20112156e2

A bill to be entitled

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

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

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

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

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

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

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

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

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

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

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291 zones; creating s. 290.00726, F.S.; authorizing Martin
292 County to apply to Jobs Florida for designation of an
293 enterprise zone; providing application requirements;
294 authorizing Jobs Florida to designate an enterprise
295 zone in Martin County; providing responsibilities of
296 Jobs Florida; amending s. 409.942, F.S.; deleting
297 requirements that Workforce Florida, Inc., establish
298 an electronic transfer benefit program; amending s.
299 411.0102, F.S.; requiring each participating early
300 learning coalition board to develop a plan for the use
301 of child care purchasing pool funds; amending s.
302 1002.73, F.S.; requiring the Department of Education
303 to administer the operational requirements of the
304 Voluntary Prekindergarten Education Program; requiring
305 the Department of Education to adopt procedures
306 governing the administration of the Voluntary
307 Prekindergarten Education Program by the early
308 learning coalitions and school districts; requiring
309 the Department of Education to adopt procedures for
310 the distribution of funds to early learning
311 coalitions; amending ss. 11.45, 14.20195, 15.18,
312 15.182, 16.615, 39.001, 45.031, 69.041, 112.3135,
313 119.071, 120.80, 125.01045, 159.803, 159.8081,
314 159.8083, 161.54, 163.03, 163.3178, 163.3221, 163.360,
315 166.0446, 175.021, 186.504, 186.505, 202.037, 212.08,
316 212.096, 212.097, 212.098, 212.20, 213.053, 215.5586,
317 216.136, 216.292, 216.231, 218.64, 220.03, 220.183,
318 220.191, 222.15, 250.06, 252.32, 252.34, 252.35,
319 252.355, 252.3568, 252.36, 252.365, 252.37, 252.371,

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

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349 411.0104, 411.0106, 411.011, 411.226, 411.227, 414.24,
350 414.40, 414.295, 414.411, 420.631, 420.635, 429.907,
351 440.12, 440.15, 440.381, 440.385, 440.49, 443.012,
352 443.036, 443.041, 443.051, 443.071, 443.091, 443.101,
353 443.1113, 443.1115, 443.1116, 443.1215, 443.1216,
354 443.1217, 443.131, 443.1312, 443.1313, 443.1315,
355 443.1316, 443.1317, 443.141, 443.151, 443.163,
356 443.171, 443.1715, 443.181, 443.191, 443.211, 443.221,
357 445.002, 445.003, 445.004, 445.006, 445.007, 445.009,
358 445.016, 445.024, 445.0325, 445.038, 445.045, 445.048,
359 445.049, 445.051, 445.056, 446.41, 446.44, 446.50,
360 446.52, 448.109, 448.110, 450.161, 450.191, 450.31,
361 464.203, 468.529, 469.002, 469.003, 489.1455,
362 489.5335, 526.143, 526.144, 551.104, 553.62, 570.248,
363 570.96, 597.006, 624.5105, 625.3255, 627.0628,
364 657.042, 658.67, 768.13, 943.03, 943.03101, 943.0311,
365 943.0312, 943.0313, 944.012, 944.708, 944.801, 945.10,
366 985.601, 1002.375, 1002.53, 1002.55, 1002.61, 1002.63,
367 1002.67, 1002.69, 1002.71, 1002.72, 1002.77, 1002.79,
368 1003.491, 1003.492, 1003.493, 1003.575, 1003.4285,
369 1003.493, 1004.226, 1004.65, 1004.77, 1004.78,
370 1008.39, 1008.41, 1011.76, and 1012.2251, F.S.;
371 conforming provisions to changes made by the act;
372 conforming cross-references; deleting obsolete
373 provisions; amending s. 411.01(4), F.S., to ensure the
374 Department of Education provides preservation of
375 parental choice; amending s. 1002.67, F.S., to provide
376 for private prekindergarten providers or public
377 schools that are on probation to use a staff

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378 development plan to strengthen instruction in language
379 development and phonological awareness approved by the
380 department; transferring, renumbering, and amending
381 ss. 20.505 and 1004.99, F.S.; conforming provisions to
382 changes made by the act; repealing s. 14.2015, F.S.,
383 which relates to the creation of the Office of
384 Tourism, Trade, and Economic Development; repealing s.
385 20.18, F.S., which relates to the creation of the
386 Department of Community Affairs; repealing s. 20.50,
387 F.S., which relates to the creation of the Agency for
388 Workforce Innovation; repealing ss. 255.551, 255.552,
389 255.553, 255.5535, 255.555, 255.556, 255.557,
390 255.5576, 255.558, 255.559, 255.56, 255.561, 255.562,
391 and 255.563, F.S., which relates to the abatement of
392 asbestos in state buildings; repealing s. 287.115,
393 F.S., which relates to a requirement for the Chief
394 Financial Officer to submit a report on contractual
395 service contracts disallowed; repealing s. 288.038,
396 F.S., which relates to agreements appointing county
397 tax collectors as an agent of the Department of Labor
398 and Employment Security for licenses and other similar
399 registrations; repealing s. 288.063, F.S., which
400 relates to contracts for transportation projects with
401 the Office of Tourism, Trade, and Economic
402 Development; repealing ss. 288.1221, 288.1222,
403 288.1223, 288.1224, 288.1226, and 288.1227, F.S.,
404 which relate to the Florida Commission on Tourism and
405 the Florida Tourism Industry Marketing Corporation;
406 repealing ss. 288.7065, 288.707, 288.708, 288.709,

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407 288.7091, and 288.712, F.S., which relate to the Black
408 Business Investment Board; repealing s. 288.12295,
409 F.S., which relates to a public records exemption for
410 donors for a direct support organization on promotion
411 and development of sports-related industries and
412 amateur athletics; repealing s. 288.90151, F.S., which
413 relates to return on investment from activities of
414 Enterprise Florida, Inc.; repealing s. 288.9415, F.S.,
415 which relates to Enterprise Florida, Inc., and
416 international trade grants; repealing s. 288.9618,
417 F.S., which relates to an economic development program
418 for microenterprises; repealing s. 288.982, F.S.,
419 which relates to a public records exemption for
420 certain records relating to the United States
421 Department of Defense Base Realignment and Closure
422 2005 process; repealing s. 411.0105, F.S., which
423 designates the Agency for Workforce Innovation as the
424 lead agency to administer specified federal laws;
425 amending s. 443.111, F.S.; providing that unemployment
426 benefits are payable electronically, except that an
427 individual being paid by paper warrant on a specified
428 date may continue to be paid in that manner until the
429 expiration of a claim for unemployment compensation;
430 conforming provisions to changes made by the act;
431 repealing s. 446.60, F.S., which relates to assistance
432 for displaced local exchange telecommunications
433 company workers; repealing s. 1002.75, F.S., relating
434 to the powers and duties of the Agency for Workforce
435 Innovation; providing an effective date.

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436

437 Be It Enacted by the Legislature of the State of Florida:

438

439 Section 1. Type two transfers from the Agency for Workforce
440 Innovation.—
441 (1) All powers, duties, functions, records, offices,
442 personnel, associated administrative support positions,
443 property, pending issues, existing contracts, administrative
444 authority, administrative rules, and unexpended balances of
445 appropriations, allocations, and other funds relating to the
446 following programs in the Agency for Workforce Innovation are
447 transferred by a type two transfer, as defined in s. 20.06(2),
448 Florida Statutes, as follows:
449 (a) The Office of Early Learning Services, including all
450 related policies and procedures, is transferred to the
451 Department of Education.
452 (b) The Office of Unemployment Compensation is transferred
453 to Jobs Florida.
454 (c) The Office of Workforce Services is transferred to Jobs
455 Florida.
456 (2) The following trust funds are transferred:
457 (a) From the Agency for Workforce Innovation to the
458 Department of Education, the Child Care and Development Block
459 Grant Trust Fund.
460 (b) From the Agency for Workforce Innovation to Jobs
461 Florida:
462 1. The Administrative Trust Fund.
463 2. The Employment Security Administration Trust Fund.
464 3. The Special Employment Security Administration Trust

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465 Fund.
466 4. The Unemployment Compensation Benefit Trust Fund.
467 5. The Unemployment Compensation Clearing Trust Fund.
468 6. The Revolving Trust Fund.
469 7. The Welfare Transition 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

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494 following programs in the Department of Community Affairs are
495 transferred by a type two transfer, as defined in s. 20.06(2),
496 Florida Statutes, as follows:
497 (a) The Florida Housing Finance Corporation is transferred
498 to Jobs Florida.
499 (b) The Division of Housing and Community Development is
500 transferred to Jobs Florida.
501 (c) The Division of Community Planning is transferred to
502 Jobs Florida.
503 (d) The Division of Emergency Management is transferred to
504 the Executive Office of the Governor, and is renamed the Office
505 of Emergency Management.
506 (e) The Florida Building Commission is transferred to the
507 Department of Business and Professional Regulation.
508 (f) The responsibilities under the Florida Communities
509 Trust, part III of chapter 380, Florida Statutes, are
510 transferred to the Department of Environmental Protection.
511 (g) The responsibilities under the Stan Mayfield Working
512 Waterfronts program authorized in s. 380.5105, Florida Statutes,
513 are transferred to the Department of Environmental Protection.
514 (2) The following trust funds are transferred:
515 (a) From the Department of Community Affairs to Jobs
516 Florida:
517 1. The Administrative Trust Fund.
518 2. The State Housing Trust Fund.
519 3. The Community Services Block Grant Trust Fund.
520 4. The Local Government Housing Trust Fund.
521 5. The Florida Small Cities Community Development Block
522 Grant Trust Fund.

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523 6. The Federal Grants Trust Fund.
524 7. The Grants and Donations Trust Fund.
525 8. The Energy Consumption Trust Fund.
526 9. The Low-Income Home Energy Assistance Trust Fund.
527 (b) From the Department of Community Affairs to the
528 Executive Office of the Governor:
529 1. The Emergency Management Preparedness and Assistance
530 Trust Fund.
531 2. The Federal Emergency Management Programs Support Trust
532 Fund.
533 3. The U.S. Contributions Trust Fund.
534 (c) From the Department of Community Affairs to the
535 Department of Business and Professional Regulation, the
536 Operating Trust Fund of the Florida Building Commission.
537 (d) From the Department of Community Affairs to the
538 Department of Environmental Protection:
539 1. The Florida Forever Program Trust Fund.
540 2. The Florida Communities Trust Fund.
541 (3) Any binding contract or interagency agreement existing
542 before July 1, 2011, between the Department of Community Affairs
543 or Division of Emergency Management, or an entity or agent of
544 the department or division, and any other agency, entity, or
545 person shall continue as a binding contract or agreement for the
546 remainder of the term of such contract or agreement on the
547 successor department, agency, or entity responsible for the
548 program, activity, or functions relative to the contract or
549 agreement.
550 (4) All powers, duties, functions, records, offices,
551 personnel, property, pending issues, and existing contracts,

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

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581 or person shall continue as a binding contract or agreement for
582 the remainder of the term of such contract or agreement on the
583 successor department, agency, or entity responsible for the
584 program, activity, or functions relative to the contract or
585 agreement.
586 (4) All powers, duties, functions, records, offices,
587 personnel, property, pending issues, and existing contracts,
588 administrative authority, administrative rules, and unexpended
589 balances of appropriations, allocations, and other funds
590 relating to the Office of Tourism, Trade, and Economic
591 Development in the Executive Office of the Governor which are
592 not specifically transferred by this section are transferred by
593 a type two transfer, as defined in s. 20.06(2), Florida
594 Statutes, to Jobs Florida.
595 Section 4. (1) It is the intent of the Legislature that the
596 changes made by this act be accomplished with minimal disruption
597 of services provided to the public and with minimal disruption
598 to employees of any organization. To that end, the Legislature
599 directs all applicable units of state government to contribute
600 to the successful implementation of this act, and the
601 Legislature believes that a transition period between the
602 effective date of this act and October 1, 2011, is appropriate
603 and warranted.
604 (2) The Agency for Workforce Innovation, the Department of
605 Community Affairs, and the Office of Tourism, Trade, and
606 Economic Development in the Executive Office of the Governor
607 shall each coordinate the development and implementation of a
608 transition plan that supports the implementation of this act.
609 Any state agency identified by either the Agency for Workforce

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

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639 Statutes, which may be necessary to implement this act.
640 (4) Notwithstanding ss. 216.292 and 216.351, Florida
641 Statutes, upon approval by the Legislative Budget Commission,
642 the Executive Office of the Governor may transfer funds and
643 positions between agencies to implement this act.
644 (5) Upon the recommendation and guidance of the primary
645 representative of the Agency for Workforce Innovation, the
646 Department of Community Affairs, or the Office of Tourism,
647 Trade, and Economic Development, the Governor shall submit in a
648 timely manner to the applicable federal departments or agencies
649 any necessary amendments or supplemental information concerning
650 plans that the state is required to submit to the Federal
651 Government in connection with any federal or state program. The
652 Governor shall seek any waivers from the requirements of Federal
653 law or rules which may be necessary to administer the provisions
654 of this act.
655 (6) The transfer of any program, activity, duty, or
656 function under this act includes the transfer of any records and
657 unexpended balances of appropriations, allocations, or other
658 funds related to such program, activity, duty, or function.
659 Unless otherwise provided, the successor organization to any
660 program, activity, duty, or function transferred under this act
661 shall become the custodian of any property of the organization
662 that was responsible for the program, activity, duty, or
663 function immediately prior to the transfer.
664 Section 5. (1) The nonprofit corporations established in
665 ss. 288.901, 288.1229, 288.1226, and 288.707, Florida Statutes,
666 are merged into, and the independent special district
667 established in s. 331.302, Florida Statutes, is transferred to a

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

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

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726 Florida Tourism Industry Marketing Corporation d/b/a VISIT
727 Florida, the Florida Black Business Investment Board, Inc., or
728 Space Florida, the Governor shall submit in a timely manner to
729 the applicable Federal departments or agencies any necessary
730 amendments or supplemental information concerning plans which
731 the state or one of the entities is required to submit to the
732 Federal Government in connection with any federal or state
733 program. The Governor shall seek any waivers from the
734 requirements of Federal law or rules which may be necessary to
735 administer the provisions of this act.
736 (8) The transfer of any program, activity, duty, or
737 function under this act includes the transfer of any records and
738 unexpended balances of appropriations, allocations, or other
739 funds related to such program, activity, duty, or function.
740 Unless otherwise provided, the Jobs Florida Partnership, Inc.,
741 shall become the custodian of any property of Enterprise
742 Florida, Inc., the Florida Sports Foundation Incorporated, the
743 Florida Tourism Industry Marketing Corporation d/b/a VISIT
744 Florida, the Florida Black Business Investment Board, Inc., or
745 Space Florida by December 31, 2011, by plan of merger.
746 (9) The Department of Management Services may establish a
747 lease agreement program under which the Jobs Florida
748 Partnership, Inc., may hire any individual who was employed by
749 Enterprise Florida, Inc., or the Florida Black Business
750 Investment Board, Inc., under a previous lease agreement under
751 s. 288.901(2) or s. 288.708(2), Florida Statutes 2010. Under
752 such agreement, the employee shall retain his or her status as a
753 state employee but shall work under the direct supervision of
754 the Jobs Florida Partnership, Inc. Retention of state employee

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755 status shall include the right to participate in the Florida
756 Retirement System and shall continue until the employee
757 voluntarily or involuntarily terminates his or her status with
758 the Jobs Florida Partnership, Inc. The Department of Management
759 Services shall establish the terms and conditions of such lease
760 agreements.
761 Section 6. The Legislature recognizes that there is a need
762 to conform the Florida Statutes to the policy decisions
763 reflected in this act and that there is a need to resolve
764 apparent conflicts between any other legislation that has been
765 or may be enacted during the 2011 Regular Session of the
766 Legislature and the transfer of duties made by this act.
767 Therefore, in the interim between this act becoming law and the
768 2012 Regular Session of the Legislature or an earlier special
769 session addressing this issue, the Division of Statutory
770 Revision shall prepare draft legislation to conform the Florida
771 Statutes and any legislation enacted during 2011 to the
772 provisions of this act.
773 Section 7. Section 14.2016, Florida Statutes, is created to
774 read:
775 14.2016 Office of Emergency Management.—The Office of
776 Emergency Management is established within the Executive Office
777 of the Governor. The office shall be a separate budget entity,
778 as provided in the General Appropriations Act and shall prepare
779 and submit a budget request in accordance with chapter 216. The
780 office shall be responsible for all professional, technical, and
781 administrative support functions necessary to carry out its
782 responsibilities under part I of chapter 252. The director of
783 the office shall be appointed by and serve at the pleasure of

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784 the Governor, and shall be the head of the office for all
785 purposes. The office shall administer programs to rapidly apply
786 all available aid to communities stricken by an emergency as
787 defined in s. 252.34 and, for this purpose, shall provide
788 liaison with federal agencies and other public and private
789 agencies.
790 Section 8. Paragraph (h) is added to subsection (3) and
791 subsection (9) is added to section 20.15, Florida Statutes, to
792 read:
793 20.15 Department of Education.—There is created a
794 Department of Education.
795 (3) DIVISIONS.—The following divisions of the Department of
796 Education are established:
797 (h) The Division of Early Learning, which shall administer
798 the school readiness system in accordance with s. 411.01 and the
799 operational requirements of the Voluntary Prekindergarten
800 Education Program in accordance with part V of chapter 1002. The
801 division shall be directed by the Deputy Commissioner for Early
802 Learning, who shall be appointed by and serve at the pleasure of
803 the commissioner.
804 (9) The department may provide or contract for training for
805 employees of administrative entities and case managers of any
806 contracted providers to ensure they have the necessary
807 competencies and skills to provide adequate administrative
808 oversight and delivery of the full array of client services.
809 Section 9. Section 20.60, Florida Statutes, is created to
810 read:
811 20.60 Jobs Florida; creation; powers and duties.—
812 (1) There is created a department that, notwithstanding the

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813 provisions of s. 20.04(1), shall be called Jobs Florida.
814 (2) The head of Jobs Florida is the commissioner of Jobs
815 Florida, who shall be appointed by the Governor, subject to
816 confirmation by the Senate. The commissioner shall serve at the
817 pleasure of and report to the Governor.
818 (3) The following divisions of Jobs Florida are
819 established:
820 (a) The Division of Strategic Business Development.
821 (b) The Division of Community Development.
822 (c) The Division of Workforce Services.
823 (d) The Division of Finance and Administration.
824 (4) The purpose of Jobs Florida is to assist the Governor
825 in working with the Legislature, state agencies, business
826 leaders, and economic development professionals to formulate and
827 implement coherent and consistent policies and strategies
828 designed to promote economic opportunities for all Floridians.
829 To accomplish such purposes, Jobs Florida shall:
830 (a) Facilitate the direct involvement of the Governor and
831 the Lieutenant Governor in economic development and workforce
832 development projects designed to create, expand, and retain
833 businesses in this state, to recruit business from around the
834 world, and to facilitate other job-creating efforts.
835 (b) Recruit new businesses to this state and promote the
836 expansion of existing businesses by expediting permitting and
837 location decisions, worker placement and training, and incentive
838 awards.
839 (c) Ensure that, to the maximum extent possible, there is a
840 link between the economic development and workforce development
841 goals and strategies of the state.

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842 (d) Manage the activities of public-private partnerships
843 and state agencies in order to avoid duplication and promote
844 coordinated and consistent implementation of programs in areas
845 including, but not limited to, tourism; international trade and
846 investment; business recruitment, creation, retention, and
847 expansion; minority and small business development; rural
848 community development; commercialization of products, services,
849 or ideas developed in public universities or other public
850 institutions; and the development and promotion of professional
851 and amateur sporting events.
852 (5) The divisions within Jobs Florida have specific
853 responsibilities to achieve the duties, responsibilities, and
854 goals of Jobs Florida. Specifically:
855 (a) The Division of Strategic Business Development shall:
856 1. Analyze and evaluate business prospects identified by
857 the Governor, the commissioner of Jobs Florida, and the Jobs
858 Florida Partnership, Inc. The analysis must include, but is not
859 limited to, a review and processing of a prospect business's
860 application for incentives and a calculation of its economic
861 benefit to the state. The evaluation shall be based, at a
862 minimum, on the information obtained from the prospect business,
863 the economic benefit calculation, and the business's eligibility
864 for state incentives.
865 2. Administer certain tax refund, tax credit, and grant
866 programs created in law. Notwithstanding any other provision of
867 law, Jobs Florida may expend interest earned from the investment
868 of program funds deposited in the Grants and Donations Trust
869 Fund to contract for the administration of those programs, or
870 portions of the programs, assigned to Jobs Florida by law, by

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871 the appropriations process, or by the Governor. Such
872 expenditures shall be subject to review under chapter 216.
873 3. Develop measurement protocols for the state incentive
874 programs and for the contracted entities which will be used to
875 determine their performance and competitive value to the state.
876 Performance measures, benchmarks, and sanctions must be
877 developed in consultation with the legislative appropriations
878 committees and the appropriate substantive committees, and are
879 subject to the review and approval process provided in s.
880 216.177. The approved performance measures, standards, and
881 sanctions shall be included and made a part of the strategic
882 plan for contracts entered into for delivery of programs
883 authorized by this section.
884 4. Assist the Jobs Florida Partnership, Inc., in preparing
885 an annual report to the Legislature on the state of the business
886 climate in Florida and on the state of economic development in
887 Florida which includes the identification of problems and the
888 recommendation of solutions. This report shall be submitted to
889 the President of the Senate, the Speaker of the House of
890 Representatives, the Senate Minority Leader, and the House
891 Minority Leader by January 1 of each year, and shall be in
892 addition to the Governor’s message to the Legislature required
893 by the State Constitution and any other economic reports
894 required by law, including the annual incentives report prepared
895 by the Jobs Florida Partnership, Inc.
896 5. Develop a 5-year statewide strategic plan. The strategic
897 plan must include, but need not be limited to:
898 a. Strategies for the promotion of business formation,
899 expansion, recruitment, and retention through aggressive

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900 marketing, international development, and export assistance,
901 which lead to more and better jobs and higher wages for all
902 geographic regions, disadvantaged communities, and populations
903 of the state, including rural areas, minority businesses, and
904 urban core areas.
905 b. The development of realistic policies and programs to
906 further the economic diversity of the state, its regions, and
907 their associated industrial clusters.
908 c. Specific provisions for the stimulation of economic
909 development and job creation in rural areas and midsize cities
910 and counties of the state.
911 d. Provisions for the promotion of the successful long-term
912 economic development of the state with increased emphasis in
913 market research and information.
914 e. Plans for the generation of foreign investment in the
915 state which creates jobs paying above-average wages and which
916 results in reverse investment in the state, including programs
917 that establish viable overseas markets, assist in meeting the
918 financing requirements of export-ready firms, broaden
919 opportunities for international joint venture relationships, use
920 the resources of academic and other institutions, coordinate
921 trade assistance and facilitation services, and facilitate
922 availability of and access to education and training programs
923 that assure requisite skills and competencies necessary to
924 compete successfully in the global marketplace.
925 f. The identification of business sectors that are of
926 current or future importance to the state’s economy and to the
927 state’s global business image, and development of specific
928 strategies to promote the development of such sectors.

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929 g. Strategies for talent development necessary in the state
930 to encourage economic development growth, taking into account
931 factors such as the state's talent supply chain, education and
932 training opportunities, and available workforce.
933 6. Update the strategic plan every 5 years. The division
934 shall involve local governments; the general public; local and
935 regional economic development organizations; other local, state,
936 and federal economic, international, and workforce development
937 entities; the business community; and educational institutions
938 to assist with each update.
939 (b) The Division of Community Development shall administer:
940 1. The Community Services Block Grant Program.
941 2. The Community Development Block Grant Program in chapter
942 290.
943 3. The Low-Income Home Energy Assistance Program in chapter
944 409.
945 4. The Weatherization Assistance Program in chapter 409.
946 5. The Neighborhood Stabilization Program.
947 6. The local comprehensive planning process and the
948 development of regional impact process.
949 7. The Front Porch Florida Initiative through the Office of
950 Urban Opportunity, which is created within the division. The
951 purpose of the office is to administer the Front Porch Florida
952 initiative, a comprehensive, community-based urban core
953 redevelopment program that enables urban core residents to craft
954 solutions to the unique challenges of each designated community.
955 8. Any other related programs.
956 (c) The Division of Workforce Services shall:
957 1. Prepare and submit a unified budget request for

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958 workforce in accordance with chapter 216 for, and in conjunction
959 with, Workforce Florida, Inc., and its board.
960 2. Ensure that the state appropriately administers federal
961 and state workforce funding by administering plans and policies
962 of Workforce Florida, Inc., under contract with Workforce
963 Florida, Inc. The operating budget and midyear amendments
964 thereto must be part of such contract.
965 a. All program and fiscal instructions to regional
966 workforce boards shall emanate from Jobs Florida pursuant to
967 plans and policies of Workforce Florida, Inc., which shall be
968 responsible for all policy directions to the regional workforce
969 boards.
970 b. Unless otherwise provided by agreement with Workforce
971 Florida, Inc., administrative and personnel policies of Jobs
972 Florida shall apply.
973 3. Implement the state's unemployment compensation program.
974 Jobs Florida shall ensure that the state appropriately
975 administers the unemployment compensation program pursuant to
976 state and federal law.
977 (6)(a) Jobs Florida is the administrative agency designated
978 for receipt of federal workforce development grants and other
979 federal funds. Jobs Florida shall administer the duties and
980 responsibilities assigned by the Governor under each federal
981 grant assigned to Jobs Florida. Jobs Florida shall expend each
982 revenue source as provided by federal and state law and as
983 provided in plans developed by and agreements with Workforce
984 Florida, Inc. Jobs Florida may serve as the contract
985 administrator for contracts entered into by Workforce Florida,
986 Inc., pursuant to s. 445.004(5), as directed by Workforce

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987 Florida, Inc.
988 (b) Jobs Florida shall serve as the designated agency for
989 purposes of each federal workforce development grant assigned to
990 it for administration. Jobs Florida shall carry out the duties
991 assigned to it by the Governor, under the terms and conditions
992 of each grant. Jobs Florida shall have the level of authority
993 and autonomy necessary to be the designated recipient of each
994 federal grant assigned to it, and shall disburse such grants
995 pursuant to the plans and policies of Workforce Florida, Inc.
996 The commissioner may, upon delegation from the Governor and
997 pursuant to agreement with Workforce Florida, Inc., sign
998 contracts, grants, and other instruments as necessary to execute
999 functions assigned to Jobs Florida. Notwithstanding other
1000 provision of law, Jobs Florida shall administer other programs
1001 funded by federal or state appropriations, as determined by the
1002 Legislature in the General Appropriations Act or by law.
1003 (7) Jobs Florida may provide or contract for training for
1004 employees of administrative entities and case managers of any
1005 contracted providers to ensure they have the necessary
1006 competencies and skills to provide adequate administrative
1007 oversight and delivery of the full array of client services.
1008 (8) The Unemployment Appeals Commission, authorized by s.
1009 443.012, is not subject to control, supervision, or direction by
1010 Jobs Florida in the performance of its powers and duties but
1011 shall receive any and all support and assistance from Jobs
1012 Florida which is required for the performance of its duties.
1013 (9)(a) The commissioner of Jobs Florida shall:
1014 1. Manage all activities and responsibilities of the
1015 department.

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1016 2. Serve as the Governor's chief negotiator for business
1017 recruitment and business expansion.
1018 3. Serve as the manager for the state with respect to
1019 contracts with the Jobs Florida Partnership, Inc., the Institute
1020 for the Commercialization of Public Research, and all applicable
1021 direct-support organizations. To accomplish the provisions of
1022 this section and applicable provisions of chapter 288, and
1023 notwithstanding the provisions of part I of chapter 287, the
1024 commissioner shall enter into specific contracts with the Jobs
1025 Florida Partnership, Inc., the Institute for the
1026 Commercialization of Public Research, and other appropriate
1027 direct-support organizations. Such contracts may be for
1028 multiyear terms and shall include specific performance measures
1029 for each year.
1030 4. Serve as the state protocol officer. In consultation
1031 with the Governor and other governmental officials, the
1032 commissioner shall develop, maintain, publish, and distribute
1033 the state protocol manual.
1034 (b) Notwithstanding any other law, resolution, or rule to
1035 the contrary, the commissioner may not receive more in public
1036 remuneration annually than $130,000, pursuant to the General
1037 Appropriations Act.
1038 (10) The Chief Inspector General in the Executive Office of
1039 the Governor:
1040 (a) Shall advise public-private partnerships in their
1041 development, utilization, and improvement of internal control
1042 measures necessary to ensure fiscal accountability.
1043 (b) May conduct, direct, and supervise audits relating to
1044 the programs and operations of public-private partnerships.

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1045 (c) Shall receive and investigate complaints of fraud,
1046 abuses, and deficiencies relating to programs and operations of
1047 public-private partnerships.
1048 (d) May request and have access to any records, data, and
1049 other information in the possession of public-private
1050 partnerships which the Chief Inspector General deems necessary
1051 to carry out his or her responsibilities with respect to
1052 accountability.
1053 (e) Shall monitor public-private partnerships for
1054 compliance with the terms and conditions of contracts with the
1055 department and report noncompliance to the Governor.
1056 (f) Shall advise public-private partnerships in the
1057 development, utilization, and improvement of performance
1058 measures for the evaluation of their operations.
1059 (g) Shall review and make recommendations for improvements
1060 in the actions taken by public-private partnerships to meet
1061 performance standards.
1062 (11) Jobs Florida shall have an official seal by which its
1063 records, orders, and proceedings are authenticated. The seal
1064 shall be judicially noticed.
1065 (12) Jobs Florida shall administer the role of state
1066 government under part I of chapter 421, relating to public
1067 housing, chapter 422, relating to housing cooperation law, and
1068 chapter 423, tax exemption of housing authorities. Jobs Florida
1069 is the agency of state government responsible for the state's
1070 role in housing and urban development.
1071 (13) Jobs Florida may adopt rules to administer the
1072 provisions of law conferring duties upon it.
1073 Section 10. Paragraph (d) of subsection (2) and subsection

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1074 (5) of section 112.044, Florida Statutes, are amended to read:
1075 112.044 Public employers, employment agencies, labor
1076 organizations; discrimination based on age prohibited;
1077 exceptions; remedy.—
1078 (2) DEFINITIONS.—For the purpose of this act:
1079 ~~(d) "Department" means the Department of Labor and~~
1080 ~~Employment Security.~~
1081 (5) NOTICE TO BE POSTED.—Each employer, employment agency,
1082 and labor organization shall post and keep posted in conspicuous
1083 places upon its premises notices ~~a notice to be prepared or~~
1084 ~~approved by the department setting forth such information as~~
1085 required by the United States Department of Labor and the United
1086 States Equal Employment Opportunity Commission ~~department deems~~
1087 ~~appropriate to effectuate the purposes of this act~~.
1088 Section 11. Subsections (20) and (31) of section 163.3164,
1089 Florida Statutes, are amended to read:
1090 163.3164 Local Government Comprehensive Planning and Land
1091 Development Regulation Act; definitions.—As used in this act:
1092 (20) "State land planning agency" means Jobs Florida ~~the~~
1093 ~~Department of Community Affairs~~.
1094 (31) "~~Optional~~ Sector plan" means the ~~an optional~~ process
1095 authorized by s. 163.3245 in which one or more local governments
1096 engage in long-term planning for a large area and ~~by agreement~~
1097 ~~with the state land planning agency are allowed to~~ address
1098 regional ~~development-of-regional-impact~~ issues through adoption
1099 of detailed specific area plans within the planning area ~~within~~
1100 ~~certain designated geographic areas identified in the local~~
1101 ~~comprehensive plan~~ as a means of fostering innovative planning
1102 and development strategies in s. 163.3177(11)(a) and (b),

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1103 furthering the purposes of this part and part I of chapter 380,
1104 reducing overlapping data and analysis requirements, protecting
1105 regionally significant resources and facilities, and addressing
1106 extrajurisdictional impacts. The term includes an optional
1107 sector plan that was adopted pursuant to the Optional Sector
1108 Plan program.
1109 Section 12. Paragraph (d) of subsection (15) of section
1110 163.3177, Florida Statutes, is amended to read:
1111 163.3177 Required and optional elements of comprehensive
1112 plan; studies and surveys.—
1113 (15)
1114 (d) This subsection does not apply to a a~~n optional~~ sector
1115 plan adopted pursuant to s. 163.3245, a rural land stewardship
1116 area designated pursuant to subsection (11), or any
1117 comprehensive plan amendment that includes an inland port
1118 terminal or affiliated port development.
1119 Section 13. Paragraph (a) of subsection (12) of section
1120 163.3180, Florida Statutes, is amended to read:
1121 163.3180 Concurrency.—
1122 (12)(a) A development of regional impact may satisfy the
1123 transportation concurrency requirements of the local
1124 comprehensive plan, the local government's concurrency
1125 management system, and s. 380.06 by payment of a proportionate-
1126 share contribution for local and regionally significant traffic
1127 impacts, if:
1128 1. The development of regional impact which, based on its
1129 location or mix of land uses, is designed to encourage
1130 pedestrian or other nonautomotive modes of transportation;
1131 2. The proportionate-share contribution for local and

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1132 regionally significant traffic impacts is sufficient to pay for
1133 one or more required mobility improvements that will benefit a
1134 regionally significant transportation facility;
1135 3. The owner and developer of the development of regional
1136 impact pays or assures payment of the proportionate-share
1137 contribution; and
1138 4. If the regionally significant transportation facility to
1139 be constructed or improved is under the maintenance authority of
1140 a governmental entity, as defined by s. 334.03(12), other than
1141 the local government with jurisdiction over the development of
1142 regional impact, the developer is required to enter into a
1143 binding and legally enforceable commitment to transfer funds to
1144 the governmental entity having maintenance authority or to
1145 otherwise assure construction or improvement of the facility.
1146
1147 The proportionate-share contribution may be applied to any
1148 transportation facility to satisfy the provisions of this
1149 subsection and the local comprehensive plan, but, for the
1150 purposes of this subsection, the amount of the proportionate-
1151 share contribution shall be calculated based upon the cumulative
1152 number of trips from the proposed development expected to reach
1153 roadways during the peak hour from the complete buildout of a
1154 stage or phase being approved, divided by the change in the peak
1155 hour maximum service volume of roadways resulting from
1156 construction of an improvement necessary to maintain the adopted
1157 level of service, multiplied by the construction cost, at the
1158 time of developer payment, of the improvement necessary to
1159 maintain the adopted level of service. For purposes of this
1160 subsection, “construction cost” includes all associated costs of

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1161 the improvement. Proportionate-share mitigation shall be limited
1162 to ensure that a development of regional impact meeting the
1163 requirements of this subsection mitigates its impact on the
1164 transportation system but is not responsible for the additional
1165 cost of reducing or eliminating backlogs. This subsection also
1166 applies to Florida Quality Developments pursuant to s. 380.061
1167 and to detailed specific area plans implementing ~~optional~~ sector
1168 plans pursuant to s. 163.3245.
1169 Section 14. Subsections (2), (4), and (11) of section
1170 163.3184, Florida Statutes, are amended to read:
1171 163.3184 Process for adoption of comprehensive plan or plan
1172 amendment.—
1173 (2) COORDINATION.—Each comprehensive plan or plan amendment
1174 proposed to be adopted pursuant to this part, except amendments
1175 adopted pursuant to s. 163.32465 or s. 163.3187(1)(c) and (3),
1176 shall be transmitted, adopted, and reviewed in the manner
1177 prescribed in this section. The state land planning agency shall
1178 have responsibility for plan review, coordination, and the
1179 preparation and transmission of comments, pursuant to this
1180 section, to the local governing body responsible for the
1181 comprehensive plan. The state land planning agency shall
1182 maintain a single file concerning any proposed or adopted plan
1183 amendment submitted by a local government for any review under
1184 this section. Copies of all correspondence, papers, notes,
1185 memoranda, and other documents received or generated by the
1186 state land planning agency must be placed in the appropriate
1187 file. Paper copies of all electronic mail correspondence must be
1188 placed in the file. The file and its contents must be available
1189 for public inspection and copying as provided in chapter 119.

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1190 (4) INTERGOVERNMENTAL REVIEW.—The governmental agencies
1191 specified in paragraph (3)(a) shall provide comments to the
1192 state land planning agency within 30 days after receipt by the
1193 state land planning agency of the complete proposed plan
1194 amendment. If the plan or plan amendment includes or relates to
1195 the public school facilities element pursuant to s.
1196 163.3177(12), the state land planning agency shall submit a copy
1197 to the Department of Education ~~Office of Educational Facilities~~
1198 ~~of the Commissioner of Education~~ for review and comment. The
1199 appropriate regional planning council shall also provide its
1200 written comments to the state land planning agency within 30
1201 days after receipt by the state land planning agency of the
1202 complete proposed plan amendment and shall specify any
1203 objections, recommendations for modifications, and comments of
1204 any other regional agencies to which the regional planning
1205 council may have referred the proposed plan amendment. Written
1206 comments submitted by the public within 30 days after notice of
1207 transmittal by the local government of the proposed plan
1208 amendment will be considered as if submitted by governmental
1209 agencies. All written agency and public comments must be made
1210 part of the file maintained under subsection (2).
1211 (11) ADMINISTRATION COMMISSION.—
1212 (c) The sanctions provided by paragraphs (a) and (b) do
1213 ~~shall~~ not apply to a local government regarding any plan
1214 amendment, except for plan amendments that amend plans that have
1215 not been finally determined to be in compliance with this part,
1216 and except as provided in s. 163.3189(2) or s. 163.3191(9) ~~s.~~
1217 ~~163.3191(11)~~.
1218 Section 15. Section 163.3191, Florida Statutes, is amended

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1219 to read:
1220 163.3191 Evaluation and appraisal of comprehensive plan.—
1221 (1) The planning program shall be a continuous and ongoing
1222 process. Each local government shall prepare ~~adopt~~ an evaluation
1223 and appraisal report once every 7 years assessing the progress
1224 in implementing the local government's comprehensive plan~~.~~
1225 unless:
1226 (a) The local government has issued development orders for
1227 residential units composing less than 10 percent of the local
1228 government's residential development capacity at the time it
1229 last submitted amendments based on the evaluation and appraisal
1230 report pursuant to subsection (8); and
1231 (b) The local government has not adopted amendments to its
1232 comprehensive plan which increase the local government's
1233 residential development capacity by 10 percent or more since it
1234 last submitted amendments based on the evaluation and appraisal
1235 report pursuant to subsection (8); and
1236 (c) Based upon resident population estimates supplied by
1237 the Bureau of Economic and Business Research of the University
1238 of Florida or the Executive Office of Governor, the local
1239 government demonstrates that its population has not increased by
1240 more than 10 percent since it last submitted amendments based on
1241 the evaluation and appraisal report pursuant to subsection (8).
1242 ~~Furthermore,~~
1243 (2) It is the intent of this section that:
1244 (a) Adopted comprehensive plans be reviewed through such
1245 evaluation process to respond to changes in state, regional, and
1246 local policies on planning and growth management and changing
1247 conditions and trends, to ensure effective intergovernmental

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1248 coordination, and to identify major issues regarding the
1249 community's achievement of its goals.
1250 (b) After completion of the initial evaluation and
1251 appraisal report and any supporting plan amendments, each
1252 subsequent evaluation and appraisal report must evaluate the
1253 comprehensive plan in effect at the time of the initiation of
1254 the evaluation and appraisal report process.
1255 (c) Local governments identify the major issues, if
1256 applicable, with input from state agencies, regional agencies,
1257 adjacent local governments, and the public in the evaluation and
1258 appraisal report process. It is also the intent of this section
1259 to establish minimum requirements for information to ensure
1260 predictability, certainty, and integrity in the growth
1261 management process. The report is intended to serve as a summary
1262 audit of the actions that a local government has undertaken and
1263 identify changes that it may need to make. The report should be
1264 based on the local government's analysis of major issues to
1265 further the community's goals consistent with statewide minimum
1266 standards. The report is not intended to require a comprehensive
1267 rewrite of the elements within the local plan, unless a local
1268 government chooses to do so.
1269 (3) ~~(2)~~ The report shall present an evaluation and
1270 assessment of the comprehensive plan and the local government is
1271 encouraged to include ~~shall contain~~ appropriate statements to
1272 update the comprehensive plan, including, but not limited to,
1273 words, maps, illustrations, or other media, related to:
1274 (a) Population growth and changes in land area, including
1275 annexation, since the adoption of the original plan or the most
1276 recent update amendments.

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1277 (b) The extent of vacant and developable land.
1278 (c) The financial feasibility of implementing the
1279 comprehensive plan and of providing needed infrastructure to
1280 achieve and maintain adopted level-of-service standards and
1281 sustain concurrency management systems through the capital
1282 improvements element, as well as the ability to address
1283 infrastructure backlogs and meet the demands of growth on public
1284 services and facilities.
1285 (d) The location of existing development in relation to the
1286 location of development as anticipated in the original plan, or
1287 in the plan as amended by the most recent evaluation and
1288 appraisal report update amendments, such as within areas
1289 designated for urban growth.
1290 (e) An identification of the major issues for the
1291 jurisdiction and, where pertinent, the potential social,
1292 economic, and environmental impacts.
1293 (f) Relevant changes to the state comprehensive plan, the
1294 requirements of this part, the minimum criteria contained in
1295 chapter 9J-5, Florida Administrative Code, and the appropriate
1296 strategic regional policy plan since the adoption of the
1297 original plan or the most recent evaluation and appraisal report
1298 update amendments.
1299 (g) An assessment of whether the plan objectives within
1300 each element, as they relate to major issues, have been
1301 achieved. The report shall include, as appropriate, an
1302 identification as to whether unforeseen or unanticipated changes
1303 in circumstances have resulted in problems or opportunities with
1304 respect to major issues identified in each element and the
1305 social, economic, and environmental impacts of the issue.

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1306 (h) A brief assessment of successes and shortcomings
1307 related to each element of the plan.
1308 (i) The identification of any actions or corrective
1309 measures, including whether plan amendments are anticipated to
1310 address the major issues identified and analyzed in the report.
1311 Such identification shall include, as appropriate, new
1312 population projections, new revised planning timeframes, a
1313 revised future conditions map or map series, an updated capital
1314 improvements element, and any new and revised goals, objectives,
1315 and policies for major issues identified within each element.
1316 This paragraph shall not require the submittal of the plan
1317 amendments with the evaluation and appraisal report.
1318 (j) A summary of the public participation program and
1319 activities undertaken by the local government in preparing the
1320 report.
1321 (k) The coordination of the comprehensive plan with
1322 existing public schools and those identified in the applicable
1323 educational facilities plan adopted pursuant to s. 1013.35. The
1324 assessment shall address, where relevant, the success or failure
1325 of the coordination of the future land use map and associated
1326 planned residential development with public schools and their
1327 capacities, as well as the joint decisionmaking processes
1328 engaged in by the local government and the school board in
1329 regard to establishing appropriate population projections and
1330 the planning and siting of public school facilities. For those
1331 counties or municipalities that do not have a public schools
1332 interlocal agreement or public school facilities element, the
1333 assessment shall determine whether the local government
1334 continues to meet the criteria of s. 163.3177(12). If the county

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1335 or municipality determines that it no longer meets the criteria,
1336 it must adopt appropriate school concurrency goals, objectives,
1337 and policies in its plan amendments pursuant to the requirements
1338 of the public school facilities element, and enter into the
1339 existing interlocal agreement required by ss. 163.3177(6)(h)2.
1340 and 163.31777 in order to fully participate in the school
1341 concurrency system.
1342 (l) The extent to which the local government has been
1343 successful in identifying alternative water supply projects and
1344 traditional water supply projects, including conservation and
1345 reuse, necessary to meet the water needs identified in s.
1346 373.709(2)(a) within the local government's jurisdiction. The
1347 report must evaluate the degree to which the local government
1348 has implemented the work plan for building public, private, and
1349 regional water supply facilities, including development of
1350 alternative water supplies, identified in the element as
1351 necessary to serve existing and new development.
1352 (m) If any of the jurisdiction of the local government is
1353 located within the coastal high-hazard area, an evaluation of
1354 whether any past reduction in land use density impairs the
1355 property rights of current residents when redevelopment occurs,
1356 including, but not limited to, redevelopment following a natural
1357 disaster. The property rights of current residents shall be
1358 balanced with public safety considerations. The local government
1359 must identify strategies to address redevelopment feasibility
1360 and the property rights of affected residents. These strategies
1361 may include the authorization of redevelopment up to the actual
1362 built density in existence on the property prior to the natural
1363 disaster or redevelopment.

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1364 (n) An assessment of whether the criteria adopted pursuant
1365 to s. 163.3177(6)(a) were successful in achieving compatibility
1366 with military installations.
1367 (o) The extent to which a concurrency exception area
1368 designated pursuant to s. 163.3180(5), a concurrency management
1369 area designated pursuant to s. 163.3180(7), or a multimodal
1370 transportation district designated pursuant to s. 163.3180(15)
1371 has achieved the purpose for which it was created and otherwise
1372 complies with the provisions of s. 163.3180.
1373 (p) An assessment of the extent to which changes are needed
1374 to develop a common methodology for measuring impacts on
1375 transportation facilities for the purpose of implementing its
1376 concurrency management system in coordination with the
1377 municipalities and counties, as appropriate pursuant to s.
1378 163.3180(10).
1379 (4) ~~(3)~~ Voluntary scoping meetings may be conducted by each
1380 local government or several local governments within the same
1381 county which ~~that~~ agree to meet together. Joint meetings among
1382 all local governments in a county are encouraged. ~~All scoping~~
1383 ~~meetings shall be completed at least 1 year prior to the~~
1384 ~~established adoption date of the report.~~ The purpose of the
1385 meetings shall be to distribute data and resources available to
1386 assist in the preparation of the report, to provide input on
1387 major issues in each community which ~~that~~ should be addressed in
1388 the report, and to advise on the extent of the effort for the
1389 components of subsection (3) ~~(2)~~. If scoping meetings are held,
1390 the local government is encouraged to ~~shall~~ invite each state
1391 and regional reviewing agency, as well as adjacent and other
1392 affected local governments. A preliminary list of new data and

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

~~(5) Ninety days prior to the scheduled adoption date, the local government may provide a proposed evaluation and appraisal report to the state land planning agency and distribute copies~~

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1422 ~~to state and regional commenting agencies as prescribed by rule,~~
1423 ~~adjacent jurisdictions, and interested citizens for review. All~~
1424 ~~review comments, including comments by the state land planning~~
1425 ~~agency, shall be transmitted to the local government and state~~
1426 ~~land planning agency within 30 days after receipt of the~~
1427 ~~proposed report.~~
1428 ~~(6) The governing body, after considering the review~~
1429 ~~comments and recommended changes, if any, shall adopt the~~
1430 ~~evaluation and appraisal report by resolution or ordinance at a~~
1431 ~~public hearing with public notice. The governing body shall~~
1432 ~~adopt the report in conformity with its public participation~~
1433 ~~procedures adopted as required by s. 163.3181. The local~~
1434 ~~government shall submit to the state land planning agency three~~
1435 ~~copies of the report, a transmittal letter indicating the dates~~
1436 ~~of public hearings, and a copy of the adoption resolution or~~
1437 ~~ordinance. The local government shall provide a copy of the~~
1438 ~~report to the reviewing agencies which provided comments for the~~
1439 ~~proposed report, or to all the reviewing agencies if a proposed~~
1440 ~~report was not provided pursuant to subsection (5), including~~
1441 ~~the adjacent local governments. Within 60 days after receipt,~~
1442 ~~the state land planning agency shall review the adopted report~~
1443 ~~and make a preliminary sufficiency determination that shall be~~
1444 ~~forwarded by the agency to the local government for its~~
1445 ~~consideration. The state land planning agency shall issue a~~
1446 ~~final sufficiency determination within 90 days after receipt of~~
1447 ~~the adopted evaluation and appraisal report.~~
1448 (6) ~~(7)~~ The intent of the evaluation and appraisal process
1449 is the preparation of a plan update that clearly and concisely
1450 achieves the purpose of this section. The evaluation and

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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

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1480 municipal evaluation and appraisal report based amendment ~~report~~
1481 adoption dates between 1 year and 18 months later than the
1482 evaluation and appraisal report based amendment ~~report~~ adoption
1483 date for the county in which those municipalities are located. ~~A~~
1484 ~~local government may adopt its report no earlier than 90 days~~
1485 ~~prior to the established adoption date. Small municipalities~~
1486 ~~which were scheduled by chapter 9J-33, Florida Administrative~~
1487 ~~Code, to adopt their evaluation and appraisal report after~~
1488 ~~February 2, 1999, shall be rescheduled to adopt their report~~
1489 ~~together with the other municipalities in their county as~~
1490 ~~provided in this subsection.~~
1491 (8) ~~(10)~~ The governing body shall amend its comprehensive
1492 plan based on the recommendations in the report and shall update
1493 the comprehensive plan based on the components of subsection (3)
1494 ~~(2)~~, pursuant to the provisions of ss. 163.3184, 163.3187, and
1495 163.3189. Amendments to update a comprehensive plan based on the
1496 evaluation and appraisal report shall be adopted during a single
1497 amendment cycle within the time period established by the state
1498 land planning agency's schedule authorized in subsection (7) ~~18~~
1499 ~~months after the report is determined to be sufficient by the~~
1500 ~~state land planning agency~~, except the state land planning
1501 agency may grant an extension for adoption of a portion of such
1502 amendments. The state land planning agency may grant a 6-month
1503 extension for the adoption of such amendments if the request is
1504 justified by good and sufficient cause as determined by the
1505 agency. An additional extension may also be granted if the
1506 request will result in greater coordination between
1507 transportation and land use, for the purposes of improving
1508 Florida's transportation system, as determined by the agency in

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1509 coordination with the Metropolitan Planning Organization
1510 program. Except for local governments exempted from preparing
1511 evaluation and appraisal reports pursuant to subsection (1),
1512 beginning July 1, 2006, failure to timely adopt and transmit
1513 update amendments to the comprehensive plan based on the
1514 evaluation and appraisal report shall result in a local
1515 government being prohibited from adopting amendments to the
1516 comprehensive plan until the evaluation and appraisal report
1517 update amendments have been adopted and transmitted to the state
1518 land planning agency. The prohibition on plan amendments shall
1519 commence when the update amendments to the comprehensive plan
1520 are past due. The comprehensive plan as amended shall be in
1521 compliance as defined in s. 163.3184(1)(b). Within 6 months
1522 after the effective date of the update amendments to the
1523 comprehensive plan, the local government shall provide to the
1524 state land planning agency and to all agencies designated by
1525 rule a complete copy of the updated comprehensive plan.
1526 (9) ~~(11)~~ The Administration Commission may impose the
1527 sanctions provided by s. 163.3184(11) against any local
1528 government that fails to ~~adopt and submit a report, or that~~
1529 ~~fails to~~ implement its report through timely and sufficient
1530 amendments to its local plan, except for reasons of excusable
1531 delay or valid planning reasons agreed to by the state land
1532 planning agency or found present by the Administration
1533 Commission. Sanctions for untimely or insufficient plan
1534 amendments shall be prospective only and shall begin after a
1535 final order has been issued by the Administration Commission and
1536 a reasonable period of time has been allowed for the local
1537 government to comply with an adverse determination by the

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1538 Administration Commission through adoption of plan amendments
1539 that are in compliance. The state land planning agency may
1540 initiate, and an affected person may intervene in, such a
1541 proceeding by filing a petition with the Division of
1542 Administrative Hearings, which shall appoint an administrative
1543 law judge and conduct a hearing pursuant to ss. 120.569 and
1544 120.57(1) and shall submit a recommended order to the
1545 Administration Commission. The affected local government shall
1546 be a party to any such proceeding. The commission may implement
1547 this subsection by rule.
1548 (10) ~~(12)~~ The state land planning agency may ~~shall~~ not adopt
1549 rules to implement this section, other than procedural rules.
1550 ~~(13) The state land planning agency shall regularly review~~
1551 ~~the evaluation and appraisal report process and submit a report~~
1552 ~~to the Governor, the Administration Commission, the Speaker of~~
1553 ~~the House of Representatives, the President of the Senate, and~~
1554 ~~the respective community affairs committees of the Senate and~~
1555 ~~the House of Representatives. The first report shall be~~
1556 ~~submitted by December 31, 2004, and subsequent reports shall be~~
1557 ~~submitted every 5 years thereafter. At least 9 months before the~~
1558 ~~due date of each report, the Secretary of Community Affairs~~
1559 ~~shall appoint a technical committee of at least 15 members to~~
1560 ~~assist in the preparation of the report. The membership of the~~
1561 ~~technical committee shall consist of representatives of local~~
1562 ~~governments, regional planning councils, the private sector, and~~
1563 ~~environmental organizations. The report shall assess the~~
1564 ~~effectiveness of the evaluation and appraisal report process.~~
1565 (11) ~~(14)~~ The requirement of subsection (8) ~~(10)~~ prohibiting
1566 a local government from adopting amendments to the local

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1567 comprehensive plan until the evaluation and appraisal report
1568 update amendments have been adopted and transmitted to the state
1569 land planning agency does not apply to a plan amendment proposed
1570 for adoption by the appropriate local government as defined in
1571 s. 163.3178(2)(k) in order to integrate a port comprehensive
1572 master plan with the coastal management element of the local
1573 comprehensive plan as required by s. 163.3178(2)(k) if the port
1574 comprehensive master plan or the proposed plan amendment does
1575 not cause or contribute to the failure of the local government
1576 to comply with the requirements of this section ~~the evaluation~~
1577 ~~and appraisal report~~.
1578 Section 16. Section 163.3245, Florida Statutes, is amended
1579 to read:
1580 163.3245 ~~Optional~~ Sector plans.—
1581 (1) In recognition of the benefits of ~~conceptual~~ long-range
1582 planning for ~~the buildout of an area, and detailed planning for~~
1583 specific areas, ~~as a demonstration project, the requirements of~~
1584 ~~s. 380.06 may be addressed as identified by this section for up~~
1585 ~~to five~~ local governments or combinations of local governments
1586 may ~~which~~ adopt into their ~~the~~ comprehensive plans a ~~plan an~~
1587 ~~optional~~ sector plan in accordance with this section. This
1588 section is intended to promote and encourage long-term planning
1589 for conservation, development, and agriculture on a landscape
1590 scale; to further the intent of s. 163.3177(11), which supports
1591 innovative and flexible planning and development strategies, and
1592 the purposes of this part~~,~~ and part I of chapter 380 to
1593 facilitate protection of regionally significant water courses
1594 and wildlife corridors;~~,~~ and to avoid duplication of effort in
1595 terms of the level of data and analysis required for a

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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

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1625 local governments and those agencies identified in s.
1626 163.3184(4) before preparation of the sector plan ~~execution of~~
1627 ~~the agreement authorized by this section~~. The purpose of this
1628 meeting is to assist the state land planning agency and the
1629 local government in the identification of the relevant planning
1630 issues to be addressed and the data and resources available to
1631 assist in the preparation of the sector plan. If a scoping
1632 meeting is conducted, ~~subsequent plan amendments.~~ the regional
1633 planning council shall make written recommendations to the state
1634 land planning agency and affected local governments on the
1635 issues requested by the local government. The scoping meeting
1636 shall be noticed and open to the public. If the entire planning
1637 area proposed for the sector plan is within the jurisdiction of
1638 two or more local governments, some or all of them may enter
1639 into a joint planning agreement pursuant to s. 163.3171 with
1640 respect to~~, including whether a sustainable sector plan would be~~
1641 ~~appropriate. The agreement must define~~ the geographic area to be
1642 subject to the sector plan, the planning issues that will be
1643 emphasized, procedures ~~requirements~~ for intergovernmental
1644 coordination to address extrajurisdictional impacts, supporting
1645 application materials including data and analysis, and
1646 procedures for public participation, or other issues. ~~An~~
1647 ~~agreement may address previously adopted sector plans that are~~
1648 ~~consistent with the standards in this section. Before executing~~
1649 ~~an agreement under this subsection, the local government shall~~
1650 ~~hold a duly noticed public workshop to review and explain to the~~
1651 ~~public the optional sector planning process and the terms and~~
1652 ~~conditions of the proposed agreement. The local government shall~~
1653 ~~hold a duly noticed public hearing to execute the agreement. All~~

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

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1683 development and water supply development projects, and water
1684 conservation measures needed to meet the projected demand of the
1685 future land uses in the long-term master plan.
1686 3. A general identification of the transportation
1687 facilities to serve the future land uses in the long-term master
1688 plan, including guidelines to be used to establish each modal
1689 component intended to optimize mobility.
1690 4.~~2.~~ A general identification of other regionally
1691 significant public facilities ~~consistent with chapter 9J-2,~~
1692 ~~Florida Administrative Code, irrespective of local governmental~~
1693 ~~jurisdiction~~ necessary to support ~~buildout of the~~ ~~anticipated~~
1694 future land uses, which may include central utilities provided
1695 on-site within the planning area, and policies setting forth the
1696 procedures to be used to mitigate the impacts of future land
1697 uses on public facilities.
1698 5.~~3.~~ A general identification of regionally significant
1699 natural resources within the planning area and policies setting
1700 forth the procedures for protection or conservation of specific
1701 resources consistent with the overall conservation and
1702 development strategy for the planning area ~~consistent with~~
1703 ~~chapter 9J-2, Florida Administrative Code~~.
1704 6.~~4.~~ General principles and guidelines addressing ~~that~~
1705 ~~address~~ the urban form and the interrelationships of anticipated
1706 future land uses, the protection and, as appropriate,
1707 restoration and management of lands identified for permanent
1708 preservation, ~~and a discussion, at the applicant's option, of~~
1709 ~~the extent, if any, to which the plan will address restoring key~~
1710 ~~ecosystems,~~ achieving a more clean, healthy environment,
1711 limiting urban sprawl, providing a range of housing types,

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1712 protecting wildlife and natural areas, advancing the efficient
1713 use of land and other resources, and creating quality
1714 communities of a design that promotes travel by multiple
1715 transportation modes, and enhancing the prospects for the
1716 creation of jobs.
1717 7.~~5.~~ Identification of general procedures and policies to
1718 facilitate ~~ensure~~ intergovernmental coordination to address
1719 extrajurisdictional impacts from future land uses ~~the long-range~~
1720 ~~conceptual framework map~~.
1721
1722 A long-term master plan adopted pursuant to this section must be
1723 based upon a planning period longer than the generally
1724 applicable planning period of the local comprehensive plan, must
1725 specify the projected population within the planning area during
1726 the chosen planning period, and may include a phasing or staging
1727 schedule that allocates a portion of the local government's
1728 future growth to the planning area through the planning period.
1729 A long-term master plan adopted pursuant to this section is not
1730 required to demonstrate need based upon projected population
1731 growth or on any other basis.
1732 (b) In addition to the other requirements of this chapter,
1733 ~~including those in paragraph (a),~~ the detailed specific area
1734 plans shall be consistent with the long-term master plan and
1735 must include conditions and commitments that provide for:
1736 1. Development or conservation of an area of ~~adequate size~~
1737 ~~to accommodate a level of development which achieves a~~
1738 ~~functional relationship between a full range of land uses within~~
1739 ~~the area and to encompass~~ at least 1,000 acres consistent with
1740 the long-term master plan. The local government ~~state land~~

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1741 ~~planning agency~~ may approve detailed specific area plans of less
1742 than 1,000 acres based on local circumstances if it is
1743 determined that the detailed specific area plan furthers the
1744 purposes of this part and part I of chapter 380.
1745 2. Detailed identification and analysis of the maximum and
1746 minimum densities and intensities of use, and the distribution,
1747 extent, and location of future land uses.
1748 3. Detailed identification of water resource development
1749 and water supply development projects and related
1750 infrastructure, and water conservation measures to address water
1751 needs of development in the detailed specific area plan.
1752 4. Detailed identification of the transportation facilities
1753 to serve the future land uses in the detailed specific area
1754 plan.
1755 5. Detailed identification of other regionally significant
1756 public facilities, including public facilities outside the
1757 jurisdiction of the host local government, ~~anticipated~~ impacts
1758 of future land uses on those facilities, and required
1759 improvements consistent with the long-term master plan ~~chapter~~
1760 ~~9J-2, Florida Administrative Code~~.
1761 6.~~4.~~ Public facilities necessary to serve development in
1762 the detailed specific area plan ~~for the short term~~, including
1763 developer contributions in a ~~financially feasible~~ 5-year capital
1764 improvement schedule of the affected local government.
1765 7.~~5.~~ Detailed analysis and identification of specific
1766 measures to assure the protection or conservation of lands
1767 identified in the long-term master plan to be permanently
1768 preserved and, as appropriate, restored or managed, ~~of~~
1769 ~~regionally significant natural resources~~ and other important

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1770 resources both within and outside the host jurisdiction~~,~~
1771 ~~including those regionally significant resources identified in~~
1772 ~~chapter 9J-2, Florida Administrative Code~~.
1773 8.~~6.~~ Detailed principles and guidelines addressing ~~that~~
1774 ~~address~~ the urban form and the interrelationships of ~~anticipated~~
1775 future land uses; ~~and a discussion, at the applicant's option,~~
1776 ~~of the extent, if any, to which the plan will address restoring~~
1777 ~~key ecosystems,~~ achieving a more clean, healthy environment;~~,~~
1778 limiting urban sprawl;~~,~~ providing a range of housing types;
1779 protecting wildlife and natural areas;~~,~~ advancing the efficient
1780 use of land and other resources;~~, and~~ creating quality
1781 communities of a design that promotes travel by multiple
1782 transportation modes; and enhancing the prospects for the
1783 creation of jobs.
1784 9.~~7.~~ Identification of specific procedures to facilitate
1785 ~~ensure~~ intergovernmental coordination to address
1786 extrajurisdictional impacts from ~~of~~ the detailed specific area
1787 plan.
1788
1789 A detailed specific area plan adopted by local development order
1790 pursuant to this section may be based upon a planning period
1791 longer than the generally applicable planning period of the
1792 local comprehensive plan and must specify the projected
1793 population within the specific planning area during the chosen
1794 planning period. A detailed specific area plan adopted pursuant
1795 to this section is not required to demonstrate need based upon
1796 projected population growth or on any other basis.
1797 (c) In its review of a long-term master plan, the state
1798 land planning agency shall consult with the Department of

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1799 Agriculture and Consumer Services, the Department of
1800 Environmental Protection, the Florida Fish and Wildlife
1801 Conservation Commission, and the applicable water management
1802 district regarding the design of areas for protection and
1803 conservation of regionally significant natural resources and for
1804 the protection and, as appropriate, restoration and management
1805 of lands identified for permanent preservation.
1806 (d) The state land planning agency may initiate a civil
1807 action pursuant to s. 163.3215 with respect to a detailed
1808 specific area plan that is not consistent with a long-term
1809 master plan adopted pursuant to this section. For purposes of
1810 such a proceeding, the state land planning agency shall be
1811 deemed an aggrieved and adversely affected party. Regardless of
1812 whether the local government has adopted an ordinance that
1813 establishes a local process that meets the requirements of s.
1814 163.3215(4), judicial review of a detailed specific area plan
1815 initiated by the state land planning agency shall be de novo
1816 pursuant to s. 163.3215(3) and not by petition for writ of
1817 certiorari pursuant to s. 163.3215(4). Any other aggrieved or
1818 adversely affected party is subject to s. 163.3215 in all
1819 respects when initiating a consistency challenge to a detailed
1820 specific area plan.
1821 (e) This subsection does ~~may~~ not ~~be construed to~~ prevent
1822 preparation and approval of the ~~optional~~ sector plan and
1823 detailed specific area plan concurrently or in the same
1824 submission.
1825 (4) Upon the long-term master plan becoming legally
1826 effective:
1827 (a) Any long-range transportation plan developed by a

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1828 metropolitan planning organization pursuant to s. 339.175(7)
1829 shall be consistent, to the maximum extent feasible, with the
1830 long-term master plan, including but not limited to the
1831 projected population, the approved uses and densities and
1832 intensities of use and their distribution within the planning
1833 area; and the transportation facilities identified in adopted
1834 plans pursuant to subparagraphs (3)(a)3. and (3)(b)4.
1835 (b) The water needs, sources and water resource development
1836 and water supply development projects identified in adopted
1837 plans pursuant to subparagraphs (3)(a)2. and (3)(b)3. shall be
1838 incorporated into the applicable district and regional water
1839 supply plans adopted in accordance with ss. 373.036 and 373.709.
1840 Accordingly, and notwithstanding the permit durations stated in
1841 s. 373.236, an applicant may request and the applicable district
1842 may issue consumptive use permits for durations commensurate
1843 with the long-term master plan. The permitting criteria in s.
1844 373.223 shall be applied based upon the projected population,
1845 the approved densities and intensities of use, and their
1846 distribution in the long-term master plan. ~~The host local~~
1847 ~~government shall submit a monitoring report to the state land~~
1848 ~~planning agency and applicable regional planning council on an~~
1849 ~~annual basis after adoption of a detailed specific area plan.~~
1850 ~~The annual monitoring report must provide summarized information~~
1851 ~~on development orders issued, development that has occurred,~~
1852 ~~public facility improvements made, and public facility~~
1853 ~~improvements anticipated over the upcoming 5 years.~~
1854 (5) When a ~~plan amendment adopting a~~ detailed specific area
1855 plan has become effective for a portion of the planning area
1856 governed by a long-term master plan adopted pursuant to this

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1857 section ~~under ss. 163.3184 and 163.3189(2)~~, the provisions of s.
1858 380.06 do not apply to development within the geographic area of
1859 the detailed specific area plan. However, any development-of-
1860 regional-impact development order that is vested from the
1861 detailed specific area plan may be enforced pursuant to ~~under~~ s.
1862 380.11.
1863 (a) The local government adopting the detailed specific
1864 area plan is primarily responsible for monitoring and enforcing
1865 the detailed specific area plan. Local governments shall not
1866 issue any permits or approvals or provide any extensions of
1867 services to development which ~~that~~ are not consistent with the
1868 detailed ~~sector~~ area plan.
1869 (b) If the state land planning agency has reason to believe
1870 that a violation of any detailed specific area plan~~, or of any~~
1871 ~~agreement entered into under this section,~~ has occurred or is
1872 about to occur, it may institute an administrative or judicial
1873 proceeding to prevent, abate, or control the conditions or
1874 activity creating the violation, using the procedures in s.
1875 380.11.
1876 (c) In instituting an administrative or judicial proceeding
1877 involving a ~~an optional~~ sector plan or detailed specific area
1878 plan, including a proceeding pursuant to paragraph (b), the
1879 complaining party shall comply with the requirements of s.
1880 163.3215(4), (5), (6), and (7), except as provided in paragraph
1881 (3)(d).
1882 (d) The detailed specific area plan must establish a
1883 buildout date until which the approved development is not
1884 subject to downzoning, unit density reduction, or intensity
1885 reduction, unless the local government can demonstrate that

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

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1915 development plan shall be approved by a detailed specific area
1916 plan pursuant to paragraph (3)(b) and is exempt from review
1917 pursuant to s 380.06. ~~Beginning December 1, 1999, and each year~~
1918 ~~thereafter, the department shall provide a status report to the~~
1919 ~~Legislative Committee on Intergovernmental Relations regarding~~
1920 ~~each optional sector plan authorized under this section.~~
1921 (7) A developer within an area subject to a long-term
1922 master plan that meets the requirements of paragraph (3)(a) and
1923 subsection (6) or a detailed specific area plan that meets the
1924 requirements of paragraph (3)(b) may enter into a development
1925 agreement with a local government pursuant to ss. 163.3220-
1926 163.3243. The duration of such a development agreement may be
1927 through the planning period of the long-term master plan or the
1928 detailed specific area plan, as the case may be, notwithstanding
1929 the limit on the duration of a development agreement pursuant to
1930 s. 163.3229.
1931 (8) Any owner of property within the planning area of a
1932 proposed long-term master plan may withdraw his consent to the
1933 master plan at any time prior to local government adoption, and
1934 the local government shall exclude such parcels from the adopted
1935 master plan. Thereafter, the long-term master plan, any detailed
1936 specific area plan, and the exemption from development-of-
1937 regional-impact review under this section do not apply to the
1938 subject parcels. After adoption of a long-term master plan, an
1939 owner may withdraw his or her property from the master plan only
1940 with the approval of the local government by plan amendment.
1941 (9) The adoption of a long-term master plan or a detailed
1942 specific area plan pursuant to this section does not limit the
1943 right to continue existing agricultural or silvicultural uses or

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1944 other natural resource-based operations or to establish similar
1945 new uses that are consistent with the plans approved pursuant to
1946 this section.
1947 (10) Notwithstanding any provision to the contrary of s.
1948 380.06; this part II; or any planning agreement or plan policy,
1949 a landowner or developer who has received approval of a master
1950 development of regional impact development order pursuant to s.
1951 380.06(21) may apply to implement this order by filing one or
1952 more applications to approve a detailed specific area plan
1953 pursuant to paragraph (3)(b).
1954 (11) Notwithstanding the provisions of this section, a
1955 detailed specific area plan to implement a conceptual long-term
1956 buildout overlay, adopted by a local government and found in
1957 compliance before July 1, 2011, shall be governed by the
1958 provisions of this section.
1959 (12) This section may not be construed to abrogate the
1960 rights of any person under this chapter.
1961 Section 17. Subsection (9) of section 163.3246, Florida
1962 Statutes, is amended to read:
1963 163.3246 Local government comprehensive planning
1964 certification program.—
1965 (9)(a) Upon certification all comprehensive plan amendments
1966 associated with the area certified must be adopted and reviewed
1967 in the manner described in ss. 163.3184(1), (2), (7), (14),
1968 (15), and (16) and 163.3187, such that state and regional agency
1969 review is eliminated. The department may not issue any
1970 objections, recommendations, and comments report on proposed
1971 plan amendments or a notice of intent on adopted plan
1972 amendments; however, affected persons, as defined by s.

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1973 163.3184(1)(a), may file a petition for administrative review
1974 pursuant to the requirements of s. 163.3187(3)(a) to challenge
1975 the compliance of an adopted plan amendment.
1976 (b) Plan amendments that change the boundaries of the
1977 certification area; propose a rural land stewardship area
1978 pursuant to s. 163.3177(11)(d); propose a ~~an optional~~ sector
1979 plan pursuant to s. 163.3245; propose a school facilities
1980 element; update a comprehensive plan based on an evaluation and
1981 appraisal report; impact lands outside the certification
1982 boundary; implement new statutory requirements that mandate
1983 ~~require~~ specific comprehensive plan amendments; or increase
1984 hurricane evacuation times or the need for shelter capacity on
1985 lands within the coastal high-hazard area shall be reviewed
1986 pursuant to ss. 163.3184 and 163.3187.
1987 Section 18. Section 163.32465, Florida Statutes, is amended
1988 to read:
1989 163.32465 State review of local comprehensive plans ~~in~~
1990 ~~urban areas~~.—
1991 (1) LEGISLATIVE FINDINGS.—
1992 (a) The Legislature finds that local governments in this
1993 state have a wide diversity of resources, conditions, abilities,
1994 and needs. The Legislature also finds that comprehensive
1995 planning has been implemented throughout the state and that it
1996 is appropriate for local governments to have the primary role in
1997 planning for their growth. ~~the needs and resources of urban~~
1998 ~~areas are different from those of rural areas and that different~~
1999 ~~planning and growth management approaches, strategies, and~~
2000 ~~techniques are required in urban areas. The state role in~~
2001 ~~overseeing growth management should reflect this diversity and~~

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2002 ~~should vary based on local government conditions, capabilities,~~
2003 ~~needs, and extent of development.~~ Thus, the Legislature
2004 recognizes and finds that reduced state oversight of local
2005 comprehensive planning is justified ~~for some local governments~~
2006 ~~in urban areas~~.
2007 (b) The Legislature finds and declares that this state's
2008 local governments ~~urban areas~~ require a reduced level of state
2009 oversight ~~because of their high degree of urbanization and the~~
2010 ~~planning capabilities and resources of many of their local~~
2011 ~~governments~~. ~~An alternative state review process that is~~
2012 ~~adequate to protect issues of regional or statewide importance~~
2013 ~~should be created for appropriate local governments in these~~
2014 ~~areas. Further, the Legislature finds that development,~~
2015 ~~including urban infill and redevelopment, should be encouraged~~
2016 ~~in these urban areas. The Legislature finds that an alternative~~
2017 Accordingly, the process provided by this section for amending
2018 local comprehensive plans is ~~in these areas should be~~
2019 established with the ~~an~~ objective of streamlining the process
2020 and recognizing local responsibility and accountability.
2021 ~~(c) The Legislature finds a pilot program will be~~
2022 ~~beneficial in evaluating an alternative, expedited plan~~
2023 ~~amendment adoption and review process. Pilot local governments~~
2024 ~~shall represent highly developed counties and the municipalities~~
2025 ~~within these counties and highly populated municipalities.~~
2026 (2) APPLICABILITY ~~ALTERNATIVE STATE REVIEW PROCESS PILOT~~
2027 ~~PROGRAM~~. The process for amending a comprehensive plan described
2028 in this section is applicable statewide. ~~Pinellas and Broward~~
2029 ~~Counties, and the municipalities within these counties, and~~
2030 ~~Jacksonville, Miami, Tampa, and Hialeah shall follow an~~

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2031 ~~alternative state review process provided in this section.~~
2032 ~~Municipalities within the pilot counties may elect, by super~~
2033 ~~majority vote of the governing body, not to participate in the~~
2034 ~~pilot program. In addition to the pilot program jurisdictions,~~
2035 ~~any local government may use the alternative state review~~
2036 ~~process to designate an urban service area as defined in s.~~
2037 ~~163.3164(29) in its comprehensive plan.~~
2038 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS
2039 ~~UNDER THE PILOT PROGRAM.~~
2040 (a) Plan amendments adopted by local governments are
2041 subject to the ~~pilot program jurisdictions shall follow the~~
2042 ~~alternate,~~ expedited process in subsections (4) and (5), except
2043 as set forth in paragraphs (b)-(e) of this subsection.
2044 (b) Amendments that qualify as small-scale development
2045 amendments may continue to be adopted ~~by the pilot program~~
2046 ~~jurisdictions~~ pursuant to s. 163.3187(1)(c) and (3).
2047 (c) Plan amendments that propose a rural land stewardship
2048 area pursuant to s. 163.3177(11)(d); propose an optional sector
2049 plan; update a comprehensive plan based on an evaluation and
2050 appraisal report; implement new statutory requirements; or new
2051 plans for newly incorporated municipalities are subject to state
2052 review as set forth in s. 163.3184.
2053 (d) Local governments are ~~Pilot program jurisdictions shall~~
2054 ~~be~~ subject to the frequency and timing requirements for plan
2055 amendments set forth in ss. 163.3187 and 163.3191, except where
2056 otherwise stated in this section.
2057 (e) The mediation and expedited hearing provisions in s.
2058 163.3189(3) apply to all plan amendments adopted pursuant to
2059 this section ~~by the pilot program jurisdictions~~.

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2060 (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT ~~FOR~~
2061 ~~PILOT PROGRAM.~~
2062 (a) The local government shall hold its first public
2063 hearing on a comprehensive plan amendment on a weekday at least
2064 7 days after the day the first advertisement is published
2065 pursuant to the requirements of chapter 125 or chapter 166. Upon
2066 an affirmative vote of not less than a majority of the members
2067 of the governing body present at the hearing, the local
2068 government shall immediately transmit the amendment or
2069 amendments and appropriate supporting data and analyses to the
2070 state land planning agency; the appropriate regional planning
2071 council and water management district; the Department of
2072 Environmental Protection; the Department of State; the
2073 Department of Transportation; in the case of municipal plans, to
2074 the appropriate county; the Fish and Wildlife Conservation
2075 Commission; the Department of Agriculture and Consumer Services;
2076 and in the case of amendments that include or impact the public
2077 school facilities element, the Office of Educational Facilities
2078 of the Commissioner of Education. The local governing body shall
2079 also transmit a copy of the amendments and supporting data and
2080 analyses to any other local government or governmental agency
2081 that has filed a written request with the governing body.
2082 (b) The agencies and local governments specified in
2083 paragraph (a) may provide comments regarding the amendment or
2084 amendments to the local government. The regional planning
2085 council review and comment shall be limited to effects on
2086 regional resources or facilities identified in the strategic
2087 regional policy plan and extrajurisdictional impacts that would
2088 be inconsistent with the comprehensive plan of the affected

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2089 local government. A regional planning council shall not review
2090 and comment on a proposed comprehensive plan amendment prepared
2091 by such council unless the plan amendment has been changed by
2092 the local government subsequent to the preparation of the plan
2093 amendment by the regional planning council. County comments on
2094 municipal comprehensive plan amendments shall be primarily in
2095 the context of the relationship and effect of the proposed plan
2096 amendments on the county plan. Municipal comments on county plan
2097 amendments shall be primarily in the context of the relationship
2098 and effect of the amendments on the municipal plan. State agency
2099 comments may include technical guidance on issues of agency
2100 jurisdiction as it relates to the requirements of this part.
2101 Such comments shall clearly identify issues that, if not
2102 resolved, may result in an agency challenge to the plan
2103 amendment. ~~For the purposes of this pilot program,~~ Agencies are
2104 encouraged to focus potential challenges on issues of regional
2105 or statewide importance. Agencies and local governments must
2106 transmit their comments to the affected local government such
2107 that they are received by the local government not later than 30
2108 ~~thirty~~ days from the date on which the agency or government
2109 received the amendment or amendments.
2110 (5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT ~~FOR PILOT~~
2111 ~~AREAS~~.—
2112 (a) The local government shall hold its second public
2113 hearing, which shall be a hearing on whether to adopt one or
2114 more comprehensive plan amendments, on a weekday at least 5 days
2115 after the day the second advertisement is published pursuant to
2116 the requirements of chapter 125 or chapter 166. Adoption of
2117 comprehensive plan amendments must be by ordinance and requires

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2118 an affirmative vote of a majority of the members of the
2119 governing body present at the second hearing.
2120 (b) All comprehensive plan amendments adopted by the
2121 governing body along with the supporting data and analysis shall
2122 be transmitted within 10 days of the second public hearing to
2123 the state land planning agency and any other agency or local
2124 government that provided timely comments under paragraph (4)(b).
2125 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS ~~FOR PILOT~~
2126 ~~PROGRAM~~.—
2127 (a) Any "affected person" as defined in s. 163.3184(1)(a)
2128 may file a petition with the Division of Administrative Hearings
2129 pursuant to ss. 120.569 and 120.57, with a copy served on the
2130 affected local government, to request a formal hearing to
2131 challenge whether the amendments are "in compliance" as defined
2132 in s. 163.3184(1)(b). This petition must be filed with the
2133 Division within 30 days after the local government adopts the
2134 amendment. The state land planning agency may intervene in a
2135 proceeding instituted by an affected person.
2136 (b) The state land planning agency may file a petition with
2137 the Division of Administrative Hearings pursuant to ss. 120.569
2138 and 120.57, with a copy served on the affected local government,
2139 to request a formal hearing. This petition must be filed with
2140 the Division within 30 days after the state land planning agency
2141 notifies the local government that the plan amendment package is
2142 complete. For purposes of this section, an adopted amendment
2143 package shall be deemed complete if it contains a full, executed
2144 copy of the adoption ordinance or ordinances; in the case of a
2145 text amendment, a full copy of the amended language in
2146 legislative format with new words inserted in the text

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2147 underlined, and words to be deleted lined through with hyphens;
2148 in the case of a future land use map amendment, a copy of the
2149 future land use map clearly depicting the parcel, its existing
2150 future land use designation, and its adopted designation; and a
2151 copy of any data and analyses the local government deems
2152 appropriate. The state land planning agency shall notify the
2153 local government of any deficiencies within 5 working days of
2154 receipt of an amendment package.
2155 (c) The state land planning agency's challenge shall be
2156 limited to those issues raised in the comments provided by the
2157 reviewing agencies pursuant to paragraph (4)(b). The state land
2158 planning agency may challenge a plan amendment that has
2159 substantially changed from the version on which the agencies
2160 provided comments. ~~For the purposes of this pilot program,~~ The
2161 Legislature strongly encourages the state land planning agency
2162 to focus any challenge on issues of regional or statewide
2163 importance.
2164 (d) An administrative law judge shall hold a hearing in the
2165 affected local jurisdiction. The local government's
2166 determination that the amendment is "in compliance" is presumed
2167 to be correct and shall be sustained unless it is shown by a
2168 preponderance of the evidence that the amendment is not "in
2169 compliance."
2170 (e) If the administrative law judge recommends that the
2171 amendment be found not in compliance, the judge shall submit the
2172 recommended order to the Administration Commission for final
2173 agency action. The Administration Commission shall enter a final
2174 order within 45 days after its receipt of the recommended order.
2175 (f) If the administrative law judge recommends that the

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

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2205 ~~(8) RULEMAKING AUTHORITY FOR PILOT PROGRAM.—Agencies shall~~
2206 ~~not promulgate rules to implement this pilot program.~~
2207 ~~(9) REPORT.—The Office of Program Policy Analysis and~~
2208 ~~Government Accountability shall submit to the Governor, the~~
2209 ~~President of the Senate, and the Speaker of the House of~~
2210 ~~Representatives by December 1, 2008, a report and~~
2211 ~~recommendations for implementing a statewide program that~~
2212 ~~addresses the legislative findings in subsection (1) in areas~~
2213 ~~that meet urban criteria. The Office of Program Policy Analysis~~
2214 ~~and Government Accountability in consultation with the state~~
2215 ~~land planning agency shall develop the report and~~
2216 ~~recommendations with input from other state and regional~~
2217 ~~agencies, local governments, and interest groups. Additionally,~~
2218 ~~the office shall review local and state actions and~~
2219 ~~correspondence relating to the pilot program to identify issues~~
2220 ~~of process and substance in recommending changes to the pilot~~
2221 ~~program. At a minimum, the report and recommendations shall~~
2222 ~~include the following:~~
2223 ~~(a) Identification of local governments beyond those~~
2224 ~~participating in the pilot program that should be subject to the~~
2225 ~~alternative expedited state review process. The report may~~
2226 ~~recommend that pilot program local governments may no longer be~~
2227 ~~appropriate for such alternative review process.~~
2228 ~~(b) Changes to the alternative expedited state review~~
2229 ~~process for local comprehensive plan amendments identified in~~
2230 ~~the pilot program.~~
2231 ~~(c) Criteria for determining issues of regional or~~
2232 ~~statewide importance that are to be protected in the alternative~~
2233 ~~state review process.~~

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2234 ~~(d) In preparing the report and recommendations, the Office~~
2235 ~~of Program Policy Analysis and Government Accountability shall~~
2236 ~~consult with the state land planning agency, the Department of~~
2237 ~~Transportation, the Department of Environmental Protection, and~~
2238 ~~the regional planning agencies in identifying highly developed~~
2239 ~~local governments to participate in the alternative expedited~~
2240 ~~state review process. The Office of Program Policy Analysis and~~
2241 ~~Governmental Accountability shall also solicit citizen input in~~
2242 ~~the potentially affected areas and consult with the affected~~
2243 ~~local governments and stakeholder groups.~~
2244 Section 19. Section 215.559, Florida Statutes, is amended
2245 to read:
2246 215.559 Hurricane Loss Mitigation Program.—
2247 ~~(1) There is created~~ A Hurricane Loss Mitigation Program is
2248 established in the Office of Emergency Management.
2249 (1) The Legislature shall annually appropriate $10 million
2250 of the moneys authorized for appropriation under s.
2251 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the
2252 office ~~Department of Community Affairs~~ for the purposes set
2253 forth in this section. Of the amount:
2254 ~~(2)~~(a) Seven million dollars in funds ~~provided in~~
2255 ~~subsection (1)~~ shall be used for programs to improve the wind
2256 resistance of residences and mobile homes, including loans,
2257 subsidies, grants, demonstration projects, and direct
2258 assistance; educating persons concerning the Florida Building
2259 Code cooperative programs with local governments and the Federal
2260 Government; and other efforts to prevent or reduce losses or
2261 reduce the cost of rebuilding after a disaster.
2262 (b) Three million dollars in funds ~~provided in subsection~~

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2263 ~~(1)~~ shall be used to retrofit existing facilities used as public
2264 hurricane shelters. Each year the office shall ~~department must~~
2265 prioritize the use of these funds for projects included in the
2266 annual report of the ~~September 1, 2000, version of the~~ Shelter
2267 Retrofit Report prepared in accordance with s. 252.385(3)~~, and~~
2268 ~~each annual report thereafter~~. The office ~~department~~ must give
2269 funding priority to projects in regional planning council
2270 regions that have shelter deficits and to projects that maximize
2271 the use of state funds.
2272 (2)~~(3)~~(a) Forty percent of the total appropriation in
2273 paragraph (1)(a) ~~(2)(a)~~ shall be used to inspect and improve
2274 tie-downs for mobile homes.
2275 (b)1. ~~There is created~~ The Manufactured Housing and Mobile
2276 Home Mitigation and Enhancement Program is established. The
2277 program shall require the mitigation of damage to or the
2278 enhancement of homes for the areas of concern raised by the
2279 Department of Highway Safety and Motor Vehicles in the 2004-2005
2280 Hurricane Reports on the effects of the 2004 and 2005 hurricanes
2281 on manufactured and mobile homes in this state. The mitigation
2282 or enhancement must include, but need not be limited to,
2283 problems associated with weakened trusses, studs, and other
2284 structural components caused by wood rot or termite damage;
2285 site-built additions; or tie-down systems and may also address
2286 any other issues deemed appropriate by Tallahassee Community
2287 College, the Federation of Manufactured Home Owners of Florida,
2288 Inc., the Florida Manufactured Housing Association, and the
2289 Department of Highway Safety and Motor Vehicles. The program
2290 shall include an education and outreach component to ensure that
2291 owners of manufactured and mobile homes are aware of the

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2292 benefits of participation.
2293 2. The program shall be a grant program that ensures that
2294 entire manufactured home communities and mobile home parks may
2295 be improved wherever practicable. The moneys appropriated for
2296 this program shall be distributed directly to Tallahassee
2297 Community College for the uses set forth under this subsection.
2298 3. Upon evidence of completion of the program, the Citizens
2299 Property Insurance Corporation shall grant, on a pro rata basis,
2300 actuarially reasonable discounts, credits, or other rate
2301 differentials or appropriate reductions in deductibles for the
2302 properties of owners of manufactured homes or mobile homes on
2303 which fixtures or construction techniques that have been
2304 demonstrated to reduce the amount of loss in a windstorm have
2305 been installed or implemented. The discount on the premium must
2306 be applied to subsequent renewal premium amounts. Premiums of
2307 the Citizens Property Insurance Corporation must reflect the
2308 location of the home and the fact that the home has been
2309 installed in compliance with building codes adopted after
2310 Hurricane Andrew. Rates resulting from the completion of the
2311 Manufactured Housing and Mobile Home Mitigation and Enhancement
2312 Program are not considered competitive rates for the purposes of
2313 s. 627.351(6)(d)1. and 2.
2314 4. On or before January 1 of each year, Tallahassee
2315 Community College shall provide a report of activities under
2316 this subsection to the Governor, the President of the Senate,
2317 and the Speaker of the House of Representatives. The report must
2318 set forth the number of homes that have taken advantage of the
2319 program, the types of enhancements and improvements made to the
2320 manufactured or mobile homes and attachments to such homes, and

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

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2350 Florida Home Builders Association, a representative designated
2351 by the Florida Insurance Council, a representative designated by
2352 the Federation of Manufactured Home Owners, a representative
2353 designated by the Florida Association of Counties, ~~and~~ a
2354 representative designated by the Florida Manufactured Housing
2355 Association, and a representative designated by the Florida
2356 Building Commission.
2357 (5) ~~(6)~~ Moneys provided to the office ~~Department of~~
2358 ~~Community Affairs~~ under this section are intended to supplement,
2359 not supplant, the office's other funding sources ~~of the~~
2360 ~~Department of Community Affairs and may not supplant other~~
2361 ~~funding sources of the Department of Community Affairs~~.
2362 (6) ~~(7)~~ On January 1st of each year, the office ~~Department~~
2363 ~~of Community Affairs~~ shall provide a full report and accounting
2364 of activities under this section and an evaluation of such
2365 activities to the Speaker of the House of Representatives, the
2366 President of the Senate, and the Majority and Minority Leaders
2367 of the House of Representatives and the Senate. Upon completion
2368 of the report, the office ~~Department of Community Affairs~~ shall
2369 deliver the report to the Office of Insurance Regulation. The
2370 Office of Insurance Regulation shall review the report and shall
2371 make such recommendations available to the insurance industry as
2372 the Office of Insurance Regulation deems appropriate. These
2373 recommendations may be used by insurers for potential discounts
2374 or rebates pursuant to s. 627.0629. The Office of Insurance
2375 Regulation shall make such ~~the~~ recommendations within 1 year
2376 after receiving the report.
2377 ~~(8)(a) Notwithstanding any other provision of this section~~
2378 ~~and for the 2010-2011 fiscal year only, the $3 million~~

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2379 ~~appropriation provided for in paragraph (2)(b) may be used for~~
2380 ~~hurricane shelters as identified in the General Appropriations~~
2381 ~~Act.~~
2382 ~~(b) This subsection expires June 30, 2011.~~
2383 (7)~~(9)~~ This section is repealed June 30, 2021 ~~2011~~.
2384 Section 20. Section 288.005, Florida Statutes, is created
2385 to read:
2386 288.005 Definitions.—As used in this chapter, the following
2387 words and phrases shall have the following meanings and
2388 references:
2389 (1) "Economic benefits" means the direct, indirect, and
2390 induced gains in state revenues as a percentage of the state's
2391 investment. The state's investment includes state grants, tax
2392 exemptions, tax refunds, tax credits, and other state
2393 incentives.
2394 (2) "Commissioner" means the commissioner of Jobs Florida,
2395 unless otherwise stated.
2396 Section 21. Section 288.048, Florida Statutes, is created
2397 to read:
2398 288.048 Incumbent worker training for economic
2399 development.—
2400 (1) The Incumbent Worker Training Program is created within
2401 Jobs Florida for the purpose of providing grant funding for
2402 continuing education and training of incumbent employees at
2403 existing Florida businesses. The program will provide
2404 reimbursement grants to businesses that pay for preapproved,
2405 direct, training-related costs.
2406 (2) The Incumbent Worker Training Program is administered
2407 by Jobs Florida in conjunction with Workforce Florida, Inc. Jobs

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2408 Florida, at its discretion, may contract with a private business
2409 organization to serve as the grant administrator.
2410 (3) To be eligible for the program's grant funding, a
2411 business must have been in operation in this state for at least
2412 1 year before applying for grant funding; have at least one
2413 full-time employee; demonstrate financial viability; and be
2414 current on all state tax obligations. Priority for funding shall
2415 be given to businesses having 25 or fewer employees, businesses
2416 in rural areas, businesses in distressed inner-city areas,
2417 businesses in a qualified targeted industry, businesses whose
2418 grant proposals represent a significant upgrade in employee
2419 skills, or businesses whose grant proposals represent a
2420 significant layoff avoidance strategy.
2421 (4) All costs reimbursed by the program must be preapproved
2422 by Jobs Florida or the grant administrator. The program will not
2423 reimburse businesses for trainee wages, the purchase of capital
2424 equipment, or the purchase of any item or service that may be
2425 used outside the training project. A business approved for a
2426 grant may be reimbursed for preapproved, direct, training-
2427 related costs including tuition, fees, books and training
2428 materials, and overhead or indirect costs not to exceed 5
2429 percent of the grant amount.
2430 (5) A business that is selected to receive grant funding
2431 must provide a matching contribution to the training project,
2432 including, but not limited to, wages paid to trainees or the
2433 purchase of capital equipment used in the training project; must
2434 sign an agreement with Jobs Florida or the grant administrator
2435 to complete the training project as proposed in the application;
2436 must keep accurate records of the project's implementation

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2437 process; and must submit monthly or quarterly reimbursement
2438 requests with required documentation.
2439 (6) All Incumbent Worker Training Program grant projects
2440 shall be performance-based with specific measurable performance
2441 outcomes, including completion of the training project and job
2442 retention. Jobs Florida or the grant administrator shall
2443 withhold the final payment to the grantee until a final grant
2444 report is submitted and all performance criteria specified in
2445 the grant contract have been achieved.
2446 (7) Jobs Florida may establish guidelines, in conjunction
2447 with Workforce Florida, Inc., necessary to implement the
2448 Incumbent Worker Training Program.
2449 (8) No more than 10 percent of the Incumbent Worker
2450 Training Program's total appropriation may be used for overhead
2451 or indirect purposes. Federal funds available for the program
2452 are limited as set forth in s. 443.003(3).
2453 Section 22. Section 288.061, Florida Statutes, is amended
2454 to read:
2455 288.061 Economic development incentive application
2456 process.—
2457 (1) Within 10 business days after receiving a submitted
2458 economic development incentive application, the Division of
2459 Strategic Business Development of Jobs Florida and designated
2460 staff of the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
2461 shall review the application and inform the applicant business
2462 whether or not its application is complete, whether and what
2463 type of state and local permits may be necessary for the
2464 applicant's project, whether it is possible to waive such
2465 permits, and what state incentives and amounts of such

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

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2495 of the particular incentive program.
2496 Section 23. Section 288.095, Florida Statutes, is amended
2497 to read:
2498 288.095 Economic Development Trust Fund.—
2499 (1) The Economic Development Trust Fund is created within
2500 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
2501 ~~Development~~. Moneys deposited into the fund must be used only to
2502 support the authorized activities and operations of Jobs Florida
2503 ~~the Office~~.
2504 (2) There is created, within the Economic Development Trust
2505 Fund, the Economic Development Incentives Account. The Economic
2506 Development Incentives Account consists of moneys appropriated
2507 to the account for purposes of the tax incentives programs
2508 authorized under ss. 288.1045 and 288.106; the~~, and~~ local
2509 financial support provided under ss. 288.1045 and 288.106; and
2510 the federal funds designated for purposes of s. 288.048. Moneys
2511 in the Economic Development Incentives Account shall be subject
2512 to the provisions of s. 216.301(1)(a). Federal funds set aside
2513 for the incumbent worker training program under s. 288.048 may
2514 not be used for any other economic development program.
2515 (3)(a) Jobs Florida ~~The Office of Tourism, Trade, and~~
2516 ~~Economic Development~~ may approve applications for certification
2517 pursuant to ss. 288.1045(3) and 288.106. However, the total
2518 state share of tax refund payments ~~scheduled in all active~~
2519 ~~certifications for fiscal year 2001-2002 may not exceed $30~~
2520 ~~million. The total for each subsequent fiscal year~~ may not
2521 exceed $35 million.
2522 (b) The total amount of tax refund claims approved for
2523 payment by Jobs Florida ~~the Office of Tourism, Trade, and~~

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2524 ~~Economic Development~~ based on actual project performance may not
2525 exceed the amount appropriated to the Economic Development
2526 Incentives Account for such purposes for the fiscal year. Claims
2527 for tax refunds under ss. 288.1045 and 288.106 shall be paid in
2528 the order the claims are approved by Jobs Florida ~~the Office of~~
2529 ~~Tourism, Trade, and Economic Development~~. In the event the
2530 Legislature does not appropriate an amount sufficient to satisfy
2531 the tax refunds under ss. 288.1045 and 288.106 in a fiscal year,
2532 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
2533 ~~Development~~ shall pay the tax refunds from the appropriation for
2534 the following fiscal year. By March 1 of each year, Jobs Florida
2535 ~~the Office of Tourism, Trade, and Economic Development~~ shall
2536 notify the legislative appropriations committees of the Senate
2537 and House of Representatives of any anticipated shortfall in the
2538 amount of funds needed to satisfy claims for tax refunds from
2539 the appropriation for the current fiscal year.
2540 (c) Pursuant to s. 288.907 ~~By December 31 of each year~~,
2541 Jobs Florida ~~Enterprise Florida, Inc.,~~ shall submit a complete
2542 and detailed annual report to the Governor, the President of the
2543 Senate, and the Speaker of the House of Representatives~~, and the~~
2544 ~~director of the Office of Tourism, Trade, and Economic~~
2545 ~~Development~~ of all applications received, recommendations made
2546 to Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
2547 ~~Development~~, final decisions issued, tax refund agreements
2548 executed, and tax refunds paid or other payments made under all
2549 programs funded out of the Economic Development Incentives
2550 Account, including analyses of benefits and costs, types of
2551 projects supported, and employment and investment created. Jobs
2552 Florida ~~Enterprise Florida, Inc.,~~ shall also include a separate

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2553 analysis of the impact of such tax refunds on state enterprise
2554 zones designated pursuant to s. 290.0065, rural communities,
2555 brownfield areas, and distressed urban communities. The report
2556 must also discuss the efforts made by Jobs Florida ~~the Office of~~
2557 ~~Tourism, Trade, and Economic Development~~ to amend tax refund
2558 agreements to require tax refund claims to be submitted by
2559 January 31 for the net new full-time equivalent jobs in this
2560 state as of December 31 of the preceding calendar year. The
2561 report must also list the name and tax refund amount for each
2562 business that has received a tax refund under s. 288.1045 or s.
2563 288.106 during the preceding fiscal year. ~~The Office of Tourism,~~
2564 ~~Trade, and Economic Development shall assist Enterprise Florida,~~
2565 ~~Inc., in the collection of data related to business performance~~
2566 ~~and incentive payments.~~
2567 (d) Moneys in the Economic Development Incentives Account
2568 may be used only to pay tax refunds and make other payments
2569 authorized for the programs identified by law ~~under s. 288.1045,~~
2570 ~~s. 288.106, or s. 288.107~~.
2571 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
2572 ~~Development~~ may adopt rules necessary to carry out the
2573 provisions of this subsection, including rules providing for the
2574 use of moneys in the Economic Development Incentives Account and
2575 for the administration of the Economic Development Incentives
2576 Account.
2577 Section 24. Section 288.1081, Florida Statutes, is amended
2578 to read:
2579 288.1081 Economic Gardening Business Loan ~~Pilot~~ Program.—
2580 (1) There is created within Jobs Florida ~~the Office of~~
2581 ~~Tourism, Trade, and Economic Development~~ the Economic Gardening

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2582 Business Loan ~~Pilot~~ Program. The purpose of the ~~pilot~~ program is
2583 to stimulate investment in Florida's economy by providing loans
2584 to expanding businesses in the state. ~~As used in this section,~~
2585 ~~the term "office" means the Office of Tourism, Trade, and~~
2586 ~~Economic Development.~~
2587 (2) The Legislature finds that it is vital to the overall
2588 health and growth of the state's economy to promote favorable
2589 conditions for expanding Florida businesses that demonstrate the
2590 ability to grow. The Legislature further finds that, due to the
2591 current extraordinary economic challenges confronting the state,
2592 there exists a public purpose in expending state resources to
2593 stimulate investment in Florida's economy. It is therefore the
2594 intent of the Legislature that resources be provided for the
2595 loan ~~pilot~~ program.
2596 (3)(a) To be eligible for a loan under the ~~pilot~~ program,
2597 an applicant must be a business eligible for assistance under
2598 the Economic Gardening Technical Assistance ~~Pilot~~ Program as
2599 provided in s. 288.1082(4)(a).
2600 (b) A loan applicant must submit a written application to
2601 the loan administrator in the format prescribed by the loan
2602 administrator. The application must include:
2603 1. The applicant's federal employer identification number,
2604 unemployment account number, and sales or other tax registration
2605 number.
2606 2. The street address of the applicant's principal place of
2607 business in this state.
2608 3. A description of the type of economic activity, product,
2609 or research and development undertaken by the applicant,
2610 including the six-digit North American Industry Classification

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2611 System code for each type of economic activity conducted by the
2612 applicant.
2613 4. The applicant's annual revenue, number of employees,
2614 number of full-time equivalent employees, and other information
2615 necessary to verify the applicant's eligibility for the
2616 technical assistance ~~pilot~~ program under s. 288.1082(4)(a).
2617 5. The projected investment in the business, if any, which
2618 the applicant proposes in conjunction with the loan.
2619 6. The total investment in the business from all sources,
2620 if any, which the applicant proposes in conjunction with the
2621 loan.
2622 7. The number of net new full-time equivalent jobs that, as
2623 a result of the loan, the applicant proposes to create in this
2624 state as of December 31 of each year and the average annual wage
2625 of the proposed jobs.
2626 8. The total number of full-time equivalent employees the
2627 applicant currently employs in this state.
2628 9. The date that the applicant anticipates it needs the
2629 loan.
2630 10. A detailed explanation of why the loan is needed to
2631 assist the applicant in expanding jobs in the state.
2632 11. A statement that all of the applicant's available
2633 corporate assets are pledged as collateral for the amount of the
2634 loan.
2635 12. A statement that the applicant, upon receiving the
2636 loan, agrees not to seek additional long-term debt without prior
2637 approval of the loan administrator.
2638 13. A statement that the loan is a joint obligation of the
2639 business and of each person who owns at least 20 percent of the

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2640 business.
2641 14. Any additional information requested by Jobs Florida
2642 ~~the office~~ or the loan administrator.
2643 (c) The loan administrator, after verifying the accuracy of
2644 a submitted application, shall award the loan to the applicant
2645 if the administrator determines that the applicant, as compared
2646 to other applicants submitting applications, is in the best
2647 position to use the loan to continue making a successful long-
2648 term business commitment to the state. The loan administrator
2649 also shall consider the following factors:
2650 1. Whether the applicant has applied for or received
2651 incentives from local governments;
2652 2. Whether the applicant has applied for or received
2653 waivers of taxes, impact fees, or other fees or charges by local
2654 governments; and
2655 3. What other sources of investments or financing for the
2656 project that is the subject of the loan application will be
2657 available to the applicant.
2658 (d) A borrower awarded a loan under this section and the
2659 loan administrator must enter into a loan agreement that
2660 provides for the borrower’s repayment of the loan.
2661 (4) The following terms apply to a loan received under the
2662 ~~pilot~~ program:
2663 (a) The maximum amount of the loan is $250,000.
2664 (b) The proceeds of the loan may be used for working
2665 capital purchases, employee training, or salaries for newly
2666 created jobs in the state.
2667 (c) The security interest for the loan’s collateral
2668 covering all of the borrower’s available corporate assets to

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2669 cover the amount of the loan must be perfected by recording a
2670 lien under the Uniform Commercial Code.
2671 (d) The period of the loan is 4 years.
2672 (e) The interest rate of the loan is 2 percent. However, if
2673 the borrower does not create the projected number of jobs within
2674 the terms of the loan agreement, the interest rate shall be
2675 increased for the remaining period of the loan to the prime rate
2676 published in the Wall Street Journal, as of the date specified
2677 in the loan agreement, plus 4 percentage points. The loan
2678 agreement may provide flexibility in meeting the projected
2679 number of jobs for delays due to governmental regulatory issues,
2680 including, but not limited to, permitting.
2681 (f) For the first 12 months of the loan, payment is due for
2682 interest only, payable during the twelfth month. Thereafter,
2683 payment for interest and principal is due each month until the
2684 loan is paid in full. Interest and principal payments are based
2685 on the unpaid balance of the total loan amount.
2686 (5)(a) Jobs Florida ~~the Office~~ may designate one or more
2687 qualified entities to serve as loan administrators for the ~~pilot~~
2688 program. A loan administrator must:
2689 1. Be a Florida corporation not for profit incorporated
2690 under chapter 617 which has its principal place of business in
2691 the state.
2692 2. Have 5 years of verifiable experience of lending to
2693 businesses in this state.
2694 3. Submit an application to Jobs Florida ~~the Office~~ on
2695 forms prescribed by Jobs Florida ~~the Office~~. The application
2696 must include the loan administrator’s business plan for its
2697 proposed lending activities under the ~~pilot~~ program, including,

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2698 but not limited to, a description of its outreach efforts,
2699 underwriting, credit policies and procedures, credit decision
2700 processes, monitoring policies and procedures, and collection
2701 practices; the membership of its board of directors; and samples
2702 of its currently used loan documentation. The application must
2703 also include a detailed description and supporting documentation
2704 of the nature of the loan administrator's partnerships with
2705 local or regional economic and business development
2706 organizations.
2707 (b) Jobs Florida ~~The Office~~, upon selecting a loan
2708 administrator, shall enter into a grant agreement with the
2709 administrator to issue the available loans to eligible
2710 applicants. The grant agreement must specify the aggregate
2711 amount of the loans authorized for award by the loan
2712 administrator. The term of the grant agreement must be at least
2713 4 years, except that Jobs Florida ~~the Office~~ may terminate the
2714 agreement earlier if the loan administrator fails to meet
2715 minimum performance standards set by Jobs Florida ~~the office~~.
2716 The grant agreement may be amended by mutual consent of both
2717 parties.
2718 (c) Jobs Florida ~~The Office~~ shall disburse from the
2719 Economic Development Trust Fund to the loan administrator the
2720 appropriations provided for the ~~pilot~~ program. Disbursements to
2721 the loan administrator must not exceed the aggregate amount of
2722 the loans authorized in the grant agreement. Jobs Florida ~~the~~
2723 ~~Office~~ may not disburse more than 50 percent of the aggregate
2724 amount of the loans authorized in the grant agreement until Jobs
2725 Florida ~~the Office~~ verifies the borrowers' use of the loan
2726 proceeds and the loan administrator's successful credit

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2727 decisionmaking policies.
2728 (d) A loan administrator is entitled to receive a loan
2729 origination fee, payable at closing, of 1 percent of each loan
2730 issued by the loan administrator and a servicing fee of 0.625
2731 percent per annum of the loan's outstanding principal balance,
2732 payable monthly. During the first 12 months of the loan, the
2733 servicing fee shall be paid from the disbursement from the
2734 Economic Development Trust Fund, and thereafter the loan
2735 administrator shall collect the servicing fee from the payments
2736 made by the borrower, charging the fee against repayments of
2737 principal.
2738 (e) A loan administrator, after collecting the servicing
2739 fee in accordance with paragraph (d), shall use ~~remit~~ the
2740 borrower's collected interest, principal payments, and charges
2741 for late payments to provide additional loans to eligible
2742 borrowers under this section ~~the office on a quarterly basis~~. If
2743 the borrower defaults on the loan, the loan administrator shall
2744 initiate collection efforts to seek repayment of the loan. The
2745 loan administrator may, upon collecting payments for a defaulted
2746 loan, deduct the costs of the administrator's collection efforts
2747 ~~shall remit the payments to the office but,~~ to the extent
2748 authorized in the grant agreement, and shall use the remaining
2749 payments to provide additional loans to eligible borrowers under
2750 this section ~~may deduct the costs of the administrator's~~
2751 ~~collection efforts~~. ~~The Office shall deposit all funds received~~
2752 ~~under this paragraph in the General Revenue Fund.~~
2753 (f) A loan administrator shall submit quarterly reports to
2754 Jobs Florida ~~the Office~~ which include the information required
2755 in the grant agreement. A quarterly report must include, at a

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2756 minimum, the number of full-time equivalent jobs created as a
2757 result of the loans, the amount of wages paid to employees in
2758 the newly created jobs, and the locations and types of economic
2759 activity undertaken by the borrowers.
2760 (6) All notes, mortgages, security agreements, letters of
2761 credit, or other instruments that are given to secure the
2762 repayment of loans issued in connection with the financing of
2763 any loan under the program, without regard to the status of any
2764 party thereto as a private party, are exempt from taxation by
2765 the state and its political subdivisions. The exemption granted
2766 in this subsection does not apply to any tax imposed by chapter
2767 220 on interest, income, or profits on debt obligations owned by
2768 corporations.
2769 (7) Jobs Florida ~~The Office~~ shall adopt rules under ss.
2770 120.536(1) and 120.54 to administer this section. ~~To the extent~~
2771 ~~necessary to expedite implementation of the pilot program, the~~
2772 ~~Office may adopt initial emergency rules for the pilot program~~
2773 ~~in accordance with s. 120.54(4).~~
2774 (8) On June 30 and December 31 of each year, Jobs Florida
2775 ~~beginning in 2009, the Office~~ shall submit a report to the
2776 Governor, the President of the Senate, and the Speaker of the
2777 House of Representatives which describes in detail the use of
2778 the loan funds. The report must include, at a minimum, the
2779 number of businesses receiving loans, the number of full-time
2780 equivalent jobs created as a result of the loans, the amount of
2781 wages paid to employees in the newly created jobs, the locations
2782 and types of economic activity undertaken by the borrowers, the
2783 amounts of loan repayments made to date, and the default rate of
2784 borrowers.

