a fee or seek reimbursement for
any costs or expenses that may be incurred for services provided
by a first responder, including costs or expenses related to
personnel, supplies, motor vehicles, or equipment in response to
a motor vehicle accident, except for costs to contain or clean
up hazardous materials in quantities reportable to the Florida
State Warning Point at the Office Division of Emergency
Management, and costs for transportation and treatment provided
by ambulance services licensed pursuant to s. 401.23(4) and (5).

Section 59. Subsection (11) of section 159.803, Florida
Statutes, is amended to read:

159.803 Definitions.—As used in this part, the term:
(11) “Florida First Business project” means any project
which is certified by Jobs Florida the Office of Tourism, Trade,
and Economic Development as eligible to receive an allocation
from the Florida First Business allocation pool established
pursuant to s. 159.8083. Jobs Florida The Office of Tourism,
Trade, and Economic Development may certify those projects
meeting the criteria set forth in s. 288.106(4)(b) or any
project providing a substantial economic benefit to this state.

Section 60. Paragraph (a) of subsection (2) of section 159.8081, Florida Statutes, is amended to read:

159.8081 Manufacturing facility bond pool.—

(2)(a) The first 75 percent of this pool shall be available on a first come, first served basis, except that 15 percent of the state volume limitation allocated to this pool shall be available as provided in paragraph (b). Before Prior to issuing any written confirmations for the remaining 25 percent of this pool, the director shall forward all notices of intent to issue which are received by the division for manufacturing facility projects to Jobs Florida the Office of Tourism, Trade, and Economic Development. Jobs Florida The Office of Tourism, Trade, and Economic Development and the Department of Community Affairs shall decide, after receipt of the notices of intent to issue, which notices will receive written confirmations. Such decision shall be communicated in writing by Jobs Florida the Office of Tourism, Trade, and Economic Development to the director within 10 days of receipt of such notices of intent to issue. Jobs Florida The Office of Tourism, Trade, and Economic Development, in consultation with the Department of Community Affairs, may develop rules to ensure that allocation of the remaining 25 percent is consistent with the state’s economic development policy.

Section 61. Section 159.8083, Florida Statutes, is amended to read:

159.8083 Florida First Business allocation pool.—The Florida First Business allocation pool is hereby established. The Florida First Business allocation pool shall be available
solely to provide written confirmation for private activity bonds to finance Florida First Business projects certified by Jobs Florida the Office of Tourism, Trade, and Economic Development as eligible to receive a written confirmation. Allocations from such pool shall be awarded statewide pursuant to procedures specified in s. 159.805, except that the provisions of s. 159.805(2), (3), and (6) do not apply. Florida First Business projects that are eligible for a carryforward do not lose their allocation pursuant to s. 159.809(3) on October 1, or pursuant to s. 159.809(4) on November 16, if they have applied for and have been granted a carryforward by the division pursuant to s. 159.81(1). In issuing written confirmations of allocations for Florida First Business projects, the division shall use the Florida First Business allocation pool. If allocation is not available from the Florida First Business allocation pool, the division shall issue written confirmations of allocations for Florida First Business projects pursuant to s. 159.806 or s. 159.807, in such order. For the purpose of determining priority within a regional allocation pool or the state allocation pool, notices of intent to issue bonds for Florida First Business projects to be issued from a regional allocation pool or the state allocation pool shall be considered to have been received by the division at the time it is determined by the division that the Florida First Business allocation pool is unavailable to issue confirmation for such Florida First Business project. If the total amount requested in notices of intent to issue private activity bonds for Florida First Business projects exceeds the total amount of the Florida First Business allocation pool, the director shall forward all
timely notices of intent to issue, which are received by the division for such projects, to Jobs Florida the Office of Tourism, Trade, and Economic Development which shall render a decision as to which notices of intent to issue are to receive written confirmations. Jobs Florida The Office of Tourism, Trade, and Economic Development, in consultation with the division, shall develop rules to ensure that the allocation provided in such pool is available solely to provide written confirmations for private activity bonds to finance Florida First Business projects and that such projects are feasible and financially solvent.

Section 62. Subsection (10) of section 161.54, Florida Statutes, is amended to read:

161.54 Definitions.—In construing ss. 161.52-161.58:

(10) “State land planning agency” means Jobs Florida the Department of Community Affairs.

Section 63. Section 163.03, Florida Statutes, is amended to read:

163.03 Commissioner of Jobs Florida Secretary of Community Affairs; powers and duties; function of Jobs Florida Department of Community Affairs with respect to federal grant-in-aid programs.—

(1) The commissioner of Jobs Florida, or his or her designee, Secretary of Community Affairs shall:

(a) Supervise and administer the activities of Jobs Florida the department and shall advise the Governor, the Cabinet, and the Legislature with respect to matters affecting community affairs and local government and participate in the formulation of policies which best use utilize the resources of state
(b) Render services to local governments by assisting, upon request, in applying for and securing federal and state funds and by assisting the Executive Office of the Governor in coordinating the activities of the state with federal programs for assistance in and solution of urban problems.

(e) Under the direction of the Governor, administer programs to apply rapidly all available aid to communities stricken by an emergency as defined in s. 252.34(3) and, for this purpose, provide liaison with federal agencies and other public and private agencies.

(c) When requested, administer programs which will assist the efforts of local governments in developing mutual and cooperative solutions to their common problems.

(d) Conduct programs to encourage and promote the involvement of private enterprise in the solution of urban problems.

(e) Conduct continuing programs of analysis and evaluation of local governments and recommend to the Governor programs and changes in the powers and organization of local government as may seem necessary to strengthen local governments.

(f) Assist the Governor and the Cabinet in coordinating and making more effective the activities and services of those departments and agencies of the state which may be of service to units of local government.

(g) Provide consultative services and technical assistance to local officials in the fields of housing, redevelopment and renewal, local public improvement programs,
planning and zoning, and other local programs and collect and
disseminate information pertaining thereto, including
information concerning federal, state, and private assistance
programs and services.

(h) Conduit research and studies, and prepare model
ordinances and codes relating to the areas referred to herein.

(i) Cooperate with other state agencies in the
preparation of statewide plans relating to housing,
redevelopment and renewal, human resources development, local
planning and zoning, transportation and traffic, and other
matters relating to the purposes of this section.

(j) Accept funds from all sources to be used in programs designed to combat juvenile crime, including the making
of contributions to the National Youth Emergency Corps.

(k) Be authorized to accept and disburse funds from all
sources in order to carry out the following programs:

1. Advisory and informational services to local
governments.

2. Community development training under Title VIII of the
Housing Act of 1964.

3. Local planning assistance under s. 701 of the Housing
Act of 1954.

4. Statewide planning assistance under s. 701 of the
Housing Act of 1954.

5. Model cities technical assistance under s. 701 of the
Housing Act of 1954.

(l) Perform such other functions, duties, or
responsibilities as may be hereafter assigned to him or her by
law.
(2) It is the intent of this section, with respect to federal grant-in-aid programs, that Jobs Florida the department serve as the agency for disseminating information to local governments regarding the availability of federal grant-in-aid assistance to local governments in their efforts to secure federal grant-in-aid assistance, but only upon the request of such local governments, and for assisting local governments in maintaining liaison and communications with federal agencies concerning federal grant-in-aid programs. Nothing contained herein shall be construed to require consent, approval, or authorization from Jobs Florida the department as a condition to any application for or acceptance of grants-in-aid from the United States Government.

(3) Jobs Florida The department is authorized to adopt rules implementing the following grant programs, which rules shall be consistent with the laws, regulations, or guidelines governing the grant to Jobs Florida the department:

(a) Criminal justice grant programs administered by the Bureau of Criminal Justice Assistance.

(b) Grants under the federal Outer Continental Shelf Program administered by the Bureau of Land and Water Management.

(c) Federal housing assistance programs.

(d) Community Services Block Grant programs.

(e) Federal weatherization grant programs.

(f) The Jobs Impact Program of the federal Community Development Block Grant.

Section 64. Paragraph (d) of subsection (2) and subsection (3) of section 163.3178, Florida Statutes, are amended to read:

163.3178 Coastal management.
(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(d) A component which outlines principles for hazard mitigation and protection of human life against the effects of natural disaster, including population evacuation, which take into consideration the capability to safely evacuate the density of coastal population proposed in the future land use plan element in the event of an impending natural disaster. The Office Division of Emergency Management shall manage the update of the regional hurricane evacuation studies, ensure such studies are done in a consistent manner, and ensure that the methodology used for modeling storm surge is that used by the National Hurricane Center.

(3) Expansions to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9); port transportation facilities and projects listed in s. 311.07(3)(b); intermodal transportation facilities identified pursuant to s. 311.09(3); and facilities determined by Jobs Florida the Department of Community Affairs and applicable general-purpose local government to be port-related industrial or commercial projects located within 3 miles of or in a port master plan area which rely upon the use of port and intermodal transportation facilities shall not be designated as developments of regional impact if such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with this section.
Section 65. Subsection (14) of section 163.3221, Florida Statutes, is amended to read:

163.3221 Florida Local Government Development Agreement Act; definitions.—As used in ss. 163.3220-163.3243:

(14) “State land planning agency” means Jobs Florida the Department of Community Affairs.

Section 66. Subsection (10) of section 163.360, Florida Statutes, is amended to read:

163.360 Community redevelopment plans.—

(10) Notwithstanding any other provisions of this part, if when the governing body certifies that an area is in need of redevelopment or rehabilitation as a result of an emergency as defined in under s. 252.34(3), with respect to which the Governor has certified the need for emergency assistance under federal law, that area may be certified as a “blighted area,” and the governing body may approve a community redevelopment plan and community redevelopment with respect to such area without regard to the provisions of this section requiring a general plan for the county or municipality and a public hearing on the community redevelopment.

Section 67. Subsection (1) of section 166.0446, Florida Statutes, is amended to read:

166.0446 Prohibition of fees for first responder services.—

(1) A municipality may not impose a fee or seek reimbursement for any costs or expenses that may be incurred for services provided by a first responder, including costs or expenses related to personnel, supplies, motor vehicles, or equipment in response to a motor vehicle accident, except for costs to contain or clean up hazardous materials in quantities
reportable to the Florida State Warning Point at the Office of Emergency Management, and costs for transportation and treatment provided by ambulance services licensed pursuant to s. 401.23(4) and (5).

Section 68. Subsection (1) of section 175.021, Florida Statutes, is amended to read:

175.021 Legislative declaration.—

(1) It is hereby declared by the Legislature that firefighters, as hereinafter defined, perform state and municipal functions; that it is their duty to extinguish fires, to protect life, and to protect property at their own risk and peril; that it is their duty to prevent conflagration and to continuously instruct school personnel, public officials, and private citizens in the prevention of fires and firesafety; that they protect both life and property from local emergencies as defined in s. 252.34(3); and that their activities are vital to the public safety. It is further declared that firefighters employed by special fire control districts serve under the same circumstances and perform the same duties as firefighters employed by municipalities and should therefore be entitled to the benefits available under this chapter. Therefore, the Legislature declares that it is a proper and legitimate state purpose to provide a uniform retirement system for the benefit of firefighters as hereinafter defined and intends, in implementing the provisions of s. 14, Art. X of the State Constitution as they relate to municipal and special district firefighters’ pension trust fund systems and plans, that such retirement systems or plans be managed, administered, operated, and funded in such manner as to maximize the protection of the
firefighters’ pension trust funds. Pursuant to s. 18, Art. VII of the State Constitution, the Legislature hereby determines and declares that the provisions of this act fulfill an important state interest.

Section 69. Paragraph (c) of subsection (4) of section 186.504, Florida Statutes, is amended to read:

186.504 Regional planning councils; creation; membership.--
(4) In addition to voting members appointed pursuant to paragraph (2)(c), the Governor shall appoint the following ex officio nonvoting members to each regional planning council:
(c) A representative nominated by Jobs Florida Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development.

The Governor may also appoint ex officio nonvoting members representing appropriate metropolitan planning organizations and regional water supply authorities.

Section 70. Subsection (11) of section 186.505, Florida Statutes, is amended to read:

186.505 Regional planning councils; powers and duties.--Any regional planning council created hereunder shall have the following powers:
(11) To cooperate, in the exercise of its planning functions, with federal and state agencies in planning for emergency management as defined in under s. 252.34(4).

Section 71. Paragraph (a) of subsection (1) of section 202.37, Florida Statutes, is amended to read:

202.37 Special rules for administration of local communications services tax.--
(1)(a) Except as otherwise provided in this section, all statutory provisions and administrative rules applicable to the communications services tax imposed by s. 202.12 apply to any local communications services tax imposed under s. 202.19, and the department shall administer, collect, and enforce all taxes imposed under s. 202.19, including interest and penalties attributable thereto, in accordance with the same procedures used in the administration, collection, and enforcement of the communications services tax imposed by s. 202.12. Audits performed by the department shall include a determination of the dealer’s compliance with the jurisdictional situsing of its customers’ service addresses and a determination of whether the rate collected for the local tax pursuant to ss. 202.19 and 202.20 is correct. The person or entity designated by a local government pursuant to s. 213.053(8) may provide evidence to the department demonstrating a specific person’s failure to fully or correctly report taxable communications services sales within the jurisdiction. The department may request additional information from the designee to assist in any review. The department shall inform the designee of what action, if any, the department intends to take regarding the person.

Section 72. Paragraphs (j) and (p) of subsection (5) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this
chapter.

   (5) EXEMPTIONS; ACCOUNT OF USE.—
   
   (j) Machinery and equipment used in semiconductor, defense, or space technology production.—
   
   1.a. Industrial machinery and equipment used in semiconductor technology facilities certified under subparagraph 5. to manufacture, process, compound, or produce semiconductor technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter. For purposes of this paragraph, industrial machinery and equipment includes molds, dies, machine tooling, other appurtenances or accessories to machinery and equipment, testing equipment, test beds, computers, and software, whether purchased or self-fabricated, and, if self-fabricated, includes materials and labor for design, fabrication, and assembly.
   
   b. Industrial machinery and equipment used in defense or space technology facilities certified under subparagraph 5. to design, manufacture, assemble, process, compound, or produce defense technology products or space technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter.
   
   2. Building materials purchased for use in manufacturing or expanding clean rooms in semiconductor-manufacturing facilities are exempt from the tax imposed by this chapter.
   
   3. In addition to meeting the criteria mandated by subparagraph 1. or subparagraph 2., a business must be certified by Jobs Florida the Office of Tourism, Trade, and Economic Development in order to qualify for exemption under this paragraph.
4. For items purchased tax-exempt pursuant to this paragraph, possession of a written certification from the purchaser, certifying the purchaser’s entitlement to the exemption, relieves the seller of the responsibility of collecting the tax on the sale of such items, and the department shall look solely to the purchaser for recovery of the tax if it determines that the purchaser was not entitled to the exemption.

5.a. To be eligible to receive the exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall initially apply to the Jobs Florida Partnership Enterprise Florida, Inc. The original certification is valid for a period of 2 years. In lieu of submitting a new application, the original certification may be renewed biennially by submitting to Jobs Florida the Office of Tourism, Trade, and Economic Development a statement, certified under oath, that there has been no material change in the conditions or circumstances entitling the business entity to the original certification. The initial application and the certification renewal statement shall be developed by Jobs Florida the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc.

b. The Jobs Florida Partnership Enterprise Florida, Inc., shall review each submitted initial application and determine whether or not the application is complete within 5 working days. Once complete, the Jobs Florida Partnership Enterprise Florida, Inc., shall, within 10 working days, evaluate the application and recommend approval or disapproval to Jobs Florida the Office of Tourism, Trade, and Economic Development.

c. Upon receipt of the initial application and
recommendation from the Jobs Florida Partnership Enterprise Florida, Inc., or upon receipt of a certification renewal statement, Jobs Florida the Office of Tourism, Trade, and Economic Development shall certify within 5 working days those applicants who are found to meet the requirements of this section and notify the applicant, the Jobs Florida Partnership Enterprise Florida, Inc., and the department of the original certification or certification renewal. If Jobs Florida the Office of Tourism, Trade, and Economic Development finds that the applicant does not meet the requirements, it shall notify the applicant and the Jobs Florida Partnership Enterprise Florida, Inc., within 10 working days that the application for certification has been denied and the reasons for denial. Jobs Florida The Office of Tourism, Trade, and Economic Development has final approval authority for certification under this section.

d. The initial application and certification renewal statement must indicate, for program evaluation purposes only, the average number of full-time equivalent employees at the facility over the preceding calendar year, the average wage and benefits paid to those employees over the preceding calendar year, the total investment made in real and tangible personal property over the preceding calendar year, and the total value of tax-exempt purchases and taxes exempted during the previous year. The department shall assist Jobs Florida the Office of Tourism, Trade, and Economic Development in evaluating and verifying information provided in the application for exemption.

e. Jobs Florida The Office of Tourism, Trade, and Economic Development may use the information reported on the initial
application and certification renewal statement for evaluation purposes only.

6. A business certified to receive this exemption may elect to designate one or more state universities or community colleges as recipients of up to 100 percent of the amount of the exemption. To receive these funds, the institution must agree to match the funds with equivalent cash, programs, services, or other in-kind support on a one-to-one basis for research and development projects requested by the certified business. The rights to any patents, royalties, or real or intellectual property must be vested in the business unless otherwise agreed to by the business and the university or community college.

7. As used in this paragraph, the term:

a. "Semiconductor technology products" means raw semiconductor wafers or semiconductor thin films that are transformed into semiconductor memory or logic wafers, including wafers containing mixed memory and logic circuits; related assembly and test operations; active-matrix flat panel displays; semiconductor chips; semiconductor lasers; optoelectronic elements; and related semiconductor technology products as determined by Jobs Florida the Office of Tourism, Trade, and Economic Development.

b. "Clean rooms" means manufacturing facilities enclosed in a manner that meets the clean manufacturing requirements necessary for high-technology semiconductor-manufacturing environments.

c. "Defense technology products" means products that have a military application, including, but not limited to, weapons, weapons systems, guidance systems, surveillance systems,
communications or information systems, munitions, aircraft, vessels, or boats, or components thereof, which are intended for military use and manufactured in performance of a contract with the United States Department of Defense or the military branch of a recognized foreign government or a subcontract thereunder which relates to matters of national defense.

d. "Space technology products" means products that are specifically designed or manufactured for application in space activities, including, but not limited to, space launch vehicles, space flight vehicles, missiles, satellites or research payloads, avionics, and associated control systems and processing systems and components of any of the foregoing. The term does not include products that are designed or manufactured for general commercial aviation or other uses even though those products may also serve an incidental use in space applications.

(p) Community contribution tax credit for donations.—

1. Authorization.—Persons who are registered with the department under s. 212.18 to collect or remit sales or use tax and who make donations to eligible sponsors are eligible for tax credits against their state sales and use tax liabilities as provided in this paragraph:

   a. The credit shall be computed as 50 percent of the person’s approved annual community contribution.

   b. The credit shall be granted as a refund against state sales and use taxes reported on returns and remitted in the 12 months preceding the date of application to the department for the credit as required in sub-subparagraph 3.c. If the annual credit is not fully used through such refund because of insufficient tax payments during the applicable 12-month period,
the unused amount may be included in an application for a refund made pursuant to sub-subparagraph 3.c. in subsequent years against the total tax payments made for such year. Carryover credits may be applied for a 3-year period without regard to any time limitation that would otherwise apply under s. 215.26.

c. A person may not receive more than $200,000 in annual tax credits for all approved community contributions made in any one year.

d. All proposals for the granting of the tax credit require the prior approval of Jobs Florida the Office of Tourism, Trade, and Economic Development.

e. The total amount of tax credits which may be granted for all programs approved under this paragraph, s. 220.183, and s. 624.5105 is $10.5 million annually for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) and $3.5 million annually for all other projects.

f. A person who is eligible to receive the credit provided for in this paragraph, s. 220.183, or s. 624.5105 may receive the credit only under the one section of the person’s choice.

2. Eligibility requirements.—

a. A community contribution by a person must be in the following form:

   (I) Cash or other liquid assets;
   (II) Real property;
   (III) Goods or inventory; or
   (IV) Other physical resources as identified by Jobs Florida the Office of Tourism, Trade, and Economic Development.

b. All community contributions must be reserved exclusively
for use in a project. As used in this sub-subparagraph, the term “project” means any activity undertaken by an eligible sponsor which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income or very-low-income households as defined in s. 420.9071(19) and (28); designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in rural communities with enterprise zones, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to any project approved between January 1, 1996, and December 31, 1999, and located in an enterprise zone designated pursuant to s. 290.0065. This paragraph does not preclude projects that propose to construct or rehabilitate housing for low-income or very-low-income households on scattered sites. With respect to housing, contributions may be used to pay the following eligible low-income and very-low-income housing-related activities:

(I) Project development impact and management fees for low-income or very-low-income housing projects;

(II) Down payment and closing costs for eligible persons, as defined in s. 420.9071(19) and (28);

(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to low-income or very-low-income projects; and
(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments when satisfaction of the lien is a necessary precedent to the transfer of the property to an eligible person, as defined in s. 420.9071(19) and (28), for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

c. The project must be undertaken by an “eligible sponsor,” which includes:

   (I) A community action program;
   (II) A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;
   (III) A neighborhood housing services corporation;
   (IV) A local housing authority created under chapter 421;
   (V) A community redevelopment agency created under s. 163.356;
   (VI) The Florida Industrial Development Corporation;
   (VII) A historic preservation district agency or organization;
   (VIII) A regional workforce board;
   (IX) A direct-support organization as provided in s. 1009.983;
   (X) An enterprise zone development agency created under s. 290.0056;
   (XI) A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code.
and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;

(XII) Units of local government;

(XIII) Units of state government; or

(XIV) Any other agency that Jobs Florida the Office of Tourism, Trade, and Economic Development designates by rule.

In no event may a contributing person have a financial interest in the eligible sponsor.

d. The project must be located in an area designated an enterprise zone or a Front Porch Florida Community pursuant to s. 20.18(6), unless the project increases access to high-speed broadband capability for rural communities with enterprise zones but is physically located outside the designated rural zone boundaries. Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) is exempt from the area requirement of this sub-subparagraph.

e.(I) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, Jobs Florida the Office of Tourism, Trade, and Economic Development shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year.
If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, Jobs Florida the office shall grant the tax credits for those applications as follows:

(A) If tax credit applications submitted for approved projects of an eligible sponsor do not exceed $200,000 in total, the credits shall be granted in full if the tax credit applications are approved.

(B) If tax credit applications submitted for approved projects of an eligible sponsor exceed $200,000 in total, the amount of tax credits granted pursuant to sub-sub-sub-subparagraph (A) shall be subtracted from the amount of available tax credits, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

(II) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, Jobs Florida the office shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for
projects other than those that provide homeownership
opportunities for low-income or very-low-income households as
defined in s. 420.9071(19) and (28) are received for more than
the annual tax credits available for those projects, the office
shall grant the tax credits for those applications on a pro rata
basis.

3. Application requirements.—
   a. Any eligible sponsor seeking to participate in this
program must submit a proposal to Jobs Florida the Office of
Tourism, Trade, and Economic Development which sets forth the
name of the sponsor, a description of the project, and the area
in which the project is located, together with such supporting
information as is prescribed by rule. The proposal must also
contain a resolution from the local governmental unit in which
the project is located certifying that the project is consistent
with local plans and regulations.
   b. Any person seeking to participate in this program must
submit an application for tax credit to Jobs Florida the Office
which sets forth the name of the sponsor, a description of the
project, and the type, value, and purpose of the contribution.
The sponsor shall verify the terms of the application and
indicate its receipt of the contribution, which verification
must be in writing and accompany the application for tax credit.
The person must submit a separate tax credit application to Jobs
Florida the Office for each individual contribution that it
makes to each individual project.
   c. Any person who has received notification from Jobs
Florida the Office that a tax credit has been approved must
apply to the department to receive the refund. Application must
be made on the form prescribed for claiming refunds of sales and
use taxes and be accompanied by a copy of the notification. A
person may submit only one application for refund to the
department within any 12-month period.

4. Administration.—

a. Jobs Florida The Office of Tourism, Trade, and Economic
Development may adopt rules pursuant to ss. 120.536(1) and
120.54 necessary to administer this paragraph, including rules
for the approval or disapproval of proposals by a person.

b. The decision of Jobs Florida the office must be in
writing, and, if approved, the notification shall state the
maximum credit allowable to the person. Upon approval, Jobs
Florida the office shall transmit a copy of the decision to the
Department of Revenue.

c. Jobs Florida The office shall periodically monitor all
projects in a manner consistent with available resources to
ensure that resources are used in accordance with this
paragraph; however, each project must be reviewed at least once
every 2 years.

d. Jobs Florida The office shall, in consultation with the
Department of Community Affairs and the statewide and regional
housing and financial intermediaries, market the availability of
the community contribution tax credit program to community-based
organizations.

5. Expiration.—This paragraph expires June 30, 2015;
however, any accrued credit carryover that is unused on that
date may be used until the expiration of the 3-year carryover
period for such credit.

Section 73. Paragraph (d) of subsection (1) of section
212.096, Florida Statutes, is amended to read:

212.096 Sales, rental, storage, use tax; enterprise zone jobs credit against sales tax.—

(1) For the purposes of the credit provided in this section:

(d) “Job” means a full-time position, as consistent with terms used by Jobs Florida the Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation resulting directly from a business operation in this state. This term may not include a temporary construction job involved with the construction of facilities or any job that has previously been included in any application for tax credits under s. 220.181(1). The term also includes employment of an employee leased from an employee leasing company licensed under chapter 468 if such employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.

A person shall be deemed to be employed if the person performs duties in connection with the operations of the business on a regular, full-time basis, provided the person is performing such duties for an average of at least 36 hours per week each month. The person must be performing such duties at a business site located in the enterprise zone.

Section 74. Paragraphs (a) and (e) of subsection (1) and subsections (6), (7), and (10) of section 212.097, Florida Statutes, are amended to read:

212.097 Urban High-Crime Area Job Tax Credit Program.—
(1) As used in this section, the term:

(a) “Eligible business” means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01-SIC 09 (agriculture, forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 781 (motion picture production and allied services); SIC 7992 (public golf courses); and SIC 7996 (amusement parks). A call center or similar customer service operation that services a multistate market or international market is also an eligible business. In addition, Jobs Florida the Office of Tourism, Trade, and Economic Development may, as part of its final budget request submitted pursuant to s. 216.023, recommend additions to or deletions from the list of standard industrial classifications used to determine an eligible business, and the Legislature may implement such recommendations. Excluded from eligible receipts are receipts from retail sales, except such receipts for SIC 52-SIC 57 and SIC 59 (retail) hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term “predominantly” means that more than 50 percent of the business’s gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination
of whether the business is located in a qualified high-crime area and the tier ranking of that area must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

(e) “Qualified high-crime area” means an area selected by Jobs Florida the Office of Tourism, Trade, and Economic Development in the following manner: every third year, Jobs Florida the Office shall rank and tier those areas nominated under subsection (7), according to the following prioritized criteria:

1. Highest arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, vandalism, and civil disturbances;

2. Highest reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism;

3. Highest percentage of reported index crimes that are violent in nature;

4. Highest overall index crime volume for the area; and

5. Highest overall index crime rate for the geographic area.

Tier-one areas are ranked 1 through 5 and represent the highest crime areas according to this ranking. Tier-two areas are ranked 6 through 10 according to this ranking. Tier-three areas are ranked 11 through 15. Notwithstanding this definition, “qualified high-crime area” also means an area that has been designated as a federal Empowerment Zone pursuant to the
Taxpayer Relief Act of 1997. Such a designated area is ranked in tier three until the areas are reevaluated by Jobs Florida the Office of Tourism, Trade, and Economic Development.

(6) Any county or municipality, or a county and one or more municipalities together, may apply to Jobs Florida the Office of Tourism, Trade, and Economic Development for the designation of an area as a high-crime area after the adoption by the governing body or bodies of a resolution that:

(a) Finds that a high-crime area exists in such county or municipality, or in both the county and one or more municipalities, which chronically exhibits extreme and unacceptable levels of poverty, unemployment, physical deterioration, and economic disinvestment;

(b) Determines that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such a high-crime area is necessary in the interest of the health, safety, and welfare of the residents of such county or municipality, or such county and one or more municipalities; and

(c) Determines that the revitalization of such a high-crime area can occur if the public sector or private sector can be induced to invest its own resources in productive enterprises that build or rebuild the economic viability of the area.

(7) The governing body of the entity nominating the area shall provide to Jobs Florida the Office of Tourism, Trade, and Economic Development the following:

(a) The overall index crime rate for the geographic area;

(b) The overall index crime volume for the area;

(c) The percentage of reported index crimes that are violent in nature;
(d) The reported crime volume and rate of specific property
5134 crimes such as business and residential burglary, motor vehicle
theft, and vandalism; and
5136 (e) The arrest rates within the geographic area for violent
5137 crime and for such other crimes as drug sale, drug possession,
5138 prostitution, disorderly conduct, vandalism, and other public-
5140 order offenses.
5141 (10)(a) In order to claim this credit, an eligible business
5142 must file under oath with Jobs Florida the Office of Tourism,
5143 Trade, and Economic Development a statement that includes the
5144 name and address of the eligible business and any other
5145 information that is required to process the application.
5146 (b) Applications shall be reviewed and certified pursuant
5147 to s. 288.061.
5148 (c) The maximum credit amount that may be approved during
5149 any calendar year is $5 million, of which $1 million shall be
5150 exclusively reserved for tier-one areas. The Department of
5151 Revenue, in conjunction with Jobs Florida the Office of Tourism,
5152 Trade, and Economic Development, shall notify the governing
5153 bodies in areas designated as urban high-crime areas when the $5
5154 million maximum amount has been reached. Applications must be
5155 considered for approval in the order in which they are received
5156 without regard to whether the credit is for a new or existing
5157 business. This limitation applies to the value of the credit as
5158 contained in approved applications. Approved credits may be
5159 taken in the time and manner allowed pursuant to this section.
5160 Section 75. Paragraphs (a) and (c) of subsection (1) and
5161 subsections (6) and (7), of section 212.098, Florida Statutes,
5162 are amended to read:

CODING: Words stricken are deletions; words underlined are additions.
212.098 Rural Job Tax Credit Program.—

(1) As used in this section, the term:

(a) “Eligible business” means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01–SIC 09 (agriculture, forestry, and fishing); SIC 20–SIC 39 (manufacturing); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 781 (motion picture production and allied services); SIC 7992 (public golf courses); SIC 7996 (amusement parks); and a targeted industry eligible for the qualified target industry business tax refund under s. 288.106. A call center or similar customer service operation that services a multistate market or an international market is also an eligible business. In addition, Jobs Florida the Office of Tourism, Trade, and Economic Development may, as part of its final budget request submitted pursuant to s. 216.023, recommend additions to or deletions from the list of standard industrial classifications used to determine an eligible business, and the Legislature may implement such recommendations. Excluded from eligible receipts are receipts from retail sales, except such receipts for hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term “predominantly” means that more than 50 percent of the business’s gross receipts from all sources is generated by those activities usually provided for
consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified county and the tier ranking of that county must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

(c) “Qualified area” means any area that is contained within a rural area of critical economic concern designated under s. 288.0656, a county that has a population of fewer than 75,000 persons, or a county that has a population of 125,000 or less and is contiguous to a county that has a population of less than 75,000, selected in the following manner: every third year, Jobs Florida the Office of Tourism, Trade, and Economic Development shall rank and tier the state’s counties according to the following four factors:

1. Highest unemployment rate for the most recent 36-month period.

2. Lowest per capita income for the most recent 36-month period.

3. Highest percentage of residents whose incomes are below the poverty level, based upon the most recent data available.

4. Average weekly manufacturing wage, based upon the most recent data available.

(6)(a) In order to claim this credit, an eligible business must file under oath with Jobs Florida the Office of Tourism, Trade, and Economic Development a statement that includes the name and address of the eligible business, the starting salary or hourly wages paid to the new employee, and any other information that the Department of Revenue requires.
(b) Within 30 working days after receipt of an application for credit, Jobs Florida the Office of Tourism, Trade, and Economic Development shall review the application to determine whether it contains all the information required by this subsection and meets the criteria set out in this section. Subject to the provisions of paragraph (c), Jobs Florida the Office of Tourism, Trade, and Economic Development shall approve all applications that contain the information required by this subsection and meet the criteria set out in this section as eligible to receive a credit.

(c) The maximum credit amount that may be approved during any calendar year is $5 million. The Department of Revenue, in conjunction with Jobs Florida the Office of Tourism, Trade, and Economic Development, shall notify the governing bodies in areas designated as qualified counties when the $5 million maximum amount has been reached. Applications must be considered for approval in the order in which they are received without regard to whether the credit is for a new or existing business. This limitation applies to the value of the credit as contained in approved applications. Approved credits may be taken in the time and manner allowed pursuant to this section.

(d) A business may not receive more than $500,000 of tax credits under this section during any one calendar year.

(7) If the application is insufficient to support the credit authorized in this section, Jobs Florida the Office of Tourism, Trade, and Economic Development shall deny the credit and notify the business of that fact. The business may reapply for this credit within 3 months after such notification.

Section 76. Paragraph (d) of subsection (6) of section...
212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.814 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less $5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.095 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.
4. After the distributions under subparagraphs 1., 2., and 3., 2.0440 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3409 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:
   a. In each fiscal year, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-
existing provisions of s. 550.135 be paid directly to the
district school board, special district, or a municipal
government, such payment must continue until the local or
special law is amended or repealed. The state covenants with
holders of bonds or other instruments of indebtedness issued by
local governments, special districts, or district school boards
before July 1, 2000, that it is not the intent of this
subparagraph to adversely affect the rights of those holders or
relieve local governments, special districts, or district school
boards of the duty to meet their obligations as a result of
previous pledges or assignments or trusts entered into which
obligated funds received from the distribution to county
governments under then-existing s. 550.135. This distribution
specifically is in lieu of funds distributed under s. 550.135
before July 1, 2000.

b. The department shall distribute $166,667 monthly
pursuant to s. 288.1162 to each applicant certified as a
facility for a new or retained professional sports franchise
pursuant to s. 288.1162. Up to $41,667 shall be distributed
monthly by the department to each certified applicant as defined
in s. 288.11621 for a facility for a spring training franchise.
However, not more than $416,670 may be distributed monthly in
the aggregate to all certified applicants for facilities for
spring training franchises. Distributions begin 60 days after
such certification and continue for not more than 30 years,
except as otherwise provided in s. 288.11621. A certified
applicant identified in this sub-subparagraph may not receive
more in distributions than expended by the applicant for the
public purposes provided for in s. 288.1162(5) or s.
288.11621(3).

c. Beginning 30 days after notice by Jobs Florida the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by Jobs Florida the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of $999,996 shall be made, after certification and before July 1, 2000.

7. All other proceeds must remain in the General Revenue Fund.

Section 77. Subsection (4), paragraph (a) of subsection (7), paragraphs (k) through (cc) of subsection (8), and subsections (19), (20), and (21) of section 213.053, Florida Statutes, as amended by chapter 2010-280, Laws of Florida, are amended, to read:

213.053 Confidentiality and information sharing.—

(4) The department, while providing unemployment tax collection services under contract with Jobs Florida the Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316, may release unemployment tax rate information to the agent of an employer, which agent provides
payroll services for more than 100 employers, pursuant to
the terms of a memorandum of understanding. The memorandum of
understanding must state that the agent affirms, subject to the
criminal penalties contained in ss. 443.171 and 443.1715, that
the agent will retain the confidentiality of the information,
that the agent has in effect a power of attorney from the
employer which permits the agent to obtain unemployment tax rate
information, and that the agent shall provide the department
with a copy of the employer’s power of attorney upon request.

(7)(a) Any information received by the Department of
Revenue in connection with the administration of taxes,
including, but not limited to, information contained in returns,
reports, accounts, or declarations filed by persons subject to
tax, shall be made available to the following in performance of
their official duties:

1. The Auditor General or his or her authorized agent;
2. The director of the Office of Program Policy Analysis
   and Government Accountability or his or her authorized agent;
3. The Chief Financial Officer or his or her authorized
   agent;
4. The Director of the Office of Insurance Regulation of
   the Financial Services Commission or his or her authorized
   agent;
5. A property appraiser or tax collector or their
   authorized agents pursuant to s. 195.084(1); or
6. Designated employees of the Department of Education
   solely for determination of each school district’s price level
   index pursuant to s. 1011.62(2); and
7. The commissioner of Jobs Florida or his or her
authorized agent.

(8) Notwithstanding any other provision of this section, the department may provide:

(k)1. Payment information relative to chapters 199, 201, 202, 212, 220, 221, and 624 to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, in the administration of the tax refund program for qualified defense contractors and space flight business contractors authorized by s. 288.1045 and the tax refund program for qualified target industry businesses authorized by s. 288.106.

2. Information relative to tax credits taken by a business under s. 220.191 and exemptions or tax refunds received by a business under s. 212.08(5)(j) to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the department, in the administration and evaluation of the capital investment tax credit program authorized in s. 220.191 and the semiconductor, defense, and space tax exemption program authorized in s. 212.08(5)(j).

3. Information relative to tax credits taken by a taxpayer pursuant to the tax credit programs created in ss. 193.017, 212.08(5)(g), (h), (n), (o), and (p), 212.08(15), 212.096, 212.097, 212.098, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.1895, 220.19, 220.191, 220.192, 220.193, 288.0656, 288.99, 290.007, 376.30781, 420.5093, 420.5099, 550.0951, 550.26352, 550.2704, 601.155, 624.509, 624.510, 624.5105, and 624.5107 to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office.
to the department, for use in the administration or evaluation of such programs.

(k) Information relative to chapter 212 and the Bill of Lading Program to the Office of Agriculture Law Enforcement of the Department of Agriculture and Consumer Services in the conduct of its official duties.

(l) Information relative to chapter 198 to the Agency for Health Care Administration in the conduct of its official business relating to ss. 409.901-409.9101.

(m) Information contained in returns, reports, accounts, or declarations to the Board of Accountancy in connection with a disciplinary proceeding conducted pursuant to chapter 473 when related to a certified public accountant participating in the certified audits project, or to the court in connection with a civil proceeding brought by the department relating to a claim for recovery of taxes due to negligence on the part of a certified public accountant participating in the certified audits project. In any judicial proceeding brought by the department, upon motion for protective order, the court shall limit disclosure of tax information when necessary to effectuate the purposes of this section.

(n) Information relative to ss. 376.70 and 376.75 to the Department of Environmental Protection in the conduct of its official business and to the facility owner, facility operator, and real property owners as defined in s. 376.301.

(o) Information relative to ss. 220.1845 and 376.30781 to the Department of Environmental Protection in the conduct of its official business.

(p) Names, addresses, and sales tax registration
information to the Division of Consumer Services of the Department of Agriculture and Consumer Services in the conduct of its official duties.

(q) Information relative to the returns required by ss. 175.111 and 185.09 to the Department of Management Services in the conduct of its official duties. The Department of Management Services is, in turn, authorized to disclose payment information to a governmental agency or the agency’s agent for purposes related to budget preparation, auditing, revenue or financial administration, or administration of chapters 175 and 185.

(r) Names, addresses, and federal employer identification numbers, or similar identifiers, to the Department of Highway Safety and Motor Vehicles for use in the conduct of its official duties.

(s) Information relative to the tax exemptions under ss. 212.031, 212.06, and 212.08 for those persons qualified under s. 288.1258 to the Office of Film and Entertainment. The Department of Revenue shall provide the Office of Film and Entertainment with information in the aggregate.

(t) Information relative to ss. 211.0251, 212.1831, 220.1875, 561.1211, 624.51055, and 1002.395 to the Department of Education and the Division of Alcoholic Beverages and Tobacco in the conduct of official business.

(u) Information relative to chapter 202 to each local government that imposes a tax pursuant to s. 202.19 in the conduct of its official duties as specified in chapter 202. Information provided under this paragraph may include, but is not limited to, any reports required pursuant to s. 202.231, audit files, notices of intent to audit, tax returns, and other
confidential tax information in the department’s possession relating to chapter 202. A person or an entity designated by the local government in writing to the department as requiring reasonable access to confidential taxpayer information shall have reasonable access to information provided pursuant to this paragraph. Such person or entity may disclose such information to other persons or entities with direct responsibility for budget preparation, auditing, revenue or financial administration, or legal counsel. Such information shall only be used for purposes related to budget preparation, auditing, and revenue and financial administration. Any confidential and exempt information furnished to a local government, or to any person or entity designated by the local government as authorized by this paragraph may not be further disclosed by the recipient except as provided by this paragraph.

(w) Tax registration information to the Agency for Workforce Innovation for use in the conduct of its official duties, which information may not be redisclosed by the Agency for Workforce Innovation.

(v) Rental car surcharge revenues authorized by s. 212.0606, reported according to the county to which the surcharge was attributed to the Department of Transportation.

(w)(x) Information relative to ss. 212.08(7)(ccc) and 220.192 to the Florida Energy and Climate Commission for use in the conduct of its official business.

(x)(z) Taxpayer names and identification numbers for the purposes of information-sharing agreements with financial institutions pursuant to s. 213.0532.

(y)(aa) Information relative to chapter 212 to the
Department of Environmental Protection in the conduct of its official duties in the administration of s. 253.03(7)(b) and (11).

(bb) Information relative to tax credits taken under s. 288.1254 to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development.

(z)(ee) Information relative to ss. 253.03(8) and 253.0325 to the Department of Environmental Protection in the conduct of its official business.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

(19) The department may disclose information relative to tax credits taken by a taxpayer pursuant to s. 288.9916 to the Office of Tourism, Trade, and Economic Development or its employees or agents. Such employees must be identified in writing by the office to the department. All information disclosed under this subsection is subject to the same requirements of confidentiality and the same penalties for violation of the requirements as the department.

(19)(20)(a) The department may publish a list of taxpayers against whom the department has filed a warrant, notice of lien, or judgment lien certificate. The list may include the name and address of each taxpayer; the amounts and types of delinquent
taxes, fees, or surcharges, penalties, or interest; and the
employer identification number or other taxpayer identification
number.

(b) The department shall update the list at least monthly
to reflect payments for resolution of deficiencies and to
otherwise add or remove taxpayers from the list.

(c) The department may adopt rules to administer this
subsection.

(20) The department may disclose information relating
to taxpayers against whom the department has filed a warrant,
notice of lien, or judgment lien certificate. Such information
includes the name and address of the taxpayer, the actions
taken, the amounts and types of liabilities, and the amount of
any collections made.

Section 78. Paragraph (j) of subsection (4) of section
215.5586, Florida Statutes, is amended to read:

215.5586 My Safe Florida Home Program.—There is established
within the Department of Financial Services the My Safe Florida
Home Program. The department shall provide fiscal
accountability, contract management, and strategic leadership
for the program, consistent with this section. This section does
not create an entitlement for property owners or obligate the
state in any way to fund the inspection or retrofitting of
residential property in this state. Implementation of this
program is subject to annual legislative appropriations. It is
the intent of the Legislature that the My Safe Florida Home
Program provide trained and certified inspectors to perform
inspections for owners of site-built, single-family, residential
properties and grants to eligible applicants as funding allows.
The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that may include the following:

(4) ADVISORY COUNCIL.—There is created an advisory council to provide advice and assistance to the department regarding administration of the program. The advisory council shall consist of:

(j) The director of the Office Florida Division of Emergency Management.

Members appointed under paragraphs (a)-(d) shall serve at the pleasure of the Financial Services Commission. Members appointed under paragraphs (e) and (f) shall serve at the pleasure of the appointing officer. All other members shall serve as voting ex officio members. Members of the advisory council shall serve without compensation but may receive reimbursement as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their official duties.

Section 79. Paragraph (b) of subsection (8) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

(b) The Department of Education Agency for Workforce Innovation shall provide information on needs and waiting lists for school readiness programs, and information on the needs for the Voluntary Prekindergarten Education Program, as requested by the Early Learning Programs Estimating Conference or individual conference principals in a timely manner.
Section 80. Paragraph (a) of subsection (6) of section 216.292, Florida Statutes, is amended to read:

The Chief Financial Officer shall transfer from any available funds of an agency or the judicial branch the following amounts and shall report all such transfers and the reasons therefor to the legislative appropriations committees and the Executive Office of the Governor:

(a) The amount due to the Unemployment Compensation Trust Fund which is more than 90 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund. The amount transferred shall be that certified by the state agency providing unemployment tax collection services under contract with Jobs Florida the Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316.

Section 81. Subsection (1) of section 216.231, Florida Statutes, is amended to read:

Any appropriation to the Executive Office of the Governor which is classified as an “emergency,” as defined in s. 252.34(3), may be released only with the approval of the Governor. The state agency, or the judicial branch, desiring the use of the emergency appropriation shall submit to the Executive Office of the Governor application therefore in writing setting forth the facts from which the alleged need arises. The Executive Office of the Governor shall, at a public hearing, review such application promptly and approve or disapprove the applications as the circumstances may warrant. All actions of the Executive Office of the Governor shall be reported to the
legislative appropriations committees, and the committees may advise the Executive Office of the Governor relative to the release of such funds.

(b) The release of appropriated funds classified as "emergency" shall be approved only if when an act or circumstance caused by an act of God, civil disturbance, natural disaster, or other circumstance of an emergency nature threatens, endangers, or damages the property, safety, health, or welfare of the state or its residents, which condition has not been provided for in appropriation acts of the Legislature. Funds allocated for this purpose may be used to pay overtime pay to personnel of agencies called upon to perform extra duty because of any civil disturbance or other emergency as defined in s. 252.34(3) and to provide the required state match for federal grants under the federal Disaster Relief Act.

Section 82. Paragraph (a) of subsection (3) of section 218.64, Florida Statutes, is amended to read:

218.64 Local government half-cent sales tax; uses; limitations.—

(3) Subject to ordinances enacted by the majority of the members of the county governing authority and by the majority of the members of the governing authorities of municipalities representing at least 50 percent of the municipal population of such county, counties may use up to $2 million annually of the local government half-cent sales tax allocated to that county for funding for any of the following applicants:

(a) A certified applicant as a facility for a new or retained professional sports franchise under s. 288.1162 or a certified applicant as defined in s. 288.11621 for a facility
for a spring training franchise. It is the Legislature’s intent that the provisions of s. 288.1162, including, but not limited to, the evaluation process by the Office of Tourism, Trade, and Economic Development except for the limitation on the number of certified applicants or facilities as provided in that section and the restrictions set forth in s. 288.1162(8), shall apply to an applicant’s facility to be funded by local government as provided in this subsection.

Section 83. Paragraph (ff) of subsection (1) of section 220.03, Florida Statutes, is amended to read:

220.03 Definitions.—
(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:
(ff) “Job” means a full-time position, as consistent with terms used by Jobs Florida the Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation resulting directly from business operations in this state. The term may not include a temporary construction job involved with the construction of facilities or any job that has previously been included in any application for tax credits under s. 212.096. The term also includes employment of an employee leased from an employee leasing company licensed under chapter 468 if the employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.

Section 84. Paragraph (d) of subsection (1), paragraphs
(b), (c), and (d) of subsection (2), and subsections (3), and
(4) of section 220.183, Florida Statutes, are amended to read:

220.183 Community contribution tax credit.—

(1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
SPENDING.—

(d) All proposals for the granting of the tax credit shall
require the prior approval of Jobs Florida the Office of
Tourism, Trade, and Economic Development.

(2) ELIGIBILITY REQUIREMENTS.—

(b)1. All community contributions must be reserved
exclusively for use in projects as defined in s. 220.03(1)(t).

2. If, during the first 10 business days of the state
fiscal year, eligible tax credit applications for projects that
provide homeownership opportunities for low-income or very-low-
income households as defined in s. 420.9071(19) and (28) are
received for less than the annual tax credits available for
those projects, Jobs Florida the Office of Tourism, Trade, and
Economic Development shall grant tax credits for those
applications and shall grant remaining tax credits on a first-
come, first-served basis for any subsequent eligible
applications received before the end of the state fiscal year.

If, during the first 10 business days of the state fiscal year,
eligible tax credit applications for projects that provide
homeownership opportunities for low-income or very-low-income
households as defined in s. 420.9071(19) and (28) are received
for more than the annual tax credits available for those
projects, the office shall grant the tax credits for those
applications as follows:
a. If tax credit applications submitted for approved projects of an eligible sponsor do not exceed $200,000 in total, the credit shall be granted in full if the tax credit applications are approved.

b. If tax credit applications submitted for approved projects of an eligible sponsor exceed $200,000 in total, the amount of tax credits granted under sub-subparagraph a. shall be subtracted from the amount of available tax credits, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

3. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the office shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the office shall grant the tax credits for those applications on a pro rata basis.

(c) The project must be undertaken by an “eligible sponsor,” defined here as:

1. A community action program;
2. A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

3. A neighborhood housing services corporation;

4. A local housing authority, created pursuant to chapter 421;

5. A community redevelopment agency, created pursuant to s. 163.356;

6. The Florida Industrial Development Corporation;

7. An historic preservation district agency or organization;

8. A regional workforce board;

9. A direct-support organization as provided in s. 1009.983;

10. An enterprise zone development agency created pursuant to s. 290.0056;

11. A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;

12. Units of local government;

13. Units of state government; or

14. Such other agency as Jobs Florida the Office of Tourism, Trade, and Economic Development may, from time to time, designate by rule.
In no event shall a contributing business firm have a financial interest in the eligible sponsor.

(d) The project shall be located in an area designated as an enterprise zone or a Front Porch Florida Community pursuant to s. 20.18(6). Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) is exempt from the area requirement of this paragraph. This section does not preclude projects that propose to construct or rehabilitate housing for low-income or very-low-income households on scattered sites. Any project designed to provide increased access to high-speed broadband capabilities which includes coverage of a rural enterprise zone may locate the project’s infrastructure in any area of a rural county.

(3) APPLICATION REQUIREMENTS.—

(a) Any eligible sponsor wishing to participate in this program must submit a proposal to Jobs Florida the Office of Tourism, Trade, and Economic Development which sets forth the sponsor, the project, the area in which the project is located, and such supporting information as may be prescribed by rule. The proposal shall also contain a resolution from the local governmental unit in which it is located certifying that the project is consistent with local plans and regulations.

(b) Any business wishing to participate in this program must submit an application for tax credit to Jobs Florida the Office of Tourism, Trade, and Economic Development, which application sets forth the sponsor; the project; and the type, value, and purpose of the contribution. The sponsor shall verify the terms of the application and indicate its receipt of the
contribution, which verification must be in writing and accompany the application for tax credit.

(c) The business firm must submit a separate application for tax credit for each individual contribution that it makes to each individual project.

(4) ADMINISTRATION.—

(a) Jobs Florida The Office of Tourism, Trade, and Economic Development has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section, including rules for the approval or disapproval of proposals by business firms.

(b) The decision of Jobs Florida the Office of Tourism, Trade, and Economic Development shall be in writing, and, if approved, the notification must state the maximum credit allowable to the business firm. A copy of the decision shall be transmitted to the executive director of the Department of Revenue, who shall apply such credit to the tax liability of the business firm.

(c) Jobs Florida The Office of Tourism, Trade, and Economic Development shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are utilized in accordance with this section; however, each project shall be reviewed no less often than once every 2 years.

(d) The Department of Revenue has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

(e) Jobs Florida The Office of Tourism, Trade, and Economic Development shall, in consultation with the Department of Community Affairs, the Florida Housing Finance Corporation, and
the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

Section 85. Paragraphs (e), (f), (g), and (h) of subsection (1) and subsections (5) and (6) of section 220.191, Florida Statutes, are amended to read:

220.191 Capital investment tax credit.—
(1) DEFINITIONS.—For purposes of this section:

(e) “Jobs” means full-time equivalent positions, as that term is consistent with terms used by Jobs Florida the Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment tax administration and employment estimation, resulting directly from a project in this state. The term does not include temporary construction jobs involved in the construction of the project facility.

(f) “Office” means the Office of Tourism, Trade, and Economic Development.

(f)(g) “Qualifying business” means a business which establishes a qualifying project in this state and which is certified by Jobs Florida the office to receive tax credits pursuant to this section.

(g)(h) “Qualifying project” means:

1. A new or expanding facility in this state which creates at least 100 new jobs in this state and is in one of the high-impact sectors identified by the Jobs Florida Partnership Enterprise Florida, Inc., and certified by Jobs Florida the office pursuant to s. 288.108(6), including, but not limited to, aviation, aerospace, automotive, and silicon technology industries;
2. A new or expanded facility in this state which is engaged in a target industry designated pursuant to the procedure specified in s. 288.106(2) and which is induced by this credit to create or retain at least 1,000 jobs in this state, provided that at least 100 of those jobs are new, pay an annual average wage of at least 130 percent of the average private sector wage in the area as defined in s. 288.106(2), and make a cumulative capital investment of at least $100 million after July 1, 2005. Jobs may be considered retained only if there is significant evidence that the loss of jobs is imminent. Notwithstanding subsection (2), annual credits against the tax imposed by this chapter shall not exceed 50 percent of the increased annual corporate income tax liability or the premium tax liability generated by or arising out of a project qualifying under this subparagraph. A facility that qualifies under this subparagraph for an annual credit against the tax imposed by this chapter may take the tax credit for a period not to exceed 5 years; or

3. A new or expanded headquarters facility in this state which locates in an enterprise zone and brownfield area and is induced by this credit to create at least 1,500 jobs which on average pay at least 200 percent of the statewide average annual private sector wage, as published by Jobs Florida the Agency for Workforce Innovation or its successor, and which new or expanded headquarters facility makes a cumulative capital investment in this state of at least $250 million.

(5) Applications shall be reviewed and certified pursuant to s. 288.061. Jobs Florida The office, upon a recommendation by the Jobs Florida Partnership Enterprise Florida, Inc., shall
first certify a business as eligible to receive tax credits pursuant to this section prior to the commencement of operations of a qualifying project, and such certification shall be transmitted to the Department of Revenue. Upon receipt of the certification, the Department of Revenue shall enter into a written agreement with the qualifying business specifying, at a minimum, the method by which income generated by or arising out of the qualifying project will be determined.

(6) Jobs Florida The office, in consultation with the Jobs Florida Partnership Enterprise Florida, Inc., is authorized to develop the necessary guidelines and application materials for the certification process described in subsection (5).

Section 86. Subsection (2) of section 222.15, Florida Statutes, is amended to read:

222.15 Wages or unemployment compensation payments due deceased employee may be paid spouse or certain relatives.—

(2) It is also lawful for Jobs Florida the Agency for Workforce Innovation, in case of death of any unemployed individual, to pay to those persons referred to in subsection (1) any unemployment compensation payments that may be due to the individual at the time of his or her death.

Section 87. Subsections (3) and (4) of section 250.06, Florida Statutes, are amended to read:

250.06 Commander in chief.—

(3) The Governor may, in order to preserve the public peace, execute the laws of the state, suppress insurrection, repel invasion, respond to an emergency as defined in s. 252.34(3) or imminent danger thereof, or, in case of the calling of all or any portion of the militia of this state Florida into
the services of the United States, may increase the Florida
National Guard and organize it in accordance with rules and
regulations governing the Armed Forces of the United States.
Such organization and increase may be pursuant to or in advance
of any call made by the President of the United States. If the
Florida National Guard is activated into service of the United
States, another organization may not be designated as the
Florida National Guard.

(4) The Governor may, in order to preserve the public
peace, execute the laws of the state, enhance domestic security,
respond to terrorist threats or attacks, respond to an emergency
as defined in s. 252.34(3) or imminent danger thereof, or
respond to any need for emergency aid to civil authorities as
specified in s. 250.28, order into state active duty all or any
part of the militia which he or she deems proper.

Section 88. Paragraphs (a) and (b) of subsection (1) of
section 252.32, Florida Statutes, are amended to read:

252.32 Policy and purpose.—
(1) Because of the existing and continuing possibility of
the occurrence of emergencies and disasters resulting from
natural, technological, or manmade causes; in order to ensure
that preparations of this state will be adequate to deal with,
reduce vulnerability to, and recover from such emergencies and
disasters; to provide for the common defense and to protect the
public peace, health, and safety; and to preserve the lives and
property of the people of the state, it is hereby found and
declared to be necessary:

(a) To create a state emergency management agency to be
known as the “Office Division of Emergency Management,” to
authorize the creation of local organizations for emergency
management in the political subdivisions of the state, and to
authorize cooperation with the Federal Government and the
governments of other states.

(b) To confer upon the Governor, the Office Division of
Emergency Management, and the governing body of each political
subdivision of the state the emergency powers provided herein.

Section 89. Section 252.34, Florida Statutes, is amended to
read:

252.34 Definitions.—As used in this part ss. 252.31-252.60,
the term:

(1) "Disaster" means any natural, technological, or civil
emergency that causes damage of sufficient severity and
magnitude to result in a declaration of a state of emergency by
a county, the Governor, or the President of the United States.
Disasters shall be identified by the severity of resulting
damage, as follows:

(a) "Catastrophic disaster" means a disaster that will
require massive state and federal assistance, including
immediate military involvement.

(b) "Major disaster" means a disaster that will likely
exceed local capabilities and require a broad range of state and
federal assistance.

(c) "Minor disaster" means a disaster that is likely to be
within the response capabilities of local government and to
result in only a minimal need for state or federal assistance.

(2) "Division" means the Division of Emergency Management
of the Department of Community Affairs, or the successor to that
division.
(2)\(\text{(3)}\) “Emergency” means any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

(3)\(\text{(4)}\) “Emergency management” means the preparation for, the mitigation of, the response to, and the recovery from emergencies and disasters. Specific emergency management responsibilities include, but are not limited to:

(a) Reduction of vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural, technological, or manmade emergencies or hostile military or paramilitary action.

(b) Preparation for prompt and efficient response and recovery to protect lives and property affected by emergencies.

(c) Response to emergencies using all systems, plans, and resources necessary to preserve adequately the health, safety, and welfare of persons or property affected by the emergency.

(d) Recovery from emergencies by providing for the rapid and orderly start of restoration and rehabilitation of persons and property affected by emergencies.

(e) Provision of an emergency management system embodying all aspects of preemergency preparedness and postemergency response, recovery, and mitigation.

(f) Assistance in anticipation, recognition, appraisal, prevention, and mitigation of emergencies which may be caused or aggravated by inadequate planning for, and regulation of, public and private facilities and land use.

(4)\(\text{(5)}\) “Local emergency management agency” means an organization created in accordance with the provisions of ss.
252.31-252.90 to discharge the emergency management responsibilities and functions of a political subdivision.

(5)(6) “Manmade emergency” means an emergency caused by an action against persons or society, including, but not limited to, enemy attack, sabotage, terrorism, civil unrest, or other action impairing the orderly administration of government.

(6)(7) “Natural emergency” means an emergency caused by a natural event, including, but not limited to, a hurricane, a storm, a flood, severe wave action, a drought, or an earthquake.

(7) “Office” means the Office of Emergency Management within the Executive Office of the Governor, or the successor to that office.

(8) “Political subdivision” means any county or municipality created pursuant to law.

(9) “Technological emergency” means an emergency caused by a technological failure or accident, including, but not limited to, an explosion, transportation accident, radiological accident, or chemical or other hazardous material incident.

Section 90. Section 252.35, Florida Statutes, is amended to read:

252.35 Emergency management powers; Division of Emergency Management.—

(1) The office division is responsible for maintaining a comprehensive statewide program of emergency management and for coordinating the. The division is responsible for coordination with efforts of the Federal Government with other departments and agencies of state government, with county and municipal governments and school boards, and with private agencies that have a role in emergency management.
(2) The office division is responsible for carrying out the provisions of ss. 252.31-252.90. In performing its duties under ss. 252.31-252.90, the office division shall:

(a) Prepare a state comprehensive emergency management plan, which shall be integrated into and coordinated with the emergency management plans and programs of the Federal Government. The office division must adopt the plan as a rule in accordance with chapter 120. The plan shall be implemented by a continuous, integrated comprehensive emergency management program. The plan must contain provisions to ensure that the state is prepared for emergencies and minor, major, and catastrophic disasters, and the office division shall work closely with local governments and agencies and organizations with emergency management responsibilities in preparing and maintaining the plan. The state comprehensive emergency management plan must shall be operations oriented and:

1. Include an evacuation component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of evacuation activities. This component must, at a minimum: contain guidelines for lifting tolls on state highways; ensure coordination pertaining to evacuees crossing county lines; set forth procedures for directing people caught on evacuation routes to safe shelter; establish strategies for ensuring sufficient, reasonably priced fueling locations along evacuation routes; and establish policies and strategies for emergency medical evacuations.

2. Include a shelter component that includes specific regional and interregional planning provisions and promotes coordination of shelter activities between the public, private,
and nonprofit sectors. This component must, at a minimum:
contain strategies to ensure the availability of adequate public
shelter space in each region of the state; establish strategies
for refuge-of-last-resort programs; provide strategies to assist
local emergency management efforts to ensure that adequate
staffing plans exist for all shelters, including medical and
security personnel; provide for a postdisaster communications
system for public shelters; establish model shelter guidelines
for operations, registration, inventory, power generation
capability, information management, and staffing; and set forth
policy guidance for sheltering people with special needs.

3. Include a postdisaster response and recovery component
that includes specific regional and interregional planning
provisions and promotes intergovernmental coordination of
postdisaster response and recovery activities. This component
must provide for postdisaster response and recovery strategies
according to whether a disaster is minor, major, or
catastrophic. The postdisaster response and recovery component
must, at a minimum: establish the structure of the state’s
postdisaster response and recovery organization; establish
procedures for activating the state’s plan; set forth policies
used to guide postdisaster response and recovery activities;
describe the chain of command during the postdisaster response
and recovery period; describe initial and continuous
postdisaster response and recovery actions; identify the roles
and responsibilities of each involved agency and organization;
provide for a comprehensive communications plan; establish
procedures for monitoring mutual aid agreements; provide for
rapid impact assessment teams; ensure the availability of an
effective statewide urban search and rescue program coordinated
with the fire services; ensure the existence of a comprehensive
statewide medical care and relief plan administered by the
Department of Health; and establish systems for coordinating
volunteers and accepting and distributing donated funds and
goods.

4. Include additional provisions addressing aspects of
preparedness, response, recovery, and mitigation as determined
necessary by the office division.

5. Address the need for coordinated and expeditious
deployment of state resources, including the Florida National
Guard. In the case of an imminent major disaster, procedures
should address predeployment of the Florida National Guard, and,
in the case of an imminent catastrophic disaster, procedures
should address predeployment of the Florida National Guard and
the United States Armed Forces.

6. Establish a system of communications and warning to
ensure that the state’s population and emergency management
agencies are warned of developing emergency situations and can
communicate emergency response decisions.

7. Establish guidelines and schedules for annual exercises
that evaluate the ability of the state and its political
subdivisions to respond to minor, major, and catastrophic
disasters and support local emergency management agencies. Such
exercises must shall be coordinated with local governments and,
to the extent possible, the Federal Government.

8. Assign lead and support responsibilities to state
agencies and personnel for emergency support functions and other
support activities.
The complete state comprehensive emergency management plan must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor on February 1 of every even-numbered year.

(b) Adopt standards and requirements for county emergency management plans. The standards and requirements must ensure that county plans are coordinated and consistent with the state comprehensive emergency management plan. If a municipality elects to establish an emergency management program, it must adopt a city emergency management plan that complies with all standards and requirements applicable to county emergency management plans.

(c) Assist political subdivisions in preparing and maintaining emergency management plans.

(d) Review periodically political subdivision emergency management plans for consistency with the state comprehensive emergency management plan and standards and requirements adopted under this section.

(e) Cooperate with the President, the heads of the Armed Forces, the various federal emergency management agencies, and the officers and agencies of other states in matters pertaining to emergency management in the state and the nation and incidents thereof and, in connection therewith, take any measures that it deems proper to carry into effect any request of the President and the appropriate federal officers and agencies for any emergency management action, including the direction or control of:

1. Emergency management drills, tests, or exercises of
whatever nature.

2. Warnings and signals for tests and drills, attacks, or other imminent emergencies or threats thereof and the mechanical devices to be used in connection with such warnings and signals.

(f) Make recommendations to the Legislature, building code organizations, and political subdivisions for zoning, building, and other land use controls; safety measures for securing mobile homes or other nonpermanent or semipermanent structures; and other preparedness, prevention, and mitigation measures designed to eliminate emergencies or reduce their impact.

(g) In accordance with the state comprehensive emergency management plan and program for emergency management, ascertain the requirements of the state and its political subdivisions for equipment and supplies of all kinds in the event of an emergency; plan for and either procure supplies, medicines, materials, and equipment or enter into memoranda of agreement or open purchase orders that will ensure their availability; and use and employ from time to time any of the property, services, and resources within the state in accordance with ss. 252.31-252.90.

(h) Anticipate trends and promote innovations that will enhance the emergency management system.

(i) Institute statewide public awareness programs. This shall include an intensive public educational campaign on emergency preparedness issues, including, but not limited to, the personal responsibility of individual citizens to be self-sufficient for up to 72 hours following a natural or manmade disaster. The public educational campaign must include relevant information on statewide disaster plans, evacuation
routes, fuel suppliers, and shelters. All educational materials must be available in alternative formats and mediums to ensure that they are available to persons with disabilities.

(j) In cooperation with The Division of Emergency Management and the Department of Education, shall coordinate with the Agency for Persons with Disabilities to provide an educational outreach program on disaster preparedness and readiness to individuals who have limited English skills and identify persons who are in need of assistance but are not defined under special-needs criteria.

(k) Prepare and distribute to appropriate state and local officials catalogs of federal, state, and private assistance programs.

(l) Coordinate federal, state, and local emergency management activities and take all other steps, including the partial or full mobilization of emergency management forces and organizations in advance of an actual emergency, to ensure the availability of adequately trained and equipped forces of emergency management personnel before, during, and after emergencies and disasters.

(m) Establish a schedule of fees that may be charged by local emergency management agencies for review of emergency management plans on behalf of external agencies and institutions. In establishing such schedule, the office division shall consider facility size, review complexity, and other factors.

(n) Implement training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. This includes...
shall include a continuous training program for agencies and
individuals that will be called on to perform key roles in state
and local postdisaster response and recovery efforts and for
local government personnel on federal and state postdisaster
response and recovery strategies and procedures.

(o) **Review** Periodically **review** emergency operating
procedures of state agencies and recommend revisions as needed
to ensure consistency with the state comprehensive emergency
management plan and program.

(p) Make such surveys of industries, resources, and
facilities within the state, both public and private, as are
necessary to carry out the purposes of ss. 252.31-252.90.

(q) Prepare, in advance **if whenever** possible, such
executive orders, proclamations, and rules for issuance by the
Governor as are necessary or appropriate for coping with
emergencies and disasters.

(r) Cooperate with the Federal Government and any public or
private agency or entity in achieving any purpose of ss. 252.31-
252.90 and in implementing programs for mitigation, preparation,
response, and recovery.

(s) **By January 1, 2007, the Division of Emergency
Management shall Complete an inventory of portable generators
owned by the state and local governments which are capable of
operating during a major disaster. The inventory must identify,
at a minimum, the location of each generator, the number of
generators stored at each specific location, the agency to which
each generator belongs, the primary use of the generator by the
owner agency, and the names, addresses, and telephone numbers of
persons having the authority to loan the stored generators as
authorized by the office Division of Emergency Management during
a declared emergency.

(t) The division shall Maintain an inventory list of
generators owned by the state and local governments. In
addition, the office division may keep a list of private
tentities, along with appropriate contact information, which
offer generators for sale or lease. The list of private entities
shall be available to the public for inspection in written and
electronic formats.

(u) Assist political subdivisions with the creation and
training of urban search and rescue teams and promote the
development and maintenance of a state urban search and rescue
program.

(v) Delegate, as necessary and appropriate, authority
vested in it under ss. 252.31-252.90 and provide for the
subdelegation of such authority.

(w) Report biennially to the President of the Senate, the
Speaker of the House of Representatives, and the Governor, no
later than February 1 of every odd-numbered year, the status of
the emergency management capabilities of the state and its
political subdivisions.

(x) In accordance with chapter 120, create, implement,
administer, adopt, amend, and rescind rules, programs, and plans
needed to carry out the provisions of ss. 252.31-252.90 with due
consideration for, and in cooperating with, the plans and
programs of the Federal Government. In addition, the office
division may adopt rules in accordance with chapter 120 to
administer and distribute federal financial predisaster and
postdisaster assistance for prevention, mitigation,
preparedness, response, and recovery.

(y) Do other things necessary, incidental, or appropriate for the implementation of ss. 252.31-252.90.

Section 91. Subsection (2) of section 252.355, Florida Statutes, is amended to read:

252.355 Registry of persons with special needs; notice. —

(2) The office Department of Community Affairs shall be the designated lead agency responsible for community education and outreach to the public, including special needs clients, regarding registration and special needs shelters and general information regarding shelter stays.

Section 92. Section 252.3568, Florida Statutes, is amended to read:

252.3568 Emergency sheltering of persons with pets.—In accordance with s. 252.35, the office division shall address strategies for the evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan and shall include the requirement for similar strategies in its standards and requirements for local comprehensive emergency management plans. The Department of Agriculture and Consumer Services shall assist the office division in determining strategies regarding this activity.

Section 93. Subsections (8) and (9) of section 252.36, Florida Statutes, are amended to read:

252.36 Emergency management powers of the Governor.—

(8) The Governor shall delegate emergency responsibilities to the officers and agencies of the state and of the political subdivisions thereof prior to an emergency or threat of an emergency and shall utilize the services and facilities of
existing officers and agencies of the state and of the political subdivisions thereof, including their personnel and other resources, as the primary emergency management forces of the state, and all such officers and agencies shall cooperate with and extend their services and facilities to the office division, as it may require.

(9) The Governor and the office division shall establish agencies and offices and appoint executive, professional, technical, clerical, and other personnel as may be necessary to carry out the provisions of ss. 252.31-252.90.

Section 94. Subsections (2), (3), and (4) of section 252.365, Florida Statutes, are amended to read:

252.365 Emergency coordination officers; disaster-preparedness plans.—

(2) The emergency coordination officer is responsible for coordinating with the office division on emergency preparedness issues, preparing and maintaining emergency preparedness and postdisaster response and recovery plans for such agency, maintaining rosters of personnel to assist in disaster operations, and coordinating appropriate training for agency personnel.

(3) These individuals shall be responsible for ensuring that each state agency and facility, such as a prison, office building, or university, has a disaster preparedness plan that is coordinated with the applicable local emergency-management agency and approved by the office division.

(a) The disaster-preparedness plan must outline a comprehensive and effective program to ensure continuity of essential state functions under all circumstances. The plan must
identify a baseline of preparedness for a full range of potential emergencies to establish a viable capability to perform essential functions during any emergency or other situation that disrupts normal operations.

(b) The plan must include, at a minimum, the following elements: identification of essential functions, programs, and personnel; procedures to implement the plan and personnel notification and accountability; delegations of authority and lines of succession; identification of alternative facilities and related infrastructure, including those for communications; identification and protection of vital records and databases; and schedules and procedures for periodic tests, training, and exercises.

(c) The office division shall develop and distribute guidelines for developing and implementing the plan. Each agency is encouraged to initiate and complete development of its plan immediately, but no later than July 1, 2003.

(4) The head of each agency shall notify the Governor and the office division in writing of the person initially designated as the emergency coordination officer for such agency and her or his alternate and of any changes in persons so designated thereafter.

Section 95. Subsection (4) of section 252.37, Florida Statutes, is amended to read:

252.37 Financing.—

(4)(a) Whenever the Federal Government or any agency or officer thereof offers to the state or, through the state, to any political subdivision thereof services, equipment, supplies, materials, or funds by way of gift, grant, or loan for the
purposes of emergency management, the state, acting through the office division, or such political subdivision, acting with the consent of the Governor or the Governor’s authorized representative, may accept such offer. Upon such acceptance, the office division or the presiding officer or governing body of such political subdivision may authorize receipt of the gift, grant, or loan on behalf of the state or such political subdivision, subject to the terms of the offer and the rules and regulations of the agency making the offer.

(b) Whenever any person, firm, or corporation offers to the state or to any political subdivision thereof services, equipment, supplies, materials, or funds by way of gift, grant, loan, or other agreement for the purpose of emergency management, the state, acting through the office division, or such political subdivision, acting through its governing body or a local emergency management agency, may accept such offer. Upon such acceptance, the office division or the presiding officer or governing body of the political subdivision may authorize receipt of the gift, grant, or loan on behalf of the state or such political subdivision, subject to the terms of the offer.

Section 96. Section 252.371, Florida Statutes, is amended to read:

252.371 Emergency Management, Preparedness, and Assistance Trust Fund.—There is created the Emergency Management, Preparedness, and Assistance Trust Fund to be administered by the office Department of Community Affairs.

Section 97. Subsections (1) and (3) of section 252.373, Florida Statutes, are amended to read:

252.373 Allocation of funds; rules.—
(1) Funds appropriated from the Emergency Management, Preparedness, and Assistance Trust Fund shall be allocated by the office Department of Community Affairs for the following purposes:

(a) To implement and administer state and local emergency management programs, including administration, training, and operations.

(b) For grants and loans to state or regional agencies, local governments, and private organizations to implement projects that will further state and local emergency management objectives. These projects must include, but need not be limited to, projects that will promote public education on disaster preparedness and recovery issues, enhance coordination of relief efforts of statewide private sector organizations, and improve the training and operations capabilities of agencies assigned lead or support responsibilities in the state comprehensive emergency management plan, including the State Fire Marshal’s Office for coordinating the Florida fire services. The office division shall establish criteria and procedures for competitive allocation of these funds by rule. No more than 5 percent of any award made pursuant to this subparagraph may be used for administrative expenses. This competitive criteria must give priority consideration to hurricane evacuation shelter retrofit projects.

(c) To meet any matching requirements imposed as a condition of receiving federal disaster relief assistance.

(3) If adequate funds are available as determined by the office division, every county shall receive funds at least sufficient to fund a dedicated, full-time emergency preparedness
Section 98. Paragraphs (a), (b), and (e) of subsection (1) of section 252.38, Florida Statutes, are amended to read:

252.38 Emergency management powers of political subdivisions.—Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state.

(1) COUNTIES.—

(a) In order to provide effective and orderly governmental control and coordination of emergency operations in emergencies within the scope of ss. 252.31-252.90, each county within this state shall be within the jurisdiction of, and served by, the office division. Except as otherwise provided in ss. 252.31-252.90, each local emergency management agency shall have jurisdiction over and serve an entire county. Unless part of an interjurisdictional emergency management agreement entered into pursuant to paragraph (3)(b) which is recognized by the Governor by executive order or rule, each county must establish and maintain such an emergency management agency and shall develop a county emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program. Counties that are part of an interjurisdictional emergency management agreement entered into pursuant to paragraph (3)(b) which is recognized by the Governor by executive order or rule shall cooperatively develop an emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program.

(b) Each county emergency management agency created and
established pursuant to ss. 252.31-252.90 shall have a director. The director must meet the minimum training and education qualifications established in a job description approved by the county. The director shall be appointed by the board of county commissioners or the chief administrative officer of the county, as described in chapter 125 or the county charter, if applicable, to serve at the pleasure of the appointing authority, in conformance with applicable resolutions, ordinances, and laws. A county constitutional officer, or an employee of a county constitutional officer, may be appointed as director following prior notification to the division. Each board of county commissioners shall promptly inform the office division of the appointment of the director and other personnel. Each director has direct responsibility for the organization, administration, and operation of the county emergency management agency. The director shall coordinate emergency management activities, services, and programs within the county and shall serve as liaison to the office division and other local emergency management agencies and organizations.

(e) County emergency management agencies may charge and collect fees for the review of emergency management plans on behalf of external agencies and institutions. Fees must be reasonable and may not exceed the cost of providing a review of emergency management plans in accordance with fee schedules established by the office division.

Section 99. Subsections (2) and (3) of section 252.385, Florida Statutes, are amended to read:

252.385 Public shelter space.—

(2)(a) The office division shall administer a program to
survey existing schools, universities, community colleges, and other state-owned, municipally owned, and county-owned public buildings and any private facility that the owner, in writing, agrees to provide for use as a public hurricane evacuation shelter to identify those that are appropriately designed and located to serve as such shelters. The owners of the facilities must be given the opportunity to participate in the surveys. The state university boards of trustees, district school boards, community college boards of trustees, and the Department of Education are responsible for coordinating and implementing the survey of public schools, universities, and community colleges with the office division or the local emergency management agency.

(b) By January 31 of each even-numbered year, the office division shall prepare and submit a statewide emergency shelter plan to the Governor and Cabinet for approval, subject to the requirements for approval in s. 1013.37(2). The plan shall identify the general location and square footage of special needs shelters, by regional planning council region, during the next 5 years. The plan shall also include information on the availability of shelters that accept pets. The Department of Health shall assist the office division in determining the estimated need for special needs shelter space and the adequacy of facilities to meet the needs of persons with special needs based on information from the registries of persons with special needs and other information.

(3) The office division shall annually provide to the President of the Senate, the Speaker of the House of Representatives, and the Governor a list of facilities
recommended to be retrofitted using state funds. State funds should be maximized and targeted to regional planning council regions with hurricane evacuation shelter deficits. Retrofitting facilities in regions with public hurricane evacuation shelter deficits shall be given first priority and should be completed by 2003. All recommended facilities should be retrofitted by 2008. The owner or lessee of a public hurricane evacuation shelter that is included on the list of facilities recommended for retrofitting is not required to perform any recommended improvements.

Section 100. Subsection (1) of section 252.40, Florida Statutes, is amended to read:

252.40 Mutual aid arrangements.—

(1) The governing body of each political subdivision of the state is authorized to develop and enter into mutual aid agreements within the state for reciprocal emergency aid and assistance in case of emergencies too extensive to be dealt with unassisted. Copies of such agreements shall be sent to the office division. Such agreements shall be consistent with the state comprehensive emergency management plan and program, and in time of emergency it shall be the duty of each local emergency management agency to render assistance in accordance with the provisions of such mutual aid agreements to the fullest possible extent.

Section 101. Subsection (1) and paragraph (c) of subsection (2) of section 252.41, Florida Statutes, are amended to read:

252.41 Emergency management support forces.—

(1) The office division is authorized to provide, within or without the state, such support from available personnel,
equipment, and other resources of state agencies and the political subdivisions of the state as may be necessary to reinforce emergency management agencies in areas stricken by emergency. Such support shall be rendered with due consideration of the plans of the Federal Government, this state, the other states, and of the criticalness of the existing situation. Emergency management support forces shall be called to duty upon orders of the office division and shall perform functions in any part of the state or, upon the conditions specified in this section, in other states.

(2) Personnel of emergency management support forces while on duty, whether within or without the state, shall:

(c) If they are not employees of the state or a political subdivision thereof, they shall be entitled to the same rights and immunities as are provided by law for the employees of this state and to such compensation as may be fixed by the office division. All personnel of emergency management support forces shall, while on duty, be subject to the operational control of the authority in charge of emergency management activities in the area in which they are serving and shall be reimbursed for all actual and necessary travel and subsistence expenses to the extent of funds available.

Section 102. Section 252.42, Florida Statutes, is amended to read:

252.42 Government equipment, services, and facilities.—In the event of any emergency, the office division may make available any equipment, services, or facilities owned or organized by the state or its political subdivisions for use in the affected area upon request of the duly constituted authority.
of the area or upon the request of any recognized and accredited
relief agency through such duly constituted authority.