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2785 (9) Unexpended balances of appropriations provided for the
2786 loan ~~pilot~~ program shall not revert to the fund from which the
2787 appropriation was made at the end of a fiscal year but shall be
2788 retained in the Economic Development Trust Fund and be carried
2789 forward for expenditure for the ~~pilot~~ program during the
2790 following fiscal year. ~~A loan administrator may not award a new~~
2791 ~~loan or enter into a loan agreement after June 30, 2011.~~
2792 ~~Balances of appropriations provided for the pilot program which~~
2793 ~~remain unexpended as of July 1, 2011, shall revert to the~~
2794 ~~General Revenue Fund.~~
2795 ~~(10) This section is repealed July 1, 2016, unless reviewed~~
2796 ~~and reenacted by the Legislature before that date.~~
2797 Section 25. Section 288.1082, Florida Statutes, is amended
2798 to read:
2799 288.1082 Economic Gardening Technical Assistance ~~Pilot~~
2800 Program.—
2801 (1) There is created within Jobs Florida ~~The Office of~~
2802 ~~Tourism, Trade, and Economic Development~~ the Economic Gardening
2803 Technical Assistance ~~Pilot~~ Program. The purpose of the ~~pilot~~
2804 program is to stimulate investment in Florida's economy by
2805 providing technical assistance for expanding businesses in the
2806 state. ~~As used in this section, the term "Office" means the~~
2807 ~~Office of Tourism, Trade, and Economic Development.~~
2808 (2) Jobs Florida ~~The Office~~ shall contract with one or more
2809 entities to administer the technical assistance ~~pilot~~ program
2810 under this section. Jobs Florida ~~The Office~~ shall award each
2811 contract in accordance with the competitive bidding requirements
2812 in s. 287.057 to an entity that demonstrates the ability to
2813 implement the ~~pilot~~ program on a statewide basis, has an

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

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2843 (b) The ~~A~~ contracted entity administering the ~~pilot~~
2844 program, in selecting the eligible businesses to receive
2845 assistance, shall choose businesses in more than one industry
2846 cluster and, to the maximum extent practicable, shall choose
2847 businesses that are geographically distributed throughout
2848 Florida or are in partnership with businesses that are
2849 geographically distributed throughout Florida.
2850 (5)(a) A business receiving assistance under the ~~pilot~~
2851 program must enter into an agreement with the contracted entity
2852 administering the program to establish the business's commitment
2853 to participation in the ~~pilot~~ program. The agreement must
2854 require, at a minimum, that the business:
2855 1. Attend a minimum number of meetings between the business
2856 and the contracted entity administering the ~~pilot~~ program.
2857 2. Report job creation data in the manner prescribed by the
2858 contracted entity administering the ~~pilot~~ program.
2859 3. Provide financial data in the manner prescribed by the
2860 contracted entity administering the program.
2861 (b) Jobs Florida ~~The office~~ or the contracted entity
2862 administering the ~~pilot~~ program may prescribe in the agreement
2863 additional reporting requirements that are necessary to track
2864 the progress of the business and monitor the business's
2865 implementation of the assistance. The contracted entity shall
2866 report the information to Jobs Florida ~~the office~~ on a quarterly
2867 basis.
2868 (6) The ~~A~~ contracted entity administering the ~~pilot~~ program
2869 is authorized to promote the general business interests or
2870 industrial interests of the state.
2871 (7) Jobs Florida ~~The Office~~ shall review the progress of

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2872 the ~~a~~ contracted entity administering the ~~pilot~~ program at least
2873 once each 6 months and shall determine whether the contracted
2874 entity is meeting its contractual obligations for administering
2875 the ~~pilot~~ program. Jobs Florida ~~The Office~~ may terminate and
2876 rebid a contract if the contracted entity does not meet its
2877 contractual obligations.
2878 (8) On December 31 of each year, Jobs Florida ~~beginning in~~
2879 ~~2009, the Office~~ shall submit a report to the Governor, the
2880 President of the Senate, and the Speaker of the House of
2881 Representatives which describes in detail the progress of the
2882 ~~pilot~~ program. The report must include, at a minimum, the number
2883 of businesses receiving assistance, the number of full-time
2884 equivalent jobs created as a result of the assistance, if any,
2885 the amount of wages paid to employees in the newly created jobs,
2886 and the locations and types of economic activity undertaken by
2887 the businesses.
2888 (9) Jobs Florida ~~the Office~~ may adopt rules under ss.
2889 120.536(1) and 120.54 to administer this section.
2890 Section 26. The Division of Statutory Revision is requested
2891 to rename part VII of chapter 288, Florida Statutes, consisting
2892 of ss. 288.901-288.9415, Florida Statutes, as "Jobs Florida
2893 Partnership," Inc.
2894 Section 27. Section 288.901, Florida Statutes, is amended
2895 to read:
2896 (Substantial rewording of section. See
2897 s. 288.901, F.S., for present text.)
2898 288.901 Jobs Florida Partnership, Inc.—
2899 (1) CREATION.—
2900 (a) There is created a nonprofit corporation, to be known

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2901 as "Jobs Florida Partnership, Inc.," which shall be registered,
2902 incorporated, organized, and operated in compliance with chapter
2903 617, and which is not a unit or entity of state government.
2904 (b) However, the Legislature determines it is in the best
2905 interest of the state and reflects the state's public policy
2906 that Jobs Florida Partnership, Inc., operate in the most open
2907 and accessible manner consistent with its public purposes. To
2908 this end, the Legislature specifically declares that Jobs
2909 Florida Partnership, Inc., and its divisions, boards and
2910 advisory councils, or similar entities created or managed by the
2911 Jobs Florida Partnership, Inc., are subject to the provisions of
2912 chapter 119, relating to public records and those provisions of
2913 chapter 286 relating to public meetings and records.
2914 (c) Additionally, the Legislature determines that it is in
2915 the public interest for the members of the Jobs Florida
2916 Partnership, Inc., board of directors to be subject to the
2917 requirements of ss. 112.3135, 112.3143, and 112.313, excluding
2918 s. 112.313(2), notwithstanding the fact that the board members
2919 are not public officers or employees. For purposes of those
2920 sections, the board members shall be considered to be public
2921 officers or employees. The exemption set forth in s. 212.313(12)
2922 for advisory boards applies to the members of the Jobs Florida
2923 Partnership, Inc., board of directors. Further, each member of
2924 the board of directors who is not otherwise required to file
2925 financial disclosures pursuant to s. 8, Art. II of the State
2926 Constitution or s. 112.3144, shall file disclosure of financial
2927 interests pursuant to s. 112.3145.
2928 (2) PURPOSES.—Jobs Florida Partnership, Inc., hereafter
2929 referred to as the partnership in this part, will act as an

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2930 economic-development organization for the state, utilizing
2931 private-sector and public-sector expertise in collaboration with
2932 Jobs Florida to:
2933 (a) Increase private investment in Florida;
2934 (b) Advance international and domestic trade opportunities;
2935 (c) Market the state both as a pro-business location for
2936 new investment and as an unparalleled tourist destination;
2937 (d) Revitalize Florida's space and aerospace industries,
2938 and promote emerging complementary industries;
2939 (e) Promote opportunities for minority-owned businesses;
2940 and
2941 (f) Assist and market professional and amateur sport teams
2942 and sporting events in Florida.
2943 (g) Assist, promote, and enhance economic opportunities in
2944 this state's rural and urban communities.
2945 (3) PERFORMANCE.—The partnership shall enter into a
2946 performance-based agreement with Jobs Florida, pursuant to s.
2947 20.60, which includes annual measurements of the partnership's
2948 performance.
2949 (4) GOVERNANCE.—The partnership shall be governed by an 11-
2950 member board of directors. The Governor shall serve on the board
2951 as the chair, and shall appoint four other members. Three
2952 members shall be appointed by the President of the Senate, and
2953 three shall be appointed by the Speaker of the House of
2954 Representatives. All appointees are subject to Senate
2955 confirmation.
2956 (a) In making their appointments, the Governor, the
2957 President of the Senate, and the Speaker of the House of
2958 Representatives shall ensure that the composition of the board

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2959 of directors reflects the diversity of Florida's business
2960 community and is representative of the economic development
2961 goals in subsection (2). The board must include at least one
2962 director for each of the following areas of expertise:
2963 international business, tourism marketing, the space or
2964 aerospace industry, managing or financing a minority-owned
2965 business, manufacturing, finance and accounting, and sports
2966 marketing.
2967 (b) The Governor, the President of the Senate, and the
2968 Speaker of the House of Representatives also shall consider
2969 appointees who reflect Florida's racial, ethnic, and gender
2970 diversity. Efforts shall be taken to ensure participation from
2971 all geographic areas of the state, including representation from
2972 urban and rural communities.
2973 (c) Appointed members shall be appointed to 4-year terms,
2974 except that initially, to provide for staggered terms, the
2975 Governor, the President of the Senate, and the Speaker of the
2976 House of Representatives shall each appoint one member to serve
2977 a 2-year term and one member to serve a 3-year term, with the
2978 remaining initial appointees serving 4-year terms. All
2979 subsequent appointments shall be for 4-year terms.
2980 (d) Initial appointments must be made by October 1, 2011,
2981 and be eligible for confirmation at the earliest available
2982 Senate session. Terms end on September 30.
2983 (e) Any member is eligible for reappointment, except that a
2984 member may not serve more than two terms.
2985 (f) A vacancy on the board of directors shall be filled for
2986 the remainder of the unexpired term. Vacancies on the board
2987 shall be filled by appointment by the Governor, the President of

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2988 the Senate, or the Speaker of the House of Representatives,
2989 respectively, depending on who appointed the member whose
2990 vacancy is to be filled or whose term has expired.
2991 (g) Appointed members may be removed by the Governor, the
2992 President of the Senate, or the Speaker of the House of
2993 Representatives, respectively, for cause. Absence from three
2994 consecutive meetings results in automatic removal.
2995 (5) AT-LARGE BOARD MEMBERS.—Notwithstanding the provisions
2996 of subsection (4), the board of directors may by resolution
2997 appoint up to 10 at-large members to the board from the private
2998 sector, each of whom may serve a term of up to 3 years. At-large
2999 members shall have the powers and duties of other members of the
3000 board. An at-large member is eligible for reappointment but may
3001 not vote on his or her own reappointment. An at-large member
3002 shall be eligible to fill vacancies occurring among private-
3003 sector appointees under subsection (4). At-large members may
3004 annually provide contributions to the partnership, in an amount
3005 determined by the 11-member board established in subsection (4).
3006 The contributions must be used to defray the partnership's
3007 operating expenses and help meet the required private match to
3008 the state's annual appropriation.
3009 (6) EX OFFICIO BOARD MEMBERS.—
3010 (a) The commissioner of the Department of Jobs Florida
3011 shall be an ex officio, nonvoting member of the board of
3012 directors.
3013 (b) The chair of each advisory council for a division shall
3014 be an ex officio, nonvoting member of the board of directors.
3015 (c) The chair of the advisory council for Space Florida
3016 shall be an ex officio, nonvoting member of the board of

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3017 directors.
3018 (7) MEETING.—The board of directors shall biennially elect
3019 one of its members as vice chairperson. The board of directors
3020 shall meet at least four times each year, upon the call of the
3021 chairperson, at the request of the vice chairperson, or at the
3022 request of a majority of the membership. A majority of the total
3023 number of current voting directors shall constitute a quorum.
3024 The board of directors may take official action by a majority
3025 vote of the members present at any meeting at which a quorum is
3026 present.
3027 (8) SERVICE.—Members of the board of directors shall serve
3028 without compensation, except for members of Jobs Florida
3029 Partnership, Inc., and the advisory councils created in s.
3030 288.92, but are entitled to reimbursement for all reasonable,
3031 necessary, and actual expenses, as determined by the board of
3032 directors.
3033 (9) PROHIBITION.—The partnership may not endorse any
3034 candidate for any elected public office or contribute moneys to
3035 the campaign of any such candidate.
3036 Section 28. Section 288.9015, Florida Statutes, is amended
3037 to read:
3038 (Substantial rewording of section. See
3039 s. 288.9015, F.S., for present text.)
3040 288.9015 Powers of the Jobs Florida Partnership, Inc.;
3041 board of directors.—
3042 (1) The partnership shall integrate its efforts in business
3043 recruitment and expansion, job creation, marketing the state for
3044 tourism and sports, and promoting economic opportunities for
3045 minority-owned businesses and promoting economic opportunities

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3046 for rural and distressed urban communities with those of the
3047 commissioner of the Department of Jobs Florida, to create an
3048 aggressive, agile, and collaborative effort to reinvigorate the
3049 state's economy.
3050 (2) The partnership's board of directors may:
3051 (a) Secure funding for its programs and activities, and for
3052 its boards from federal, state, local, and private sources and
3053 from fees charged for services and published materials.
3054 (b) Solicit, receive, hold, invest, and administer any
3055 grant, payment, or gift of funds or property and make
3056 expenditures consistent with the powers granted to it.
3057 (c) Make and enter into contracts and other instruments
3058 necessary or convenient for the exercise of its powers and
3059 functions. A contract executed by the partnership with a person
3060 or organization under which such person or organization agrees
3061 to perform economic development services or similar business-
3062 assistance services on behalf of the partnership or the state
3063 must include provisions requiring a performance report on the
3064 contracted activities and must account for the proper use of
3065 funds provided under the contract, coordinate with other
3066 components of state and local economic development systems, and
3067 avoid duplication of existing state and local services and
3068 activities.
3069 (d) Elect or appoint such officers, employees, and agents
3070 as required for its activities and for its divisions and pay
3071 such persons reasonable compensation.
3072 (e) Carry forward any unexpended state appropriations into
3073 succeeding fiscal years.
3074 (f) Except for the divisions and advisory councils created

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3075 in s. 288.92, create and dissolve advisory divisions, working
3076 groups, task forces, or similar organizations, as necessary to
3077 carry out its mission. Members of advisory divisions, working
3078 groups, task forces, or similar organizations created by the
3079 partnership shall serve without compensation, but may be
3080 reimbursed for reasonable, necessary, and actual expenses, as
3081 determined by the partnership's board of directors.
3082 (g) Sue and be sued, and appear and defend in all actions
3083 and proceedings, in its corporate name to the same extent as a
3084 natural person.
3085 (h) Adopt, use, and alter a common corporate seal for the
3086 partnership and its divisions. Notwithstanding any provision of
3087 chapter 617 to the contrary, this seal is not required to
3088 contain the words "corporation not for profit."
3089 (i) Adopt, amend, and repeal bylaws, not inconsistent with
3090 the powers granted to it or the articles of incorporation, for
3091 the administration of the partnership's activities and the
3092 exercise of its corporate powers.
3093 (j) Acquire, enjoy, use, and dispose of patents,
3094 copyrights, and trademarks and any licenses, royalties, and
3095 other rights or interests thereunder or therein.
3096 (k) Use the state seal, notwithstanding the provisions of
3097 s. 15.03, when appropriate, for standard corporate identity
3098 applications. Use of the state seal is not intended to replace
3099 use of a corporate seal as provided in this section.
3100 (l) Procure insurance or require bond against any loss in
3101 connection with the property of the partnership and its
3102 divisions, in such amounts and from such insurers as is
3103 necessary or desirable.

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3104 (3) The powers granted to the partnership shall be
3105 liberally construed in order that the partnership may pursue and
3106 succeed in its responsibilities under this part.
3107 (4) Under no circumstances may the credit of the State of
3108 Florida be pledged on behalf of the partnership.
3109 (5) In addition to any indemnification available under
3110 chapter 617, the partnership may indemnify, and purchase and
3111 maintain insurance on behalf of, it directors, officers, and
3112 employees of the partnership and its divisions against any
3113 personal liability or accountability by reason of actions taken
3114 while acting within the scope of their authority.
3115 Section 29. Section 288.903, Florida Statutes, is amended
3116 to read:
3117 (Substantial rewording of section. See
3118 s. 288.903, F.S., for present text.)
3119 288.903 Duties of the Jobs Florida Partnership, Inc.—The
3120 partnership shall have the following duties:
3121 (1) Responsibly and prudently manage all public and private
3122 funds received, and ensure that the use of such funds is in
3123 accordance with all applicable laws, bylaws, or contractual
3124 requirements.
3125 (2) Administer the entities or programs created pursuant to
3126 part IX of this chapter; ss. 288.9622-288.9624; ss. 288.95155
3127 and 288.9519; and chapter 95-429, Laws of Florida, line 1680Y.
3128 (3) Prepare an annual report pursuant to s. 288.906 and an
3129 annual incentives report pursuant to s. 288.907.
3130 (4) Assist Jobs Florida with the development of an annual
3131 and a long-range strategic business blueprint for economic
3132 development.

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3133 (5) In coordination with Workforce Florida, Inc., identify
3134 education and training programs that will ensure Florida
3135 businesses have access to a skilled and competent workforce
3136 necessary to compete successfully in the domestic and global
3137 marketplace.
3138 (6) Assist the Office of Property Management within the
3139 Division of Strategic Business Development of Jobs Florida in
3140 managing any state-owned property or assets that are essential
3141 to the activities of its various boards.
3142 Section 30. Section 288.904, Florida Statutes, is amended
3143 to read:
3144 (Substantial rewording of section. See
3145 s. 288.904, F.S., for present text.)
3146 288.904 Funding for the Jobs Florida Partnership, Inc.;
3147 return on the public's investment.—
3148 (1)(a) The Legislature may annually appropriate to the
3149 partnership a sum of money for its operations, and separate
3150 line-item appropriations for each of the divisions and Space
3151 Florida listed in s. 288.92.
3152 (b) The Legislature finds that it is a priority to maximize
3153 private-sector support in operating the partnership and its
3154 divisions, as an endorsement of its value and as an enhancement
3155 of its efforts. Thus, the state appropriations must be matched
3156 with private-sector support equal to at least 35 percent of the
3157 state funding.
3158 (c) Private-sector support in operating the partnership and
3159 its divisions includes:
3160 1. Cash given directly to the partnership for its
3161 operations, including contributions from at-large members of the

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3162 board of directors;
3163 2. Cash donations from the divisions' advisory councils or
3164 from organizations assisted by the divisions;
3165 3. Cash jointly raised by the partnership and a private
3166 local economic development organization, a group of such
3167 organizations, or a statewide private business organization that
3168 supports collaborative projects;
3169 4. Cash generated by fees charged for products or services
3170 of the partnership and its divisions by sponsorship of events,
3171 missions, programs, and publications; and
3172 5. Copayments, stock, warrants, royalties, or other private
3173 resources dedicated to the partnership or its divisions.
3174 (2)(a) The state's operating investment in the partnership
3175 and its divisions is the budget contracted by Jobs Florida to
3176 the partnership, less any funding that is directed by the
3177 Legislature to be subcontracted to a specific recipient entity.
3178 (b) The partnership's board of directors shall adopt for
3179 each upcoming fiscal year an operating budget for the
3180 organization, including its divisions, which specifies the
3181 intended uses of the state's operating investment and a plan for
3182 securing private-sector support.
3183 (3) The partnership shall fully comply with the performance
3184 measures, standards, and sanctions in its contract with Jobs
3185 Florida, under s. 20.60. Jobs Florida shall ensure, to the
3186 maximum extent possible, that the contract performance measures
3187 are consistent with performance measures that it is required to
3188 develop and track under performance-based program budgeting. The
3189 contract shall also include performance measures for the
3190 divisions.

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3191 (4) The Legislature intends to review the partnership's
3192 performance in achieving the performance goals stated in its
3193 annual agreement with Jobs Florida to determine whether the
3194 public is receiving a positive return on its investment in the
3195 partnership and its divisions. It also is the intent of the
3196 Legislature that the partnership coordinate its operations with
3197 local economic development organizations to maximize the state
3198 and local return on investment to create jobs for Floridians.
3199 (5) As part of the annual report required under s. 288.906,
3200 the partnership shall provide the Legislature with information
3201 quantifying the return on the public's investment as described
3202 in this section each fiscal year.
3203 (6) The partnership, in consultation with the Office of
3204 Economic and Demographic Research, shall hire an economic
3205 analysis firm to develop the methodology for establishing and
3206 reporting the return on the public's investment and in-kind
3207 contributions as described in this section and shall hire a firm
3208 experienced in survey research to develop, analyze, and report
3209 on the results of the customer-satisfaction survey conducted
3210 pursuant to s. 288.906. The Office of Economic and Demographic
3211 Research shall review and offer feedback on the methodology
3212 before it is implemented.
3213 Section 31. Section 288.905, Florida Statutes, is amended
3214 to read:
3215 (Substantial rewording of section. See
3216 s. 288.905, F.S., for present text.)
3217 288.905 President and employees of the Jobs Florida
3218 Partnership, Inc.—
3219 (1) The partnership's board of directors shall appoint a

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3220 president, who shall serve at the pleasure of the Governor. The
3221 board of directors shall establish and adjust the president's
3222 compensation. The president shall also be known as the "commerce
3223 secretary."
3224 (2) The president is the chief administrative and
3225 operational officer of the board of directors and of the
3226 partnership, and shall direct and supervise the administrative
3227 affairs of the board of directors and any divisions, councils,
3228 or boards. The board of directors may delegate to the president
3229 those powers and responsibilities it deems appropriate,
3230 including hiring and management of all staff, except for the
3231 appointment of a president.
3232 (3) No employee of the partnership may receive compensation
3233 for employment that exceeds the salary paid to the Governor,
3234 unless the board of directors and the employee have executed a
3235 contract that prescribes specific, measurable performance
3236 outcomes for the employee, the satisfaction of which provides
3237 the basis for the award of incentive payments that increase the
3238 employee's total compensation to a level above the salary paid
3239 to the Governor.
3240 Section 32. Section 288.906, Florida Statutes, is amended
3241 to read:
3242 (Substantial rewording of section. See
3243 s. 288.906, F.S., for present text.)
3244 288.906 Annual report of the partnership and its divisions;
3245 audits.—
3246 (1) Before December 1 of each year, the partnership shall
3247 submit to the Governor, the President of the Senate, the Speaker
3248 of the House of Representatives, the Senate Minority Leader, and

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3249 the House Minority Leader a complete and detailed report
3250 including, but not limited to:
3251 (a) A description of the operations and accomplishments of
3252 the partnership and its divisions, boards, and advisory councils
3253 or similar entities created by the partnership, and an
3254 identification of any major trends, initiatives, or developments
3255 affecting the performance of any program or activity. The
3256 individual annual reports prepared by each division shall be
3257 included as addenda.
3258 (b) An evaluation of progress toward achieving
3259 organizational goals and specific performance outcomes, both
3260 short-term and long-term, established pursuant this part or
3261 under the agreement with Jobs Florida.
3262 (c) Methods for implementing and funding the operations of
3263 the partnership and its divisions, including the private-sector
3264 support required under s. 288.904.
3265 (d) A description of the operations and accomplishments of
3266 the partnership and its divisions with respect to aggressively
3267 marketing Florida's rural communities and distressed urban
3268 communities as locations for potential new investment and job
3269 creation, aggressively assisting in the creation, retention, and
3270 expansion of existing businesses and job growth in these
3271 communities, and aggressively assisting these communities in the
3272 identification and development of new economic development
3273 opportunities.
3274 (e) A description and evaluation of the operations and
3275 accomplishments of the partnership and its divisions with
3276 respect to interaction with local and private economic
3277 development organizations, including the identification of each

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3278 organization that is a primary partner and any specific programs
3279 or activities that promoted the activities of such organizations
3280 and an identification of any specific programs or activities
3281 that promoted a comprehensive and coordinated approach to
3282 economic development in this state.
3283 (f) An assessment of job creation that directly benefits
3284 participants in the welfare transition program or other programs
3285 designed to put long-term unemployed back to work.
3286 (g) The results of a customer-satisfaction survey of
3287 businesses served. The Partnership shall hire a firm experienced
3288 in survey research to develop, analyze, and report on the
3289 results of the customer-satisfaction survey.
3290 (h) An annual compliance and financial audit of accounts
3291 and records by an independent certified public accountant at the
3292 end of its most recent fiscal year performed in accordance with
3293 rules adopted by the Auditor General.
3294 (2) The detailed report required by this section shall also
3295 include the information identified in subsection (1), if
3296 applicable, for each division and Space Florida established
3297 within the partnership.
3298 Section 33. Section 288.907, Florida Statutes, is created
3299 to read:
3300 288.907 Annual incentives report.—
3301 (1) In addition to the annual report required under s.
3302 288.906, the partnership, by December 30 of each year, shall
3303 provide the Governor, the President of the Senate, and the
3304 Speaker of the House of Representatives a detailed incentives
3305 report quantifying the economic benefits for each of the
3306 following economic development incentive programs marketed by

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3307 the partnership in its recruitment efforts: the Qualified Target
3308 Industry Tax Refund Program, the Quick Action Closing Fund, the
3309 Qualified Defense Contractor and Space Flight Business Tax
3310 Refund Program, the High-Impact Business Performance Grant, the
3311 Capital Investment Tax Credit Program, the Brownfield
3312 Redevelopment Bonus Refunds incentive, and the Economic
3313 Development Transportation grant program.
3314 (a) The annual incentives report must include for each
3315 incentive program:
3316 1. A brief description of the incentive program.
3317 2. The amount of awards granted, by year, since inception.
3318 3. Beginning in 2015, the economic benefits, as defined in
3319 s. 288.005, based on the actual amount of private capital
3320 invested, actual number of jobs created, and actual wages paid
3321 for incentive agreements completed during the previous 3 years.
3322 4. Beginning in 2015, the report shall also include the
3323 actual amount of private capital invested, actual number of jobs
3324 created, and actual wages paid for incentive agreements
3325 completed during the previous 3 years for each target industry
3326 sector.
3327 (b) For projects completed during the previous state fiscal
3328 year, the report must include:
3329 1. The number of economic development incentive
3330 applications received.
3331 2. The number of recommendations made to Jobs Florida by
3332 the partnership, including the number recommended for approval
3333 and the number recommended for denial.
3334 3. The number of final decisions issued by Jobs Florida for
3335 approval and for denial.

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3336 4. The projects for which a tax refund, tax credit, or cash
3337 grant agreement was executed, identifying:
3338 a. The number of jobs committed to be created.
3339 b. The amount of capital investments committed to be made.
3340 c. The annual average wage committed to be paid.
3341 d. The amount of state economic development incentives
3342 committed to the project from each incentive program under the
3343 project's terms of agreement with Jobs Florida.
3344 (c) For economic development projects that received tax
3345 refunds, tax credits, or cash grants under the terms of an
3346 agreement for incentives, the report must identify:
3347 1. The number of jobs actually created.
3348 2. The amount of capital investments actually made.
3349 3. The annual average wage paid.
3350 (d) For a project receiving economic development incentives
3351 approved by Jobs Florida and receiving federal or local
3352 incentives, the report must include a description of the federal
3353 or local incentives, if available.
3354 (e) The report must state the number of withdrawn or
3355 terminated projects that did not fulfill the terms of their
3356 agreements with Jobs Florida and consequently are not receiving
3357 incentives.
3358 (f) The report must include an analysis of the economic
3359 benefits, as defined in s. 288.005, of tax refunds, tax credits,
3360 or other payments made to projects locating or expanding in
3361 state enterprise zones, rural communities, brownfield areas, or
3362 distressed urban communities.
3363 (g) The report must identify the target industry businesses
3364 and high-impact businesses.

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3365 (h) The report must describe the trends relating to
3366 business interest in, and usage of, the various incentives, and
3367 the number of minority-owned or woman-owned businesses receiving
3368 incentives.
3369 (2) The Division of Strategic Business Development within
3370 Jobs Florida shall assist the partnership in the preparation of
3371 the annual incentives report.
3372 Section 34. Section 288.911, Florida Statutes, is amended
3373 to read:
3374 (Substantial rewording of section. See
3375 s. 288.911, F.S., for present text.)
3376 288.911 Creation and implementation of a marketing and
3377 image campaign.—
3378 (1) The Partnership, with the assistance of its Division of
3379 Tourism Marketing and the private sector, shall create a
3380 marketing campaign to help attract, develop, and retain target
3381 industry businesses and high-impact businesses to this state.
3382 The campaign must be coordinated with any existing economic
3383 development promotion efforts in this state, and shall be
3384 jointly funded from private and public resources.
3385 (2) The message of the campaign shall be to increase
3386 national and international awareness of this state as a state
3387 ideally suited for the successful advancement of businesses
3388 within the state's target industries and high-impact industries.
3389 Marketing strategies shall include development of promotional
3390 materials, Internet and print advertising, public relations and
3391 media placement, trade show attendance at information technology
3392 events, and appropriate follow-up activities. Efforts to promote
3393 this state must include the identification and coordination of

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3394 existing clusters of target industry businesses and high-impact
3395 businesses and partnerships with economic development
3396 organizations and private-sector businesses.
3397 Section 35. Section 288.912, Florida Statutes, is created
3398 to read:
3399 288.912 Inventory of communities seeking to recruit
3400 businesses.—By September 30 of each year, a county or
3401 municipality that has a population of at least 25,000 or its
3402 local economic development organization must submit to the Jobs
3403 Florida Partnership, Inc., a brief overview of the strengths,
3404 services, and economic development incentives that its community
3405 offers. The local government or its local economic development
3406 organization also must identify any industries that it is
3407 encouraging to locate or relocate to its area. A county or
3408 municipality having a population of 25,000 or fewer or its local
3409 economic development organization seeking to recruit businesses
3410 may submit information as required in this section and may
3411 participate in any activity or initiative resulting from the
3412 collection, analysis, and reporting of the information to the
3413 Jobs Florida Partnership, Inc., pursuant to this section.
3414 Section 36. Section 288.92, Florida Statutes, is created to
3415 read:
3416 288.92 Divisions and advisory councils of Jobs Florida
3417 Partnership, Inc.—
3418 (1) The partnership shall have the following divisions,
3419 which have distinct responsibilities and complementary missions:
3420 (a) The Division of International Trade and Business
3421 Development;
3422 (b) The Division of Business Retention and Recruitment;

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3423 (c) The Division of Tourism Marketing;
3424 (d) The Division of Minority Business Development; and
3425 (e) The Division of Sports Industry Development.
3426 (2)(a) The officers and agents of the divisions shall be
3427 hired and their annual compensation established by the president
3428 of the partnership, as deemed appropriate by the board of
3429 directors, and may be eligible for performance bonuses pursuant
3430 to s. 288.905(3).
3431 (b) The Partnership board of directors may organize the
3432 divisions so that administrative staff and costs are shared and
3433 thus minimized to the greatest extent possible.
3434 (3) Space Florida shall be administratively housed within
3435 the partnership and shall have the authority, powers, and duties
3436 set forth in part II of chapter 331.
3437 (4) Each division shall have an advisory council, comprised
3438 of Florida residents with expertise in each division's
3439 particular responsibilities. The partnership may submit
3440 nominations of persons to serve on each advisory council to the
3441 Governor, who will select the members of each advisory council
3442 from the lists submitted. Nominations for advisory council
3443 membership shall include representatives from all geographic
3444 areas of the state, including rural and urban communities. Each
3445 advisory council shall elect a member to serve as the chair of
3446 the council.
3447 (5) The term for an advisory council member is 4 years. A
3448 member may not serve more than two consecutive terms. The
3449 Governor may remove any member for cause and shall fill all
3450 vacancies that occur.
3451 (6) Advisory council members shall serve without

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3452 compensation, but may be reimbursed for all reasonable,
3453 necessary, and actual expenses, as determined by the
3454 partnership's board of directors.
3455 Section 37. Section 288.921, Florida Statutes, is created
3456 to read:
3457 288.921 Division of International Trade and Business
3458 Development; responsibilities; advisory council.—
3459 (1) There is created within the partnership the Division of
3460 International Trade and Business Development.
3461 (2) The division shall be responsible for:
3462 (a) Developing business leads that generate increased
3463 foreign investment in Florida;
3464 (b) Developing programs, such as international trade shows,
3465 that establish viable overseas markets for Florida products and
3466 services;
3467 (c) Facilitating the development and implementation of
3468 strategies to secure financing for exporting Florida products
3469 and services;
3470 (d) Promoting opportunities for international joint-venture
3471 relationships, using the resources of academic, business, and
3472 other institutions;
3473 (e) Coordinating and facilitating trade assistance for
3474 Florida businesses;
3475 (f) Participating in discussions and planning exercises
3476 with the Florida Seaport Advisory Council, the state Department
3477 of Transportation, and statewide transportation logistics and
3478 intermodal mobility organizations regarding proposed
3479 improvements to Florida's infrastructure to attract and manage
3480 international cargo and commerce.

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3481 (3) The division also shall assist the commissioner of Jobs
3482 Florida with administering a grant program for promotion of
3483 international trade.
3484 (a) A county, municipality, economic development council,
3485 or a nonprofit association of businesses organized to assist in
3486 the promotion of international trade may apply for a grant of
3487 state funds for the promotion of international trade.
3488 (b) The division shall review each application for a grant
3489 to promote international trade and annually submit to the
3490 commissioner of Jobs Florida for approval a list of all
3491 recommended applications for the award of grants, arranged in
3492 order of priority.
3493 1. The commissioner of Jobs Florida may allocate grants
3494 only for projects that are approved or for which funds are
3495 appropriated by the Legislature.
3496 2. Projects approved and recommended by the division, which
3497 are not funded by the Legislature, shall be retained on the
3498 project list for the following grant cycle only.
3499 3. All projects that are retained shall be required to
3500 submit such information as may be required by the Department of
3501 Jobs Florida as of the established deadline date of the latest
3502 grant cycle in order to adequately reflect the most current
3503 status of the project.
3504 (4) The division shall draft and submit an annual report by
3505 October 15 of each year which details the division's activities
3506 during the prior fiscal year and includes any recommendations
3507 for improving current statutes related to international trade
3508 and business development.
3509 (5) A 15-member advisory council shall be appointed,

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3510 pursuant to s. 288.92, to make recommendations to the
3511 partnership's board of directors on matters pertaining to
3512 international trade and business development projects for the
3513 division to undertake and staffing of the division.
3514 Section 38. Section 288.922, Florida Statutes, is created
3515 to read:
3516 288.922 Division of Business Retention and Recruitment;
3517 responsibilities; advisory council.—
3518 (1) There is created within the partnership the Division
3519 for Business Retention and Recruitment.
3520 (2) The division shall coordinate with the commissioner of
3521 Jobs Florida and the partnership to generate business leads on
3522 companies interested in relocating to Florida, and on Florida-
3523 based companies interested in expanding or diversifying their
3524 operations within the state.
3525 (3) The division shall draft and submit an annual report by
3526 October 15 that details the division's activities during the
3527 prior fiscal year and includes any recommendations for improving
3528 current statutes related to business retention and recruitment.
3529 (4) A 15-member advisory council shall be appointed,
3530 pursuant to s. 288.92, to make recommendations to the
3531 partnership board of directors on matters pertaining to
3532 innovative methods of business development and recruitment
3533 efforts, changes to existing economic development incentives or
3534 implementation of new types of incentives, targeted industries
3535 for recruitment or retention, and staffing of the division. The
3536 advisory council shall include at least one representative from
3537 each of the rural areas of critical economic concern established
3538 pursuant to s. 288.0656(7).

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3539 Section 39. Section 288.923, Florida Statutes, is created
3540 to read:
3541 288.923 Division of Tourism Marketing; definitions;
3542 responsibilities; advisory council.—
3543 (1) There is created within the partnership the Division of
3544 Tourism Marketing. The division shall be known as VISIT Florida.
3545 Jobs Florida Partnership, Inc., may register the fictitious
3546 name, "VISIT Florida" for use in its activities of promoting
3547 Florida as a tourist destination.
3548 (2) As used in this section, the term:
3549 (a) "Tourism marketing" means any effort exercised to
3550 attract domestic and international visitors from outside the
3551 state to destinations in this state and to stimulate Florida
3552 resident tourism to areas within the state.
3553 (b) "Tourist" means any person who participates in trade or
3554 recreation activities outside the county of his or her permanent
3555 residence or who rents or leases transient living quarters or
3556 accommodations as described in s. 125.0104(3)(a).
3557 (c) "County destination marketing organization" means a
3558 public or private agency that is funded by local option tourist
3559 development tax revenues under s. 125.0104, or local option
3560 convention development tax revenues under s. 212.0305, and is
3561 officially designated by a county commission to market and
3562 promote the area for tourism or convention business or, in any
3563 county that has not levied such taxes, a public or private
3564 agency that is officially designated by the county commission to
3565 market and promote the area for tourism or convention business.
3566 (3) The division's responsibilities and duties include, but
3567 are not limited to:

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3568 (a) Advising the commissioner of Jobs Florida and the
3569 partnership on development of domestic and international tourism
3570 marketing campaigns featuring Florida;
3571 (b) Developing and implementing, in conjunction with its
3572 private partners, an annual tourism marketing campaign that
3573 targets each region of the state, each season of the year, and
3574 traditional as well as new tourist populations; and
3575 (c) Developing a 4-year marketing plan explicitly
3576 explaining how the division intends to:
3577 1. Sustain overall tourism growth in this state;
3578 2. Expand to new or under-represented tourist markets;
3579 3. Solidify traditional and loyal tourist markets;
3580 4. Coordinate efforts with county destination marketing
3581 organizations, other local government marketing groups,
3582 privately owned attractions and destinations, and other private-
3583 sector partners to create a seamless, four-season advertising
3584 campaign for the state and its regions;
3585 5. Develop innovative techniques or promotions to build
3586 repeat visitation by targeted segments of the tourist
3587 population;
3588 6. Consider innovative sources of state funding for tourism
3589 marketing; and
3590 7. Develop and update periodically an emergency response
3591 component to address natural and man-made disasters from a
3592 marketing standpoint.
3593
3594 The plan shall be annual in construction and ongoing in nature.
3595 Any annual revisions of such a plan shall carry forward the
3596 concepts of the remaining 3-year portion of that plan and

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3597 consider a continuum portion to preserve the 4-year time-frame
3598 of the plan. The plan also shall include recommendations for
3599 specific performance standards and measurable outcomes for the
3600 division. The commissioner of Jobs Florida, in consultation with
3601 the partnership's board of directors, shall base the actual
3602 performance metrics on these recommendations.
3603 (d) Drafting and submitting an annual report by October 15
3604 that details the division's activities during the prior fiscal
3605 year, and any recommendations for improving current statutes
3606 related to tourism marketing.
3607 (4) A 15-member advisory council shall be appointed,
3608 pursuant to s. 288.92, to make recommendations to the
3609 partnership's board of directors on matters pertaining to ways
3610 to improve or enhance the state's tourism marketing efforts,
3611 research on tourist populations and trends, innovative tourism
3612 funding proposals, and staffing of the division. The advisory
3613 council shall make recommendations to promote tourism
3614 opportunities in all areas of this state.
3615 Section 40. Section 288.925, Florida Statutes, is created
3616 to read:
3617 288.925 The Division of Minority Business Investment;
3618 responsibilities; advisory council.—
3619 (1) There is created within the partnership the Division of
3620 Minority Business Development.
3621 (2) The division's primary mission is to assist in the
3622 development and expansion of minority business enterprises by:
3623 (a) Administering the Black Business Loan Program in s.
3624 288.7102 and assisting in the creation of a long-range strategic
3625 policy for that program.

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3626 (b) Evaluating the unmet need for capital by minority
3627 business enterprises in the state and providing a 5-year
3628 projection of the need for capital by minority business
3629 enterprises. The division may contract with an independent
3630 entity to prepare the projection once every 5 years.
3631 (c) Developing strategies to increase financial institution
3632 investment in minority business enterprises.
3633 (d) Advising Jobs Florida and the partnership about the
3634 needs of minority business enterprises.
3635 (e) Creating partnerships among federal, state, and local
3636 governments, private enterprises, and national organizations to
3637 aid in the development and expansion of minority business
3638 enterprises.
3639 (f) Acting as a clearinghouse for information by providing
3640 a network of information resources for minority business
3641 enterprises and facilitating the provision of technical
3642 assistance in communities in which such services are otherwise
3643 underserved.
3644 (g) Aiding the development and expansion of minority
3645 business enterprises by leveraging federal, state, local, and
3646 private funds to be held by the partnership board of directors
3647 for uses pursuant to this section and s. 288.7102.
3648 (h) Marketing services to minority business enterprises,
3649 including the Black Business Loan Program.
3650 (i) Submitting an annual report by October 15 of each year
3651 to the partnership's board of directors which details the
3652 previous fiscal year's activities, including activities of the
3653 black business investment corporations that make the loans to
3654 qualified businesses, pursuant to s. 288.7102, identifiable

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3655 trends from the previous fiscal year's loan activity, and any
3656 recommended changes to the current program.
3657 (3) A 15-member advisory council shall be appointed,
3658 pursuant to s. 288.92, to make recommendations to the
3659 partnership's board of directors on such matters as how to
3660 improve minority business access to capital, recommendations on
3661 how to provide technical assistance and other business resources
3662 to minority-owned businesses, and recommendations on the
3663 staffing of the division. Members of the advisory council must
3664 have experience in business, including financial services,
3665 banking, or economic development. At least one of the appointees
3666 must have experience in venture capitalism.
3667 Section 41. Section 288.1229, Florida Statutes, is
3668 transferred, renumbered as section 288.926, Florida Statutes,
3669 and amended to read:
3670 (Substantial rewording of section. See
3671 s. 288.1229, F.S., for present text.)
3672 288.926 Division of Sports Industry Development;
3673 responsibilities; duties; advisory council.—
3674 (1) There is created within the partnership the Division of
3675 Sports Industry Development.
3676 (2) The division is responsible for:
3677 (a) The promotion and development of professional and
3678 amateur sports industries and related industries for the purpose
3679 of improving the economic presence of these industries in this
3680 state.
3681 (b) The promotion of amateur athletic participation for the
3682 citizens of this state, and the promotion of this state as a
3683 host for national and international amateur athletic

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3684 competitions for the purpose of encouraging and increasing the
3685 direct and ancillary economic benefits of amateur athletic
3686 events and competitions.
3687 (c) The retention of professional sports franchises,
3688 including the spring training operations of Major League
3689 Baseball.
3690 (d) The drafting and submittal of an annual report, due
3691 each October 15, to the partnership, which details the
3692 division's activities for the prior fiscal year and any
3693 recommendations for improving current laws related to sports and
3694 related industries.
3695 (3) The division shall have the following duties:
3696 (a) Developing, fostering, and coordinating services and
3697 programs for amateur sports for all Floridians.
3698 (b) Sponsoring amateur sports workshops, clinics,
3699 conferences, and other similar activities.
3700 (c) Giving recognition to outstanding developments and
3701 achievements in, and contributions to, amateur sports.
3702 (d) Encouraging, supporting, and assisting local
3703 governments and communities in the development of or hosting of
3704 local amateur athletic events and competitions.
3705 (e) Promoting this state as a host for national and
3706 international amateur athletic competitions.
3707 (f) Continuing the amateur sports programs previously
3708 conducted by the Florida Governor's Council on Physical Fitness
3709 and Amateur Sports created under the former s. 14.22.
3710 (g) Encouraging and continuing the use of volunteers in its
3711 amateur sports programs to the maximum extent possible.
3712 (h) Developing, fostering, and coordinating services and

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3713 programs designed to encourage the participation of Florida's
3714 youth in Olympic sports activities and competitions.
3715 (i) Fostering and coordinating services and programs
3716 designed to contribute to the physical fitness of the citizens
3717 of this state.
3718 (j) Developing a statewide program of amateur athletic
3719 competition to be known as the "Sunshine State Games." The
3720 Sunshine State Games shall be patterned after the Summer
3721 Olympics with variations as necessitated by availability of
3722 facilities, equipment, and expertise. The games shall be
3723 designed to encourage the participation of athletes representing
3724 a broad range of age groups, skill levels, and Florida
3725 communities. Participants shall be residents of this state.
3726 Regional competitions shall be held throughout the state, and
3727 the top qualifiers in each sport shall proceed to the final
3728 competitions to be held at a site in the state with the
3729 necessary facilities and equipment for conducting the
3730 competitions.
3731 (4) The Executive Office of the Governor is authorized to
3732 permit the use of property, facilities, and personnel services
3733 of or at any State University System facility or institution by
3734 the division for operating the Sunshine State Games. For the
3735 purposes of this paragraph, personnel services includes full-
3736 time or part-time personnel as well as payroll processing. Any
3737 funds or property held in trust by the Sunshine State Games
3738 Foundation, Inc., and the Florida Governor's Council on Physical
3739 Fitness and Amateur Sports shall revert to the division upon
3740 expiration or cancellation of the contract with the Sunshine
3741 State Games Foundation, Inc., and the Florida Governor's Council

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3742 on Physical Fitness and Amateur Sports, to be used for the
3743 promotion of amateur sports in this state.
3744 (5)(a) A 15-member advisory council shall be appointed,
3745 pursuant to s. 288.92, to make recommendations to the
3746 partnership board of directors on the activities and staffing of
3747 the division.
3748 (b) Applicants for the advisory council must have either a
3749 background in community service in, or financial support of, the
3750 sports industry, professional sports, or organized amateur
3751 athletics. They also should be knowledgeable about or active in
3752 professional or organized amateur sports. Additionally, the
3753 advisory council's membership must be representative of all
3754 geographical regions of the state and reflect the state's ethnic
3755 and gender diversity.
3756 Section 42. Paragraph (d) is added to subsection (6) of
3757 section 290.0055, Florida Statutes, to read:
3758 290.0055 Local nominating procedure.—
3759 (6)
3760 (d)1. Effective January 1, 2012, the governing body of a
3761 jurisdiction which nominated the application for an enterprise
3762 zone that is no larger than 12 square miles and includes a
3763 portion of the state designated as a rural area of critical
3764 economic concern pursuant to s. 288.0656(7) may apply to Jobs
3765 Florida to expand the boundary of the enterprise zone by not
3766 more than 3 square miles. Such application must be submitted by
3767 December 31, 2012.
3768 2. Notwithstanding the area limitations specified in
3769 subsection (4), Jobs Florida may approve the request for a
3770 boundary amendment if the area continues to satisfy the

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3771 remaining requirements of this section.
3772 3. Jobs Florida shall establish the initial effective date
3773 of an enterprise zone designated under this paragraph.
3774 Section 43. Section 290.00726, Florida Statutes, is created
3775 to read:
3776 290.00726 Enterprise zone designation for Martin County.—
3777 Effective January 1, 2012, Martin County may apply to Jobs
3778 Florida for designation of one enterprise zone for an area
3779 within Martin County, which zone shall encompass an area up to
3780 10 square miles consisting of land within the primary urban
3781 services boundary and focusing on Indiantown, but excluding
3782 property owned by Florida Power and Light to the west, two areas
3783 to the north designated as estate residential, and the county-
3784 owned Timer Powers Recreational Area. Within the designated
3785 enterprise zone, Martin County shall exempt residential
3786 condominiums from benefiting from state enterprise zone
3787 incentives, unless prohibited by law. The application must have
3788 been submitted by December 31, 2011, and must comply with the
3789 requirements of s. 290.0055. Notwithstanding s. 290.0065
3790 limiting the total number of enterprise zones designated and the
3791 number of enterprise zones within a population category, Jobs
3792 Florida may designate one enterprise zone under this section.
3793 Jobs Florida shall establish the initial effective date of the
3794 enterprise zone designated pursuant to this section.
3795 Section 44. Subsection (4) of section 409.942, Florida
3796 Statutes, is amended to read:
3797 409.942 Electronic benefit transfer program.—
3798 ~~(4) Workforce Florida, Inc., through the Agency for~~
3799 ~~Workforce Innovation, shall establish an electronic benefit~~

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3800 ~~transfer program for the use and management of education,~~
3801 ~~training, child care, transportation, and other program benefits~~
3802 ~~under its direction. The workforce electronic benefit transfer~~
3803 ~~program shall fulfill all federal and state requirements for~~
3804 ~~Individual Training Accounts, Retention Incentive Training~~
3805 ~~Accounts, Individual Development Accounts, and Individual~~
3806 ~~Services Accounts. The workforce electronic benefit transfer~~
3807 ~~program shall be designed to enable an individual who receives~~
3808 ~~an electronic benefit transfer card under subsection (1) to use~~
3809 ~~that card for purposes of benefits provided under the workforce~~
3810 ~~development system as well. The Department of Children and~~
3811 ~~Family Services shall assist Workforce Florida, Inc., in~~
3812 ~~developing an electronic benefit transfer program for the~~
3813 ~~workforce development system that is fully compatible with the~~
3814 ~~department's electronic benefit transfer program. The agency~~
3815 ~~shall reimburse the department for all costs incurred in~~
3816 ~~providing such assistance and shall pay all costs for the~~
3817 ~~development of the workforce electronic benefit transfer~~
3818 ~~program.~~
3819 Section 45. Section 411.0102, Florida Statutes, is amended
3820 to read:
3821 411.0102 Child Care Executive Partnership Act; findings and
3822 intent; grant; limitation; rules.—
3823 (1) This section may be cited as the "Child Care Executive
3824 Partnership Act."
3825 (2)(a) The Legislature finds that when private employers
3826 provide onsite child care or provide other child care benefits,
3827 they benefit by improved recruitment and higher retention rates
3828 for employees, lower absenteeism, and improved employee morale.

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3829 The Legislature also finds that there are many ways in which
3830 private employers can provide child care assistance to
3831 employees: information and referral, vouchering, employer
3832 contribution to child care programs, and onsite care. Private
3833 employers can offer child care as part of a menu of employee
3834 benefits. The Legislature recognizes that flexible compensation
3835 programs providing a child care option are beneficial to the
3836 private employer through increased productivity, to the private
3837 employee in knowing that his or her children are being cared for
3838 in a safe and nurturing environment, and to the state in more
3839 dollars being available for purchasing power and investment.
3840 (b) It is the intent of the Legislature to promote
3841 public/private partnerships to ensure that the children of the
3842 state be provided safe and enriching child care at any time, but
3843 especially while parents work to remain self-sufficient. It is
3844 the intent of the Legislature that private employers be
3845 encouraged to participate in the future of this state by
3846 providing employee child care benefits. Further, it is the
3847 intent of the Legislature to encourage private employers to
3848 explore innovative ways to assist employees to obtain quality
3849 child care.
3850 (c) The Legislature further recognizes that many parents
3851 need assistance in paying the full costs of quality child care.
3852 The public and private sectors, by working in partnership, can
3853 promote and improve access to quality child care and early
3854 education for children of working families who need it.
3855 Therefore, a more formal mechanism is necessary to stimulate the
3856 establishment of public-private partnerships. It is the intent
3857 of the Legislature to expand the availability of scholarship

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3858 options for working families by providing incentives for
3859 employers to contribute to meeting the needs of their employees'
3860 families through matching public dollars available for child
3861 care.
3862 (3) There is created a body politic and corporate known as
3863 the Child Care Executive Partnership which shall establish and
3864 govern the Child Care Executive Partnership Program. The purpose
3865 of the Child Care Executive Partnership Program is to utilize
3866 state and federal funds as incentives for matching local funds
3867 derived from local governments, employers, charitable
3868 foundations, and other sources so that Florida communities may
3869 create local flexible partnerships with employers. The Child
3870 Care Executive Partnership Program funds shall be used at the
3871 discretion of local communities to meet the needs of working
3872 parents. A child care purchasing pool shall be developed with
3873 the state, federal, and local funds to provide subsidies to low-
3874 income working parents whose family income does not exceed the
3875 allowable income for any federally subsidized child care program
3876 with a dollar-for-dollar match from employers, local government,
3877 and other matching contributions. The funds used from the child
3878 care purchasing pool must be used to supplement or extend the
3879 use of existing public or private funds.
3880 (4) The Child Care Executive Partnership, staffed by the
3881 Department of Education ~~Agency for Workforce Innovation~~, shall
3882 consist of a representative of the Executive Office of the
3883 Governor and nine members of the corporate or child care
3884 community, appointed by the Governor.
3885 (a) Members shall serve for a period of 4 years, except
3886 that the representative of the Executive Office of the Governor

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3887 shall serve at the pleasure of the Governor.
3888 (b) The Child Care Executive Partnership shall be chaired
3889 by a member chosen by a majority vote and shall meet at least
3890 quarterly and at other times upon the call of the chair. The
3891 Child Care Executive Partnership may use any method of
3892 telecommunications to conduct meetings, including establishing a
3893 quorum through telecommunications, only if the public is given
3894 proper notice of a telecommunications meeting and reasonable
3895 access to observe and, when appropriate, participate.
3896 (c) Members shall serve without compensation, but may be
3897 reimbursed for per diem and travel expenses in accordance with
3898 s. 112.061.
3899 (d) The Child Care Executive Partnership shall have all the
3900 powers and authority, not explicitly prohibited by statute,
3901 necessary to carry out and effectuate the purposes of this
3902 section, as well as the functions, duties, and responsibilities
3903 of the partnership, including, but not limited to, the
3904 following:
3905 1. Assisting in the formulation and coordination of the
3906 state's child care policy.
3907 2. Adopting an official seal.
3908 3. Soliciting, accepting, receiving, investing, and
3909 expending funds from public or private sources.
3910 4. Contracting with public or private entities as
3911 necessary.
3912 5. Approving an annual budget.
3913 6. Carrying forward any unexpended state appropriations
3914 into succeeding fiscal years.
3915 7. Providing a report to the Governor, the Speaker of the

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3916 House of Representatives, and the President of the Senate, on or
3917 before December 1 of each year.
3918 (5)(a) The Legislature shall annually determine the amount
3919 of state or federal low-income child care moneys which shall be
3920 used to create Child Care Executive Partnership Program child
3921 care purchasing pools in counties chosen by the Child Care
3922 Executive Partnership, provided that at least two of the
3923 counties have populations of no more than 300,000. The
3924 Legislature shall annually review the effectiveness of the child
3925 care purchasing pool program and reevaluate the percentage of
3926 additional state or federal funds, if any, which ~~that~~ can be
3927 used for the program's expansion.
3928 (b) To ensure a seamless service delivery and ease of
3929 access for families, an early learning coalition or the
3930 Department of Education ~~Agency for Workforce Innovation~~ shall
3931 administer the child care purchasing pool funds.
3932 (c) The Department of Education ~~Agency for Workforce~~
3933 ~~Innovation~~, in conjunction with the Child Care Executive
3934 Partnership, shall develop procedures for disbursement of funds
3935 through the child care purchasing pools. In order to be
3936 considered for funding, an early learning coalition or the
3937 Department of Education ~~Agency for Workforce Innovation~~ must
3938 commit to:
3939 1. Matching the state purchasing pool funds on a dollar-
3940 for-dollar basis; and
3941 2. Expending only those public funds that ~~which~~ are matched
3942 by employers, local government, and other matching contributors
3943 who contribute to the purchasing pool. Parents shall also pay a
3944 fee, which may not be less than the amount identified in the

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3945 early learning coalition's school readiness program sliding fee
3946 scale.
3947 (d) Each early learning coalition shall establish a
3948 community child care task force for each child care purchasing
3949 pool. The task force must be composed of employers, parents,
3950 private child care providers, and one representative from the
3951 local children's services council, if one exists in the area of
3952 the purchasing pool. The early learning coalition is expected to
3953 recruit the task force members from existing child care
3954 councils, commissions, or task forces already operating in the
3955 area of a purchasing pool. A majority of the task force shall
3956 consist of employers.
3957 (e) Each participating early learning coalition board shall
3958 develop a plan for the use of child care purchasing pool funds.
3959 The plan must show how many children will be served by the
3960 purchasing pool, how many will be new to receiving child care
3961 services, and how the early learning coalition intends to
3962 attract new employers and their employees to the program.
3963 (6) The Department of Education ~~Agency for Workforce~~
3964 ~~Innovation~~ shall adopt any rules necessary for the
3965 implementation and administration of this section.
3966 Section 46. Section 1002.73, Florida Statutes, is amended
3967 to read:
3968 1002.73 Department of Education; powers and duties;
3969 accountability requirements; operational requirements.—
3970 (1) The department shall administer the accountability
3971 requirements and operational requirements of the Voluntary
3972 Prekindergarten Education Program at the state level. The
3973 department shall ensure the preservation of parental choice by

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3974 permitting parents to choose from a variety of child care
3975 categories, including: Center-based child care; Group home child
3976 care; Family child care; and In-home child care. Under each of
3977 the above categories, care and curriculum by a sectarian
3978 provider may not be limited or excluded.
3979 (2) The department shall adopt procedures for its:
3980 (a) Approval of prekindergarten director credentials under
3981 ss. 1002.55 and 1002.57.
3982 (b) Approval of emergent literacy training courses under
3983 ss. 1002.55 and 1002.59.
3984 (c) Administration of the statewide kindergarten screening
3985 and calculation of kindergarten readiness rates under s.
3986 1002.69.
3987 (d) Approval of specialized instructional services
3988 providers under s. 1002.66.
3989 (e) Granting of a private prekindergarten provider's or
3990 public school's request for a good cause exemption under s.
3991 1002.69(7).
3992 (3) The department shall adopt procedures governing the
3993 administration of the Voluntary Prekindergarten Education
3994 Program by the early learning coalitions and school districts
3995 for:
3996 (a) Enrolling children in and determining the eligibility
3997 of children for the Voluntary Prekindergarten Education Program
3998 under s. 1002.53.
3999 (b) Providing parents with profiles of private
4000 prekindergarten providers and public schools under s. 1002.53.
4001 (c) Registering private prekindergarten providers and
4002 public schools to deliver the program under ss. 1002.55,

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4003 1002.61, and 1002.63.
4004 (d) Determining the eligibility of private prekindergarten
4005 providers to deliver the program under ss. 1002.55 and 1002.61.
4006 (e) Verifying the compliance of private prekindergarten
4007 providers and public schools and removing providers or schools
4008 from eligibility to deliver the program due to noncompliance or
4009 misconduct as provided in s. 1002.67.
4010 (f) Paying private prekindergarten providers and public
4011 schools under s. 1002.71.
4012 (g) Documenting and certifying student enrollment and
4013 student attendance under s. 1002.71.
4014 (h) Reconciling advance payments in accordance with the
4015 uniform attendance policy under s. 1002.71.
4016 (i) Reenrolling students dismissed by a private
4017 prekindergarten provider or public school for noncompliance with
4018 the provider's or school district's attendance policy under s.
4019 1002.71.
4020 (4) The department shall adopt procedures governing the
4021 administration of the Voluntary Prekindergarten Education
4022 Program by the early learning coalitions and school districts
4023 for:
4024 (a) Approving improvement plans of private prekindergarten
4025 providers and public schools under s. 1002.67.
4026 (b) Placing private prekindergarten providers and public
4027 schools on probation and requiring corrective actions under s.
4028 1002.67.
4029 (c) Removing a private prekindergarten provider or public
4030 school from eligibility to deliver the program due to the
4031 provider's or school's remaining on probation beyond the time

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4032 permitted under s. 1002.67.
4033 (d) Enrolling children in and determining the eligibility
4034 of children for the Voluntary Prekindergarten Education Program
4035 under s. 1002.66.
4036 (e) Paying specialized instructional services providers
4037 under s. 1002.66.
4038 (5) The department shall also adopt procedures for the
4039 distribution of funds to early learning coalitions under s.
4040 1002.71.
4041 (6) ~~(3)~~ Except as provided by law, the department may not
4042 impose requirements on a private prekindergarten provider or
4043 public school that does not deliver the Voluntary
4044 Prekindergarten Education Program or receive state funds under
4045 this part.
4046 Section 47. Paragraph (i) of subsection (3) of section
4047 11.45, Florida Statutes, is amended to read:
4048 11.45 Definitions; duties; authorities; reports; rules.—
4049 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor
4050 General may, pursuant to his or her own authority, or at the
4051 direction of the Legislative Auditing Committee, conduct audits
4052 or other engagements as determined appropriate by the Auditor
4053 General of:
4054 (i) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
4055 including any of its boards, advisory committees, or similar
4056 groups created by the Jobs Florida Partnership ~~Enterprise~~
4057 ~~Florida~~, Inc., and programs. The audit report may not reveal the
4058 identity of any person who has anonymously made a donation to
4059 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., pursuant
4060 to this paragraph. The identity of a donor or prospective donor

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4061 to the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., who
4062 desires to remain anonymous and all information identifying such
4063 donor or prospective donor are confidential and exempt from the
4064 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
4065 Constitution. Such anonymity shall be maintained in the
4066 auditor's report.
4067 Section 48. Paragraph (b) of subsection (2) of section
4068 14.20195, Florida Statutes, is amended to read:
4069 14.20195 Suicide Prevention Coordinating Council; creation;
4070 membership; duties.—There is created within the Statewide Office
4071 for Suicide Prevention a Suicide Prevention Coordinating
4072 Council. The council shall develop strategies for preventing
4073 suicide.
4074 (2) MEMBERSHIP.—The Suicide Prevention Coordinating Council
4075 shall consist of 28 voting members.
4076 (b) The following state officials or their designees shall
4077 serve on the coordinating council:
4078 1. The Secretary of Elderly Affairs.
4079 2. The State Surgeon General.
4080 3. The Commissioner of Education.
4081 4. The Secretary of Health Care Administration.
4082 5. The Secretary of Juvenile Justice.
4083 6. The Secretary of Corrections.
4084 7. The executive director of the Department of Law
4085 Enforcement.
4086 8. The executive director of the Department of Veterans'
4087 Affairs.
4088 9. The Secretary of Children and Family Services.
4089 10. The commissioner ~~director~~ of Jobs Florida ~~the Agency~~

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4090 ~~for Workforce Innovation~~.
4091 Section 49. Section 15.18, Florida Statutes, is amended to
4092 read:
4093 15.18 International and cultural relations.—The Divisions
4094 of Cultural Affairs, Historical Resources, and Library and
4095 Information Services of the Department of State promote programs
4096 having substantial cultural, artistic, and indirect economic
4097 significance that emphasize American creativity. The Secretary
4098 of State, as the head administrator of these divisions, shall
4099 hereafter be known as "Florida's Chief Cultural Officer." As
4100 this officer, the Secretary of State is encouraged to initiate
4101 and develop relationships between the state and foreign cultural
4102 officers, their representatives, and other foreign governmental
4103 officials in order to promote Florida as the center of American
4104 creativity. The Secretary of State shall coordinate
4105 international activities pursuant to this section with the Jobs
4106 Florida Partnership ~~Enterprise Florida~~, Inc., and any other
4107 organization the secretary deems appropriate. For the
4108 accomplishment of this purpose, the Secretary of State shall
4109 have the power and authority to:
4110 (1) Disseminate any information pertaining to the State of
4111 Florida which promotes the state's cultural assets.
4112 (2) Plan and carry out activities designed to cause
4113 improved cultural and governmental programs and exchanges with
4114 foreign countries.
4115 (3) Plan and implement cultural and social activities for
4116 visiting foreign heads of state, diplomats, dignitaries, and
4117 exchange groups.
4118 (4) Encourage and cooperate with other public and private

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4119 organizations or groups in their efforts to promote the cultural
4120 advantages of Florida.
4121 (5) Serve as the liaison with all foreign consular and
4122 ambassadorial corps, as well as international organizations,
4123 that are consistent with the purposes of this section.
4124 (6) Provide, arrange, and make expenditures for the
4125 achievement of any or all of the purposes specified in this
4126 section.
4127 (7) Notwithstanding the provisions of part I of chapter
4128 287, promulgate rules for entering into contracts which are
4129 primarily for promotional services and events, which may include
4130 commodities involving a service. Such rules shall include the
4131 authority to negotiate costs with the offerors of such services
4132 and commodities who have been determined to be qualified on the
4133 basis of technical merit, creative ability, and professional
4134 competency. The rules shall only apply to the expenditure of
4135 funds donated for promotional services and events. Expenditures
4136 of appropriated funds shall be made only in accordance with part
4137 I of chapter 287.
4138 Section 50. Section 15.182, Florida Statutes, is amended to
4139 read:
4140 15.182 International travel by state-funded musical,
4141 cultural, or artistic organizations; notification to Jobs
4142 Florida ~~Office of Tourism, Trade, and Economic Development~~.~~—~~
4143 (1) If a musical, cultural, or artistic organization that
4144 receives state funding is traveling internationally for a
4145 presentation, performance, or other significant public viewing,
4146 including an organization associated with a college or
4147 university, such organization shall notify Jobs Florida ~~The~~

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4148 ~~Office of Tourism, Trade, and Economic Development~~ of its
4149 intentions to travel, together with the date, time, and location
4150 of each appearance.
4151 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
4152 ~~Development~~, in conjunction with the Jobs Florida Partnership
4153 ~~Enterprise Florida~~, Inc., shall act as an intermediary between
4154 performing musical, cultural, and artistic organizations and
4155 Florida businesses to encourage and coordinate joint
4156 undertakings. Such coordination may include, but is not limited
4157 to, encouraging business and industry to sponsor cultural
4158 events, assistance with travel of such organizations, and
4159 coordinating travel schedules of cultural performance groups and
4160 international trade missions.
4161 (3) An organization shall provide the notification to the
4162 Department of State required by this section at least 30 days
4163 before ~~prior to~~ the date the international travel is to commence
4164 or, when an intention to travel internationally is not formed at
4165 least 30 days in advance of the date the travel is to commence,
4166 as soon as feasible after forming such travel intention. The
4167 Department of State shall take an active role in informing such
4168 groups of the responsibility to notify the department of travel
4169 intentions.
4170 Section 51. Paragraph (j) of subsection (1) of section
4171 16.615, Florida Statutes, is amended to read:
4172 16.615 Council on the Social Status of Black Men and Boys.—
4173 (1) The Council on the Social Status of Black Men and Boys
4174 is established within the Department of Legal Affairs and shall
4175 consist of 19 members appointed as follows:
4176 (j) The commissioner ~~director~~ of Jobs Florida ~~the Agency~~

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4177 ~~for Workforce Innovation~~ or his or her designee.
4178 Section 52. Paragraph (a) of subsection (8) and paragraph
4179 (a) of subsection (9) of section 39.001, Florida Statutes, are
4180 amended to read:
4181 39.001 Purposes and intent; personnel standards and
4182 screening.—
4183 (8) PLAN FOR COMPREHENSIVE APPROACH.—
4184 (a) The office shall develop a state plan for the promotion
4185 of adoption, support of adoptive families, and prevention of
4186 abuse, abandonment, and neglect of children and shall submit the
4187 state plan to the Speaker of the House of Representatives, the
4188 President of the Senate, and the Governor no later than December
4189 31, 2008. The Department of Children and Family Services, the
4190 Department of Corrections, the Department of Education, the
4191 Department of Health, the Department of Juvenile Justice, the
4192 Department of Law Enforcement, and the Agency for Persons with
4193 Disabilities~~, and the Agency for Workforce Innovation~~ shall
4194 participate and fully cooperate in the development of the state
4195 plan at both the state and local levels. Furthermore,
4196 appropriate local agencies and organizations shall be provided
4197 an opportunity to participate in the development of the state
4198 plan at the local level. Appropriate local groups and
4199 organizations shall include, but not be limited to, community
4200 mental health centers; guardian ad litem programs for children
4201 under the circuit court; the school boards of the local school
4202 districts; the Florida local advocacy councils; community-based
4203 care lead agencies; private or public organizations or programs
4204 with recognized expertise in working with child abuse prevention
4205 programs for children and families; private or public

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4206 organizations or programs with recognized expertise in working
4207 with children who are sexually abused, physically abused,
4208 emotionally abused, abandoned, or neglected and with expertise
4209 in working with the families of such children; private or public
4210 programs or organizations with expertise in maternal and infant
4211 health care; multidisciplinary child protection teams; child day
4212 care centers; law enforcement agencies; and the circuit courts,
4213 when guardian ad litem programs are not available in the local
4214 area. The state plan to be provided to the Legislature and the
4215 Governor shall include, as a minimum, the information required
4216 of the various groups in paragraph (b).
4217 (9) FUNDING AND SUBSEQUENT PLANS.—
4218 (a) All budget requests submitted by the office, the
4219 department, the Department of Health, the Department of
4220 Education, the Department of Juvenile Justice, the Department of
4221 Corrections, the Agency for Persons with Disabilities, ~~the~~
4222 ~~Agency for Workforce Innovation,~~ or any other agency to the
4223 Legislature for funding of efforts for the promotion of
4224 adoption, support of adoptive families, and prevention of child
4225 abuse, abandonment, and neglect shall be based on the state plan
4226 developed pursuant to this section.
4227 Section 53. Paragraph (a) of subsection (7) of section
4228 45.031, Florida Statutes, is amended to read:
4229 45.031 Judicial sales procedure.—In any sale of real or
4230 personal property under an order or judgment, the procedures
4231 provided in this section and ss. 45.0315-45.035 may be followed
4232 as an alternative to any other sale procedure if so ordered by
4233 the court.
4234 (7) DISBURSEMENTS OF PROCEEDS.—

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4235 (a) On filing a certificate of title, the clerk shall
4236 disburse the proceeds of the sale in accordance with the order
4237 or final judgment and shall file a report of such disbursements
4238 and serve a copy of it on each party, and on the Department of
4239 Revenue if the department was named as a defendant in the action
4240 or if Jobs Florida or the former Agency for Workforce Innovation
4241 ~~or the former Department of Labor and Employment Security~~ was
4242 named as a defendant while the Department of Revenue was
4243 providing unemployment tax collection services under contract
4244 with Jobs Florida or the former Agency for Workforce Innovation
4245 through an interagency agreement pursuant to s. 443.1316.
4246 Section 54. Paragraph (a) of subsection (4) of section
4247 69.041, Florida Statutes, is amended to read:
4248 69.041 State named party; lien foreclosure, suit to quiet
4249 title.—
4250 (4)(a) The Department of Revenue has the right to
4251 participate in the disbursement of funds remaining in the
4252 registry of the court after distribution pursuant to s.
4253 45.031(7). The department shall participate in accordance with
4254 applicable procedures in any mortgage foreclosure action in
4255 which the department has a duly filed tax warrant, or interests
4256 under a lien arising from a judgment, order, or decree for
4257 support, as defined in s. 409.2554, or interest in an
4258 unemployment compensation tax lien under contract with Jobs
4259 Florida ~~the Agency for Workforce Innovation~~ through an
4260 interagency agreement pursuant to s. 443.1316, against the
4261 subject property and with the same priority, regardless of
4262 whether a default against the department, Jobs Florida, or the
4263 former Agency for Workforce Innovation, ~~or the former Department~~

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4264 ~~of Labor and Employment Security~~ has been entered for failure to
4265 file an answer or other responsive pleading.
4266 Section 55. Subsection (3) of section 112.3135, Florida
4267 Statutes, is amended to read:
4268 112.3135 Restriction on employment of relatives.—
4269 (3) An agency may prescribe regulations authorizing the
4270 temporary employment, in the event of an emergency as defined in
4271 s. 252.34~~(3)~~, of individuals whose employment would be otherwise
4272 prohibited by this section.
4273 Section 56. Paragraph (d) of subsection (2) and paragraph
4274 (f) of subsection (5) of section 119.071, Florida Statutes, are
4275 amended to read:
4276 119.071 General exemptions from inspection or copying of
4277 public records.—
4278 (2) AGENCY INVESTIGATIONS.—
4279 (d) Any information revealing surveillance techniques or
4280 procedures or personnel is exempt from s. 119.07(1) and s.
4281 24(a), Art. I of the State Constitution. Any comprehensive
4282 inventory of state and local law enforcement resources compiled
4283 pursuant to part I, chapter 23, and any comprehensive policies
4284 or plans compiled by a criminal justice agency pertaining to the
4285 mobilization, deployment, or tactical operations involved in
4286 responding to an emergency ~~emergencies~~, as defined in s.
4287 252.34~~(3)~~, are exempt from s. 119.07(1) and s. 24(a), Art. I of
4288 the State Constitution and unavailable for inspection, except by
4289 personnel authorized by a state or local law enforcement agency,
4290 the office of the Governor, the Department of Legal Affairs, the
4291 Department of Law Enforcement, or the Office of Emergency
4292 Management ~~the Department of Community Affairs~~ as having an

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4293 official need for access to the inventory or comprehensive
4294 policies or plans.
4295 (5) OTHER PERSONAL INFORMATION.—
4296 (f) Medical history records and information related to
4297 health or property insurance provided to Jobs Florida ~~the~~
4298 ~~Department of Community Affairs~~, the Florida Housing Finance
4299 Corporation, a county, a municipality, or a local housing
4300 finance agency by an applicant for or a participant in a
4301 federal, state, or local housing assistance program are
4302 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
4303 of the State Constitution. Governmental entities or their agents
4304 shall have access to such confidential and exempt records and
4305 information for the purpose of auditing federal, state, or local
4306 housing programs or housing assistance programs. Such
4307 confidential and exempt records and information may be used in
4308 any administrative or judicial proceeding, provided such records
4309 are kept confidential and exempt unless otherwise ordered by a
4310 court.
4311 Section 57. Subsection (10) of section 120.80, Florida
4312 Statutes, is amended to read:
4313 120.80 Exceptions and special requirements; agencies.—
4314 (10) JOBS FLORIDA ~~AGENCY FOR WORKFORCE INNOVATION~~.—
4315 (a) Notwithstanding s. 120.54, the rulemaking provisions of
4316 this chapter do not apply to unemployment appeals referees.
4317 (b) Notwithstanding s. 120.54(5), the uniform rules of
4318 procedure do not apply to appeal proceedings conducted under
4319 chapter 443 by the Unemployment Appeals Commission, special
4320 deputies, or unemployment appeals referees.
4321 (c) Notwithstanding s. 120.57(1)(a), hearings under chapter

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4322 443 may not be conducted by an administrative law judge assigned
4323 by the division, but instead shall be conducted by the
4324 Unemployment Appeals Commission in unemployment compensation
4325 appeals, unemployment appeals referees, and Jobs Florida ~~the~~
4326 ~~Agency for Workforce Innovation~~ or its special deputies under s.
4327 443.141.
4328 Section 58. Subsection (1) of section 125.01045, Florida
4329 Statutes, is amended to read:
4330 125.01045 Prohibition of fees for first responder
4331 services.—
4332 (1) A county may not impose a fee or seek reimbursement for
4333 any costs or expenses that may be incurred for services provided
4334 by a first responder, including costs or expenses related to
4335 personnel, supplies, motor vehicles, or equipment in response to
4336 a motor vehicle accident, except for costs to contain or clean
4337 up hazardous materials in quantities reportable to the Florida
4338 State Warning Point at the Office ~~Division~~ of Emergency
4339 Management, and costs for transportation and treatment provided
4340 by ambulance services licensed pursuant to s. 401.23(4) and (5).
4341 Section 59. Subsection (11) of section 159.803, Florida
4342 Statutes, is amended to read:
4343 159.803 Definitions.—As used in this part, the term:
4344 (11) "Florida First Business project" means any project
4345 which is certified by Jobs Florida ~~the Office of Tourism, Trade,~~
4346 ~~and Economic Development~~ as eligible to receive an allocation
4347 from the Florida First Business allocation pool established
4348 pursuant to s. 159.8083. Jobs Florida ~~The Office of Tourism,~~
4349 ~~Trade, and Economic Development~~ may certify those projects
4350 meeting the criteria set forth in s. 288.106(4)(b) or any

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4351 project providing a substantial economic benefit to this state.
4352 Section 60. Paragraph (a) of subsection (2) of section
4353 159.8081, Florida Statutes, is amended to read:
4354 159.8081 Manufacturing facility bond pool.—
4355 (2)(a) The first 75 percent of this pool shall be available
4356 on a first come, first served basis, except that 15 percent of
4357 the state volume limitation allocated to this pool shall be
4358 available as provided in paragraph (b). Before ~~Prior to~~ issuing
4359 any written confirmations for the remaining 25 percent of this
4360 pool, the director shall forward all notices of intent to issue
4361 which are received by the division for manufacturing facility
4362 projects to Jobs Florida ~~the Office of Tourism, Trade, and~~
4363 ~~Economic Development~~. Jobs Florida ~~The Office of Tourism, Trade,~~
4364 ~~and Economic Development and the Department of Community Affairs~~
4365 shall decide, after receipt of the notices of intent to issue,
4366 which notices will receive written confirmations. Such decision
4367 shall be communicated in writing by Jobs Florida ~~the Office of~~
4368 ~~Tourism, Trade, and Economic Development~~ to the director within
4369 10 days of receipt of such notices of intent to issue. Jobs
4370 Florida ~~The Office of Tourism, Trade, and Economic Development,~~
4371 ~~in consultation with the Department of Community Affairs,~~ may
4372 develop rules to ensure that allocation of the remaining 25
4373 percent is consistent with the state’s economic development
4374 policy.
4375 Section 61. Section 159.8083, Florida Statutes, is amended
4376 to read:
4377 159.8083 Florida First Business allocation pool.—The
4378 Florida First Business allocation pool is hereby established.
4379 The Florida First Business allocation pool shall be available

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4380 solely to provide written confirmation for private activity
4381 bonds to finance Florida First Business projects certified by
4382 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
4383 ~~Development~~ as eligible to receive a written confirmation.
4384 Allocations from such pool shall be awarded statewide pursuant
4385 to procedures specified in s. 159.805, except that the
4386 provisions of s. 159.805(2), (3), and (6) do not apply. Florida
4387 First Business projects that are eligible for a carryforward do
4388 ~~shall~~ not lose their allocation pursuant to s. 159.809(3) on
4389 October 1, or pursuant to s. 159.809(4) on November 16, if they
4390 have applied for and have been granted a carryforward by the
4391 division pursuant to s. 159.81(1). In issuing written
4392 confirmations of allocations for Florida First Business
4393 projects, the division shall use the Florida First Business
4394 allocation pool. If allocation is not available from the Florida
4395 First Business allocation pool, the division shall issue written
4396 confirmations of allocations for Florida First Business projects
4397 pursuant to s. 159.806 or s. 159.807, in such order. For the
4398 purpose of determining priority within a regional allocation
4399 pool or the state allocation pool, notices of intent to issue
4400 bonds for Florida First Business projects to be issued from a
4401 regional allocation pool or the state allocation pool shall be
4402 considered to have been received by the division at the time it
4403 is determined by the division that the Florida First Business
4404 allocation pool is unavailable to issue confirmation for such
4405 Florida First Business project. If the total amount requested in
4406 notices of intent to issue private activity bonds for Florida
4407 First Business projects exceeds the total amount of the Florida
4408 First Business allocation pool, the director shall forward all

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4409 timely notices of intent to issue, which are received by the
4410 division for such projects, to Jobs Florida ~~the Office of~~
4411 ~~Tourism, Trade, and Economic Development~~ which shall render a
4412 decision as to which notices of intent to issue are to receive
4413 written confirmations. Jobs Florida ~~The Office of Tourism,~~
4414 ~~Trade, and Economic Development~~, in consultation with the
4415 division, shall develop rules to ensure that the allocation
4416 provided in such pool is available solely to provide written
4417 confirmations for private activity bonds to finance Florida
4418 First Business projects and that such projects are feasible and
4419 financially solvent.
4420 Section 62. Subsection (10) of section 161.54, Florida
4421 Statutes, is amended to read:
4422 161.54 Definitions.—In construing ss. 161.52-161.58:
4423 (10) "State land planning agency" means Jobs Florida ~~the~~
4424 ~~Department of Community Affairs~~.
4425 Section 63. Section 163.03, Florida Statutes, is amended to
4426 read:
4427 163.03 Commissioner of Jobs Florida ~~Secretary of Community~~
4428 ~~Affairs~~; powers and duties; function of Jobs Florida ~~Department~~
4429 ~~of Community Affairs~~ with respect to federal grant-in-aid
4430 programs.—
4431 (1) The commissioner of Jobs Florida, or his or her
4432 designee, ~~Secretary of Community Affairs~~ shall:
4433 (a) Supervise and administer the activities of Jobs Florida
4434 ~~the department~~ and shall advise the Governor, the Cabinet, and
4435 the Legislature with respect to matters affecting community
4436 affairs and local government and participate in the formulation
4437 of policies which best use ~~utilize~~ the resources of state

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4438 government for the benefit of local government.
4439 (b) Render services to local governments by assisting, upon
4440 request, in applying for and securing federal and state funds
4441 and by assisting the Executive Office of the Governor in
4442 coordinating the activities of the state with federal programs
4443 for assistance in and solution of urban problems.
4444 ~~(c) Under the direction of the Governor, administer~~
4445 ~~programs to apply rapidly all available aid to communities~~
4446 ~~stricken by an emergency as defined in s. 252.34(3) and, for~~
4447 ~~this purpose, provide liaison with federal agencies and other~~
4448 ~~public and private agencies.~~
4449 (c) ~~(d)~~ When requested, administer programs which will
4450 assist the efforts of local governments in developing mutual and
4451 cooperative solutions to their common problems.
4452 (d) ~~(e)~~ Conduct programs to encourage and promote the
4453 involvement of private enterprise in the solution of urban
4454 problems.
4455 (e) ~~(f)~~ Conduct continuing programs of analysis and
4456 evaluation of local governments and recommend to the Governor
4457 programs and changes in the powers and organization of local
4458 government as may seem necessary to strengthen local
4459 governments.
4460 (f) ~~(g)~~ Assist the Governor and the Cabinet in coordinating
4461 and making more effective the activities and services of those
4462 departments and agencies of the state which may be of service to
4463 units of local government.
4464 (g) ~~(h)~~ Provide consultative services and technical
4465 assistance to local officials in the fields of housing,
4466 redevelopment and renewal, local public improvement programs,

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4467 planning and zoning, and other local programs and collect and
4468 disseminate information pertaining thereto, including
4469 information concerning federal, state, and private assistance
4470 programs and services.
4471 (h) ~~(i)~~ Conduct research and studies, and prepare model
4472 ordinances and codes relating to the areas referred to herein.
4473 (i) ~~(j)~~ Cooperate with other state agencies in the
4474 preparation of statewide plans relating to housing,
4475 redevelopment and renewal, human resources development, local
4476 planning and zoning, transportation and traffic, and other
4477 matters relating to the purposes of this section.
4478 (j) ~~(k)~~ Accept funds from all sources to be used ~~utilized~~ in
4479 programs designed to combat juvenile crime, including the making
4480 of contributions to the National Youth Emergency Corps.
4481 (k) ~~(l)~~ Be authorized to accept and disburse funds from all
4482 sources in order to carry out the following programs:
4483 1. Advisory and informational services to local
4484 governments.
4485 2. Community development training under Title VIII of the
4486 Housing Act of 1964.
4487 3. Local planning assistance under s. 701 of the Housing
4488 Act of 1954.
4489 4. Statewide planning assistance under s. 701 of the
4490 Housing Act of 1954.
4491 5. Model cities technical assistance under s. 701 of the
4492 Housing Act of 1954.
4493 (l) ~~(m)~~ Perform such other functions, duties, or
4494 responsibilities as may be hereafter assigned to him or her by
4495 law.

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4496 (2) It is the intent of this section, with respect to
4497 federal grant-in-aid programs, that Jobs Florida ~~the department~~
4498 serve as the agency for disseminating information to local
4499 governments regarding the availability of federal grant-in-aid
4500 assistance to local governments in their efforts to secure
4501 federal grant-in-aid assistance, but only upon the request of
4502 such local governments, and for assisting local governments in
4503 maintaining liaison and communications with federal agencies
4504 concerning federal grant-in-aid programs. Nothing contained
4505 herein shall be construed to require consent, approval, or
4506 authorization from Jobs Florida ~~the department~~ as a condition to
4507 any application for or acceptance of grants-in-aid from the
4508 United States Government.
4509 (3) Jobs Florida ~~The department~~ is authorized to adopt
4510 rules implementing the following grant programs, which rules
4511 shall be consistent with the laws, regulations, or guidelines
4512 governing the grant to Jobs Florida ~~the department~~:
4513 (a) Criminal justice grant programs administered by the
4514 Bureau of Criminal Justice Assistance.
4515 (b) Grants under the federal Outer Continental Shelf
4516 Program administered by the Bureau of Land and Water Management.
4517 (c) Federal housing assistance programs.
4518 (d) Community Services Block Grant programs.
4519 (e) Federal weatherization grant programs.
4520 (f) The ~~Jobs Impact Program of the~~ federal Community
4521 Development Block Grant.
4522 Section 64. Paragraph (d) of subsection (2) and subsection
4523 (3) of section 163.3178, Florida Statutes, are amended to read:
4524 163.3178 Coastal management.—

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4525 (2) Each coastal management element required by s.
4526 163.3177(6)(g) shall be based on studies, surveys, and data; be
4527 consistent with coastal resource plans prepared and adopted
4528 pursuant to general or special law; and contain:
4529 (d) A component which outlines principles for hazard
4530 mitigation and protection of human life against the effects of
4531 natural disaster, including population evacuation, which take
4532 into consideration the capability to safely evacuate the density
4533 of coastal population proposed in the future land use plan
4534 element in the event of an impending natural disaster. The
4535 Office ~~Division~~ of Emergency Management shall manage the update
4536 of the regional hurricane evacuation studies, ensure such
4537 studies are done in a consistent manner, and ensure that the
4538 methodology used for modeling storm surge is that used by the
4539 National Hurricane Center.
4540 (3) Expansions to port harbors, spoil disposal sites,
4541 navigation channels, turning basins, harbor berths, and other
4542 related inwater harbor facilities of ports listed in s.
4543 403.021(9); port transportation facilities and projects listed
4544 in s. 311.07(3)(b); intermodal transportation facilities
4545 identified pursuant to s. 311.09(3); and facilities determined
4546 by Jobs Florida ~~the Department of Community Affairs~~ and
4547 applicable general-purpose local government to be port-related
4548 industrial or commercial projects located within 3 miles of or
4549 in a port master plan area which rely upon the use of port and
4550 intermodal transportation facilities shall not be designated as
4551 developments of regional impact if such expansions, projects, or
4552 facilities are consistent with comprehensive master plans that
4553 are in compliance with this section.