Section 103. Subsections (2), (4), and (5) of section
252.43, Florida Statutes, are amended to read:

252.43 Compensation.—

(2) Compensation owed for personal services shall be only
such as may be fixed by the office division.

(4) Any person claiming compensation for the use, damage,
loss, or destruction of property under ss. 252.31–252.60 shall
file a claim therefor with the office division in the form and
manner that the office division provides.

(5) Unless the amount of compensation owed on account of
property damaged, lost, or destroyed is agreed between the
claimant and the office division, the amount of compensation
shall be calculated in the same manner as compensation due for a
taking of property pursuant to the condemnation laws of this
state.

Section 104. Subsections (2) and (3) of section 252.44,
Florida Statutes, are amended to read:

252.44 Emergency mitigation.—

(2) The appropriate state agencies, in conjunction with the
office division, shall keep land uses and construction of
structures and other facilities under continuing study and
identify areas which are particularly susceptible to severe land
shifting, subsidence, flood, or other catastrophic occurrence,
manmade or natural. The studies under this subsection shall
concentrate on means of reducing or avoiding the dangers caused
by these occurrences or the consequences thereof.

(3) If the office division believes, on the basis of the
studies or other competent evidence, that an area is susceptible
to an emergency of catastrophic proportions without adequate
warning; that existing building standards and land use controls
in that area are inadequate and could add substantially to the
magnitude of the emergency; and that changes in zoning
regulations, other land use regulations, or building
requirements are essential in order to further the purposes of
this section, it shall specify the essential changes to the
Governor. If the Governor upon review of the recommendation
finds after public hearing that changes are essential, she or he
shall so recommend to the agencies or political subdivisions
with jurisdiction over the area and subject matter. If no
action, or insufficient action, pursuant to her or his
recommendations is taken within the time specified by the
Governor, she or he shall so inform the Legislature and request
legislative action appropriate to mitigate the impact of such an
emergency.

Section 105. Subsections (1) and (2) of section 252.46,
Florida Statutes, are amended to read:

252.46 Orders and rules.—
(1) In accordance with the provisions of chapter 120, the
political subdivisions of the state and other agencies
designated or appointed by the Governor or in the state
comprehensive emergency management plan are authorized and
empowered to make, amend, and rescind such orders and rules as
are necessary for emergency management purposes and to
supplement the carrying out of the provisions of ss. 252.31-
252.90, but which are not inconsistent with any orders or rules
adopted by the office division or by any state agency exercising
a power delegated to it by the Governor or the office division.

(2) All orders and rules adopted by the office division or any political subdivision or other agency authorized by ss. 252.31-252.90 to make orders and rules have full force and effect of law after adoption in accordance with the provisions of chapter 120 in the event of issuance by the office division or any state agency or, if promulgated by a political subdivision of the state or agency thereof, when filed in the office of the clerk or recorder of the political subdivision or agency promulgating the same. All existing laws, ordinances, and rules inconsistent with the provisions of ss. 252.31-252.90, or any order or rule issued under the authority of ss. 252.31-252.90, shall be suspended during the period of time and to the extent that such conflict exists.

Section 106. Subsection (5) of section 252.55, Florida Statutes, is amended to read:

252.55 Civil Air Patrol, Florida Wing.—

(5) The wing commander of the Florida Wing of the Civil Air Patrol shall biennially furnish the office Bureau of Emergency Management a 2-year projection of the goals and objectives of the Civil Air Patrol which shall be reported in the office’s division’s biennial report submitted pursuant to s. 252.35.

Section 107. Subsection (3) and paragraph (a) of subsection (4) of section 252.60, Florida Statutes, are amended to read:

252.60 Radiological emergency preparedness.—

(3) EMERGENCY RESPONSE PLANS.—In addition to the other plans required by this chapter, the office division shall develop, prepare, test, and implement as needed, in conjunction with the appropriate counties and the affected operator, such
radiological emergency response plans and preparedness
requirements as may be imposed by the United States Nuclear
Regulatory Commission or the Federal Emergency Management Agency
as a requirement for obtaining or continuing the appropriate
licenses for a commercial nuclear electric generating facility.

(4) POWERS AND DUTIES.—In implementing the requirements of
this section, the director of the office secretary of the
department, or the director’s secretary’s designated
representative, shall:

(a) Negotiate and enter into such additional contracts and
arrangements among the office division, appropriate counties,
and each operator to provide for the level of funding and the
respective roles of each in the development, preparation,
testing, and implementation of the plans.

Section 108. Section 252.61, Florida Statutes, is amended
to read:

252.61 List of persons for contact relating to release of
toxic substances into atmosphere.—The Office of Emergency
Management Department of Community Affairs shall maintain a list
of contact persons after the survey pursuant to s. 403.771 is
completed.

Section 109. Section 252.82, Florida Statutes, is amended
to read:

252.82 Definitions.—As used in this part:

(1) “Commission” means the State Hazardous Materials
Emergency Response Commission created pursuant to s. 301 of
EPCRA.

(2) “Committee” means any local emergency planning
committee established in the state pursuant to s. 301 of EPCRA.
(3) “Department” means the Department of Community Affairs.

(3)(4) “Facility” means facility as defined in s. 329 of EPCRA. Vehicles placarded according to title 49 Code of Federal Regulations shall not be considered a facility except for purposes of s. 304 of EPCRA.

(4)(5) “Hazardous material” means any hazardous chemical, toxic chemical, or extremely hazardous substance, as defined in s. 329 of EPCRA.


(7) “Trust fund” means the Operating Trust Fund of the Department of Community Affairs.

Section 110. Section 252.83, Florida Statutes, is amended to read:

252.83 Powers and duties of the office department.—

(1) The office department shall have the authority:

(a) To coordinate its activities under this part with its other emergency management responsibilities, including its responsibilities under part I of this chapter, and activities and with the related activities of other agencies, keeping separate accounts for all activities supported or partially supported from the Operating Trust Fund.

(b) To make rules, with the advice and consent of the commission, to implement this part.
(2) The office department shall provide administrative support, including staff, facilities, materials, and services, to the commission and shall provide funding to the committees to enable the commission and the committees to perform their functions under EPCRA and this part.

(3) The office department and the commission, to the extent possible, shall use the emergency planning capabilities of local governments to reduce duplication and paperwork to achieve the intent of this part. It is the intent of the Legislature that this part be implemented in the most cost-efficient manner possible, with the least possible financial impact on local government and the community.

Section 111. Subsections (1), (3), (4), and (5) of section 252.85, Florida Statutes, are amended to read:

252.85 Fees.—

(1) Any owner or operator of a facility required under s. 302 or s. 312 of EPCRA, or by s. 252.87, to submit a notification or an annual inventory form to the commission shall be required to pay an annual registration fee. The fee for any company, including all facilities under common ownership or control, shall not be less than $25 nor more than $2,000. The office department shall establish a reduced fee, of not less than $25 nor more than $500, applicable to any owner or operator regulated under part I of chapter 368, chapter 527, or s. 376.303, which does not have present any extremely hazardous substance, as defined by EPCRA, in excess of a threshold planning quantity, as established by EPCRA. The office department shall establish a reduced fee of not less than $25 nor more than $1,000, applicable to any owner or operator of a...
facility with a Standard Industrial Classification Code of 01, 02, or 07, which is eligible for the “routine agricultural use” exemption provided in ss. 311 and 312 of EPCRA. The fee under this subsection shall be based on the number of employees employed within the state at facilities under the common ownership or control of such owner or operator, which number shall be determined, to the extent possible, in accordance with data supplied by Jobs Florida or its tax collection service provider the Department of Labor and Employment Security. In order to avoid the duplicative reporting of seasonal and temporary agricultural employees, fees applicable to owners or operators of agricultural facilities, which are eligible for the “routine agricultural use” reporting exemption provided in ss. 311 and 312 of EPCRA, shall be based on employee data which most closely reflects such owner or operator’s permanent nonseasonal workforce. The office department shall establish by rule the date by which the fee is to be paid, as well as a formula or method of determining the applicable fee under this subsection without regard to the number of facilities under common ownership or control. The office department may require owners or operators of multiple facilities to demonstrate common ownership or control for purposes of this subsection.

(3) Any owner or operator of a facility that is required to submit a report or filing under s. 313 of EPCRA shall pay an annual reporting fee not to exceed $150 for those s. 313 EPCRA listed substances in effect on January 1, 2005. The office department shall establish by rule the date by which the fee is to be paid, as well as a formula or method of determining the applicable fee under this subsection.
(4)(a) The office department may assess a late fee for the failure to submit a report or filing that substantially complies with the requirements of EPCRA or s. 252.87 by the specified date or for failure to pay any fee, including any late fee, required by this section. This late fee shall be in addition to the fee otherwise imposed pursuant to this section. If the office department elects to impose a late fee, it shall provide the owner or operator with a written notice that identifies the specific requirements which have not been met and advises of its intent to assess a late fee.

(b) The office department may impose a late fee, subject to the limitations set forth below:

1. If the report, filing, or fee is submitted within 30 days after the receipt of the office’s department’s notice, no late fee may be assessed.

2. If the report, filing, or fee is not submitted within 30 days after the receipt of the office’s department’s notice, the office department may impose a late fee in an amount equal to the amount of the annual registration fee, filing fee, or s. 313 fee due, not to exceed $2,000.

3. If the report, filing, or fee is not submitted within 90 days after the receipt of the office’s department’s notice, the office department may issue a second notice. If the report, filing, or fee is not submitted within 30 days after receipt of the office’s department’s second notice, the office department may assess a second late fee in an amount equal to twice the amount of the annual registration fee, filing fee, or s. 313 fee due, not to exceed $4,000.

4. The office department may consider, but is not limited
to considering, the following factors in assessing late fees:
good faith attempt to comply; history of noncompliance; ability
to pay or continue in business; threat to health and safety
posed by noncompliance; and degree of culpability.

(5) The office department shall establish by rule the dates
by which the fee is to be paid, as well as a formula or method
of determining the facility registration fee and late fee.

Section 112. Subsections (1) and (3) of section 252.86, Florida Statutes, are amended to read:

252.86 Penalties and remedies.—

(1) The owner or operator of a facility, an employer, or
any other person submitting written information pursuant to
EPCRA or this part to the commission, a committee, or a fire
department shall be liable for a civil penalty of $5,000 for
each item of information in the submission that is false, if
such person knew or should have known the information was false
or if such person submitted the information with reckless
disregard of its truth or falsity. The office department may
institute a civil action in a court of competent jurisdiction to
impose and recover a civil penalty for the amount indicated in
this subsection. However, the court may receive evidence in
mitigation.

(3) Any provision of s. 325 or s. 326 of EPCRA which
creates a federal cause of action shall create a corresponding
cause of action under state law, with jurisdiction in the
circuit courts. Any provision of s. 325 or s. 326 of EPCRA which
imposes or authorizes the imposition of a civil penalty by the
Administrator of the Environmental Protection Agency, or which
creates a liability to the United States, shall impose or
authorize the imposition of such a penalty by the office department or create such a liability to and for the benefit of the state, to be paid into the Operating Trust Fund. Venue shall be proper in the county where the violation occurred or where the defendant has its principal place of business.

Section 113. Subsections (4) and (7) of section 252.87, Florida Statutes, are amended to read:

252.87 Supplemental state reporting requirements.—
(4) Each employer that owns or operates a facility in this state at which hazardous materials are present in quantities at or above the thresholds established under ss. 311(b) and 312(b) of EPCRA shall comply with the reporting requirements of ss. 311 and 312 of EPCRA. Such employer shall also be responsible for notifying the office department, the local emergency planning committee, and the local fire department in writing within 30 days if there is a discontinuance or abandonment of the employer’s business activities that could affect any stored hazardous materials.

(7) The office department shall avoid duplicative reporting requirements by using utilizing the reporting requirements of other state agencies that regulate hazardous materials to the extent feasible and shall request the information authorized under EPCRA. With the advice and consent of the State Emergency Response Commission for Hazardous Materials, the office department may require by rule that the maximum daily amount entry on the chemical inventory report required under s. 312 of EPCRA provide for reporting in estimated actual amounts. The office department may also require by rule an entry for the Federal Employer Identification Number on this report. To the
extent feasible, the **office department** shall encourage and accept required information in a form initiated through electronic data interchange and shall describe by rule the format, manner of execution, and method of electronic transmission necessary for using such form. To the extent feasible, the Department of Financial Services, the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Public Service Commission, the Department of Revenue, the Department of Labor and Employment Security, and other state agencies which regulate hazardous materials shall coordinate with the **office department** in order to avoid duplicative requirements contained in each agency’s respective reporting or registration forms. The other state agencies that inspect facilities storing hazardous materials and suppliers and distributors of covered substances shall assist the **office department** in informing the facility owner or operator of the requirements of this part. The **office department** shall provide the other state agencies with the necessary information and materials to inform the owners and operators of the requirements of this part to ensure that the budgets of these agencies are not adversely affected.

Section 114. Subsection (4) of section 252.88, Florida Statutes, is amended to read:

252.88 Public records.—

(4) The **office department**, the commission, and the committees shall furnish copies of public records submitted under EPCRA or this part, and may charge a fee of $1 per page per person per year for over 25 pages of materials copied.

Section 115. Subsections (3), (8), (9), and (19) of section
252.936, Florida Statutes, are amended to read:

252.936 Definitions.—As used in this part, the term:

(3) “Audit” means a review of information at a stationary source subject to s. 112(r)(7), or submitted by a stationary source subject to s. 112(r)(7), to determine whether that stationary source is in compliance with the requirements of this part and rules adopted to administer implement this part. Audits must include a review of the adequacy of the stationary source’s Risk Management Plan, may consist of reviews of information submitted to the Office of Emergency Management in the Executive Office of the Governor. Audits must include a review of the adequacy of the stationary source’s Risk Management Plan, may consist of reviews of information submitted to the Office of Emergency Management in the Executive Office of the Governor.

(8) “Department” means the Department of Community Affairs.

(9) “Inspection” means a review of information at a stationary source subject to s. 112(r)(7), including documentation and operating practices and access to the source and to any area where an accidental release could occur, to determine whether the stationary source is in compliance with the requirements of this part or rules adopted to administer implement this part.


(19) “Trust fund” means the Operating Trust Fund of the Office established in the department’s Division of Emergency Management.

Section 116. Section 252.937, Florida Statutes, is amended to read:
252.937 Office Department powers and duties.—

(1) The office department has the power and duty to:

(a) 1. Seek delegation from the United States Environmental Protection Agency to implement the Accidental Release Prevention Program under s. 112(r)(7) of the Clean Air Act and the federal implementing regulations for specified sources subject to s. 112(r)(7) of the Clean Air Act. Implementation for all other sources subject to s. 112(r)(7) of the Clean Air Act shall will be performed by the United States Environmental Protection Agency; and

2. Ensure the timely submission of Risk Management Plans and any subsequent revisions of Risk Management Plans.

(b) Adopt, modify, and repeal rules, with the advice and consent of the commission, necessary to obtain delegation from the United States Environmental Protection Agency and to administer the s. 112(r)(7) Accidental Release Prevention Program in this state for the specified stationary sources with no expansion or addition of the regulatory program.

(c) Make and execute contracts and other agreements necessary or convenient to the administration implementation of this part.

(d) Coordinate its activities under this part with its other emergency management responsibilities, including its responsibilities and activities under parts I, II, and III of this chapter and with the related activities of other state and local agencies, keeping separate accounts for all activities conducted under this part which are supported or partially supported from the trust fund.

(e) Establish, with the advice and consent of the
commission, a technical assistance and outreach program on or before January 31, 1999, to assist owners and operators of specified stationary sources subject to s. 112(r)(7) in complying with the reporting and fee requirements of this part. This program is designed to facilitate and ensure timely submission of proper certifications or compliance schedules and timely submission and registration of Risk Management Plans and revised registrations and Risk Management Plans if when required for these sources.

(f) Make a quarterly report to the State Emergency Response Commission on income and expenses for the state’s Accidental Release Prevention Program under this part.

(2) To ensure that this program is self-supporting, the office department shall provide administrative support, including staff, facilities, materials, and services to implement this part for specified stationary sources subject to s. 252.939 and shall provide necessary funding to local emergency planning committees and county emergency management agencies for work performed to implement this part. Each state agency with regulatory, inspection, or technical assistance programs for specified stationary sources subject to this part shall enter into a memorandum of understanding with the office department which specifically outlines how each agency’s staff, facilities, materials, and services will be used utilized to support implementation. At a minimum, these agencies and programs include: the Department of Environmental Protection’s Division of Air Resources Management and Division of Water Resource Management, and the Department of Labor and Employment Security’s Division of Safety. It is the Legislature’s intent to
implement this part as efficiently and economically as possible, using existing expertise and resources, if available and appropriate.

(3) To prevent the duplication of investigative efforts and resources, the office, on behalf of the commission, shall coordinate with any federal agencies or agents thereof, including the federal Chemical Safety and Hazard Investigation Board, or its successor, which are performing accidental release investigations for specified stationary sources, and may coordinate with any agencies of the state which are performing accidental release investigations. This accidental release investigation coordination is not intended to limit or take the place of any individual agency accidental release investigation under separate authority.

(4) To promote efficient administration of this program and specified stationary sources, the only office which may seek delegation from the United States Environmental Protection Agency for this program is the Florida Department of Community Affairs. Further, the office may not delegate this program to any local environmental agency.

Section 117. Section 252.943, Florida Statutes, is amended to read:

252.943 Public records.—

(1) The office Department of Community Affairs shall protect records, reports, or information or particular parts thereof, other than release or emissions data, contained in a risk management plan from public disclosure pursuant to ss. 112(r) and 114(c) of the federal Clean Air Act and authorities.

CODING: Words stricken are deletions; words underlined are additions.
cited therein, based upon a showing satisfactory to the Administrator of the United States Environmental Protection Agency, by any owner or operator of a stationary source subject to the Accidental Release Prevention Program, that public release of such records, reports, or information would divulge methods or processes entitled to protection as trade secrets as provided for in 40 C.F.R. part 2, subpart B. Such records, reports, or information held by the office department are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, unless a final determination has been made by the Administrator of the Environmental Protection Agency that such records, reports, or information are not entitled to trade secret protection, or pursuant to an order of court.

(2) The office department shall protect records, reports, or information or particular parts thereof, other than release or emissions data, obtained from an investigation, inspection, or audit from public disclosure pursuant to ss. 112(r) and 114(c) of the federal Clean Air Act and authorities cited therein, based upon a showing satisfactory to the Administrator of the United States Environmental Protection Agency, by any owner or operator of a stationary source subject to the Accidental Release Prevention Program, that public release of such records, reports, or information would divulge methods or processes entitled to protection as trade secrets as provided for in 40 C.F.R. part 2, subpart B. Such records, reports, or information held by the office department are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, unless a final determination has been made by the Administrator of the Environmental Protection Agency that such records, reports, or information are not entitled to trade secret protection, or pursuant to an order of court.
made by the Administrator of the Environmental Protection Agency that such records, reports, or information are not entitled to trade secret protection, or pursuant to a court or order of court.

Section 118. Section 252.946, Florida Statutes, is amended to read:

252.946 Public records.—With regard to information submitted to the United States Environmental Protection Agency under this part or s. 112(r)(7), the office department of Community Affairs, the State Hazardous Materials Emergency Response Commission, and any local emergency planning committee may assist persons in electronically accessing such information held by the United States Environmental Protection Agency in its centralized database. If requested, the office department, the commission, or a committee may furnish copies of such United States Environmental Protection Agency records.

Section 119. Paragraph (b) of subsection (1) of section 255.099, Florida Statutes, is amended to read:

255.099 Preference to state residents.—

(1) Each contract for construction that is funded by state funds must contain a provision requiring the contractor to give preference to the employment of state residents in the performance of the work on the project if state residents have substantially equal qualifications to those of nonresidents. A contract for construction funded by local funds may contain such a provision.

(b) A contractor required to employ state residents must contact Jobs Florida the Agency for Workforce Innovation to post the contractor’s employment needs in the state’s job bank.
Section 120. Paragraph (b) of subsection (1) of section 259.035, Florida Statutes, is amended to read:

259.035 Acquisition and Restoration Council.—

(1) There is created the Acquisition and Restoration Council.

(b) The four five remaining appointees shall be composed of the Secretary of Environmental Protection, the director of the Division of Forestry of the Department of Agriculture and Consumer Services, the executive director of the Fish and Wildlife Conservation Commission, and the director of the Division of Historical Resources of the Department of State, and the secretary of the Department of Community Affairs, or their respective designees.

Section 121. Paragraph (d) of subsection (1) of section 260.0142, Florida Statutes, is amended to read:

260.0142 Florida Greenways and Trails Council; composition; powers and duties.—

(1) There is created within the department the Florida Greenways and Trails Council which shall advise the department in the execution of the department’s powers and duties under this chapter. The council shall be composed of 20 21 members, consisting of:

(d) The 9 10 remaining members shall include:

1. The Secretary of Environmental Protection or a designee.
2. The executive director of the Fish and Wildlife Conservation Commission or a designee.
3. The Secretary of Community Affairs or a designee.
3.4. The Secretary of Transportation or a designee.
4.5. The Director of the Division of Forestry of the Department of Agriculture and Consumer Services or a designee.

5.6. The director of the Division of Historical Resources of the Department of State or a designee.

6.7. A representative of the water management districts. Membership on the council shall rotate among the five districts. The districts shall determine the order of rotation.

7.8. A representative of a federal land management agency.

8.9. The Secretary of Environmental Protection shall identify the appropriate federal agency and request designation of a representative from the agency to serve on the council.

9.10. A representative of the regional planning councils to be appointed by the Secretary of Environmental Protection in consultation with the Secretary of Community Affairs. Membership on the council shall rotate among the seven regional planning councils. The regional planning councils shall determine the order of rotation.

9.11. A representative of local governments to be appointed by the Secretary of Environmental Protection in consultation with the Secretary of Community Affairs. Membership shall alternate between a county representative and a municipal representative.

Section 122. Section 272.11, Florida Statutes, is amended to read:

272.11 Capitol information center.—The Jobs Florida Partnership, Inc., Florida Commission on Tourism shall establish, maintain, and operate a Capitol information center somewhere within the area of the Capitol Center and employ personnel or enter into contracts to maintain same.
Section 123. Paragraph (a) of subsection (4) of section 282.34, Florida Statutes, is amended to read:

282.34 Statewide e-mail service.—A state e-mail system that includes the delivery and support of e-mail, messaging, and calendaring capabilities is established as an enterprise information technology service as defined in s. 282.0041. The service shall be designed to meet the needs of all executive branch agencies. The primary goals of the service are to minimize the state investment required to establish, operate, and support the statewide service; reduce the cost of current e-mail operations and the number of duplicative e-mail systems; and eliminate the need for each state agency to maintain its own e-mail staff.

(4) All agencies must be completely migrated to the statewide e-mail service as soon as financially and operationally feasible, but no later than June 30, 2015.

(a) The following statewide e-mail service implementation schedule is established for state agencies:

1. Phase 1.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2012: the Agency for Enterprise Information Technology; the Department of Community Affairs, including the Division of Emergency Management; the Department of Corrections; the Department of Health; the Department of Highway Safety and Motor Vehicles; the Department of Management Services, including the Division of Administrative Hearings, the Division of Retirement, the Commission on Human Relations, and the Public Employees Relations Commission; the Southwood Shared Resource Center; and the Department of Revenue.
2. Phase 2.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2013: the Department of Business and Professional Regulation; the Department of Education, including the Board of Governors; the Department of Environmental Protection; the Department of Juvenile Justice; the Department of the Lottery; the Department of State; the Department of Law Enforcement; the Department of Veterans’ Affairs; the Judicial Administration Commission; the Public Service Commission; and the Statewide Guardian Ad Litem Office.

3. Phase 3.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2014: the Agency for Health Care Administration; the Agency for Workforce Innovation; the Department of Financial Services, including the Office of Financial Regulation and the Office of Insurance Regulation; the Department of Agriculture and Consumer Services; the Executive Office of the Governor, including the Office of Emergency Management; the Department of Transportation; the Fish and Wildlife Conservation Commission; the Agency for Persons With Disabilities; the Northwood Shared Resource Center; and the State Board of Administration.

4. Phase 4.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2015: the Department of Children and Family Services; the Department of Citrus; the Department of Elderly Affairs; and the Department of Legal Affairs.

Section 124. Paragraphs (a) and (d) of subsection (1) and subsection (4) of section 282.709, Florida Statutes, are amended to read:
282.709 State agency law enforcement radio system and interoperability network.—

(1) The department may acquire and administer a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through mutual aid channels.

(a) The department shall, in conjunction with the Department of Law Enforcement and the Office Division of Emergency Management of the Department of Community Affairs, establish policies, procedures, and standards to be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system.

(d) The department shall exercise its powers and duties under this part to plan, manage, and administer the mutual aid channels in the statewide radio communication system.

1. In implementing such powers and duties, the department shall consult and act in conjunction with the Department of Law Enforcement and the Office Division of Emergency Management of the Department of Community Affairs, and shall manage and administer the mutual aid channels in a manner that reasonably addresses the needs and concerns of the involved law enforcement agencies and emergency response agencies and entities.

2. The department may make the mutual aid channels available to federal agencies, state agencies, and agencies of the political subdivisions of the state for the purpose of public safety and domestic security.

(4) The department may create and administer an interoperability network to enable interoperability between various radio communications technologies and to serve federal
agen
cies, state agencies, and agencies of political subdivisions
of the state for the purpose of public safety and domestic
security.

(a) The department shall, in conjunction with the
Department of Law Enforcement and the Office Division of
Emergency Management of the Department of Community Affairs,
exercise its powers and duties pursuant to this chapter to plan,
manage, and administer the interoperability network. The office
may:

1. Enter into mutual aid agreements among federal agencies,
state agencies, and political subdivisions of the state for the
use of the interoperability network.

2. Establish the cost of maintenance and operation of the
interoperability network and charge subscribing federal and
local law enforcement agencies for access and use of the
network. The department may not charge state law enforcement
agencies identified in paragraph (2)(a) to use the network.

3. In consultation with the Department of Law Enforcement
and the Office Division of Emergency Management of the
Department of Community Affairs, amend and enhance the statewide
radio communications system as necessary to implement the
interoperability network.

(b) The department, in consultation with the Joint Task
Force on State Agency Law Enforcement Communications, and in
conjunction with the Department of Law Enforcement and the
Office Division of Emergency Management of the Department of
Community Affairs, shall establish policies, procedures, and
standards to incorporate into a comprehensive management plan
for the use and operation of the interoperability network.
Section 125. Section 287.09431, Florida Statutes, is amended to read:

287.09431 Statewide and interlocal agreement on certification of business concerns for the status of minority business enterprise.—The statewide and interlocal agreement on certification of business concerns for the status of minority business enterprise is hereby enacted and entered into with all jurisdictions or organizations legally joining therein. If, within 2 years from the date that the certification core criteria are approved by the Department of Management Services, the agreement included herein is not executed by a majority of county and municipal governing bodies that administer a minority business assistance program on the effective date of this act, then the Legislature shall review this agreement. It is the intent of the Legislature that if the agreement is not executed by a majority of the requisite governing bodies, then a statewide uniform certification process should be adopted, and that said agreement should be repealed and replaced by a mandatory state government certification process.

ARTICLE I

PURPOSE, FINDINGS, AND POLICY.—

(1) The parties to this agreement, desiring by common action to establish a uniform certification process in order to reduce the multiplicity of applications by business concerns to state and local governmental programs for minority business assistance, declare that it is the policy of each of them, on
the basis of cooperation with one another, to remedy social and
economic disadvantage suffered by certain groups, resulting in
their being historically underutilized in ownership and control
of commercial enterprises. Thus, the parties seek to address
this history by increasing the participation of the identified
groups in opportunities afforded by government procurement.

(2) The parties find that the State of Florida presently
certifies firms for participation in the minority business
assistance programs of the state. The parties find further that
some counties, municipalities, school boards, special districts,
and other divisions of local government require a separate, yet
similar, and in most cases redundant certification in order for
businesses to participate in the programs sponsored by each
government entity.

(3) The parties find further that this redundant
certification has proven to be unduly burdensome to the
minority-owned firms intended to benefit from the underlying
purchasing incentives.

(4) The parties agree that:
   (a) They will facilitate integrity, stability, and
   cooperation in the statewide and interlocal certification
   process, and in other elements of programs established to assist
   minority-owned businesses.
   (b) They shall cooperate with agencies, organizations, and
   associations interested in certification and other elements of
   minority business assistance.
   (c) It is the purpose of this agreement to provide for a
   uniform process whereby the status of a business concern may be
determined in a singular review of the business information for
these purposes, in order to eliminate any undue expense, delay, or confusion to the minority-owned businesses in seeking to participate in the minority business assistance programs of state and local jurisdictions.

ARTICLE II

DEFINITIONS.—As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

(1) “Awarding organization” means any political subdivision or organization authorized by law, ordinance, or agreement to enter into contracts and for which the governing body has entered into this agreement.

(2) “Department” means the Department of Management Services Department of Labor and Employment Security.

(3) “Minority” means a person who is a lawful, permanent resident of the state, having origins in one of the minority groups as described and adopted by the Department of Management Services Department of Labor and Employment Security, hereby incorporated by reference.

(4) “Minority business enterprise” means any small business concern as defined in subsection (6) that meets all of the criteria described and adopted by the Department of Management Services Department of Labor and Employment Security, hereby incorporated by reference.

(5) “Participating state or local organization” means any political subdivision of the state or organization designated by such that elects to participate in the certification process pursuant to this agreement, which has been approved according to
s. 287.0943(3) and has legally entered into this agreement.

(6) "Small business concern" means an independently owned and operated business concern which is of a size and type as described and adopted by vote related to this agreement of the commission, hereby incorporated by reference.

ARTICLE III

STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

(1) All awarding organizations shall accept a certification granted by any participating organization which has been approved according to s. 287.0943(3) and has entered into this agreement, as valid status of minority business enterprise.

(2) A participating organization shall certify a business concern that meets the definition of minority business enterprise in this agreement, in accordance with the duly adopted eligibility criteria.

(3) All participating organizations shall issue notice of certification decisions granting or denying certification to all other participating organizations within 14 days of the decision. Such notice may be made through electronic media.

(4) No certification will be granted without an onsite visit to verify ownership and control of the prospective minority business enterprise, unless verification can be accomplished by other methods of adequate verification or assessment of ownership and control.

(5) The certification of a minority business enterprise pursuant to the terms of this agreement shall not be suspended, revoked, or otherwise impaired except on any grounds which would
be sufficient for revocation or suspension of a certification in the jurisdiction of the participating organization.

(6) The certification determination of a party may be challenged by any other participating organization by the issuance of a timely written notice by the challenging organization to the certifying organization’s determination within 10 days of receiving notice of the certification decision, stating the grounds therefor.

(7) The sole accepted grounds for challenge shall be the failure of the certifying organization to adhere to the adopted criteria or the certifying organization’s rules or procedures, or the perpetuation of a misrepresentation or fraud by the firm.

(8) The certifying organization shall reexamine its certification determination and submit written notice to the applicant and the challenging organization of its findings within 30 days after the receipt of the notice of challenge.

(9) If the certification determination is affirmed, the challenging agency may subsequently submit timely written notice to the firm of its intent to revoke certification of the firm.

ARTICLE IV

APPROVED AND ACCEPTED PROGRAMS.—Nothing in this agreement shall be construed to repeal or otherwise modify any ordinance, law, or regulation of a party relating to the existing minority business assistance provisions and procedures by which minority business enterprises participate therein.

ARTICLE V
TERM.—The term of the agreement shall be 5 years, after which it may be reexecuted by the parties.

ARTICLE VI

AGREEMENT EVALUATION.—The designated state and local officials may meet from time to time as a group to evaluate progress under the agreement, to formulate recommendations for changes, or to propose a new agreement.

ARTICLE VII

OTHER ARRANGEMENTS.—Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party in order to comply with federal law.

ARTICLE VIII

EFFECT AND WITHDRAWAL.—

(1) This agreement shall become effective when properly executed by a legal representative of the participating organization, when enacted into the law of the state and after an ordinance or other legislation is enacted into law by the governing body of each participating organization. Thereafter it shall become effective as to any participating organization upon the enactment of this agreement by the governing body of that organization.

(2) Any party may withdraw from this agreement by enacting
legislation repealing the same, but no such withdrawal shall take effect until one year after the governing body of the withdrawing party has given notice in writing of the withdrawal to the other parties.

(3) No withdrawal shall relieve the withdrawing party of any obligations imposed upon it by law.

ARTICLE IX

FINANCIAL RESPONSIBILITY.—

(1) A participating organization shall not be financially responsible or liable for the obligations of any other participating organization related to this agreement.

(2) The provisions of this agreement shall constitute neither a waiver of any governmental immunity under Florida law nor a waiver of any defenses of the parties under Florida law. The provisions of this agreement are solely for the benefit of its executors and not intended to create or grant any rights, contractual or otherwise, to any person or entity.

ARTICLE X

VENUE AND GOVERNING LAW.—The obligations of the parties to this agreement are performable only within the county where the participating organization is located, and statewide for the Office of Supplier Diversity, and venue for any legal action in connection with this agreement shall lie, for any participating organization except the Office of Supplier Diversity, exclusively in the county where the participating organization
is located. This agreement shall be governed by and construed in accordance with the laws and court decisions of the state.

ARTICLE XI

CONSTRUCTION AND SEVERABILITY.—This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the State Constitution or the United States Constitution, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the State Constitution, the agreement shall remain in full force and effect as to all severable matters.

Section 126. Paragraphs (h) and (o) of subsection (4) of section 287.09451, Florida Statutes, are amended to read:

287.09451 Office of Supplier Diversity; powers, duties, and functions.—

(4) The Office of Supplier Diversity shall have the following powers, duties, and functions:

(h) To develop procedures to investigate complaints against minority business enterprises or contractors alleged to violate any provision related to this section or s. 287.0943, that may include visits to worksites or business premises, and to refer all information on businesses suspected of misrepresenting
minority status to the Department of Management Services for investigation. When an investigation is completed and there is reason to believe that a violation has occurred, the Department of Labor and Employment Security shall refer the matter to the office of the Attorney General, Department of Legal Affairs, for prosecution.

(o)1. To establish a system to record and measure the use of certified minority business enterprises in state contracting. This system shall maintain information and statistics on certified minority business enterprise participation, awards, dollar volume of expenditures and agency goals, and other appropriate types of information to analyze progress in the access of certified minority business enterprises to state contracts and to monitor agency compliance with this section. Such reporting must include, but is not limited to, the identification of all subcontracts in state contracting by dollar amount and by number of subcontracts and the identification of the utilization of certified minority business enterprises as prime contractors and subcontractors by dollar amounts of contracts and subcontracts, number of contracts and subcontracts, minority status, industry, and any conditions or circumstances that significantly affected the performance of subcontractors. Agencies shall report their compliance with the requirements of this reporting system at least annually and at the request of the office. All agencies shall cooperate with the office in establishing this reporting system. Except in construction contracting, all agencies shall review contracts costing in excess of CATEGORY FOUR as defined in s. 287.017 to determine if such contracts could be divided into smaller
contracts to be separately solicited and awarded, and shall, when economical, offer such smaller contracts to encourage minority participation.

2. To report agency compliance with the provisions of subparagraph 1. for the preceding fiscal year to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives, and the secretary of the Department of Labor and Employment Security on or before February 1 of each year. The report must contain, at a minimum, the following:

a. Total expenditures of each agency by industry.

b. The dollar amount and percentage of contracts awarded to certified minority business enterprises by each state agency.

c. The dollar amount and percentage of contracts awarded indirectly to certified minority business enterprises as subcontractors by each state agency.

d. The total dollar amount and percentage of contracts awarded to certified minority business enterprises, whether directly or indirectly, as subcontractors.

e. A statement and assessment of good faith efforts taken by each state agency.

f. A status report of agency compliance with subsection (6), as determined by the Minority Business Enterprise Office.

Section 127. Subsections (1) and (5) of section 287.0947, Florida Statutes, are amended to read:

287.0947 Florida Advisory Council on Small and Minority Business Development; creation; membership; duties.—

(1) On or after October 1, 1996, The Secretary of Management Services the Department of Labor and Employment Security may create the Florida Advisory Council on Small and
Minority Business Development with the purpose of advising and assisting the secretary in carrying out the secretary’s duties with respect to minority businesses and economic and business development. It is the intent of the Legislature that the membership of such council include practitioners, laypersons, financiers, and others with business development experience who can provide invaluable insight and expertise for this state in the diversification of its markets and networking of business opportunities. The council shall initially consist of 19 persons, each of whom is or has been actively engaged in small and minority business development, either in private industry, in governmental service, or as a scholar of recognized achievement in the study of such matters. Initially, the council shall consist of members representing all regions of the state and shall include at least one member from each group identified within the definition of “minority person” in s. 288.703(3), considering also gender and nationality subgroups, and shall consist of the following:

(a) Four members consisting of representatives of local and federal small and minority business assistance programs or community development programs.

(b) Eight members composed of representatives of the minority private business sector, including certified minority business enterprises and minority supplier development councils, among whom at least two shall be women and at least four shall be minority persons.

(c) Two representatives of local government, one of whom shall be a representative of a large local government, and one of whom shall be a representative of a small local government.
(d) Two representatives from the banking and insurance industry.

(e) Two members from the private business sector, representing the construction and commodities industries.

(f) A member from the board of directors of the Jobs Florida Partnership, Inc, the chairperson of the Florida Black Business Investment Board or the chairperson’s designee.

A candidate for appointment may be considered if eligible to be certified as an owner of a minority business enterprise, or if otherwise qualified under the criteria above. Vacancies may be filled by appointment of the secretary, in the manner of the original appointment.

(5) The powers and duties of the council include, but are not limited to: researching and reviewing the role of small and minority businesses in the state’s economy; reviewing issues and emerging topics relating to small and minority business economic development; studying the ability of financial markets and institutions to meet small business credit needs and determining the impact of government demands on credit for small businesses; assessing the implementation of s. 187.201(21), requiring a state economic development comprehensive plan, as it relates to small and minority businesses; assessing the reasonableness and effectiveness of efforts by any state agency or by all state agencies collectively to assist minority business enterprises; and advising the Governor, the secretary, and the Legislature on matters relating to small and minority business development which are of importance to the international strategic planning and activities of this state.
Section 128. Section 288.012, Florida Statutes, is amended to read:

288.012 State of Florida international foreign offices.—The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida international foreign offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between private businesses and state entities, local entities, and international governmental foreign entities, and private businesses.

(1) Jobs Florida The Office of Tourism, Trade, and Economic Development is authorized to:

(a) Establish and operate offices in other foreign countries for the purpose of promoting the trade and economic development opportunities of the state, and promoting the gathering of trade data information and research on trade opportunities in specific countries.

(b) Enter into agreements with governmental and private sector entities to establish and operate offices in other foreign countries containing provisions which may be in conflict with general laws of the state pertaining to the purchase of office space, employment of personnel, and contracts for services. When agreements pursuant to this section are made
which set compensation in foreign currency, such agreements shall be subject to the requirements of s. 215.425, but the purchase of foreign currency by Jobs Florida the Office of Tourism, Trade, and Economic Development to meet such obligations shall be subject only to s. 216.311.

(2) Each international foreign office shall have in place an operational plan approved by the participating boards or other governing authority, a copy of which shall be provided to Jobs Florida the Office of Tourism, Trade, and Economic Development. These operating plans shall be reviewed and updated each fiscal year and shall include, at a minimum, the following:

(a) Specific policies and procedures encompassing the entire scope of the operation and management of each office.

(b) A comprehensive, commercial strategic plan identifying marketing opportunities and industry sector priorities for the foreign country or area in which an international foreign office is located.

(c) Provisions for access to information for Florida businesses through the Florida Trade Data Center. Each international foreign office shall obtain and forward trade leads and inquiries to the center on a regular basis.

(d) Identification of new and emerging market opportunities for Florida businesses. Each international foreign office shall provide the Florida Trade Data Center with a compilation of foreign buyers and importers in industry sector priority areas on an annual basis. In return, the Florida Trade Data Center shall make available to each international foreign office, and to the Jobs Florida Partnership Enterprise Florida, Inc., the Florida Commission on Tourism, the Florida Ports Council, the
Department of State, the Department of Citrus, and the Department of Agriculture and Consumer Services, trade industry, commodity, and opportunity information. This information shall be provided to such offices and entities either free of charge or on a fee basis with fees set only to recover the costs of providing the information.

(e) Provision of access for Florida businesses to the services of the Florida Trade Data Center, international trade assistance services provided by state and local entities, seaport and airport information, and other services identified by Jobs Florida the Office of Tourism, Trade, and Economic Development.

(f) Qualitative and quantitative performance measures for each office, including, but not limited to, the number of businesses assisted, the number of trade leads and inquiries generated, the number of international foreign buyers and importers contacted, and the amount and type of marketing conducted.

(3) By October 1 of each year, each international foreign office shall submit to Jobs Florida the Office of Tourism, Trade, and Economic Development a complete and detailed report on its activities and accomplishments during the preceding fiscal year. In a format provided by the Jobs Florida Partnership Enterprise Florida, Inc., the report must set forth information on:

(a) The number of Florida companies assisted.

(b) The number of inquiries received about investment opportunities in this state.

(c) The number of trade leads generated.
(d) The number of investment projects announced.
(e) The estimated U.S. dollar value of sales confirmations.
(f) The number of representation agreements.
(g) The number of company consultations.
(h) Barriers or other issues affecting the effective operation of the office.
(i) Changes in office operations which are planned for the current fiscal year.
(j) Marketing activities conducted.
(k) Strategic alliances formed with organizations in the country in which the office is located.
(l) Activities conducted with Florida’s other Florida international foreign offices.
(m) Any other information that the office believes would contribute to an understanding of its activities.

(4) Jobs Florida The Office of Tourism, Trade, and Economic Development, in connection with the establishment, operation, and management of any of its offices located in another a foreign country, is exempt from the provisions of ss. 255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.0056 and 282.702-282.7101 relating to communications, and from all statutory provisions relating to state employment.

(a) Jobs Florida The Office of Tourism, Trade, and Economic Development may exercise such exemptions only upon prior approval of the Governor.

(b) If approval for an exemption under this section is granted as an integral part of a plan of operation for a
specified international foreign office, such action shall constitute continuing authority for Jobs Florida the Office of Tourism, Trade, and Economic Development to exercise the exemption, but only in the context and upon the terms originally granted. Any modification of the approved plan of operation with respect to an exemption contained therein must be resubmitted to the Governor for his or her approval. An approval granted to exercise an exemption in any other context shall be restricted to the specific instance for which the exemption is to be exercised.

(c) As used in this subsection, the term “plan of operation” means the plan developed pursuant to subsection (2).

(d) Upon final action by the Governor with respect to a request to exercise the exemption authorized in this subsection, Jobs Florida the Office of Tourism, Trade, and Economic Development shall report such action, along with the original request and any modifications thereto, to the President of the Senate and the Speaker of the House of Representatives within 30 days.

(5) Where feasible and appropriate, international and foreign offices established and operated under this section may provide one-stop access to the economic development, trade, and tourism information, services, and programs of the state. Where feasible and appropriate, and subject to s. 288.1224(9), such offices may also be collocated with other international foreign offices of the state.

(6) Jobs Florida The Office of Tourism, Trade, and Economic Development is authorized to make and to enter into contracts with the Jobs Florida Partnership Enterprise Florida, Inc., and
the Florida Commission on Tourism to carry out the provisions of this section. The authority, duties, and exemptions provided in this section apply to the Jobs Florida Partnership Enterprise Florida, Inc., and the Florida Commission on Tourism to the same degree and subject to the same conditions as applied to Jobs Florida the Office of Tourism, Trade, and Economic Development.

To the greatest extent possible, such contracts shall include provisions for cooperative agreements or strategic alliances between private businesses and state entities, international, foreign entities, and local governmental entities, and private businesses to operate international foreign offices.

Section 129. Subsections (1) and (3) of section 288.017, Florida Statutes, are amended to read:

288.017 Cooperative advertising matching grants program.—

(1) The Florida Commission on Tourism is authorized to establish a cooperative advertising matching grants program and, pursuant thereto, to make expenditures and enter into contracts with local governments and nonprofit corporations for the purpose of publicizing the tourism advantages of the state. Jobs Florida The Office of Tourism, Trade, and Economic Development, based on recommendations from the Florida Commission on Tourism, shall have final approval of grants awarded through this program. The commission may contract with its direct-support organization to administer the program.

(3) The Florida Commission on Tourism shall conduct an annual competitive selection process for the award of grants under the program. In determining its recommendations for the grant awards, the commission shall consider the demonstrated need of the applicant for advertising assistance, the
feasibility and projected benefit of the applicant’s proposal, the amount of nonstate funds that will be leveraged, and such other criteria as the commission deems appropriate. In evaluating grant applications, Jobs Florida the Office shall consider recommendations from the Florida Commission on Tourism. Jobs Florida the Office, however, has final approval authority for any grant under this section.

Section 130. Section 288.018, Florida Statutes, is amended to read:

288.018 Regional Rural Development Grants Program.—
(1) Jobs Florida The Office of Tourism, Trade, and Economic Development shall establish a matching grant program to provide funding to regionally based economic development organizations representing rural counties and communities for the purpose of building the professional capacity of their organizations. Such matching grants may also be used by an economic development organization to provide technical assistance to businesses within the rural counties and communities that it serves. Jobs Florida The Office of Tourism, Trade, and Economic Development is authorized to approve, on an annual basis, grants to such regionally based economic development organizations. The maximum amount an organization may receive in any year will be $35,000, or $100,000 in a rural area of critical economic concern recommended by the Rural Economic Development Initiative and designated by the Governor, and must be matched each year by an equivalent amount of nonstate resources.

(2) In approving the participants, Jobs Florida the Office of Tourism, Trade, and Economic Development shall consider the demonstrated need of the applicant for assistance and require
the following:

(a) Documentation of official commitments of support from each of the units of local government represented by the regional organization.

(b) Demonstration that each unit of local government has made a financial or in-kind commitment to the regional organization.

(c) Demonstration that the private sector has made financial or in-kind commitments to the regional organization.

(d) Demonstration that the organization is in existence and actively involved in economic development activities serving the region.

(e) Demonstration of the manner in which the organization is or will coordinate its efforts with those of other local and state organizations.

(3) Jobs Florida The Office of Tourism, Trade, and Economic Development may also contract for the development of an enterprising zone web portal or websites for each enterprise zone which will be used to market the program for job creation in disadvantaged urban and rural enterprise zones. Each enterprise zone web page should include downloadable links to state forms and information, as well as local message boards that help businesses and residents receive information concerning zone boundaries, job openings, zone programs, and neighborhood improvement activities.

(4) Jobs Florida The Office of Tourism, Trade, and Economic Development may expend up to $750,000 each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund for the purposes outlined in this section. Jobs
Florida The Office of Tourism, Trade, and Economic Development may contract with the Jobs Florida Partnership Enterprise Florida, Inc., for the administration of the purposes specified in this section. Funds released to the Jobs Florida Partnership Enterprise Florida, Inc., for this purpose shall be released quarterly and shall be calculated based on the applications in process.

Section 131. Subsection (4) of section 288.019, Florida Statutes, is amended to read:

288.019 Rural considerations in grant review and evaluation processes.—Notwithstanding any other law, and to the fullest extent possible, the member agencies and organizations of the Rural Economic Development Initiative (REDI) as defined in s. 288.0656(6)(a) shall review all grant and loan application evaluation criteria to ensure the fullest access for rural counties as defined in s. 288.0656(2) to resources available throughout the state.

(4) For existing programs, the modified evaluation criteria and scoring procedure must be delivered to Jobs Florida the Office of Tourism, Trade, and Economic Development for distribution to the REDI agencies and organizations. The REDI agencies and organizations shall review and make comments. Future rules, programs, evaluation criteria, and scoring processes must be brought before a REDI meeting for review, discussion, and recommendation to allow rural counties fuller access to the state’s resources.

Section 132. Subsection (1) of section 288.021, Florida Statutes, is amended to read:

288.021 Economic development liaison.—
(1) The heads of the Department of Transportation, the Department of Environmental Protection and an additional member appointed by the secretary of the department, the Department of Labor and Employment Security, the Department of Education, the Department of Community Affairs, the Department of Management Services, the Department of Revenue, the Fish and Wildlife Conservation Commission, each water management district, and each Department of Transportation District office shall designate a high-level staff member from within such agency to serve as the economic development liaison for the agency. This person shall report to the agency head and have general knowledge both of the state’s permitting and other regulatory functions and of the state’s economic goals, policies, and programs. This person shall also be the primary point of contact for the agency with Jobs Florida the Office of Tourism, Trade, and Economic Development on issues and projects important to the economic development of Florida, including its rural areas, to expedite project review, to ensure a prompt, effective response to problems arising with regard to permitting and regulatory functions, and to work closely with the other economic development liaisons to resolve interagency conflicts.

Section 133. Subsection (1) of section 288.035, Florida Statutes, is amended to read:

288.035 Economic development activities.—

(1) The Florida Public Service Commission may authorize public utilities to recover reasonable economic development expenses. For purposes of this section, recoverable “economic development expenses” are those expenses described in subsection (2) which are consistent with criteria to be established by
rules adopted by Jobs Florida the Department of Commerce as of June 30, 1996, or as those criteria are later modified by the Office of Tourism, Trade, and Economic Development.

Section 134. Section 288.047, Florida Statutes, is amended to read:

288.047 Quick-response training for economic development.—

(1) The Quick-Response Training Program is created within Jobs Florida to meet the workforce-skill needs of existing, new, and expanding industries. The program shall be administered in conjunction with by Workforce Florida, Inc., the Jobs Florida Partnership in conjunction with Enterprise Florida, Inc., and the Department of Education. Workforce Florida, Inc., shall adopt guidelines for the administration of this program. Workforce Florida, Inc., shall provide technical services and shall help identify businesses that seek services through the program. Workforce Florida, Inc., may contract with Enterprise Florida, Inc., or administer this program directly, if it is determined that such an arrangement maximizes the amount of the Quick Response grant going to direct services.

(2) Jobs Florida Workforce Florida, Inc., shall ensure that instruction funded pursuant to this section is not available through the local community college or school district and that the instruction promotes economic development by providing specialized training to new workers or retraining for current employees to meet changing skill requirements caused by new technology or new product lines and to prevent potential layoffs. Such funds may not be expended to provide training for instruction related to retail businesses or to reimburse businesses for trainee wages. Funds made available pursuant to
this section may not be expended in connection with the relocation of a business from one community to another community in this state unless Jobs Florida Workforce Florida, Inc., determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.

(3) Requests for funding through the Quick-Response Training Program may be produced through inquiries from a specific business or industry, inquiries from a school district director of career education or community college occupational dean on behalf of a business or industry, or through official state or local economic development efforts. In allocating funds for the purposes of the program, Jobs Florida Workforce Florida, Inc., shall establish criteria for approval of requests for funding and shall select the entity that provides the most efficient, cost-effective instruction meeting such criteria. Program funds may be allocated to any career center, community college, or state university. Program funds may be allocated to private postsecondary institutions only upon a review that includes, but is not limited to, accreditation and licensure documentation and prior approval by Jobs Florida Workforce Florida, Inc. Instruction funded through the program must terminate when participants demonstrate competence at the level specified in the request; however, the grant term may not exceed 24 months. Costs and expenditures for the Quick-Response Training Program must be documented and separated from those incurred by the training provider.

(4) For the first 6 months of each fiscal year, Jobs
Florida Workforce Florida, Inc., shall set aside 30 percent of the amount appropriated for the Quick-Response Training Program by the Legislature to fund instructional programs for businesses located in an enterprise zone or brownfield area. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide funding for any program qualifying for funding pursuant to this section.

(5) Before Prior to the allocation of funds for any request pursuant to this section, Jobs Florida Workforce Florida, Inc., shall prepare a grant agreement between the business or industry requesting funds, the educational institution receiving funding through the program, and Jobs Florida Workforce Florida, Inc. Such agreement must include, but is not limited to:

(a) An identification of the personnel necessary to conduct the instructional program, the qualifications of such personnel, and the respective responsibilities of the parties for paying costs associated with the employment of such personnel.

(b) An identification of the estimated length of the instructional program.

(c) An identification of all direct, training-related costs, including tuition and fees, curriculum development, books and classroom materials, and overhead or indirect costs, not to exceed 5 percent of the grant amount.

(d) An identification of special program requirements that are not addressed otherwise in the agreement.

(e) Permission to access information specific to the wages and performance of participants upon the completion of instruction for evaluation purposes. Information which, if released, would disclose the identity of the person to whom the
information pertains or disclose the identity of the person’s employer is confidential and exempt from the provisions of s. 119.07(1). The agreement must specify that any evaluations published subsequent to the instruction may not identify the employer or any individual participant.

(6) For the purposes of this section, Jobs Florida Workforce Florida, Inc., may accept grants of money, materials, services, or property of any kind from any agency, corporation, or individual.

(7) In providing instruction pursuant to this section, materials that relate to methods of manufacture or production, potential trade secrets, business transactions, or proprietary information received, produced, ascertained, or discovered by employees of the respective departments, district school boards, community college district boards of trustees, or other personnel employed for the purposes of this section is confidential and exempt from the provisions of s. 119.07(1). The state may seek copyright protection for all instructional materials and ancillary written documents developed wholly or partially with state funds as a result of instruction provided pursuant to this section, except for materials that are confidential and exempt from the provisions of s. 119.07(1).

(8) There is created a Quick-Response Training Program for participants in the welfare transition program. Workforce Florida, Inc., in conjunction with Jobs Florida, may award quick-response training grants and develop applicable guidelines for the training of participants in the welfare transition program. In addition to a local economic development organization, grants must be endorsed by the applicable regional
workforce board.

(a) Training funded pursuant to this subsection may not exceed 12 months, and may be provided by the local community college, school district, regional workforce board, or the business employing the participant, including on-the-job training. Training will provide entry-level skills to new workers, including those employed in retail, who are participants in the welfare transition program.

(b) Participants trained pursuant to this subsection must be employed at a wage not less than $6 per hour.

(c) Funds made available pursuant to this subsection may be expended in connection with the relocation of a business from one community to another community if approved by Workforce Florida, Inc.

(9) Notwithstanding any other provision of law, eligible matching contributions received under the Quick-Response Training Program under this section may be counted toward the private sector support of Enterprise Florida, Inc., under s. 288.90151(5)(d).

(9)(10) Jobs Florida Workforce Florida, Inc., and Enterprise Florida, Inc., shall ensure maximum coordination and cooperation in administering this section, in such a manner that any division of responsibility between the two organizations which relates to marketing or administering the Quick-Response Training Program is not apparent to a business that inquires about or applies for funding under this section. The organizations shall provide such a business shall be provided with a single point of contact for information and assistance.

Section 135. Subsections (1), (2), and (3) of section
288.065, Florida Statutes, are amended to read:

288.065 Rural Community Development Revolving Loan Fund.—

(1) The Rural Community Development Revolving Loan Fund Program is established within Jobs Florida in the Office of Tourism, Trade, and Economic Development to facilitate the use of existing federal, state, and local financial resources by providing local governments with financial assistance to further promote the economic viability of rural communities. These funds may be used to finance initiatives directed toward maintaining or developing the economic base of rural communities, especially initiatives addressing employment opportunities for residents of these communities.

(2)(a) The program shall provide for long-term loans, loan guarantees, and loan loss reserves to units of local governments, or economic development organizations substantially underwritten by a unit of local government, within counties with populations of 75,000 or fewer, or within any county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer, based on the most recent official population estimate as determined under s. 186.901, including those residing in incorporated areas and those residing in unincorporated areas of the county, or to units of local government, or economic development organizations substantially underwritten by a unit of local government, within a rural area of critical economic concern.

(b) Requests for loans shall be made by application to Jobs Florida the Office of Tourism, Trade, and Economic Development. Loans shall be made pursuant to agreements specifying the terms and conditions agreed to between the applicant and Jobs Florida.
the Office of Tourism, Trade, and Economic Development. The loans shall be the legal obligations of the applicant.

(c) All repayments of principal and interest shall be returned to the loan fund and made available for loans to other applicants. However, in a rural area of critical economic concern designated by the Governor, and upon approval by Jobs Florida the Office of Tourism, Trade, and Economic Development, repayments of principal and interest may be retained by the applicant if such repayments are dedicated and matched to fund regionally based economic development organizations representing the rural area of critical economic concern.

(3) Jobs Florida The Office of Tourism, Trade, and Economic Development shall manage the fund, establishing loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. Jobs Florida The Office of Tourism, Trade, and Economic Development shall have final approval authority for any loan under this section.

Section 136. Subsections (1), (2), (3), and (4) of section 288.0655, Florida Statutes, are amended to read:

288.0655 Rural Infrastructure Fund.—

(1) There is created within Jobs Florida the Office of Tourism, Trade, and Economic Development the Rural Infrastructure Fund to facilitate the planning, preparing, and financing of infrastructure projects in rural communities which will encourage job creation, capital investment, and the strengthening and diversification of rural economies by promoting tourism, trade, and economic development.

(2)(a) Funds appropriated by the Legislature shall be
distributed by Jobs Florida the Office through grant programs that maximize the use of federal, local, and private resources, including, but not limited to, those available under the Small Cities Community Development Block Grant Program.

(b) To facilitate access of rural communities and rural areas of critical economic concern as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the United States Department of Agriculture and the United States Department of Commerce, and state programs, including those offered by Rural Economic Development Initiative agencies, and to facilitate local government or private infrastructure funding efforts, Jobs Florida the Office may award grants for up to 30 percent of the total infrastructure project cost. If an application for funding is for a catalyst site, as defined in s. 288.0656, Jobs Florida the Office may award grants for up to 40 percent of the total infrastructure project cost. Eligible projects must be related to specific job-creation or job-retention opportunities. Eligible projects may also include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities. Eligible uses of funds shall include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure. Authorized infrastructure may include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; broadband facilities; roads or

CODING: Words stricken are deletions; words underlined are additions.
other remedies to transportation impediments; nature-based
tourism facilities; or other physical requirements necessary to
facilitate tourism, trade, and economic development activities
in the community. Authorized infrastructure may also include
publicly or privately owned self-powered nature-based tourism
facilities, publicly owned telecommunications facilities, and
broadband facilities, and additions to the distribution
facilities of the existing natural gas utility as defined in s.
366.04(3)(c), the existing electric utility as defined in s.
366.02, or the existing water or wastewater utility as defined
in s. 367.021(12), or any other existing water or wastewater
facility, which owns a gas or electric distribution system or a
water or wastewater system in this state where:

1. A contribution-in-aid of construction is required to
serve public or public-private partnership facilities under the
tariffs of any natural gas, electric, water, or wastewater
utility as defined herein; and

2. Such utilities as defined herein are willing and able to
provide such service.

(c) To facilitate timely response and induce the location
or expansion of specific job creating opportunities, Jobs
Florida the Office may award grants for infrastructure
feasibility studies, design and engineering activities, or other
infrastructure planning and preparation activities. Authorized
grants shall be up to $50,000 for an employment project with a
business committed to create at least 100 jobs; up to $150,000
for an employment project with a business committed to create at
least 300 jobs and up to $300,000 for a project in a rural
area of critical economic concern. Grants awarded under this
paragraph may be used in conjunction with grants awarded under paragraph (b), provided that the total amount of both grants does not exceed 30 percent of the total project cost. In evaluating applications under this paragraph, Jobs Florida the Office shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(d) Jobs Florida By September 1, 1999, the Office shall participate in pursuit execution of a memorandum of agreement with the United States Department of Agriculture under which state funds available through the Rural Infrastructure Fund may be advanced, in excess of the prescribed state share, for a project that has received from the department a preliminary determination of eligibility for federal financial support. State funds in excess of the prescribed state share which are advanced pursuant to this paragraph and the memorandum of agreement shall be reimbursed when funds are awarded under an application for federal funding.

(e) To enable local governments to access the resources available pursuant to s. 403.973(18), Jobs Florida the Office may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph shall not exceed $75,000 each, except in the case of a project in a rural area of critical economic concern, in which case the grant shall not exceed $300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of critical economic concern must be matched at a level of 33 percent with local funds.
funds. If an application for funding is for a catalyst site, as defined in s. 288.0656, the requirement for local match may be waived pursuant to the process in s. 288.06561. In evaluating applications under this paragraph, Jobs Florida the office shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(3) Jobs Florida the office, in consultation with the Jobs Florida Partnership, Enterprise Florida, Inc., VISIT Florida, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate, shall review and certify applications pursuant to s. 288.061. The review shall include an evaluation of the economic benefit of the projects and their long-term viability. Jobs Florida The office shall have final approval for any grant under this section.

(4) By September 1, 2011 1999, Jobs Florida the office shall, in consultation with the organizations listed in subsection (3), and other organizations, reevaluate existing guidelines and criteria governing submission of applications for funding, review and evaluation of such applications, and approval of funding under this section. Jobs Florida The office shall consider factors including, but not limited to, the project’s potential for enhanced job creation or increased capital investment, the demonstration and level of local public and private commitment, whether the project is located in an enterprise zone, the location of the project in a community development corporation service area, or in an urban high-crime area as the location of the project in a county designated under s. 212.097, the unemployment rate of the county in which the project would be
Section 137. Paragraph (b) of subsection (1), paragraphs (b) and (e) of subsection (2), paragraph (a) of subsection (6), and subsection (7) of section 288.0656, Florida Statutes, are amended to read:

288.0656 Rural Economic Development Initiative.—

(1)(b) The Rural Economic Development Initiative, known as "REDI," is created within Jobs Florida the Office of Tourism, Trade, and Economic Development, and the participation of state and regional agencies in this initiative is authorized.

(2) As used in this section, the term:

(b) "Catalyst site" means a parcel or parcels of land within a rural area of critical economic concern that has been prioritized as a geographic site for economic development through partnerships with state, regional, and local organizations. The site must be reviewed by REDI and approved by Jobs Florida the Office of Tourism, Trade, and Economic Development for the purposes of locating a catalyst project.

(e) "Rural community" means:

1. A county with a population of 75,000 or fewer.

2. A county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer.

3. A municipality within a county described in subparagraph 1 or subparagraph 2.

4. An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress located surrounding area, and the poverty rate of the community.
factors identified in paragraph (c) and verified by Jobs Florida the Office of Tourism, Trade, and Economic Development.

For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

(6)(a) By August 1 of each year, the head of each of the following agencies and organizations shall designate a deputy secretary or higher-level staff person from within the agency or organization to serve as the REDI representative for the agency or organization:

1. The Department of Community Affairs.
2. The Department of Transportation.
3. The Department of Environmental Protection.
4. The Department of Agriculture and Consumer Services.
5. The Department of State.
6. The Department of Health.
7. The Department of Children and Family Services.
8. The Department of Corrections.
10. The Department of Education.
11. The Department of Juvenile Justice.
15. Workforce Florida, Inc.
16. The Florida Commission on Tourism or VISIT Florida.
17. The Florida Regional Planning Council Association.

CODING: Words stricken are deletions; words underlined are additions.
15. The Agency for Health Care Administration.

16. The Institute of Food and Agricultural Sciences (IFAS).

An alternate for each designee shall also be chosen, and the names of the designees and alternates shall be sent to the director of Jobs Florida the Office of Tourism, Trade, and Economic Development.

(7)(a) REDI may recommend to the Governor up to three rural areas of critical economic concern. The Governor may by executive order designate up to three rural areas of critical economic concern which will establish these areas as priority assignments for REDI as well as to allow the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development incentive. Such incentives shall include, but not be limited to: the Qualified Target Industry Tax Refund Program under s. 288.106, the Quick Response Training Program under s. 288.047, the Quick Response Training Program for participants in the welfare transition program under s. 288.047(8), transportation projects under s. 288.063, the brownfield redevelopment bonus refund under s. 288.107, and the rural job tax credit program under ss. 212.098 and 220.1895.

(b) Designation as a rural area of critical economic concern under this subsection shall be contingent upon the execution of a memorandum of agreement among Jobs Florida the Office of Tourism, Trade, and Economic Development; the governing body of the county; and the governing bodies of any municipalities to be included within a rural area of critical economic concern.
economic concern. Such agreement shall specify the terms and conditions of the designation, including, but not limited to, the duties and responsibilities of the county and any participating municipalities to take actions designed to facilitate the retention and expansion of existing businesses in the area, as well as the recruitment of new businesses to the area.

(c) Each rural area of critical economic concern may designate catalyst projects, provided that each catalyst project is specifically recommended by REDI, identified as a catalyst project by the Jobs Florida Partnership Enterprise Florida, Inc., and confirmed as a catalyst project by the Jobs Florida the Office of Tourism, Trade, and Economic Development. All state agencies and departments shall use all available tools and resources to the extent permissible by law to promote the creation and development of each catalyst project and the development of catalyst sites.

Section 138. Subsections (2) and (3) of section 288.06561, Florida Statutes, are amended to read:

288.06561 Reduction or waiver of financial match requirements.—Notwithstanding any other law, the member agencies and organizations of the Rural Economic Development Initiative (REDI), as defined in s. 288.0656(6)(a), shall review the financial match requirements for projects in rural areas as defined in s. 288.0656(2).

(2) Agencies and organizations shall ensure that all proposals are submitted to the Office of Tourism, Trade, and Economic Development for review by the REDI agencies.

(3) These proposals shall be delivered to the
Office of Tourism, Trade, and Economic Development for distribution to the REDI agencies and organizations. A meeting of REDI agencies and organizations must be called within 30 days after receipt of such proposals for REDI comment and recommendations on each proposal.

Section 139. Subsections (2) and (4) of section 288.0657, Florida Statutes, are amended to read:

288.0657 Florida rural economic development strategy grants.—

(2) Jobs Florida The Office of Tourism, Trade, and Economic Development may accept and administer moneys appropriated to Jobs Florida the office for providing grants to assist rural communities to develop and implement strategic economic development plans.

(4) Jobs Florida Enterprise Florida, Inc., and VISIT Florida, shall establish criteria for reviewing grant applications. These criteria shall include, but are not limited to, the degree of participation and commitment by the local community and the application’s consistency with local comprehensive plans or the application’s proposal to ensure such consistency. Jobs Florida The International Trade and Economic Development Board of Enterprise Florida, Inc., and VISIT Florida, shall review each application for a grant and shall submit annually to the Office for approval a list of all applications that are recommended by the board and VISIT Florida, arranged in order of priority. Jobs Florida The office may approve grants only to the extent that funds are appropriated for such grants by the Legislature.

Section 140. Section 288.0658, Florida Statutes, is amended
to read:

288.0658 Nature-based recreation; promotion and other assistance by Fish and Wildlife Conservation Commission.—The Florida Fish and Wildlife Conservation Commission is directed to assist the Jobs Florida Partnership, Inc. Florida Commission on Tourism; the Florida Tourism Industry Marketing Corporation, doing business as VISIT Florida; convention and visitor bureaus; tourist development councils; economic development organizations; and local governments through the provision of marketing advice, technical expertise, promotional support, and product development related to nature-based recreation and sustainable use of natural resources. In carrying out this responsibility, the Florida Fish and Wildlife Conservation Commission shall focus its efforts on fostering nature-based recreation in rural communities and regions encompassing rural communities. As used in this section, the term “nature-based recreation” means leisure activities related to the state’s lands, waters, and fish and wildlife resources, including, but not limited to, wildlife viewing, fishing, hiking, canoeing, kayaking, camping, hunting, backpacking, and nature photography.

Section 141. Section 288.0659, Florida Statutes, is amended to read:

288.0659 Local Government Distressed Area Matching Grant Program.—

(1) The Local Government Distressed Area Matching Grant Program is created within Jobs Florida the Office of Tourism, Trade, and Economic Development. The purpose of the program is to stimulate investment in the state’s economy by providing grants to match demonstrated business assistance by local
governments to attract and retain businesses in this state.

(2) As used in this section, the term:

(a) “Local government” means a county or municipality.

(b) “Office” means the Office of Tourism, Trade, and Economic Development.

(b) (c) “Qualified business assistance” means economic incentives provided by a local government for the purpose of attracting or retaining a specific business, including, but not limited to, suspensions, waivers, or reductions of impact fees or permit fees; direct incentive payments; expenditures for onsite or offsite improvements directly benefiting a specific business; or construction or renovation of buildings for a specific business.

(3) Jobs Florida The Office may accept and administer moneys appropriated by the Legislature to the Office for providing grants to match expenditures by local governments to attract or retain businesses in this state.

(4) A local government may apply for grants to match qualified business assistance made by the local government for the purpose of attracting or retaining a specific business. A local government may apply for no more than one grant per targeted business. A local government may only have one application pending with Jobs Florida the Office. Additional applications may be filed after a previous application has been approved or denied.

(5) To qualify for a grant, the business being targeted by a local government must create at least 15 full-time jobs, must be new to this state, must be expanding its operations in this state, or would otherwise leave the state absent state and local
assistance, and the local government applying for the grant must expedite its permitting processes for the target business by accelerating the normal review and approval timelines. In addition to these requirements, Jobs Florida the office shall review the grant requests using the following evaluation criteria, with priority given in descending order:

(a) The presence and degree of pervasive poverty, unemployment, and general distress as determined pursuant to s. 290.0058 in the area where the business will locate, with priority given to locations with greater degrees of poverty, unemployment, and general distress.

(b) The extent of reliance on the local government expenditure as an inducement for the business’s location decision, with priority given to higher levels of local government expenditure.

(c) The number of new full-time jobs created, with priority given to higher numbers of jobs created.

(d) The average hourly wage for jobs created, with priority given to higher average wages.

(e) The amount of capital investment to be made by the business, with priority given to higher amounts of capital investment.

(6) In evaluating grant requests, Jobs Florida the Office shall take into consideration the need for grant assistance as it relates to the local government’s general fund balance as well as local incentive programs that are already in existence.

(7) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless Jobs
Florida the Office determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs. Funds made available pursuant to this section may not be used by the receiving local government to supplant matching commitments required of the local government pursuant to other state or federal incentive programs.

(8) Within 30 days after Jobs Florida the Office receives an application for a grant, Jobs Florida the Office shall approve a preliminary grant allocation or disapprove the application. The preliminary grant allocation shall be based on estimates of qualified business assistance submitted by the local government and shall equal 50 percent of the amount of the estimated qualified business assistance or $50,000, whichever is less. The preliminary grant allocation shall be executed by contract with the local government. The contract shall set forth the terms and conditions, including the timeframes within which the final grant award will be disbursed. The final grant award may not exceed the preliminary grant allocation. Jobs Florida the Office may approve preliminary grant allocations only to the extent that funds are appropriated for such grants by the Legislature.

(a) Preliminary grant allocations that are revoked or voluntarily surrendered shall be immediately available for reallocation.

(b) Recipients of preliminary grant allocations shall promptly report to Jobs Florida the Office the date on which the local government’s permitting and approval process is completed.
and the date on which all qualified business assistance is completed.

(9) Jobs Florida the Office shall make a final grant award to a local government within 30 days after receiving information from the local government sufficient to demonstrate actual qualified business assistance. An awarded grant amount shall equal 50 percent of the amount of the qualified business assistance or $50,000, whichever is less, and may not exceed the preliminary grant allocation. The amount by which a preliminary grant allocation exceeds a final grant award shall be immediately available for reallocation.

(10) Up to 2 percent of the funds appropriated annually by the Legislature for the program may be used by Jobs Florida the Office for direct administrative costs associated with implementing this section.

Section 142. Paragraph (a) of subsection (1) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Economic development agency” means:

1. Jobs Florida The Office of Tourism, Trade, and Economic Development;

2. Any industrial development authority created in accordance with part III of chapter 159 or by special law;

3. Space Florida created in part II of chapter 331;

4. The public economic development agency of a county or municipality or, if the county or municipality does not have a public economic development agency, the county or municipal officers or employees assigned the duty to promote the general

CODING: Words stricken are deletions; words underlined are additions.
business interests or industrial interests of that county or municipality or the responsibilities related thereto;

5. Any research and development authority created in accordance with part V of chapter 159; or

6. Any private agency, person, partnership, corporation, or business entity when authorized by the state, a municipality, or a county to promote the general business interests or industrial interests of the state or that municipality or county.

Section 143. Paragraphs (c), (h), (p), and (r) of subsection (1), paragraphs (a), (d), (e), (f), (h) of subsection (2), subsections (3) and (4), paragraphs (a), (d), (e), and (g) of subsection (5), paragraphs (a), (b), and (c) of subsection (6), and subsections (7) and (8) of section 288.1045, Florida Statutes, are amended, and present paragraphs (i) through (u) of subsection (1) are redesignated as paragraphs (h) through (s), respectively, to read:

288.1045 Qualified defense contractor and space flight business tax refund program.—

(1) DEFINITIONS.—As used in this section:

(c) “Business unit” means an employing unit, as defined in s. 443.036, that is registered with Jobs Florida the Agency for Workforce Innovation for unemployment compensation purposes or means a subcategory or division of an employing unit that is accepted by Jobs Florida the Agency for Workforce Innovation as a reporting unit.

(h) “Director” means the director of the Office of Tourism, Trade, and Economic Development.

(p) “Office” means the Office of Tourism, Trade, and Economic Development.
(p)(r) “Qualified applicant” means an applicant that has been approved by Jobs Florida the director to be eligible for tax refunds pursuant to this section.

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the Economic Development Trust Fund, a refund to a qualified applicant for the amount of eligible taxes certified by Jobs Florida the director which were paid by such qualified applicant. The total amount of refunds for all fiscal years for each qualified applicant shall be determined pursuant to subsection (3). The annual amount of a refund to a qualified applicant shall be determined pursuant to subsection (5).

(d) Contingent upon an annual appropriation by the Legislature, Jobs Florida the director may approve not more in tax refunds than the amount appropriated to the Economic Development Trust Fund for tax refunds, for a fiscal year pursuant to subsection (5) and s. 288.095.

(e) For the first 6 months of each fiscal year, Jobs Florida the director shall set aside 30 percent of the amount appropriated for refunds pursuant to this section by the Legislature to provide tax refunds only to qualified applicants who employ 500 or fewer full-time employees in this state. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide tax refunds for any qualified applicants pursuant to this section.

(f) After entering into a tax refund agreement pursuant to subsection (4), a qualified applicant may:

1. Receive refunds from the account for corporate income taxes due and paid pursuant to chapter 220 by that business
beginning with the first taxable year of the business which begins after entering into the agreement.

2. Receive refunds from the account for the following taxes due and paid by that business after entering into the agreement:
   a. Taxes on sales, use, and other transactions paid pursuant to chapter 212.
   b. Intangible personal property taxes paid pursuant to chapter 199.
   c. Emergency excise taxes paid pursuant to chapter 221.
   d. Excise taxes paid on documents pursuant to chapter 201.
   e. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on June 1, 1996.
   f. State communications services taxes administered under chapter 202. This provision does not apply to the gross receipts tax imposed under chapter 203 and administered under chapter 202 or the local communications services tax authorized under s. 202.19.

However, a qualified applicant may not receive a tax refund pursuant to this section for any amount of credit, refund, or exemption granted such contractor for any of such taxes. If a refund for such taxes is provided by Jobs Florida the Office, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified applicant other than that provided in this section, the qualified applicant shall reimburse the Economic Development Trust Fund for the amount of such credit, refund, or exemption. A qualified applicant must notify and tender payment to the office within 20 days after receiving a credit, refund, or exemption, other than
that provided in this section. The addition of communications services taxes administered under chapter 202 is remedial in nature and retroactive to October 1, 2001. The Office may make supplemental tax refund payments to allow for tax refunds for communications services taxes paid by an eligible qualified defense contractor after October 1, 2001.

(h) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless Jobs Florida the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.

(3) APPLICATION PROCESS; REQUIREMENTS; AGENCY DETERMINATION.—

(a) To apply for certification as a qualified applicant pursuant to this section, an applicant must file an application with Jobs Florida the Office which satisfies the requirements of paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or paragraphs (e) and (j). An applicant may not apply for certification pursuant to this section after a proposal has been submitted for a new Department of Defense contract, after the applicant has made the decision to consolidate an existing Department of Defense contract in this state for which such applicant is seeking certification, after a proposal has been submitted for a new space flight business contract in this state, after the applicant has made the decision to consolidate an existing space flight business contract in this state for...
which such applicant is seeking certification, or after the applicant has made the decision to convert defense production jobs to nondefense production jobs for which such applicant is seeking certification.

(b) Applications for certification based on the consolidation of a Department of Defense contract or a new Department of Defense contract must be submitted to Jobs Florida the Office as prescribed by Jobs Florida the Office and must include, but are not limited to, the following information:

1. The applicant’s federal employer identification number, the applicant’s Florida sales tax registration number, and a signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract to be consolidated, the new Department of Defense contract number, or the “RFP” number of a proposed Department of Defense contract.

4. The date the contract was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

5. The commencement date for project operations under the contract in this state.

6. The number of net new full-time equivalent Florida jobs included in the project as of December 31 of each year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.
8. The percentage of the applicant’s gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The number of full-time equivalent jobs in this state to be retained by the project.

10. A brief statement concerning the applicant’s need for tax refunds, and the proposed uses of such refunds by the applicant.

11. A resolution adopted by the governing board of the county or municipality in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant’s project be exempt from the local financial support requirement.

12. Any additional information requested by Jobs Florida the Office.

(c) Applications for certification based on the conversion of defense production jobs to nondefense production jobs must be submitted to Jobs Florida the Office as prescribed by Jobs Florida the Office and must include, but are not limited to, the following information:

1. The applicant’s federal employer identification number,
the applicant’s Florida sales tax registration number, and a
signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling,
fabricating, research, development, or design facility in this
state at which the project is or is to be located.

3. The Department of Defense contract numbers of the
contract under which the defense production jobs will be
converted to nondefense production jobs.

4. The date the contract was executed, and the date the
contract is due to expire or is expected to expire, or was
canceled.

5. The commencement date for the nondefense production
operations in this state.

6. The number of net new full-time equivalent Florida jobs
included in the nondefense production project as of December 31
of each year and the average wage of such jobs.

7. The total number of full-time equivalent employees
employed by the applicant in this state.

8. The percentage of the applicant’s gross receipts derived
from Department of Defense contracts during the 5 taxable years
immediately preceding the date the application is submitted.

9. The number of full-time equivalent jobs in this state to
be retained by the project.

10. A brief statement concerning the applicant’s need for
tax refunds, and the proposed uses of such refunds by the
applicant.

11. A resolution adopted by the governing board of the
county or municipality in which the project will be located,
which recommends the applicant be approved as a qualified
applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant’s project be exempt from the local financial support requirement.

12. Any additional information requested by Jobs Florida the Office.

(d) Applications for certification based on a contract for reuse of a defense-related facility must be submitted to Jobs Florida the Office as prescribed by Jobs Florida the office and must include, but are not limited to, the following information:

1. The applicant’s Florida sales tax registration number and a signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The business entity holding a valid Department of Defense contract or branch of the Armed Forces of the United States that previously occupied the facility, and the date such entity last occupied the facility.

4. A copy of the contract to reuse the facility, or such alternative proof as may be prescribed by Jobs Florida the office that the applicant is seeking to contract for the reuse of such facility.
5. The date the contract to reuse the facility was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

6. The commencement date for project operations under the contract in this state.

7. The number of net new full-time equivalent Florida jobs included in the project as of December 31 of each year and the average wage of such jobs.

8. The total number of full-time equivalent employees employed by the applicant in this state.

9. The number of full-time equivalent jobs in this state to be retained by the project.

10. A brief statement concerning the applicant’s need for tax refunds, and the proposed uses of such refunds by the applicant.

11. A resolution adopted by the governing board of the county or municipality in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant’s project be exempt from the local financial support requirement.

12. Any additional information requested by Jobs Florida
the Office.

(e) To qualify for review by Jobs Florida the Office, the application of an applicant must, at a minimum, establish the following to the satisfaction of the office:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (b)6., subparagraph (c)6., or subparagraph (j)6., must pay an estimated annual average wage equaling at least 115 percent of the average wage in the area where the project is to be located.

2. The consolidation of a Department of Defense contract must result in a net increase of at least 25 percent in the number of jobs at the applicant’s facilities in this state or the addition of at least 80 jobs at the applicant’s facilities in this state.

3. The conversion of defense production jobs to nondefense production jobs must result in net increases in nondefense employment at the applicant’s facilities in this state.

4. The Department of Defense contract or the space flight business contract cannot allow the business to include the costs of relocation or retooling in its base as allowable costs under a cost-plus, or similar, contract.

5. A business unit of the applicant must have derived not less than 60 percent of its gross receipts in this state from Department of Defense contracts or space flight business contracts over the applicant’s last fiscal year, and must have derived not less than an average of 60 percent of its gross receipts in this state from Department of Defense contracts or space flight business contracts over the 5 years preceding the date an application is submitted pursuant to this section. This
subparagraph does not apply to any application for certification based on a contract for reuse of a defense-related facility.

6. The reuse of a defense-related facility must result in the creation of at least 100 jobs at such facility.

7. A new space flight business contract or the consolidation of a space flight business contract must result in net increases in space flight business employment at the applicant’s facilities in this state.

(f) Each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or paragraphs (e) and (j) must be submitted to Jobs Florida the Office for a determination of eligibility. Jobs Florida the Office shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by the Jobs Florida Partnership Enterprise Florida, Inc., taking into account the extent to which the project contributes to the state’s high-technology base, and the long-term impact of the project and the applicant on the state’s economy.

2. The economic benefit of the jobs created or retained by the project in this state, taking into account the cost and average wage of each job created or retained, and the potential risk to existing jobs.

3. The amount of capital investment to be made by the applicant in this state.

4. The local commitment and support for the project and applicant.

5. The impact of the project on the local community, taking
into account the unemployment rate for the county where the project will be located.

   6. The dependence of the local community on the defense industry or space flight business.

   7. The impact of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will occur in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

   8. The length of the project, or the expected long-term commitment to this state resulting from the project.

   (g) Applications shall be reviewed and certified pursuant to s. 288.061. If appropriate, Jobs Florida the director shall enter into a written agreement with the qualified applicant pursuant to subsection (4).

   (h) Jobs Florida The director may not certify any applicant as a qualified applicant when the value of tax refunds to be included in that letter of certification exceeds the available amount of authority to certify new businesses as determined in s. 288.095(3). A letter of certification that approves an application must specify the maximum amount of a tax refund that is to be available to the contractor for each fiscal year and the total amount of tax refunds for all fiscal years.

   (i) This section does not create a presumption that an applicant should receive any tax refunds under this section.

   (j) Applications for certification based upon a new space flight business contract or the consolidation of a space flight business contract must be submitted to Jobs Florida the office
as prescribed by Jobs Florida the office and must include, but are not limited to, the following information:

1. The applicant’s federal employer identification number, the applicant’s Florida sales tax registration number, and a signature of an officer of the applicant.

2. The permanent location of the space flight business facility in this state where the project is or will be located.

3. The new space flight business contract number, the space flight business contract numbers of the contract to be consolidated, or the request-for-proposal number of a proposed space flight business contract.

4. The date the contract was executed and the date the contract is due to expire, is expected to expire, or was canceled.

5. The commencement date for project operations under the contract in this state.

6. The number of net new full-time equivalent Florida jobs included in the project as of December 31 of each year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant’s gross receipts derived from space flight business contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The number of full-time equivalent jobs in this state to be retained by the project.

10. A brief statement concerning the applicant’s need for tax refunds and the proposed uses of such refunds by the applicant.
11. A resolution adopted by the governing board of the county or municipality in which the project will be located which recommends the applicant be approved as a qualified applicant and indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant’s project be exempt from the local financial support requirement.

12. Any additional information requested by Jobs Florida the office.

(4) QUALIFIED APPLICANT TAX REFUND AGREEMENT.—

(a) A qualified applicant shall enter into a written agreement with Jobs Florida the Office containing, but not limited to, the following:

1. The total number of full-time equivalent jobs in this state that are or will be dedicated to the qualified applicant’s project, the average wage of such jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state.

2. The maximum amount of a refund that the qualified applicant is eligible to receive for each fiscal year, based on the job creation or retention and maintenance schedule specified in subparagraph 1.
3. An agreement with Jobs Florida the Office allowing Jobs Florida the Office to review and verify the financial and personnel records of the qualified applicant to ascertain whether the qualified applicant is complying with the requirements of this section.

4. The date by which, in each fiscal year, the qualified applicant may file a claim pursuant to subsection (5) to be considered to receive a tax refund in the following fiscal year.

5. That local financial support shall be annually available and will be paid to the Economic Development Trust Fund.

   (b) Compliance with the terms and conditions of the agreement is a condition precedent for receipt of tax refunds each year. The failure to comply with the terms and conditions of the agreement shall result in the loss of eligibility for receipt of all tax refunds previously authorized pursuant to this section, and the revocation of the certification as a qualified applicant by Jobs Florida the director, unless the qualified applicant is eligible to receive and elects to accept a prorated refund under paragraph (5)(g) or Jobs Florida the Office grants the qualified applicant an economic-stimulus exemption.

1. A qualified applicant may submit, in writing, a request to Jobs Florida the Office for an economic-stimulus exemption. The request must provide quantitative evidence demonstrating how negative economic conditions in the qualified applicant’s industry, the effects of the impact of a named hurricane or tropical storm, or specific acts of terrorism affecting the qualified applicant have prevented the qualified applicant from complying with the terms and conditions of its tax refund.
2. Upon receipt of a request under subparagraph 1., the director shall have 45 days to notify the requesting qualified applicant, in writing, if its exemption has been granted or denied. In determining if an exemption should be granted, the director shall consider the extent to which negative economic conditions in the requesting qualified applicant’s industry, the effects of the impact of a named hurricane or tropical storm, or specific acts of terrorism affecting the qualified applicant have prevented the qualified applicant from complying with the terms and conditions of its tax refund agreement.

3. As a condition for receiving a prorated refund under paragraph (5)(g) or an economic-stimulus exemption under this paragraph, a qualified applicant must agree to renegotiate its tax refund agreement with the Office to, at a minimum, ensure that the terms of the agreement comply with current law and the procedures of Jobs Florida governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic-stimulus exemption, the Office shall renegotiate the tax refund agreement with the qualified applicant as required by this subparagraph. When amending the agreement of a qualified applicant receiving an economic-stimulus exemption, the Office may extend the duration of the agreement for a period not to exceed 2 years.

4. A qualified applicant may submit a request for an economic-stimulus exemption to the Office in lieu of any tax refund claim scheduled to be submitted after January 1, 2005.
4.5. A qualified applicant that receives an economic-stimulus exemption may not receive a tax refund for the period covered by the exemption.

(c) The agreement shall be signed by the commissioner and the authorized officer of the qualified applicant.

(d) The agreement must contain the following legend, clearly printed on its face in bold type of not less than 10 points:

“This agreement is neither a general obligation of the State of Florida, nor is it backed by the full faith and credit of the State of Florida. Payment of tax refunds are conditioned on and subject to specific annual appropriations by the Florida Legislature of funds sufficient to pay amounts authorized in s. 288.1045, Florida Statutes.”

(5) ANNUAL CLAIM FOR REFUND.—

(a) To be eligible to claim any scheduled tax refund, qualified applicants who have entered into a written agreement with Jobs Florida the Office pursuant to subsection (4) and who have entered into a valid new Department of Defense contract, entered into a valid new space flight business contract, commenced the consolidation of a space flight business contract, commenced the consolidation of a Department of Defense contract, commenced the conversion of defense production jobs to nondefense production jobs, or entered into a valid contract for reuse of a defense-related facility must apply by January 31 of
each fiscal year to Jobs Florida the Office for tax refunds scheduled to be paid from the appropriation for the fiscal year that begins on July 1 following the January 31 claims-submission date. Jobs Florida The Office may, upon written request, grant a 30-day extension of the filing date. The application must include a notarized signature of an officer of the applicant.

(d) Jobs Florida The director, with assistance from the Office, the Department of Revenue, and the Agency for Workforce Innovation, shall, by June 30 following the scheduled date for submitting the tax refund claim, specify by written order the approval or disapproval of the tax refund claim and, if approved, the amount of the tax refund that is authorized to be paid to the qualified applicant for the annual tax refund. Jobs Florida The Office may grant an extension of this date upon the request of the qualified applicant for the purpose of filing additional information in support of the claim.

(e) The total amount of tax refunds approved by Jobs Florida the director under this section in any fiscal year may not exceed the amount authorized under s. 288.095(3).

(g) A prorated tax refund, less a 5 percent penalty, shall be approved for a qualified applicant provided all other applicable requirements have been satisfied and the applicant proves to the satisfaction of Jobs Florida the director that it has achieved at least 80 percent of its projected employment and that the average wage paid by the qualified applicant is at least 90 percent of the average wage specified in the tax refund agreement, but in no case less than 115 percent of the average private sector wage in the area available at the time of certification. The prorated tax refund shall be calculated by...
multiplying the tax refund amount for which the qualified applicant would have been eligible, if all applicable requirements had been satisfied, by the percentage of the average employment specified in the tax refund agreement which was achieved, and by the percentage of the average wages specified in the tax refund agreement which was achieved.

(6) ADMINISTRATION.—

(a) The Office may adopt rules pursuant to chapter 120 for the administration of this section.

(b) The Office may verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes with the appropriate agency or authority including the Department of Revenue, the Agency for Workforce Innovation, or any local government or authority.

(c) To facilitate the process of monitoring and auditing applications made under this program, the Office may provide a list of qualified applicants to the Department of Revenue, to the Agency for Workforce Innovation, or to any local government or authority. The Office may request the assistance of said entities with respect to monitoring jobs, wages, and the payment of the taxes listed in subsection (2).

(7) Notwithstanding paragraphs (4)(a) and (5)(c), the Office may approve a waiver of the local financial support requirement for a business located in any of the following counties in which businesses received emergency loans administered by the Office in response to the named hurricanes of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler, Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,
Martin, Okaloosa, Okееchobee, Orange, Osceola, Palm Beach, Polk, Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A waiver may be granted only if the Office determines that the local financial support cannot be provided or that doing so would effect a demonstrable hardship on the unit of local government providing the local financial support. If the Office grants a waiver of the local financial support requirement, the state shall pay 100 percent of the refund due to an eligible business. The waiver shall apply for tax refund applications made for fiscal years 2004-2005, 2005-2006, and 2006-2007.

An applicant may not be certified as qualified under this section after June 30, 2014. A tax refund agreement existing on that date shall continue in effect in accordance with its terms.

Section 144. Paragraphs (d), (f), (n), (p), (r), and (t) of subsection (2), paragraphs (a), (b), and (f) of subsection (3), subsection (4), paragraphs (a), (b), and (c) of subsection (5), paragraphs (a), (c), (f), and (g) of subsection (6), and subsection (7) of section 288.106, Florida Statutes, are amended, and present paragraphs (g) through (u) of subsection (2) are redesignated as paragraphs (f) through (n), respectively, to read:

288.106 Tax refund program for qualified target industry businesses.—

(2) DEFINITIONS.—As used in this section:

(d) “Business” means an employing unit, as defined in s. 443.036, that is registered for unemployment compensation purposes with the state agency providing unemployment tax collection services under contract with the Agency for Workforce
Innovation through an interagency agreement pursuant to s. 443.1316, or a subcategory or division of an employing unit that is accepted by the state agency providing unemployment tax collection services as a reporting unit.

(f) “Director” means the Director of the Office of Tourism, Trade, and Economic Development.

(n) “Office” means the Office of Tourism, Trade, and Economic Development.

(n)(p) “Qualified target industry business” means a target industry business approved by Jobs Florida the Office to be eligible for tax refunds under this section.

(q) “Return on investment” means the gain in state revenues as a percentage of the state’s investment. The state’s investment includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives.

(o)(t) “Rural city” means a city having a population of 10,000 or fewer, or a city having a population of greater than 10,000 but fewer than 20,000 that has been determined by Jobs Florida the Office to have economic characteristics such as, but not limited to, a significant percentage of residents on public assistance, a significant percentage of residents with income below the poverty level, or a significant percentage of the city’s employment base in agriculture-related industries.

(q)(t) “Target industry business” means a corporate headquarters business or any business that is engaged in one of the target industries identified pursuant to the following criteria developed by Jobs Florida the Office in consultation with the Jobs Florida Partnership Enterprise Florida, Inc.:

1. Future growth.—Industry forecasts should indicate strong
expectation for future growth in both employment and output, according to the most recent available data. Special consideration should be given to businesses that export goods to, or provide services in, international markets and businesses that replace domestic and international imports of goods or services.

2. Stability.—The industry should not be subject to periodic layoffs, whether due to seasonality or sensitivity to volatile economic variables such as weather. The industry should also be relatively resistant to recession, so that the demand for products of this industry is not typically subject to decline during an economic downturn.

3. High wage.—The industry should pay relatively high wages compared to statewide or area averages.

4. Market and resource independent.—The location of industry businesses should not be dependent on Florida markets or resources as indicated by industry analysis, except for businesses in the renewable energy industry.

5. Industrial base diversification and strengthening.—The industry should contribute toward expanding or diversifying the state’s or area’s economic base, as indicated by analysis of employment and output shares compared to national and regional trends. Special consideration should be given to industries that strengthen regional economies by adding value to basic products or building regional industrial clusters as indicated by industry analysis. Special consideration should also be given to the development of strong industrial clusters that include defense and homeland security businesses.

6. Positive economic impact benefits.—The industry is
expected to have strong positive economic impacts on or benefits to the state or regional economies.

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

(a) There shall be allowed, from the account, a refund to a qualified target industry business for the amount of eligible taxes certified by Jobs Florida the Office that were paid by the business. The total amount of refunds for all fiscal years for each qualified target industry business must be determined pursuant to subsection (4). The annual amount of a refund to a qualified target industry business must be determined pursuant to subsection (6).

(b)1. Upon approval by Jobs Florida the Office, a qualified target industry business shall be allowed tax refund payments equal to $3,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1., or equal to $6,000 multiplied by the number of jobs if the project is located in a rural community or an enterprise zone.

2. A qualified target industry business shall be allowed additional tax refund payments equal to $1,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. if such jobs pay an annual average wage of at least 150 percent of the average private sector wage in the area, or equal to $2,000 multiplied by the number of jobs if such jobs pay an annual average wage of at least 200 percent of the average private sector wage in the area.

3. A qualified target industry business shall be allowed tax refund payments in addition to the other payments authorized in this paragraph equal to $1,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. if the local financial support is equal to that of the state’s incentive award under subparagraph 1.
4. In addition to the other tax refund payments authorized in this paragraph, a qualified target industry business shall be allowed a tax refund payment equal to $2,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. if the business:

a. Falls within one of the high-impact sectors designated under s. 288.108; or

b. Increases exports of its goods through a seaport or airport in the state by at least 10 percent in value or tonnage in each of the years that the business receives a tax refund under this section. For purposes of this sub-subparagraph, seaports in the state are limited to the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Pensacola, Fernandina, and Key West.

(f) Refunds made available under this section may not be expended in connection with the relocation of a business from one community to another community in the state unless Jobs Florida the Office determines that, without such relocation, the business will move outside the state or determines that the business has a compelling economic rationale for relocation and that the relocation will create additional jobs.

(4) APPLICATION AND APPROVAL PROCESS.—

(a) To apply for certification as a qualified target industry business under this section, the business must file an application with Jobs Florida the Office before the business decides to locate in this state or before the business decides to expand its existing operations in this state. The application must include, but need not be limited to, the following
information:

1. The applicant’s federal employer identification number and, if applicable, state sales tax registration number.

2. The proposed permanent location of the applicant’s facility in this state at which the project is to be located.

3. A description of the type of business activity or product covered by the project, including a minimum of a five-digit NAICS code for all activities included in the project. As used in this paragraph, “NAICS” means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President, and updated periodically.

4. The proposed number of net new full-time equivalent Florida jobs at the qualified target industry business as of December 31 of each year included in the project and the average wage of those jobs. If more than one type of business activity or product is included in the project, the number of jobs and average wage for those jobs must be separately stated for each type of business activity or product.

5. The total number of full-time equivalent employees employed by the applicant in this state, if applicable.

6. The anticipated commencement date of the project.

7. A brief statement explaining the role that the estimated tax refunds to be requested will play in the decision of the applicant to locate or expand in this state.

8. An estimate of the proportion of the sales resulting from the project that will be made outside this state.

9. An estimate of the proportion of the cost of the machinery and equipment, and any other resources necessary in
the development of its product or service, to be used by the business in its Florida operations which will be purchased outside this state.

10. A resolution adopted by the governing board of the county or municipality in which the project will be located, which resolution recommends that the project be approved as a qualified target industry business and specifies that the commitments of local financial support necessary for the target industry business exist. Before the passage of such resolution, Jobs Florida the office may also accept an official letter from an authorized local economic development agency that endorses the proposed target industry project and pledges that sources of local financial support for such project exist. For the purposes of making pledges of local financial support under this subparagraph, the authorized local economic development agency shall be officially designated by the passage of a one-time resolution by the local governing board.

11. Any additional information requested by Jobs Florida the Office.

(b) To qualify for review by Jobs Florida the Office, the application of a target industry business must, at a minimum, establish the following to the satisfaction of Jobs Florida the office:

1.a. The jobs proposed to be created under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average private sector wage in the area where the business is to be located or the statewide private sector average wage. The governing board of the county where the qualified target
industry business is to be located shall notify Jobs Florida the Office and the Jobs Florida Partnership Enterprise Florida, Inc., which calculation of the average private sector wage in the area must be used as the basis for the business’s wage commitment. In determining the average annual wage, Jobs Florida the Office shall include only new proposed jobs, and wages for existing jobs shall be excluded from this calculation.

b. Jobs Florida the Office may waive the average wage requirement at the request of the local governing body recommending the project and the Jobs Florida Partnership Enterprise Florida, Inc. Jobs Florida the Office may waive the wage requirement for a project located in a brownfield area designated under s. 376.80, in a rural city, in a rural community, in an enterprise zone, or for a manufacturing project at any location in the state if the jobs proposed to be created pay an estimated annual average wage equaling at least 100 percent of the average private sector wage in the area where the business is to be located, only if the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and the Jobs Florida Partnership Enterprise Florida, Inc., make such a recommendation, it must be transmitted in writing, and the specific justification for the waiver recommendation must be explained. If Jobs Florida the Office elects to waive the wage requirement, the waiver must be stated in writing, and the reasons for granting the waiver must be explained.

2. The target industry business’s project must result in the creation of at least 10 jobs at the project and, in the case
of an expansion of an existing business, must result in a net increase in employment of at least 10 percent at the business. At the request of the local governing body recommending the project and the Jobs Florida Partnership Enterprise Florida, Inc., the Office may waive this requirement for a business in a rural community or enterprise zone if the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., make such a request, the request must be transmitted in writing, and the specific justification for the request must be explained. If the Office elects to grant the request, the grant must be stated in writing, and the reason for granting the request must be explained.

3. The business activity or product for the applicant’s project must be within an industry identified by the Office as a target industry business that contributes to the economic growth of the state and the area in which the business is located, that produces a higher standard of living for residents of this state in the new global economy, or that can be shown to make an equivalent contribution to the area’s and state’s economic progress.

   (c) Each application meeting the requirements of paragraph (b) must be submitted to the Office for determination of eligibility. The Office shall review and evaluate each application based on, but not limited to, the following criteria:

   1. Expected contributions to the state’s economy, consistent with the state strategic economic development plan
adopted by the Jobs Florida Partnership, Inc. Enterprise
Florida, Inc.

2. The economic benefits return on investment of the
proposed award of tax refunds under this section and the
economic benefits of return on investment for state incentives
proposed for the project. The term “economic benefits” has the
same meaning as in s. 288.005. The Office of Economic and
Demographic Research shall review and evaluate the methodology
and model used to calculate the economic benefits return on
investment and shall report its findings by September 1 of every
3rd year, beginning September 1, 2010, to the President of the
Senate and the Speaker of the House of Representatives.

3. The amount of capital investment to be made by the
applicant in this state.

4. The local financial commitment and support for the
project.

5. The effect of the project on the unemployment rate in
the county where the project will be located.

6. The effect of the award on the viability of the project
and the probability that the project would be undertaken in this
state if such tax refunds are granted to the applicant.

7. The expected long-term commitment of the applicant to
economic growth and employment in this state resulting from the
project.

8. A review of the business’s past activities in this state
or other states, including whether such business has been
subjected to criminal or civil fines and penalties. This
subparagraph does not require the disclosure of confidential
information.
(d) Applications shall be reviewed and certified pursuant to s. 288.061. Jobs Florida the Office shall include in its review projections of the tax refunds the business would be eligible to receive in each fiscal year based on the creation and maintenance of the net new Florida jobs specified in subparagraph (a)4. as of December 31 of the preceding state fiscal year. If appropriate, Jobs Florida the Office shall enter into a written agreement with the qualified target industry business pursuant to subsection (5).

(e) Jobs Florida the Office may not certify any target industry business as a qualified target industry business if the value of tax refunds to be included in that letter of certification exceeds the available amount of authority to certify new businesses as determined in s. 288.095(3). However, if the commitments of local financial support represent less than 20 percent of the eligible tax refund payments, or to otherwise preserve the viability and fiscal integrity of the program, Jobs Florida the Office may certify a qualified target industry business to receive tax refund payments of less than the allowable amounts specified in paragraph (3)(b). A letter of certification that approves an application must specify the maximum amount of tax refund that will be available to the qualified industry business in each fiscal year and the total amount of tax refunds that will be available to the business for all fiscal years.

(f) This section does not create a presumption that an applicant will receive any tax refunds under this section. However, Jobs Florida the Office may issue nonbinding opinion letters, upon the request of prospective applicants, as to the
applicants’ eligibility and the potential amount of refunds.

(5) TAX REFUND AGREEMENT.—

(a) Each qualified target industry business must enter into a written agreement with Jobs Florida the Office that specifies, at a minimum:

1. The total number of full-time equivalent jobs in this state that will be dedicated to the project, the average wage of those jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state.

2. The maximum amount of tax refunds that the qualified target industry business is eligible to receive on the project and the maximum amount of a tax refund that the qualified target industry business is eligible to receive for each fiscal year, based on the job creation and maintenance schedule specified in subparagraph 1.

3. That Jobs Florida the Office may review and verify the financial and personnel records of the qualified target industry business to ascertain whether that business is in compliance with this section.

4. The date by which, in each fiscal year, the qualified target industry business may file a claim under subsection (6) to be considered to receive a tax refund in the following fiscal year.

5. That local financial support will be annually available and will be paid to the account. Jobs Florida the Office may not enter into a written agreement with a qualified target industry business if the local financial support resolution is not passed.
by the local governing body within 90 days after Jobs Florida the Office has issued the letter of certification under subsection (4).

6. That Jobs Florida the Office may conduct a review of the business to evaluate whether the business is continuing to contribute to the area’s or state’s economy.

7. That in the event the business does not complete the agreement, the business will provide Jobs Florida the Office with the reasons the business was unable to complete the agreement.

(b) Compliance with the terms and conditions of the agreement is a condition precedent for the receipt of a tax refund each year. The failure to comply with the terms and conditions of the tax refund agreement results in the loss of eligibility for receipt of all tax refunds previously authorized under this section and the revocation by Jobs Florida the Office of the certification of the business entity as a qualified target industry business, unless the business is eligible to receive and elects to accept a prorated refund under paragraph (6)(e) or Jobs Florida the Office grants the business an economic recovery extension.

1. A qualified target industry business may submit a request to Jobs Florida the Office for an economic recovery extension. The request must provide quantitative evidence demonstrating how negative economic conditions in the business’s industry, the effects of a named hurricane or tropical storm, or specific acts of terrorism affecting the qualified target industry business have prevented the business from complying with the terms and conditions of its tax refund agreement.
2. Upon receipt of a request under subparagraph 1., 

Florida the Office has 45 days to notify the requesting business, in writing, whether its extension has been granted or denied. In determining whether an extension should be granted, 

Jobs Florida the Office shall consider the extent to which negative economic conditions in the requesting business’s industry have occurred in the state or the effects of a named hurricane or tropical storm or specific acts of terrorism affecting the qualified target industry business have prevented the business from complying with the terms and conditions of its tax refund agreement. Jobs Florida the Office shall consider current employment statistics for this state by industry, including whether the business’s industry had substantial job loss during the prior year, when determining whether an extension shall be granted.

3. As a condition for receiving a prorated refund under paragraph (6)(e) or an economic recovery extension under this paragraph, a qualified target industry business must agree to renegotiate its tax refund agreement with Jobs Florida the Office to, at a minimum, ensure that the terms of the agreement comply with current law and office procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic recovery extension, Jobs Florida the Office shall renegotiate the tax refund agreement with the business as required by this subparagraph. When amending the agreement of a business receiving an economic recovery extension, Jobs Florida the Office may extend the duration of the agreement for a period not to exceed 2 years.
4. A qualified target industry business may submit a request for an economic recovery extension to Jobs Florida the Office in lieu of any tax refund claim scheduled to be submitted after January 1, 2009, but before July 1, 2012.

5. A qualified target industry business that receives an economic recovery extension may not receive a tax refund for the period covered by the extension.

(c) The agreement must be signed by the commissioner director and by an authorized officer of the qualified target industry business within 120 days after the issuance of the letter of certification under subsection (4), but not before passage and receipt of the resolution of local financial support. Jobs Florida The Office may grant an extension of this period at the written request of the qualified target industry business.

(6) ANNUAL CLAIM FOR REFUND.—

(a) To be eligible to claim any scheduled tax refund, a qualified target industry business that has entered into a tax refund agreement with Jobs Florida the Office under subsection (5) must apply by January 31 of each fiscal year to Jobs Florida the Office for the tax refund scheduled to be paid from the appropriation for the fiscal year that begins on July 1 following the January 31 claims-submission date. Jobs Florida The Office may, upon written request, grant a 30-day extension of the filing date.

(c) Jobs Florida the Office may waive the requirement for proof of taxes paid in future years for a qualified target industry business that provides the office with proof that, in a single year, the business has paid an amount of state taxes from
the categories in paragraph (3)(d) that is at least equal to the total amount of tax refunds that the business may receive through successful completion of its tax refund agreement.

(f) Jobs Florida the Office, with such assistance as may be required from the Department of Revenue or the Agency for Workforce Innovation, shall, by June 30 following the scheduled date for submission of the tax refund claim, specify by written order the approval or disapproval of the tax refund claim and, if approved, the amount of the tax refund that is authorized to be paid to the qualified target industry business for the annual tax refund. Jobs Florida the Office may grant an extension of this date on the request of the qualified target industry business for the purpose of filing additional information in support of the claim.

(g) The total amount of tax refund claims approved by Jobs Florida the Office under this section in any fiscal year must not exceed the amount authorized under s. 288.095(3).

(7) ADMINISTRATION.—

(a) Jobs Florida the Office may verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, the Agency for Workforce Innovation, or any local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this section, Jobs Florida the Office may provide a list of qualified target industry businesses to the Department of Revenue, to the Agency for Workforce Innovation, or to any local government or authority. Jobs
Florida The Office may request the assistance of those entities with respect to monitoring jobs, wages, and the payment of the taxes listed in subsection (3).

(c) Funds specifically appropriated for tax refunds for qualified target industry businesses under this section may not be used by Jobs Florida the Office for any purpose other than the payment of tax refunds authorized by this section.  

(d) Beginning with tax refund agreements signed after July 1, 2010, Jobs Florida the Office shall attempt to ascertain the causes for any business’s failure to complete its agreement and shall report its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall be submitted by December 1 of each year beginning in 2011.

Section 145. Paragraphs (d), (e), (f), (g) and (h) of subsection (1), subsection (2), paragraphs (a), (b), (f), (g), (h), and (i) of subsection (4), and subsection (5) of section 288.107, Florida Statutes, are amended to read:

288.107 Brownfield redevelopment bonus refunds.—

(1) DEFINITIONS.—As used in this section:

(d) “Director” means the director of the Office of Tourism, Trade, and Economic Development.

(e) “Eligible business” means:

1. A qualified target industry business as defined in s. 288.106(2); or

2. A business that can demonstrate a fixed capital investment of at least $2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas, or at least $500,000 in
brownfield areas that do not require site cleanup, and that provides benefits to its employees.

   (e) "Jobs" means full-time equivalent positions, including, but not limited to, positions obtained from a temporary employment agency or employee leasing company or through a union agreement or coemployment under a professional employer organization agreement, that result directly from a project in this state. The term does not include temporary construction jobs involved with the construction of facilities for the project and which are not associated with the implementation of the site rehabilitation as provided in s. 376.80.

   (g) "Office" means The Office of Tourism, Trade, and Economic Development.

   (f) "Project" means the creation of a new business or the expansion of an existing business as defined in s. 288.106.

(2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds shall be approved by Jobs Florida the Office as specified in the final order and allowed from the account as follows:

   (a) A bonus refund of $2,500 shall be allowed to any qualified target industry business as defined in s. 288.106 for each new Florida job created in a brownfield area that is claimed on the qualified target industry business’s annual refund claim authorized in s. 288.106(6).

   (b) A bonus refund of up to $2,500 shall be allowed to any other eligible business as defined in subparagraph (1)(d)2., subparagraph (1)(e)2. for each new Florida job created in a brownfield area that is claimed under an annual claim procedure similar to the annual refund claim authorized in s. 288.106(6).
The amount of the refund shall be equal to 20 percent of the average annual wage for the jobs created.

(4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

(a) To be eligible to receive a bonus refund for new Florida jobs created in a brownfield area, a business must have been certified as a qualified target industry business under s. 288.106 or eligible business as defined in paragraph (1)(d) paragraph (1)(e) and must have indicated on the qualified target industry business tax refund application form submitted in accordance with s. 288.106(4) or other similar agreement for other eligible business as defined in paragraph (1)(d) paragraph (1)(e) that the project for which the application is submitted is or will be located in a brownfield area and that the business is applying for certification as a qualified brownfield business under this section, and must have signed a qualified target industry business tax refund agreement with Jobs Florida the Office that indicates that the business has been certified as a qualified target industry business located in a brownfield area and specifies the schedule of brownfield redevelopment bonus refunds that the business may be eligible to receive in each fiscal year.

(b) To be considered to receive an eligible brownfield redevelopment bonus refund payment, the business meeting the requirements of paragraph (a) must submit a claim once each fiscal year on a claim form approved by Jobs Florida the Office which indicates the location of the brownfield, the address of the business facility’s brownfield location, the name of the brownfield in which it is located, the number of jobs created, and the average wage of the jobs created by the business within
the brownfield as defined in s. 288.106 or other eligible
business as defined in paragraph (1)(d) paragraph (1)(e) and the
administrative rules and policies for that section.

(f) Applications shall be reviewed and certified pursuant
to s. 288.061. Jobs Florida The Office shall review all
applications submitted under s. 288.106 or other similar
application forms for other eligible businesses as defined in
paragraph (1)(d) paragraph (1)(e) which indicate that the
proposed project will be located in a brownfield and determine,
with the assistance of the Department of Environmental
Protection, that the project location is within a brownfield as
provided in this act.

(g) Jobs Florida The Office shall approve all claims for a
brownfield redevelopment bonus refund payment that are found to
meet the requirements of paragraphs (b) and (d).

(h) Jobs Florida The director, with such assistance as may
be required from the Office and the Department of Environmental
Protection, shall specify by written final order the amount of
the brownfield redevelopment bonus refund that is authorized for
the qualified target industry business for the fiscal year
within 30 days after the date that the claim for the annual tax
refund is received by Jobs Florida the office.

(i) The total amount of the bonus refunds approved by Jobs
Florida the director under this section in any fiscal year must
not exceed the total amount appropriated to the Economic
Development Incentives Account for this purpose for the fiscal
year. In the event that the Legislature does not appropriate an
amount sufficient to satisfy projections by Jobs Florida the
Office for brownfield redevelopment bonus refunds under this
section in a fiscal year, Jobs Florida the Office shall, not
later than July 15 of such year, determine the proportion of
each brownfield redevelopment bonus refund claim which shall be
paid by dividing the amount appropriated for tax refunds for the
fiscal year by the projected total of brownfield redevelopment
bonus refund claims for the fiscal year. The amount of each
claim for a brownfield redevelopment bonus tax refund shall be
multiplied by the resulting quotient. If, after the payment of
all such refund claims, funds remain in the Economic Development
Incentives Account for brownfield redevelopment tax refunds,
Jobs Florida the Office shall recalculate the proportion for
each refund claim and adjust the amount of each claim
accordingly.

(5) ADMINISTRATION.—

(a) Jobs Florida the Office may verify information provided
in any claim submitted for tax credits under this section with
regard to employment and wage levels or the payment of the taxes
to the appropriate agency or authority, including the Department
of Revenue, the Agency for Workforce Innovation, or any local
government or authority.

(b) To facilitate the process of monitoring and auditing
applications made under this program, Jobs Florida the Office
may provide a list of qualified target industry businesses to
the Department of Revenue, to the Agency for Workforce
Innovation, to the Department of Environmental Protection, or to
any local government authority. Jobs Florida the office may
request the assistance of those entities with respect to
monitoring the payment of the taxes listed in s. 288.106(3).

Section 146. Paragraphs (a), (b), (c), and (d) of
subsection (2), paragraphs (b), (d), and (e) of subsection (3), subsection (4), paragraphs (a) and (c) of subsection (5), and subsections (6) and (7) of section 288.108, Florida Statutes, are amended, and present paragraphs (e) through (j) of subsection (2) are redesignated as paragraphs (c) through (h), respectively, to read:

288.108 High-impact business.—

(2) DEFINITIONS.—As used in this section, the term:

(a) “Eligible high-impact business” means a business in one of the high-impact sectors identified by the Jobs Florida Partnership Enterprise Florida, Inc., and certified by Jobs Florida the Office of Tourism, Trade, and Economic Development as provided in subsection (5), which is making a cumulative investment in the state of at least $50 million and creating at least 50 new full-time equivalent jobs in the state or a research and development facility making a cumulative investment of at least $25 million and creating at least 25 new full-time equivalent jobs. Such investment and employment must be achieved in a period not to exceed 3 years after the date the business is certified as a qualified high-impact business.

(b) “Qualified high-impact business” means a business in one of the high-impact sectors that has been certified by Jobs Florida the Office as a qualified high-impact business to receive a high-impact sector performance grant.

(c) “Office” means the Office of Tourism, Trade, and Economic Development.

(d) “Director” means the director of the Office of Tourism, Trade, and Economic Development.

(3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE
AMOUNTS.—

(b) Jobs Florida The Office may, in consultation with Enterprise Florida, Inc., negotiate qualified high-impact business performance grant awards for any single qualified high-impact business. In negotiating such awards, Jobs Florida the Office shall consider the following guidelines in conjunction with other relevant applicant impact and cost information and analysis as required in subsection (5).

1. A qualified high-impact business making a cumulative investment of $50 million and creating 50 jobs may be eligible for a total qualified high-impact business performance grant of $500,000 to $1 million.

2. A qualified high-impact business making a cumulative investment of $100 million and creating 100 jobs may be eligible for a total qualified high-impact business performance grant of $1 million to $2 million.

3. A qualified high-impact business making a cumulative investment of $800 million and creating 800 jobs may be eligible for a qualified high-impact business performance grant of $10 million to $12 million.

4. A qualified high-impact business engaged in research and development making a cumulative investment of $25 million and creating 25 jobs may be eligible for a total qualified high-impact business performance grant of $700,000 to $1 million.

5. A qualified high-impact business engaged in research and development making a cumulative investment of $75 million, and creating 75 jobs may be eligible for a total qualified high-impact business performance grant of $2 million to $3 million.

6. A qualified high-impact business engaged in research and
development making a cumulative investment of $150 million, and
creating 150 jobs may be eligible for a qualified high-impact
business performance grant of $3.5 million to $4.5 million.

(d) The balance of the performance grant award shall be
paid to the qualified high-impact business upon the business’s
certification that full operations have commenced and that the
full investment and employment goals specified in the qualified
high-impact business agreement have been met and verified by
Jobs Florida the Office of Tourism, Trade, and Economic
Development. The verification must occur not later than 60 days
after the qualified high-impact business has provided the
certification specified in this paragraph.

(e) Jobs Florida The office may, upon a showing of
reasonable cause for delay and significant progress toward the
achievement of the investment and employment goals specified in
the qualified high-impact business agreement, extend the date
for commencement of operations, not to exceed an additional 2
years beyond the limit specified in paragraph (2)(a), but in no
case may any high-impact sector performance grant payment be
made to the business until the scheduled goals have been
achieved.

(4) OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT
AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS PERFORMANCE
GRANTS.—

(a) The total amount of active performance grants scheduled
for payment by Jobs Florida the office in any single fiscal year
may not exceed the lesser of $30 million or the amount
appropriated by the Legislature for that fiscal year for
qualified high-impact business performance grants. If the
scheduled grant payments are not made in the year for which they
were scheduled in the qualified high-impact business agreement
and are rescheduled as authorized in paragraph (3)(e), they are,
for purposes of this paragraph, deemed to have been paid in the
year in which they were originally scheduled in the qualified
high-impact business agreement.

(b) If the Legislature does not appropriate an amount
sufficient to satisfy the qualified high-impact business
performance grant payments scheduled for any fiscal year, Jobs
Florida the Office shall, not later than July 15 of that year,
determine the proportion of each grant payment which may be paid
by dividing the amount appropriated for qualified high-impact
business performance grant payments for the fiscal year by the
total performance grant payments scheduled in all performance
grant agreements for the fiscal year. The amount of each grant
scheduled for payment in that fiscal year must be multiplied by
the resulting quotient. All businesses affected by this
calculation must be notified by August 1 of each fiscal year.
If, after the payment of all the refund claims, funds remain in
the appropriation for payment of qualified high-impact business
performance grants, Jobs Florida the Office shall recalculate
the proportion for each performance grant payment and adjust the
amount of each claim accordingly.

(5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—
(a) Any eligible business, as defined in subsection (2),
shall apply to the Jobs Florida Partnership Enterprise Florida,
Inc., for consideration as a qualified high-impact business
before the business has made a decision to locate or expand a
facility in this state. The application, developed by Jobs
Florida The Office of Tourism, Trade, and Economic Development, in consultation with the Jobs Florida Partnership, Enterprise Florida, Inc., must include, but is not limited to, the following information:

1. A complete description of the type of facility, business operations, and product or service associated with the project.
2. The number of full-time equivalent jobs that will be created by the project and the average annual wage of those jobs.
3. The cumulative amount of investment to be dedicated to this project within 3 years.
4. A statement concerning any special impacts the facility is expected to stimulate in the sector, the state, or regional economy and in state universities and community colleges.
5. A statement concerning the role the grant will play in the decision of the applicant business to locate or expand in this state.

(c) Jobs Florida The director and the qualified high-impact business shall enter into a performance grant agreement setting forth the conditions for payment of the qualified high-impact business performance grant. The agreement shall include the total amount of the qualified high-impact business facility performance grant award, the performance conditions that must be met to obtain the award, including the employment, average salary, investment, the methodology for determining if the conditions have been met, and the schedule of performance grant.
(6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

(a) The Jobs Florida Partnership Enterprise Florida, Inc., shall, by January 1, of every third year, beginning January 1, 2011, initiate the process of reviewing and, if appropriate, selecting a new high-impact sector for designation or recommending the deactivation of a designated high-impact sector. The process of reviewing designated high-impact sectors or recommending the deactivation of a designated high-impact sector shall be in consultation with Jobs Florida the office, economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists.

(b) Jobs Florida the Office has authority, only after recommendation from the Jobs Florida Partnership Enterprise Florida, Inc., to designate a high-impact sector or to deauthorize a designated high-impact sector.

(c) To begin the process of selecting and designating a new high-impact sector, the Jobs Florida Partnership Enterprise Florida, Inc., shall undertake a thorough study of the proposed sector. This study must consider the definition of the sector, including the types of facilities which characterize the sector that might qualify for a high-impact performance grant and whether a powerful incentive like the high-impact performance grant is needed to induce major facilities in the sector to locate or grow in this state; the benefits that major facilities in the sector have or could have on the state’s economy and the relative significance of those benefits; the needs of the sector and major sector facilities, including natural, public, and
human resources and benefits and costs with regard to these resources; the sector’s current and future markets; the current fiscal and potential fiscal impacts of the sector, to both the state and its communities; any geographic opportunities or limitations with regard to the sector, including areas of the state most likely to benefit from the sector and areas unlikely to benefit from the sector; the state’s advantages or disadvantages with regard to the sector; and the long-term expectations for the industry on a global level and in the state. If the Jobs Florida Partnership Enterprise Florida, Inc., finds favorable conditions for the designation of the sector as a high-impact sector, it shall include in the study recommendations for a complete and comprehensive sector strategy, including appropriate marketing and workforce strategies for the entire sector and any recommendations that the Jobs Florida Partnership Enterprise Florida, Inc., may have for statutory or policy changes needed to improve the state’s business climate and to attract and grow Florida businesses, particularly small businesses, in the proposed sector. The study shall reflect the finding of the sector-business network specified in paragraph (d).

(d) In conjunction with the study required in paragraph (c), the Jobs Florida Partnership Enterprise Florida, Inc., shall develop and consult with a network of sector businesses. While this network may include non-Florida businesses, it must include any businesses currently within the state. If the number of Florida businesses in the sector is large, a representative cross-section of Florida sector businesses may form the core of this network.
(e) The study and its findings and recommendations and the recommendations gathered from the sector-business network must be discussed and considered during the at least one meeting per calendar year of leaders in business, government, education, workforce development, and economic development called by the Governor to address the business climate in the state, develop a common vision for the economic future of the state, and identify economic development efforts to fulfill that vision required in s. 14.2015(2)(e).

(f) If after consideration of the completed study required in paragraph (c) and the input derived from consultation with the sector-business network in paragraph (d) and the quarterly meeting as required in paragraph (e), the board of directors of the Jobs Florida Partnership Enterprise Florida, Inc., finds that the sector will have exceptionally large and widespread benefits to the state and its citizens, relative to any public costs; that the sector is characterized by the types of facilities that require exceptionally large investments and provide employment opportunities to a relatively large number of workers in high-quality, high-income jobs that might qualify for a high-impact performance grant; and that given the competition for such businesses it may be necessary for the state to be able to offer a large inducement, such as a high-impact performance grant, to attract such a business to the state or to encourage businesses to continue to grow in the state, the board of directors of the Jobs Florida Partnership Enterprise Florida, Inc., may recommend that the office consider the designation of the sector as a high-impact business sector.

(g) Upon receiving a recommendation from the board of
directors of the Jobs Florida Partnership Enterprise Florida, Inc., together with the study required in paragraph (c) and a summary of the findings and recommendations of the sector-business network required in paragraph (d), including a list of all meetings of the sector network and participants in those meetings and the findings and recommendations from the quarterly meeting as required in paragraph (e), Jobs Florida the Office shall after a thorough evaluation of the study and accompanying materials report its findings and either concur in the recommendation of the Jobs Florida Partnership Enterprise Florida, Inc., and designate the sector as a high-impact business sector or notify the Jobs Florida Partnership Enterprise Florida, Inc., that it does not concur and deny the board’s request for designation or return the recommendation and study to the Jobs Florida Partnership Enterprise Florida, Inc., for further evaluation. In any case, Jobs Florida’s the director’s decision must be in writing and justify the reasons for the decision.

(h) If Jobs Florida the Office designates the sector as a high-impact sector, it shall, within 30 days, notify the Governor, the President of the Senate, and the Speaker of the House of Representatives of its decision and provide a complete report on its decision, including copies of the material provided by the Jobs Florida Partnership Enterprise Florida, Inc., and Jobs Florida’s the Office of Tourism, Trade, and Economic Development’s evaluation and comment on any statutory or policy changes recommended by the Jobs Florida Partnership Enterprise Florida, Inc.

(i) For the purposes of this subsection, a high-impact
sector consists of the silicon technology sector that the Jobs
Florida Partnership Enterprise Florida, Inc., has found to be
focused around the type of high-impact businesses for which the
incentive created in this subsection is required and will create
the kinds of sector and economy wide benefits that justify the
use of state resources to encourage these investments and
require substantial inducements to compete with the incentive
packages offered by other states and nations.

(7) RULEMAKING.—Jobs Florida the Office may adopt rules
necessary to carry out the provisions of this section.

Section 147. Subsection (1), paragraph (f) of subsection
(2), and subsections (4), (5), and (9) of section 288.1083,
Florida Statutes, are amended, and present paragraph (g) of
subsection (2) is redesignated as paragraph (f), to read:

288.1083 Manufacturing and Spaceport Investment Incentive
Program.—

(1) The Manufacturing and Spaceport Investment Incentive
Program is created within Jobs Florida the office of Tourism,
Trade, and Economic Development. The purpose of the program is
to encourage capital investment and job creation in
manufacturing and spaceport activities in this state.

(2) As used in this section, the term:

(f) “Office” means the Office of Tourism, Trade, and
Economic Development.

(4) To receive a refund, a business entity must first apply
to Jobs Florida the office for a tax refund allocation. The
entity shall provide such information in the application as
reasonably required by Jobs Florida the office. Further, the
business entity shall provide such information as is required by
Jobs Florida the office to establish the cost incurred and actual sales and use tax paid to purchase eligible equipment located and placed into service in this state during its taxable year that began in 2008.

(a) Within 30 days after Jobs Florida the office receives an application for a refund, Jobs Florida the office shall approve or disapprove the application.

(b) Refund allocations made during the 2010-2011 fiscal year shall be awarded in the same order in which applications are received. Eligible entities may apply to Jobs Florida the office beginning July 1, 2010, for refunds attributable to eligible equipment purchases made during the 2010-2011 fiscal year. For the 2010-2011 fiscal year, Jobs Florida the office shall allocate the maximum amount of $50,000 per entity until the entire $19 million available for refund in state fiscal year 2010-2011 has been allocated. If the total amount available for allocation during the 2010-2011 fiscal year is allocated, Jobs Florida the office shall continue taking applications. Each applicant shall be informed of its place in the queue and whether the applicant received an allocation of the eligible funds.

(c) Refund allocations made during the 2011-2012 fiscal year shall first be given to any applicants remaining in the queue from the prior fiscal year. Jobs Florida The office shall allocate the maximum amount of $50,000 per entity, first to those applicants that remained in the queue from 2010-2011 for eligible purchases in 2010-2011, then to applicants for 2011-2012 in the order applications are received for eligible purchases in 2011-2012. Jobs Florida The office shall allocate...
the maximum amount of $50,000 per entity until the entire $24 million available to be allocated for refund in the 2011-2012 fiscal year is allocated. If the total amount available for refund in 2011-2012 has been allocated, Jobs Florida The office shall continue to accept applications from eligible entities in the 2011-2012 fiscal year for refunds attributable to eligible equipment purchases made during the 2011-2012 fiscal year. Refund allocations made during the 2011-2012 fiscal year shall be awarded in the same order in which applications are received. Upon submitting an application, each applicant shall be informed of its place in the queue and whether the applicant has received an allocation of the eligible funds.

(5) Upon completion of eligible equipment purchases, a business entity that received a refund allocation from Jobs Florida the office must apply to Jobs Florida the office for certification of a refund. For eligible equipment purchases made during the 2010-2011 fiscal year, the application for certification must be made no later than September 1, 2011. For eligible equipment purchases made during the 2011-2012 fiscal year, the application for certification must be made no later than September 1, 2012. The application shall provide such documentation as is reasonably required by Jobs Florida the office to calculate the refund amount, including documentation necessary to confirm the cost of eligible equipment purchases supporting the claim of the sales and use tax paid thereon. Further, the business entity shall provide such documentation as required by Jobs Florida the office to establish the entity’s base year purchases. If, upon reviewing the application, Jobs Florida the office determines that eligible equipment purchases
10006 did not occur, that the amount of tax claimed to have been paid
10007 or remitted on the eligible equipment purchases is not supported
10008 by the documentation provided, or that the information provided
10009 to Jobs Florida the office was otherwise inaccurate, the amount
10010 of the refund allocation not substantiated shall not be
10011 certified. Otherwise, Jobs Florida the office shall determine
10012 and certify the amount of the refund to the eligible entity and
10013 to the department within 30 days after Jobs Florida the office
10014 receives the application for certification.

10015 (9) Jobs Florida The office shall adopt emergency rules
10016 governing applications for, issuance of, and procedures for
10017 allocation and certification and may establish guidelines as to
10018 the requisites for demonstrating base year purchases and
10019 eligible equipment purchases.

10020 Section 148. Subsections (2) and (3) of section 288.1088,
10021 Florida Statutes, are amended to read:

10022 288.1088 Quick Action Closing Fund.—

10023 (2) There is created within Jobs Florida the Office of
10024 Tourism, Trade, and Economic Development the Quick Action
10025 Closing Fund. Projects eligible for receipt of funds from the
10026 Quick Action Closing Fund shall:

10027 (a) Be in an industry as referenced in s. 288.106.
10028 (b) Have a positive economic benefit payback ratio of at
10029 least 5 to 1.
10030 (c) Be an inducement to the project’s location or expansion
10031 in the state.
10032 (d) Pay an average annual wage of at least 125 percent of
10033 the areawide or statewide private sector average wage.
10034 (e) Be supported by the local community in which the
project is to be located.

(3)(a) Jobs Florida and the Jobs Florida Partnership Enterprise Florida, Inc., shall jointly review applications pursuant to s. 288.061 and determine the eligibility of each project consistent with the criteria in subsection (2). Jobs Florida Enterprise Florida, Inc., in consultation with the Jobs Florida Partnership, Inc., the Office of Tourism, Trade, and Economic Development, may waive these criteria:

1. Based on extraordinary circumstances;
2. In order to mitigate the impact of the conclusion of the space shuttle program; or
3. In rural areas of critical economic concern if the project would significantly benefit the local or regional economy.

(b) Jobs Florida and the Jobs Florida Partnership Enterprise Florida, Inc., shall jointly evaluate individual proposals for high-impact business facilities and forward recommendations regarding the use of moneys in the fund for such facilities to the director of the Office of Tourism, Trade, and Economic Development. Such evaluation and recommendation must include, but need not be limited to:

1. A description of the type of facility or infrastructure, its operations, and the associated product or service associated with the facility.
2. The number of full-time-equivalent jobs that will be created by the facility and the total estimated average annual wages of those jobs or, in the case of privately developed rural infrastructure, the types of business activities and jobs stimulated by the investment.
3. The cumulative amount of investment to be dedicated to the facility within a specified period.

4. A statement of any special impacts the facility is expected to stimulate in a particular business sector in the state or regional economy or in the state’s universities and community colleges.

5. A statement of the role the incentive is expected to play in the decision of the applicant business to locate or expand in this state or for the private investor to provide critical rural infrastructure.

6. A report evaluating the quality and value of the company submitting a proposal. The report must include:

   a. A financial analysis of the company, including an evaluation of the company’s short-term liquidity ratio as measured by its assets to liability, the company’s profitability ratio, and the company’s long-term solvency as measured by its debt-to-equity ratio;

   b. The historical market performance of the company;

   c. A review of any independent evaluations of the company;

   d. A review of the latest audit of the company’s financial statement and the related auditor’s management letter; and

   e. A review of any other types of audits that are related to the internal and management controls of the company.

(c) 1. Within 7 business 22 calendar days after evaluating a project, Jobs Florida receiving the evaluation and recommendation from Enterprise Florida, Inc., the director of the Office of Tourism, Trade, and Economic Development shall recommend to the Governor approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund. In
recommending a project, Jobs Florida the director shall include proposed performance conditions that the project must meet to obtain incentive funds.

2. The Governor may approve projects without consulting the Legislature for projects requiring less than $1 million in funding.

3. For projects requiring funding in the amount of $1 million to $5 million, the Governor shall provide a written description and evaluation of a project recommended for approval to the President of the Senate, and the Speaker of the House of Representatives, and the chairs of the Senate and House appropriations committees that oversee economic development funding, and, no sooner than 3 days subsequent to providing the written project descriptions and evaluations, shall consult with the President of the Senate and the Speaker of the House of Representatives before giving final approval for a project. At least 14 days before releasing funds for a project, the Executive Office of the Governor shall recommend approval of the project and the release of funds by delivering notice of such action pursuant to the legislative consultation and review requirements set forth in s. 216.177. The recommendation must include proposed performance conditions that the project must meet in order to obtain funds.

4. If the chair or vice chair of the Legislative Budget Commission or the President of the Senate or the Speaker of the House of Representatives timely advises the Executive Office of the Governor, in writing, that such action or proposed action exceeds the delegated authority of the Executive Office of the Governor or is contrary to legislative policy or intent, the
Executive Office of the Governor shall void the release of funds and instruct Jobs Florida the Office of Tourism, Trade, and Economic Development to immediately change such action or proposed action until the Legislative Budget Commission or the Legislature addresses the issue. Notwithstanding such requirement, any project exceeding $5 million $2,000,000 must be approved by the Legislative Budget Commission prior to the funds being released.

(d) Upon the approval of the Governor, Jobs Florida the director of the Office of Tourism, Trade, and Economic Development and the business shall enter into a contract that sets forth the conditions for payment of moneys from the fund. The contract must include the total amount of funds awarded; the performance conditions that must be met to obtain the award, including, but not limited to, net new employment in the state, average salary, and total capital investment; demonstrate a baseline of current service and a measure of enhanced capability; the methodology for validating performance; the schedule of payments from the fund; and sanctions for failure to meet performance conditions. The contract must provide that payment of moneys from the fund is contingent upon sufficient appropriation of funds by the Legislature.

(e) The Jobs Florida Partnership Enterprise Florida, Inc., shall validate contractor performance. Such validation shall be reported within 6 months after completion of the contract to the Governor, President of the Senate, and the Speaker of the House of Representatives.

Section 149. Subsection (1), paragraphs (b), (f), and (o) of subsection (2), and subsections (3), through (9), (11), and...
(12) of section 288.1089, Florida Statutes, are amended, and present paragraphs (g) through (n) and (p) through (s) of subsection (2) are redesignated as paragraphs (f) through (p), respectively, to read:

288.1089 Innovation Incentive Program.—

(1) The Innovation Incentive Program is created within Jobs Florida the Office of Tourism, Trade, and Economic Development to ensure that sufficient resources are available to allow the state to respond expeditiously to extraordinary economic opportunities and to compete effectively for high-value research and development, innovation business, and alternative and renewable energy projects.

(2) As used in this section, the term:

(b) “Average private sector wage” means the statewide average wage in the private sector or the average of all private sector wages in the county or in the standard metropolitan area in which the project is located as determined by Jobs Florida the Agency for Workforce Innovation.

(f) “Director” means the director of the Office of Tourism, Trade, and Economic Development.

(e) “Office” means the Office of Tourism, Trade, and Economic Development.

(3) To be eligible for consideration for an innovation incentive award, an innovation business, a research and development entity, or an alternative and renewable energy company must submit a written application to the Jobs Florida Partnership Enterprise Florida, Inc., before making a decision to locate new operations in this state or expand an existing operation in this state. The application must include, but not
be limited to:

(a) The applicant’s federal employer identification number, unemployment account number, and state sales tax registration number. If such numbers are not available at the time of application, they must be submitted to Jobs Florida the office in writing prior to the disbursement of any payments under this section.

(b) The location in this state at which the project is located or is to be located.

(c) A description of the type of business activity, product, or research and development undertaken by the applicant, including six-digit North American Industry Classification System codes for all activities included in the project.

(d) The applicant’s projected investment in the project.

(e) The total investment, from all sources, in the project.

(f) The number of net new full-time equivalent jobs in this state the applicant anticipates having created as of December 31 of each year in the project and the average annual wage of such jobs.

(g) The total number of full-time equivalent employees currently employed by the applicant in this state, if applicable.

(h) The anticipated commencement date of the project.

(i) A detailed explanation of why the innovation incentive is needed to induce the applicant to expand or locate in the state and whether an award would cause the applicant to locate or expand in this state.

(j) If applicable, an estimate of the proportion of the project.
revenues resulting from the project that will be generated outside this state.

(4) To qualify for review by Jobs Florida the office, the applicant must, at a minimum, establish the following to the satisfaction of Jobs Florida and the Jobs Florida Partnership Enterprise Florida, Inc., and the office:

(a) The jobs created by the project must pay an estimated annual average wage equaling at least 130 percent of the average private sector wage. Jobs Florida The office may waive this average wage requirement at the request of the Jobs Florida Partnership Enterprise Florida, Inc., for a project located in a rural area, a brownfield area, or an enterprise zone, when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. A recommendation for waiver by the Jobs Florida Partnership Enterprise Florida, Inc., must include a specific justification for the waiver and be transmitted to Jobs Florida the office in writing. If Jobs Florida the director elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.

(b) A research and development project must:

1. Serve as a catalyst for an emerging or evolving technology cluster.

2. Demonstrate a plan for significant higher education collaboration.

3. Provide the state, at a minimum, a break-even return on investment within a 20-year period.

4. Be provided with a one-to-one match from the local community. The match requirement may be reduced or waived in
rural areas of critical economic concern or reduced in rural
areas, brownfield areas, and enterprise zones.

(c) An innovation business project in this state, other
than a research and development project, must:

1. Result in the creation of at least 1,000 direct, new
jobs at the business; or

2. Have an activity or product that is within an industry
that is designated as a target industry business under s.
288.106 or a designated sector under s. 288.108.

3. Have a cumulative investment of at least $500 million
within a 5-year period; or

4. Be provided with a one-to-one match from the local
community. The match requirement may be reduced or waived in
rural areas of critical economic concern or reduced in rural
areas, brownfield areas, and enterprise zones.

(d) For an alternative and renewable energy project in this
state, the project must:

1. Demonstrate a plan for significant collaboration with an
institution of higher education;

2. Provide the state, at a minimum, a break-even return on
investment within a 20-year period;

3. Include matching funds provided by the applicant or
other available sources. The match requirement may be reduced or
waived in rural areas of critical economic concern or reduced in rural areas, brownfield areas, and enterprise zones;

4. Be located in this state; and

5. Provide at least 35 direct, new jobs that pay an estimated annual average wage that equals at least 130 percent of the average private sector wage.

(5) The Jobs Florida Partnership Enterprise Florida, Inc., shall evaluate proposals for all three categories of innovation incentive awards and transmit recommendations for awards to Jobs Florida the office. Before making its recommendations on alternative and renewable energy projects, the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., shall solicit comments and recommendations from the Florida Energy and Climate Commission. For each project, the evaluation and recommendation to Jobs Florida the office must include, but need not be limited to:

(a) A description of the project, its required facilities, and the associated product, service, or research and development associated with the project.

(b) The percentage of match provided for the project.

(c) The number of full-time equivalent jobs that will be created by the project, the total estimated average annual wages of such jobs, and the types of business activities and jobs likely to be stimulated by the project.

(d) The cumulative investment to be dedicated to the project within 5 years and the total investment expected in the project if more than 5 years.

(e) The projected economic and fiscal impacts on the local and state economies relative to investment.
(f) A statement of any special impacts the project is expected to stimulate in a particular business sector in the state or regional economy or in the state’s universities and community colleges.

(g) A statement of any anticipated or proposed relationships with state universities.

(h) A statement of the role the incentive is expected to play in the decision of the applicant to locate or expand in this state.

(i) A recommendation and explanation of the amount of the award needed to cause the applicant to expand or locate in this state.

(j) A discussion of the efforts and commitments made by the local community in which the project is to be located to induce the applicant’s location or expansion, taking into consideration local resources and abilities.

(k) A recommendation for specific performance criteria the applicant would be expected to achieve in order to receive payments from the fund and penalties or sanctions for failure to meet or maintain performance conditions.

(l) Additional evaluative criteria for a research and development facility project, including:

1. A description of the extent to which the project has the potential to serve as catalyst for an emerging or evolving cluster.

2. A description of the extent to which the project has or could have a long-term collaborative research and development relationship with one or more universities or community colleges in this state.
3. A description of the existing or projected impact of the project on established clusters or targeted industry sectors.

4. A description of the project’s contribution to the diversity and resiliency of the innovation economy of this state.

5. A description of the project’s impact on special needs communities, including, but not limited to, rural areas, distressed urban areas, and enterprise zones.

(m) Additional evaluative criteria for alternative and renewable energy proposals, including:

1. The availability of matching funds or other in-kind contributions applied to the total project from an applicant. The commission shall give greater preference to projects that provide such matching funds or other in-kind contributions.

2. The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

3. The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

4. The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

5. The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.
6. The degree to which a project demonstrates efficient use of energy and material resources.

7. The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.

8. The ability to administer a complete project.

9. Project duration and timeline for expenditures.

10. The geographic area in which the project is to be conducted in relation to other projects.

11. The degree of public visibility and interaction.

(6) In consultation with the Jobs Florida Partnership, Inc., Jobs Florida Enterprise Florida, Inc., the office may negotiate the proposed amount of an award for any applicant meeting the requirements of this section. In negotiating such award, Jobs Florida the office shall consider the amount of the incentive needed to cause the applicant to locate or expand in this state in conjunction with other relevant applicant impact and cost information and analysis as described in this section. Particular emphasis shall be given to the potential for the project to stimulate additional private investment and high-quality employment opportunities in the area.

(7) Upon receipt of the evaluation and recommendation from the Jobs Florida Partnership, Inc., Jobs Florida Enterprise Florida, Inc., the director shall recommend to the Governor the approval or disapproval of an award. In recommending approval of an award, Jobs Florida the director shall include proposed performance conditions that the applicant must meet in order to obtain incentive funds and any other conditions that must be met before the receipt of any incentive funds. The Governor shall consult with the President of the Senate and the Speaker of the
Upon review and approval of an award by the Legislative Budget Commission, the Executive Office of the Governor shall release the funds.

(8)(a) After the conditions set forth in subsection (7) have been met,Jobs Florida the director shall issue a letter certifying the applicant as qualified for an award. Jobs Florida the office and the award recipient shall enter into an agreement that sets forth the conditions for payment of the incentive funds. The agreement must include, at a minimum:

1. The total amount of funds awarded.
2. The performance conditions that must be met in order to obtain the award or portions of the award, including, but not limited to, net new employment in the state, average wage, and total cumulative investment.
3. Demonstration of a baseline of current service and a measure of enhanced capability.
4. The methodology for validating performance.
5. The schedule of payments.
6. Sanctions for failure to meet performance conditions, including any clawback provisions.

(b) Additionally, agreements signed on or after July 1, 2009, must include the following provisions:

1. Notwithstanding subsection (4), a requirement that the jobs created by the recipient of the incentive funds pay an annual average wage at least equal to the relevant industry’s annual average wage or at least 130 percent of the average private sector wage, whichever is greater.
2. A reinvestment requirement. Each recipient of an award
shall reinvest up to 15 percent of net royalty revenues, including revenues from spin-off companies and the revenues from the sale of stock it receives from the licensing or transfer of inventions, methods, processes, and other patentable discoveries conceived or reduced to practice using its facilities in Florida or its Florida-based employees, in whole or in part, and to which the recipient of the grant becomes entitled during the 20 years following the effective date of its agreement with the office. Each recipient of an award also shall reinvest up to 15 percent of the gross revenues it receives from naming opportunities associated with any facility it builds in this state. Reinvestment payments shall commence no later than 6 months after the recipient of the grant has received the final disbursement under the contract and shall continue until the maximum reinvestment, as specified in the contract, has been paid. Reinvestment payments shall be remitted to Jobs Florida the office for deposit in the Biomedical Research Trust Fund for companies specializing in biomedicine or life sciences, or in the Economic Development Trust Fund for companies specializing in fields other than biomedicine or the life sciences. If these trust funds no longer exist at the time of the reinvestment, the state’s share of reinvestment shall be deposited in their successor trust funds as determined by law. Each recipient of an award shall annually submit a schedule of the shares of stock held by it as payment of the royalty required by this paragraph and report on any trades or activity concerning such stock. Each recipient’s reinvestment obligations survive the expiration or termination of its agreement with the state.

3. Requirements for the establishment of internship
programs or other learning opportunities for educators and secondary, postsecondary, graduate, and doctoral students.

4. A requirement that the recipient submit quarterly reports and annual reports related to activities and performance to Jobs Florida the office, according to standardized reporting periods.

5. A requirement for an annual accounting to Jobs Florida the Office of the expenditure of funds disbursed under this section.

6. A process for amending the agreement.

(9) Jobs Florida, assisted by the Jobs Florida Partnership Enterprise Florida, Inc., shall validate assist the Office in validating the performance of an innovation business, a research and development facility, or an alternative and renewable energy business that has received an award. At the conclusion of the innovation incentive award agreement, or its earlier termination, Jobs Florida Enterprise Florida, Inc., shall, within 90 days, submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing whether the recipient of the innovation incentive grant achieved its specified outcomes.

(11)(a) On January 5 of each year, Jobs Florida Beginning January 5, 2010, and every year thereafter, the office shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report summarizing the activities and accomplishments of the recipients of grants from the Innovation Incentive Program during the previous 12 months and an evaluation by the office of whether the recipients are catalysts for additional direct and indirect economic
development in Florida.

(b) Beginning March 1, 2010, and every third year thereafter, the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General’s Office, shall release a report evaluating the Innovation Incentive Program’s progress toward creating clusters of high-wage, high-skilled, complementary industries that serve as catalysts for economic growth specifically in the regions in which they are located, and generally for the state as a whole. Such report should include critical analyses of quarterly and annual reports, annual audits, and other documents prepared by the Innovation Incentive Program awardees; relevant economic development reports prepared by Jobs Florida, the Jobs Florida Partnership the office, Enterprise Florida, Inc., and local or regional economic development organizations; interviews with the parties involved; and any other relevant data. Such report should also include legislative recommendations, if necessary, on how to improve the Innovation Incentive Program so that the program reaches its anticipated potential as a catalyst for direct and indirect economic development in this state.

(12) Jobs Florida the office may seek the assistance of the Office of Program Policy Analysis and Government Accountability, the Legislature’s Office of Economic and Demographic Research, and other entities for the purpose of developing performance measures or techniques to quantify the synergistic economic development impacts that awardees of grants are having within their communities.

Section 150. Section 288.1095, Florida Statutes, is amended to read:
288.1095 Information concerning the One-Stop Permitting System. — Jobs Florida The Office of Tourism, Trade, and Economic Development shall develop literature that explains the One-Stop Permitting System and identifies those counties that have been designated as Quick Permitting Counties. The literature must be updated at least once each year. To the maximum extent feasible, state agencies and the Jobs Florida Partnership Enterprise Florida, Inc., shall distribute such literature and inform the public of the One-Stop Permitting System and the Quick Permitting Counties. In addition, the Jobs Florida Partnership Enterprise Florida, Inc., shall provide this information to prospective, new, expanding, and relocating businesses seeking to conduct business in this state, municipalities, counties, economic-development organizations, and chambers of commerce.

Section 151. Subsections (1) and (2), paragraphs (d) and (e) of subsection (4), paragraph (a) of subsection (6), and subsection (8) of section 288.1162, Florida Statutes, are amended to read:

288.1162 Professional sports franchises; duties.—

(1) The Division of Strategic Business Development of Jobs Florida Office of Tourism, Trade, and Economic Development shall serve as the state agency for screening applicants for state funding under s. 212.20 and for certifying an applicant as a facility for a new or retained professional sports franchise.

(2) The Division of Strategic Business Development of Jobs Florida Office of Tourism, Trade, and Economic Development shall develop rules for the receipt and processing of applications for funding under s. 212.20.

(4) Before certifying an applicant as a facility for a new
or retained professional sports franchise, the Division of Strategic Business Development of Jobs Florida Office of Tourism, Trade, and Economic Development must determine that:

(d) The applicant has projections, verified by the Division of Strategic Business Development of Jobs Florida Office of Tourism, Trade, and Economic Development, which demonstrate that the new or retained professional sports franchise will attract a paid attendance of more than 300,000 annually.

(e) The applicant has an independent analysis or study, verified by the Division of Strategic Business Development of Jobs Florida Office of Tourism, Trade, and Economic Development, which demonstrates that the amount of the revenues generated by the taxes imposed under chapter 212 with respect to the use and operation of the professional sports franchise facility will equal or exceed $2 million annually.

(6)(a) The Division of Strategic Business Development of Jobs Florida Office of Tourism, Trade, and Economic Development shall notify the Department of Revenue of any facility certified as a facility for a new or retained professional sports franchise. The Division of Strategic Business Development of Jobs Florida Office of Tourism, Trade, and Economic Development shall certify no more than eight facilities as facilities for a new professional sports franchise or as facilities for a retained professional sports franchise, including in the total any facilities certified by the former Department of Commerce before July 1, 1996. The division office may make no more than one certification for any facility.

(8) An applicant is not qualified for certification under this section if the franchise formed the basis for a previous
certification, unless the previous certification was withdrawn by the facility or invalidated by the Division of Strategic Business Development of Jobs Florida Office of Tourism, Trade, and Economic Development or the former Department of Commerce before any funds were distributed under s. 212.20. This subsection does not disqualify an applicant if the previous certification occurred between May 23, 1993, and May 25, 1993; however, any funds to be distributed under s. 212.20 for the second certification shall be offset by the amount distributed to the previous certified facility. Distribution of funds for the second certification shall not be made until all amounts payable for the first certification are distributed.

Section 152. Subsections (1), (2), (4), (5), (6), (7), and (8) of section 288.11621, Florida Statutes, are amended to read:

288.11621 Spring training baseball franchises.—
(1) DEFINITIONS.—As used in this section, the term:
(a) “Agreement” means a certified, signed lease between an applicant that applies for certification on or after July 1, 2010, and the spring training franchise for the use of a facility.
(b) “Applicant” means a unit of local government as defined in s. 218.369, including local governments located in the same county that have partnered with a certified applicant before the effective date of this section or with an applicant for a new certification, for purposes of sharing in the responsibilities of a facility.
(c) “Certified applicant” means a facility for a spring training franchise that was certified before July 1, 2010, under s. 288.1162(5), Florida Statutes 2009, or a unit of local government.
government that is certified under this section.

(d) “Facility” means a spring training stadium, playing fields, and appurtenances intended to support spring training activities.

(e) “Local funds” and “local matching funds” mean funds provided by a county, municipality, or other local government.

(f) “Office” means The Office of Tourism, Trade, and Economic Development.

(2) CERTIFICATION PROCESS.—

(a) Before certifying an applicant to receive state funding for a facility for a spring training franchise, Jobs Florida the Office must verify that:

1. The applicant is responsible for the acquisition, construction, management, or operation of the facility for a spring training franchise or holds title to the property on which the facility for a spring training franchise is located.

2. The applicant has a certified copy of a signed agreement with a spring training franchise for the use of the facility for a term of at least 20 years. The agreement also must require the franchise to reimburse the state for state funds expended by an applicant under this section if the franchise relocates before the agreement expires. The agreement may be contingent on an award of funds under this section and other conditions precedent.

3. The applicant has made a financial commitment to provide 50 percent or more of the funds required by an agreement for the acquisition, construction, or renovation of the facility for a spring training franchise. The commitment may be contingent upon an award of funds under this section and other conditions
4. The applicant demonstrates that the facility for a spring training franchise will attract a paid attendance of at least 50,000 annually to the spring training games.

5. The facility for a spring training franchise is located in a county that levies a tourist development tax under s. 125.0104.

(b) Jobs Florida The office shall competitively evaluate applications for state funding of a facility for a spring training franchise. The total number of certifications may not exceed 10 at any time. The evaluation criteria must include, with priority given in descending order to, the following items:

1. The anticipated effect on the economy of the local community where the spring training facility is to be built, including projections on paid attendance, local and state tax collections generated by spring training games, and direct and indirect job creation resulting from the spring training activities. Priority shall be given to applicants who can demonstrate the largest projected economic impact.

2. The amount of the local matching funds committed to a facility relative to the amount of state funding sought, with priority given to applicants that commit the largest amount of local matching funds relative to the amount of state funding sought.

3. The potential for the facility to serve multiple uses.

4. The intended use of the funds by the applicant, with priority given to the funds being used to acquire a facility, construct a new facility, or renovate an existing facility.

5. The length of time that a spring training franchise has
been under an agreement to conduct spring training activities within an applicant’s geographic location or jurisdiction, with priority given to applicants having agreements with the same franchise for the longest period of time.

6. The length of time that an applicant’s facility has been used by one or more spring training franchises, with priority given to applicants whose facilities have been in continuous use as facilities for spring training the longest.

7. The term remaining on a lease between an applicant and a spring training franchise for a facility, with priority given to applicants having the shortest lease terms remaining.

8. The length of time that a spring training franchise agrees to use an applicant’s facility if an application is granted under this section, with priority given to applicants having agreements for the longest future use.

9. The net increase of total active recreation space owned by the applicant after an acquisition of land for the facility, with priority given to applicants having the largest percentage increase of total active recreation space that will be available for public use.

10. The location of the facility in a brownfield, an enterprise zone, a community redevelopment area, or other area of targeted development or revitalization included in an urban infill redevelopment plan, with priority given to applicants having facilities located in these areas.

(c) Each applicant certified on or after July 1, 2010, shall enter into an agreement with Jobs Florida the office that:

1. Specifies the amount of the state incentive funding to be distributed.
2. States the criteria that the certified applicant must meet in order to remain certified.

3. States that the certified applicant is subject to decertification if the certified applicant fails to comply with this section or the agreement.

4. States that Jobs Florida the office may recover state incentive funds if the certified applicant is decertified.

5. Specifies information that the certified applicant must report to Jobs Florida the office.

6. Includes any provision deemed prudent by Jobs Florida the office.

(4) ANNUAL REPORTS.—On or before September 1 of each year, a certified applicant shall submit to Jobs Florida the office a report that includes, but is not limited to:

(a) A copy of its most recent annual audit.

(b) A detailed report on all local and state funds expended to date on the project being financed under this section.

(c) A copy of the contract between the certified local governmental entity and the spring training team.

(d) A cost-benefit analysis of the team’s impact on the community.

(e) Evidence that the certified applicant continues to meet the criteria in effect when the applicant was certified.

(5) DECERTIFICATION.—

(a) Jobs Florida The office shall decertify a certified applicant upon the request of the certified applicant.

(b) Jobs Florida The office shall decertify a certified applicant if the certified applicant does not:

1. Have a valid agreement with a spring training franchise;
or

2. Satisfy its commitment to provide local matching funds to the facility.

However, decertification proceedings against a local government certified before July 1, 2010, shall be delayed until 12 months after the expiration of the local government’s existing agreement with a spring training franchise, and without a new agreement being signed, if the certified local government can demonstrate to Jobs Florida the office that it is in active negotiations with a major league spring training franchise, other than the franchise that was the basis for the original certification.

(c) A certified applicant has 60 days after it receives a notice of intent to decertify from Jobs Florida the office to petition the office’s director for review of the decertification. Within 45 days after receipt of the request for review, Jobs Florida the director must notify a certified applicant of the outcome of the review.

(d) Jobs Florida the office shall notify the Department of Revenue that a certified applicant is decertified within 10 days after the order of decertification becomes final. The Department of Revenue shall immediately stop the payment of any funds under this section that were not encumbered by the certified applicant under subparagraph (3)(a)2.

(e) Jobs Florida the office shall order a decertified applicant to repay all of the unencumbered state funds that the local government received under this section and any interest that accrued on those funds. The repayment must be made within
60 days after the decertification order becomes final. These funds shall be deposited into the General Revenue Fund.

(f) A local government as defined in s. 218.369 may not be decertified by Jobs Florida if it has paid or pledged for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto, bonds issued for the acquisition, construction, reconstruction, or renovation of the facility for which the local government was certified, or for the reimbursement of such costs or the refinancing of bonds issued for the acquisition, construction, reconstruction, or renovation of the facility for which the local government was certified, or for the reimbursement of such costs or the refinancing of bonds issued for such purpose. This subsection does not preclude or restrict the ability of a certified local government to refinance, refund, or defease such bonds.

(6) ADDITIONAL CERTIFICATIONS.—If Jobs Florida the office decertifies a unit of local government, Jobs Florida the office may accept applications for an additional certification. A unit of local government may not be certified for more than one spring training franchise at any time.

(7) STRATEGIC PLANNING.—

(a) Jobs Florida The office shall request assistance from the Jobs Florida Partnership, Inc., Florida Sports Foundation and the Florida Grapefruit League Association to update every 5 years the spring training comprehensive strategic plan that to:

1. Explores alternatives for financing spring training facilities.
2. Evaluates and monitors state funds awarded to applicants.

3. Identifies the financial impact that spring training has on the state and ways in which to maintain or improve that impact.

4. Identifies opportunities to develop public-private partnerships to engage in marketing activities and advertise spring training baseball.

5. Identifies efforts made by other states to maintain or develop partnerships with baseball spring training teams.

6. Develops recommendations for the Legislature to sustain or improve this state’s spring training tradition.

(b) Jobs Florida The office shall submit a copy of the updated strategic plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31 of every fifth year, beginning in 2015, 2010.

8) RULEMAKING.—Jobs Florida The office shall adopt rules to implement the certification, decertification, and decertification review processes required by this section.

Section 153. Subsections (1), (2), and (4) of section 288.1168, Florida Statutes, are amended to read:

288.1168 Professional golf hall of fame facility.—

1. The Division of Strategic Business Development of Jobs Florida Department of Commerce shall serve as the state agency for screening applicants for state funding pursuant to s. 212.20 and for certifying one applicant as the professional golf hall of fame facility in the state.

2. Prior to certifying the professional golf hall of fame facility
facility, the Division of Strategic Business Development of Jobs Florida Department of Commerce must determine that:

(a) The professional golf hall of fame facility is the only professional golf hall of fame in the United States recognized by the PGA Tour, Inc.

(b) The applicant is a unit of local government as defined in s. 218.369 or a private sector group that has contracted to construct or operate the professional golf hall of fame facility on land owned by a unit of local government.

(c) The municipality in which the professional golf hall of fame facility is located, or the county if the facility is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

(d) There are existing projections that the professional golf hall of fame facility will attract a paid attendance of more than 300,000 annually.

(e) There is an independent analysis or study, using methodology approved by the division department, which demonstrates that the amount of the revenues generated by the taxes imposed under chapter 212 with respect to the use and operation of the professional golf hall of fame facility will equal or exceed $2 million annually.

(f) The applicant has submitted an agreement to provide $2 million annually in national and international media promotion of the professional golf hall of fame facility, Florida, and Florida tourism, through the PGA Tour, Inc., or its affiliates, at the then-current commercial rate, during the period of time that the facility receives funds pursuant to s. 212.20. The Jobs
Florida Partnership, Inc., Office of Tourism, Trade, and Economic Development and the PGA Tour, Inc., or its affiliates, must agree annually on a reasonable percentage of advertising specifically allocated for generic Florida advertising. The Jobs Florida Partnership, Inc., Office of Tourism, Trade, and Economic Development shall have final approval of all generic advertising. Failure on the part of the PGA Tour, Inc., or its affiliates to annually provide the advertising as provided in this paragraph or subsection (6) shall result in the termination of funding as provided in s. 212.20.