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4554 Section 65. Subsection (14) of section 163.3221, Florida
4555 Statutes, is amended to read:
4556 163.3221 Florida Local Government Development Agreement
4557 Act; definitions.—As used in ss. 163.3220-163.3243:
4558 (14) "State land planning agency" means Jobs Florida ~~the~~
4559 ~~Department of Community Affairs~~.
4560 Section 66. Subsection (10) of section 163.360, Florida
4561 Statutes, is amended to read:
4562 163.360 Community redevelopment plans.—
4563 (10) Notwithstanding any other provisions of this part, if
4564 ~~when~~ the governing body certifies that an area is in need of
4565 redevelopment or rehabilitation as a result of an emergency as
4566 defined in ~~under~~ s. 252.34~~(3)~~, with respect to which the
4567 Governor has certified the need for emergency assistance under
4568 federal law, that area may be certified as a "blighted area,"
4569 and the governing body may approve a community redevelopment
4570 plan and community redevelopment with respect to such area
4571 without regard to the provisions of this section requiring a
4572 general plan for the county or municipality and a public hearing
4573 on the community redevelopment.
4574 Section 67. Subsection (1) of section 166.0446, Florida
4575 Statutes, is amended to read:
4576 166.0446 Prohibition of fees for first responder services.—
4577 (1) A municipality may not impose a fee or seek
4578 reimbursement for any costs or expenses that may be incurred for
4579 services provided by a first responder, including costs or
4580 expenses related to personnel, supplies, motor vehicles, or
4581 equipment in response to a motor vehicle accident, except for
4582 costs to contain or clean up hazardous materials in quantities

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4583 reportable to the Florida State Warning Point at the Office
4584 ~~Division~~ of Emergency Management, and costs for transportation
4585 and treatment provided by ambulance services licensed pursuant
4586 to s. 401.23(4) and (5).
4587 Section 68. Subsection (1) of section 175.021, Florida
4588 Statutes, is amended to read:
4589 175.021 Legislative declaration.—
4590 (1) It is hereby declared by the Legislature that
4591 firefighters~~, as hereinafter defined,~~ perform state and
4592 municipal functions; that it is their duty to extinguish fires,
4593 to protect life, and to protect property at their own risk and
4594 peril; that it is their duty to prevent conflagration and to
4595 continuously instruct school personnel, public officials, and
4596 private citizens in the prevention of fires and firesafety; that
4597 they protect both life and property from local emergencies as
4598 defined in s. 252.34~~(3)~~; and that their activities are vital to
4599 the public safety. It is further declared that firefighters
4600 employed by special fire control districts serve under the same
4601 circumstances and perform the same duties as firefighters
4602 employed by municipalities and should therefore be entitled to
4603 the benefits available under this chapter. Therefore, the
4604 Legislature declares that it is a proper and legitimate state
4605 purpose to provide a uniform retirement system for the benefit
4606 of firefighters ~~as hereinafter defined~~ and intends, in
4607 implementing the provisions of s. 14, Art. X of the State
4608 Constitution as they relate to municipal and special district
4609 firefighters' pension trust fund systems and plans, that such
4610 retirement systems or plans be managed, administered, operated,
4611 and funded in such manner as to maximize the protection of the

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4612 firefighters' pension trust funds. Pursuant to s. 18, Art. VII
4613 of the State Constitution, the Legislature hereby determines and
4614 declares that ~~the provisions of~~ this act fulfill an important
4615 state interest.
4616 Section 69. Paragraph (c) of subsection (4) of section
4617 186.504, Florida Statutes, is amended to read:
4618 186.504 Regional planning councils; creation; membership.—
4619 (4) In addition to voting members appointed pursuant to
4620 paragraph (2)(c), the Governor shall appoint the following ex
4621 officio nonvoting members to each regional planning council:
4622 (c) A representative nominated by Jobs Florida ~~Enterprise~~
4623 ~~Florida, Inc., and the Office of Tourism, Trade, and Economic~~
4624 ~~Development~~.
4625
4626 The Governor may also appoint ex officio nonvoting members
4627 representing appropriate metropolitan planning organizations and
4628 regional water supply authorities.
4629 Section 70. Subsection (11) of section 186.505, Florida
4630 Statutes, is amended to read:
4631 186.505 Regional planning councils; powers and duties.—Any
4632 regional planning council created hereunder shall have the
4633 following powers:
4634 (11) To cooperate, in the exercise of its planning
4635 functions, with federal and state agencies in planning for
4636 emergency management as defined in ~~under~~ s. 252.34~~(4)~~.
4637 Section 71. Paragraph (a) of subsection (1) of section
4638 202.37, Florida Statutes, is amended to read:
4639 202.37 Special rules for administration of local
4640 communications services tax.—

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4641 (1)(a) Except as otherwise provided in this section, all
4642 statutory provisions and administrative rules applicable to the
4643 communications services tax imposed by s. 202.12 apply to any
4644 local communications services tax imposed under s. 202.19, and
4645 the department shall administer, collect, and enforce all taxes
4646 imposed under s. 202.19, including interest and penalties
4647 attributable thereto, in accordance with the same procedures
4648 used in the administration, collection, and enforcement of the
4649 communications services tax imposed by s. 202.12. Audits
4650 performed by the department shall include a determination of the
4651 dealer's compliance with the jurisdictional situsing of its
4652 customers' service addresses and a determination of whether the
4653 rate collected for the local tax pursuant to ss. 202.19 and
4654 202.20 is correct. The person or entity designated by a local
4655 government pursuant to s. 213.053(8) ~~s. 213.053(8)(v)~~ may
4656 provide evidence to the department demonstrating a specific
4657 person's failure to fully or correctly report taxable
4658 communications services sales within the jurisdiction. The
4659 department may request additional information from the designee
4660 to assist in any review. The department shall inform the
4661 designee of what action, if any, the department intends to take
4662 regarding the person.
4663 Section 72. Paragraphs (j) and (p) of subsection (5) of
4664 section 212.08, Florida Statutes, are amended to read:
4665 212.08 Sales, rental, use, consumption, distribution, and
4666 storage tax; specified exemptions.—The sale at retail, the
4667 rental, the use, the consumption, the distribution, and the
4668 storage to be used or consumed in this state of the following
4669 are hereby specifically exempt from the tax imposed by this

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4670 chapter.
4671 (5) EXEMPTIONS; ACCOUNT OF USE.—
4672 (j) *Machinery and equipment used in semiconductor, defense,*
4673 *or space technology production.*—
4674 1.a. Industrial machinery and equipment used in
4675 semiconductor technology facilities certified under subparagraph
4676 5. to manufacture, process, compound, or produce semiconductor
4677 technology products for sale or for use by these facilities are
4678 exempt from the tax imposed by this chapter. For purposes of
4679 this paragraph, industrial machinery and equipment includes
4680 molds, dies, machine tooling, other appurtenances or accessories
4681 to machinery and equipment, testing equipment, test beds,
4682 computers, and software, whether purchased or self-fabricated,
4683 and, if self-fabricated, includes materials and labor for
4684 design, fabrication, and assembly.
4685 b. Industrial machinery and equipment used in defense or
4686 space technology facilities certified under subparagraph 5. to
4687 design, manufacture, assemble, process, compound, or produce
4688 defense technology products or space technology products for
4689 sale or for use by these facilities are exempt from the tax
4690 imposed by this chapter.
4691 2. Building materials purchased for use in manufacturing or
4692 expanding clean rooms in semiconductor-manufacturing facilities
4693 are exempt from the tax imposed by this chapter.
4694 3. In addition to meeting the criteria mandated by
4695 subparagraph 1. or subparagraph 2., a business must be certified
4696 by Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
4697 ~~Development~~ in order to qualify for exemption under this
4698 paragraph.

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4699 4. For items purchased tax-exempt pursuant to this
4700 paragraph, possession of a written certification from the
4701 purchaser, certifying the purchaser's entitlement to the
4702 exemption, relieves the seller of the responsibility of
4703 collecting the tax on the sale of such items, and the department
4704 shall look solely to the purchaser for recovery of the tax if it
4705 determines that the purchaser was not entitled to the exemption.
4706 5.a. To be eligible to receive the exemption provided by
4707 subparagraph 1. or subparagraph 2., a qualifying business entity
4708 shall initially apply to the Jobs Florida Partnership ~~Enterprise~~
4709 ~~Florida~~, Inc. The original certification is valid for a period
4710 of 2 years. In lieu of submitting a new application, the
4711 original certification may be renewed biennially by submitting
4712 to Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
4713 ~~Development~~ a statement, certified under oath, that there has
4714 been no material change in the conditions or circumstances
4715 entitling the business entity to the original certification. The
4716 initial application and the certification renewal statement
4717 shall be developed by Jobs Florida ~~the Office of Tourism, Trade,~~
4718 ~~and Economic Development in consultation with Enterprise~~
4719 ~~Florida, Inc~~.
4720 b. The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
4721 shall review each submitted initial application and determine
4722 whether or not the application is complete within 5 working
4723 days. Once complete, the Jobs Florida Partnership ~~Enterprise~~
4724 ~~Florida~~, Inc., shall, within 10 working days, evaluate the
4725 application and recommend approval or disapproval to Jobs
4726 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
4727 c. Upon receipt of the initial application and

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4728 recommendation from the Jobs Florida Partnership E~~nterprise~~
4729 ~~Florida~~, Inc., or upon receipt of a certification renewal
4730 statement, Jobs Florida ~~the Office of Tourism, Trade, and~~
4731 ~~Economic Development~~ shall certify within 5 working days those
4732 applicants who are found to meet the requirements of this
4733 section and notify the applicant, the Jobs Florida Partnership
4734 ~~Enterprise Florida~~, Inc., and the department of the original
4735 certification or certification renewal. If Jobs Florida ~~the~~
4736 ~~Office of Tourism, Trade, and Economic Development~~ finds that
4737 the applicant does not meet the requirements, it shall notify
4738 the applicant and the Jobs Florida Partnership ~~Enterprise~~
4739 ~~Florida~~, Inc., within 10 working days that the application for
4740 certification has been denied and the reasons for denial. Jobs
4741 Florida ~~The Office of Tourism, Trade, and Economic Development~~
4742 has final approval authority for certification under this
4743 section.
4744 d. The initial application and certification renewal
4745 statement must indicate, for program evaluation purposes only,
4746 the average number of full-time equivalent employees at the
4747 facility over the preceding calendar year, the average wage and
4748 benefits paid to those employees over the preceding calendar
4749 year, the total investment made in real and tangible personal
4750 property over the preceding calendar year, and the total value
4751 of tax-exempt purchases and taxes exempted during the previous
4752 year. The department shall assist Jobs Florida ~~the Office of~~
4753 ~~Tourism, Trade, and Economic Development~~ in evaluating and
4754 verifying information provided in the application for exemption.
4755 e. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
4756 ~~Development~~ may use the information reported on the initial

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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,

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4786 communications or information systems, munitions, aircraft,
4787 vessels, or boats, or components thereof, which are intended for
4788 military use and manufactured in performance of a contract with
4789 the United States Department of Defense or the military branch
4790 of a recognized foreign government or a subcontract thereunder
4791 which relates to matters of national defense.
4792 d. “Space technology products” means products that are
4793 specifically designed or manufactured for application in space
4794 activities, including, but not limited to, space launch
4795 vehicles, space flight vehicles, missiles, satellites or
4796 research payloads, avionics, and associated control systems and
4797 processing systems and components of any of the foregoing. The
4798 term does not include products that are designed or manufactured
4799 for general commercial aviation or other uses even though those
4800 products may also serve an incidental use in space applications.
4801 (p) *Community contribution tax credit for donations.*—
4802 1. Authorization.—Persons who are registered with the
4803 department under s. 212.18 to collect or remit sales or use tax
4804 and who make donations to eligible sponsors are eligible for tax
4805 credits against their state sales and use tax liabilities as
4806 provided in this paragraph:
4807 a. The credit shall be computed as 50 percent of the
4808 person’s approved annual community contribution.
4809 b. The credit shall be granted as a refund against state
4810 sales and use taxes reported on returns and remitted in the 12
4811 months preceding the date of application to the department for
4812 the credit as required in sub-subparagraph 3.c. If the annual
4813 credit is not fully used through such refund because of
4814 insufficient tax payments during the applicable 12-month period,

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4815 the unused amount may be included in an application for a refund
4816 made pursuant to sub-subparagraph 3.c. in subsequent years
4817 against the total tax payments made for such year. Carryover
4818 credits may be applied for a 3-year period without regard to any
4819 time limitation that would otherwise apply under s. 215.26.
4820 c. A person may not receive more than $200,000 in annual
4821 tax credits for all approved community contributions made in any
4822 one year.
4823 d. All proposals for the granting of the tax credit require
4824 the prior approval of Jobs Florida ~~the Office of Tourism, Trade,~~
4825 ~~and Economic Development~~.
4826 e. The total amount of tax credits which may be granted for
4827 all programs approved under this paragraph, s. 220.183, and s.
4828 624.5105 is $10.5 million annually for projects that provide
4829 homeownership opportunities for low-income or very-low-income
4830 households as defined in s. 420.9071(19) and (28) and $3.5
4831 million annually for all other projects.
4832 f. A person who is eligible to receive the credit provided
4833 for in this paragraph, s. 220.183, or s. 624.5105 may receive
4834 the credit only under the one section of the person's choice.
4835 2. Eligibility requirements.—
4836 a. A community contribution by a person must be in the
4837 following form:
4838 (I) Cash or other liquid assets;
4839 (II) Real property;
4840 (III) Goods or inventory; or
4841 (IV) Other physical resources as identified by Jobs Florida
4842 ~~the Office of Tourism, Trade, and Economic Development~~.
4843 b. All community contributions must be reserved exclusively

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4844 for use in a project. As used in this sub-subparagraph, the term
4845 “project” means any activity undertaken by an eligible sponsor
4846 which is designed to construct, improve, or substantially
4847 rehabilitate housing that is affordable to low-income or very-
4848 low-income households as defined in s. 420.9071(19) and (28);
4849 designed to provide commercial, industrial, or public resources
4850 and facilities; or designed to improve entrepreneurial and job-
4851 development opportunities for low-income persons. A project may
4852 be the investment necessary to increase access to high-speed
4853 broadband capability in rural communities with enterprise zones,
4854 including projects that result in improvements to communications
4855 assets that are owned by a business. A project may include the
4856 provision of museum educational programs and materials that are
4857 directly related to any project approved between January 1,
4858 1996, and December 31, 1999, and located in an enterprise zone
4859 designated pursuant to s. 290.0065. This paragraph does not
4860 preclude projects that propose to construct or rehabilitate
4861 housing for low-income or very-low-income households on
4862 scattered sites. With respect to housing, contributions may be
4863 used to pay the following eligible low-income and very-low-
4864 income housing-related activities:
4865 (I) Project development impact and management fees for low-
4866 income or very-low-income housing projects;
4867 (II) Down payment and closing costs for eligible persons,
4868 as defined in s. 420.9071(19) and (28);
4869 (III) Administrative costs, including housing counseling
4870 and marketing fees, not to exceed 10 percent of the community
4871 contribution, directly related to low-income or very-low-income
4872 projects; and

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4873 (IV) Removal of liens recorded against residential property
4874 by municipal, county, or special district local governments when
4875 satisfaction of the lien is a necessary precedent to the
4876 transfer of the property to an eligible person, as defined in s.
4877 420.9071(19) and (28), for the purpose of promoting home
4878 ownership. Contributions for lien removal must be received from
4879 a nonrelated third party.
4880 c. The project must be undertaken by an "eligible sponsor,"
4881 which includes:
4882 (I) A community action program;
4883 (II) A nonprofit community-based development organization
4884 whose mission is the provision of housing for low-income or
4885 very-low-income households or increasing entrepreneurial and
4886 job-development opportunities for low-income persons;
4887 (III) A neighborhood housing services corporation;
4888 (IV) A local housing authority created under chapter 421;
4889 (V) A community redevelopment agency created under s.
4890 163.356;
4891 (VI) The Florida Industrial Development Corporation;
4892 (VII) A historic preservation district agency or
4893 organization;
4894 (VIII) A regional workforce board;
4895 (IX) A direct-support organization as provided in s.
4896 1009.983;
4897 (X) An enterprise zone development agency created under s.
4898 290.0056;
4899 (XI) A community-based organization incorporated under
4900 chapter 617 which is recognized as educational, charitable, or
4901 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code

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4902 and whose bylaws and articles of incorporation include
4903 affordable housing, economic development, or community
4904 development as the primary mission of the corporation;
4905 (XII) Units of local government;
4906 (XIII) Units of state government; or
4907 (XIV) Any other agency that Jobs Florida ~~the Office of~~
4908 ~~Tourism, Trade, and Economic Development~~ designates by rule.
4909
4910 In no event may a contributing person have a financial interest
4911 in the eligible sponsor.
4912 d. The project must be located in an area designated an
4913 enterprise zone or a Front Porch Florida Community ~~pursuant to~~
4914 ~~s. 20.18(6)~~, unless the project increases access to high-speed
4915 broadband capability for rural communities with enterprise zones
4916 but is physically located outside the designated rural zone
4917 boundaries. Any project designed to construct or rehabilitate
4918 housing for low-income or very-low-income households as defined
4919 in s. 420.9071(19) and (28) is exempt from the area requirement
4920 of this sub-subparagraph.
4921 e.(I) If, during the first 10 business days of the state
4922 fiscal year, eligible tax credit applications for projects that
4923 provide homeownership opportunities for low-income or very-low-
4924 income households as defined in s. 420.9071(19) and (28) are
4925 received for less than the annual tax credits available for
4926 those projects, Jobs Florida ~~the Office of Tourism, Trade, and~~
4927 ~~Economic Development~~ shall grant tax credits for those
4928 applications and shall grant remaining tax credits on a first-
4929 come, first-served basis for any subsequent eligible
4930 applications received before the end of the state fiscal year.

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4931 If, during the first 10 business days of the state fiscal year,
4932 eligible tax credit applications for projects that provide
4933 homeownership opportunities for low-income or very-low-income
4934 households as defined in s. 420.9071(19) and (28) are received
4935 for more than the annual tax credits available for those
4936 projects, Jobs Florida ~~the office~~ shall grant the tax credits
4937 for those applications as follows:
4938 (A) If tax credit applications submitted for approved
4939 projects of an eligible sponsor do not exceed $200,000 in total,
4940 the credits shall be granted in full if the tax credit
4941 applications are approved.
4942 (B) If tax credit applications submitted for approved
4943 projects of an eligible sponsor exceed $200,000 in total, the
4944 amount of tax credits granted pursuant to sub-sub-sub-
4945 subparagraph (A) shall be subtracted from the amount of
4946 available tax credits, and the remaining credits shall be
4947 granted to each approved tax credit application on a pro rata
4948 basis.
4949 (II) If, during the first 10 business days of the state
4950 fiscal year, eligible tax credit applications for projects other
4951 than those that provide homeownership opportunities for low-
4952 income or very-low-income households as defined in s.
4953 420.9071(19) and (28) are received for less than the annual tax
4954 credits available for those projects, Jobs Florida ~~the office~~
4955 shall grant tax credits for those applications and shall grant
4956 remaining tax credits on a first-come, first-served basis for
4957 any subsequent eligible applications received before the end of
4958 the state fiscal year. If, during the first 10 business days of
4959 the state fiscal year, eligible tax credit applications for

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4960 projects other than those that provide homeownership
4961 opportunities for low-income or very-low-income households as
4962 defined in s. 420.9071(19) and (28) are received for more than
4963 the annual tax credits available for those projects, the office
4964 shall grant the tax credits for those applications on a pro rata
4965 basis.
4966 3. Application requirements.—
4967 a. Any eligible sponsor seeking to participate in this
4968 program must submit a proposal to Jobs Florida ~~the Office of~~
4969 ~~Tourism, Trade, and Economic Development~~ which sets forth the
4970 name of the sponsor, a description of the project, and the area
4971 in which the project is located, together with such supporting
4972 information as is prescribed by rule. The proposal must also
4973 contain a resolution from the local governmental unit in which
4974 the project is located certifying that the project is consistent
4975 with local plans and regulations.
4976 b. Any person seeking to participate in this program must
4977 submit an application for tax credit to Jobs Florida ~~the office~~
4978 which sets forth the name of the sponsor, a description of the
4979 project, and the type, value, and purpose of the contribution.
4980 The sponsor shall verify the terms of the application and
4981 indicate its receipt of the contribution, which verification
4982 must be in writing and accompany the application for tax credit.
4983 The person must submit a separate tax credit application to Jobs
4984 Florida ~~the office~~ for each individual contribution that it
4985 makes to each individual project.
4986 c. Any person who has received notification from Jobs
4987 Florida ~~the office~~ that a tax credit has been approved must
4988 apply to the department to receive the refund. Application must

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4989 be made on the form prescribed for claiming refunds of sales and
4990 use taxes and be accompanied by a copy of the notification. A
4991 person may submit only one application for refund to the
4992 department within any 12-month period.
4993 4. Administration.—
4994 a. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
4995 ~~Development~~ may adopt rules pursuant to ss. 120.536(1) and
4996 120.54 necessary to administer this paragraph, including rules
4997 for the approval or disapproval of proposals by a person.
4998 b. The decision of Jobs Florida ~~the office~~ must be in
4999 writing, and, if approved, the notification shall state the
5000 maximum credit allowable to the person. Upon approval, Jobs
5001 Florida ~~the office~~ shall transmit a copy of the decision to the
5002 Department of Revenue.
5003 c. Jobs Florida ~~The office~~ shall periodically monitor all
5004 projects in a manner consistent with available resources to
5005 ensure that resources are used in accordance with this
5006 paragraph; however, each project must be reviewed at least once
5007 every 2 years.
5008 d. Jobs Florida ~~The office~~ shall, in consultation with ~~the~~
5009 ~~Department of Community Affairs and~~ the statewide and regional
5010 housing and financial intermediaries, market the availability of
5011 the community contribution tax credit program to community-based
5012 organizations.
5013 5. Expiration.—This paragraph expires June 30, 2015;
5014 however, any accrued credit carryover that is unused on that
5015 date may be used until the expiration of the 3-year carryover
5016 period for such credit.
5017 Section 73. Paragraph (d) of subsection (1) of section

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5018 212.096, Florida Statutes, is amended to read:
5019 212.096 Sales, rental, storage, use tax; enterprise zone
5020 jobs credit against sales tax.—
5021 (1) For the purposes of the credit provided in this
5022 section:
5023 (d) "Job" means a full-time position, as consistent with
5024 terms used by Jobs Florida ~~the Agency for Workforce Innovation~~
5025 and the United States Department of Labor for purposes of
5026 unemployment compensation tax administration and employment
5027 estimation resulting directly from a business operation in this
5028 state. This term may not include a temporary construction job
5029 involved with the construction of facilities or any job that has
5030 previously been included in any application for tax credits
5031 under s. 220.181(1). The term also includes employment of an
5032 employee leased from an employee leasing company licensed under
5033 chapter 468 if such employee has been continuously leased to the
5034 employer for an average of at least 36 hours per week for more
5035 than 6 months.
5036
5037 A person shall be deemed to be employed if the person performs
5038 duties in connection with the operations of the business on a
5039 regular, full-time basis, provided the person is performing such
5040 duties for an average of at least 36 hours per week each month.
5041 The person must be performing such duties at a business site
5042 located in the enterprise zone.
5043 Section 74. Paragraphs (a) and (e) of subsection (1) and
5044 subsections (6), (7), and (10) of section 212.097, Florida
5045 Statutes, are amended to read:
5046 212.097 Urban High-Crime Area Job Tax Credit Program.—

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5047 (1) As used in this section, the term:
5048 (a) “Eligible business” means any sole proprietorship,
5049 firm, partnership, or corporation that is located in a qualified
5050 county and is predominantly engaged in, or is headquarters for a
5051 business predominantly engaged in, activities usually provided
5052 for consideration by firms classified within the following
5053 standard industrial classifications: SIC 01-SIC 09 (agriculture,
5054 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-
5055 SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and
5056 storage); SIC 70 (hotels and other lodging places); SIC 7391
5057 (research and development); SIC 781 (motion picture production
5058 and allied services); SIC 7992 (public golf courses); and SIC
5059 7996 (amusement parks). A call center or similar customer
5060 service operation that services a multistate market or
5061 international market is also an eligible business. In addition,
5062 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5063 ~~Development~~ may, as part of its final budget request submitted
5064 pursuant to s. 216.023, recommend additions to or deletions from
5065 the list of standard industrial classifications used to
5066 determine an eligible business, and the Legislature may
5067 implement such recommendations. Excluded from eligible receipts
5068 are receipts from retail sales, except such receipts for SIC 52-
5069 SIC 57 and SIC 59 (retail) hotels and other lodging places
5070 classified in SIC 70, public golf courses in SIC 7992, and
5071 amusement parks in SIC 7996. For purposes of this paragraph, the
5072 term “predominantly” means that more than 50 percent of the
5073 business’s gross receipts from all sources is generated by those
5074 activities usually provided for consideration by firms in the
5075 specified standard industrial classification. The determination

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5076 of whether the business is located in a qualified high-crime
5077 area and the tier ranking of that area must be based on the date
5078 of application for the credit under this section. Commonly owned
5079 and controlled entities are to be considered a single business
5080 entity.
5081 (e) "Qualified high-crime area" means an area selected by
5082 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5083 ~~Development~~ in the following manner: every third year, Jobs
5084 Florida ~~the Office~~ shall rank and tier those areas nominated
5085 under subsection (7), according to the following prioritized
5086 criteria:
5087 1. Highest arrest rates within the geographic area for
5088 violent crime and for such other crimes as drug sale, drug
5089 possession, prostitution, vandalism, and civil disturbances;
5090 2. Highest reported crime volume and rate of specific
5091 property crimes such as business and residential burglary, motor
5092 vehicle theft, and vandalism;
5093 3. Highest percentage of reported index crimes that are
5094 violent in nature;
5095 4. Highest overall index crime volume for the area; and
5096 5. Highest overall index crime rate for the geographic
5097 area.
5098
5099 Tier-one areas are ranked 1 through 5 and represent the highest
5100 crime areas according to this ranking. Tier-two areas are ranked
5101 6 through 10 according to this ranking. Tier-three areas are
5102 ranked 11 through 15. Notwithstanding this definition,
5103 "qualified high-crime area" also means an area that has been
5104 designated as a federal Empowerment Zone pursuant to the

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5105 Taxpayer Relief Act of 1997. Such a designated area is ranked in
5106 tier three until the areas are reevaluated by Jobs Florida ~~the~~
5107 ~~Office of Tourism, Trade, and Economic Development~~.
5108 (6) Any county or municipality, or a county and one or more
5109 municipalities together, may apply to Jobs Florida ~~the Office of~~
5110 ~~Tourism, Trade, and Economic Development~~ for the designation of
5111 an area as a high-crime area after the adoption by the governing
5112 body or bodies of a resolution that:
5113 (a) Finds that a high-crime area exists in such county or
5114 municipality, or in both the county and one or more
5115 municipalities, which chronically exhibits extreme and
5116 unacceptable levels of poverty, unemployment, physical
5117 deterioration, and economic disinvestment;
5118 (b) Determines that the rehabilitation, conservation, or
5119 redevelopment, or a combination thereof, of such a high-crime
5120 area is necessary in the interest of the health, safety, and
5121 welfare of the residents of such county or municipality, or such
5122 county and one or more municipalities; and
5123 (c) Determines that the revitalization of such a high-crime
5124 area can occur if the public sector or private sector can be
5125 induced to invest its own resources in productive enterprises
5126 that build or rebuild the economic viability of the area.
5127 (7) The governing body of the entity nominating the area
5128 shall provide to Jobs Florida ~~the Office of Tourism, Trade, and~~
5129 ~~Economic Development~~ the following:
5130 (a) The overall index crime rate for the geographic area;
5131 (b) The overall index crime volume for the area;
5132 (c) The percentage of reported index crimes that are
5133 violent in nature;

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5134 (d) The reported crime volume and rate of specific property
5135 crimes such as business and residential burglary, motor vehicle
5136 theft, and vandalism; and
5137 (e) The arrest rates within the geographic area for violent
5138 crime and for such other crimes as drug sale, drug possession,
5139 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:

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5163 212.098 Rural Job Tax Credit Program.—
5164 (1) As used in this section, the term:
5165 (a) "Eligible business" means any sole proprietorship,
5166 firm, partnership, or corporation that is located in a qualified
5167 county and is predominantly engaged in, or is headquarters for a
5168 business predominantly engaged in, activities usually provided
5169 for consideration by firms classified within the following
5170 standard industrial classifications: SIC 01-SIC 09 (agriculture,
5171 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422
5172 (public warehousing and storage); SIC 70 (hotels and other
5173 lodging places); SIC 7391 (research and development); SIC 781
5174 (motion picture production and allied services); SIC 7992
5175 (public golf courses); SIC 7996 (amusement parks); and a
5176 targeted industry eligible for the qualified target industry
5177 business tax refund under s. 288.106. A call center or similar
5178 customer service operation that services a multistate market or
5179 an international market is also an eligible business. In
5180 addition, Jobs Florida ~~the Office of Tourism, Trade, and~~
5181 ~~Economic Development~~ may, as part of its final budget request
5182 submitted pursuant to s. 216.023, recommend additions to or
5183 deletions from the list of standard industrial classifications
5184 used to determine an eligible business, and the Legislature may
5185 implement such recommendations. Excluded from eligible receipts
5186 are receipts from retail sales, except such receipts for hotels
5187 and other lodging places classified in SIC 70, public golf
5188 courses in SIC 7992, and amusement parks in SIC 7996. For
5189 purposes of this paragraph, the term "predominantly" means that
5190 more than 50 percent of the business's gross receipts from all
5191 sources is generated by those activities usually provided for

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5192 consideration by firms in the specified standard industrial
5193 classification. The determination of whether the business is
5194 located in a qualified county and the tier ranking of that
5195 county must be based on the date of application for the credit
5196 under this section. Commonly owned and controlled entities are
5197 to be considered a single business entity.
5198 (c) "Qualified area" means any area that is contained
5199 within a rural area of critical economic concern designated
5200 under s. 288.0656, a county that has a population of fewer than
5201 75,000 persons, or a county that has a population of 125,000 or
5202 less and is contiguous to a county that has a population of less
5203 than 75,000, selected in the following manner: every third year,
5204 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5205 ~~Development~~ shall rank and tier the state's counties according
5206 to the following four factors:
5207 1. Highest unemployment rate for the most recent 36-month
5208 period.
5209 2. Lowest per capita income for the most recent 36-month
5210 period.
5211 3. Highest percentage of residents whose incomes are below
5212 the poverty level, based upon the most recent data available.
5213 4. Average weekly manufacturing wage, based upon the most
5214 recent data available.
5215 (6)(a) In order to claim this credit, an eligible business
5216 must file under oath with Jobs Florida ~~the Office of Tourism,~~
5217 ~~Trade, and Economic Development~~ a statement that includes the
5218 name and address of the eligible business, the starting salary
5219 or hourly wages paid to the new employee, and any other
5220 information that the Department of Revenue requires.

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5221 (b) Within 30 working days after receipt of an application
5222 for credit, Jobs Florida ~~the Office of Tourism, Trade, and~~
5223 ~~Economic Development~~ shall review the application to determine
5224 whether it contains all the information required by this
5225 subsection and meets the criteria set out in this section.
5226 Subject to the provisions of paragraph (c), Jobs Florida ~~the~~
5227 ~~Office of Tourism, Trade, and Economic Development~~ shall approve
5228 all applications that contain the information required by this
5229 subsection and meet the criteria set out in this section as
5230 eligible to receive a credit.
5231 (c) The maximum credit amount that may be approved during
5232 any calendar year is $5 million. The Department of Revenue, in
5233 conjunction with Jobs Florida ~~the Office of Tourism, Trade, and~~
5234 ~~Economic Development~~, shall notify the governing bodies in areas
5235 designated as qualified counties when the $5 million maximum
5236 amount has been reached. Applications must be considered for
5237 approval in the order in which they are received without regard
5238 to whether the credit is for a new or existing business. This
5239 limitation applies to the value of the credit as contained in
5240 approved applications. Approved credits may be taken in the time
5241 and manner allowed pursuant to this section.
5242 (d) A business may not receive more than $500,000 of tax
5243 credits under this section during any one calendar year.
5244 (7) If the application is insufficient to support the
5245 credit authorized in this section, Jobs Florida ~~the Office of~~
5246 ~~Tourism, Trade, and Economic Development~~ shall deny the credit
5247 and notify the business of that fact. The business may reapply
5248 for this credit within 3 months after such notification.
5249 Section 76. Paragraph (d) of subsection (6) of section

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5250 212.20, Florida Statutes, is amended to read:
5251 212.20 Funds collected, disposition; additional powers of
5252 department; operational expense; refund of taxes adjudicated
5253 unconstitutionally collected.—
5254 (6) Distribution of all proceeds under this chapter and s.
5255 202.18(1)(b) and (2)(b) shall be as follows:
5256 (d) The proceeds of all other taxes and fees imposed
5257 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
5258 and (2)(b) shall be distributed as follows:
5259 1. In any fiscal year, the greater of $500 million, minus
5260 an amount equal to 4.6 percent of the proceeds of the taxes
5261 collected pursuant to chapter 201, or 5.2 percent of all other
5262 taxes and fees imposed pursuant to this chapter or remitted
5263 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
5264 monthly installments into the General Revenue Fund.
5265 2. After the distribution under subparagraph 1., 8.814
5266 percent of the amount remitted by a sales tax dealer located
5267 within a participating county pursuant to s. 218.61 shall be
5268 transferred into the Local Government Half-cent Sales Tax
5269 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
5270 transferred shall be reduced by 0.1 percent, and the department
5271 shall distribute this amount to the Public Employees Relations
5272 Commission Trust Fund less $5,000 each month, which shall be
5273 added to the amount calculated in subparagraph 3. and
5274 distributed accordingly.
5275 3. After the distribution under subparagraphs 1. and 2.,
5276 0.095 percent shall be transferred to the Local Government Half-
5277 cent Sales Tax Clearing Trust Fund and distributed pursuant to
5278 s. 218.65.

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5279 4. After the distributions under subparagraphs 1., 2., and
5280 3., 2.0440 percent of the available proceeds shall be
5281 transferred monthly to the Revenue Sharing Trust Fund for
5282 Counties pursuant to s. 218.215.
5283 5. After the distributions under subparagraphs 1., 2., and
5284 3., 1.3409 percent of the available proceeds shall be
5285 transferred monthly to the Revenue Sharing Trust Fund for
5286 Municipalities pursuant to s. 218.215. If the total revenue to
5287 be distributed pursuant to this subparagraph is at least as
5288 great as the amount due from the Revenue Sharing Trust Fund for
5289 Municipalities and the former Municipal Financial Assistance
5290 Trust Fund in state fiscal year 1999-2000, no municipality shall
5291 receive less than the amount due from the Revenue Sharing Trust
5292 Fund for Municipalities and the former Municipal Financial
5293 Assistance Trust Fund in state fiscal year 1999-2000. If the
5294 total proceeds to be distributed are less than the amount
5295 received in combination from the Revenue Sharing Trust Fund for
5296 Municipalities and the former Municipal Financial Assistance
5297 Trust Fund in state fiscal year 1999-2000, each municipality
5298 shall receive an amount proportionate to the amount it was due
5299 in state fiscal year 1999-2000.
5300 6. Of the remaining proceeds:
5301 a. In each fiscal year, the sum of $29,915,500 shall be
5302 divided into as many equal parts as there are counties in the
5303 state, and one part shall be distributed to each county. The
5304 distribution among the several counties must begin each fiscal
5305 year on or before January 5th and continue monthly for a total
5306 of 4 months. If a local or special law required that any moneys
5307 accruing to a county in fiscal year 1999-2000 under the then-

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5308 existing provisions of s. 550.135 be paid directly to the
5309 district school board, special district, or a municipal
5310 government, such payment must continue until the local or
5311 special law is amended or repealed. The state covenants with
5312 holders of bonds or other instruments of indebtedness issued by
5313 local governments, special districts, or district school boards
5314 before July 1, 2000, that it is not the intent of this
5315 subparagraph to adversely affect the rights of those holders or
5316 relieve local governments, special districts, or district school
5317 boards of the duty to meet their obligations as a result of
5318 previous pledges or assignments or trusts entered into which
5319 obligated funds received from the distribution to county
5320 governments under then-existing s. 550.135. This distribution
5321 specifically is in lieu of funds distributed under s. 550.135
5322 before July 1, 2000.
5323 b. The department shall distribute $166,667 monthly
5324 pursuant to s. 288.1162 to each applicant certified as a
5325 facility for a new or retained professional sports franchise
5326 pursuant to s. 288.1162. Up to $41,667 shall be distributed
5327 monthly by the department to each certified applicant as defined
5328 in s. 288.11621 for a facility for a spring training franchise.
5329 However, not more than $416,670 may be distributed monthly in
5330 the aggregate to all certified applicants for facilities for
5331 spring training franchises. Distributions begin 60 days after
5332 such certification and continue for not more than 30 years,
5333 except as otherwise provided in s. 288.11621. A certified
5334 applicant identified in this sub-subparagraph may not receive
5335 more in distributions than expended by the applicant for the
5336 public purposes provided for in s. 288.1162(5) or s.

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5337 288.11621(3).
5338 c. Beginning 30 days after notice by Jobs Florida ~~the~~
5339 ~~Office of Tourism, Trade, and Economic Development~~ to the
5340 Department of Revenue that an applicant has been certified as
5341 the professional golf hall of fame pursuant to s. 288.1168 and
5342 is open to the public, $166,667 shall be distributed monthly,
5343 for up to 300 months, to the applicant.
5344 d. Beginning 30 days after notice by Jobs Florida ~~the~~
5345 ~~Office of Tourism, Trade, and Economic Development~~ to the
5346 Department of Revenue that the applicant has been certified as
5347 the International Game Fish Association World Center facility
5348 pursuant to s. 288.1169, and the facility is open to the public,
5349 $83,333 shall be distributed monthly, for up to 168 months, to
5350 the applicant. This distribution is subject to reduction
5351 pursuant to s. 288.1169. A lump sum payment of $999,996 shall be
5352 made, after certification and before July 1, 2000.
5353 7. All other proceeds must remain in the General Revenue
5354 Fund.
5355 Section 77. Subsection (4), paragraph (a) of subsection
5356 (7), paragraphs (k) through (cc) of subsection (8), and
5357 subsections (19), (20), and (21) of section 213.053, Florida
5358 Statutes, as amended by chapter 2010-280, Laws of Florida, are
5359 amended, to read:
5360 213.053 Confidentiality and information sharing.—
5361 (4) The department, while providing unemployment tax
5362 collection services under contract with Jobs Florida ~~the Agency~~
5363 ~~for Workforce Innovation~~ through an interagency agreement
5364 pursuant to s. 443.1316, may release unemployment tax rate
5365 information to the agent of an employer, which agent provides

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5366 payroll services for more than 100 ~~500~~ employers, pursuant to
5367 the terms of a memorandum of understanding. The memorandum of
5368 understanding must state that the agent affirms, subject to the
5369 criminal penalties contained in ss. 443.171 and 443.1715, that
5370 the agent will retain the confidentiality of the information,
5371 that the agent has in effect a power of attorney from the
5372 employer which permits the agent to obtain unemployment tax rate
5373 information, and that the agent shall provide the department
5374 with a copy of the employer's power of attorney upon request.
5375 (7)(a) Any information received by the Department of
5376 Revenue in connection with the administration of taxes,
5377 including, but not limited to, information contained in returns,
5378 reports, accounts, or declarations filed by persons subject to
5379 tax, shall be made available to the following in performance of
5380 their official duties:
5381 1. The Auditor General or his or her authorized agent;
5382 2. The director of the Office of Program Policy Analysis
5383 and Government Accountability or his or her authorized agent;
5384 3. The Chief Financial Officer or his or her authorized
5385 agent;
5386 4. The Director of the Office of Insurance Regulation of
5387 the Financial Services Commission or his or her authorized
5388 agent;
5389 5. A property appraiser or tax collector or their
5390 authorized agents pursuant to s. 195.084(1); ~~or~~
5391 6. Designated employees of the Department of Education
5392 solely for determination of each school district's price level
5393 index pursuant to s. 1011.62(2); and
5394 7. The commissioner of Jobs Florida or his or her

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5395 authorized agent.
5396 (8) Notwithstanding any other provision of this section,
5397 the department may provide:
5398 ~~(k)1. Payment information relative to chapters 199, 201,~~
5399 ~~202, 212, 220, 221, and 624 to the Office of Tourism, Trade, and~~
5400 ~~Economic Development, or its employees or agents that are~~
5401 ~~identified in writing by the office to the department, in the~~
5402 ~~administration of the tax refund program for qualified defense~~
5403 ~~contractors and space flight business contractors authorized by~~
5404 ~~s. 288.1045 and the tax refund program for qualified target~~
5405 ~~industry businesses authorized by s. 288.106.~~
5406 ~~2. Information relative to tax credits taken by a business~~
5407 ~~under s. 220.191 and exemptions or tax refunds received by a~~
5408 ~~business under s. 212.08(5)(j) to the Office of Tourism, Trade,~~
5409 ~~and Economic Development, or its employees or agents that are~~
5410 ~~identified in writing by to the department, in the~~
5411 ~~administration and evaluation of the capital investment tax~~
5412 ~~credit program authorized in s. 220.191 and the semiconductor,~~
5413 ~~defense, and space tax exemption program authorized in s.~~
5414 ~~212.08(5)(j).~~
5415 ~~3. Information relative to tax credits taken by a taxpayer~~
5416 ~~pursuant to the tax credit programs created in ss. 193.017;~~
5417 ~~212.08(5)(g),(h),(n),(o) and (p); 212.08(15); 212.096; 212.097;~~
5418 ~~212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;~~
5419 ~~220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;~~
5420 ~~290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;~~
5421 ~~550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to~~
5422 ~~the Office of Tourism, Trade, and Economic Development, or its~~
5423 ~~employees or agents that are identified in writing by the office~~

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5424 ~~to the department, for use in the administration or evaluation~~
5425 ~~of such programs.~~
5426 (k) ~~(l)~~ Information relative to chapter 212 and the Bill of
5427 Lading Program to the Office of Agriculture Law Enforcement of
5428 the Department of Agriculture and Consumer Services in the
5429 conduct of its official duties.
5430 (l) ~~(m)~~ Information relative to chapter 198 to the Agency
5431 for Health Care Administration in the conduct of its official
5432 business relating to ss. 409.901-409.9101.
5433 (m) ~~(n)~~ Information contained in returns, reports, accounts,
5434 or declarations to the Board of Accountancy in connection with a
5435 disciplinary proceeding conducted pursuant to chapter 473 when
5436 related to a certified public accountant participating in the
5437 certified audits project, or to the court in connection with a
5438 civil proceeding brought by the department relating to a claim
5439 for recovery of taxes due to negligence on the part of a
5440 certified public accountant participating in the certified
5441 audits project. In any judicial proceeding brought by the
5442 department, upon motion for protective order, the court shall
5443 limit disclosure of tax information when necessary to effectuate
5444 the purposes of this section.
5445 (n) ~~(o)~~ Information relative to ss. 376.70 and 376.75 to the
5446 Department of Environmental Protection in the conduct of its
5447 official business and to the facility owner, facility operator,
5448 and real property owners as defined in s. 376.301.
5449 (o) ~~(p)~~ Information relative to ss. 220.1845 and 376.30781
5450 to the Department of Environmental Protection in the conduct of
5451 its official business.
5452 (p) ~~(q)~~ Names, addresses, and sales tax registration

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5453 information to the Division of Consumer Services of the
5454 Department of Agriculture and Consumer Services in the conduct
5455 of its official duties.
5456 (q) ~~(r)~~ Information relative to the returns required by ss.
5457 175.111 and 185.09 to the Department of Management Services in
5458 the conduct of its official duties. The Department of Management
5459 Services is, in turn, authorized to disclose payment information
5460 to a governmental agency or the agency's agent for purposes
5461 related to budget preparation, auditing, revenue or financial
5462 administration, or administration of chapters 175 and 185.
5463 (r) ~~(s)~~ Names, addresses, and federal employer
5464 identification numbers, or similar identifiers, to the
5465 Department of Highway Safety and Motor Vehicles for use in the
5466 conduct of its official duties.
5467 (s) ~~(t)~~ Information relative to the tax exemptions under ss.
5468 212.031, 212.06, and 212.08 for those persons qualified under s.
5469 288.1258 to the Office of Film and Entertainment. The Department
5470 of Revenue shall provide the Office of Film and Entertainment
5471 with information in the aggregate.
5472 (t) ~~(u)~~ Information relative to ss. 211.0251, 212.1831,
5473 220.1875, 561.1211, 624.51055, and 1002.395 to the Department of
5474 Education and the Division of Alcoholic Beverages and Tobacco in
5475 the conduct of official business.
5476 (u) ~~(v)~~ Information relative to chapter 202 to each local
5477 government that imposes a tax pursuant to s. 202.19 in the
5478 conduct of its official duties as specified in chapter 202.
5479 Information provided under this paragraph may include, but is
5480 not limited to, any reports required pursuant to s. 202.231,
5481 audit files, notices of intent to audit, tax returns, and other

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5482 confidential tax information in the department's possession
5483 relating to chapter 202. A person or an entity designated by the
5484 local government in writing to the department as requiring
5485 access to confidential taxpayer information shall have
5486 reasonable access to information provided pursuant to this
5487 paragraph. Such person or entity may disclose such information
5488 to other persons or entities with direct responsibility for
5489 budget preparation, auditing, revenue or financial
5490 administration, or legal counsel. Such information shall only be
5491 used for purposes related to budget preparation, auditing, and
5492 revenue and financial administration. Any confidential and
5493 exempt information furnished to a local government, or to any
5494 person or entity designated by the local government as
5495 authorized by this paragraph may not be further disclosed by the
5496 recipient except as provided by this paragraph.
5497 ~~(w) Tax registration information to the Agency for~~
5498 ~~Workforce Innovation for use in the conduct of its official~~
5499 ~~duties, which information may not be redisclosed by the Agency~~
5500 ~~for Workforce Innovation.~~
5501 (v) ~~(x)~~ Rental car surcharge revenues authorized by s.
5502 212.0606, reported according to the county to which the
5503 surcharge was attributed to the Department of Transportation.
5504 (w) ~~(y)~~ Information relative to ss. 212.08(7)(ccc) and
5505 220.192 to the Florida Energy and Climate Commission for use in
5506 the conduct of its official business.
5507 (x) ~~(z)~~ Taxpayer names and identification numbers for the
5508 purposes of information-sharing agreements with financial
5509 institutions pursuant to s. 213.0532.
5510 (y) ~~(aa)~~ Information relative to chapter 212 to the

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5511 Department of Environmental Protection in the conduct of its
5512 official duties in the administration of s. 253.03(7)(b) and
5513 (11).
5514 ~~(bb) Information relative to tax credits taken under s.~~
5515 ~~288.1254 to the Office of Film and Entertainment and the Office~~
5516 ~~of Tourism, Trade, and Economic Development.~~
5517 (z) ~~(cc)~~ Information relative to ss. 253.03(8) and 253.0325
5518 to the Department of Environmental Protection in the conduct of
5519 its official business.
5520
5521 Disclosure of information under this subsection shall be
5522 pursuant to a written agreement between the executive director
5523 and the agency. Such agencies, governmental or nongovernmental,
5524 shall be bound by the same requirements of confidentiality as
5525 the Department of Revenue. Breach of confidentiality is a
5526 misdemeanor of the first degree, punishable as provided by s.
5527 775.082 or s. 775.083.
5528 ~~(19) The department may disclose information relative to~~
5529 ~~tax credits taken by a taxpayer pursuant to s. 288.9916 to the~~
5530 ~~Office of Tourism, Trade, and Economic Development or its~~
5531 ~~employees or agents. Such employees must be identified in~~
5532 ~~writing by the office to the department. All information~~
5533 ~~disclosed under this subsection is subject to the same~~
5534 ~~requirements of confidentiality and the same penalties for~~
5535 ~~violation of the requirements as the department.~~
5536 (19) ~~(20)~~(a) The department may publish a list of taxpayers
5537 against whom the department has filed a warrant, notice of lien,
5538 or judgment lien certificate. The list may include the name and
5539 address of each taxpayer; the amounts and types of delinquent

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5540 taxes, fees, or surcharges, penalties, or interest; and the
5541 employer identification number or other taxpayer identification
5542 number.
5543 (b) The department shall update the list at least monthly
5544 to reflect payments for resolution of deficiencies and to
5545 otherwise add or remove taxpayers from the list.
5546 (c) The department may adopt rules to administer this
5547 subsection.
5548 (20) ~~(21)~~ The department may disclose information relating
5549 to taxpayers against whom the department has filed a warrant,
5550 notice of lien, or judgment lien certificate. Such information
5551 includes the name and address of the taxpayer, the actions
5552 taken, the amounts and types of liabilities, and the amount of
5553 any collections made.
5554 Section 78. Paragraph (j) of subsection (4) of section
5555 215.5586, Florida Statutes, is amended to read:
5556 215.5586 My Safe Florida Home Program.—There is established
5557 within the Department of Financial Services the My Safe Florida
5558 Home Program. The department shall provide fiscal
5559 accountability, contract management, and strategic leadership
5560 for the program, consistent with this section. This section does
5561 not create an entitlement for property owners or obligate the
5562 state in any way to fund the inspection or retrofitting of
5563 residential property in this state. Implementation of this
5564 program is subject to annual legislative appropriations. It is
5565 the intent of the Legislature that the My Safe Florida Home
5566 Program provide trained and certified inspectors to perform
5567 inspections for owners of site-built, single-family, residential
5568 properties and grants to eligible applicants as funding allows.

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5569 The program shall develop and implement a comprehensive and
5570 coordinated approach for hurricane damage mitigation that may
5571 include the following:
5572 (4) ADVISORY COUNCIL.—There is created an advisory council
5573 to provide advice and assistance to the department regarding
5574 administration of the program. The advisory council shall
5575 consist of:
5576 (j) The director of the Office ~~Florida Division~~ of
5577 Emergency Management.
5578
5579 Members appointed under paragraphs (a)-(d) shall serve at the
5580 pleasure of the Financial Services Commission. Members appointed
5581 under paragraphs (e) and (f) shall serve at the pleasure of the
5582 appointing officer. All other members shall serve as voting ex
5583 officio members. Members of the advisory council shall serve
5584 without compensation but may receive reimbursement as provided
5585 in s. 112.061 for per diem and travel expenses incurred in the
5586 performance of their official duties.
5587 Section 79. Paragraph (b) of subsection (8) of section
5588 216.136, Florida Statutes, is amended to read:
5589 216.136 Consensus estimating conferences; duties and
5590 principals.—
5591 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—
5592 (b) The Department of Education ~~Agency for Workforce~~
5593 ~~Innovation~~ shall provide information on needs and waiting lists
5594 for school readiness programs, and information on the needs for
5595 the Voluntary Prekindergarten Education Program, as requested by
5596 the Early Learning Programs Estimating Conference or individual
5597 conference principals in a timely manner.

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5598 Section 80. Paragraph (a) of subsection (6) of section
5599 216.292, Florida Statutes, is amended to read:
5600 216.292 Appropriations nontransferable; exceptions.—
5601 (6) The Chief Financial Officer shall transfer from any
5602 available funds of an agency or the judicial branch the
5603 following amounts and shall report all such transfers and the
5604 reasons therefor to the legislative appropriations committees
5605 and the Executive Office of the Governor:
5606 (a) The amount due to the Unemployment Compensation Trust
5607 Fund which is more than 90 days delinquent on reimbursements due
5608 to the Unemployment Compensation Trust Fund. The amount
5609 transferred shall be that certified by the state agency
5610 providing unemployment tax collection services under contract
5611 with Jobs Florida ~~the Agency for Workforce Innovation~~ through an
5612 interagency agreement pursuant to s. 443.1316.
5613 Section 81. Subsection (1) of section 216.231, Florida
5614 Statutes, is amended to read:
5615 216.231 Release of certain classified appropriations.—
5616 (1)(a) Any appropriation to the Executive Office of the
5617 Governor which is classified as an ~~"~~emergency,~~"~~ as defined in s.
5618 252.34~~(3)~~, may be released only with the approval of the
5619 Governor. The state agency, or the judicial branch, desiring the
5620 use of the emergency appropriation shall submit to the Executive
5621 Office of the Governor application ~~therefor~~ in writing setting
5622 forth the facts from which the alleged need arises. The
5623 Executive Office of the Governor shall, at a public hearing,
5624 review such application promptly and approve or disapprove the
5625 applications as the circumstances may warrant. All actions of
5626 the Executive Office of the Governor shall be reported to the

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5627 legislative appropriations committees, and the committees may
5628 advise the Executive Office of the Governor relative to the
5629 release of such funds.
5630 (b) The release of appropriated funds classified as
5631 "emergency" shall be approved only if ~~when~~ an act or
5632 circumstance caused by an act of God, civil disturbance, natural
5633 disaster, or other circumstance of an emergency nature
5634 threatens, endangers, or damages the property, safety, health,
5635 or welfare of the state or its residents ~~citizens~~, which
5636 condition has not been provided for in appropriation acts of the
5637 Legislature. Funds allocated for this purpose may be used to pay
5638 overtime pay to personnel of agencies called upon to perform
5639 extra duty because of any civil disturbance or other emergency
5640 as defined in s. 252.34~~(3)~~ and to provide the required state
5641 match for federal grants under the federal Disaster Relief Act.
5642 Section 82. Paragraph (a) of subsection (3) of section
5643 218.64, Florida Statutes, is amended to read:
5644 218.64 Local government half-cent sales tax; uses;
5645 limitations.—
5646 (3) Subject to ordinances enacted by the majority of the
5647 members of the county governing authority and by the majority of
5648 the members of the governing authorities of municipalities
5649 representing at least 50 percent of the municipal population of
5650 such county, counties may use up to $2 million annually of the
5651 local government half-cent sales tax allocated to that county
5652 for funding for any of the following applicants:
5653 (a) A certified applicant as a facility for a new or
5654 retained professional sports franchise under s. 288.1162 or a
5655 certified applicant as defined in s. 288.11621 for a facility

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5656 for a spring training franchise. It is the Legislature's intent
5657 that the provisions of s. 288.1162, including, but not limited
5658 to, the evaluation process ~~by the Office of Tourism, Trade, and~~
5659 ~~Economic Development~~ except for the limitation on the number of
5660 certified applicants or facilities as provided in that section
5661 and the restrictions set forth in s. 288.1162(8), shall apply to
5662 an applicant's facility to be funded by local government as
5663 provided in this subsection.
5664 Section 83. Paragraph (ff) of subsection (1) of section
5665 220.03, Florida Statutes, is amended to read:
5666 220.03 Definitions.—
5667 (1) SPECIFIC TERMS.—When used in this code, and when not
5668 otherwise distinctly expressed or manifestly incompatible with
5669 the intent thereof, the following terms shall have the following
5670 meanings:
5671 (ff) "Job" means a full-time position, as consistent with
5672 terms used by Jobs Florida ~~the Agency for Workforce Innovation~~
5673 and the United States Department of Labor for purposes of
5674 unemployment compensation tax administration and employment
5675 estimation resulting directly from business operations in this
5676 state. The term may not include a temporary construction job
5677 involved with the construction of facilities or any job that has
5678 previously been included in any application for tax credits
5679 under s. 212.096. The term also includes employment of an
5680 employee leased from an employee leasing company licensed under
5681 chapter 468 if the employee has been continuously leased to the
5682 employer for an average of at least 36 hours per week for more
5683 than 6 months.
5684 Section 84. Paragraph (d) of subsection (1), paragraphs

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5685 (b), (c), and (d) of subsection (2), and subsections (3), and
5686 (4) of section 220.183, Florida Statutes, are amended to read:
5687 220.183 Community contribution tax credit.—
5688 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
5689 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
5690 SPENDING.—
5691 (d) All proposals for the granting of the tax credit shall
5692 require the prior approval of Jobs Florida ~~the Office of~~
5693 ~~Tourism, Trade, and Economic Development~~.
5694 (2) ELIGIBILITY REQUIREMENTS.—
5695 (b)1. All community contributions must be reserved
5696 exclusively for use in projects as defined in s. 220.03(1)(t).
5697 2. If, during the first 10 business days of the state
5698 fiscal year, eligible tax credit applications for projects that
5699 provide homeownership opportunities for low-income or very-low-
5700 income households as defined in s. 420.9071(19) and (28) are
5701 received for less than the annual tax credits available for
5702 those projects, Jobs Florida ~~the Office of Tourism, Trade, and~~
5703 ~~Economic Development~~ shall grant tax credits for those
5704 applications and shall grant remaining tax credits on a first-
5705 come, first-served basis for any subsequent eligible
5706 applications received before the end of the state fiscal year.
5707 If, during the first 10 business days of the state fiscal year,
5708 eligible tax credit applications for projects that provide
5709 homeownership opportunities for low-income or very-low-income
5710 households as defined in s. 420.9071(19) and (28) are received
5711 for more than the annual tax credits available for those
5712 projects, the office shall grant the tax credits for those
5713 applications as follows:

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5714 a. If tax credit applications submitted for approved
5715 projects of an eligible sponsor do not exceed $200,000 in total,
5716 the credit shall be granted in full if the tax credit
5717 applications are approved.
5718 b. If tax credit applications submitted for approved
5719 projects of an eligible sponsor exceed $200,000 in total, the
5720 amount of tax credits granted under sub-subparagraph a. shall be
5721 subtracted from the amount of available tax credits, and the
5722 remaining credits shall be granted to each approved tax credit
5723 application on a pro rata basis.
5724 3. If, during the first 10 business days of the state
5725 fiscal year, eligible tax credit applications for projects other
5726 than those that provide homeownership opportunities for low-
5727 income or very-low-income households as defined in s.
5728 420.9071(19) and (28) are received for less than the annual tax
5729 credits available for those projects, the office shall grant tax
5730 credits for those applications and shall grant remaining tax
5731 credits on a first-come, first-served basis for any subsequent
5732 eligible applications received before the end of the state
5733 fiscal year. If, during the first 10 business days of the state
5734 fiscal year, eligible tax credit applications for projects other
5735 than those that provide homeownership opportunities for low-
5736 income or very-low-income households as defined in s.
5737 420.9071(19) and (28) are received for more than the annual tax
5738 credits available for those projects, the office shall grant the
5739 tax credits for those applications on a pro rata basis.
5740 (c) The project must be undertaken by an “eligible
5741 sponsor,” defined here as:
5742 1. A community action program;

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5743 2. A nonprofit community-based development organization
5744 whose mission is the provision of housing for low-income or
5745 very-low-income households or increasing entrepreneurial and
5746 job-development opportunities for low-income persons;
5747 3. A neighborhood housing services corporation;
5748 4. A local housing authority, created pursuant to chapter
5749 421;
5750 5. A community redevelopment agency, created pursuant to s.
5751 163.356;
5752 6. The Florida Industrial Development Corporation;
5753 7. An historic preservation district agency or
5754 organization;
5755 8. A regional workforce board;
5756 9. A direct-support organization as provided in s.
5757 1009.983;
5758 10. An enterprise zone development agency created pursuant
5759 to s. 290.0056;
5760 11. A community-based organization incorporated under
5761 chapter 617 which is recognized as educational, charitable, or
5762 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
5763 and whose bylaws and articles of incorporation include
5764 affordable housing, economic development, or community
5765 development as the primary mission of the corporation;
5766 12. Units of local government;
5767 13. Units of state government; or
5768 14. Such other agency as Jobs Florida ~~the Office of~~
5769 ~~Tourism, Trade, and Economic Development~~ may, from time to time,
5770 designate by rule.
5771

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5772 In no event shall a contributing business firm have a financial
5773 interest in the eligible sponsor.
5774 (d) The project shall be located in an area designated as
5775 an enterprise zone or a Front Porch Florida Community ~~pursuant~~
5776 ~~to s. 20.18(6)~~. Any project designed to construct or
5777 rehabilitate housing for low-income or very-low-income
5778 households as defined in s. 420.9071(19) and (28) is exempt from
5779 the area requirement of this paragraph. This section does not
5780 preclude projects that propose to construct or rehabilitate
5781 housing for low-income or very-low-income households on
5782 scattered sites. Any project designed to provide increased
5783 access to high-speed broadband capabilities which includes
5784 coverage of a rural enterprise zone may locate the project's
5785 infrastructure in any area of a rural county.
5786 (3) APPLICATION REQUIREMENTS.—
5787 (a) Any eligible sponsor wishing to participate in this
5788 program must submit a proposal to Jobs Florida ~~the Office of~~
5789 ~~Tourism, Trade, and Economic Development~~ which sets forth the
5790 sponsor, the project, the area in which the project is located,
5791 and such supporting information as may be prescribed by rule.
5792 The proposal shall also contain a resolution from the local
5793 governmental unit in which it is located certifying that the
5794 project is consistent with local plans and regulations.
5795 (b) Any business wishing to participate in this program
5796 must submit an application for tax credit to Jobs Florida ~~the~~
5797 ~~Office of Tourism, Trade, and Economic Development~~, which
5798 application sets forth the sponsor; the project; and the type,
5799 value, and purpose of the contribution. The sponsor shall verify
5800 the terms of the application and indicate its receipt of the

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5801 contribution, which verification must be in writing and
5802 accompany the application for tax credit.
5803 (c) The business firm must submit a separate application
5804 for tax credit for each individual contribution that it makes to
5805 each individual project.
5806 (4) ADMINISTRATION.—
5807 (a) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
5808 ~~Development~~ has authority to adopt rules pursuant to ss.
5809 120.536(1) and 120.54 to implement the provisions of this
5810 section, including rules for the approval or disapproval of
5811 proposals by business firms.
5812 (b) The decision of Jobs Florida ~~the Office of Tourism,~~
5813 ~~Trade, and Economic Development~~ shall be in writing, and, if
5814 approved, the notification must state the maximum credit
5815 allowable to the business firm. A copy of the decision shall be
5816 transmitted to the executive director of the Department of
5817 Revenue, who shall apply such credit to the tax liability of the
5818 business firm.
5819 (c) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
5820 ~~Development~~ shall periodically monitor all projects in a manner
5821 consistent with available resources to ensure that resources are
5822 utilized in accordance with this section; however, each project
5823 shall be reviewed no less often than once every 2 years.
5824 (d) The Department of Revenue has authority to adopt rules
5825 pursuant to ss. 120.536(1) and 120.54 to implement the
5826 provisions of this section.
5827 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
5828 ~~Development~~ shall, in consultation with ~~the Department of~~
5829 ~~Community Affairs,~~ the Florida Housing Finance Corporation~~,~~ and

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5830 the statewide and regional housing and financial intermediaries,
5831 market the availability of the community contribution tax credit
5832 program to community-based organizations.
5833 Section 85. Paragraphs (e), (f), (g), and (h) of subsection
5834 (1) and subsections (5) and (6) of section 220.191, Florida
5835 Statutes, are amended to read:
5836 220.191 Capital investment tax credit.—
5837 (1) DEFINITIONS.—For purposes of this section:
5838 (e) "Jobs" means full-time equivalent positions, as that
5839 term is consistent with terms used by Jobs Florida ~~the Agency~~
5840 ~~for Workforce Innovation~~ and the United States Department of
5841 Labor for purposes of unemployment tax administration and
5842 employment estimation, resulting directly from a project in this
5843 state. The term does not include temporary construction jobs
5844 involved in the construction of the project facility.
5845 ~~(f) "Office" means the Office of Tourism, Trade, and~~
5846 ~~Economic Development.~~
5847 (f) ~~(g)~~ "Qualifying business" means a business which
5848 establishes a qualifying project in this state and which is
5849 certified by Jobs Florida ~~the office~~ to receive tax credits
5850 pursuant to this section.
5851 (g) ~~(h)~~ "Qualifying project" means:
5852 1. A new or expanding facility in this state which creates
5853 at least 100 new jobs in this state and is in one of the high-
5854 impact sectors identified by the Jobs Florida Partnership
5855 ~~Enterprise Florida~~, Inc., and certified by Jobs Florida ~~the~~
5856 ~~office~~ pursuant to s. 288.108(6), including, but not limited to,
5857 aviation, aerospace, automotive, and silicon technology
5858 industries;

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5859 2. A new or expanded facility in this state which is
5860 engaged in a target industry designated pursuant to the
5861 procedure specified in s. 288.106(2) ~~s. 288.106(2)(t)~~ and which
5862 is induced by this credit to create or retain at least 1,000
5863 jobs in this state, provided that at least 100 of those jobs are
5864 new, pay an annual average wage of at least 130 percent of the
5865 average private sector wage in the area as defined in s.
5866 288.106(2), and make a cumulative capital investment of at least
5867 $100 million after July 1, 2005. Jobs may be considered retained
5868 only if there is significant evidence that the loss of jobs is
5869 imminent. Notwithstanding subsection (2), annual credits against
5870 the tax imposed by this chapter shall not exceed 50 percent of
5871 the increased annual corporate income tax liability or the
5872 premium tax liability generated by or arising out of a project
5873 qualifying under this subparagraph. A facility that qualifies
5874 under this subparagraph for an annual credit against the tax
5875 imposed by this chapter may take the tax credit for a period not
5876 to exceed 5 years; or
5877 3. A new or expanded headquarters facility in this state
5878 which locates in an enterprise zone and brownfield area and is
5879 induced by this credit to create at least 1,500 jobs which on
5880 average pay at least 200 percent of the statewide average annual
5881 private sector wage, as published by Jobs Florida ~~the Agency for~~
5882 ~~Workforce Innovation or its successor~~, and which new or expanded
5883 headquarters facility makes a cumulative capital investment in
5884 this state of at least $250 million.
5885 (5) Applications shall be reviewed and certified pursuant
5886 to s. 288.061. Jobs Florida ~~The office~~, upon a recommendation by
5887 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., shall

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5888 first certify a business as eligible to receive tax credits
5889 pursuant to this section prior to the commencement of operations
5890 of a qualifying project, and such certification shall be
5891 transmitted to the Department of Revenue. Upon receipt of the
5892 certification, the Department of Revenue shall enter into a
5893 written agreement with the qualifying business specifying, at a
5894 minimum, the method by which income generated by or arising out
5895 of the qualifying project will be determined.
5896 (6) Jobs Florida ~~The office~~, in consultation with the Jobs
5897 Florida Partnership ~~Enterprise Florida~~, Inc., is authorized to
5898 develop the necessary guidelines and application materials for
5899 the certification process described in subsection (5).
5900 Section 86. Subsection (2) of section 222.15, Florida
5901 Statutes, is amended to read:
5902 222.15 Wages or unemployment compensation payments due
5903 deceased employee may be paid spouse or certain relatives.—
5904 (2) It is also lawful for Jobs Florida ~~the Agency for~~
5905 ~~Workforce Innovation~~, in case of death of any unemployed
5906 individual, to pay to those persons referred to in subsection
5907 (1) any unemployment compensation payments that may be due to
5908 the individual at the time of his or her death.
5909 Section 87. Subsections (3) and (4) of section 250.06,
5910 Florida Statutes, are amended to read:
5911 250.06 Commander in chief.—
5912 (3) The Governor may, in order to preserve the public
5913 peace, execute the laws of the state, suppress insurrection,
5914 repel invasion, respond to an emergency as defined in s.
5915 252.34~~(3)~~ or imminent danger thereof, or, in case of the calling
5916 of all or any portion of the militia of this state ~~Florida~~ into

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5917 the services of the United States, may increase the Florida
5918 National Guard and organize it in accordance with rules and
5919 regulations governing the Armed Forces of the United States.
5920 Such organization and increase may be pursuant to or in advance
5921 of any call made by the President of the United States. If the
5922 Florida National Guard is activated into service of the United
5923 States, another organization may not be designated as the
5924 Florida National Guard.
5925 (4) The Governor may, in order to preserve the public
5926 peace, execute the laws of the state, enhance domestic security,
5927 respond to terrorist threats or attacks, respond to an emergency
5928 as defined in s. 252.34~~(3)~~ or imminent danger thereof, or
5929 respond to any need for emergency aid to civil authorities as
5930 specified in s. 250.28, order into state active duty all or any
5931 part of the militia which he or she deems proper.
5932 Section 88. Paragraphs (a) and (b) of subsection (1) of
5933 section 252.32, Florida Statutes, are amended to read:
5934 252.32 Policy and purpose.—
5935 (1) Because of the existing and continuing possibility of
5936 the occurrence of emergencies and disasters resulting from
5937 natural, technological, or manmade causes; in order to ensure
5938 that preparations of this state will be adequate to deal with,
5939 reduce vulnerability to, and recover from such emergencies and
5940 disasters; to provide for the common defense and to protect the
5941 public peace, health, and safety; and to preserve the lives and
5942 property of the people of the state, it is hereby found and
5943 declared to be necessary:
5944 (a) To create a state emergency management agency to be
5945 known as the "Office ~~Division~~ of Emergency Management," to

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5946 authorize the creation of local organizations for emergency
5947 management in the political subdivisions of the state, and to
5948 authorize cooperation with the Federal Government and the
5949 governments of other states.
5950 (b) To confer upon the Governor, the Office ~~Division~~ of
5951 Emergency Management, and the governing body of each political
5952 subdivision of the state the emergency powers provided herein.
5953 Section 89. Section 252.34, Florida Statutes, is amended to
5954 read:
5955 252.34 Definitions.—As used in this part ~~ss. 252.31-252.60~~,
5956 the term:
5957 (1) “Disaster” means any natural, technological, or civil
5958 emergency that causes damage of sufficient severity and
5959 magnitude to result in a declaration of a state of emergency by
5960 a county, the Governor, or the President of the United States.
5961 Disasters are ~~shall be~~ identified by the severity of resulting
5962 damage, as follows:
5963 (a) “Catastrophic disaster” means a disaster that will
5964 require massive state and federal assistance, including
5965 immediate military involvement.
5966 (b) “Major disaster” means a disaster that will likely
5967 exceed local capabilities and require a broad range of state and
5968 federal assistance.
5969 (c) “Minor disaster” means a disaster that is likely to be
5970 within the response capabilities of local government and to
5971 result in only a minimal need for state or federal assistance.
5972 ~~(2) “Division” means the Division of Emergency Management~~
5973 ~~of the Department of Community Affairs, or the successor to that~~
5974 ~~division.~~

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5975 (2) ~~(3)~~ "Emergency" means any occurrence, or threat thereof,
5976 whether natural, technological, or manmade, in war or in peace,
5977 which results or may result in substantial injury or harm to the
5978 population or substantial damage to or loss of property.
5979 (3) ~~(4)~~ "Emergency management" means the preparation for,
5980 the mitigation of, the response to, and the recovery from
5981 emergencies and disasters. Specific emergency management
5982 responsibilities include, but are not limited to:
5983 (a) Reduction of vulnerability of people and communities of
5984 this state to damage, injury, and loss of life and property
5985 resulting from natural, technological, or manmade emergencies or
5986 hostile military or paramilitary action.
5987 (b) Preparation for prompt and efficient response and
5988 recovery to protect lives and property affected by emergencies.
5989 (c) Response to emergencies using all systems, plans, and
5990 resources necessary to preserve adequately the health, safety,
5991 and welfare of persons or property affected by the emergency.
5992 (d) Recovery from emergencies by providing for the rapid
5993 and orderly start of restoration and rehabilitation of persons
5994 and property affected by emergencies.
5995 (e) Provision of an emergency management system embodying
5996 all aspects of preemergency preparedness and postemergency
5997 response, recovery, and mitigation.
5998 (f) Assistance in anticipation, recognition, appraisal,
5999 prevention, and mitigation of emergencies which may be caused or
6000 aggravated by inadequate planning for, and regulation of, public
6001 and private facilities and land use.
6002 (4) ~~(5)~~ "Local emergency management agency" means an
6003 organization created in accordance with ~~the provisions of~~ ss.

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6004 252.31-252.90 to discharge the emergency management
6005 responsibilities and functions of a political subdivision.
6006 (5) ~~(6)~~ “Manmade emergency” means an emergency caused by an
6007 action against persons or society, including, but not limited
6008 to, enemy attack, sabotage, terrorism, civil unrest, or other
6009 action impairing the orderly administration of government.
6010 (6) ~~(7)~~ “Natural emergency” means an emergency caused by a
6011 natural event, including, but not limited to, a hurricane, a
6012 storm, a flood, severe wave action, a drought, or an earthquake.
6013 (7) “Office” means the Office of Emergency Management
6014 within the Executive Office of the Governor, or the successor to
6015 that office.
6016 (8) “Political subdivision” means any county or
6017 municipality created pursuant to law.
6018 (9) “Technological emergency” means an emergency caused by
6019 a technological failure or accident, including, but not limited
6020 to, an explosion, transportation accident, radiological
6021 accident, or chemical or other hazardous material incident.
6022 Section 90. Section 252.35, Florida Statutes, is amended to
6023 read:
6024 252.35 Emergency management powers~~; Division of Emergency~~
6025 ~~Management.~~
6026 (1) The office ~~division~~ is responsible for maintaining a
6027 comprehensive statewide program of emergency management and for
6028 coordinating the~~. The division is responsible for coordination~~
6029 ~~with~~ efforts of the Federal Government with other departments
6030 and agencies of state government, with county and municipal
6031 governments and school boards, and with private agencies that
6032 have a role in emergency management.

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6033 (2) The office ~~division~~ is responsible for carrying out the
6034 provisions of ss. 252.31-252.90. In performing its duties ~~under~~
6035 ~~ss. 252.31-252.90~~, the office ~~division~~ shall:
6036 (a) Prepare a state comprehensive emergency management
6037 plan, which shall be integrated into and coordinated with the
6038 emergency management plans and programs of the Federal
6039 Government. The office ~~division~~ must adopt the plan as a rule in
6040 accordance with chapter 120. The plan shall be implemented by a
6041 continuous, integrated comprehensive emergency management
6042 program. The plan must contain provisions to ensure that the
6043 state is prepared for emergencies and minor, major, and
6044 catastrophic disasters, and the office ~~division~~ shall work
6045 closely with local governments and agencies and organizations
6046 with emergency management responsibilities in preparing and
6047 maintaining the plan. The state comprehensive emergency
6048 management plan must ~~shall~~ be operations oriented and:
6049 1. Include an evacuation component that includes specific
6050 regional and interregional planning provisions and promotes
6051 intergovernmental coordination of evacuation activities. This
6052 component must, at a minimum: contain guidelines for lifting
6053 tolls on state highways; ensure coordination pertaining to
6054 evacuees crossing county lines; set forth procedures for
6055 directing people caught on evacuation routes to safe shelter;
6056 establish strategies for ensuring sufficient, reasonably priced
6057 fueling locations along evacuation routes; and establish
6058 policies and strategies for emergency medical evacuations.
6059 2. Include a shelter component that includes specific
6060 regional and interregional planning provisions and promotes
6061 coordination of shelter activities between the public, private,

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6062 and nonprofit sectors. This component must, at a minimum:
6063 contain strategies to ensure the availability of adequate public
6064 shelter space in each region of the state; establish strategies
6065 for refuge-of-last-resort programs; provide strategies to assist
6066 local emergency management efforts to ensure that adequate
6067 staffing plans exist for all shelters, including medical and
6068 security personnel; provide for a postdisaster communications
6069 system for public shelters; establish model shelter guidelines
6070 for operations, registration, inventory, power generation
6071 capability, information management, and staffing; and set forth
6072 policy guidance for sheltering people with special needs.
6073 3. Include a postdisaster response and recovery component
6074 that includes specific regional and interregional planning
6075 provisions and promotes intergovernmental coordination of
6076 postdisaster response and recovery activities. This component
6077 must provide for postdisaster response and recovery strategies
6078 according to whether a disaster is minor, major, or
6079 catastrophic. The postdisaster response and recovery component
6080 must, at a minimum: establish the structure of the state's
6081 postdisaster response and recovery organization; establish
6082 procedures for activating the state's plan; set forth policies
6083 used to guide postdisaster response and recovery activities;
6084 describe the chain of command during the postdisaster response
6085 and recovery period; describe initial and continuous
6086 postdisaster response and recovery actions; identify the roles
6087 and responsibilities of each involved agency and organization;
6088 provide for a comprehensive communications plan; establish
6089 procedures for monitoring mutual aid agreements; provide for
6090 rapid impact assessment teams; ensure the availability of an

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6091 effective statewide urban search and rescue program coordinated
6092 with the fire services; ensure the existence of a comprehensive
6093 statewide medical care and relief plan administered by the
6094 Department of Health; and establish systems for coordinating
6095 volunteers and accepting and distributing donated funds and
6096 goods.
6097 4. Include additional provisions addressing aspects of
6098 preparedness, response, recovery, and mitigation as determined
6099 necessary by the office ~~division~~.
6100 5. Address the need for coordinated and expeditious
6101 deployment of state resources, including the Florida National
6102 Guard. In the case of an imminent major disaster, procedures
6103 should address predeployment of the Florida National Guard, and,
6104 in the case of an imminent catastrophic disaster, procedures
6105 should address predeployment of the Florida National Guard and
6106 the United States Armed Forces.
6107 6. Establish a system of communications and warning to
6108 ensure that the state's population and emergency management
6109 agencies are warned of developing emergency situations and can
6110 communicate emergency response decisions.
6111 7. Establish guidelines and schedules for annual exercises
6112 that evaluate the ability of the state and its political
6113 subdivisions to respond to minor, major, and catastrophic
6114 disasters and support local emergency management agencies. Such
6115 exercises must ~~shall~~ be coordinated with local governments and,
6116 to the extent possible, the Federal Government.
6117 8. Assign lead and support responsibilities to state
6118 agencies and personnel for emergency support functions and other
6119 support activities.

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6120

6121 The complete state comprehensive emergency management plan must
6122 ~~shall~~ be submitted to the President of the Senate, the Speaker
6123 of the House of Representatives, and the Governor on February 1
6124 of every even-numbered year.
6125 (b) Adopt standards and requirements for county emergency
6126 management plans. The standards and requirements must ensure
6127 that county plans are coordinated and consistent with the state
6128 comprehensive emergency management plan. If a municipality
6129 elects to establish an emergency management program, it must
6130 adopt a city emergency management plan that complies with all
6131 standards and requirements applicable to county emergency
6132 management plans.
6133 (c) Assist political subdivisions in preparing and
6134 maintaining emergency management plans.
6135 (d) Review periodically political subdivision emergency
6136 management plans for consistency with the state comprehensive
6137 emergency management plan and standards and requirements adopted
6138 under this section.
6139 (e) Cooperate with the President, the heads of the Armed
6140 Forces, the various federal emergency management agencies, and
6141 the officers and agencies of other states in matters pertaining
6142 to emergency management in the state and the nation and
6143 incidents thereof and, in connection therewith, take any
6144 measures that it deems proper to carry into effect any request
6145 of the President and the appropriate federal officers and
6146 agencies for any emergency management action, including the
6147 direction or control of:
6148 1. Emergency management drills, tests, or exercises of

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6149 whatever nature.
6150 2. Warnings and signals for tests and drills, attacks, or
6151 other imminent emergencies or threats thereof and the mechanical
6152 devices to be used in connection with such warnings and signals.
6153 (f) Make recommendations to the Legislature, building code
6154 organizations, and political subdivisions for zoning, building,
6155 and other land use controls; safety measures for securing mobile
6156 homes or other nonpermanent or semipermanent structures; and
6157 other preparedness, prevention, and mitigation measures designed
6158 to eliminate emergencies or reduce their impact.
6159 (g) In accordance with the state comprehensive emergency
6160 management plan and program for emergency management, ascertain
6161 the requirements of the state and its political subdivisions for
6162 equipment and supplies of all kinds in the event of an
6163 emergency; plan for and ~~either~~ procure supplies, medicines,
6164 materials, and equipment or enter into memoranda of agreement or
6165 open purchase orders that will ensure their availability; and
6166 use and employ from time to time any of the property, services,
6167 and resources within the state in accordance with ss. 252.31-
6168 252.90.
6169 (h) Anticipate trends and promote innovations that will
6170 enhance the emergency management system.
6171 (i) Institute statewide public awareness programs. This
6172 shall include an intensive public educational campaign on
6173 emergency preparedness issues, including, but not limited to,
6174 the personal responsibility of individual citizens to be self-
6175 sufficient for up to 72 hours following a natural or manmade
6176 disaster. The public educational campaign must ~~shall~~ include
6177 relevant information on statewide disaster plans, evacuation

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6178 routes, fuel suppliers, and shelters. All educational materials
6179 must be available in alternative formats and mediums to ensure
6180 that they are available to persons with disabilities.
6181 (j) In cooperation with ~~The Division of Emergency~~
6182 ~~Management and~~ the Department of Education, ~~shall~~ coordinate
6183 with the Agency for Persons with Disabilities to provide an
6184 educational outreach program on disaster preparedness and
6185 readiness to individuals who have limited English skills and
6186 identify persons who are in need of assistance but are not
6187 defined under special-needs criteria.
6188 (k) Prepare and distribute to appropriate state and local
6189 officials catalogs of federal, state, and private assistance
6190 programs.
6191 (l) Coordinate federal, state, and local emergency
6192 management activities and take all other steps, including the
6193 partial or full mobilization of emergency management forces and
6194 organizations in advance of an actual emergency, to ensure the
6195 availability of adequately trained and equipped forces of
6196 emergency management personnel before, during, and after
6197 emergencies and disasters.
6198 (m) Establish a schedule of fees that may be charged by
6199 local emergency management agencies for review of emergency
6200 management plans on behalf of external agencies and
6201 institutions. In establishing such schedule, the office ~~division~~
6202 shall consider facility size, review complexity, and other
6203 factors.
6204 (n) Implement training programs to improve the ability of
6205 state and local emergency management personnel to prepare and
6206 implement emergency management plans and programs. This includes

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6207 ~~shall include~~ a continuous training program for agencies and
6208 individuals that will be called on to perform key roles in state
6209 and local postdisaster response and recovery efforts and for
6210 local government personnel on federal and state postdisaster
6211 response and recovery strategies and procedures.
6212 (o) ~~Review~~ Periodically review emergency operating
6213 procedures of state agencies and recommend revisions as needed
6214 to ensure consistency with the state comprehensive emergency
6215 management plan and program.
6216 (p) Make such surveys of industries, resources, and
6217 facilities within the state, both public and private, as are
6218 necessary to carry out the purposes of ss. 252.31-252.90.
6219 (q) Prepare, in advance if ~~whenever~~ possible, such
6220 executive orders, proclamations, and rules for issuance by the
6221 Governor as are necessary or appropriate for coping with
6222 emergencies and disasters.
6223 (r) Cooperate with the Federal Government and any public or
6224 private agency or entity in achieving any purpose of ss. 252.31-
6225 252.90 and in implementing programs for mitigation, preparation,
6226 response, and recovery.
6227 (s) ~~By January 1, 2007, the Division of Emergency~~
6228 ~~Management shall~~ Complete an inventory of portable generators
6229 owned by the state and local governments which are capable of
6230 operating during a major disaster. The inventory must identify,
6231 at a minimum, the location of each generator, the number of
6232 generators stored at each specific location, the agency to which
6233 each generator belongs, the primary use of the generator by the
6234 owner agency, and the names, addresses, and telephone numbers of
6235 persons having the authority to loan the stored generators as

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6236 authorized by the office ~~Division of Emergency Management~~ during
6237 a declared emergency.
6238 (t) ~~The division shall~~ Maintain an inventory list of
6239 generators owned by the state and local governments. In
6240 addition, the office ~~division~~ may keep a list of private
6241 entities, along with appropriate contact information, which
6242 offer generators for sale or lease. The list of private entities
6243 shall be available to the public for inspection in written and
6244 electronic formats.
6245 (u) Assist political subdivisions with the creation and
6246 training of urban search and rescue teams and promote the
6247 development and maintenance of a state urban search and rescue
6248 program.
6249 (v) Delegate, as necessary and appropriate, authority
6250 vested in it under ss. 252.31-252.90 and provide for the
6251 subdelegation of such authority.
6252 (w) Report biennially to the President of the Senate, the
6253 Speaker of the House of Representatives, and the Governor, no
6254 later than February 1 of every odd-numbered year, the status of
6255 the emergency management capabilities of the state and its
6256 political subdivisions.
6257 (x) In accordance with chapter 120, create, implement,
6258 administer, adopt, amend, and rescind rules, programs, and plans
6259 needed to carry out the provisions of ss. 252.31-252.90 with due
6260 consideration for, and in cooperating with, the plans and
6261 programs of the Federal Government. In addition, the office
6262 ~~division~~ may adopt rules in accordance with chapter 120 to
6263 administer and distribute federal financial predisaster and
6264 postdisaster assistance for prevention, mitigation,

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6265 preparedness, response, and recovery.
6266 (y) Do other things necessary, incidental, or appropriate
6267 for the implementation of ss. 252.31-252.90.
6268 Section 91. Subsection (2) of section 252.355, Florida
6269 Statutes, is amended to read:
6270 252.355 Registry of persons with special needs; notice.—
6271 (2) The office ~~Department of Community Affairs~~ shall be the
6272 designated lead agency responsible for community education and
6273 outreach to the public, including special needs clients,
6274 regarding registration and special needs shelters and general
6275 information regarding shelter stays.
6276 Section 92. Section 252.3568, Florida Statutes, is amended
6277 to read:
6278 252.3568 Emergency sheltering of persons with pets.—In
6279 accordance with s. 252.35, the office ~~division~~ shall address
6280 strategies for the evacuation of persons with pets in the
6281 shelter component of the state comprehensive emergency
6282 management plan and shall include the requirement for similar
6283 strategies in its standards and requirements for local
6284 comprehensive emergency management plans. The Department of
6285 Agriculture and Consumer Services shall assist the office
6286 ~~division~~ in determining strategies regarding this activity.
6287 Section 93. Subsections (8) and (9) of section 252.36,
6288 Florida Statutes, are amended to read:
6289 252.36 Emergency management powers of the Governor.—
6290 (8) The Governor shall delegate emergency responsibilities
6291 to the officers and agencies of the state and of the political
6292 subdivisions thereof prior to an emergency or threat of an
6293 emergency and shall utilize the services and facilities of

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6294 existing officers and agencies of the state and of the political
6295 subdivisions thereof, including their personnel and other
6296 resources, as the primary emergency management forces of the
6297 state, and all such officers and agencies shall cooperate with
6298 and extend their services and facilities to the office ~~division~~,
6299 as it may require.
6300 (9) The Governor and the office ~~division~~ shall establish
6301 agencies and offices and appoint executive, professional,
6302 technical, clerical, and other personnel as may be necessary to
6303 carry out the provisions of ss. 252.31-252.90.
6304 Section 94. Subsections (2), (3), and (4) of section
6305 252.365, Florida Statutes, are amended to read:
6306 252.365 Emergency coordination officers; disaster-
6307 preparedness plans.—
6308 (2) The emergency coordination officer is responsible for
6309 coordinating with the office ~~division~~ on emergency preparedness
6310 issues, preparing and maintaining emergency preparedness and
6311 postdisaster response and recovery plans for such agency,
6312 maintaining rosters of personnel to assist in disaster
6313 operations, and coordinating appropriate training for agency
6314 personnel.
6315 (3) These individuals shall be responsible for ensuring
6316 that each state agency and facility, such as a prison, office
6317 building, or university, has a disaster preparedness plan that
6318 is coordinated with the applicable local emergency-management
6319 agency and approved by the office ~~division~~.
6320 (a) The disaster-preparedness plan must outline a
6321 comprehensive and effective program to ensure continuity of
6322 essential state functions under all circumstances. The plan must

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6323 identify a baseline of preparedness for a full range of
6324 potential emergencies to establish a viable capability to
6325 perform essential functions during any emergency or other
6326 situation that disrupts normal operations.
6327 (b) The plan must include, at a minimum, the following
6328 elements: identification of essential functions, programs, and
6329 personnel; procedures to implement the plan and personnel
6330 notification and accountability; delegations of authority and
6331 lines of succession; identification of alternative facilities
6332 and related infrastructure, including those for communications;
6333 identification and protection of vital records and databases;
6334 and schedules and procedures for periodic tests, training, and
6335 exercises.
6336 (c) The office ~~division~~ shall develop and distribute
6337 guidelines for developing and implementing the plan. Each agency
6338 is encouraged to initiate and complete development of its plan
6339 immediately, but no later than July 1, 2003.
6340 (4) The head of each agency shall notify the Governor and
6341 the office ~~division~~ in writing of the person initially
6342 designated as the emergency coordination officer for such agency
6343 and her or his alternate and of any changes in persons so
6344 designated thereafter.
6345 Section 95. Subsection (4) of section 252.37, Florida
6346 Statutes, is amended to read:
6347 252.37 Financing.—
6348 (4)(a) Whenever the Federal Government or any agency or
6349 officer thereof offers to the state or, through the state, to
6350 any political subdivision thereof services, equipment, supplies,
6351 materials, or funds by way of gift, grant, or loan for the

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6352 purposes of emergency management, the state, acting through the
6353 office ~~division~~, or such political subdivision, acting with the
6354 consent of the Governor or the Governor's authorized
6355 representative, may accept such offer. Upon such acceptance, the
6356 office ~~division~~ or the presiding officer or governing body of
6357 such political subdivision may authorize receipt of the gift,
6358 grant, or loan on behalf of the state or such political
6359 subdivision, subject to the terms of the offer and the rules and
6360 regulations of the agency making the offer.
6361 (b) Whenever any person, firm, or corporation offers to the
6362 state or to any political subdivision thereof services,
6363 equipment, supplies, materials, or funds by way of gift, grant,
6364 loan, or other agreement for the purpose of emergency
6365 management, the state, acting through the office ~~division~~, or
6366 such political subdivision, acting through its governing body or
6367 a local emergency management agency, may accept such offer. Upon
6368 such acceptance, the office ~~division~~ or the presiding officer or
6369 governing body of the political subdivision may authorize
6370 receipt of the gift, grant, or loan on behalf of the state or
6371 such political subdivision, subject to the terms of the offer.
6372 Section 96. Section 252.371, Florida Statutes, is amended
6373 to read:
6374 252.371 Emergency Management, Preparedness, and Assistance
6375 Trust Fund.—There is created the Emergency Management,
6376 Preparedness, and Assistance Trust Fund to be administered by
6377 the office ~~Department of Community Affairs~~.
6378 Section 97. Subsections (1) and (3) of section 252.373,
6379 Florida Statutes, are amended to read:
6380 252.373 Allocation of funds; rules.—

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6381 (1) Funds appropriated from the Emergency Management,
6382 Preparedness, and Assistance Trust Fund shall be allocated by
6383 the office ~~Department of Community Affairs~~ for the following
6384 purposes:
6385 (a) To implement and administer state and local emergency
6386 management programs, including administration, training, and
6387 operations.
6388 (b) For grants and loans to state or regional agencies,
6389 local governments, and private organizations to implement
6390 projects that will further state and local emergency management
6391 objectives. These projects must include, but need not be limited
6392 to, projects that will promote public education on disaster
6393 preparedness and recovery issues, enhance coordination of relief
6394 efforts of statewide private sector organizations, and improve
6395 the training and operations capabilities of agencies assigned
6396 lead or support responsibilities in the state comprehensive
6397 emergency management plan, including the State Fire Marshal's
6398 Office for coordinating the Florida fire services. The office
6399 ~~division~~ shall establish criteria and procedures for competitive
6400 allocation of these funds by rule. No more than 5 percent of any
6401 award made pursuant to this subparagraph may be used for
6402 administrative expenses. This competitive criteria must give
6403 priority consideration to hurricane evacuation shelter retrofit
6404 projects.
6405 (c) To meet any matching requirements imposed as a
6406 condition of receiving federal disaster relief assistance.
6407 (3) If adequate funds are available as determined by the
6408 office ~~division~~, every county shall receive funds at least
6409 sufficient to fund a dedicated, full-time emergency preparedness

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6410 officer position.
6411 Section 98. Paragraphs (a), (b), and (e) of subsection (1)
6412 of section 252.38, Florida Statutes, are amended to read:
6413 252.38 Emergency management powers of political
6414 subdivisions.—Safeguarding the life and property of its citizens
6415 is an innate responsibility of the governing body of each
6416 political subdivision of the state.
6417 (1) COUNTIES.—
6418 (a) In order to provide effective and orderly governmental
6419 control and coordination of emergency operations in emergencies
6420 within the scope of ss. 252.31-252.90, each county within this
6421 state shall be within the jurisdiction of, and served by, the
6422 office ~~division~~. Except as otherwise provided in ss. 252.31-
6423 252.90, each local emergency management agency shall have
6424 jurisdiction over and serve an entire county. Unless part of an
6425 interjurisdictional emergency management agreement entered into
6426 pursuant to paragraph (3)(b) which is recognized by the Governor
6427 by executive order or rule, each county must establish and
6428 maintain such an emergency management agency and shall develop a
6429 county emergency management plan and program that is coordinated
6430 and consistent with the state comprehensive emergency management
6431 plan and program. Counties that are part of an
6432 interjurisdictional emergency management agreement entered into
6433 pursuant to paragraph (3)(b) which is recognized by the Governor
6434 by executive order or rule shall cooperatively develop an
6435 emergency management plan and program that is coordinated and
6436 consistent with the state comprehensive emergency management
6437 plan and program.
6438 (b) Each county emergency management agency created and

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6439 established pursuant to ss. 252.31-252.90 shall have a director.
6440 The director must meet the minimum training and education
6441 qualifications established in a job description approved by the
6442 county. The director shall be appointed by the board of county
6443 commissioners or the chief administrative officer of the county,
6444 as described in chapter 125 or the county charter, if
6445 applicable, to serve at the pleasure of the appointing
6446 authority, in conformance with applicable resolutions,
6447 ordinances, and laws. A county constitutional officer, or an
6448 employee of a county constitutional officer, may be appointed as
6449 director following prior notification to the division. Each
6450 board of county commissioners shall promptly inform the office
6451 ~~division~~ of the appointment of the director and other personnel.
6452 Each director has direct responsibility for the organization,
6453 administration, and operation of the county emergency management
6454 agency. The director shall coordinate emergency management
6455 activities, services, and programs within the county and shall
6456 serve as liaison to the office ~~division~~ and other local
6457 emergency management agencies and organizations.
6458 (e) County emergency management agencies may charge and
6459 collect fees for the review of emergency management plans on
6460 behalf of external agencies and institutions. Fees must be
6461 reasonable and may not exceed the cost of providing a review of
6462 emergency management plans in accordance with fee schedules
6463 established by the office ~~division~~.
6464 Section 99. Subsections (2) and (3) of section 252.385,
6465 Florida Statutes, are amended to read:
6466 252.385 Public shelter space.—
6467 (2)(a) The office ~~division~~ shall administer a program to

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6468 survey existing schools, universities, community colleges, and
6469 other state-owned, municipally owned, and county-owned public
6470 buildings and any private facility that the owner, in writing,
6471 agrees to provide for use as a public hurricane evacuation
6472 shelter to identify those that are appropriately designed and
6473 located to serve as such shelters. The owners of the facilities
6474 must be given the opportunity to participate in the surveys. The
6475 state university boards of trustees, district school boards,
6476 community college boards of trustees, and the Department of
6477 Education are responsible for coordinating and implementing the
6478 survey of public schools, universities, and community colleges
6479 with the office ~~division~~ or the local emergency management
6480 agency.
6481 (b) By January 31 of each even-numbered year, the office
6482 ~~division~~ shall prepare and submit a statewide emergency shelter
6483 plan to the Governor and Cabinet for approval, subject to the
6484 requirements for approval in s. 1013.37(2). The plan shall
6485 identify the general location and square footage of special
6486 needs shelters, by regional planning council region, during the
6487 next 5 years. The plan shall also include information on the
6488 availability of shelters that accept pets. The Department of
6489 Health shall assist the office ~~division~~ in determining the
6490 estimated need for special needs shelter space and the adequacy
6491 of facilities to meet the needs of persons with special needs
6492 based on information from the registries of persons with special
6493 needs and other information.
6494 (3) The office ~~division~~ shall annually provide to the
6495 President of the Senate, the Speaker of the House of
6496 Representatives, and the Governor a list of facilities

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6497 recommended to be retrofitted using state funds. State funds
6498 should be maximized and targeted to regional planning council
6499 regions with hurricane evacuation shelter deficits. Retrofitting
6500 facilities in regions with public hurricane evacuation shelter
6501 deficits shall be given first priority ~~and should be completed~~
6502 ~~by 2003. All recommended facilities should be retrofitted by~~
6503 ~~2008~~. The owner or lessee of a public hurricane evacuation
6504 shelter that is included on the list of facilities recommended
6505 for retrofitting is not required to perform any recommended
6506 improvements.
6507 Section 100. Subsection (1) of section 252.40, Florida
6508 Statutes, is amended to read:
6509 252.40 Mutual aid arrangements.—
6510 (1) The governing body of each political subdivision of the
6511 state is authorized to develop and enter into mutual aid
6512 agreements within the state for reciprocal emergency aid and
6513 assistance in case of emergencies too extensive to be dealt with
6514 unassisted. Copies of such agreements shall be sent to the
6515 office ~~division~~. Such agreements shall be consistent with the
6516 state comprehensive emergency management plan and program, and
6517 in time of emergency it shall be the duty of each local
6518 emergency management agency to render assistance in accordance
6519 with the provisions of such mutual aid agreements to the fullest
6520 possible extent.
6521 Section 101. Subsection (1) and paragraph (c) of subsection
6522 (2) of section 252.41, Florida Statutes, are amended to read:
6523 252.41 Emergency management support forces.—
6524 (1) The office ~~division~~ is authorized to provide, within or
6525 without the state, such support from available personnel,

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6526 equipment, and other resources of state agencies and the
6527 political subdivisions of the state as may be necessary to
6528 reinforce emergency management agencies in areas stricken by
6529 emergency. Such support shall be rendered with due consideration
6530 of the plans of the Federal Government, this state, the other
6531 states, and of the criticalness of the existing situation.
6532 Emergency management support forces shall be called to duty upon
6533 orders of the office ~~division~~ and shall perform functions in any
6534 part of the state or, upon the conditions specified in this
6535 section, in other states.
6536 (2) Personnel of emergency management support forces while
6537 on duty, whether within or without the state, shall:
6538 (c) If they are not employees of the state or a political
6539 subdivision thereof, they shall be entitled to the same rights
6540 and immunities as are provided by law for the employees of this
6541 state and to such compensation as may be fixed by the office
6542 ~~division~~. All personnel of emergency management support forces
6543 shall, while on duty, be subject to the operational control of
6544 the authority in charge of emergency management activities in
6545 the area in which they are serving and shall be reimbursed for
6546 all actual and necessary travel and subsistence expenses to the
6547 extent of funds available.
6548 Section 102. Section 252.42, Florida Statutes, is amended
6549 to read:
6550 252.42 Government equipment, services, and facilities.—In
6551 the event of any emergency, the office ~~division~~ may make
6552 available any equipment, services, or facilities owned or
6553 organized by the state or its political subdivisions for use in
6554 the affected area upon request of the duly constituted authority

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6555 of the area or upon the request of any recognized and accredited
6556 relief agency through such duly constituted authority.
6557 Section 103. Subsections (2), (4), and (5) of section
6558 252.43, Florida Statutes, are amended to read:
6559 252.43 Compensation.—
6560 (2) Compensation owed for personal services shall be only
6561 such as may be fixed by the office ~~division~~.
6562 (4) Any person claiming compensation for the use, damage,
6563 loss, or destruction of property under ss. 252.31-252.60 shall
6564 file a claim therefor with the office ~~division~~ in the form and
6565 manner that the office ~~division~~ provides.
6566 (5) Unless the amount of compensation owed on account of
6567 property damaged, lost, or destroyed is agreed between the
6568 claimant and the office ~~division~~, the amount of compensation
6569 shall be calculated in the same manner as compensation due for a
6570 taking of property pursuant to the condemnation laws of this
6571 state.
6572 Section 104. Subsections (2) and (3) of section 252.44,
6573 Florida Statutes, are amended to read:
6574 252.44 Emergency mitigation.—
6575 (2) The appropriate state agencies, in conjunction with the
6576 office ~~division~~, shall keep land uses and construction of
6577 structures and other facilities under continuing study and
6578 identify areas which are particularly susceptible to severe land
6579 shifting, subsidence, flood, or other catastrophic occurrence,
6580 manmade or natural. The studies under this subsection shall
6581 concentrate on means of reducing or avoiding the dangers caused
6582 by these occurrences or the consequences thereof.
6583 (3) If the office ~~division~~ believes, on the basis of the

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6584 studies or other competent evidence, that an area is susceptible
6585 to an emergency of catastrophic proportions without adequate
6586 warning; that existing building standards and land use controls
6587 in that area are inadequate and could add substantially to the
6588 magnitude of the emergency; and that changes in zoning
6589 regulations, other land use regulations, or building
6590 requirements are essential in order to further the purposes of
6591 this section, it shall specify the essential changes to the
6592 Governor. If the Governor upon review of the recommendation
6593 finds after public hearing that changes are essential, she or he
6594 shall so recommend to the agencies or political subdivisions
6595 with jurisdiction over the area and subject matter. If no
6596 action, or insufficient action, pursuant to her or his
6597 recommendations is taken within the time specified by the
6598 Governor, she or he shall so inform the Legislature and request
6599 legislative action appropriate to mitigate the impact of such an
6600 emergency.
6601 Section 105. Subsections (1) and (2) of section 252.46,
6602 Florida Statutes, are amended to read:
6603 252.46 Orders and rules.—
6604 (1) In accordance with the provisions of chapter 120, the
6605 political subdivisions of the state and other agencies
6606 designated or appointed by the Governor or in the state
6607 comprehensive emergency management plan are authorized and
6608 empowered to make, amend, and rescind such orders and rules as
6609 are necessary for emergency management purposes and to
6610 supplement the carrying out of the provisions of ss. 252.31-
6611 252.90, but which are not inconsistent with any orders or rules
6612 adopted by the office ~~division~~ or by any state agency exercising

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6613 a power delegated to it by the Governor or the office ~~division~~.
6614 (2) All orders and rules adopted by the office ~~division~~ or
6615 any political subdivision or other agency authorized by ss.
6616 252.31-252.90 to make orders and rules have full force and
6617 effect of law after adoption in accordance with the provisions
6618 of chapter 120 in the event of issuance by the office ~~division~~
6619 or any state agency or, if promulgated by a political
6620 subdivision of the state or agency thereof, when filed in the
6621 office of the clerk or recorder of the political subdivision or
6622 agency promulgating the same. All existing laws, ordinances, and
6623 rules inconsistent with the provisions of ss. 252.31-252.90, or
6624 any order or rule issued under the authority of ss. 252.31-
6625 252.90, shall be suspended during the period of time and to the
6626 extent that such conflict exists.
6627 Section 106. Subsection (5) of section 252.55, Florida
6628 Statutes, is amended to read:
6629 252.55 Civil Air Patrol, Florida Wing.—
6630 (5) The wing commander of the Florida Wing of the Civil Air
6631 Patrol shall biennially furnish the office ~~Bureau of Emergency~~
6632 ~~Management~~ a 2-year projection of the goals and objectives of
6633 the Civil Air Patrol which shall be reported in the office's
6634 ~~division's~~ biennial report submitted pursuant to s. 252.35.
6635 Section 107. Subsection (3) and paragraph (a) of subsection
6636 (4) of section 252.60, Florida Statutes, are amended to read:
6637 252.60 Radiological emergency preparedness.—
6638 (3) EMERGENCY RESPONSE PLANS.—In addition to the other
6639 plans required by this chapter, the office ~~division~~ shall
6640 develop, prepare, test, and implement as needed, in conjunction
6641 with the appropriate counties and the affected operator, such

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6642 radiological emergency response plans and preparedness
6643 requirements as may be imposed by the United States Nuclear
6644 Regulatory Commission or the Federal Emergency Management Agency
6645 as a requirement for obtaining or continuing the appropriate
6646 licenses for a commercial nuclear electric generating facility.
6647 (4) POWERS AND DUTIES.—In implementing the requirements of
6648 this section, the director of the office ~~secretary of the~~
6649 ~~department~~, or the director's ~~secretary's~~ designated
6650 representative, shall:
6651 (a) Negotiate and enter into such additional contracts and
6652 arrangements among the office ~~division~~, appropriate counties,
6653 and each operator to provide for the level of funding and the
6654 respective roles of each in the development, preparation,
6655 testing, and implementation of the plans.
6656 Section 108. Section 252.61, Florida Statutes, is amended
6657 to read:
6658 252.61 List of persons for contact relating to release of
6659 toxic substances into atmosphere.—The Office of Emergency
6660 Management ~~Department of Community Affairs~~ shall maintain a list
6661 of contact persons ~~after the survey pursuant to s. 403.771 is~~
6662 ~~completed~~.
6663 Section 109. Section 252.82, Florida Statutes, is amended
6664 to read:
6665 252.82 Definitions.—As used in this part:
6666 (1) "Commission" means the State Hazardous Materials
6667 Emergency Response Commission created pursuant to s. 301 of
6668 EPCRA.
6669 (2) "Committee" means any local emergency planning
6670 committee established in the state pursuant to s. 301 of EPCRA.

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6671 ~~(3) "Department" means the Department of Community Affairs.~~
6672 (3)~~(4)~~ "Facility" means facility as defined in s. 329 of
6673 EPCRA. Vehicles placarded according to title 49 Code of Federal
6674 Regulations are ~~shall~~ not ~~be~~ considered a facility except for
6675 purposes of s. 304 of EPCRA.
6676 (4)~~(5)~~ "Hazardous material" means any hazardous chemical,
6677 toxic chemical, or extremely hazardous substance, as defined in
6678 s. 329 of EPCRA.
6679 (5)~~(6)~~ "EPCRA" means the Emergency Planning and Community
6680 Right-to-Know Act of 1986, title III of the Superfund Amendments
6681 and Reauthorization Act of 1986, ~~Pub. L. No. 99-499,~~ ss. 300-
6682 329, 42 U.S.C. ss. 11001 et seq.; and federal regulations
6683 adopted thereunder.
6684 (6) "Office" means the Office of Emergency Management
6685 within the Executive Office of the Governor.
6686 (7) "Trust fund" means the Operating Trust Fund of the
6687 office ~~Department of Community Affairs~~.
6688 Section 110. Section 252.83, Florida Statutes, is amended
6689 to read:
6690 252.83 Powers and duties of the office ~~department~~.—
6691 (1) The office ~~department~~ shall have the authority:
6692 (a) To coordinate its activities under this part with its
6693 other emergency management responsibilities, including its
6694 responsibilities under part I of this chapter, and activities
6695 and with the related activities of other agencies, keeping
6696 separate accounts for all activities supported or partially
6697 supported from the Operating Trust Fund.
6698 (b) To make rules, with the advice and consent of the
6699 commission, to implement this part.

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6700 (2) The office ~~department~~ shall provide administrative
6701 support, including staff, facilities, materials, and services,
6702 to the commission and shall provide funding to the committees to
6703 enable the commission and the committees to perform their
6704 functions under EPCRA and this part.
6705 (3) The office ~~department~~ and the commission, to the extent
6706 possible, shall use the emergency planning capabilities of local
6707 governments to reduce duplication and paperwork to achieve the
6708 intent of this part. It is the intent of the Legislature that
6709 this part be implemented in the most cost-efficient manner
6710 possible, with the least possible financial impact on local
6711 government and the community.
6712 Section 111. Subsections (1), (3), (4), and (5) of section
6713 252.85, Florida Statutes, are amended to read:
6714 252.85 Fees.—
6715 (1) Any owner or operator of a facility required under s.
6716 302 or s. 312 of EPCRA, or by s. 252.87, to submit a
6717 notification or an annual inventory form to the commission shall
6718 be required to pay an annual registration fee. The fee for any
6719 company, including all facilities under common ownership or
6720 control, shall not be less than $25 nor more than $2,000. The
6721 office ~~department~~ shall establish a reduced fee, of not less
6722 than $25 nor more than $500, applicable to any owner or operator
6723 regulated under part I of chapter 368, chapter 527, or s.
6724 376.303, which does not have present any extremely hazardous
6725 substance, as defined by EPCRA, in excess of a threshold
6726 planning quantity, as established by EPCRA. The office
6727 ~~department~~ shall establish a reduced fee of not less than $25
6728 nor more than $1,000, applicable to any owner or operator of a

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6729 facility with a Standard Industrial Classification Code of 01,
6730 02, or 07, which is eligible for the "routine agricultural use"
6731 exemption provided in ss. 311 and 312 of EPCRA. The fee under
6732 this subsection shall be based on the number of employees
6733 employed within the state at facilities under the common
6734 ownership or control of such owner or operator, which number
6735 shall be determined, to the extent possible, in accordance with
6736 data supplied by Jobs Florida or its tax collection service
6737 provider ~~the Department of Labor and Employment Security~~. In
6738 order to avoid the duplicative reporting of seasonal and
6739 temporary agricultural employees, fees applicable to owners or
6740 operators of agricultural facilities, which are eligible for the
6741 "routine agricultural use" reporting exemption provided in ss.
6742 311 and 312 of EPCRA, shall be based on employee data which most
6743 closely reflects such owner or operator's permanent nonseasonal
6744 workforce. The office ~~department~~ shall establish by rule the
6745 date by which the fee is to be paid, as well as a formula or
6746 method of determining the applicable fee under this subsection
6747 without regard to the number of facilities under common
6748 ownership or control. The office ~~department~~ may require owners
6749 or operators of multiple facilities to demonstrate common
6750 ownership or control for purposes of this subsection.
6751 (3) Any owner or operator of a facility that is required to
6752 submit a report or filing under s. 313 of EPCRA shall pay an
6753 annual reporting fee not to exceed $150 for those s. 313 EPCRA
6754 listed substances in effect on January 1, 2005. The office
6755 ~~department~~ shall establish by rule the date by which the fee is
6756 to be paid, as well as a formula or method of determining the
6757 applicable fee under this subsection.

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6758 (4)(a) The office ~~department~~ may assess a late fee for the
6759 failure to submit a report or filing that substantially complies
6760 with the requirements of EPCRA or s. 252.87 by the specified
6761 date or for failure to pay any fee, including any late fee,
6762 required by this section. This late fee shall be in addition to
6763 the fee otherwise imposed pursuant to this section. If the
6764 office ~~department~~ elects to impose a late fee, it shall provide
6765 the owner or operator with a written notice that identifies the
6766 specific requirements which have not been met and advises of its
6767 intent to assess a late fee.
6768 (b) The office ~~department~~ may impose a late fee, subject to
6769 the limitations set forth below:
6770 1. If the report, filing, or fee is submitted within 30
6771 days after the receipt of the office's ~~department's~~ notice, no
6772 late fee may be assessed.
6773 2. If the report, filing, or fee is not submitted within 30
6774 days after the receipt of the office's ~~department's~~ notice, the
6775 office ~~department~~ may impose a late fee in an amount equal to
6776 the amount of the annual registration fee, filing fee, or s. 313
6777 fee due, not to exceed $2,000.
6778 3. If the report, filing, or fee is not submitted within 90
6779 days after the receipt of the office's ~~department's~~ notice, the
6780 office ~~department~~ may issue a second notice. If the report,
6781 filing, or fee is not submitted within 30 days after receipt of
6782 the office's ~~department's~~ second notice, the office ~~department~~
6783 may assess a second late fee in an amount equal to twice the
6784 amount of the annual registration fee, filing fee, or s. 313 fee
6785 due, not to exceed $4,000.
6786 4. The office ~~department~~ may consider, but is not limited

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6787 to considering, the following factors in assessing late fees:
6788 good faith attempt to comply; history of noncompliance; ability
6789 to pay or continue in business; threat to health and safety
6790 posed by noncompliance; and degree of culpability.
6791 (5) The office ~~department~~ shall establish by rule the dates
6792 by which the fee is to be paid, as well as a formula or method
6793 of determining the facility registration fee and late fee.
6794 Section 112. Subsections (1) and (3) of section 252.86,
6795 Florida Statutes, are amended to read:
6796 252.86 Penalties and remedies.—
6797 (1) The owner or operator of a facility, an employer, or
6798 any other person submitting written information pursuant to
6799 EPCRA or this part to the commission, a committee, or a fire
6800 department shall be liable for a civil penalty of $5,000 for
6801 each item of information in the submission that is false, if
6802 such person knew or should have known the information was false
6803 or if such person submitted the information with reckless
6804 disregard of its truth or falsity. The office ~~department~~ may
6805 institute a civil action in a court of competent jurisdiction to
6806 impose and recover a civil penalty for the amount indicated in
6807 this subsection. However, the court may receive evidence in
6808 mitigation.
6809 (3) Any provision of s. 325 or s. 326 of EPCRA which
6810 creates a federal cause of action shall create a corresponding
6811 cause of action under state law, with jurisdiction in the
6812 circuit courts. Any provision of s. 325 or s. 326 of EPCRA which
6813 imposes or authorizes the imposition of a civil penalty by the
6814 Administrator of the Environmental Protection Agency, or which
6815 creates a liability to the United States, shall impose or

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6816 authorize the imposition of such a penalty by the office
6817 ~~department~~ or create such a liability to and for the benefit of
6818 the state, to be paid into the Operating Trust Fund. Venue shall
6819 be proper in the county where the violation occurred or where
6820 the defendant has its principal place of business.
6821 Section 113. Subsections (4) and (7) of section 252.87,
6822 Florida Statutes, are amended to read:
6823 252.87 Supplemental state reporting requirements.—
6824 (4) Each employer that owns or operates a facility in this
6825 state at which hazardous materials are present in quantities at
6826 or above the thresholds established under ss. 311(b) and 312(b)
6827 of EPCRA shall comply with the reporting requirements of ss. 311
6828 and 312 of EPCRA. Such employer shall also be responsible for
6829 notifying the office ~~department~~, the local emergency planning
6830 committee, and the local fire department in writing within 30
6831 days if there is a discontinuance or abandonment of the
6832 employer's business activities that could affect any stored
6833 hazardous materials.
6834 (7) The office ~~department~~ shall avoid duplicative reporting
6835 requirements by using ~~utilizing~~ the reporting requirements of
6836 other state agencies that regulate hazardous materials to the
6837 extent feasible and shall request the information authorized
6838 under EPCRA. With the advice and consent of the State Emergency
6839 Response Commission for Hazardous Materials, the office
6840 ~~department~~ may require by rule that the maximum daily amount
6841 entry on the chemical inventory report required under s. 312 of
6842 EPCRA provide for reporting in estimated actual amounts. The
6843 office ~~department~~ may also require by rule an entry for the
6844 Federal Employer Identification Number on this report. To the

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6845 extent feasible, the office ~~department~~ shall encourage and
6846 accept required information in a form initiated through
6847 electronic data interchange and shall describe by rule the
6848 format, manner of execution, and method of electronic
6849 transmission necessary for using such form. To the extent
6850 feasible, the Department of Financial Services, the Department
6851 of Agriculture and Consumer Services, the Department of
6852 Environmental Protection, the Public Service Commission, the
6853 Department of Revenue, ~~the Department of Labor and Employment~~
6854 ~~Security,~~ and other state agencies which regulate hazardous
6855 materials shall coordinate with the office ~~department~~ in order
6856 to avoid duplicative requirements contained in each agency's
6857 respective reporting or registration forms. The other state
6858 agencies that inspect facilities storing hazardous materials and
6859 suppliers and distributors of covered substances shall assist
6860 the office ~~department~~ in informing the facility owner or
6861 operator of the requirements of this part. The office ~~department~~
6862 shall provide the other state agencies with the necessary
6863 information and materials to inform the owners and operators of
6864 the requirements of this part to ensure that the budgets of
6865 these agencies are not adversely affected.
6866 Section 114. Subsection (4) of section 252.88, Florida
6867 Statutes, is amended to read:
6868 252.88 Public records.—
6869 (4) The office ~~department~~, the commission, and the
6870 committees shall furnish copies of public records submitted
6871 under EPCRA or this part, and may charge a fee of $1 per page
6872 per person per year for over 25 pages of materials copied.
6873 Section 115. Subsections (3), (8), (9), and (19) of section

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6874 252.936, Florida Statutes, are amended to read:
6875 252.936 Definitions.—As used in this part, the term:
6876 (3) "Audit" means a review of information at, ~~a stationary~~
6877 ~~source subject to s. 112(r)(7),~~ or submitted by, a stationary
6878 source subject to s. 112(r)(7), to determine whether that
6879 stationary source is in compliance with ~~the requirements of~~ this
6880 part and rules adopted to administer ~~implement~~ this part. Audits
6881 must include a review of the adequacy of the stationary source's
6882 Risk Management Plan, may consist of reviews of information
6883 submitted to the office ~~department~~ or the United States
6884 Environmental Protection Agency to determine whether the plan is
6885 complete or whether revisions to the plan are needed, and the
6886 reviews may be conducted at the stationary source to confirm
6887 that information onsite is consistent with reported information.
6888 ~~(8) "Department" means the Department of Community Affairs.~~
6889 (8)~~(9)~~ "Inspection" means a review of information at a
6890 stationary source subject to s. 112(r)(7), including
6891 documentation and operating practices and access to the source
6892 and to any area where an accidental release could occur, to
6893 determine whether the stationary source is in compliance with
6894 ~~the requirements of~~ this part or rules adopted to administer
6895 ~~implement~~ this part.
6896 (9) "Office" means the Office of Emergency Management in
6897 the Executive Office of the Governor.
6898 (19) "Trust fund" means the Operating Trust Fund of the
6899 office ~~established in the department's Division of Emergency~~
6900 ~~Management~~.
6901 Section 116. Section 252.937, Florida Statutes, is amended
6902 to read:

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6903 252.937 Office ~~Department~~ powers and duties.—
6904 (1) The office ~~department~~ has the power and duty to:
6905 (a)1. Seek delegation from the United States Environmental
6906 Protection Agency to implement the Accidental Release Prevention
6907 Program under s. 112(r)(7) of the Clean Air Act and the federal
6908 implementing regulations for specified sources subject to s.
6909 112(r)(7) of the Clean Air Act. Implementation for all other
6910 sources subject to s. 112(r)(7) of the Clean Air Act shall ~~will~~
6911 be performed by the United States Environmental Protection
6912 Agency; and
6913 2. Ensure the timely submission of Risk Management Plans
6914 and any subsequent revisions of Risk Management Plans.
6915 (b) Adopt, modify, and repeal rules, with the advice and
6916 consent of the commission, necessary to obtain delegation from
6917 the United States Environmental Protection Agency and to
6918 administer the s. 112(r)(7) Accidental Release Prevention
6919 Program in this state for the specified stationary sources with
6920 no expansion or addition of the regulatory program.
6921 (c) Make and execute contracts and other agreements
6922 necessary or convenient to the administration ~~implementation~~ of
6923 this part.
6924 (d) Coordinate its activities under this part with its
6925 other emergency management responsibilities, including its
6926 responsibilities and activities under parts I, II, and III of
6927 this chapter and with the related activities of other state and
6928 local agencies, keeping separate accounts for all activities
6929 conducted under this part which are supported or partially
6930 supported from the trust fund.
6931 (e) Establish, with the advice and consent of the

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6932 commission, a technical assistance and outreach program ~~on or~~
6933 ~~before January 31, 1999,~~ to assist owners and operators of
6934 specified stationary sources subject to s. 112(r)(7) in
6935 complying with the reporting and fee requirements of this part.
6936 This program is designed to facilitate and ensure timely
6937 submission of proper certifications or compliance schedules and
6938 timely submission and registration of Risk Management Plans and
6939 revised registrations and Risk Management Plans if ~~when~~ required
6940 for these sources.
6941 (f) Make a quarterly report to the State Emergency Response
6942 Commission on income and expenses for the state's Accidental
6943 Release Prevention Program under this part.
6944 (2) To ensure that this program is self-supporting, the
6945 office ~~department~~ shall provide administrative support,
6946 including staff, facilities, materials, and services to
6947 implement this part for specified stationary sources subject to
6948 s. 252.939 and ~~shall~~ provide necessary funding to local
6949 emergency planning committees and county emergency management
6950 agencies for work performed to implement this part. Each state
6951 agency with regulatory, inspection, or technical assistance
6952 programs for specified stationary sources subject to this part
6953 shall enter into a memorandum of understanding with the office
6954 ~~department~~ which specifically outlines how each agency's staff,
6955 facilities, materials, and services will be used ~~utilized~~ to
6956 support implementation. ~~At a minimum, these agencies and~~
6957 ~~programs include: the Department of Environmental Protection's~~
6958 ~~Division of Air Resources Management and Division of Water~~
6959 ~~Resource Management, and the Department of Labor and Employment~~
6960 ~~Security's Division of Safety.~~ It is the Legislature's intent to

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6961 implement this part as efficiently and economically as possible,
6962 using existing expertise and resources, if available and
6963 appropriate.
6964 (3) To prevent the duplication of investigative efforts and
6965 resources, the office ~~department~~, on behalf of the commission,
6966 shall coordinate with any federal agencies or agents thereof,
6967 including the federal Chemical Safety and Hazard Investigation
6968 Board, or its successor, which are performing accidental release
6969 investigations for specified stationary sources, and may
6970 coordinate with any agencies of the state which are performing
6971 accidental release investigations. This accidental release
6972 investigation coordination is not intended to limit or take the
6973 place of any individual agency accidental release investigation
6974 under separate authority.
6975 (4) To promote efficient administration of this program and
6976 specified stationary sources, ~~the~~ only the office ~~agency which~~
6977 may seek delegation from the United States Environmental
6978 Protection Agency for this program ~~is the Florida Department of~~
6979 ~~Community Affairs~~. Further, the office may ~~Florida Department of~~
6980 ~~Community Affairs shall~~ not delegate this program to any local
6981 environmental agency.
6982 Section 117. Section 252.943, Florida Statutes, is amended
6983 to read:
6984 252.943 Public records.—
6985 (1) The office ~~Department of Community Affairs~~ shall
6986 protect records, reports, or information or particular parts
6987 thereof, other than release or emissions data, contained in a
6988 risk management plan from public disclosure pursuant to ss.
6989 112(r) and 114(c) of the federal Clean Air Act and authorities

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6990 cited therein, based upon a showing satisfactory to the
6991 Administrator of the United States Environmental Protection
6992 Agency, by any owner or operator of a stationary source subject
6993 to the Accidental Release Prevention Program, that public
6994 release of such records, reports, or information would divulge
6995 methods or processes entitled to protection as trade secrets as
6996 provided for in 40 C.F.R. part 2, subpart B. Such records,
6997 reports, or information held by the office ~~department~~ are
6998 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
6999 s. 24(a), Art. I of the State Constitution, unless a final
7000 determination has been made by the Administrator of the
7001 Environmental Protection Agency that such records, reports, or
7002 information are not entitled to trade secret protection, or
7003 pursuant to an order of court.
7004 (2) The office ~~department~~ shall protect records, reports,
7005 or information or particular parts thereof, other than release
7006 or emissions data, obtained from an investigation, inspection,
7007 or audit from public disclosure pursuant to ss. 112(r) and
7008 114(c) of the federal Clean Air Act and authorities cited
7009 therein, based upon a showing satisfactory to the Administrator
7010 of the United States Environmental Protection Agency, by any
7011 owner or operator of a stationary source subject to the
7012 Accidental Release Prevention Program, that public release of
7013 such records, reports, or information would divulge methods or
7014 processes entitled to protection as trade secrets as provided
7015 for in 40 C.F.R. part 2, subpart B. Such records, reports, or
7016 information held by the office ~~department~~ are confidential and
7017 exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I
7018 of the State Constitution, unless a final determination has been

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7019 made by the Administrator of the Environmental Protection Agency
7020 that such records, reports, or information are not entitled to
7021 trade secret protection, or pursuant to a court ~~an~~ order ~~of~~
7022 ~~court~~.
7023 Section 118. Section 252.946, Florida Statutes, is amended
7024 to read:
7025 252.946 Public records.—With regard to information
7026 submitted to the United States Environmental Protection Agency
7027 under this part or s. 112(r)(7), the office ~~department of~~
7028 ~~Community Affairs~~, the State Hazardous Materials Emergency
7029 Response Commission, and any local emergency planning committee
7030 may assist persons in electronically accessing such information
7031 held by the United States Environmental Protection Agency in its
7032 centralized database. If requested, the office ~~department~~, the
7033 commission, or a committee may furnish copies of such United
7034 States Environmental Protection Agency records.
7035 Section 119. Paragraph (b) of subsection (1) of section
7036 255.099, Florida Statutes, is amended to read:
7037 255.099 Preference to state residents.—
7038 (1) Each contract for construction that is funded by state
7039 funds must contain a provision requiring the contractor to give
7040 preference to the employment of state residents in the
7041 performance of the work on the project if state residents have
7042 substantially equal qualifications to those of nonresidents. A
7043 contract for construction funded by local funds may contain such
7044 a provision.
7045 (b) A contractor required to employ state residents must
7046 contact Jobs Florida ~~the Agency for Workforce Innovation~~ to post
7047 the contractor's employment needs in the state's job bank

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7048 system.
7049 Section 120. Paragraph (b) of subsection (1) of section
7050 259.035, Florida Statutes, is amended to read:
7051 259.035 Acquisition and Restoration Council.—
7052 (1) There is created the Acquisition and Restoration
7053 Council.
7054 (b) The four ~~five~~ remaining appointees shall be composed of
7055 the Secretary of Environmental Protection, the director of the
7056 Division of Forestry of the Department of Agriculture and
7057 Consumer Services, the executive director of the Fish and
7058 Wildlife Conservation Commission, and the director of the
7059 Division of Historical Resources of the Department of State, ~~and~~
7060 ~~the secretary of the Department of Community Affairs,~~ or their
7061 respective designees.
7062 Section 121. Paragraph (d) of subsection (1) of section
7063 260.0142, Florida Statutes, is amended to read:
7064 260.0142 Florida Greenways and Trails Council; composition;
7065 powers and duties.—
7066 (1) There is created within the department the Florida
7067 Greenways and Trails Council which shall advise the department
7068 in the execution of the department's powers and duties under
7069 this chapter. The council shall be composed of 20 ~~21~~ members,
7070 consisting of:
7071 (d) The 9 ~~10~~ remaining members shall include:
7072 1. The Secretary of Environmental Protection or a designee.
7073 2. The executive director of the Fish and Wildlife
7074 Conservation Commission or a designee.
7075 ~~3. The Secretary of Community Affairs or a designee.~~
7076 3.~~4.~~ The Secretary of Transportation or a designee.

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7077 4.~~5.~~ The Director of the Division of Forestry of the
7078 Department of Agriculture and Consumer Services or a designee.
7079 5.~~6.~~ The director of the Division of Historical Resources
7080 of the Department of State or a designee.
7081 6.~~7.~~ A representative of the water management districts.
7082 Membership on the council shall rotate among the five districts.
7083 The districts shall determine the order of rotation.
7084 7.~~8.~~ A representative of a federal land management agency.
7085 The Secretary of Environmental Protection shall identify the
7086 appropriate federal agency and request designation of a
7087 representative from the agency to serve on the council.
7088 8.~~9.~~ A representative of the regional planning councils to
7089 be appointed by the Secretary of Environmental Protection ~~in~~
7090 ~~consultation with the Secretary of Community Affairs~~. Membership
7091 on the council shall rotate among the seven regional planning
7092 councils. The regional planning councils shall determine the
7093 order of rotation.
7094 9.~~10.~~ A representative of local governments to be appointed
7095 by the Secretary of Environmental Protection ~~in consultation~~
7096 ~~with the Secretary of Community Affairs~~. Membership shall
7097 alternate between a county representative and a municipal
7098 representative.
7099 Section 122. Section 272.11, Florida Statutes, is amended
7100 to read:
7101 272.11 Capitol information center.—The Jobs Florida
7102 Partnership, Inc., ~~Florida Commission on Tourism~~ shall
7103 establish, maintain, and operate a Capitol information center
7104 somewhere within the area of the Capitol Center and employ
7105 personnel or enter into contracts to maintain same.

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7106 Section 123. Paragraph (a) of subsection (4) of section
7107 282.34, Florida Statutes, is amended to read:
7108 282.34 Statewide e-mail service.—A state e-mail system that
7109 includes the delivery and support of e-mail, messaging, and
7110 calendaring capabilities is established as an enterprise
7111 information technology service as defined in s. 282.0041. The
7112 service shall be designed to meet the needs of all executive
7113 branch agencies. The primary goals of the service are to
7114 minimize the state investment required to establish, operate,
7115 and support the statewide service; reduce the cost of current e-
7116 mail operations and the number of duplicative e-mail systems;
7117 and eliminate the need for each state agency to maintain its own
7118 e-mail staff.
7119 (4) All agencies must be completely migrated to the
7120 statewide e-mail service as soon as financially and
7121 operationally feasible, but no later than June 30, 2015.
7122 (a) The following statewide e-mail service implementation
7123 schedule is established for state agencies:
7124 1. Phase 1.—The following agencies must be completely
7125 migrated to the statewide e-mail system by June 30, 2012: the
7126 Agency for Enterprise Information Technology; ~~the Department of~~
7127 ~~Community Affairs, including the Division of Emergency~~
7128 ~~Management;~~ the Department of Corrections; the Department of
7129 Health; the Department of Highway Safety and Motor Vehicles; the
7130 Department of Management Services, including the Division of
7131 Administrative Hearings, the Division of Retirement, the
7132 Commission on Human Relations, and the Public Employees
7133 Relations Commission; the Southwood Shared Resource Center; and
7134 the Department of Revenue.

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7135 2. Phase 2.—The following agencies must be completely
7136 migrated to the statewide e-mail system by June 30, 2013: the
7137 Department of Business and Professional Regulation; the
7138 Department of Education, including the Board of Governors; the
7139 Department of Environmental Protection; the Department of
7140 Juvenile Justice; the Department of the Lottery; the Department
7141 of State; the Department of Law Enforcement; the Department of
7142 Veterans' Affairs; the Judicial Administration Commission; the
7143 Public Service Commission; and the Statewide Guardian Ad Litem
7144 Office.
7145 3. Phase 3.—The following agencies must be completely
7146 migrated to the statewide e-mail system by June 30, 2014: the
7147 Agency for Health Care Administration; ~~the Agency for Workforce~~
7148 ~~Innovation;~~ the Department of Financial Services, including the
7149 Office of Financial Regulation and the Office of Insurance
7150 Regulation; the Department of Agriculture and Consumer Services;
7151 the Executive Office of the Governor, including the Office of
7152 Emergency Management; the Department of Transportation; the Fish
7153 and Wildlife Conservation Commission; the Agency for Persons
7154 With Disabilities; the Northwood Shared Resource Center; and the
7155 State Board of Administration.
7156 4. Phase 4.—The following agencies must be completely
7157 migrated to the statewide e-mail system by June 30, 2015: the
7158 Department of Children and Family Services; the Department of
7159 Citrus; the Department of Elderly Affairs; and the Department of
7160 Legal Affairs.
7161 Section 124. Paragraphs (a) and (d) of subsection (1) and
7162 subsection (4) of section 282.709, Florida Statutes, are amended
7163 to read:

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7164 282.709 State agency law enforcement radio system and
7165 interoperability network.—
7166 (1) The department may acquire and administer a statewide
7167 radio communications system to serve law enforcement units of
7168 state agencies, and to serve local law enforcement agencies
7169 through mutual aid channels.
7170 (a) The department shall, in conjunction with the
7171 Department of Law Enforcement and the Office ~~Division~~ of
7172 Emergency Management ~~of the Department of Community Affairs~~,
7173 establish policies, procedures, and standards to be incorporated
7174 into a comprehensive management plan for the use and operation
7175 of the statewide radio communications system.
7176 (d) The department shall exercise its powers and duties
7177 under this part to plan, manage, and administer the mutual aid
7178 channels in the statewide radio communication system.
7179 1. In implementing such powers and duties, the department
7180 shall consult and act in conjunction with the Department of Law
7181 Enforcement and the Office ~~Division~~ of Emergency Management ~~of~~
7182 ~~the Department of Community Affairs~~, and shall manage and
7183 administer the mutual aid channels in a manner that reasonably
7184 addresses the needs and concerns of the involved law enforcement
7185 agencies and emergency response agencies and entities.
7186 2. The department may make the mutual aid channels
7187 available to federal agencies, state agencies, and agencies of
7188 the political subdivisions of the state for the purpose of
7189 public safety and domestic security.
7190 (4) The department may create and administer an
7191 interoperability network to enable interoperability between
7192 various radio communications technologies and to serve federal

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agencies, 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.

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7222 Section 125. Section 287.09431, Florida Statutes, is
7223 amended to read:
7224 287.09431 Statewide and interlocal agreement on
7225 certification of business concerns for the status of minority
7226 business enterprise.—The statewide and interlocal agreement on
7227 certification of business concerns for the status of minority
7228 business enterprise is hereby enacted and entered into with all
7229 jurisdictions or organizations legally joining therein. If,
7230 within 2 years from the date that the certification core
7231 criteria are approved by the Department of Management Services
7232 ~~Department of Labor and Employment Security~~, the agreement
7233 included herein is not executed by a majority of county and
7234 municipal governing bodies that administer a minority business
7235 assistance program on the effective date of this act, then the
7236 Legislature shall review this agreement. It is the intent of the
7237 Legislature that if the agreement is not executed by a majority
7238 of the requisite governing bodies, then a statewide uniform
7239 certification process should be adopted, and that said agreement
7240 should be repealed and replaced by a mandatory state government
7241 certification process.
7242
7243 ARTICLE I
7244
7245 PURPOSE, FINDINGS, AND POLICY.—
7246 (1) The parties to this agreement, desiring by common
7247 action to establish a uniform certification process in order to
7248 reduce the multiplicity of applications by business concerns to
7249 state and local governmental programs for minority business
7250 assistance, declare that it is the policy of each of them, on

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7251 the basis of cooperation with one another, to remedy social and
7252 economic disadvantage suffered by certain groups, resulting in
7253 their being historically underutilized in ownership and control
7254 of commercial enterprises. Thus, the parties seek to address
7255 this history by increasing the participation of the identified
7256 groups in opportunities afforded by government procurement.
7257 (2) The parties find that the State of Florida presently
7258 certifies firms for participation in the minority business
7259 assistance programs of the state. The parties find further that
7260 some counties, municipalities, school boards, special districts,
7261 and other divisions of local government require a separate, yet
7262 similar, and in most cases redundant certification in order for
7263 businesses to participate in the programs sponsored by each
7264 government entity.
7265 (3) The parties find further that this redundant
7266 certification has proven to be unduly burdensome to the
7267 minority-owned firms intended to benefit from the underlying
7268 purchasing incentives.
7269 (4) The parties agree that:
7270 (a) They will facilitate integrity, stability, and
7271 cooperation in the statewide and interlocal certification
7272 process, and in other elements of programs established to assist
7273 minority-owned businesses.
7274 (b) They shall cooperate with agencies, organizations, and
7275 associations interested in certification and other elements of
7276 minority business assistance.
7277 (c) It is the purpose of this agreement to provide for a
7278 uniform process whereby the status of a business concern may be
7279 determined in a singular review of the business information for

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7280 these purposes, in order to eliminate any undue expense, delay,
7281 or confusion to the minority-owned businesses in seeking to
7282 participate in the minority business assistance programs of
7283 state and local jurisdictions.
7284
7285 ARTICLE II
7286
7287 DEFINITIONS.—As used in this agreement and contracts made
7288 pursuant to it, unless the context clearly requires otherwise:
7289 (1) “Awarding organization” means any political subdivision
7290 or organization authorized by law, ordinance, or agreement to
7291 enter into contracts and for which the governing body has
7292 entered into this agreement.
7293 (2) “Department” means the Department of Management
7294 Services ~~Department of Labor and Employment Security~~.
7295 (3) “Minority” means a person who is a lawful, permanent
7296 resident of the state, having origins in one of the minority
7297 groups as described and adopted by the Department of Management
7298 Services ~~Department of Labor and Employment Security~~, hereby
7299 incorporated by reference.
7300 (4) “Minority business enterprise” means any small business
7301 concern as defined in subsection (6) that meets all of the
7302 criteria described and adopted by the Department of Management
7303 Services ~~Department of Labor and Employment Security~~, hereby
7304 incorporated by reference.
7305 (5) “Participating state or local organization” means any
7306 political subdivision of the state or organization designated by
7307 such that elects to participate in the certification process
7308 pursuant to this agreement, which has been approved according to

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7309 s. 287.0943(3) and has legally entered into this agreement.
7310 (6) “Small business concern” means an independently owned
7311 and operated business concern which is of a size and type as
7312 described and adopted by vote related to this agreement of the
7313 commission, hereby incorporated by reference.
7314
7315 ARTICLE III
7316
7317 STATEWIDE AND INTERLOCAL CERTIFICATIONS.—
7318 (1) All awarding organizations shall accept a certification
7319 granted by any participating organization which has been
7320 approved according to s. 287.0943(3) and has entered into this
7321 agreement, as valid status of minority business enterprise.
7322 (2) A participating organization shall certify a business
7323 concern that meets the definition of minority business
7324 enterprise in this agreement, in accordance with the duly
7325 adopted eligibility criteria.
7326 (3) All participating organizations shall issue notice of
7327 certification decisions granting or denying certification to all
7328 other participating organizations within 14 days of the
7329 decision. Such notice may be made through electronic media.
7330 (4) No certification will be granted without an onsite
7331 visit to verify ownership and control of the prospective
7332 minority business enterprise, unless verification can be
7333 accomplished by other methods of adequate verification or
7334 assessment of ownership and control.
7335 (5) The certification of a minority business enterprise
7336 pursuant to the terms of this agreement shall not be suspended,
7337 revoked, or otherwise impaired except on any grounds which would

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7338 be sufficient for revocation or suspension of a certification in
7339 the jurisdiction of the participating organization.
7340 (6) The certification determination of a party may be
7341 challenged by any other participating organization by the
7342 issuance of a timely written notice by the challenging
7343 organization to the certifying organization’s determination
7344 within 10 days of receiving notice of the certification
7345 decision, stating the grounds therefor.
7346 (7) The sole accepted grounds for challenge shall be the
7347 failure of the certifying organization to adhere to the adopted
7348 criteria or the certifying organization’s rules or procedures,
7349 or the perpetuation of a misrepresentation or fraud by the firm.
7350 (8) The certifying organization shall reexamine its
7351 certification determination and submit written notice to the
7352 applicant and the challenging organization of its findings
7353 within 30 days after the receipt of the notice of challenge.
7354 (9) If the certification determination is affirmed, the
7355 challenging agency may subsequently submit timely written notice
7356 to the firm of its intent to revoke certification of the firm.
7357
7358 ARTICLE IV
7359
7360 APPROVED AND ACCEPTED PROGRAMS.—Nothing in this agreement
7361 shall be construed to repeal or otherwise modify any ordinance,
7362 law, or regulation of a party relating to the existing minority
7363 business assistance provisions and procedures by which minority
7364 business enterprises participate therein.
7365
7366 ARTICLE V

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7367
7368 TERM.—The term of the agreement shall be 5 years, after
7369 which it may be reexecuted by the parties.
7370
7371 ARTICLE VI
7372
7373 AGREEMENT EVALUATION.—The designated state and local
7374 officials may meet from time to time as a group to evaluate
7375 progress under the agreement, to formulate recommendations for
7376 changes, or to propose a new agreement.
7377
7378 ARTICLE VII
7379
7380 OTHER ARRANGEMENTS.—Nothing in this agreement shall be
7381 construed to prevent or inhibit other arrangements or practices
7382 of any party in order to comply with federal law.
7383
7384 ARTICLE VIII
7385
7386 EFFECT AND WITHDRAWAL.—
7387 (1) This agreement shall become effective when properly
7388 executed by a legal representative of the participating
7389 organization, when enacted into the law of the state and after
7390 an ordinance or other legislation is enacted into law by the
7391 governing body of each participating organization. Thereafter it
7392 shall become effective as to any participating organization upon
7393 the enactment of this agreement by the governing body of that
7394 organization.
7395 (2) Any party may withdraw from this agreement by enacting

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7396 legislation repealing the same, but no such withdrawal shall
7397 take effect until one year after the governing body of the
7398 withdrawing party has given notice in writing of the withdrawal
7399 to the other parties.
7400 (3) No withdrawal shall relieve the withdrawing party of
7401 any obligations imposed upon it by law.
7402
7403 ARTICLE IX
7404
7405 FINANCIAL RESPONSIBILITY.—
7406 (1) A participating organization shall not be financially
7407 responsible or liable for the obligations of any other
7408 participating organization related to this agreement.
7409 (2) The provisions of this agreement shall constitute
7410 neither a waiver of any governmental immunity under Florida law
7411 nor a waiver of any defenses of the parties under Florida law.
7412 The provisions of this agreement are solely for the benefit of
7413 its executors and not intended to create or grant any rights,
7414 contractual or otherwise, to any person or entity.
7415
7416 ARTICLE X
7417
7418 VENUE AND GOVERNING LAW.—The obligations of the parties to
7419 this agreement are performable only within the county where the
7420 participating organization is located, and statewide for the
7421 Office of Supplier Diversity, and venue for any legal action in
7422 connection with this agreement shall lie, for any participating
7423 organization except the Office of Supplier Diversity,
7424 exclusively in the county where the participating organization

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7425 is located. This agreement shall be governed by and construed in
7426 accordance with the laws and court decisions of the state.
7427
7428 ARTICLE XI
7429
7430 CONSTRUCTION AND SEVERABILITY.—This agreement shall be
7431 liberally construed so as to effectuate the purposes thereof.
7432 The provisions of this agreement shall be severable and if any
7433 phrase, clause, sentence, or provision of this agreement is
7434 declared to be contrary to the State Constitution or the United
7435 States Constitution, or the application thereof to any
7436 government, agency, person, or circumstance is held invalid, the
7437 validity of the remainder of this agreement and the
7438 applicability thereof to any government, agency, person, or
7439 circumstance shall not be affected thereby. If this agreement
7440 shall be held contrary to the State Constitution, the agreement
7441 shall remain in full force and effect as to all severable
7442 matters.
7443 Section 126. Paragraphs (h) and (o) of subsection (4) of
7444 section 287.09451, Florida Statutes, are amended to read:
7445 287.09451 Office of Supplier Diversity; powers, duties, and
7446 functions.—
7447 (4) The Office of Supplier Diversity shall have the
7448 following powers, duties, and functions:
7449 (h) To develop procedures to investigate complaints against
7450 minority business enterprises or contractors alleged to violate
7451 any provision related to this section or s. 287.0943, that may
7452 include visits to worksites or business premises, and to refer
7453 all information on businesses suspected of misrepresenting

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7454 minority status to the Department of Management Services for
7455 investigation. When an investigation is completed and there is
7456 reason to believe that a violation has occurred, ~~the Department~~
7457 ~~of Labor and Employment Security shall refer~~ the matter shall be
7458 referred to the office of the Attorney General, Department of
7459 Legal Affairs, for prosecution.
7460 (o)1. To establish a system to record and measure the use
7461 of certified minority business enterprises in state contracting.
7462 This system shall maintain information and statistics on
7463 certified minority business enterprise participation, awards,
7464 dollar volume of expenditures and agency goals, and other
7465 appropriate types of information to analyze progress in the
7466 access of certified minority business enterprises to state
7467 contracts and to monitor agency compliance with this section.
7468 Such reporting must include, but is not limited to, the
7469 identification of all subcontracts in state contracting by
7470 dollar amount and by number of subcontracts and the
7471 identification of the utilization of certified minority business
7472 enterprises as prime contractors and subcontractors by dollar
7473 amounts of contracts and subcontracts, number of contracts and
7474 subcontracts, minority status, industry, and any conditions or
7475 circumstances that significantly affected the performance of
7476 subcontractors. Agencies shall report their compliance with the
7477 requirements of this reporting system at least annually and at
7478 the request of the office. All agencies shall cooperate with the
7479 office in establishing this reporting system. Except in
7480 construction contracting, all agencies shall review contracts
7481 costing in excess of CATEGORY FOUR as defined in s. 287.017 to
7482 determine if such contracts could be divided into smaller

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7483 contracts to be separately solicited and awarded, and shall,
7484 when economical, offer such smaller contracts to encourage
7485 minority participation.
7486 2. To report agency compliance with the provisions of
7487 subparagraph 1. for the preceding fiscal year to the Governor
7488 and Cabinet, the President of the Senate, and the Speaker of the
7489 House of Representatives~~, and the secretary of the Department of~~
7490 ~~Labor and Employment Security~~ on or before February 1 of each
7491 year. The report must contain, at a minimum, the following:
7492 a. Total expenditures of each agency by industry.
7493 b. The dollar amount and percentage of contracts awarded to
7494 certified minority business enterprises by each state agency.
7495 c. The dollar amount and percentage of contracts awarded
7496 indirectly to certified minority business enterprises as
7497 subcontractors by each state agency.
7498 d. The total dollar amount and percentage of contracts
7499 awarded to certified minority business enterprises, whether
7500 directly or indirectly, as subcontractors.
7501 e. A statement and assessment of good faith efforts taken
7502 by each state agency.
7503 f. A status report of agency compliance with subsection
7504 (6), as determined by the Minority Business Enterprise Office.
7505 Section 127. Subsections (1) and (5) of section 287.0947,
7506 Florida Statutes, are amended to read:
7507 287.0947 Florida Advisory Council on Small and Minority
7508 Business Development; creation; membership; duties.—
7509 (1) ~~On or after October 1, 1996,~~ The Secretary of
7510 Management Services ~~the Department of Labor and Employment~~
7511 ~~Security~~ may create the Florida Advisory Council on Small and

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7512 Minority Business Development with the purpose of advising and
7513 assisting the secretary in carrying out the secretary's duties
7514 with respect to minority businesses and economic and business
7515 development. It is the intent of the Legislature that the
7516 membership of such council include practitioners, laypersons,
7517 financiers, and others with business development experience who
7518 can provide invaluable insight and expertise for this state in
7519 the diversification of its markets and networking of business
7520 opportunities. The council shall initially consist of 19
7521 persons, each of whom is or has been actively engaged in small
7522 and minority business development, either in private industry,
7523 in governmental service, or as a scholar of recognized
7524 achievement in the study of such matters. Initially, the council
7525 shall consist of members representing all regions of the state
7526 and shall include at least one member from each group identified
7527 within the definition of "minority person" in s. 288.703(3),
7528 considering also gender and nationality subgroups, and shall
7529 consist of the following:
7530 (a) Four members consisting of representatives of local and
7531 federal small and minority business assistance programs or
7532 community development programs.
7533 (b) Eight members composed of representatives of the
7534 minority private business sector, including certified minority
7535 business enterprises and minority supplier development councils,
7536 among whom at least two shall be women and at least four shall
7537 be minority persons.
7538 (c) Two representatives of local government, one of whom
7539 shall be a representative of a large local government, and one
7540 of whom shall be a representative of a small local government.

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7541 (d) Two representatives from the banking and insurance
7542 industry.
7543 (e) Two members from the private business sector,
7544 representing the construction and commodities industries.
7545 (f) A member from the board of directors of the Jobs
7546 Florida Partnership, Inc ~~The chairperson of the Florida Black~~
7547 ~~Business Investment Board or the chairperson's designee~~.
7548
7549 A candidate for appointment may be considered if eligible to be
7550 certified as an owner of a minority business enterprise, or if
7551 otherwise qualified under the criteria above. Vacancies may be
7552 filled by appointment of the secretary, in the manner of the
7553 original appointment.
7554 (5) The powers and duties of the council include, but are
7555 not limited to: researching and reviewing the role of small and
7556 minority businesses in the state's economy; reviewing issues and
7557 emerging topics relating to small and minority business economic
7558 development; studying the ability of financial markets and
7559 institutions to meet small business credit needs and determining
7560 the impact of government demands on credit for small businesses;
7561 assessing the implementation of s. 187.201(21) ~~187.201(22)~~,
7562 requiring a state economic development comprehensive plan, as it
7563 relates to small and minority businesses; assessing the
7564 reasonableness and effectiveness of efforts by any state agency
7565 or by all state agencies collectively to assist minority
7566 business enterprises; and advising the Governor, the secretary,
7567 and the Legislature on matters relating to small and minority
7568 business development which are of importance to the
7569 international strategic planning and activities of this state.

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7570 Section 128. Section 288.012, Florida Statutes, is amended
7571 to read:
7572 288.012 State of Florida international ~~foreign~~ offices.—The
7573 Legislature finds that the expansion of international trade and
7574 tourism is vital to the overall health and growth of the economy
7575 of this state. This expansion is hampered by the lack of
7576 technical and business assistance, financial assistance, and
7577 information services for businesses in this state. The
7578 Legislature finds that these businesses could be assisted by
7579 providing these services at State of Florida international
7580 ~~foreign~~ offices. The Legislature further finds that the
7581 accessibility and provision of services at these offices can be
7582 enhanced through cooperative agreements or strategic alliances
7583 between private businesses and state ~~entities~~, local ~~entities~~,
7584 and international governmental ~~foreign~~ entities~~, and private~~
7585 ~~businesses~~.
7586 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7587 ~~Development~~ is authorized to:
7588 (a) Establish and operate offices in other ~~foreign~~
7589 countries for the purpose of promoting ~~the~~ trade and economic
7590 development opportunities of the state, and promoting the
7591 gathering of trade data information and research on trade
7592 opportunities in specific countries.
7593 (b) Enter into agreements with governmental and private
7594 sector entities to establish and operate offices in other
7595 ~~foreign~~ countries containing provisions which may be in conflict
7596 with general laws of the state pertaining to the purchase of
7597 office space, employment of personnel, and contracts for
7598 services. When agreements pursuant to this section are made

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7599 which set compensation in foreign currency, such agreements
7600 shall be subject to the requirements of s. 215.425, but the
7601 purchase of foreign currency by Jobs Florida ~~the Office of~~
7602 ~~Tourism, Trade, and Economic Development~~ to meet such
7603 obligations shall be subject only to s. 216.311.
7604 (2) Each international ~~foreign~~ office shall have in place
7605 an operational plan approved by the participating boards or
7606 other governing authority, a copy of which shall be provided to
7607 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
7608 ~~Development~~. These operating plans shall be reviewed and updated
7609 each fiscal year and shall include, at a minimum, the following:
7610 (a) Specific policies and procedures encompassing the
7611 entire scope of the operation and management of each office.
7612 (b) A comprehensive, commercial strategic plan identifying
7613 marketing opportunities and industry sector priorities for the
7614 ~~foreign~~ country ~~or area~~ in which an international ~~a foreign~~
7615 office is located.
7616 (c) Provisions for access to information for Florida
7617 businesses through the Florida Trade Data Center. Each
7618 international ~~foreign~~ office shall obtain and forward trade
7619 leads and inquiries to the center on a regular basis.
7620 (d) Identification of new and emerging market opportunities
7621 for Florida businesses. Each international ~~foreign~~ office shall
7622 provide the Florida Trade Data Center with a compilation of
7623 foreign buyers and importers in industry sector priority areas
7624 on an annual basis. In return, the Florida Trade Data Center
7625 shall make available to each international ~~foreign~~ office, and
7626 to the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., ~~the~~
7627 ~~Florida Commission on Tourism,~~ the Florida Ports Council, the

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7628 Department of State, the Department of Citrus, and the
7629 Department of Agriculture and Consumer Services, trade industry,
7630 commodity, and opportunity information. This information shall
7631 be provided to such offices and entities either free of charge
7632 or on a fee basis with fees set only to recover the costs of
7633 providing the information.
7634 (e) Provision of access for Florida businesses to the
7635 services of the Florida Trade Data Center, international trade
7636 assistance services provided by state and local entities,
7637 seaport and airport information, and other services identified
7638 by Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
7639 ~~Development~~.
7640 (f) Qualitative and quantitative performance measures for
7641 each office, including, but not limited to, the number of
7642 businesses assisted, the number of trade leads and inquiries
7643 generated, the number of international ~~foreign~~ buyers and
7644 importers contacted, and the amount and type of marketing
7645 conducted.
7646 (3) By October 1 of each year, each international ~~foreign~~
7647 office shall submit to Jobs Florida ~~the Office of Tourism,~~
7648 ~~Trade, and Economic Development~~ a complete and detailed report
7649 on its activities and accomplishments during the preceding
7650 fiscal year. In a format provided by the Jobs Florida
7651 Partnership ~~Enterprise Florida~~, Inc., the report must set forth
7652 information on:
7653 (a) The number of Florida companies assisted.
7654 (b) The number of inquiries received about investment
7655 opportunities in this state.
7656 (c) The number of trade leads generated.

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7657 (d) The number of investment projects announced.
7658 (e) The estimated U.S. dollar value of sales confirmations.
7659 (f) The number of representation agreements.
7660 (g) The number of company consultations.
7661 (h) Barriers or other issues affecting the effective
7662 operation of the office.
7663 (i) Changes in office operations which are planned for the
7664 current fiscal year.
7665 (j) Marketing activities conducted.
7666 (k) Strategic alliances formed with organizations in the
7667 country in which the office is located.
7668 (l) Activities conducted with Florida's other ~~Florida~~
7669 international ~~foreign~~ offices.
7670 (m) Any other information that the office believes would
7671 contribute to an understanding of its activities.
7672 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7673 ~~Development~~, in connection with the establishment, operation,
7674 and management of any of its offices located in another ~~a~~
7675 ~~foreign~~ country, is exempt from the provisions of ss. 255.21,
7676 255.25, and 255.254 relating to leasing of buildings; ss. 283.33
7677 and 283.35 relating to bids for printing; ss. 287.001-287.20
7678 relating to purchasing and motor vehicles; and ss. 282.003-
7679 282.0056 and 282.702-282.7101 relating to communications, and
7680 from all statutory provisions relating to state employment.
7681 (a) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7682 ~~Development~~ may exercise such exemptions only upon prior
7683 approval of the Governor.
7684 (b) If approval for an exemption under this section is
7685 granted as an integral part of a plan of operation for a

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7686 specified international ~~foreign~~ office, such action shall
7687 constitute continuing authority for Jobs Florida ~~the Office of~~
7688 ~~Tourism, Trade, and Economic Development~~ to exercise the
7689 exemption, but only in the context and upon the terms originally
7690 granted. Any modification of the approved plan of operation with
7691 respect to an exemption contained therein must be resubmitted to
7692 the Governor for his or her approval. An approval granted to
7693 exercise an exemption in any other context shall be restricted
7694 to the specific instance for which the exemption is to be
7695 exercised.
7696 (c) As used in this subsection, the term "plan of
7697 operation" means the plan developed pursuant to subsection (2).
7698 (d) Upon final action by the Governor with respect to a
7699 request to exercise the exemption authorized in this subsection,
7700 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
7701 ~~Development~~ shall report such action, along with the original
7702 request and any modifications thereto, to the President of the
7703 Senate and the Speaker of the House of Representatives within 30
7704 days.
7705 (5) Where feasible and appropriate, international ~~and~~
7706 ~~subject to s. 288.1224(9), foreign~~ offices established and
7707 operated under this section may provide one-stop access to the
7708 economic development, trade, and tourism information, services,
7709 and programs of the state. Where feasible and appropriate, ~~and~~
7710 ~~subject to s. 288.1224(9),~~ such offices may also be collocated
7711 with other international ~~foreign~~ offices of the state.
7712 (6) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7713 ~~Development~~ is authorized to make and to enter into contracts
7714 with the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., ~~and~~

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7715 ~~the Florida Commission on Tourism~~ to carry out the provisions of
7716 this section. The authority, duties, and exemptions provided in
7717 this section apply to the Jobs Florida Partnership ~~Enterprise~~
7718 ~~Florida~~, Inc., ~~and the Florida Commission on Tourism~~ to the same
7719 degree and subject to the same conditions as applied to Jobs
7720 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
7721 To the greatest extent possible, such contracts shall include
7722 provisions for cooperative agreements or strategic alliances
7723 between private businesses and state ~~entities~~, international,
7724 ~~foreign entities,~~ and local governmental entities~~, and private~~
7725 ~~businesses~~ to operate international ~~foreign~~ offices.
7726 Section 129. Subsections (1) and (3) of section 288.017,
7727 Florida Statutes, are amended to read:
7728 288.017 Cooperative advertising matching grants program.—
7729 (1) The Florida Commission on Tourism is authorized to
7730 establish a cooperative advertising matching grants program and,
7731 pursuant thereto, to make expenditures and enter into contracts
7732 with local governments and nonprofit corporations for the
7733 purpose of publicizing the tourism advantages of the state. Jobs
7734 Florida ~~The Office of Tourism, Trade, and Economic Development~~,
7735 based on recommendations from the Florida Commission on Tourism,
7736 shall have final approval of grants awarded through this
7737 program. The commission may contract with its direct-support
7738 organization to administer the program.
7739 (3) The Florida Commission on Tourism shall conduct an
7740 annual competitive selection process for the award of grants
7741 under the program. In determining its recommendations for the
7742 grant awards, the commission shall consider the demonstrated
7743 need of the applicant for advertising assistance, the

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7744 feasibility and projected benefit of the applicant's proposal,
7745 the amount of nonstate funds that will be leveraged, and such
7746 other criteria as the commission deems appropriate. In
7747 evaluating grant applications, Jobs Florida ~~the Office~~ shall
7748 consider recommendations from the Florida Commission on Tourism.
7749 Jobs Florida ~~the Office~~, however, has final approval authority
7750 for any grant under this section.
7751 Section 130. Section 288.018, Florida Statutes, is amended
7752 to read:
7753 288.018 Regional Rural Development Grants Program.—
7754 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7755 ~~Development~~ shall establish a matching grant program to provide
7756 funding to regionally based economic development organizations
7757 representing rural counties and communities for the purpose of
7758 building the professional capacity of their organizations. Such
7759 matching grants may also be used by an economic development
7760 organization to provide technical assistance to businesses
7761 within the rural counties and communities that it serves. Jobs
7762 Florida ~~The Office of Tourism, Trade, and Economic Development~~
7763 is authorized to approve, on an annual basis, grants to such
7764 regionally based economic development organizations. The maximum
7765 amount an organization may receive in any year will be $35,000,
7766 or $100,000 in a rural area of critical economic concern
7767 recommended by the Rural Economic Development Initiative and
7768 designated by the Governor, and must be matched each year by an
7769 equivalent amount of nonstate resources.
7770 (2) In approving the participants, Jobs Florida ~~the Office~~
7771 ~~of Tourism, Trade, and Economic Development~~ shall consider the
7772 demonstrated need of the applicant for assistance and require

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7773 the following:
7774 (a) Documentation of official commitments of support from
7775 each of the units of local government represented by the
7776 regional organization.
7777 (b) Demonstration that each unit of local government has
7778 made a financial or in-kind commitment to the regional
7779 organization.
7780 (c) Demonstration that the private sector has made
7781 financial or in-kind commitments to the regional organization.
7782 (d) Demonstration that the organization is in existence and
7783 actively involved in economic development activities serving the
7784 region.
7785 (e) Demonstration of the manner in which the organization
7786 is or will coordinate its efforts with those of other local and
7787 state organizations.
7788 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7789 ~~Development~~ may also contract for the development of an
7790 enterprise zone web portal or websites for each enterprise zone
7791 which will be used to market the program for job creation in
7792 disadvantaged urban and rural enterprise zones. Each enterprise
7793 zone web page should include downloadable links to state forms
7794 and information, as well as local message boards that help
7795 businesses and residents receive information concerning zone
7796 boundaries, job openings, zone programs, and neighborhood
7797 improvement activities.
7798 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7799 ~~Development~~ may expend up to $750,000 each fiscal year from
7800 funds appropriated to the Rural Community Development Revolving
7801 Loan Fund for the purposes outlined in this section. Jobs

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7802 Florida ~~The Office of Tourism, Trade, and Economic Development~~
7803 may contract with the Jobs Florida Partnership ~~Enterprise~~
7804 ~~Florida~~, Inc., for the administration of the purposes specified
7805 in this section. Funds released to the Jobs Florida Partnership
7806 ~~Enterprise Florida~~, Inc., for this purpose shall be released
7807 quarterly and shall be calculated based on the applications in
7808 process.
7809 Section 131. Subsection (4) of section 288.019, Florida
7810 Statutes, is amended to read:
7811 288.019 Rural considerations in grant review and evaluation
7812 processes.—Notwithstanding any other law, and to the fullest
7813 extent possible, the member agencies and organizations of the
7814 Rural Economic Development Initiative (REDI) as defined in s.
7815 288.0656(6)(a) shall review all grant and loan application
7816 evaluation criteria to ensure the fullest access for rural
7817 counties as defined in s. 288.0656(2) to resources available
7818 throughout the state.
7819 (4) For existing programs, the modified evaluation criteria
7820 and scoring procedure must be delivered to Jobs Florida ~~the~~
7821 ~~Office of Tourism, Trade, and Economic Development~~ for
7822 distribution to the REDI agencies and organizations. The REDI
7823 agencies and organizations shall review and make comments.
7824 Future rules, programs, evaluation criteria, and scoring
7825 processes must be brought before a REDI meeting for review,
7826 discussion, and recommendation to allow rural counties fuller
7827 access to the state’s resources.
7828 Section 132. Subsection (1) of section 288.021, Florida
7829 Statutes, is amended to read:
7830 288.021 Economic development liaison.—

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7831 (1) The heads of the Department of Transportation, the
7832 Department of Environmental Protection and an additional member
7833 appointed by the secretary of the department, ~~the Department of~~
7834 ~~Labor and Employment Security~~, the Department of Education, ~~the~~
7835 ~~Department of Community Affairs,~~ the Department of Management
7836 Services, the Department of Revenue, the Fish and Wildlife
7837 Conservation Commission, each water management district, and
7838 each Department of Transportation District office shall
7839 designate a high-level staff member from within such agency to
7840 serve as the economic development liaison for the agency. This
7841 person shall report to the agency head and have general
7842 knowledge both of the state's permitting and other regulatory
7843 functions and of the state's economic goals, policies, and
7844 programs. This person shall also be the primary point of contact
7845 for the agency with Jobs Florida ~~the Office of Tourism, Trade,~~
7846 ~~and Economic Development~~ on issues and projects important to the
7847 economic development of Florida, including its rural areas, to
7848 expedite project review, to ensure a prompt, effective response
7849 to problems arising with regard to permitting and regulatory
7850 functions, and to work closely with the other economic
7851 development liaisons to resolve interagency conflicts.
7852 Section 133. Subsection (1) of section 288.035, Florida
7853 Statutes, is amended to read:
7854 288.035 Economic development activities.—
7855 (1) The Florida Public Service Commission may authorize
7856 public utilities to recover reasonable economic development
7857 expenses. For purposes of this section, recoverable "economic
7858 development expenses" are those expenses described in subsection
7859 (2) which are consistent with criteria to be established by

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7860 rules adopted by Jobs Florida ~~the Department of Commerce as of~~
7861 ~~June 30, 1996, or as those criteria are later modified by the~~
7862 ~~Office of Tourism, Trade, and Economic Development~~.
7863 Section 134. Section 288.047, Florida Statutes, is amended
7864 to read:
7865 288.047 Quick-response training for economic development.—
7866 (1) The Quick-Response Training Program is created within
7867 Jobs Florida to meet the workforce-skill needs of existing, new,
7868 and expanding industries. The program shall be administered in
7869 conjunction with ~~by~~ Workforce Florida, Inc., the Jobs Florida
7870 Partnership ~~in conjunction with Enterprise Florida~~, Inc., and
7871 the Department of Education. Workforce Florida, Inc., shall
7872 adopt guidelines for the administration of this program.
7873 Workforce Florida, Inc., shall provide technical services and
7874 shall help identify businesses that seek services through the
7875 program. ~~Workforce Florida, Inc., may contract with Enterprise~~
7876 ~~Florida, Inc., or administer this program directly, if it is~~
7877 ~~determined that such an arrangement maximizes the amount of the~~
7878 ~~Quick Response grant going to direct services.~~
7879 (2) Jobs Florida ~~Workforce Florida, Inc.,~~ shall ensure that
7880 instruction funded pursuant to this section is not available
7881 through the local community college or school district and that
7882 the instruction promotes economic development by providing
7883 specialized training to new workers or retraining for current
7884 employees to meet changing skill requirements caused by new
7885 technology or new product lines and to prevent potential
7886 layoffs. Such funds may not be expended to provide training for
7887 instruction related to retail businesses or to reimburse
7888 businesses for trainee wages. Funds made available pursuant to

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7889 this section may not be expended in connection with the
7890 relocation of a business from one community to another community
7891 in this state unless Jobs Florida ~~Workforce Florida, Inc.,~~
7892 determines that without such relocation the business will move
7893 outside this state or determines that the business has a
7894 compelling economic rationale for the relocation which creates
7895 additional jobs.
7896 (3) Requests for funding through the Quick-Response
7897 Training Program may be produced through inquiries from a
7898 specific business or industry, inquiries from a school district
7899 director of career education or community college occupational
7900 dean on behalf of a business or industry, or through official
7901 state or local economic development efforts. In allocating funds
7902 for the purposes of the program, Jobs Florida ~~Workforce Florida,~~
7903 ~~Inc.,~~ shall establish criteria for approval of requests for
7904 funding and shall select the entity that provides the most
7905 efficient, cost-effective instruction meeting such criteria.
7906 Program funds may be allocated to any career center, community
7907 college, or state university. Program funds may be allocated to
7908 private postsecondary institutions only upon a review that
7909 includes, but is not limited to, accreditation and licensure
7910 documentation and prior approval by Jobs Florida ~~Workforce~~
7911 ~~Florida, Inc~~. Instruction funded through the program must
7912 terminate when participants demonstrate competence at the level
7913 specified in the request; however, the grant term may not exceed
7914 24 months. Costs and expenditures for the Quick-Response
7915 Training Program must be documented and separated from those
7916 incurred by the training provider.
7917 (4) For the first 6 months of each fiscal year, Jobs

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7918 Florida ~~Workforce Florida, Inc.,~~ shall set aside 30 percent of
7919 the amount appropriated for the Quick-Response Training Program
7920 by the Legislature to fund instructional programs for businesses
7921 located in an enterprise zone or brownfield area. Any
7922 unencumbered funds remaining undisbursed from this set-aside at
7923 the end of the 6-month period may be used to provide funding for
7924 any program qualifying for funding pursuant to this section.
7925 (5) Before ~~Prior to~~ the allocation of funds for any request
7926 pursuant to this section, Jobs Florida ~~Workforce Florida, Inc.,~~
7927 shall prepare a grant agreement between the business or industry
7928 requesting funds, the educational institution receiving funding
7929 through the program, and Jobs Florida ~~Workforce Florida, Inc~~.
7930 Such agreement must include, but is not limited to:
7931 (a) An identification of the personnel necessary to conduct
7932 the instructional program, the qualifications of such personnel,
7933 and the respective responsibilities of the parties for paying
7934 costs associated with the employment of such personnel.
7935 (b) An identification of the estimated length of the
7936 instructional program.
7937 (c) An identification of all direct, training-related
7938 costs, including tuition and fees, curriculum development, books
7939 and classroom materials, and overhead or indirect costs, not to
7940 exceed 5 percent of the grant amount.
7941 (d) An identification of special program requirements that
7942 are not addressed otherwise in the agreement.
7943 (e) Permission to access information specific to the wages
7944 and performance of participants upon the completion of
7945 instruction for evaluation purposes. Information which, if
7946 released, would disclose the identity of the person to whom the

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7947 information pertains or disclose the identity of the person's
7948 employer is confidential and exempt from the provisions of s.
7949 119.07(1). The agreement must specify that any evaluations
7950 published subsequent to the instruction may not identify the
7951 employer or any individual participant.
7952 (6) For the purposes of this section, Jobs Florida
7953 ~~Workforce Florida, Inc.,~~ may accept grants of money, materials,
7954 services, or property of any kind from any agency, corporation,
7955 or individual.
7956 (7) In providing instruction pursuant to this section,
7957 materials that relate to methods of manufacture or production,
7958 potential trade secrets, business transactions, or proprietary
7959 information received, produced, ascertained, or discovered by
7960 employees of the respective departments, district school boards,
7961 community college district boards of trustees, or other
7962 personnel employed for the purposes of this section is
7963 confidential and exempt from the provisions of s. 119.07(1). The
7964 state may seek copyright protection for all instructional
7965 materials and ancillary written documents developed wholly or
7966 partially with state funds as a result of instruction provided
7967 pursuant to this section, except for materials that are
7968 confidential and exempt from the provisions of s. 119.07(1).
7969 (8) There is created a Quick-Response Training Program for
7970 participants in the welfare transition program. Workforce
7971 Florida, Inc., in conjunction with Jobs Florida, may award
7972 quick-response training grants and develop applicable guidelines
7973 for the training of participants in the welfare transition
7974 program. In addition to a local economic development
7975 organization, grants must be endorsed by the applicable regional

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7976 workforce board.
7977 (a) Training funded pursuant to this subsection may not
7978 exceed 12 months, and may be provided by the local community
7979 college, school district, regional workforce board, or the
7980 business employing the participant, including on-the-job
7981 training. Training will provide entry-level skills to new
7982 workers, including those employed in retail, who are
7983 participants in the welfare transition program.
7984 (b) Participants trained pursuant to this subsection must
7985 be employed at a wage not less than $6 per hour.
7986 (c) Funds made available pursuant to this subsection may be
7987 expended in connection with the relocation of a business from
7988 one community to another community if approved by Workforce
7989 Florida, Inc.
7990 ~~(9) Notwithstanding any other provision of law, eligible~~
7991 ~~matching contributions received under the Quick-Response~~
7992 ~~Training Program under this section may be counted toward the~~
7993 ~~private sector support of Enterprise Florida, Inc., under s.~~
7994 ~~288.90151(5)(d).~~
7995 (9) ~~(10)~~ Jobs Florida ~~Workforce Florida, Inc., and~~
7996 ~~Enterprise Florida, Inc.,~~ shall ensure maximum coordination and
7997 cooperation in administering this section, in such a manner that
7998 any division of responsibility between the two organizations
7999 which relates to marketing or administering the Quick-Response
8000 Training Program is not apparent to a business that inquires
8001 about or applies for funding under this section. ~~The~~
8002 ~~organizations shall provide such~~ A business shall be provided
8003 with a single point of contact for information and assistance.
8004 Section 135. Subsections (1), (2), and (3) of section

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8005 288.065, Florida Statutes, are amended to read:
8006 288.065 Rural Community Development Revolving Loan Fund.—
8007 (1) The Rural Community Development Revolving Loan Fund
8008 Program is established within Jobs Florida ~~in the Office of~~
8009 ~~Tourism, Trade, and Economic Development~~ to facilitate the use
8010 of existing federal, state, and local financial resources by
8011 providing local governments with financial assistance to further
8012 promote the economic viability of rural communities. These funds
8013 may be used to finance initiatives directed toward maintaining
8014 or developing the economic base of rural communities, especially
8015 initiatives addressing employment opportunities for residents of
8016 these communities.
8017 (2)(a) The program shall provide for long-term loans, loan
8018 guarantees, and loan loss reserves to units of local
8019 governments, or economic development organizations substantially
8020 underwritten by a unit of local government, within counties with
8021 populations of 75,000 or fewer, or within any county with a
8022 population of 125,000 or fewer which is contiguous to a county
8023 with a population of 75,000 or fewer, based on the most recent
8024 official population estimate as determined under s. 186.901,
8025 including those residing in incorporated areas and those
8026 residing in unincorporated areas of the county, or to units of
8027 local government, or economic development organizations
8028 substantially underwritten by a unit of local government, within
8029 a rural area of critical economic concern.
8030 (b) Requests for loans shall be made by application to Jobs
8031 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
8032 Loans shall be made pursuant to agreements specifying the terms
8033 and conditions agreed to between the applicant and Jobs Florida

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8034 ~~the Office of Tourism, Trade, and Economic Development~~. The
8035 loans shall be the legal obligations of the applicant.
8036 (c) All repayments of principal and interest shall be
8037 returned to the loan fund and made available for loans to other
8038 applicants. However, in a rural area of critical economic
8039 concern designated by the Governor, and upon approval by Jobs
8040 Florida ~~the Office of Tourism, Trade, and Economic Development~~,
8041 repayments of principal and interest may be retained by the
8042 applicant if such repayments are dedicated and matched to fund
8043 regionally based economic development organizations representing
8044 the rural area of critical economic concern.
8045 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8046 ~~Development~~ shall manage the fund, establishing loan practices
8047 that must include, but are not limited to, procedures for
8048 establishing loan interest rates, uses of funding, application
8049 procedures, and application review procedures. Jobs Florida ~~The~~
8050 ~~Office of Tourism, Trade, and Economic Development~~ shall have
8051 final approval authority for any loan under this section.
8052 Section 136. Subsections (1), (2), (3), and (4) of section
8053 288.0655, Florida Statutes, are amended to read:
8054 288.0655 Rural Infrastructure Fund.—
8055 (1) There is created within Jobs Florida ~~the Office of~~
8056 ~~Tourism, Trade, and Economic Development~~ the Rural
8057 Infrastructure Fund to facilitate the planning, preparing, and
8058 financing of infrastructure projects in rural communities which
8059 will encourage job creation, capital investment, and the
8060 strengthening and diversification of rural economies by
8061 promoting tourism, trade, and economic development.
8062 (2)(a) Funds appropriated by the Legislature shall be

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8063 distributed by Jobs Florida ~~the Office~~ through grant programs
8064 that maximize the use of federal, local, and private resources,
8065 including, but not limited to, those available under the Small
8066 Cities Community Development Block Grant Program.
8067 (b) To facilitate access of rural communities and rural
8068 areas of critical economic concern as defined by the Rural
8069 Economic Development Initiative to infrastructure funding
8070 programs of the Federal Government, such as those offered by the
8071 United States Department of Agriculture and the United States
8072 Department of Commerce, and state programs, including those
8073 offered by Rural Economic Development Initiative agencies, and
8074 to facilitate local government or private infrastructure funding
8075 efforts, Jobs Florida ~~the Office~~ may award grants for up to 30
8076 percent of the total infrastructure project cost. If an
8077 application for funding is for a catalyst site, as defined in s.
8078 288.0656, Jobs Florida ~~the Office~~ may award grants for up to 40
8079 percent of the total infrastructure project cost. Eligible
8080 projects must be related to specific job-creation or job-
8081 retention opportunities. Eligible projects may also include
8082 improving any inadequate infrastructure that has resulted in
8083 regulatory action that prohibits economic or community growth or
8084 reducing the costs to community users of proposed infrastructure
8085 improvements that exceed such costs in comparable communities.
8086 Eligible uses of funds shall include improvements to public
8087 infrastructure for industrial or commercial sites and upgrades
8088 to or development of public tourism infrastructure. Authorized
8089 infrastructure may include the following public or public-
8090 private partnership facilities: storm water systems;
8091 telecommunications facilities; broadband facilities; roads or

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8092 other remedies to transportation impediments; nature-based
8093 tourism facilities; or other physical requirements necessary to
8094 facilitate tourism, trade, and economic development activities
8095 in the community. Authorized infrastructure may also include
8096 publicly or privately owned self-powered nature-based tourism
8097 facilities, publicly owned telecommunications facilities, and
8098 broadband facilities, and additions to the distribution
8099 facilities of the existing natural gas utility as defined in s.
8100 366.04(3)(c), the existing electric utility as defined in s.
8101 366.02, or the existing water or wastewater utility as defined
8102 in s. 367.021(12), or any other existing water or wastewater
8103 facility, which owns a gas or electric distribution system or a
8104 water or wastewater system in this state where:
8105 1. A contribution-in-aid of construction is required to
8106 serve public or public-private partnership facilities under the
8107 tariffs of any natural gas, electric, water, or wastewater
8108 utility as defined herein; and
8109 2. Such utilities as defined herein are willing and able to
8110 provide such service.
8111 (c) To facilitate timely response and induce the location
8112 or expansion of specific job creating opportunities, Jobs
8113 Florida ~~the Office~~ may award grants for infrastructure
8114 feasibility studies, design and engineering activities, or other
8115 infrastructure planning and preparation activities. Authorized
8116 grants shall be up to $50,000 for an employment project with a
8117 business committed to create at least 100 jobs;~~,~~ up to $150,000
8118 for an employment project with a business committed to create at
8119 least 300 jobs;~~,~~ and up to $300,000 for a project in a rural
8120 area of critical economic concern. Grants awarded under this

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8121 paragraph may be used in conjunction with grants awarded under
8122 paragraph (b), provided that the total amount of both grants
8123 does not exceed 30 percent of the total project cost. In
8124 evaluating applications under this paragraph, Jobs Florida ~~the~~
8125 ~~Office~~ shall consider the extent to which the application seeks
8126 to minimize administrative and consultant expenses.
8127 (d) Jobs Florida ~~By September 1, 1999, the Office~~ shall
8128 participate in ~~pursue execution of~~ a memorandum of agreement
8129 with the United States Department of Agriculture under which
8130 state funds available through the Rural Infrastructure Fund may
8131 be advanced, in excess of the prescribed state share, for a
8132 project that has received from the department a preliminary
8133 determination of eligibility for federal financial support.
8134 State funds in excess of the prescribed state share which are
8135 advanced pursuant to this paragraph and the memorandum of
8136 agreement shall be reimbursed when funds are awarded under an
8137 application for federal funding.
8138 (e) To enable local governments to access the resources
8139 available pursuant to s. 403.973(18), Jobs Florida ~~the Office~~
8140 may award grants for surveys, feasibility studies, and other
8141 activities related to the identification and preclearance review
8142 of land which is suitable for preclearance review. Authorized
8143 grants under this paragraph shall not exceed $75,000 each,
8144 except in the case of a project in a rural area of critical
8145 economic concern, in which case the grant shall not exceed
8146 $300,000. Any funds awarded under this paragraph must be matched
8147 at a level of 50 percent with local funds, except that any funds
8148 awarded for a project in a rural area of critical economic
8149 concern must be matched at a level of 33 percent with local

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8150 funds. If an application for funding is for a catalyst site, as
8151 defined in s. 288.0656, the requirement for local match may be
8152 waived pursuant to the process in s. 288.06561. In evaluating
8153 applications under this paragraph, Jobs Florida ~~the office~~ shall
8154 consider the extent to which the application seeks to minimize
8155 administrative and consultant expenses.
8156 (3) Jobs Florida ~~the office~~, in consultation with the Jobs
8157 Florida Partnership ~~Enterprise Florida~~, Inc., ~~VISIT Florida,~~ the
8158 Department of Environmental Protection, and the Florida Fish and
8159 Wildlife Conservation Commission, as appropriate, shall review
8160 and certify applications pursuant to s. 288.061. The review
8161 shall include an evaluation of the economic benefit of the
8162 projects and their long-term viability. Jobs Florida ~~The office~~
8163 shall have final approval for any grant under this section.
8164 (4) By September 1, 2011 ~~1999~~, Jobs Florida ~~the office~~
8165 shall, in consultation with the organizations listed in
8166 subsection (3), and other organizations, reevaluate existing
8167 ~~develop~~ guidelines and criteria governing submission of
8168 applications for funding, review and evaluation of such
8169 applications, and approval of funding under this section. Jobs
8170 Florida ~~The office~~ shall consider factors including, but not
8171 limited to, the project’s potential for enhanced job creation or
8172 increased capital investment, the demonstration and level of
8173 local public and private commitment, whether the project is
8174 located ~~location of the project~~ in an enterprise zone, ~~the~~
8175 ~~location of the project~~ in a community development corporation
8176 service area, or in an urban high-crime area as ~~the location of~~
8177 ~~the project in a county~~ designated under s. 212.097, the
8178 unemployment rate of the county in which the project would be

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8179 located ~~surrounding area~~, and the poverty rate of the community.
8180 Section 137. Paragraph (b) of subsection (1), paragraphs
8181 (b) and (e) of subsection (2), paragraph (a) of subsection (6),
8182 and subsection (7) of section 288.0656, Florida Statutes, are
8183 amended to read:
8184 288.0656 Rural Economic Development Initiative.—
8185 (1)(b) The Rural Economic Development Initiative, known as
8186 "REDI," is created within Jobs Florida ~~the Office of Tourism,~~
8187 ~~Trade, and Economic Development~~, and the participation of state
8188 and regional agencies in this initiative is authorized.
8189 (2) As used in this section, the term:
8190 (b) "Catalyst site" means a parcel or parcels of land
8191 within a rural area of critical economic concern that has been
8192 prioritized as a geographic site for economic development
8193 through partnerships with state, regional, and local
8194 organizations. The site must be reviewed by REDI and approved by
8195 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
8196 ~~Development~~ for the purposes of locating a catalyst project.
8197 (e) "Rural community" means:
8198 1. A county with a population of 75,000 or fewer.
8199 2. A county with a population of 125,000 or fewer which is
8200 contiguous to a county with a population of 75,000 or fewer.
8201 3. A municipality within a county described in subparagraph
8202 1. or subparagraph 2.
8203 4. An unincorporated federal enterprise community or an
8204 incorporated rural city with a population of 25,000 or fewer and
8205 an employment base focused on traditional agricultural or
8206 resource-based industries, located in a county not defined as
8207 rural, which has at least three or more of the economic distress

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8208 factors identified in paragraph (c) and verified by Jobs Florida
8209 ~~the Office of Tourism, Trade, and Economic Development~~.
8210
8211 For purposes of this paragraph, population shall be determined
8212 in accordance with the most recent official estimate pursuant to
8213 s. 186.901.
8214 (6)(a) By August 1 of each year, the head of each of the
8215 following agencies and organizations shall designate a deputy
8216 secretary or higher-level staff person from within the agency or
8217 organization to serve as the REDI representative for the agency
8218 or organization:
8219 ~~1. The Department of Community Affairs.~~
8220 1.~~2.~~ The Department of Transportation.
8221 2.~~3.~~ The Department of Environmental Protection.
8222 3.~~4.~~ The Department of Agriculture and Consumer Services.
8223 4.~~5.~~ The Department of State.
8224 5.~~6.~~ The Department of Health.
8225 6.~~7.~~ The Department of Children and Family Services.
8226 7.~~8.~~ The Department of Corrections.
8227 ~~9. The Agency for Workforce Innovation~~.
8228 8.~~10.~~ The Department of Education.
8229 9.~~11.~~ The Department of Juvenile Justice.
8230 10.~~12.~~ The Fish and Wildlife Conservation Commission.
8231 11.~~13.~~ Each water management district.
8232 12.~~14.~~ The Jobs Florida Partnership ~~Enterprise Florida~~,
8233 Inc.
8234 13.~~15.~~ Workforce Florida, Inc.
8235 ~~16. The Florida Commission on Tourism or VISIT Florida.~~
8236 14.~~17.~~ The Florida Regional Planning Council Association.

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8237 15.~~18.~~ The Agency for Health Care Administration.
8238 16.~~19.~~ The Institute of Food and Agricultural Sciences
8239 (IFAS).
8240
8241 An alternate for each designee shall also be chosen, and the
8242 names of the designees and alternates shall be sent to the
8243 director of Jobs Florida ~~the Office of Tourism, Trade, and~~
8244 ~~Economic Development~~.
8245 (7)(a) REDI may recommend to the Governor up to three rural
8246 areas of critical economic concern. The Governor may by
8247 executive order designate up to three rural areas of critical
8248 economic concern which will establish these areas as priority
8249 assignments for REDI as well as to allow the Governor, acting
8250 through REDI, to waive criteria, requirements, or similar
8251 provisions of any economic development incentive. Such
8252 incentives shall include, but not be limited to: the Qualified
8253 Target Industry Tax Refund Program under s. 288.106, the Quick
8254 Response Training Program under s. 288.047, the Quick Response
8255 Training Program for participants in the welfare transition
8256 program under s. 288.047(8), ~~transportation projects under s.~~
8257 ~~288.063,~~ the brownfield redevelopment bonus refund under s.
8258 288.107, and the rural job tax credit program under ss. 212.098
8259 and 220.1895.
8260 (b) Designation as a rural area of critical economic
8261 concern under this subsection shall be contingent upon the
8262 execution of a memorandum of agreement among Jobs Florida ~~the~~
8263 ~~Office of Tourism, Trade, and Economic Development~~; the
8264 governing body of the county; and the governing bodies of any
8265 municipalities to be included within a rural area of critical

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8266 economic concern. Such agreement shall specify the terms and
8267 conditions of the designation, including, but not limited to,
8268 the duties and responsibilities of the county and any
8269 participating municipalities to take actions designed to
8270 facilitate the retention and expansion of existing businesses in
8271 the area, as well as the recruitment of new businesses to the
8272 area.
8273 (c) Each rural area of critical economic concern may
8274 designate catalyst projects, provided that each catalyst project
8275 is specifically recommended by REDI, identified as a catalyst
8276 project by the Jobs Florida Partnership ~~Enterprise Florida~~,
8277 Inc., and confirmed as a catalyst project by Jobs Florida ~~the~~
8278 ~~Office of Tourism, Trade, and Economic Development~~. All state
8279 agencies and departments shall use all available tools and
8280 resources to the extent permissible by law to promote the
8281 creation and development of each catalyst project and the
8282 development of catalyst sites.
8283 Section 138. Subsections (2) and (3) of section 288.06561,
8284 Florida Statutes, are amended to read:
8285 288.06561 Reduction or waiver of financial match
8286 requirements.—Notwithstanding any other law, the member agencies
8287 and organizations of the Rural Economic Development Initiative
8288 (REDI), as defined in s. 288.0656(6)(a), shall review the
8289 financial match requirements for projects in rural areas as
8290 defined in s. 288.0656(2).
8291 (2) Agencies and organizations shall ensure that all
8292 proposals are submitted to Jobs Florida ~~the Office of Tourism,~~
8293 ~~Trade, and Economic Development~~ for review by the REDI agencies.
8294 (3) These proposals shall be delivered to Jobs Florida ~~the~~

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8295 ~~Office of Tourism, Trade, and Economic Development~~ for
8296 distribution to the REDI agencies and organizations. A meeting
8297 of REDI agencies and organizations must be called within 30 days
8298 after receipt of such proposals for REDI comment and
8299 recommendations on each proposal.
8300 Section 139. Subsections (2) and (4) of section 288.0657,
8301 Florida Statutes, are amended to read:
8302 288.0657 Florida rural economic development strategy
8303 grants.—
8304 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8305 ~~Development~~ may accept and administer moneys appropriated to
8306 Jobs Florida ~~the office~~ for providing grants to assist rural
8307 communities to develop and implement strategic economic
8308 development plans.
8309 (4) Jobs Florida ~~Enterprise Florida, Inc., and VISIT~~
8310 ~~Florida,~~ shall establish criteria for reviewing grant
8311 applications. These criteria shall include, but are not limited
8312 to, the degree of participation and commitment by the local
8313 community and the application’s consistency with local
8314 comprehensive plans or the application’s proposal to ensure such
8315 consistency. Jobs Florida ~~The International Trade and Economic~~
8316 ~~Development Board of Enterprise Florida, Inc., and VISIT~~
8317 ~~Florida,~~ shall review each application for a grant ~~and shall~~
8318 ~~submit annually to the Office for approval a list of all~~
8319 ~~applications that are recommended by the board and VISIT~~
8320 ~~Florida, arranged in order of priority~~. Jobs Florida ~~The office~~
8321 may approve grants only to the extent that funds are
8322 appropriated for such grants by the Legislature.
8323 Section 140. Section 288.0658, Florida Statutes, is amended

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8324 to read:
8325 288.0658 Nature-based recreation; promotion and other
8326 assistance by Fish and Wildlife Conservation Commission.—The
8327 Florida Fish and Wildlife Conservation Commission is directed to
8328 assist the Jobs Florida Partnership, Inc. ~~Florida Commission on~~
8329 ~~Tourism; the Florida Tourism Industry Marketing Corporation,~~
8330 ~~doing business as VISIT Florida~~; convention and visitor bureaus;
8331 tourist development councils; economic development
8332 organizations; and local governments through the provision of
8333 marketing advice, technical expertise, promotional support, and
8334 product development related to nature-based recreation and
8335 sustainable use of natural resources. In carrying out this
8336 responsibility, the Florida Fish and Wildlife Conservation
8337 Commission shall focus its efforts on fostering nature-based
8338 recreation in rural communities and regions encompassing rural
8339 communities. As used in this section, the term "nature-based
8340 recreation" means leisure activities related to the state's
8341 lands, waters, and fish and wildlife resources, including, but
8342 not limited to, wildlife viewing, fishing, hiking, canoeing,
8343 kayaking, camping, hunting, backpacking, and nature photography.
8344 Section 141. Section 288.0659, Florida Statutes, is amended
8345 to read:
8346 288.0659 Local Government Distressed Area Matching Grant
8347 Program.—
8348 (1) The Local Government Distressed Area Matching Grant
8349 Program is created within Jobs Florida ~~the Office of Tourism,~~
8350 ~~Trade, and Economic Development~~. The purpose of the program is
8351 to stimulate investment in the state's economy by providing
8352 grants to match demonstrated business assistance by local

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8353 governments to attract and retain businesses in this state.
8354 (2) As used in this section, the term:
8355 (a) "Local government" means a county or municipality.
8356 ~~(b) "Office" means the Office of Tourism, Trade, and~~
8357 ~~Economic Development~~.
8358 (b) ~~(c)~~ "Qualified business assistance" means economic
8359 incentives provided by a local government for the purpose of
8360 attracting or retaining a specific business, including, but not
8361 limited to, suspensions, waivers, or reductions of impact fees
8362 or permit fees; direct incentive payments; expenditures for
8363 onsite or offsite improvements directly benefiting a specific
8364 business; or construction or renovation of buildings for a
8365 specific business.
8366 (3) Jobs Florida ~~The Office~~ may accept and administer
8367 moneys appropriated by the Legislature ~~to the Office~~ for
8368 providing grants to match expenditures by local governments to
8369 attract or retain businesses in this state.
8370 (4) A local government may apply for grants to match
8371 qualified business assistance made by the local government for
8372 the purpose of attracting or retaining a specific business. A
8373 local government may apply for no more than one grant per
8374 targeted business. A local government may only have one
8375 application pending with Jobs Florida ~~the Office~~. Additional
8376 applications may be filed after a previous application has been
8377 approved or denied.
8378 (5) To qualify for a grant, the business being targeted by
8379 a local government must create at least 15 full-time jobs, must
8380 be new to this state, must be expanding its operations in this
8381 state, or would otherwise leave the state absent state and local

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8382 assistance, and the local government applying for the grant must
8383 expedite its permitting processes for the target business by
8384 accelerating the normal review and approval timelines. In
8385 addition to these requirements, Jobs Florida ~~the office~~ shall
8386 review the grant requests using the following evaluation
8387 criteria, with priority given in descending order:
8388 (a) The presence and degree of pervasive poverty,
8389 unemployment, and general distress as determined pursuant to s.
8390 290.0058 in the area where the business will locate, with
8391 priority given to locations with greater degrees of poverty,
8392 unemployment, and general distress.
8393 (b) The extent of reliance on the local government
8394 expenditure as an inducement for the business's location
8395 decision, with priority given to higher levels of local
8396 government expenditure.
8397 (c) The number of new full-time jobs created, with priority
8398 given to higher numbers of jobs created.
8399 (d) The average hourly wage for jobs created, with priority
8400 given to higher average wages.
8401 (e) The amount of capital investment to be made by the
8402 business, with priority given to higher amounts of capital
8403 investment.
8404 (6) In evaluating grant requests, Jobs Florida ~~the Office~~
8405 shall take into consideration the need for grant assistance as
8406 it relates to the local government's general fund balance as
8407 well as local incentive programs that are already in existence.
8408 (7) Funds made available pursuant to this section may not
8409 be expended in connection with the relocation of a business from
8410 one community to another community in this state unless Jobs

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8411 Florida ~~the Office~~ determines that without such relocation the
8412 business will move outside this state or determines that the
8413 business has a compelling economic rationale for the relocation
8414 which creates additional jobs. Funds made available pursuant to
8415 this section may not be used by the receiving local government
8416 to supplant matching commitments required of the local
8417 government pursuant to other state or federal incentive
8418 programs.
8419 (8) Within 30 days after Jobs Florida ~~the Office~~ receives
8420 an application for a grant, Jobs Florida ~~the Office~~ shall
8421 approve a preliminary grant allocation or disapprove the
8422 application. The preliminary grant allocation shall be based on
8423 estimates of qualified business assistance submitted by the
8424 local government and shall equal 50 percent of the amount of the
8425 estimated qualified business assistance or $50,000, whichever is
8426 less. The preliminary grant allocation shall be executed by
8427 contract with the local government. The contract shall set forth
8428 the terms and conditions, including the timeframes within which
8429 the final grant award will be disbursed. The final grant award
8430 may not exceed the preliminary grant allocation. Jobs Florida
8431 ~~the Office~~ may approve preliminary grant allocations only to the
8432 extent that funds are appropriated for such grants by the
8433 Legislature.
8434 (a) Preliminary grant allocations that are revoked or
8435 voluntarily surrendered shall be immediately available for
8436 reallocation.
8437 (b) Recipients of preliminary grant allocations shall
8438 promptly report to Jobs Florida ~~the Office~~ the date on which the
8439 local government’s permitting and approval process is completed

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8440 and the date on which all qualified business assistance is
8441 completed.
8442 (9) Jobs Florida ~~the Office~~ shall make a final grant award
8443 to a local government within 30 days after receiving information
8444 from the local government sufficient to demonstrate actual
8445 qualified business assistance. An awarded grant amount shall
8446 equal 50 percent of the amount of the qualified business
8447 assistance or $50,000, whichever is less, and may not exceed the
8448 preliminary grant allocation. The amount by which a preliminary
8449 grant allocation exceeds a final grant award shall be
8450 immediately available for reallocation.
8451 (10) Up to 2 percent of the funds appropriated annually by
8452 the Legislature for the program may be used by Jobs Florida ~~the~~
8453 ~~Office~~ for direct administrative costs associated with
8454 implementing this section.
8455 Section 142. Paragraph (a) of subsection (1) of section
8456 288.075, Florida Statutes, is amended to read:
8457 288.075 Confidentiality of records.—
8458 (1) DEFINITIONS.—As used in this section, the term:
8459 (a) "Economic development agency" means:
8460 1. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8461 ~~Development~~;
8462 2. Any industrial development authority created in
8463 accordance with part III of chapter 159 or by special law;
8464 3. Space Florida created in part II of chapter 331;
8465 4. The public economic development agency of a county or
8466 municipality or, if the county or municipality does not have a
8467 public economic development agency, the county or municipal
8468 officers or employees assigned the duty to promote the general

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8469 business interests or industrial interests of that county or
8470 municipality or the responsibilities related thereto;
8471 5. Any research and development authority created in
8472 accordance with part V of chapter 159; or
8473 6. Any private agency, person, partnership, corporation, or
8474 business entity when authorized by the state, a municipality, or
8475 a county to promote the general business interests or industrial
8476 interests of the state or that municipality or county.
8477 Section 143. Paragraphs (c), (h), (p), and (r) of
8478 subsection (1), paragraphs (a), (d), (e), (f), (h) of subsection
8479 (2), subsections (3) and (4), paragraphs (a), (d), (e), and (g)
8480 of subsection (5), paragraphs (a), (b), and (c) of subsection
8481 (6), and subsections (7) and (8) of section 288.1045, Florida
8482 Statutes, are amended, and present paragraphs (i) through (u) of
8483 subsection (1) are redesignated as paragraphs (h) through (s),
8484 respectively, to read:
8485 288.1045 Qualified defense contractor and space flight
8486 business tax refund program.—
8487 (1) DEFINITIONS.—As used in this section:
8488 (c) “Business unit” means an employing unit, as defined in
8489 s. 443.036, that is registered with Jobs Florida ~~the Agency for~~
8490 ~~Workforce Innovation~~ for unemployment compensation purposes or
8491 means a subcategory or division of an employing unit that is
8492 accepted by Jobs Florida ~~the Agency for Workforce Innovation~~ as
8493 a reporting unit.
8494 ~~(h) “Director” means the director of the Office of Tourism,~~
8495 ~~Trade, and Economic Development~~.
8496 ~~(p) “Office” means the Office of Tourism, Trade, and~~
8497 ~~Economic Development.~~

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8498 (p) ~~(r)~~ "Qualified applicant" means an applicant that has
8499 been approved by Jobs Florida ~~the director~~ to be eligible for
8500 tax refunds pursuant to this section.
8501 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—
8502 (a) There shall be allowed, from the Economic Development
8503 Trust Fund, a refund to a qualified applicant for the amount of
8504 eligible taxes certified by Jobs Florida ~~the director~~ which were
8505 paid by such qualified applicant. The total amount of refunds
8506 for all fiscal years for each qualified applicant shall be
8507 determined pursuant to subsection (3). The annual amount of a
8508 refund to a qualified applicant shall be determined pursuant to
8509 subsection (5).
8510 (d) Contingent upon an annual appropriation by the
8511 Legislature, Jobs Florida ~~the director~~ may approve not more in
8512 tax refunds than the amount appropriated to the Economic
8513 Development Trust Fund for tax refunds, for a fiscal year
8514 pursuant to subsection (5) and s. 288.095.
8515 (e) For the first 6 months of each fiscal year, Jobs
8516 Florida ~~the director~~ shall set aside 30 percent of the amount
8517 appropriated for refunds pursuant to this section by the
8518 Legislature to provide tax refunds only to qualified applicants
8519 who employ 500 or fewer full-time employees in this state. Any
8520 unencumbered funds remaining undisbursed from this set-aside at
8521 the end of the 6-month period may be used to provide tax refunds
8522 for any qualified applicants pursuant to this section.
8523 (f) After entering into a tax refund agreement pursuant to
8524 subsection (4), a qualified applicant may:
8525 1. Receive refunds from the account for corporate income
8526 taxes due and paid pursuant to chapter 220 by that business

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8527 beginning with the first taxable year of the business which
8528 begins after entering into the agreement.
8529 2. Receive refunds from the account for the following taxes
8530 due and paid by that business after entering into the agreement:
8531 a. Taxes on sales, use, and other transactions paid
8532 pursuant to chapter 212.
8533 b. Intangible personal property taxes paid pursuant to
8534 chapter 199.
8535 c. Emergency excise taxes paid pursuant to chapter 221.
8536 d. Excise taxes paid on documents pursuant to chapter 201.
8537 e. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on
8538 June 1, 1996.
8539 f. State communications services taxes administered under
8540 chapter 202. This provision does not apply to the gross receipts
8541 tax imposed under chapter 203 and administered under chapter 202
8542 or the local communications services tax authorized under s.
8543 202.19.
8544
8545 However, a qualified applicant may not receive a tax refund
8546 pursuant to this section for any amount of credit, refund, or
8547 exemption granted such contractor for any of such taxes. If a
8548 refund for such taxes is provided by Jobs Florida ~~the Office~~,
8549 which taxes are subsequently adjusted by the application of any
8550 credit, refund, or exemption granted to the qualified applicant
8551 other than that provided in this section, the qualified
8552 applicant shall reimburse the Economic Development Trust Fund
8553 for the amount of such credit, refund, or exemption. A qualified
8554 applicant must notify and tender payment to the office within 20
8555 days after receiving a credit, refund, or exemption, other than

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8556 that provided in this section. ~~The addition of communications~~
8557 ~~services taxes administered under chapter 202 is remedial in~~
8558 ~~nature and retroactive to October 1, 2001. The Office may make~~
8559 ~~supplemental tax refund payments to allow for tax refunds for~~
8560 ~~communications services taxes paid by an eligible qualified~~
8561 ~~defense contractor after October 1, 2001.~~
8562 (h) Funds made available pursuant to this section may not
8563 be expended in connection with the relocation of a business from
8564 one community to another community in this state unless Jobs
8565 Florida ~~the Office of Tourism, Trade, and Economic Development~~
8566 determines that without such relocation the business will move
8567 outside this state or determines that the business has a
8568 compelling economic rationale for the relocation which creates
8569 additional jobs.
8570 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
8571 DETERMINATION.—
8572 (a) To apply for certification as a qualified applicant
8573 pursuant to this section, an applicant must file an application
8574 with Jobs Florida ~~the Office~~ which satisfies the requirements of
8575 paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d)
8576 and (e), or paragraphs (e) and (j). An applicant may not apply
8577 for certification pursuant to this section after a proposal has
8578 been submitted for a new Department of Defense contract, after
8579 the applicant has made the decision to consolidate an existing
8580 Department of Defense contract in this state for which such
8581 applicant is seeking certification, after a proposal has been
8582 submitted for a new space flight business contract in this
8583 state, after the applicant has made the decision to consolidate
8584 an existing space flight business contract in this state for

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8585 which such applicant is seeking certification, or after the
8586 applicant has made the decision to convert defense production
8587 jobs to nondefense production jobs for which such applicant is
8588 seeking certification.
8589 (b) Applications for certification based on the
8590 consolidation of a Department of Defense contract or a new
8591 Department of Defense contract must be submitted to Jobs Florida
8592 ~~the Office~~ as prescribed by Jobs Florida ~~the Office~~ and must
8593 include, but are not limited to, the following information:
8594 1. The applicant's federal employer identification number,
8595 the applicant's Florida sales tax registration number, and a
8596 signature of an officer of the applicant.
8597 2. The permanent location of the manufacturing, assembling,
8598 fabricating, research, development, or design facility in this
8599 state at which the project is or is to be located.
8600 3. The Department of Defense contract numbers of the
8601 contract to be consolidated, the new Department of Defense
8602 contract number, or the "RFP" number of a proposed Department of
8603 Defense contract.
8604 4. The date the contract was executed or is expected to be
8605 executed, and the date the contract is due to expire or is
8606 expected to expire.
8607 5. The commencement date for project operations under the
8608 contract in this state.
8609 6. The number of net new full-time equivalent Florida jobs
8610 included in the project as of December 31 of each year and the
8611 average wage of such jobs.
8612 7. The total number of full-time equivalent employees
8613 employed by the applicant in this state.