(g) Documentation exists that demonstrates that the applicant has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred or related to the improvement and development of the facility.

(h) The application is signed by an official senior executive of the applicant and is notarized according to Florida law providing for penalties for falsification.

(4) Upon determining that an applicant is or is not certifiable, the Division of Strategic Business Development of Jobs Florida Secretary of Commerce shall notify the applicant of his or her status by means of an official letter. If certifiable, the division secretary shall notify the executive director of the Department of Revenue and the applicant of such certification by means of an official letter granting certification. From the date of such certification, the applicant shall have 5 years to open the professional golf hall of fame facility to the public and notify the division Office of Tourism, Trade, and Economic Development of such opening. The
Department of Revenue shall not begin distributing funds until 30 days following notice by the Office of Tourism, Trade, and Economic Development that the professional golf hall of fame facility is open to the public.

Section 154. Section 288.1169, Florida Statutes, is amended to read:

288.1169 International Game Fish Association World Center facility.—

(1) The Division of Strategic Business Development of Jobs Florida Department of Commerce shall serve as the state agency approving applicants for funding pursuant to s. 212.20 and for certifying the applicant as the International Game Fish Association World Center facility. For purposes of this section, “facility” means the International Game Fish Association World Center, and “project” means the International Game Fish Association World Center and new colocated improvements by private sector concerns who have made cash or in-kind contributions to the facility of $1 million or more.

(2) Prior to certifying this facility, the division department must determine that:

(a) The International Game Fish Association World Center is the only fishing museum, Hall of Fame, and international administrative headquarters in the United States recognized by the International Game Fish Association, and that one or more private sector concerns have committed to donate to the International Game Fish Association land upon which the International Game Fish Association World Center will operate.

(b) International Game Fish Association is a not-for-profit Florida corporation that has contracted to construct and operate
the facility.

  (c) The municipality in which the facility is located, or
the county if the facility is located in an unincorporated area,
has certified by resolution after a public hearing that the
facility serves a public purpose.

  (d) There are existing projections that the International
Game Fish Association World Center facility and the colocated
facilities of private sector concerns will attract an attendance
of more than 1.8 million annually.

  (e) There is an independent analysis or study, using
methodology approved by the division department, which
demonstrates that the amount of the revenues generated by the
taxes imposed under chapter 212 with respect to the use and
operation of the project will exceed $1 million annually.

  (f) There are existing projections that the project will
attract more than 300,000 persons annually who are not residents
of the state.

  (g) The applicant has submitted an agreement to provide
$500,000 annually in national and international media promotion
of the facility, at the then-current commercial rates, during
the period of time that the facility receives funds pursuant to
s. 212.20. Failure on the part of the applicant to annually
provide the advertising as provided in this paragraph shall
result in the termination of the funding as provided in s.
212.20. The applicant can discharge its obligation under this
paragraph by contracting with other persons, including private
sector concerns who participate in the project.

  (h) Documentation exists that demonstrates that the
applicant has provided, and is capable of providing, or has
financial or other commitments to provide, more than one-half of
the cost incurred or related to the improvements and the
development of the facility.

   (i) The application is signed by senior officials of the
International Game Fish Association and is notarized according
to Florida law providing for penalties for falsification.

   (3) The applicant may use funds provided pursuant to s.
212.20 for the purpose of paying for the construction,
reconstruction, renovation, promotion, or operation of the
facility, or to pay or pledge for payment of debt service on, or
to fund debt service reserve funds, arbitrage rebate
obligations, or other amounts payable with respect to, bonds
issued for the construction, reconstruction, or renovation of
the facility or for the reimbursement of such costs or by
refinancing of bonds issued for such purposes.

   (4) Upon determining that an applicant is or is not
certifiable, the Division of Strategic Business Development of
Jobs Florida Department of Commerce shall notify the applicant
of its status by means of an official letter. If certifiable,
the Division of Strategic Business Development of
Jobs Florida Department of Commerce shall notify the executive
director of the Department of Revenue and the applicant of such
certification by means of an official letter granting
certification. From the date of such certification, the
applicant shall have 5 years to open the facility to the public
and notify the Division of Strategic Business Development of
Jobs Florida Department of Commerce of such opening.
The Department of Revenue shall not begin distributing funds
until 30 days following notice by the Division of Strategic Business Development of
Jobs Florida Department of Commerce that the facility is open to the public.

   (5) The Department of Revenue may audit as provided in s.
213.34 to verify that the contributions pursuant to this section have been expended as required by this section.

(6) The Division of Strategic Business Development of Jobs Florida Department of Commerce must recertify every 10 years that the facility is open, that the International Game Fish Association World Center continues to be the only international administrative headquarters, fishing museum, and Hall of Fame in the United States recognized by the International Game Fish Association, and that the project is meeting the minimum projections for attendance or sales tax revenues as required at the time of original certification. If the facility is not recertified during this 10-year review as meeting the minimum criteria are met. If the project fails to generate $1 million of annual revenues pursuant to paragraph (2)(e), the distribution of revenues pursuant to s. 212.20(6)(d) shall be reduced to an amount equal to $83,333 multiplied by a fraction, the numerator of which is the actual revenues generated and the denominator of which is $1 million. Such reduction remains in effect until revenues generated by the project in a 12-month period equal or exceed $1 million.

Section 155. Paragraph (d) of subsection (1), and subsections (2) and (3) of section 288.1171, Florida Statutes, are amended, and present paragraphs (e) through (g) of subsection (1) are redesignated as paragraphs (d) through (f), respectively, to read:

288.1171 Motorsports entertainment complex; definitions; certification; duties.—

(1) As used in this section, the term:
(d) “Office” means The Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor.

(2) Jobs Florida The Office of Tourism, Trade, and Economic Development shall serve as the state agency for screening applicants for local option funding under s. 218.64(3) and for certifying an applicant as a motorsports entertainment complex. Jobs Florida The Office shall develop and adopt rules for the receipt and processing of applications for funding under s. 218.64(3). Jobs Florida The Office shall make a determination regarding any application filed by an applicant not later than 120 days after the application is filed.

(3) Before certifying an applicant as a motorsports entertainment complex, Jobs Florida the Office must determine that:

(a) A unit of local government holds title to the land on which the motorsports entertainment complex is located or holds title to the motorsports entertainment complex.

(b) The municipality in which the motorsports entertainment complex is located, or the county if the motorsports entertainment complex is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

Section 156. Section 288.122, Florida Statutes, is amended to read:

288.122 Tourism Promotional Trust Fund.—There is created within Jobs Florida The Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor the Tourism Promotional Trust Fund. Moneys deposited in the Tourism Promotional Trust Fund shall only be used to support the
authorized activities and operations of the Florida Commission on Tourism, and to support tourism promotion and marketing activities, services, functions, and programs administered by the Jobs Florida Partnership, Inc., Florida Commission on Tourism through a contract with Jobs Florida the commission’s direct-support organization created under s. 288.1226.

Section 157. Section 288.12265, Florida Statutes, is amended to read:

288.12265 Welcome centers.—
(1) Responsibility for the welcome centers is assigned to the Jobs Florida Partnership, Inc., Florida Commission on Tourism which shall contract with the commission’s direct-support organization to employ all welcome center staff.

(2) The Jobs Florida Partnership, Inc., Florida Commission on Tourism, through its direct-support organization, shall administer and operate the welcome centers. Pursuant to a contract with the Department of Transportation, the Jobs Florida Partnership, Inc., commission shall be responsible for routine repair, replacement, or improvement and the day-to-day management of interior areas occupied by the welcome centers. All other repairs, replacements, or improvements to the welcome centers shall be the responsibility of the Department of Transportation.

Section 158. Section 288.124, Florida Statutes, is amended to read:

288.124 Convention grants program.—The Jobs Florida Partnership, Inc., Commission on Tourism is authorized to establish a convention grants program and, pursuant thereto, to recommend to Jobs Florida The Office of Tourism, Trade, and
Economic Development expenditures and contracts with local
governments and nonprofit corporations or organizations for the
purpose of attracting national conferences and conventions to
Florida. Preference shall be given to local governments and
nonprofit corporations or organizations seeking to attract
minority conventions to Florida. Minority conventions are events
that primarily involve minority persons, as defined in s.
288.703, who are residents or nonresidents of the state. The
commission shall establish guidelines governing the award of
grants and the administration of this program. Jobs Florida The
Office of Tourism, Trade, and Economic Development has final
approval authority for any grants under this section. The total
annual allocation of funds for this program shall not exceed
$40,000.

Section 159. Subsection (1) of section 288.1251, Florida
Statutes, is amended to read:

288.1251 Promotion and development of entertainment
industry; Office of Film and Entertainment; creation; purpose;
powers and duties.—
(1) CREATION.—
(a) There is hereby created within Jobs Florida The Office
of Tourism, Trade, and Economic Development the Office of Film
and Entertainment for the purpose of developing, marketing,
promoting, and providing services to the state’s entertainment
industry.
(b) Jobs Florida The Office of Tourism, Trade, and Economic
Development shall conduct a national search for a qualified
person to fill the position of Commissioner of Film and
Entertainment when the position is vacant. The commissioner of
Jobs Florida Executive Director of the Office of Tourism, Trade, and Economic Development has the responsibility to hire the film commissioner. Qualifications for the film commissioner include, but are not limited to, the following:

1. A working knowledge of the equipment, personnel, financial, and day-to-day production operations of the industries to be served by the Office of Film and Entertainment;

2. Marketing and promotion experience related to the film and entertainment industries to be served;

3. Experience working with a variety of individuals representing large and small entertainment-related businesses, industry associations, local community entertainment industry liaisons, and labor organizations; and

4. Experience working with a variety of state and local governmental agencies.

Section 160. Subsections (1) and (2), paragraph (e) of subsection (3), and paragraphs (d), (f), (g), and (h) of subsection (5) of section 288.1252, Florida Statutes, are amended to read:

288.1252 Florida Film and Entertainment Advisory Council; creation; purpose; membership; powers and duties.—

1. CREATION.—There is hereby created within Jobs Florida The Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor, for administrative purposes only, the Florida Film and Entertainment Advisory Council.

2. PURPOSE.—The purpose of the council shall be to serve as an advisory body to Jobs Florida The Office of Tourism, Trade, and Economic Development and to the Office of Film and Entertainment to provide these offices with industry insight and
expertise related to developing, marketing, promoting, and providing service to the state’s entertainment industry.

(3) MEMBERSHIP.—

(e) A representative of the Jobs Florida Partnership, Inc., and Enterprise Florida, Inc., a representative of Workforce Florida, Inc., and a representative of VISIT Florida shall serve as ex officio, nonvoting members of the council, and shall be in addition to the 17 appointed members of the council.

(5) POWERS AND DUTIES.—The Florida Film and Entertainment Advisory Council shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the power to:

(d) Consider and study the needs of the entertainment industry for the purpose of advising the film commissioner and Jobs Florida the Office of Tourism, Trade, and Economic Development.

(f) Consider all matters submitted to it by the film commissioner and Jobs Florida the Office of Tourism, Trade, and Economic Development.

(g) Advise and consult with the film commissioner and Jobs Florida the Office of Tourism, Trade, and Economic Development, at their request or upon its own initiative, regarding the promulgation, administration, and enforcement of all laws and rules relating to the entertainment industry.

(h) Suggest policies and practices for the conduct of business by the Office of Film and Entertainment or by Jobs Florida the Office of Tourism, Trade, and Economic Development that will improve internal operations affecting the
Section 161. Subsections (1), (2), (3), and (4) of section 288.1253, Florida Statutes, are amended to read:

288.1253 Travel and entertainment expenses.—

(1) As used in this section, the term “travel expenses” means the actual, necessary, and reasonable costs of transportation, meals, lodging, and incidental expenses normally incurred by an employee of the Office of Film and Entertainment, which costs are defined and prescribed by rules adopted by the Office of Tourism, Trade, and Economic Development, subject to approval by the Chief Financial Officer.

(2) Notwithstanding the provisions of s. 112.061, the Office of Tourism, Trade, and Economic Development shall adopt rules by which it may make expenditures by reimbursement to: the Governor, the Lieutenant Governor, security staff of the Governor or Lieutenant Governor, the Commissioner of Film and Entertainment, or staff of the Office of Film and Entertainment for travel expenses or entertainment expenses incurred by such individuals solely and exclusively in connection with the performance of the statutory duties of the Office of Film and Entertainment. The rules are subject to approval by the Chief Financial Officer before adoption. The rules shall require the submission of paid receipts, or other proof of expenditure prescribed by the Chief Financial Officer, with any claim for reimbursement.

(3) The Office of Tourism, Trade, and Economic Development shall prepare an annual report of the expenditures of the Office of Film and Entertainment and provide such report
to the Legislature no later than December 30 of each year for
the expenditures of the previous fiscal year. The report shall
consist of a summary of all travel, entertainment, and
incidental expenses incurred within the United States and all
travel, entertainment, and incidental expenses incurred outside
the United States, as well as a summary of all successful
projects that developed from such travel.

(4) The Office of Film and Entertainment and its employees
and representatives, when authorized, may accept and use
complimentary travel, accommodations, meeting space, meals,
equipment, transportation, and any other goods or services
necessary for or beneficial to the performance of the office’s
duties and purposes, so long as such acceptance or use is not in
conflict with part III of chapter 112. Jobs Florida The Office
of Tourism, Trade, and Economic Development shall, by rule,
develop internal controls to ensure that such goods or services
accepted or used pursuant to this subsection are limited to
those that will assist solely and exclusively in the furtherance
of the office’s goals and are in compliance with part III of
chapter 112.

Section 162. Paragraph (a) of subsection (1), paragraphs
(d), (f), and (g) of subsection (3), paragraphs (c) and (d) of
subsection (4), paragraph (a) of subsection (5), and paragraph
(b) of subsection (9) of section 288.1254, Florida Statutes, are
amended to read:

288.1254 Entertainment industry financial incentive
program.—

(1) DEFINITIONS.—As used in this section, the term:
(a) “Certified production” means a qualified production
that has tax credits allocated to it by Jobs Florida the Office of Tourism, Trade, and Economic Development based on the production’s estimated qualified expenditures, up to the production’s maximum certified amount of tax credits, by Jobs Florida the Office of Tourism, Trade, and Economic Development. The term does not include a production if its first day of principal photography or project start date in this state occurs before the production is certified by Jobs Florida the Office of Tourism, Trade, and Economic Development, unless the production spans more than 1 fiscal year, was a certified production on its first day of principal photography or project start date in this state, and submits an application for continuing the same production for the subsequent fiscal year.

(3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

(d) Certification.—The Office of Film and Entertainment shall review the application within 15 business days after receipt. Upon its determination that the application contains all the information required by this subsection and meets the criteria set out in this section, the Office of Film and Entertainment shall qualify the applicant and recommend to Jobs Florida the Office of Tourism, Trade, and Economic Development that the applicant be certified for the maximum tax credit award amount. Within 5 business days after receipt of the recommendation, Jobs Florida the Office of Tourism, Trade, and Economic Development shall reject the recommendation or certify the maximum recommended tax credit award, if any, to the applicant and to the executive director of the Department of Revenue.

(f) Verification of actual qualified expenditures.—
1. The Office of Film and Entertainment shall develop a process to verify the actual qualified expenditures of a certified production. The process must require:
   a. A certified production to submit, in a timely manner after production ends in this state and after making all of its qualified expenditures in this state, data substantiating each qualified expenditure, including documentation on the net expenditure on equipment and other tangible personal property by the qualified production, to an independent certified public accountant licensed in this state;
   b. Such accountant to conduct a compliance audit, at the certified production’s expense, to substantiate each qualified expenditure and submit the results as a report, along with the required substantiating data, to the Office of Film and Entertainment; and
   c. The Office of Film and Entertainment to review the accountant’s submittal and report to Jobs Florida the Office of Tourism, Trade, and Economic Development the final verified amount of actual qualified expenditures made by the certified production.

2. Jobs Florida The Office of Tourism, Trade, and Economic Development shall determine and approve the final tax credit award amount to each certified applicant based on the final verified amount of actual qualified expenditures and shall notify the executive director of the Department of Revenue in writing that the certified production has met the requirements of the incentive program and of the final amount of the tax credit award. The final tax credit award amount may not exceed the maximum tax credit award amount certified under paragraph
(d).

(g) Promoting Florida.—The Office of Film and Entertainment shall ensure that, as a condition of receiving a tax credit under this section, marketing materials promoting this state as a tourist destination or film and entertainment production destination are included, when appropriate, at no cost to the state, which must, at a minimum, include placement of a “Filmed in Florida” or “Produced in Florida” logo in the end credits. The placement of a “Filmed in Florida” or “Produced in Florida” logo on all packaging material and hard media is also required, unless such placement is prohibited by licensing or other contractual obligations. The size and placement of such logo shall be commensurate to other logos used. If no logos are used, the statement “Filmed in Florida using Florida’s Entertainment Industry Financial Incentive,” or a similar statement approved by the Office of Film and Entertainment, shall be used. The Office of Film and Entertainment shall provide a logo and supply it for the purposes specified in this paragraph. A 30-second “Visit Florida” promotional video must also be included on all optical disc formats of a film, unless such placement is prohibited by licensing or other contractual obligations. The 30-second promotional video shall be approved and provided by the Jobs Florida Partnership, Inc., Florida Tourism Industry Marketing Corporation in consultation with the Commissioner of Film and Entertainment.

(4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES; ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS; PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND ACQUISITIONS.—
(c) Withdrawal of tax credit eligibility.—A qualified or certified production must continue on a reasonable schedule, which includes beginning principal photography or the production project in this state no more than 45 calendar days before or after the principal photography or project start date provided in the production’s program application. Jobs Florida The Office of Tourism, Trade, and Economic Development shall withdraw the eligibility of a qualified or certified production that does not continue on a reasonable schedule.

(d) Election and distribution of tax credits.—

1. A certified production company receiving a tax credit award under this section shall, at the time the credit is awarded by Jobs Florida the Office of Tourism, Trade, and Economic Development after production is completed and all requirements to receive a credit award have been met, make an irrevocable election to apply the credit against taxes due under chapter 220, against state taxes collected or accrued under chapter 212, or against a stated combination of the two taxes. The election is binding upon any distributee, successor, transferee, or purchaser. Jobs Florida the Office of Tourism, Trade, and Economic Development shall notify the Department of Revenue of any election made pursuant to this paragraph.

2. A qualified production company is eligible for tax credits against its sales and use tax liabilities and corporate income tax liabilities as provided in this section. However, tax credits awarded under this section may not be claimed against sales and use tax liabilities or corporate income tax liabilities for any tax period beginning before July 1, 2011, regardless of when the credits are applied for or awarded.
(5) TRANSFER OF TAX CREDITS.—

(a) Authorization.—Upon application to the Office of Film and Entertainment and approval by Jobs Florida the Office of Tourism, Trade, and Economic Development, a certified production company, or a partner or member that has received a distribution under paragraph (4)(g), may elect to transfer, in whole or in part, any unused credit amount granted under this section. An election to transfer any unused tax credit amount under chapter 212 or chapter 220 must be made no later than 5 years after the date the credit is awarded, after which period the credit expires and may not be used. Jobs Florida The Office of Tourism, Trade, and Economic Development shall notify the Department of Revenue of the election and transfer.

(9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX CREDITS; FRAUDULENT CLAIMS.—

(b) Revocation of tax credits.—Jobs Florida The Office of Tourism, Trade, and Economic Development may revoke or modify any written decision qualifying, certifying, or otherwise granting eligibility for tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive tax credits under this section. Jobs Florida The Office of Tourism, Trade, and Economic Development shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the applicant must notify the Department of Revenue of any change in its tax credit claimed.

Section 163. Section 288.386, Florida Statutes, is amended
to read:

288.386 Florida-Caribbean Basin Trade Initiative.—

(1) Contingent upon a specific appropriation, the Seaport Employment Training Grant Program (STEP) shall establish and administer the Florida-Caribbean Basin Trade Initiative for the purpose of assisting small and medium-sized businesses to become involved in international activities and helping them to identify markets with product demand, identify strategic alliances in those markets, and obtain the financing to effectuate trade opportunities in the Caribbean Basin. The initiative must focus assistance to businesses located in urban communities. The initiative shall offer export readiness, assistance and referral services, internships, seminars, workshops, conferences, and e-commerce plus mentoring and matchmaking services, but shall coordinate with and not duplicate those services provided by the Jobs Florida Partnership Enterprise Florida, Inc.

(2) To enhance initiative effectiveness and leverage resources, STEP shall coordinate initiative activities with the Jobs Florida Partnership Enterprise Florida, Inc., United States Export Assistance Centers, Florida Export Finance Corporation, Florida Trade Data Center, Small Business Development Centers, and any other organizations STEP deems appropriate. The coordination may encompass export assistance and referral services, export financing, job-training programs, educational programs, market research and development, market promotion, trade missions, e-commerce, and mentoring and matchmaking services relative to the expansion of trade between Florida and the Caribbean Basin. The initiative shall also form alliances
with multilateral, international, and domestic funding programs from Florida, the United States, and the Caribbean Basin to coordinate systems and programs for fundamental assistance in facilitating trade and investment.

(3) STEP shall administer the Florida-Caribbean Basin Trade Initiative pursuant to a performance-based contract with Jobs Florida, which the Office of Tourism, Trade, and Economic Development. The Office of Tourism, Trade, and Economic Development shall develop performance measures, standards, and sanctions for the initiative. Performance measures must include, but are not limited to, the number of businesses assisted; the number of urban businesses assisted; and the increase in value of exports to the Caribbean which is attributable to the initiative.

Section 164. Section 288.7011, Florida Statutes, is amended to read:

288.7011 Assistance to certified development corporation.—

The Office of Tourism, Trade, and Economic Development is authorized to enter into contracts with a nonprofit, statewide development corporation certified pursuant to s. 503 of the Small Business Investment Act of 1958, as amended, to permit such corporation to locate and contract for administrative and technical staff assistance and support, including, without limitation, assistance to the development corporation in the packaging and servicing of loans for the purpose of stimulating and expanding the availability of private equity capital and long-term loans to small businesses. Such assistance and support will cease when the corporation has received state support in an amount the equivalent of $250,000
per year over a 5-year period beginning July 1, 1997. Any contract between Jobs Florida the Office and such corporation shall specify that the records of the corporation must be available for audit by Jobs Florida the Office and by the Auditor General.

Section 165. Section 288.7015, Florida Statutes, is amended to read:

288.7015 Appointment of rules ombudsman; duties.—The Governor shall appoint a rules ombudsman, as defined in s. 288.703, in the Executive Office of the Governor, for considering the impact of agency rules on the state’s citizens and businesses. In carrying out duties as provided by law, the ombudsman shall consult with the Jobs Florida Partnership Enterprise Florida, Inc., at which point Jobs Florida the office may recommend to improve the regulatory environment of this state. The duties of the rules ombudsman are to:

(1) Carry out the responsibility provided in s. 120.54(2), with respect to small businesses.

(2) Review state agency rules that adversely or disproportionately impact businesses, particularly those relating to small and minority businesses.

(3) Make recommendations on any existing or proposed rules to alleviate unnecessary or disproportionate adverse effects to businesses.

(4) Each state agency shall cooperate fully with the rules ombudsman in identifying such rules. Further, each agency shall take the necessary steps to waive, modify, or otherwise minimize such adverse effects of any such rules. However, nothing in this section authorizes any state agency to waive, modify, provide...
exceptions to, or otherwise alter any rule that is:

(a) Expressly required to implement or enforce any statutory provision or the express legislative intent thereof;

(b) Designed to protect persons against discrimination on the basis of race, color, national origin, religion, sex, age, handicap, or marital status; or

(c) Likely to prevent a significant risk or danger to the public health, the public safety, or the environment of the state.

(5) The modification or waiver of any such rule pursuant to this section must be accomplished in accordance with the provisions of chapter 120.

Section 166. Section 288.705, Florida Statutes, is amended to read:

288.705 Statewide contracts register.—All state agencies shall in a timely manner provide the Florida Small Business Development Center Procurement System with all formal solicitations for contractual services, supplies, and commodities. The Small Business Development Center shall coordinate with Minority Business Development Centers to compile and distribute this information to small and minority businesses requesting such service for the period of time necessary to familiarize the business with the market represented by state agencies. On or before February 1 of each year, the Small Business Development Center shall report to Jobs Florida the Agency for Workforce Innovation on the use of the statewide contracts register. The report shall include, but not be limited to, information relating to:

(1) The total number of solicitations received from state
agencies during the calendar year.

(2) The number of solicitations received from each state agency during the calendar year.

(3) The method of distributing solicitation information to businesses requesting such service.

(4) The total number of businesses using the service.

(5) The percentage of businesses using the service which are owned and controlled by minorities.

(6) The percentage of service-disabled veteran business enterprises using the service.

Section 167. Subsection (12) of section 288.706, Florida Statutes, is amended to read:

288.706 Florida Minority Business Loan Mobilization Program.—

(12) The Department of Management Services shall collaborate with the Jobs Florida Partnership Florida Black Business Investment Board, Inc., and Jobs Florida the Office of Tourism, Trade, and Economic Development to assist in the development and enhancement of black business enterprises.

Section 168. Subsection (2) of section 288.7094, Florida Statutes, is amended to read:

288.7094 Black business investment corporations.—

(2) A black business investment corporation that meets the requirements of s. 288.7102(4) is eligible to participate in the Black Business Loan Program and shall receive priority consideration by Jobs Florida the Office of Tourism, Trade, and Economic Development for participation in the program.

Section 169. Section 288.7102, Florida Statutes, is amended to read:
288.7102 Black Business Loan Program.—

(1) The Black Business Loan Program is established in [Jobs Florida, which the Office of Tourism, Trade, and Economic Development. Under the program, the office shall annually certify eligible recipients and subsequently disburse funds appropriated by the Legislature, through such eligible recipients, to black business enterprises that cannot obtain capital through conventional lending institutions but that could otherwise compete successfully in the private sector.

(2) The office shall establish an application and annual certification process for entities seeking funds to participate in providing loans, loan guarantees, or investments in black business enterprises pursuant to the Florida Black Business Investment Act. The office shall process all applications and recertifications submitted by June 1 on or before July 31.

(3) If the Black Business Loan Program is appropriated any funding in a fiscal year, the Office shall distribute an equal amount of the appropriation, calculated as the total annual appropriation divided by the total number of program recipients certified on or before July 31 of that fiscal year.

(4) To be eligible to receive funds and provide loans, loan guarantees, or investments under this section, a recipient must:

(a) Be a corporation registered in the state.

(b) For an existing recipient, annually submit to the office a financial audit performed by an independent certified public account for the most recently completed fiscal year, which audit does not reveal any material weaknesses or
instances of material noncompliance.

(c) For a new recipient:

1. Demonstrate that its board of directors includes citizens of the state experienced in the development of black business enterprises.

2. Demonstrate that the recipient has a business plan that allows the recipient to operate in a manner consistent with the requirements of the Jobs Florida Partnership, Inc., ss. 288.707-288.714 and the rules of Jobs Florida the office.

3. Demonstrate that the recipient has the technical skills to analyze and evaluate applications by black business enterprises for loans, loan guarantees, or investments.

4. Demonstrate that the recipient has established viable partnerships with public and private funding sources, economic development agencies, and workforce development and job referral networks.

5. Demonstrate that the recipient can provide a private match equal to 20 percent of the amount of funds provided by the office.

(d) For an existing or new recipient, agree to maintain the recipient’s books and records relating to funds received by Jobs Florida the office according to generally accepted accounting principles and in accordance with the requirements of s. 215.97(7) and to make those books and records available to Jobs Florida the office for inspection upon reasonable notice.

(5) Each eligible recipient must meet the requirements of the Jobs Florida Partnership, Inc., provisions of ss. 288.707-288.714, the terms of the contract between the recipient and Jobs Florida the Office, and any other applicable state or
federal laws. An entity may not receive funds under ss. 288.707-
288.714 unless the entity meets annual certification
requirements.
(6) Upon approval by Jobs Florida the Office and before
release of the funds as provided in this section, Jobs Florida
the Office shall issue a letter certifying the applicant as
qualified for an award. Jobs Florida the Office and the
applicant shall enter into an agreement that sets forth the
conditions for award of the funds. The agreement must include
the total amount of funds awarded; the performance conditions
that must be met once the funding has been awarded, including,
but not limited to, compliance with all of the requirements of
this section for eligible recipients of funds under this
section; and sanctions for failure to meet performance
conditions, including any provisions to recover awards.
(7) Jobs Florida The Office, in consultation with the
board, shall adopt rules pursuant to ss. 120.536(1) and 120.54
to implement this section.
(8) A black business investment corporation certified by
Jobs Florida the Office as an eligible recipient under this
section is authorized to use funds appropriated for the Black
Business Loan Program in any of the following forms:
(a) Purchases of stock, preferred or common, voting or
nonvoting; however, no more than 40 percent of the funds may be
used for direct investments in black business enterprises;
(b) Loans or loan guarantees, with or without recourse, in
either a subordinated or priority position; or
(c) Technical support to black business enterprises, not to
exceed 9 percent of the funds received, and direct
administrative costs, not to exceed 12 percent of the funds received.

(9) It is the intent of the Legislature that if any one type of investment mechanism authorized in subsection (8) is held to be invalid, all other valid mechanisms remain available.

(10) All loans, loan guarantees, and investments, and any income related thereto, shall be used to carry out the public purpose of ss. 288.707-288.714, which is to develop black business enterprises. This subsection does not preclude a reasonable profit for the participating black business investment corporation or for return of equity developed to the state and participating financial institutions upon any distribution of the assets or excess income of the investment corporation.

Section 170. Section 288.714, Florida Statutes, is amended to read:

288.714 Quarterly and annual reports.—

(1) Each recipient of state funds under s. 288.7102 shall provide to Jobs Florida, the Office a quarterly report within 15 days after the end of each calendar quarter that includes a detailed summary of the recipient’s performance of the duties imposed by s. 288.7102, including, but not limited to:

(a) The dollar amount of all loans or loan guarantees made to black business enterprises, the percentages of the loans guaranteed, and the names and identification of the types of businesses served.

(b) Loan performance information.

(c) The amount and nature of all other financial assistance provided to black business enterprises.
(d) The amount and nature of technical assistance provided to black business enterprises, including technical assistance services provided in areas in which such services are otherwise unavailable.

(e) A balance sheet for the recipient, including an explanation of all investments and administrative and operational expenses.

(f) A summary of all services provided to nonblack business enterprises, including the dollar value and nature of such services and the names and identification of the types of businesses served.

(g) Any other information as required by policies adopted by Jobs Florida the Office.

(2) Jobs Florida the Office must compile a summary of all quarterly reports and provide a copy of the summary to the board within 30 days after the end of each calendar quarter that includes a detailed summary of the recipient’s performance of the duties imposed by s. 288.7102.

(3) By August 31 of each year, Jobs Florida the Office shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed report of the performance of the Black Business Loan Program. The report must include a cumulative summary of quarterly report data required by subsection (1).

(4) By August 31 of each year, the board shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed report of the board’s performance, including:

(a) A description of the strategies implemented by the
board to increase private investment in black business enterprises.

(b) A summary of the board’s performance of its duties under ss. 288.707-288.712.

(c) The most recent 5-year projection of the need for capital by black business enterprises.

(d) Recommendations for legislative or other changes to enhance the development and expansion of black business enterprises in the state.

(e) A projection of the program’s activities during the next 12 months.

Section 171. Subsection (1) of section 288.773, Florida Statutes, is amended to read:

288.773 Florida Export Finance Corporation.—The Florida Export Finance Corporation is hereby created as a corporation not for profit, to be incorporated under the provisions of chapter 617 and approved by the Department of State. The corporation is organized on a nonstock basis. The purpose of the corporation is to expand employment and income opportunities for residents of this state through increased exports of goods and services, by providing businesses domiciled in this state information and technical assistance on export opportunities, exporting techniques, and financial assistance through guarantees and direct loan originations for sale in support of export transactions. The corporation shall have the power and authority to carry out the following functions:

(1) To coordinate the efforts of the corporation with programs and goals of the United States Export-Import Bank, the International Trade Administration of the United States
Department of Commerce, the Foreign Credit Insurance Association, the Jobs Florida Partnership Enterprise Florida, Inc., and its boards, and other private and public programs and organizations, domestic and foreign, designed to provide export assistance and export-related financing.

Section 172. Paragraph (b) of subsection (3) of section 288.774, Florida Statutes, is amended to read:

288.774 Powers and limitations.—

(3)
(b) In providing assistance, the board shall be guided by the statewide economic development plan adopted by Jobs Florida and the Jobs Florida Partnership, Inc pursuant to s. 288.905.

Section 173. Paragraph (a) of subsection (1) and paragraphs (a), (c), and (g) of subsection (3) of section 288.776, Florida Statutes, are amended to read:

288.776 Board of directors; powers and duties.—

(1)(a) The corporation shall have a board of directors consisting of 15 members representing all geographic areas of the state. Minority and gender representation must be considered when making appointments to the board. The board membership must include:

1. A representative of the following businesses, all of which must be registered to do business in this state: a foreign bank, a state bank, a federal bank, an insurance company involved in covering trade financing risks, and a small or medium-sized exporter.

2. The following persons or their designee: the President of the Jobs Florida Partnership Enterprise Florida, Inc., the Chief Financial Officer, the Secretary of State, and a senior
official of the United States Department of Commerce, and the chair of the Florida Black Business Investment Board.

(3) The board shall:

(a) Prior to the expenditure of funds from the export finance account, adopt bylaws, rules, and policies which are necessary to carry out the responsibilities under this part, particularly with respect to the implementation of the corporation’s programs to insure, coinsure, lend, provide loan guarantees, and make direct, guaranteed, or collateralized loans by the corporation to support export transactions. The corporation’s bylaws, rules, and policies shall be reviewed and approved by the Jobs Florida Partnership Enterprise Florida, Inc., prior to final adoption by the board.

(c) Issue an annual report to the Jobs Florida Partnership Enterprise Florida, Inc., on the activities of the corporation, including an evaluation of activities and recommendations for change. The evaluation shall include the corporation’s impact on the following:

1. Participation of private banks and other private organizations and individuals in the corporation’s export financing programs.

2. Access of small and medium-sized businesses in this state to federal export financing programs.

3. Export volume of the small and medium-sized businesses in this state accessing the corporation’s programs.

4. Other economic and social benefits to international programs in this state.

(g) Consult with the Jobs Florida Partnership Enterprise Florida, Inc., and its boards, or any state or federal agency,
to ensure that the respective loan guarantee or working capital
loan origination programs are not duplicative and that each
program makes full use of, to the extent practicable, the
resources of the other.

Section 174. Section 288.7771, Florida Statutes, is amended
to read:

288.7771 Annual report of Florida Export Finance
Corporation.—The corporation shall annually prepare and submit

Section 175. Section 288.816, Florida Statutes, is amended
to read:

288.816 Intergovernmental relations.—

(1) Jobs Florida The Office of Tourism, Trade, and Economic
Development shall be responsible for consular operations and the
sister city and sister state program and shall serve as liaison
with foreign, federal, and other state international
organizations and with county and municipal governments in
Florida.

(2) Jobs Florida The Office of Tourism, Trade, and Economic
Development shall be responsible for all consular relations
between the state and all foreign governments doing business in
Florida. Jobs Florida The office shall monitor United States
laws and directives to ensure that all federal treaties
regarding foreign privileges and immunities are properly
observed. Jobs Florida The office shall promulgate rules which shall:

(a) Establish a viable system of registration for foreign government officials residing or having jurisdiction in the state. Emphasis shall be placed on maintaining active communication between Jobs Florida The Office of Tourism, Trade, and Economic Development and the United States Department of State in order to be currently informed regarding foreign governmental personnel stationed in, or with official responsibilities for, Florida. Active dialogue shall also be maintained with foreign countries which historically have had dealings with Florida in order to keep them informed of the proper procedure for registering with the state.

(b) Maintain and systematically update a current and accurate list of all such foreign governmental officials, consuls, or consulates.

(c) Issue certificates to such foreign governmental officials after verification pursuant to proper investigations through United States Department of State sources and the appropriate foreign government.

(d) Verify entitlement to sales and use tax exemptions pursuant to United States Department of State guidelines and identification methods.

(e) Verify entitlement to issuance of special motor vehicle license plates by the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles to honorary consuls or such other officials representing foreign governments who are not entitled to issuance of special Consul Corps license plates by the United States Government.
(f) Establish a system of communication to provide all state and local law enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen.

(g) Request the Department of Law Enforcement to provide transportation and protection services when necessary pursuant to s. 943.68.

(h) Coordinate, when necessary, special activities between foreign governments and Florida state and local governments. These may include Consular Corps Day, Consular Corps conferences, and various other social, cultural, or educational activities.

(i) Notify all newly arrived foreign governmental officials of the services offered by Jobs Florida The Office of Tourism, Trade, and Economic Development.

(3) Jobs Florida The Office of Tourism, Trade, and Economic Development shall operate the sister city and sister state program and establish such new programs as needed to further global understanding through the interchange of people, ideas, and culture between Florida and the world. To accomplish this purpose, Jobs Florida the office shall have the power and authority to:

(a) Coordinate and carry out activities designed to encourage the state and its subdivisions to participate in sister city and sister state affiliations with foreign countries and their subdivisions. Such activities may include a State of Florida sister cities conference.

(b) Encourage cooperation with and disseminate information pertaining to the Sister Cities International Program and any
other program whose object is to promote linkages with foreign
countries and their subdivisions.

(c) Maximize any aid available from all levels of
government, public and private agencies, and other entities to
facilitate such activities.

(d) Establish a viable system of registration for sister
city and sister state affiliations between the state and foreign
countries and their subdivisions. Such system shall include a
method to determine that sufficient ties are properly
established as well as a method to supervise how these ties are
maintained.

(e) Maintain a current and accurate listing of all such
affiliations. Sister city affiliations shall not be discouraged
between the state and any country specified in s. 620(f)(1) of
the federal Foreign Assistance Act of 1961, as amended, with
whom the United States is currently conducting diplomatic
relations unless a mandate from the United States Government
expressly prohibits such affiliations.

(4) Jobs Florida The Office of Tourism, Trade, and Economic
Development shall serve as a contact for the state with the
Florida Washington Office, the Florida Congressional Delegation,
and United States Government agencies with respect to laws or
policies which may affect the interests of the state in the area
of international relations. All inquiries received regarding
international economic trade development or reverse investment
opportunities shall be referred to the Jobs Florida Partnership
Enterprise Florida, Inc. In addition, Jobs Florida the office
shall serve as liaison with other states with respect to
international programs of interest to Florida. Jobs Florida The
office shall also investigate and make suggestions regarding possible areas of joint action or regional cooperation with these states.

(5) Jobs Florida The Office of Tourism, Trade, and Economic Development shall have the power and duty to encourage the relocation to Florida of consular offices and multilateral and international agencies and organizations.

(6) Jobs Florida The Office of Tourism, Trade, and Economic Development, through membership on the board of directors of Enterprise Florida, Inc., shall help to contribute an international perspective to the state’s development efforts.

Section 176. Paragraph (a) of subsection (1) and subsection (2) of section 288.809, Florida Statutes, are amended to read:

288.809 Florida Intergovernmental Relations Foundation; use of property; board of directors; audit.—

(1) DEFINITIONS.—For the purposes of this section, the term:

(a) "Florida Intergovernmental Relations Foundation" means a direct-support organization:

1. Which is a corporation not for profit that is incorporated under the provisions of chapter 617 and approved by the Department of State;

2. Which is organized and operated exclusively to solicit, receive, hold, invest, and administer property and, subject to the approval of Jobs Florida the Office of Tourism, Trade, and Economic Development, to make expenditures to or for the promotion of intergovernmental relations programs; and

3. Which Jobs Florida the Office of Tourism, Trade, and Economic Development, after review, has certified to be...
operating in a manner consistent with the policies and goals of Jobs Florida the office.

(2) USE OF PROPERTY.—Jobs Florida The Office of Tourism, Trade, and Economic Development:

(a) Is authorized to permit the use of property, facilities, and personal services of Jobs Florida the Office of Tourism, Trade, and Economic Development by the foundation, subject to the provisions of this section.

(b) Shall prescribe conditions with which the foundation must comply in order to use property, facilities, or personal services of the department. Such conditions shall provide for budget and audit review and for oversight by Jobs Florida the Office of Tourism, Trade, and Economic Development.

(c) Shall not permit the use of property, facilities, or personal services of the foundation if the foundation does not provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, age, or religion.

Section 177. Section 288.826, Florida Statutes, is amended to read:

288.826 Florida International Trade and Promotion Trust Fund.—There is hereby established in the State Treasury the Florida International Trade and Promotion Trust Fund. The moneys deposited into this trust fund shall be administered by Jobs Florida the Office of Tourism, Trade, and Economic Development for the operation of the Jobs Florida Partnership Enterprise Florida, Inc., and its boards and for the operation of Florida international foreign offices under s. 288.012.

Section 178. Section 288.95155, Florida Statutes, is
amended to read:

288.95155 Florida Small Business Technology Growth Program.—

(1) The Florida Small Business Technology Growth Program is hereby established to provide financial assistance to businesses in this state having high job growth and emerging technology potential and fewer than 100 employees. The program shall be administered and managed by the Jobs Florida Partnership Enterprise Florida, Inc.

(2)(a) The Jobs Florida Partnership Enterprise Florida, Inc., shall establish a separate small business technology growth account in the Florida Technology Research Investment Fund for purposes of this section. Moneys in the account shall consist of appropriations by the Legislature, proceeds of any collateral used to secure such assistance, transfers, fees assessed for providing or processing such financial assistance, grants, interest earnings, and earnings on financial assistance.

(b) For the 2009-2010 fiscal year only, Enterprise Florida, Inc., shall advance up to $600,000 from the account to the Institute for Commercialization of Public Research for its operations. This paragraph expires July 1, 2010.

(3) Pursuant to s. 216.351, the amount of any moneys appropriated to the account which are unused at the end of the fiscal year shall not be subject to reversion under s. 216.301. All moneys in the account are continuously appropriated to the account and may be used for loan guarantees, letter of credit guarantees, cash reserves for loan and letter of credit guarantees, payments of claims pursuant to contracts for guarantees, subordinated loans, loans with warrants, royalty
investments, equity investments, and operations of the program. Any claim against the program shall be paid solely from the account. Neither the credit nor the taxing power of the state shall be pledged to secure the account or moneys in the account, other than from moneys appropriated or assigned to the account, and the state shall not be liable or obligated in any way for any claims against the account or against the Jobs Florida Partnership Enterprise Florida, Inc.

(4) Awards of assistance from the program shall be finalized subject to the policies and procedures of the Jobs Florida Partnership Enterprise Florida, Inc. The Jobs Florida Partnership Enterprise Florida, Inc., shall leverage at least one dollar of matching investment for each dollar awarded from the program. The Jobs Florida Partnership Enterprise Florida, Inc., shall give the highest priority to moderate-risk and high-risk ventures that offer the greatest opportunity for compelling economic development impact. The Jobs Florida Partnership Enterprise Florida, Inc., shall establish for each award a risk-reward timetable that profiles the risks of the assistance, estimates the potential economic development impact, and establishes a timetable for reviewing the success or failure of the assistance. By December 31 of each year, the Jobs Florida Partnership Enterprise Florida, Inc., shall evaluate, on a portfolio basis, the results of all awards of assistance made from the program during the year.

(5) The Jobs Florida Partnership Enterprise Florida, Inc., shall prepare for inclusion in Job Florida’s annual report required by s. 288.095 a report on the financial status of the program. The report must specify the assets and
liabilities of the program within the current fiscal year and
must include a portfolio update that lists all of the businesses
assisted, the private dollars leveraged by each business
assisted, and the growth in sales and in employment of each
business assisted.

Section 179. Paragraph (e) of subsection (2), paragraph (a)
of subsection (4), subsection (7), paragraph (b) of subsection
(8), subsection (9), paragraph (l) of subsection (10), and
subsection (15) of section 288.955, Florida Statutes, are
amended, and present subsections (16) and (17) of that section
are renumbered as subsections (15) and (16), respectively, to
read:

288.955 Scripps Florida Funding Corporation.—
(2) CREATION.—
(e) Jobs Florida The Office of Tourism, Trade, and Economic
Development shall provide administrative support to the
corporation as requested by the corporation. In the event of the
dissolution of the corporation, Jobs Florida the office shall be
the corporation’s successor in interest and shall assume all
rights, duties, and obligations of the corporation under any
contract to which the corporation is then a party and under law.

(4) BOARD; MEMBERSHIP.—The corporation shall be governed by
a board of directors.

(a) The board of directors shall consist of nine voting
members, of whom the Governor shall appoint three, the President
of the Senate shall appoint three, and the Speaker of the House
of Representatives shall appoint three. The commissioner of Jobs
Florida or the commissioner’s designee director of the Office of
Tourism, Trade, and Economic Development or the director’s...
designee shall serve as an ex-officio, nonvoting member of the board of directors.

(7) INVESTMENT OF FUNDS.—The corporation must enter into an agreement with the State Board of Administration under which funds received by the corporation from Jobs Florida the Office of Tourism, Trade, and Economic Development which are not disbursed to the grantee shall be invested by the State Board of Administration on behalf of the corporation. Funds shall be invested in suitable instruments authorized under s. 215.47 and specified in investment guidelines established and agreed to by the State Board of Administration and the corporation.

(8) CONTRACT.—

(b) The contract, at a minimum, must contain provisions:

1. Specifying the procedures and schedules that govern the disbursement of funds under this section and specifying the conditions or deliverables that the grantee must satisfy before the release of each disbursement.

2. Requiring the grantee to submit to the corporation a business plan in a form and manner prescribed by the corporation.

3. Prohibiting The Scripps Research Institute or the grantee from establishing other biomedical science or research facilities in any state other than this state or California for a period of 12 years from the commencement of the contract. Nothing in this subparagraph shall prohibit the grantee from establishing or engaging in normal collaborative activities with other organizations.

4. Governing the ownership of or security interests in real property and personal property, including, but not limited to,
research equipment, obtained through the financial support of
state or local government, including a provision that in the
event of a breach of the contract or in the event the grantee
ceases operations in this state, such property purchased with
state funds shall revert to the state and such property
purchased with local funds shall revert to the local governing
authority.

5. Requiring the grantee to be an equal opportunity
employer.

6. Requiring the grantee to maintain a policy of awarding
preference in employment to residents of this state, as defined
by law, except for professional scientific staff positions
requiring a doctoral degree, postdoctoral training positions,
and graduate student positions.

7. Requiring the grantee to maintain a policy of making
purchases from vendors in this state, to the extent it is cost-
effective and scientifically sound.

8. Requiring the grantee to use the Internet-based job-
listing system of Jobs Florida the Agency for Workforce
Innovation in advertising employment opportunities.

9. Requiring the grantee to establish accredited science
degree programs.

10. Requiring the grantee to establish internship programs
to create learning opportunities for educators and secondary,
postsecondary, graduate, and doctoral students.

11. Requiring the grantee to submit data to the corporation
on the activities and performance during each fiscal year and to
provide to the corporation an annual accounting of the
expenditure of funds disbursed under this section.
12. Establishing that the corporation shall review the activities of the grantee to assess the grantee’s financial and operational compliance with the provisions of the contract and with relevant provisions of law.

13. Authorizing the grantee, when feasible, to use information submitted by it to the Federal Government or to other organizations awarding research grants to the grantee to help meet reporting requirements imposed under this section or the contract, if the information satisfies the reporting standards of this section and the contract.

14. Requiring the grantee during the first 7 years of the contract to create 545 positions and to acquire associated research equipment for the grantee’s facility in this state, and pay for related maintenance of the equipment, in a total amount of not less than $45 million.

15. Requiring the grantee to progress in the creation of the total number of jobs prescribed in subparagraph 14. on the following schedule: At least 38 positions in the 1st year, 168 positions in the 2nd year, 280 positions in the 3rd year, 367 positions in the 4th year, 436 positions in the 5th year, 500 positions in the 6th year, and 545 positions in the 7th year. The board may allow the grantee to deviate downward from such employee levels by 25 percent in any year, to allow the grantee flexibility in achieving the objectives set forth in the business plan provided to the corporation; however, the grantee must have no fewer than 545 positions by the end of the 7th year.

16. Requiring the grantee to allow the corporation to retain an independent certified public accountant licensed in
this state pursuant to chapter 473 to inspect the records of the
grantee in order to audit the expenditure of funds disbursed to
the grantee. The independent certified public accountant shall
not disclose any confidential or proprietary scientific
information of the grantee.

17. Requiring the grantee to purchase liability insurance
and governing the coverage level of such insurance.

(9) PERFORMANCE EXPECTATIONS.—In addition to the provisions
prescribed in subsection (8), the contract between the
corporation and the grantee shall include a provision that the
grantee, in cooperation with **Jobs Florida** the Office of Tourism,
Trade, and Economic Development, shall report to the corporation
on performance expectations that reflect the aspirations of the
Governor and the Legislature for the benefits accruing to this
state as a result of the funds appropriated pursuant to this
section. These shall include, but are not limited to,
performance expectations addressing:

(a) The number and dollar value of research grants obtained
from the Federal Government or sources other than this state.

(b) The percentage of total research dollars received by
The Scripps Research Institute from sources other than this
state which is used to conduct research activities by the
grantee in this state.

(c) The number or value of patents obtained by the grantee.

(d) The number or value of licensing agreements executed by
the grantee.

(e) The extent to which research conducted by the grantee
results in commercial applications.

(f) The number of collaborative agreements reached and
maintained with colleges and universities in this state and with
research institutions in this state, including agreements that
foster participation in research opportunities by public and
private colleges and universities and research institutions in
this state with significant minority populations, including
historically black colleges and universities.

(g) The number of collaborative partnerships established
and maintained with businesses in this state.

(h) The total amount of funding received by the grantee
from sources other than the State of Florida.

(i) The number or value of spin-off businesses created in
this state as a result of commercialization of the research of
the grantee.

(j) The number or value of businesses recruited to this
state by the grantee.

(k) The establishment and implementation of policies to
promote supplier diversity using the guidelines developed by the
Office of Supplier Diversity under s. 287.09451 and to comply
with the ordinances, including any small business ordinances,
enacted by the county and which are applicable to the biomedical
research institution and campus located in this state.

(l) The designation by the grantee of a representative to
coordinate with the Office of Supplier Diversity.

(m) The establishment and implementation of a program to
conduct workforce recruitment activities at public and private
colleges and universities and community colleges in this state
which request the participation of the grantee.

The contract shall require the grantee to provide information to
the corporation on the progress in meeting these performance expectations on an annual basis. It is the intent of the Legislature that, in fulfilling its obligation to work with Florida’s public and private colleges and universities, Scripps Florida work with such colleges and universities regardless of size.

(10) DISBURSEMENT CONDITIONS.—In addition to the provisions prescribed in subsection (8), the contract between the corporation and the grantee shall include disbursement conditions that must be satisfied by the grantee as a condition for the continued disbursement of funds under this section. These disbursement conditions shall be negotiated between the corporation and the grantee and shall not be designed to impede the ability of the grantee to attain full operational status. The disbursement conditions may be appropriately varied as to timeframes, numbers, values, and percentages. The disbursement conditions shall include, but are not limited to, the following areas:

(1) Beginning June 2004, the grantee shall commence collaboration efforts with Jobs Florida, the Office of Tourism, Trade, and Economic Development by complying with reasonable requests for cooperation in economic development efforts in the biomed/biotech industry. No later than July 2004, the grantee shall designate a person who shall be charged with assisting in these collaborative efforts.

(15) PROGRAM EVALUATION.—

(a) Before January 1, 2007, the Office of Program Policy Analysis and Government Accountability shall conduct a performance audit of the Office of Tourism, Trade, and Economic
Development and the corporation relating to the provisions of this section. The audit shall assess the implementation and outcomes of activities under this section. At a minimum, the audit shall address:

1. Performance of the Office of Tourism, Trade, and Economic Development in disbursing funds appropriated under this section.

2. Performance of the corporation in managing and enforcing the contract with the grantee.

3. Compliance by the corporation with the provisions of this section and the provisions of the contract.

4. Economic activity generated through funds disbursed under the contract.

(b) Before January 1, 2010, the Office of Program Policy Analysis and Government Accountability shall update the report required under this subsection. In addition to addressing the items prescribed in paragraph (a), the updated report shall include a recommendation on whether the Legislature should retain the statutory authority for the corporation.

A report of each audit’s findings and recommendations shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. In completing the performance audits required under this subsection, the Office of Program Policy Analysis and Government Accountability shall maximize the use of reports submitted by the grantee to the Federal Government or to other organizations awarding research grants to the grantee.

Section 180. Subsection (1) and paragraph (a) of subsection
(2) of section 288.9519, Florida Statutes, are amended to read:

288.9519 Not-for-profit corporation.—

(1) It is the intent of the Legislature to promote the
development of the state economy and to authorize the
establishment of a not-for-profit organization that shall
promote the competitiveness and profitability of high-technology
business and industry through technology development projects of
importance to specific manufacturing sectors in this state. This
not-for-profit corporation shall work cooperatively with the
Jobs Florida Partnership Enterprise Florida, Inc., and shall
avoid duplicating the activities, programs, and functions of the
Jobs Florida Partnership Enterprise Florida, Inc.

(2) In addition to all other powers and authority, not
explicitly prohibited by statutes, this not-for-profit
organization has the following powers and duties:

(a) To receive funds appropriated to the organization by
the Legislature. Such funds may not duplicate funds appropriated
to the Jobs Florida Partnership Enterprise Florida, Inc., but
shall serve to further the advancement of the state economy,
jointly and collaboratively with the Jobs Florida Partnership
Enterprise Florida, Inc.

Section 181. Section 288.9520, Florida Statutes, is amended
to read:

288.9520 Public records exemption.—Materials that relate to
methods of manufacture or production, potential trade secrets,
potentially patentable material, actual trade secrets, business
transactions, financial and proprietary information, and
agreements or proposals to receive funding that are received,
generated, ascertained, or discovered by the Jobs Florida
Partnership Enterprise Florida, Inc., including its affiliates or subsidiaries and partnership participants, such as private enterprises, educational institutions, and other organizations, are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that a recipient of the Jobs Florida Partnership Enterprise Florida, Inc., research funds shall make available, upon request, the title and description of the research project, the name of the researcher, and the amount and source of funding provided for the project.

Section 182. Subsection (10) of section 288.9603, Florida Statutes, is amended to read:

288.9603 Definitions.—
(10) "Partnership" means the Jobs Florida Partnership Enterprise Florida, Inc.

Section 183. Subsection (2) of section 288.9604, Florida Statutes, is amended to read:

288.9604 Creation of the authority.—
(2) The Governor, subject to confirmation by the Senate, shall appoint the board of directors of the corporation, who shall be five in number. The terms of office for the directors shall be for 4 years from the date of their appointment. A vacancy occurring during a term shall be filled for the unexpired term. A director shall be eligible for reappointment. At least three of the directors of the corporation shall be bankers who have been selected by the Governor from a list of bankers who were nominated by the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., and one of the directors shall be an economic development specialist. The chairperson of the
Florida Black Business Investment Board shall be an ex officio member of the board of the corporation.

Section 184. Paragraph (v) of subsection (2) of section 288.9605, Florida Statutes, is amended to read:

(2) The corporation is authorized and empowered to:

(v) Enter into investment agreements with the Jobs Florida Partnership, Inc., Florida Black Business Investment Board concerning the issuance of bonds and other forms of indebtedness and capital for the purposes of ss. 288.707-288.714.

Section 185. Subsection (1) of section 288.9606, Florida Statutes, is amended to read:

(1) When authorized by a public agency pursuant to s. 163.01(7), the corporation has power in its corporate capacity, in its discretion, to issue revenue bonds or other evidences of indebtedness which a public agency has the power to issue, from time to time to finance the undertaking of any purpose of this act and ss. 288.707-288.714, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and has the power to issue refunding bonds for the payment or retirement of bonds previously issued. Bonds issued pursuant to this section shall bear the name “Florida Development Finance Corporation Revenue Bonds.” The security for such bonds may be based upon such revenues as are legally available. In anticipation of the sale of such revenue bonds, the corporation may issue bond anticipation notes and may renew such notes from time to time, but the maximum maturity of any such note,
including renewals thereof, may not exceed 5 years from the date
of issuance of the original note. Such notes shall be paid from
any revenues of the corporation available therefor and not
otherwise pledged or from the proceeds of sale of the revenue
bonds in anticipation of which they were issued. Any bond, note,
or other form of indebtedness issued pursuant to this act shall
mature no later than the end of the 30th fiscal year after the
fiscal year in which the bond, note, or other form of
indebtedness was issued.

Section 186. Section 288.9614, Florida Statutes, is amended
to read:

288.9614 Authorized programs.—The Jobs Florida Partnership
Enterprise Florida, Inc., may take any action that it deems
necessary to achieve the purposes of this act in partnership
with private enterprises, public agencies, and other
organizations, including, but not limited to, efforts to address
the long-term debt needs of small-sized and medium-sized firms,
to address the needs of microenterprises, to expand availability
of venture capital, and to increase international trade and
export finance opportunities for firms critical to achieving the
purposes of this act.

Section 187. Subsection (1) of section 288.9624, Florida
Statutes, are amended to read:

288.9624 Florida Opportunity Fund; creation; duties.—
(1)(a) The Jobs Florida Partnership Enterprise Florida,
Inc., shall facilitate the creation of the Florida Opportunity
Fund, a private, not-for-profit corporation organized and
operated under chapter 617. The Jobs Florida Partnership
Enterprise Florida, Inc., shall be the fund’s sole shareholder
or member. The fund is not a public corporation or instrumentality of the state. The fund shall manage its business affairs and conduct business consistent with its organizational documents and the purposes set forth in this section.

Notwithstanding the powers granted under chapter 617, the corporation may not amend, modify, or repeal a bylaw or article of incorporation without the express written consent of the Jobs Florida Partnership Enterprise Florida, Inc.

(b) The board of directors for the fund shall be a five-member board appointed by vote of the board of directors of the Jobs Florida Partnership, Inc., and board members shall serve terms as provided in the fund’s organizational documents. The vice chair of Enterprise Florida, Inc., shall select from among its sitting board of directors a five-person appointment committee. The appointment committee shall select five initial members of a board of directors for the fund.

(c) The persons appointed to the initial board of directors by the appointment committee shall include persons who have expertise in the area of the selection and supervision of early stage investment managers or in the fiduciary management of investment funds and other areas of expertise as considered appropriate by the appointment committee.

(d) After election of the initial board of directors, vacancies on the board shall be filled by vote of the board of directors of Enterprise Florida, Inc., and board members shall serve terms as provided in the fund’s organizational documents.

(e) Members of the board are subject to any restrictions on conflicts of interest specified in the organizational documents and may not have an interest in any venture capital
investment selected by the fund under ss. 288.9621-288.9624.

(e) Members of the board shall serve without compensation, but members, the president of the board, and other board employees may be reimbursed for all reasonable, necessary, and actual expenses as determined and approved by the board pursuant to s. 112.061.

(f) The fund shall have all powers granted under its organizational documents and shall indemnify members to the broadest extent permissible under the laws of this state.

Section 188. Subsections (3), (4), (5), and (6) of section 288.9625, Florida Statutes, are amended to read:

288.9625 Institute for the Commercialization of Public Research.—There is established at a public university or research center in this state the Institute for the Commercialization of Public Research.

(3) The articles of incorporation of the institute must be approved in a written agreement with Jobs Florida Enterprise Florida, Inc. The agreement and the articles of incorporation shall:

(a) Provide that the institute shall provide equal employment opportunities for all persons regardless of race, color, religion, gender, national origin, age, handicap, or marital status;

(b) Provide that the institute is subject to the public records and meeting requirements of s. 24, Art. I of the State Constitution;

(c) Provide that all officers, directors, and employees of the institute shall be governed by the code of ethics for public officers and employees as set forth in part III of chapter 112;
(d) Provide that members of the board of directors of the institute are responsible for the prudent use of all public and private funds and that they will ensure that the use of funds is in accordance with all applicable laws, bylaws, and contractual requirements; and

(e) Provide that the fiscal year of the institute is from July 1 to June 30.

(4) The affairs of the institute shall be managed by a board of directors who shall serve without compensation. Each director shall have only one vote. The chair of the board of directors shall be selected by a majority vote of the directors, a quorum being present. The board of directors shall consist of the following five members:

(a) The commissioner of Jobs Florida chair of Enterprise Florida, Inc., or the commissioner’s chair’s designee.

(b) The president of the university where the institute is located or the president’s designee unless multiple universities jointly sponsor the institute, in which case the presidents of the sponsoring universities shall agree upon a designee.

(c) Three directors appointed by the Governor to 3-year staggered terms, to which the directors may be reappointed.

(5) The board of directors shall provide a copy of the institute’s annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, Enterprise Florida, Inc., and the president of the university at which the institute is located.

(6) Jobs Florida Enterprise Florida, Inc., the president and the board of trustees of the university where the institute is located, the Auditor General, and the Office of Program
Policy Analysis and Government Accountability may require and receive from the institute or its independent auditor any detail or supplemental data relative to the operation of the institute.

Section 189. Subsections (3), (8), and (9) of section 288.975, Florida Statutes, are amended to read:

(3) No later than 6 months after the designation of a military base for closure by the Federal Government, each host local government shall notify the Jobs Florida secretary of the Department of Community Affairs and the director of the Office of Tourism, Trade, and Economic Development in writing, by hand delivery or return receipt requested, as to whether it intends to use the optional provisions provided in this act. If a host local government does not opt to use the provisions of this act, land use planning and regulation pertaining to base reuse activities within those host local governments shall be subject to all applicable statutory requirements, including those contained within chapters 163 and 380.

(8) At the request of a host local government, Jobs Florida, The Office of Tourism, Trade, and Economic Development shall coordinate a presubmission workshop concerning a military base reuse plan within the boundaries of the host jurisdiction. Agencies that shall participate in the workshop shall include any affected local governments; the Department of Environmental Protection; Jobs Florida the Office of Tourism, Trade, and Economic Development; the Department of Community Affairs; the Department of Transportation; the Department of Health; the Department of Children and Family Services; the Department of Juvenile Justice; the Department of Agriculture and Consumer
Services; the Department of State; the Fish and Wildlife Conservation Commission; and any applicable water management districts and regional planning councils. The purposes of the workshop shall be to assist the host local government to understand issues of concern to the above listed entities pertaining to the military base site and to identify opportunities for better coordination of planning and review efforts with the information and analyses generated by the federal environmental impact statement process and the federal community base reuse planning process.

(9) If a host local government elects to use the optional provisions of this act, it shall, no later than 12 months after notifying the agencies of its intent pursuant to subsection (3) either:

(a) Send a copy of the proposed military base reuse plan for review to any affected local governments; the Department of Environmental Protection; Jobs Florida the Office of Tourism, Trade, and Economic Development; the Department of Community Affairs; the Department of Transportation; the Department of Health; the Department of Children and Family Services; the Department of Juvenile Justice; the Department of Agriculture and Consumer Services; the Department of State; the Fish and Wildlife Conservation Commission; and any applicable water management districts and regional planning councils, or

(b) Petition Jobs Florida the secretary of the Department of Community Affairs for an extension of the deadline for submitting a proposed reuse plan. Such an extension request must be justified by changes or delays in the closure process by the federal Department of Defense or for reasons otherwise deemed to
promote the orderly and beneficial planning of the subject
central military base reuse. __Jobs Florida__ The Secretary of the
Department of Community Affairs may grant extensions to the
required submission date of the reuse plan.

Section 190. Paragraph (b) of subsection (1), paragraphs
(a) and (c) of subsection (2) and subsections (3), (4), (5),
(6), (7), and (9) of section 288.980, Florida Statutes, are
amended to read:

288.980 Military base retention; legislative intent; grants
program.—

(1)

(b) The Florida Defense Alliance, an organization within
the __Jobs Florida Partnership, Inc, Enterprise Florida__, is
designated as the organization to ensure that Florida, its
resident military bases and missions, and its military host
communities are in competitive positions as the United States
continues its defense realignment and downsizing. The defense
alliance shall serve as an overall advisory body for __Enterprise
Florida__ defense-related activity of the __Jobs Florida__
Partnership, Inc. The Florida Defense Alliance may receive
funding from appropriations made for that purpose administered
by __Jobs Florida__ the Office of Tourism, Trade, and Economic
Development.

(2)(a) __Jobs Florida__ The Office of Tourism, Trade, and
Economic Development is authorized to award grants from any
funds available to it to support activities related to the
retention of military installations potentially affected by
federal base closure or realignment.

(c) Except for grants issued pursuant to the Florida
Military Installation Reuse Planning and Marketing Grant Program as described in paragraph (3)(c), the amount of any grant provided to an applicant may not exceed $250,000. Jobs Florida The Office of Tourism, Trade, and Economic Development shall require that an applicant:

1. Represent a local government with a military installation or military installations that could be adversely affected by federal base realignment or closure.

2. Agree to match at least 30 percent of any grant awarded.

3. Prepare a coordinated program or plan of action delineating how the eligible project will be administered and accomplished.

4. Provide documentation describing the potential for realignment or closure of a military installation located in the applicant’s community and the adverse impacts such realignment or closure will have on the applicant’s community.

(3) The Florida Economic Reinvestment Initiative is established to respond to the need for this state and defense-dependent communities in this state to develop alternative economic diversification strategies to lessen reliance on national defense dollars in the wake of base closures and reduced federal defense expenditures and the need to formulate specific base reuse plans and identify any specific infrastructure needed to facilitate reuse. The initiative shall consist of the following two three distinct grant programs to be administered by Jobs Florida the Office of Tourism, Trade, and Economic Development:

(a) The Florida Defense Planning Grant Program, through which funds shall be used to analyze the extent to which the
state is dependent on defense dollars and defense infrastructure and prepare alternative economic development strategies. The state shall work in conjunction with defense-dependent communities in developing strategies and approaches that will help communities make the transition from a defense economy to a nondefense economy. Grant awards may not exceed $250,000 per applicant and shall be available on a competitive basis.

(b) The Florida Defense Implementation Grant Program, through which funds shall be made available to defense-dependent communities to implement the diversification strategies developed pursuant to paragraph (a). Eligible applicants include defense-dependent counties and cities, and local economic development councils located within such communities. Grant awards may not exceed $100,000 per applicant and shall be available on a competitive basis. Awards shall be matched on a one-to-one basis.

Applications for grants under this subsection must include a coordinated program of work or plan of action delineating how the eligible project will be administered and accomplished, which must include a plan for ensuring close cooperation between civilian and military authorities in the conduct of the funded activities and a plan for public involvement.

(4) The Defense Infrastructure Grant Program is created. Jobs Florida shall coordinate and implement this program, the purpose of which is to support local infrastructure projects deemed to have a positive impact on the military value of installations within the state. Funds are to be used for...
projects that benefit both the local community and the military installation. It is not the intent, however, to fund on-base military construction projects. Infrastructure projects to be funded under this program include, but are not limited to, those related to encroachment, transportation and access, utilities, communications, housing, environment, and security. Grant requests will be accepted only from economic development applicants serving in the official capacity of a governing board of a county, municipality, special district, or state agency that will have the authority to maintain the project upon completion. An applicant must represent a community or county in which a military installation is located. There is no limit as to the amount of any grant awarded to an applicant. A match by the county or local community may be required. **Jobs Florida** The Office of Tourism, Trade, and Economic Development shall establish guidelines to implement the purpose of this subsection.

(5)(a) The Defense-Related Business Adjustment Program is hereby created. **Jobs Florida** The Director of the Office of Tourism, Trade, and Economic Development shall coordinate the development of the Defense-Related Business Adjustment Program. Funds shall be available to assist defense-related companies in the creation of increased commercial technology development through investments in technology. Such technology must have a direct impact on critical state needs for the purpose of generating investment-grade technologies and encouraging the partnership of the private sector and government defense-related business adjustment. The following areas shall receive precedence in consideration for funding commercial technology
development: law enforcement or corrections, environmental protection, transportation, education, and health care. Travel and costs incidental thereto, and staff salaries, are not considered an “activity” for which grant funds may be awarded.

(b) Jobs Florida The Office shall require that an applicant:

1. Be a defense-related business that could be adversely affected by federal base realignment or closure or reduced defense expenditures.

2. Agree to match at least 50 percent of any funds awarded by the department in cash or in-kind services. Such match shall be directly related to activities for which the funds are being sought.

3. Prepare a coordinated program or plan delineating how the funds will be administered.

4. Provide documentation describing how defense-related realignment or closure will adversely impact defense-related companies.

(6) The Retention of Military Installations Program is created. Jobs Florida The Director of the Office of Tourism, Trade, and Economic Development shall coordinate and implement this program. The sum of $1.2 million is appropriated from the General Revenue Fund for fiscal year 1999-2000 to the Office of Tourism, Trade, and Economic Development to implement this program for military installations located in counties with a population greater than 824,000. The funds shall be used to assist military installations potentially affected by federal base closure or realignment in covering current operating costs in an effort to retain the installation in this state. An
eligible military installation for this program shall include a provider of simulation solutions for war-fighting experimentation, testing, and training which employs at least 500 civilian and military employees and has been operating in the state for a period of more than 10 years.

(7) Jobs Florida The director may award nonfederal matching funds specifically appropriated for construction, maintenance, and analysis of a Florida defense workforce database. Such funds will be used to create a registry of worker skills that can be used to match the worker needs of companies that are relocating to this state or to assist workers in relocating to other areas within this state where similar or related employment is available.

(9) Jobs Florida The Office of Tourism, Trade, and Economic Development shall establish guidelines to implement and carry out the purpose and intent of this section.

Section 191. Paragraphs (a), (e), and (f) of subsection (2) of section 288.984, Florida Statutes, are amended to read:

288.984 Florida Council on Military Base and Mission Support.—The Florida Council on Military Base and Mission Support is established. The council shall provide oversight and direction for initiatives, claims, and actions taken on behalf of the state, its agencies, and political subdivisions under this part.

(2) MEMBERSHIP.—

(a) The council shall be composed of nine members. The President of the Senate, the Speaker of the House of Representatives, and the Governor shall each appoint three members as follows:
1. The President of the Senate shall appoint one member of the Senate, one community representative from a community-based defense support organization, and one member who is a retired military general or flag-rank officer residing in this state or an executive officer of a defense contracting firm doing significant business in this state.

2. The Speaker of the House of Representatives shall appoint one member of the House of Representatives, one community representative from a community-based defense support organization, and one member who is a retired military general or flag-rank officer residing in this state or an executive officer of a defense contracting firm doing significant business in this state.

3. The Governor shall appoint the commissioner of Jobs Florida or the commissioner’s designee, a board member of the Jobs Florida Partnership, Inc., director or designee of the Office of Tourism, Trade, and Economic Development, the vice chairperson or designee of Enterprise Florida, Inc., and one at-large member.

   (e) Jobs Florida The Office of Tourism, Trade, and Economic Development shall provide administrative support to the council.

   (f) The Secretary of Community Affairs or his or her designee, the Secretary of Environmental Protection or his or her designee, the Secretary of Transportation or his or her designee, the Adjutant General of the state or his or her designee, and the executive director of the Department of Veterans’ Affairs or his or her designee shall attend meetings held by the council and provide assistance, information, and support as requested by the council.
Section 192. Subsection (5) and paragraph (b) of subsection (8) of section 288.9913, Florida Statutes, are amended, and present subsections (6) through (10) of that section are renumbered as subsections (5) through (9), respectively, to read:

288.9913 Definitions.—As used in ss. 288.991-288.9922, the term:

(5) “Office” means the Office of Tourism, Trade, and Economic Development.

(7) (8) “Qualified community development entity” means an entity that:

(b) Is the Jobs Florida Partnership Enterprise Florida, Inc., or an entity created by the Jobs Florida Partnership Enterprise Florida, Inc.

Section 193. Subsections (1), (2), and (3), paragraphs (a) and (b) of subsection (4), and subsection (6) of section 288.9914, Florida Statutes, are amended to read:

288.9914 Certification of qualified investments; investment issuance reporting.—

(1) ELIGIBLE INDUSTRIES.—

(a) Jobs Florida The office, in consultation with the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., shall designate industries using the North American Industry Classification System which are eligible to receive low-income community investments. The designated industries must be those industries that have the greatest potential to create strong positive impacts on or benefits to the state, regional, and local economies.

(b) A qualified community development entity may not make a
qualified low-income community investment in a business unless the principal activities of the business are within an eligible industry. Jobs Florida the office may waive this limitation if Jobs Florida the office determines that the investment will have a positive impact on a community.

(2) APPLICATION.—A qualified community development entity must submit an application to Jobs Florida the Office to approve a proposed investment as a qualified investment. The application must include:

(a) The name, address, and tax identification number of the qualified community development entity.

(b) Proof of certification as a qualified community development entity under 26 U.S.C. s. 45D.

(c) A copy of an allocation agreement executed by the entity, or its controlling entity, and the Community Development Financial Institutions Fund, which authorizes the entity to serve businesses in this state.

(d) A verified statement by the chief executive officer of the entity that the allocation agreement remains in effect.

(e) A description of the proposed amount, structure, and purchaser of an equity investment or long-term debt security.

(f) The name and tax identification number of any person authorized to claim a tax credit earned as a result of the purchase of the proposed qualified investment.

(g) A detailed explanation of the proposed use of the proceeds from a proposed qualified investment.

(h) A nonrefundable application fee of $1,000, payable to Jobs Florida the Office.

(i) A statement that the entity will invest only in the
industries designated by Jobs Florida the office.

(j) The entity’s plans for the development of relationships with community-based organizations, local community development offices and organizations, and economic development organizations. The entity must also explain steps it has taken to implement its plans to develop these relationships.

(k) A statement that the entity will not invest in a qualified active low-income community business unless the business will create or retain jobs that pay an average wage of at least 115 percent of the federal poverty income guidelines for a family of four.

(3) REVIEW.—

(a) Jobs Florida The office shall review applications to approve an investment as a qualified investment in the order received. Jobs Florida The office shall approve or deny an application within 30 days after receipt.

(b) If Jobs Florida the office intends to deny the application, Jobs Florida the office shall inform the applicant of the basis of the proposed denial. The applicant shall have 15 days after it receives the notice of the intent to deny the application to submit a revised application to Jobs Florida the office. Jobs Florida the office shall issue a final order approving or denying the revised application within 30 days after receipt.

(c) Jobs Florida The office may not approve a cumulative amount of qualified investments that may result in the claim of more than $97.5 million in tax credits during the existence of the program or more than $20 million in tax credits in a single state fiscal year. However, the potential for a taxpayer to
carry forward an unused tax credit may not be considered in calculating the annual limit.

(4) APPROVAL.—

(a) Jobs Florida The office shall provide a copy of the final order approving an investment as a qualified investment to the qualified community development entity and to the department. The notice shall include the identity of the taxpayers who are eligible to claim the tax credits and the amount that may be claimed by each taxpayer.

(b) Jobs Florida The office shall approve an application for part of the amount of the proposed investment if the amount of tax credits available is insufficient.

(6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The qualified community development entity must provide Jobs Florida the office with evidence of the receipt of the cash in exchange for the qualified investment within 30 business days after receipt.

Section 194. Subsection (2) of section 288.9916, Florida Statutes, is amended to read:

288.9916 New markets tax credit.—

(2) A tax credit earned under this section may not be sold or transferred, except as provided in this subsection.

(a) A partner, member, or shareholder of a partnership, limited liability company, S-corporation, or other “pass-through” entity may claim the tax credit pursuant to an agreement among the partners, members, or shareholders. Any change in the allocation of a tax credit under the agreement must be reported to Jobs Florida the office and to the department.
(b) Eligibility to claim a tax credit transfers to subsequent purchasers of a qualified investment. Such transfers must be reported to Jobs Florida the office and to the department along with the identity, tax identification number, and tax credit amount allocated to a taxpayer pursuant to paragraph (a). The notice of transfer also must state whether unused tax credits are being transferred and the amount of unused tax credits being transferred.

Section 195. Section 288.9917, Florida Statutes, is amended to read:

288.9917 Community development entity reporting after a credit allowance date; certification of tax credit amount.—

(1) A qualified community development entity that has issued a qualified investment shall submit the following to Jobs Florida the office within 30 days after each credit allowance date:

(a) A list of all qualified active low-income community businesses in which a qualified low-income community investment was made since the last credit allowance date. The list shall also describe the type and amount of investment in each business and the address of the principal location of each business. The list must be verified by the chief executive officer of the community development entity.

(b) Bank records, wire transfer records, or similar documents that provide evidence of the qualified low-income community investments made since the last credit allowance date.

(c) A verified statement by the chief financial or accounting officer of the community development entity that no redemption or principal repayment was made with respect to the
qualified investment since the previous credit allowance date.

(d) Information relating to the recapture of the federal
new markets tax credit since the last credit allowance date.

(2) Jobs Florida The office shall certify in writing to the
qualified community development entity and to the department the
amount of the tax credit authorized for each taxpayer eligible
to claim the tax credit in the tax year containing the last
credit allowance date.

Section 196. Section 288.9918, Florida Statutes, is amended
to read:

288.9918 Annual reporting by a community development
entity.—A community development entity that has issued a
qualified investment shall submit an annual report to Jobs
Florida the office by April 30 after the end of each year which
includes a credit allowance date. The report shall include:

(1) The entity’s annual financial statements for the
preceding tax year, audited by an independent certified public
accountant.

(2) The identity of the types of industries, identified by
the North American Industry Classification System Code, in which
qualified low-income community investments were made.

(3) The names of the counties in which the qualified active
low-income businesses are located which received qualified low-
income community investments.

(4) The number of jobs created and retained by qualified
active low-income community businesses receiving qualified low-
income community investments, including verification that the
average wages paid meet or exceed 115 percent of the federal
poverty income guidelines for a family of four.
(5) A description of the relationships that the entity has established with community-based organizations and local community development offices and organizations and a summary of the outcomes resulting from those relationships.

(6) Other information and documentation required by Jobs Florida the office to verify continued certification as a qualified community development entity under 26 U.S.C. s. 45D.

Section 197. Section 288.9919, Florida Statutes, is amended to read:

288.9919 Audits and examinations; penalties.—

(1) AUDITS.—A community development entity that issues an investment approved by Jobs Florida the office as a qualified investment shall be deemed a recipient of state financial assistance under s. 215.97, the Florida Single Audit Act. However, an entity that makes a qualified investment or receives a qualified low-income community investment is not a subrecipient for the purposes of s. 215.97.

(2) EXAMINATIONS.—Jobs Florida the office may conduct examinations to verify compliance with the New Markets Development Program Act.

Section 198. Section 288.9920, Florida Statutes, is amended to read:

288.9920 Recapture and penalties.—

(1) Notwithstanding s. 95.091, Jobs Florida the office shall direct the department, at any time before December 31, 2022, to recapture all or a portion of a tax credit authorized pursuant to the New Markets Development Program Act if one or more of the following occur:

(a) The Federal Government recaptures any portion of the
federal new markets tax credit. The recapture by the department shall equal the recapture by the Federal Government.