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8614 8. The percentage of the applicant's gross receipts derived
8615 from Department of Defense contracts during the 5 taxable years
8616 immediately preceding the date the application is submitted.
8617 9. The number of full-time equivalent jobs in this state to
8618 be retained by the project.
8619 10. A brief statement concerning the applicant's need for
8620 tax refunds, and the proposed uses of such refunds by the
8621 applicant.
8622 11. A resolution adopted by the governing board of the
8623 county or municipality in which the project will be located,
8624 which recommends the applicant be approved as a qualified
8625 applicant, and which indicates that the necessary commitments of
8626 local financial support for the applicant exist. Prior to the
8627 adoption of the resolution, the county commission may review the
8628 proposed public or private sources of such support and determine
8629 whether the proposed sources of local financial support can be
8630 provided or, for any applicant whose project is located in a
8631 county designated by the Rural Economic Development Initiative,
8632 a resolution adopted by the county commissioners of such county
8633 requesting that the applicant's project be exempt from the local
8634 financial support requirement.
8635 12. Any additional information requested by Jobs Florida
8636 ~~the Office~~.
8637 (c) Applications for certification based on the conversion
8638 of defense production jobs to nondefense production jobs must be
8639 submitted to Jobs Florida ~~the Office~~ as prescribed by Jobs
8640 Florida ~~the Office~~ and must include, but are not limited to, the
8641 following information:
8642 1. The applicant's federal employer identification number,

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8643 the applicant's Florida sales tax registration number, and a
8644 signature of an officer of the applicant.
8645 2. The permanent location of the manufacturing, assembling,
8646 fabricating, research, development, or design facility in this
8647 state at which the project is or is to be located.
8648 3. The Department of Defense contract numbers of the
8649 contract under which the defense production jobs will be
8650 converted to nondefense production jobs.
8651 4. The date the contract was executed, and the date the
8652 contract is due to expire or is expected to expire, or was
8653 canceled.
8654 5. The commencement date for the nondefense production
8655 operations in this state.
8656 6. The number of net new full-time equivalent Florida jobs
8657 included in the nondefense production project as of December 31
8658 of each year and the average wage of such jobs.
8659 7. The total number of full-time equivalent employees
8660 employed by the applicant in this state.
8661 8. The percentage of the applicant's gross receipts derived
8662 from Department of Defense contracts during the 5 taxable years
8663 immediately preceding the date the application is submitted.
8664 9. The number of full-time equivalent jobs in this state to
8665 be retained by the project.
8666 10. A brief statement concerning the applicant's need for
8667 tax refunds, and the proposed uses of such refunds by the
8668 applicant.
8669 11. A resolution adopted by the governing board of the
8670 county or municipality in which the project will be located,
8671 which recommends the applicant be approved as a qualified

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8672 applicant, and which indicates that the necessary commitments of
8673 local financial support for the applicant exist. Prior to the
8674 adoption of the resolution, the county commission may review the
8675 proposed public or private sources of such support and determine
8676 whether the proposed sources of local financial support can be
8677 provided or, for any applicant whose project is located in a
8678 county designated by the Rural Economic Development Initiative,
8679 a resolution adopted by the county commissioners of such county
8680 requesting that the applicant's project be exempt from the local
8681 financial support requirement.
8682 12. Any additional information requested by Jobs Florida
8683 ~~the Office~~.
8684 (d) Applications for certification based on a contract for
8685 reuse of a defense-related facility must be submitted to Jobs
8686 Florida ~~the Office~~ as prescribed by Jobs Florida ~~the office~~ and
8687 must include, but are not limited to, the following information:
8688 1. The applicant's Florida sales tax registration number
8689 and a signature of an officer of the applicant.
8690 2. The permanent location of the manufacturing, assembling,
8691 fabricating, research, development, or design facility in this
8692 state at which the project is or is to be located.
8693 3. The business entity holding a valid Department of
8694 Defense contract or branch of the Armed Forces of the United
8695 States that previously occupied the facility, and the date such
8696 entity last occupied the facility.
8697 4. A copy of the contract to reuse the facility, or such
8698 alternative proof as may be prescribed by Jobs Florida ~~the~~
8699 ~~office~~ that the applicant is seeking to contract for the reuse
8700 of such facility.

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8701 5. The date the contract to reuse the facility was executed
8702 or is expected to be executed, and the date the contract is due
8703 to expire or is expected to expire.
8704 6. The commencement date for project operations under the
8705 contract in this state.
8706 7. The number of net new full-time equivalent Florida jobs
8707 included in the project as of December 31 of each year and the
8708 average wage of such jobs.
8709 8. The total number of full-time equivalent employees
8710 employed by the applicant in this state.
8711 9. The number of full-time equivalent jobs in this state to
8712 be retained by the project.
8713 10. A brief statement concerning the applicant's need for
8714 tax refunds, and the proposed uses of such refunds by the
8715 applicant.
8716 11. A resolution adopted by the governing board of the
8717 county or municipality in which the project will be located,
8718 which recommends the applicant be approved as a qualified
8719 applicant, and which indicates that the necessary commitments of
8720 local financial support for the applicant exist. Prior to the
8721 adoption of the resolution, the county commission may review the
8722 proposed public or private sources of such support and determine
8723 whether the proposed sources of local financial support can be
8724 provided or, for any applicant whose project is located in a
8725 county designated by the Rural Economic Development Initiative,
8726 a resolution adopted by the county commissioners of such county
8727 requesting that the applicant's project be exempt from the local
8728 financial support requirement.
8729 12. Any additional information requested by Jobs Florida

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8730 ~~the Office~~.
8731 (e) To qualify for review by Jobs Florida ~~the Office~~, the
8732 application of an applicant must, at a minimum, establish the
8733 following to the satisfaction of the office:
8734 1. The jobs proposed to be provided under the application,
8735 pursuant to subparagraph (b)6., subparagraph (c)6., or
8736 subparagraph (j)6., must pay an estimated annual average wage
8737 equaling at least 115 percent of the average wage in the area
8738 where the project is to be located.
8739 2. The consolidation of a Department of Defense contract
8740 must result in a net increase of at least 25 percent in the
8741 number of jobs at the applicant’s facilities in this state or
8742 the addition of at least 80 jobs at the applicant’s facilities
8743 in this state.
8744 3. The conversion of defense production jobs to nondefense
8745 production jobs must result in net increases in nondefense
8746 employment at the applicant’s facilities in this state.
8747 4. The Department of Defense contract or the space flight
8748 business contract cannot allow the business to include the costs
8749 of relocation or retooling in its base as allowable costs under
8750 a cost-plus, or similar, contract.
8751 5. A business unit of the applicant must have derived not
8752 less than 60 percent of its gross receipts in this state from
8753 Department of Defense contracts or space flight business
8754 contracts over the applicant’s last fiscal year, and must have
8755 derived not less than an average of 60 percent of its gross
8756 receipts in this state from Department of Defense contracts or
8757 space flight business contracts over the 5 years preceding the
8758 date an application is submitted pursuant to this section. This

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8759 subparagraph does not apply to any application for certification
8760 based on a contract for reuse of a defense-related facility.
8761 6. The reuse of a defense-related facility must result in
8762 the creation of at least 100 jobs at such facility.
8763 7. A new space flight business contract or the
8764 consolidation of a space flight business contract must result in
8765 net increases in space flight business employment at the
8766 applicant's facilities in this state.
8767 (f) Each application meeting the requirements of paragraphs
8768 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
8769 paragraphs (e) and (j) must be submitted to Jobs Florida ~~the~~
8770 ~~office~~ for a determination of eligibility. Jobs Florida ~~the~~
8771 ~~Office~~ shall review and evaluate each application based on, but
8772 not limited to, the following criteria:
8773 1. Expected contributions to the state strategic economic
8774 development plan adopted by the Jobs Florida Partnership
8775 ~~Enterprise Florida~~, Inc., taking into account the extent to
8776 which the project contributes to the state's high-technology
8777 base, and the long-term impact of the project and the applicant
8778 on the state's economy.
8779 2. The economic benefit of the jobs created or retained by
8780 the project in this state, taking into account the cost and
8781 average wage of each job created or retained, and the potential
8782 risk to existing jobs.
8783 3. The amount of capital investment to be made by the
8784 applicant in this state.
8785 4. The local commitment and support for the project and
8786 applicant.
8787 5. The impact of the project on the local community, taking

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8788 into account the unemployment rate for the county where the
8789 project will be located.
8790 6. The dependence of the local community on the defense
8791 industry or space flight business.
8792 7. The impact of any tax refunds granted pursuant to this
8793 section on the viability of the project and the probability that
8794 the project will occur in this state if such tax refunds are
8795 granted to the applicant, taking into account the expected long-
8796 term commitment of the applicant to economic growth and
8797 employment in this state.
8798 8. The length of the project, or the expected long-term
8799 commitment to this state resulting from the project.
8800 (g) Applications shall be reviewed and certified pursuant
8801 to s. 288.061. If appropriate, Jobs Florida ~~the director~~ shall
8802 enter into a written agreement with the qualified applicant
8803 pursuant to subsection (4).
8804 (h) Jobs Florida ~~The director~~ may not certify any applicant
8805 as a qualified applicant when the value of tax refunds to be
8806 included in that letter of certification exceeds the available
8807 amount of authority to certify new businesses as determined in
8808 s. 288.095(3). A letter of certification that approves an
8809 application must specify the maximum amount of a tax refund that
8810 is to be available to the contractor for each fiscal year and
8811 the total amount of tax refunds for all fiscal years.
8812 (i) This section does not create a presumption that an
8813 applicant should receive any tax refunds under this section.
8814 (j) Applications for certification based upon a new space
8815 flight business contract or the consolidation of a space flight
8816 business contract must be submitted to Jobs Florida ~~the office~~

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8817 as prescribed by Jobs Florida ~~the office~~ and must include, but
8818 are not limited to, the following information:
8819 1. The applicant's federal employer identification number,
8820 the applicant's Florida sales tax registration number, and a
8821 signature of an officer of the applicant.
8822 2. The permanent location of the space flight business
8823 facility in this state where the project is or will be located.
8824 3. The new space flight business contract number, the space
8825 flight business contract numbers of the contract to be
8826 consolidated, or the request-for-proposal number of a proposed
8827 space flight business contract.
8828 4. The date the contract was executed and the date the
8829 contract is due to expire, is expected to expire, or was
8830 canceled.
8831 5. The commencement date for project operations under the
8832 contract in this state.
8833 6. The number of net new full-time equivalent Florida jobs
8834 included in the project as of December 31 of each year and the
8835 average wage of such jobs.
8836 7. The total number of full-time equivalent employees
8837 employed by the applicant in this state.
8838 8. The percentage of the applicant's gross receipts derived
8839 from space flight business contracts during the 5 taxable years
8840 immediately preceding the date the application is submitted.
8841 9. The number of full-time equivalent jobs in this state to
8842 be retained by the project.
8843 10. A brief statement concerning the applicant's need for
8844 tax refunds and the proposed uses of such refunds by the
8845 applicant.

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8846 11. A resolution adopted by the governing board of the
8847 county or municipality in which the project will be located
8848 which recommends the applicant be approved as a qualified
8849 applicant and indicates that the necessary commitments of local
8850 financial support for the applicant exist. Prior to the adoption
8851 of the resolution, the county commission may review the proposed
8852 public or private sources of such support and determine whether
8853 the proposed sources of local financial support can be provided
8854 or, for any applicant whose project is located in a county
8855 designated by the Rural Economic Development Initiative, a
8856 resolution adopted by the county commissioners of such county
8857 requesting that the applicant's project be exempt from the local
8858 financial support requirement.
8859 12. Any additional information requested by Jobs Florida
8860 ~~the office~~.
8861 (4) QUALIFIED APPLICANT TAX REFUND AGREEMENT.—
8862 (a) A qualified applicant shall enter into a written
8863 agreement with Jobs Florida ~~the Office~~ containing, but not
8864 limited to, the following:
8865 1. The total number of full-time equivalent jobs in this
8866 state that are or will be dedicated to the qualified applicant's
8867 project, the average wage of such jobs, the definitions that
8868 will apply for measuring the achievement of these terms during
8869 the pendency of the agreement, and a time schedule or plan for
8870 when such jobs will be in place and active in this state.
8871 2. The maximum amount of a refund that the qualified
8872 applicant is eligible to receive for each fiscal year, based on
8873 the job creation or retention and maintenance schedule specified
8874 in subparagraph 1.

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8875 3. An agreement with Jobs Florida ~~the Office~~ allowing Jobs
8876 Florida ~~the Office~~ to review and verify the financial and
8877 personnel records of the qualified applicant to ascertain
8878 whether the qualified applicant is complying with the
8879 requirements of this section.
8880 4. The date by which, in each fiscal year, the qualified
8881 applicant may file a claim pursuant to subsection (5) to be
8882 considered to receive a tax refund in the following fiscal year.
8883 5. That local financial support shall be annually available
8884 and will be paid to the Economic Development Trust Fund.
8885 (b) Compliance with the terms and conditions of the
8886 agreement is a condition precedent for receipt of tax refunds
8887 each year. The failure to comply with the terms and conditions
8888 of the agreement shall result in the loss of eligibility for
8889 receipt of all tax refunds previously authorized pursuant to
8890 this section, and the revocation of the certification as a
8891 qualified applicant by Jobs Florida ~~the director~~, unless the
8892 qualified applicant is eligible to receive and elects to accept
8893 a prorated refund under paragraph (5)(g) or Jobs Florida ~~the~~
8894 ~~Office~~ grants the qualified applicant an economic-stimulus
8895 exemption.
8896 1. A qualified applicant may submit, in writing, a request
8897 to Jobs Florida ~~the Office~~ for an economic-stimulus exemption.
8898 The request must provide quantitative evidence demonstrating how
8899 negative economic conditions in the qualified applicant's
8900 industry, the effects of the impact of a named hurricane or
8901 tropical storm, or specific acts of terrorism affecting the
8902 qualified applicant have prevented the qualified applicant from
8903 complying with the terms and conditions of its tax refund

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8904 agreement.
8905 2. Upon receipt of a request under subparagraph 1., Jobs
8906 Florida ~~the director~~ shall have 45 days to notify the requesting
8907 qualified applicant, in writing, if its exemption has been
8908 granted or denied. In determining if an exemption should be
8909 granted, Jobs Florida ~~the director~~ shall consider the extent to
8910 which negative economic conditions in the requesting qualified
8911 applicant's industry, the effects of the impact of a named
8912 hurricane or tropical storm, or specific acts of terrorism
8913 affecting the qualified applicant have prevented the qualified
8914 applicant from complying with the terms and conditions of its
8915 tax refund agreement.
8916 3. As a condition for receiving a prorated refund under
8917 paragraph (5)(g) or an economic-stimulus exemption under this
8918 paragraph, a qualified applicant must agree to renegotiate its
8919 tax refund agreement with Jobs Florida ~~the Office~~ to, at a
8920 minimum, ensure that the terms of the agreement comply with
8921 current law and the ~~Office~~ procedures of Jobs Florida governing
8922 application for and award of tax refunds. Upon approving the
8923 award of a prorated refund or granting an economic-stimulus
8924 exemption, Jobs Florida ~~the Office~~ shall renegotiate the tax
8925 refund agreement with the qualified applicant as required by
8926 this subparagraph. When amending the agreement of a qualified
8927 applicant receiving an economic-stimulus exemption, Jobs Florida
8928 ~~the Office~~ may extend the duration of the agreement for a period
8929 not to exceed 2 years.
8930 ~~4. A qualified applicant may submit a request for an~~
8931 ~~economic-stimulus exemption to the Office in lieu of any tax~~
8932 ~~refund claim scheduled to be submitted after January 1, 2005,~~

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8933 ~~but before July 1, 2006.~~
8934 4.~~5.~~ A qualified applicant that receives an economic-
8935 stimulus exemption may not receive a tax refund for the period
8936 covered by the exemption.
8937 (c) The agreement shall be signed by the commissioner
8938 ~~director~~ and the authorized officer of the qualified applicant.
8939 (d) The agreement must contain the following legend,
8940 clearly printed on its face in bold type of not less than 10
8941 points:
8942
8943 "This agreement is neither a general obligation of the
8944 State of Florida, nor is it backed by the full faith
8945 and credit of the State of Florida. Payment of tax
8946 refunds are conditioned on and subject to specific
8947 annual appropriations by the Florida Legislature of
8948 funds sufficient to pay amounts authorized in s.
8949 288.1045, Florida Statutes."
8950
8951 (5) ANNUAL CLAIM FOR REFUND.—
8952 (a) To be eligible to claim any scheduled tax refund,
8953 qualified applicants who have entered into a written agreement
8954 with Jobs Florida ~~the Office~~ pursuant to subsection (4) and who
8955 have entered into a valid new Department of Defense contract,
8956 entered into a valid new space flight business contract,
8957 commenced the consolidation of a space flight business contract,
8958 commenced the consolidation of a Department of Defense contract,
8959 commenced the conversion of defense production jobs to
8960 nondefense production jobs, or entered into a valid contract for
8961 reuse of a defense-related facility must apply by January 31 of

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8962 each fiscal year to Jobs Florida ~~the Office~~ for tax refunds
8963 scheduled to be paid from the appropriation for the fiscal year
8964 that begins on July 1 following the January 31 claims-submission
8965 date. Jobs Florida ~~The Office~~ may, upon written request, grant a
8966 30-day extension of the filing date. The application must
8967 include a notarized signature of an officer of the applicant.
8968 (d) Jobs Florida ~~The director~~, with assistance from ~~the~~
8969 ~~Office,~~ the Department of Revenue~~, and the Agency for Workforce~~
8970 ~~Innovation~~, shall, by June 30 following the scheduled date for
8971 submitting the tax refund claim, specify by written order the
8972 approval or disapproval of the tax refund claim and, if
8973 approved, the amount of the tax refund that is authorized to be
8974 paid to the qualified applicant for the annual tax refund. Jobs
8975 Florida ~~The Office~~ may grant an extension of this date upon the
8976 request of the qualified applicant for the purpose of filing
8977 additional information in support of the claim.
8978 (e) The total amount of tax refunds approved by Jobs
8979 Florida ~~the director~~ under this section in any fiscal year may
8980 not exceed the amount authorized under s. 288.095(3).
8981 (g) A prorated tax refund, less a 5 percent penalty, shall
8982 be approved for a qualified applicant provided all other
8983 applicable requirements have been satisfied and the applicant
8984 proves to the satisfaction of Jobs Florida ~~the director~~ that it
8985 has achieved at least 80 percent of its projected employment and
8986 that the average wage paid by the qualified applicant is at
8987 least 90 percent of the average wage specified in the tax refund
8988 agreement, but in no case less than 115 percent of the average
8989 private sector wage in the area available at the time of
8990 certification. The prorated tax refund shall be calculated by

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8991 multiplying the tax refund amount for which the qualified
8992 applicant would have been eligible, if all applicable
8993 requirements had been satisfied, by the percentage of the
8994 average employment specified in the tax refund agreement which
8995 was achieved, and by the percentage of the average wages
8996 specified in the tax refund agreement which was achieved.
8997 (6) ADMINISTRATION.—
8998 (a) Jobs Florida ~~The Office~~ may adopt rules pursuant to
8999 chapter 120 for the administration of this section.
9000 (b) Jobs Florida ~~The Office~~ may verify information provided
9001 in any claim submitted for tax credits under this section with
9002 regard to employment and wage levels or the payment of the taxes
9003 with the appropriate agency or authority including the
9004 Department of Revenue, Jobs Florida ~~the Agency for Workforce~~
9005 ~~Innovation~~, or any local government or authority.
9006 (c) To facilitate the process of monitoring and auditing
9007 applications made under this program, Jobs Florida ~~the Office~~
9008 may provide a list of qualified applicants to the Department of
9009 Revenue~~, to the Agency for Workforce Innovation,~~ or to any local
9010 government or authority. Jobs Florida ~~the Office~~ may request the
9011 assistance of said entities with respect to monitoring jobs,
9012 wages, and the payment of the taxes listed in subsection (2).
9013 ~~(7) Notwithstanding paragraphs (4)(a) and (5)(c), the~~
9014 ~~Office may approve a waiver of the local financial support~~
9015 ~~requirement for a business located in any of the following~~
9016 ~~counties in which businesses received emergency loans~~
9017 ~~administered by the Office in response to the named hurricanes~~
9018 ~~of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,~~
9019 ~~Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,~~

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9020 ~~Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk,~~
9021 ~~Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A~~
9022 ~~waiver may be granted only if the Office determines that the~~
9023 ~~local financial support cannot be provided or that doing so~~
9024 ~~would effect a demonstrable hardship on the unit of local~~
9025 ~~government providing the local financial support. If the Office~~
9026 ~~grants a waiver of the local financial support requirement, the~~
9027 ~~state shall pay 100 percent of the refund due to an eligible~~
9028 ~~business. The waiver shall apply for tax refund applications~~
9029 ~~made for fiscal years 2004-2005, 2005-2006, and 2006-2007.~~
9030 (7) ~~(8)~~ EXPIRATION.—An applicant may not be certified as
9031 qualified under this section after June 30, 2014. A tax refund
9032 agreement existing on that date shall continue in effect in
9033 accordance with its terms.
9034 Section 144. Paragraphs (d), (f), (n), (p), (r), and (t) of
9035 subsection (2), paragraphs (a), (b), and (f) of subsection (3),
9036 subsection (4), paragraphs (a), (b), and (c) of subsection (5),
9037 paragraphs (a), (c), (f), and (g) of subsection (6), and
9038 subsection (7) of section 288.106, Florida Statutes, are
9039 amended, and present paragraphs (g) through (u) of subsection
9040 (2) are redesignated as paragraphs (f) through (n),
9041 respectively, to read:
9042 288.106 Tax refund program for qualified target industry
9043 businesses.—
9044 (2) DEFINITIONS.—As used in this section:
9045 (d) “Business” means an employing unit, as defined in s.
9046 443.036, that is registered for unemployment compensation
9047 purposes with the state agency providing unemployment tax
9048 collection services ~~under contract with the Agency for Workforce~~

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9049 ~~Innovation through an interagency agreement pursuant to s.~~
9050 ~~443.1316,~~ or a subcategory or division of an employing unit that
9051 is accepted by the state agency providing unemployment tax
9052 collection services as a reporting unit.
9053 ~~(f) "Director" means the Director of the Office of Tourism,~~
9054 ~~Trade, and Economic Development~~.
9055 ~~(n) "Office" means the Office of Tourism, Trade, and~~
9056 ~~Economic Development.~~
9057 (n) ~~(p)~~ "Qualified target industry business" means a target
9058 industry business approved by Jobs Florida ~~the Office~~ to be
9059 eligible for tax refunds under this section.
9060 ~~(q) "Return on investment" means the gain in state revenues~~
9061 ~~as a percentage of the state's investment. The state's~~
9062 ~~investment includes state grants, tax exemptions, tax refunds,~~
9063 ~~tax credits, and other state incentives.~~
9064 (o) ~~(r)~~ "Rural city" means a city having a population of
9065 10,000 or fewer, or a city having a population of greater than
9066 10,000 but fewer than 20,000 that has been determined by Jobs
9067 Florida ~~the Office~~ to have economic characteristics such as, but
9068 not limited to, a significant percentage of residents on public
9069 assistance, a significant percentage of residents with income
9070 below the poverty level, or a significant percentage of the
9071 city's employment base in agriculture-related industries.
9072 (q) ~~(t)~~ "Target industry business" means a corporate
9073 headquarters business or any business that is engaged in one of
9074 the target industries identified pursuant to the following
9075 criteria developed by Jobs Florida ~~the Office~~ in consultation
9076 with the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.:
9077 1. Future growth.—Industry forecasts should indicate strong

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9078 expectation for future growth in both employment and output,
9079 according to the most recent available data. Special
9080 consideration should be given to businesses that export goods
9081 to, or provide services in, international markets and businesses
9082 that replace domestic and international imports of goods or
9083 services.
9084 2. Stability.—The industry should not be subject to
9085 periodic layoffs, whether due to seasonality or sensitivity to
9086 volatile economic variables such as weather. The industry should
9087 also be relatively resistant to recession, so that the demand
9088 for products of this industry is not typically subject to
9089 decline during an economic downturn.
9090 3. High wage.—The industry should pay relatively high wages
9091 compared to statewide or area averages.
9092 4. Market and resource independent.—The location of
9093 industry businesses should not be dependent on Florida markets
9094 or resources as indicated by industry analysis, except for
9095 businesses in the renewable energy industry.
9096 5. Industrial base diversification and strengthening.—The
9097 industry should contribute toward expanding or diversifying the
9098 state’s or area’s economic base, as indicated by analysis of
9099 employment and output shares compared to national and regional
9100 trends. Special consideration should be given to industries that
9101 strengthen regional economies by adding value to basic products
9102 or building regional industrial clusters as indicated by
9103 industry analysis. Special consideration should also be given to
9104 the development of strong industrial clusters that include
9105 defense and homeland security businesses.
9106 6. Positive economic impact ~~benefits~~.—The industry is

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9107 expected to have strong positive economic impacts on or benefits
9108 to the state or regional economies.
9109
9110 The term does not include any business engaged in retail
9111 industry activities; any electrical utility company; any
9112 phosphate or other solid minerals severance, mining, or
9113 processing operation; any oil or gas exploration or production
9114 operation; or any business subject to regulation by the Division
9115 of Hotels and Restaurants of the Department of Business and
9116 Professional Regulation. Any business within NAICS code 5611 or
9117 5614, office administrative services and business support
9118 services, respectively, may be considered a target industry
9119 business only after the local governing body and the Jobs
9120 Florida Partnership ~~Enterprise Florida~~, Inc., make a
9121 determination that the community where the business may locate
9122 has conditions affecting the fiscal and economic viability of
9123 the local community or area, including but not limited to,
9124 factors such as low per capita income, high unemployment, high
9125 underemployment, and a lack of year-round stable employment
9126 opportunities, and such conditions may be improved by the
9127 location of such a business to the community. By January 1 of
9128 every 3rd year, beginning January 1, 2011, Jobs Florida ~~the~~
9129 ~~Office~~, in consultation with the Jobs Florida Partnership
9130 ~~Enterprise Florida~~, Inc., economic development organizations,
9131 the State University System, local governments, employee and
9132 employer organizations, market analysts, and economists, shall
9133 review and, as appropriate, revise the list of such target
9134 industries and submit the list to the Governor, the President of
9135 the Senate, and the Speaker of the House of Representatives.

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9136 (3) TAX REFUND; ELIGIBLE AMOUNTS.—
9137 (a) There shall be allowed, from the account, a refund to a
9138 qualified target industry business for the amount of eligible
9139 taxes certified by Jobs Florida ~~the Office~~ that were paid by the
9140 business. The total amount of refunds for all fiscal years for
9141 each qualified target industry business must be determined
9142 pursuant to subsection (4). The annual amount of a refund to a
9143 qualified target industry business must be determined pursuant
9144 to subsection (6).
9145 (b)1. Upon approval by Jobs Florida ~~the Office~~, a qualified
9146 target industry business shall be allowed tax refund payments
9147 equal to $3,000 multiplied by the number of jobs specified in
9148 the tax refund agreement under subparagraph (5)(a)1., or equal
9149 to $6,000 multiplied by the number of jobs if the project is
9150 located in a rural community or an enterprise zone.
9151 2. A qualified target industry business shall be allowed
9152 additional tax refund payments equal to $1,000 multiplied by the
9153 number of jobs specified in the tax refund agreement under
9154 subparagraph (5)(a)1. if such jobs pay an annual average wage of
9155 at least 150 percent of the average private sector wage in the
9156 area, or equal to $2,000 multiplied by the number of jobs if
9157 such jobs pay an annual average wage of at least 200 percent of
9158 the average private sector wage in the area.
9159 3. A qualified target industry business shall be allowed
9160 tax refund payments in addition to the other payments authorized
9161 in this paragraph equal to $1,000 multiplied by the number of
9162 jobs specified in the tax refund agreement under subparagraph
9163 (5)(a)1. if the local financial support is equal to that of the
9164 state’s incentive award under subparagraph 1.

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9165 4. In addition to the other tax refund payments authorized
9166 in this paragraph, a qualified target industry business shall be
9167 allowed a tax refund payment equal to $2,000 multiplied by the
9168 number of jobs specified in the tax refund agreement under
9169 subparagraph (5)(a)1. if the business:
9170 a. Falls within one of the high-impact sectors designated
9171 under s. 288.108; or
9172 b. Increases exports of its goods through a seaport or
9173 airport in the state by at least 10 percent in value or tonnage
9174 in each of the years that the business receives a tax refund
9175 under this section. For purposes of this sub-subparagraph,
9176 seaports in the state are limited to the ports of Jacksonville,
9177 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm
9178 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,
9179 Pensacola, Fernandina, and Key West.
9180 (f) Refunds made available under this section may not be
9181 expended in connection with the relocation of a business from
9182 one community to another community in the state unless Jobs
9183 Florida ~~the Office~~ determines that, without such relocation, the
9184 business will move outside the state or determines that the
9185 business has a compelling economic rationale for relocation and
9186 that the relocation will create additional jobs.
9187 (4) APPLICATION AND APPROVAL PROCESS.—
9188 (a) To apply for certification as a qualified target
9189 industry business under this section, the business must file an
9190 application with Jobs Florida ~~the Office~~ before the business
9191 decides to locate in this state or before the business decides
9192 to expand its existing operations in this state. The application
9193 must include, but need not be limited to, the following

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9194 information:
9195 1. The applicant's federal employer identification number
9196 and, if applicable, state sales tax registration number.
9197 2. The proposed permanent location of the applicant's
9198 facility in this state at which the project is to be located.
9199 3. A description of the type of business activity or
9200 product covered by the project, including a minimum of a five-
9201 digit NAICS code for all activities included in the project. As
9202 used in this paragraph, "NAICS" means those classifications
9203 contained in the North American Industry Classification System,
9204 as published in 2007 by the Office of Management and Budget,
9205 Executive Office of the President, and updated periodically.
9206 4. The proposed number of net new full-time equivalent
9207 Florida jobs at the qualified target industry business as of
9208 December 31 of each year included in the project and the average
9209 wage of those jobs. If more than one type of business activity
9210 or product is included in the project, the number of jobs and
9211 average wage for those jobs must be separately stated for each
9212 type of business activity or product.
9213 5. The total number of full-time equivalent employees
9214 employed by the applicant in this state, if applicable.
9215 6. The anticipated commencement date of the project.
9216 7. A brief statement explaining the role that the estimated
9217 tax refunds to be requested will play in the decision of the
9218 applicant to locate or expand in this state.
9219 8. An estimate of the proportion of the sales resulting
9220 from the project that will be made outside this state.
9221 9. An estimate of the proportion of the cost of the
9222 machinery and equipment, and any other resources necessary in

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9223 the development of its product or service, to be used by the
9224 business in its Florida operations which will be purchased
9225 outside this state.
9226 10. A resolution adopted by the governing board of the
9227 county or municipality in which the project will be located,
9228 which resolution recommends that the project be approved as a
9229 qualified target industry business and specifies that the
9230 commitments of local financial support necessary for the target
9231 industry business exist. Before the passage of such resolution,
9232 Jobs Florida ~~the office~~ may also accept an official letter from
9233 an authorized local economic development agency that endorses
9234 the proposed target industry project and pledges that sources of
9235 local financial support for such project exist. For the purposes
9236 of making pledges of local financial support under this
9237 subparagraph, the authorized local economic development agency
9238 shall be officially designated by the passage of a one-time
9239 resolution by the local governing board.
9240 11. Any additional information requested by Jobs Florida
9241 ~~the Office~~.
9242 (b) To qualify for review by Jobs Florida ~~the Office~~, the
9243 application of a target industry business must, at a minimum,
9244 establish the following to the satisfaction of Jobs Florida ~~the~~
9245 ~~office~~:
9246 1.a. The jobs proposed to be created under the application,
9247 pursuant to subparagraph (a)4., must pay an estimated annual
9248 average wage equaling at least 115 percent of the average
9249 private sector wage in the area where the business is to be
9250 located or the statewide private sector average wage. The
9251 governing board of the county where the qualified target

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9252 industry business is to be located shall notify Jobs Florida ~~the~~
9253 ~~Office~~ and the Jobs Florida Partnership ~~Enterprise Florida~~,
9254 Inc., which calculation of the average private sector wage in
9255 the area must be used as the basis for the business's wage
9256 commitment. In determining the average annual wage, Jobs Florida
9257 ~~the Office~~ shall include only new proposed jobs, and wages for
9258 existing jobs shall be excluded from this calculation.
9259 b. Jobs Florida ~~the Office~~ may waive the average wage
9260 requirement at the request of the local governing body
9261 recommending the project and the Jobs Florida Partnership
9262 ~~Enterprise Florida~~, Inc. Jobs Florida ~~the Office~~ may waive the
9263 wage requirement for a project located in a brownfield area
9264 designated under s. 376.80, in a rural city, in a rural
9265 community, in an enterprise zone, or for a manufacturing project
9266 at any location in the state if the jobs proposed to be created
9267 pay an estimated annual average wage equaling at least 100
9268 percent of the average private sector wage in the area where the
9269 business is to be located, only if the merits of the individual
9270 project or the specific circumstances in the community in
9271 relationship to the project warrant such action. If the local
9272 governing body and the Jobs Florida Partnership ~~Enterprise~~
9273 ~~Florida~~, Inc., make such a recommendation, it must be
9274 transmitted in writing, and the specific justification for the
9275 waiver recommendation must be explained. If Jobs Florida ~~the~~
9276 ~~Office~~ elects to waive the wage requirement, the waiver must be
9277 stated in writing, and the reasons for granting the waiver must
9278 be explained.
9279 2. The target industry business's project must result in
9280 the creation of at least 10 jobs at the project and, in the case

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9281 of an expansion of an existing business, must result in a net
9282 increase in employment of at least 10 percent at the business.
9283 At the request of the local governing body recommending the
9284 project and the Jobs Florida Partnership ~~Enterprise Florida~~,
9285 Inc., Jobs Florida ~~the Office~~ may waive this requirement for a
9286 business in a rural community or enterprise zone if the merits
9287 of the individual project or the specific circumstances in the
9288 community in relationship to the project warrant such action. If
9289 the local governing body and the Jobs Florida Partnership, Inc.,
9290 ~~Enterprise Florida, Inc.,~~ make such a request, the request must
9291 be transmitted in writing, and the specific justification for
9292 the request must be explained. If Jobs Florida ~~the Office~~ elects
9293 to grant the request, the grant must be stated in writing, and
9294 the reason for granting the request must be explained.
9295 3. The business activity or product for the applicant's
9296 project must be within an industry identified by Jobs Florida
9297 ~~the Office~~ as a target industry business that contributes to the
9298 economic growth of the state and the area in which the business
9299 is located, that produces a higher standard of living for
9300 residents of this state in the new global economy, or that can
9301 be shown to make an equivalent contribution to the area's and
9302 state's economic progress.
9303 (c) Each application meeting the requirements of paragraph
9304 (b) must be submitted to Jobs Florida ~~the Office~~ for
9305 determination of eligibility. Jobs Florida ~~the Office~~ shall
9306 review and evaluate each application based on, but not limited
9307 to, the following criteria:
9308 1. Expected contributions to the state's economy,
9309 consistent with the state strategic economic development plan

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9310 adopted by the Jobs Florida Partnership, Inc. ~~Enterprise~~
9311 ~~Florida, Inc.~~
9312 2. The economic benefits ~~return on investment~~ of the
9313 proposed award of tax refunds under this section and the
9314 economic benefits of ~~return on investment for~~ state incentives
9315 proposed for the project. The term "economic benefits" has the
9316 same meaning as in s. 288.005. The Office of Economic and
9317 Demographic Research shall review and evaluate the methodology
9318 and model used to calculate the economic benefits ~~return on~~
9319 ~~investment~~ and shall report its findings by September 1 of every
9320 3rd year, ~~beginning September 1, 2010,~~ to the President of the
9321 Senate and the Speaker of the House of Representatives.
9322 3. The amount of capital investment to be made by the
9323 applicant in this state.
9324 4. The local financial commitment and support for the
9325 project.
9326 5. The effect of the project on the unemployment rate in
9327 the county where the project will be located.
9328 6. The effect of the award on the viability of the project
9329 and the probability that the project would be undertaken in this
9330 state if such tax refunds are granted to the applicant.
9331 7. The expected long-term commitment of the applicant to
9332 economic growth and employment in this state resulting from the
9333 project.
9334 8. A review of the business's past activities in this state
9335 or other states, including whether such business has been
9336 subjected to criminal or civil fines and penalties. This
9337 subparagraph does not require the disclosure of confidential
9338 information.

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9339 (d) Applications shall be reviewed and certified pursuant
9340 to s. 288.061. Jobs Florida ~~the Office~~ shall include in its
9341 review projections of the tax refunds the business would be
9342 eligible to receive in each fiscal year based on the creation
9343 and maintenance of the net new Florida jobs specified in
9344 subparagraph (a)4. as of December 31 of the preceding state
9345 fiscal year. If appropriate, Jobs Florida ~~the Office~~ shall enter
9346 into a written agreement with the qualified target industry
9347 business pursuant to subsection (5).
9348 (e) Jobs Florida ~~the Office~~ may not certify any target
9349 industry business as a qualified target industry business if the
9350 value of tax refunds to be included in that letter of
9351 certification exceeds the available amount of authority to
9352 certify new businesses as determined in s. 288.095(3). However,
9353 if the commitments of local financial support represent less
9354 than 20 percent of the eligible tax refund payments, or to
9355 otherwise preserve the viability and fiscal integrity of the
9356 program, Jobs Florida ~~the office~~ may certify a qualified target
9357 industry business to receive tax refund payments of less than
9358 the allowable amounts specified in paragraph (3)(b). A letter of
9359 certification that approves an application must specify the
9360 maximum amount of tax refund that will be available to the
9361 qualified industry business in each fiscal year and the total
9362 amount of tax refunds that will be available to the business for
9363 all fiscal years.
9364 (f) This section does not create a presumption that an
9365 applicant will receive any tax refunds under this section.
9366 However, Jobs Florida ~~the Office~~ may issue nonbinding opinion
9367 letters, upon the request of prospective applicants, as to the

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9368 applicants' eligibility and the potential amount of refunds.
9369 (5) TAX REFUND AGREEMENT.—
9370 (a) Each qualified target industry business must enter into
9371 a written agreement with Jobs Florida ~~the Office~~ that specifies,
9372 at a minimum:
9373 1. The total number of full-time equivalent jobs in this
9374 state that will be dedicated to the project, the average wage of
9375 those jobs, the definitions that will apply for measuring the
9376 achievement of these terms during the pendency of the agreement,
9377 and a time schedule or plan for when such jobs will be in place
9378 and active in this state.
9379 2. The maximum amount of tax refunds that the qualified
9380 target industry business is eligible to receive on the project
9381 and the maximum amount of a tax refund that the qualified target
9382 industry business is eligible to receive for each fiscal year,
9383 based on the job creation and maintenance schedule specified in
9384 subparagraph 1.
9385 3. That Jobs Florida ~~the Office~~ may review and verify the
9386 financial and personnel records of the qualified target industry
9387 business to ascertain whether that business is in compliance
9388 with this section.
9389 4. The date by which, in each fiscal year, the qualified
9390 target industry business may file a claim under subsection (6)
9391 to be considered to receive a tax refund in the following fiscal
9392 year.
9393 5. That local financial support will be annually available
9394 and will be paid to the account. Jobs Florida ~~the Office~~ may not
9395 enter into a written agreement with a qualified target industry
9396 business if the local financial support resolution is not passed

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9397 by the local governing body within 90 days after Jobs Florida
9398 ~~the Office~~ has issued the letter of certification under
9399 subsection (4).
9400 6. That Jobs Florida ~~the Office~~ may conduct a review of the
9401 business to evaluate whether the business is continuing to
9402 contribute to the area's or state's economy.
9403 7. That in the event the business does not complete the
9404 agreement, the business will provide Jobs Florida ~~the Office~~
9405 with the reasons the business was unable to complete the
9406 agreement.
9407 (b) Compliance with the terms and conditions of the
9408 agreement is a condition precedent for the receipt of a tax
9409 refund each year. The failure to comply with the terms and
9410 conditions of the tax refund agreement results in the loss of
9411 eligibility for receipt of all tax refunds previously authorized
9412 under this section and the revocation by Jobs Florida ~~the Office~~
9413 of the certification of the business entity as a qualified
9414 target industry business, unless the business is eligible to
9415 receive and elects to accept a prorated refund under paragraph
9416 (6)(e) or Jobs Florida ~~the Office~~ grants the business an
9417 economic recovery extension.
9418 1. A qualified target industry business may submit a
9419 request to Jobs Florida ~~the Office~~ for an economic recovery
9420 extension. The request must provide quantitative evidence
9421 demonstrating how negative economic conditions in the business's
9422 industry, the effects of a named hurricane or tropical storm, or
9423 specific acts of terrorism affecting the qualified target
9424 industry business have prevented the business from complying
9425 with the terms and conditions of its tax refund agreement.

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9426 2. Upon receipt of a request under subparagraph 1., Jobs
9427 Florida ~~the Office~~ has 45 days to notify the requesting
9428 business, in writing, whether its extension has been granted or
9429 denied. In determining whether an extension should be granted,
9430 Jobs Florida ~~the Office~~ shall consider the extent to which
9431 negative economic conditions in the requesting business's
9432 industry have occurred in the state or the effects of a named
9433 hurricane or tropical storm or specific acts of terrorism
9434 affecting the qualified target industry business have prevented
9435 the business from complying with the terms and conditions of its
9436 tax refund agreement. Jobs Florida ~~the Office~~ shall consider
9437 current employment statistics for this state by industry,
9438 including whether the business's industry had substantial job
9439 loss during the prior year, when determining whether an
9440 extension shall be granted.
9441 3. As a condition for receiving a prorated refund under
9442 paragraph (6)(e) or an economic recovery extension under this
9443 paragraph, a qualified target industry business must agree to
9444 renegotiate its tax refund agreement with Jobs Florida ~~the~~
9445 ~~Office~~ to, at a minimum, ensure that the terms of the agreement
9446 comply with current law and office procedures governing
9447 application for and award of tax refunds. Upon approving the
9448 award of a prorated refund or granting an economic recovery
9449 extension, Jobs Florida ~~the Office~~ shall renegotiate the tax
9450 refund agreement with the business as required by this
9451 subparagraph. When amending the agreement of a business
9452 receiving an economic recovery extension, Jobs Florida ~~the~~
9453 ~~Office~~ may extend the duration of the agreement for a period not
9454 to exceed 2 years.

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9455 4. A qualified target industry business may submit a
9456 request for an economic recovery extension to Jobs Florida ~~the~~
9457 ~~Office~~ in lieu of any tax refund claim scheduled to be submitted
9458 after January 1, 2009, but before July 1, 2012.
9459 5. A qualified target industry business that receives an
9460 economic recovery extension may not receive a tax refund for the
9461 period covered by the extension.
9462 (c) The agreement must be signed by the commissioner
9463 ~~director~~ and by an authorized officer of the qualified target
9464 industry business within 120 days after the issuance of the
9465 letter of certification under subsection (4), but not before
9466 passage and receipt of the resolution of local financial
9467 support. Jobs Florida ~~The Office~~ may grant an extension of this
9468 period at the written request of the qualified target industry
9469 business.
9470 (6) ANNUAL CLAIM FOR REFUND.—
9471 (a) To be eligible to claim any scheduled tax refund, a
9472 qualified target industry business that has entered into a tax
9473 refund agreement with Jobs Florida ~~the Office~~ under subsection
9474 (5) must apply by January 31 of each fiscal year to Jobs Florida
9475 ~~the office~~ for the tax refund scheduled to be paid from the
9476 appropriation for the fiscal year that begins on July 1
9477 following the January 31 claims-submission date. Jobs Florida
9478 ~~The Office~~ may, upon written request, grant a 30-day extension
9479 of the filing date.
9480 (c) Jobs Florida ~~the Office~~ may waive the requirement for
9481 proof of taxes paid in future years for a qualified target
9482 industry business that provides the office with proof that, in a
9483 single year, the business has paid an amount of state taxes from

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9484 the categories in paragraph (3)(d) that is at least equal to the
9485 total amount of tax refunds that the business may receive
9486 through successful completion of its tax refund agreement.
9487 (f) Jobs Florida ~~the Office~~, with such assistance as may be
9488 required from the Department of Revenue ~~or the Agency for~~
9489 ~~Workforce Innovation~~, shall, by June 30 following the scheduled
9490 date for submission of the tax refund claim, specify by written
9491 order the approval or disapproval of the tax refund claim and,
9492 if approved, the amount of the tax refund that is authorized to
9493 be paid to the qualified target industry business for the annual
9494 tax refund. Jobs Florida ~~the Office~~ may grant an extension of
9495 this date on the request of the qualified target industry
9496 business for the purpose of filing additional information in
9497 support of the claim.
9498 (g) The total amount of tax refund claims approved by Jobs
9499 Florida ~~the Office~~ under this section in any fiscal year must
9500 not exceed the amount authorized under s. 288.095(3).
9501 (7) ADMINISTRATION.—
9502 (a) Jobs Florida ~~the Office~~ may verify information provided
9503 in any claim submitted for tax credits under this section with
9504 regard to employment and wage levels or the payment of the taxes
9505 to the appropriate agency or authority, including the Department
9506 of Revenue~~, the Agency for Workforce Innovation,~~ or any local
9507 government or authority.
9508 (b) To facilitate the process of monitoring and auditing
9509 applications made under this section, Jobs Florida ~~the Office~~
9510 may provide a list of qualified target industry businesses to
9511 the Department of Revenue~~, to the Agency for Workforce~~
9512 ~~Innovation,~~ or to any local government or authority. Jobs

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9513 Florida ~~The Office~~ may request the assistance of those entities
9514 with respect to monitoring jobs, wages, and the payment of the
9515 taxes listed in subsection (3).
9516 (c) Funds specifically appropriated for tax refunds for
9517 qualified target industry businesses under this section may not
9518 be used by Jobs Florida ~~the Office~~ for any purpose other than
9519 the payment of tax refunds authorized by this section.
9520 (d) Beginning with tax refund agreements signed after July
9521 1, 2010, Jobs Florida ~~the Office~~ shall attempt to ascertain the
9522 causes for any business's failure to complete its agreement and
9523 shall report its findings and recommendations to the Governor,
9524 the President of the Senate, and the Speaker of the House of
9525 Representatives. The report shall be submitted by December 1 of
9526 each year beginning in 2011.
9527 Section 145. Paragraphs (d), (e), (f), (g) and (h) of
9528 subsection (1), subsection (2), paragraphs (a), (b), (f), (g),
9529 (h), and (i) of subsection (4), and subsection (5) of section
9530 288.107, Florida Statutes, are amended to read:
9531 288.107 Brownfield redevelopment bonus refunds.—
9532 (1) DEFINITIONS.—As used in this section:
9533 ~~(d) "Director" means the director of the Office of Tourism,~~
9534 ~~Trade, and Economic Development~~.
9535 (d) ~~(e)~~ "Eligible business" means:
9536 1. A qualified target industry business as defined in s.
9537 288.106(2); or
9538 2. A business that can demonstrate a fixed capital
9539 investment of at least $2 million in mixed-use business
9540 activities, including multiunit housing, commercial, retail, and
9541 industrial in brownfield areas, or at least $500,000 in

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9542 brownfield areas that do not require site cleanup, and that
9543 provides benefits to its employees.
9544 (e) ~~(f)~~ "Jobs" means full-time equivalent positions,
9545 including, but not limited to, positions obtained from a
9546 temporary employment agency or employee leasing company or
9547 through a union agreement or coemployment under a professional
9548 employer organization agreement, that result directly from a
9549 project in this state. The term does not include temporary
9550 construction jobs involved with the construction of facilities
9551 for the project and which are not associated with the
9552 implementation of the site rehabilitation as provided in s.
9553 376.80.
9554 ~~(g) "Office" means The Office of Tourism, Trade, and~~
9555 ~~Economic Development.~~
9556 (f) ~~(h)~~ "Project" means the creation of a new business or
9557 the expansion of an existing business as defined in s. 288.106.
9558 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
9559 shall be approved by Jobs Florida ~~the Office~~ as specified in the
9560 final order and allowed from the account as follows:
9561 (a) A bonus refund of $2,500 shall be allowed to any
9562 qualified target industry business as defined in s. 288.106 for
9563 each new Florida job created in a brownfield area that is
9564 claimed on the qualified target industry business's annual
9565 refund claim authorized in s. 288.106(6).
9566 (b) A bonus refund of up to $2,500 shall be allowed to any
9567 other eligible business as defined in subparagraph (1)(d)2.
9568 ~~subparagraph (1)(e)2.~~ for each new Florida job created in a
9569 brownfield area that is claimed under an annual claim procedure
9570 similar to the annual refund claim authorized in s. 288.106(6).

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9571 The amount of the refund shall be equal to 20 percent of the
9572 average annual wage for the jobs created.
9573 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—
9574 (a) To be eligible to receive a bonus refund for new
9575 Florida jobs created in a brownfield area, a business must have
9576 been certified as a qualified target industry business under s.
9577 288.106 or eligible business as defined in paragraph (1)(d)
9578 ~~paragraph (1)(e)~~ and must have indicated on the qualified target
9579 industry business tax refund application form submitted in
9580 accordance with s. 288.106(4) or other similar agreement for
9581 other eligible business as defined in paragraph (1)(d) ~~paragraph~~
9582 ~~(1)(e)~~ that the project for which the application is submitted
9583 is or will be located in a brownfield area and that the business
9584 is applying for certification as a qualified brownfield business
9585 under this section, and must have signed a qualified target
9586 industry business tax refund agreement with Jobs Florida ~~the~~
9587 ~~Office~~ that indicates that the business has been certified as a
9588 qualified target industry business located in a brownfield area
9589 and specifies the schedule of brownfield redevelopment bonus
9590 refunds that the business may be eligible to receive in each
9591 fiscal year.
9592 (b) To be considered to receive an eligible brownfield
9593 redevelopment bonus refund payment, the business meeting the
9594 requirements of paragraph (a) must submit a claim once each
9595 fiscal year on a claim form approved by Jobs Florida ~~the Office~~
9596 which indicates the location of the brownfield, the address of
9597 the business facility's brownfield location, the name of the
9598 brownfield in which it is located, the number of jobs created,
9599 and the average wage of the jobs created by the business within

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9600 the brownfield as defined in s. 288.106 or other eligible
9601 business as defined in paragraph (1)(d) ~~paragraph (1)(e)~~ and the
9602 administrative rules and policies for that section.
9603 (f) Applications shall be reviewed and certified pursuant
9604 to s. 288.061. Jobs Florida ~~The Office~~ shall review all
9605 applications submitted under s. 288.106 or other similar
9606 application forms for other eligible businesses as defined in
9607 paragraph (1)(d) ~~paragraph (1)(e)~~ which indicate that the
9608 proposed project will be located in a brownfield and determine,
9609 with the assistance of the Department of Environmental
9610 Protection, that the project location is within a brownfield as
9611 provided in this act.
9612 (g) Jobs Florida ~~The Office~~ shall approve all claims for a
9613 brownfield redevelopment bonus refund payment that are found to
9614 meet the requirements of paragraphs (b) and (d).
9615 (h) Jobs Florida ~~The director~~, with such assistance as may
9616 be required from ~~the Office and~~ the Department of Environmental
9617 Protection, shall specify by written final order the amount of
9618 the brownfield redevelopment bonus refund that is authorized for
9619 the qualified target industry business for the fiscal year
9620 within 30 days after the date that the claim for the annual tax
9621 refund is received by Jobs Florida ~~the office~~.
9622 (i) The total amount of the bonus refunds approved by Jobs
9623 Florida ~~the director~~ under this section in any fiscal year must
9624 not exceed the total amount appropriated to the Economic
9625 Development Incentives Account for this purpose for the fiscal
9626 year. In the event that the Legislature does not appropriate an
9627 amount sufficient to satisfy projections by Jobs Florida ~~the~~
9628 ~~Office~~ for brownfield redevelopment bonus refunds under this

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9629 section in a fiscal year, Jobs Florida ~~the Office~~ shall, not
9630 later than July 15 of such year, determine the proportion of
9631 each brownfield redevelopment bonus refund claim which shall be
9632 paid by dividing the amount appropriated for tax refunds for the
9633 fiscal year by the projected total of brownfield redevelopment
9634 bonus refund claims for the fiscal year. The amount of each
9635 claim for a brownfield redevelopment bonus tax refund shall be
9636 multiplied by the resulting quotient. If, after the payment of
9637 all such refund claims, funds remain in the Economic Development
9638 Incentives Account for brownfield redevelopment tax refunds,
9639 Jobs Florida ~~the Office~~ shall recalculate the proportion for
9640 each refund claim and adjust the amount of each claim
9641 accordingly.
9642 (5) ADMINISTRATION.—
9643 (a) Jobs Florida ~~the Office~~ may verify information provided
9644 in any claim submitted for tax credits under this section with
9645 regard to employment and wage levels or the payment of the taxes
9646 to the appropriate agency or authority, including the Department
9647 of Revenue, ~~the Agency for Workforce Innovation,~~ or any local
9648 government or authority.
9649 (b) To facilitate the process of monitoring and auditing
9650 applications made under this program, Jobs Florida ~~the Office~~
9651 may provide a list of qualified target industry businesses to
9652 the Department of Revenue, ~~to the Agency for Workforce~~
9653 ~~Innovation,~~ to the Department of Environmental Protection, or to
9654 any local government authority. Jobs Florida ~~the office~~ may
9655 request the assistance of those entities with respect to
9656 monitoring the payment of the taxes listed in s. 288.106(3).
9657 Section 146. Paragraphs (a), (b), (c), and (d) of

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9658 subsection (2), paragraphs (b), (d), and (e) of subsection (3),
9659 subsection (4), paragraphs (a) and (c) of subsection (5), and
9660 subsections (6) and (7) of section 288.108, Florida Statutes,
9661 are amended, and present paragraphs (e) through (j) of
9662 subsection (2) are redesignated as paragraphs (c) through (h),
9663 respectively, to read:
9664 288.108 High-impact business.—
9665 (2) DEFINITIONS.—As used in this section, the term:
9666 (a) "Eligible high-impact business" means a business in one
9667 of the high-impact sectors identified by the Jobs Florida
9668 Partnership ~~Enterprise Florida~~, Inc., and certified by Jobs
9669 Florida ~~the Office of Tourism, Trade, and Economic Development~~
9670 as provided in subsection (5), which is making a cumulative
9671 investment in the state of at least $50 million and creating at
9672 least 50 new full-time equivalent jobs in the state or a
9673 research and development facility making a cumulative investment
9674 of at least $25 million and creating at least 25 new full-time
9675 equivalent jobs. Such investment and employment must be achieved
9676 in a period not to exceed 3 years after the date the business is
9677 certified as a qualified high-impact business.
9678 (b) "Qualified high-impact business" means a business in
9679 one of the high-impact sectors that has been certified by Jobs
9680 Florida ~~the Office~~ as a qualified high-impact business to
9681 receive a high-impact sector performance grant.
9682 ~~(c) "Office" means the Office of Tourism, Trade, and~~
9683 ~~Economic Development.~~
9684 ~~(d) "Director" means the director of the Office of Tourism,~~
9685 ~~Trade, and Economic Development~~.
9686 (3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE

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9687 AMOUNTS.—
9688 (b) Jobs Florida ~~The Office~~ may~~, in consultation with~~
9689 ~~Enterprise Florida, Inc.,~~ negotiate qualified high-impact
9690 business performance grant awards for any single qualified high-
9691 impact business. In negotiating such awards, Jobs Florida ~~the~~
9692 ~~Office~~ shall consider the following guidelines in conjunction
9693 with other relevant applicant impact and cost information and
9694 analysis as required in subsection (5).
9695 1. A qualified high-impact business making a cumulative
9696 investment of $50 million and creating 50 jobs may be eligible
9697 for a total qualified high-impact business performance grant of
9698 $500,000 to $1 million.
9699 2. A qualified high-impact business making a cumulative
9700 investment of $100 million and creating 100 jobs may be eligible
9701 for a total qualified high-impact business performance grant of
9702 $1 million to $2 million.
9703 3. A qualified high-impact business making a cumulative
9704 investment of $800 million and creating 800 jobs may be eligible
9705 for a qualified high-impact business performance grant of $10
9706 million to $12 million.
9707 4. A qualified high-impact business engaged in research and
9708 development making a cumulative investment of $25 million and
9709 creating 25 jobs may be eligible for a total qualified high-
9710 impact business performance grant of $700,000 to $1 million.
9711 5. A qualified high-impact business engaged in research and
9712 development making a cumulative investment of $75 million, and
9713 creating 75 jobs may be eligible for a total qualified high-
9714 impact business performance grant of $2 million to $3 million.
9715 6. A qualified high-impact business engaged in research and

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9716 development making a cumulative investment of $150 million, and
9717 creating 150 jobs may be eligible for a qualified high-impact
9718 business performance grant of $3.5 million to $4.5 million.
9719 (d) The balance of the performance grant award shall be
9720 paid to the qualified high-impact business upon the business's
9721 certification that full operations have commenced and that the
9722 full investment and employment goals specified in the qualified
9723 high-impact business agreement have been met and verified by
9724 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
9725 ~~Development~~. The verification must occur not later than 60 days
9726 after the qualified high-impact business has provided the
9727 certification specified in this paragraph.
9728 (e) Jobs Florida ~~The office~~ may, upon a showing of
9729 reasonable cause for delay and significant progress toward the
9730 achievement of the investment and employment goals specified in
9731 the qualified high-impact business agreement, extend the date
9732 for commencement of operations, not to exceed an additional 2
9733 years beyond the limit specified in paragraph (2)(a), but in no
9734 case may any high-impact sector performance grant payment be
9735 made to the business until the scheduled goals have been
9736 achieved.
9737 (4) ~~OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT~~
9738 AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS PERFORMANCE
9739 GRANTS.—
9740 (a) The total amount of active performance grants scheduled
9741 for payment by Jobs Florida ~~the office~~ in any single fiscal year
9742 may not exceed the lesser of $30 million or the amount
9743 appropriated by the Legislature for that fiscal year for
9744 qualified high-impact business performance grants. If the

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9745 scheduled grant payments are not made in the year for which they
9746 were scheduled in the qualified high-impact business agreement
9747 and are rescheduled as authorized in paragraph (3)(e), they are,
9748 for purposes of this paragraph, deemed to have been paid in the
9749 year in which they were originally scheduled in the qualified
9750 high-impact business agreement.
9751 (b) If the Legislature does not appropriate an amount
9752 sufficient to satisfy the qualified high-impact business
9753 performance grant payments scheduled for any fiscal year, Jobs
9754 Florida ~~the Office~~ shall, not later than July 15 of that year,
9755 determine the proportion of each grant payment which may be paid
9756 by dividing the amount appropriated for qualified high-impact
9757 business performance grant payments for the fiscal year by the
9758 total performance grant payments scheduled in all performance
9759 grant agreements for the fiscal year. The amount of each grant
9760 scheduled for payment in that fiscal year must be multiplied by
9761 the resulting quotient. All businesses affected by this
9762 calculation must be notified by August 1 of each fiscal year.
9763 If, after the payment of all the refund claims, funds remain in
9764 the appropriation for payment of qualified high-impact business
9765 performance grants, Jobs Florida ~~the Office~~ shall recalculate
9766 the proportion for each performance grant payment and adjust the
9767 amount of each claim accordingly.
9768 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—
9769 (a) Any eligible business, as defined in subsection (2),
9770 shall apply to the Jobs Florida Partnership ~~Enterprise Florida~~,
9771 Inc., for consideration as a qualified high-impact business
9772 before the business has made a decision to locate or expand a
9773 facility in this state. The application, developed by Jobs

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9774 Florida ~~The Office of Tourism, Trade, and Economic Development~~,
9775 in consultation with the Jobs Florida Partnership ~~Enterprise~~
9776 ~~Florida~~, Inc., must include, but is not limited to, the
9777 following information:
9778 1. A complete description of the type of facility, business
9779 operations, and product or service associated with the project.
9780 2. The number of full-time equivalent jobs that will be
9781 created by the project and the average annual wage of those
9782 jobs.
9783 3. The cumulative amount of investment to be dedicated to
9784 this project within 3 years.
9785 4. A statement concerning any special impacts the facility
9786 is expected to stimulate in the sector, the state, or regional
9787 economy and in state universities and community colleges.
9788 5. A statement concerning the role the grant will play in
9789 the decision of the applicant business to locate or expand in
9790 this state.
9791 6. Any additional information requested by Jobs Florida and
9792 the Jobs Florida Partnership ~~Enterprise Florida,~~ Inc., ~~and the~~
9793 ~~Office of Tourism, Trade, and Economic Development.~~
9794 (c) Jobs Florida ~~The director~~ and the qualified high-impact
9795 business shall enter into a performance grant agreement setting
9796 forth the conditions for payment of the qualified high-impact
9797 business performance grant. The agreement shall include the
9798 total amount of the qualified high-impact business facility
9799 performance grant award, the performance conditions that must be
9800 met to obtain the award, including the employment, average
9801 salary, investment, the methodology for determining if the
9802 conditions have been met, and the schedule of performance grant

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9803 payments.
9804 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—
9805 (a) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
9806 shall, by January 1, of every third year, beginning January 1,
9807 2011, initiate the process of reviewing and, if appropriate,
9808 selecting a new high-impact sector for designation or
9809 recommending the deactivation of a designated high-impact
9810 sector. The process of reviewing designated high-impact sectors
9811 or recommending the deactivation of a designated high-impact
9812 sector shall be in consultation with Jobs Florida ~~the office~~,
9813 economic development organizations, the State University System,
9814 local governments, employee and employer organizations, market
9815 analysts, and economists.
9816 (b) Jobs Florida ~~the Office~~ has authority, ~~only~~ after
9817 recommendation from the Jobs Florida Partnership ~~Enterprise~~
9818 ~~Florida~~, Inc., to designate a high-impact sector or to
9819 deauthorize a designated high-impact sector.
9820 (c) To begin the process of selecting and designating a new
9821 high-impact sector, the Jobs Florida Partnership ~~Enterprise~~
9822 ~~Florida~~, Inc., shall undertake a thorough study of the proposed
9823 sector. This study must consider the definition of the sector,
9824 including the types of facilities which characterize the sector
9825 that might qualify for a high-impact performance grant and
9826 whether a powerful incentive like the high-impact performance
9827 grant is needed to induce major facilities in the sector to
9828 locate or grow in this state; the benefits that major facilities
9829 in the sector have or could have on the state’s economy and the
9830 relative significance of those benefits; the needs of the sector
9831 and major sector facilities, including natural, public, and

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9832 human resources and benefits and costs with regard to these
9833 resources; the sector's current and future markets; the current
9834 fiscal and potential fiscal impacts of the sector, to both the
9835 state and its communities; any geographic opportunities or
9836 limitations with regard to the sector, including areas of the
9837 state most likely to benefit from the sector and areas unlikely
9838 to benefit from the sector; the state's advantages or
9839 disadvantages with regard to the sector; and the long-term
9840 expectations for the industry on a global level and in the
9841 state. If the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
9842 finds favorable conditions for the designation of the sector as
9843 a high-impact sector, it shall include in the study
9844 recommendations for a complete and comprehensive sector
9845 strategy, including appropriate marketing and workforce
9846 strategies for the entire sector and any recommendations that
9847 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., may have
9848 for statutory or policy changes needed to improve the state's
9849 business climate and to attract and grow Florida businesses,
9850 particularly small businesses, in the proposed sector. The study
9851 shall reflect the finding of the sector-business network
9852 specified in paragraph (d).
9853 (d) In conjunction with the study required in paragraph
9854 (c), the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
9855 shall develop and consult with a network of sector businesses.
9856 While this network may include non-Florida businesses, it must
9857 include any businesses currently within the state. If the number
9858 of Florida businesses in the sector is large, a representative
9859 cross-section of Florida sector businesses may form the core of
9860 this network.

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9861 (e) The study and its findings and recommendations and the
9862 recommendations gathered from the sector-business network must
9863 be discussed and considered during the at least one meeting per
9864 calendar year of leaders in business, government, education,
9865 workforce development, and economic development called by the
9866 Governor to address the business climate in the state, develop a
9867 common vision for the economic future of the state, and identify
9868 economic development efforts to fulfill that vision ~~required in~~
9869 ~~s. 14.2015(2)(e)~~.
9870 (f) If after consideration of the completed study required
9871 in paragraph (c) and the input derived from consultation with
9872 the sector-business network in paragraph (d) and the ~~quarterly~~
9873 meeting as required in paragraph (e), the board of directors of
9874 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., finds
9875 that the sector will have exceptionally large and widespread
9876 benefits to the state and its citizens, relative to any public
9877 costs; that the sector is characterized by the types of
9878 facilities that require exceptionally large investments and
9879 provide employment opportunities to a relatively large number of
9880 workers in high-quality, high-income jobs that might qualify for
9881 a high-impact performance grant; and that given the competition
9882 for such businesses it may be necessary for the state to be able
9883 to offer a large inducement, such as a high-impact performance
9884 grant, to attract such a business to the state or to encourage
9885 businesses to continue to grow in the state, the board of
9886 directors of the Jobs Florida Partnership ~~Enterprise Florida~~,
9887 Inc., may recommend that Jobs Florida ~~the office~~ consider the
9888 designation of the sector as a high-impact business sector.
9889 (g) Upon receiving a recommendation from the board of

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9890 directors of the Jobs Florida Partnership ~~Enterprise Florida~~,
9891 Inc., together with the study required in paragraph (c) and a
9892 summary of the findings and recommendations of the sector-
9893 business network required in paragraph (d), including a list of
9894 all meetings of the sector network and participants in those
9895 meetings and the findings and recommendations from the ~~quarterly~~
9896 meeting as required in paragraph (e), Jobs Florida ~~the Office~~
9897 shall after a thorough evaluation of the study and accompanying
9898 materials report its findings and either concur in the
9899 recommendation of the Jobs Florida Partnership ~~Enterprise~~
9900 ~~Florida~~, Inc., and designate the sector as a high-impact
9901 business sector or notify the Jobs Florida Partnership
9902 ~~Enterprise Florida~~, Inc., that it does not concur and deny the
9903 board's request for designation or return the recommendation and
9904 study to the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
9905 for further evaluation. In any case, Jobs Florida's ~~the~~
9906 ~~director's~~ decision must be in writing and justify the reasons
9907 for the decision.
9908 (h) If Jobs Florida ~~the Office~~ designates the sector as a
9909 high-impact sector, it shall, within 30 days, notify the
9910 Governor, the President of the Senate, and the Speaker of the
9911 House of Representatives of its decision and provide a complete
9912 report on its decision, including copies of the material
9913 provided by the Jobs Florida Partnership ~~Enterprise Florida~~,
9914 Inc., and Jobs Florida's ~~the Office of Tourism, Trade, and~~
9915 ~~Economic Development's~~ evaluation and comment on any statutory
9916 or policy changes recommended by the Jobs Florida Partnership
9917 ~~Enterprise Florida~~, Inc.
9918 (i) For the purposes of this subsection, a high-impact

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9919 sector consists of the silicon technology sector that the Jobs
9920 Florida Partnership ~~Enterprise Florida~~, Inc., has found to be
9921 focused around the type of high-impact businesses for which the
9922 incentive created in this subsection is required and will create
9923 the kinds of sector and economy wide benefits that justify the
9924 use of state resources to encourage these investments and
9925 require substantial inducements to compete with the incentive
9926 packages offered by other states and nations.
9927 (7) RULEMAKING.—Jobs Florida ~~the Office~~ may adopt rules
9928 necessary to carry out the provisions of this section.
9929 Section 147. Subsection (1), paragraph (f) of subsection
9930 (2), and subsections (4), (5), and (9) of section 288.1083,
9931 Florida Statutes, are amended, and present paragraph (g) of
9932 subsection (2) is redesignated as paragraph (f), to read:
9933 288.1083 Manufacturing and Spaceport Investment Incentive
9934 Program.—
9935 (1) The Manufacturing and Spaceport Investment Incentive
9936 Program is created within Jobs Florida ~~the office of Tourism,~~
9937 ~~Trade, and Economic Development~~. The purpose of the program is
9938 to encourage capital investment and job creation in
9939 manufacturing and spaceport activities in this state.
9940 (2) As used in this section, the term:
9941 ~~(f) "Office" means the Office of Tourism, Trade, and~~
9942 ~~Economic Development.~~
9943 (4) To receive a refund, a business entity must first apply
9944 to Jobs Florida ~~the office~~ for a tax refund allocation. The
9945 entity shall provide such information in the application as
9946 reasonably required by Jobs Florida ~~the office~~. Further, the
9947 business entity shall provide such information as is required by

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9948 Jobs Florida ~~the office~~ to establish the cost incurred and
9949 actual sales and use tax paid to purchase eligible equipment
9950 located and placed into service in this state during its taxable
9951 year that began in 2008.
9952 (a) Within 30 days after Jobs Florida ~~the office~~ receives
9953 an application for a refund, Jobs Florida ~~the office~~ shall
9954 approve or disapprove the application.
9955 (b) Refund allocations made during the 2010-2011 fiscal
9956 year shall be awarded in the same order in which applications
9957 are received. Eligible entities may apply to Jobs Florida ~~the~~
9958 ~~office~~ beginning July 1, 2010, for refunds attributable to
9959 eligible equipment purchases made during the 2010-2011 fiscal
9960 year. For the 2010-2011 fiscal year, Jobs Florida ~~the office~~
9961 shall allocate the maximum amount of $50,000 per entity until
9962 the entire $19 million available for refund in state fiscal year
9963 2010-2011 has been allocated. If the total amount available for
9964 allocation during the 2010-2011 fiscal year is allocated, Jobs
9965 Florida ~~the office~~ shall continue taking applications. Each
9966 applicant shall be informed of its place in the queue and
9967 whether the applicant received an allocation of the eligible
9968 funds.
9969 (c) Refund allocations made during the 2011-2012 fiscal
9970 year shall first be given to any applicants remaining in the
9971 queue from the prior fiscal year. Jobs Florida ~~The office~~ shall
9972 allocate the maximum amount of $50,000 per entity, first to
9973 those applicants that remained in the queue from 2010-2011 for
9974 eligible purchases in 2010-2011, then to applicants for 2011-
9975 2012 in the order applications are received for eligible
9976 purchases in 2011-2012. Jobs Florida ~~The office~~ shall allocate

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9977 the maximum amount of $50,000 per entity until the entire $24
9978 million available to be allocated for refund in the 2011-2012
9979 fiscal year is allocated. If the total amount available for
9980 refund in 2011-2012 has been allocated, Jobs Florida ~~The office~~
9981 shall continue to accept applications from eligible entities in
9982 the 2011-2012 fiscal year for refunds attributable to eligible
9983 equipment purchases made during the 2011-2012 fiscal year.
9984 Refund allocations made during the 2011-2012 fiscal year shall
9985 be awarded in the same order in which applications are received.
9986 Upon submitting an application, each applicant shall be informed
9987 of its place in the queue and whether the applicant has received
9988 an allocation of the eligible funds.
9989 (5) Upon completion of eligible equipment purchases, a
9990 business entity that received a refund allocation from Jobs
9991 Florida ~~the office~~ must apply to Jobs Florida ~~the office~~ for
9992 certification of a refund. For eligible equipment purchases made
9993 during the 2010-2011 fiscal year, the application for
9994 certification must be made no later than September 1, 2011. For
9995 eligible equipment purchases made during the 2011-2012 fiscal
9996 year, the application for certification must be made no later
9997 than September 1, 2012. The application shall provide such
9998 documentation as is reasonably required by Jobs Florida ~~the~~
9999 ~~office~~ to calculate the refund amount, including documentation
10000 necessary to confirm the cost of eligible equipment purchases
10001 supporting the claim of the sales and use tax paid thereon.
10002 Further, the business entity shall provide such documentation as
10003 required by Jobs Florida ~~the office~~ to establish the entity's
10004 base year purchases. If, upon reviewing the application, Jobs
10005 Florida ~~the office~~ determines that eligible equipment purchases

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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

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10035 project is to be located.
10036 (3)(a) Jobs Florida and the Jobs Florida Partnership
10037 ~~Enterprise Florida~~, Inc., shall jointly review applications
10038 pursuant to s. 288.061 and determine the eligibility of each
10039 project consistent with the criteria in subsection (2). Jobs
10040 Florida ~~Enterprise Florida, Inc.~~, in consultation with the Jobs
10041 Florida Partnership, Inc., ~~the Office of Tourism, Trade, and~~
10042 ~~Economic Development,~~ may waive these criteria:
10043 1. Based on extraordinary circumstances;
10044 2. In order to mitigate the impact of the conclusion of the
10045 space shuttle program; or
10046 3. In rural areas of critical economic concern if the
10047 project would significantly benefit the local or regional
10048 economy.
10049 (b) Jobs Florida and the Jobs Florida Partnership
10050 ~~Enterprise Florida~~, Inc., shall jointly evaluate individual
10051 proposals for high-impact business facilities ~~and forward~~
10052 ~~recommendations regarding the use of moneys in the fund for such~~
10053 ~~facilities to the director of the Office of Tourism, Trade, and~~
10054 ~~Economic Development~~. Such evaluation ~~and recommendation~~ must
10055 include, but need not be limited to:
10056 1. A description of the type of facility or infrastructure,
10057 its operations, and the associated product or service associated
10058 with the facility.
10059 2. The number of full-time-equivalent jobs that will be
10060 created by the facility and the total estimated average annual
10061 wages of those jobs or, in the case of privately developed rural
10062 infrastructure, the types of business activities and jobs
10063 stimulated by the investment.

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10064 3. The cumulative amount of investment to be dedicated to
10065 the facility within a specified period.
10066 4. A statement of any special impacts the facility is
10067 expected to stimulate in a particular business sector in the
10068 state or regional economy or in the state's universities and
10069 community colleges.
10070 5. A statement of the role the incentive is expected to
10071 play in the decision of the applicant business to locate or
10072 expand in this state or for the private investor to provide
10073 critical rural infrastructure.
10074 6. A report evaluating the quality and value of the company
10075 submitting a proposal. The report must include:
10076 a. A financial analysis of the company, including an
10077 evaluation of the company's short-term liquidity ratio as
10078 measured by its assets to liability, the company's profitability
10079 ratio, and the company's long-term solvency as measured by its
10080 debt-to-equity ratio;
10081 b. The historical market performance of the company;
10082 c. A review of any independent evaluations of the company;
10083 d. A review of the latest audit of the company's financial
10084 statement and the related auditor's management letter; and
10085 e. A review of any other types of audits that are related
10086 to the internal and management controls of the company.
10087 (c)1. Within 7 business ~~22 calendar~~ days after evaluating a
10088 project, Jobs Florida ~~receiving the evaluation and~~
10089 ~~recommendation from Enterprise Florida, Inc., the director of~~
10090 ~~the Office of Tourism, Trade, and Economic Development~~ shall
10091 recommend to the Governor approval or disapproval of a project
10092 for receipt of funds from the Quick Action Closing Fund. In

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10093 recommending a project, Jobs Florida ~~the director~~ shall include
10094 proposed performance conditions that the project must meet to
10095 obtain incentive funds.
10096 2. The Governor may approve projects without consulting the
10097 Legislature for projects requiring less than $1 million in
10098 funding.
10099 3. For projects requiring funding in the amount of $1
10100 million to $5 million, the Governor shall provide a written ~~the~~
10101 description and evaluation of a project ~~projects~~ recommended for
10102 approval to the President of the Senate, ~~and~~ the Speaker of the
10103 House of Representatives, and the chairs of the Senate and House
10104 appropriations committees that oversee economic development
10105 funding, and, no sooner than 3 days subsequent to providing the
10106 written project descriptions and evaluations, shall consult with
10107 the President of the Senate and the Speaker of the House of
10108 Representatives before giving final approval for a project. At
10109 least 14 days before releasing funds for a project, the
10110 Executive Office of the Governor shall recommend approval of the
10111 project and the release of funds by delivering notice of such
10112 action pursuant to the legislative consultation and review
10113 requirements set forth in s. 216.177. The recommendation must
10114 include proposed performance conditions that the project must
10115 meet in order to obtain funds.
10116 4. If the chair or vice chair of the Legislative Budget
10117 Commission or the President of the Senate or the Speaker of the
10118 House of Representatives timely advises the Executive Office of
10119 the Governor, in writing, that such action or proposed action
10120 exceeds the delegated authority of the Executive Office of the
10121 Governor or is contrary to legislative policy or intent, the

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10122 Executive Office of the Governor shall void the release of funds
10123 and instruct Jobs Florida ~~the Office of Tourism, Trade, and~~
10124 ~~Economic Development~~ to immediately change such action or
10125 proposed action until the Legislative Budget Commission or the
10126 Legislature addresses the issue. Notwithstanding such
10127 requirement, any project exceeding $5 million ~~$2,000,000~~ must be
10128 approved by the Legislative Budget Commission prior to the funds
10129 being released.
10130 (d) Upon the approval of the Governor, Jobs Florida ~~the~~
10131 ~~director of the Office of Tourism, Trade, and Economic~~
10132 ~~Development~~ and the business shall enter into a contract that
10133 sets forth the conditions for payment of moneys from the fund.
10134 The contract must include the total amount of funds awarded; the
10135 performance conditions that must be met to obtain the award,
10136 including, but not limited to, net new employment in the state,
10137 average salary, and total capital investment; demonstrate a
10138 baseline of current service and a measure of enhanced
10139 capability; the methodology for validating performance; the
10140 schedule of payments from the fund; and sanctions for failure to
10141 meet performance conditions. The contract must provide that
10142 payment of moneys from the fund is contingent upon sufficient
10143 appropriation of funds by the Legislature.
10144 (e) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
10145 shall validate contractor performance. Such validation shall be
10146 reported within 6 months after completion of the contract to the
10147 Governor, President of the Senate, and the Speaker of the House
10148 of Representatives.
10149 Section 149. Subsection (1), paragraphs (b), (f), and (o)
10150 of subsection (2), and subsections (3), through (9), (11), and

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10151 (12) of section 288.1089, Florida Statutes, are amended, and
10152 present paragraphs (g) through (n) and (p) through (s) of
10153 subsection (2) are redesignated as paragraphs (f) through (p),
10154 respectively, to read:
10155 288.1089 Innovation Incentive Program.—
10156 (1) The Innovation Incentive Program is created within Jobs
10157 Florida ~~the Office of Tourism, Trade, and Economic Development~~
10158 to ensure that sufficient resources are available to allow the
10159 state to respond expeditiously to extraordinary economic
10160 opportunities and to compete effectively for high-value research
10161 and development, innovation business, and alternative and
10162 renewal energy projects.
10163 (2) As used in this section, the term:
10164 (b) "Average private sector wage" means the statewide
10165 average wage in the private sector or the average of all private
10166 sector wages in the county or in the standard metropolitan area
10167 in which the project is located as determined by Jobs Florida
10168 ~~the Agency for Workforce Innovation~~.
10169 ~~(f) "Director" means the director of the Office of Tourism,~~
10170 ~~Trade, and Economic Development~~.
10171 ~~(o) "Office" means the Office of Tourism, Trade, and~~
10172 ~~Economic Development.~~
10173 (3) To be eligible for consideration for an innovation
10174 incentive award, an innovation business, a research and
10175 development entity, or an alternative and renewable energy
10176 company must submit a written application to the Jobs Florida
10177 Partnership ~~Enterprise Florida~~, Inc., before making a decision
10178 to locate new operations in this state or expand an existing
10179 operation in this state. The application must include, but not

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10180 be limited to:
10181 (a) The applicant's federal employer identification number,
10182 unemployment account number, and state sales tax registration
10183 number. If such numbers are not available at the time of
10184 application, they must be submitted to Jobs Florida ~~the office~~
10185 in writing prior to the disbursement of any payments under this
10186 section.
10187 (b) The location in this state at which the project is
10188 located or is to be located.
10189 (c) A description of the type of business activity,
10190 product, or research and development undertaken by the
10191 applicant, including six-digit North American Industry
10192 Classification System codes for all activities included in the
10193 project.
10194 (d) The applicant's projected investment in the project.
10195 (e) The total investment, from all sources, in the project.
10196 (f) The number of net new full-time equivalent jobs in this
10197 state the applicant anticipates having created as of December 31
10198 of each year in the project and the average annual wage of such
10199 jobs.
10200 (g) The total number of full-time equivalent employees
10201 currently employed by the applicant in this state, if
10202 applicable.
10203 (h) The anticipated commencement date of the project.
10204 (i) A detailed explanation of why the innovation incentive
10205 is needed to induce the applicant to expand or locate in the
10206 state and whether an award would cause the applicant to locate
10207 or expand in this state.
10208 (j) If applicable, an estimate of the proportion of the

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10209 revenues resulting from the project that will be generated
10210 outside this state.
10211 (4) To qualify for review by Jobs Florida ~~the office~~, the
10212 applicant must, at a minimum, establish the following to the
10213 satisfaction of Jobs Florida and the Jobs Florida Partnership
10214 ~~Enterprise Florida~~, Inc.~~, and the office~~:
10215 (a) The jobs created by the project must pay an estimated
10216 annual average wage equaling at least 130 percent of the average
10217 private sector wage. Jobs Florida ~~The office~~ may waive this
10218 average wage requirement at the request of the Jobs Florida
10219 Partnership ~~Enterprise Florida,~~ Inc., for a project located in a
10220 rural area, a brownfield area, or an enterprise zone, when the
10221 merits of the individual project or the specific circumstances
10222 in the community in relationship to the project warrant such
10223 action. A recommendation for waiver by the Jobs Florida
10224 Partnership ~~Enterprise Florida~~, Inc., must include a specific
10225 justification for the waiver and be transmitted to Jobs Florida
10226 ~~the office~~ in writing. If Jobs Florida ~~the director~~ elects to
10227 waive the wage requirement, the waiver must be stated in writing
10228 and the reasons for granting the waiver must be explained.
10229 (b) A research and development project must:
10230 1. Serve as a catalyst for an emerging or evolving
10231 technology cluster.
10232 2. Demonstrate a plan for significant higher education
10233 collaboration.
10234 3. Provide the state, at a minimum, a break-even return on
10235 investment within a 20-year period.
10236 4. Be provided with a one-to-one match from the local
10237 community. The match requirement may be reduced or waived in

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10238 rural areas of critical economic concern or reduced in rural
10239 areas, brownfield areas, and enterprise zones.
10240 (c) An innovation business project in this state, other
10241 than a research and development project, must:
10242 1.a. Result in the creation of at least 1,000 direct, new
10243 jobs at the business; or
10244 b. Result in the creation of at least 500 direct, new jobs
10245 if the project is located in a rural area, a brownfield area, or
10246 an enterprise zone.
10247 2. Have an activity or product that is within an industry
10248 that is designated as a target industry business under s.
10249 288.106 or a designated sector under s. 288.108.
10250 3.a. Have a cumulative investment of at least $500 million
10251 within a 5-year period; or
10252 b. Have a cumulative investment that exceeds $250 million
10253 within a 10-year period if the project is located in a rural
10254 area, brownfield area, or an enterprise zone.
10255 4. Be provided with a one-to-one match from the local
10256 community. The match requirement may be reduced or waived in
10257 rural areas of critical economic concern or reduced in rural
10258 areas, brownfield areas, and enterprise zones.
10259 (d) For an alternative and renewable energy project in this
10260 state, the project must:
10261 1. Demonstrate a plan for significant collaboration with an
10262 institution of higher education;
10263 2. Provide the state, at a minimum, a break-even return on
10264 investment within a 20-year period;
10265 3. Include matching funds provided by the applicant or
10266 other available sources. The match requirement may be reduced or

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10267 waived in rural areas of critical economic concern or reduced in
10268 rural areas, brownfield areas, and enterprise zones;
10269 4. Be located in this state; and
10270 5. Provide at least 35 direct, new jobs that pay an
10271 estimated annual average wage that equals at least 130 percent
10272 of the average private sector wage.
10273 (5) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
10274 shall evaluate proposals for all three categories of innovation
10275 incentive awards and transmit recommendations for awards to Jobs
10276 Florida ~~the office~~. Before making its recommendations on
10277 alternative and renewable energy projects, the Jobs Florida
10278 Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall solicit
10279 comments and recommendations from the Florida Energy and Climate
10280 Commission. For each project, the evaluation and recommendation
10281 to Jobs Florida ~~the office~~ must include, but need not be limited
10282 to:
10283 (a) A description of the project, its required facilities,
10284 and the associated product, service, or research and development
10285 associated with the project.
10286 (b) The percentage of match provided for the project.
10287 (c) The number of full-time equivalent jobs that will be
10288 created by the project, the total estimated average annual wages
10289 of such jobs, and the types of business activities and jobs
10290 likely to be stimulated by the project.
10291 (d) The cumulative investment to be dedicated to the
10292 project within 5 years and the total investment expected in the
10293 project if more than 5 years.
10294 (e) The projected economic and fiscal impacts on the local
10295 and state economies relative to investment.

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10296 (f) A statement of any special impacts the project is
10297 expected to stimulate in a particular business sector in the
10298 state or regional economy or in the state's universities and
10299 community colleges.
10300 (g) A statement of any anticipated or proposed
10301 relationships with state universities.
10302 (h) A statement of the role the incentive is expected to
10303 play in the decision of the applicant to locate or expand in
10304 this state.
10305 (i) A recommendation and explanation of the amount of the
10306 award needed to cause the applicant to expand or locate in this
10307 state.
10308 (j) A discussion of the efforts and commitments made by the
10309 local community in which the project is to be located to induce
10310 the applicant's location or expansion, taking into consideration
10311 local resources and abilities.
10312 (k) A recommendation for specific performance criteria the
10313 applicant would be expected to achieve in order to receive
10314 payments from the fund and penalties or sanctions for failure to
10315 meet or maintain performance conditions.
10316 (l) Additional evaluative criteria for a research and
10317 development facility project, including:
10318 1. A description of the extent to which the project has the
10319 potential to serve as catalyst for an emerging or evolving
10320 cluster.
10321 2. A description of the extent to which the project has or
10322 could have a long-term collaborative research and development
10323 relationship with one or more universities or community colleges
10324 in this state.

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10325 3. A description of the existing or projected impact of the
10326 project on established clusters or targeted industry sectors.
10327 4. A description of the project’s contribution to the
10328 diversity and resiliency of the innovation economy of this
10329 state.
10330 5. A description of the project’s impact on special needs
10331 communities, including, but not limited to, rural areas,
10332 distressed urban areas, and enterprise zones.
10333 (m) Additional evaluative criteria for alternative and
10334 renewable energy proposals, including:
10335 1. The availability of matching funds or other in-kind
10336 contributions applied to the total project from an applicant.
10337 The commission shall give greater preference to projects that
10338 provide such matching funds or other in-kind contributions.
10339 2. The degree to which the project stimulates in-state
10340 capital investment and economic development in metropolitan and
10341 rural areas, including the creation of jobs and the future
10342 development of a commercial market for renewable energy
10343 technologies.
10344 3. The extent to which the proposed project has been
10345 demonstrated to be technically feasible based on pilot project
10346 demonstrations, laboratory testing, scientific modeling, or
10347 engineering or chemical theory that supports the proposal.
10348 4. The degree to which the project incorporates an
10349 innovative new technology or an innovative application of an
10350 existing technology.
10351 5. The degree to which a project generates thermal,
10352 mechanical, or electrical energy by means of a renewable energy
10353 resource that has substantial long-term production potential.