(b) The qualified community development entity redeems or makes a principal repayment on a qualified investment before the final allowance date. The recapture by the department shall equal the redemption or principal repayment divided by the purchase price and multiplied by the tax credit authorized to a taxpayer for the qualified investment.

(c) 1. The qualified community development entity fails to invest at least 85 percent of the purchase price in qualified low-income community investments within 12 months after the issuance of a qualified investment; or

2. The qualified community development entity fails to maintain 85 percent of the purchase price in qualified low-income community investments until the last credit allowance date for a qualified investment.

For the purposes of this paragraph, an investment by a qualified community development entity includes principal recovered from an investment for 12 months after its recovery or principal recovered after the sixth credit allowance date. Principal held for longer than 12 months or recovered before the sixth credit allowance date is not an investment unless it is reinvested in a qualified low-income community investment.

(d) The qualified community development entity fails to provide Jobs Florida the office with information, reports, or documentation required by the New Markets Development Program Act.

(e) Jobs Florida The office determines that a taxpayer
received tax credits to which the taxpayer was not entitled.

(2) **Jobs Florida** The office shall provide notice to the qualified community development entity and the department of a proposed recapture of a tax credit. The entity shall have 6 months following the receipt of the notice to cure a deficiency identified in the notice and avoid recapture. **Jobs Florida** the office shall issue a final order of recapture if the entity fails to cure a deficiency within the 6-month period. The final order of recapture shall be provided to the entity, the department, and a taxpayer otherwise authorized to claim the tax credit. Only one correction is permitted for each qualified equity investment during the 7-year credit period. Recaptured funds shall be deposited into the General Revenue Fund.

(3) An entity that submits fraudulent information to **Jobs Florida** the office is liable for the costs associated with the investigation and prosecution of the fraudulent claim plus a penalty in an amount equal to double the tax credits claimed by investors in the entity’s qualified investments. This penalty is in addition to any other penalty that may be imposed by law.

Section 199. Section 288.9921, Florida Statutes, is amended to read:

288.9921 Rulemaking.—**Jobs Florida** the Office and the Department of Revenue may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer ss. 288.991-288.9920.

Section 200. Subsection (5) of section 290.004, Florida Statutes, is amended, and present subsections (6) and (7) of that subsection are renumbered as subsections (5) and (6), respectively, to read:

290.004 Definitions relating to Florida Enterprise Zone
Act.—As used in ss. 290.001-290.016:

(5) “Office” means The Office of Tourism, Trade, and Economic Development.

Section 201. Subsection (1) and paragraphs (a) and (b) of subsection (6) of section 290.0055, Florida Statutes, are amended to read:

290.0055 Local nominating procedure.—

(1) If, pursuant to s. 290.0065, an opportunity exists for designation of a new enterprise zone, any county or municipality, or a county and one or more municipalities together, may apply to Jobs Florida the office for the designation of an area as an enterprise zone after completion of the following:

(a) The adoption by the governing body or bodies of a resolution which:

1. Finds that an area exists in such county or municipality, or in both the county and one or more municipalities, which chronically exhibits extreme and unacceptable levels of poverty, unemployment, physical deterioration, and economic disinvestment;

2. Determines that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, and welfare of the residents of such county or municipality, or such county and one or more municipalities; and

3. Determines that the revitalization of such area can occur only if the private sector can be induced to invest its own resources in productive enterprises that build or rebuild the economic viability of the area.
(b) The creation of an enterprise zone development agency pursuant to s. 290.0056.

(c) The creation and adoption of a strategic plan pursuant to s. 290.0057.

(6)(a) Jobs Florida The office may approve a change in the boundary of any enterprise zone which was designated pursuant to s. 290.0065. A boundary change must continue to satisfy the requirements of subsections (3), (4), and (5).

(b) Upon a recommendation by the enterprise zone development agency, the governing body of the jurisdiction which authorized the application for an enterprise zone may apply to Jobs Florida the Office for a change in boundary once every 3 years by adopting a resolution that:

1. States with particularity the reasons for the change;

and

2. Describes specifically and, to the extent required by Jobs Florida the office, the boundary change to be made.

Section 202. Subsections (11) and (12) of section 290.0056, Florida Statutes, are amended to read:

290.0056 Enterprise zone development agency.—

(11) Prior to December 1 of each year, the agency shall submit to Jobs Florida the Office of Tourism, Trade, and Economic Development a complete and detailed written report setting forth:

(a) Its operations and accomplishments during the fiscal year.

(b) The accomplishments and progress concerning the implementation of the strategic plan or measurable goals, and any updates to the strategic plan or measurable goals.
(c) The number and type of businesses assisted by the agency during the fiscal year.

(d) The number of jobs created within the enterprise zone during the fiscal year.

(e) The usage and revenue impact of state and local incentives granted during the calendar year.

(f) Any other information required by Jobs Florida the office.

(12) In the event that the nominated area selected by the governing body is not designated a state enterprise zone, the governing body may dissolve the agency after receiving notification from Jobs Florida the office that the area was not designated as an enterprise zone.

Section 203. Subsections (2) and (4), paragraph (a) of subsection (6), and subsection (7) of section 290.0065, Florida Statutes, are amended to read:

290.0065 State designation of enterprise zones.—

(2) If, pursuant to subsection (4), Jobs Florida the office does not redesignate an enterprise zone, a governing body of a county or municipality or the governing bodies of a county and one or more municipalities jointly, pursuant to s. 290.0055, may apply for designation of an enterprise zone to take the place of the enterprise zone not redesignated and request designation of an enterprise zone. Jobs Florida the Office, in consultation with Enterprise Florida, Inc., shall determine which areas nominated by such governing bodies meet the criteria outlined in s. 290.0055 and are the most appropriate for designation as state enterprise zones. Each application made pursuant to s. 290.0055 shall be ranked competitively based on the pervasive
poverty, unemployment, and general distress of the area; the strategic plan, including local fiscal and regulatory incentives, prepared pursuant to s. 290.0057; and the prospects for new investment and economic development in the area.

Pervasive poverty, unemployment, and general distress shall be weighted 35 percent; strategic plan and local fiscal and regulatory incentives shall be weighted 40 percent; and prospects for new investment and economic development in the area shall be weighted 25 percent.

(4)(a) Notwithstanding s. 290.0055, Jobs Florida the office may redesignate any state enterprise zone having an effective date on or before January 1, 2005, as a state enterprise zone upon completion and submittal to the office by the governing body for an enterprise zone of the following:

1. An updated zone profile for the enterprise zone based on the most recent census data that complies with s. 290.0055, except that pervasive poverty criteria may be set aside for rural enterprise zones.

2. A resolution passed by the governing body for that enterprise zone requesting redesignation and explaining the reasons the conditions of the zone merit redesignation.

3. Measurable goals for the enterprise zone developed by the enterprise zone development agency, which may be the goals established in the enterprise zone’s strategic plan.

The governing body may also submit a request for a boundary change in an enterprise zone in the same application to Jobs Florida the office as long as the new area complies with the requirements of s. 290.0055, except that pervasive poverty conditions...
criteria may be set aside for rural enterprise zones.

(b) Jobs Florida In consultation with Enterprise Florida, Inc., the office shall, based on the enterprise zone profile and the grounds for redesignation expressed in the resolution, determine whether the enterprise zone merits redesignation. Jobs Florida the office may also examine and consider the following:

1. Progress made, if any, in the enterprise zone’s strategic plan.

2. Use of enterprise zone incentives during the life of the enterprise zone.

If Jobs Florida the office determines that the enterprise zone merits redesignation, Jobs Florida the office shall notify the governing body in writing of its approval of redesignation.

(c) If the enterprise zone is redesignated, Jobs Florida the office shall determine if the measurable goals submitted are reasonable. If Jobs Florida the office determines that the goals are reasonable, it the office shall notify the governing body in writing that the goals have been approved.

(d) If Jobs Florida the office denies redesignation of an enterprise zone, it the Office shall notify the governing body in writing of the denial. Any county or municipality having jurisdiction over an area denied redesignation as a state enterprise zone pursuant to this subsection may not apply for designation of that area for 1 year following the date of denial.

(6)(a) Jobs Florida the office, in consultation with Enterprise Florida, Inc., may develop guidelines necessary for the approval of areas under this section by the director.
(7) Upon approval by Jobs Florida the director of a resolution authorizing an area to be an enterprise zone pursuant to this section, Jobs Florida the office shall assign a unique identifying number to that resolution. Jobs Florida the office shall provide the Department of Revenue and Enterprise Florida, Inc., with a copy of each resolution approved, together with its identifying number.

Section 204. Subsection (1) of section 290.0066, Florida Statutes, is amended to read:

290.0066 Revocation of enterprise zone designation.—
(1) Jobs Florida The director may revoke the designation of an enterprise zone if Jobs Florida the director determines that the governing body or bodies:
(a) Have failed to make progress in achieving the benchmarks set forth in the strategic plan or measurable goals;
(b) Have not complied substantially with the strategic plan or measurable goals.

Section 205. Section 290.00710, Florida Statutes, is amended to read:

290.00710 Enterprise zone designation for the City of Lakeland.—The City of Lakeland may apply to Jobs Florida the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone for an area within the City of Lakeland, which zone shall encompass an area up to 10 square miles. The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055. Notwithstanding s. 290.0065, limiting the total number of enterprise zones designated and the number of enterprise zones
within a population category, Jobs Florida the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. Jobs Florida The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 206. Section 290.0072, Florida Statutes, is amended to read:

290.0072 Enterprise zone designation for the City of Winter Haven.—The City of Winter Haven may apply to Jobs Florida the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone for an area within the City of Winter Haven, which zone shall encompass an area up to 5 square miles. Notwithstanding s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, Jobs Florida the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. Jobs Florida The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 207. Section 290.00725, Florida Statutes, is amended to read:

290.00725 Enterprise zone designation for the City of Ocala.—The City of Ocala may apply to Jobs Florida the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone for an area within the western portion of the city, which zone shall encompass an area up to 5 square miles. The application must be submitted by December 31, 2009, and must
comply with the requirements of s. 290.0055. Notwithstanding s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, Jobs Florida the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. Jobs Florida The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

Section 208. Section 290.0073, Florida Statutes, is amended to read:

290.0073 Enterprise zone designation for Indian River County, the City of Vero Beach, and the City of Sebastian.— Indian River County, the City of Vero Beach, and the City of Sebastian may jointly apply to Jobs Florida the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone encompassing an area not to exceed 10 square miles. The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, Jobs Florida the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. Jobs Florida The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 209. Section 290.0074, Florida Statutes, is amended to read:

290.0074 Enterprise zone designation for Sumter County.—
Sumter County may apply to Jobs Florida the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone encompassing an area not to exceed 10 square miles. The application must be submitted by December 31, 2005. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, Jobs Florida the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. Jobs Florida the Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 210. Section 290.0077, Florida Statutes, is amended to read:

290.0077 Enterprise zone designation for Orange County and the municipality of Apopka.—Orange County and the municipality of Apopka may jointly apply to Jobs Florida the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone. The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, Jobs Florida the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. Jobs Florida the Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 211. Section 290.014, Florida Statutes, is amended
Annual reports on enterprise zones.—

(1) By February 1 of each year, the Department of Revenue shall submit an annual report to Jobs Florida the Office of Tourism, Trade, and Economic Development detailing the usage and revenue impact by county of the state incentives listed in s. 290.007.

(2) By March 1 of each year, Jobs Florida the office shall submit an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The report shall include the information provided by the Department of Revenue pursuant to subsection (1) and the information provided by enterprise zone development agencies pursuant to s. 290.0056. In addition, the report shall include an analysis of the activities and accomplishments of each enterprise zone.

Section 212. Subsections (3), (5), (8), (9), (10), and (11) of section 311.09, Florida Statutes, are amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(3) The council shall prepare a 5-year Florida Seaport Mission Plan defining the goals and objectives of the council concerning the development of port facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155. The Florida Seaport Mission Plan shall include specific recommendations for the construction of transportation facilities connecting any port to another transportation mode and for the efficient, cost-effective development of transportation facilities or port facilities for the purpose of
enhancing international trade, promoting cargo flow, increasing

13168 cruise passenger movements, increasing port revenues, and

13169 providing economic benefits to the state. The council shall

13170 update the 5-year Florida Seaport Mission Plan annually and

13171 shall submit the plan no later than February 1 of each year to

13172 the President of the Senate, the Speaker of the House of

13173 Representatives, Jobs Florida, and the Office of Tourism,

13174 Trade, and Economic Development; the Department of

13175 Transportation; and the Department of Community Affairs. The

13176 council shall develop programs, based on an examination of

13177 existing programs in Florida and other states, for the training

13178 of minorities and secondary school students in job skills

13179 associated with employment opportunities in the maritime

13180 industry, and report on progress and recommendations for further

13181 action to the President of the Senate and the Speaker of the

13182 House of Representatives annually.

13183

13184 (5) The council shall review and approve or disapprove each

13185 project eligible to be funded pursuant to the Florida Seaport

13186 Transportation and Economic Development Program. The council

13187 shall annually submit to the Secretary of Transportation and the commissioner of Jobs Florida, or his or her designee,

13188 director of the Office of Tourism, Trade, and Economic

13189 Development; and the Secretary of Community Affairs a list of

13190 projects which have been approved by the council. The list shall

13191 specify the recommended funding level for each project; and, if

13192 staged implementation of the project is appropriate, the funding

13193 requirements for each stage shall be specified.

13194

13195 (8) Jobs Florida The Office of Tourism, Trade, and Economic

13196 Development, in consultation with Enterprise Florida, Inc.
shall review the list of projects approved by the council to evaluate the economic benefit of the project and to determine whether the project is consistent with the Florida Seaport Mission Plan. The Office of Tourism, Trade, and Economic Development shall review the economic benefits of each project based upon the rules adopted pursuant to subsection (4). The Office of Tourism, Trade, and Economic Development shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the Florida Seaport Mission Plan and shall notify the council of its findings.

(9) The council shall review the findings of the Department of Community Affairs; the Office of Tourism, Trade, and Economic Development; and the Department of Transportation. Projects found to be inconsistent pursuant to subsections (6), (7), and (8) and projects which have been determined not to offer an economic benefit to the state pursuant to subsection (8) shall not be included in the list of projects to be funded.

(10) The Department of Transportation shall include in its annual legislative budget request a Florida Seaport Transportation and Economic Development grant program for expenditure of funds of not less than $8 million per year. Such budget shall include funding for projects approved by the council which have been determined by each agency to be consistent and which have been determined by the Office of Tourism, Trade, and Economic Development to be economically beneficial. The department shall include the specific approved seaport projects to be funded under this
section during the ensuing fiscal year in the tentative work program developed pursuant to s. 339.135(4). The total amount of funding to be allocated to seaport projects under s. 311.07 during the successive 4 fiscal years shall also be included in the tentative work program developed pursuant to s. 339.135(4). The council may submit to the department a list of approved projects that could be made production-ready within the next 2 years. The list shall be submitted by the department as part of the needs and project list prepared pursuant to s. 339.135(2)(b). However, the department shall, upon written request of the Florida Seaport Transportation and Economic Development Council, submit work program amendments pursuant to s. 339.135(7) to the Governor within 10 days after the later of the date the request is received by the department or the applicable date of the amendment, termination, or closure of the applicable funding agreement between the department and the affected seaport, as required to release the funds from the existing commitment. Notwithstanding s. 339.135(7)(c), any work program amendment to transfer prior year funds from one approved seaport project to another seaport project is subject to the procedures in s. 339.135(7)(d). Notwithstanding any provision of law to the contrary, the department may transfer unexpended budget between the seaport projects as identified in the approved work program amendments.

(11) The council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. A majority of voting members of the council constitutes a quorum for the purpose of transacting the
business of the council. All members of the council are voting members. A vote of the majority of the voting members present is sufficient for any action of the council, except that a member representing the Department of Transportation, the Department of Community Affairs, or Jobs Florida the Office of Tourism, Trade, and Economic Development may vote to overrule any action of the council approving a project pursuant to subsection (5). The bylaws of the council may require a greater vote for a particular action.

Section 213. Section 311.11, Florida Statutes, is amended to read:

311.11 Seaport Employment Training Grant Program.—

(1) Jobs Florida The Office of Tourism, Trade, and Economic Development, in cooperation with the Florida Seaport Transportation and Economic Development Council, shall establish a Seaport Employment Training Grant Program within Jobs Florida the Office. Jobs Florida the office shall grant funds appropriated by the Legislature to the program for the purpose of stimulating and supporting seaport training and employment programs which will seek to match state and local training programs with identified job skills associated with employment opportunities in the port, maritime, and transportation industries, and for the purpose of providing such other training, educational, and information services as required to stimulate jobs in the described industries. Funds may be used for the purchase of equipment to be used for training purposes, hiring instructors, and any other purpose associated with the training program. The office’s contribution of Jobs Florida to any specific training program may not exceed 50 percent of the...
total cost of the program. Matching contributions may include services in kind, including, but not limited to, training instructors, equipment usage, and training facilities.

(2) **Jobs Florida** The Office shall adopt criteria to implement this section.

Section 214. Paragraphs (i) and (l) of subsection (1) of section 311.115, Florida Statutes, are amended to read:

311.115 Seaport Security Standards Advisory Council.—The Seaport Security Standards Advisory Council is created under the Office of Drug Control. The council shall serve as an advisory council as provided in s. 20.03(7).

(1) The members of the council shall be appointed by the Governor and consist of the following:

(i) One representative of **Jobs Florida** member from the Office of Tourism, Trade, and Economic Development.

(l) The Director of the Office Division of Emergency Management, or his or her designee.

Section 215. Subsection (2) of section 311.22, Florida Statutes, is amended to read:

311.22 Additional authorization for funding certain dredging projects.—

(2) The council shall adopt rules for evaluating the projects that may be funded pursuant to this section. The rules must provide criteria for evaluating the economic benefit of the project. The rules must include the creation of an administrative review process by the council which is similar to the process described in s. 311.09(5)-(12), and provide for a review by the Department of Community Affairs, the Department of Transportation, and **Jobs Florida** the Office of Tourism, Trade,
and Economic Development of all projects submitted for funding under this section.

Section 216. Paragraph (a) of subsection (6), paragraph (b) of subsection (9), subsection (60), and paragraph (b) of subsection (65) of section 320.08058, Florida Statutes, are amended to read:

320.08058 Specialty license plates.—

(6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE PLATES.—

(a) Because the United States Olympic Committee has selected this state to participate in a combined fundraising program that provides for one-half of all money raised through volunteer giving to stay in this state and be administered by the Jobs Florida Partnership, Inc., direct-support organization established under s. 288.1229 to support amateur sports, and because the United States Olympic Committee and the Jobs Florida Partnership, Inc., direct-support organization are nonprofit organizations dedicated to providing athletes with support and training and preparing athletes of all ages and skill levels for sports competition, and because the Jobs Florida Partnership, Inc., direct-support organization assists in the bidding for sports competitions that provide significant impact to the economy of this state, and the Legislature supports the efforts of the United States Olympic Committee and the Jobs Florida Partnership, Inc., direct-support organization, the Legislature establishes a Florida United States Olympic Committee license plate for the purpose of providing a continuous funding source to support this worthwhile effort. Florida United States Olympic Committee license plates must contain the official United States
Olympic Committee logo and must bear a design and colors that are approved by the department. The word “Florida” must be centered at the top of the plate.

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

(b) The license plate annual use fees are to be annually distributed as follows:

1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within Jobs Florida the Office of Tourism, Trade, and Economic Development. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term “major sports events” means, but is not limited to, championship or all-star contests of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, the men’s and women’s National Collegiate Athletic Association Final Four basketball championship, or a horseracing or dogracing Breeders’ Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by the Florida Sports Foundation.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to the Jobs Florida Partnership, Inc Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development. These funds must be deposited into the Professional Sports Development Trust Fund within Jobs Florida the Office of Tourism, Trade, and Economic Development. These funds must be used by the Jobs Florida Partnership, Inc., Florida Sports Foundation to promote the economic development of the sports
industry; to distribute licensing and royalty fees to participating professional sports teams; to promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards; to partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement; to institute a grant program for communities bidding on minor sporting events that create an economic impact for the state; to distribute funds to Florida-based charities designated by the Jobs Florida Partnership, Inc., Florida Sports Foundation and the participating professional sports teams; and to fulfill the sports promotion responsibilities of Jobs Florida the Office of Tourism, Trade, and Economic Development.

3. The Jobs Florida Partnership, Inc., Florida Sports Foundation shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by Jobs Florida the Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5). The auditor shall submit the audit report to Jobs Florida the Office of Tourism, Trade, and Economic Development for review and approval. If the audit report is approved, Jobs Florida the office shall certify the audit report to the Auditor General for review.

4. Notwithstanding the provisions of subparagraphs 1. and 2., proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of the Jobs Florida Partnership, Inc., Florida Sports Foundation and financial
support of the Sunshine State Games.

(60) FLORIDA NASCAR LICENSE PLATES.—

(a) The department shall develop a Florida NASCAR license plate as provided in this section. Florida NASCAR license plates must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the term “NASCAR” must appear at the bottom of the plate. The National Association for Stock Car Auto Racing, following consultation with the Jobs Florida Partnership, Inc. Florida Sports Foundation, may submit a sample plate for consideration by the department.

(b) The license plate annual use fees shall be distributed to the Jobs Florida Partnership, Inc. Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development. The license plate annual use fees shall be annually allocated as follows:

1. Up to 5 percent of the proceeds from the annual use fees may be used by the Jobs Florida Partnership, Inc., Florida Sports Foundation for the administration of the NASCAR license plate program.

2. The National Association for Stock Car Auto Racing shall receive up to $60,000 in proceeds from the annual use fees to be used to pay startup costs, including costs incurred in developing and issuing the plates. Thereafter, 10 percent of the proceeds from the annual use fees shall be provided to the association for the royalty rights for the use of its marks.

3. The remaining proceeds from the annual use fees shall be distributed to the Jobs Florida Partnership, Inc. Florida Sports Foundation. The Jobs Florida Partnership, Inc., Florida Sports
Foundation will retain 15 percent to support its regional grant program, attracting sporting events to Florida; 20 percent to support the marketing of motorsports-related tourism in the state; and 50 percent to be paid to the NASCAR Foundation, a s. 501(c)(3) charitable organization, to support Florida-based charitable organizations.

(c) The Jobs Florida Partnership, Inc., Florida Sports Foundation shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by Jobs Florida the Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5). The auditor shall submit the audit report to Jobs Florida the Office of Tourism, Trade, and Economic Development for review and approval. If the audit report is approved, Jobs Florida the office shall certify the audit report to the Auditor General for review.

(65) FLORIDA TENNIS LICENSE PLATES.—

(b) The department shall distribute the annual use fees to the Jobs Florida Partnership, Inc. Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development. The license plate annual use fees shall be annually allocated as follows:

1. Up to 5 percent of the proceeds from the annual use fees may be used by the Jobs Florida Partnership, Inc., Florida Sports Foundation to administer the license plate program.

2. The United States Tennis Association Florida Section Foundation shall receive the first $60,000 in proceeds from the annual use fees to reimburse it for startup costs,
administrative costs, and other costs it incurs in the development and approval process.

3. Up to 5 percent of the proceeds from the annual use fees may be used for promoting and marketing the license plates. The remaining proceeds shall be available for grants by the United States Tennis Association Florida Section Foundation to nonprofit organizations to operate youth tennis programs and adaptive tennis programs for special populations of all ages, and for building, renovating, and maintaining public tennis courts.

Section 217. Section 331.302, Florida Statutes, is amended to read:

331.302 Space Florida; creation; purpose.—

(1) There is established, formed, and created Space Florida, which is created as an independent special district, a body politic and corporate, and a subdivision of the state, to foster the growth and development of a sustainable and world-leading aerospace industry in this state. Space Florida shall promote aerospace business development by facilitating business financing, spaceport operations, research and development, workforce development, and innovative education programs. Space Florida has all the powers, rights, privileges, and authority as provided in this chapter under the laws of this state.

(2) In carrying out its duties and responsibilities, Space Florida shall advise, coordinate, cooperate, and, when necessary, enter into memoranda of agreement with municipalities, counties, regional authorities, state agencies and organizations, appropriate federal agencies and organizations, and other interested persons and groups.
(3) Space Florida shall be administratively housed within the Jobs Florida Partnership, Inc. Space Florida may not endorse any candidate for any elected public office or contribute money to the campaign of any candidate for public office.

(4) Space Florida is not an agency as defined in ss. 216.011 and 287.012.

(5) Space Florida is subject to applicable provisions of chapter 189. To the extent that any provisions of chapter 189 conflict with this act, this act shall prevail.

(6) Space Florida may not endorse any candidate for any elected public office or contribute money to the campaign of any candidate for public office.

Section 218. Section 331.3081, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 331.3081, F.S., for present text.)

331.3081 Board of Directors; advisory board.—
(1) Space Florida shall be governed by the 11-member board of directors of the Jobs Florida Partnership, Inc., created in s. 288.901(4).

(2) Space Florida shall have a 15-member advisory council, appointed by the Governor from a list of nominations submitted by the board of directors. The advisory council shall be comprised of Florida residents with expertise in the space industry, and each of the following areas of expertise or experience must be represented by at least one advisory council member: human space-flight programs, commercial launches into space, organized labor with experience working in the aerospace industry, aerospace-related industries, a commercial company
working under Federal Government contracts to conduct space-
related business, an aerospace company whose primary client is
the United States Department of Defense, and an alternative
energy enterprise with potential for aerospace applications. The
advisory council shall elect a member to serve as the chair of
the council.

(3) The advisory council shall make recommendations to the
partnership’s board of directors on the operation of Space
Florida, including matters pertaining to ways to improve or
enhance Florida’s efforts to expand its existing space and
aerospace industry, to improve management and use of Florida’s
state-owned real property assets related to space and aerospace,
how best to retain and, if necessary, retrain Florida’s highly
skilled space and aerospace workforce, and how to strengthen
bonds between this state, NASA, the Department of Defense, and
private space and aerospace industries.

(4) The term for an advisory council member is 4 years. A
member may not serve more than two consecutive terms. The
Governor may remove any member for cause and shall fill all
vacancies that occur.

(5) Advisory council members shall serve without
compensation, but may be reimbursed for all reasonable,
necessary, and actual expenses, as determined by the
partnership’s board of directors.

Section 219. Subsections (2), (4), and (5) of section
331.369, Florida Statutes, are amended to read:

331.369 Space Industry Workforce Initiative.—

(2) Workforce Florida The Workforce Development Board of
Enterprise Florida, Inc., or its successor entity, shall
coordinate development of a Space Industry Workforce Initiative in partnership with Space Florida, public and private universities, community colleges, and other training providers approved by the board. The purpose of the initiative is to use or revise existing programs and to develop innovative new programs to address the workforce needs of the aerospace industry.

(4) **Workforce Florida** The Workforce Development Board of Enterprise Florida, Inc., or its successor entity, with the assistance of Space Florida, shall convene representatives from the aerospace industry to identify the priority training and education needs of the industry and to appoint a team to design programs to meet the priority needs.

(5) **Workforce Florida** The Workforce Development Board of Enterprise Florida, Inc., or its successor entity, as part of its statutorily prescribed annual report to the Legislature, shall provide recommendations for policies, programs, and funding to enhance the workforce needs of the aerospace industry.

Section 220. Paragraph (f) of subsection (1) of section
339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall expend moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget. The use of such moneys shall be restricted to the following purposes:

(f) To pay the cost of economic development transportation projects in accordance with s. 288.063.
(g) of subsection (7) of section 339.135, Florida Statutes, are amended to read:

    339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

(f) The central office shall submit a preliminary copy of the tentative work program to the Executive Office of the Governor, the legislative appropriations committees, the Florida Transportation Commission, and Jobs Florida the Department of Community Affairs at least 14 days prior to the convening of the regular legislative session. Prior to the statewide public hearing required by paragraph (g), Jobs Florida the Department of Community Affairs shall transmit to the Florida Transportation Commission a list of those projects and project phases contained in the tentative work program which are identified as being inconsistent with approved local government comprehensive plans. For urbanized areas of metropolitan planning organizations, the list may not contain any project or project phase that is scheduled in a transportation improvement program unless such inconsistency has been previously reported to the affected metropolitan planning organization.

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

(g) Notwithstanding the requirements in paragraphs (d) and (g) and ss. 216.177(2) and 216.351, the secretary may request the Executive Office of the Governor to amend the adopted work program when an emergency exists, as defined in s. 252.34(3), and the emergency relates to the repair or rehabilitation of any state transportation facility. The Executive Office of the Governor may approve the amendment to the adopted work program
and amend that portion of the department’s approved budget if a delay incident to the notification requirements in paragraph (d) would be detrimental to the interests of the state. However, the department shall immediately notify the parties specified in paragraph (d) and shall provide such parties written justification for the emergency action within 7 days after of the approval by the Executive Office of the Governor of the amendment to the adopted work program and the department’s budget. In no event may the adopted work program may not be amended under the provisions of this subsection without the certification by the comptroller of the department that there are sufficient funds available pursuant to the 36-month cash forecast and applicable statutes.

Section 222. Subsection (2) of section 364.0135, Florida Statutes, is amended to read:

364.0135 Promotion of broadband deployment.—

(2) The Department of Management Services is authorized to work collaboratively with, and to receive staffing support and other resources from, the Jobs Florida Partnership Enterprise Florida, Inc., state agencies, local governments, private businesses, and community organizations to:

(a) Conduct a needs assessment of broadband Internet service in collaboration with communications service providers, including, but not limited to, wireless and wireline Internet service providers, to develop geographical information system maps at the census tract level that will:

1. Identify geographic gaps in broadband services, including areas unserved by any broadband provider and areas served by a single broadband provider;
2. Identify the download and upload transmission speeds made available to businesses and individuals in the state, at the census tract level of detail, using data rate benchmarks for broadband service used by the Federal Communications Commission to reflect different speed tiers; and

3. Provide a baseline assessment of statewide broadband deployment in terms of percentage of households with broadband availability.

(b) Create a strategic plan that has goals and strategies for increasing the use of broadband Internet service in the state.

c) Build and facilitate local technology planning teams or partnerships with members representing cross-sections of the community, which may include, but are not limited to, representatives from the following organizations and industries: libraries, K-12 education, colleges and universities, local health care providers, private businesses, community organizations, economic development organizations, local governments, tourism, parks and recreation, and agriculture.

d) Encourage the use of broadband Internet service, especially in the rural, unserved, and underserved communities of the state through grant programs having effective strategies to facilitate the statewide deployment of broadband Internet service. For any grants to be awarded, priority must be given to projects that:

   1. Provide access to broadband education, awareness, training, access, equipment, and support to libraries, schools, colleges and universities, health care providers, and community support organizations.
2. Encourage investments in primarily unserved areas to
give consumers a choice of more than one broadband Internet
service provider.

3. Work toward establishing affordable and sustainable
broadband Internet service in unserved areas of the state.

4. Facilitate the development of applications, programs,
and services, including, but not limited to, telework,
telemedicine, and e-learning to increase the usage of, and
demand for, broadband Internet service in the state.

Section 223. Paragraph (h) of subsection (2) of section
377.703, Florida Statutes, is amended to read:

377.703 Additional functions of the Florida Energy and
Climate Commission.—

(2) FLORIDA ENERGY AND CLIMATE COMMISSION; DUTIES.—The
commission shall perform the following functions consistent with
the development of a state energy policy:

(h) The commission shall promote the development and use of
renewable energy resources, in conformance with the provisions
of chapter 187 and s. 377.601, by:

1. Establishing goals and strategies for increasing the use
of solar energy in this state.

2. Aiding and promoting the commercialization of solar
energy technology, in cooperation with the Florida Solar Energy
Center, the Jobs Florida Partnership, Enterprise Florida, Inc.,
and any other federal, state, or local governmental agency which
may seek to promote research, development, and demonstration of
solar energy equipment and technology.

3. Identifying barriers to greater use of solar energy
systems in this state, and developing specific recommendations
for overcoming identified barriers, with findings and
recommendations to be submitted annually in the report to the
Governor and Legislature required under paragraph (f).

4. In cooperation with the Department of Environmental
Protection, the Department of Transportation, the Jobs Florida
Partnership, the Department of Community Affairs, Enterprise
Florida, Inc., the Florida Solar Energy Center, and the Florida
Solar Energy Industries Association, investigating
opportunities, pursuant to the National Energy Policy Act of
1992, the Housing and Community Development Act of 1992, and any
subsequent federal legislation, for solar electric vehicles and
other solar energy manufacturing, distribution, installation,
and financing efforts which will enhance this state’s position
as the leader in solar energy research, development, and use.

5. Undertaking other initiatives to advance the development
and use of renewable energy resources in this state.

In the exercise of its responsibilities under this paragraph,
the commission shall seek the assistance of the solar energy
industry in this state and other interested parties and is
authorized to enter into contracts, retain professional
consulting services, and expend funds appropriated by the
Legislature for such purposes.

Section 224. Paragraph (h) of subsection (5) of section
377.711, Florida Statutes, is amended to read:

377.711 Florida party to Southern States Energy Compact.—
The Southern States Energy Compact is enacted into law and
entered into by the state as a party, and is of full force and
effect between the state and any other states joining therein in
accordance with the terms of the compact, which compact is substantially as follows:

(5) POWERS.—The board shall have the power to:

(h) Recommend such changes in, or amendments or additions to, the laws, codes, rules, regulations, administrative procedures and practices, or ordinances of the party states in any of the fields of its interest and competence as in its judgment may be appropriate. Any such recommendation shall be made through the appropriate state agency with due consideration of the desirability of uniformity and appropriate weight to any special circumstances that may justify variations to meet local conditions. Any such recommendation shall be made, in the case of Florida, through the Department of Commerce.

Section 225. Subsection (3) of section 377.712, Florida Statutes, is amended to read:

377.712 Florida participation.—

(3) Departments. The department, agencies, and officers of this state, and its subdivisions are authorized to cooperate with the board in the furtherance of any of its activities pursuant to the compact, provided such proposed activities have been made known to, and have the approval of, either the Governor or the Department of Health.

Section 226. Subsection (5) of section 377.804, Florida Statutes, is amended to read:

377.804 Renewable Energy and Energy-Efficient Technologies Grants Program.—

(5) The commission shall solicit the expertise of state agencies, the Jobs Florida Partnership Enterprise Florida, Inc., and state universities, and may solicit the expertise of other
public and private entities it deems appropriate, in evaluating project proposals. State agencies shall cooperate with the commission and provide such assistance as requested.

Section 227. Subsection (18) of section 380.031, Florida Statutes, is amended to read:

380.031 Definitions.—As used in this chapter:
(18) “State land planning agency” means Jobs Florida and may be referred to in this part as the “department.”

Section 228. Paragraph (s) of subsection (24) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—
(24) STATUTORY EXEMPTIONS.—
(s) Any development in a detailed specific area plan which is prepared and adopted pursuant to s. 163.3245 and adopted into the comprehensive plan is exempt from this section.

If a use is exempt from review as a development of regional impact under paragraphs (a)-(s), but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development of regional impact that includes a landowner, tenant, or user that has entered into a funding agreement with the Office of Tourism, Trade, and Economic Development under the Innovation Incentive Program and the agreement contemplates a state award of at least $50 million.

Section 229. Subsection (3) of section 380.115, Florida Statutes, is amended to read:
380.115 Vested rights and duties; effect of size reduction, changes in guidelines and standards.—

(3) A landowner that has filed an application for a development-of-regional-impact review prior to the adoption of an optional sector plan pursuant to s. 163.3245 may elect to have the application reviewed pursuant to s. 380.06, comprehensive plan provisions in force prior to adoption of the sector plan, and any requested comprehensive plan amendments that accompany the application.

Section 230. Section 380.285, Florida Statutes, is amended to read:

380.285 Lighthouses; study; preservation; funding.—The Department of Community Affairs and the Division of Historical Resources of the Department of State shall undertake a study of the lighthouses in the state. The study must determine the location, ownership, condition, and historical significance of all lighthouses in the state and ensure that all historically significant lighthouses are nominated for inclusion on the National Register of Historic Places. The study must assess the condition and restoration needs of historic lighthouses and develop plans for appropriate future public access and use. The Division of Historical Resources shall take a leadership role in implementing plans to stabilize lighthouses and associated structures and to preserve and protect them from future deterioration. When possible, the lighthouses and associated buildings should be made available to the public for educational and recreational purposes. The Department of State shall request in its annual legislative budget requests funding necessary to carry out the duties and responsibilities specified in this act.
Funds for the rehabilitation of lighthouses should be allocated through matching grants-in-aid to state and local government agencies and to nonprofit organizations. The Department of Environmental Protection may assist the Division of Historical Resources in projects to accomplish the goals and activities described in this section.

Section 231. Paragraph (e) of subsection (1) of section 381.0054, Florida Statutes, is amended to read:

381.0054 Healthy lifestyles promotion.—
(1) The Department of Health shall promote healthy lifestyles to reduce the prevalence of excess weight gain and obesity in Florida by implementing appropriate physical activity and nutrition programs that are directed towards all Floridians by:
(e) Partnering with the Department of Education, school districts, and the Jobs Florida Partnership, Inc., Florida Sports Foundation to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement.

Section 232. Subsection (6) of section 381.0086, Florida Statutes, is amended to read:
381.0086 Rules; variances; penalties.—
(6) For the purposes of filing an interstate clearance order with Jobs Florida the Agency for Workforce Innovation, if the housing is covered by 20 C.F.R. part 654, subpart E, no permanent structural variance referred to in subsection (2) is allowed.

Section 233. Subsection (3) of section 381.7354, Florida Statutes, is amended to read:
381.7354 Eligibility.—

(3) In addition to the grants awarded under subsections (1) and (2), up to 20 percent of the funding for the Reducing Racial and Ethnic Health Disparities: Closing the Gap grant program shall be dedicated to projects that address improving racial and ethnic health status within specific Front Porch Florida Communities, as designated pursuant to s. 20.18(6).

Section 234. Paragraph (a) of subsection (5) of section 381.855, Florida Statutes, is amended to read:

381.855 Florida Center for Universal Research to Eradicate Disease.—

(5) There is established within the center an advisory council that shall meet at least annually.

(a) The council shall consist of one representative from a Florida not-for-profit institution engaged in basic and clinical biomedical research and education which receives more than $10 million in annual grant funding from the National Institutes of Health, to be appointed by the State Surgeon General from a different institution each term, and one representative from and appointed by each of the following entities:

1. The Jobs Florida Partnership Enterprise Florida, Inc.
3. The Biomedical Research Advisory Council.
4. The Florida Medical Foundation.
5. Pharmaceutical Research and Manufacturers of America.
6. The American Cancer Society, Florida Division, Inc.
8. The American Lung Association of Florida.
9. The American Diabetes Association, South Coastal Region.
11. The Epilepsy Foundation.
12. The National Parkinson Foundation.
13. The Florida Public Health Institute, Inc.

Section 235. Paragraph (b) of subsection (1) and subsection (2) of section 383.14, Florida Statutes, are amended to read:

383.14 Screening for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors.—

(1) SCREENING REQUIREMENTS.—To help ensure access to the maternal and child health care system, the Department of Health shall promote the screening of all newborns born in Florida for metabolic, hereditary, and congenital disorders known to result in significant impairment of health or intellect, as screening programs accepted by current medical practice become available and practical in the judgment of the department. The department shall also promote the identification and screening of all newborns in this state and their families for environmental risk factors such as low income, poor education, maternal and family stress, emotional instability, substance abuse, and other high-risk conditions associated with increased risk of infant mortality and morbidity to provide early intervention, remediation, and prevention services, including, but not limited to, parent support and training programs, home visitation, and case management. Identification, perinatal screening, and intervention efforts shall begin prior to and immediately following the birth of the child by the attending health care provider. Such efforts shall be conducted in hospitals, perinatal centers, county health departments, school health
programs that provide prenatal care, and birthing centers, and reported to the Office of Vital Statistics.

(b) Postnatal screening.—A risk factor analysis using the department’s designated risk assessment instrument shall also be conducted as part of the medical screening process upon the birth of a child and submitted to the department’s Office of Vital Statistics for recording and other purposes provided for in this chapter. The department’s screening process for risk assessment shall include a scoring mechanism and procedures that establish thresholds for notification, further assessment, referral, and eligibility for services by professionals or paraprofessionals consistent with the level of risk. Procedures for developing and using the screening instrument, notification, referral, and care coordination services, reporting requirements, management information, and maintenance of a computer-driven registry in the Office of Vital Statistics which ensures privacy safeguards must be consistent with the provisions and plans established under chapter 411, Pub. L. No. 99-457, and this chapter. Procedures established for reporting information and maintaining a confidential registry must include a mechanism for a centralized information depository at the state and county levels. The department shall coordinate with existing risk assessment systems and information registries. The department must ensure, to the maximum extent possible, that the screening information registry is integrated with the department’s automated data systems, including the Florida Online Recipient Integrated Data Access (FLORIDA) system. Tests and screenings must be performed by the State Public Health Laboratory, in coordination with Children’s Medical Services, at
such times and in such manner as is prescribed by the department
after consultation with the Genetics and Newborn Infant
Screening Advisory Council and the Department of Education
Agency for Workforce Innovation.

(2) RULES.—After consultation with the Genetics and Newborn
Screening Advisory Council, the department shall adopt and
enforce rules requiring that every newborn in this state shall,
prior to becoming 1 week of age, be subjected to a test for
phenylketonuria and, at the appropriate age, be tested for such
other metabolic diseases and hereditary or congenital disorders
as the department may deem necessary from time to time. After
consultation with the Department of Education Agency for
Workforce Innovation, the department shall also adopt and
enforce rules requiring every newborn in this state to be
screened for environmental risk factors that place children and
their families at risk for increased morbidity, mortality, and
other negative outcomes. The department shall adopt such
additional rules as are found necessary for the administration
of this section and s. 383.145, including rules providing
definitions of terms, rules relating to the methods used and
time or times for testing as accepted medical practice
indicates, rules relating to charging and collecting fees for
the administration of the newborn screening program authorized
by this section, rules for processing requests and releasing
test and screening results, and rules requiring mandatory
reporting of the results of tests and screenings for these
conditions to the department.

Section 236. Paragraph (b) of subsection (3) of section
402.281, Florida Statutes, is amended to read:
402.281 Gold Seal Quality Care program.—

(3)

(b) In approving accrediting associations, the department shall consult with the Department of Education, the Agency for Workforce Innovation, the Florida Head Start Directors Association, the Florida Association of Child Care Management, the Florida Family Day Care Association, the Florida Children’s Forum, the Early Childhood Association of Florida, the Child Development Education Alliance, providers receiving exemptions under s. 402.316, and parents.

Section 237. Subsection (6) of section 402.45, Florida Statutes, is amended to read:

402.45 Community resource mother or father program.—

(6) Individuals under contract to provide community resource mother or father services shall participate in preservice and ongoing training as determined by the Department of Health in consultation with the Department of Education Agency for Workforce Innovation. A community resource mother or father shall not be assigned a client caseload until all preservice training requirements are completed.

Section 238. Paragraph (a) of subsection (4) of section 402.56, Florida Statutes, is amended to read:

402.56 Children’s cabinet; organization; responsibilities; annual report.—

(4) MEMBERS.—The cabinet shall consist of 14 members including the Governor and the following persons:

(a)1. The Secretary of Children and Family Services;

2. The Secretary of Juvenile Justice;

3. The director of the Agency for Persons with...
Disabilities;

4. The director of the Agency for Workforce Innovation;

4. The State Surgeon General;

5. The Secretary of Health Care Administration;

6. The Commissioner of Education;

7. The director of the Statewide Guardian Ad Litem Office;

8. The director of the Office of Child Abuse Prevention;

and

9. Five members representing children and youth advocacy organizations, who are not service providers and who are appointed by the Governor.

Section 239. Paragraph (b) of subsection (3) of section 403.42, Florida Statutes, is amended to read:

403.42 Florida Clean Fuel Act.—

(3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED; MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—

(b)1. The advisory board shall consist of the Secretary of Community Affairs, or a designee from that department, the Secretary of Environmental Protection, or a designee from that department, the Commissioner of Education, or a designee from that department, the Secretary of Transportation, or a designee from that department, the Commissioner of Agriculture, or a designee from the Department of Agriculture and Consumer Services, the Secretary of Management Services, or a designee from that department, and a representative of each of the following, who shall be appointed by the Secretary of Environmental Protection:

a. The Florida biodiesel industry.
b. The Florida electric utility industry.
c. The Florida natural gas industry.
d. The Florida propane gas industry.
e. An automobile manufacturers’ association.
f. A Florida Clean Cities Coalition designated by the United States Department of Energy.
g. The Jobs Florida Partnership Enterprise Florida, Inc.
h. EV Ready Broward.
i. The Florida petroleum industry.
j. The Florida League of Cities.
k. The Florida Association of Counties.
l. Floridians for Better Transportation.
m. A motor vehicle manufacturer.
n. Florida Local Environment Resource Agencies.
o. Project for an Energy Efficient Florida.

2. The purpose of the advisory board is to serve as a resource for the department and to provide the Governor, the Legislature, and the Secretary of Environmental Protection with private sector and other public agency perspectives on achieving the goal of increasing the use of alternative fuel vehicles in this state.

3. Members shall be appointed to serve terms of 1 year each, with reappointment at the discretion of the Secretary of Environmental Protection. Vacancies shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

4. The board shall annually select a chairperson.

5.a. The board shall meet at least once each quarter or
more often at the call of the chairperson or the Secretary of Environmental Protection.

b. Meetings are exempt from the notice requirements of chapter 120, and sufficient notice shall be given to afford interested persons reasonable notice under the circumstances.

6. Members of the board are entitled to travel expenses while engaged in the performance of board duties.

7. The board shall terminate 5 years after the effective date of this act.

Section 240. Subsection (5) of section 403.7032, Florida Statutes, is amended to read:

403.7032 Recycling.—

(5) The Department of Environmental Protection shall create the Recycling Business Assistance Center by December 1, 2010. In carrying out its duties under this subsection, the department shall consult with state agency personnel appointed to serve as economic development liaisons under s. 288.021 and seek technical assistance from the Jobs Florida Partnership Enterprise Florida, Inc., to ensure the Recycling Business Assistance Center is positioned to succeed. The purpose of the center shall be to serve as the mechanism for coordination among state agencies and the private sector in order to coordinate policy and overall strategic planning for developing new markets and expanding and enhancing existing markets for recyclable materials in this state, other states, and foreign countries. The duties of the center must include, at a minimum:

(a) Identifying and developing new markets and expanding and enhancing existing markets for recyclable materials.

(b) Pursuing expanded end uses for recycled materials.
(c) Targeting materials for concentrated market development efforts.

(d) Developing proposals for new incentives for market development, particularly focusing on targeted materials.

(e) Providing guidance on issues such as permitting, finance options for recycling market development, site location, research and development, grant program criteria for recycled materials markets, recycling markets education and information, and minimum content.

(f) Coordinating the efforts of various governmental entities having market development responsibilities in order to optimize supply and demand for recyclable materials.

(g) Evaluating source-reduced products as they relate to state procurement policy. The evaluation shall include, but is not limited to, the environmental and economic impact of source-reduced product purchases to the state. For the purposes of this paragraph, the term “source-reduced” means any method, process, product, or technology that significantly or substantially reduces the volume or weight of a product while providing, at a minimum, equivalent or generally similar performance and service to and for the users of such materials.

(h) Providing evaluation of solid waste management grants, pursuant to s. 403.7095, to reduce the flow of solid waste to disposal facilities and encourage the sustainable recovery of materials from Florida’s waste stream.

(i) Providing below-market financing for companies that manufacture products from recycled materials or convert recyclable materials into raw materials for use in manufacturing pursuant to the Florida Recycling Loan Program as administered
by the Florida First Capital Finance Corporation.

(j) Maintaining a continuously updated online directory listing the public and private entities that collect, transport, broker, process, or remanufacture recyclable materials in the state.

(k) Providing information on the availability and benefits of using recycled materials to private entities and industries in the state.

(l) Distributing any materials prepared in implementing this subsection to the public, private entities, industries, governmental entities, or other organizations upon request.

(m) Coordinating with Jobs Florida the Agency for Workforce Innovation and its partners to provide job placement and job training services to job seekers through the state’s workforce services programs.

Section 241. Paragraphs (c), (d), and (e) of subsection (2), paragraphs (b) and (c) of subsection (3), and subsections (4), (15), (17), and (18) of section 403.973, Florida Statutes, are amended to read:

403.973 Expedited permitting; amendments to comprehensive plans.—

(2) As used in this section, the term:

(c) “Office” means the Office of Tourism, Trade, and Economic Development.

(c)(c) “Permit applications” means state permits and licenses, and at the option of a participating local government, local development permits or orders.

(d)(c) “Secretary” means the Secretary of Environmental Protection or his or her designee.
(b) On a case-by-case basis and at the request of a county or municipal government, Jobs Florida the office may certify as eligible for expedited review a project not meeting the minimum job creation thresholds but creating a minimum of 10 jobs. The recommendation from the governing body of the county or municipality in which the project may be located is required in order for Jobs Florida the office to certify that any project is eligible for expedited review under this paragraph. When considering projects that do not meet the minimum job creation thresholds but that are recommended by the governing body in which the project may be located, Jobs Florida the office shall consider economic impact factors that include, but are not limited to:

1. The proposed wage and skill levels relative to those existing in the area in which the project may be located;
2. The project’s potential to diversify and strengthen the area’s economy;
3. The amount of capital investment; and
4. The number of jobs that will be made available for persons served by the welfare transition program.

(c) At the request of a county or municipal government, Jobs Florida the office or a Quick Permitting County may certify projects located in counties where the ratio of new jobs per participant in the welfare transition program, as determined by Workforce Florida, Inc., is less than one or otherwise critical, as eligible for the expedited permitting process. Such projects must meet the numerical job creation criteria of this subsection, but the jobs created by the project do not have to
be high-wage jobs that diversify the state’s economy.

(4) The regional teams shall be established through the execution of memoranda of agreement developed by the applicant and the secretary, with input solicited from Jobs Florida, the Department of Community Affairs, the Department of Transportation and its district offices, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, appropriate regional planning councils, appropriate water management districts, and voluntarily participating municipalities and counties. The memoranda of agreement should also accommodate participation in this expedited process by other local governments and federal agencies as circumstances warrant.

(15) Jobs Florida The office, working with the agencies providing cooperative assistance and input regarding the memoranda of agreement, shall review sites proposed for the location of facilities eligible for the Innovation Incentive Program under s. 288.1089. Within 20 days after the request for the review by Jobs Florida, the agencies shall provide to Jobs Florida a statement as to each site’s necessary permits under local, state, and federal law and an identification of significant permitting issues, which if unresolved, may result in the denial of an agency permit or approval or any significant delay caused by the permitting process.

(17) Jobs Florida The office shall be responsible for certifying a business as eligible for undergoing expedited review under this section. The Jobs Florida Partnership Enterprise Florida, Inc., a county or municipal government, or
the Rural Economic Development Initiative may recommend to Jobs Florida the Office of Tourism, Trade, and Economic Development that a project meeting the minimum job creation threshold undergo expedited review.

(18) Jobs Florida The office, working with the Rural Economic Development Initiative and the agencies participating in the memoranda of agreement, shall provide technical assistance in preparing permit applications and local comprehensive plan amendments for counties having a population of fewer than 75,000 residents, or counties having fewer than 125,000 residents which are contiguous to counties having fewer than 75,000 residents. Additional assistance may include, but not be limited to, guidance in land development regulations and permitting processes, working cooperatively with state, regional, and local entities to identify areas within these counties which may be suitable or adaptable for preclearance review of specified types of land uses and other activities requiring permits.

Section 242. Paragraph (a) of subsection (3) of section 409.017, Florida Statutes, is amended to read:

409.017 Revenue Maximization Act; legislative intent; revenue maximization program.—

(3) REVENUE MAXIMIZATION PROGRAM.—

(a) For purposes of this section, the term “agency” means any state agency or department that is involved in providing health, social, or human services, including, but not limited to, the Agency for Health Care Administration, the Agency for Workforce Innovation, the Department of Children and Family Services, the Department of Elderly Affairs, the Department of
Juvenile Justice, the Department of Education, and the State Board of Education.

Section 243. Paragraph (c) of subsection (7) of section 409.1451, Florida Statutes, is amended to read:

409.1451 Independent living transition services.—

(7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The Secretary of Children and Family Services shall establish the Independent Living Services Advisory Council for the purpose of reviewing and making recommendations concerning the implementation and operation of the independent living transition services. This advisory council shall continue to function as specified in this subsection until the Legislature determines that the advisory council can no longer provide a valuable contribution to the department’s efforts to achieve the goals of the independent living transition services.

(c) Members of the advisory council shall be appointed by the secretary of the department. The membership of the advisory council must include, at a minimum, representatives from the headquarters and district offices of the Department of Children and Family Services, community-based care lead agencies, the Agency for Workforce Innovation, the Department of Education, the Agency for Health Care Administration, the State Youth Advisory Board, Workforce Florida, Inc., the Statewide Guardian Ad Litem Office, foster parents, recipients of Road-to-Independence Program funding, and advocates for foster children. The secretary shall determine the length of the term to be served by each member appointed to the advisory council, which may not exceed 4 years.

Section 244. Subsection (1), paragraph (b) of subsection
(3), and subsection (8) of section 409.2576, Florida Statutes, are amended to read:

409.2576 State Directory of New Hires.—

(1) DIRECTORY CREATED.—The State Directory of New Hires is hereby created and shall be administered by the Department of Revenue or its agent. The Department of Labor and Employment Security will act as the agent until a date not later than October 1, 1998. All employers in the state shall furnish a report consistent with subsection (3) for each newly hired or rehired employee unless the employee is employed by a federal or state agency performing intelligence or counterintelligence functions and the head of such agency has determined that reporting pursuant to this section could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(3) EMPLOYERS TO FURNISH REPORTS.—

(b) Upon termination of the contract with the Department of Labor and Employment Security, but not later than October 1, 1998, all employers shall furnish a report to the State Directory of New Hires of the state in which the newly hired or rehired employee works. The report required in this section shall be made on a W-4 form or, at the option of the employer, an equivalent form, and can be transmitted magnetically, electronically, by first-class mail, or other methods which may be prescribed by the State Directory. Each report shall include the name, address, date of hire, and social security number of every new and rehired employee and the name, address, and federal employer identification number of the reporting employer. If available, the employer may also include the
employee’s date of birth in the report. Multistate employers
that report new hire information electronically or magnetically
may designate a single state to which it will transmit the above
noted report, provided the employer has employees in that state
and the employer notifies the Secretary of Health and Human
Services in writing to which state the information will be
provided. Agencies of the United States Government shall report
directly to the National Directory of New Hires.

(8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—Not later
than October 1, 1997, the State Directory of New Hires must
furnish information regarding newly hired or rehired employees
to the National Directory of New Hires for matching with the
records of other state case registries within 3 business days of
entering such information from the employer into the State
Directory of New Hires. The State Directory of New Hires shall
enter into an agreement with Jobs Florida or its tax collection
service provider the Florida Department of Labor and Employment
Security for the quarterly reporting to the National Directory
of New Hires information on wages and unemployment compensation
taken from the quarterly report to the Secretary of Labor, now
required by Title III of the Social Security Act, except that no
report shall be filed with respect to an employee of a state or
local agency performing intelligence or counterintelligence
functions, if the head of such agency has determined that filing
such a report could endanger the safety of the employee or
compromise an ongoing investigation or intelligence mission.

Section 245. Section 409.944, Florida Statutes, is amended
to read:

409.944 Inner City Redevelopment Assistance Grants
Program.—There is created an Inner City Redevelopment Assistance Grants Program to be administered by Jobs Florida the Office of Tourism, Trade, and Economic Development. Jobs Florida The Office shall develop criteria for awarding these grants which give weighted consideration to urban high-crime areas as identified by the Florida Department of Law Enforcement. These criteria shall also be weighted to immediate creation of jobs for residents in the targeted areas.

Section 246. Section 409.946, Florida Statutes, is amended to read:

409.946 Inner City Redevelopment Review Panel.—In order to enhance public participation and involvement in the redevelopment of inner-city areas, there is created within Jobs Florida the Office of Tourism, Trade, and Economic Development the Inner City Redevelopment Review Panel.

(1) The review panel shall consist of six seven members who represent different areas of the state, who are appointed by the commissioner of Jobs Florida Director of the Office of Tourism, Trade, and Economic Development, and who are qualified, through the demonstration of special interest, experience, or education, in the redevelopment of the state’s inner-city areas, as follows:

(a) One member must be affiliated with the advisory council of the Division of Minority Business Development of the Jobs Florida Partnership, Inc. Black Business Investment Board;

(b) One member must be affiliated with the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University;

(c) One member must be affiliated with a local economic
development agency the Office of Tourism, Trade, and Economic Development;

(d) One member must be the president of the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., or the president’s designee;

(e) One member must be the Secretary of Community Affairs or the secretary’s designee;

(f) One member must be affiliated with the Better Jobs/Better Wages Council of Workforce Florida, Inc.; and

(g) One member must be affiliated with the First Jobs/First Wages Council of Workforce Florida, Inc.

(2) The importance of minority and gender representation must be considered when making appointments to the panel, and the geographic representation of panel members must also be considered.

(3) Members of the review panel shall be appointed for 4-year terms. A person may not serve more than two consecutive terms on the panel.

(4) Members shall elect a chairperson annually. A member may not be elected to consecutive terms as chairperson.

(5) All action taken by the review panel shall be by majority vote of those present. The commissioner of Jobs Florida director of the Office of Tourism, Trade, and Economic Development or the commissioner’s director’s designee shall serve without voting rights as secretary to the panel. Jobs Florida The Office of Tourism, Trade, and Economic Development shall provide necessary staff assistance to the panel.

(6) It is the responsibility of the panel to evaluate proposals for awards of inner-city redevelopment grants

CODING: Words stricken are deletions; words underlined are additions.
administered by Jobs Florida the Office of Tourism, Trade, and Economic Development. The panel shall review and evaluate all proposals for grants and shall make recommendations, including a priority ranking, reflecting such evaluation.

Section 247. Paragraph (d) of subsection (2), subsection (4), paragraphs (a), (c), (d), (e), and (f) of subsection (5), paragraph (e) of subsection (7), subsection (8), and paragraphs (b), (c), (d), and (e) of subsection (9) of section 411.01, Florida Statutes, are amended to read:

411.01 School readiness programs; early learning coalitions.—

(2) LEGISLATIVE INTENT.—

(d) It is the intent of the Legislature that the administrative staff for school readiness programs be kept to the minimum necessary to administer the duties of the Department of Education Agency for Workforce Innovation and early learning coalitions. The Department of Education Agency for Workforce Innovation shall adopt system support services at the state level to build a comprehensive early learning system. Each early learning coalition shall implement and maintain direct enhancement services at the local level, as approved in its school readiness plan by the Department of Education Agency for Workforce Innovation, and ensure access to such services in all 67 counties.

(4) DEPARTMENT OF EDUCATION AGENCY FOR WORKFORCE INNOVATION.—

(a) The Department of Education Agency for Workforce Innovation shall administer school readiness programs at the state level and shall coordinate with the early learning
coalitions in providing school readiness services on a full-day, full-year, full-choice basis to the extent possible in order to enable parents to work and be financially self-sufficient.

(b) The Department of Education Agency for Workforce Innovation shall:

1. Coordinate the birth-to-kindergarten services for children who are eligible under subsection (6) and the programmatic, administrative, and fiscal standards under this section for all public providers of school readiness programs.

2. Focus on improving the educational quality of all program providers participating in publicly funded school readiness programs.

3. Provide comprehensive services to the state’s birth to five population which shall ensure the preservation of parental choice by permitting parents to choose from a variety of child care categories, including: Center-based child care; Group home child care; Family child care; and In-home child care. Under each of the above categories, care and curriculum by a sectarian provider may not be limited or excluded.

(c) The Governor shall designate the Department of Education Agency for Workforce Innovation as the lead agency for administration of the federal Child Care and Development Fund, 45 C.F.R. parts 98 and 99, and the department agency shall comply with the lead agency responsibilities under federal law.

(d) The Department of Education Agency for Workforce Innovation shall:

1. Be responsible for the prudent use of all public and private funds in accordance with all legal and contractual requirements.
2. Provide final approval and every 2 years review early learning coalitions and school readiness plans.

3. Establish a unified approach to the state’s efforts toward enhancement of school readiness. In support of this effort, the Department of Education Agency for Workforce Innovation shall adopt specific system support services that address the state’s school readiness programs. An early learning coalition shall amend its school readiness plan to conform to the specific system support services adopted by the Department of Education Agency for Workforce Innovation. System support services shall include, but are not limited to:
   a. Child care resource and referral services;
   b. Warm-Line services;
   c. Eligibility determinations;
   d. Child performance standards;
   e. Child screening and assessment;
   f. Developmentally appropriate curricula;
   g. Health and safety requirements;
   h. Statewide data system requirements; and
   i. Rating and improvement systems.

4. Safeguard the effective use of federal, state, local, and private resources to achieve the highest possible level of school readiness for the children in this state.

5. Adopt a rule establishing criteria for the expenditure of funds designated for the purpose of funding activities to improve the quality of child care within the state in accordance with s. 658G of the federal Child Care and Development Block Grant Act.

6. Provide technical assistance to early learning
coalitions in a manner determined by the Department of Education Agency for Workforce Innovation based upon information obtained by the department agency from various sources, including, but not limited to, public input, government reports, private interest group reports, department agency monitoring visits, and coalition requests for service.

7. In cooperation with the Department of Education and early learning coalitions, coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize duplicating interagency activities, health and safety monitoring, and acquiring and composing data pertaining to child care training and credentialing.

8. Develop and adopt performance standards and outcome measures for school readiness programs. The performance standards must address the age-appropriate progress of children in the development of school readiness skills. The performance standards for children from birth to 5 years of age in school readiness programs must be integrated with the performance standards adopted by the Department of Education for children in the Voluntary Prekindergarten Education Program under s. 1002.67.

9. Adopt a standard contract that must be used by the coalitions when contracting with school readiness providers.

(e) The Department of Education Agency for Workforce Innovation may adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of law conferring duties upon the department agency, including, but not limited to, rules governing the administration of system support services of school readiness programs, the collection of data, the approval
of early learning coalitions and school readiness plans, the
provision of a method whereby an early learning coalition may
serve two or more counties, the award of incentives to early
learning coalitions, child performance standards, child outcome
measures, the issuance of waivers, and the implementation of the
state’s Child Care and Development Fund Plan as approved by the
federal Administration for Children and Families.

(f) The Department of Education Agency for Workforce
Innovation shall have all powers necessary to administer this
section, including, but not limited to, the power to receive and
accept grants, loans, or advances of funds from any public or
private agency and to receive and accept from any source
contributions of money, property, labor, or any other thing of
value, to be held, used, and applied for purposes of this
section.

(g) Except as provided by law, the Department of Education
Agency for Workforce Innovation may not impose requirements on a
child care or early childhood education provider that does not
deliver services under the school readiness programs or receive
state or federal funds under this section.

(h) The Department of Education Agency for Workforce
Innovation shall have a budget for school readiness programs,
which shall be financed through an annual appropriation made for
purposes of this section in the General Appropriations Act.

(i) The Department of Education Agency for Workforce
Innovation shall coordinate the efforts toward school readiness
in this state and provide independent policy analyses, data
analyses, and recommendations to the Governor, the State Board
(j) The Department of Education Agency for Workforce Innovation shall require that school readiness programs, at a minimum, enhance the age-appropriate progress of each child in attaining the performance standards adopted under subparagraph (d)8. and in the development of the following school readiness skills:

1. Compliance with rules, limitations, and routines.
2. Ability to perform tasks.
3. Interactions with adults.
4. Interactions with peers.
5. Ability to cope with challenges.
7. Ability to express the child’s needs.
8. Verbal communication skills.
9. Problem-solving skills.
10. Following of verbal directions.
11. Demonstration of curiosity, persistence, and exploratory behavior.
12. Interest in books and other printed materials.
13. Paying attention to stories.
14. Participation in art and music activities.
15. Ability to identify colors, geometric shapes, letters of the alphabet, numbers, and spatial and temporal relationships.

Within 30 days after enrollment in the school readiness program, the early learning coalition must ensure that the program provider obtains information regarding the child’s immunizations, physical development, and other health
requirements as necessary, including appropriate vision and
hearing screening and examinations. For a program provider
licensed by the Department of Children and Family Services, the
provider’s compliance with s. 402.305(9), as verified pursuant
to s. 402.311, shall satisfy this requirement.

(k) The Department of Education Agency for Workforce
Innovation shall conduct studies and planning activities related
to the overall improvement and effectiveness of the outcome
measures adopted by the department agency for school readiness
programs and the specific system support services to address the
state’s school readiness programs adopted by the Department of
Education Agency for Workforce Innovation in accordance with
subparagraph (d)3.

(l) The Department of Education Agency for Workforce
Innovation shall monitor and evaluate the performance of each
erly learning coalition in administering the school readiness
program, implementing the coalition’s school readiness plan, and
administering the Voluntary Prekindergarten Education Program.
These monitoring and performance evaluations must include, at a
minimum, onsite monitoring of each coalition’s finances,
management, operations, and programs.

(m) The Department of Education Agency for Workforce
Innovation shall submit an annual report of its activities
conducted under this section to the Governor, the President of
the Senate, the Speaker of the House of Representatives, and the
minority leaders of both houses of the Legislature. In addition,
the Department of Education’s Agency for Workforce Innovation’s
reports and recommendations shall be made available to the
Florida Early Learning Advisory Council and other appropriate
state agencies and entities. The annual report must provide an
analysis of school readiness activities across the state,
including the number of children who were served in the
programs.

(n) The Department of Education Agency for Workforce
Innovation shall work with the early learning coalitions to
ensure availability of training and support for parental
involvement in children’s early education and to provide family
literacy activities and services.

(5) CREATION OF EARLY LEARNING COALITIONS.—

(a) Early learning coalitions.—

1. Each early learning coalition shall maintain direct
enhancement services at the local level and ensure access to
such services in all 67 counties.

2. The Department of Education Agency for Workforce
Innovation shall establish the minimum number of children to be
served by each early learning coalition through the coalition’s
school readiness program. The Department of Education Agency for
Workforce Innovation may only approve school readiness plans in
accordance with this minimum number. The minimum number must be
uniform for every early learning coalition and must:

   a. Permit 31 or fewer coalitions to be established; and

   b. Require each coalition to serve at least 2,000 children

      based upon the average number of all children served per month
      through the coalition’s school readiness program during the
      previous 12 months.

3. If an early learning coalition would serve fewer
children than the minimum number established under subparagraph
2., the coalition must merge with another county to form a
multicounty coalition. The Department of Education Agency for Workforce Innovation shall adopt procedures for merging early learning coalitions, including procedures for the consolidation of merging coalitions, and for the early termination of the terms of coalition members which are necessary to accomplish the mergers. However, the Department of Education Agency for Workforce Innovation shall grant a waiver to an early learning coalition to serve fewer children than the minimum number established under subparagraph 2., if:

a. The Department of Education Agency for Workforce Innovation has determined during the most recent review of the coalition’s school readiness plan, or through monitoring and performance evaluations conducted under paragraph (4)(l), that the coalition has substantially implemented its plan;

b. The coalition demonstrates to the Department of Education Agency for Workforce Innovation the coalition’s ability to effectively and efficiently implement the Voluntary Prekindergarten Education Program; and

c. The coalition demonstrates to the Department of Education Agency for Workforce Innovation that the coalition can perform its duties in accordance with law.

If an early learning coalition fails or refuses to merge as required by this subparagraph, the Department of Education Agency for Workforce Innovation may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition’s county or multicounty region until the department agency reestablishes the coalition and a new school readiness plan is approved by the
4. Each early learning coalition shall be composed of at least 15 members but not more than 30 members. The Department of Education Agency for Workforce Innovation shall adopt standards establishing within this range the minimum and maximum number of members that may be appointed to an early learning coalition and procedures for identifying which members have voting privileges under subparagraph 6. These standards must include variations for a coalition serving a multicounty region. Each early learning coalition must comply with these standards.

5. The Governor shall appoint the chair and two other members of each early learning coalition, who must each meet the same qualifications as private sector business members appointed by the coalition under subparagraph 7.

6. Each early learning coalition must include the following member positions; however, in a multicounty coalition, each ex officio member position may be filled by multiple nonvoting members but no more than one voting member shall be seated per member position. If an early learning coalition has more than one member representing the same entity, only one of such members may serve as a voting member:

- a. A Department of Children and Family Services circuit administrator or his or her designee who is authorized to make decisions on behalf of the department.
- b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district.
- c. A regional workforce board executive director or his or her designee.
d. A county health department director or his or her
designee.

e. A children’s services council or juvenile welfare board
chair or executive director, if applicable.

f. An agency head of a local licensing agency as defined in
s. 402.302, where applicable.

g. A president of a community college or his or her
designee.

h. One member appointed by a board of county commissioners
or the governing board of a municipality.

i. A central agency administrator, where applicable.

j. A Head Start director.

k. A representative of private for-profit child care
providers, including private for-profit family day care homes.

l. A representative of faith-based child care providers.

m. A representative of programs for children with
disabilities under the federal Individuals with Disabilities
Education Act.

7. Including the members appointed by the Governor under
subsection 5., more than one-third of the members of each
early learning coalition must be private sector business members
who do not have, and none of whose relatives as defined in s.
112.3143 has, a substantial financial interest in the design or
delivery of the Voluntary Prekindergarten Education Program
created under part V of chapter 1002 or the coalition’s school
readiness program. To meet this requirement an early learning
coalition must appoint additional members. The Department of
Education Agency for Workforce Innovation shall establish
criteria for appointing private sector business members. These
criteria must include standards for determining whether a member
or relative has a substantial financial interest in the design
or delivery of the Voluntary Prekindergarten Education Program
or the coalition’s school readiness program.

8. A majority of the voting membership of an early learning
coalition constitutes a quorum required to conduct the business
of the coalition. An early learning coalition board may use any
method of telecommunications to conduct meetings, including
establishing a quorum through telecommunications, provided that
the public is given proper notice of a telecommunications
meeting and reasonable access to observe and, when appropriate,
participate.

9. A voting member of an early learning coalition may not
appoint a designee to act in his or her place, except as
otherwise provided in this paragraph. A voting member may send a
representative to coalition meetings, but that representative
does not have voting privileges. When a district administrator
for the Department of Children and Family Services appoints a
designee to an early learning coalition, the designee is the
voting member of the coalition, and any individual attending in
the designee’s place, including the district administrator, does
not have voting privileges.

10. Each member of an early learning coalition is subject
to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
112.3143(3)(a), each voting member is a local public officer who
must abstain from voting when a voting conflict exists.

11. For purposes of tort liability, each member or employee
of an early learning coalition shall be governed by s. 768.28.

12. An early learning coalition serving a multicounty
13. Each early learning coalition shall establish terms for all appointed members of the coalition. The terms must be staggered and must be a uniform length that does not exceed 4 years per term. Coalition chairs shall be appointed for 4 years in conjunction with their membership on the Early Learning Advisory Council under s. 20.052. Appointed members may serve a maximum of two consecutive terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

(c) Program expectations.—

1. The school readiness program must meet the following expectations:

   a. The program must, at a minimum, enhance the age-appropriate progress of each child in attaining the performance standards and outcome measures adopted by the [Department of Education Agency for Workforce Innovation].

   b. The program must provide extended-day and extended-year services to the maximum extent possible without compromising the quality of the program to meet the needs of parents who work.

   c. The program must provide a coordinated professional development system that supports the achievement and maintenance of core competencies by school readiness instructors in helping children attain the performance standards and outcome measures adopted by the [Department of Education Agency for Workforce Innovation].

   d. There must be expanded access to community services and resources for families to help achieve economic self-sufficiency.

   e. There must be a single point of entry and unified
waiting list. As used in this sub-subparagraph, the term “single point of entry” means an integrated information system that allows a parent to enroll his or her child in the school readiness program at various locations throughout a county, that may allow a parent to enroll his or her child by telephone or through an Internet website, and that uses a unified waiting list to track eligible children waiting for enrollment in the school readiness program. The Department of Education Agency for Workforce Innovation shall establish through technology a single statewide information system that each coalition must use for the purposes of managing the single point of entry, tracking children’s progress, coordinating services among stakeholders, determining eligibility, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions.

f. The Department of Education Agency for Workforce Innovation must consider the access of eligible children to the school readiness program, as demonstrated in part by waiting lists, before approving a proposed increase in payment rates submitted by an early learning coalition. In addition, early learning coalitions shall use school readiness funds made available due to enrollment shifts from school readiness programs to the Voluntary Prekindergarten Education Program for increasing the number of children served in school readiness programs before increasing payment rates.

g. The program must meet all state licensing guidelines, where applicable.

h. The program must ensure that minimum standards for child discipline practices are age-appropriate. Such standards must
provide that children not be subjected to discipline that is severe, humiliating, or frightening or discipline that is associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited.

2. Each early learning coalition must implement a comprehensive program of school readiness services in accordance with the rules adopted by the department agency which enhance the cognitive, social, and physical development of children to achieve the performance standards and outcome measures. At a minimum, these programs must contain the following system support service elements:
   a. Developmentally appropriate curriculum designed to enhance the age-appropriate progress of children in attaining the performance standards adopted by the Department of Education Agency for Workforce Innovation under subparagraph (4)(d)8.
   b. A character development program to develop basic values.
   c. An age-appropriate screening of each child’s development.
   d. An age-appropriate assessment administered to children when they enter a program and an age-appropriate assessment administered to children when they leave the program.
   e. An appropriate staff-to-children ratio, pursuant to s. 402.305(4) or s. 402.302(7) or (8), as applicable, and as verified pursuant to s. 402.311.
   f. A healthy and safe environment pursuant to s. 401.305(5), (6), and (7), as applicable, and as verified pursuant to s. 402.311.
   g. A resource and referral network established under s. 411.0101 to assist parents in making an informed choice and a
regional Warm-Line under s. 411.01015.

The Agency for Workforce Innovation, the Department of Education, and early learning coalitions shall coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize duplicating interagency activities pertaining to acquiring and composing data for child care training and credentialing.

(d) Implementation.—

1. An early learning coalition may not implement the school readiness program until the coalition’s school readiness plan is approved by the Department of Education Agency for Workforce Innovation.

2. Each early learning coalition shall coordinate with one another to implement a comprehensive program of school readiness services which enhances the cognitive, social, physical, and moral character of the children to achieve the performance standards and outcome measures and which helps families achieve economic self-sufficiency. Such program must contain, at a minimum, the following elements:

   a. Implement the school readiness program to meet the requirements of this section and the system support services, performance standards, and outcome measures adopted by the Department of Education Agency for Workforce Innovation.

   b. Demonstrate how the program will ensure that each child from birth through 5 years of age in a publicly funded school readiness program receives scheduled activities and instruction designed to enhance the age-appropriate progress of the children in attaining the performance standards adopted by the department.
agency under subparagraph (4)(d).

c. Ensure that the coalition has solicited and considered comments regarding the proposed school readiness plan from the local community.

Before implementing the school readiness program, the early learning coalition must submit the plan to the department agency for approval. The department agency may approve the plan, reject the plan, or approve the plan with conditions. The department agency shall review school readiness plans at least every 2 years.

3. If the Department of Education Agency for Workforce Innovation determines during the review of school readiness plans, or through monitoring and performance evaluations conducted under paragraph (4)(l), that an early learning coalition has not substantially implemented its plan, has not substantially met the performance standards and outcome measures adopted by the department agency, or has not effectively administered the school readiness program or Voluntary Prekindergarten Education Program, the department agency may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition’s county or multicounty region until the department agency reestablishes the coalition and a new school readiness plan is approved in accordance with the rules adopted by the department agency.

4. The Department of Education Agency for Workforce Innovation shall adopt rules establishing criteria for the approval of school readiness plans. The criteria must be
consistent with the system support services, performance standards, and outcome measures adopted by the department and must require each approved plan to include the following minimum standards for the school readiness program:

a. A community plan that addresses the needs of all children and providers within the coalition’s county or multicounty region.

b. A sliding fee scale establishing a copayment for parents based upon their ability to pay, which is the same for all program providers.

c. A choice of settings and locations in licensed, registered, religious-exempt, or school-based programs to be provided to parents.

d. Specific eligibility priorities for children in accordance with subsection (6).

e. Performance standards and outcome measures adopted by the department.

f. Payment rates adopted by the early learning coalitions and approved by the department. Payment rates may not have the effect of limiting parental choice or creating standards or levels of services that have not been expressly established by the Legislature, unless the creation of such standards or levels of service, which must be uniform throughout the state, has been approved by the Federal Government and result in the state being eligible to receive additional federal funds available for early learning on a statewide basis.

g. Direct enhancement services for families and children.

System support and direct enhancement services shall be in addition to payments for the placement of children in school
readiness programs. Direct enhancement services for families may include parent training and involvement activities and strategies to meet the needs of unique populations and local eligibility priorities. Enhancement services for children may include provider supports and professional development approved in the plan by the Department of Education Agency for Workforce Innovation.

h. The business organization of the early learning coalition, which must include the coalition’s articles of incorporation and bylaws if the coalition is organized as a corporation. If the coalition is not organized as a corporation or other business entity, the plan must include the contract with a fiscal agent. An early learning coalition may contract with other coalitions to achieve efficiency in multicounty services, and these contracts may be part of the coalition’s school readiness plan.

i. The implementation of locally developed quality programs in accordance with the requirements adopted by the department agency under subparagraph (4)(d)5.

The Department of Education Agency for Workforce Innovation may request the Governor to apply for a waiver to allow the coalition to administer the Head Start Program to accomplish the purposes of the school readiness program.

5. Persons with an early childhood teaching certificate may provide support and supervision to other staff in the school readiness program.

6. An early learning coalition may not implement its school readiness plan until it submits the plan to and receives
approval from the Department of Education Agency for Workforce Innovation. Once the plan is approved, the plan and the services provided under the plan shall be controlled by the early learning coalition. The plan shall be reviewed and revised as necessary, but at least biennially. An early learning coalition may not implement the revisions until the coalition submits the revised plan to and receives approval from the department agency. If the department agency rejects a revised plan, the coalition must continue to operate under its prior approved plan.

7. Section 125.901(2)(a)3. does not apply to school readiness programs. The Department of Education Agency for Workforce Innovation may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any of the provisions of ss. 411.223 and 1003.54, if the waiver is necessary for implementation of school readiness programs.

8. Two or more early learning coalitions may join for purposes of planning and implementing a school readiness program.

(e) Requests for proposals; payment schedule.—

1. Each early learning coalition must comply with the procurement and expenditure procedures adopted by the Department of Education Agency for Workforce Innovation, including, but not limited to, applying the procurement and expenditure procedures required by federal law for the expenditure of federal funds.

2. Each early learning coalition shall adopt a payment schedule that encompasses all programs funded under this section. The payment schedule must take into consideration the prevailing market rate, must include the projected number of
children to be served, and must be submitted for approval by the Department of Education Agency for Workforce Innovation.

Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate adopted for a family day care home.

(f) Evaluation and annual report.—Each early learning coalition shall conduct an evaluation of its implementation of the school readiness program, including system support services, performance standards, and outcome measures, and shall provide an annual report and fiscal statement to the Department of Education Agency for Workforce Innovation. This report must also include an evaluation of the effectiveness of its direct enhancement services and conform to the content and format specifications adopted by the Department of Education Agency for Workforce Innovation. The Department of Education Agency for Workforce Innovation must include an analysis of the early learning coalitions’ reports in the department’s agency’s annual report.