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10354 6. The degree to which a project demonstrates efficient use
10355 of energy and material resources.
10356 7. The degree to which the project fosters overall
10357 understanding and appreciation of renewable energy technologies.
10358 8. The ability to administer a complete project.
10359 9. Project duration and timeline for expenditures.
10360 10. The geographic area in which the project is to be
10361 conducted in relation to other projects.
10362 11. The degree of public visibility and interaction.
10363 (6) In consultation with the Jobs Florida Partnership,
10364 Inc., Jobs Florida ~~Enterprise Florida, Inc., the office~~ may
10365 negotiate the proposed amount of an award for any applicant
10366 meeting the requirements of this section. In negotiating such
10367 award, Jobs Florida ~~the office~~ shall consider the amount of the
10368 incentive needed to cause the applicant to locate or expand in
10369 this state in conjunction with other relevant applicant impact
10370 and cost information and analysis as described in this section.
10371 Particular emphasis shall be given to the potential for the
10372 project to stimulate additional private investment and high-
10373 quality employment opportunities in the area.
10374 (7) Upon receipt of the evaluation and recommendation from
10375 the Jobs Florida Partnership, Inc., Jobs Florida ~~Enterprise~~
10376 ~~Florida, Inc., the director~~ shall recommend to the Governor the
10377 approval or disapproval of an award. In recommending approval of
10378 an award, Jobs Florida ~~the director~~ shall include proposed
10379 performance conditions that the applicant must meet in order to
10380 obtain incentive funds and any other conditions that must be met
10381 before the receipt of any incentive funds. The Governor shall
10382 consult with the President of the Senate and the Speaker of the

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10383 House of Representatives before giving approval for an award.
10384 Upon review and approval of an award by the Legislative Budget
10385 Commission, the Executive Office of the Governor shall release
10386 the funds.
10387 (8)(a) After the conditions set forth in subsection (7)
10388 have been met, Jobs Florida ~~the director~~ shall issue a letter
10389 certifying the applicant as qualified for an award. Jobs Florida
10390 ~~the office~~ and the award recipient shall enter into an agreement
10391 that sets forth the conditions for payment of the incentive
10392 funds. The agreement must include, at a minimum:
10393 1. The total amount of funds awarded.
10394 2. The performance conditions that must be met in order to
10395 obtain the award or portions of the award, including, but not
10396 limited to, net new employment in the state, average wage, and
10397 total cumulative investment.
10398 3. Demonstration of a baseline of current service and a
10399 measure of enhanced capability.
10400 4. The methodology for validating performance.
10401 5. The schedule of payments.
10402 6. Sanctions for failure to meet performance conditions,
10403 including any clawback provisions.
10404 (b) Additionally, agreements signed on or after July 1,
10405 2009, must include the following provisions:
10406 1. Notwithstanding subsection (4), a requirement that the
10407 jobs created by the recipient of the incentive funds pay an
10408 annual average wage at least equal to the relevant industry's
10409 annual average wage or at least 130 percent of the average
10410 private sector wage, whichever is greater.
10411 2. A reinvestment requirement. Each recipient of an award

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10412 shall reinvest up to 15 percent of net royalty revenues,
10413 including revenues from spin-off companies and the revenues from
10414 the sale of stock it receives from the licensing or transfer of
10415 inventions, methods, processes, and other patentable discoveries
10416 conceived or reduced to practice using its facilities in Florida
10417 or its Florida-based employees, in whole or in part, and to
10418 which the recipient of the grant becomes entitled during the 20
10419 years following the effective date of its agreement with the
10420 office. Each recipient of an award also shall reinvest up to 15
10421 percent of the gross revenues it receives from naming
10422 opportunities associated with any facility it builds in this
10423 state. Reinvestment payments shall commence no later than 6
10424 months after the recipient of the grant has received the final
10425 disbursement under the contract and shall continue until the
10426 maximum reinvestment, as specified in the contract, has been
10427 paid. Reinvestment payments shall be remitted to Jobs Florida
10428 ~~the office~~ for deposit in the Biomedical Research Trust Fund for
10429 companies specializing in biomedicine or life sciences, or in
10430 the Economic Development Trust Fund for companies specializing
10431 in fields other than biomedicine or the life sciences. If these
10432 trust funds no longer exist at the time of the reinvestment, the
10433 state's share of reinvestment shall be deposited in their
10434 successor trust funds as determined by law. Each recipient of an
10435 award shall annually submit a schedule of the shares of stock
10436 held by it as payment of the royalty required by this paragraph
10437 and report on any trades or activity concerning such stock. Each
10438 recipient's reinvestment obligations survive the expiration or
10439 termination of its agreement with the state.
10440 3. Requirements for the establishment of internship

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10441 programs or other learning opportunities for educators and
10442 secondary, postsecondary, graduate, and doctoral students.
10443 4. A requirement that the recipient submit quarterly
10444 reports and annual reports related to activities and performance
10445 to Jobs Florida ~~the office~~, according to standardized reporting
10446 periods.
10447 5. A requirement for an annual accounting to Jobs Florida
10448 ~~the Office~~ of the expenditure of funds disbursed under this
10449 section.
10450 6. A process for amending the agreement.
10451 (9) Jobs Florida, assisted by the Jobs Florida Partnership
10452 ~~Enterprise Florida~~, Inc., shall validate ~~assist the Office in~~
10453 ~~validating~~ the performance of an innovation business, a research
10454 and development facility, or an alternative and renewable energy
10455 business that has received an award. At the conclusion of the
10456 innovation incentive award agreement, or its earlier
10457 termination, Jobs Florida ~~Enterprise Florida, Inc.,~~ shall,
10458 within 90 days, submit a report to the Governor, the President
10459 of the Senate, and the Speaker of the House of Representatives
10460 detailing whether the recipient of the innovation incentive
10461 grant achieved its specified outcomes.
10462 (11)(a) On January 5 of each year, Jobs Florida ~~Beginning~~
10463 ~~January 5, 2010, and every year thereafter, the office~~ shall
10464 submit to the Governor, the President of the Senate, and the
10465 Speaker of the House of Representatives a report summarizing the
10466 activities and accomplishments of the recipients of grants from
10467 the Innovation Incentive Program during the previous 12 months
10468 and an evaluation ~~by the office~~ of whether the recipients are
10469 catalysts for additional direct and indirect economic

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10470 development in Florida.
10471 (b) Beginning March 1, 2010, and every third year
10472 thereafter, the Office of Program Policy Analysis and Government
10473 Accountability, in consultation with the Auditor General's
10474 Office, shall release a report evaluating the Innovation
10475 Incentive Program's progress toward creating clusters of high-
10476 wage, high-skilled, complementary industries that serve as
10477 catalysts for economic growth specifically in the regions in
10478 which they are located, and generally for the state as a whole.
10479 Such report should include critical analyses of quarterly and
10480 annual reports, annual audits, and other documents prepared by
10481 the Innovation Incentive Program awardees; relevant economic
10482 development reports prepared by Jobs Florida, the Jobs Florida
10483 Partnership ~~the office, Enterprise Florida~~, Inc., and local or
10484 regional economic development organizations; interviews with the
10485 parties involved; and any other relevant data. Such report
10486 should also include legislative recommendations, if necessary,
10487 on how to improve the Innovation Incentive Program so that the
10488 program reaches its anticipated potential as a catalyst for
10489 direct and indirect economic development in this state.
10490 (12) Jobs Florida ~~the office~~ may seek the assistance of the
10491 Office of Program Policy Analysis and Government Accountability,
10492 the Legislature's Office of Economic and Demographic Research,
10493 and other entities for the purpose of developing performance
10494 measures or techniques to quantify the synergistic economic
10495 development impacts that awardees of grants are having within
10496 their communities.
10497 Section 150. Section 288.1095, Florida Statutes, is amended
10498 to read:

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10499 288.1095 Information concerning the One-Stop Permitting
10500 System.—Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
10501 ~~Development~~ shall develop literature that explains the One-Stop
10502 Permitting System and identifies those counties that have been
10503 designated as Quick Permitting Counties. The literature must be
10504 updated at least once each year. To the maximum extent feasible,
10505 state agencies and the Jobs Florida Partnership ~~Enterprise~~
10506 ~~Florida~~, Inc., shall distribute such literature and inform the
10507 public of the One-Stop Permitting System and the Quick
10508 Permitting Counties. In addition, the Jobs Florida Partnership
10509 ~~Enterprise Florida~~, Inc., shall provide this information to
10510 prospective, new, expanding, and relocating businesses seeking
10511 to conduct business in this state, municipalities, counties,
10512 economic-development organizations, and chambers of commerce.
10513 Section 151. Subsections (1) and (2), paragraphs (d) and
10514 (e) of subsection (4), paragraph (a) of subsection (6), and
10515 subsection (8) of section 288.1162, Florida Statutes, are
10516 amended to read:
10517 288.1162 Professional sports franchises; duties.—
10518 (1) The Division of Strategic Business Development of Jobs
10519 Florida ~~Office of Tourism, Trade, and Economic Development~~ shall
10520 serve as the state agency for screening applicants for state
10521 funding under s. 212.20 and for certifying an applicant as a
10522 facility for a new or retained professional sports franchise.
10523 (2) The Division of Strategic Business Development of Jobs
10524 Florida ~~Office of Tourism, Trade, and Economic Development~~ shall
10525 develop rules for the receipt and processing of applications for
10526 funding under s. 212.20.
10527 (4) Before certifying an applicant as a facility for a new

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10528 or retained professional sports franchise, the Division of
10529 Strategic Business Development of Jobs Florida ~~Office of~~
10530 ~~Tourism, Trade, and Economic Development~~ must determine that:
10531 (d) The applicant has projections, verified by the Division
10532 of Strategic Business Development of Jobs Florida ~~Office of~~
10533 ~~Tourism, Trade, and Economic Development~~, which demonstrate that
10534 the new or retained professional sports franchise will attract a
10535 paid attendance of more than 300,000 annually.
10536 (e) The applicant has an independent analysis or study,
10537 verified by the Division of Strategic Business Development of
10538 Jobs Florida ~~Office of Tourism, Trade, and Economic Development~~,
10539 which demonstrates that the amount of the revenues generated by
10540 the taxes imposed under chapter 212 with respect to the use and
10541 operation of the professional sports franchise facility will
10542 equal or exceed $2 million annually.
10543 (6)(a) The Division of Strategic Business Development of
10544 Jobs Florida ~~Office of Tourism, Trade, and Economic Development~~
10545 shall notify the Department of Revenue of any facility certified
10546 as a facility for a new or retained professional sports
10547 franchise. The Division of Strategic Business Development of
10548 Jobs Florida ~~Office of Tourism, Trade, and Economic Development~~
10549 shall certify no more than eight facilities as facilities for a
10550 new professional sports franchise or as facilities for a
10551 retained professional sports franchise, including in the total
10552 any facilities certified by the former Department of Commerce
10553 before July 1, 1996. The division ~~office~~ may make no more than
10554 one certification for any facility.
10555 (8) An applicant is not qualified for certification under
10556 this section if the franchise formed the basis for a previous

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10557 certification, unless the previous certification was withdrawn
10558 by the facility or invalidated by the Division of Strategic
10559 Business Development of Jobs Florida ~~Office of Tourism, Trade,~~
10560 ~~and Economic Development~~ or the former Department of Commerce
10561 before any funds were distributed under s. 212.20. This
10562 subsection does not disqualify an applicant if the previous
10563 certification occurred between May 23, 1993, and May 25, 1993;
10564 however, any funds to be distributed under s. 212.20 for the
10565 second certification shall be offset by the amount distributed
10566 to the previous certified facility. Distribution of funds for
10567 the second certification shall not be made until all amounts
10568 payable for the first certification are distributed.
10569 Section 152. Subsections (1), (2), (4), (5), (6), (7), and
10570 (8) of section 288.11621, Florida Statutes, are amended to read:
10571 288.11621 Spring training baseball franchises.—
10572 (1) DEFINITIONS.—As used in this section, the term:
10573 (a) “Agreement” means a certified, signed lease between an
10574 applicant that applies for certification on or after July 1,
10575 2010, and the spring training franchise for the use of a
10576 facility.
10577 (b) “Applicant” means a unit of local government as defined
10578 in s. 218.369, including local governments located in the same
10579 county that have partnered with a certified applicant before the
10580 effective date of this section or with an applicant for a new
10581 certification, for purposes of sharing in the responsibilities
10582 of a facility.
10583 (c) “Certified applicant” means a facility for a spring
10584 training franchise that was certified before July 1, 2010, under
10585 s. 288.1162(5), Florida Statutes 2009, or a unit of local

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10586 government that is certified under this section.
10587 (d) “Facility” means a spring training stadium, playing
10588 fields, and appurtenances intended to support spring training
10589 activities.
10590 (e) “Local funds” and “local matching funds” mean funds
10591 provided by a county, municipality, or other local government.
10592 ~~(f) “Office” means The Office of Tourism, Trade, and~~
10593 ~~Economic Development~~.
10594 (2) CERTIFICATION PROCESS.—
10595 (a) Before certifying an applicant to receive state funding
10596 for a facility for a spring training franchise, Jobs Florida ~~the~~
10597 ~~Office~~ must verify that:
10598 1. The applicant is responsible for the acquisition,
10599 construction, management, or operation of the facility for a
10600 spring training franchise or holds title to the property on
10601 which the facility for a spring training franchise is located.
10602 2. The applicant has a certified copy of a signed agreement
10603 with a spring training franchise for the use of the facility for
10604 a term of at least 20 years. The agreement also must require the
10605 franchise to reimburse the state for state funds expended by an
10606 applicant under this section if the franchise relocates before
10607 the agreement expires. The agreement may be contingent on an
10608 award of funds under this section and other conditions
10609 precedent.
10610 3. The applicant has made a financial commitment to provide
10611 50 percent or more of the funds required by an agreement for the
10612 acquisition, construction, or renovation of the facility for a
10613 spring training franchise. The commitment may be contingent upon
10614 an award of funds under this section and other conditions

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10615 precedent.
10616 4. The applicant demonstrates that the facility for a
10617 spring training franchise will attract a paid attendance of at
10618 least 50,000 annually to the spring training games.
10619 5. The facility for a spring training franchise is located
10620 in a county that levies a tourist development tax under s.
10621 125.0104.
10622 (b) Jobs Florida ~~The office~~ shall competitively evaluate
10623 applications for state funding of a facility for a spring
10624 training franchise. The total number of certifications may not
10625 exceed 10 at any time. The evaluation criteria must include,
10626 with priority given in descending order to, the following items:
10627 1. The anticipated effect on the economy of the local
10628 community where the spring training facility is to be built,
10629 including projections on paid attendance, local and state tax
10630 collections generated by spring training games, and direct and
10631 indirect job creation resulting from the spring training
10632 activities. Priority shall be given to applicants who can
10633 demonstrate the largest projected economic impact.
10634 2. The amount of the local matching funds committed to a
10635 facility relative to the amount of state funding sought, with
10636 priority given to applicants that commit the largest amount of
10637 local matching funds relative to the amount of state funding
10638 sought.
10639 3. The potential for the facility to serve multiple uses.
10640 4. The intended use of the funds by the applicant, with
10641 priority given to the funds being used to acquire a facility,
10642 construct a new facility, or renovate an existing facility.
10643 5. The length of time that a spring training franchise has

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10644 been under an agreement to conduct spring training activities
10645 within an applicant's geographic location or jurisdiction, with
10646 priority given to applicants having agreements with the same
10647 franchise for the longest period of time.
10648 6. The length of time that an applicant's facility has been
10649 used by one or more spring training franchises, with priority
10650 given to applicants whose facilities have been in continuous use
10651 as facilities for spring training the longest.
10652 7. The term remaining on a lease between an applicant and a
10653 spring training franchise for a facility, with priority given to
10654 applicants having the shortest lease terms remaining.
10655 8. The length of time that a spring training franchise
10656 agrees to use an applicant's facility if an application is
10657 granted under this section, with priority given to applicants
10658 having agreements for the longest future use.
10659 9. The net increase of total active recreation space owned
10660 by the applicant after an acquisition of land for the facility,
10661 with priority given to applicants having the largest percentage
10662 increase of total active recreation space that will be available
10663 for public use.
10664 10. The location of the facility in a brownfield, an
10665 enterprise zone, a community redevelopment area, or other area
10666 of targeted development or revitalization included in an urban
10667 infill redevelopment plan, with priority given to applicants
10668 having facilities located in these areas.
10669 (c) Each applicant certified on or after July 1, 2010,
10670 shall enter into an agreement with Jobs Florida ~~the office~~ that:
10671 1. Specifies the amount of the state incentive funding to
10672 be distributed.

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10673 2. States the criteria that the certified applicant must
10674 meet in order to remain certified.
10675 3. States that the certified applicant is subject to
10676 decertification if the certified applicant fails to comply with
10677 this section or the agreement.
10678 4. States that Jobs Florida ~~the office~~ may recover state
10679 incentive funds if the certified applicant is decertified.
10680 5. Specifies information that the certified applicant must
10681 report to Jobs Florida ~~the office~~.
10682 6. Includes any provision deemed prudent by Jobs Florida
10683 ~~the office~~.
10684 (4) ANNUAL REPORTS.—On or before September 1 of each year,
10685 a certified applicant shall submit to Jobs Florida ~~the office~~ a
10686 report that includes, but is not limited to:
10687 (a) A copy of its most recent annual audit.
10688 (b) A detailed report on all local and state funds expended
10689 to date on the project being financed under this section.
10690 (c) A copy of the contract between the certified local
10691 governmental entity and the spring training team.
10692 (d) A cost-benefit analysis of the team's impact on the
10693 community.
10694 (e) Evidence that the certified applicant continues to meet
10695 the criteria in effect when the applicant was certified.
10696 (5) DECERTIFICATION.—
10697 (a) Jobs Florida ~~The office~~ shall decertify a certified
10698 applicant upon the request of the certified applicant.
10699 (b) Jobs Florida ~~The office~~ shall decertify a certified
10700 applicant if the certified applicant does not:
10701 1. Have a valid agreement with a spring training franchise;

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10702 or
10703 2. Satisfy its commitment to provide local matching funds
10704 to the facility.
10705
10706 However, decertification proceedings against a local government
10707 certified before July 1, 2010, shall be delayed until 12 months
10708 after the expiration of the local government's existing
10709 agreement with a spring training franchise, and without a new
10710 agreement being signed, if the certified local government can
10711 demonstrate to Jobs Florida ~~the office~~ that it is in active
10712 negotiations with a major league spring training franchise,
10713 other than the franchise that was the basis for the original
10714 certification.
10715 (c) A certified applicant has 60 days after it receives a
10716 notice of intent to decertify from Jobs Florida ~~the office~~ to
10717 petition ~~the office's director~~ for review of the
10718 decertification. Within 45 days after receipt of the request for
10719 review, Jobs Florida ~~the director~~ must notify a certified
10720 applicant of the outcome of the review.
10721 (d) Jobs Florida ~~the office~~ shall notify the Department of
10722 Revenue that a certified applicant is decertified within 10 days
10723 after the order of decertification becomes final. The Department
10724 of Revenue shall immediately stop the payment of any funds under
10725 this section that were not encumbered by the certified applicant
10726 under subparagraph (3)(a)2.
10727 (e) Jobs Florida ~~the office~~ shall order a decertified
10728 applicant to repay all of the unencumbered state funds that the
10729 local government received under this section and any interest
10730 that accrued on those funds. The repayment must be made within

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10731 60 days after the decertification order becomes final. These
10732 funds shall be deposited into the General Revenue Fund.
10733 (f) A local government as defined in s. 218.369 may not be
10734 decertified by Jobs Florida if it has paid or pledged for the
10735 payment of debt service on, or to fund debt service reserve
10736 funds, arbitrage rebate obligations, or other amounts payable
10737 with respect thereto, bonds issued for the acquisition,
10738 construction, reconstruction, or renovation of the facility for
10739 which the local government was certified, or for the
10740 reimbursement of such costs or the refinancing of bonds issued
10741 for the acquisition, construction, reconstruction, or renovation
10742 of the facility for which the local government was certified, or
10743 for the reimbursement of such costs or the refinancing of bonds
10744 issued for such purpose. This subsection does not preclude or
10745 restrict the ability of a certified local government to
10746 refinance, refund, or defease such bonds.
10747 (6) ADDITIONAL CERTIFICATIONS.—If Jobs Florida ~~the office~~
10748 decertifies a unit of local government, Jobs Florida ~~the office~~
10749 may accept applications for an additional certification. A unit
10750 of local government may not be certified for more than one
10751 spring training franchise at any time.
10752 (7) STRATEGIC PLANNING.—
10753 (a) Jobs Florida ~~The office~~ shall request assistance from
10754 the Jobs Florida Partnership, Inc., ~~Florida Sports Foundation~~
10755 and the Florida Grapefruit League Association to update every 5
10756 years the spring training ~~develop a~~ comprehensive strategic plan
10757 that ~~to~~:
10758 1. Explores alternatives for financing ~~Finance~~ spring
10759 training facilities.

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10760 2. Evaluates and monitors ~~Monitor and oversee~~ the use of
10761 state funds awarded to applicants.
10762 3. Identifies ~~Identify~~ the financial impact that spring
10763 training has on the state and ways in which to maintain or
10764 improve that impact.
10765 4. Identifies ~~Identify~~ opportunities to develop public-
10766 private partnerships to engage in marketing activities and
10767 advertise spring training baseball.
10768 5. Identifies ~~Identify~~ efforts made by other states to
10769 maintain or develop partnerships with baseball spring training
10770 teams.
10771 6. Develops ~~Develop~~ recommendations for the Legislature to
10772 sustain or improve this state's spring training tradition.
10773 (b) Jobs Florida ~~The office~~ shall submit a copy of the
10774 updated strategic plan to the Governor, the President of the
10775 Senate, and the Speaker of the House of Representatives by
10776 December 31 of every fifth year, beginning in 2015~~, 2010~~.
10777 (8) RULEMAKING.—Jobs Florida ~~The office~~ shall adopt rules
10778 to implement the certification, decertification, and
10779 decertification review processes required by this section.
10780 Section 153. Subsections (1), (2), and (4) of section
10781 288.1168, Florida Statutes, are amended to read:
10782 288.1168 Professional golf hall of fame facility.—
10783 (1) The Division of Strategic Business Development of Jobs
10784 Florida ~~Department of Commerce~~ shall serve as the state agency
10785 for screening applicants for state funding pursuant to s. 212.20
10786 and for certifying one applicant as the professional golf hall
10787 of fame facility in the state.
10788 (2) Prior to certifying the professional golf hall of fame

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10789 facility, the Division of Strategic Business Development of Jobs
10790 Florida ~~Department of Commerce~~ must determine that:
10791 (a) The professional golf hall of fame facility is the only
10792 professional golf hall of fame in the United States recognized
10793 by the PGA Tour, Inc.
10794 (b) The applicant is a unit of local government as defined
10795 in s. 218.369 or a private sector group that has contracted to
10796 construct or operate the professional golf hall of fame facility
10797 on land owned by a unit of local government.
10798 (c) The municipality in which the professional golf hall of
10799 fame facility is located, or the county if the facility is
10800 located in an unincorporated area, has certified by resolution
10801 after a public hearing that the application serves a public
10802 purpose.
10803 (d) There are existing projections that the professional
10804 golf hall of fame facility will attract a paid attendance of
10805 more than 300,000 annually.
10806 (e) There is an independent analysis or study, using
10807 methodology approved by the division ~~department~~, which
10808 demonstrates that the amount of the revenues generated by the
10809 taxes imposed under chapter 212 with respect to the use and
10810 operation of the professional golf hall of fame facility will
10811 equal or exceed $2 million annually.
10812 (f) The applicant has submitted an agreement to provide $2
10813 million annually in national and international media promotion
10814 of the professional golf hall of fame facility, Florida, and
10815 Florida tourism, through the PGA Tour, Inc., or its affiliates,
10816 at the then-current commercial rate, during the period of time
10817 that the facility receives funds pursuant to s. 212.20. The Jobs

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10818 Florida Partnership, Inc., ~~Office of Tourism, Trade, and~~
10819 ~~Economic Development~~ and the PGA Tour, Inc., or its affiliates,
10820 must agree annually on a reasonable percentage of advertising
10821 specifically allocated for generic Florida advertising. The Jobs
10822 Florida Partnership, Inc., ~~Office of Tourism, Trade, and~~
10823 ~~Economic Development~~ shall have final approval of all generic
10824 advertising. Failure on the part of the PGA Tour, Inc., or its
10825 affiliates to annually provide the advertising as provided in
10826 this paragraph or subsection (6) shall result in the termination
10827 of funding as provided in s. 212.20.
10828 (g) Documentation exists that demonstrates that the
10829 applicant has provided, is capable of providing, or has
10830 financial or other commitments to provide more than one-half of
10831 the costs incurred or related to the improvement and development
10832 of the facility.
10833 (h) The application is signed by an official senior
10834 executive of the applicant and is notarized according to Florida
10835 law providing for penalties for falsification.
10836 (4) Upon determining that an applicant is or is not
10837 certifiable, the Division of Strategic Business Development of
10838 Jobs Florida ~~Secretary of Commerce~~ shall notify the applicant of
10839 his or her status by means of an official letter. If
10840 certifiable, the division ~~secretary~~ shall notify the executive
10841 director of the Department of Revenue and the applicant of such
10842 certification by means of an official letter granting
10843 certification. From the date of such certification, the
10844 applicant shall have 5 years to open the professional golf hall
10845 of fame facility to the public and notify the division ~~Office of~~
10846 ~~Tourism, Trade, and Economic Development~~ of such opening. The

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10847 Department of Revenue shall not begin distributing funds until
10848 30 days following notice by the division ~~Office of Tourism,~~
10849 ~~Trade, and Economic Development~~ that the professional golf hall
10850 of fame facility is open to the public.
10851 Section 154. Section 288.1169, Florida Statutes, is amended
10852 to read:
10853 288.1169 International Game Fish Association World Center
10854 facility.—
10855 (1) The Division of Strategic Business Development of Jobs
10856 Florida ~~Department of Commerce~~ shall serve as the state agency
10857 approving applicants for funding pursuant to s. 212.20 and for
10858 certifying the applicant as the International Game Fish
10859 Association World Center facility. For purposes of this section,
10860 "facility" means the International Game Fish Association World
10861 Center, and "project" means the International Game Fish
10862 Association World Center and new colocated improvements by
10863 private sector concerns who have made cash or in-kind
10864 contributions to the facility of $1 million or more.
10865 (2) Prior to certifying this facility, the division
10866 ~~department~~ must determine that:
10867 (a) The International Game Fish Association World Center is
10868 the only fishing museum, Hall of Fame, and international
10869 administrative headquarters in the United States recognized by
10870 the International Game Fish Association, and that one or more
10871 private sector concerns have committed to donate to the
10872 International Game Fish Association land upon which the
10873 International Game Fish Association World Center will operate.
10874 (b) International Game Fish Association is a not-for-profit
10875 Florida corporation that has contracted to construct and operate

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10876 the facility.
10877 (c) The municipality in which the facility is located, or
10878 the county if the facility is located in an unincorporated area,
10879 has certified by resolution after a public hearing that the
10880 facility serves a public purpose.
10881 (d) There are existing projections that the International
10882 Game Fish Association World Center facility and the colocated
10883 facilities of private sector concerns will attract an attendance
10884 of more than 1.8 million annually.
10885 (e) There is an independent analysis or study, using
10886 methodology approved by the division ~~department~~, which
10887 demonstrates that the amount of the revenues generated by the
10888 taxes imposed under chapter 212 with respect to the use and
10889 operation of the project will exceed $1 million annually.
10890 (f) There are existing projections that the project will
10891 attract more than 300,000 persons annually who are not residents
10892 of the state.
10893 (g) The applicant has submitted an agreement to provide
10894 $500,000 annually in national and international media promotion
10895 of the facility, at the then-current commercial rates, during
10896 the period of time that the facility receives funds pursuant to
10897 s. 212.20. Failure on the part of the applicant to annually
10898 provide the advertising as provided in this paragraph shall
10899 result in the termination of the funding as provided in s.
10900 212.20. The applicant can discharge its obligation under this
10901 paragraph by contracting with other persons, including private
10902 sector concerns who participate in the project.
10903 (h) Documentation exists that demonstrates that the
10904 applicant has provided, and is capable of providing, or has

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10905 financial or other commitments to provide, more than one-half of
10906 the cost incurred or related to the improvements and the
10907 development of the facility.
10908 (i) The application is signed by senior officials of the
10909 International Game Fish Association and is notarized according
10910 to Florida law providing for penalties for falsification.
10911 (3) The applicant may use funds provided pursuant to s.
10912 212.20 for the purpose of paying for the construction,
10913 reconstruction, renovation, promotion, or operation of the
10914 facility, or to pay or pledge for payment of debt service on, or
10915 to fund debt service reserve funds, arbitrage rebate
10916 obligations, or other amounts payable with respect to, bonds
10917 issued for the construction, reconstruction, or renovation of
10918 the facility or for the reimbursement of such costs or by
10919 refinancing of bonds issued for such purposes.
10920 (4) Upon determining that an applicant is or is not
10921 certifiable, the Division of Strategic Business Development of
10922 Jobs Florida ~~Department of Commerce~~ shall notify the applicant
10923 of its status by means of an official letter. If certifiable,
10924 the division ~~Department of Commerce~~ shall notify the executive
10925 director of the Department of Revenue and the applicant of such
10926 certification by means of an official letter granting
10927 certification. From the date of such certification, the
10928 applicant shall have 5 years to open the facility to the public
10929 and notify the division ~~Department of Commerce~~ of such opening.
10930 The Department of Revenue shall not begin distributing funds
10931 until 30 days following notice by the division ~~Department of~~
10932 ~~Commerce~~ that the facility is open to the public.
10933 (5) The Department of Revenue may audit as provided in s.

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10934 213.34 to verify that the contributions pursuant to this section
10935 have been expended as required by this section.
10936 (6) The Division of Strategic Business Development of Jobs
10937 Florida ~~Department of Commerce~~ must recertify every 10 years
10938 that the facility is open, that the International Game Fish
10939 Association World Center continues to be the only international
10940 administrative headquarters, fishing museum, and Hall of Fame in
10941 the United States recognized by the International Game Fish
10942 Association, and that the project is meeting the minimum
10943 projections for attendance or sales tax revenues as required at
10944 the time of original certification. If the facility is not
10945 recertified during this 10-year review as meeting the minimum
10946 projections, then funding shall be abated until certification
10947 criteria are met. If the project fails to generate $1 million of
10948 annual revenues pursuant to paragraph (2)(e), the distribution
10949 of revenues pursuant to s. 212.20(6)(d)6.d. shall be reduced to
10950 an amount equal to $83,333 multiplied by a fraction, the
10951 numerator of which is the actual revenues generated and the
10952 denominator of which is $1 million. Such reduction remains in
10953 effect until revenues generated by the project in a 12-month
10954 period equal or exceed $1 million.
10955 Section 155. Paragraph (d) of subsection (1), and
10956 subsections (2) and (3) of section 288.1171, Florida Statutes,
10957 are amended, and present paragraphs (e) through (g) of
10958 subsection (1) are redesignated as paragraphs (d) through (f),
10959 respectively, to read:
10960 288.1171 Motorsports entertainment complex; definitions;
10961 certification; duties.—
10962 (1) As used in this section, the term:

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10963 ~~(d) "Office" means The Office of Tourism, Trade, and~~
10964 ~~Economic Development of the Executive Office of the Governor.~~
10965 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
10966 ~~Development~~ shall serve as the state agency for screening
10967 applicants for local option funding under s. 218.64(3) and for
10968 certifying an applicant as a motorsports entertainment complex.
10969 Jobs Florida ~~The Office~~ shall develop and adopt rules for the
10970 receipt and processing of applications for funding under s.
10971 218.64(3). Jobs Florida ~~The Office~~ shall make a determination
10972 regarding any application filed by an applicant not later than
10973 120 days after the application is filed.
10974 (3) Before certifying an applicant as a motorsports
10975 entertainment complex, Jobs Florida ~~the Office~~ must determine
10976 that:
10977 (a) A unit of local government holds title to the land on
10978 which the motorsports entertainment complex is located or holds
10979 title to the motorsports entertainment complex.
10980 (b) The municipality in which the motorsports entertainment
10981 complex is located, or the county if the motorsports
10982 entertainment complex is located in an unincorporated area, has
10983 certified by resolution after a public hearing that the
10984 application serves a public purpose.
10985 Section 156. Section 288.122, Florida Statutes, is amended
10986 to read:
10987 288.122 Tourism Promotional Trust Fund.—There is created
10988 within Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
10989 ~~Development of the Executive Office of the Governor~~ the Tourism
10990 Promotional Trust Fund. Moneys deposited in the Tourism
10991 Promotional Trust Fund shall only be used to support the

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10992 authorized activities and operations ~~of the Florida Commission~~
10993 ~~on Tourism,~~ and ~~to support~~ tourism promotion and marketing
10994 activities, services, functions, and programs administered by
10995 the Jobs Florida Partnership, Inc., ~~Florida Commission on~~
10996 ~~Tourism~~ through a contract with Jobs Florida ~~the commission's~~
10997 ~~direct-support organization created under s. 288.1226~~.
10998 Section 157. Section 288.12265, Florida Statutes, is
10999 amended to read:
11000 288.12265 Welcome centers.—
11001 (1) Responsibility for the welcome centers is assigned to
11002 the Jobs Florida Partnership, Inc., ~~Florida Commission on~~
11003 ~~Tourism~~ which shall ~~contract with the commission's direct-~~
11004 ~~support organization to~~ employ all welcome center staff.
11005 (2) The Jobs Florida Partnership, Inc., ~~Florida Commission~~
11006 ~~on Tourism, through its direct-support organization,~~ shall
11007 administer and operate the welcome centers. Pursuant to a
11008 contract with the Department of Transportation, the Jobs Florida
11009 Partnership, Inc., ~~commission~~ shall be responsible for routine
11010 repair, replacement, or improvement and the day-to-day
11011 management of interior areas occupied by the welcome centers.
11012 All other repairs, replacements, or improvements to the welcome
11013 centers shall be the responsibility of the Department of
11014 Transportation.
11015 Section 158. Section 288.124, Florida Statutes, is amended
11016 to read:
11017 288.124 Convention grants program.—The Jobs Florida
11018 Partnership, Inc., ~~Commission on Tourism~~ is authorized to
11019 establish a convention grants program and, pursuant thereto, to
11020 recommend to Jobs Florida ~~The Office of Tourism, Trade, and~~

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11021 ~~Economic Development~~ expenditures and contracts with local
11022 governments and nonprofit corporations or organizations for the
11023 purpose of attracting national conferences and conventions to
11024 Florida. Preference shall be given to local governments and
11025 nonprofit corporations or organizations seeking to attract
11026 minority conventions to Florida. Minority conventions are events
11027 that primarily involve minority persons, as defined in s.
11028 288.703, who are residents or nonresidents of the state. The
11029 commission shall establish guidelines governing the award of
11030 grants and the administration of this program. Jobs Florida ~~The~~
11031 ~~Office of Tourism, Trade, and Economic Development~~ has final
11032 approval authority for any grants under this section. The total
11033 annual allocation of funds for this program shall not exceed
11034 $40,000.
11035 Section 159. Subsection (1) of section 288.1251, Florida
11036 Statutes, is amended to read:
11037 288.1251 Promotion and development of entertainment
11038 industry; Office of Film and Entertainment; creation; purpose;
11039 powers and duties.—
11040 (1) CREATION.—
11041 (a) There is hereby created within Jobs Florida ~~The Office~~
11042 ~~of Tourism, Trade, and Economic Development~~ the Office of Film
11043 and Entertainment for the purpose of developing, marketing,
11044 promoting, and providing services to the state's entertainment
11045 industry.
11046 (b) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11047 ~~Development~~ shall conduct a national search for a qualified
11048 person to fill the position of Commissioner of Film and
11049 Entertainment when the position is vacant. The commissioner of

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11050 Jobs Florida ~~Executive Director of the Office of Tourism, Trade,~~
11051 ~~and Economic Development~~ has the responsibility to hire the film
11052 commissioner. Qualifications for the film commissioner include,
11053 but are not limited to, the following:
11054 1. A working knowledge of the equipment, personnel,
11055 financial, and day-to-day production operations of the
11056 industries to be served by the Office of Film and Entertainment;
11057 2. Marketing and promotion experience related to the film
11058 and entertainment industries to be served;
11059 3. Experience working with a variety of individuals
11060 representing large and small entertainment-related businesses,
11061 industry associations, local community entertainment industry
11062 liaisons, and labor organizations; and
11063 4. Experience working with a variety of state and local
11064 governmental agencies.
11065 Section 160. Subsections (1) and (2), paragraph (e) of
11066 subsection (3), and paragraphs (d), (f), (g), and (h) of
11067 subsection (5) of section 288.1252, Florida Statutes, are
11068 amended to read:
11069 288.1252 Florida Film and Entertainment Advisory Council;
11070 creation; purpose; membership; powers and duties.—
11071 (1) CREATION.—There is hereby created within Jobs Florida
11072 ~~The Office of Tourism, Trade, and Economic Development of the~~
11073 ~~Executive Office of the Governor~~, for administrative purposes
11074 only, the Florida Film and Entertainment Advisory Council.
11075 (2) PURPOSE.—The purpose of the council shall be to serve
11076 as an advisory body to Jobs Florida ~~The Office of Tourism,~~
11077 ~~Trade, and Economic Development~~ and to the Office of Film and
11078 Entertainment to provide these offices with industry insight and

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11079 expertise related to developing, marketing, promoting, and
11080 providing service to the state's entertainment industry.
11081 (3) MEMBERSHIP.—
11082 (e) A representative of the Jobs Florida Partnership,
11083 Inc., and ~~Enterprise Florida, Inc.,~~ a representative of
11084 Workforce Florida, Inc., ~~and a representative of VISIT Florida~~
11085 shall serve as ex officio, nonvoting members of the council, and
11086 shall be in addition to the 17 appointed members of the council.
11087 (5) POWERS AND DUTIES.—The Florida Film and Entertainment
11088 Advisory Council shall have all the powers necessary or
11089 convenient to carry out and effectuate the purposes and
11090 provisions of this act, including, but not limited to, the power
11091 to:
11092 (d) Consider and study the needs of the entertainment
11093 industry for the purpose of advising the film commissioner and
11094 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11095 ~~Development~~.
11096 (f) Consider all matters submitted to it by the film
11097 commissioner and Jobs Florida ~~the Office of Tourism, Trade, and~~
11098 ~~Economic Development~~.
11099 (g) Advise and consult with the film commissioner and Jobs
11100 Florida ~~The Office of Tourism, Trade, and Economic Development~~,
11101 at their request or upon its own initiative, regarding the
11102 promulgation, administration, and enforcement of all laws and
11103 rules relating to the entertainment industry.
11104 (h) Suggest policies and practices for the conduct of
11105 business by the Office of Film and Entertainment or by Jobs
11106 Florida ~~The Office of Tourism, Trade, and Economic Development~~
11107 that will improve internal operations affecting the

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11108 entertainment industry and will enhance the economic development
11109 initiatives of the state for the industry.
11110 Section 161. Subsections (1), (2), (3), and (4) of section
11111 288.1253, Florida Statutes, are amended to read:
11112 288.1253 Travel and entertainment expenses.—
11113 (1) As used in this section, the term “travel expenses”
11114 means the actual, necessary, and reasonable costs of
11115 transportation, meals, lodging, and incidental expenses normally
11116 incurred by an employee of the Office of Film and Entertainment,
11117 which costs are defined and prescribed by rules adopted by Jobs
11118 Florida ~~The Office of Tourism, Trade, and Economic Development~~,
11119 subject to approval by the Chief Financial Officer.
11120 (2) Notwithstanding the provisions of s. 112.061, Jobs
11121 Florida ~~The Office of Tourism, Trade, and Economic Development~~
11122 shall adopt rules by which it may make expenditures by
11123 reimbursement to: the Governor, the Lieutenant Governor,
11124 security staff of the Governor or Lieutenant Governor, the
11125 Commissioner of Film and Entertainment, or staff of the Office
11126 of Film and Entertainment for travel expenses or entertainment
11127 expenses incurred by such individuals solely and exclusively in
11128 connection with the performance of the statutory duties of the
11129 Office of Film and Entertainment. The rules are subject to
11130 approval by the Chief Financial Officer before adoption. The
11131 rules shall require the submission of paid receipts, or other
11132 proof of expenditure prescribed by the Chief Financial Officer,
11133 with any claim for reimbursement.
11134 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11135 ~~Development~~ shall prepare an annual report of the expenditures
11136 of the Office of Film and Entertainment and provide such report

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11137 to the Legislature no later than December 30 of each year for
11138 the expenditures of the previous fiscal year. The report shall
11139 consist of a summary of all travel, entertainment, and
11140 incidental expenses incurred within the United States and all
11141 travel, entertainment, and incidental expenses incurred outside
11142 the United States, as well as a summary of all successful
11143 projects that developed from such travel.
11144 (4) The Office of Film and Entertainment and its employees
11145 and representatives, when authorized, may accept and use
11146 complimentary travel, accommodations, meeting space, meals,
11147 equipment, transportation, and any other goods or services
11148 necessary for or beneficial to the performance of the office's
11149 duties and purposes, so long as such acceptance or use is not in
11150 conflict with part III of chapter 112. Jobs Florida ~~The Office~~
11151 ~~of Tourism, Trade, and Economic Development~~ shall, by rule,
11152 develop internal controls to ensure that such goods or services
11153 accepted or used pursuant to this subsection are limited to
11154 those that will assist solely and exclusively in the furtherance
11155 of the office's goals and are in compliance with part III of
11156 chapter 112.
11157 Section 162. Paragraph (a) of subsection (1), paragraphs
11158 (d), (f), and (g) of subsection (3), paragraphs (c) and (d) of
11159 subsection (4), paragraph (a) of subsection (5), and paragraph
11160 (b) of subsection (9) of section 288.1254, Florida Statutes, are
11161 amended to read:
11162 288.1254 Entertainment industry financial incentive
11163 program.—
11164 (1) DEFINITIONS.—As used in this section, the term:
11165 (a) "Certified production" means a qualified production

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11166 that has tax credits allocated to it by Jobs Florida ~~the Office~~
11167 ~~of Tourism, Trade, and Economic Development~~ based on the
11168 production's estimated qualified expenditures, up to the
11169 production's maximum certified amount of tax credits, by Jobs
11170 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
11171 The term does not include a production if its first day of
11172 principal photography or project start date in this state occurs
11173 before the production is certified by Jobs Florida ~~The Office of~~
11174 ~~Tourism, Trade, and Economic Development~~, unless the production
11175 spans more than 1 fiscal year, was a certified production on its
11176 first day of principal photography or project start date in this
11177 state, and submits an application for continuing the same
11178 production for the subsequent fiscal year.
11179 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—
11180 (d) *Certification.*—The Office of Film and Entertainment
11181 shall review the application within 15 business days after
11182 receipt. Upon its determination that the application contains
11183 all the information required by this subsection and meets the
11184 criteria set out in this section, the Office of Film and
11185 Entertainment shall qualify the applicant and recommend to Jobs
11186 Florida ~~the Office of Tourism, Trade, and Economic Development~~
11187 that the applicant be certified for the maximum tax credit award
11188 amount. Within 5 business days after receipt of the
11189 recommendation, Jobs Florida ~~the Office of Tourism, Trade, and~~
11190 ~~Economic Development~~ shall reject the recommendation or certify
11191 the maximum recommended tax credit award, if any, to the
11192 applicant and to the executive director of the Department of
11193 Revenue.
11194 (f) *Verification of actual qualified expenditures.*—

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11195 1. The Office of Film and Entertainment shall develop a
11196 process to verify the actual qualified expenditures of a
11197 certified production. The process must require:
11198 a. A certified production to submit, in a timely manner
11199 after production ends in this state and after making all of its
11200 qualified expenditures in this state, data substantiating each
11201 qualified expenditure, including documentation on the net
11202 expenditure on equipment and other tangible personal property by
11203 the qualified production, to an independent certified public
11204 accountant licensed in this state;
11205 b. Such accountant to conduct a compliance audit, at the
11206 certified production's expense, to substantiate each qualified
11207 expenditure and submit the results as a report, along with the
11208 required substantiating data, to the Office of Film and
11209 Entertainment; and
11210 c. The Office of Film and Entertainment to review the
11211 accountant's submittal and report to Jobs Florida ~~the Office of~~
11212 ~~Tourism, Trade, and Economic Development~~ the final verified
11213 amount of actual qualified expenditures made by the certified
11214 production.
11215 2. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11216 ~~Development~~ shall determine and approve the final tax credit
11217 award amount to each certified applicant based on the final
11218 verified amount of actual qualified expenditures and shall
11219 notify the executive director of the Department of Revenue in
11220 writing that the certified production has met the requirements
11221 of the incentive program and of the final amount of the tax
11222 credit award. The final tax credit award amount may not exceed
11223 the maximum tax credit award amount certified under paragraph

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11224 (d).
11225 (g) *Promoting Florida.*—The Office of Film and Entertainment
11226 shall ensure that, as a condition of receiving a tax credit
11227 under this section, marketing materials promoting this state as
11228 a tourist destination or film and entertainment production
11229 destination are included, when appropriate, at no cost to the
11230 state, which must, at a minimum, include placement of a "Filmed
11231 in Florida" or "Produced in Florida" logo in the end credits.
11232 The placement of a "Filmed in Florida" or "Produced in Florida"
11233 logo on all packaging material and hard media is also required,
11234 unless such placement is prohibited by licensing or other
11235 contractual obligations. The size and placement of such logo
11236 shall be commensurate to other logos used. If no logos are used,
11237 the statement "Filmed in Florida using Florida's Entertainment
11238 Industry Financial Incentive," or a similar statement approved
11239 by the Office of Film and Entertainment, shall be used. The
11240 Office of Film and Entertainment shall provide a logo and supply
11241 it for the purposes specified in this paragraph. A 30-second
11242 "Visit Florida" promotional video must also be included on all
11243 optical disc formats of a film, unless such placement is
11244 prohibited by licensing or other contractual obligations. The
11245 30-second promotional video shall be approved and provided by
11246 the Jobs Florida Partnership, Inc., ~~Florida Tourism Industry~~
11247 ~~Marketing Corporation~~ in consultation with the Commissioner of
11248 Film and Entertainment.
11249 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
11250 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
11251 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
11252 ACQUISITIONS.—

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11253 (c) *Withdrawal of tax credit eligibility.*—A qualified or
11254 certified production must continue on a reasonable schedule,
11255 which includes beginning principal photography or the production
11256 project in this state no more than 45 calendar days before or
11257 after the principal photography or project start date provided
11258 in the production's program application. Jobs Florida ~~The Office~~
11259 ~~of Tourism, Trade, and Economic Development~~ shall withdraw the
11260 eligibility of a qualified or certified production that does not
11261 continue on a reasonable schedule.
11262 (d) *Election and distribution of tax credits.*—
11263 1. A certified production company receiving a tax credit
11264 award under this section shall, at the time the credit is
11265 awarded by Jobs Florida ~~the Office of Tourism, Trade, and~~
11266 ~~Economic Development~~ after production is completed and all
11267 requirements to receive a credit award have been met, make an
11268 irrevocable election to apply the credit against taxes due under
11269 chapter 220, against state taxes collected or accrued under
11270 chapter 212, or against a stated combination of the two taxes.
11271 The election is binding upon any distributee, successor,
11272 transferee, or purchaser. Jobs Florida ~~the Office of Tourism,~~
11273 ~~Trade, and Economic Development~~ shall notify the Department of
11274 Revenue of any election made pursuant to this paragraph.
11275 2. A qualified production company is eligible for tax
11276 credits against its sales and use tax liabilities and corporate
11277 income tax liabilities as provided in this section. However, tax
11278 credits awarded under this section may not be claimed against
11279 sales and use tax liabilities or corporate income tax
11280 liabilities for any tax period beginning before July 1, 2011,
11281 regardless of when the credits are applied for or awarded.

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11282 (5) TRANSFER OF TAX CREDITS.—
11283 (a) *Authorization.*—Upon application to the Office of Film
11284 and Entertainment and approval by Jobs Florida ~~the Office of~~
11285 ~~Tourism, Trade, and Economic Development~~, a certified production
11286 company, or a partner or member that has received a distribution
11287 under paragraph (4)(g), may elect to transfer, in whole or in
11288 part, any unused credit amount granted under this section. An
11289 election to transfer any unused tax credit amount under chapter
11290 212 or chapter 220 must be made no later than 5 years after the
11291 date the credit is awarded, after which period the credit
11292 expires and may not be used. Jobs Florida ~~The Office of Tourism,~~
11293 ~~Trade, and Economic Development~~ shall notify the Department of
11294 Revenue of the election and transfer.
11295 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
11296 CREDITS; FRAUDULENT CLAIMS.—
11297 (b) *Revocation of tax credits.*—Jobs Florida ~~The Office of~~
11298 ~~Tourism, Trade, and Economic Development~~ may revoke or modify
11299 any written decision qualifying, certifying, or otherwise
11300 granting eligibility for tax credits under this section if it is
11301 discovered that the tax credit applicant submitted any false
11302 statement, representation, or certification in any application,
11303 record, report, plan, or other document filed in an attempt to
11304 receive tax credits under this section. Jobs Florida ~~The Office~~
11305 ~~of Tourism, Trade, and Economic Development~~ shall immediately
11306 notify the Department of Revenue of any revoked or modified
11307 orders affecting previously granted tax credits. Additionally,
11308 the applicant must notify the Department of Revenue of any
11309 change in its tax credit claimed.
11310 Section 163. Section 288.386, Florida Statutes, is amended

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11311 to read:
11312 288.386 Florida-Caribbean Basin Trade Initiative.—
11313 (1) Contingent upon a specific appropriation, the Seaport
11314 Employment Training Grant Program (STEP) shall establish and
11315 administer the Florida-Caribbean Basin Trade Initiative for the
11316 purpose of assisting small and medium-sized businesses to become
11317 involved in international activities and helping them to
11318 identify markets with product demand, identify strategic
11319 alliances in those markets, and obtain the financing to
11320 effectuate trade opportunities in the Caribbean Basin. The
11321 initiative must focus assistance to businesses located in urban
11322 communities. The initiative shall offer export readiness,
11323 assistance and referral services, internships, seminars,
11324 workshops, conferences, and e-commerce plus mentoring and
11325 matchmaking services, but shall coordinate with and not
11326 duplicate those services provided by the Jobs Florida
11327 Partnership ~~Enterprise Florida~~, Inc.
11328 (2) To enhance initiative effectiveness and leverage
11329 resources, STEP shall coordinate initiative activities with the
11330 Jobs Florida Partnership ~~Enterprise Florida~~, Inc., United States
11331 Export Assistance Centers, Florida Export Finance Corporation,
11332 Florida Trade Data Center, Small Business Development Centers,
11333 and any other organizations STEP deems appropriate. The
11334 coordination may encompass export assistance and referral
11335 services, export financing, job-training programs, educational
11336 programs, market research and development, market promotion,
11337 trade missions, e-commerce, and mentoring and matchmaking
11338 services relative to the expansion of trade between Florida and
11339 the Caribbean Basin. The initiative shall also form alliances

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11340 with multilateral, international, and domestic funding programs
11341 from Florida, the United States, and the Caribbean Basin to
11342 coordinate systems and programs for fundamental assistance in
11343 facilitating trade and investment.
11344 (3) STEP shall administer the Florida-Caribbean Basin Trade
11345 Initiative pursuant to a performance-based contract with Jobs
11346 Florida, which ~~the Office of Tourism, Trade, and Economic~~
11347 ~~Development. The Office of Tourism, Trade, and Economic~~
11348 ~~Development~~ shall develop performance measures, standards, and
11349 sanctions for the initiative. Performance measures must include,
11350 but are not limited to, the number of businesses assisted; the
11351 number of urban businesses assisted; and the increase in value
11352 of exports to the Caribbean which is attributable to the
11353 initiative.
11354 Section 164. Section 288.7011, Florida Statutes, is amended
11355 to read:
11356 288.7011 Assistance to certified development corporation.—
11357 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11358 ~~Development~~ is authorized to enter into contracts with a
11359 nonprofit, statewide development corporation certified pursuant
11360 to s. 503 of the Small Business Investment Act of 1958, as
11361 amended, to permit such corporation to locate and contract for
11362 administrative and technical staff assistance and support,
11363 including, without limitation, assistance to the development
11364 corporation in the packaging and servicing of loans for the
11365 purpose of stimulating and expanding the availability of private
11366 equity capital and long-term loans to small businesses. Such
11367 assistance and support will cease when the corporation has
11368 received state support in an amount the equivalent of $250,000

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11369 per year over a 5-year period beginning July 1, 1997. Any
11370 contract between Jobs Florida ~~the Office~~ and such corporation
11371 shall specify that the records of the corporation must be
11372 available for audit by Jobs Florida ~~the Office~~ and by the
11373 Auditor General.
11374 Section 165. Section 288.7015, Florida Statutes, is amended
11375 to read:
11376 288.7015 Appointment of rules ombudsman; duties.—The
11377 Governor shall appoint a rules ombudsman, as defined in s.
11378 288.703, in the Executive Office of the Governor, for
11379 considering the impact of agency rules on the state's citizens
11380 and businesses. In carrying out duties as provided by law, the
11381 ombudsman shall consult with the Jobs Florida Partnership
11382 ~~Enterprise Florida~~, Inc., at which point Jobs Florida ~~the office~~
11383 may recommend to improve the regulatory environment of this
11384 state. The duties of the rules ombudsman are to:
11385 (1) Carry out the responsibility provided in s. 120.54(2),
11386 with respect to small businesses.
11387 (2) Review state agency rules that adversely or
11388 disproportionately impact businesses, particularly those
11389 relating to small and minority businesses.
11390 (3) Make recommendations on any existing or proposed rules
11391 to alleviate unnecessary or disproportionate adverse effects to
11392 businesses.
11393 (4) Each state agency shall cooperate fully with the rules
11394 ombudsman in identifying such rules. Further, each agency shall
11395 take the necessary steps to waive, modify, or otherwise minimize
11396 such adverse effects of any such rules. However, nothing in this
11397 section authorizes any state agency to waive, modify, provide

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11398 exceptions to, or otherwise alter any rule that is:
11399 (a) Expressly required to implement or enforce any
11400 statutory provision or the express legislative intent thereof;
11401 (b) Designed to protect persons against discrimination on
11402 the basis of race, color, national origin, religion, sex, age,
11403 handicap, or marital status; or
11404 (c) Likely to prevent a significant risk or danger to the
11405 public health, the public safety, or the environment of the
11406 state.
11407 (5) The modification or waiver of any such rule pursuant to
11408 this section must be accomplished in accordance with the
11409 provisions of chapter 120.
11410 Section 166. Section 288.705, Florida Statutes, is amended
11411 to read:
11412 288.705 Statewide contracts register.—All state agencies
11413 shall in a timely manner provide the Florida Small Business
11414 Development Center Procurement System with all formal
11415 solicitations for contractual services, supplies, and
11416 commodities. The Small Business Development Center shall
11417 coordinate with Minority Business Development Centers to compile
11418 and distribute this information to small and minority businesses
11419 requesting such service for the period of time necessary to
11420 familiarize the business with the market represented by state
11421 agencies. On or before February 1 of each year, the Small
11422 Business Development Center shall report to Jobs Florida ~~the~~
11423 ~~Agency for Workforce Innovation~~ on the use of the statewide
11424 contracts register. The report shall include, but not be limited
11425 to, information relating to:
11426 (1) The total number of solicitations received from state

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11427 agencies during the calendar year.
11428 (2) The number of solicitations received from each state
11429 agency during the calendar year.
11430 (3) The method of distributing solicitation information to
11431 businesses requesting such service.
11432 (4) The total number of businesses using the service.
11433 (5) The percentage of businesses using the service which
11434 are owned and controlled by minorities.
11435 (6) The percentage of service-disabled veteran business
11436 enterprises using the service.
11437 Section 167. Subsection (12) of section 288.706, Florida
11438 Statutes, is amended to read:
11439 288.706 Florida Minority Business Loan Mobilization
11440 Program.—
11441 (12) The Department of Management Services shall
11442 collaborate with the Jobs Florida Partnership ~~Florida Black~~
11443 ~~Business Investment Board~~, Inc., and Jobs Florida ~~the Office of~~
11444 ~~Tourism, Trade, and Economic Development~~ to assist in the
11445 development and enhancement of black business enterprises.
11446 Section 168. Subsection (2) of section 288.7094, Florida
11447 Statutes, is amended to read:
11448 288.7094 Black business investment corporations.—
11449 (2) A black business investment corporation that meets the
11450 requirements of s. 288.7102(4) is eligible to participate in the
11451 Black Business Loan Program and shall receive priority
11452 consideration by Jobs Florida ~~the Office of Tourism, Trade, and~~
11453 ~~Economic Development~~ for participation in the program.
11454 Section 169. Section 288.7102, Florida Statutes, is amended
11455 to read:

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11456 288.7102 Black Business Loan Program.—
11457 (1) The Black Business Loan Program is established in Jobs
11458 Florida, which ~~the Office of Tourism, Trade, and Economic~~
11459 ~~Development. Under the program, the office~~ shall annually
11460 certify eligible recipients and subsequently disburse funds
11461 appropriated by the Legislature, through such eligible
11462 recipients, to black business enterprises that cannot obtain
11463 capital through conventional lending institutions but that could
11464 otherwise compete successfully in the private sector.
11465 (2) Jobs Florida ~~The office~~ shall establish an application
11466 and annual certification process for entities seeking funds to
11467 participate in providing loans, loan guarantees, or investments
11468 in black business enterprises pursuant to the Florida Black
11469 Business Investment Act. Jobs Florida ~~The office~~ shall process
11470 all applications and recertifications submitted by June 1 on or
11471 before July 31.
11472 (3) If the Black Business Loan Program is appropriated any
11473 funding in a fiscal year, Jobs Florida ~~the Office~~ shall
11474 distribute an equal amount of the appropriation, calculated as
11475 the total annual appropriation divided by the total number of
11476 program recipients certified on or before July 31 of that fiscal
11477 year.
11478 (4) To be eligible to receive funds and provide loans, loan
11479 guarantees, or investments under this section, a recipient must:
11480 (a) Be a corporation registered in the state.
11481 (b) For an existing recipient, annually submit to Jobs
11482 Florida ~~the office~~ a financial audit performed by an independent
11483 certified public account for the most recently completed fiscal
11484 year, which audit does not reveal any material weaknesses or

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11485 instances of material noncompliance.
11486 (c) For a new recipient:
11487 1. Demonstrate that its board of directors includes
11488 citizens of the state experienced in the development of black
11489 business enterprises.
11490 2. Demonstrate that the recipient has a business plan that
11491 allows the recipient to operate in a manner consistent with the
11492 requirements of the Jobs Florida Partnership, Inc., ~~ss. 288.707-~~
11493 ~~288.714~~ and the rules of Jobs Florida ~~the office~~.
11494 3. Demonstrate that the recipient has the technical skills
11495 to analyze and evaluate applications by black business
11496 enterprises for loans, loan guarantees, or investments.
11497 4. Demonstrate that the recipient has established viable
11498 partnerships with public and private funding sources, economic
11499 development agencies, and workforce development and job referral
11500 networks.
11501 5. Demonstrate that the recipient can provide a private
11502 match equal to 20 percent of the amount of funds provided by the
11503 office.
11504 (d) For an existing or new recipient, agree to maintain the
11505 recipient's books and records relating to funds received by Jobs
11506 Florida ~~the office~~ according to generally accepted accounting
11507 principles and in accordance with the requirements of s.
11508 215.97(7) and to make those books and records available to Jobs
11509 Florida ~~the office~~ for inspection upon reasonable notice.
11510 (5) Each eligible recipient must meet the requirements of
11511 the Jobs Florida Partnership, Inc., ~~provisions of ss. 288.707-~~
11512 ~~288.714,~~ the terms of the contract between the recipient and
11513 Jobs Florida ~~the Office~~, and any other applicable state or

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11514 federal laws. An entity may not receive funds ~~under ss. 288.707-~~
11515 ~~288.714~~ unless the entity meets annual certification
11516 requirements.
11517 (6) Upon approval by Jobs Florida ~~the Office~~ and before
11518 release of the funds as provided in this section, Jobs Florida
11519 ~~the Office~~ shall issue a letter certifying the applicant as
11520 qualified for an award. Jobs Florida ~~the Office~~ and the
11521 applicant shall enter into an agreement that sets forth the
11522 conditions for award of the funds. The agreement must include
11523 the total amount of funds awarded; the performance conditions
11524 that must be met once the funding has been awarded, including,
11525 but not limited to, compliance with all of the requirements of
11526 this section for eligible recipients of funds under this
11527 section; and sanctions for failure to meet performance
11528 conditions, including any provisions to recover awards.
11529 (7) Jobs Florida ~~The Office~~, in consultation with the
11530 board, shall adopt rules pursuant to ss. 120.536(1) and 120.54
11531 to implement this section.
11532 (8) A black business investment corporation certified by
11533 Jobs Florida ~~the Office~~ as an eligible recipient under this
11534 section is authorized to use funds appropriated for the Black
11535 Business Loan Program in any of the following forms:
11536 (a) Purchases of stock, preferred or common, voting or
11537 nonvoting; however, no more than 40 percent of the funds may be
11538 used for direct investments in black business enterprises;
11539 (b) Loans or loan guarantees, with or without recourse, in
11540 either a subordinated or priority position; or
11541 (c) Technical support to black business enterprises, not to
11542 exceed 9 percent of the funds received, and direct

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11543 administrative costs, not to exceed 12 percent of the funds
11544 received.
11545 (9) It is the intent of the Legislature that if any one
11546 type of investment mechanism authorized in subsection (8) is
11547 held to be invalid, all other valid mechanisms remain available.
11548 (10) All loans, loan guarantees, and investments, and any
11549 income related thereto, shall be used to carry out the public
11550 purpose ~~of ss. 288.707-288.714, which is~~ to develop black
11551 business enterprises. This subsection does not preclude a
11552 reasonable profit for the participating black business
11553 investment corporation or for return of equity developed to the
11554 state and participating financial institutions upon any
11555 distribution of the assets or excess income of the investment
11556 corporation.
11557 Section 170. Section 288.714, Florida Statutes, is amended
11558 to read:
11559 288.714 Quarterly and annual reports.—
11560 (1) Each recipient of state funds under s. 288.7102 shall
11561 provide to Jobs Florida ~~the Office~~ a quarterly report within 15
11562 days after the end of each calendar quarter that includes a
11563 detailed summary of the recipient's performance of the duties
11564 imposed by s. 288.7102, including, but not limited to:
11565 (a) The dollar amount of all loans or loan guarantees made
11566 to black business enterprises, the percentages of the loans
11567 guaranteed, and the names and identification of the types of
11568 businesses served.
11569 (b) Loan performance information.
11570 (c) The amount and nature of all other financial assistance
11571 provided to black business enterprises.

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11572 (d) The amount and nature of technical assistance provided
11573 to black business enterprises, including technical assistance
11574 services provided in areas in which such services are otherwise
11575 unavailable.
11576 (e) A balance sheet for the recipient, including an
11577 explanation of all investments and administrative and
11578 operational expenses.
11579 (f) A summary of all services provided to nonblack business
11580 enterprises, including the dollar value and nature of such
11581 services and the names and identification of the types of
11582 businesses served.
11583 (g) Any other information as required by policies adopted
11584 by Jobs Florida ~~the Office~~.
11585 (2) Jobs Florida ~~The Office~~ must compile a summary of all
11586 quarterly reports and provide a copy of the summary to the board
11587 within 30 days after the end of each calendar quarter that
11588 includes a detailed summary of the recipient's performance of
11589 the duties imposed by s. 288.7102.
11590 (3) By August 31 of each year, Jobs Florida ~~the Office~~
11591 shall provide to the Governor, the President of the Senate, and
11592 the Speaker of the House of Representatives a detailed report of
11593 the performance of the Black Business Loan Program. The report
11594 must include a cumulative summary of quarterly report data
11595 required by subsection (1).
11596 ~~(4) By August 31 of each year, the board shall provide to~~
11597 ~~the Governor, the President of the Senate, and the Speaker of~~
11598 ~~the House of Representatives a detailed report of the board's~~
11599 ~~performance, including:~~
11600 ~~(a) A description of the strategies implemented by the~~

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11601 ~~board to increase private investment in black business~~
11602 ~~enterprises.~~
11603 ~~(b) A summary of the board's performance of its duties~~
11604 ~~under ss. 288.707-288.712.~~
11605 ~~(c) The most recent 5-year projection of the need for~~
11606 ~~capital by black business enterprises.~~
11607 ~~(d) Recommendations for legislative or other changes to~~
11608 ~~enhance the development and expansion of black business~~
11609 ~~enterprises in the state.~~
11610 ~~(e) A projection of the program's activities during the~~
11611 ~~next 12 months.~~
11612 Section 171. Subsection (1) of section 288.773, Florida
11613 Statutes, is amended to read:
11614 288.773 Florida Export Finance Corporation.—The Florida
11615 Export Finance Corporation is hereby created as a corporation
11616 not for profit, to be incorporated under the provisions of
11617 chapter 617 and approved by the Department of State. The
11618 corporation is organized on a nonstock basis. The purpose of the
11619 corporation is to expand employment and income opportunities for
11620 residents of this state through increased exports of goods and
11621 services, by providing businesses domiciled in this state
11622 information and technical assistance on export opportunities,
11623 exporting techniques, and financial assistance through
11624 guarantees and direct loan originations for sale in support of
11625 export transactions. The corporation shall have the power and
11626 authority to carry out the following functions:
11627 (1) To coordinate the efforts of the corporation with
11628 programs and goals of the United States Export-Import Bank, the
11629 International Trade Administration of the United States

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11630 Department of Commerce, the Foreign Credit Insurance
11631 Association, the Jobs Florida Partnership ~~Enterprise Florida~~,
11632 Inc., ~~and its boards,~~ and other private and public programs and
11633 organizations, domestic and foreign, designed to provide export
11634 assistance and export-related financing.
11635 Section 172. Paragraph (b) of subsection (3) of section
11636 288.774, Florida Statutes, is amended to read:
11637 288.774 Powers and limitations.—
11638 (3)
11639 (b) In providing assistance, the board shall be guided by
11640 the statewide economic development plan adopted by Jobs Florida
11641 and the Jobs Florida Partnership, Inc ~~pursuant to s. 288.905~~.
11642 Section 173. Paragraph (a) of subsection (1) and paragraphs
11643 (a), (c), and (g) of subsection (3) of section 288.776, Florida
11644 Statutes, are amended to read:
11645 288.776 Board of directors; powers and duties.—
11646 (1)(a) The corporation shall have a board of directors
11647 consisting of 15 members representing all geographic areas of
11648 the state. Minority and gender representation must be considered
11649 when making appointments to the board. The board membership must
11650 include:
11651 1. A representative of the following businesses, all of
11652 which must be registered to do business in this state: a foreign
11653 bank, a state bank, a federal bank, an insurance company
11654 involved in covering trade financing risks, and a small or
11655 medium-sized exporter.
11656 2. The following persons or their designee: the President
11657 of the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., the
11658 Chief Financial Officer, the Secretary of State, and a senior

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11659 official of the United States Department of Commerce~~, and the~~
11660 ~~chair of the Florida Black Business Investment Board~~.
11661 (3) The board shall:
11662 (a) Prior to the expenditure of funds from the export
11663 finance account, adopt bylaws, rules, and policies which are
11664 necessary to carry out the responsibilities under this part,
11665 particularly with respect to the implementation of the
11666 corporation's programs to insure, coinsure, lend, provide loan
11667 guarantees, and make direct, guaranteed, or collateralized loans
11668 by the corporation to support export transactions. The
11669 corporation's bylaws, rules, and policies shall be reviewed and
11670 approved by the Jobs Florida Partnership ~~Enterprise Florida~~,
11671 Inc., prior to final adoption by the board.
11672 (c) Issue an annual report to the Jobs Florida Partnership
11673 ~~Enterprise Florida~~, Inc., on the activities of the corporation,
11674 including an evaluation of activities and recommendations for
11675 change. The evaluation shall include the corporation's impact on
11676 the following:
11677 1. Participation of private banks and other private
11678 organizations and individuals in the corporation's export
11679 financing programs.
11680 2. Access of small and medium-sized businesses in this
11681 state to federal export financing programs.
11682 3. Export volume of the small and medium-sized businesses
11683 in this state accessing the corporation's programs.
11684 4. Other economic and social benefits to international
11685 programs in this state.
11686 (g) Consult with the Jobs Florida Partnership ~~Enterprise~~
11687 ~~Florida~~, Inc., ~~and its boards,~~ or any state or federal agency,

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11688 to ensure that the respective loan guarantee or working capital
11689 loan origination programs are not duplicative and that each
11690 program makes full use of, to the extent practicable, the
11691 resources of the other.
11692 Section 174. Section 288.7771, Florida Statutes, is amended
11693 to read:
11694 288.7771 Annual report of Florida Export Finance
11695 Corporation.—The corporation shall annually prepare and submit
11696 to Jobs Florida ~~Enterprise Florida, Inc.,~~ for inclusion in its
11697 annual report required by s. 288.095 a complete and detailed
11698 report setting forth:
11699 (1) The report required in s. 288.776(3).
11700 (2) Its assets and liabilities at the end of its most
11701 recent fiscal year.
11702 Section 175. Section 288.816, Florida Statutes, is amended
11703 to read:
11704 288.816 Intergovernmental relations.—
11705 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11706 ~~Development~~ shall be responsible for consular operations and the
11707 sister city and sister state program and shall serve as liaison
11708 with foreign, federal, and other state international
11709 organizations and with county and municipal governments in
11710 Florida.
11711 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11712 ~~Development~~ shall be responsible for all consular relations
11713 between the state and all foreign governments doing business in
11714 Florida. Jobs Florida ~~The office~~ shall monitor United States
11715 laws and directives to ensure that all federal treaties
11716 regarding foreign privileges and immunities are properly

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11717 observed. Jobs Florida ~~The office~~ shall promulgate rules which
11718 shall:
11719 (a) Establish a viable system of registration for foreign
11720 government officials residing or having jurisdiction in the
11721 state. Emphasis shall be placed on maintaining active
11722 communication between Jobs Florida ~~The Office of Tourism, Trade,~~
11723 ~~and Economic Development~~ and the United States Department of
11724 State in order to be currently informed regarding foreign
11725 governmental personnel stationed in, or with official
11726 responsibilities for, Florida. Active dialogue shall also be
11727 maintained with foreign countries which historically have had
11728 dealings with Florida in order to keep them informed of the
11729 proper procedure for registering with the state.
11730 (b) Maintain and systematically update a current and
11731 accurate list of all such foreign governmental officials,
11732 consuls, or consulates.
11733 (c) Issue certificates to such foreign governmental
11734 officials after verification pursuant to proper investigations
11735 through United States Department of State sources and the
11736 appropriate foreign government.
11737 (d) Verify entitlement to sales and use tax exemptions
11738 pursuant to United States Department of State guidelines and
11739 identification methods.
11740 (e) Verify entitlement to issuance of special motor vehicle
11741 license plates by the Division of Motor Vehicles of the
11742 Department of Highway Safety and Motor Vehicles to honorary
11743 consuls or such other officials representing foreign governments
11744 who are not entitled to issuance of special Consul Corps license
11745 plates by the United States Government.

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11746 (f) Establish a system of communication to provide all
11747 state and local law enforcement agencies with information
11748 regarding proper procedures relating to the arrest or
11749 incarceration of a foreign citizen.
11750 (g) Request the Department of Law Enforcement to provide
11751 transportation and protection services when necessary pursuant
11752 to s. 943.68.
11753 (h) Coordinate, when necessary, special activities between
11754 foreign governments and Florida state and local governments.
11755 These may include Consular Corps Day, Consular Corps
11756 conferences, and various other social, cultural, or educational
11757 activities.
11758 (i) Notify all newly arrived foreign governmental officials
11759 of the services offered by Jobs Florida ~~The Office of Tourism,~~
11760 ~~Trade, and Economic Development~~.
11761 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11762 ~~Development~~ shall operate the sister city and sister state
11763 program and establish such new programs as needed to further
11764 global understanding through the interchange of people, ideas,
11765 and culture between Florida and the world. To accomplish this
11766 purpose, Jobs Florida ~~the office~~ shall have the power and
11767 authority to:
11768 (a) Coordinate and carry out activities designed to
11769 encourage the state and its subdivisions to participate in
11770 sister city and sister state affiliations with foreign countries
11771 and their subdivisions. Such activities may include a State of
11772 Florida sister cities conference.
11773 (b) Encourage cooperation with and disseminate information
11774 pertaining to the Sister Cities International Program and any

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11775 other program whose object is to promote linkages with foreign
11776 countries and their subdivisions.
11777 (c) Maximize any aid available from all levels of
11778 government, public and private agencies, and other entities to
11779 facilitate such activities.
11780 (d) Establish a viable system of registration for sister
11781 city and sister state affiliations between the state and foreign
11782 countries and their subdivisions. Such system shall include a
11783 method to determine that sufficient ties are properly
11784 established as well as a method to supervise how these ties are
11785 maintained.
11786 (e) Maintain a current and accurate listing of all such
11787 affiliations. Sister city affiliations shall not be discouraged
11788 between the state and any country specified in s. 620(f)(1) of
11789 the federal Foreign Assistance Act of 1961, as amended, with
11790 whom the United States is currently conducting diplomatic
11791 relations unless a mandate from the United States Government
11792 expressly prohibits such affiliations.
11793 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11794 ~~Development~~ shall serve as a contact for the state with the
11795 Florida Washington Office, the Florida Congressional Delegation,
11796 and United States Government agencies with respect to laws or
11797 policies which may affect the interests of the state in the area
11798 of international relations. All inquiries received regarding
11799 international economic trade development or reverse investment
11800 opportunities shall be referred to the Jobs Florida Partnership
11801 ~~Enterprise Florida~~, Inc. In addition, Jobs Florida ~~the office~~
11802 shall serve as liaison with other states with respect to
11803 international programs of interest to Florida. Jobs Florida ~~The~~

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11804 ~~office~~ shall also investigate and make suggestions regarding
11805 possible areas of joint action or regional cooperation with
11806 these states.
11807 (5) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11808 ~~Development~~ shall have the power and duty to encourage the
11809 relocation to Florida of consular offices and multilateral and
11810 international agencies and organizations.
11811 (6) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11812 ~~Development, through membership on the board of directors of~~
11813 ~~Enterprise Florida, Inc.,~~ shall help to contribute an
11814 international perspective to the state's development efforts.
11815 Section 176. Paragraph (a) of subsection (1) and subsection
11816 (2) of section 288.809, Florida Statutes, are amended to read:
11817 288.809 Florida Intergovernmental Relations Foundation; use
11818 of property; board of directors; audit.—
11819 (1) DEFINITIONS.—For the purposes of this section, the
11820 term:
11821 (a) "Florida Intergovernmental Relations Foundation" means
11822 a direct-support organization:
11823 1. Which is a corporation not for profit that is
11824 incorporated under the provisions of chapter 617 and approved by
11825 the Department of State;
11826 2. Which is organized and operated exclusively to solicit,
11827 receive, hold, invest, and administer property and, subject to
11828 the approval of Jobs Florida ~~the Office of Tourism, Trade, and~~
11829 ~~Economic Development~~, to make expenditures to or for the
11830 promotion of intergovernmental relations programs; and
11831 3. Which Jobs Florida ~~the Office of Tourism, Trade, and~~
11832 ~~Economic Development~~, after review, has certified to be

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11833 operating in a manner consistent with the policies and goals of
11834 Jobs Florida ~~the office~~.
11835 (2) USE OF PROPERTY.—Jobs Florida ~~The Office of Tourism,~~
11836 ~~Trade, and Economic Development~~:
11837 (a) Is authorized to permit the use of property,
11838 facilities, and personal services of Jobs Florida ~~the Office of~~
11839 ~~Tourism, Trade, and Economic Development~~ by the foundation,
11840 subject to the provisions of this section.
11841 (b) Shall prescribe conditions with which the foundation
11842 must comply in order to use property, facilities, or personal
11843 services of the department. Such conditions shall provide for
11844 budget and audit review and for oversight by Jobs Florida ~~the~~
11845 ~~Office of Tourism, Trade, and Economic Development~~.
11846 (c) Shall not permit the use of property, facilities, or
11847 personal services of the foundation if the foundation does not
11848 provide equal employment opportunities to all persons,
11849 regardless of race, color, national origin, sex, age, or
11850 religion.
11851 Section 177. Section 288.826, Florida Statutes, is amended
11852 to read:
11853 288.826 Florida International Trade and Promotion Trust
11854 Fund.—There is hereby established in the State Treasury the
11855 Florida International Trade and Promotion Trust Fund. The moneys
11856 deposited into this trust fund shall be administered by Jobs
11857 Florida ~~the Office of Tourism, Trade, and Economic Development~~
11858 for the operation of the Jobs Florida Partnership ~~Enterprise~~
11859 ~~Florida~~, Inc., ~~and its boards~~ and for the operation of Florida
11860 international ~~foreign~~ offices under s. 288.012.
11861 Section 178. Section 288.95155, Florida Statutes, is

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11862 amended to read:
11863 288.95155 Florida Small Business Technology Growth
11864 Program.—
11865 (1) The Florida Small Business Technology Growth Program is
11866 hereby established to provide financial assistance to businesses
11867 in this state having high job growth and emerging technology
11868 potential and fewer than 100 employees. The program shall be
11869 administered and managed by the Jobs Florida Partnership
11870 ~~Enterprise Florida~~, Inc.
11871 (2)~~(a)~~ The Jobs Florida Partnership ~~Enterprise Florida~~,
11872 Inc., shall establish a separate small business technology
11873 growth account in the Florida Technology Research Investment
11874 Fund for purposes of this section. Moneys in the account shall
11875 consist of appropriations by the Legislature, proceeds of any
11876 collateral used to secure such assistance, transfers, fees
11877 assessed for providing or processing such financial assistance,
11878 grants, interest earnings, and earnings on financial assistance.
11879 ~~(b) For the 2009-2010 fiscal year only, Enterprise Florida,~~
11880 ~~Inc., shall advance up to $600,000 from the account to the~~
11881 ~~Institute for Commercialization of Public Research for its~~
11882 ~~operations. This paragraph expires July 1, 2010.~~
11883 (3) Pursuant to s. 216.351, the amount of any moneys
11884 appropriated to the account which are unused at the end of the
11885 fiscal year shall not be subject to reversion under s. 216.301.
11886 All moneys in the account are continuously appropriated to the
11887 account and may be used for loan guarantees, letter of credit
11888 guarantees, cash reserves for loan and letter of credit
11889 guarantees, payments of claims pursuant to contracts for
11890 guarantees, subordinated loans, loans with warrants, royalty

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11891 investments, equity investments, and operations of the program.
11892 Any claim against the program shall be paid solely from the
11893 account. Neither the credit nor the taxing power of the state
11894 shall be pledged to secure the account or moneys in the account,
11895 other than from moneys appropriated or assigned to the account,
11896 and the state shall not be liable or obligated in any way for
11897 any claims against the account or against the Jobs Florida
11898 Partnership ~~Enterprise Florida~~, Inc.
11899 (4) Awards of assistance from the program shall be
11900 finalized subject to the policies and procedures of the Jobs
11901 Florida Partnership ~~Enterprise Florida~~, Inc. The Jobs Florida
11902 Partnership ~~Enterprise Florida~~, Inc., shall leverage at least
11903 one dollar of matching investment for each dollar awarded from
11904 the program. The Jobs Florida Partnership ~~Enterprise Florida~~,
11905 Inc., shall give the highest priority to moderate-risk and high-
11906 risk ventures that offer the greatest opportunity for compelling
11907 economic development impact. The Jobs Florida Partnership
11908 ~~Enterprise Florida~~, Inc., shall establish for each award a risk-
11909 reward timetable that profiles the risks of the assistance,
11910 estimates the potential economic development impact, and
11911 establishes a timetable for reviewing the success or failure of
11912 the assistance. By December 31 of each year, the Jobs Florida
11913 Partnership ~~Enterprise Florida~~, Inc., shall evaluate, on a
11914 portfolio basis, the results of all awards of assistance made
11915 from the program during the year.
11916 (5) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
11917 shall prepare for inclusion in Job Florida's ~~and include in its~~
11918 annual report required by s. 288.095 a report on the financial
11919 status of the program. The report must specify the assets and

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11920 liabilities of the program within the current fiscal year and
11921 must include a portfolio update that lists all of the businesses
11922 assisted, the private dollars leveraged by each business
11923 assisted, and the growth in sales and in employment of each
11924 business assisted.
11925 Section 179. Paragraph (e) of subsection (2), paragraph (a)
11926 of subsection (4), subsection (7), paragraph (b) of subsection
11927 (8), subsection (9), paragraph (l) of subsection (10), and
11928 subsection (15) of section 288.955, Florida Statutes, are
11929 amended, and present subsections (16) and (17) of that section
11930 are renumbered as subsections (15) and (16), respectively, to
11931 read:
11932 288.955 Scripps Florida Funding Corporation.—
11933 (2) CREATION.—
11934 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11935 ~~Development~~ shall provide administrative support to the
11936 corporation as requested by the corporation. In the event of the
11937 dissolution of the corporation, Jobs Florida ~~the office~~ shall be
11938 the corporation's successor in interest and shall assume all
11939 rights, duties, and obligations of the corporation under any
11940 contract to which the corporation is then a party and under law.
11941 (4) BOARD; MEMBERSHIP.—The corporation shall be governed by
11942 a board of directors.
11943 (a) The board of directors shall consist of nine voting
11944 members, of whom the Governor shall appoint three, the President
11945 of the Senate shall appoint three, and the Speaker of the House
11946 of Representatives shall appoint three. The commissioner of Jobs
11947 Florida or the commissioner's designee ~~director of the Office of~~
11948 ~~Tourism, Trade, and Economic Development or the director's~~

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11949 ~~designee~~ shall serve as an ex-officio, nonvoting member of the
11950 board of directors.
11951 (7) INVESTMENT OF FUNDS.—The corporation must enter into an
11952 agreement with the State Board of Administration under which
11953 funds received by the corporation from Jobs Florida ~~the Office~~
11954 ~~of Tourism, Trade, and Economic Development~~ which are not
11955 disbursed to the grantee shall be invested by the State Board of
11956 Administration on behalf of the corporation. Funds shall be
11957 invested in suitable instruments authorized under s. 215.47 and
11958 specified in investment guidelines established and agreed to by
11959 the State Board of Administration and the corporation.
11960 (8) CONTRACT.—
11961 (b) The contract, at a minimum, must contain provisions:
11962 1. Specifying the procedures and schedules that govern the
11963 disbursement of funds under this section and specifying the
11964 conditions or deliverables that the grantee must satisfy before
11965 the release of each disbursement.
11966 2. Requiring the grantee to submit to the corporation a
11967 business plan in a form and manner prescribed by the
11968 corporation.
11969 3. Prohibiting The Scripps Research Institute or the
11970 grantee from establishing other biomedical science or research
11971 facilities in any state other than this state or California for
11972 a period of 12 years from the commencement of the contract.
11973 Nothing in this subparagraph shall prohibit the grantee from
11974 establishing or engaging in normal collaborative activities with
11975 other organizations.
11976 4. Governing the ownership of or security interests in real
11977 property and personal property, including, but not limited to,

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11978 research equipment, obtained through the financial support of
11979 state or local government, including a provision that in the
11980 event of a breach of the contract or in the event the grantee
11981 ceases operations in this state, such property purchased with
11982 state funds shall revert to the state and such property
11983 purchased with local funds shall revert to the local governing
11984 authority.
11985 5. Requiring the grantee to be an equal opportunity
11986 employer.
11987 6. Requiring the grantee to maintain a policy of awarding
11988 preference in employment to residents of this state, as defined
11989 by law, except for professional scientific staff positions
11990 requiring a doctoral degree, postdoctoral training positions,
11991 and graduate student positions.
11992 7. Requiring the grantee to maintain a policy of making
11993 purchases from vendors in this state, to the extent it is cost-
11994 effective and scientifically sound.
11995 8. Requiring the grantee to use the Internet-based job-
11996 listing system of Jobs Florida ~~the Agency for Workforce~~
11997 ~~Innovation~~ in advertising employment opportunities.
11998 9. Requiring the grantee to establish accredited science
11999 degree programs.
12000 10. Requiring the grantee to establish internship programs
12001 to create learning opportunities for educators and secondary,
12002 postsecondary, graduate, and doctoral students.
12003 11. Requiring the grantee to submit data to the corporation
12004 on the activities and performance during each fiscal year and to
12005 provide to the corporation an annual accounting of the
12006 expenditure of funds disbursed under this section.

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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

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12036 this state pursuant to chapter 473 to inspect the records of the
12037 grantee in order to audit the expenditure of funds disbursed to
12038 the grantee. The independent certified public accountant shall
12039 not disclose any confidential or proprietary scientific
12040 information of the grantee.
12041 17. Requiring the grantee to purchase liability insurance
12042 and governing the coverage level of such insurance.
12043 (9) PERFORMANCE EXPECTATIONS.—In addition to the provisions
12044 prescribed in subsection (8), the contract between the
12045 corporation and the grantee shall include a provision that the
12046 grantee, in cooperation with Jobs Florida ~~the Office of Tourism,~~
12047 ~~Trade, and Economic Development~~, shall report to the corporation
12048 on performance expectations that reflect the aspirations of the
12049 Governor and the Legislature for the benefits accruing to this
12050 state as a result of the funds appropriated pursuant to this
12051 section. These shall include, but are not limited to,
12052 performance expectations addressing:
12053 (a) The number and dollar value of research grants obtained
12054 from the Federal Government or sources other than this state.
12055 (b) The percentage of total research dollars received by
12056 The Scripps Research Institute from sources other than this
12057 state which is used to conduct research activities by the
12058 grantee in this state.
12059 (c) The number or value of patents obtained by the grantee.
12060 (d) The number or value of licensing agreements executed by
12061 the grantee.
12062 (e) The extent to which research conducted by the grantee
12063 results in commercial applications.
12064 (f) The number of collaborative agreements reached and

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12065 maintained with colleges and universities in this state and with
12066 research institutions in this state, including agreements that
12067 foster participation in research opportunities by public and
12068 private colleges and universities and research institutions in
12069 this state with significant minority populations, including
12070 historically black colleges and universities.
12071 (g) The number of collaborative partnerships established
12072 and maintained with businesses in this state.
12073 (h) The total amount of funding received by the grantee
12074 from sources other than the State of Florida.
12075 (i) The number or value of spin-off businesses created in
12076 this state as a result of commercialization of the research of
12077 the grantee.
12078 (j) The number or value of businesses recruited to this
12079 state by the grantee.
12080 (k) The establishment and implementation of policies to
12081 promote supplier diversity using the guidelines developed by the
12082 Office of Supplier Diversity under s. 287.09451 and to comply
12083 with the ordinances, including any small business ordinances,
12084 enacted by the county and which are applicable to the biomedical
12085 research institution and campus located in this state.
12086 (l) The designation by the grantee of a representative to
12087 coordinate with the Office of Supplier Diversity.
12088 (m) The establishment and implementation of a program to
12089 conduct workforce recruitment activities at public and private
12090 colleges and universities and community colleges in this state
12091 which request the participation of the grantee.
12092
12093 The contract shall require the grantee to provide information to

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12094 the corporation on the progress in meeting these performance
12095 expectations on an annual basis. It is the intent of the
12096 Legislature that, in fulfilling its obligation to work with
12097 Florida's public and private colleges and universities, Scripps
12098 Florida work with such colleges and universities regardless of
12099 size.
12100 (10) DISBURSEMENT CONDITIONS.—In addition to the provisions
12101 prescribed in subsection (8), the contract between the
12102 corporation and the grantee shall include disbursement
12103 conditions that must be satisfied by the grantee as a condition
12104 for the continued disbursement of funds under this section.
12105 These disbursement conditions shall be negotiated between the
12106 corporation and the grantee and shall not be designed to impede
12107 the ability of the grantee to attain full operational status.
12108 The disbursement conditions may be appropriately varied as to
12109 timeframes, numbers, values, and percentages. The disbursement
12110 conditions shall include, but are not limited to, the following
12111 areas:
12112 (l) Beginning June 2004, the grantee shall commence
12113 collaboration efforts with Jobs Florida ~~the Office of Tourism,~~
12114 ~~Trade, and Economic Development~~ by complying with reasonable
12115 requests for cooperation in economic development efforts in the
12116 biomed/biotech industry. No later than July 2004, the grantee
12117 shall designate a person who shall be charged with assisting in
12118 these collaborative efforts.
12119 ~~(15) PROGRAM EVALUATION.—~~
12120 ~~(a) Before January 1, 2007, the Office of Program Policy~~
12121 ~~Analysis and Government Accountability shall conduct a~~
12122 ~~performance audit of the Office of Tourism, Trade, and Economic~~

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12123 ~~Development and the corporation relating to the provisions of~~
12124 ~~this section. The audit shall assess the implementation and~~
12125 ~~outcomes of activities under this section. At a minimum, the~~
12126 ~~audit shall address:~~
12127 ~~1. Performance of the Office of Tourism, Trade, and~~
12128 ~~Economic Development in disbursing funds appropriated under this~~
12129 ~~section.~~
12130 ~~2. Performance of the corporation in managing and enforcing~~
12131 ~~the contract with the grantee.~~
12132 ~~3. Compliance by the corporation with the provisions of~~
12133 ~~this section and the provisions of the contract.~~
12134 ~~4. Economic activity generated through funds disbursed~~
12135 ~~under the contract.~~
12136 ~~(b) Before January 1, 2010, the Office of Program Policy~~
12137 ~~Analysis and Government Accountability shall update the report~~
12138 ~~required under this subsection. In addition to addressing the~~
12139 ~~items prescribed in paragraph (a), the updated report shall~~
12140 ~~include a recommendation on whether the Legislature should~~
12141 ~~retain the statutory authority for the corporation.~~
12142
12143 ~~A report of each audit's findings and recommendations shall be~~
12144 ~~submitted to the Governor, the President of the Senate, and the~~
12145 ~~Speaker of the House of Representatives. In completing the~~
12146 ~~performance audits required under this subsection, the Office of~~
12147 ~~Program Policy Analysis and Government Accountability shall~~
12148 ~~maximize the use of reports submitted by the grantee to the~~
12149 ~~Federal Government or to other organizations awarding research~~
12150 ~~grants to the grantee.~~
12151 Section 180. Subsection (1) and paragraph (a) of subsection

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12152 (2) of section 288.9519, Florida Statutes, are amended to read:
12153 288.9519 Not-for-profit corporation.—
12154 (1) It is the intent of the Legislature to promote the
12155 development of the state economy and to authorize the
12156 establishment of a not-for-profit organization that shall
12157 promote the competitiveness and profitability of high-technology
12158 business and industry through technology development projects of
12159 importance to specific manufacturing sectors in this state. This
12160 not-for-profit corporation shall work cooperatively with the
12161 Jobs Florida Partnership ~~Enterprise Florida~~, Inc., and shall
12162 avoid duplicating the activities, programs, and functions of the
12163 Jobs Florida Partnership ~~Enterprise Florida~~, Inc.
12164 (2) In addition to all other powers and authority, not
12165 explicitly prohibited by statutes, this not-for-profit
12166 organization has the following powers and duties:
12167 (a) To receive funds appropriated to the organization by
12168 the Legislature. Such funds may not duplicate funds appropriated
12169 to the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., but
12170 shall serve to further the advancement of the state economy,
12171 jointly and collaboratively with the Jobs Florida Partnership
12172 ~~Enterprise Florida~~, Inc.
12173 Section 181. Section 288.9520, Florida Statutes, is amended
12174 to read:
12175 288.9520 Public records exemption.—Materials that relate to
12176 methods of manufacture or production, potential trade secrets,
12177 potentially patentable material, actual trade secrets, business
12178 transactions, financial and proprietary information, and
12179 agreements or proposals to receive funding that are received,
12180 generated, ascertained, or discovered by the Jobs Florida

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12181 Partnership ~~Enterprise Florida~~, Inc., including its affiliates
12182 or subsidiaries and partnership participants, such as private
12183 enterprises, educational institutions, and other organizations,
12184 are confidential and exempt from the provisions of s. 119.07(1)
12185 and s. 24(a), Art. I of the State Constitution, except that a
12186 recipient of the Jobs Florida Partnership ~~Enterprise Florida~~,
12187 Inc., research funds shall make available, upon request, the
12188 title and description of the research project, the name of the
12189 researcher, and the amount and source of funding provided for
12190 the project.
12191 Section 182. Subsection (10) of section 288.9603, Florida
12192 Statutes, is amended to read:
12193 288.9603 Definitions.—
12194 (10) "Partnership" means the Jobs Florida Partnership
12195 ~~Enterprise Florida~~, Inc.
12196 Section 183. Subsection (2) of section 288.9604, Florida
12197 Statutes, is amended to read:
12198 288.9604 Creation of the authority.—
12199 (2) The Governor, subject to confirmation by the Senate,
12200 shall appoint the board of directors of the corporation, who
12201 shall be five in number. The terms of office for the directors
12202 shall be for 4 years from the date of their appointment. A
12203 vacancy occurring during a term shall be filled for the
12204 unexpired term. A director shall be eligible for reappointment.
12205 At least three of the directors of the corporation shall be
12206 bankers who have been selected by the Governor from a list of
12207 bankers who were nominated by the Jobs Florida Partnership,
12208 Inc., ~~Enterprise Florida, Inc.,~~ and one of the directors shall
12209 be an economic development specialist. ~~The chairperson of the~~

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12210 ~~Florida Black Business Investment Board shall be an ex officio~~
12211 ~~member of the board of the corporation.~~
12212 Section 184. Paragraph (v) of subsection (2) of section
12213 288.9605, Florida Statutes, is amended to read:
12214 288.9605 Corporation powers.—
12215 (2) The corporation is authorized and empowered to:
12216 (v) Enter into investment agreements with the Jobs Florida
12217 Partnership, Inc., ~~Florida Black Business Investment Board~~
12218 concerning the issuance of bonds and other forms of indebtedness
12219 and capital ~~for the purposes of ss. 288.707-288.714~~.
12220 Section 185. Subsection (1) of section 288.9606, Florida
12221 Statutes, is amended to read:
12222 288.9606 Issue of revenue bonds.—
12223 (1) When authorized by a public agency pursuant to s.
12224 163.01(7), the corporation has power in its corporate capacity,
12225 in its discretion, to issue revenue bonds or other evidences of
12226 indebtedness which a public agency has the power to issue, from
12227 time to time to finance the undertaking of any purpose of this
12228 act ~~and ss. 288.707-288.714~~, including, without limiting the
12229 generality thereof, the payment of principal and interest upon
12230 any advances for surveys and plans or preliminary loans, and has
12231 the power to issue refunding bonds for the payment or retirement
12232 of bonds previously issued. Bonds issued pursuant to this
12233 section shall bear the name “Florida Development Finance
12234 Corporation Revenue Bonds.” The security for such bonds may be
12235 based upon such revenues as are legally available. In
12236 anticipation of the sale of such revenue bonds, the corporation
12237 may issue bond anticipation notes and may renew such notes from
12238 time to time, but the maximum maturity of any such note,

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12239 including renewals thereof, may not exceed 5 years from the date
12240 of issuance of the original note. Such notes shall be paid from
12241 any revenues of the corporation available therefor and not
12242 otherwise pledged or from the proceeds of sale of the revenue
12243 bonds in anticipation of which they were issued. Any bond, note,
12244 or other form of indebtedness issued pursuant to this act shall
12245 mature no later than the end of the 30th fiscal year after the
12246 fiscal year in which the bond, note, or other form of
12247 indebtedness was issued.
12248 Section 186. Section 288.9614, Florida Statutes, is amended
12249 to read:
12250 288.9614 Authorized programs.—The Jobs Florida Partnership
12251 ~~Enterprise Florida~~, Inc., may take any action that it deems
12252 necessary to achieve the purposes of this act in partnership
12253 with private enterprises, public agencies, and other
12254 organizations, including, but not limited to, efforts to address
12255 the long-term debt needs of small-sized and medium-sized firms,
12256 to address the needs of microenterprises, to expand availability
12257 of venture capital, and to increase international trade and
12258 export finance opportunities for firms critical to achieving the
12259 purposes of this act.
12260 Section 187. Subsection (1) of section 288.9624, Florida
12261 Statutes, are amended to read:
12262 288.9624 Florida Opportunity Fund; creation; duties.—
12263 (1)(a) The Jobs Florida Partnership ~~Enterprise Florida~~,
12264 Inc., shall facilitate the creation of the Florida Opportunity
12265 Fund, a private, not-for-profit corporation organized and
12266 operated under chapter 617. The Jobs Florida Partnership
12267 ~~Enterprise Florida~~, Inc., shall be the fund’s sole shareholder

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12268 or member. The fund is not a public corporation or
12269 instrumentality of the state. The fund shall manage its business
12270 affairs and conduct business consistent with its organizational
12271 documents and the purposes set forth in this section.
12272 Notwithstanding the powers granted under chapter 617, the
12273 corporation may not amend, modify, or repeal a bylaw or article
12274 of incorporation without the express written consent of the Jobs
12275 Florida Partnership ~~Enterprise Florida~~, Inc.
12276 (b) The board of directors for the fund shall be a five-
12277 member board appointed by vote of the board of directors of the
12278 Jobs Florida Partnership, Inc., and board members shall serve
12279 terms as provided in the fund's organizational documents. ~~The~~
12280 ~~vice chair of Enterprise Florida, Inc., shall select from among~~
12281 ~~its sitting board of directors a five-person appointment~~
12282 ~~committee. The appointment committee shall select five initial~~
12283 ~~members of a board of directors for the fund.~~
12284 (c) The persons appointed ~~elected~~ to the ~~initial~~ board of
12285 directors ~~by the appointment committee~~ shall include persons who
12286 have expertise in the area of the selection and supervision of
12287 early stage investment managers or in the fiduciary management
12288 of investment funds and other areas of expertise as considered
12289 appropriate ~~by the appointment committee~~.
12290 ~~(d) After election of the initial board of directors,~~
12291 ~~vacancies on the board shall be filled by vote of the board of~~
12292 ~~directors of Enterprise Florida, Inc., and board members shall~~
12293 ~~serve terms as provided in the fund's organizational documents.~~
12294 (d) ~~(e)~~ Members of the board are subject to any restrictions
12295 on conflicts of interest specified in the organizational
12296 documents and may not have an interest in any venture capital

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12297 investment selected by the fund under ss. 288.9621-288.9624.
12298 (e) ~~(f)~~ Members of the board shall serve without
12299 compensation, but members, the president of the board, and other
12300 board employees may be reimbursed for all reasonable, necessary,
12301 and actual expenses as determined and approved by the board
12302 pursuant to s. 112.061.
12303 (f) ~~(g)~~ The fund shall have all powers granted under its
12304 organizational documents and shall indemnify members to the
12305 broadest extent permissible under the laws of this state.
12306 Section 188. Subsections (3), (4), (5), and (6) of section
12307 288.9625, Florida Statutes, are amended to read:
12308 288.9625 Institute for the Commercialization of Public
12309 Research.—There is established at a public university or
12310 research center in this state the Institute for the
12311 Commercialization of Public Research.
12312 (3) The articles of incorporation of the institute must be
12313 approved in a written agreement with Jobs Florida ~~Enterprise~~
12314 ~~Florida, Inc~~. The agreement and the articles of incorporation
12315 shall:
12316 (a) Provide that the institute shall provide equal
12317 employment opportunities for all persons regardless of race,
12318 color, religion, gender, national origin, age, handicap, or
12319 marital status;
12320 (b) Provide that the institute is subject to the public
12321 records and meeting requirements of s. 24, Art. I of the State
12322 Constitution;
12323 (c) Provide that all officers, directors, and employees of
12324 the institute shall be governed by the code of ethics for public
12325 officers and employees as set forth in part III of chapter 112;

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12326 (d) Provide that members of the board of directors of the
12327 institute are responsible for the prudent use of all public and
12328 private funds and that they will ensure that the use of funds is
12329 in accordance with all applicable laws, bylaws, and contractual
12330 requirements; and
12331 (e) Provide that the fiscal year of the institute is from
12332 July 1 to June 30.
12333 (4) The affairs of the institute shall be managed by a
12334 board of directors who shall serve without compensation. Each
12335 director shall have only one vote. The chair of the board of
12336 directors shall be selected by a majority vote of the directors,
12337 a quorum being present. The board of directors shall consist of
12338 the following five members:
12339 (a) The commissioner of Jobs Florida ~~chair of Enterprise~~
12340 ~~Florida, Inc.~~, or the commissioner's ~~chair's~~ designee.
12341 (b) The president of the university where the institute is
12342 located or the president's designee unless multiple universities
12343 jointly sponsor the institute, in which case the presidents of
12344 the sponsoring universities shall agree upon a designee.
12345 (c) Three directors appointed by the Governor to 3-year
12346 staggered terms, to which the directors may be reappointed.
12347 (5) The board of directors shall provide a copy of the
12348 institute's annual report to the Governor, the President of the
12349 Senate, the Speaker of the House of Representatives, ~~Enterprise~~
12350 ~~Florida, Inc.,~~ and the president of the university at which the
12351 institute is located.
12352 (6) Jobs Florida ~~Enterprise Florida, Inc.~~, the president
12353 and the board of trustees of the university where the institute
12354 is located, the Auditor General, and the Office of Program

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12355 Policy Analysis and Government Accountability may require and
12356 receive from the institute or its independent auditor any detail
12357 or supplemental data relative to the operation of the institute.
12358 Section 189. Subsections (3), (8), and (9) of section
12359 288.975, Florida Statutes, are amended to read:
12360 288.975 Military base reuse plans.—
12361 (3) No later than 6 months after the designation of a
12362 military base for closure by the Federal Government, each host
12363 local government shall notify the Jobs Florida ~~secretary of the~~
12364 ~~Department of Community Affairs and the director of the Office~~
12365 ~~of Tourism, Trade, and Economic Development~~ in writing, by hand
12366 delivery or return receipt requested, as to whether it intends
12367 to use the optional provisions provided in this act. If a host
12368 local government does not opt to use the provisions of this act,
12369 land use planning and regulation pertaining to base reuse
12370 activities within those host local governments shall be subject
12371 to all applicable statutory requirements, including those
12372 contained within chapters 163 and 380.
12373 (8) At the request of a host local government, Jobs Florida
12374 ~~The Office of Tourism, Trade, and Economic Development~~ shall
12375 coordinate a presubmission workshop concerning a military base
12376 reuse plan within the boundaries of the host jurisdiction.
12377 Agencies that shall participate in the workshop shall include
12378 any affected local governments; the Department of Environmental
12379 Protection; Jobs Florida ~~the Office of Tourism, Trade, and~~
12380 ~~Economic Development~~; ~~the Department of Community Affairs;~~ the
12381 Department of Transportation; the Department of Health; the
12382 Department of Children and Family Services; the Department of
12383 Juvenile Justice; the Department of Agriculture and Consumer

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12384 Services; the Department of State; the Fish and Wildlife
12385 Conservation Commission; and any applicable water management
12386 districts and regional planning councils. The purposes of the
12387 workshop shall be to assist the host local government to
12388 understand issues of concern to the above listed entities
12389 pertaining to the military base site and to identify
12390 opportunities for better coordination of planning and review
12391 efforts with the information and analyses generated by the
12392 federal environmental impact statement process and the federal
12393 community base reuse planning process.
12394 (9) If a host local government elects to use the optional
12395 provisions of this act, it shall, no later than 12 months after
12396 notifying the agencies of its intent pursuant to subsection (3)
12397 either:
12398 (a) Send a copy of the proposed military base reuse plan
12399 for review to any affected local governments; the Department of
12400 Environmental Protection; Jobs Florida ~~the Office of Tourism,~~
12401 ~~Trade, and Economic Development~~; ~~the Department of Community~~
12402 ~~Affairs;~~ the Department of Transportation; the Department of
12403 Health; the Department of Children and Family Services; the
12404 Department of Juvenile Justice; the Department of Agriculture
12405 and Consumer Services; the Department of State; the Fish and
12406 Wildlife Conservation Commission; and any applicable water
12407 management districts and regional planning councils, or
12408 (b) Petition Jobs Florida ~~the secretary of the Department~~
12409 ~~of Community Affairs~~ for an extension of the deadline for
12410 submitting a proposed reuse plan. Such an extension request must
12411 be justified by changes or delays in the closure process by the
12412 federal Department of Defense or for reasons otherwise deemed to

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12413 promote the orderly and beneficial planning of the subject
12414 military base reuse. Jobs Florida ~~The secretary of the~~
12415 ~~Department of Community Affairs~~ may grant extensions to the
12416 required submission date of the reuse plan.
12417 Section 190. Paragraph (b) of subsection (1), paragraphs
12418 (a) and (c) of subsection (2) and subsections (3), (4), (5),
12419 (6), (7), and (9) of section 288.980, Florida Statutes, are
12420 amended to read:
12421 288.980 Military base retention; legislative intent; grants
12422 program.—
12423 (1)
12424 (b) The Florida Defense Alliance, an organization within
12425 the Jobs Florida Partnership, Inc., ~~Enterprise Florida,~~ is
12426 designated as the organization to ensure that Florida, its
12427 resident military bases and missions, and its military host
12428 communities are in competitive positions as the United States
12429 continues its defense realignment and downsizing. The defense
12430 alliance shall serve as an overall advisory body for ~~Enterprise~~
12431 ~~Florida~~ defense-related activity of the Jobs Florida
12432 Partnership, Inc. The Florida Defense Alliance may receive
12433 funding from appropriations made for that purpose administered
12434 by Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
12435 ~~Development~~.
12436 (2)(a) Jobs Florida ~~The Office of Tourism, Trade, and~~
12437 ~~Economic Development~~ is authorized to award grants from any
12438 funds available to it to support activities related to the
12439 retention of military installations potentially affected by
12440 federal base closure or realignment.
12441 (c) Except for grants issued pursuant to the Florida

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12442 Military Installation Reuse Planning and Marketing Grant Program
12443 as described in paragraph (3)(c), the amount of any grant
12444 provided to an applicant may not exceed $250,000. Jobs Florida
12445 ~~The Office of Tourism, Trade, and Economic Development~~ shall
12446 require that an applicant:
12447 1. Represent a local government with a military
12448 installation or military installations that could be adversely
12449 affected by federal base realignment or closure.
12450 2. Agree to match at least 30 percent of any grant awarded.
12451 3. Prepare a coordinated program or plan of action
12452 delineating how the eligible project will be administered and
12453 accomplished.
12454 4. Provide documentation describing the potential for
12455 realignment or closure of a military installation located in the
12456 applicant's community and the adverse impacts such realignment
12457 or closure will have on the applicant's community.
12458 (3) The Florida Economic Reinvestment Initiative is
12459 established to respond to the need for this state and defense-
12460 dependent communities in this state to develop alternative
12461 economic diversification strategies to lessen reliance on
12462 national defense dollars in the wake of base closures and
12463 reduced federal defense expenditures and the need to formulate
12464 specific base reuse plans and identify any specific
12465 infrastructure needed to facilitate reuse. The initiative shall
12466 consist of the following two ~~three~~ distinct grant programs to be
12467 administered by Jobs Florida ~~the Office of Tourism, Trade, and~~
12468 ~~Economic Development~~:
12469 (a) The Florida Defense Planning Grant Program, through
12470 which funds shall be used to analyze the extent to which the

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12471 state is dependent on defense dollars and defense infrastructure
12472 and prepare alternative economic development strategies. The
12473 state shall work in conjunction with defense-dependent
12474 communities in developing strategies and approaches that will
12475 help communities make the transition from a defense economy to a
12476 nondefense economy. Grant awards may not exceed $250,000 per
12477 applicant and shall be available on a competitive basis.
12478 (b) The Florida Defense Implementation Grant Program,
12479 through which funds shall be made available to defense-dependent
12480 communities to implement the diversification strategies
12481 developed pursuant to paragraph (a). Eligible applicants include
12482 defense-dependent counties and cities, and local economic
12483 development councils located within such communities. Grant
12484 awards may not exceed $100,000 per applicant and shall be
12485 available on a competitive basis. Awards shall be matched on a
12486 one-to-one basis.
12487
12488 Applications for grants under this subsection must include a
12489 coordinated program of work or plan of action delineating how
12490 the eligible project will be administered and accomplished,
12491 which must include a plan for ensuring close cooperation between
12492 civilian and military authorities in the conduct of the funded
12493 activities and a plan for public involvement.
12494 (4) The Defense Infrastructure Grant Program is created.
12495 Jobs Florida ~~The director of the Office of Tourism, Trade, and~~
12496 ~~Economic Development~~ shall coordinate and implement this
12497 program, the purpose of which is to support local infrastructure
12498 projects deemed to have a positive impact on the military value
12499 of installations within the state. Funds are to be used for

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12500 projects that benefit both the local community and the military
12501 installation. It is not the intent, however, to fund on-base
12502 military construction projects. Infrastructure projects to be
12503 funded under this program include, but are not limited to, those
12504 related to encroachment, transportation and access, utilities,
12505 communications, housing, environment, and security. Grant
12506 requests will be accepted only from economic development
12507 applicants serving in the official capacity of a governing board
12508 of a county, municipality, special district, or state agency
12509 that will have the authority to maintain the project upon
12510 completion. An applicant must represent a community or county in
12511 which a military installation is located. There is no limit as
12512 to the amount of any grant awarded to an applicant. A match by
12513 the county or local community may be required. Jobs Florida ~~The~~
12514 ~~Office of Tourism, Trade, and Economic Development~~ shall
12515 establish guidelines to implement the purpose of this
12516 subsection.
12517 (5)(a) The Defense-Related Business Adjustment Program is
12518 hereby created. Jobs Florida ~~The Director of the Office of~~
12519 ~~Tourism, Trade, and Economic Development~~ shall coordinate the
12520 development of the Defense-Related Business Adjustment Program.
12521 Funds shall be available to assist defense-related companies in
12522 the creation of increased commercial technology development
12523 through investments in technology. Such technology must have a
12524 direct impact on critical state needs for the purpose of
12525 generating investment-grade technologies and encouraging the
12526 partnership of the private sector and government defense-related
12527 business adjustment. The following areas shall receive
12528 precedence in consideration for funding commercial technology

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12529 development: law enforcement or corrections, environmental
12530 protection, transportation, education, and health care. Travel
12531 and costs incidental thereto, and staff salaries, are not
12532 considered an "activity" for which grant funds may be awarded.
12533 (b) Jobs Florida ~~The Office~~ shall require that an
12534 applicant:
12535 1. Be a defense-related business that could be adversely
12536 affected by federal base realignment or closure or reduced
12537 defense expenditures.
12538 2. Agree to match at least 50 percent of any funds awarded
12539 by the department in cash or in-kind services. Such match shall
12540 be directly related to activities for which the funds are being
12541 sought.
12542 3. Prepare a coordinated program or plan delineating how
12543 the funds will be administered.
12544 4. Provide documentation describing how defense-related
12545 realignment or closure will adversely impact defense-related
12546 companies.
12547 (6) The Retention of Military Installations Program is
12548 created. Jobs Florida ~~The Director of the Office of Tourism,~~
12549 ~~Trade, and Economic Development~~ shall coordinate and implement
12550 this program. ~~The sum of $1.2 million is appropriated from the~~
12551 ~~General Revenue Fund for fiscal year 1999-2000 to the Office of~~
12552 ~~Tourism, Trade, and Economic Development to implement this~~
12553 ~~program for military installations located in counties with a~~
12554 ~~population greater than 824,000. The funds shall be used to~~
12555 ~~assist military installations potentially affected by federal~~
12556 ~~base closure or realignment in covering current operating costs~~
12557 ~~in an effort to retain the installation in this state. An~~

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12558 ~~eligible military installation for this program shall include a~~
12559 ~~provider of simulation solutions for war-fighting~~
12560 ~~experimentation, testing, and training which employs at least~~
12561 ~~500 civilian and military employees and has been operating in~~
12562 ~~the state for a period of more than 10 years.~~
12563 (7) Jobs Florida ~~The director~~ may award nonfederal matching
12564 funds specifically appropriated for construction, maintenance,
12565 and analysis of a Florida defense workforce database. Such funds
12566 will be used to create a registry of worker skills that can be
12567 used to match the worker needs of companies that are relocating
12568 to this state or to assist workers in relocating to other areas
12569 within this state where similar or related employment is
12570 available.
12571 (9) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12572 ~~Development~~ shall establish guidelines to implement and carry
12573 out the purpose and intent of this section.
12574 Section 191. Paragraphs (a), (e), and (f) of subsection (2)
12575 of section 288.984, Florida Statutes, are amended to read:
12576 288.984 Florida Council on Military Base and Mission
12577 Support.—The Florida Council on Military Base and Mission
12578 Support is established. The council shall provide oversight and
12579 direction for initiatives, claims, and actions taken on behalf
12580 of the state, its agencies, and political subdivisions under
12581 this part.
12582 (2) MEMBERSHIP.—
12583 (a) The council shall be composed of nine members. The
12584 President of the Senate, the Speaker of the House of
12585 Representatives, and the Governor shall each appoint three
12586 members as follows:

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12587 1. The President of the Senate shall appoint one member of
12588 the Senate, one community representative from a community-based
12589 defense support organization, and one member who is a retired
12590 military general or flag-rank officer residing in this state or
12591 an executive officer of a defense contracting firm doing
12592 significant business in this state.
12593 2. The Speaker of the House of Representatives shall
12594 appoint one member of the House of Representatives, one
12595 community representative from a community-based defense support
12596 organization, and one member who is a retired military general
12597 or flag-rank officer residing in this state or an executive
12598 officer of a defense contracting firm doing significant business
12599 in this state.
12600 3. The Governor shall appoint the commissioner of Jobs
12601 Florida or the commissioner's designee, a board member of the
12602 Jobs Florida Partnership, Inc., ~~director or designee of the~~
12603 ~~Office of Tourism, Trade, and Economic Development, the vice~~
12604 ~~chairperson or designee of Enterprise Florida, Inc.,~~ and one at-
12605 large member.
12606 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12607 ~~Development~~ shall provide administrative support to the council.
12608 (f) The ~~Secretary of Community Affairs or his or her~~
12609 ~~designee, the~~ Secretary of Environmental Protection or his or
12610 her designee, the Secretary of Transportation or his or her
12611 designee, the Adjutant General of the state or his or her
12612 designee, and the executive director of the Department of
12613 Veterans' Affairs or his or her designee shall attend meetings
12614 held by the council and provide assistance, information, and
12615 support as requested by the council.