(7) PARENTAL CHOICE.—

e) The office of the Chief Financial Officer shall establish an electronic transfer system for the disbursement of funds in accordance with this subsection. Each early learning coalition shall fully implement the electronic funds transfer system within 2 years after approval of the coalition’s school readiness plan, unless a waiver is obtained from the Department of Education Agency for Workforce Innovation.

(8) STANDARDS; OUTCOME MEASURES.—A program provider participating in the school readiness program must meet the performance standards and outcome measures adopted by the Department of Education Agency for Workforce Innovation.
(9) FUNDING; SCHOOL READINESS PROGRAM.—

(b)1. The Department of Education Agency for Workforce Innovation shall administer school readiness funds, plans, and policies and shall prepare and submit a unified budget request for the school readiness system in accordance with chapter 216.

2. All instructions to early learning coalitions for administering this section shall emanate from the Department of Education Agency for Workforce Innovation in accordance with the policies of the Legislature.

(c) The Department of Education Agency for Workforce Innovation, subject to legislative notice and review under s. 216.177, shall establish a formula for the allocation of all state and federal school readiness funds provided for children participating in the school readiness program, whether served by a public or private provider, based upon equity for each county. The allocation formula must be submitted to the Governor, the chair of the Senate Ways and Means Committee or its successor, and the chair of the House of Representatives Fiscal Council or its successor no later than January 1 of each year. If the Legislature specifies changes to the allocation formula, the Department of Education Agency for Workforce Innovation shall allocate funds as specified in the General Appropriations Act.

(d) All state, federal, and required local maintenance-of-effort or matching funds provided to an early learning coalition for purposes of this section shall be used for implementation of its approved school readiness plan, including the hiring of staff to effectively operate the coalition’s school readiness program. As part of plan approval and periodic plan review, the Department of Education Agency for Workforce Innovation shall

CODING: Words stricken are deletions; words underlined are additions.
require that administrative costs be kept to the minimum necessary for efficient and effective administration of the school readiness plan, but total administrative expenditures must not exceed 5 percent unless specifically waived by the Department of Education Agency for Workforce Innovation. The Department of Education Agency for Workforce Innovation shall annually report to the Legislature any problems relating to administrative costs.

(e) The Department of Education Agency for Workforce Innovation shall annually distribute, to a maximum extent practicable, all eligible funds provided under this section as block grants to the early learning coalitions in accordance with the terms and conditions specified by the department agency.

Section 248. Subsections (1) and (2), paragraph (a) of subsection (3), and subsection (4) of section 411.0101, Florida Statutes, are amended to read:

411.0101 Child care and early childhood resource and referral.—

(1) As a part of the school readiness programs, the Department of Education Agency for Workforce Innovation shall establish a statewide child care resource and referral network that is unbiased and provides referrals to families for child care. Preference shall be given to using the already established early learning coalitions as the child care resource and referral agencies. If an early learning coalition cannot comply with the requirements to offer the resource information component or does not want to offer that service, the early learning coalition shall select the resource and referral agency for its county or multicounty region based upon a request for
(2) At least one child care resource and referral agency must be established in each early learning coalition’s county or multicounty region. The Department of Education Agency for Workforce Innovation shall adopt rules regarding accessibility of child care resource and referral services offered through child care resource and referral agencies in each county or multicounty region which include, at a minimum, required hours of operation, methods by which parents may request services, and child care resource and referral staff training requirements.

(3) Child care resource and referral agencies shall provide the following services:
   (a) Identification of existing public and private child care and early childhood education services, including child care services by public and private employers, and the development of a resource file of those services through the single statewide information system developed by the Department of Education Agency for Workforce Innovation under s. 411.01(5)(c)1.e. These services may include family day care, public and private child care programs, the Voluntary Prekindergarten Education Program, Head Start, the school readiness program, special education programs for prekindergarten children with disabilities, services for children with developmental disabilities, full-time and part-time programs, before-school and after-school programs, vacation care programs, parent education, the Temporary Cash Assistance Program, and related family support services. The resource file shall include, but not be limited to:
      1. Type of program.
2. Hours of service.
3. Ages of children served.
4. Number of children served.
5. Significant program information.
6. Fees and eligibility for services.
7. Availability of transportation.

(4) The Department of Education Agency for Workforce Innovation shall adopt any rules necessary for the implementation and administration of this section.

Section 249. Subsections (2), (6), and (7) of section 411.01013, Florida Statutes, are amended to read:

411.01013 Prevailing market rate schedule.—

(2) The Department of Education Agency for Workforce Innovation shall establish procedures for the adoption of a prevailing market rate schedule. The schedule must include, at a minimum, county-by-county rates:

(a) At the prevailing market rate, plus the maximum rate, for child care providers that hold a Gold Seal Quality Care designation under s. 402.281.

(b) At the prevailing market rate for child care providers that do not hold a Gold Seal Quality Care designation.

(6) The Department of Education Agency for Workforce Innovation may contract with one or more qualified entities to administer this section and provide support and technical assistance for child care providers.

(7) The Department of Education Agency for Workforce Innovation may adopt rules pursuant to ss. 120.536(1) and 120.54 for establishing procedures for the collection of child care providers’ market rate, the calculation of a reasonable
Section 250. Subsection (1) of section 411.01014, Florida Statutes, is amended to read:

(1) The Department of Education Agency for Workforce Innovation, pursuant to chapter 427, may authorize an early learning coalition to establish school readiness transportation services for children at risk of abuse or neglect participating in the school readiness program. The early learning coalitions may contract for the provision of transportation services as required by this section.

Section 251. Subsections (1), (3), and (4) of section 411.01015, Florida Statutes, are amended to read:

(1) Contingent upon specific appropriations, the Department of Education Agency for Workforce Innovation shall administer a statewide toll-free Warm-Line for the purpose of providing assistance and consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues.

(3) The Department of Education Agency for Workforce Innovation shall annually inform child care centers and family day care homes of the availability of this service through the child care resource and referral network under s. 411.0101.

(4) Contingent upon specific appropriations, the Department
of Education Agency for Workforce Innovation shall expand, or contract for the expansion of, the Warm-Line to maintain at least one Warm-Line site in each early learning coalition service area.

Section 252. Subsections (2) and (3) of section 411.0103, Florida Statutes, are amended to read:

411.0103 Teacher Education and Compensation Helps (TEACH) scholarship program.—

(2) The Department of Education Agency for Workforce Innovation may contract for the administration of the Teacher Education and Compensation Helps (TEACH) scholarship program, which provides educational scholarships to caregivers and administrators of early childhood programs, family day care homes, and large family child care homes.

(3) The department agency shall adopt rules under ss. 120.536(1) and 120.54 as necessary to administer this section.

Section 253. Subsections (1) and (3) of section 411.0104, Florida Statutes, are amended to read:

411.0104 Early Head Start collaboration grants.—

(1) Contingent upon specific appropriations, the Department of Education Agency for Workforce Innovation shall establish a program to award collaboration grants to assist local agencies in securing Early Head Start programs through Early Head Start program federal grants. The collaboration grants shall provide the required matching funds for public and private nonprofit agencies that have been approved for Early Head Start program federal grants.

(3) The Department of Education Agency for Workforce Innovation may adopt rules under ss. 120.536(1) and 120.54 as
necessary for the award of collaboration grants to competing agencies and the administration of the collaboration grants program under this section.

Section 254. Section 411.0106, Florida Statutes, is amended to read:

411.0106 Infants and toddlers in state-funded education and care programs; brain development activities.—Each state-funded education and care program for children from birth to 5 years of age must provide activities to foster brain development in infants and toddlers. A program must provide an environment that helps children attain the performance standards adopted by the Department of Education Agency for Workforce Innovation under s. 411.01(4)(d)8. and must be rich in language and music and filled with objects of various colors, shapes, textures, and sizes to stimulate visual, tactile, auditory, and linguistic senses in the children and must include classical music and at least 30 minutes of reading to the children each day. A program may be offered through an existing early childhood program such as Healthy Start, the Title I program, the school readiness program, the Head Start program, or a private child care program. A program must provide training for the infants’ and toddlers’ parents including direct dialogue and interaction between teachers and parents demonstrating the urgency of brain development in the first year of a child’s life. Family day care centers are encouraged, but not required, to comply with this section.

Section 255. Subsection (1) and paragraph (g) of subsection (3) of section 411.011, Florida Statutes, are amended to read:

411.011 Records of children in school readiness programs.—
(1) The individual records of children enrolled in school readiness programs provided under s. 411.01, held by an early learning coalition or the Department of Education Agency for Workforce Innovation, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this section, records include assessment data, health data, records of teacher observations, and personal identifying information.

(3) School readiness records may be released to:

(g) Parties to an interagency agreement among early learning coalitions, local governmental agencies, providers of school readiness programs, state agencies, and the Department of Education Agency for Workforce Innovation for the purpose of implementing the school readiness program.

Agencies, organizations, or individuals that receive school readiness records in order to carry out their official functions must protect the data in a manner that does not permit the personal identification of a child enrolled in a school readiness program and his or her parents by persons other than those authorized to receive the records.

Section 256. Paragraph (e) of subsection (2) of section 411.226, Florida Statutes, is amended to read:

411.226 Learning Gateway.—

(2) LEARNING GATEWAY STEERING COMMITTEE.—

(e) To support and facilitate system improvements, the steering committee must consult with representatives from the Department of Education, the Department of Health, the Agency for Workforce Innovation, the Department of Children and Family Services, and the Department of Community Affairs.
Services, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Corrections and with the director of the Learning Development and Evaluation Center of Florida Agricultural and Mechanical University.

Section 257. Paragraph (d) of subsection (1), paragraph (a) of subsection (2), and paragraph (c) of subsection (3) of section 411.227, Florida Statutes, are amended to read:

411.227 Components of the Learning Gateway.—The Learning Gateway system consists of the following components:

(1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED ACCESS.—

(d) In collaboration with other local resources, the demonstration projects shall develop public awareness strategies to disseminate information about developmental milestones, precursors of learning problems and other developmental delays, and the service system that is available. The information should target parents of children from birth through age 9 and should be distributed to parents, health care providers, and caregivers of children from birth through age 9. A variety of media should be used as appropriate, such as print, television, radio, and a community-based Internet website, as well as opportunities such as those presented by parent visits to physicians for well-child checkups. The Learning Gateway Steering Committee shall provide technical assistance to the local demonstration projects in developing and distributing educational materials and information.

1. Public awareness strategies targeting parents of children from birth through age 5 shall be designed to provide
information to public and private preschool programs, child care
department, pediatricians, parents, and local businesses and
organizations. These strategies should include information on
the school readiness performance standards adopted by the
Department of Education Agency for Workforce Innovation.

2. Public awareness strategies targeting parents of
children from ages 6 through 9 must be designed to disseminate
training materials and brochures to parents and public and
private school personnel, and must be coordinated with the local
school board and the appropriate school advisory committees in
the demonstration projects. The materials should contain
information on state and district proficiency levels for grades
K-3.

(2) SCREENING AND DEVELOPMENTAL MONITORING.—

(a) In coordination with the Agency for Workforce
Innovation, the Department of Education, and the Florida
Pediatric Society, and using information learned from the local
demonstration projects, the Learning Gateway Steering Committee
shall establish guidelines for screening children from birth
through age 9. The guidelines should incorporate recent research
on the indicators most likely to predict early learning
problems, mild developmental delays, child-specific precursors
of school failure, and other related developmental indicators in
the domains of cognition; communication; attention; perception;
behavior; and social, emotional, sensory, and motor functioning.

(3) EARLY EDUCATION, SERVICES AND SUPPORTS.—

(c) The steering committee, in cooperation with the
Department of Children and Family Services and the Department
of Education, and the Agency for Workforce Innovation,
identify the elements of an effective research-based curriculum for early care and education programs.

Section 258. Section 414.24, Florida Statutes, is amended to read:

414.24 Integrated welfare reform and child welfare services.—The department shall develop integrated service delivery strategies to better meet the needs of families subject to work activity requirements who are involved in the child welfare system or are at high risk of involvement in the child welfare system. To the extent that resources are available, the department and Jobs Florida the Department of Labor and Employment Security shall provide funds to one or more service districts to promote development of integrated, nonduplicative case management within the department, Jobs Florida the Department of Labor and Employment Security, other participating government agencies, and community partners. Alternative delivery systems shall be encouraged which include well-defined, pertinent outcome measures. Other factors to be considered shall include innovation regarding training, enhancement of existing resources, and increased private sector and business sector participation.

Section 259. Section 414.40, Florida Statutes, is amended to read:

414.40 Stop Inmate Fraud Program established; guidelines.—

(1) There is created within the Department of Financial Services Department of Law Enforcement a Stop Inmate Fraud Program.

(2) The Department of Financial Services Department of Law Enforcement is directed to implement the Stop Inmate Fraud Program.
Program in accordance with the following guidelines:

(a) The program shall establish procedures for sharing public records not exempt from the public records law among social services agencies regarding the identities of persons incarcerated in state correctional institutions, as defined in s. 944.02, or in county, municipal, or regional jails or other detention facilities of local governments under chapter 950 or chapter 951 who are wrongfully receiving public assistance benefits or entitlement benefits.

(b) Pursuant to these procedures, the program shall have access to records containing correctional information not exempt from the public records law on incarcerated persons which have been generated as criminal justice information. As used in this paragraph, the term “record” is defined as provided in s. 943.045(7), and the term “criminal justice information” is defined as provided in s. 943.045(3).

(c) Database searches shall be conducted of the inmate population at each correctional institution or other detention facility. A correctional institution or a detention facility shall provide the Stop Inmate Fraud Program with the information necessary to identify persons wrongfully receiving benefits in the medium requested by the Stop Inmate Fraud Program if the correctional institution or detention facility maintains the information in that medium.

(d) Data obtained from correctional institutions or other detention facilities shall be compared with the client files of the Department of Children and Family Services, Jobs Florida the Department of Labor and Employment Security, and other state or local agencies as needed to identify persons wrongfully
obtaining benefits. Data comparisons shall be accomplished
during periods of low information demand by agency personnel to
minimize inconvenience to the agency.

(e) Results of data comparisons shall be furnished to the
appropriate office for use in the county in which the data
originated. The program may provide reports of the data it
obtains to appropriate state, federal, and local government
agencies or governmental entities, including, but not limited
to:

1. The Child Support Enforcement Program of the Department
of Revenue, so that the data may be used as locator information
on persons being sought for purposes of child support.

2. The Social Security Administration, so that the data may
be used to reduce federal entitlement fraud within the state.

(f) Reports by the program to another agency or entity
shall be generated bimonthly, or as otherwise directed, and
shall be designed to accommodate that agency’s or entity’s
particular needs for data.

(g) Only those persons with active cases, or with cases
that were active during the incarceration period, shall be
reported, in order that the funding agency or entity, upon
verification of the data, may take whatever action is deemed
appropriate.

(h) For purposes of program review and analysis, each
agency or entity receiving data from the program shall submit
reports to the program which indicate the results of how the
data was used.

Section 260. Subsection (1) of section 414.295, Florida
Statutes, is amended to read:
414.295 Temporary cash assistance programs; public records exemption.—

(1) Personal identifying information of a temporary cash assistance program participant, a participant’s family, or a participant’s family or household member, except for information identifying a parent who does not live in the same home as the child, held by the department, Jobs Florida the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Health, the Department of Revenue, the Department of Education, or a regional workforce board or local committee created pursuant to s. 445.007 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such confidential and exempt information may be released for purposes directly connected with:

(a) The administration of the temporary assistance for needy families plan under Title IV-A of the Social Security Act, as amended, by the department, Jobs Florida the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Military Affairs, the Department of Health, the Department of Revenue, the Department of Education, a regional workforce board or local committee created pursuant to s. 445.007, or a school district.

(b) The administration of the state’s plan or program approved under Title IV-B, Title IV-D, or Title IV-E of the Social Security Act, as amended, or under Title I, Title X, Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the Social Security Act, as amended.

(c) Any investigation, prosecution, or any criminal, civil, or administrative proceeding conducted in connection with the
administration of any of the plans or programs specified in paragraph (a) or paragraph (b) by a federal, state, or local governmental entity, upon request by that entity, when such request is made pursuant to the proper exercise of that entity’s duties and responsibilities.

(d) The administration of any other state, federal, or federally assisted program that provides assistance or services on the basis of need, in cash or in kind, directly to a participant.

(e) Any audit or similar activity, such as a review of expenditure reports or financial review, conducted in connection with the administration of any of the plans or programs specified in paragraph (a) or paragraph (b) by a governmental entity authorized by law to conduct such audit or activity.

(f) The administration of the unemployment compensation program.

(g) The reporting to the appropriate agency or official of information about known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child or elderly person receiving assistance, if circumstances indicate that the health or welfare of the child or elderly person is threatened.

(h) The administration of services to elderly persons under ss. 430.601-430.606.

Section 261. Subsections (1) and (3) of section 414.411, Florida Statutes, are amended to read:

414.411 Public assistance fraud.—

(1) The Department of Financial Services shall investigate all public assistance provided to residents of the state or
provided to others by the state. In the course of such
investigation the department shall examine all records,
including electronic benefits transfer records and make inquiry
of all persons who may have knowledge as to any irregularity
incidental to the disbursement of public moneys, food
assistance, or other items or benefits authorizations to
recipients. All public assistance recipients, as a condition
precedent to qualification for public assistance under chapter
409, chapter 411, or this chapter, must first give in writing,
to the Agency for Health Care Administration, the Department of
Health, the Agency for Workforce Innovation, and
the Department of Children and Family Services, as appropriate,
and to the Department of Financial Services, consent to make
inquiry of past or present employers and records, financial or
otherwise.

(3) The results of such investigation shall be reported by
the Department of Financial Services to the appropriate
legislative committees, the Agency for Health Care
Administration, the Department of Health, the Agency for Workforce Innovation, and the Department of Children
and Family Services, and to such others as the department may
determine.

Section 262. Subsections (2) through (9) of section
420.631, Florida Statutes, are amended to read:

420.631 Definitions relating to Urban Homesteading Act.—As
used in ss. 420.630-420.635:

(2) “Department” means the Department of Community Affairs.

(2)(3) “Homestead agreement” means a written contract
between a local government or its designee and a qualified buyer
which contains the terms under which the qualified buyer may
acquire a single-family housing property.

(3) "Local government" means any county or incorporated
municipality within this state.

(4) "Designee" means a housing authority appointed by a
local government, or a nonprofit community organization
appointed by a local government, to administer the urban
homesteading program for single-family housing under ss.
420.630-420.635.

(5) "Nonprofit community organization" means an
organization that is exempt from taxation under s. 501(c)(3) of
the Internal Revenue Code.

(6) "Office" means the Office of Urban Opportunity
within Jobs Florida the Department of Community Affairs.

(7) "Qualified buyer" means a person who meets the
criteria under s. 420.633.

(8) "Qualified loan rate" means an interest rate that
does not exceed the interest rate charged for home improvement
loans by the Federal Housing Administration under Title I of the
1702, 1703, 1705, and 1706b et seq.

Section 263. Section 420.635, Florida Statutes, is amended
to read:

420.635 Loans to qualified buyers.—Contingent upon an
appropriation, Jobs Florida the department, in consultation with
the Office of Urban Opportunity, shall provide loans to
qualified buyers who are required to pay the pro rata portion of
the bonded debt on single-family housing pursuant to s. 420.634.
Loans provided under this section shall be made at a rate of
interest which does not exceed the qualified loan rate. A buyer must maintain the qualifications specified in s. 420.633 for the full term of the loan. The loan agreement may contain additional terms and conditions as determined by Jobs Florida the department.

Section 264. Paragraph (b) of subsection (2) of section 429.907, Florida Statutes, is amended to read:

429.907 License requirement; fee; exemption; display.—

(2)

(b) If in the event a licensed center becomes wholly or substantially unusable due to a disaster as defined in s. 252.34(1) or due to an emergency as those terms are defined in s. 252.34(3):

1. The licensee may continue to operate under its current license in a premise or premises separate from that authorized under the license if the licensee has:
   a. Specified the location of the premise or premises in its comprehensive emergency management plan submitted to and approved by the applicable county emergency management authority; and
   b. Notified the agency and the county emergency management authority within 24 hours of operating in the separate premise or premises.

2. The licensee shall operate the separate premise or premises only while the licensed center’s original location is substantially unusable and for up to no longer than 180 days. The agency may extend use of the alternate premise or premises beyond the initial 180 days. The agency may also review the operation of the disaster premise or premises quarterly.
Section 265. Subsection (2) of section 440.12, Florida Statutes, is amended to read:

440.12 Time for commencement and limits on weekly rate of compensation.—

(2) Compensation for disability resulting from injuries which occur after December 31, 1974, shall not be less than $20 per week. However, if the employee’s wages at the time of injury are less than $20 per week, he or she shall receive his or her full weekly wages. If the employee’s wages at the time of the injury exceed $20 per week, compensation shall not exceed an amount per week which is:

(a) Equal to 100 percent of the statewide average weekly wage, determined as hereinafter provided for the year in which the injury occurred; however, the increase to 100 percent from 66 2/3 percent of the statewide average weekly wage shall apply only to injuries occurring on or after August 1, 1979; and

(b) Adjusted to the nearest dollar.

For the purpose of this subsection, the “statewide average weekly wage” means the average weekly wage paid by employers subject to the Florida Unemployment Compensation Law as reported to Jobs Florida the Agency for Workforce Innovation for the four calendar quarters ending each June 30, which average weekly wage shall be determined by Jobs Florida the Agency for Workforce Innovation on or before November 30 of each year and shall be used in determining the maximum weekly compensation rate with respect to injuries occurring in the calendar year immediately following. The statewide average weekly wage determined by Jobs Florida the Agency for Workforce Innovation shall be reported...
annually to the Legislature.

Section 266. Paragraph (c) of subsection (9) of section 440.15, Florida Statutes, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

(c) Disability compensation benefits payable for any week, including those benefits provided by paragraph (1)(f), may not be reduced pursuant to this subsection until the Social Security Administration determines the amount otherwise payable to the employee under 42 U.S.C. ss. 402 and 423 and the employee has begun receiving such social security benefit payments. The employee shall, upon demand by the department, the employer, or the carrier, authorize the Social Security Administration to release disability information relating to her or him and authorize Jobs Florida the Agency for Workforce Innovation to release unemployment compensation information relating to her or him, in accordance with rules to be adopted by the department prescribing the procedure and manner for requesting the authorization and for compliance by the employee. The department or the employer or carrier may not make any payment of benefits for total disability or those additional benefits provided by paragraph (1)(f) for any period during which the employee willfully fails or refuses to authorize the release of information in the manner and within the time prescribed by such rules. The authority for release of disability information granted by an employee under this paragraph is effective for a
period not to exceed 12 months and such authority may be
renewed, as the department prescribes by rule.

Section 267. Subsections (4) and (7) of section 440.381, Florida Statutes, are amended to read:

440.381 Application for coverage; reporting payroll;
payroll audit procedures; penalties.—

(4) Each employer must submit a copy of the quarterly
[underlined] earnings [stricken] report required by chapter 443 at the end of
each quarter to the carrier and submit self-audits supported by
the quarterly earnings reports required by chapter 443 and the
rules adopted by Jobs Florida the Agency for Workforce
Innovation or by the state agency providing unemployment tax
collection services under contract with Jobs Florida the Agency
for Workforce Innovation through an interagency agreement
pursuant to s. 443.1316. The reports must include a sworn
statement by an officer or principal of the employer attesting
to the accuracy of the information contained in the report.

(7) If an employee suffering a compensable injury was not
reported as earning wages on the last quarterly earnings report
filed with Jobs Florida the Agency for Workforce Innovation or
the state agency providing unemployment tax collection services
under contract with Jobs Florida the Agency for Workforce
Innovation through an interagency agreement pursuant to s.
443.1316 before the accident, the employer shall indemnify the
carrier for all workers’ compensation benefits paid to or on
behalf of the employee unless the employer establishes that the
employee was hired after the filing of the quarterly report, in
which case the employer and employee shall attest to the fact
that the employee was employed by the employer at the time of
the injury. Failure of the employer to indemnify the insurer
within 21 days after demand by the insurer is grounds for the
insurer to immediately cancel coverage. Any action for
indemnification brought by the carrier is cognizable in the
circuit court having jurisdiction where the employer or carrier
resides or transacts business. The insurer is entitled to a
reasonable attorney’s fee if it recovers any portion of the
benefits paid in the action.

Section 268. Subsection (5) of section 440.385, Florida
Statutes, is amended to read:

440.385 Florida Self-Insurers Guaranty Association,
Incorporated.—

(5) PLAN OF OPERATION.—The association shall operate
pursuant to a plan of operation approved by the board of
directors. The plan of operation must be in effect on January 1,
2002, and approved by the Department of Financial Services and
Department of Labor and Employment Security shall remain in
effect. However, any amendments to the plan shall not become
effective until approved by the department of Financial
Services.

(a) The purpose of the plan of operation shall be to
provide the association and the board of directors with the
authority and responsibility to establish the necessary programs
and to take the necessary actions to protect against the
insolvency of a member of the association. In addition, the plan
shall provide that the members of the association shall be
responsible for maintaining an adequate Insolvency Fund to meet
the obligations of insolvent members provided for under this act
and shall authorize the board of directors to contract and
employ those persons with the necessary expertise to carry out this stated purpose. By January 1, 2003, the board of directors shall submit to the department a proposed plan of operation for the administration of the association. The department shall approve the plan by order, consistent with this section. The department shall approve any amendments to the plan, consistent with this section, which are determined appropriate to carry out the duties and responsibilities of the association.

(b) All member employers shall comply with the plan of operation.

(c) The plan of operation shall:

1. Establish the procedures whereby all the powers and duties of the association under subsection (3) will be performed.

2. Establish procedures for handling assets of the association.

3. Establish the amount and method of reimbursing members of the board of directors under subsection (2).

4. Establish procedures by which claims may be filed with the association and establish acceptable forms of proof of covered claims. Notice of claims to the receiver or liquidator of the insolvent employer shall be deemed notice to the association or its agent, and a list of such claims shall be submitted periodically to the association or similar organization in another state by the receiver or liquidator.

5. Establish regular places and times for meetings of the board of directors.

6. Establish procedures for records to be kept of all financial transactions of the association and its agents and the
board of directors.

7. Provide that any member employer aggrieved by any final action or decision of the association may appeal to the department within 30 days after the action or decision.

8. Establish the procedures whereby recommendations of candidates for the board of directors shall be submitted to the department.

9. Contain additional provisions necessary or proper for the execution of the powers and duties of the association.

(d) The plan of operation may provide that any or all of the powers and duties of the association, except those specified under subparagraphs (c)1. and 2., be delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association or its equivalent in two or more states. Such a corporation, association, or organization shall be reimbursed as a servicing facility would be reimbursed and shall be paid for its performance of any other functions of the association. A delegation of powers or duties under this subsection shall take effect only with the approval of both the board of directors and the department and may be made only to a corporation, association, or organization which extends protection which is not substantially less favorable and effective than the protection provided by this section.

Section 269. Paragraph (b) of subsection (9) of section 440.49, Florida Statutes, is amended to read:

440.49 Limitation of liability for subsequent injury through Special Disability Trust Fund.—

(9) SPECIAL DISABILITY TRUST FUND.—
(b)1. The Special Disability Trust Fund shall be maintained by annual assessments upon the insurance companies writing compensation insurance in the state, the commercial self-insurers under ss. 624.462 and 624.4621, the assessable mutuals as defined in s. 628.6011, and the self-insurers under this chapter, which assessments shall become due and be paid quarterly at the same time and in addition to the assessments provided in s. 440.51. The department shall estimate annually in advance the amount necessary for the administration of this subsection and the maintenance of this fund and shall make such assessment in the manner hereinafter provided.

2. The annual assessment shall be calculated to produce during the ensuing fiscal year an amount which, when combined with that part of the balance in the fund on June 30 of the current fiscal year which is in excess of $100,000, is equal to the average of:

a. The sum of disbursements from the fund during the immediate past 3 calendar years, and

b. Two times the disbursements of the most recent calendar year.

Such amount shall be prorated among the insurance companies writing compensation insurance in the state and the self-insurers. Provided however, for those carriers that have excluded ceded reinsurance premiums from their assessments on or before January 1, 2000, no assessments on ceded reinsurance premiums shall be paid by those carriers until such time as the former Division of Workers’ Compensation of the Department of Labor and Employment Security or the department advises each of

Page 541 of 724

CODING: Words struck are deletions; words underlined are additions.
those carriers of the impact that the inclusion of ceded
reinsurance premiums has on their assessment. The department may
not recover any past underpayments of assessments levied against
any carrier that on or before January 1, 2000, excluded ceded
reinsurance premiums from their assessment prior to the point
that the former Division of Workers’ Compensation of the
Department of Labor and Employment Security or the department
advises of the appropriate assessment that should have been
paid.

3. The net premiums written by the companies for workers’
compensation in this state and the net premium written
applicable to the self-insurers in this state are the basis for
computing the amount to be assessed as a percentage of net
premiums. Such payments shall be made by each carrier and self-
insurer to the department for the Special Disability Trust Fund
in accordance with such regulations as the department
prescribes.

4. The Chief Financial Officer is authorized to receive and
credit to such Special Disability Trust Fund any sum or sums
that may at any time be contributed to the state by the United
States under any Act of Congress, or otherwise, to which the
state may be or become entitled by reason of any payments made
out of such fund.

Section 270. Subsections (1), (4), and (5) of section
443.012, Florida Statutes, are amended to read:

443.012 Unemployment Appeals Commission.—
(1) There is created within the Division of Workforce
Services of Jobs Florida the Agency for Workforce Innovation an
Unemployment Appeals Commission. The commission is composed of a
chair and two other members appointed by the Governor, subject
to confirmation by the Senate. Only one appointee may be a
representative of employers, as demonstrated by his or her
previous vocation, employment, or affiliation; and only one
appointee may be a representative of employees, as demonstrated
by his or her previous vocation, employment, or affiliation.
(a) The chair shall devote his or her entire time to
commission duties and is responsible for the administrative
functions of the commission.
(b) The chair has authority to appoint a general counsel
and other personnel to carry out the duties and responsibilities
of the commission.
(c) The chair must have the qualifications required by law
for a judge of the circuit court and may not engage in any other
business vocation or employment. Notwithstanding any other law,
the chair shall be paid a salary equal to that paid under state
law to a judge of the circuit court.
(d) The remaining members shall be paid a stipend of $100
for each day they are engaged in the work of the commission. The
chair and other members are entitled to be reimbursed for travel
expenses, as provided in s. 112.061.
(e) The total salary and travel expenses of each member of
the commission shall be paid from the Employment Security
Administration Trust Fund.
(4) The property, personnel, and appropriations relating to
the specified authority, powers, duties, and responsibilities of
the commission shall be provided to the commission by Jobs
Florida the Agency for Workforce Innovation.
(5) The commission is not subject to control, supervision,
or direction by Jobs Florida the Agency for Workforce Innovation in performing its powers or duties under this chapter.

Section 271. Subsections (9), (41), (43), and (45) of section 443.036, Florida Statutes, are amended to read:

443.036 Definitions.—As used in this chapter, the term:

(9) “Benefit year” means, for an individual, the 1-year period beginning with the first day of the first week for which the individual first files a valid claim for benefits and, thereafter, the 1-year period beginning with the first day of the first week for which the individual next files a valid claim for benefits after the termination of his or her last preceding benefit year. Each claim for benefits made in accordance with s. 443.151(2) is a valid claim under this subsection if the individual was paid wages for insured work in accordance with s. 443.091(1)(g) and is unemployed as defined in subsection (43) at the time of filing the claim. However, Jobs Florida the Agency for Workforce Innovation may adopt rules providing for the establishment of a uniform benefit year for all workers in one or more groups or classes of service or within a particular industry if Jobs Florida the agency determines, after notice to the industry and to the workers in the industry and an opportunity to be heard in the matter, that those groups or classes of workers in a particular industry periodically experience unemployment resulting from layoffs or shutdowns for limited periods of time.

(41) “Tax collection service provider” or “service provider” means the state agency providing unemployment tax collection services under contract with Jobs Florida the Agency for Workforce Innovation through an interagency agreement.
pursuant to s. 443.1316.

(43) “Unemployment” means:

(a) An individual is “totally unemployed” in any week during which he or she does not perform any services and for which earned income is not payable to him or her. An individual is “partially unemployed” in any week of less than full-time work if the earned income payable to him or her for that week is less than his or her weekly benefit amount. Jobs Florida The Agency for Workforce Innovation may adopt rules prescribing distinctions in the procedures for unemployed individuals based on total unemployment, part-time unemployment, partial unemployment of individuals attached to their regular jobs, and other forms of short-time work.

(b) An individual’s week of unemployment commences only after his or her registration with Jobs Florida the Agency for Workforce Innovation as required in s. 443.091, except as the agency may otherwise prescribe by rule.

(45) “Week” means a period of 7 consecutive days as defined in the rules of Jobs Florida the Agency for Workforce Innovation. Jobs Florida The Agency for Workforce Innovation may by rule prescribe that a week is deemed to be “in,” “within,” or “during” the benefit year that contains the greater part of the week.

Section 272. Subsections (2) and (3) of section 443.041, Florida Statutes, are amended to read:

443.041 Waiver of rights; fees; privileged communications.—

(2) FEES.—

(a) Except as otherwise provided in this chapter, an individual claiming benefits may not be charged fees of any kind
in any proceeding under this chapter by the commission or the Agency for Workforce Innovation, or their representatives, or by any court or any officer of the court. An individual claiming benefits in any proceeding before the commission or the Agency for Workforce Innovation, or representatives of either, or a court may be represented by counsel or an authorized representative, but the counsel or representative may not charge or receive for those services more than an amount approved by the commission, the Agency for Workforce Innovation, or the court.

(b) An attorney at law representing a claimant for benefits in any district court of appeal of this state or in the Supreme Court of Florida is entitled to counsel fees payable by the Agency for Workforce Innovation as set by the court if the petition for review or appeal is initiated by the claimant and results in a decision awarding more benefits than provided in the decision from which appeal was taken. The amount of the fee may not exceed 50 percent of the total amount of regular benefits permitted under s. 443.111(5)(a) during the benefit year.

(c) The Agency for Workforce Innovation shall pay attorneys' fees awarded under this section from the costs of administration of this chapter and may pay these fees directly to the attorney for the claimant in a lump sum. The Agency for Workforce Innovation or the commission may not pay any other fees or costs in connection with an appeal.

(d) Any person, firm, or corporation who or which seeks or
receives any remuneration or gratuity for any services rendered
on behalf of a claimant, except as allowed by this section and
in an amount approved by Jobs Florida the Agency for Workforce
Innovation, the commission, or a court, commits a misdemeanor of
the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) PRIVILEGED COMMUNICATIONS.—All letters, reports,
communications, or any other matters, either oral or written,
between an employer and an employee or between Jobs Florida the
Agency for Workforce Innovation or its tax collection service
provider and any of their agents, representatives, or employees
which are written, sent, delivered, or made in connection with
this chapter, are privileged and may not be the subject matter
or basis for any suit for slander or libel in any court of the
state.

Section 273. Subsection (3) of section 443.051, Florida
Statutes, is amended to read:

443.051 Benefits not alienable; exception, child support
intercept.—

(3) EXCEPTION, SUPPORT INTERCEPT.—

(a) The Department of Revenue shall, at least biweekly,
provide Jobs Florida the Agency for Workforce Innovation with a
magnetic tape or other electronic data file disclosing the
individuals who owe support obligations and the amount of any
legally required deductions.

(b) For support obligations established on or after July 1,
2006, and for support obligations established before July 1,
2006, when the support order does not address the withholding of
unemployment compensation, Jobs Florida the Agency for Workforce
Innovation shall deduct and withhold 40 percent of the unemployment compensation otherwise payable to an individual disclosed under paragraph (a). If delinquencies, arrearages, or retroactive support are owed and repayment has not been ordered, the unpaid amounts are included in the support obligation and are subject to withholding. If the amount deducted exceeds the support obligation, the Department of Revenue shall promptly refund the amount of the excess deduction to the obligor. For support obligations in effect before July 1, 2006, if the support order addresses the withholding of unemployment compensation, Jobs Florida the Agency for Workforce Innovation shall deduct and withhold the amount ordered by the court or administrative agency that issued the support order as disclosed by the Department of Revenue.

(c) Jobs Florida the Agency for Workforce Innovation shall pay any amount deducted and withheld under paragraph (b) to the Department of Revenue.

(d) Any amount deducted and withheld under this subsection shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the Department of Revenue for support obligations.

(e) The Department of Revenue shall reimburse Jobs Florida the Agency for Workforce Innovation for the administrative costs incurred by Jobs Florida the agency under this subsection which are attributable to support obligations being enforced by the department.

Section 274. Subsections (3) and (4), paragraph (b) of subsection (5), and subsections (6) and (8) of section 443.071, Florida Statutes, are amended to read:
443.071 Penalties.—

(3) Any employing unit or any officer or agent of any employing unit or any other person who fails to furnish any reports required under this chapter or to produce or permit the inspection of or copying of records as required under this chapter, who fails or refuses, within 6 months after written demand by Jobs Florida the Agency for Workforce Innovation or its tax collection service provider, to keep and maintain the payroll records required by this chapter or by rule of Jobs Florida the Agency for Workforce Innovation or the state agency providing tax collection services, or who willfully fails or refuses to make any contribution, reimbursement, or other payment required from an employer under this chapter commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Any person who establishes a fictitious employing unit by submitting to Jobs Florida the Agency for Workforce Innovation or its tax collection service provider fraudulent employing unit records or tax or wage reports by the introduction of fraudulent records into a computer system, the intentional or deliberate alteration or destruction of computerized information or files, or the theft of financial instruments, data, and other assets, for the purpose of enabling herself or himself or any other person to receive benefits under this chapter to which such person is not entitled, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) In any prosecution or action under this section, the entry into evidence of the signature of a person on a document,
letter, or other writing constitutes prima facie evidence of the
person’s identity if the following conditions exist:

(b) The signature of the person is witnessed by an agent or
employee of Jobs Florida the Agency for Workforce Innovation or
its tax collection service provider at the time the document,
letter, or other writing is filed.

(6) The entry into evidence of an application for
unemployment benefits initiated by the use of the Internet
claims program or the interactive voice response system
telephone claims program of Jobs Florida the Agency for
Workforce Innovation constitutes prima facie evidence of the
establishment of a personal benefit account by or for an
individual if the following information is provided: the
applicant’s name, residence address, date of birth, social
security number, and present or former place of work.

(8) All records relating to investigations of unemployment
compensation fraud in the custody of Jobs Florida the Agency for
Workforce Innovation or its tax collection service provider are
available for examination by the Department of Law Enforcement,
the state attorneys, or the Office of the Statewide Prosecutor
in the prosecution of offenses under s. 817.568 or in
proceedings brought under this chapter.

Section 275. Subsections (1) and (4) of section 443.091, Florida Statutes, are amended to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual is eligible to receive
benefits for any week only if Jobs Florida the Agency for
Workforce Innovation finds that:

(a) She or he has made a claim for benefits for that week
in accordance with the rules adopted by Jobs Florida the Agency for Workforce Innovation.

(b) She or he has registered with Jobs Florida the agency for work and subsequently reports to the one-stop career center as directed by the regional workforce board for reemployment services. This requirement does not apply to persons who are:

1. Non-Florida residents;
2. On a temporary layoff, as defined in s. 443.036(42);
3. Union members who customarily obtain employment through a union hiring hall; or
4. Claiming benefits under an approved short-time compensation plan as provided in s. 443.1116.

(c) To make continued claims for benefits, she or he is reporting to Jobs Florida the agency in accordance with its rules. These rules may not conflict with s. 443.111(1)(b), including the requirement that each claimant continue to report regardless of any pending appeal relating to her or his eligibility or disqualification for benefits.

(d) She or he is able to work and is available for work. In order to assess eligibility for a claimed week of unemployment, Jobs Florida the agency shall develop criteria to determine a claimant’s ability to work and availability for work. However:

1. Notwithstanding any other provision of this paragraph or paragraphs (b) and (e), an otherwise eligible individual may not be denied benefits for any week because she or he is in training with the approval of Jobs Florida the agency, or by reason of s. 443.101(2) relating to failure to apply for, or refusal to accept, suitable work. Training may be approved by Jobs Florida the agency in accordance with criteria prescribed by rule. A
claimant’s eligibility during approved training is contingent upon satisfying eligibility conditions prescribed by rule.

2. Notwithstanding any other provision of this chapter, an otherwise eligible individual who is in training approved under s. 236(a)(1) of the Trade Act of 1974, as amended, may not be determined ineligible or disqualified for benefits due to her or his enrollment in such training or because of leaving work that is not suitable employment to enter such training. As used in this subparagraph, the term “suitable employment” means work of a substantially equal or higher skill level than the worker’s past adversely affected employment, as defined for purposes of the Trade Act of 1974, as amended, the wages for which are at least 80 percent of the worker’s average weekly wage as determined for purposes of the Trade Act of 1974, as amended.

3. Notwithstanding any other provision of this section, an otherwise eligible individual may not be denied benefits for any week because she or he is before any state or federal court pursuant to a lawfully issued summons to appear for jury duty. (e) She or he participates in reemployment services, such as job search assistance services, whenever the individual has been determined, by a profiling system established by the rules of Jobs Florida agency rule, to be likely to exhaust regular benefits and to be in need of reemployment services.

(f) She or he has been unemployed for a waiting period of 1 week. A week may not be counted as a week of unemployment under this subsection:

1. Unless it occurs within the benefit year that includes the week for which she or he claims payment of benefits.

2. If benefits have been paid for that week.
3. Unless the individual was eligible for benefits for that week as provided in this section and s. 443.101, except for the requirements of this subsection and of s. 443.101(5).

   (g) She or he has been paid wages for insured work equal to 1.5 times her or his high quarter wages during her or his base period, except that an unemployed individual is not eligible to receive benefits if the base period wages are less than $3,400.

   (h) She or he submitted to Jobs Florida the agency a valid social security number assigned to her or him. Jobs Florida The agency may verify the social security number with the United States Social Security Administration and may deny benefits if Jobs Florida the agency is unable to verify the individual’s social security number, the social security number is invalid, or the social security number is not assigned to the individual.

   (4) In the event of national emergency, in the course of which the Federal Emergency Unemployment Payment Plan is, at the request of the Governor, invoked for all or any part of the state, the emergency plan shall supersede the procedures prescribed by this chapter, and by rules adopted under this chapter, and Jobs Florida the Agency for Workforce Innovation shall act as the Florida agency for the United States Department of Labor in the administration of the plan.

Section 276. Subsections (1), (2), (4), (6), (7), and (9) of section 443.101, Florida Statutes, are amended to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(1)(a) For the week in which he or she has voluntarily left work without good cause attributable to his or her employing unit or in which the individual has been discharged by the
employing unit for misconduct connected with his or her work, based on a finding by Jobs Florida the Agency for Workforce Innovation. As used in this paragraph, the term “work” means any work, whether full-time, part-time, or temporary.

1. Disqualification for voluntarily quitting continues for the full period of unemployment next ensuing after the individual has left his or her full-time, part-time, or temporary work voluntarily without good cause and until the individual has earned income equal to or in excess of 17 times his or her weekly benefit amount. As used in this subsection, the term “good cause” includes only that cause attributable to the employing unit or which consists of the individual’s illness or disability requiring separation from his or her work. Any other disqualification may not be imposed. An individual is not disqualified under this subsection for voluntarily leaving temporary work to return immediately when called to work by the permanent employing unit that temporarily terminated his or her work within the previous 6 calendar months. An individual is not disqualified under this subsection for voluntarily leaving work to relocate as a result of his or her military-connected spouse’s permanent change of station orders, activation orders, or unit deployment orders.

2. Disqualification for being discharged for misconduct connected with his or her work continues for the full period of unemployment next ensuing after having been discharged and until the individual is reemployed and has earned income of at least 17 times his or her weekly benefit amount and for not more than 52 weeks that immediately follow that week, as determined by Jobs Florida the agency in each case according to the
circumstances in each case or the seriousness of the misconduct, under Jobs Florida the agency’s rules adopted for determinations of disqualification for benefits for misconduct.

3. If an individual has provided notification to the employing unit of his or her intent to voluntarily leave work and the employing unit discharges the individual for reasons other than misconduct before the date the voluntary quit was to take effect, the individual, if otherwise entitled, shall receive benefits from the date of the employer’s discharge until the effective date of his or her voluntary quit.

4. If an individual is notified by the employing unit of the employer’s intent to discharge the individual for reasons other than misconduct and the individual quits without good cause, as defined in this section, before the date the discharge was to take effect, the claimant is ineligible for benefits pursuant to s. 443.091(1)(d) for failing to be available for work for the week or weeks of unemployment occurring before the effective date of the discharge.

(b) For any week with respect to which Jobs Florida the Agency for Workforce Innovation finds that his or her unemployment is due to a suspension for misconduct connected with the individual’s work.

(c) For any week with respect to which Jobs Florida the Agency for Workforce Innovation finds that his or her unemployment is due to a leave of absence, if the leave was voluntarily initiated by the individual.

(d) For any week with respect to which Jobs Florida the Agency for Workforce Innovation finds that his or her unemployment is due to a discharge for misconduct connected with
the individual’s work, consisting of drug use, as evidenced by a positive, confirmed drug test.

(2) If Jobs Florida the Agency for Workforce Innovation finds that the individual has failed without good cause to apply for available suitable work when directed by Jobs Florida the agency or the one-stop career center, to accept suitable work when offered to him or her, or to return to the individual’s customary self-employment when directed by Jobs Florida the agency, the disqualification continues for the full period of unemployment next ensuing after he or she failed without good cause to apply for available suitable work, to accept suitable work, or to return to his or her customary self-employment, under this subsection, and until the individual has earned income at least 17 times his or her weekly benefit amount. Jobs Florida The Agency for Workforce Innovation shall by rule adopt criteria for determining the “suitability of work,” as used in this section. Jobs Florida The Agency for Workforce Innovation in developing these rules shall consider the duration of a claimant’s unemployment in determining the suitability of work and the suitability of proposed rates of compensation for available work. Further, after an individual has received 25 weeks of benefits in a single year, suitable work is a job that pays the minimum wage and is 120 percent or more of the weekly benefit amount the individual is drawing.

(a) In determining whether or not any work is suitable for an individual, Jobs Florida the Agency for Workforce Innovation shall consider the degree of risk involved to his or her health, safety, and morals; his or her physical fitness and prior training; the individual’s experience and prior earnings; his or
her length of unemployment and prospects for securing local work in his or her customary occupation; and the distance of the available work from his or her residence.

(b) Notwithstanding any other provisions of this chapter, work is not deemed suitable and benefits may not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. If the position offered is vacant due directly to a strike, lockout, or other labor dispute.

2. If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

3. If as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(c) If Jobs Florida the Agency for Workforce Innovation finds that an individual was rejected for offered employment as the direct result of a positive, confirmed drug test required as a condition of employment, the individual is disqualified for refusing to accept an offer of suitable work.

(4) For any week with respect to which Jobs Florida the Agency for Workforce Innovation finds that his or her total or partial unemployment is due to a labor dispute in active progress which exists at the factory, establishment, or other premises at which he or she is or was last employed; except that this subsection does not apply if it is shown to the satisfaction of Jobs Florida the Agency for Workforce Innovation that:

(a) 1. He or she is not participating in, financing, or
directly interested in the labor dispute that is in active progress; however, the payment of regular union dues may not be construed as financing a labor dispute within the meaning of this section; and

2. He or she does not belong to a grade or class of workers of which immediately before the commencement of the labor dispute there were members employed at the premises at which the labor dispute occurs any of whom are participating in, financing, or directly interested in the dispute; if in any case separate branches of work are commonly conducted as separate businesses in separate premises, or are conducted in separate departments of the same premises, each department, for the purpose of this subsection, is deemed to be a separate factory, establishment, or other premise.

(b) His or her total or partial unemployment results from a lockout by his or her employer. As used in this section, the term “lockout” means a situation in which employees have not gone on strike, nor have employees notified the employer of a date certain for a strike, but in which employees have been denied entry to the factory, establishment, or other premises of employment by the employer. However, benefits are not payable under this paragraph if the lockout action was taken in response to threats, actions, or other indications of impending damage to property and equipment or possible physical violence by employees or in response to actual damage or violence or a substantial reduction in production instigated or perpetrated by employees.

(6) For a period not to exceed 1 year from the date of the discovery by Jobs Florida the Agency for Workforce Innovation of
the making of any false or fraudulent representation for the
purpose of obtaining benefits contrary to this chapter,
constituting a violation under s. 443.071. This disqualification
may be appealed in the same manner as any other disqualification
imposed under this section. A conviction by any court of
competent jurisdiction in this state of the offense prohibited
or punished by s. 443.071 is conclusive upon the appeals referee
and the commission of the making of the false or fraudulent
representation for which disqualification is imposed under this
section.

(7) If Jobs Florida the Agency for Workforce Innovation
finds that the individual is an alien, unless the alien is an
individual who has been lawfully admitted for permanent
residence or otherwise is permanently residing in the United
States under color of law, including an alien who is lawfully
present in the United States as a result of the application of
s. 203(a)(7) or s. 212(d)(5) of the Immigration and Nationality
Act, if any modifications to s. 3304(a)(14) of the Federal
Unemployment Tax Act, as provided by Pub. L. No. 94-566, which
specify other conditions or other effective dates than those
stated under federal law for the denial of benefits based on
services performed by aliens, and which modifications are
required to be implemented under state law as a condition for
full tax credit against the tax imposed by the Federal
Unemployment Tax Act, are deemed applicable under this section,
if:

(a) Any data or information required of individuals
applying for benefits to determine whether benefits are not
payable to them because of their alien status is uniformly
required from all applicants for benefits; and

(b) In the case of an individual whose application for
benefits would otherwise be approved, a determination that
benefits to such individual are not payable because of his or
her alien status may not be made except by a preponderance of
the evidence.

If Jobs Florida the Agency for Workforce Innovation finds that
the individual has refused without good cause an offer of
resettlement or relocation, which offer provides for suitable
employment for the individual notwithstanding the distance of
resettlement, relocation, or employment from the current
location of the individual in this state, this disqualification
continues for the week in which the failure occurred and for not
more than 17 weeks immediately after that week, or a reduction
by not more than 5 weeks from the duration of benefits, as
determined by Jobs Florida the Agency for Workforce Innovation
in each case.

(9) If the individual was terminated from his or her work
for violation of any criminal law punishable by imprisonment, or
for any dishonest act, in connection with his or her work, as
follows:

(a) If Jobs Florida the Agency for Workforce Innovation or
the Unemployment Appeals Commission finds that the individual
was terminated from his or her work for violation of any
criminal law punishable by imprisonment in connection with his
or her work, and the individual was found guilty of the offense,
made an admission of guilt in a court of law, or entered a plea
of no contest, the individual is not entitled to unemployment
benefits for up to 52 weeks, under rules adopted by Jobs Florida the Agency for Workforce Innovation, and until he or she has earned income of at least 17 times his or her weekly benefit amount. If, before an adjudication of guilt, an admission of guilt, or a plea of no contest, the employer shows Jobs Florida the Agency for Workforce Innovation that the arrest was due to a crime against the employer or the employer’s business and, after considering all the evidence, Jobs Florida the Agency for Workforce Innovation finds misconduct in connection with the individual’s work, the individual is not entitled to unemployment benefits.

(b) If Jobs Florida the Agency for Workforce Innovation or the Unemployment Appeals Commission finds that the individual was terminated from work for any dishonest act in connection with his or her work, the individual is not entitled to unemployment benefits for up to 52 weeks, under rules adopted by Jobs Florida the Agency for Workforce Innovation, and until he or she has earned income of at least 17 times his or her weekly benefit amount. In addition, if the employer terminates an individual as a result of a dishonest act in connection with his or her work and Jobs Florida the Agency for Workforce Innovation finds misconduct in connection with his or her work, the individual is not entitled to unemployment benefits.

With respect to an individual disqualified for benefits, the account of the terminating employer, if the employer is in the base period, is noncharged at the time the disqualification is imposed.

Section 277. Subsection (1) of section 443.111, Florida
Statutes, is amended to read:

443.111 Payment of benefits.—

(1) MANNER OF PAYMENT.—Benefits are payable from the fund in accordance with rules adopted by Jobs Florida the Agency for Workforce Innovation, subject to the following requirements:

(a) Benefits are payable by mail or electronically, except that an individual being paid by paper warrant on July 1, 2011, may continue to be paid in that manner until the expiration of the claim. Jobs Florida Notwithstanding s. 409.942(4), the agency may develop a system for the payment of benefits by electronic funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of electronic payment that Jobs Florida the agency deems to be commercially viable or cost-effective. Commodities or services related to the development of such a system shall be procured by competitive solicitation, unless they are purchased from a state term contract pursuant to s. 287.056. Jobs Florida The agency shall adopt rules necessary to administer this paragraph the system.

(b) Each claimant must report in the manner prescribed by Jobs Florida the Agency for Workforce Innovation to certify for benefits that are paid and must continue to report at least biweekly to receive unemployment benefits and to attest to the fact that she or he is able and available for work, has not refused suitable work, is seeking work, and, if she or he has worked, to report earnings from that work. Each claimant must continue to report regardless of any appeal or pending appeal relating to her or his eligibility or disqualification for benefits.
Section 278. Subsections (1), (4), and (5) of section 443.1113, Florida Statutes, are amended to read:

443.1113 Unemployment Compensation Claims and Benefits Information System.—

(1) To the extent that funds are appropriated for each phase of the Unemployment Compensation Claims and Benefits Information System by the Legislature, Jobs Florida the Agency for Workforce Innovation shall replace and enhance the functionality provided in the following systems with an integrated Internet-based system that is known as the “Unemployment Compensation Claims and Benefits Information System”:

(a) Claims and benefit mainframe system.
(b) Florida unemployment Internet direct.
(c) Florida continued claim Internet directory.
(d) Call center interactive voice response system.
(e) Benefit overpayment screening system.
(f) Internet and Intranet appeals system.

(4) The project to implement the Unemployment Compensation Claims and Benefits Information System shall be comprised of the following phases and corresponding implementation timeframes:

(a) No later than the end of fiscal year 2009-2010 completion of the business re-engineering analysis and documentation of both the detailed system requirements and the overall system architecture.

(b) The Unemployment Claims and Benefits Internet portal that replaces the Florida Unemployment Internet Direct and the Florida Continued Claims Internet Directory systems, the Call Center Interactive Voice Response System, the Benefit
Overpayment Screening System, the Internet and Intranet Appeals System and the Claims and Benefits Mainframe System shall be deployed to full operational status no later than the end of fiscal year 2012-2013.

(b) The new Unemployment Claims and Benefits Internet portal that replaces the Florida Unemployment Internet Direct and the Florida Continued Claims Internet Directory systems and shall be deployed to full production operational status no later than the end of fiscal year 2010-2011.

c) The new Call Center Interactive Voice Response System and the Benefit Overpayment Screening System shall be deployed to full production operational status no later than the end of fiscal year 2011-2012.

d) The new Internet and Intranet Appeals System and the Claims and Benefits Mainframe System shall be deployed to full operational status no later than the end of fiscal year 2012-2013.

(5) Jobs Florida The Agency for Workforce Innovation shall implement the following project governance structure until such time as the project is completed, suspended, or terminated:

(a) The project sponsor for the Unemployment Compensation Claims and Benefits Information System project is Jobs Florida executive director of the Agency for Workforce Innovation.

(b) The project shall be governed by an executive steering committee composed of the following voting members or their designees:

1. The commissioner of Jobs Florida executive director of the Agency for Workforce Innovation.
2. The executive director of the Department of Revenue.
3. The director of the Division of Workforce Services within Jobs Florida Office of Unemployment Compensation within the Agency for Workforce Innovation.

4. The program director of the General Tax Administration Program Office within the Department of Revenue.

5. The chief information officer of Jobs Florida the Agency for Workforce Innovation.

(c) The executive steering committee has the overall responsibility for ensuring that the project meets its primary objectives and is specifically responsible for:

1. Providing management direction and support to the project management team.

2. Assessing the project’s alignment with the strategic goals of Jobs Florida the Agency for Workforce Innovation for administering the unemployment compensation program.

3. Reviewing and approving or disapproving any changes to the project’s scope, schedule, and costs.

4. Reviewing, approving or disapproving, and determining whether to proceed with any major project deliverables.

5. Recommending suspension or termination of the project to the Governor, the President of the Senate, and the Speaker of the House of Representatives if it determines that the primary objectives cannot be achieved.

(d) The project management team shall work under the direction of the executive steering committee and shall be minimally comprised of senior managers and stakeholders from Jobs Florida the Agency for Workforce Innovation and the Department of Revenue. The project management team is responsible for:
1. Providing daily planning, management, and oversight of the project.

2. Submitting an operational work plan and providing quarterly updates to that plan to the executive steering committee. The plan must specify project milestones, deliverables, and expenditures.

3. Submitting written monthly project status reports to the executive steering committee which include:
   a. Planned versus actual project costs;
   b. An assessment of the status of major milestones and deliverables;
   c. Identification of any issues requiring resolution, the proposed resolution for these issues, and information regarding the status of the resolution;
   d. Identification of risks that must be managed; and
   e. Identification of and recommendations regarding necessary changes in the project’s scope, schedule, or costs.

All recommendations must be reviewed by project stakeholders before submission to the executive steering committee in order to ensure that the recommendations meet required acceptance criteria.

Section 279. Paragraph (d) of subsection (1), subsection (2), paragraphs (a) and (c) of subsection (3), and subsection (6) of section 443.1115, Florida Statutes, are amended to read:

443.1115 Extended benefits.—

(1) DEFINITIONS.—As used in this section, the term:

(d) "Rate of insured unemployment" means the percentage derived by dividing the average weekly number of individuals filing claims for regular compensation in this state, excluding
extended-benefit claimants for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by Jobs Florida the Agency for Workforce Innovation on the basis of its reports to the United States Secretary of Labor, by the average monthly employment covered under this chapter for the first four of the most recent six completed calendar quarters ending before the end of that 13-week period.

(2) REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF, EXTENDED BENEFITS.—Except when the result is inconsistent with the other provisions of this section and as provided in the rules of Jobs Florida the Agency for Workforce Innovation, the provisions of this chapter applying to claims for, or the payment of, regular benefits apply to claims for, and the payment of, extended benefits. These extended benefits are charged to the employment records of employers to the extent that the share of those extended benefits paid from this state’s Unemployment Compensation Trust Fund is not eligible to be reimbursed from federal sources.

(3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.—
(a) An individual is eligible to receive extended benefits for any week of unemployment in her or his eligibility period only if Jobs Florida the Agency for Workforce Innovation finds that, for that week:

1. She or he is an exhaustee as defined in subsection (1).
2. She or he satisfies the requirements of this chapter for the receipt of regular benefits applicable to individuals claiming extended benefits, including not being subject to disqualification from the receipt of benefits. An individual disqualified from receiving regular benefits may not receive...
extended benefits after the disqualification period terminates if he or she was disqualified for voluntarily leaving work, being discharged from work for misconduct, or refusing suitable work. However, if the disqualification period for regular benefits terminates because the individual received the required amount of remuneration for services rendered as a common-law employee, she or he may receive extended benefits.

3. The individual was paid wages for insured work for the applicable benefit year equal to 1.5 times the high quarter earnings during the base period.

(c)1. An individual is disqualified from receiving extended benefits if the Agency for Workforce Innovation finds that, during any week of unemployment in her or his eligibility period:

a. She or he failed to apply for suitable work or, if offered, failed to accept suitable work, unless the individual can furnish to the agency satisfactory evidence that her or his prospects for obtaining work in her or his customary occupation within a reasonably short period are good. If this evidence is deemed satisfactory for this purpose, the determination of whether any work is suitable for the individual shall be made in accordance with the definition of suitable work in s. 443.101(2). This disqualification begins with the week the failure occurred and continues until she or he is employed for at least 4 weeks and receives earned income of at least 17 times her or his weekly benefit amount.

b. She or he failed to furnish tangible evidence that she or he actively engaged in a systematic and sustained effort to find work. This disqualification begins with the week the
failure occurred and continues until she or he is employed for at least 4 weeks and receives earned income of at least 4 times her or his weekly benefit amount.

2. Except as otherwise provided in sub-subparagraph 1.a., as used in this paragraph, the term “suitable work” means any work within the individual’s capabilities to perform, if:

a. The gross average weekly remuneration payable for the work exceeds the sum of the individual’s weekly benefit amount plus the amount, if any, of supplemental unemployment benefits, as defined in s. 501(c)(17)(D) of the Internal Revenue Code of 1954, as amended, payable to the individual for that week;

b. The wages payable for the work equal the higher of the minimum wages provided by s. 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption, or the state or local minimum wage; and

c. The work otherwise meets the definition of suitable work in s. 443.101(2) to the extent that the criteria for suitability are not inconsistent with this paragraph.

(6) COMPUTATIONS.—Jobs Florida The Agency for Workforce Innovation shall perform the computations required under paragraph (1)(d) in accordance with regulations of the United States Secretary of Labor.

Section 280. Subsection (2) and paragraphs (a) and (b) of subsection (5) of section 443.1116, Florida Statutes, are amended to read:

443.1116 Short-time compensation.—

(2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer wishing to participate in the short-time compensation program must submit a signed, written, short-time plan to Jobs Florida
the director of the Agency for Workforce Innovation for approval. The commissioner or his or her designee shall approve the plan if:

(a) The plan applies to and identifies each specific affected unit;

(b) The individuals in the affected unit are identified by name and social security number;

(c) The normal weekly hours of work for individuals in the affected unit are reduced by at least 10 percent and by not more than 40 percent;

(d) The plan includes a certified statement by the employer that the aggregate reduction in work hours is in lieu of temporary layoffs that would affect at least 10 percent of the employees in the affected unit and that would have resulted in an equivalent reduction in work hours;

(e) The plan applies to at least 10 percent of the employees in the affected unit;

(f) The plan is approved in writing by the collective bargaining agent for each collective bargaining agreement covering any individual in the affected unit;

(g) The plan does not serve as a subsidy to seasonal employers during the off-season or as a subsidy to employers who traditionally use part-time employees; and

(h) The plan certifies the manner in which the employer will treat fringe benefits of the individuals in the affected unit if the hours of the individuals are reduced to less than their normal weekly hours of work. As used in this paragraph, the term “fringe benefits” includes, but is not limited to, health insurance, retirement benefits under defined benefit...

(5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION BENEFITS.—

(a) Except as provided in this subsection, an individual is eligible to receive short-time compensation benefits for any week only if she or he complies with this chapter and the Agency for Workforce Innovation finds that:

1. The individual is employed as a member of an affected unit in an approved plan that was approved before the week and is in effect for the week;

2. The individual is able to work and is available for additional hours of work or for full-time work with the short-time employer; and

3. The normal weekly hours of work of the individual are reduced by at least 10 percent but not by more than 40 percent, with a corresponding reduction in wages.

(b) The Agency for Workforce Innovation may not deny short-time compensation benefits to an individual who is otherwise eligible for these benefits for any week by reason of the application of any provision of this chapter relating to availability for work, active search for work, or refusal to apply for or accept work from other than the short-time compensation employer of that individual.

Section 281. Subsection (3) of section 443.1215, Florida Statutes, is amended to read:

443.1215 Employers.—

(3) An employing unit that fails to keep the records of
employment required by this chapter and by the rules of the Florida Agency for Workforce Innovation and the state agency providing unemployment tax collection services is presumed to be an employer liable for the payment of contributions under this chapter, regardless of the number of individuals employed by the employing unit. However, the tax collection service provider shall make written demand that the employing unit keep and maintain required payroll records. The demand must be made at least 6 months before assessing contributions against an employing unit determined to be an employer that is subject to this chapter solely by reason of this subsection.

Section 282. Paragraphs (a) and (d) of subsection (1), subsection (12), and paragraph (p) of subsection (13) of section 443.1216, Florida Statutes, are amended to read:

443.1216 Employment.—Employment, as defined in s. 443.036, is subject to this chapter under the following conditions:

(1)(a) The employment subject to this chapter includes a service performed, including a service performed in interstate commerce, by:

1. An officer of a corporation.

2. An individual who, under the usual common-law rules applicable in determining the employer-employee relationship, is an employee. However, whenever a client, as defined in s. 443.036(18), which would otherwise be designated as an employing unit has contracted with an employee leasing company to supply it with workers, those workers are considered employees of the employee leasing company. An employee leasing company may lease corporate officers of the client to the client and other workers to the client, except as prohibited by regulations of the
Internal Revenue Service. Employees of an employee leasing company must be reported under the employee leasing company’s tax identification number and contribution rate for work performed for the employee leasing company.

a. In addition to any other report required to be filed by law, an employee leasing company shall submit a report to the Labor Market Statistics Center within Jobs Florida the Agency for Workforce Innovation which includes each client establishment and each establishment of the employee leasing company, or as otherwise directed by Jobs Florida the agency. The report must include the following information for each establishment:

(I) The trade or establishment name;

(II) The former unemployment compensation account number, if available;

(III) The former federal employer’s identification number (FEIN), if available;

(IV) The industry code recognized and published by the United States Office of Management and Budget, if available;

(V) A description of the client’s primary business activity in order to verify or assign an industry code;

(VI) The address of the physical location;

(VII) The number of full-time and part-time employees who worked during, or received pay that was subject to unemployment compensation taxes for, the pay period including the 12th of the month for each month of the quarter;

(VIII) The total wages subject to unemployment compensation taxes paid during the calendar quarter;

(IX) An internal identification code to uniquely identify
each establishment of each client;

   (X) The month and year that the client entered into the
contract for services; and
   (XI) The month and year that the client terminated the
contract for services.

b. The report shall be submitted electronically or in a
manner otherwise prescribed by Jobs Florida the Agency for
Workforce Innovation in the format specified by the Bureau of
Labor Statistics of the United States Department of Labor for
its Multiple Worksite Report for Professional Employer
Organizations. The report must be provided quarterly to the
Labor Market Statistics Center within Jobs Florida the Agency
for Workforce Innovation, or as otherwise directed by Jobs
Florida the agency, and must be filed by the last day of the
month immediately following the end of the calendar quarter. The
information required in sub-sub-subparagraphs a.(X) and (XI)
need be provided only in the quarter in which the contract to
which it relates was entered into or terminated. The sum of the
employment data and the sum of the wage data in this report must
match the employment and wages reported in the unemployment
compensation quarterly tax and wage report. A report is not
required for any calendar quarter preceding the third calendar
quarter of 2010.

c. Jobs Florida The Agency for Workforce Innovation shall
adopt rules as necessary to administer this subparagraph, and
may administer, collect, enforce, and waive the penalty imposed
by s. 443.141(1)(b) for the report required by this
subparagraph.

d. For the purposes of this subparagraph, the term
“establishment” means any location where business is conducted or where services or industrial operations are performed.

3. An individual other than an individual who is an employee under subparagraph 1. or subparagraph 2., who performs services for remuneration for any person:

   a. As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages other than milk, or laundry or drycleaning services for his or her principal.

   b. As a traveling or city salesperson engaged on a full-time basis in the solicitation on behalf of, and the transmission to, his or her principal of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations. This sub-subparagraph does not apply to an agent-driver or a commission-driver and does not apply to sideline sales activities performed on behalf of a person other than the salesperson’s principal.

4. The services described in subparagraph 3. are employment subject to this chapter only if:

   a. The contract of service contemplates that substantially all of the services are to be performed personally by the individual;

   b. The individual does not have a substantial investment in facilities used in connection with the services, other than facilities used for transportation; and

   c. The services are not in the nature of a single transaction that is not part of a continuing relationship with
the person for whom the services are performed.

(d) If two or more related corporations concurrently employ the same individual and compensate the individual through a common paymaster, each related corporation is considered to have paid wages to the individual only in the amounts actually disbursed by that corporation to the individual and is not considered to have paid the wages actually disbursed to the individual by another of the related corporations. Jobs Florida

The Agency for Workforce Innovation and the state agency providing unemployment tax collection services may adopt rules necessary to administer this paragraph.

1. As used in this paragraph, the term “common paymaster” means a member of a group of related corporations that disburses wages to concurrent employees on behalf of the related corporations and that is responsible for keeping payroll records for those concurrent employees. A common paymaster is not required to disburse wages to all the employees of the related corporations; however, this subparagraph does not apply to wages of concurrent employees which are not disbursed through a common paymaster. A common paymaster must pay concurrently employed individuals under this subparagraph by one combined paycheck.

2. As used in this paragraph, the term “concurrent employment” means the existence of simultaneous employment relationships between an individual and related corporations. Those relationships require the performance of services by the employee for the benefit of the related corporations, including the common paymaster, in exchange for wages that, if deductible for the purposes of federal income tax, are deductible by the related corporations.
3. Corporations are considered related corporations for an entire calendar quarter if they satisfy any one of the following tests at any time during the calendar quarter:
   a. The corporations are members of a “controlled group of corporations” as defined in s. 1563 of the Internal Revenue Code of 1986 or would be members if s. 1563(a)(4) and (b) did not apply.
   b. In the case of a corporation that does not issue stock, at least 50 percent of the members of the board of directors or other governing body of one corporation are members of the board of directors or other governing body of the other corporation or the holders of at least 50 percent of the voting power to select those members are concurrently the holders of at least 50 percent of the voting power to select those members of the other corporation.
   c. At least 50 percent of the officers of one corporation are concurrently officers of the other corporation.
   d. At least 30 percent of the employees of one corporation are concurrently employees of the other corporation.

4. The common paymaster must report to the tax collection service provider, as part of the unemployment compensation quarterly tax and wage report, the state unemployment compensation account number and name of each related corporation for which concurrent employees are being reported. Failure to timely report this information shall result in the related corporations being denied common paymaster status for that calendar quarter.

5. The common paymaster also has the primary responsibility for remitting contributions due under this chapter for the wages
it disburses as the common paymaster. The common paymaster must compute these contributions as though it were the sole employer of the concurrently employed individuals. If a common paymaster fails to timely remit these contributions or reports, in whole or in part, the common paymaster remains liable for the full amount of the unpaid portion of these contributions. In addition, each of the other related corporations using the common paymaster is jointly and severally liable for its appropriate share of these contributions. Each related corporation’s share equals the greater of:

a. The liability of the common paymaster under this chapter, after taking into account any contributions made.

b. The liability under this chapter which, notwithstanding this section, would have existed for the wages from the other related corporations, reduced by an allocable portion of any contributions previously paid by the common paymaster for those wages.

(12) The employment subject to this chapter includes services covered by a reciprocal arrangement under s. 443.221 between Jobs Florida, the Agency for Workforce Innovation or its tax collection service provider and the agency charged with the administration of another state unemployment compensation law or a federal unemployment compensation law, under which all services performed by an individual for an employing unit are deemed to be performed entirely within this state, if Jobs Florida, the Agency for Workforce Innovation or its tax collection service provider approved an election of the employing unit in which all of the services performed by the individual during the period covered by the election are deemed
to be insured work.

(13) The following are exempt from coverage under this chapter:

(p) Service covered by an arrangement between Jobs Florida the Agency for Workforce Innovation, or its tax collection service provider, and the agency charged with the administration of another state or federal unemployment compensation law under which all services performed by an individual for an employing unit during the period covered by the employing unit’s duly approved election is deemed to be performed entirely within the other agency’s state or under the federal law.

Section 283. Subsection (1) of section 443.1217, Florida Statutes, is amended to read:

443.1217 Wages.—

(1) The wages subject to this chapter include all remuneration for employment, including commissions, bonuses, back pay awards, and the cash value of all remuneration paid in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash must be estimated and determined in accordance with rules adopted by Jobs Florida the Agency for Workforce Innovation or the state agency providing tax collection services. The wages subject to this chapter include tips or gratuities received while performing services that constitute employment and are included in a written statement furnished to the employer under s. 6053(a) of the Internal Revenue Code of 1954. As used in this section only, the term “employment” includes services constituting employment under any employment security law of another state or of the Federal Government.
Section 284. Subsection (1) and paragraphs (a), (g), and (i) of subsection (3) of section 443.131, Florida Statutes, are amended to read:

443.131 Contributions.—

(1) PAYMENT OF CONTRIBUTIONS.—Contributions accrue and are payable by each employer for each calendar quarter he or she is subject to this chapter for wages paid during each calendar quarter for employment. Contributions are due and payable by each employer to the tax collection service provider, in accordance with the rules adopted by Jobs Florida the Agency for Workforce Innovation or the state agency providing tax collection services. This subsection does not prohibit the tax collection service provider from allowing, at the request of the employer, employers of employees performing domestic services, as defined in s. 443.1216(6), to pay contributions or report wages at intervals other than quarterly when the nonquarterly payment or reporting assists the service provider and when nonquarterly payment and reporting is authorized under federal law. Employers of employees performing domestic services may report wages and pay contributions annually, with a due date of January 1 and a delinquency date of February 1. To qualify for this election, the employer must employ only employees performing domestic services, be eligible for a variation from the standard rate computed under subsection (3), apply to this program no later than December 1 of the preceding calendar year, and agree to provide Jobs Florida the Agency for Workforce Innovation or its tax collection service provider with any special reports that are requested, including copies of all federal employment tax forms. An employer who fails to timely
furnish any wage information required by Jobs Florida the Agency for Workforce Innovation or its tax collection service provider loses the privilege to participate in this program, effective the calendar quarter immediately after the calendar quarter the failure occurred. The employer may reapply for annual reporting when a complete calendar year elapses after the employer’s disqualification if the employer timely furnished any requested wage information during the period in which annual reporting was denied. An employer may not deduct contributions, interests, penalties, fines, or fees required under this chapter from any part of the wages of his or her employees. A fractional part of a cent less than one-half cent shall be disregarded from the payment of contributions, but a fractional part of at least one-half cent shall be increased to 1 cent.

(3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—
(a) Employment records.—The regular and short-time compensation benefits paid to an eligible individual shall be charged to the employment record of each employer who paid the individual wages of at least $100 during the individual’s base period in proportion to the total wages paid by all employers who paid the individual wages during the individual’s base period. Benefits may not be charged to the employment record of an employer who furnishes part-time work to an individual who, because of loss of employment with one or more other employers, is eligible for partial benefits while being furnished part-time work by the employer on substantially the same basis and in substantially the same amount as the individual’s employment during his or her base period, regardless of whether this part-

CODING: Words stricken are deletions; words underlined are additions.
time work is simultaneous or successive to the individual’s lost employment. Further, as provided in s. 443.151(3), benefits may not be charged to the employment record of an employer who furnishes Jobs Florida the Agency for Workforce Innovation with notice, as prescribed in agency rules of Jobs Florida, that any of the following apply:

1. If an individual leaves his or her work without good cause attributable to the employer or is discharged by the employer for misconduct connected with his or her work, benefits subsequently paid to the individual based on wages paid by the employer before the separation may not be charged to the employer.

2. If an individual is discharged by the employer for unsatisfactory performance during an initial employment probationary period, benefits subsequently paid to the individual based on wages paid during the probationary period by the employer before the separation may not be charged to the employer’s employment record. As used in this subparagraph, the term “initial employment probationary period” means an established probationary plan that applies to all employees or a specific group of employees and that does not exceed 90 calendar days following the first day a new employee begins work. The employee must be informed of the probationary period within the first 7 days of work. The employer must demonstrate by conclusive evidence that the individual was separated because of unsatisfactory work performance and not because of lack of work due to temporary, seasonal, casual, or other similar employment that is not of a regular, permanent, and year-round nature.

3. Benefits subsequently paid to an individual after his or
her refusal without good cause to accept suitable work from an employer may not be charged to the employment record of the employer if any part of those benefits are based on wages paid by the employer before the individual’s refusal to accept suitable work. As used in this subparagraph, the term “good cause” does not include distance to employment caused by a change of residence by the individual. Jobs Florida The Agency for Workforce Innovation shall adopt rules prescribing for the payment of all benefits whether this subparagraph applies regardless of whether a disqualification under s. 443.101 applies to the claim.

4. If an individual is separated from work as a direct result of a natural disaster declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. ss. 5121 et seq., benefits subsequently paid to the individual based on wages paid by the employer before the separation may not be charged to the employment record of the employer.

(g) Transfer of unemployment experience upon transfer or acquisition of a business.—Notwithstanding any other provision of law, upon transfer or acquisition of a business, the following conditions apply to the assignment of rates and to transfers of unemployment experience:

1.a. If an employer transfers its trade or business, or a portion thereof, to another employer and, at the time of the transfer, there is any common ownership, management, or control of the two employers, the unemployment experience attributable to the transferred trade or business shall be transferred to the employer to whom the business is so transferred. The rates of both employers shall be recalculated and made effective as of
the beginning of the calendar quarter immediately following the
date of the transfer of the trade or business unless the
transfer occurred on the first day of a calendar quarter, in
which case the rate shall be recalculated as of that date.

b. If, following a transfer of experience under sub-
paragraph a., Jobs Florida the Agency for Workforce
Innovation or the tax collection service provider determines
that a substantial purpose of the transfer of trade or business
was to obtain a reduced liability for contributions, the
experience rating account of the employers involved shall be
combined into a single account and a single rate assigned to the
account.

2. Whenever a person who is not an employer under this
chapter at the time it acquires the trade or business of an
employer, the unemployment experience of the acquired business
shall not be transferred to the person if Jobs Florida the
Agency for Workforce Innovation or the tax collection service
provider finds that such person acquired the business solely or
primarily for the purpose of obtaining a lower rate of
contributions. Instead, such person shall be assigned the new
employer rate under paragraph (2)(a). In determining whether the
business was acquired solely or primarily for the purpose of
obtaining a lower rate of contributions, the tax collection
service provider shall consider, but not be limited to, the
following factors:

   a. Whether the person continued the business enterprise of
      the acquired business;
   b. How long such business enterprise was continued; or
   c. Whether a substantial number of new employees was hired
for performance of duties unrelated to the business activity conducted before the acquisition.

3. If a person knowingly violates or attempts to violate subparagraph 1. or subparagraph 2. or any other provision of this chapter related to determining the assignment of a contribution rate, or if a person knowingly advises another person to violate the law, the person shall be subject to the following penalties:

   a. If the person is an employer, the employer shall be assigned the highest rate assignable under this chapter for the rate year during which such violation or attempted violation occurred and for the 3 rate years immediately following this rate year. However, if the person’s business is already at the highest rate for any year, or if the amount of increase in the person’s rate would be less than 2 percent for such year, then a penalty rate of contribution of 2 percent of taxable wages shall be imposed for such year and the following 3 rate years.

   b. If the person is not an employer, such person shall be subject to a civil money penalty of not more than $5,000. The procedures for the assessment of a penalty shall be in accordance with the procedures set forth in s. 443.141(2), and the provisions of s. 443.141(3) shall apply to the collection of the penalty. Any such penalty shall be deposited in the penalty and interest account established under s. 443.211(2).

4. For purposes of this paragraph, the term:

   a. “Knowingly” means having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved.

   b. “Violates or attempts to violate” includes, but is not
limited to, intent to evade, misrepresent, or willfully nondisclose.

5. In addition to the penalty imposed by subparagraph 3., any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

6. Jobs Florida The Agency for Workforce Innovation and the tax collection service provider shall establish procedures to identify the transfer or acquisition of a business for the purposes of this paragraph and shall adopt any rules necessary to administer this paragraph.

7. For purposes of this paragraph:
   a. “Person” has the meaning given to the term by s. 7701(a)(1) of the Internal Revenue Code of 1986.
   b. “Trade or business” shall include the employer’s workforce.

8. This paragraph shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the United States Department of Labor.

   (i) Notice of determinations of contribution rates; redeterminations.—The state agency providing tax collection services:

   1. Shall promptly notify each employer of his or her contribution rate as determined for any calendar year under this section. The determination is conclusive and binding on the employer unless within 20 days after mailing the notice of determination to the employer’s last known address, or, in the absence of mailing, within 20 days after delivery of the notice,
the employer files an application for review and redetermination setting forth the grounds for review. An employer may not, in any proceeding involving his or her contribution rate or liability for contributions, contest the chargeability to his or her employment record of any benefits paid in accordance with a determination, redetermination, or decision under s. 443.151, except on the ground that the benefits charged were not based on services performed in employment for him or her and then only if the employer was not a party to the determination, redetermination, or decision, or to any other proceeding under this chapter, in which the character of those services was determined.

2. Shall, upon discovery of an error in computation, reconsider any prior determination or redetermination of a contribution rate after the 20-day period has expired and issue a revised notice of contribution rate as redetermined. A redetermination is subject to review, and is conclusive and binding if review is not sought, in the same manner as review of a determination under subparagraph 1. A reconsideration may not be made after March 31 of the calendar year immediately after the calendar year for which the contribution rate is applicable, and interest may not accrue on any additional contributions found to be due until 30 days after the employer is mailed notice of his or her revised contribution rate.

3. May adopt rules providing for periodic notification to employers of benefits paid and charged to their employment records or of the status of those employment records. A notification, unless an application for redetermination is filed in the manner and within the time limits prescribed by Jobs
Florida the Agency for Workforce Innovation, is conclusive and binding on the employer under this chapter. The redetermination, and Jobs Florida’s the Agency for Workforce Innovation’s finding of fact in connection with the redetermination, may be introduced in any subsequent administrative or judicial proceeding involving the determination of the contribution rate of an employer for any calendar year. A redetermination becomes final in the same manner provided in this subsection for findings of fact made by Jobs Florida the Agency for Workforce Innovation in proceedings to redetermine the contribution rate of an employer. Pending a redetermination or an administrative or judicial proceeding, the employer must file reports and pay contributions in accordance with this section.

Section 285. Paragraph (d) of subsection (2) and paragraph (d) of subsection (3) of section 443.1312, Florida Statutes, are amended to read:

443.1312 Reimbursements; nonprofit organizations.—Benefits paid to employees of nonprofit organizations shall be financed in accordance with this section.

(2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF REIMBURSEMENT.—A nonprofit organization that is, or becomes, subject to this chapter under s. 443.1215(1)(c) or s. 443.121(3)(a) must pay contributions under s. 443.131 unless it elects, in accordance with this subsection, to reimburse the Unemployment Compensation Trust Fund for all of the regular benefits, short-time compensation benefits, and one-half of the extended benefits paid, which are attributable to service in the employ of the nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of the
(d) In accordance with rules adopted by Jobs Florida or the Agency for Workforce Innovation or the state agency providing unemployment tax collection services, the tax collection service provider shall notify each nonprofit organization of any determination of the organization’s status as an employer, the effective date of any election the organization makes, and the effective date of any termination of the election. Each determination is subject to reconsideration, appeal, and review under s. 443.141(2)(c).

(3) PAYMENT OF REIMBURSEMENTS.—Reimbursements in lieu of contributions must be paid in accordance with this subsection.

(d) The amount due, as specified in any bill from the tax collection service provider, is conclusive, and the nonprofit organization is liable for payment of that amount unless, within 20 days after the bill is mailed to the organization’s last known address or otherwise delivered to the organization, the organization files an application for redetermination by Jobs Florida or the Agency for Workforce Innovation, setting forth the grounds for the application. Jobs Florida or the Agency for Workforce Innovation shall promptly review and reconsider the amount due, as specified in the bill, and shall issue a redetermination in each case in which an application for redetermination is filed. The redetermination is conclusive and the nonprofit organization is liable for payment of the amount due, as specified in the redetermination, unless, within 20 days after the redetermination is mailed to the organization’s last known address or otherwise delivered to the organization, the organization files a protest, setting forth the grounds for the
appeal. Proceedings on the protest shall be conducted in accordance with s. 443.141(2).

Section 286. Paragraph (b) of subsection (1) of section 443.1313, Florida Statutes, is amended to read:

443.1313 Public employers; reimbursements; election to pay contributions.—Benefits paid to employees of a public employer, as defined in s. 443.036, based on service described in s. 443.1216(2) shall be financed in accordance with this section.

(1) PAYMENT OF REIMBURSEMENTS.—

(b) If a state agency is more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, the tax collection service provider shall certify to the Chief Financial Officer the amount due and the Chief Financial Officer shall transfer the amount due to the Unemployment Compensation Trust Fund from the funds of the agency which legally may be used for that purpose. If a public employer other than a state agency is more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, upon request by the tax collection service provider after a hearing, the Department of Revenue or the Department of Financial Services, as applicable, shall deduct the amount owed by the public employer from any funds to be distributed by the applicable department to the public employer for further distribution to the trust fund in accordance with this chapter. If an employer for whom the municipal or county tax collector collects taxes fails to make the reimbursements to the Unemployment Compensation Trust Fund required by this chapter, the tax collector after a hearing, at the request of the tax collection service provider and upon receipt of a certificate showing the amount owed by the
employer, shall deduct the certified amount from any taxes collected for the employer and remit that amount to the tax collection service provider for further distribution to the trust fund in accordance with this chapter. This paragraph does not apply to amounts owed by a political subdivision of the state for benefits erroneously paid in which the claimant must repay to Jobs Florida the Agency for Workforce Innovation under s. 443.151(6)(a) or (b) any sum as benefits received.

Section 287. Paragraphs (b) and (c) of subsection (4) and subsection (7) of section 443.1315, Florida Statutes, are amended to read:

443.1315 Treatment of Indian tribes.—

(4)

(b)1. Services performed for an Indian tribe or tribal unit that fails to make required reimbursements, including assessments of interest and penalty, after all collection activities deemed necessary by the tax collection service provider, subject to approval by Jobs Florida the Agency for Workforce Innovation, are exhausted may not be treated as employment for purposes of paragraph (1)(b).

2. The tax collection service provider may determine that any Indian tribe that loses coverage under subparagraph 1. may have services performed for the tribe subsequently included as employment for purposes of paragraph (1)(b) if all contributions, reimbursements, penalties, and interest are paid.

(c) Jobs Florida The Agency for Workforce Innovation or its tax collection service provider shall immediately notify the United States Internal Revenue Service and the United States Department of Labor when an Indian tribe fails to make
reimbursements required under this section, including
assessments of interest and penalty, within 90 days after a
final notice of delinquency.

(7) Jobs Florida The Agency for Workforce Innovation and
the state agency providing unemployment tax collection services
shall adopt rules necessary to administer this section.

Section 288. Section 443.1316, Florida Statutes, is amended
to read:

443.1316 Unemployment tax collection services; interagency
agreement.—

(1) Jobs Florida The Agency for Workforce Innovation shall
contract with the Department of Revenue, through an interagency
agreement, to perform the duties of the tax collection service
provider and provide other unemployment tax collection services
under this chapter. Under the interagency agreement, the tax
collection service provider may only implement:

(a) The provisions of this chapter conferring duties upon
the tax collection service provider.

(b) The provisions of law conferring duties upon Jobs
Florida the Agency for Workforce Innovation which are
specifically delegated to the tax collection service provider in
the interagency agreement.

(2)(a) The Department of Revenue is considered to be
administering a revenue law of this state when the department
implements this chapter, or otherwise provides unemployment tax
collection services, under contract with Jobs Florida the Agency
for Workforce Innovation through the interagency agreement.

(b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);
213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;
Section 289. Section 443.1317, Florida Statutes, is amended to read:

443.1317 Rulemaking authority; enforcement of rules.—

(1) JOBS FLORIDA AGENCY FOR WORKFORCE INNOVATION.—

(a) Except as otherwise provided in s. 443.012, Jobs Florida the Agency for Workforce Innovation has ultimate authority over the administration of the Unemployment Compensation Program.

(b) Jobs Florida The Agency for Workforce Innovation may adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of this chapter conferring duties upon either Jobs Florida the agency or its tax collection service provider.

(2) TAX COLLECTION SERVICE PROVIDER.—The state agency providing unemployment tax collection services under contract with Jobs Florida the Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316 may adopt rules under ss. 120.536(1) and 120.54, subject to approval by Jobs Florida the Agency for Workforce Innovation, to administer the provisions of law described in s. 443.1316(1)(a) and (b) which are within this chapter. These rules must not conflict with the rules adopted by Jobs Florida the Agency for Workforce Innovation or with the interagency agreement.

(3) ENFORCEMENT OF RULES.—Jobs Florida The Agency for
Workforce Innovation may enforce any rule adopted by the state agency providing unemployment tax collection services to administer this chapter. The tax collection service provider may enforce any rule adopted by Jobs Florida the Agency for Workforce Innovation to administer the provisions of law described in s. 443.1316(1)(a) and (b).

Section 290. Paragraphs (b), (c), and (f) of subsection (1), subsection (2), paragraphs (f) and (g) of subsection (3), and paragraph (c) of subsection (4) of section 443.141, Florida Statutes, are amended to read:

443.141 Collection of contributions and reimbursements.—
(1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT, ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—
(b) Penalty for delinquent, erroneous, incomplete, or insufficient reports.—
1. An employing unit that fails to file any report required by Jobs Florida the Agency for Workforce Innovation or its tax collection service provider, in accordance with rules for administering this chapter, shall pay to the service provider for each delinquent report the sum of $25 for each 30 days or fraction thereof that the employing unit is delinquent, unless the agency or its service provider, whichever required the report, finds that the employing unit has good reason for failing to file the report. Jobs Florida The agency or its service provider may assess penalties only through the date of the issuance of the final assessment notice. However, additional penalties accrue if the delinquent report is subsequently filed.

2.a. An employing unit that files an erroneous, incomplete, or insufficient report with Jobs Florida the Agency for
Workforce Innovation or its tax collection service provider shall pay a penalty. The amount of the penalty is $50 or 10 percent of any tax due, whichever is greater, but no more than $300 per report. The penalty shall be added to any tax, penalty, or interest otherwise due.

b. Jobs Florida The agency or its tax collection service provider shall waive the penalty if the employing unit files an accurate, complete, and sufficient report within 30 days after a penalty notice is issued to the employing unit. The penalty may not be waived pursuant to this subparagraph more than one time during a 12-month period.

c. As used in this subsection, the term “erroneous, incomplete, or insufficient report” means a report so lacking in information, completeness, or arrangement that the report cannot be readily understood, verified, or reviewed. Such reports include, but are not limited to, reports having missing wage or employee information, missing or incorrect social security numbers, or illegible entries; reports submitted in a format that is not approved by Jobs Florida the agency or its tax collection service provider; and reports showing gross wages that do not equal the total of the wages of each employee. However, the term does not include a report that merely contains inaccurate data that was supplied to the employer by the employee, if the employer was unaware of the inaccuracy.

3. Penalties imposed pursuant to this paragraph shall be deposited in the Special Employment Security Administration Trust Fund.

4. The penalty and interest for a delinquent, erroneous, incomplete, or insufficient report may be waived if the penalty
or interest is inequitable. The provisions of s. 213.24(1) apply to any penalty or interest that is imposed under this section.

(c) Application of partial payments.—If a delinquency exists in the employment record of an employer not in bankruptcy, a partial payment less than the total delinquency amount shall be applied to the employment record as the payor directs. In the absence of specific direction, the partial payment shall be applied to the payor’s employment record as prescribed in the rules of Jobs Florida the Agency for Workforce Innovation or the state agency providing tax collection services.

(f) Adoption of rules.—Jobs Florida The Agency for Workforce Innovation and the state agency providing unemployment tax collection services may adopt rules to administer this subsection.

(2) REPORTS, CONTRIBUTIONS, APPEALS.—

(a) Failure to make reports and pay contributions.—If an employing unit determined by the tax collection service provider to be an employer subject to this chapter fails to make and file any report as and when required by this chapter or by any rule of Jobs Florida the Agency for Workforce Innovation or the state agency providing tax collection services, for the purpose of determining the amount of contributions due by the employer under this chapter, or if any filed report is found by the service provider to be incorrect or insufficient, and the employer, after being notified in writing by the service provider to file the report, or a corrected or sufficient report, as applicable, fails to file the report within 15 days after the date of the mailing of the notice, the tax collection
service provider may:

1. Determine the amount of contributions due from the employer based on the information readily available to it, which determination is deemed to be prima facie correct;

2. Assess the employer the amount of contributions determined to be due; and

3. Immediately notify the employer by mail of the determination and assessment including penalties as provided in this chapter, if any, added and assessed, and demand payment together with interest on the amount of contributions from the date that amount was due and payable.

(b) Hearings.—The determination and assessment are final 15 days after the date the assessment is mailed unless the employer files with the tax collection service provider within the 15 days a written protest and petition for hearing specifying the objections thereto. The tax collection service provider shall promptly review each petition and may reconsider its determination and assessment in order to resolve the petitioner’s objections. The tax collection service provider shall forward each petition remaining unresolved to Jobs Florida the Agency for Workforce Innovation for a hearing on the objections. Upon receipt of a petition, Jobs Florida the Agency for Workforce Innovation shall schedule a hearing and notify the petitioner of the time and place of the hearing. Jobs Florida the Agency for Workforce Innovation may appoint special deputies to conduct hearings and to submit their findings together with a transcript of the proceedings before them and their recommendations to Jobs Florida the agency for its final order. Special deputies are subject to the prohibition against ex parte
communications in s. 120.66. At any hearing conducted by Jobs Florida the Agency for Workforce Innovation or its special deputy, evidence may be offered to support the determination and assessment or to prove it is incorrect. In order to prevail, however, the petitioner must either prove that the determination and assessment are incorrect or file full and complete corrected reports. Evidence may also be submitted at the hearing to rebut the determination by the tax collection service provider that the petitioner is an employer under this chapter. Upon evidence taken before it or upon the transcript submitted to it with the findings and recommendation of its special deputy, Jobs Florida the Agency for Workforce Innovation shall either set aside the tax collection service provider’s determination that the petitioner is an employer under this chapter or reaffirm the determination. The amounts assessed under the final order, together with interest and penalties, must be paid within 15 days after notice of the final order is mailed to the employer, unless judicial review is instituted in a case of status determination. Amounts due when the status of the employer is in dispute are payable within 15 days after the entry of an order by the court affirming the determination. However, any determination that an employing unit is not an employer under this chapter does not affect the benefit rights of any individual as determined by an appeals referee or the commission unless:

1. The individual is made a party to the proceedings before the special deputy; or

2. The decision of the appeals referee or the commission has not become final or the employing unit and Jobs Florida the
Agency for Workforce Innovation were not made parties to the proceedings before the appeals referee or the commission.

(c) Appeals.—Jobs Florida The Agency for Workforce Innovation and the state agency providing unemployment tax collection services shall adopt rules prescribing the procedures for an employing unit determined to be an employer to file an appeal and be afforded an opportunity for a hearing on the determination. Pending a hearing, the employing unit must file reports and pay contributions in accordance with s. 443.131.

(3) COLLECTION PROCEEDINGS.—

(f) Reproductions.—In any proceedings in any court under this chapter, reproductions of the original records of Jobs Florida the Agency for Workforce Innovation, its tax collection service provider, the former Agency for Workforce Innovation, the former Department of Labor and Employment Security, or the commission, including, but not limited to, photocopies or microfilm, are primary evidence in lieu of the original records or of the documents that were transcribed into those records.

(g) Jeopardy assessment and warrant.—If the tax collection service provider reasonably believes that the collection of contributions or reimbursements from an employer will be jeopardized by delay, the service provider may assess the contributions or reimbursements immediately, together with interest or penalties when due, regardless of whether the contributions or reimbursements accrued are due, and may immediately issue a notice of lien and jeopardy warrant upon which proceedings may be conducted as provided in this section for notice of lien and warrant of the service provider. Within 15 days after mailing the notice of lien by registered mail, the
employer may protest the issuance of the lien in the same manner
generated in paragraph (2)(a). The protest does not operate as a
supersedeas or stay of enforcement unless the employer files
with the sheriff seeking to enforce the warrant a good and
sufficient surety bond in twice the amount demanded by the
notice of lien or warrant. The bond must be conditioned upon
payment of the amount subsequently found to be due from the
employer to the tax collection service provider in the final
order of Jobs Florida the Agency for Workforce Innovation upon
protest of assessment. The jeopardy warrant and notice of lien
are satisfied in the manner provided in this section upon
payment of the amount finally determined to be due from the
employer. If enforcement of the jeopardy warrant is not
superseded as provided in this section, the employer is entitled
to a refund from the fund of all amounts paid as contributions
or reimbursements in excess of the amount finally determined to
be due by the employer upon application being made as provided
in this chapter.

(4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF
CONTRIBUTIONS AND REIMBURSEMENTS.—

c) Any agent or employee designated by Jobs Florida the
Agency for Workforce Innovation or its tax collection service
provider may administer an oath to any person for any return or
report required by this chapter or by the rules of Jobs Florida
the Agency for Workforce Innovation or the state agency
providing unemployment tax collection services, and an oath made
before Jobs Florida the agency or its service provider or any
authorized agent or employee has the same effect as an oath made
before any judicial officer or notary public of the state.
Section 291. Section 443.151, Florida Statutes, is amended to read:

443.151 Procedure concerning claims.—

1. POSTING OF INFORMATION.—
   (a) Each employer must post and maintain in places readily accessible to individuals in her or his employ printed statements concerning benefit rights, claims for benefits, and other matters relating to the administration of this chapter as Jobs Florida the Agency for Workforce Innovation may by rule prescribe. Each employer must supply to individuals copies of printed statements or other materials relating to claims for benefits as directed by the agency's rules of Jobs Florida. Jobs Florida The Agency for Workforce Innovation shall supply these printed statements and other materials to each employer without cost to the employer.

   (b) 1. Jobs Florida The Agency for Workforce Innovation shall advise each individual filing a new claim for unemployment compensation, at the time of filing the claim, that:

   a. Unemployment compensation is subject to federal income tax.

   b. Requirements exist pertaining to estimated tax payments.

   c. The individual may elect to have federal income tax deducted and withheld from the individual’s payment of unemployment compensation at the amount specified in the federal Internal Revenue Code.

   d. The individual is not permitted to change a previously elected withholding status more than twice per calendar year.

   2. Amounts deducted and withheld from unemployment compensation must remain in the Unemployment Compensation Trust

CODING: Words stricken are deletions; words underlined are additions.
Fund until transferred to the federal taxing authority as payment of income tax.

3. **Jobs Florida** The Agency for Workforce Innovation shall follow all procedures specified by the United States Department of Labor and the federal Internal Revenue Service pertaining to the deducting and withholding of income tax.

4. If more than one authorized request for deduction and withholding is made, amounts must be deducted and withheld in accordance with the following priorities:
   a. Unemployment overpayments have first priority;
   b. Child support payments have second priority; and
   c. Withholding under this subsection has third priority.

(2) **FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF CLAIMANTS AND EMPLOYERS.**

   (a) In general.—Claims for benefits must be made in accordance with the rules adopted by **Jobs Florida** the Agency for Workforce Innovation. **Jobs Florida** The agency must notify claimants and employers regarding monetary and nonmonetary determinations of eligibility. Investigations of issues raised in connection with a claimant which may affect a claimant’s eligibility for benefits or charges to an employer’s employment record shall be conducted by **Jobs Florida** the agency through written, telephonic, or electronic means as prescribed by rule.

   (b) Process.—When the Unemployment Compensation Claims and Benefits Information System described in s. 443.1113 is fully operational, the process for filing claims must incorporate the process for registering for work with the workforce information systems established pursuant to s. 445.011. A claim for benefits may not be processed until the work registration requirement is
satisfied. Jobs Florida The Agency for Workforce Innovation may adopt rules as necessary to administer the work registration requirement set forth in this paragraph.

(3) DETERMINATION OF ELIGIBILITY.—

(a) Notices of claim.—Jobs Florida The Agency for Workforce Innovation shall promptly provide a notice of claim to the claimant’s most recent employing unit and all employers whose employment records are liable for benefits under the monetary determination. The employer must respond to the notice of claim within 20 days after the mailing date of the notice, or in lieu of mailing, within 20 days after the delivery of the notice. If a contributing employer fails to timely respond to the notice of claim, the employer’s account may not be relieved of benefit charges as provided in s. 443.131(3)(a), notwithstanding paragraph (5)(b). Jobs Florida The agency may adopt rules as necessary to implement the processes described in this paragraph relating to notices of claim.

(b) Monetary determinations.—In addition to the notice of claim, Jobs Florida the agency shall also promptly provide an initial monetary determination to the claimant and each base period employer whose account is subject to being charged for its respective share of benefits on the claim. The monetary determination must include a statement of whether and in what amount the claimant is entitled to benefits, and, in the event of a denial, must state the reasons for the denial. A monetary determination for the first week of a benefit year must also include a statement of whether the claimant was paid the wages required under s. 443.091(1)(g) and, if so, the first day of the benefit year, the claimant’s weekly benefit amount, and the
maximum total amount of benefits payable to the claimant for a benefit year. The monetary determination is final unless within 20 days after the mailing of the notices to the parties’ last known addresses, or in lieu of mailing, within 20 days after the delivery of the notices, an appeal or written request for reconsideration is filed by the claimant or other party entitled to notice. **Jobs Florida** The agency may adopt rules as necessary to implement the processes described in this paragraph relating to notices of monetary determinations and the appeals or reconsideration requests filed in response to such notices.

(c) **Nonmonetary determinations.**—If **Jobs Florida** the agency receives information that may result in a denial of benefits, **Jobs Florida** the agency must complete an investigation of the claim required by subsection (2) and provide notice of a nonmonetary determination to the claimant and the employer from whom the claimant’s reason for separation affects his or her entitlement to benefits. The determination must state the reason for the determination and whether the unemployment tax account of the contributing employer is charged for benefits paid on the claim. The nonmonetary determination is final unless within 20 days after the mailing of the notices to the parties’ last known addresses, or in lieu of mailing, within 20 days after the delivery of the notices, an appeal or written request for reconsideration is filed by the claimant or other party entitled to notice. **Jobs Florida** The agency may adopt rules as necessary to implement the processes described in this paragraph relating to notices of nonmonetary determination and the appeals or reconsideration requests filed in response to such notices, and may adopt rules prescribing the manner and procedure by which...
employers within the base period of a claimant become entitled to notice of nonmonetary determination.

(d) **Determinations in labor dispute cases.**—Whenever any claim involves a labor dispute described in s. 443.101(4), **Jobs Florida** the Agency for Workforce Innovation shall promptly assign the claim to a special examiner who shall make a determination on the issues involving unemployment due to the labor dispute. The special examiner shall make the determination after an investigation, as necessary. The claimant or another party entitled to notice of the determination may appeal a determination under subsection (4).

(e) **Redeterminations.**—

1. **Jobs Florida** The Agency for Workforce Innovation may reconsider a determination if it finds an error or if new evidence or information pertinent to the determination is discovered after a prior determination or redetermination. A redetermination may not be made more than 1 year after the last day of the benefit year unless the disqualification for making a false or fraudulent representation under s. 443.101(6) is applicable, in which case the redetermination may be made within 2 years after the false or fraudulent representation. **Jobs Florida** The agency must promptly give notice of redetermination to the claimant and to any employers entitled to notice in the manner prescribed in this section for the notice of an initial determination.

2. If the amount of benefits is increased by the redetermination, an appeal of the redetermination based solely on the increase may be filed as provided in subsection (4). If the amount of benefits is decreased by the redetermination, the
redetermination may be appealed by the claimant if a subsequent
claim for benefits is affected in amount or duration by the
redetermination. If the final decision on the determination or
redetermination to be reconsidered was made by an appeals
referee, the commission, or a court, Jobs Florida the Agency for
Workforce Innovation may apply for a revised decision from the
body or court that made the final decision.

3. If an appeal of an original determination is pending
when a redetermination is issued, the appeal unless withdrawn is
treated as an appeal from the redetermination.

(4) APPEALS.—

(a) Appeals referees.—Jobs Florida The Agency for Workforce
Innovation shall appoint one or more impartial salaried appeals
referees in accordance with s. 443.171(3) to hear and decide
appealed claims. A person may not participate on behalf of Jobs
Florida the Agency for Workforce Innovation as an appeals
referee in any case in which she or he is an interested party.
Jobs Florida The Agency for Workforce Innovation may designate
alternates to serve in the absence or disqualification of any
appeals referee on a temporary basis. These alternates must have
the same qualifications required of appeals referees. Jobs
Florida The Agency for Workforce Innovation shall provide the
commission and the appeals referees with proper facilities and
assistance for the execution of their functions.

(b) Filing and hearing.—

1. The claimant or any other party entitled to notice of a
determination may appeal an adverse determination to an appeals
referee within 20 days after the date of mailing of the notice
to her or his last known address or, if the notice is not
mailed, within 20 days after the date of delivery of the notice.

2. Unless the appeal is untimely or withdrawn or review is initiated by the commission, the appeals referee, after mailing all parties and attorneys of record a notice of hearing at least 10 days before the date of hearing, notwithstanding the 14-day notice requirement in s. 120.569(2)(b), may only affirm, modify, or reverse the determination. An appeal may not be withdrawn without the permission of the appeals referee.

3. However, when an appeal appears to have been filed after the permissible time limit, the Office of Appeals may issue an order to show cause to the appellant, requiring the appellant to show why the appeal should not be dismissed as untimely. If the appellant does not, within 15 days after the mailing date of the order to show cause, provide written evidence of timely filing or good cause for failure to appeal timely, the appeal shall be dismissed.

4. When an appeal involves a question of whether services were performed by a claimant in employment or for an employer, the referee must give special notice of the question and of the pendency of the appeal to the employing unit and to Jobs Florida the Agency for Workforce Innovation, both of which become parties to the proceeding.

5. The parties must be notified promptly of the referee’s decision. The referee’s decision is final unless further review is initiated under paragraph (c) within 20 days after the date of mailing notice of the decision to the party’s last known address or, in lieu of mailing, within 20 days after the delivery of the notice.

(c) Review by commission.—The commission may, on its own
motion, within the time limit in paragraph (b), initiate a
review of the decision of an appeals referee. The commission may
also allow Jobs Florida the Agency for Workforce Innovation or
any adversely affected party entitled to notice of the decision
to appeal the decision by filing an application within the time
limit in paragraph (b). An adversely affected party has the
right to appeal the decision if Jobs Florida’s the Agency for
Workforce Innovation’s determination is not affirmed by the
appeals referee. The commission may affirm, modify, or reverse
the findings and conclusions of the appeals referee based on
evidence previously submitted in the case or based on additional
evidence taken at the direction of the commission. The
commission may assume jurisdiction of or transfer to another
appeals referee the proceedings on any claim pending before an
appeals referee. Any proceeding in which the commission assumes
jurisdiction before completion must be heard by the commission
in accordance with the requirement of this subsection for
proceedings before an appeals referee. When the commission
denies an application to hear an appeal of an appeals referee’s
decision, the decision of the appeals referee is the decision of
the commission for purposes of this paragraph and is subject to
judicial review within the same time and manner as decisions of
the commission, except that the time for initiating review runs
from the date of notice of the commission’s order denying the
application to hear an appeal.

(d) Procedure.—The manner that appealed claims are
presented must comply with the commission’s rules. Witnesses
subpoenaed under this section are allowed fees at the rate
established by s. 92.142, and fees of witnesses subpoenaed on
behalf of Jobs Florida The Agency for Workforce Innovation or any claimant are deemed part of the expense of administering this chapter.

(e) **Judicial review.** Orders of the commission entered under paragraph (c) are subject to review only by notice of appeal in the district court of appeal in the appellate district in which the issues involved were decided by an appeals referee.

Notwithstanding chapter 120, the commission is a party respondent to every such proceeding. Jobs Florida The Agency for Workforce Innovation may initiate judicial review of orders in the same manner and to the same extent as any other party.

(5) **PAYMENT OF BENEFITS.**

(a) Jobs Florida The Agency for Workforce Innovation shall promptly pay benefits in accordance with a determination or redetermination regardless of any appeal or pending appeal. Before payment of benefits to the claimant, however, each employer who is liable for reimbursements in lieu of contributions for payment of the benefits must be notified, at the address on file with Jobs Florida The Agency for Workforce Innovation or its tax collection service provider, of the initial determination of the claim and must be given 10 days to respond.

(b) Jobs Florida The Agency for Workforce Innovation shall promptly pay benefits, regardless of whether a determination is under appeal if the determination allowing benefits is affirmed in any amount by an appeals referee or is affirmed by the commission, or if a decision of an appeals referee allowing benefits is affirmed in any amount by the commission. In these instances, a court may not issue an injunction, supersedeas,
stay, or other writ or process suspending payment of benefits. A contributing employer that responded to the notice of claim within the time limit provided in subsection (3) may not, however, be charged with benefits paid under an erroneous determination if the decision is ultimately reversed. Benefits are not paid for any subsequent weeks of unemployment involved in a reversal.

(c) The provisions of paragraph (b) relating to charging an employer liable for contributions do not apply to reimbursing employers.

(6) RECOVERY AND RECOUPMENT.—

(a) Any person who, by reason of her or his fraud, receives benefits under this chapter to which she or he is not entitled is liable for repaying those benefits to Jobs Florida the Agency for Workforce Innovation on behalf of the trust fund or, in the agency’s discretion of Jobs Florida, to have those benefits deducted from future benefits payable to her or him under this chapter. To enforce this paragraph, Jobs Florida the agency must find the existence of fraud through a redetermination or decision under this section within 2 years after the fraud was committed. Any recovery or recoupment of benefits must be effected within 5 years after the redetermination or decision.

(b) Any person who, by reason other than her or his fraud, receives benefits under this chapter to which, under a redetermination or decision pursuant to this section, she or he is not entitled, is liable for repaying those benefits to Jobs Florida the Agency for Workforce Innovation on behalf of the trust fund or, in the agency’s discretion of Jobs Florida, to have those benefits deducted from any future benefits payable to
her or him under this chapter. Any recovery or recoupment of
benefits must be effected within 3 years after the
redetermination or decision.

(c) Any person who, by reason other than fraud, receives
benefits under this chapter to which she or he is not entitled
as a result of an employer’s failure to respond to a claim
within the timeframe provided in subsection (3) is not liable
for repaying those benefits to Jobs Florida the Agency for
Workforce Innovation on behalf of the trust fund or to have
those benefits deducted from any future benefits payable to her
or him under this chapter.

(d) Recoupment from future benefits is not permitted if the
benefits are received by any person without fault on the
person’s part and recoupment would defeat the purpose of this
chapter or would be inequitable and against good conscience.

(e) Jobs Florida The Agency for Workforce Innovation shall
collect the repayment of benefits without interest by the
deduction of benefits through a redetermination or by a civil
action.

(f) Notwithstanding any other provision of this chapter,
any person who is determined by this state, a cooperating state
agency, the United States Secretary of Labor, or a court to have
received any payments under the Trade Act of 1974, as amended,
to which the person was not entitled shall have those payments
deducted from any regular benefits, as defined in s.
443.1115(1)(e), payable to her or him under this chapter. Each
such deduction may not exceed 50 percent of the amount otherwise
payable. The payments deducted shall be remitted to the agency
that issued the payments under the Trade Act of 1974, as
amended, for return to the United States Treasury. Except for overpayments determined by a court, a deduction may not be made under this paragraph until a determination by the state agency or the United States Secretary of Labor is final.

(7) REPRESENTATION IN ADMINISTRATIVE PROCEEDINGS.—In any administrative proceeding conducted under this chapter, an employer or a claimant has the right, at his or her own expense, to be represented by counsel or by an authorized representative. Notwithstanding s. 120.62(2), the authorized representative need not be a qualified representative.

(8) BILINGUAL REQUIREMENTS.—

(a) Jobs Florida The Agency for Workforce Innovation shall provide printed bilingual instructional and educational materials in the appropriate language in those counties in which 5 percent or more of the households in the county are classified as a single-language minority.

(b) Jobs Florida The Agency for Workforce Innovation shall ensure that one-stop career centers and appeals offices located in counties subject to the requirements of paragraph (c) prominently post notices in the appropriate languages and that translators are available in those centers and offices.

(c) As used in this subsection, the term “single-language minority” means households that speak the same non-English language and that do not contain an adult fluent in English. Jobs Florida The Agency for Workforce Innovation shall develop estimates of the percentages of single-language minority households for each county by using data from the United States Bureau of the Census.

Section 292. Subsection (1), paragraphs (a) and (c) of
subsection (3), and subsection (4) of section 443.163, Florida Statutes, are amended to read:

443.163 Electronic reporting and remitting of contributions and reimbursements.—

(1) An employer may file any report and remit any contributions or reimbursements required under this chapter by electronic means. Jobs Florida The Agency for Workforce Innovation or the state agency providing unemployment tax collection services shall adopt rules prescribing the format and instructions necessary for electronically filing reports and remitting contributions and reimbursements to ensure a full collection of contributions and reimbursements due. The acceptable method of transfer, the method, form, and content of the electronic means, and the method, if any, by which the employer will be provided with an acknowledgment shall be prescribed by Jobs Florida the Agency for Workforce Innovation or its tax collection service provider. However, any employer who employed 10 or more employees in any quarter during the preceding state fiscal year must file the Employers Quarterly Reports (UCT-6) for the current calendar year and remit the contributions and reimbursements due by electronic means approved by the tax collection service provider. A person who prepared and reported for 100 or more employers in any quarter during the preceding state fiscal year must file the Employers Quarterly Reports (UCT-6) for each calendar quarter in the current calendar year, beginning with reports due for the second calendar quarter of 2003, by electronic means approved by the tax collection service provider.

(3) The tax collection service provider may waive the
requirement to file an Employers Quarterly Report (UCT-6) by electronic means for employers that are unable to comply despite good faith efforts or due to circumstances beyond the employer’s reasonable control.

(a) As prescribed by the Agency for Workforce Innovation or its tax collection service provider, grounds for approving the waiver include, but are not limited to, circumstances in which the employer does not:

1. Currently file information or data electronically with any business or government agency; or

2. Have a compatible computer that meets or exceeds the standards prescribed by the Agency for Workforce Innovation or its tax collection service provider.

(c) The Agency for Workforce Innovation or the state agency providing unemployment tax collection services may establish by rule the length of time a waiver is valid and may determine whether subsequent waivers will be authorized, based on this subsection.

(4) As used in this section, the term “electronic means” includes, but is not limited to, electronic data interchange; electronic funds transfer; and use of the Internet, telephone, or other technology specified by the Agency for Workforce Innovation or its tax collection service provider.

Section 293. Section 443.171, Florida Statutes, is amended to read:

443.171 Jobs Florida Agency for Workforce Innovation and commission; powers and duties; records and reports; proceedings; state-federal cooperation.—

(1) POWERS AND DUTIES.—Jobs Florida The Agency for
Workforce Innovation shall administer this chapter. Jobs Florida The agency may employ those persons, make expenditures, require reports, conduct investigations, and take other action necessary or suitable to administer this chapter. Jobs Florida the Agency for Workforce Innovation shall annually submit information to Workforce Florida, Inc., covering the administration and operation of this chapter during the preceding calendar year for inclusion in the strategic plan under s. 445.006 and may make recommendations for amendment to this chapter.

(2) PUBLICATION OF ACTS AND RULES.—Jobs Florida the Agency for Workforce Innovation shall cause to be printed and distributed to the public, or otherwise distributed to the public through the Internet or similar electronic means, the text of this chapter and of the rules for administering this chapter adopted by Jobs Florida the agency or the state agency providing unemployment tax collection services and any other matter relevant and suitable. Jobs Florida The Agency for Workforce Innovation shall furnish this information to any person upon request. However, any pamphlet, rules, circulars, or reports required by this chapter may not contain any matter except the actual data necessary to complete them or the actual language of the rule, together with the proper notices.

(3) PERSONNEL.—Subject to chapter 110 and the other provisions of this chapter, Jobs Florida the Agency for Workforce Innovation may appoint, set the compensation of, and prescribe the duties and powers of employees, accountants, attorneys, experts, and other persons as necessary for the performance of the agency’s duties of Jobs Florida under this chapter. Jobs Florida The Agency for Workforce Innovation may
delegate to any person its power and authority under this chapter as necessary for the effective administration of this chapter and may bond any person handling moneys or signing checks under this chapter. The cost of these bonds must be paid from the Employment Security Administration Trust Fund.

(4) EMPLOYMENT STABILIZATION.—Jobs Florida The Agency for Workforce Innovation, under the direction of Workforce Florida, Inc., shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of career training, retraining, and career guidance; to investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts, and the state, of reserves for public works to be used in times of business depression and unemployment; to promote the reemployment of the unemployed workers throughout the state in every other way that may be feasible; to refer any claimant entitled to extended benefits to suitable work which meets the criteria of this chapter; and, to these ends, to carry on and publish the results of investigations and research studies.

(5) RECORDS AND REPORTS.—Each employing unit shall keep true and accurate work records, containing the information required by Jobs Florida The Agency for Workforce Innovation or its tax collection service provider. These records must be open to inspection and are subject to being copied by Jobs Florida The Agency for Workforce Innovation or its tax collection service provider at any reasonable time and as often as necessary. Jobs Florida The Agency for Workforce Innovation or its tax collection service provider may require from any
employing unit any sworn or unsworn reports, for persons employed by the employing unit, necessary for the effective administration of this chapter. However, a state or local governmental agency performing intelligence or counterintelligence functions need not report an employee if the head of that agency determines that reporting the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission. Information revealing the employing unit’s or individual’s identity obtained from the employing unit or from any individual through the administration of this chapter, is, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers’ compensation claim pending, confidential and exempt from s. 119.07(1). This confidential information is available only to public employees in the performance of their public duties. Any claimant, or the claimant’s legal representative, at a hearing before an appeals referee or the commission must be supplied with information from these records to the extent necessary for the proper presentation of her or his claim. Any employee or member of the commission, any employee of Jobs Florida the Agency for Workforce Innovation or its tax collection service provider, or any other person receiving confidential information who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, Jobs Florida the Agency for Workforce Innovation or its tax collection service provider may furnish to any employer copies of any report previously submitted by that employer, upon the request of the employer. Jobs Florida The Agency for Workforce
Innovation or its tax collection service provider may charge a reasonable fee for copies of reports, which may not exceed the actual reasonable cost of the preparation of the copies as prescribed by rules adopted by Jobs Florida the Agency for Workforce Innovation or the state agency providing tax collection services. Fees received by Jobs Florida the Agency for Workforce Innovation or its tax collection service provider for copies furnished under this subsection must be deposited in the Employment Security Administration Trust Fund.

(6) OATHS AND WITNESSES.—In the discharge of the duties imposed by this chapter, Jobs Florida the Agency for Workforce Innovation, its tax collection service provider, the members of the commission, and any authorized representative of any of these entities may administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the administration of this chapter.

(7) SUBPOENAS.—If a person refuses to obey a subpoena issued to that person, any court of this state within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which the person is found, resides, or transacts business, upon application by Jobs Florida the Agency for Workforce Innovation, its tax collection service provider, the commission, or any authorized representative of any of these entities has jurisdiction to order the person to appear before the entity to produce evidence or give testimony on the matter under investigation or in question. Failure to obey the order of
the court may be punished by the court as contempt. Any person who fails or refuses without just cause to appear or testify; to answer any lawful inquiry; or to produce books, papers, correspondence, memoranda, and other records within her or his control as commanded in a subpoena of Jobs Florida the Agency for Workforce Innovation, its tax collection service provider, the commission, or any authorized representative of any of these entities commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Each day that a violation continues is a separate offense.

(8) PROTECTION AGAINST SELF-INCRIMINATION.—A person is not excused from appearing or testifying, or from producing books, papers, correspondence, memoranda, or other records, before Jobs Florida the Agency for Workforce Innovation, its tax collection service provider, the commission, or any authorized representative of any of these entities or as commanded in a subpoena of any of these entities in any proceeding before Jobs Florida the Agency for Workforce Innovation, the commission, an appeals referee, or a special deputy on the ground that the testimony or evidence, documentary or otherwise, required of the person may incriminate her or him or subject her or him to a penalty or forfeiture. That person may not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which she or he is compelled, after having claimed her or his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the person testifying is not exempt from prosecution and punishment for perjury committed while testifying.
(9) STATE-FEDERAL COOPERATION.—

(a) 1. In the administration of this chapter, Jobs Florida
the Agency for Workforce Innovation and its tax collection
service provider shall cooperate with the United States
Department of Labor to the fullest extent consistent with this
chapter and shall take those actions, through the adoption of
appropriate rules, administrative methods, and standards,
necessary to secure for this state all advantages available
under the provisions of federal law relating to unemployment
compensation.

2. In the administration of the provisions in s. 443.1115,
which are enacted to conform with the Federal-State Extended
Unemployment Compensation Act of 1970, Jobs Florida the Agency
for Workforce Innovation shall take those actions necessary to
ensure that those provisions are interpreted and applied to meet
the requirements of the federal act as interpreted by the United
States Department of Labor and to secure for this state the full
reimbursement of the federal share of extended benefits paid
under this chapter which is reimbursable under the federal act.

3. Jobs Florida The Agency for Workforce Innovation
and its
tax collection service provider shall comply with the
regulations of the United States Department of Labor relating to
the receipt or expenditure by this state of funds granted under
federal law; shall submit the reports in the form and containing
the information the United States Department of Labor requires;
and shall comply with directions of the United States Department
of Labor necessary to assure the correctness and verification of
these reports.

(b) Jobs Florida the Agency for Workforce Innovation and
its tax collection service provider may cooperate with every agency of the United States charged with administration of any unemployment insurance law.

(c) Jobs Florida The Agency for Workforce Innovation and its tax collection service provider shall cooperate with the agencies of other states, and shall make every proper effort within their means, to oppose and prevent any further action leading to the complete or substantial federalization of state unemployment compensation funds or state employment security programs. Jobs Florida The Agency for Workforce Innovation and its tax collection service provider may make, and may cooperate with other appropriate agencies in making, studies as to the practicability and probable cost of possible new state-administered social security programs and the relative desirability of state, rather than federal, action in that field of study.

Section 294. Subsections (1) and (2) of section 443.1715, Florida Statutes, are amended to read:

443.1715 Disclosure of information; confidentiality.—

(1) RECORDS AND REPORTS.—Information revealing an employing unit’s or individual’s identity obtained from the employing unit or any individual under the administration of this chapter, and any determination revealing that information, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers’ compensation claim pending or is receiving compensation benefits, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This confidential information may be released only to public employees in the
performance of their public duties. Except as otherwise provided by law, public employees receiving this confidential information must maintain the confidentiality of the information. Any claimant, or the claimant’s legal representative, at a hearing before an appeals referee or the commission is entitled to information from these records to the extent necessary for the proper presentation of her or his claim. A person receiving confidential information who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Jobs Florida The Agency for Workforce Innovation or its tax collection service provider may, however, furnish to any employer copies of any report submitted by that employer upon the request of the employer and may furnish to any claimant copies of any report submitted by that claimant upon the request of the claimant. Jobs Florida The Agency for Workforce Innovation or its tax collection service provider may charge a reasonable fee for copies of these reports as prescribed by rule, which may not exceed the actual reasonable cost of the preparation of the copies. Fees received for copies under this subsection must be deposited in the Employment Security Administration Trust Fund.

(2) DISCLOSURE OF INFORMATION.—

(a) Subject to restrictions Jobs Florida the Agency for Workforce Innovation or the state agency providing unemployment tax collection services adopts by rule, information declared confidential under this section is available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment compensation law or the maintenance of the one-stop delivery system, or the Bureau of
Internal Revenue of the United States Department of the Treasury, the Governor’s Office of Tourism, Trade, and Economic Development, or the Florida Department of Revenue. Information obtained in connection with the administration of the one-stop delivery system may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a job-preparatory or career education or training program. Jobs Florida The Agency for Workforce Innovation shall, on a quarterly basis, furnish the National Directory of New Hires with information concerning the wages and unemployment benefits paid to individuals, by the dates, in the format, and containing the information specified in the regulations of the United States Secretary of Health and Human Services. Upon request, Jobs Florida the Agency for Workforce Innovation shall furnish any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and the recipient’s rights to further benefits under this chapter. Except as otherwise provided by law, the receiving agency must retain the confidentiality of this information as provided in this section. The tax collection service provider may request the Comptroller of the Currency of the United States to examine the correctness of any return or report of any national banking association rendered under this chapter and may in connection with that request transmit any report or return for examination to the Comptroller of the Currency of the United States as provided in s. 3305(c) of the federal Internal Revenue Code.
(b) The employer or the employer’s workers’ compensation carrier against whom a claim for benefits under chapter 440 has been made, or a representative of either, may request from Jobs Florida the Agency for Workforce Innovation records of wages of the employee reported to Jobs Florida the agency by any employer for the quarter that includes the date of the accident that is the subject of such claim and for subsequent quarters.

1. The request must be made with the authorization or consent of the employee or any employer who paid wages to the employee after the date of the accident.

2. The employer or carrier shall make the request on a form prescribed by rule for such purpose by the agency. Such form shall contain a certification by the requesting party that it is a party entitled to the information requested.

3. Jobs Florida the agency shall provide the most current information readily available within 15 days after receiving the request.

Section 295. Section 443.181, Florida Statutes, is amended to read:

443.181 Public employment service.—

(1) The one-stop delivery system established under s. 445.009 is this state’s public employment service as part of the national system of public employment offices under 29 U.S.C. s. 49.

49. Jobs Florida the Agency for Workforce Innovation, under policy direction from Workforce Florida, Inc., shall cooperate with any official or agency of the United States having power or duties under 29 U.S.C. ss. 49-491-1 and shall perform those duties necessary to secure to this state the funds provided under federal law for the promotion and maintenance of the
state’s public employment service. In accordance with 29 U.S.C. s. 49c, this state accepts 29 U.S.C. ss. 49-491-1. Jobs Florida The Agency for Workforce Innovation is designated the state agency responsible for cooperating with the United States Secretary of Labor under 29 U.S.C. s. 49c. Jobs Florida The Agency for Workforce Innovation shall appoint sufficient employees to administer this section. Jobs Florida The Agency for Workforce Innovation may cooperate with or enter into agreements with the Railroad Retirement Board for the establishment, maintenance, and use of one-stop career centers. Jobs Florida The Agency for Workforce Innovation may cooperate with or enter into agreements with the Railroad Retirement Board for the establishment, maintenance, and use of one-stop career centers. Jobs Florida The Agency for Workforce Innovation may cooperate with or enter into agreements with the Railroad Retirement Board for the establishment, maintenance, and use of one-stop career centers.

(2) All funds received by this state under 29 U.S.C. ss. 49-491-1 must be paid into the Employment Security Administration Trust Fund, and these funds are available to Jobs Florida the Agency for Workforce Innovation for expenditure as provided by this chapter or by federal law. For the purpose of establishing and maintaining one-stop career centers, Jobs Florida the Agency for Workforce Innovation may enter into agreements with the Railroad Retirement Board or any other agency of the United States charged with the administration of an unemployment compensation law, with any political subdivision of this state, or with any private, nonprofit organization. As a part of any such agreement, Jobs Florida the Agency for Workforce Innovation may accept moneys, services, or quarters as a contribution to the Employment Security Administration Trust Fund.

Section 296. Subsections (1), (2), (3), and (4) of section 443.191, Florida Statutes, are amended to read:

443.191 Unemployment Compensation Trust Fund; establishment and control.—
(1) There is established, as a separate trust fund apart from all other public funds of this state, an Unemployment Compensation Trust Fund, which shall be administered by Jobs Florida the Agency for Workforce Innovation exclusively for the purposes of this chapter. The fund shall consist of:

(a) All contributions and reimbursements collected under this chapter;

(b) Interest earned on any moneys in the fund;

(c) Any property or securities acquired through the use of moneys belonging to the fund;

(d) All earnings of these properties or securities;

(e) All money credited to this state’s account in the federal Unemployment Compensation Trust Fund under 42 U.S.C. s. 1103; and

(f) Advances on the amount in the federal Unemployment Compensation Trust Fund credited to the state under 42 U.S.C. s. 1321, as requested by the Governor or the Governor’s designee.

Except as otherwise provided in s. 443.1313(4), all moneys in the fund shall be mingled and undivided.

(2) The Chief Financial Officer is the ex officio treasurer and custodian of the fund and shall administer the fund in accordance with the directions of Jobs Florida the Agency for Workforce Innovation. All payments from the fund must be approved by Jobs Florida the Agency for Workforce Innovation or by an authorized agent. The Chief Financial Officer shall maintain within the fund three separate accounts:

(a) A clearing account;

(b) An Unemployment Compensation Trust Fund account; and
(c) A benefit account.

All moneys payable to the fund, including moneys received from the United States as reimbursement for extended benefits paid by Jobs Florida the Agency for Workforce Innovation, must be forwarded to the Chief Financial Officer, who shall immediately deposit them in the clearing account. Refunds payable under s. 443.141 may be paid from the clearing account. After clearance, all other moneys in the clearing account must be immediately deposited with the Secretary of the Treasury of the United States to the credit of this state’s account in the federal Unemployment Compensation Trust Fund notwithstanding any state law relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state. The benefit account consists of all moneys requisitioned from this state’s account in the federal Unemployment Compensation Trust Fund. Except as otherwise provided by law, moneys in the clearing and benefit accounts may be deposited by the Chief Financial Officer, under the direction of Jobs Florida the Agency for Workforce Innovation, in any bank or public depository in which general funds of the state are deposited, but a public deposit insurance charge or premium may not be paid out of the fund. If any warrant issued against the clearing account or the benefit account is not presented for payment within 1 year after issuance, the Chief Financial Officer must cancel the warrant and credit without restriction the amount of the warrant to the account upon which it is drawn. When the payee or person entitled to a canceled warrant requests payment of the warrant, the Chief Financial Officer, upon direction of
Jobs Florida the Agency for Workforce Innovation, must issue a new warrant, payable from the account against which the canceled warrant was drawn.

(3) Moneys may only be requisitioned from the state’s account in the federal Unemployment Compensation Trust Fund solely for the payment of benefits and extended benefits and for payment in accordance with rules prescribed by Jobs Florida the Agency for Workforce Innovation, or for the repayment of advances made pursuant to 42 U.S.C. s. 1321, as authorized by the Governor or the Governor’s designee, except that money credited to this state’s account under 42 U.S.C. s. 1103 may only be used exclusively as provided in subsection (5). Jobs Florida The Agency for Workforce Innovation, through the Chief Financial Officer, shall requisition from the federal Unemployment Compensation Trust Fund amounts, not exceeding the amounts credited to this state’s account in the fund, as necessary for the payment of benefits and extended benefits for a reasonable future period. Upon receipt of these amounts, the Chief Financial Officer shall deposit the moneys in the benefit account in the State Treasury and warrants for the payment of benefits and extended benefits shall be drawn upon the order of Jobs Florida the Agency for Workforce Innovation against the account. All warrants for benefits and extended benefits are payable directly to the ultimate beneficiary. Expenditures of these moneys in the benefit account and refunds from the clearing account are not subject to any law requiring specific appropriations or other formal release by state officers of money in their custody. All warrants issued for the payment of benefits and refunds must bear the signature of the Chief
Financial Officer. Any balance of moneys requisitioned from this state’s account in the federal Unemployment Compensation Trust Fund which remains unclaimed or unpaid in the benefit account after the period for which the moneys were requisitioned shall be deducted from estimates for, and may be used for the payment of, benefits and extended benefits during succeeding periods, or, in the discretion of Jobs Florida the Agency for Workforce Innovation, shall be redeposited with the Secretary of the Treasury of the United States, to the credit of this state’s account in the federal Unemployment Compensation Trust Fund, as provided in subsection (2).

(4) Subsections (1), (2), and (3), to the extent they relate to the federal Unemployment Compensation Trust Fund, apply only while the fund continues to exist and while the Secretary of the Treasury of the United States continues to maintain for this state a separate account of all funds deposited by this state for the payment of benefits, together with this state’s proportionate share of the earnings of the federal Unemployment Compensation Trust Fund, from which no other state is permitted to make withdrawals. If the federal Unemployment Compensation Trust Fund ceases to exist, or the separate account is no longer maintained, all moneys, properties, or securities belonging to this state’s account in the federal Unemployment Compensation Trust Fund must be transferred to the treasurer of the Unemployment Compensation Trust Fund, who must hold, invest, transfer, sell, deposit, and release those moneys, properties, or securities in a manner approved by Jobs Florida the Agency for Workforce Innovation in accordance with this chapter. These moneys must, however, be
invested in the following readily marketable classes of securities: bonds or other interest-bearing obligations of the United States or of the state. Further, the investment must at all times be made in a manner that allows all the assets of the fund to always be readily convertible into cash when needed for the payment of benefits. The treasurer may only dispose of securities or other properties belonging to the Unemployment Compensation Trust Fund under the direction of Jobs Florida the Agency for Workforce Innovation.

Section 297. Section 443.211, Florida Statutes, is amended to read:

443.211 Employment Security Administration Trust Fund;
appropriation; reimbursement.—

(1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is created in the State Treasury the “Employment Security Administration Trust Fund.” All moneys deposited into this fund remain continuously available to Jobs Florida the Agency for Workforce Innovation for expenditure in accordance with this chapter and do not revert at any time and may not be transferred to any other fund. All moneys in this fund which are received from the Federal Government or any federal agency or which are appropriated by this state under ss. 443.171 and 443.181, except money received under s. 443.191(5)(c), must be expended solely for the purposes and in the amounts found necessary by the authorized cooperating federal agencies for the proper and efficient administration of this chapter. The fund consists of: all moneys appropriated by this state; all moneys received from the United States or any federal agency; all moneys received from any other source for the administration of this chapter;
any funds collected for enhanced, specialized, or value-added labor market information services; any moneys received from any agency of the United States or any other state as compensation for services or facilities supplied to that agency; any amounts received from any surety bond or insurance policy or from other sources for losses sustained by the Employment Security Administration Trust Fund or by reason of damage to equipment or supplies purchased from moneys in the fund; and any proceeds from the sale or disposition of such equipment or supplies. All money requisitioned and deposited in this fund under s. 443.191(5)(c) remains part of the Unemployment Compensation Trust Fund and must be used only in accordance with s. 443.191(5). All moneys in this fund must be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as provided by law for other trust funds in the State Treasury. These moneys must be secured by the depositary in which they are held to the same extent and in the same manner as required by the general depositary law of the state, and collateral pledged must be maintained in a separate custody account. All payments from the Employment Security Administration Trust Fund must be approved by Jobs Florida the Agency for Workforce Innovation or by an authorized agent and must be made by the Chief Financial Officer. Any balances in this fund do not revert at any time and must remain continuously available to Jobs Florida the Agency for Workforce Innovation for expenditure consistent with this chapter.

(2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is created in the State Treasury the “Special Employment Security Administration Trust Fund,” into which shall be
deposited or transferred all interest on contributions and
reimbursements, penalties, and fines or fees collected under
this chapter. Interest on contributions and reimbursements,
penalties, and fines or fees deposited during any calendar
quarter in the clearing account in the Unemployment Compensation
Trust Fund shall, as soon as practicable after the close of that
calendar quarter and upon certification of Jobs Florida the
Agency for Workforce Innovation, be transferred to the Special
Employment Security Administration Trust Fund. The amount
certified by Jobs Florida the Agency for Workforce Innovation as
required under this chapter to pay refunds of interest on
contributions and reimbursements, penalties, and fines or fees
collected and erroneously deposited into the clearing account in
the Unemployment Compensation Trust Fund shall, however, be
withheld from this transfer. The interest and penalties
certified for transfer are deemed as being erroneously deposited
in the clearing account, and their transfer to the Special
Employment Security Administration Trust Fund is deemed to be a
refund of the erroneous deposits. All moneys in this fund shall
be deposited, administered, and disbursed in the same manner and
under the same requirements as provided by law for other trust
funds in the State Treasury. These moneys may not be expended or
be available for expenditure in any manner that would permit
their substitution for, or permit a corresponding reduction in,
federal funds that would, in the absence of these moneys, be
available to finance expenditures for the administration of this
chapter. This section does not prevent these moneys from being
used as a revolving fund to cover lawful expenditures for which
federal funds are requested but not yet received, subject to the
charging of the expenditures against the funds when received.

The moneys in this fund, with the approval of the Executive
Office of the Governor, shall be used by Jobs Florida the Agency
for Workforce Innovation for paying administrative costs that
are not chargeable against funds obtained from federal sources.
All moneys in the Special Employment Security Administration
Trust Fund shall be continuously available to Jobs Florida the
Agency for Workforce Innovation for expenditure in accordance
with this chapter and do not revert at any time. All payments
from the Special Employment Security Administration Trust Fund
must be approved by Jobs Florida the Agency for Workforce
Innovation or by an authorized agent and shall be made by the
Chief Financial Officer. The moneys in this fund are available
to replace, as contemplated by subsection (3), expenditures from
the Employment Security Administration Trust Fund which the
United States Secretary of Labor, or other authorized federal
agency or authority, finds are lost or improperly expended
because of any action or contingency. The Chief Financial
Officer is liable on her or his official bond for the faithful
performance of her or his duties in connection with the Special
Employment Security Administration Trust Fund.

(3) REIMBURSEMENT OF FUND.—If any moneys received from the
United States Secretary of Labor under 42 U.S.C. ss. 501-504,
any unencumbered balances in the Employment Security
Administration Trust Fund, any moneys granted to this state
under the Wagner-Peyser Act, or any moneys made available by
this state or its political subdivisions and matched by the
moneys granted to this state under the Wagner-Peyser Act, are
after reasonable notice and opportunity for hearing, found by
the United States Secretary of Labor, because of any action or
contingency, to be lost or expended for purposes other than, or
in amounts in excess of, those allowed by the United States
Secretary of Labor for the administration of this chapter, these
moneys shall be replaced by moneys appropriated for that purpose
from the General Revenue Fund to the Employment Security
Administration Trust Fund for expenditure as provided in
subsection (1). Upon receipt of notice of such a finding by the
United States Secretary of Labor, Jobs Florida the Agency for
Workforce Innovation shall promptly report the amount required
for replacement to the Governor. The Governor shall, at the
earliest opportunity, submit to the Legislature a request for
the appropriation of the replacement funds.

(4) RESPONSIBILITY FOR TRUST FUNDS.—In connection with its
duties under s. 443.181, Jobs Florida the Agency for Workforce
Innovation is responsible for the deposit, requisition,
expenditure, approval of payment, reimbursement, and reporting
in regard to the trust funds established by this section.

Section 298. Section 443.221, Florida Statutes, is amended
to read:

443.221 Reciprocal arrangements.—

(1)(a) Jobs Florida The Agency for Workforce Innovation or
its tax collection service provider may enter into reciprocal
arrangements with other states or with the Federal Government,
or both, for considering services performed by an individual for
a single employing unit for which services are performed by the
individual in more than one state as services performed entirely
within any one of the states:

1. In which any part of the individual’s service is
2. In which the individual has her or his residence; or
3. In which the employing unit maintains a place of business.

(b) For services to be considered as performed within a state under a reciprocal agreement, the employing unit must have an election in effect for those services, which is approved by the agency charged with the administration of such state’s unemployment compensation law, under which all the services performed by the individual for the employing unit are deemed to be performed entirely within that state.

(c) **Jobs Florida** The Agency for Workforce Innovation shall participate in any arrangements for the payment of compensation on the basis of combining an individual’s wages and employment covered under this chapter with her or his wages and employment covered under the unemployment compensation laws of other states, which are approved by the United States Secretary of Labor, in consultation with the state unemployment compensation agencies, as reasonably calculated to assure the prompt and full payment of compensation in those situations and which include provisions for:

1. Applying the base period of a single state law to a claim involving the combining of an individual’s wages and employment covered under two or more state unemployment compensation laws; and
2. Avoiding the duplicate use of wages and employment because of the combination.

(d) Contributions or reimbursements due under this chapter with respect to wages for insured work are, for the purposes of
ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid to the fund as of the date payment was made as contributions or reimbursements therefor under another state or federal unemployment compensation law, but an arrangement may not be entered into unless it contains provisions for reimbursement to the fund of the contributions or reimbursements and the actual earnings thereon as Jobs Florida the Agency for Workforce Innovation or its tax collection service provider finds are fair and reasonable as to all affected interests.

(2) Jobs Florida The Agency for Workforce Innovation or its tax collection service provider may make to other state or federal agencies and receive from these other state or federal agencies reimbursements from or to the fund, in accordance with arrangements entered into under subsection (1).

(3) Jobs Florida The Agency for Workforce Innovation or its tax collection service provider may enter into reciprocal arrangements with other states or the Federal Government, or both, for exchanging services, determining and enforcing payment obligations, and making available facilities and information. Jobs Florida The Agency for Workforce Innovation or its tax collection service provider may conduct investigations, secure and transmit information, make available services and facilities, and exercise other powers provided under this chapter to facilitate the administration of any unemployment compensation or public employment service law and, in a similar manner, accept and use information, services, and facilities made available to this state by the agency charged with the administration of any other unemployment compensation or public employment service law.
(4) To the extent permissible under federal law, Jobs Florida the Agency for Workforce Innovation may enter into or cooperate in arrangements whereby facilities and services provided under this chapter and facilities and services provided under the unemployment compensation law of any foreign government may be used for the taking of claims and the payment of benefits under the employment security law of the state or under a similar law of that government.

Section 299. Section 445.002, Florida Statutes, is amended to read:

445.002 Definitions.—As used in this chapter, the term:
(1) “Agency” means the Agency for Workforce Innovation.
(2) “Services and one-time payments” or “services,” when used in reference to individuals who are not receiving temporary cash assistance, means nonrecurrent, short-term benefits designed to deal with a specific crisis situation or episode of need and other services; work subsidies; supportive services such as child care and transportation; services such as counseling, case management, peer support, and child care information and referral; transitional services, job retention, job advancement, and other employment-related services; nonmedical treatment for substance abuse or mental health problems; teen pregnancy prevention; two-parent family support, including noncustodial parent employment; court-ordered supervised visitation, and responsible fatherhood services; and any other services that are reasonably calculated to further the purposes of the welfare transition program. Such terms do not include assistance as defined in federal regulations at 45 C.F.R. s. 260.31(a).
“Welfare transition services” means those workforce services provided to current or former recipients of temporary cash assistance under chapter 414.

Section 300. Subsection (3) of section 445.003, Florida Statutes, is amended to read:

445.003 Implementation of the federal Workforce Investment Act of 1998.—

(3) FUNDING.—

(a) Title I, Workforce Investment Act of 1998 funds; Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended based on the 5-year plan of Workforce Florida, Inc. The plan shall outline and direct the method used to administer and coordinate various funds and programs that are operated by various agencies. The following provisions shall also apply to these funds:

1. At least 50 percent of the Title I funds for Adults and Dislocated Workers that are passed through to regional workforce boards shall be allocated to Individual Training Accounts unless a regional workforce board obtains a waiver from Workforce Florida, Inc. Tuition and fees qualify as an Individual Training Account expenditure, as do other programs developed by regional workforce boards in compliance with policies of Workforce Florida, Inc.

2. Fifteen percent of Title I funding shall be retained at the state level and shall be dedicated to state administration and used to design, develop, induce, and fund innovative Individual Training Account pilots, demonstrations, and programs. Of such funds retained at the state level, $2 million shall be reserved for the Incumbent Worker Training Program,
administration costs include the costs of: funding for the board and staff of Workforce Florida, Inc.; operating fiscal, compliance, and management accountability systems through Workforce Florida, Inc.; conducting evaluation and research on workforce development activities; and providing technical and capacity building assistance to regions at the direction of Workforce Florida, Inc. Notwithstanding s. 445.004, such administrative costs shall not exceed 25 percent of these funds. An amount not to exceed 75 percent of these funds shall be allocated to Individual Training Accounts and other workforce development strategies for other training designed and tailored by Workforce Florida, Inc., including, but not limited to, programs for incumbent workers, displaced homemakers, nontraditional employment, and enterprise zones. Workforce Florida, Inc., shall design, adopt, and fund Individual Training Accounts for distressed urban and rural communities.

3. The Incumbent Worker Training Program is created for the purpose of providing grant funding for continuing education and training of incumbent employees at existing Florida businesses. The program will provide reimbursement grants to businesses that pay for preapproved, direct, training-related costs.

   a. The Incumbent Worker Training Program will be administered by Workforce Florida, Inc. Workforce Florida, Inc., at its discretion, may contract with a private business organization to serve as grant administrator.

   b. To be eligible for the program’s grant funding, a business must have been in operation in Florida for a minimum of 1 year prior to the application for grant funding; have at least
one full-time employee; demonstrate financial viability; and be current on all state tax obligations. Priority for funding shall be given to businesses with 25 employees or fewer, businesses in rural areas, businesses in distressed inner-city areas, businesses in a qualified targeted industry, businesses whose grant proposals represent a significant upgrade in employee skills, or businesses whose grant proposals represent a significant layoff avoidance strategy.

d. A business that is selected to receive grant funding must provide a matching contribution to the training project, including, but not limited to, wages paid to trainees or the purchase of capital equipment used in the training project; must sign an agreement with Workforce Florida, Inc., or the grant administrator to complete the training project as proposed in the application; must keep accurate records of the project’s implementation process; and must submit monthly or quarterly reimbursement requests with required documentation.

e. All Incumbent Worker Training Program grant projects shall be performance-based with specific measurable performance outcomes, including completion of the training project and job
retention. Workforce Florida, Inc., or the grant administrator shall withhold the final payment to the grantee until a final grant report is submitted and all performance criteria specified in the grant contract have been achieved.

f. Workforce Florida, Inc., may establish guidelines necessary to implement the Incumbent Worker Training Program.

g. No more than 10 percent of the Incumbent Worker Training Program’s total appropriation may be used for overhead or indirect purposes.

3. At least 50 percent of Rapid Response funding shall be dedicated to Intensive Services Accounts and Individual Training Accounts for dislocated workers and incumbent workers who are at risk of dislocation. Workforce Florida, Inc., shall also maintain an Emergency Preparedness Fund from Rapid Response funds which will immediately issue Intensive Service Accounts and Individual Training Accounts as well as other federally authorized assistance to eligible victims of natural or other disasters. At the direction of the Governor, for events that qualify under federal law, these Rapid Response funds shall be released to regional workforce boards for immediate use. Funding shall also be dedicated to maintain a unit at the state level to respond to Rapid Response emergencies around the state, to work with state emergency management officials, and to work with regional workforce boards. All Rapid Response funds must be expended based on a plan developed by Workforce Florida, Inc., and approved by the Governor.

(b) The administrative entity for Title I, Workforce Investment Act of 1998 funds, and Rapid Response activities, shall be Jobs Florida, the Agency for Workforce Innovation, which
shall provide direction to regional workforce boards regarding Title I programs and Rapid Response activities pursuant to the direction of Workforce Florida, Inc.

Section 301. Subsection (1), paragraph (a) of subsection (3), paragraphs (b), (c), (d), (e), and (g) of subsection (5), and subsection (12) of section 445.004, Florida Statutes, are amended to read:

445.004 Workforce Florida, Inc.; creation; purpose; membership; duties and powers.—

(1) There is created a not-for-profit corporation, to be known as “Workforce Florida, Inc.,” which shall be registered, incorporated, organized, and operated in compliance with chapter 617, and which shall not be a unit or entity of state government and shall be exempt from chapters 120 and 287. Workforce Florida, Inc., shall apply the procurement and expenditure procedures required by federal law for the expenditure of federal funds. Workforce Florida, Inc., shall be administratively housed within Jobs Florida the Agency for Workforce Innovation; however, Workforce Florida, Inc., shall not be subject to control, supervision, or direction by Jobs Florida the Agency for Workforce Innovation in any manner. The Legislature determines, however, that public policy dictates that Workforce Florida, Inc., operate in the most open and accessible manner consistent with its public purpose. To this end, the Legislature specifically declares that Workforce Florida, Inc., its board, councils, and any advisory committees or similar groups created by Workforce Florida, Inc., are subject to the provisions of chapter 119 relating to public records, and those provisions of chapter 286 relating to public
meetings.

(3)(a) Workforce Florida, Inc., shall be governed by a board of directors, the number of directors to be determined by the Governor, whose membership and appointment must be consistent with Pub. L. No. 105-220, Title I, s. 111(b), and contain one member representing the licensed nonpublic postsecondary educational institutions authorized as individual training account providers, one member from the staffing service industry, at least one member who is a current or former recipient of welfare transition services as defined in s. 445.002(2) or workforce services as provided in s. 445.009(1), and five representatives of organized labor who shall be appointed by the Governor. Members described in Pub. L. No. 105-220, Title I, s. 111(b)(1)(C)(vi) shall be nonvoting members. The importance of minority, gender, and geographic representation shall be considered when making appointments to the board.

(5) Workforce Florida, Inc., shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes as determined by statute, Pub. L. No. 105-220, and the Governor, as well as its functions, duties, and responsibilities, including, but not limited to, the following:

(b) Providing oversight and policy direction to ensure that the following programs are administered by Jobs Florida the Agency for Workforce Innovation in compliance with approved plans and under contract with Workforce Florida, Inc.:

1. Programs authorized under Title I of the Workforce Investment Act of 1998, Pub. L. No. 105-220, with the exception
of programs funded directly by the United States Department of Labor under Title I, s. 167.

2. Programs authorized under the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. ss. 49 et seq.


4. Activities authorized under 38 U.S.C., chapter 41, including job counseling, training, and placement for veterans.

5. Employment and training activities carried out under funds awarded to this state by the United States Department of Housing and Urban Development.


7. Displaced homemaker programs, provided under s. 446.50.

8. The Florida Bonding Program, provided under Pub. L. No. 97-300, s. 164(a)(1).


10. The Quick-Response Training Program for participants in the welfare transition program, as provided under s. 288.047 ss. 288.046-288.047. Matching funds and in-kind contributions that are provided by clients of the Quick-Response Training Program shall count toward the requirements of s. 288.90151(5)(d).
pertaining to the return on investment from activities of Enterprise Florida, Inc.


12. Offender placement services, provided under ss. 944.707-944.708.

(c) Jobs Florida the agency may adopt rules necessary to administer the provisions of this chapter which relate to implementing and administering the programs listed in paragraph (b) as well as rules related to eligible training providers and auditing and monitoring subrecipients of the workforce system grant funds.

(d) Contracting with public and private entities as necessary to further the directives of this section. All contracts executed by Workforce Florida, Inc., must include specific performance expectations and deliverables. All Workforce Florida, Inc., contracts, including those solicited, managed, or paid by Jobs Florida the Agency for Workforce Innovation pursuant to s. 20.60(5)(c) 20.50(2) are exempt from s. 112.061, but shall be governed by subsection (1).

(e) Notifying the Governor, the President of the Senate, and the Speaker of the House of Representatives of noncompliance by Jobs Florida the Agency for Workforce Innovation or other agencies or obstruction of the board’s efforts by such agencies. Upon such notification, the Executive Office of the Governor shall assist agencies to bring them into compliance with board objectives.

(g) Establish a dispute resolution process for all
18706 memoranda of understanding or other contracts or agreements
18707 entered into between Jobs Florida the agency and regional
18708 workforce boards.
18709 (12) Workforce Florida, Inc., shall enter into agreement
18710 with Space Florida and collaborate with vocational institutes,
18711 community colleges, colleges, and universities in this state, to
develop a workforce development strategy to implement the
18713 workforce provisions of s. 331.3051.
18714 Section 302. Paragraph (c) of subsection (2) of section
18715 445.006, Florida Statutes, is amended to read:
18716 445.006 Strategic and operational plans for workforce
development.—
18718 (2) Workforce Florida, Inc., shall establish an operational
18719 plan to implement the state strategic plan. The operational plan
18720 shall be submitted to the Governor and the Legislature along
18721 with the strategic plan and must reflect the allocation of
18722 resources as appropriated by the Legislature to specific
18723 responsibilities enumerated in law. As a component of the
18724 operational plan required under this section, Workforce Florida,
18725 Inc., shall develop a workforce marketing plan, with the goal of
18726 educating individuals inside and outside the state about the
18727 employment market and employment conditions in the state. The
18728 marketing plan must include, but need not be limited to,
18729 strategies for:
18730 (c) Coordinating with the Jobs Florida Partnership
18731 Enterprise Florida, Inc., to ensure that workforce marketing
18732 efforts complement the economic development marketing efforts of
18733 the state.
18734 Section 303. Subsection (1) of section 445.007, Florida
Statutes, is amended to read:

445.007 Regional workforce boards.—

(1) One regional workforce board shall be appointed in each designated service delivery area and shall serve as the local workforce investment board pursuant to Pub. L. No. 105-220. The membership of the board shall be consistent with Pub. L. No. 105-220, Title I, s. 117(b), and contain one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers certificates and diplomas, one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers degrees, and three representatives of organized labor. The board shall include one nonvoting representative from a military installation if a military installation is located within the region and the appropriate military command or organization authorizes such representation. It is the intent of the Legislature that membership of a regional workforce board include persons who are current or former recipients of welfare transition assistance as defined in s. 445.002(2) or workforce services as provided in s. 445.009(1) or that such persons be included as ex officio members of the board or of committees organized by the board. The importance of minority and gender representation shall be considered when making appointments to the board. The board, its committees, subcommittees, and subdivisions, and other units of the workforce system, including units that may consist in whole or in part of local governmental units, may use any method of telecommunications to conduct meetings, including establishing a
quorum through telecommunications, provided that the public is given proper notice of the telecommunications meeting and reasonable access to observe and, when appropriate, participate. Regional workforce boards are subject to chapters 119 and 286 and s. 24, Art. I of the State Constitution. If the regional workforce board enters into a contract with an organization or individual represented on the board of directors, the contract must be approved by a two-thirds vote of the entire board, and the board member who could benefit financially from the transaction must abstain from voting on the contract. A board member must disclose any such conflict in a manner that is consistent with the procedures outlined in s. 112.3143.

Section 304. Subsections (3) and (9) of section 445.009, Florida Statutes, are amended to read:

445.009 One-stop delivery system.—

(3) Beginning October 1, 2000, Regional workforce boards shall enter into a memorandum of understanding with Jobs Florida the Agency for Workforce Innovation for the delivery of employment services authorized by the federal Wagner-Peyser Act. This memorandum of understanding must be performance based.

(a) Unless otherwise required by federal law, at least 90 percent of the Wagner-Peyser funding must go into direct customer service costs.

(b) Employment services must be provided through the one-stop delivery system, under the guidance of one-stop delivery system operators. One-stop delivery system operators shall have overall authority for directing the staff of the workforce system. Personnel matters shall remain under the ultimate authority of Jobs Florida the Agency for Workforce Innovation.
However, the one-stop delivery system operator shall submit to Jobs Florida the agency information concerning the job performance of agency employees of Jobs Florida who deliver employment services. Jobs Florida The agency shall consider any such information submitted by the one-stop delivery system operator in conducting performance appraisals of the employees.

(c) Jobs Florida The agency shall retain fiscal responsibility and accountability for the administration of funds allocated to the state under the Wagner-Peyser Act. An agency employee of Jobs Florida who is providing services authorized under the Wagner-Peyser Act shall be paid using Wagner-Peyser Act funds.

(9)(a) Workforce Florida, Inc., working with Jobs Florida the Agency for Workforce Innovation, shall coordinate among the agencies a plan for a One-Stop Electronic Network made up of one-stop delivery system centers and other partner agencies that are operated by authorized public or private for-profit or not-for-profit agents. The plan shall identify resources within existing revenues to establish and support this electronic network for service delivery that includes Government Services Direct. If necessary, the plan shall identify additional funding needed to achieve the provisions of this subsection.

(b) The network shall assure that a uniform method is used to determine eligibility for and management of services provided by agencies that conduct workforce development activities. The Department of Management Services shall develop strategies to allow access to the databases and information management systems of the following systems in order to link information in those databases with the one-stop delivery system:
1. The Unemployment Compensation Program under chapter 443 of the Agency for Workforce Innovation.

2. The public employment service described in s. 443.181.

3. The FLORIDA System and the components related to temporary cash assistance, food assistance, and Medicaid eligibility.


5. Enrollment in the public postsecondary education system.

6. Other information systems determined appropriate by Workforce Florida, Inc.

Section 305. Subsection (5) of section 445.016, Florida Statutes, is amended to read:

445.016 Untried Worker Placement and Employment Incentive Act.—

(5) Incentives must be paid according to the incentive schedule developed by Workforce Florida, Inc., Jobs Florida the Agency for Workforce Development, and the Department of Children and Family Services which costs the state less per placement than the state’s 12-month expenditure on a welfare recipient.

Section 306. Subsection (1) of section 445.024, Florida Statutes, is amended to read:

445.024 Work requirements.—

(1) WORK ACTIVITIES.—Jobs Florida The Agency for Workforce Innovation may develop activities under each of the following categories of work activities. The following categories of work activities, based on federal law and regulations, may be used individually or in combination to satisfy the work requirements for a participant in the temporary cash assistance program:

CODING: Words stricken are deletions; words underlined are additions.
(a) Unsubsidized employment.
(b) Subsidized private sector employment.
(c) Subsidized public sector employment.
(d) On-the-job training.
(e) Community service programs.
(f) Work experience.
(g) Job search and job readiness assistance.
(h) Vocational educational training.
(i) Job skills training directly related to employment.
(j) Education directly related to employment.
(k) Satisfactory attendance at a secondary school or in a course of study leading to a graduate equivalency diploma.

(1) Providing child care services.

Section 307. Subsection (1) of section 445.0325, Florida Statutes, is amended to read:

445.0325 Welfare Transition Trust Fund.—
(1) The Welfare Transition Trust Fund is created in the State Treasury, to be administered by Jobs Florida the Agency for Workforce Innovation. Funds shall be credited to the trust fund to be used for the purposes of the welfare transition program set forth in ss. 445.017-445.032.

Section 308. Section 445.038, Florida Statutes, is amended to read:

445.038 Digital media; job training.—Workforce Florida, Inc., through Jobs Florida the Agency for Workforce Innovation, may use funds dedicated for Incumbent Worker Training for the digital media industry. Training may be provided by public or private training providers for broadband digital media jobs listed on the targeted occupations list developed by the
Workforce Estimating Conference or Workforce Florida, Inc.

Programs that operate outside the normal semester time periods and coordinate the use of industry and public resources should be given priority status for funding.

Section 309. Subsection (2), paragraph (b) of subsection (4), and subsections (5) and (6) of section 445.045, Florida Statutes, are amended to read:

445.045 Development of an Internet-based system for information technology industry promotion and workforce recruitment.—

(2) Workforce Florida, Inc., shall coordinate with the Agency for Enterprise Information Technology and Jobs Florida the Agency for Workforce Innovation to ensure links, where feasible and appropriate, to existing job information websites maintained by the state and state agencies and to ensure that information technology positions offered by the state and state agencies are posted on the information technology website.

(4)

(b) Workforce Florida, Inc., may enter into an agreement with the Agency for Enterprise Information Technology, Jobs Florida the Agency for Workforce Innovation, or any other public agency with the requisite information technology expertise for the provision of design, operating, or other technological services necessary to develop and maintain the website.