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12616 Section 192. Subsection (5) and paragraph (b) of subsection
12617 (8) of section 288.9913, Florida Statutes, are amended, and
12618 present subsections (6) through (10) of that section are
12619 renumbered as subsections (5) through (9), respectively, to
12620 read:
12621 288.9913 Definitions.—As used in ss. 288.991-288.9922, the
12622 term:
12623 ~~(5) "Office" means the Office of Tourism, Trade, and~~
12624 ~~Economic Development.~~
12625 (7) ~~(8)~~ "Qualified community development entity" means an
12626 entity that:
12627 (b) Is the Jobs Florida Partnership ~~Enterprise Florida~~,
12628 Inc., or an entity created by the Jobs Florida Partnership
12629 ~~Enterprise Florida~~, Inc.
12630 Section 193. Subsections (1), (2), and (3), paragraphs (a)
12631 and (b) of subsection (4), and subsection (6) of section
12632 288.9914, Florida Statutes, are amended to read:
12633 288.9914 Certification of qualified investments; investment
12634 issuance reporting.—
12635 (1) ELIGIBLE INDUSTRIES.—
12636 (a) Jobs Florida ~~The office~~, in consultation with the Jobs
12637 Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall
12638 designate industries using the North American Industry
12639 Classification System which are eligible to receive low-income
12640 community investments. The designated industries must be those
12641 industries that have the greatest potential to create strong
12642 positive impacts on or benefits to the state, regional, and
12643 local economies.
12644 (b) A qualified community development entity may not make a

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12645 qualified low-income community investment in a business unless
12646 the principal activities of the business are within an eligible
12647 industry. Jobs Florida ~~the office~~ may waive this limitation if
12648 Jobs Florida ~~the office~~ determines that the investment will have
12649 a positive impact on a community.
12650 (2) APPLICATION.—A qualified community development entity
12651 must submit an application to Jobs Florida ~~the Office~~ to approve
12652 a proposed investment as a qualified investment. The application
12653 must include:
12654 (a) The name, address, and tax identification number of the
12655 qualified community development entity.
12656 (b) Proof of certification as a qualified community
12657 development entity under 26 U.S.C. s. 45D.
12658 (c) A copy of an allocation agreement executed by the
12659 entity, or its controlling entity, and the Community Development
12660 Financial Institutions Fund, which authorizes the entity to
12661 serve businesses in this state.
12662 (d) A verified statement by the chief executive officer of
12663 the entity that the allocation agreement remains in effect.
12664 (e) A description of the proposed amount, structure, and
12665 purchaser of an equity investment or long-term debt security.
12666 (f) The name and tax identification number of any person
12667 authorized to claim a tax credit earned as a result of the
12668 purchase of the proposed qualified investment.
12669 (g) A detailed explanation of the proposed use of the
12670 proceeds from a proposed qualified investment.
12671 (h) A nonrefundable application fee of $1,000, payable to
12672 Jobs Florida ~~the office~~.
12673 (i) A statement that the entity will invest only in the

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12674 industries designated by Jobs Florida ~~the office~~.
12675 (j) The entity's plans for the development of relationships
12676 with community-based organizations, local community development
12677 offices and organizations, and economic development
12678 organizations. The entity must also explain steps it has taken
12679 to implement its plans to develop these relationships.
12680 (k) A statement that the entity will not invest in a
12681 qualified active low-income community business unless the
12682 business will create or retain jobs that pay an average wage of
12683 at least 115 percent of the federal poverty income guidelines
12684 for a family of four.
12685 (3) REVIEW.—
12686 (a) Jobs Florida ~~The office~~ shall review applications to
12687 approve an investment as a qualified investment in the order
12688 received. Jobs Florida ~~The office~~ shall approve or deny an
12689 application within 30 days after receipt.
12690 (b) If Jobs Florida ~~the office~~ intends to deny the
12691 application, Jobs Florida ~~the office~~ shall inform the applicant
12692 of the basis of the proposed denial. The applicant shall have 15
12693 days after it receives the notice of the intent to deny the
12694 application to submit a revised application to Jobs Florida ~~the~~
12695 ~~office~~. Jobs Florida ~~the office~~ shall issue a final order
12696 approving or denying the revised application within 30 days
12697 after receipt.
12698 (c) Jobs Florida ~~The office~~ may not approve a cumulative
12699 amount of qualified investments that may result in the claim of
12700 more than $97.5 million in tax credits during the existence of
12701 the program or more than $20 million in tax credits in a single
12702 state fiscal year. However, the potential for a taxpayer to

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12703 carry forward an unused tax credit may not be considered in
12704 calculating the annual limit.
12705 (4) APPROVAL.—
12706 (a) Jobs Florida ~~The office~~ shall provide a copy of the
12707 final order approving an investment as a qualified investment to
12708 the qualified community development entity and to the
12709 department. The notice shall include the identity of the
12710 taxpayers who are eligible to claim the tax credits and the
12711 amount that may be claimed by each taxpayer.
12712 (b) Jobs Florida ~~The office~~ shall approve an application
12713 for part of the amount of the proposed investment if the amount
12714 of tax credits available is insufficient.
12715 (6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The
12716 qualified community development entity must provide Jobs Florida
12717 ~~the office~~ with evidence of the receipt of the cash in exchange
12718 for the qualified investment within 30 business days after
12719 receipt.
12720 Section 194. Subsection (2) of section 288.9916, Florida
12721 Statutes, is amended to read:
12722 288.9916 New markets tax credit.—
12723 (2) A tax credit earned under this section may not be sold
12724 or transferred, except as provided in this subsection.
12725 (a) A partner, member, or shareholder of a partnership,
12726 limited liability company, S-corporation, or other "pass-
12727 through" entity may claim the tax credit pursuant to an
12728 agreement among the partners, members, or shareholders. Any
12729 change in the allocation of a tax credit under the agreement
12730 must be reported to Jobs Florida ~~the office~~ and to the
12731 department.

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12732 (b) Eligibility to claim a tax credit transfers to
12733 subsequent purchasers of a qualified investment. Such transfers
12734 must be reported to Jobs Florida ~~the office~~ and to the
12735 department along with the identity, tax identification number,
12736 and tax credit amount allocated to a taxpayer pursuant to
12737 paragraph (a). The notice of transfer also must state whether
12738 unused tax credits are being transferred and the amount of
12739 unused tax credits being transferred.
12740 Section 195. Section 288.9917, Florida Statutes, is amended
12741 to read:
12742 288.9917 Community development entity reporting after a
12743 credit allowance date; certification of tax credit amount.—
12744 (1) A qualified community development entity that has
12745 issued a qualified investment shall submit the following to Jobs
12746 Florida ~~the office~~ within 30 days after each credit allowance
12747 date:
12748 (a) A list of all qualified active low-income community
12749 businesses in which a qualified low-income community investment
12750 was made since the last credit allowance date. The list shall
12751 also describe the type and amount of investment in each business
12752 and the address of the principal location of each business. The
12753 list must be verified by the chief executive officer of the
12754 community development entity.
12755 (b) Bank records, wire transfer records, or similar
12756 documents that provide evidence of the qualified low-income
12757 community investments made since the last credit allowance date.
12758 (c) A verified statement by the chief financial or
12759 accounting officer of the community development entity that no
12760 redemption or principal repayment was made with respect to the

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12761 qualified investment since the previous credit allowance date.
12762 (d) Information relating to the recapture of the federal
12763 new markets tax credit since the last credit allowance date.
12764 (2) Jobs Florida ~~The office~~ shall certify in writing to the
12765 qualified community development entity and to the department the
12766 amount of the tax credit authorized for each taxpayer eligible
12767 to claim the tax credit in the tax year containing the last
12768 credit allowance date.
12769 Section 196. Section 288.9918, Florida Statutes, is amended
12770 to read:
12771 288.9918 Annual reporting by a community development
12772 entity.—A community development entity that has issued a
12773 qualified investment shall submit an annual report to Jobs
12774 Florida ~~the office~~ by April 30 after the end of each year which
12775 includes a credit allowance date. The report shall include:
12776 (1) The entity's annual financial statements for the
12777 preceding tax year, audited by an independent certified public
12778 accountant.
12779 (2) The identity of the types of industries, identified by
12780 the North American Industry Classification System Code, in which
12781 qualified low-income community investments were made.
12782 (3) The names of the counties in which the qualified active
12783 low-income businesses are located which received qualified low-
12784 income community investments.
12785 (4) The number of jobs created and retained by qualified
12786 active low-income community businesses receiving qualified low-
12787 income community investments, including verification that the
12788 average wages paid meet or exceed 115 percent of the federal
12789 poverty income guidelines for a family of four.

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12790 (5) A description of the relationships that the entity has
12791 established with community-based organizations and local
12792 community development offices and organizations and a summary of
12793 the outcomes resulting from those relationships.
12794 (6) Other information and documentation required by Jobs
12795 Florida ~~the office~~ to verify continued certification as a
12796 qualified community development entity under 26 U.S.C. s. 45D.
12797 Section 197. Section 288.9919, Florida Statutes, is amended
12798 to read:
12799 288.9919 Audits and examinations; penalties.—
12800 (1) AUDITS.—A community development entity that issues an
12801 investment approved by Jobs Florida ~~the office~~ as a qualified
12802 investment shall be deemed a recipient of state financial
12803 assistance under s. 215.97, the Florida Single Audit Act.
12804 However, an entity that makes a qualified investment or receives
12805 a qualified low-income community investment is not a
12806 subrecipient for the purposes of s. 215.97.
12807 (2) EXAMINATIONS.—Jobs Florida ~~the office~~ may conduct
12808 examinations to verify compliance with the New Markets
12809 Development Program Act.
12810 Section 198. Section 288.9920, Florida Statutes, is amended
12811 to read:
12812 288.9920 Recapture and penalties.—
12813 (1) Notwithstanding s. 95.091, Jobs Florida ~~the office~~
12814 shall direct the department, at any time before December 31,
12815 2022, to recapture all or a portion of a tax credit authorized
12816 pursuant to the New Markets Development Program Act if one or
12817 more of the following occur:
12818 (a) The Federal Government recaptures any portion of the

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12819 federal new markets tax credit. The recapture by the department
12820 shall equal the recapture by the Federal Government.
12821 (b) The qualified community development entity redeems or
12822 makes a principal repayment on a qualified investment before the
12823 final allowance date. The recapture by the department shall
12824 equal the redemption or principal repayment divided by the
12825 purchase price and multiplied by the tax credit authorized to a
12826 taxpayer for the qualified investment.
12827 (c)1. The qualified community development entity fails to
12828 invest at least 85 percent of the purchase price in qualified
12829 low-income community investments within 12 months after the
12830 issuance of a qualified investment; or
12831 2. The qualified community development entity fails to
12832 maintain 85 percent of the purchase price in qualified low-
12833 income community investments until the last credit allowance
12834 date for a qualified investment.
12835
12836 For the purposes of this paragraph, an investment by a qualified
12837 community development entity includes principal recovered from
12838 an investment for 12 months after its recovery or principal
12839 recovered after the sixth credit allowance date. Principal held
12840 for longer than 12 months or recovered before the sixth credit
12841 allowance date is not an investment unless it is reinvested in a
12842 qualified low-income community investment.
12843 (d) The qualified community development entity fails to
12844 provide Jobs Florida ~~the office~~ with information, reports, or
12845 documentation required by the New Markets Development Program
12846 Act.
12847 (e) Jobs Florida ~~The office~~ determines that a taxpayer

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12848 received tax credits to which the taxpayer was not entitled.
12849 (2) Jobs Florida ~~The office~~ shall provide notice to the
12850 qualified community development entity and the department of a
12851 proposed recapture of a tax credit. The entity shall have 6
12852 months following the receipt of the notice to cure a deficiency
12853 identified in the notice and avoid recapture. Jobs Florida ~~the~~
12854 ~~office~~ shall issue a final order of recapture if the entity
12855 fails to cure a deficiency within the 6-month period. The final
12856 order of recapture shall be provided to the entity, the
12857 department, and a taxpayer otherwise authorized to claim the tax
12858 credit. Only one correction is permitted for each qualified
12859 equity investment during the 7-year credit period. Recaptured
12860 funds shall be deposited into the General Revenue Fund.
12861 (3) An entity that submits fraudulent information to Jobs
12862 Florida ~~the office~~ is liable for the costs associated with the
12863 investigation and prosecution of the fraudulent claim plus a
12864 penalty in an amount equal to double the tax credits claimed by
12865 investors in the entity's qualified investments. This penalty is
12866 in addition to any other penalty that may be imposed by law.
12867 Section 199. Section 288.9921, Florida Statutes, is amended
12868 to read:
12869 288.9921 Rulemaking.—Jobs Florida ~~the Office~~ and the
12870 Department of Revenue may adopt rules pursuant to ss. 120.536(1)
12871 and 120.54 to administer ss. 288.991-288.9920.
12872 Section 200. Subsection (5) of section 290.004, Florida
12873 Statutes, is amended, and present subsections (6) and (7) of
12874 that subsection are renumbered as subsections (5) and (6),
12875 respectively, to read:
12876 290.004 Definitions relating to Florida Enterprise Zone

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12877 Act.—As used in ss. 290.001-290.016:
12878 ~~(5) "Office" means The Office of Tourism, Trade, and~~
12879 ~~Economic Development.~~
12880 Section 201. Subsection (1) and paragraphs (a) and (b) of
12881 subsection (6) of section 290.0055, Florida Statutes, are
12882 amended to read:
12883 290.0055 Local nominating procedure.—
12884 (1) If, pursuant to s. 290.0065, an opportunity exists for
12885 designation of a new enterprise zone, any county or
12886 municipality, or a county and one or more municipalities
12887 together, may apply to Jobs Florida ~~the office~~ for the
12888 designation of an area as an enterprise zone after completion of
12889 the following:
12890 (a) The adoption by the governing body or bodies of a
12891 resolution which:
12892 1. Finds that an area exists in such county or
12893 municipality, or in both the county and one or more
12894 municipalities, which chronically exhibits extreme and
12895 unacceptable levels of poverty, unemployment, physical
12896 deterioration, and economic disinvestment;
12897 2. Determines that the rehabilitation, conservation, or
12898 redevelopment, or a combination thereof, of such area is
12899 necessary in the interest of the public health, safety, and
12900 welfare of the residents of such county or municipality, or such
12901 county and one or more municipalities; and
12902 3. Determines that the revitalization of such area can
12903 occur only if the private sector can be induced to invest its
12904 own resources in productive enterprises that build or rebuild
12905 the economic viability of the area.

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12906 (b) The creation of an enterprise zone development agency
12907 pursuant to s. 290.0056.
12908 (c) The creation and adoption of a strategic plan pursuant
12909 to s. 290.0057.
12910 (6)(a) Jobs Florida ~~The office~~ may approve a change in the
12911 boundary of any enterprise zone which was designated pursuant to
12912 s. 290.0065. A boundary change must continue to satisfy the
12913 requirements of subsections (3), (4), and (5).
12914 (b) Upon a recommendation by the enterprise zone
12915 development agency, the governing body of the jurisdiction which
12916 authorized the application for an enterprise zone may apply to
12917 Jobs Florida ~~the Office~~ for a change in boundary once every 3
12918 years by adopting a resolution that:
12919 1. States with particularity the reasons for the change;
12920 and
12921 2. Describes specifically and, to the extent required by
12922 Jobs Florida ~~the office~~, the boundary change to be made.
12923 Section 202. Subsections (11) and (12) of section 290.0056,
12924 Florida Statutes, are amended to read:
12925 290.0056 Enterprise zone development agency.—
12926 (11) Prior to December 1 of each year, the agency shall
12927 submit to Jobs Florida ~~the Office of Tourism, Trade, and~~
12928 ~~Economic Development~~ a complete and detailed written report
12929 setting forth:
12930 (a) Its operations and accomplishments during the fiscal
12931 year.
12932 (b) The accomplishments and progress concerning the
12933 implementation of the strategic plan or measurable goals, and
12934 any updates to the strategic plan or measurable goals.

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12935 (c) The number and type of businesses assisted by the
12936 agency during the fiscal year.
12937 (d) The number of jobs created within the enterprise zone
12938 during the fiscal year.
12939 (e) The usage and revenue impact of state and local
12940 incentives granted during the calendar year.
12941 (f) Any other information required by Jobs Florida ~~the~~
12942 ~~office~~.
12943 (12) In the event that the nominated area selected by the
12944 governing body is not designated a state enterprise zone, the
12945 governing body may dissolve the agency after receiving
12946 notification from Jobs Florida ~~the office~~ that the area was not
12947 designated as an enterprise zone.
12948 Section 203. Subsections (2) and (4), paragraph (a) of
12949 subsection (6), and subsection (7) of section 290.0065, Florida
12950 Statutes, are amended to read:
12951 290.0065 State designation of enterprise zones.—
12952 (2) If, pursuant to subsection (4), Jobs Florida ~~the office~~
12953 does not redesignate an enterprise zone, a governing body of a
12954 county or municipality or the governing bodies of a county and
12955 one or more municipalities jointly, pursuant to s. 290.0055, may
12956 apply for designation of an enterprise zone to take the place of
12957 the enterprise zone not redesignated and request designation of
12958 an enterprise zone. Jobs Florida ~~the Office, in consultation~~
12959 ~~with Enterprise Florida, Inc.,~~ shall determine which areas
12960 nominated by such governing bodies meet the criteria outlined in
12961 s. 290.0055 and are the most appropriate for designation as
12962 state enterprise zones. Each application made pursuant to s.
12963 290.0055 shall be ranked competitively based on the pervasive

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12964 poverty, unemployment, and general distress of the area; the
12965 strategic plan, including local fiscal and regulatory
12966 incentives, prepared pursuant to s. 290.0057; and the prospects
12967 for new investment and economic development in the area.
12968 Pervasive poverty, unemployment, and general distress shall be
12969 weighted 35 percent; strategic plan and local fiscal and
12970 regulatory incentives shall be weighted 40 percent; and
12971 prospects for new investment and economic development in the
12972 area shall be weighted 25 percent.
12973 (4)(a) Notwithstanding s. 290.0055, Jobs Florida ~~the office~~
12974 may redesignate any state enterprise zone having an effective
12975 date on or before January 1, 2005, as a state enterprise zone
12976 upon completion and submittal to the office by the governing
12977 body for an enterprise zone of the following:
12978 1. An updated zone profile for the enterprise zone based on
12979 the most recent census data that complies with s. 290.0055,
12980 except that pervasive poverty criteria may be set aside for
12981 rural enterprise zones.
12982 2. A resolution passed by the governing body for that
12983 enterprise zone requesting redesignation and explaining the
12984 reasons the conditions of the zone merit redesignation.
12985 3. Measurable goals for the enterprise zone developed by
12986 the enterprise zone development agency, which may be the goals
12987 established in the enterprise zone's strategic plan.
12988
12989 The governing body may also submit a request for a boundary
12990 change in an enterprise zone in the same application to Jobs
12991 Florida ~~the office~~ as long as the new area complies with the
12992 requirements of s. 290.0055, except that pervasive poverty

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12993 criteria may be set aside for rural enterprise zones.
12994 (b) Jobs Florida ~~In consultation with Enterprise Florida,~~
12995 ~~Inc., the office~~ shall, based on the enterprise zone profile and
12996 the grounds for redesignation expressed in the resolution,
12997 determine whether the enterprise zone merits redesignation. Jobs
12998 Florida ~~the office~~ may also examine and consider the following:
12999 1. Progress made, if any, in the enterprise zone's
13000 strategic plan.
13001 2. Use of enterprise zone incentives during the life of the
13002 enterprise zone.
13003
13004 If Jobs Florida ~~the office~~ determines that the enterprise zone
13005 merits redesignation, Jobs Florida ~~the office~~ shall notify the
13006 governing body in writing of its approval of redesignation.
13007 (c) If the enterprise zone is redesignated, Jobs Florida
13008 ~~the office~~ shall determine if the measurable goals submitted are
13009 reasonable. If Jobs Florida ~~the office~~ determines that the goals
13010 are reasonable, it ~~the office~~ shall notify the governing body in
13011 writing that the goals have been approved.
13012 (d) If Jobs Florida ~~the office~~ denies redesignation of an
13013 enterprise zone, it ~~the Office~~ shall notify the governing body
13014 in writing of the denial. Any county or municipality having
13015 jurisdiction over an area denied redesignation as a state
13016 enterprise zone pursuant to this subsection may not apply for
13017 designation of that area for 1 year following the date of
13018 denial.
13019 (6)(a) Jobs Florida ~~the office, in consultation with~~
13020 ~~Enterprise Florida, Inc.,~~ may develop guidelines necessary for
13021 the approval of areas under this section by the director.

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13022 (7) Upon approval by Jobs Florida ~~the director~~ of a
13023 resolution authorizing an area to be an enterprise zone pursuant
13024 to this section, Jobs Florida ~~the office~~ shall assign a unique
13025 identifying number to that resolution. Jobs Florida ~~the office~~
13026 shall provide the Department of Revenue and Enterprise Florida,
13027 Inc., with a copy of each resolution approved, together with its
13028 identifying number.
13029 Section 204. Subsection (1) of section 290.0066, Florida
13030 Statutes, is amended to read:
13031 290.0066 Revocation of enterprise zone designation.—
13032 (1) Jobs Florida ~~The director~~ may revoke the designation of
13033 an enterprise zone if Jobs Florida ~~the director~~ determines that
13034 the governing body or bodies:
13035 (a) Have failed to make progress in achieving the
13036 benchmarks set forth in the strategic plan or measurable goals;
13037 or
13038 (b) Have not complied substantially with the strategic plan
13039 or measurable goals.
13040 Section 205. Section 290.00710, Florida Statutes, is
13041 amended to read:
13042 290.00710 Enterprise zone designation for the City of
13043 Lakeland.—The City of Lakeland may apply to Jobs Florida ~~the~~
13044 ~~Office of Tourism, Trade, and Economic Development~~ for
13045 designation of one enterprise zone for an area within the City
13046 of Lakeland, which zone shall encompass an area up to 10 square
13047 miles. ~~The application must be submitted by December 31, 2005,~~
13048 ~~and must comply with the requirements of s. 290.0055.~~
13049 Notwithstanding s. 290.0065, limiting the total number of
13050 enterprise zones designated and the number of enterprise zones

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13051 within a population category, Jobs Florida ~~the Office of~~
13052 ~~Tourism, Trade, and Economic Development~~ may designate one
13053 enterprise zone under this section. Jobs Florida ~~The Office of~~
13054 ~~Tourism, Trade, and Economic Development~~ shall establish the
13055 initial effective date of the enterprise zone designated
13056 pursuant to this section.
13057 Section 206. Section 290.0072, Florida Statutes, is amended
13058 to read:
13059 290.0072 Enterprise zone designation for the City of Winter
13060 Haven.—The City of Winter Haven may apply to Jobs Florida ~~the~~
13061 ~~Office of Tourism, Trade, and Economic Development~~ for
13062 designation of one enterprise zone for an area within the City
13063 of Winter Haven, which zone shall encompass an area up to 5
13064 square miles. Notwithstanding s. 290.0065 limiting the total
13065 number of enterprise zones designated and the number of
13066 enterprise zones within a population category, Jobs Florida ~~the~~
13067 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13068 one enterprise zone under this section. Jobs Florida ~~The Office~~
13069 ~~of Tourism, Trade, and Economic Development~~ shall establish the
13070 initial effective date of the enterprise zone designated
13071 pursuant to this section.
13072 Section 207. Section 290.00725, Florida Statutes, is
13073 amended to read:
13074 290.00725 Enterprise zone designation for the City of
13075 Ocala.—The City of Ocala may apply to Jobs Florida ~~the Office of~~
13076 ~~Tourism, Trade, and Economic Development~~ for designation of one
13077 enterprise zone for an area within the western portion of the
13078 city, which zone shall encompass an area up to 5 square miles.
13079 ~~The application must be submitted by December 31, 2009, and must~~

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13080 ~~comply with the requirements of s. 290.0055.~~ Notwithstanding s.
13081 290.0065 limiting the total number of enterprise zones
13082 designated and the number of enterprise zones within a
13083 population category, Jobs Florida ~~the Office of Tourism, Trade,~~
13084 ~~and Economic Development~~ may designate one enterprise zone under
13085 this section. Jobs Florida ~~The Office of Tourism, Trade, and~~
13086 ~~Economic Development~~ shall establish the initial effective date
13087 of the enterprise zone designated under this section.
13088 Section 208. Section 290.0073, Florida Statutes, is amended
13089 to read:
13090 290.0073 Enterprise zone designation for Indian River
13091 County, the City of Vero Beach, and the City of Sebastian.—
13092 Indian River County, the City of Vero Beach, and the City of
13093 Sebastian may jointly apply to Jobs Florida ~~the Office of~~
13094 ~~Tourism, Trade, and Economic Development~~ for designation of one
13095 enterprise zone encompassing an area not to exceed 10 square
13096 miles. ~~The application must be submitted by December 31, 2005,~~
13097 ~~and must comply with the requirements of s. 290.0055.~~
13098 Notwithstanding the provisions of s. 290.0065 limiting the total
13099 number of enterprise zones designated and the number of
13100 enterprise zones within a population category, Jobs Florida ~~the~~
13101 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13102 one enterprise zone under this section. Jobs Florida ~~The Office~~
13103 ~~of Tourism, Trade, and Economic Development~~ shall establish the
13104 initial effective date of the enterprise zone designated
13105 pursuant to this section.
13106 Section 209. Section 290.0074, Florida Statutes, is amended
13107 to read:
13108 290.0074 Enterprise zone designation for Sumter County.—

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13109 Sumter County may apply to Jobs Florida ~~the Office of Tourism,~~
13110 ~~Trade, and Economic Development~~ for designation of one
13111 enterprise zone encompassing an area not to exceed 10 square
13112 miles. The application must be submitted by December 31, 2005.
13113 Notwithstanding the provisions of s. 290.0065 limiting the total
13114 number of enterprise zones designated and the number of
13115 enterprise zones within a population category, Jobs Florida ~~the~~
13116 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13117 one enterprise zone under this section. Jobs Florida ~~The Office~~
13118 ~~of Tourism, Trade and Economic Development~~ shall establish the
13119 initial effective date of the enterprise zone designated
13120 pursuant to this section.
13121 Section 210. Section 290.0077, Florida Statutes, is amended
13122 to read:
13123 290.0077 Enterprise zone designation for Orange County and
13124 the municipality of Apopka.—Orange County and the municipality
13125 of Apopka may jointly apply to Jobs Florida ~~the Office of~~
13126 ~~Tourism, Trade, and Economic Development~~ for designation of one
13127 enterprise zone. ~~The application must be submitted by December~~
13128 ~~31, 2005, and must comply with the requirements of s. 290.0055.~~
13129 Notwithstanding the provisions of s. 290.0065 limiting the total
13130 number of enterprise zones designated and the number of
13131 enterprise zones within a population category, Jobs Florida ~~the~~
13132 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13133 one enterprise zone under this section. Jobs Florida ~~The Office~~
13134 ~~of Tourism, Trade, and Economic Development~~ shall establish the
13135 initial effective date of the enterprise zone designated
13136 pursuant to this section.
13137 Section 211. Section 290.014, Florida Statutes, is amended

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13138 to read:
13139 290.014 Annual reports on enterprise zones.—
13140 (1) By February 1 of each year, the Department of Revenue
13141 shall submit an annual report to Jobs Florida ~~the Office of~~
13142 ~~Tourism, Trade, and Economic Development~~ detailing the usage and
13143 revenue impact by county of the state incentives listed in s.
13144 290.007.
13145 (2) By March 1 of each year, Jobs Florida ~~the office~~ shall
13146 submit an annual report to the Governor, the Speaker of the
13147 House of Representatives, and the President of the Senate. The
13148 report shall include the information provided by the Department
13149 of Revenue pursuant to subsection (1) and the information
13150 provided by enterprise zone development agencies pursuant to s.
13151 290.0056. In addition, the report shall include an analysis of
13152 the activities and accomplishments of each enterprise zone.
13153 Section 212. Subsections (3), (5), (8), (9), (10), and (11)
13154 of section 311.09, Florida Statutes, are amended to read:
13155 311.09 Florida Seaport Transportation and Economic
13156 Development Council.—
13157 (3) The council shall prepare a 5-year Florida Seaport
13158 Mission Plan defining the goals and objectives of the council
13159 concerning the development of port facilities and an intermodal
13160 transportation system consistent with the goals of the Florida
13161 Transportation Plan developed pursuant to s. 339.155. The
13162 Florida Seaport Mission Plan shall include specific
13163 recommendations for the construction of transportation
13164 facilities connecting any port to another transportation mode
13165 and for the efficient, cost-effective development of
13166 transportation facilities or port facilities for the purpose of

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13167 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 (5) The council shall review and approve or disapprove each
13184 project eligible to be funded pursuant to the Florida Seaport
13185 Transportation and Economic Development Program. The council
13186 shall annually submit to the Secretary of Transportation and~~;~~
13187 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 (8) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
13195 ~~Development, in consultation with Enterprise Florida, Inc.,~~

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13196 shall review the list of projects approved by the council to
13197 evaluate the economic benefit of the project and to determine
13198 whether the project is consistent with the Florida Seaport
13199 Mission Plan. Jobs Florida ~~The Office of Tourism, Trade, and~~
13200 ~~Economic Development~~ shall review the economic benefits of each
13201 project based upon the rules adopted pursuant to subsection (4).
13202 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
13203 ~~Development~~ shall identify those projects which it has
13204 determined do not offer an economic benefit to the state or are
13205 not consistent with the Florida Seaport Mission Plan and shall
13206 notify the council of its findings.
13207 (9) The council shall review the findings of Jobs Florida
13208 ~~the Department of Community Affairs; the Office of Tourism,~~
13209 ~~Trade, and Economic Development;~~ and the Department of
13210 Transportation. Projects found to be inconsistent pursuant to
13211 subsections (6), (7), and (8) and projects which have been
13212 determined not to offer an economic benefit to the state
13213 pursuant to subsection (8) shall not be included in the list of
13214 projects to be funded.
13215 (10) The Department of Transportation shall include in its
13216 annual legislative budget request a Florida Seaport
13217 Transportation and Economic Development grant program for
13218 expenditure of funds of not less than $8 million per year. Such
13219 budget shall include funding for projects approved by the
13220 council which have been determined by each agency to be
13221 consistent and which have been determined by Jobs Florida ~~the~~
13222 ~~Office of Tourism, Trade, and Economic Development~~ to be
13223 economically beneficial. The department shall include the
13224 specific approved seaport projects to be funded under this

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13225 section during the ensuing fiscal year in the tentative work
13226 program developed pursuant to s. 339.135(4). The total amount of
13227 funding to be allocated to seaport projects under s. 311.07
13228 during the successive 4 fiscal years shall also be included in
13229 the tentative work program developed pursuant to s. 339.135(4).
13230 The council may submit to the department a list of approved
13231 projects that could be made production-ready within the next 2
13232 years. The list shall be submitted by the department as part of
13233 the needs and project list prepared pursuant to s.
13234 339.135(2)(b). However, the department shall, upon written
13235 request of the Florida Seaport Transportation and Economic
13236 Development Council, submit work program amendments pursuant to
13237 s. 339.135(7) to the Governor within 10 days after the later of
13238 the date the request is received by the department or the
13239 effective date of the amendment, termination, or closure of the
13240 applicable funding agreement between the department and the
13241 affected seaport, as required to release the funds from the
13242 existing commitment. Notwithstanding s. 339.135(7)(c), any work
13243 program amendment to transfer prior year funds from one approved
13244 seaport project to another seaport project is subject to the
13245 procedures in s. 339.135(7)(d). Notwithstanding any provision of
13246 law to the contrary, the department may transfer unexpended
13247 budget between the seaport projects as identified in the
13248 approved work program amendments.
13249 (11) The council shall meet at the call of its chairperson,
13250 at the request of a majority of its membership, or at such times
13251 as may be prescribed in its bylaws. However, the council must
13252 meet at least semiannually. A majority of voting members of the
13253 council constitutes a quorum for the purpose of transacting the

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13254 business of the council. All members of the council are voting
13255 members. A vote of the majority of the voting members present is
13256 sufficient for any action of the council, except that a member
13257 representing the Department of Transportation~~, the Department of~~
13258 ~~Community Affairs,~~ or Jobs Florida ~~the Office of Tourism, Trade,~~
13259 ~~and Economic Development~~ may vote to overrule any action of the
13260 council approving a project pursuant to subsection (5). The
13261 bylaws of the council may require a greater vote for a
13262 particular action.
13263 Section 213. Section 311.11, Florida Statutes, is amended
13264 to read:
13265 311.11 Seaport Employment Training Grant Program.—
13266 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
13267 ~~Development~~, in cooperation with the Florida Seaport
13268 Transportation and Economic Development Council, shall establish
13269 a Seaport Employment Training Grant Program within Jobs Florida
13270 ~~the Office~~. Jobs Florida ~~the office~~ shall grant funds
13271 appropriated by the Legislature to the program for the purpose
13272 of stimulating and supporting seaport training and employment
13273 programs which will seek to match state and local training
13274 programs with identified job skills associated with employment
13275 opportunities in the port, maritime, and transportation
13276 industries, and for the purpose of providing such other
13277 training, educational, and information services as required to
13278 stimulate jobs in the described industries. Funds may be used
13279 for the purchase of equipment to be used for training purposes,
13280 hiring instructors, and any other purpose associated with the
13281 training program. The ~~office's~~ contribution of Jobs Florida to
13282 any specific training program may not exceed 50 percent of the

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13283 total cost of the program. Matching contributions may include
13284 services in kind, including, but not limited to, training
13285 instructors, equipment usage, and training facilities.
13286 (2) Jobs Florida ~~The Office~~ shall adopt criteria to
13287 implement this section.
13288 Section 214. Paragraphs (i) and (l) of subsection (1) of
13289 section 311.115, Florida Statutes, are amended to read:
13290 311.115 Seaport Security Standards Advisory Council.—The
13291 Seaport Security Standards Advisory Council is created under the
13292 Office of Drug Control. The council shall serve as an advisory
13293 council as provided in s. 20.03(7).
13294 (1) The members of the council shall be appointed by the
13295 Governor and consist of the following:
13296 (i) One representative of Jobs Florida ~~member from the~~
13297 ~~Office of Tourism, Trade, and Economic Development~~.
13298 (l) The Director of the Office ~~Division~~ of Emergency
13299 Management, or his or her designee.
13300 Section 215. Subsection (2) of section 311.22, Florida
13301 Statutes, is amended to read:
13302 311.22 Additional authorization for funding certain
13303 dredging projects.—
13304 (2) The council shall adopt rules for evaluating the
13305 projects that may be funded pursuant to this section. The rules
13306 must provide criteria for evaluating the economic benefit of the
13307 project. The rules must include the creation of an
13308 administrative review process by the council which is similar to
13309 the process described in s. 311.09(5)-(12), and provide for a
13310 review by ~~the Department of Community Affairs,~~ the Department of
13311 Transportation~~,~~ and Jobs Florida ~~the Office of Tourism, Trade,~~

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13312 ~~and Economic Development~~ of all projects submitted for funding
13313 under this section.
13314 Section 216. Paragraph (a) of subsection (6), paragraph (b)
13315 of subsection (9), subsection (60), and paragraph (b) of
13316 subsection (65) of section 320.08058, Florida Statutes, are
13317 amended to read:
13318 320.08058 Specialty license plates.—
13319 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE
13320 PLATES.—
13321 (a) Because the United States Olympic Committee has
13322 selected this state to participate in a combined fundraising
13323 program that provides for one-half of all money raised through
13324 volunteer giving to stay in this state and be administered by
13325 the Jobs Florida Partnership, Inc., ~~direct-support organization~~
13326 ~~established under s. 288.1229~~ to support amateur sports, and
13327 because the United States Olympic Committee and the Jobs Florida
13328 Partnership, Inc., ~~direct-support organization~~ are nonprofit
13329 organizations dedicated to providing athletes with support and
13330 training and preparing athletes of all ages and skill levels for
13331 sports competition, and because the Jobs Florida Partnership,
13332 Inc., ~~direct-support organization~~ assists in the bidding for
13333 sports competitions that provide significant impact to the
13334 economy of this state, and the Legislature supports the efforts
13335 of the United States Olympic Committee and the Jobs Florida
13336 Partnership, Inc. ~~direct-support organization~~, the Legislature
13337 establishes a Florida United States Olympic Committee license
13338 plate for the purpose of providing a continuous funding source
13339 to support this worthwhile effort. Florida United States Olympic
13340 Committee license plates must contain the official United States

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13341 Olympic Committee logo and must bear a design and colors that
13342 are approved by the department. The word “Florida” must be
13343 centered at the top of the plate.
13344 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—
13345 (b) The license plate annual use fees are to be annually
13346 distributed as follows:
13347 1. Fifty-five percent of the proceeds from the Florida
13348 Professional Sports Team plate must be deposited into the
13349 Professional Sports Development Trust Fund within Jobs Florida
13350 ~~the Office of Tourism, Trade, and Economic Development~~. These
13351 funds must be used solely to attract and support major sports
13352 events in this state. As used in this subparagraph, the term
13353 “major sports events” means, but is not limited to, championship
13354 or all-star contests of Major League Baseball, the National
13355 Basketball Association, the National Football League, the
13356 National Hockey League, the men’s and women’s National
13357 Collegiate Athletic Association Final Four basketball
13358 championship, or a horseracing or dogracing Breeders’ Cup. All
13359 funds must be used to support and promote major sporting events,
13360 and the uses must be approved by the Florida Sports Foundation.
13361 2. The remaining proceeds of the Florida Professional
13362 Sports Team license plate must be allocated to the Jobs Florida
13363 Partnership, Inc ~~Florida Sports Foundation, a direct-support~~
13364 ~~organization of the Office of Tourism, Trade, and Economic~~
13365 ~~Development~~. These funds must be deposited into the Professional
13366 Sports Development Trust Fund within Jobs Florida ~~the Office of~~
13367 ~~Tourism, Trade, and Economic Development~~. These funds must be
13368 used by the Jobs Florida Partnership, Inc., ~~Florida Sports~~
13369 ~~Foundation~~ to promote the economic development of the sports

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13370 industry; to distribute licensing and royalty fees to
13371 participating professional sports teams; to promote education
13372 programs in Florida schools that provide an awareness of the
13373 benefits of physical activity and nutrition standards; to
13374 partner with the Department of Education and the Department of
13375 Health to develop a program that recognizes schools whose
13376 students demonstrate excellent physical fitness or fitness
13377 improvement; to institute a grant program for communities
13378 bidding on minor sporting events that create an economic impact
13379 for the state; to distribute funds to Florida-based charities
13380 designated by the Jobs Florida Partnership, Inc., ~~Florida Sports~~
13381 ~~Foundation~~ and the participating professional sports teams; and
13382 to fulfill the sports promotion responsibilities of Jobs Florida
13383 ~~the Office of Tourism, Trade, and Economic Development~~.
13384 3. The Jobs Florida Partnership, Inc., ~~Florida Sports~~
13385 ~~Foundation~~ shall provide an annual financial audit in accordance
13386 with s. 215.981 of its financial accounts and records by an
13387 independent certified public accountant pursuant to the contract
13388 established by Jobs Florida ~~the Office of Tourism, Trade, and~~
13389 ~~Economic Development as specified in s. 288.1229(5)~~. The auditor
13390 shall submit the audit report to Jobs Florida ~~the Office of~~
13391 ~~Tourism, Trade, and Economic Development~~ for review and
13392 approval. If the audit report is approved, Jobs Florida ~~the~~
13393 ~~office~~ shall certify the audit report to the Auditor General for
13394 review.
13395 4. Notwithstanding the provisions of subparagraphs 1. and
13396 2., proceeds from the Professional Sports Development Trust Fund
13397 may also be used for operational expenses of the Jobs Florida
13398 Partnership, Inc., ~~Florida Sports Foundation~~ and financial

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13399 support of the Sunshine State Games.
13400 (60) FLORIDA NASCAR LICENSE PLATES.—
13401 (a) The department shall develop a Florida NASCAR license
13402 plate as provided in this section. Florida NASCAR license plates
13403 must bear the colors and design approved by the department. The
13404 word "Florida" must appear at the top of the plate, and the term
13405 "NASCAR" must appear at the bottom of the plate. The National
13406 Association for Stock Car Auto Racing, following consultation
13407 with the Jobs Florida Partnership, Inc. ~~Florida Sports~~
13408 ~~Foundation~~, may submit a sample plate for consideration by the
13409 department.
13410 (b) The license plate annual use fees shall be distributed
13411 to the Jobs Florida Partnership, Inc. ~~Florida Sports Foundation,~~
13412 ~~a direct-support organization of the Office of Tourism, Trade,~~
13413 ~~and Economic Development.~~ The license plate annual use fees
13414 shall be annually allocated as follows:
13415 1. Up to 5 percent of the proceeds from the annual use fees
13416 may be used by the Jobs Florida Partnership, Inc., ~~Florida~~
13417 ~~Sports Foundation~~ for the administration of the NASCAR license
13418 plate program.
13419 2. The National Association for Stock Car Auto Racing shall
13420 receive up to $60,000 in proceeds from the annual use fees to be
13421 used to pay startup costs, including costs incurred in
13422 developing and issuing the plates. Thereafter, 10 percent of the
13423 proceeds from the annual use fees shall be provided to the
13424 association for the royalty rights for the use of its marks.
13425 3. The remaining proceeds from the annual use fees shall be
13426 distributed to the Jobs Florida Partnership, Inc ~~Florida Sports~~
13427 ~~Foundation~~. The Jobs Florida Partnership, Inc., ~~Florida Sports~~

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13428 ~~Foundation~~ will retain 15 percent to support its regional grant
13429 program, attracting sporting events to Florida; 20 percent to
13430 support the marketing of motorsports-related tourism in the
13431 state; and 50 percent to be paid to the NASCAR Foundation, a s.
13432 501(c)(3) charitable organization, to support Florida-based
13433 charitable organizations.
13434 (c) The Jobs Florida Partnership, Inc., ~~Florida Sports~~
13435 ~~Foundation~~ shall provide an annual financial audit in accordance
13436 with s. 215.981 of its financial accounts and records by an
13437 independent certified public accountant pursuant to the contract
13438 established by Jobs Florida ~~the Office of Tourism, Trade, and~~
13439 ~~Economic Development as specified in s. 288.1229(5)~~. The auditor
13440 shall submit the audit report to Jobs Florida ~~the Office of~~
13441 ~~Tourism, Trade, and Economic Development~~ for review and
13442 approval. If the audit report is approved, Jobs Florida ~~the~~
13443 ~~office~~ shall certify the audit report to the Auditor General for
13444 review.
13445 (65) FLORIDA TENNIS LICENSE PLATES.—
13446 (b) The department shall distribute the annual use fees to
13447 the Jobs Florida Partnership, Inc ~~Florida Sports Foundation, a~~
13448 ~~direct-support organization of the Office of Tourism, Trade, and~~
13449 ~~Economic Development~~. The license plate annual use fees shall be
13450 annually allocated as follows:
13451 1. Up to 5 percent of the proceeds from the annual use fees
13452 may be used by the Jobs Florida Partnership, Inc., ~~Florida~~
13453 ~~Sports Foundation~~ to administer the license plate program.
13454 2. The United States Tennis Association Florida Section
13455 Foundation shall receive the first $60,000 in proceeds from the
13456 annual use fees to reimburse it for startup costs,

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13457 administrative costs, and other costs it incurs in the
13458 development and approval process.
13459 3. Up to 5 percent of the proceeds from the annual use fees
13460 may be used for promoting and marketing the license plates. The
13461 remaining proceeds shall be available for grants by the United
13462 States Tennis Association Florida Section Foundation to
13463 nonprofit organizations to operate youth tennis programs and
13464 adaptive tennis programs for special populations of all ages,
13465 and for building, renovating, and maintaining public tennis
13466 courts.
13467 Section 217. Section 331.302, Florida Statutes, is amended
13468 to read:
13469 331.302 Space Florida; creation; purpose.—
13470 (1) There is established, formed, and created Space
13471 Florida, which is created as an independent special district, ~~a~~
13472 ~~body politic and corporate, and a subdivision of the state,~~ to
13473 foster the growth and development of a sustainable and world-
13474 leading aerospace industry in this state. Space Florida shall
13475 promote aerospace business development by facilitating business
13476 financing, spaceport operations, research and development,
13477 workforce development, and innovative education programs. Space
13478 Florida has all the powers, rights, privileges, and authority as
13479 provided in this chapter ~~under the laws of this state~~.
13480 (2) In carrying out its duties and responsibilities, Space
13481 Florida shall advise, coordinate, cooperate, and, when
13482 necessary, enter into memoranda of agreement with
13483 municipalities, counties, regional authorities, state agencies
13484 and organizations, appropriate federal agencies and
13485 organizations, and other interested persons and groups.

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13486 (3) Space Florida shall be administratively housed within
13487 the Jobs Florida Partnership, Inc. ~~Space Florida may not endorse~~
13488 ~~any candidate for any elected public office or contribute money~~
13489 ~~to the campaign of any candidate for public office.~~
13490 (4) Space Florida is not an agency as defined in ss.
13491 216.011 and 287.012.
13492 (5) Space Florida is subject to applicable provisions of
13493 chapter 189. To the extent that any provisions of chapter 189
13494 conflict with this act, this act shall prevail.
13495 (6) Space Florida may not endorse any candidate for any
13496 elected public office or contribute money to the campaign of any
13497 candidate for public office.
13498 Section 218. Section 331.3081, Florida Statutes, is amended
13499 to read:
13500 (Substantial rewording of section. See
13501 s. 331.3081, F.S., for present text.)
13502 331.3081 Board of Directors; advisory board.—
13503 (1) Space Florida shall be governed by the 11-member board
13504 of directors of the Jobs Florida Partnership, Inc., created in
13505 s. 288.901(4).
13506 (2) Space Florida shall have a 15-member advisory council,
13507 appointed by the Governor from a list of nominations submitted
13508 by the board of directors. The advisory council shall be
13509 comprised of Florida residents with expertise in the space
13510 industry, and each of the following areas of expertise or
13511 experience must be represented by at least one advisory council
13512 member: human space-flight programs, commercial launches into
13513 space, organized labor with experience working in the aerospace
13514 industry, aerospace-related industries, a commercial company

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13515 working under Federal Government contracts to conduct space-
13516 related business, an aerospace company whose primary client is
13517 the United States Department of Defense, and an alternative
13518 energy enterprise with potential for aerospace applications. The
13519 advisory council shall elect a member to serve as the chair of
13520 the council.
13521 (3) The advisory council shall make recommendations to the
13522 partnership's board of directors on the operation of Space
13523 Florida, including matters pertaining to ways to improve or
13524 enhance Florida's efforts to expand its existing space and
13525 aerospace industry, to improve management and use of Florida's
13526 state-owned real property assets related to space and aerospace,
13527 how best to retain and, if necessary, retrain Florida's highly
13528 skilled space and aerospace workforce, and how to strengthen
13529 bonds between this state, NASA, the Department of Defense, and
13530 private space and aerospace industries.
13531 (4) The term for an advisory council member is 4 years. A
13532 member may not serve more than two consecutive terms. The
13533 Governor may remove any member for cause and shall fill all
13534 vacancies that occur.
13535 (5) Advisory council members shall serve without
13536 compensation, but may be reimbursed for all reasonable,
13537 necessary, and actual expenses, as determined by the
13538 partnership's board of directors.
13539 Section 219. Subsections (2), (4), and (5) of section
13540 331.369, Florida Statutes, are amended to read:
13541 331.369 Space Industry Workforce Initiative.—
13542 (2) Workforce Florida ~~The Workforce Development Board of~~
13543 ~~Enterprise Florida~~, Inc., or its successor entity, shall

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13544 coordinate development of a Space Industry Workforce Initiative
13545 in partnership with Space Florida, public and private
13546 universities, community colleges, and other training providers
13547 approved by the board. The purpose of the initiative is to use
13548 or revise existing programs and to develop innovative new
13549 programs to address the workforce needs of the aerospace
13550 industry.
13551 (4) Workforce Florida ~~The Workforce Development Board of~~
13552 ~~Enterprise Florida~~, Inc., or its successor entity, with the
13553 assistance of Space Florida, shall convene representatives from
13554 the aerospace industry to identify the priority training and
13555 education needs of the industry and to appoint a team to design
13556 programs to meet the priority needs.
13557 (5) Workforce Florida ~~The Workforce Development Board of~~
13558 ~~Enterprise Florida~~, Inc., or its successor entity, as part of
13559 its statutorily prescribed annual report to the Legislature,
13560 shall provide recommendations for policies, programs, and
13561 funding to enhance the workforce needs of the aerospace
13562 industry.
13563 Section 220. Paragraph (f) of subsection (1) of section
13564 339.08, Florida Statutes, is amended to read:
13565 339.08 Use of moneys in State Transportation Trust Fund.—
13566 (1) The department shall expend moneys in the State
13567 Transportation Trust Fund accruing to the department, in
13568 accordance with its annual budget. The use of such moneys shall
13569 be restricted to the following purposes:
13570 (f) To pay the cost of economic development transportation
13571 projects ~~in accordance with s. 288.063~~.
13572 Section 221. Paragraph (f) of subsection (4) and paragraph

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13573 (g) of subsection (7) of section 339.135, Florida Statutes, are
13574 amended to read:
13575 339.135 Work program; legislative budget request;
13576 definitions; preparation, adoption, execution, and amendment.—
13577 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—
13578 (f) The central office shall submit a preliminary copy of
13579 the tentative work program to the Executive Office of the
13580 Governor, the legislative appropriations committees, the Florida
13581 Transportation Commission, and Jobs Florida ~~the Department of~~
13582 ~~Community Affairs~~ at least 14 days prior to the convening of the
13583 regular legislative session. Prior to the statewide public
13584 hearing required by paragraph (g), Jobs Florida ~~the Department~~
13585 ~~of Community Affairs~~ shall transmit to the Florida
13586 Transportation Commission a list of those projects and project
13587 phases contained in the tentative work program which are
13588 identified as being inconsistent with approved local government
13589 comprehensive plans. For urbanized areas of metropolitan
13590 planning organizations, the list may not contain any project or
13591 project phase that is scheduled in a transportation improvement
13592 program unless such inconsistency has been previously reported
13593 to the affected metropolitan planning organization.
13594 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—
13595 (g) Notwithstanding ~~the requirements in~~ paragraphs (d) and
13596 (g) and ss. 216.177(2) and 216.351, the secretary may request
13597 the Executive Office of the Governor to amend the adopted work
13598 program when an emergency exists, as defined in s. 252.34~~(3)~~,
13599 and the emergency relates to the repair or rehabilitation of any
13600 state transportation facility. The Executive Office of the
13601 Governor may approve the amendment to the adopted work program

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13602 and amend that portion of the department's approved budget if a
13603 ~~in the event that the~~ delay incident to the notification
13604 requirements in paragraph (d) would be detrimental to the
13605 interests of the state. However, the department shall
13606 immediately notify the parties specified in paragraph (d) and
13607 ~~shall~~ provide such parties written justification for the
13608 emergency action within 7 days after ~~of the~~ approval by the
13609 Executive Office of the Governor of the amendment to the adopted
13610 work program and the department's budget. ~~In no event may~~ The
13611 adopted work program may not be amended under ~~the provisions of~~
13612 this subsection without ~~the~~ certification by the comptroller of
13613 the department that there are sufficient funds available
13614 pursuant to the 36-month cash forecast and applicable statutes.
13615 Section 222. Subsection (2) of section 364.0135, Florida
13616 Statutes, is amended to read:
13617 364.0135 Promotion of broadband deployment.—
13618 (2) The Department of Management Services is authorized to
13619 work collaboratively with, and to receive staffing support and
13620 other resources from, the Jobs Florida Partnership ~~Enterprise~~
13621 ~~Florida~~, Inc., state agencies, local governments, private
13622 businesses, and community organizations to:
13623 (a) Conduct a needs assessment of broadband Internet
13624 service in collaboration with communications service providers,
13625 including, but not limited to, wireless and wireline Internet
13626 service providers, to develop geographical information system
13627 maps at the census tract level that will:
13628 1. Identify geographic gaps in broadband services,
13629 including areas unserved by any broadband provider and areas
13630 served by a single broadband provider;

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13631 2. Identify the download and upload transmission speeds
13632 made available to businesses and individuals in the state, at
13633 the census tract level of detail, using data rate benchmarks for
13634 broadband service used by the Federal Communications Commission
13635 to reflect different speed tiers; and
13636 3. Provide a baseline assessment of statewide broadband
13637 deployment in terms of percentage of households with broadband
13638 availability.
13639 (b) Create a strategic plan that has goals and strategies
13640 for increasing the use of broadband Internet service in the
13641 state.
13642 (c) Build and facilitate local technology planning teams or
13643 partnerships with members representing cross-sections of the
13644 community, which may include, but are not limited to,
13645 representatives from the following organizations and industries:
13646 libraries, K-12 education, colleges and universities, local
13647 health care providers, private businesses, community
13648 organizations, economic development organizations, local
13649 governments, tourism, parks and recreation, and agriculture.
13650 (d) Encourage the use of broadband Internet service,
13651 especially in the rural, unserved, and underserved communities
13652 of the state through grant programs having effective strategies
13653 to facilitate the statewide deployment of broadband Internet
13654 service. For any grants to be awarded, priority must be given to
13655 projects that:
13656 1. Provide access to broadband education, awareness,
13657 training, access, equipment, and support to libraries, schools,
13658 colleges and universities, health care providers, and community
13659 support organizations.

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13660 2. Encourage investments in primarily unserved areas to
13661 give consumers a choice of more than one broadband Internet
13662 service provider.
13663 3. Work toward establishing affordable and sustainable
13664 broadband Internet service in unserved areas of the state.
13665 4. Facilitate the development of applications, programs,
13666 and services, including, but not limited to, telework,
13667 telemedicine, and e-learning to increase the usage of, and
13668 demand for, broadband Internet service in the state.
13669 Section 223. Paragraph (h) of subsection (2) of section
13670 377.703, Florida Statutes, is amended to read:
13671 377.703 Additional functions of the Florida Energy and
13672 Climate Commission.—
13673 (2) FLORIDA ENERGY AND CLIMATE COMMISSION; DUTIES.—The
13674 commission shall perform the following functions consistent with
13675 the development of a state energy policy:
13676 (h) The commission shall promote the development and use of
13677 renewable energy resources, in conformance with the provisions
13678 of chapter 187 and s. 377.601, by:
13679 1. Establishing goals and strategies for increasing the use
13680 of solar energy in this state.
13681 2. Aiding and promoting the commercialization of solar
13682 energy technology, in cooperation with the Florida Solar Energy
13683 Center, the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
13684 and any other federal, state, or local governmental agency which
13685 may seek to promote research, development, and demonstration of
13686 solar energy equipment and technology.
13687 3. Identifying barriers to greater use of solar energy
13688 systems in this state, and developing specific recommendations

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13689 for overcoming identified barriers, with findings and
13690 recommendations to be submitted annually in the report to the
13691 Governor and Legislature required under paragraph (f).
13692 4. In cooperation with the Department of Environmental
13693 Protection, the Department of Transportation, the Jobs Florida
13694 Partnership ~~the Department of Community Affairs, Enterprise~~
13695 ~~Florida~~, Inc., the Florida Solar Energy Center, and the Florida
13696 Solar Energy Industries Association, investigating
13697 opportunities, pursuant to the National Energy Policy Act of
13698 1992, the Housing and Community Development Act of 1992, and any
13699 subsequent federal legislation, for solar electric vehicles and
13700 other solar energy manufacturing, distribution, installation,
13701 and financing efforts which will enhance this state's position
13702 as the leader in solar energy research, development, and use.
13703 5. Undertaking other initiatives to advance the development
13704 and use of renewable energy resources in this state.
13705
13706 In the exercise of its responsibilities under this paragraph,
13707 the commission shall seek the assistance of the solar energy
13708 industry in this state and other interested parties and is
13709 authorized to enter into contracts, retain professional
13710 consulting services, and expend funds appropriated by the
13711 Legislature for such purposes.
13712 Section 224. Paragraph (h) of subsection (5) of section
13713 377.711, Florida Statutes, is amended to read:
13714 377.711 Florida party to Southern States Energy Compact.—
13715 The Southern States Energy Compact is enacted into law and
13716 entered into by the state as a party, and is of full force and
13717 effect between the state and any other states joining therein in

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13718 accordance with the terms of the compact, which compact is
13719 substantially as follows:
13720 (5) POWERS.—The board shall have the power to:
13721 (h) Recommend such changes in, or amendments or additions
13722 to, the laws, codes, rules, regulations, administrative
13723 procedures and practices, or ordinances of the party states in
13724 any of the fields of its interest and competence as in its
13725 judgment may be appropriate. Any such recommendation shall be
13726 made through the appropriate state agency with due consideration
13727 of the desirability of uniformity and appropriate weight to any
13728 special circumstances that may justify variations to meet local
13729 conditions. ~~Any such recommendation shall be made, in the case~~
13730 ~~of Florida, through the Department of Commerce.~~
13731 Section 225. Subsection (3) of section 377.712, Florida
13732 Statutes, is amended to read:
13733 377.712 Florida participation.—
13734 (3) Departments ~~The department~~, agencies, and officers of
13735 this state, and its subdivisions are authorized to cooperate
13736 with the board in the furtherance of any of its activities
13737 pursuant to the compact, provided such proposed activities have
13738 been made known to, and have the approval of, either the
13739 Governor or the Department of Health.
13740 Section 226. Subsection (5) of section 377.804, Florida
13741 Statutes, is amended to read:
13742 377.804 Renewable Energy and Energy-Efficient Technologies
13743 Grants Program.—
13744 (5) The commission shall solicit the expertise of state
13745 agencies, the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
13746 and state universities, and may solicit the expertise of other

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13747 public and private entities it deems appropriate, in evaluating
13748 project proposals. State agencies shall cooperate with the
13749 commission and provide such assistance as requested.
13750 Section 227. Subsection (18) of section 380.031, Florida
13751 Statutes, is amended to read:
13752 380.031 Definitions.—As used in this chapter:
13753 (18) "State land planning agency" means Jobs Florida ~~the~~
13754 ~~Department of Community Affairs~~ and may be referred to in this
13755 part as the "department."
13756 Section 228. Paragraph (s) of subsection (24) of section
13757 380.06, Florida Statutes, is amended to read:
13758 380.06 Developments of regional impact.—
13759 (24) STATUTORY EXEMPTIONS.—
13760 (s) Any development in a detailed specific area plan which
13761 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~
13762 ~~the comprehensive plan~~ is exempt from this section.
13763
13764 If a use is exempt from review as a development of regional
13765 impact under paragraphs (a)-(s), but will be part of a larger
13766 project that is subject to review as a development of regional
13767 impact, the impact of the exempt use must be included in the
13768 review of the larger project, unless such exempt use involves a
13769 development of regional impact that includes a landowner,
13770 tenant, or user that has entered into a funding agreement with
13771 the Office of Tourism, Trade, and Economic Development under the
13772 Innovation Incentive Program and the agreement contemplates a
13773 state award of at least $50 million.
13774 Section 229. Subsection (3) of section 380.115, Florida
13775 Statutes, is amended to read:

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13776 380.115 Vested rights and duties; effect of size reduction,
13777 changes in guidelines and standards.—
13778 (3) A landowner that has filed an application for a
13779 development-of-regional-impact review prior to the adoption of a
13780 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to
13781 have the application reviewed pursuant to s. 380.06,
13782 comprehensive plan provisions in force prior to adoption of the
13783 sector plan, and any requested comprehensive plan amendments
13784 that accompany the application.
13785 Section 230. Section 380.285, Florida Statutes, is amended
13786 to read:
13787 380.285 Lighthouses; study; preservation; funding.—The
13788 ~~Department of Community Affairs and the~~ Division of Historical
13789 Resources of the Department of State shall undertake a study of
13790 the lighthouses in the state. The study must determine the
13791 location, ownership, condition, and historical significance of
13792 all lighthouses in the state and ensure that all historically
13793 significant lighthouses are nominated for inclusion on the
13794 National Register of Historic Places. The study must assess the
13795 condition and restoration needs of historic lighthouses and
13796 develop plans for appropriate future public access and use. The
13797 Division of Historical Resources shall take a leadership role in
13798 implementing plans to stabilize lighthouses and associated
13799 structures and to preserve and protect them from future
13800 deterioration. When possible, the lighthouses and associated
13801 buildings should be made available to the public for educational
13802 and recreational purposes. The Department of State shall request
13803 in its annual legislative budget requests funding necessary to
13804 carry out the duties and responsibilities specified in this act.

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13805 Funds for the rehabilitation of lighthouses should be allocated
13806 through matching grants-in-aid to state and local government
13807 agencies and to nonprofit organizations. The Department of
13808 Environmental Protection may assist the Division of Historical
13809 Resources in projects to accomplish the goals and activities
13810 described in this section.
13811 Section 231. Paragraph (e) of subsection (1) of section
13812 381.0054, Florida Statutes, is amended to read:
13813 381.0054 Healthy lifestyles promotion.—
13814 (1) The Department of Health shall promote healthy
13815 lifestyles to reduce the prevalence of excess weight gain and
13816 obesity in Florida by implementing appropriate physical activity
13817 and nutrition programs that are directed towards all Floridians
13818 by:
13819 (e) Partnering with the Department of Education, school
13820 districts, and the Jobs Florida Partnership, Inc., ~~Florida~~
13821 ~~Sports Foundation~~ to develop a program that recognizes schools
13822 whose students demonstrate excellent physical fitness or fitness
13823 improvement.
13824 Section 232. Subsection (6) of section 381.0086, Florida
13825 Statutes, is amended to read:
13826 381.0086 Rules; variances; penalties.—
13827 (6) For the purposes of filing an interstate clearance
13828 order with Jobs Florida ~~the Agency for Workforce Innovation~~, if
13829 the housing is covered by 20 C.F.R. part 654, subpart E, no
13830 permanent structural variance referred to in subsection (2) is
13831 allowed.
13832 Section 233. Subsection (3) of section 381.7354, Florida
13833 Statutes, is amended to read:

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13834 381.7354 Eligibility.—
13835 (3) In addition to the grants awarded under subsections (1)
13836 and (2), up to 20 percent of the funding for the Reducing Racial
13837 and Ethnic Health Disparities: Closing the Gap grant program
13838 shall be dedicated to projects that address improving racial and
13839 ethnic health status within specific Front Porch Florida
13840 Communities~~, as designated pursuant to s. 20.18(6)~~.
13841 Section 234. Paragraph (a) of subsection (5) of section
13842 381.855, Florida Statutes, is amended to read:
13843 381.855 Florida Center for Universal Research to Eradicate
13844 Disease.—
13845 (5) There is established within the center an advisory
13846 council that shall meet at least annually.
13847 (a) The council shall consist of one representative from a
13848 Florida not-for-profit institution engaged in basic and clinical
13849 biomedical research and education which receives more than $10
13850 million in annual grant funding from the National Institutes of
13851 Health, to be appointed by the State Surgeon General from a
13852 different institution each term, and one representative from and
13853 appointed by each of the following entities:
13854 1. The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.
13855 2. BioFlorida.
13856 3. The Biomedical Research Advisory Council.
13857 4. The Florida Medical Foundation.
13858 5. Pharmaceutical Research and Manufacturers of America.
13859 6. The American Cancer Society, Florida Division, Inc.
13860 7. The American Heart Association.
13861 8. The American Lung Association of Florida.
13862 9. The American Diabetes Association, South Coastal Region.

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13863 10. The Alzheimer's Association.
13864 11. The Epilepsy Foundation.
13865 12. The National Parkinson Foundation.
13866 13. The Florida Public Health Institute, Inc.
13867 14. The Florida Research Consortium.
13868 Section 235. Paragraph (b) of subsection (1) and subsection
13869 (2) of section 383.14, Florida Statutes, are amended to read:
13870 383.14 Screening for metabolic disorders, other hereditary
13871 and congenital disorders, and environmental risk factors.—
13872 (1) SCREENING REQUIREMENTS.—To help ensure access to the
13873 maternal and child health care system, the Department of Health
13874 shall promote the screening of all newborns born in Florida for
13875 metabolic, hereditary, and congenital disorders known to result
13876 in significant impairment of health or intellect, as screening
13877 programs accepted by current medical practice become available
13878 and practical in the judgment of the department. The department
13879 shall also promote the identification and screening of all
13880 newborns in this state and their families for environmental risk
13881 factors such as low income, poor education, maternal and family
13882 stress, emotional instability, substance abuse, and other high-
13883 risk conditions associated with increased risk of infant
13884 mortality and morbidity to provide early intervention,
13885 remediation, and prevention services, including, but not limited
13886 to, parent support and training programs, home visitation, and
13887 case management. Identification, perinatal screening, and
13888 intervention efforts shall begin prior to and immediately
13889 following the birth of the child by the attending health care
13890 provider. Such efforts shall be conducted in hospitals,
13891 perinatal centers, county health departments, school health

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13892 programs that provide prenatal care, and birthing centers, and
13893 reported to the Office of Vital Statistics.
13894 (b) *Postnatal screening.*—A risk factor analysis using the
13895 department's designated risk assessment instrument shall also be
13896 conducted as part of the medical screening process upon the
13897 birth of a child and submitted to the department's Office of
13898 Vital Statistics for recording and other purposes provided for
13899 in this chapter. The department's screening process for risk
13900 assessment shall include a scoring mechanism and procedures that
13901 establish thresholds for notification, further assessment,
13902 referral, and eligibility for services by professionals or
13903 paraprofessionals consistent with the level of risk. Procedures
13904 for developing and using the screening instrument, notification,
13905 referral, and care coordination services, reporting
13906 requirements, management information, and maintenance of a
13907 computer-driven registry in the Office of Vital Statistics which
13908 ensures privacy safeguards must be consistent with the
13909 provisions and plans established under chapter 411, Pub. L. No.
13910 99-457, and this chapter. Procedures established for reporting
13911 information and maintaining a confidential registry must include
13912 a mechanism for a centralized information depository at the
13913 state and county levels. The department shall coordinate with
13914 existing risk assessment systems and information registries. The
13915 department must ensure, to the maximum extent possible, that the
13916 screening information registry is integrated with the
13917 department's automated data systems, including the Florida On-
13918 line Recipient Integrated Data Access (FLORIDA) system. Tests
13919 and screenings must be performed by the State Public Health
13920 Laboratory, in coordination with Children's Medical Services, at

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13921 such times and in such manner as is prescribed by the department
13922 after consultation with the Genetics and Newborn ~~Infant~~
13923 Screening Advisory Council and the Department of Education
13924 ~~Agency for Workforce Innovation~~.
13925 (2) RULES.—After consultation with the Genetics and Newborn
13926 Screening Advisory Council, the department shall adopt and
13927 enforce rules requiring that every newborn in this state shall,
13928 prior to becoming 1 week of age, be subjected to a test for
13929 phenylketonuria and, at the appropriate age, be tested for such
13930 other metabolic diseases and hereditary or congenital disorders
13931 as the department may deem necessary from time to time. After
13932 consultation with the Department of Education ~~Agency for~~
13933 ~~Workforce Innovation~~, the department shall also adopt and
13934 enforce rules requiring every newborn in this state to be
13935 screened for environmental risk factors that place children and
13936 their families at risk for increased morbidity, mortality, and
13937 other negative outcomes. The department shall adopt such
13938 additional rules as are found necessary for the administration
13939 of this section and s. 383.145, including rules providing
13940 definitions of terms, rules relating to the methods used and
13941 time or times for testing as accepted medical practice
13942 indicates, rules relating to charging and collecting fees for
13943 the administration of the newborn screening program authorized
13944 by this section, rules for processing requests and releasing
13945 test and screening results, and rules requiring mandatory
13946 reporting of the results of tests and screenings for these
13947 conditions to the department.
13948 Section 236. Paragraph (b) of subsection (3) of section
13949 402.281, Florida Statutes, is amended to read:

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13950 402.281 Gold Seal Quality Care program.—
13951 (3)
13952 (b) In approving accrediting associations, the department
13953 shall consult with the Department of Education, ~~the Agency for~~
13954 ~~Workforce Innovation,~~ the Florida Head Start Directors
13955 Association, the Florida Association of Child Care Management,
13956 the Florida Family Day Care Association, the Florida Children's
13957 Forum, the Early Childhood Association of Florida, the Child
13958 Development Education Alliance, providers receiving exemptions
13959 under s. 402.316, and parents.
13960 Section 237. Subsection (6) of section 402.45, Florida
13961 Statutes, is amended to read:
13962 402.45 Community resource mother or father program.—
13963 (6) Individuals under contract to provide community
13964 resource mother or father services shall participate in
13965 preservice and ongoing training as determined by the Department
13966 of Health in consultation with the Department of Education
13967 ~~Agency for Workforce Innovation~~. A community resource mother or
13968 father shall not be assigned a client caseload until all
13969 preservice training requirements are completed.
13970 Section 238. Paragraph (a) of subsection (4) of section
13971 402.56, Florida Statutes, is amended to read:
13972 402.56 Children's cabinet; organization; responsibilities;
13973 annual report.—
13974 (4) MEMBERS.—The cabinet shall consist of 14 ~~15~~ members
13975 including the Governor and the following persons:
13976 (a)1. The Secretary of Children and Family Services;
13977 2. The Secretary of Juvenile Justice;
13978 3. The director of the Agency for Persons with

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13979 Disabilities;
13980 ~~4. The director of the Agency for Workforce Innovation;~~
13981 4.~~5.~~ The State Surgeon General;
13982 5.~~6.~~ The Secretary of Health Care Administration;
13983 6.~~7.~~ The Commissioner of Education;
13984 7.~~8.~~ The director of the Statewide Guardian Ad Litem
13985 Office;
13986 8.~~9.~~ The director of the Office of Child Abuse Prevention;
13987 and
13988 9.~~10.~~ Five members representing children and youth advocacy
13989 organizations, who are not service providers and who are
13990 appointed by the Governor.
13991 Section 239. Paragraph (b) of subsection (3) of section
13992 403.42, Florida Statutes, is amended to read:
13993 403.42 Florida Clean Fuel Act.—
13994 (3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED;
13995 MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—
13996 (b)1. The advisory board shall consist of ~~the Secretary of~~
13997 ~~Community Affairs, or a designee from that department,~~ the
13998 Secretary of Environmental Protection, or a designee from that
13999 department, the Commissioner of Education, or a designee from
14000 that department, the Secretary of Transportation, or a designee
14001 from that department, the Commissioner of Agriculture, or a
14002 designee from the Department of Agriculture and Consumer
14003 Services, the Secretary of Management Services, or a designee
14004 from that department, and a representative of each of the
14005 following, who shall be appointed by the Secretary of
14006 Environmental Protection:
14007 a. The Florida biodiesel industry.

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14008 b. The Florida electric utility industry.
14009 c. The Florida natural gas industry.
14010 d. The Florida propane gas industry.
14011 e. An automobile manufacturers' association.
14012 f. A Florida Clean Cities Coalition designated by the
14013 United States Department of Energy.
14014 g. The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.
14015 h. EV Ready Broward.
14016 i. The Florida petroleum industry.
14017 j. The Florida League of Cities.
14018 k. The Florida Association of Counties.
14019 l. Floridians for Better Transportation.
14020 m. A motor vehicle manufacturer.
14021 n. Florida Local Environment Resource Agencies.
14022 o. Project for an Energy Efficient Florida.
14023 p. Florida Transportation Builders Association.
14024 2. The purpose of the advisory board is to serve as a
14025 resource for the department and to provide the Governor, the
14026 Legislature, and the Secretary of Environmental Protection with
14027 private sector and other public agency perspectives on achieving
14028 the goal of increasing the use of alternative fuel vehicles in
14029 this state.
14030 3. Members shall be appointed to serve terms of 1 year
14031 each, with reappointment at the discretion of the Secretary of
14032 Environmental Protection. Vacancies shall be filled for the
14033 remainder of the unexpired term in the same manner as the
14034 original appointment.
14035 4. The board shall annually select a chairperson.
14036 5.a. The board shall meet at least once each quarter or

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14037 more often at the call of the chairperson or the Secretary of
14038 Environmental Protection.
14039 b. Meetings are exempt from the notice requirements of
14040 chapter 120, and sufficient notice shall be given to afford
14041 interested persons reasonable notice under the circumstances.
14042 6. Members of the board are entitled to travel expenses
14043 while engaged in the performance of board duties.
14044 7. The board shall terminate 5 years after the effective
14045 date of this act.
14046 Section 240. Subsection (5) of section 403.7032, Florida
14047 Statutes, is amended to read:
14048 403.7032 Recycling.—
14049 (5) The Department of Environmental Protection shall create
14050 the Recycling Business Assistance Center by December 1, 2010. In
14051 carrying out its duties under this subsection, the department
14052 shall consult with state agency personnel appointed to serve as
14053 economic development liaisons under s. 288.021 and seek
14054 technical assistance from the Jobs Florida Partnership
14055 ~~Enterprise Florida~~, Inc., to ensure the Recycling Business
14056 Assistance Center is positioned to succeed. The purpose of the
14057 center shall be to serve as the mechanism for coordination among
14058 state agencies and the private sector in order to coordinate
14059 policy and overall strategic planning for developing new markets
14060 and expanding and enhancing existing markets for recyclable
14061 materials in this state, other states, and foreign countries.
14062 The duties of the center must include, at a minimum:
14063 (a) Identifying and developing new markets and expanding
14064 and enhancing existing markets for recyclable materials.
14065 (b) Pursuing expanded end uses for recycled materials.

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14066 (c) Targeting materials for concentrated market development
14067 efforts.
14068 (d) Developing proposals for new incentives for market
14069 development, particularly focusing on targeted materials.
14070 (e) Providing guidance on issues such as permitting,
14071 finance options for recycling market development, site location,
14072 research and development, grant program criteria for recycled
14073 materials markets, recycling markets education and information,
14074 and minimum content.
14075 (f) Coordinating the efforts of various governmental
14076 entities having market development responsibilities in order to
14077 optimize supply and demand for recyclable materials.
14078 (g) Evaluating source-reduced products as they relate to
14079 state procurement policy. The evaluation shall include, but is
14080 not limited to, the environmental and economic impact of source-
14081 reduced product purchases to the state. For the purposes of this
14082 paragraph, the term “source-reduced” means any method, process,
14083 product, or technology that significantly or substantially
14084 reduces the volume or weight of a product while providing, at a
14085 minimum, equivalent or generally similar performance and service
14086 to and for the users of such materials.
14087 (h) Providing evaluation of solid waste management grants,
14088 pursuant to s. 403.7095, to reduce the flow of solid waste to
14089 disposal facilities and encourage the sustainable recovery of
14090 materials from Florida’s waste stream.
14091 (i) Providing below-market financing for companies that
14092 manufacture products from recycled materials or convert
14093 recyclable materials into raw materials for use in manufacturing
14094 pursuant to the Florida Recycling Loan Program as administered

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14095 by the Florida First Capital Finance Corporation.
14096 (j) Maintaining a continuously updated online directory
14097 listing the public and private entities that collect, transport,
14098 broker, process, or remanufacture recyclable materials in the
14099 state.
14100 (k) Providing information on the availability and benefits
14101 of using recycled materials to private entities and industries
14102 in the state.
14103 (l) Distributing any materials prepared in implementing
14104 this subsection to the public, private entities, industries,
14105 governmental entities, or other organizations upon request.
14106 (m) Coordinating with Jobs Florida ~~the Agency for Workforce~~
14107 ~~Innovation~~ and its partners to provide job placement and job
14108 training services to job seekers through the state's workforce
14109 services programs.
14110 Section 241. Paragraphs (c), (d), and (e) of subsection
14111 (2), paragraphs (b) and (c) of subsection (3), and subsections
14112 (4), (15), (17), and (18) of section 403.973, Florida Statutes,
14113 are amended to read:
14114 403.973 Expedited permitting; amendments to comprehensive
14115 plans.—
14116 (2) As used in this section, the term:
14117 ~~(c) "Office" means the Office of Tourism, Trade, and~~
14118 ~~Economic Development.~~
14119 (c) ~~(d)~~ "Permit applications" means state permits and
14120 licenses, and at the option of a participating local government,
14121 local development permits or orders.
14122 (d) ~~(e)~~ "Secretary" means the Secretary of Environmental
14123 Protection or his or her designee.