(5) In furtherance of the requirements of this section that the website promote and market the information technology industry by communicating information on the scope of the industry in this state, Workforce Florida, Inc., shall coordinate its efforts with the high-technology industry
marketing efforts of the Jobs Florida Partnership Enterprise Florida, Inc., under s. 288.911. Through links or actual content, the website developed under this section shall serve as a forum for distributing the marketing campaign developed by the Jobs Florida Partnership Enterprise Florida, Inc., under s. 288.911. In addition, Workforce Florida, Inc., shall solicit input from the not-for-profit corporation created to advocate on behalf of the information technology industry as an outgrowth of the Information Service Technology Development Task Force created under chapter 99-354, Laws of Florida.

(6) In fulfilling its responsibilities under this section, Workforce Florida, Inc., may enlist the assistance of and act through Jobs Florida the Agency for Workforce Innovation. Jobs Florida The agency is authorized and directed to provide the services that Workforce Florida, Inc., and Jobs Florida the agency consider necessary to implement this section.

Section 310. Subsection (1), paragraph (b) of subsection (4), and subsection (5) of section 445.048, Florida Statutes, are amended to read:

445.048 Passport to Economic Progress program.—

(1) AUTHORIZATION.—Notwithstanding any law to the contrary, Workforce Florida, Inc., in conjunction with the Department of Children and Family Services and Jobs Florida the Agency for Workforce Innovation, shall implement a Passport to Economic Progress program consistent with the provisions of this section. Workforce Florida, Inc., may designate regional workforce boards to participate in the program. Expenses for the program may come from appropriated revenues or from funds otherwise available to a regional workforce board which may be legally used for such
purposes. Workforce Florida, Inc., must consult with the
applicable regional workforce boards and the applicable local
offices of the Department of Children and Family Services which
serve the program areas and must encourage community input into
the implementation process.

(4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—

(b) Workforce Florida, Inc., in cooperation with the
Department of Children and Family Services and Jobs Florida the
Agency for Workforce Innovation, shall offer performance-based
incentive bonuses as a component of the Passport to Economic
Progress program. The bonuses do not represent a program
entitlement and shall be contingent on achieving specific
benchmarks prescribed in the self-sufficiency plan. If the funds
appropriated for this purpose are insufficient to provide this
financial incentive, the board of directors of Workforce
Florida, Inc., may reduce or suspend the bonuses in order not to
exceed the appropriation or may direct the regional boards to
use resources otherwise given to the regional workforce to pay
such bonuses if such payments comply with applicable state and
federal laws.

(5) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida,
Inc., in conjunction with the Department of Children and Family
Services, Jobs Florida the Agency for Workforce Innovation, and
the regional workforce boards, shall conduct a comprehensive
evaluation of the effectiveness of the program operated under
this section. Evaluations and recommendations for the program
shall be submitted by Workforce Florida, Inc., as part of its
annual report to the Legislature.
Statutes, is amended to read:

445.049 Digital Divide Council.—

(2) DIGITAL DIVIDE COUNCIL.—The Digital Divide Council is created in the Department of Education. The council shall consist of:

(a) A representative from the information technology industry in this state appointed by the Governor.

(b) The commissioner of Jobs Florida, or his or her designee.

The director of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor.

(c) The president of Workforce Florida, Inc.

(d) The director of the Agency for Workforce Innovation.

(e) The chair of itflorida.com, Inc.

(f) The Commissioner of Education.

(g) A representative of the information technology industry in this state appointed by the Speaker of the House of Representatives.

(h) Two members of the House of Representatives, who shall be ex officio, nonvoting members of the council, appointed by the Speaker of the House of Representatives, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.

(i) Two members of the Senate, who shall be ex officio, nonvoting members of the council, appointed by the President of the Senate, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.
Section 312. Subsection (13) of section 445.051, Florida Statutes, is amended to read:

445.051 Individual development accounts.—
(13) Pursuant to policy direction by Workforce Florida, Inc., Jobs Florida the Agency for Workforce Innovation shall adopt such rules as are necessary to implement this act.

Section 313. Section 445.056, Florida Statutes, is amended to read:

445.056 Citizen Soldier Matching Grant Program.—Jobs Florida The Agency for Workforce Innovation shall implement the matching grant program established by the former Agency for Workforce Innovation to award matching grants to private sector employers in this state which provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while those employees are on federal active duty. A grant may not be provided for federal active duty served before January 1, 2005. Each grant shall be awarded to reimburse the employer for not more than one-half of the monthly wages paid to an employee who is a resident of this state for the actual period of federal active duty. The monthly grant per employee may not exceed one-half of the difference between the amount of monthly wages paid by the employer to the employee at the level paid before the date the employee was called to federal active duty and the amount of the employee’s active duty base pay, housing and variable allowances, and subsistence allowance. Jobs Florida shall implement the plan administered by the former Agency for Workforce Innovation The agency shall develop a plan by no later than October 1, 2005, subject to the notice, review, and objection procedures of s.
216.177, to administer the application and payment procedures for the matching grant program. The Agency for Workforce Innovation shall not award any matching grants prior to the approval of the plan.

Section 314. Section 446.41, Florida Statutes, is amended to read:

446.41 Legislative intent with respect to rural workforce training and development; establishment of Rural Workforce Services Program.—In order that the state may achieve its full economic and social potential, consideration must be given to rural workforce training and development to enable its rural citizens as well as urban citizens to develop their maximum capacities and participate productively in our society. It is, therefore, the policy of the state to make available those services needed to assist individuals and communities in rural areas to improve their quality of life. It is with a great sense of urgency that a Rural Workforce Services Program is established within Jobs Florida the Agency for Workforce Innovation, under the direction of Workforce Florida, Inc., to provide equal access to all manpower training programs available to rural as well as urban areas.

Section 315. Subsection (2) and paragraph (b) of subsection (5) of section 446.44, Florida Statutes, is amended to read:

446.44 Duties of Rural Workforce Services Program.—It shall be the direct responsibility of the Rural Workforce Services Program to promote and deliver employment and workforce services and resources to the rural undeveloped and underdeveloped counties of the state in an effort to:

(2) Assist the Jobs Florida Partnership Enterprise Florida,
Inc., in attracting light, pollution-free industry to the rural counties.

(5) Develop rural workforce programs that will be

evaluated, planned, and implemented through communications and
planning with appropriate:

(b) Units of the Jobs Florida Partnership Enterprise Florida, Inc.

Section 316. Section 446.50, Florida Statutes, is amended
to read:

446.50 Displaced homemakers; multiservice programs; report
to the Legislature; Displaced Homemaker Trust Fund created.—

(1) INTENT.—It is the intent of the Legislature to require
Jobs Florida the Agency for Workforce Innovation to enter into
contracts with, and make grants to, public and nonprofit private
entities for purposes of establishing multipurpose service
programs to provide necessary training, counseling, and services
for displaced homemakers so that they may enjoy the independence
and economic security vital to a productive life.

(2) DEFINITIONS.—For the purposes of this section the term:
(a) “Displaced homemaker” means an individual who:

Is 35 years of age or older;

Has worked in the home, providing unpaid household
services for family members;

Is not adequately employed, as defined by rule of the
agency;

Has had, or would have, difficulty in securing
adequate employment; and

Has been dependent on the income of another family
member but is no longer supported by such income, or has been
dependent on federal assistance.

(b) “Agency” means the Agency for Workforce Innovation.

(3) AGENCY POWERS AND DUTIES OF JOBS FLORIDA.—

(a) Jobs Florida The agency, under plans established by Workforce Florida, Inc., shall establish, or contract for the establishment of, programs for displaced homemakers which shall include:

1. Job counseling, by professionals and peers, specifically designed for a person entering the job market after a number of years as a homemaker.

2. Job training and placement services, including:

   a. Training programs for available jobs in the public and private sectors, taking into account the skills and job experiences of a homemaker and developed by working with public and private employers.

   b. Assistance in locating available employment for displaced homemakers, some of whom could be employed in existing job training and placement programs.

   c. Utilization of the services of the state employment service in locating employment opportunities.

3. Financial management services providing information and assistance with respect to insurance, including, but not limited to, life, health, home, and automobile insurance, and taxes, estate and probate problems, mortgages, loans, and other related financial matters.

4. Educational services, including high school equivalency degree and such other courses as Jobs Florida the agency determines would be of interest and benefit to displaced homemakers.
5. Outreach and information services with respect to federal and state employment, education, health, and unemployment assistance programs which Jobs Florida the agency determines would be of interest and benefit to displaced homemakers.

(b)1. Jobs Florida The agency shall enter into contracts with, and make grants to, public and nonprofit private entities for purposes of establishing multipurpose service programs for displaced homemakers under this section. Such grants and contracts shall be awarded pursuant to chapter 287 and based on criteria established in the state plan developed pursuant to this section. Jobs Florida The agency shall designate catchment areas that which together, shall compose comprise the entire state, and, to the extent possible from revenues in the Displaced Homemaker Trust Fund, Jobs Florida the agency shall contract with, and make grants to, entities that which will serve entire catchment areas so that displaced homemaker service programs are available statewide. These catchment areas shall be coterminous with the state’s workforce development regions. Jobs Florida The agency may give priority to existing displaced homemaker programs when evaluating bid responses to the agency’s request for proposals.

2. In order to receive funds under this section, and unless specifically prohibited by law from doing so, an entity that provides displaced homemaker service programs must receive at least 25 percent of its funding from one or more local, municipal, or county sources or nonprofit private sources. In-kind contributions may be evaluated by Jobs Florida the agency and counted as part of the required local funding.
3. Jobs Florida The agency shall require an entity that receives funds under this section to maintain appropriate data to be compiled in an annual report to **Jobs Florida** the agency. Such data shall include, but shall not be limited to, the number of clients served, the units of services provided, designated client-specific information including intake and outcome information specific to each client, costs associated with specific services and program administration, total program revenues by source and other appropriate financial data, and client followup information at specified intervals after the placement of a displaced homemaker in a job.

(c) **Jobs Florida** The agency shall consult and cooperate with the Commissioner of Education, the United States Commissioner of the Social Security Administration, and such other persons in the executive branch of the state government as **Jobs Florida** the agency considers appropriate to facilitate the coordination of multipurpose service programs established under this section with existing programs of a similar nature.

(d) Supervisory, technical, and administrative positions relating to programs established under this section shall, to the maximum extent practicable, be filled by displaced homemakers.

(e) **Jobs Florida** The agency shall adopt rules establishing minimum standards necessary for entities that provide displaced homemaker service programs to receive funds from the agency and any other rules necessary to administer this section.

(4) **STATE PLAN.—**

(a) **Jobs Florida** The Agency for Workforce Innovation shall develop a 3-year state plan for the displaced homemaker program...
which shall be updated annually. The plan must address, at a minimum, the need for programs specifically designed to serve displaced homemakers, any necessary service components for such programs in addition to those enumerated in this section, goals of the displaced homemaker program with an analysis of the extent to which those goals are being met, and recommendations for ways to address any unmet program goals. Any request for funds for program expansion must be based on the state plan.

(b) Each annual update must address any changes in the components of the 3-year state plan and a report which must include, but need not be limited to, the following:

1. The scope of the incidence of displaced homemakers;
2. A compilation and report, by program, of data submitted to Jobs Florida the agency pursuant to subparagraph 3. by funded displaced homemaker service programs;
3. An identification and description of the programs in the state which receive funding from Jobs Florida the agency, including funding information; and
4. An assessment of the effectiveness of each displaced homemaker service program based on outcome criteria established by rule of Jobs Florida the agency.

(c) The 3-year state plan must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor on or before January 1, 2001, and annual updates of the plan must be submitted by January 1 of each subsequent year.

(5) DISPLACED HOMEMAKER TRUST FUND.—

(a) There is established within the State Treasury a Displaced Homemaker Trust Fund to be used by Jobs Florida the
agency for its administration of the displaced homemaker program
and to fund displaced homemaker service programs according to
criteria established under this section.

(b) The trust fund shall receive funds generated from an
additional fee on marriage license applications and dissolution
of marriage filings as specified in ss. 741.01(3) and 28.101,
respectively, and may receive funds from any other public or
private source.

(c) Funds that are not expended by Jobs Florida the agency
at the end of the budget cycle or through a supplemental budget
approved by Jobs Florida the agency shall revert to the trust
fund.

Section 317. Section 446.52, Florida Statutes, is amended
to read:

446.52 Confidentiality of information.—Information about
displaced homemakers who receive services under ss. 446.50 and
446.51 which is received through files, reports, inspections, or
otherwise, by Jobs Florida the division or by its authorized
employees of the division, by persons who volunteer services, or
by persons who provide services to displaced homemakers under
ss. 446.50 and 446.51 through contracts with the division is
confidential and exempt from the provisions of s. 119.07(1).
Such information may not be disclosed publicly in such a manner
as to identify a displaced homemaker, unless such person or the
person’s legal guardian provides written consent.

Section 318. Paragraph (a) of subsection (3) of section
448.109, Florida Statutes, is amended to read:

448.109 Notification of the state minimum wage.—
(3)(a) Each year Jobs Florida the Agency for Workforce
Innovation shall, on or before December 1, create and make available to employers a poster in English and in Spanish which reads substantially as follows:

NOTICE TO EMPLOYEES

The Florida minimum wage is $ ...(amount)... per hour, with a minimum wage of at least $ ...(amount)... per hour for tipped employees, in addition to tips, for January 1, ...(year)...., through December 31, ...(year)....

The rate of the minimum wage is recalculated yearly on September 30, based on the Consumer Price Index. Every year on January 1 the new Florida minimum wage takes effect.

An employer may not retaliate against an employee for exercising his or her right to receive the minimum wage. Rights protected by the State Constitution include the right to:

1. File a complaint about an employer’s alleged noncompliance with lawful minimum wage requirements.

2. Inform any person about an employer’s alleged noncompliance with lawful minimum wage requirements.

3. Inform any person of his or her potential rights under Section 24, Article X of the State Constitution and to assist him or her in asserting such rights.
An employee who has not received the lawful minimum wage after notifying his or her employer and giving the employer 15 days to resolve any claims for unpaid wages may bring a civil action in a court of law against an employer to recover back wages plus damages and attorney’s fees.

An employer found liable for intentionally violating minimum wage requirements is subject to a fine of $1,000 per violation, payable to the state.

The Attorney General or other official designated by the Legislature may bring a civil action to enforce the minimum wage.

For details see Section 24, Article X of the State Constitution.

Section 319. Subsections (2), (4), and (11) of section 448.110, Florida Statutes, are amended to read:

448.110 State minimum wage; annual wage adjustment; enforcement.—

(2) The purpose of this section is to provide measures appropriate for the implementation of s. 24, Art. X of the State Constitution, in accordance with authority granted to the Legislature pursuant to s. 24(f), Art. X of the State Constitution. To implement s. 24, Art. X of the State Constitution, Jobs Florida is designated as the state Agency for
Workforce Innovation.

(4)(a) Beginning September 30, 2005, and annually on September 30 thereafter, Jobs Florida the Agency for Workforce Innovation shall calculate an adjusted state minimum wage rate by increasing the state minimum wage by the rate of inflation for the 12 months prior to September 1. In calculating the adjusted state minimum wage, Jobs Florida the agency shall use the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for the South Region or a successor index as calculated by the United States Department of Labor. Each adjusted state minimum wage rate shall take effect on the following January 1, with the initial adjusted minimum wage rate to take effect on January 1, 2006.

(b) The Agency for Workforce Innovation and the Department of Revenue and Jobs Florida shall annually publish the amount of the adjusted state minimum wage and the effective date. Publication shall occur by posting the adjusted state minimum wage rate and the effective date on the Internet home pages of Jobs Florida the agency and the department by October 15 of each year. In addition, to the extent funded in the General Appropriations Act, Jobs Florida the agency shall provide written notice of the adjusted rate and the effective date of the adjusted state minimum wage to all employers registered in the most current unemployment compensation database. Such notice shall be mailed by November 15 of each year using the addresses included in the database. Employers are responsible for maintaining current address information in the unemployment compensation database. Jobs Florida is The agency shall not be responsible for failure to provide notice due to incorrect or
incomplete address information in the database. Jobs Florida The agency shall provide the Department of Revenue with the adjusted state minimum wage rate information and effective date in a timely manner.

(11) Except for calculating the adjusted state minimum wage and publishing the initial state minimum wage and any annual adjustments thereto, the authority of Jobs Florida the Agency for Workforce Innovation in implementing s. 24, Art. X of the State Constitution, pursuant to this section, shall be limited to that authority expressly granted by the Legislature.

Section 320. Section 450.161, Florida Statutes, is amended to read:

450.161 Chapter not to affect career education of children; other exceptions.—Nothing in this chapter shall prevent minors of any age from receiving career education furnished by the United States, this state, or any county or other political subdivision of this state and duly approved by the Department of Education or other duly constituted authority, nor any apprentice indentured under a plan approved by the Department of Education Division of Jobs and Benefits, or prevent the employment of any minor 14 years of age or older when such employment is authorized as an integral part of, or supplement to, such a course in career education and is authorized by regulations of the district school board of the district in which such minor is employed, provided the employment is in compliance with the provisions of ss. 450.021(4) and 450.061. Exemptions for the employment of student learners 16 to 18 years of age are provided in s. 450.061. Such an exemption shall apply when:
(1) The student learner is enrolled in a youth vocational training program under a recognized state or local educational authority.

(2) Such student learner is employed under a written agreement that provides:

(a) That the work of the student learner in the occupation declared particularly hazardous shall be incidental to the training.

(b) That such work shall be intermittent and for short periods of time and under the direct and close supervision of a qualified and experienced person.

(c) That safety instructions shall be given by the school and correlated by the employer with on-the-job training.

(d) That a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

Each such written agreement shall contain the name of the student learner and shall be signed by the employer, the school coordinator and principal, and the parent or legal guardian. Copies of each agreement shall be kept on file by both the school and the employer. This exemption for the employment of student learners may be revoked in any individual situation when it is found that reasonable precautions have not been observed for the safety of minors employed thereunder. A high school graduate may be employed in an occupation in which he or she has completed training as a student learner, as provided in this section, even though he or she is not yet 18 years of age.

Section 321. Paragraph (j) of subsection (1) of section 450.191, Florida Statutes, is amended to read:
450.191 Executive Office of the Governor; powers and duties.—
(1) The Executive Office of the Governor is authorized and directed to:
   (j) Cooperate with Jobs Florida the Agency for Workforce Innovation in the recruitment and referral of migrant laborers and other persons for the planting, cultivation, and harvesting of agricultural crops in Florida.

Section 322. Paragraph (e) of subsection (2) of section 450.31, Florida Statutes, is amended to read:
450.31 Issuance, revocation, and suspension of, and refusal to issue or renew, certificate of registration.—
(2) The department may revoke, suspend, or refuse to issue or renew any certificate of registration when it is shown that the farm labor contractor has:
   (e) Failed to pay unemployment compensation taxes as determined by Jobs Florida the Agency for Workforce Innovation; or

Section 323. Paragraph (d) of subsection (1) of section 464.203, Florida Statutes, is amended to read:
464.203 Certified nursing assistants; certification requirement.—
(1) The board shall issue a certificate to practice as a certified nursing assistant to any person who demonstrates a minimum competency to read and write and successfully passes the required background screening pursuant to s. 400.215 and meets one of the following requirements:
   (d) Has completed the curriculum developed by the Department of Education under the Enterprise Florida Jobs and...
Education Partnership Grant and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department.

Section 324. Subsection (3) of section 468.529, Florida Statutes, is amended to read:

468.529 Licensee’s insurance; employment tax; benefit plans.—

(3) A licensed employee leasing company shall within 30 days after initiation or termination notify its workers’ compensation insurance carrier, the Division of Workers’ Compensation of the Department of Financial Services, and the state agency providing unemployment tax collection services under contract with Jobs Florida the Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316 of both the initiation or the termination of the company’s relationship with any client company.

Section 325. Paragraph (e) of subsection (1) of section 469.002, Florida Statutes, is amended to read:

469.002 Exemptions.—

(1) This chapter does not apply to:

(e) An authorized employee of the United States, this state, or any municipality, county, or other political subdivision who has completed all training required by NESHAP and OSHA or by ASHARA for the activities described in this paragraph, while engaged in asbestos-related activities set forth in s. 255.5535 and asbestos-related activities involving
the demolition of a building owned by that governmental unit,
where such activities are within the scope of that employment
and the employee does not hold out for hire or otherwise engage
in asbestos abatement, contracting, or consulting.

Section 326. Subsection (2) of section 469.003, Florida
Statutes, is amended to read:

469.003 License required.—
(2)(a) A no person may not prepare asbestos abatement
specifications unless trained and licensed as an asbestos
consultant as required by this chapter.
(b) Any person engaged in the business of asbestos surveys
prior to October 1, 1987, who has been certified by the
Department of Labor and Employment Security as a certified
asbestos surveyor, and who has complied with the training
requirements of s. 469.013(1)(b), may provide survey services as
described in s. 255.553(1), (2), and (3). The Department of
Labor and Employment Security may, by rule, establish
violations, disciplinary procedures, and penalties for certified
asbestos surveyors.

Section 327. Paragraph (b) of subsection (1) of section
489.1455, Florida Statutes, is amended to read:

489.1455 Journeyman; reciprocity; standards.—
(1) An individual who holds a valid, active journeyman
license in the plumbing/pipe fitting, mechanical, or HVAC trades
issued by any county or municipality in this state may work as a
journeyman in the trade in which he or she is licensed in any
county or municipality of this state without taking an
additional examination or paying an additional license fee, if
he or she:
(b) Has completed an apprenticeship program registered with a registration agency defined in 29 C.F.R. 29.2 the Department of Labor and Employment Security and demonstrates 4 years’ verifiable practical experience in the trade for which he or she is licensed, or demonstrates 6 years’ verifiable practical experience in the trade for which he or she is licensed;

Section 328. Paragraph (b) of subsection (1) of section 489.5335, Florida Statutes, is amended to read:

489.5335 Journeyman; reciprocity; standards.—

(1) An individual who holds a valid, active journeyman license in the electrical trade issued by any county or municipality in this state may work as a journeyman in any other county or municipality of this state without taking an additional examination or paying an additional license fee, if he or she:

(b) Has completed an apprenticeship program registered with a registration agency defined in 29 C.F.R. 29.2 the Department of Labor and Employment Security and demonstrates 4 years’ verifiable practical experience in the electrical trade, or demonstrates 6 years’ verifiable practical experience in the electrical trade;

Section 329. Subsections (1) and (2), paragraph (b) of subsection (3), and paragraph (b) of subsection (4) of section 526.143, Florida Statutes, are amended to read:

526.143 Alternate generated power capacity for motor fuel dispensing facilities.—

(1) By June 1, 2007, Each motor fuel terminal facility, as defined in s. 526.303(16), and each wholesaler, as defined in s. 526.303(17), which sells motor fuel in this state must be
capable of operating its distribution loading racks using an alternate generated power source for a minimum of 72 hours. Pending a postdisaster examination of the equipment by the operator to determine any extenuating damage that would render it unsafe to use, the facility must have such alternate generated power source available for operation within no later than 36 hours after a major disaster as defined in s. 252.34. Installation of appropriate wiring, including a transfer switch, shall be performed by a certified electrical contractor. Each business that is subject to this subsection must keep a copy of the documentation of such installation on site or at its corporate headquarters. In addition, each business must keep a written statement attesting to the periodic testing and ensured operational capacity of the equipment. The required documents must be made available, upon request, to the Office Division of Emergency Management and the director of the county emergency management agency.

(2) Each newly constructed or substantially renovated motor fuel retail outlet, as defined in s. 526.303(14), for which a certificate of occupancy is issued on or after July 1, 2006, shall be prewired with an appropriate transfer switch, and capable of operating all fuel pumps, dispensing equipment, lifesafety systems, and payment-acceptance equipment using an alternate generated power source. As used in this subsection, the term “substantially renovated” means a renovation that results in an increase of greater than 50 percent in the assessed value of the motor fuel retail outlet. Local building inspectors shall include this equipment and operations check in the normal inspection process before issuing a certificate of occupancy.
occupancy. Each retail outlet that is subject to this subsection must keep a copy of the certificate of occupancy on site or at its corporate headquarters. In addition, each retail outlet must keep a written statement attesting to the periodic testing of and ensured operational capability of the equipment. The required documents must be made available, upon request, to the Office Division of Emergency Management and the director of the county emergency management agency.

(3)

(b) Installation of appropriate wiring and transfer switches must be performed by a certified electrical contractor. Each retail outlet that is subject to this subsection must keep a copy of the documentation of such installation on site or at its corporate headquarters. In addition, each retail outlet must keep a written statement attesting to the periodic testing of and ensured operational capacity of the equipment. The required documents must be made available, upon request, to the Office Division of Emergency Management and the director of the county emergency management agency.

(4)

(b) Subsections (2) and (3) do not apply to:

1. An automobile dealer;

2. A person who operates a fleet of motor vehicles;

3. A person who sells motor fuel exclusively to a fleet of motor vehicles; or

4. A motor fuel retail outlet that has a written agreement with a public hospital, in a form approved by the Office Division of Emergency Management, wherein the public hospital agrees to provide the motor fuel retail outlet with an
alternative means of power generation onsite so that the outlet’s fuel pumps may be operated in the event of a power outage.

Section 330. Paragraph (a) of subsection (1) and paragraph (b) of subsection (4) of section 526.144, Florida Statutes, are amended to read:

526.144 Florida Disaster Motor Fuel Supplier Program.—
(1)(a) There is created the Florida Disaster Motor Fuel Supplier Program within the Office of Emergency Management Department of Community Affairs.

(4)
(b) Notwithstanding any other law or other ordinance and for the purpose of ensuring an appropriate emergency management response following major disasters in this state, the regulation of all other retail establishments participating in such response is shall be as follows:

1. Regulation of retail establishments that meet the standards created by the Office Division of Emergency Management in the report required in s. 8, chapter 2006-71, Laws of Florida, by July 1, 2007, is preempted to the state and until such standards are adopted, the regulation of these retail establishments is preempted to the state;

2. The office division shall provide written certification of such preemption to retail establishments that qualify and shall provide such information to local governments upon request; and

3. Regulation of retail establishments that do not meet the operational standards is subject to local government laws or ordinances.
Section 331. Paragraph (i) of subsection (4) of section 551.104, Florida Statutes, is amended to read:

551.104 License to conduct slot machine gaming.—
(4) As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, the slot machine licensee shall:

(i) Create and file with the division a written policy for:

1. Creating opportunities to purchase from vendors in this state, including minority vendors.

2. Creating opportunities for employment of residents of this state, including minority residents.

3. Ensuring opportunities for construction services from minority contractors.

4. Ensuring that opportunities for employment are offered on an equal, nondiscriminatory basis.

5. Training for employees on responsible gaming and working with a compulsive or addictive gambling prevention program to further its purposes as provided for in s. 551.118.

6. The implementation of a drug-testing program that includes, but is not limited to, requiring each employee to sign an agreement that he or she understands that the slot machine facility is a drug-free workplace.

The slot machine licensee shall use the Internet-based job-listing system of Jobs Florida the Agency for Workforce Innovation in advertising employment opportunities. Beginning in June 2007, each slot machine licensee shall provide an annual report to the division containing information indicating compliance with this paragraph in regard to minority persons.
Section 332. Section 553.62, Florida Statutes, is amended to read:

553.62 State standard.—The Occupational Safety and Health Administration’s excavation safety standards, 29 C.F.R. s. 1926.650 Subpart P, are hereby incorporated as the state standard. The Department of Labor and Employment Security may, by rule, adopt updated or revised versions of those standards, provided that the updated or revised versions are consistent with the intent expressed in this act and s. 553.72, and are not otherwise inconsistent with state law. Any rule adopted as provided in this section shall be complied with upon its effective date.

Section 333. Paragraph (c) of subsection (1) of section 570.248, Florida Statutes, is amended to read:

570.248 Agricultural Economic Development Project Review Committee; powers and duties.—

(1) There is created an Agricultural Economic Development Project Review Committee consisting of five members appointed by the commissioner. The members shall be appointed based upon the recommendations submitted by each entity represented on the committee and shall include:

(c) One representative from the Jobs Florida Partnership Enterprise Florida, Inc.

Section 334. Section 570.96, Florida Statutes, is amended to read:

570.96 Agritourism.—The Department of Agriculture and Consumer Services may provide marketing advice, technical expertise, promotional support, and product development related to agritourism to assist the following in their agritourism...
Section 335. Subsection (1) of section 597.006, Florida Statutes, is amended to read:

597.006 Aquaculture Interagency Coordinating Council.—
(1) CREATION.—The Legislature finds and declares that there is a need for interagency coordination with regard to aquaculture by the following agencies: the Department of Agriculture and Consumer Services; Jobs Florida; the Office of Tourism, Trade, and Economic Development; the Department of Community Affairs; the Department of Environmental Protection; the Department of Labor and Employment Security; the Fish and Wildlife Conservation Commission; the statewide consortium of universities under the Florida Institute of Oceanography; Florida Agricultural and Mechanical University; the Institute of Food and Agricultural Sciences at the University of Florida; and the Florida Sea Grant Program. It is therefore the intent of the Legislature to hereby create an Aquaculture Interagency Coordinating Council to act as an advisory body as defined in s. 20.03(9).

Section 336. Paragraph (d) of subsection (2) of section 624.5105, Florida Statutes, is amended to read:
624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—
(2) ELIGIBILITY REQUIREMENTS.—

(d) The project shall be located in an area designated as an enterprise zone or a Front Porch Community pursuant to s. 20.18(6). Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) is exempt from the area requirement of this paragraph.

Section 337. Section 625.3255, Florida Statutes, is amended to read:

625.3255 Capital participation instrument.—An insurer may invest in any capital participation instrument or evidence of indebtedness issued by the Jobs Florida Partnership, Inc., Florida Black Business Investment Board pursuant to the Florida Small and Minority Business Assistance Act.

Section 338. Paragraph (b) of subsection (2) of section 627.0628, Florida Statutes, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; public records exemption; public meetings exemption.—

(2) COMMISSION CREATED.—

(b) The commission shall consist of the following 11 members:

1. The insurance consumer advocate.
2. The senior employee of the State Board of Administration responsible for operations of the Florida Hurricane Catastrophe Fund.
3. The Executive Director of the Citizens Property Insurance Corporation.
4. The Director of the Office Division of Emergency

CODING: Words stricken are deletions; words underlined are additions.
Management of the Department of Community Affairs.

5. The actuary member of the Florida Hurricane Catastrophe Fund Advisory Council.

6. An employee of the office who is an actuary responsible for property insurance rate filings and who is appointed by the director of the office.

7. Five members appointed by the Chief Financial Officer, as follows:
   a. An actuary who is employed full time by a property and casualty insurer that was responsible for at least 1 percent of the aggregate statewide direct written premium for homeowner’s insurance in the calendar year preceding the member’s appointment to the commission.
   b. An expert in insurance finance who is a full-time member of the faculty of the State University System and who has a background in actuarial science.
   c. An expert in statistics who is a full-time member of the faculty of the State University System and who has a background in insurance.
   d. An expert in computer system design who is a full-time member of the faculty of the State University System.
   e. An expert in meteorology who is a full-time member of the faculty of the State University System and who specializes in hurricanes.

Section 339. Paragraph (b) of subsection (4) of section 657.042, Florida Statutes, is amended to read:

657.042 Investment powers and limitations.—A credit union may invest its funds subject to the following definitions, restrictions, and limitations:
(4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF
CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of
the credit union may be invested in any of the following:

(b) Any capital participation instrument or evidence of
indebtedness issued by the Jobs Florida Partnership, Inc.,
Florida Black Business Investment Board pursuant to the Florida
Small and Minority Business Assistance Act.

Section 340. Paragraph (g) of subsection (4) of section
658.67, Florida Statutes, is amended to read:

658.67 Investment powers and limitations.—A bank may invest
its funds, and a trust company may invest its corporate funds,
subject to the following definitions, restrictions, and
limitations:

(4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR
LESS OF CAPITAL ACCOUNTS.—

(g) Up to 10 percent of the capital accounts of a bank or
trust company may be invested in any capital participation
instrument or evidence of indebtedness issued by the Jobs
Florida Partnership, Inc., Florida Black Business Investment
Board pursuant to the Florida Small and Minority Business
Assistance Act.

Section 341. Paragraph (d) of subsection (2) of section
768.13, Florida Statutes, is amended to read:

768.13 Good Samaritan Act; immunity from civil liability.—

(2)

(d) Any person whose acts or omissions are not otherwise
covered by this section and who participates in emergency
response activities under the direction of or in connection with
a community emergency response team, local emergency management
agencies, the Office Division of Emergency Management of the Department of Community Affairs, or the Federal Emergency Management Agency is not liable for any civil damages as a result of care, treatment, or services provided gratuitously in such capacity and resulting from any act or failure to act in such capacity in providing or arranging further care, treatment, or services, if such person acts as a reasonably prudent person would have acted under the same or similar circumstances.

Section 342. Subsection (14) of section 943.03, Florida Statutes, is amended to read:

943.03 Department of Law Enforcement.—
(14) The department, with respect to counter-terrorism efforts, responses to acts of terrorism within or affecting this state, and other matters related to the domestic security of Florida as it relates to terrorism, shall coordinate and direct the law enforcement, initial emergency, and other initial responses. The department shall work closely with the Office Division of Emergency Management, other federal, state, and local law enforcement agencies, fire and rescue agencies, first-responder agencies, and others involved in preparation against acts of terrorism in or affecting this state and in the response to such acts. The executive director of the department, or another member of the department designated by the director, shall serve as Chief of Domestic Security for the purpose of directing and coordinating such efforts. The department and Chief of Domestic Security shall use the regional domestic security task forces as established in this chapter to assist in such efforts.

Section 343. Section 943.03101, Florida Statutes, is
amended to read:

19779 943.03101 Counter-terrorism coordination.—The Legislature
19780 finds that with respect to counter-terrorism efforts and initial
19781 responses to acts of terrorism within or affecting this state,
19782 specialized efforts of emergency management which are
19783 unique to such situations are required and that these efforts
19784 intrinsically involve very close coordination of federal, state,
19785 and local law enforcement agencies with the efforts of all
19786 others involved in emergency-response efforts. In order to best
19787 provide this specialized effort with respect to counter-
19788 terrorism efforts and responses, the Legislature has determined
19789 that such efforts should be coordinated by and through the
19790 Department of Law Enforcement, working closely with the Office
19791 Division of Emergency Management and others involved in
19792 preparation against acts of terrorism in or affecting this
19793 state, and in the initial response to such acts, in accordance
19794 with the state comprehensive emergency management plan prepared
19795 pursuant to s. 252.35(2)(a).
19796
19797 Section 344. Subsection (7) of section 943.0311, Florida
19798 Statutes, is amended to read:
19799 943.0311 Chief of Domestic Security; duties of the
19800 department with respect to domestic security.—
19801 (7) As used in this section, the term “state agency”
19802 includes the Agency for Health Care Administration, the Agency
19803 for Workforce Innovation, the Department of Agriculture and
19804 Consumer Services, the Department of Business and Professional
19805 Regulation, the Department of Children and Family Services, the
19806 Department of Citrus, the Department of Community Affairs, the
19807 Department of Corrections, the Department of Education, the
Department of Elderly Affairs, the Office of Emergency Management, the Department of Environmental Protection, the Department of Financial Services, the Department of Health, the Department of Highway Safety and Motor Vehicles, Jobs Florida, the Department of Juvenile Justice, the Department of Law Enforcement, the Department of Legal Affairs, the Department of Management Services, the Department of Military Affairs, the Department of Revenue, the Department of State, the Department of the Lottery, the Department of Transportation, the Department of Veterans’ Affairs, the Fish and Wildlife Conservation Commission, the Parole Commission, the State Board of Administration, and the Executive Office of the Governor.

Section 345. Paragraph (d) of subsection (1) and subsection (3) of section 943.0312, Florida Statutes, are amended to read:

943.0312 Regional domestic security task forces.—The Legislature finds that there is a need to develop and implement a statewide strategy to address prevention, preparation, protection, response, and recovery efforts by federal, state, and local law enforcement agencies, emergency management agencies, fire and rescue departments, first-responder personnel and others in dealing with potential or actual terrorist acts within or affecting this state.

(1) To assist the department and the Chief of Domestic Security in performing their roles and duties in this regard, the department shall establish a regional domestic security task force in each of the department’s operational regions. The task forces shall serve in an advisory capacity to the department and the Chief of Domestic Security and shall provide support to the department in its performance of functions pertaining to
domestic security.

(d) The co-chairs of each task force may appoint subcommittees and subcommittee chairs as necessary in order to address issues related to the various disciplines represented on the task force, except that subcommittee chairs for emergency management shall be appointed with the approval of the director of the Office Division of Emergency Management. A subcommittee chair shall serve at the pleasure of the co-chairs.

(3) The Chief of Domestic Security, in conjunction with the Office Division of Emergency Management, the regional domestic security task forces, and the various state entities responsible for establishing training standards applicable to state law enforcement officers and fire, emergency, and first-responder personnel shall identify appropriate equipment and training needs, curricula, and materials related to the effective response to suspected or actual acts of terrorism or incidents involving real or hoax weapons of mass destruction as defined in s. 790.166. Recommendations for funding for purchases of equipment, delivery of training, implementation of, or revision to basic or continued training required for state licensure or certification, or other related responses shall be made by the Chief of Domestic Security to the Domestic Security Oversight Council, the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives as necessary to ensure that the needs of this state with regard to the preparing, equipping, training, and exercising of response personnel are identified and addressed. In making such recommendations, the Chief of Domestic Security and the Office Division of Emergency Management shall identify all funding
Section 346. Paragraph (a) of subsection (1), paragraph (b) of subsection (2), and paragraphs (a) and (b) of subsection (4) of section 943.0313, Florida Statutes, are amended to read:

943.0313 Domestic Security Oversight Council.—The Legislature finds that there exists a need to provide executive direction and leadership with respect to terrorism prevention, preparation, protection, response, and recovery efforts by state and local agencies in this state. In recognition of this need, the Domestic Security Oversight Council is hereby created. The council shall serve as an advisory council pursuant to s. 20.03(7) to provide guidance to the state’s regional domestic security task forces and other domestic security working groups and to make recommendations to the Governor and the Legislature regarding the expenditure of funds and allocation of resources related to counter-terrorism and domestic security efforts.

(1) MEMBERSHIP.—
(a) The Domestic Security Oversight Council shall consist of the following voting members:

1. The executive director of the Department of Law Enforcement.
2. The director of the Office Division of Emergency Management within the Department of Community Affairs.
3. The Attorney General.
4. The Commissioner of Agriculture.
5. The State Surgeon General.
6. The Commissioner of Education.
7. The State Fire Marshal.
8. The adjutant general of the Florida National Guard.
9. The state chief information officer.
10. Each sheriff or chief of police who serves as a co-chair of a regional domestic security task force pursuant to s. 943.0312(1)(b).
11. Each of the department’s special agents in charge who serve as a co-chair of a regional domestic security task force.
15. The chair of the Statewide Domestic Security Intelligence Committee.
16. One representative of the Florida Hospital Association.
17. One representative of the Emergency Medical Services Advisory Council.

(2) ORGANIZATION.—
(b) The executive director of the Department of Law Enforcement shall serve as chair of the council, and the director of the Office Division of Emergency Management within the Department of Community Affairs shall serve as vice chair of the council. In the absence of the chair, the vice chair shall serve as chair. In the absence of the vice chair, the chair may name any member of the council to perform the duties of the
chair if such substitution does not extend beyond a defined
meeting, duty, or period of time.

(4) EXECUTIVE COMMITTEE.—

(a) The council shall establish an executive committee
consisting of the following members:

1. The executive director of the Department of Law
   Enforcement.
2. The director of the Office Division of Emergency
   Management within the Department of Community Affairs.
3. The Attorney General.
4. The Commissioner of Agriculture.
5. The State Surgeon General.
6. The Commissioner of Education.
7. The State Fire Marshal.

(b) The executive director of the Department of Law
   Enforcement shall serve as the chair of the executive committee,
   and the director of the Office Division of Emergency Management
   within the Department of Community Affairs shall serve as the
   vice chair of the executive committee.

Section 347. Subsection (5) of section 944.012, Florida
Statutes, is amended to read:

944.012 Legislative intent.—The Legislature hereby finds
and declares that:

(5) In order to make the correctional system an efficient
and effective mechanism, the various agencies involved in the
correctional process must coordinate their efforts. Where
possible, interagency offices should be physically located
within major institutions and should include representatives of
the public employment service the Florida State Employment
Service, the vocational rehabilitation programs of the Department of Education, and the Parole Commission. Duplicative and unnecessary methods of evaluating offenders must be eliminated and areas of responsibility consolidated in order to more economically utilize present scarce resources.

Section 348. Section 944.708, Florida Statutes, is amended to read:

944.708 Rules.—The Department of Corrections and the Agency for Workforce Innovation shall adopt rules to implement the provisions of ss. 944.701-944.707.

Section 349. Paragraph (h) of subsection (3) of section 944.801, Florida Statutes, is amended to read:

944.801 Education for state prisoners.—

(3) The responsibilities of the Correctional Education Program shall be to:

(h) Develop a written procedure for selecting programs to add to or delete from the vocational curriculum. The procedure shall include labor market analyses that demonstrate the projected demand for certain occupations and the projected supply of potential employees. In conducting these analyses, the department shall evaluate the feasibility of adding vocational education programs that have been identified by Jobs Florida, the Department of Education, the Agency for Workforce Innovation or a regional coordinating council as being in undersupply in this state. The department shall periodically reevaluate the vocational education programs in major institutions to determine which of the programs support and provide relevant skills to inmates who could be assigned to a correctional work program that is operated as a Prison Industry
Section 350. Paragraph (d) of subsection (3) of section 945.10, Florida Statutes, is amended to read:

945.10 Confidential information.—

(3) Due to substantial concerns regarding institutional security and unreasonable and excessive demands on personnel and resources if an inmate or an offender has unlimited or routine access to records of the Department of Corrections, an inmate or an offender who is under the jurisdiction of the department may not have unrestricted access to the department’s records or to information contained in the department’s records. However, except as to another inmate’s or offender’s records, the department may permit limited access to its records if an inmate or an offender makes a written request and demonstrates an exceptional need for information contained in the department’s records and the information is otherwise unavailable. Exceptional circumstances include, but are not limited to:

(d) The requested records contain information required to process an application or claim by the inmate or offender with the Internal Revenue Service, the Social Security Administration, Jobs Florida, the Agency for Workforce Innovation, or any other similar application or claim with a state agency or federal agency.

Section 351. Subsection (4) of section 985.601, Florida Statutes, is amended to read:

985.601 Administering the juvenile justice continuum.—

(4) The department shall maintain continuing cooperation with the Department of Education, the Department of Children and Family Services, the Agency for Workforce Innovation, Jobs...
Florida, and the Department of Corrections for the purpose of participating in agreements with respect to dropout prevention and the reduction of suspensions, expulsions, and truancy; increased access to and participation in GED, vocational, and alternative education programs; and employment training and placement assistance. The cooperative agreements between the departments shall include an interdepartmental plan to cooperate in accomplishing the reduction of inappropriate transfers of children into the adult criminal justice and correctional systems.

Section 352. Subsections (1) and (2) of section 1002.375, Florida Statutes, are amended to read:

1002.375 Alternative credit for high school courses; pilot project.—

(1) The Commissioner of Education shall implement a pilot project in up to three school districts beginning in the 2008-2009 school year which allows school districts to award alternative course credit for students enrolled in nationally or state-recognized industry certification programs, as defined by the former Agency for Workforce Innovation or Jobs Florida, in accordance with the criteria described in s. 1003.492(2). The Commissioner of Education shall establish criteria for districts that participate in the pilot program. School districts interested in participating in the program must submit a letter of interest by July 15, 2008, to the Commissioner of Education identifying up to five nationally or state-recognized industry certification programs, as defined by the former Agency for Workforce Innovation or Jobs Florida, in accordance with the criteria described in s. 1003.492(2), under which the district
would like to award alternative credit for the eligible courses identified in subsection (2). The Commissioner of Education shall select up to three participating school districts by July 30, 2008. The Commissioner of Education shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives identifying the number of students choosing to earn alternative credit, the number of students that received alternative credit, and legislative recommendations for expanding the use of alternative credit for core academic courses required for high school graduation. The report shall be submitted by January 1, 2010.

(2) For purposes of designing and implementing a successful pilot project, eligible alternative credit courses include Algebra 1a, Algebra 1b, Algebra 1, Geometry, and Biology. Alternative credits shall be awarded for courses in which a student is not enrolled, but for which the student may earn academic credit by enrolling in another course or sequence of courses required to earn a nationally or state-recognized industry certificate, as defined by the former Agency for Workforce Innovation or Jobs Florida, in accordance with the criteria described in s. 1003.492(2), of which the majority of the standards-based content in the course description is consistent with the alternative credit course description approved by the Department of Education.

Section 353. Paragraph (b) of subsection (4) and subsection (5) of section 1002.53, Florida Statutes, are amended to read:

1002.53 Voluntary Prekindergarten Education Program;

eligibility and enrollment.—

(4)
(b) The application must be submitted on forms prescribed by the Agency for Workforce Innovation and must be accompanied by a certified copy of the child’s birth certificate. The forms must include a certification, in substantially the form provided in s. 1002.71(6)(b)2., that the parent chooses the private prekindergarten provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The department may authorize alternative methods for submitting proof of the child’s age in lieu of a certified copy of the child’s birth certificate.

(5) The early learning coalition shall provide each parent enrolling a child in the Voluntary Prekindergarten Education Program with a profile of every private prekindergarten provider and public school delivering the program within the county where the child is being enrolled. The profiles shall be provided to parents in a format prescribed by the Agency for Workforce Innovation. The profiles must include, at a minimum, the following information about each provider and school:

(a) The provider’s or school’s services, curriculum, instructor credentials, and instructor-to-student ratio; and

(b) The provider’s or school’s kindergarten readiness rate calculated in accordance with s. 1002.69, based upon the most recent available results of the statewide kindergarten screening.

Section 354. Paragraphs (e) and (h) of subsection (3) of section 1002.55, Florida Statutes, are amended to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—
(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:

(e) A private prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. The department Agency for Workforce Innovation shall adopt rules to implement this paragraph which shall include required qualifications of substitute instructors and the circumstances and time limits for which a private prekindergarten provider may assign a substitute instructor.

(h) The private prekindergarten provider must register with the early learning coalition on forms prescribed by the department Agency for Workforce Innovation.

Section 355. Subsections (6) and (8) of section 1002.61, Florida Statutes, are amended to read:

1002.61 Summer prekindergarten program delivered by public schools and private prekindergarten providers.—

(6) A public school or private prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. This subsection does not
supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection. The department Agency for Workforce Innovation shall adopt rules to implement this subsection which shall include required qualifications of substitute instructors and the circumstances and time limits for which a public school or private prekindergarten provider may assign a substitute instructor.

(8) Each public school delivering the summer prekindergarten program must also:

(a) Register with the early learning coalition on forms prescribed by the department Agency for Workforce Innovation; and

(b) Deliver the Voluntary Prekindergarten Education Program in accordance with this part.

Section 356. Subsections (6) and (8) of section 1002.63, Florida Statutes, are amended to read:

1002.63 School-year prekindergarten program delivered by public schools.—

(6) A public school prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection. The department Agency for Workforce Innovation
shall adopt rules to implement this subsection which shall include required qualifications of substitute instructors and the circumstances and time limits for which a public school prekindergarten provider may assign a substitute instructor.

(8) Each public school delivering the school-year prekindergarten program must:

(a) Register with the early learning coalition on forms prescribed by the department Agency for Workforce Innovation; and

(b) Deliver the Voluntary Prekindergarten Education Program in accordance with this part.

Section 357. Subsections (1) and (3) of section 1002.67, Florida Statutes, are amended to read:

1002.67 Performance standards; curricula and accountability.—

(1) By April 1, 2005, The department shall develop and adopt performance standards for students in the Voluntary Prekindergarten Education Program. The performance standards must address the age-appropriate progress of students in the development of:

(a) The capabilities, capacities, and skills required under s. 1(b), Art. IX of the State Constitution; and

(b) Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(3)(a) Each early learning coalition shall verify that each private prekindergarten provider delivering the Voluntary Prekindergarten Education Program within the coalition’s county or multicounty region complies with this part. Each district
school board shall verify that each public school delivering the program within the school district complies with this part.

(b) If a private prekindergarten provider or public school fails or refuses to comply with this part, or if a provider or school engages in misconduct, the department Agency for Workforce Innovation shall require the early learning coalition to remove the provider or, and the Department of Education shall require the school district to remove the school, from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds under this part.

(c)1. If the kindergarten readiness rate of a private prekindergarten provider or public school fails below the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6), the early learning coalition or school district, as applicable, shall require the provider or school to submit an improvement plan for approval by the coalition or school district, as applicable, and to implement the plan.

2. If a private prekindergarten provider or public school fails to meet the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6) for 2 consecutive years, the early learning coalition or school district, as applicable, shall place the provider or school on probation and must require the provider or school to take certain corrective actions, including the use of a curriculum approved by the department under paragraph (2)(c) or a staff development plan to strengthen instruction in language development and phonological awareness approved by the department.

3. A private prekindergarten provider or public school that
is placed on probation must continue the corrective actions required under subparagraph 2., including the use of a curriculum or a staff development plan to strengthen instruction in language development and phonological awareness approved by the department, until the provider or school meets the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6).

4. If a private prekindergarten provider or public school remains on probation for 2 consecutive years and fails to meet the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6) and is not granted a good cause exemption by the department pursuant to s. 1002.69(7), the department Agency for Workforce Innovation shall require the early learning coalition or the Department of Education shall require the school district to remove, as applicable, the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program.

(d) Each early learning coalition, the Agency for Workforce Innovation, and the department shall coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize interagency duplication of activities for monitoring private prekindergarten providers for compliance with requirements of the Voluntary Prekindergarten Education Program under this part, the school readiness programs under s. 411.01, and the licensing of providers under ss. 402.301-402.319.

Section 358. Paragraph (f) of subsection (7) of section 1002.69, Florida Statutes, is amended to read:
1002.69 Statewide kindergarten screening; kindergarten readiness rates.–

(7)

(f) The State Board of Education shall notify the Agency for Workforce Innovation of any good cause exemption granted to a private prekindergarten provider under this subsection. If a good cause exemption is granted to a private prekindergarten provider who remains on probation for 2 consecutive years, the Agency for Workforce Innovation shall notify the early learning coalition of the good cause exemption and direct that the coalition, notwithstanding s. 1002.67(3)(c)4., not remove the provider from eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds for the program, if the provider meets all other applicable requirements of this part.

Section 359. Paragraph (c) of subsection (3), subsection (4), paragraph (b) of subsection (5), and subsections (6) and (7) of section 1002.71, Florida Statutes, are amended to read:

1002.71 Funding; financial and attendance reporting.–

(3)

(c) The initial allocation shall be based on estimated student enrollment in each coalition service area. The Agency for Workforce Innovation shall reallocate funds among the coalitions based on actual full-time equivalent student enrollment in each coalition service area.

(4) Notwithstanding s. 1002.53(3) and subsection (2):

(a) A child who, for any of the prekindergarten programs listed in s. 1002.53(3), has not completed more than 70 percent of the hours authorized to be reported for funding under
subsection (2), or has not expended more than 70 percent of the
funds authorized for the child under s. 1002.66, may withdraw
from the program for good cause and reenroll in one of the
programs. The total funding for a child who reenrolls in one of
the programs for good cause may not exceed one full-time
equivalent student. Funding for a child who withdraws and
reenrolls in one of the programs for good cause shall be issued
in accordance with the department’s agency’s uniform attendance
policy adopted pursuant to paragraph (6)(d).

(b) A child who has not substantially completed any of the
prekindergarten programs listed in s. 1002.53(3) may withdraw
from the program due to an extreme hardship that is beyond the
child’s or parent’s control, reenroll in one of the summer
programs, and be reported for funding purposes as a full-time
equivalent student in the summer program for which the child is
reenrolled.

A child may reenroll only once in a prekindergarten program
under this section. A child who reenrolls in a prekindergarten
program under this subsection may not subsequently withdraw from
the program and reenroll. The department Agency for Workforce
Innovation shall establish criteria specifying whether a good
cause exists for a child to withdraw from a program under
paragraph (a), whether a child has substantially completed a
program under paragraph (b), and whether an extreme hardship
exists which is beyond the child’s or parent’s control under
paragraph (b).

(5)

(b) The department Agency for Workforce Innovation shall
adopt procedures for the payment of private prekindergarten
providers and public schools delivering the Voluntary Prekindergarten Education Program. The procedures shall provide for the advance payment of providers and schools based upon student enrollment in the program, the certification of student attendance, and the reconciliation of advance payments in accordance with the uniform attendance policy adopted under paragraph (6)(d). The procedures shall provide for the monthly distribution of funds by the department Agency for Workforce Innovation to the early learning coalitions for payment by the coalitions to private prekindergarten providers and public schools. The department shall transfer to the Agency for Workforce Innovation at least once each quarter the funds available for payment to private prekindergarten providers and public schools in accordance with this paragraph from the funds appropriated for that purpose.

(6)(a) Each parent enrolling his or her child in the Voluntary Prekindergarten Education Program must agree to comply with the attendance policy of the private prekindergarten provider or district school board, as applicable. Upon enrollment of the child, the private prekindergarten provider or public school, as applicable, must provide the child’s parent with a copy of the provider’s or school district’s attendance policy, as applicable.

(b)1. Each private prekindergarten provider’s and district school board’s attendance policy must require the parent of each student in the Voluntary Prekindergarten Education Program to verify, each month, the student’s attendance on the prior month’s certified student attendance.
2. The parent must submit the verification of the student’s attendance to the private prekindergarten provider or public school on forms prescribed by the Department of Education. The forms must include, in addition to the verification of the student’s attendance, a certification, in substantially the following form, that the parent continues to choose the private prekindergarten provider or public school in accordance with s. 1002.53 and directs that payments for the program be made to the provider or school:

VERIFICATION OF STUDENT’S ATTENDANCE
AND CERTIFICATION OF PARENTAL CHOICE

I, ...(Name of Parent)...., swear (or affirm) that my child, ...(Name of Student)...., attended the Voluntary Prekindergarten Education Program on the days listed above and certify that I continue to choose ...(Name of Provider or School).... to deliver the program for my child and direct that program funds be paid to the provider or school for my child.

...(Signature of Parent)...
...(Date)...

3. The private prekindergarten provider or public school must keep each original signed form for at least 2 years. Each private prekindergarten provider must permit the early learning coalition, and each public school must permit the school district, to inspect the original signed forms during normal business hours. The Department of Education shall adopt procedures for early learning coalitions and school districts to inspect the original signed forms.
districts to review the original signed forms against the
certified student attendance. The review procedures shall
provide for the use of selective inspection techniques,
including, but not limited to, random sampling. Each early
learning coalition and the school districts must comply with the
review procedures.

(c) A private prekindergarten provider or school district,
as applicable, may dismiss a student who does not comply with
the provider’s or district’s attendance policy. A student
dismissed under this paragraph is not removed from the Voluntary
Prekindergarten Education Program and may continue in the
program through reenrollment with another private
prekindergarten provider or public school. Notwithstanding s.
1002.53(6)(b), a school district is not required to provide for
the admission of a student dismissed under this paragraph.

(d) The department Agency for Workforce Innovation shall
adopt, for funding purposes, a uniform attendance policy for the
Voluntary Prekindergarten Education Program. The attendance
policy must apply statewide and apply equally to all private
prekindergarten providers and public schools. The attendance
policy must include at least the following provisions:

1. Beginning with the 2009-2010 fiscal year for school-year
programs, a student’s attendance may be reported on a pro rata
basis as a fractional part of a full-time equivalent student.

2. At a maximum, 20 percent of the total payment made on
behalf of a student to a private prekindergarten provider or a
public school may be for hours a student is absent.

3. A private prekindergarten provider or public school may
not receive payment for absences that occur before a student’s
first day of attendance or after a student’s last day of
attendance.

The uniform attendance policy shall be used only for funding
purposes and does not prohibit a private prekindergarten
provider or public school from adopting and enforcing its
attendance policy under paragraphs (a) and (c).

(7) The department Agency for Workforce Innovation shall
require that administrative expenditures be kept to the minimum
necessary for efficient and effective administration of the
Voluntary Prekindergarten Education Program. Administrative
policies and procedures shall be revised, to the maximum extent
practicable, to incorporate the use of automation and electronic
submission of forms, including those required for child
eligibility and enrollment, provider and class registration, and
monthly certification of attendance for payment. A school
district may use its automated daily attendance reporting system
for the purpose of transmitting attendance records to the early
learning coalition in a mutually agreed-upon format. In
addition, actions shall be taken to reduce paperwork, eliminate
the duplication of reports, and eliminate other duplicative
activities. Beginning with the 2010-2011 fiscal year, each early
learning coalition may retain and expend no more than 4.5
percent of the funds paid by the coalition to private
prekindergarten providers and public schools under paragraph
(5)(b). Funds retained by an early learning coalition under this
subsection may be used only for administering the Voluntary
Prekindergarten Education Program and may not be used for the
school readiness program or other programs.
Section 360. Subsection (1) of section 1002.72, Florida Statutes, is amended to read:

1002.72 Records of children in the Voluntary Prekindergarten Education Program.—

(1)(a) The records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the department Agency for Workforce Innovation, or a Voluntary Prekindergarten Education Program provider are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this section, such records include assessment data, health data, records of teacher observations, and personal identifying information of an enrolled child and his or her parent.

(b) This exemption applies to the records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the department Agency for Workforce Innovation, or a Voluntary Prekindergarten Education Program provider before, on, or after the effective date of this exemption.

Section 361. Subsections (1) and (5) of section 1002.77, Florida Statutes, are amended to read:

1002.77 Florida Early Learning Advisory Council.—

(1) There is created the Florida Early Learning Advisory Council within the department Agency for Workforce Innovation. The purpose of the advisory council is to submit recommendations to the department and the Agency for Workforce Innovation on the early learning policy of this state, including recommendations relating to administration of the Voluntary Prekindergarten Education Program under this part and the school readiness
programs under s. 411.01.

(5) The department Agency for Workforce Innovation shall provide staff and administrative support for the advisory council.

Section 362. Section 1002.79, Florida Statutes, is amended to read:

1002.79 Rulemaking authority.—
(1) The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of this part conferring duties upon the department.
(2) The Agency for Workforce Innovation shall adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of this part conferring duties upon the agency.

Section 363. Subsections (2) and (3), paragraph (c) of subsection (4), and subsection (5) of section 1003.491, Florida Statutes, are amended to read:

1003.491 Florida Career and Professional Education Act.—The Florida Career and Professional Education Act is created to provide a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.

(2) Beginning with the 2007-2008 school year, Each district school board shall develop, in collaboration with local workforce boards and postsecondary institutions approved to operate in the state, a strategic 5-year plan to address and meet local and regional workforce demands. If involvement of the local workforce board in the strategic plan development is not feasible, the local school board, with the approval of Jobs
Florida the Agency for Workforce Innovation, shall collaborate with the most appropriate local business leadership board. Two or more school districts may collaborate in the development of the strategic plan and offer a career and professional academy as a joint venture. Such plans must describe in detail provisions for efficient transportation of students, maximum use of shared resources, and access to courses through the Florida Virtual School when appropriate. Each strategic plan shall be completed no later than June 30, 2008, and shall include provisions to have in place at least one operational career and professional academy, pursuant to s. 1003.492, no later than the beginning of the 2008-2009 school year.

(3) The strategic 5-year plan developed jointly between the local school district, local workforce boards, and state-approved postsecondary institutions shall be constructed and based on:

(a) Research conducted to objectively determine local and regional workforce needs for the ensuing 5 years, using labor projections of the United States Department of Labor and Jobs Florida the Agency for Workforce Innovation;

(b) Strategies to develop and implement career academies based on those careers determined to be in high demand;

(c) Maximum use of private sector facilities and personnel;

(d) Strategies that ensure instruction by industry-certified faculty and standards and strategies to maintain current industry credentials and for recruiting and retaining faculty to meet those standards;

(e) Alignment to requirements for middle school career exploration and high school redesign;
(f) Provisions to ensure that courses offered through career and professional academies are academically rigorous, meet or exceed appropriate state-adopted subject area standards, result in attainment of industry certification, and, when appropriate, result in postsecondary credit;

(g) Establishment of student eligibility criteria in career and professional academies which include opportunities for students who have been unsuccessful in traditional classrooms but who show aptitude to participate in academies. School boards shall address the analysis of eighth grade student achievement data to provide opportunities for students who may be deemed as potential dropouts to participate in career and professional academies;

(h) Strategies to provide sufficient space within academies to meet workforce needs and to provide access to all interested and qualified students;

(i) Strategies to engage Department of Juvenile Justice students in career and professional academy training that leads to industry certification;

(j) Opportunities for high school students to earn weighted or dual enrollment credit for higher-level career and technical courses;

(k) Promotion of the benefits of the Gold Seal Bright Futures Scholarship;

(l) Strategies to ensure the review of district pupil-progression plans and to amend such plans to include career and professional courses and to include courses that may qualify as substitute courses for core graduation requirements and those that may be counted as elective courses; and
(m) Strategies to provide professional development for secondary guidance counselors on the benefits of career and professional academies.

(4) The State Board of Education shall establish a process for the continual and uninterrupted review of newly proposed core secondary courses and existing courses requested to be considered as core courses to ensure that sufficient rigor and relevance is provided for workforce skills and postsecondary education and aligned to state curriculum standards. The review of newly proposed core secondary courses shall be the responsibility of a curriculum review committee whose membership is approved by the Workforce Florida Board as described in s. 445.004, and shall include:

(c) Three workforce representatives recommended by Jobs Florida the Agency for Workforce Innovation.

(5) The submission and review of newly proposed core courses shall be conducted electronically, and each proposed core course shall be approved or denied within 60 days. All courses approved as core courses for high school graduation purposes shall be immediately added to the Course Code Directory. Approved core courses shall also be reviewed and considered for approval for dual enrollment credit. The Board of Governors and the Commissioner of Education shall jointly recommend an annual deadline for approval of new core courses to be included for purposes of postsecondary admissions and dual enrollment credit the following academic year. The State Board of Education shall establish an appeals process in the event that a proposed course is denied which shall require a consensus ruling by Jobs Florida the Agency for Workforce Innovation and
the Commissioner of Education within 15 days. The curriculum review committee must be established and operational no later than September 1, 2007.

Section 364. Subsections (2) and (3) of section 1003.492, Florida Statutes, are amended to read:

(2) The State Board of Education shall use the expertise of Workforce Florida, Inc., and Enterprise Florida, Inc., to develop and adopt rules pursuant to ss. 120.536(1) and 120.54 for implementing an industry certification process. Industry certification shall be defined by Jobs Florida the Agency for Workforce Innovation, based upon the highest available national standards for specific industry certification, to ensure student skill proficiency and to address emerging labor market and industry trends. A regional workforce board or a career and professional academy may apply to Workforce Florida, Inc., to request additions to the approved list of industry certifications based on high-demand job requirements in the regional economy. The list of industry certifications approved by Workforce Florida, Inc., and the Department of Education shall be published and updated annually by a date certain, to be included in the adopted rule.

(3) The Department of Education shall collect student achievement and performance data in industry-certified career education programs and shall work with Workforce Florida, Inc., and Enterprise Florida, Inc., in the analysis of collected data. The data collection and analyses shall examine the performance of participating students over time. Performance factors shall include, but not be limited to, graduation rates, retention
rates, Florida Bright Futures Scholarship awards, additional educational attainment, employment records, earnings, industry certification, and employer satisfaction. The results of this study shall be submitted to the President of the Senate and the Speaker of the House of Representatives annually by December 31.

Section 365. Paragraphs (f) and (k) of subsection (4) of section 1003.493, Florida Statutes, are amended to read:

1003.493 Career and professional academies.—

(4) Each career and professional academy must:

(f) Provide instruction in careers designated as high growth, high demand, and high pay by the local workforce development board, the chamber of commerce, or Jobs Florida the Agency for Workforce Innovation.

(k) Include an evaluation plan developed jointly with the Department of Education and the local workforce board. The evaluation plan must include an assessment tool based on national industry standards, such as the Career Academy National Standards of Practice, and outcome measures, including, but not limited to, achievement of national industry certifications identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education, graduation rates, enrollment in postsecondary education, business and industry satisfaction, employment and earnings, awards of postsecondary credit and scholarships, and student achievement levels and learning gains on statewide assessments administered under s. 1008.22(3)(c). The Department of Education shall use Workforce Florida, Inc., and Enterprise Florida, Inc., in identifying industry experts to participate in developing and implementing such assessments.
Section 366. Subsection (3) of section 1003.575, Florida Statutes, is amended to read:

1003.575 Assistive technology devices; findings; interagency agreements.—Accessibility, utilization, and coordination of appropriate assistive technology devices and services are essential as a young person with disabilities moves from early intervention to preschool, from preschool to school, from one school to another, and from school to employment or independent living. To ensure that an assistive technology device issued to a young person as part of his or her individualized family support plan, individual support plan, or an individual education plan remains with the individual through such transitions, the following agencies shall enter into interagency agreements, as appropriate, to ensure the transaction of assistive technology devices:

(3) The Voluntary Prekindergarten Education Program administered by the Department of Education and the Agency for Workforce Innovation.

Interagency agreements entered into pursuant to this section shall provide a framework for ensuring that young persons with disabilities and their families, educators, and employers are informed about the utilization and coordination of assistive technology devices and services that may assist in meeting transition needs, and shall establish a mechanism by which a young person or his or her parent may request that an assistive technology device remain with the young person as he or she moves through the continuum from home to school to postschool.

Section 367. Subsection (4) of section 1003.4285, Florida
Statutes, is amended to read:

1003.4285 Standard high school diploma designations.—Each standard high school diploma shall include, as applicable:

(4) A designation reflecting a Florida Ready to Work Credential in accordance with s. 445.06 ss. 1004.99.

Section 368. Paragraph (j) of subsection (4) of section 1003.493, Florida Statutes, is amended to read:

1003.493 Career and professional academies.—

(4) Each career and professional academy must:

(j) Provide opportunities for students to obtain the Florida Ready to Work Certification pursuant to s. 445.06 ss. 1004.99.

Section 369. Paragraphs (a), (e), and (f) of subsection (4) and paragraph (c) of subsection (5) of section 1004.226, Florida Statutes, are amended to read:

1004.226 The 21st Century Technology, Research, and Scholarship Enhancement Act.—

(4) FLORIDA TECHNOLOGY, RESEARCH, AND SCHOLARSHIP BOARD.—

The Florida Technology, Research, and Scholarship Board is created within the Board of Governors of the State University System to guide the establishment of Centers of Excellence, the attraction of world class scholars, and the commercialization of products and services developed from the research and development conducted at state universities.

(a) The board shall consist of 11 members. Five members shall be appointed by the Governor, one of whom the Governor shall appoint as chair of the board, one of whom must be a member of the board of directors of the Jobs Florida Partnership Enterprise Florida, Inc., and one of whom must be a member of
the Board of Governors of the State University System. Three
members shall be appointed by the President of the Senate, and
three members shall be appointed by the Speaker of the House of
Representatives. Appointed members must be representative of
business leaders, industrial researchers, academic researchers,
scientists, and leaders in the emerging and advanced technology
sector. Appointed members may not serve for more than 4 years,
and any vacancy that occurs during these appointees’ terms shall
be filled in the same manner as the original appointment. A
majority of members constitutes a quorum.

(e) The board shall recommend to the Board of Governors the
qualifications, standards, and requirements for approval of
investments in Centers of Excellence under this act. The board
may form committees of its members and is encouraged to consult
with the Jobs Florida Partnership Enterprise Florida, Inc., the
Florida Research Consortium, Bio-Florida, IT Florida, the
Florida Aviation Aerospace Alliance, and any other entity whose
input may be helpful in determining the requirements and
standards for the program.

(f) The board shall review and approve State University
Research Commercialization Assistance Grants under subsection
(7). The board is encouraged to consult with the Jobs Florida
Partnership Enterprise Florida, Inc.; entities with prior
experience in early stage business investment; and any other
entity whose input may be helpful in evaluating grant proposals.

(5) THE 21ST CENTURY WORLD CLASS SCHOLARS PROGRAM.—
(c) The board, in consultation with senior administrators
of state universities, state university foundation directors,
Jobs Florida the Office of Tourism, Trade, and Economic

CODING: Words strucken are deletions; words underlined are additions.
Development, the board of directors of the Jobs Florida Partnership Enterprise Florida, Inc., and leading members of private industry, shall develop and recommend to the Board of Governors criteria for the 21st Century World Class Scholars Program. Such criteria shall address, at a minimum, the following:

1. The presence of distinguished faculty members, including whether the university has a substantial history of external funding, along with the strong potential for attracting a scholar of national or international eminence.

2. The presence of academically outstanding students, along with the promise and potential for attracting additional highly qualified students.

3. The presence of adequate research and scholarly support services.

4. The existence of an academic environment having appropriate infrastructure, including buildings, classrooms, libraries, laboratories, and specialized equipment, that is conducive to the conduct of the highest quality of scholarship and research.

5. The demonstration of concordance with Florida’s strategic plan for economic development or an emphasis on one or more emerging sciences or technologies that could favorably impact the state’s economic future.

Section 370. Paragraph (d) of subsection (5) of section 1004.65, Florida Statutes, is amended to read:

(5) The primary mission and responsibility of Florida colleges; governance, mission, and responsibilities.—
colleges is responding to community needs for postsecondary academic education and career degree education. This mission and responsibility includes being responsible for:

(d) Promoting economic development for the state within each Florida college district through the provision of special programs, including, but not limited to, the:

1. Programs relating to the Jobs Florida Partnership, Inc Enterprise Florida-related programs.
2. Technology transfer centers.
3. Economic development centers.
4. Workforce literacy programs.

Section 371. Subsection (5) of section 1004.77, Florida Statutes, is amended to read:

1004.77 Centers of technology innovation.—

(5) The State Board of Education shall give priority in the designation of centers to those community colleges that specialize in technology in environmental areas and in areas related to target industries of the Jobs Florida Partnership Enterprise Florida, Inc. Priority in designation shall also be given to community colleges that develop new and improved manufacturing techniques and related business practices.

Section 372. Paragraph (b) of subsection (10) of section 1004.78, Florida Statutes, is amended to read:

1004.78 Technology transfer centers at community colleges.—

(10) The State Board of Education may award grants to community colleges, or consortia of public and private colleges and universities and other public and private entities, for the purpose of supporting the objectives of this section. Grants awarded pursuant to this subsection shall be in accordance with
rules of the State Board of Education. Such rules shall include
the following provisions:

(b) Grants to centers funded with state revenues
appropriated specifically for technology transfer activities
shall be reviewed and approved by the State Board of Education
using proposal solicitation, evaluation, and selection
procedures established by the state board in consultation with
the Jobs Florida Partnership Enterprise Florida, Inc. Such
procedures may include designation of specific areas or
applications of technology as priorities for the receipt of
funding.

Section 373. Subsection (3) of section 1008.39, Florida
Statutes, is amended to read:

1008.39 Florida Education and Training Placement
Information Program.—

(3) The Florida Education and Training Placement
Information Program must not make public any information that
could identify an individual or the individual’s employer. The
Department of Education must ensure that the purpose of
obtaining placement information is to evaluate and improve
public programs or to conduct research for the purpose of
improving services to the individuals whose social security
numbers are used to identify their placement. If an agreement
assures that this purpose will be served and that privacy will
be protected, the Department of Education shall have access to
the unemployment insurance wage reports maintained by Jobs
Florida the Agency for Workforce Innovation, the files of the
Department of Children and Family Services that contain
information about the distribution of public assistance, the
files of the Department of Corrections that contain records of incarcerations, and the files of the Department of Business and Professional Regulation that contain the results of licensure examination.

Section 374. Subsection (3) of section 1008.41, Florida Statutes, is amended to read:

1008.41 Workforce education; management information system.—

(3) Planning and evaluation of job-preparatory programs shall be based on standard sources of data and use standard occupational definitions and coding structures, including, but not limited to:

(a) The Florida Occupational Information System;
(b) The Florida Education and Training Placement Information Program;
(c) Jobs Florida The Agency for Workforce Innovation;
(d) The United States Department of Labor; and
(e) Other sources of data developed using statistically valid procedures.

Section 375. Subsections (2), (3), (4), (5), and (6) of section 1011.76, Florida Statutes, are amended to read:

1011.76 Small School District Stabilization Program.—

(2) In order to participate in this program, a school district must be located in a rural area of critical economic concern designated by the Executive Office of the Governor, and the district school board must submit a resolution to Jobs Florida the Office of Tourism, Trade, and Economic Development requesting participation in the program. A rural area of critical economic concern must be a rural community, or a region...
composed of such, that has been adversely affected by an extraordinary economic event or a natural disaster or that presents a unique economic development concern or opportunity of regional impact. The resolution must be accompanied with documentation of the economic conditions in the community, provide information indicating the negative impact of these conditions on the school district’s financial stability, and the school district must participate in a best financial management practices review to determine potential efficiencies that could be implemented to reduce program costs in the district.

(3) **Jobs Florida** The Office of Tourism, Trade, and Economic Development, in consultation with the Department of Education, shall review the resolution and other information required by subsection (2) and determine whether the school district is eligible to participate in the program. Factors influencing the office’s determination may include, but are not limited to, reductions in the county tax roll resulting from business closures or other causes, or a reduction in student enrollment due to business closures or impacts in the local economy.

(4) Effective July 1, 2000, and thereafter, When **Jobs Florida** the Office of Tourism, Trade, and Economic Development authorizes a school district to participate in the program, the Legislature may give priority to that district for a best financial management practices review in the school district, subject to approval pursuant to s. 1008.35(7), to the extent that funding is provided annually for such purpose in the General Appropriations Act. The scope of the review shall be as set forth in s. 1008.35.

(5) Effective July 1, 2000, and thereafter, The Department
of Education may award the school district a stabilization grant intended to protect the district from continued financial reductions. The amount of the grant will be determined by the Department of Education and may be equivalent to the amount of the decline in revenues projected for the next fiscal year. In addition, Jobs Florida the Office of Tourism, Trade, and Economic Development may implement a rural economic development initiative to identify the economic factors that are negatively impacting the community and may consult with the Jobs Florida Partnership, Inc. Enterprise Florida, Inc., in developing a plan to assist the county with its economic transition. The grant will be available to the school district for a period of up to 5 years to the extent that funding is provided for such purpose in the General Appropriations Act.

(6) Based on the availability of funds, Jobs Florida the Office of Tourism, Trade, and Economic Development or the Department of Education may enter into contracts or issue grants necessary to implement the program.

Section 376. Section 1012.2251, Florida Statutes, is amended to read:

1012.2251 End-of-course examinations for Merit Award Program. Beginning with the 2007-2008 school year, School districts that participate in the Merit Award Program under s. 1012.225 must be able to administer end-of-course examinations based on the Sunshine State Standards in order to measure a student’s understanding and mastery of the entire course in all grade groupings and subjects for any year in which the districts participate in the program. The statewide standardized assessment, College Board Advanced Placement Examination,
International Baccalaureate examination, Advanced International Certificate of Education examination, or examinations resulting in national or state industry certification recognized by Jobs Florida the Agency for Workforce Innovation satisfy the requirements of this section for the respective grade groupings and subjects assessed by these examinations and assessments.

Section 377. Section 20.505, Florida Statutes, is transferred, renumbered as section 20.605, Florida Statutes, and amended to read:

20.605 20.505 Administrative Trust Fund of Jobs Florida the Agency for Workforce Innovation.—

(1) The Administrative Trust Fund is created within Jobs Florida the Agency for Workforce Innovation.

(2) Funds shall be used for the purpose of supporting the administrative functions of Jobs Florida the agency as required by law, pursuant to legislative appropriation or an approved amendment to Jobs Florida the agency’s operating budget pursuant to the provisions of chapter 216.

(3) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

Section 378. Section 1004.99, Florida Statutes, is transferred, renumbered as section 445.06, Florida Statutes, and amended to read:

445.06 1004.99 Florida Ready to Work Certification Program.—

(1) There is created the Florida Ready to Work
Certification Program to enhance the workplace skills of Floridians to better prepare them for successful employment in specific occupations.

(2) The Florida Ready to Work Certification Program may be conducted in public middle and high schools, community colleges, technical centers, one-stop career centers, vocational rehabilitation centers, and Department of Juvenile Justice educational facilities. The program may be made available to other entities that provide job training. Jobs Florida, in coordination with the Department of Education, shall establish institutional readiness criteria for program implementation.

(3) The Florida Ready to Work Certification Program shall be composed of:

(a) A comprehensive identification of workplace skills for each occupation identified for inclusion in the program by Jobs Florida the Agency for Workforce Innovation and the Department of Education.

(b) A preinstructional assessment that delineates an individual’s mastery level on the specific workplace skills identified for that occupation.

(c) A targeted instructional program limited to those identified workplace skills in which the individual student is not proficient as measured by the preinstructional assessment. Instruction must utilize a web-based program and be customized to meet identified specific needs of local employers.

(d) A Florida Ready to Work Credential and portfolio awarded to individuals upon successful completion of the instruction. Each portfolio must delineate the skills demonstrated by the individual as evidence of the
A Florida Ready to Work Credential shall be awarded to an individual who successfully passes assessments in Reading for Information, Applied Mathematics, and Locating Information or any other assessments of comparable rigor. Each assessment shall be scored on a scale of 3 to 7. The level of the credential each individual receives is based on the following:

(a) A bronze-level credential requires a minimum score of 3 or above on each of the assessments.

(b) A silver-level credential requires a minimum score of 4 or above on each of the assessments.

(c) A gold-level credential requires a minimum score of 5 or above on each of the assessments.

(5) The State Board of Education, in consultation with the Department of Education Agency for Workforce Innovation, may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

Section 379. Section 14.2015, Florida Statutes, is repealed.

Section 380. Section 20.18, Florida Statutes, is repealed.

Section 381. Section 20.50, Florida Statutes, is repealed.

Section 382. Sections 255.551, 255.552, 255.553, 255.5535, 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559, 255.56, 255.561, 255.562, and 255.563, Florida Statutes, are repealed.

Section 383. Section 287.115, Florida Statutes, is repealed.

Section 384. Section 288.038, Florida Statutes, is repealed.
Section 385. Section 288.063, Florida Statutes, is repealed.

Section 386. Sections 288.1221, 288.1222, 288.1223, 288.1224, 288.1226, and 288.1227, Florida Statutes, are repealed.

Section 387. Sections 288.7065, 288.707, 288.708, 288.709, 288.7091, and 288.712, Florida Statutes, are repealed.

Section 388. Section 288.12295, Florida Statutes, is repealed.

Section 389. Section 288.90151, Florida Statutes, is repealed.

Section 390. Section 288.9415, Florida Statutes, is repealed.

Section 391. Section 288.9618, Florida Statutes, is repealed.

Section 392. Section 288.982, Florida Statutes, is repealed.

Section 393. Section 411.0105, Florida Statutes, is repealed.

Section 394. Section 446.60, Florida Statutes, is repealed.

Section 395. Section 1002.75, Florida Statutes, is repealed.

Section 396. This act shall take effect July 1, 2011.