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14124 (3)
14125 (b) On a case-by-case basis and at the request of a county
14126 or municipal government, Jobs Florida ~~the office~~ may certify as
14127 eligible for expedited review a project not meeting the minimum
14128 job creation thresholds but creating a minimum of 10 jobs. The
14129 recommendation from the governing body of the county or
14130 municipality in which the project may be located is required in
14131 order for Jobs Florida ~~the office~~ to certify that any project is
14132 eligible for expedited review under this paragraph. When
14133 considering projects that do not meet the minimum job creation
14134 thresholds but that are recommended by the governing body in
14135 which the project may be located, Jobs Florida ~~the office~~ shall
14136 consider economic impact factors that include, but are not
14137 limited to:
14138 1. The proposed wage and skill levels relative to those
14139 existing in the area in which the project may be located;
14140 2. The project's potential to diversify and strengthen the
14141 area's economy;
14142 3. The amount of capital investment; and
14143 4. The number of jobs that will be made available for
14144 persons served by the welfare transition program.
14145 (c) At the request of a county or municipal government,
14146 Jobs Florida ~~the office~~ or a Quick Permitting County may certify
14147 projects located in counties where the ratio of new jobs per
14148 participant in the welfare transition program, as determined by
14149 Workforce Florida, Inc., is less than one or otherwise critical,
14150 as eligible for the expedited permitting process. Such projects
14151 must meet the numerical job creation criteria of this
14152 subsection, but the jobs created by the project do not have to

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14153 be high-wage jobs that diversify the state's economy.
14154 (4) The regional teams shall be established through the
14155 execution of memoranda of agreement developed by the applicant
14156 and the secretary, with input solicited from Jobs Florida ~~the~~
14157 ~~office~~ and the respective heads of ~~the Department of Community~~
14158 ~~Affairs,~~ the Department of Transportation and its district
14159 offices, the Department of Agriculture and Consumer Services,
14160 the Fish and Wildlife Conservation Commission, appropriate
14161 regional planning councils, appropriate water management
14162 districts, and voluntarily participating municipalities and
14163 counties. The memoranda of agreement should also accommodate
14164 participation in this expedited process by other local
14165 governments and federal agencies as circumstances warrant.
14166 (15) Jobs Florida ~~The office~~, working with the agencies
14167 providing cooperative assistance and input regarding the
14168 memoranda of agreement, shall review sites proposed for the
14169 location of facilities eligible for the Innovation Incentive
14170 Program under s. 288.1089. Within 20 days after the request for
14171 the review by Jobs Florida ~~the office~~, the agencies shall
14172 provide to Jobs Florida ~~the office~~ a statement as to each site's
14173 necessary permits under local, state, and federal law and an
14174 identification of significant permitting issues, which if
14175 unresolved, may result in the denial of an agency permit or
14176 approval or any significant delay caused by the permitting
14177 process.
14178 (17) Jobs Florida ~~The office~~ shall be responsible for
14179 certifying a business as eligible for undergoing expedited
14180 review under this section. The Jobs Florida Partnership
14181 ~~Enterprise Florida~~, Inc., a county or municipal government, or

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14182 the Rural Economic Development Initiative may recommend to Jobs
14183 Florida ~~the Office of Tourism, Trade, and Economic Development~~
14184 that a project meeting the minimum job creation threshold
14185 undergo expedited review.
14186 (18) Jobs Florida ~~The office~~, working with the Rural
14187 Economic Development Initiative and the agencies participating
14188 in the memoranda of agreement, shall provide technical
14189 assistance in preparing permit applications and local
14190 comprehensive plan amendments for counties having a population
14191 of fewer than 75,000 residents, or counties having fewer than
14192 125,000 residents which are contiguous to counties having fewer
14193 than 75,000 residents. Additional assistance may include, but
14194 not be limited to, guidance in land development regulations and
14195 permitting processes, working cooperatively with state,
14196 regional, and local entities to identify areas within these
14197 counties which may be suitable or adaptable for preclearance
14198 review of specified types of land uses and other activities
14199 requiring permits.
14200 Section 242. Paragraph (a) of subsection (3) of section
14201 409.017, Florida Statutes, is amended to read:
14202 409.017 Revenue Maximization Act; legislative intent;
14203 revenue maximization program.—
14204 (3) REVENUE MAXIMIZATION PROGRAM.—
14205 (a) For purposes of this section, the term “agency” means
14206 any state agency or department that is involved in providing
14207 health, social, or human services, including, but not limited
14208 to, the Agency for Health Care Administration, ~~the Agency for~~
14209 ~~Workforce Innovation,~~ the Department of Children and Family
14210 Services, the Department of Elderly Affairs, the Department of

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14211 Juvenile Justice, the Department of Education, and the State
14212 Board of Education.
14213 Section 243. Paragraph (c) of subsection (7) of section
14214 409.1451, Florida Statutes, is amended to read:
14215 409.1451 Independent living transition services.—
14216 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
14217 Secretary of Children and Family Services shall establish the
14218 Independent Living Services Advisory Council for the purpose of
14219 reviewing and making recommendations concerning the
14220 implementation and operation of the independent living
14221 transition services. This advisory council shall continue to
14222 function as specified in this subsection until the Legislature
14223 determines that the advisory council can no longer provide a
14224 valuable contribution to the department's efforts to achieve the
14225 goals of the independent living transition services.
14226 (c) Members of the advisory council shall be appointed by
14227 the secretary of the department. The membership of the advisory
14228 council must include, at a minimum, representatives from the
14229 headquarters and district offices of the Department of Children
14230 and Family Services, community-based care lead agencies, ~~the~~
14231 ~~Agency for Workforce Innovation,~~ the Department of Education,
14232 the Agency for Health Care Administration, the State Youth
14233 Advisory Board, Workforce Florida, Inc., the Statewide Guardian
14234 Ad Litem Office, foster parents, recipients of Road-to-
14235 Independence Program funding, and advocates for foster children.
14236 The secretary shall determine the length of the term to be
14237 served by each member appointed to the advisory council, which
14238 may not exceed 4 years.
14239 Section 244. Subsection (1), paragraph (b) of subsection

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14240 (3), and subsection (8) of section 409.2576, Florida Statutes,
14241 are amended to read:
14242 409.2576 State Directory of New Hires.—
14243 (1) DIRECTORY CREATED.—The State Directory of New Hires is
14244 hereby created and shall be administered by the Department of
14245 Revenue or its agent. ~~The Department of Labor and Employment~~
14246 ~~Security will act as the agent until a date not later than~~
14247 ~~October 1, 1998.~~ All employers in the state shall furnish a
14248 report consistent with subsection (3) for each newly hired or
14249 rehired employee unless the employee is employed by a federal or
14250 state agency performing intelligence or counterintelligence
14251 functions and the head of such agency has determined that
14252 reporting pursuant to this section could endanger the safety of
14253 the employee or compromise an ongoing investigation or
14254 intelligence mission.
14255 (3) EMPLOYERS TO FURNISH REPORTS.—
14256 (b) ~~Upon termination of the contract with the Department of~~
14257 ~~Labor and Employment Security, but not later than October 1,~~
14258 ~~1998,~~ All employers shall furnish a report to the State
14259 Directory of New Hires of the state in which the newly hired or
14260 rehired employee works. The report required in this section
14261 shall be made on a W-4 form or, at the option of the employer,
14262 an equivalent form, and can be transmitted magnetically,
14263 electronically, by first-class mail, or other methods which may
14264 be prescribed by the State Directory. Each report shall include
14265 the name, address, date of hire, and social security number of
14266 every new and rehired employee and the name, address, and
14267 federal employer identification number of the reporting
14268 employer. If available, the employer may also include the

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14269 employee's date of birth in the report. Multistate employers
14270 that report new hire information electronically or magnetically
14271 may designate a single state to which it will transmit the above
14272 noted report, provided the employer has employees in that state
14273 and the employer notifies the Secretary of Health and Human
14274 Services in writing to which state the information will be
14275 provided. Agencies of the United States Government shall report
14276 directly to the National Directory of New Hires.
14277 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY. ~~Not later~~
14278 ~~than October 1, 1997,~~ The State Directory of New Hires must
14279 furnish information regarding newly hired or rehired employees
14280 to the National Directory of New Hires for matching with the
14281 records of other state case registries within 3 business days of
14282 entering such information from the employer into the State
14283 Directory of New Hires. The State Directory of New Hires shall
14284 enter into an agreement with Jobs Florida or its tax collection
14285 service provider ~~the Florida Department of Labor and Employment~~
14286 ~~Security~~ for the quarterly reporting to the National Directory
14287 of New Hires information on wages and unemployment compensation
14288 taken from the quarterly report to the Secretary of Labor, now
14289 required by Title III of the Social Security Act, except that no
14290 report shall be filed with respect to an employee of a state or
14291 local agency performing intelligence or counterintelligence
14292 functions, if the head of such agency has determined that filing
14293 such a report could endanger the safety of the employee or
14294 compromise an ongoing investigation or intelligence mission.
14295 Section 245. Section 409.944, Florida Statutes, is amended
14296 to read:
14297 409.944 Inner City Redevelopment Assistance Grants

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14298 Program.—There is created an Inner City Redevelopment Assistance
14299 Grants Program to be administered by Jobs Florida ~~the Office of~~
14300 ~~Tourism, Trade, and Economic Development~~. Jobs Florida ~~The~~
14301 ~~Office~~ shall develop criteria for awarding these grants which
14302 give weighted consideration to urban high-crime areas as
14303 identified by the Florida Department of Law Enforcement. These
14304 criteria shall also be weighted to immediate creation of jobs
14305 for residents in the targeted areas.
14306 Section 246. Section 409.946, Florida Statutes, is amended
14307 to read:
14308 409.946 Inner City Redevelopment Review Panel.—In order to
14309 enhance public participation and involvement in the
14310 redevelopment of inner-city areas, there is created within Jobs
14311 Florida ~~the Office of Tourism, Trade, and Economic Development~~
14312 the Inner City Redevelopment Review Panel.
14313 (1) The review panel shall consist of six ~~seven~~ members who
14314 represent different areas of the state, who are appointed by the
14315 commissioner of Jobs Florida ~~Director of the Office of Tourism,~~
14316 ~~Trade, and Economic Development~~, and who are qualified, through
14317 the demonstration of special interest, experience, or education,
14318 in the redevelopment of the state's inner-city areas, as
14319 follows:
14320 (a) One member must be affiliated with the advisory council
14321 of the Division of Minority Business Development of the Jobs
14322 Florida Partnership, Inc. ~~Black Business Investment Board~~;
14323 (b) One member must be affiliated with the Institute on
14324 Urban Policy and Commerce at Florida Agricultural and Mechanical
14325 University;
14326 (c) One member must be affiliated with a local economic

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14327 development agency ~~the Office of Tourism, Trade, and Economic~~
14328 ~~Development~~;
14329 (d) One member must be the president of the Jobs Florida
14330 Partnership, Inc., ~~Enterprise Florida, Inc.,~~ or the president's
14331 designee;
14332 ~~(e) One member must be the Secretary of Community Affairs~~
14333 ~~or the secretary's designee;~~
14334 (e) ~~(f)~~ One member must be affiliated with the Better
14335 Jobs/Better Wages Council of Workforce Florida, Inc.; and
14336 (f) ~~(g)~~ One member must be affiliated with the First
14337 Jobs/First Wages Council of Workforce Florida, Inc.
14338 (2) The importance of minority and gender representation
14339 must be considered when making appointments to the panel, and
14340 the geographic representation of panel members must also be
14341 considered.
14342 (3) Members of the review panel shall be appointed for 4-
14343 year terms. A person may not serve more than two consecutive
14344 terms on the panel.
14345 (4) Members shall elect a chairperson annually. A member
14346 may not be elected to consecutive terms as chairperson.
14347 (5) All action taken by the review panel shall be by
14348 majority vote of those present. The commissioner of Jobs Florida
14349 ~~director of the Office of Tourism, Trade, and Economic~~
14350 ~~Development~~ or the commissioner's ~~director's~~ designee shall
14351 serve without voting rights as secretary to the panel. Jobs
14352 Florida ~~The Office of Tourism, Trade, and Economic Development~~
14353 shall provide necessary staff assistance to the panel.
14354 (6) It is the responsibility of the panel to evaluate
14355 proposals for awards of inner-city redevelopment grants

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14356 administered by Jobs Florida ~~the Office of Tourism, Trade, and~~
14357 ~~Economic Development~~. The panel shall review and evaluate all
14358 proposals for grants and shall make recommendations, including a
14359 priority ranking, reflecting such evaluation.
14360 Section 247. Paragraph (d) of subsection (2), subsection
14361 (4), paragraphs (a), (c), (d), (e), and (f) of subsection (5),
14362 paragraph (e) of subsection (7), subsection (8), and paragraphs
14363 (b), (c), (d), and (e) of subsection (9) of section 411.01,
14364 Florida Statutes, are amended to read:
14365 411.01 School readiness programs; early learning
14366 coalitions.—
14367 (2) LEGISLATIVE INTENT.—
14368 (d) It is the intent of the Legislature that the
14369 administrative staff for school readiness programs be kept to
14370 the minimum necessary to administer the duties of the Department
14371 of Education ~~Agency for Workforce Innovation~~ and early learning
14372 coalitions. The Department of Education ~~Agency for Workforce~~
14373 ~~Innovation~~ shall adopt system support services at the state
14374 level to build a comprehensive early learning system. Each early
14375 learning coalition shall implement and maintain direct
14376 enhancement services at the local level, as approved in its
14377 school readiness plan by the Department of Education ~~Agency for~~
14378 ~~Workforce Innovation~~, and ensure access to such services in all
14379 67 counties.
14380 (4) DEPARTMENT OF EDUCATION ~~AGENCY FOR WORKFORCE~~
14381 ~~INNOVATION~~.—
14382 (a) The Department of Education ~~Agency for Workforce~~
14383 ~~Innovation~~ shall administer school readiness programs at the
14384 state level and shall coordinate with the early learning

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14385 coalitions in providing school readiness services on a full-day,
14386 full-year, full-choice basis to the extent possible in order to
14387 enable parents to work and be financially self-sufficient.
14388 (b) The Department of Education ~~Agency for Workforce~~
14389 ~~Innovation~~ shall:
14390 1. Coordinate the birth-to-kindergarten services for
14391 children who are eligible under subsection (6) and the
14392 programmatic, administrative, and fiscal standards under this
14393 section for all public providers of school readiness programs.
14394 2. Focus on improving the educational quality of all
14395 program providers participating in publicly funded school
14396 readiness programs.
14397 3. Provide comprehensive services to the state's birth to
14398 five population which shall ensure the preservation of parental
14399 choice by permitting parents to choose from a variety of child
14400 care categories, including: Center-based child care; Group home
14401 child care; Family child care; and In-home child care. Under
14402 each of the above categories, care and curriculum by a sectarian
14403 provider may not be limited or excluded.
14404 (c) The Governor shall designate the Department of
14405 Education ~~Agency for Workforce Innovation~~ as the lead agency for
14406 administration of the federal Child Care and Development Fund,
14407 45 C.F.R. parts 98 and 99, and the department ~~agency~~ shall
14408 comply with the lead agency responsibilities under federal law.
14409 (d) The Department of Education ~~Agency for Workforce~~
14410 ~~Innovation~~ shall:
14411 1. Be responsible for the prudent use of all public and
14412 private funds in accordance with all legal and contractual
14413 requirements.

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14414 2. Provide final approval and every 2 years review early
14415 learning coalitions and school readiness plans.
14416 3. Establish a unified approach to the state's efforts
14417 toward enhancement of school readiness. In support of this
14418 effort, the Department of Education ~~Agency for Workforce~~
14419 ~~Innovation~~ shall adopt specific system support services that
14420 address the state's school readiness programs. An early learning
14421 coalition shall amend its school readiness plan to conform to
14422 the specific system support services adopted by the Department
14423 of Education ~~Agency for Workforce Innovation~~. System support
14424 services shall include, but are not limited to:
14425 a. Child care resource and referral services;
14426 b. Warm-Line services;
14427 c. Eligibility determinations;
14428 d. Child performance standards;
14429 e. Child screening and assessment;
14430 f. Developmentally appropriate curricula;
14431 g. Health and safety requirements;
14432 h. Statewide data system requirements; and
14433 i. Rating and improvement systems.
14434 4. Safeguard the effective use of federal, state, local,
14435 and private resources to achieve the highest possible level of
14436 school readiness for the children in this state.
14437 5. Adopt a rule establishing criteria for the expenditure
14438 of funds designated for the purpose of funding activities to
14439 improve the quality of child care within the state in accordance
14440 with s. 658G of the federal Child Care and Development Block
14441 Grant Act.
14442 6. Provide technical assistance to early learning

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14443 coalitions in a manner determined by the Department of Education
14444 ~~Agency for Workforce Innovation~~ based upon information obtained
14445 by the department ~~agency~~ from various sources, including, but
14446 not limited to, public input, government reports, private
14447 interest group reports, department ~~agency~~ monitoring visits, and
14448 coalition requests for service.
14449 7. In cooperation with the ~~Department of Education and~~
14450 early learning coalitions, coordinate with the Child Care
14451 Services Program Office of the Department of Children and Family
14452 Services to minimize duplicating interagency activities, health
14453 and safety monitoring, and acquiring and composing data
14454 pertaining to child care training and credentialing.
14455 8. Develop and adopt performance standards and outcome
14456 measures for school readiness programs. The performance
14457 standards must address the age-appropriate progress of children
14458 in the development of school readiness skills. The performance
14459 standards for children from birth to 5 years of age in school
14460 readiness programs must be integrated with the performance
14461 standards adopted by the Department of Education for children in
14462 the Voluntary Prekindergarten Education Program under s.
14463 1002.67.
14464 9. Adopt a standard contract that must be used by the
14465 coalitions when contracting with school readiness providers.
14466 (e) The Department of Education ~~Agency for Workforce~~
14467 ~~Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 to
14468 administer the provisions of law conferring duties upon the
14469 department ~~agency~~, including, but not limited to, rules
14470 governing the administration of system support services of
14471 school readiness programs, the collection of data, the approval

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14472 of early learning coalitions and school readiness plans, the
14473 provision of a method whereby an early learning coalition may
14474 serve two or more counties, the award of incentives to early
14475 learning coalitions, child performance standards, child outcome
14476 measures, the issuance of waivers, and the implementation of the
14477 state's Child Care and Development Fund Plan as approved by the
14478 federal Administration for Children and Families.
14479 (f) The Department of Education ~~Agency for Workforce~~
14480 ~~Innovation~~ shall have all powers necessary to administer this
14481 section, including, but not limited to, the power to receive and
14482 accept grants, loans, or advances of funds from any public or
14483 private agency and to receive and accept from any source
14484 contributions of money, property, labor, or any other thing of
14485 value, to be held, used, and applied for purposes of this
14486 section.
14487 (g) Except as provided by law, the Department of Education
14488 ~~Agency for Workforce Innovation~~ may not impose requirements on a
14489 child care or early childhood education provider that does not
14490 deliver services under the school readiness programs or receive
14491 state or federal funds under this section.
14492 (h) The Department of Education ~~Agency for Workforce~~
14493 ~~Innovation~~ shall have a budget for school readiness programs,
14494 which shall be financed through an annual appropriation made for
14495 purposes of this section in the General Appropriations Act.
14496 (i) The Department of Education ~~Agency for Workforce~~
14497 ~~Innovation~~ shall coordinate the efforts toward school readiness
14498 in this state and provide independent policy analyses, data
14499 analyses, and recommendations to the Governor, the State Board
14500 of Education, and the Legislature.

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14501 (j) The Department of Education ~~Agency for Workforce~~
14502 ~~Innovation~~ shall require that school readiness programs, at a
14503 minimum, enhance the age-appropriate progress of each child in
14504 attaining the performance standards adopted under subparagraph
14505 (d)8. and in the development of the following school readiness
14506 skills:
14507 1. Compliance with rules, limitations, and routines.
14508 2. Ability to perform tasks.
14509 3. Interactions with adults.
14510 4. Interactions with peers.
14511 5. Ability to cope with challenges.
14512 6. Self-help skills.
14513 7. Ability to express the child's needs.
14514 8. Verbal communication skills.
14515 9. Problem-solving skills.
14516 10. Following of verbal directions.
14517 11. Demonstration of curiosity, persistence, and
14518 exploratory behavior.
14519 12. Interest in books and other printed materials.
14520 13. Paying attention to stories.
14521 14. Participation in art and music activities.
14522 15. Ability to identify colors, geometric shapes, letters
14523 of the alphabet, numbers, and spatial and temporal
14524 relationships.
14525
14526 Within 30 days after enrollment in the school readiness program,
14527 the early learning coalition must ensure that the program
14528 provider obtains information regarding the child's
14529 immunizations, physical development, and other health

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14530 requirements as necessary, including appropriate vision and
14531 hearing screening and examinations. For a program provider
14532 licensed by the Department of Children and Family Services, the
14533 provider's compliance with s. 402.305(9), as verified pursuant
14534 to s. 402.311, shall satisfy this requirement.
14535 (k) The Department of Education ~~Agency for Workforce~~
14536 ~~Innovation~~ shall conduct studies and planning activities related
14537 to the overall improvement and effectiveness of the outcome
14538 measures adopted by the department ~~agency~~ for school readiness
14539 programs and the specific system support services to address the
14540 state's school readiness programs adopted by the Department of
14541 Education ~~Agency for Workforce Innovation~~ in accordance with
14542 subparagraph (d)3.
14543 (l) The Department of Education ~~Agency for Workforce~~
14544 ~~Innovation~~ shall monitor and evaluate the performance of each
14545 early learning coalition in administering the school readiness
14546 program, implementing the coalition's school readiness plan, and
14547 administering the Voluntary Prekindergarten Education Program.
14548 These monitoring and performance evaluations must include, at a
14549 minimum, onsite monitoring of each coalition's finances,
14550 management, operations, and programs.
14551 (m) The Department of Education ~~Agency for Workforce~~
14552 ~~Innovation~~ shall submit an annual report of its activities
14553 conducted under this section to the Governor, the President of
14554 the Senate, the Speaker of the House of Representatives, and the
14555 minority leaders of both houses of the Legislature. In addition,
14556 the Department of Education's ~~Agency for Workforce Innovation's~~
14557 reports and recommendations shall be made available to the
14558 Florida Early Learning Advisory Council and other appropriate

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14559 state agencies and entities. The annual report must provide an
14560 analysis of school readiness activities across the state,
14561 including the number of children who were served in the
14562 programs.
14563 (n) The Department of Education ~~Agency for Workforce~~
14564 ~~Innovation~~ shall work with the early learning coalitions to
14565 ensure availability of training and support for parental
14566 involvement in children's early education and to provide family
14567 literacy activities and services.
14568 (5) CREATION OF EARLY LEARNING COALITIONS.—
14569 (a) *Early learning coalitions.*—
14570 1. Each early learning coalition shall maintain direct
14571 enhancement services at the local level and ensure access to
14572 such services in all 67 counties.
14573 2. The Department of Education ~~Agency for Workforce~~
14574 ~~Innovation~~ shall establish the minimum number of children to be
14575 served by each early learning coalition through the coalition's
14576 school readiness program. The Department of Education ~~Agency for~~
14577 ~~Workforce Innovation~~ may only approve school readiness plans in
14578 accordance with this minimum number. The minimum number must be
14579 uniform for every early learning coalition and must:
14580 a. Permit 31 or fewer coalitions to be established; and
14581 b. Require each coalition to serve at least 2,000 children
14582 based upon the average number of all children served per month
14583 through the coalition's school readiness program during the
14584 previous 12 months.
14585 3. If an early learning coalition would serve fewer
14586 children than the minimum number established under subparagraph
14587 2., the coalition must merge with another county to form a

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14588 multicounty coalition. The Department of Education ~~Agency for~~
14589 ~~Workforce Innovation~~ shall adopt procedures for merging early
14590 learning coalitions, including procedures for the consolidation
14591 of merging coalitions, and for the early termination of the
14592 terms of coalition members which are necessary to accomplish the
14593 mergers. However, the Department of Education ~~Agency for~~
14594 ~~Workforce Innovation~~ shall grant a waiver to an early learning
14595 coalition to serve fewer children than the minimum number
14596 established under subparagraph 2., if:
14597 a. The Department of Education ~~Agency for Workforce~~
14598 ~~Innovation~~ has determined during the most recent review of the
14599 coalition's school readiness plan, or through monitoring and
14600 performance evaluations conducted under paragraph (4)(l), that
14601 the coalition has substantially implemented its plan;
14602 b. The coalition demonstrates to the Department of
14603 Education ~~Agency for Workforce Innovation~~ the coalition's
14604 ability to effectively and efficiently implement the Voluntary
14605 Prekindergarten Education Program; and
14606 c. The coalition demonstrates to the Department of
14607 Education ~~Agency for Workforce Innovation~~ that the coalition can
14608 perform its duties in accordance with law.
14609
14610 If an early learning coalition fails or refuses to merge as
14611 required by this subparagraph, the Department of Education
14612 ~~Agency for Workforce Innovation~~ may dissolve the coalition and
14613 temporarily contract with a qualified entity to continue school
14614 readiness and prekindergarten services in the coalition's county
14615 or multicounty region until the department ~~agency~~ reestablishes
14616 the coalition and a new school readiness plan is approved by the

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14617 department ~~agency~~.
14618 4. Each early learning coalition shall be composed of at
14619 least 15 members but not more than 30 members. The Department of
14620 Education ~~Agency for Workforce Innovation~~ shall adopt standards
14621 establishing within this range the minimum and maximum number of
14622 members that may be appointed to an early learning coalition and
14623 procedures for identifying which members have voting privileges
14624 under subparagraph 6. These standards must include variations
14625 for a coalition serving a multicounty region. Each early
14626 learning coalition must comply with these standards.
14627 5. The Governor shall appoint the chair and two other
14628 members of each early learning coalition, who must each meet the
14629 same qualifications as private sector business members appointed
14630 by the coalition under subparagraph 7.
14631 6. Each early learning coalition must include the following
14632 member positions; however, in a multicounty coalition, each ex
14633 officio member position may be filled by multiple nonvoting
14634 members but no more than one voting member shall be seated per
14635 member position. If an early learning coalition has more than
14636 one member representing the same entity, only one of such
14637 members may serve as a voting member:
14638 a. A Department of Children and Family Services circuit
14639 administrator or his or her designee who is authorized to make
14640 decisions on behalf of the department.
14641 b. A district superintendent of schools or his or her
14642 designee who is authorized to make decisions on behalf of the
14643 district.
14644 c. A regional workforce board executive director or his or
14645 her designee.

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14646 d. A county health department director or his or her
14647 designee.
14648 e. A children's services council or juvenile welfare board
14649 chair or executive director, if applicable.
14650 f. An agency head of a local licensing agency as defined in
14651 s. 402.302, where applicable.
14652 g. A president of a community college or his or her
14653 designee.
14654 h. One member appointed by a board of county commissioners
14655 or the governing board of a municipality.
14656 i. A central agency administrator, where applicable.
14657 j. A Head Start director.
14658 k. A representative of private for-profit child care
14659 providers, including private for-profit family day care homes.
14660 l. A representative of faith-based child care providers.
14661 m. A representative of programs for children with
14662 disabilities under the federal Individuals with Disabilities
14663 Education Act.
14664 7. Including the members appointed by the Governor under
14665 subparagraph 5., more than one-third of the members of each
14666 early learning coalition must be private sector business members
14667 who do not have, and none of whose relatives as defined in s.
14668 112.3143 has, a substantial financial interest in the design or
14669 delivery of the Voluntary Prekindergarten Education Program
14670 created under part V of chapter 1002 or the coalition's school
14671 readiness program. To meet this requirement an early learning
14672 coalition must appoint additional members. The Department of
14673 Education ~~Agency for Workforce Innovation~~ shall establish
14674 criteria for appointing private sector business members. These

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14675 criteria must include standards for determining whether a member
14676 or relative has a substantial financial interest in the design
14677 or delivery of the Voluntary Prekindergarten Education Program
14678 or the coalition’s school readiness program.
14679 8. A majority of the voting membership of an early learning
14680 coalition constitutes a quorum required to conduct the business
14681 of the coalition. An early learning coalition board may use any
14682 method of telecommunications to conduct meetings, including
14683 establishing a quorum through telecommunications, provided that
14684 the public is given proper notice of a telecommunications
14685 meeting and reasonable access to observe and, when appropriate,
14686 participate.
14687 9. A voting member of an early learning coalition may not
14688 appoint a designee to act in his or her place, except as
14689 otherwise provided in this paragraph. A voting member may send a
14690 representative to coalition meetings, but that representative
14691 does not have voting privileges. When a district administrator
14692 for the Department of Children and Family Services appoints a
14693 designee to an early learning coalition, the designee is the
14694 voting member of the coalition, and any individual attending in
14695 the designee’s place, including the district administrator, does
14696 not have voting privileges.
14697 10. Each member of an early learning coalition is subject
14698 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
14699 112.3143(3)(a), each voting member is a local public officer who
14700 must abstain from voting when a voting conflict exists.
14701 11. For purposes of tort liability, each member or employee
14702 of an early learning coalition shall be governed by s. 768.28.
14703 12. An early learning coalition serving a multicounty

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14704 region must include representation from each county.
14705 13. Each early learning coalition shall establish terms for
14706 all appointed members of the coalition. The terms must be
14707 staggered and must be a uniform length that does not exceed 4
14708 years per term. Coalition chairs shall be appointed for 4 years
14709 in conjunction with their membership on the Early Learning
14710 Advisory Council under s. 20.052. Appointed members may serve a
14711 maximum of two consecutive terms. When a vacancy occurs in an
14712 appointed position, the coalition must advertise the vacancy.
14713 (c) *Program expectations.*—
14714 1. The school readiness program must meet the following
14715 expectations:
14716 a. The program must, at a minimum, enhance the age-
14717 appropriate progress of each child in attaining the performance
14718 standards and outcome measures adopted by the Department of
14719 Education ~~Agency for Workforce Innovation~~.
14720 b. The program must provide extended-day and extended-year
14721 services to the maximum extent possible without compromising the
14722 quality of the program to meet the needs of parents who work.
14723 c. The program must provide a coordinated professional
14724 development system that supports the achievement and maintenance
14725 of core competencies by school readiness instructors in helping
14726 children attain the performance standards and outcome measures
14727 adopted by the Department of Education ~~Agency for Workforce~~
14728 ~~Innovation~~.
14729 d. There must be expanded access to community services and
14730 resources for families to help achieve economic self-
14731 sufficiency.
14732 e. There must be a single point of entry and unified

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14733 waiting list. As used in this sub-subparagraph, the term “single
14734 point of entry” means an integrated information system that
14735 allows a parent to enroll his or her child in the school
14736 readiness program at various locations throughout a county, that
14737 may allow a parent to enroll his or her child by telephone or
14738 through an Internet website, and that uses a unified waiting
14739 list to track eligible children waiting for enrollment in the
14740 school readiness program. The Department of Education ~~Agency for~~
14741 ~~Workforce Innovation~~ shall establish through technology a single
14742 statewide information system that each coalition must use for
14743 the purposes of managing the single point of entry, tracking
14744 children’s progress, coordinating services among stakeholders,
14745 determining eligibility, tracking child attendance, and
14746 streamlining administrative processes for providers and early
14747 learning coalitions.
14748 f. The Department of Education ~~Agency for Workforce~~
14749 ~~Innovation~~ must consider the access of eligible children to the
14750 school readiness program, as demonstrated in part by waiting
14751 lists, before approving a proposed increase in payment rates
14752 submitted by an early learning coalition. In addition, early
14753 learning coalitions shall use school readiness funds made
14754 available due to enrollment shifts from school readiness
14755 programs to the Voluntary Prekindergarten Education Program for
14756 increasing the number of children served in school readiness
14757 programs before increasing payment rates.
14758 g. The program must meet all state licensing guidelines,
14759 where applicable.
14760 h. The program must ensure that minimum standards for child
14761 discipline practices are age-appropriate. Such standards must

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14762 provide that children not be subjected to discipline that is
14763 severe, humiliating, or frightening or discipline that is
14764 associated with food, rest, or toileting. Spanking or any other
14765 form of physical punishment is prohibited.
14766 2. Each early learning coalition must implement a
14767 comprehensive program of school readiness services in accordance
14768 with the rules adopted by the department ~~agency~~ which enhance
14769 the cognitive, social, and physical development of children to
14770 achieve the performance standards and outcome measures. At a
14771 minimum, these programs must contain the following system
14772 support service elements:
14773 a. Developmentally appropriate curriculum designed to
14774 enhance the age-appropriate progress of children in attaining
14775 the performance standards adopted by the Department of Education
14776 ~~Agency for Workforce Innovation~~ under subparagraph (4)(d)8.
14777 b. A character development program to develop basic values.
14778 c. An age-appropriate screening of each child's
14779 development.
14780 d. An age-appropriate assessment administered to children
14781 when they enter a program and an age-appropriate assessment
14782 administered to children when they leave the program.
14783 e. An appropriate staff-to-children ratio, pursuant to s.
14784 402.305(4) or s. 402.302(7) or (8), as applicable, and as
14785 verified pursuant to s. 402.311.
14786 f. A healthy and safe environment pursuant to s.
14787 401.305(5), (6), and (7), as applicable, and as verified
14788 pursuant to s. 402.311.
14789 g. A resource and referral network established under s.
14790 411.0101 to assist parents in making an informed choice and a

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14791 regional Warm-Line under s. 411.01015.
14792
14793 The ~~Agency for Workforce Innovation, the~~ Department of
14794 Education~~,~~ and early learning coalitions shall coordinate with
14795 the Child Care Services Program Office of the Department of
14796 Children and Family Services to minimize duplicating interagency
14797 activities pertaining to acquiring and composing data for child
14798 care training and credentialing.
14799 (d) *Implementation.*—
14800 1. An early learning coalition may not implement the school
14801 readiness program until the coalition's school readiness plan is
14802 approved by the Department of Education ~~Agency for Workforce~~
14803 ~~Innovation~~.
14804 2. Each early learning coalition shall coordinate with one
14805 another to implement a comprehensive program of school readiness
14806 services which enhances the cognitive, social, physical, and
14807 moral character of the children to achieve the performance
14808 standards and outcome measures and which helps families achieve
14809 economic self-sufficiency. Such program must contain, at a
14810 minimum, the following elements:
14811 a. Implement the school readiness program to meet the
14812 requirements of this section and the system support services,
14813 performance standards, and outcome measures adopted by the
14814 Department of Education ~~Agency for Workforce Innovation~~.
14815 b. Demonstrate how the program will ensure that each child
14816 from birth through 5 years of age in a publicly funded school
14817 readiness program receives scheduled activities and instruction
14818 designed to enhance the age-appropriate progress of the children
14819 in attaining the performance standards adopted by the department

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14820 ~~agency~~ under subparagraph (4)(d)8.
14821 c. Ensure that the coalition has solicited and considered
14822 comments regarding the proposed school readiness plan from the
14823 local community.
14824
14825 Before implementing the school readiness program, the early
14826 learning coalition must submit the plan to the department ~~agency~~
14827 for approval. The department ~~agency~~ may approve the plan, reject
14828 the plan, or approve the plan with conditions. The department
14829 ~~agency~~ shall review school readiness plans at least every 2
14830 years.
14831 3. If the Department of Education ~~Agency for Workforce~~
14832 ~~Innovation~~ determines during the review of school readiness
14833 plans, or through monitoring and performance evaluations
14834 conducted under paragraph (4)(l), that an early learning
14835 coalition has not substantially implemented its plan, has not
14836 substantially met the performance standards and outcome measures
14837 adopted by the department ~~agency~~, or has not effectively
14838 administered the school readiness program or Voluntary
14839 Prekindergarten Education Program, the department ~~agency~~ may
14840 dissolve the coalition and temporarily contract with a qualified
14841 entity to continue school readiness and prekindergarten services
14842 in the coalition’s county or multicounty region until the
14843 department ~~agency~~ reestablishes the coalition and a new school
14844 readiness plan is approved in accordance with the rules adopted
14845 by the department ~~agency~~.
14846 4. The Department of Education ~~Agency for Workforce~~
14847 ~~Innovation~~ shall adopt rules establishing criteria for the
14848 approval of school readiness plans. The criteria must be

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14849 consistent with the system support services, performance
14850 standards, and outcome measures adopted by the department ~~agency~~
14851 and must require each approved plan to include the following
14852 minimum standards for the school readiness program:
14853 a. A community plan that addresses the needs of all
14854 children and providers within the coalition's county or
14855 multicounty region.
14856 b. A sliding fee scale establishing a copayment for parents
14857 based upon their ability to pay, which is the same for all
14858 program providers.
14859 c. A choice of settings and locations in licensed,
14860 registered, religious-exempt, or school-based programs to be
14861 provided to parents.
14862 d. Specific eligibility priorities for children in
14863 accordance with subsection (6).
14864 e. Performance standards and outcome measures adopted by
14865 the department ~~agency~~.
14866 f. Payment rates adopted by the early learning coalitions
14867 and approved by the department ~~agency~~. Payment rates may not
14868 have the effect of limiting parental choice or creating
14869 standards or levels of services that have not been expressly
14870 established by the Legislature, unless the creation of such
14871 standards or levels of service, which must be uniform throughout
14872 the state, has been approved by the Federal Government and
14873 result in the state being eligible to receive additional federal
14874 funds available for early learning on a statewide basis.
14875 g. Direct enhancement services for families and children.
14876 System support and direct enhancement services shall be in
14877 addition to payments for the placement of children in school

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14878 readiness programs. Direct enhancement services for families may
14879 include parent training and involvement activities and
14880 strategies to meet the needs of unique populations and local
14881 eligibility priorities. Enhancement services for children may
14882 include provider supports and professional development approved
14883 in the plan by the Department of Education ~~Agency for Workforce~~
14884 ~~Innovation~~.
14885 h. The business organization of the early learning
14886 coalition, which must include the coalition's articles of
14887 incorporation and bylaws if the coalition is organized as a
14888 corporation. If the coalition is not organized as a corporation
14889 or other business entity, the plan must include the contract
14890 with a fiscal agent. An early learning coalition may contract
14891 with other coalitions to achieve efficiency in multicounty
14892 services, and these contracts may be part of the coalition's
14893 school readiness plan.
14894 i. The implementation of locally developed quality programs
14895 in accordance with the requirements adopted by the department
14896 ~~agency~~ under subparagraph (4)(d)5.
14897
14898 The Department of Education ~~Agency for Workforce Innovation~~ may
14899 request the Governor to apply for a waiver to allow the
14900 coalition to administer the Head Start Program to accomplish the
14901 purposes of the school readiness program.
14902 5. Persons with an early childhood teaching certificate may
14903 provide support and supervision to other staff in the school
14904 readiness program.
14905 6. An early learning coalition may not implement its school
14906 readiness plan until it submits the plan to and receives

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14907 approval from the Department of Education ~~Agency for Workforce~~
14908 ~~Innovation~~. Once the plan is approved, the plan and the services
14909 provided under the plan shall be controlled by the early
14910 learning coalition. The plan shall be reviewed and revised as
14911 necessary, but at least biennially. An early learning coalition
14912 may not implement the revisions until the coalition submits the
14913 revised plan to and receives approval from the department
14914 ~~agency~~. If the department ~~agency~~ rejects a revised plan, the
14915 coalition must continue to operate under its prior approved
14916 plan.
14917 7. Section 125.901(2)(a)3. does not apply to school
14918 readiness programs. The Department of Education ~~Agency for~~
14919 ~~Workforce Innovation~~ may apply to the Governor and Cabinet for a
14920 waiver of, and the Governor and Cabinet may waive, any of the
14921 provisions of ss. 411.223 and 1003.54, if the waiver is
14922 necessary for implementation of school readiness programs.
14923 8. Two or more early learning coalitions may join for
14924 purposes of planning and implementing a school readiness
14925 program.
14926 (e) *Requests for proposals; payment schedule.*—
14927 1. Each early learning coalition must comply with the
14928 procurement and expenditure procedures adopted by the Department
14929 of Education ~~Agency for Workforce Innovation~~, including, but not
14930 limited to, applying the procurement and expenditure procedures
14931 required by federal law for the expenditure of federal funds.
14932 2. Each early learning coalition shall adopt a payment
14933 schedule that encompasses all programs funded under this
14934 section. The payment schedule must take into consideration the
14935 prevailing market rate, must include the projected number of

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14936 children to be served, and must be submitted for approval by the
14937 Department of Education ~~Agency for Workforce Innovation~~.
14938 Informal child care arrangements shall be reimbursed at not more
14939 than 50 percent of the rate adopted for a family day care home.
14940 (f) *Evaluation and annual report.*—Each early learning
14941 coalition shall conduct an evaluation of its implementation of
14942 the school readiness program, including system support services,
14943 performance standards, and outcome measures, and shall provide
14944 an annual report and fiscal statement to the Department of
14945 Education ~~Agency for Workforce Innovation~~. This report must also
14946 include an evaluation of the effectiveness of its direct
14947 enhancement services and conform to the content and format
14948 specifications adopted by the Department of Education ~~Agency for~~
14949 ~~Workforce Innovation~~. The Department of Education ~~Agency for~~
14950 ~~Workforce Innovation~~ must include an analysis of the early
14951 learning coalitions' reports in the department's ~~agency's~~ annual
14952 report.
14953 (7) PARENTAL CHOICE.—
14954 (e) The office of the Chief Financial Officer shall
14955 establish an electronic transfer system for the disbursement of
14956 funds in accordance with this subsection. Each early learning
14957 coalition shall fully implement the electronic funds transfer
14958 system within 2 years after approval of the coalition's school
14959 readiness plan, unless a waiver is obtained from the Department
14960 of Education ~~Agency for Workforce Innovation~~.
14961 (8) STANDARDS; OUTCOME MEASURES.—A program provider
14962 participating in the school readiness program must meet the
14963 performance standards and outcome measures adopted by the
14964 Department of Education ~~Agency for Workforce Innovation~~.

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14965 (9) FUNDING; SCHOOL READINESS PROGRAM.—
14966 (b)1. The Department of Education ~~Agency for Workforce~~
14967 ~~Innovation~~ shall administer school readiness funds, plans, and
14968 policies and shall prepare and submit a unified budget request
14969 for the school readiness system in accordance with chapter 216.
14970 2. All instructions to early learning coalitions for
14971 administering this section shall emanate from the Department of
14972 Education ~~Agency for Workforce Innovation~~ in accordance with the
14973 policies of the Legislature.
14974 (c) The Department of Education ~~Agency for Workforce~~
14975 ~~Innovation~~, subject to legislative notice and review under s.
14976 216.177, shall establish a formula for the allocation of all
14977 state and federal school readiness funds provided for children
14978 participating in the school readiness program, whether served by
14979 a public or private provider, based upon equity for each county.
14980 The allocation formula must be submitted to the Governor, the
14981 chair of the Senate Ways and Means Committee or its successor,
14982 and the chair of the House of Representatives Fiscal Council or
14983 its successor no later than January 1 of each year. If the
14984 Legislature specifies changes to the allocation formula, the
14985 Department of Education ~~Agency for Workforce Innovation~~ shall
14986 allocate funds as specified in the General Appropriations Act.
14987 (d) All state, federal, and required local maintenance-of-
14988 effort or matching funds provided to an early learning coalition
14989 for purposes of this section shall be used for implementation of
14990 its approved school readiness plan, including the hiring of
14991 staff to effectively operate the coalition’s school readiness
14992 program. As part of plan approval and periodic plan review, the
14993 Department of Education ~~Agency for Workforce Innovation~~ shall

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14994 require that administrative costs be kept to the minimum
14995 necessary for efficient and effective administration of the
14996 school readiness plan, but total administrative expenditures
14997 must not exceed 5 percent unless specifically waived by the
14998 Department of Education ~~Agency for Workforce Innovation~~. The
14999 Department of Education ~~Agency for Workforce Innovation~~ shall
15000 annually report to the Legislature any problems relating to
15001 administrative costs.
15002 (e) The Department of Education ~~Agency for Workforce~~
15003 ~~Innovation~~ shall annually distribute, to a maximum extent
15004 practicable, all eligible funds provided under this section as
15005 block grants to the early learning coalitions in accordance with
15006 the terms and conditions specified by the department ~~agency~~.
15007 Section 248. Subsections (1) and (2), paragraph (a) of
15008 subsection (3), and subsection (4) of section 411.0101, Florida
15009 Statutes, are amended to read:
15010 411.0101 Child care and early childhood resource and
15011 referral.—
15012 (1) As a part of the school readiness programs, the
15013 Department of Education ~~Agency for Workforce Innovation~~ shall
15014 establish a statewide child care resource and referral network
15015 that is unbiased and provides referrals to families for child
15016 care. Preference shall be given to using the already established
15017 early learning coalitions as the child care resource and
15018 referral agencies. If an early learning coalition cannot comply
15019 with the requirements to offer the resource information
15020 component or does not want to offer that service, the early
15021 learning coalition shall select the resource and referral agency
15022 for its county or multicounty region based upon a request for

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15023 proposal pursuant to s. 411.01(5)(e)1.
15024 (2) At least one child care resource and referral agency
15025 must be established in each early learning coalition's county or
15026 multicounty region. The Department of Education ~~Agency for~~
15027 ~~Workforce Innovation~~ shall adopt rules regarding accessibility
15028 of child care resource and referral services offered through
15029 child care resource and referral agencies in each county or
15030 multicounty region which include, at a minimum, required hours
15031 of operation, methods by which parents may request services, and
15032 child care resource and referral staff training requirements.
15033 (3) Child care resource and referral agencies shall provide
15034 the following services:
15035 (a) Identification of existing public and private child
15036 care and early childhood education services, including child
15037 care services by public and private employers, and the
15038 development of a resource file of those services through the
15039 single statewide information system developed by the Department
15040 of Education ~~Agency for Workforce Innovation~~ under s.
15041 411.01(5)(c)1.e. These services may include family day care,
15042 public and private child care programs, the Voluntary
15043 Prekindergarten Education Program, Head Start, the school
15044 readiness program, special education programs for
15045 prekindergarten children with disabilities, services for
15046 children with developmental disabilities, full-time and part-
15047 time programs, before-school and after-school programs, vacation
15048 care programs, parent education, the Temporary Cash Assistance
15049 Program, and related family support services. The resource file
15050 shall include, but not be limited to:
15051 1. Type of program.

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15052 2. Hours of service.
15053 3. Ages of children served.
15054 4. Number of children served.
15055 5. Significant program information.
15056 6. Fees and eligibility for services.
15057 7. Availability of transportation.
15058 (4) The Department of Education ~~Agency for Workforce~~
15059 ~~Innovation~~ shall adopt any rules necessary for the
15060 implementation and administration of this section.
15061 Section 249. Subsections (2), (6), and (7) of section
15062 411.01013, Florida Statutes, are amended to read:
15063 411.01013 Prevailing market rate schedule.—
15064 (2) The Department of Education ~~Agency for Workforce~~
15065 ~~Innovation~~ shall establish procedures for the adoption of a
15066 prevailing market rate schedule. The schedule must include, at a
15067 minimum, county-by-county rates:
15068 (a) At the prevailing market rate, plus the maximum rate,
15069 for child care providers that hold a Gold Seal Quality Care
15070 designation under s. 402.281.
15071 (b) At the prevailing market rate for child care providers
15072 that do not hold a Gold Seal Quality Care designation.
15073 (6) The Department of Education ~~Agency for Workforce~~
15074 ~~Innovation~~ may contract with one or more qualified entities to
15075 administer this section and provide support and technical
15076 assistance for child care providers.
15077 (7) The Department of Education ~~Agency for Workforce~~
15078 ~~Innovation~~ may adopt rules pursuant to ss. 120.536(1) and 120.54
15079 for establishing procedures for the collection of child care
15080 providers' market rate, the calculation of a reasonable

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15081 frequency distribution of the market rate, and the publication
15082 of a prevailing market rate schedule.
15083 Section 250. Subsection (1) of section 411.01014, Florida
15084 Statutes, is amended to read:
15085 411.01014 School readiness transportation services.—
15086 (1) The Department of Education ~~Agency for Workforce~~
15087 ~~Innovation~~, pursuant to chapter 427, may authorize an early
15088 learning coalition to establish school readiness transportation
15089 services for children at risk of abuse or neglect participating
15090 in the school readiness program. The early learning coalitions
15091 may contract for the provision of transportation services as
15092 required by this section.
15093 Section 251. Subsections (1), (3), and (4) of section
15094 411.01015, Florida Statutes, are amended to read:
15095 411.01015 Consultation to child care centers and family day
15096 care homes regarding health, developmental, disability, and
15097 special needs issues.—
15098 (1) Contingent upon specific appropriations, the Department
15099 of Education ~~Agency for Workforce Innovation~~ shall administer a
15100 statewide toll-free Warm-Line for the purpose of providing
15101 assistance and consultation to child care centers and family day
15102 care homes regarding health, developmental, disability, and
15103 special needs issues of the children they are serving,
15104 particularly children with disabilities and other special needs.
15105 (3) The Department of Education ~~Agency for Workforce~~
15106 ~~Innovation~~ shall annually inform child care centers and family
15107 day care homes of the availability of this service through the
15108 child care resource and referral network under s. 411.0101.
15109 (4) Contingent upon specific appropriations, the Department

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15110 of Education ~~Agency for Workforce Innovation~~ shall expand, or
15111 contract for the expansion of, the Warm-Line to maintain at
15112 least one Warm-Line site in each early learning coalition
15113 service area.
15114 Section 252. Subsections (2) and (3) of section 411.0103,
15115 Florida Statutes, are amended to read:
15116 411.0103 Teacher Education and Compensation Helps (TEACH)
15117 scholarship program.—
15118 (2) The Department of Education ~~Agency for Workforce~~
15119 ~~Innovation~~ may contract for the administration of the Teacher
15120 Education and Compensation Helps (TEACH) scholarship program,
15121 which provides educational scholarships to caregivers and
15122 administrators of early childhood programs, family day care
15123 homes, and large family child care homes.
15124 (3) The department ~~agency~~ shall adopt rules under ss.
15125 120.536(1) and 120.54 as necessary to administer this section.
15126 Section 253. Subsections (1) and (3) of section 411.0104,
15127 Florida Statutes, are amended to read:
15128 411.0104 Early Head Start collaboration grants.—
15129 (1) Contingent upon specific appropriations, the Department
15130 of Education ~~Agency for Workforce Innovation~~ shall establish a
15131 program to award collaboration grants to assist local agencies
15132 in securing Early Head Start programs through Early Head Start
15133 program federal grants. The collaboration grants shall provide
15134 the required matching funds for public and private nonprofit
15135 agencies that have been approved for Early Head Start program
15136 federal grants.
15137 (3) The Department of Education ~~Agency for Workforce~~
15138 ~~Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 as

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15139 necessary for the award of collaboration grants to competing
15140 agencies and the administration of the collaboration grants
15141 program under this section.
15142 Section 254. Section 411.0106, Florida Statutes, is amended
15143 to read:
15144 411.0106 Infants and toddlers in state-funded education and
15145 care programs; brain development activities.—Each state-funded
15146 education and care program for children from birth to 5 years of
15147 age must provide activities to foster brain development in
15148 infants and toddlers. A program must provide an environment that
15149 helps children attain the performance standards adopted by the
15150 Department of Education ~~Agency for Workforce Innovation~~ under s.
15151 411.01(4)(d)8. and must be rich in language and music and filled
15152 with objects of various colors, shapes, textures, and sizes to
15153 stimulate visual, tactile, auditory, and linguistic senses in
15154 the children and must include classical music and at least 30
15155 minutes of reading to the children each day. A program may be
15156 offered through an existing early childhood program such as
15157 Healthy Start, the Title I program, the school readiness
15158 program, the Head Start program, or a private child care
15159 program. A program must provide training for the infants' and
15160 toddlers' parents including direct dialogue and interaction
15161 between teachers and parents demonstrating the urgency of brain
15162 development in the first year of a child's life. Family day care
15163 centers are encouraged, but not required, to comply with this
15164 section.
15165 Section 255. Subsection (1) and paragraph (g) of subsection
15166 (3) of section 411.011, Florida Statutes, are amended to read:
15167 411.011 Records of children in school readiness programs.—

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15168 (1) The individual records of children enrolled in school
15169 readiness programs provided under s. 411.01, held by an early
15170 learning coalition or the Department of Education ~~Agency for~~
15171 ~~Workforce Innovation~~, are confidential and exempt from s.
15172 119.07(1) and s. 24(a), Art. I of the State Constitution. For
15173 purposes of this section, records include assessment data,
15174 health data, records of teacher observations, and personal
15175 identifying information.
15176 (3) School readiness records may be released to:
15177 (g) Parties to an interagency agreement among early
15178 learning coalitions, local governmental agencies, providers of
15179 school readiness programs, state agencies, and the Department of
15180 Education ~~Agency for Workforce Innovation~~ for the purpose of
15181 implementing the school readiness program.
15182
15183 Agencies, organizations, or individuals that receive school
15184 readiness records in order to carry out their official functions
15185 must protect the data in a manner that does not permit the
15186 personal identification of a child enrolled in a school
15187 readiness program and his or her parents by persons other than
15188 those authorized to receive the records.
15189 Section 256. Paragraph (e) of subsection (2) of section
15190 411.226, Florida Statutes, is amended to read:
15191 411.226 Learning Gateway.—
15192 (2) LEARNING GATEWAY STEERING COMMITTEE.—
15193 (e) To support and facilitate system improvements, the
15194 steering committee must consult with representatives from the
15195 Department of Education, the Department of Health, ~~the Agency~~
15196 ~~for Workforce Innovation,~~ the Department of Children and Family

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15197 Services, the Agency for Health Care Administration, the
15198 Department of Juvenile Justice, and the Department of
15199 Corrections and with the director of the Learning Development
15200 and Evaluation Center of Florida Agricultural and Mechanical
15201 University.
15202 Section 257. Paragraph (d) of subsection (1), paragraph (a)
15203 of subsection (2), and paragraph (c) of subsection (3) of
15204 section 411.227, Florida Statutes, are amended to read:
15205 411.227 Components of the Learning Gateway.—The Learning
15206 Gateway system consists of the following components:
15207 (1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED
15208 ACCESS.—
15209 (d) In collaboration with other local resources, the
15210 demonstration projects shall develop public awareness strategies
15211 to disseminate information about developmental milestones,
15212 precursors of learning problems and other developmental delays,
15213 and the service system that is available. The information should
15214 target parents of children from birth through age 9 and should
15215 be distributed to parents, health care providers, and caregivers
15216 of children from birth through age 9. A variety of media should
15217 be used as appropriate, such as print, television, radio, and a
15218 community-based Internet website, as well as opportunities such
15219 as those presented by parent visits to physicians for well-child
15220 checkups. The Learning Gateway Steering Committee shall provide
15221 technical assistance to the local demonstration projects in
15222 developing and distributing educational materials and
15223 information.
15224 1. Public awareness strategies targeting parents of
15225 children from birth through age 5 shall be designed to provide

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15226 information to public and private preschool programs, child care
15227 providers, pediatricians, parents, and local businesses and
15228 organizations. These strategies should include information on
15229 the school readiness performance standards adopted by the
15230 Department of Education ~~Agency for Workforce Innovation~~.
15231 2. Public awareness strategies targeting parents of
15232 children from ages 6 through 9 must be designed to disseminate
15233 training materials and brochures to parents and public and
15234 private school personnel, and must be coordinated with the local
15235 school board and the appropriate school advisory committees in
15236 the demonstration projects. The materials should contain
15237 information on state and district proficiency levels for grades
15238 K-3.
15239 (2) SCREENING AND DEVELOPMENTAL MONITORING.—
15240 (a) In coordination with ~~the Agency for Workforce~~
15241 ~~Innovation,~~ the Department of Education~~,~~ and the Florida
15242 Pediatric Society, and using information learned from the local
15243 demonstration projects, the Learning Gateway Steering Committee
15244 shall establish guidelines for screening children from birth
15245 through age 9. The guidelines should incorporate recent research
15246 on the indicators most likely to predict early learning
15247 problems, mild developmental delays, child-specific precursors
15248 of school failure, and other related developmental indicators in
15249 the domains of cognition; communication; attention; perception;
15250 behavior; and social, emotional, sensory, and motor functioning.
15251 (3) EARLY EDUCATION, SERVICES AND SUPPORTS.—
15252 (c) The steering committee, in cooperation with the
15253 Department of Children and Family Services and~~,~~ the Department
15254 of Education, ~~and the Agency for Workforce Innovation,~~ shall

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15255 identify the elements of an effective research-based curriculum
15256 for early care and education programs.
15257 Section 258. Section 414.24, Florida Statutes, is amended
15258 to read:
15259 414.24 Integrated welfare reform and child welfare
15260 services.—The department shall develop integrated service
15261 delivery strategies to better meet the needs of families subject
15262 to work activity requirements who are involved in the child
15263 welfare system or are at high risk of involvement in the child
15264 welfare system. To the extent that resources are available, the
15265 department and Jobs Florida ~~the Department of Labor and~~
15266 ~~Employment Security~~ shall provide funds to one or more service
15267 districts to promote development of integrated, nonduplicative
15268 case management within the department, Jobs Florida ~~the~~
15269 ~~Department of Labor and Employment Security~~, other participating
15270 government agencies, and community partners. Alternative
15271 delivery systems shall be encouraged which include well-defined,
15272 pertinent outcome measures. Other factors to be considered shall
15273 include innovation regarding training, enhancement of existing
15274 resources, and increased private sector and business sector
15275 participation.
15276 Section 259. Section 414.40, Florida Statutes, is amended
15277 to read:
15278 414.40 Stop Inmate Fraud Program established; guidelines.—
15279 (1) There is created within the Department of Financial
15280 Services ~~Department of Law Enforcement~~ a Stop Inmate Fraud
15281 Program.
15282 (2) The Department of Financial Services ~~Department of Law~~
15283 ~~Enforcement~~ is directed to implement the Stop Inmate Fraud

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15284 Program in accordance with the following guidelines:
15285 (a) The program shall establish procedures for sharing
15286 public records not exempt from the public records law among
15287 social services agencies regarding the identities of persons
15288 incarcerated in state correctional institutions, as defined in
15289 s. 944.02, or in county, municipal, or regional jails or other
15290 detention facilities of local governments under chapter 950 or
15291 chapter 951 who are wrongfully receiving public assistance
15292 benefits or entitlement benefits.
15293 (b) Pursuant to these procedures, the program shall have
15294 access to records containing correctional information not exempt
15295 from the public records law on incarcerated persons which have
15296 been generated as criminal justice information. As used in this
15297 paragraph, the term “record” is defined as provided in s.
15298 943.045(7), and the term “criminal justice information” is
15299 defined as provided in s. 943.045(3).
15300 (c) Database searches shall be conducted of the inmate
15301 population at each correctional institution or other detention
15302 facility. A correctional institution or a detention facility
15303 shall provide the Stop Inmate Fraud Program with the information
15304 necessary to identify persons wrongfully receiving benefits in
15305 the medium requested by the Stop Inmate Fraud Program if the
15306 correctional institution or detention facility maintains the
15307 information in that medium.
15308 (d) Data obtained from correctional institutions or other
15309 detention facilities shall be compared with the client files of
15310 the Department of Children and Family Services, Jobs Florida ~~the~~
15311 ~~Department of Labor and Employment Security~~, and other state or
15312 local agencies as needed to identify persons wrongfully

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15313 obtaining benefits. Data comparisons shall be accomplished
15314 during periods of low information demand by agency personnel to
15315 minimize inconvenience to the agency.
15316 (e) Results of data comparisons shall be furnished to the
15317 appropriate office for use in the county in which the data
15318 originated. The program may provide reports of the data it
15319 obtains to appropriate state, federal, and local government
15320 agencies or governmental entities, including, but not limited
15321 to:
15322 1. The Child Support Enforcement Program of the Department
15323 of Revenue, so that the data may be used as locator information
15324 on persons being sought for purposes of child support.
15325 2. The Social Security Administration, so that the data may
15326 be used to reduce federal entitlement fraud within the state.
15327 (f) Reports by the program to another agency or entity
15328 shall be generated bimonthly, or as otherwise directed, and
15329 shall be designed to accommodate that agency’s or entity’s
15330 particular needs for data.
15331 (g) Only those persons with active cases, or with cases
15332 that were active during the incarceration period, shall be
15333 reported, in order that the funding agency or entity, upon
15334 verification of the data, may take whatever action is deemed
15335 appropriate.
15336 (h) For purposes of program review and analysis, each
15337 agency or entity receiving data from the program shall submit
15338 reports to the program which indicate the results of how the
15339 data was used.
15340 Section 260. Subsection (1) of section 414.295, Florida
15341 Statutes, is amended to read:

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15342 414.295 Temporary cash assistance programs; public records
15343 exemption.—
15344 (1) Personal identifying information of a temporary cash
15345 assistance program participant, a participant's family, or a
15346 participant's family or household member, except for information
15347 identifying a parent who does not live in the same home as the
15348 child, held by the department, Jobs Florida ~~the Agency for~~
15349 ~~Workforce Innovation~~, Workforce Florida, Inc., the Department of
15350 Health, the Department of Revenue, the Department of Education,
15351 or a regional workforce board or local committee created
15352 pursuant to s. 445.007 is confidential and exempt from s.
15353 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
15354 confidential and exempt information may be released for purposes
15355 directly connected with:
15356 (a) The administration of the temporary assistance for
15357 needy families plan under Title IV-A of the Social Security Act,
15358 as amended, by the department, Jobs Florida ~~the Agency for~~
15359 ~~Workforce Innovation~~, Workforce Florida, Inc., the Department of
15360 Military Affairs, the Department of Health, the Department of
15361 Revenue, the Department of Education, a regional workforce board
15362 or local committee created pursuant to s. 445.007, or a school
15363 district.
15364 (b) The administration of the state's plan or program
15365 approved under Title IV-B, Title IV-D, or Title IV-E of the
15366 Social Security Act, as amended, or under Title I, Title X,
15367 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the
15368 Social Security Act, as amended.
15369 (c) Any investigation, prosecution, or any criminal, civil,
15370 or administrative proceeding conducted in connection with the

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15371 administration of any of the plans or programs specified in
15372 paragraph (a) or paragraph (b) by a federal, state, or local
15373 governmental entity, upon request by that entity, when such
15374 request is made pursuant to the proper exercise of that entity's
15375 duties and responsibilities.
15376 (d) The administration of any other state, federal, or
15377 federally assisted program that provides assistance or services
15378 on the basis of need, in cash or in kind, directly to a
15379 participant.
15380 (e) Any audit or similar activity, such as a review of
15381 expenditure reports or financial review, conducted in connection
15382 with the administration of any of the plans or programs
15383 specified in paragraph (a) or paragraph (b) by a governmental
15384 entity authorized by law to conduct such audit or activity.
15385 (f) The administration of the unemployment compensation
15386 program.
15387 (g) The reporting to the appropriate agency or official of
15388 information about known or suspected instances of physical or
15389 mental injury, sexual abuse or exploitation, or negligent
15390 treatment or maltreatment of a child or elderly person receiving
15391 assistance, if circumstances indicate that the health or welfare
15392 of the child or elderly person is threatened.
15393 (h) The administration of services to elderly persons under
15394 ss. 430.601-430.606.
15395 Section 261. Subsections (1) and (3) of section 414.411,
15396 Florida Statutes, are amended to read:
15397 414.411 Public assistance fraud.—
15398 (1) The Department of Financial Services shall investigate
15399 all public assistance provided to residents of the state or

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15400 provided to others by the state. In the course of such
15401 investigation the department shall examine all records,
15402 including electronic benefits transfer records and make inquiry
15403 of all persons who may have knowledge as to any irregularity
15404 incidental to the disbursement of public moneys, food
15405 assistance, or other items or benefits authorizations to
15406 recipients. All public assistance recipients, as a condition
15407 precedent to qualification for public assistance under chapter
15408 409, chapter 411, or this chapter, must first give in writing,
15409 to the Agency for Health Care Administration, the Department of
15410 Health, Jobs Florida ~~the Agency for Workforce Innovation~~, and
15411 the Department of Children and Family Services, as appropriate,
15412 and to the Department of Financial Services, consent to make
15413 inquiry of past or present employers and records, financial or
15414 otherwise.
15415 (3) The results of such investigation shall be reported by
15416 the Department of Financial Services to the appropriate
15417 legislative committees, the Agency for Health Care
15418 Administration, the Department of Health, Jobs Florida ~~the~~
15419 ~~Agency for Workforce Innovation~~, and the Department of Children
15420 and Family Services, and to such others as the department may
15421 determine.
15422 Section 262. Subsections (2) through (9) of section
15423 420.631, Florida Statutes, are amended to read:
15424 420.631 Definitions relating to Urban Homesteading Act.—As
15425 used in ss. 420.630-420.635:
15426 ~~(2) "Department" means the Department of Community Affairs.~~
15427 (2) ~~(3)~~ "Homestead agreement" means a written contract
15428 between a local government or its designee and a qualified buyer

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15429 which contains the terms under which the qualified buyer may
15430 acquire a single-family housing property.
15431 (3) ~~(4)~~ “Local government” means any county or incorporated
15432 municipality within this state.
15433 (4) ~~(5)~~ “Designee” means a housing authority appointed by a
15434 local government, or a nonprofit community organization
15435 appointed by a local government, to administer the urban
15436 homesteading program for single-family housing under ss.
15437 420.630-420.635.
15438 (5) ~~(6)~~ “Nonprofit community organization” means an
15439 organization that is exempt from taxation under s. 501(c)(3) of
15440 the Internal Revenue Code.
15441 (6) ~~(7)~~ “Office” means the Office of Urban Opportunity
15442 within Jobs Florida ~~the Department of Community Affairs~~.
15443 (7) ~~(8)~~ “Qualified buyer” means a person who meets the
15444 criteria under s. 420.633.
15445 (8) ~~(9)~~ “Qualified loan rate” means an interest rate that
15446 does not exceed the interest rate charged for home improvement
15447 loans by the Federal Housing Administration under Title I of the
15448 National Housing Act, ch. 847, 48 Stat. 1246, or 12 U.S.C. ss.
15449 1702, 1703, 1705, and 1706b et seq.
15450 Section 263. Section 420.635, Florida Statutes, is amended
15451 to read:
15452 420.635 Loans to qualified buyers.—Contingent upon an
15453 appropriation, Jobs Florida ~~the department~~, in consultation with
15454 the Office of Urban Opportunity, shall provide loans to
15455 qualified buyers who are required to pay the pro rata portion of
15456 the bonded debt on single-family housing pursuant to s. 420.634.
15457 Loans provided under this section shall be made at a rate of

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15458 interest which does not exceed the qualified loan rate. A buyer
15459 must maintain the qualifications specified in s. 420.633 for the
15460 full term of the loan. The loan agreement may contain additional
15461 terms and conditions as determined by Jobs Florida ~~the~~
15462 ~~department~~.
15463 Section 264. Paragraph (b) of subsection (2) of section
15464 429.907, Florida Statutes, is amended to read:
15465 429.907 License requirement; fee; exemption; display.—
15466 (2)
15467 (b) If ~~In the event~~ a licensed center becomes wholly or
15468 substantially unusable due to a disaster ~~as defined in s.~~
15469 ~~252.34(1)~~ or due to an emergency as those terms are defined in
15470 s. 252.34~~(3)~~:
15471 1. The licensee may continue to operate under its current
15472 license in ~~a premise or~~ premises separate from that authorized
15473 under the license if the licensee has:
15474 a. Specified the location of the ~~premise or~~ premises in its
15475 comprehensive emergency management plan submitted to and
15476 approved by the applicable county emergency management
15477 authority; and
15478 b. Notified the agency and the county emergency management
15479 authority within 24 hours of operating in the separate ~~premise~~
15480 ~~or~~ premises.
15481 2. The licensee shall operate the separate ~~premise or~~
15482 premises only while the licensed center’s original location is
15483 substantially unusable and for up to ~~no longer than~~ 180 days.
15484 The agency may extend use of the alternate ~~premise or~~ premises
15485 beyond the initial 180 days. The agency may also review the
15486 operation of the disaster ~~premise or~~ premises quarterly.

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15487 Section 265. Subsection (2) of section 440.12, Florida
15488 Statutes, is amended to read:
15489 440.12 Time for commencement and limits on weekly rate of
15490 compensation.—
15491 (2) Compensation for disability resulting from injuries
15492 which occur after December 31, 1974, shall not be less than $20
15493 per week. However, if the employee's wages at the time of injury
15494 are less than $20 per week, he or she shall receive his or her
15495 full weekly wages. If the employee's wages at the time of the
15496 injury exceed $20 per week, compensation shall not exceed an
15497 amount per week which is:
15498 (a) Equal to 100 percent of the statewide average weekly
15499 wage, determined as hereinafter provided for the year in which
15500 the injury occurred; however, the increase to 100 percent from
15501 66 2/3 percent of the statewide average weekly wage shall apply
15502 only to injuries occurring on or after August 1, 1979; and
15503 (b) Adjusted to the nearest dollar.
15504
15505 For the purpose of this subsection, the "statewide average
15506 weekly wage" means the average weekly wage paid by employers
15507 subject to the Florida Unemployment Compensation Law as reported
15508 to Jobs Florida ~~the Agency for Workforce Innovation~~ for the four
15509 calendar quarters ending each June 30, which average weekly wage
15510 shall be determined by Jobs Florida ~~the Agency for Workforce~~
15511 ~~Innovation~~ on or before November 30 of each year and shall be
15512 used in determining the maximum weekly compensation rate with
15513 respect to injuries occurring in the calendar year immediately
15514 following. The statewide average weekly wage determined by Jobs
15515 Florida ~~the Agency for Workforce Innovation~~ shall be reported

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15516 annually to the Legislature.
15517 Section 266. Paragraph (c) of subsection (9) of section
15518 440.15, Florida Statutes, is amended to read:
15519 440.15 Compensation for disability.—Compensation for
15520 disability shall be paid to the employee, subject to the limits
15521 provided in s. 440.12(2), as follows:
15522 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND
15523 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—
15524 (c) Disability compensation benefits payable for any week,
15525 including those benefits provided by paragraph (1)(f), may not
15526 be reduced pursuant to this subsection until the Social Security
15527 Administration determines the amount otherwise payable to the
15528 employee under 42 U.S.C. ss. 402 and 423 and the employee has
15529 begun receiving such social security benefit payments. The
15530 employee shall, upon demand by the department, the employer, or
15531 the carrier, authorize the Social Security Administration to
15532 release disability information relating to her or him and
15533 authorize Jobs Florida ~~the Agency for Workforce Innovation~~ to
15534 release unemployment compensation information relating to her or
15535 him, in accordance with rules to be adopted by the department
15536 prescribing the procedure and manner for requesting the
15537 authorization and for compliance by the employee. The department
15538 or the employer or carrier may not make any payment of benefits
15539 for total disability or those additional benefits provided by
15540 paragraph (1)(f) for any period during which the employee
15541 willfully fails or refuses to authorize the release of
15542 information in the manner and within the time prescribed by such
15543 rules. The authority for release of disability information
15544 granted by an employee under this paragraph is effective for a

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15545 period not to exceed 12 months and such authority may be
15546 renewed, as the department prescribes by rule.
15547 Section 267. Subsections (4) and (7) of section 440.381,
15548 Florida Statutes, are amended to read:
15549 440.381 Application for coverage; reporting payroll;
15550 payroll audit procedures; penalties.—
15551 (4) Each employer must submit a copy of the quarterly
15552 earnings ~~earning~~ report required by chapter 443 at the end of
15553 each quarter to the carrier and submit self-audits supported by
15554 the quarterly earnings reports required by chapter 443 and the
15555 rules adopted by Jobs Florida ~~the Agency for Workforce~~
15556 ~~Innovation~~ or by the state agency providing unemployment tax
15557 collection services under contract with Jobs Florida ~~the Agency~~
15558 ~~for Workforce Innovation~~ through an interagency agreement
15559 pursuant to s. 443.1316. The reports must include a sworn
15560 statement by an officer or principal of the employer attesting
15561 to the accuracy of the information contained in the report.
15562 (7) If an employee suffering a compensable injury was not
15563 reported as earning wages on the last quarterly earnings report
15564 filed with Jobs Florida ~~the Agency for Workforce Innovation~~ or
15565 the state agency providing unemployment tax collection services
15566 under contract with Jobs Florida ~~the Agency for Workforce~~
15567 ~~Innovation~~ through an interagency agreement pursuant to s.
15568 443.1316 before the accident, the employer shall indemnify the
15569 carrier for all workers' compensation benefits paid to or on
15570 behalf of the employee unless the employer establishes that the
15571 employee was hired after the filing of the quarterly report, in
15572 which case the employer and employee shall attest to the fact
15573 that the employee was employed by the employer at the time of

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15574 the injury. Failure of the employer to indemnify the insurer
15575 within 21 days after demand by the insurer is grounds for the
15576 insurer to immediately cancel coverage. Any action for
15577 indemnification brought by the carrier is cognizable in the
15578 circuit court having jurisdiction where the employer or carrier
15579 resides or transacts business. The insurer is entitled to a
15580 reasonable attorney's fee if it recovers any portion of the
15581 benefits paid in the action.
15582 Section 268. Subsection (5) of section 440.385, Florida
15583 Statutes, is amended to read:
15584 440.385 Florida Self-Insurers Guaranty Association,
15585 Incorporated.—
15586 (5) PLAN OF OPERATION.—The association shall operate
15587 pursuant to a plan of operation approved by the board of
15588 directors. The plan of operation must be ~~in effect on January 1,~~
15589 ~~2002, and~~ approved by the Department of Financial Services and
15590 ~~Department of Labor and Employment Security shall remain in~~
15591 ~~effect. However,~~ any amendments to the plan shall not become
15592 effective until approved by the department ~~of Financial~~
15593 ~~Services~~.
15594 (a) The purpose of the plan of operation shall be to
15595 provide the association and the board of directors with the
15596 authority and responsibility to establish the necessary programs
15597 and to take the necessary actions to protect against the
15598 insolvency of a member of the association. In addition, the plan
15599 shall provide that the members of the association shall be
15600 responsible for maintaining an adequate Insolvency Fund to meet
15601 the obligations of insolvent members provided for under this act
15602 and shall authorize the board of directors to contract and

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15603 employ those persons with the necessary expertise to carry out
15604 this stated purpose. ~~By January 1, 2003,~~ The board of directors
15605 shall submit to the department a proposed plan of operation for
15606 the administration of the association. The department shall
15607 approve the plan by order, consistent with this section. The
15608 department shall approve any amendments to the plan, consistent
15609 with this section, which are determined appropriate to carry out
15610 the duties and responsibilities of the association.
15611 (b) All member employers shall comply with the plan of
15612 operation.
15613 (c) The plan of operation shall:
15614 1. Establish the procedures whereby all the powers and
15615 duties of the association under subsection (3) will be
15616 performed.
15617 2. Establish procedures for handling assets of the
15618 association.
15619 3. Establish the amount and method of reimbursing members
15620 of the board of directors under subsection (2).
15621 4. Establish procedures by which claims may be filed with
15622 the association and establish acceptable forms of proof of
15623 covered claims. Notice of claims to the receiver or liquidator
15624 of the insolvent employer shall be deemed notice to the
15625 association or its agent, and a list of such claims shall be
15626 submitted periodically to the association or similar
15627 organization in another state by the receiver or liquidator.
15628 5. Establish regular places and times for meetings of the
15629 board of directors.
15630 6. Establish procedures for records to be kept of all
15631 financial transactions of the association and its agents and the

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15632 board of directors.
15633 7. Provide that any member employer aggrieved by any final
15634 action or decision of the association may appeal to the
15635 department within 30 days after the action or decision.
15636 8. Establish the procedures whereby recommendations of
15637 candidates for the board of directors shall be submitted to the
15638 department.
15639 9. Contain additional provisions necessary or proper for
15640 the execution of the powers and duties of the association.
15641 (d) The plan of operation may provide that any or all of
15642 the powers and duties of the association, except those specified
15643 under subparagraphs (c)1. and 2., be delegated to a corporation,
15644 association, or other organization which performs or will
15645 perform functions similar to those of this association or its
15646 equivalent in two or more states. Such a corporation,
15647 association, or organization shall be reimbursed as a servicing
15648 facility would be reimbursed and shall be paid for its
15649 performance of any other functions of the association. A
15650 delegation of powers or duties under this subsection shall take
15651 effect only with the approval of both the board of directors and
15652 the department and may be made only to a corporation,
15653 association, or organization which extends protection which is
15654 not substantially less favorable and effective than the
15655 protection provided by this section.
15656 Section 269. Paragraph (b) of subsection (9) of section
15657 440.49, Florida Statutes, is amended to read:
15658 440.49 Limitation of liability for subsequent injury
15659 through Special Disability Trust Fund.—
15660 (9) SPECIAL DISABILITY TRUST FUND.—

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15661 (b)1. The Special Disability Trust Fund shall be maintained
15662 by annual assessments upon the insurance companies writing
15663 compensation insurance in the state, the commercial self-
15664 insurers under ss. 624.462 and 624.4621, the assessable mutuals
15665 as defined in s. 628.6011, and the self-insurers under this
15666 chapter, which assessments shall become due and be paid
15667 quarterly at the same time and in addition to the assessments
15668 provided in s. 440.51. The department shall estimate annually in
15669 advance the amount necessary for the administration of this
15670 subsection and the maintenance of this fund and shall make such
15671 assessment in the manner hereinafter provided.
15672 2. The annual assessment shall be calculated to produce
15673 during the ensuing fiscal year an amount which, when combined
15674 with that part of the balance in the fund on June 30 of the
15675 current fiscal year which is in excess of $100,000, is equal to
15676 the average of:
15677 a. The sum of disbursements from the fund during the
15678 immediate past 3 calendar years, and
15679 b. Two times the disbursements of the most recent calendar
15680 year.
15681
15682 Such amount shall be prorated among the insurance companies
15683 writing compensation insurance in the state and the self-
15684 insurers. ~~Provided however, for those carriers that have~~
15685 ~~excluded ceded reinsurance premiums from their assessments on or~~
15686 ~~before January 1, 2000, no assessments on ceded reinsurance~~
15687 ~~premiums shall be paid by those carriers until such time as the~~
15688 ~~former Division of Workers' Compensation of the Department of~~
15689 ~~Labor and Employment Security or the department advises each of~~

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15690 ~~those carriers of the impact that the inclusion of ceded~~
15691 ~~reinsurance premiums has on their assessment. The department may~~
15692 ~~not recover any past underpayments of assessments levied against~~
15693 ~~any carrier that on or before January 1, 2000, excluded ceded~~
15694 ~~reinsurance premiums from their assessment prior to the point~~
15695 ~~that the former Division of Workers' Compensation of the~~
15696 ~~Department of Labor and Employment Security or the department~~
15697 ~~advises of the appropriate assessment that should have been~~
15698 ~~paid.~~
15699 3. The net premiums written by the companies for workers'
15700 compensation in this state and the net premium written
15701 applicable to the self-insurers in this state are the basis for
15702 computing the amount to be assessed as a percentage of net
15703 premiums. Such payments shall be made by each carrier and self-
15704 insurer to the department for the Special Disability Trust Fund
15705 in accordance with such regulations as the department
15706 prescribes.
15707 4. The Chief Financial Officer is authorized to receive and
15708 credit to such Special Disability Trust Fund any sum or sums
15709 that may at any time be contributed to the state by the United
15710 States under any Act of Congress, or otherwise, to which the
15711 state may be or become entitled by reason of any payments made
15712 out of such fund.
15713 Section 270. Subsections (1), (4), and (5) of section
15714 443.012, Florida Statutes, are amended to read:
15715 443.012 Unemployment Appeals Commission.—
15716 (1) There is created within <u>the Division of Workforce</u>
15717 <u>Services of Jobs Florida</u> ~~the Agency for Workforce Innovation~~ an
15718 Unemployment Appeals Commission. The commission is composed of a

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15719 chair and two other members appointed by the Governor, subject
15720 to confirmation by the Senate. Only one appointee may be a
15721 representative of employers, as demonstrated by his or her
15722 previous vocation, employment, or affiliation; and only one
15723 appointee may be a representative of employees, as demonstrated
15724 by his or her previous vocation, employment, or affiliation.
15725 (a) The chair shall devote his or her entire time to
15726 commission duties and is responsible for the administrative
15727 functions of the commission.
15728 (b) The chair has authority to appoint a general counsel
15729 and other personnel to carry out the duties and responsibilities
15730 of the commission.
15731 (c) The chair must have the qualifications required by law
15732 for a judge of the circuit court and may not engage in any other
15733 business vocation or employment. Notwithstanding any other law,
15734 the chair shall be paid a salary equal to that paid under state
15735 law to a judge of the circuit court.
15736 (d) The remaining members shall be paid a stipend of $100
15737 for each day they are engaged in the work of the commission. The
15738 chair and other members are entitled to be reimbursed for travel
15739 expenses, as provided in s. 112.061.
15740 (e) The total salary and travel expenses of each member of
15741 the commission shall be paid from the Employment Security
15742 Administration Trust Fund.
15743 (4) The property, personnel, and appropriations relating to
15744 the specified authority, powers, duties, and responsibilities of
15745 the commission shall be provided to the commission by Jobs
15746 Florida ~~the Agency for Workforce Innovation~~.
15747 (5) The commission is not subject to control, supervision,

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15748 or direction by Jobs Florida ~~the Agency for Workforce Innovation~~
15749 in performing its powers or duties under this chapter.
15750 Section 271. Subsections (9), (41), (43), and (45) of
15751 section 443.036, Florida Statutes, are amended to read:
15752 443.036 Definitions.—As used in this chapter, the term:
15753 (9) "Benefit year" means, for an individual, the 1-year
15754 period beginning with the first day of the first week for which
15755 the individual first files a valid claim for benefits and,
15756 thereafter, the 1-year period beginning with the first day of
15757 the first week for which the individual next files a valid claim
15758 for benefits after the termination of his or her last preceding
15759 benefit year. Each claim for benefits made in accordance with s.
15760 443.151(2) is a valid claim under this subsection if the
15761 individual was paid wages for insured work in accordance with s.
15762 443.091(1)(g) and is unemployed as defined in subsection (43) at
15763 the time of filing the claim. However, Jobs Florida ~~the Agency~~
15764 ~~for Workforce Innovation~~ may adopt rules providing for the
15765 establishment of a uniform benefit year for all workers in one
15766 or more groups or classes of service or within a particular
15767 industry if Jobs Florida ~~the agency~~ determines, after notice to
15768 the industry and to the workers in the industry and an
15769 opportunity to be heard in the matter, that those groups or
15770 classes of workers in a particular industry periodically
15771 experience unemployment resulting from layoffs or shutdowns for
15772 limited periods of time.
15773 (41) "Tax collection service provider" or "service
15774 provider" means the state agency providing unemployment tax
15775 collection services under contract with Jobs Florida ~~the Agency~~
15776 ~~for Workforce Innovation~~ through an interagency agreement

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15777 pursuant to s. 443.1316.
15778 (43) "Unemployment" means:
15779 (a) An individual is "totally unemployed" in any week
15780 during which he or she does not perform any services and for
15781 which earned income is not payable to him or her. An individual
15782 is "partially unemployed" in any week of less than full-time
15783 work if the earned income payable to him or her for that week is
15784 less than his or her weekly benefit amount. Jobs Florida ~~The~~
15785 ~~Agency for Workforce Innovation~~ may adopt rules prescribing
15786 distinctions in the procedures for unemployed individuals based
15787 on total unemployment, part-time unemployment, partial
15788 unemployment of individuals attached to their regular jobs, and
15789 other forms of short-time work.
15790 (b) An individual's week of unemployment commences only
15791 after his or her registration with Jobs Florida ~~the Agency for~~
15792 ~~Workforce Innovation~~ as required in s. 443.091, except as the
15793 agency may otherwise prescribe by rule.
15794 (45) "Week" means a period of 7 consecutive days as defined
15795 in the rules of Jobs Florida ~~the Agency for Workforce~~
15796 ~~Innovation~~. Jobs Florida ~~The Agency for Workforce Innovation~~ may
15797 by rule prescribe that a week is deemed to be "in," "within," or
15798 "during" the benefit year that contains the greater part of the
15799 week.
15800 Section 272. Subsections (2) and (3) of section 443.041,
15801 Florida Statutes, are amended to read:
15802 443.041 Waiver of rights; fees; privileged communications.—
15803 (2) FEES.—
15804 (a) Except as otherwise provided in this chapter, an
15805 individual claiming benefits may not be charged fees of any kind

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15806 in any proceeding under this chapter by the commission or Jobs
15807 Florida ~~the Agency for Workforce Innovation~~, or their
15808 representatives, or by any court or any officer of the court. An
15809 individual claiming benefits in any proceeding before the
15810 commission or Jobs Florida ~~the Agency for Workforce Innovation~~,
15811 or representatives of either, or a court may be represented by
15812 counsel or an authorized representative, but the counsel or
15813 representative may not charge or receive for those services more
15814 than an amount approved by the commission, Jobs Florida ~~the~~
15815 ~~Agency for Workforce Innovation~~, or the court.
15816 (b) An attorney at law representing a claimant for benefits
15817 in any district court of appeal of this state or in the Supreme
15818 Court of Florida is entitled to counsel fees payable by Jobs
15819 Florida ~~the Agency for Workforce Innovation~~ as set by the court
15820 if the petition for review or appeal is initiated by the
15821 claimant and results in a decision awarding more benefits than
15822 provided in the decision from which appeal was taken. The amount
15823 of the fee may not exceed 50 percent of the total amount of
15824 regular benefits permitted under s. 443.111(5)(a) during the
15825 benefit year.
15826 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
15827 pay attorneys' fees awarded under this section from the
15828 Employment Security Administration Trust Fund as part of the
15829 costs of administration of this chapter and may pay these fees
15830 directly to the attorney for the claimant in a lump sum. Jobs
15831 Florida ~~The Agency for Workforce Innovation~~ or the commission
15832 may not pay any other fees or costs in connection with an
15833 appeal.
15834 (d) Any person, firm, or corporation who or which seeks or

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15835 receives any remuneration or gratuity for any services rendered
15836 on behalf of a claimant, except as allowed by this section and
15837 in an amount approved by Jobs Florida ~~the Agency for Workforce~~
15838 ~~Innovation~~, the commission, or a court, commits a misdemeanor of
15839 the second degree, punishable as provided in s. 775.082 or s.
15840 775.083.
15841 (3) PRIVILEGED COMMUNICATIONS.—All letters, reports,
15842 communications, or any other matters, either oral or written,
15843 between an employer and an employee or between Jobs Florida ~~the~~
15844 ~~Agency for Workforce Innovation~~ or its tax collection service
15845 provider and any of their agents, representatives, or employees
15846 which are written, sent, delivered, or made in connection with
15847 this chapter, are privileged and may not be the subject matter
15848 or basis for any suit for slander or libel in any court of the
15849 state.
15850 Section 273. Subsection (3) of section 443.051, Florida
15851 Statutes, is amended to read:
15852 443.051 Benefits not alienable; exception, child support
15853 intercept.—
15854 (3) EXCEPTION, SUPPORT INTERCEPT.—
15855 (a) The Department of Revenue shall, at least biweekly,
15856 provide Jobs Florida ~~the Agency for Workforce Innovation~~ with a
15857 magnetic tape or other electronic data file disclosing the
15858 individuals who owe support obligations and the amount of any
15859 legally required deductions.
15860 (b) For support obligations established on or after July 1,
15861 2006, and for support obligations established before July 1,
15862 2006, when the support order does not address the withholding of
15863 unemployment compensation, Jobs Florida ~~the Agency for Workforce~~

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15864 ~~Innovation~~ shall deduct and withhold 40 percent of the
15865 unemployment compensation otherwise payable to an individual
15866 disclosed under paragraph (a). If delinquencies, arrearages, or
15867 retroactive support are owed and repayment has not been ordered,
15868 the unpaid amounts are included in the support obligation and
15869 are subject to withholding. If the amount deducted exceeds the
15870 support obligation, the Department of Revenue shall promptly
15871 refund the amount of the excess deduction to the obligor. For
15872 support obligations in effect before July 1, 2006, if the
15873 support order addresses the withholding of unemployment
15874 compensation, Jobs Florida ~~the Agency for Workforce Innovation~~
15875 shall deduct and withhold the amount ordered by the court or
15876 administrative agency that issued the support order as disclosed
15877 by the Department of Revenue.
15878 (c) Jobs Florida ~~the Agency for Workforce Innovation~~ shall
15879 pay any amount deducted and withheld under paragraph (b) to the
15880 Department of Revenue.
15881 (d) Any amount deducted and withheld under this subsection
15882 shall for all purposes be treated as if it were paid to the
15883 individual as unemployment compensation and paid by the
15884 individual to the Department of Revenue for support obligations.
15885 (e) The Department of Revenue shall reimburse Jobs Florida
15886 ~~the Agency for Workforce Innovation~~ for the administrative costs
15887 incurred by Jobs Florida ~~the agency~~ under this subsection which
15888 are attributable to support obligations being enforced by the
15889 department.
15890 Section 274. Subsections (3) and (4), paragraph (b) of
15891 subsection (5), and subsections (6) and (8) of section 443.071,
15892 Florida Statutes, are amended to read:

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15893 443.071 Penalties.—
15894 (3) Any employing unit or any officer or agent of any
15895 employing unit or any other person who fails to furnish any
15896 reports required under this chapter or to produce or permit the
15897 inspection of or copying of records as required under this
15898 chapter, who fails or refuses, within 6 months after written
15899 demand by Jobs Florida ~~the Agency for Workforce Innovation~~ or
15900 its tax collection service provider, to keep and maintain the
15901 payroll records required by this chapter or by rule of Jobs
15902 Florida ~~the Agency for Workforce Innovation~~ or the state agency
15903 providing tax collection services, or who willfully fails or
15904 refuses to make any contribution, reimbursement, or other
15905 payment required from an employer under this chapter commits a
15906 misdemeanor of the second degree, punishable as provided in s.
15907 775.082 or s. 775.083.
15908 (4) Any person who establishes a fictitious employing unit
15909 by submitting to Jobs Florida ~~the Agency for Workforce~~
15910 ~~Innovation~~ or its tax collection service provider fraudulent
15911 employing unit records or tax or wage reports by the
15912 introduction of fraudulent records into a computer system, the
15913 intentional or deliberate alteration or destruction of
15914 computerized information or files, or the theft of financial
15915 instruments, data, and other assets, for the purpose of enabling
15916 herself or himself or any other person to receive benefits under
15917 this chapter to which such person is not entitled, commits a
15918 felony of the third degree, punishable as provided in s.
15919 775.082, s. 775.083, or s. 775.084.
15920 (5) In any prosecution or action under this section, the
15921 entry into evidence of the signature of a person on a document,

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15922 letter, or other writing constitutes prima facie evidence of the
15923 person's identity if the following conditions exist:
15924 (b) The signature of the person is witnessed by an agent or
15925 employee of Jobs Florida ~~the Agency for Workforce Innovation~~ or
15926 its tax collection service provider at the time the document,
15927 letter, or other writing is filed.
15928 (6) The entry into evidence of an application for
15929 unemployment benefits initiated by the use of the Internet
15930 claims program or the interactive voice response system
15931 telephone claims program of Jobs Florida ~~the Agency for~~
15932 ~~Workforce Innovation~~ constitutes prima facie evidence of the
15933 establishment of a personal benefit account by or for an
15934 individual if the following information is provided: the
15935 applicant's name, residence address, date of birth, social
15936 security number, and present or former place of work.
15937 (8) All records relating to investigations of unemployment
15938 compensation fraud in the custody of Jobs Florida ~~the Agency for~~
15939 ~~Workforce Innovation~~ or its tax collection service provider are
15940 available for examination by the Department of Law Enforcement,
15941 the state attorneys, or the Office of the Statewide Prosecutor
15942 in the prosecution of offenses under s. 817.568 or in
15943 proceedings brought under this chapter.
15944 Section 275. Subsections (1) and (4) of section 443.091,
15945 Florida Statutes, are amended to read:
15946 443.091 Benefit eligibility conditions.—
15947 (1) An unemployed individual is eligible to receive
15948 benefits for any week only if Jobs Florida ~~the Agency for~~
15949 ~~Workforce Innovation~~ finds that:
15950 (a) She or he has made a claim for benefits for that week

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15951 in accordance with the rules adopted by Jobs Florida ~~the Agency~~
15952 ~~for Workforce Innovation~~.
15953 (b) She or he has registered with Jobs Florida ~~the agency~~
15954 for work and subsequently reports to the one-stop career center
15955 as directed by the regional workforce board for reemployment
15956 services. This requirement does not apply to persons who are:
15957 1. Non-Florida residents;
15958 2. On a temporary layoff~~, as defined in s. 443.036(42)~~;
15959 3. Union members who customarily obtain employment through
15960 a union hiring hall; or
15961 4. Claiming benefits under an approved short-time
15962 compensation plan as provided in s. 443.1116.
15963 (c) To make continued claims for benefits, she or he is
15964 reporting to Jobs Florida ~~the agency~~ in accordance with its
15965 rules. These rules may not conflict with s. 443.111(1)(b),
15966 including the requirement that each claimant continue to report
15967 regardless of any pending appeal relating to her or his
15968 eligibility or disqualification for benefits.
15969 (d) She or he is able to work and is available for work. In
15970 order to assess eligibility for a claimed week of unemployment,
15971 Jobs Florida ~~the agency~~ shall develop criteria to determine a
15972 claimant's ability to work and availability for work. However:
15973 1. Notwithstanding any other provision of this paragraph or
15974 paragraphs (b) and (e), an otherwise eligible individual may not
15975 be denied benefits for any week because she or he is in training
15976 with the approval of Jobs Florida ~~the agency~~, or by reason of s.
15977 443.101(2) relating to failure to apply for, or refusal to
15978 accept, suitable work. Training may be approved by Jobs Florida
15979 ~~the agency~~ in accordance with criteria prescribed by rule. A

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15980 claimant's eligibility during approved training is contingent
15981 upon satisfying eligibility conditions prescribed by rule.
15982 2. Notwithstanding any other provision of this chapter, an
15983 otherwise eligible individual who is in training approved under
15984 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
15985 determined ineligible or disqualified for benefits due to her or
15986 his enrollment in such training or because of leaving work that
15987 is not suitable employment to enter such training. As used in
15988 this subparagraph, the term "suitable employment" means work of
15989 a substantially equal or higher skill level than the worker's
15990 past adversely affected employment, as defined for purposes of
15991 the Trade Act of 1974, as amended, the wages for which are at
15992 least 80 percent of the worker's average weekly wage as
15993 determined for purposes of the Trade Act of 1974, as amended.
15994 3. Notwithstanding any other provision of this section, an
15995 otherwise eligible individual may not be denied benefits for any
15996 week because she or he is before any state or federal court
15997 pursuant to a lawfully issued summons to appear for jury duty.
15998 (e) She or he participates in reemployment services, such
15999 as job search assistance services, whenever the individual has
16000 been determined, by a profiling system established by the rules
16001 of Jobs Florida ~~agency rule~~, to be likely to exhaust regular
16002 benefits and to be in need of reemployment services.
16003 (f) She or he has been unemployed for a waiting period of 1
16004 week. A week may not be counted as a week of unemployment under
16005 this subsection:
16006 1. Unless it occurs within the benefit year that includes
16007 the week for which she or he claims payment of benefits.
16008 2. If benefits have been paid for that week.

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16009 3. Unless the individual was eligible for benefits for that
16010 week as provided in this section and s. 443.101, except for the
16011 requirements of this subsection and of s. 443.101(5).
16012 (g) She or he has been paid wages for insured work equal to
16013 1.5 times her or his high quarter wages during her or his base
16014 period, except that an unemployed individual is not eligible to
16015 receive benefits if the base period wages are less than $3,400.
16016 (h) She or he submitted to Jobs Florida ~~the agency~~ a valid
16017 social security number assigned to her or him. Jobs Florida ~~The~~
16018 ~~agency~~ may verify the social security number with the United
16019 States Social Security Administration and may deny benefits if
16020 Jobs Florida ~~the agency~~ is unable to verify the individual's
16021 social security number, the social security number is invalid,
16022 or the social security number is not assigned to the individual.
16023 (4) In the event of national emergency, in the course of
16024 which the Federal Emergency Unemployment Payment Plan is, at the
16025 request of the Governor, invoked for all or any part of the
16026 state, the emergency plan shall supersede the procedures
16027 prescribed by this chapter, and by rules adopted under this
16028 chapter, and Jobs Florida ~~the Agency for Workforce Innovation~~
16029 shall act as the Florida agency for the United States Department
16030 of Labor in the administration of the plan.
16031 Section 276. Subsections (1), (2), (4), (6), (7), and (9)
16032 of section 443.101, Florida Statutes, are amended to read:
16033 443.101 Disqualification for benefits.—An individual shall
16034 be disqualified for benefits:
16035 (1)(a) For the week in which he or she has voluntarily left
16036 work without good cause attributable to his or her employing
16037 unit or in which the individual has been discharged by the

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16038 employing unit for misconduct connected with his or her work,
16039 based on a finding by Jobs Florida ~~the Agency for Workforce~~
16040 ~~Innovation~~. As used in this paragraph, the term “work” means any
16041 work, whether full-time, part-time, or temporary.
16042 1. Disqualification for voluntarily quitting continues for
16043 the full period of unemployment next ensuing after the
16044 individual has left his or her full-time, part-time, or
16045 temporary work voluntarily without good cause and until the
16046 individual has earned income equal to or in excess of 17 times
16047 his or her weekly benefit amount. As used in this subsection,
16048 the term “good cause” includes only that cause attributable to
16049 the employing unit or which consists of the individual’s illness
16050 or disability requiring separation from his or her work. Any
16051 other disqualification may not be imposed. An individual is not
16052 disqualified under this subsection for voluntarily leaving
16053 temporary work to return immediately when called to work by the
16054 permanent employing unit that temporarily terminated his or her
16055 work within the previous 6 calendar months. An individual is not
16056 disqualified under this subsection for voluntarily leaving work
16057 to relocate as a result of his or her military-connected
16058 spouse’s permanent change of station orders, activation orders,
16059 or unit deployment orders.
16060 2. Disqualification for being discharged for misconduct
16061 connected with his or her work continues for the full period of
16062 unemployment next ensuing after having been discharged and until
16063 the individual is reemployed and has earned income of at least
16064 17 times his or her weekly benefit amount and for not more than
16065 52 weeks that immediately follow that week, as determined by
16066 Jobs Florida ~~the agency~~ in each case according to the

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16067 circumstances in each case or the seriousness of the misconduct,
16068 under Jobs Florida ~~the agency's~~ rules adopted for determinations
16069 of disqualification for benefits for misconduct.
16070 3. If an individual has provided notification to the
16071 employing unit of his or her intent to voluntarily leave work
16072 and the employing unit discharges the individual for reasons
16073 other than misconduct before the date the voluntary quit was to
16074 take effect, the individual, if otherwise entitled, shall
16075 receive benefits from the date of the employer's discharge until
16076 the effective date of his or her voluntary quit.
16077 4. If an individual is notified by the employing unit of
16078 the employer's intent to discharge the individual for reasons
16079 other than misconduct and the individual quits without good
16080 cause, as defined in this section, before the date the discharge
16081 was to take effect, the claimant is ineligible for benefits
16082 pursuant to s. 443.091(1)(d) for failing to be available for
16083 work for the week or weeks of unemployment occurring before the
16084 effective date of the discharge.
16085 (b) For any week with respect to which Jobs Florida ~~the~~
16086 ~~Agency for Workforce Innovation~~ finds that his or her
16087 unemployment is due to a suspension for misconduct connected
16088 with the individual's work.
16089 (c) For any week with respect to which Jobs Florida ~~the~~
16090 ~~Agency for Workforce Innovation~~ finds that his or her
16091 unemployment is due to a leave of absence, if the leave was
16092 voluntarily initiated by the individual.
16093 (d) For any week with respect to which Jobs Florida ~~the~~
16094 ~~Agency for Workforce Innovation~~ finds that his or her
16095 unemployment is due to a discharge for misconduct connected with

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16096 the individual's work, consisting of drug use, as evidenced by a
16097 positive, confirmed drug test.
16098 (2) If Jobs Florida ~~the Agency for Workforce Innovation~~
16099 finds that the individual has failed without good cause to apply
16100 for available suitable work when directed by Jobs Florida ~~the~~
16101 ~~agency~~ or the one-stop career center, to accept suitable work
16102 when offered to him or her, or to return to the individual's
16103 customary self-employment when directed by Jobs Florida ~~the~~
16104 ~~agency~~, the disqualification continues for the full period of
16105 unemployment next ensuing after he or she failed without good
16106 cause to apply for available suitable work, to accept suitable
16107 work, or to return to his or her customary self-employment,
16108 under this subsection, and until the individual has earned
16109 income at least 17 times his or her weekly benefit amount. Jobs
16110 Florida ~~The Agency for Workforce Innovation~~ shall by rule adopt
16111 criteria for determining the "suitability of work," as used in
16112 this section. Jobs Florida ~~The Agency for Workforce Innovation~~
16113 in developing these rules shall consider the duration of a
16114 claimant's unemployment in determining the suitability of work
16115 and the suitability of proposed rates of compensation for
16116 available work. Further, after an individual has received 25
16117 weeks of benefits in a single year, suitable work is a job that
16118 pays the minimum wage and is 120 percent or more of the weekly
16119 benefit amount the individual is drawing.
16120 (a) In determining whether or not any work is suitable for
16121 an individual, Jobs Florida ~~the Agency for Workforce Innovation~~
16122 shall consider the degree of risk involved to his or her health,
16123 safety, and morals; his or her physical fitness and prior
16124 training; the individual's experience and prior earnings; his or

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16125 her length of unemployment and prospects for securing local work
16126 in his or her customary occupation; and the distance of the
16127 available work from his or her residence.
16128 (b) Notwithstanding any other provisions of this chapter,
16129 work is not deemed suitable and benefits may not be denied under
16130 this chapter to any otherwise eligible individual for refusing
16131 to accept new work under any of the following conditions:
16132 1. If the position offered is vacant due directly to a
16133 strike, lockout, or other labor dispute.
16134 2. If the wages, hours, or other conditions of the work
16135 offered are substantially less favorable to the individual than
16136 those prevailing for similar work in the locality.
16137 3. If as a condition of being employed, the individual
16138 would be required to join a company union or to resign from or
16139 refrain from joining any bona fide labor organization.
16140 (c) If Jobs Florida ~~the Agency for Workforce Innovation~~
16141 finds that an individual was rejected for offered employment as
16142 the direct result of a positive, confirmed drug test required as
16143 a condition of employment, the individual is disqualified for
16144 refusing to accept an offer of suitable work.
16145 (4) For any week with respect to which Jobs Florida ~~the~~
16146 ~~Agency for Workforce Innovation~~ finds that his or her total or
16147 partial unemployment is due to a labor dispute in active
16148 progress which exists at the factory, establishment, or other
16149 premises at which he or she is or was last employed; except that
16150 this subsection does not apply if it is shown to the
16151 satisfaction of Jobs Florida ~~the Agency for Workforce Innovation~~
16152 that:
16153 (a)1. He or she is not participating in, financing, or

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16154 directly interested in the labor dispute that is in active
16155 progress; however, the payment of regular union dues may not be
16156 construed as financing a labor dispute within the meaning of
16157 this section; and
16158 2. He or she does not belong to a grade or class of workers
16159 of which immediately before the commencement of the labor
16160 dispute there were members employed at the premises at which the
16161 labor dispute occurs any of whom are participating in,
16162 financing, or directly interested in the dispute; if in any case
16163 separate branches of work are commonly conducted as separate
16164 businesses in separate premises, or are conducted in separate
16165 departments of the same premises, each department, for the
16166 purpose of this subsection, is deemed to be a separate factory,
16167 establishment, or other premise.
16168 (b) His or her total or partial unemployment results from a
16169 lockout by his or her employer. As used in this section, the
16170 term “lockout” means a situation in which employees have not
16171 gone on strike, nor have employees notified the employer of a
16172 date certain for a strike, but in which employees have been
16173 denied entry to the factory, establishment, or other premises of
16174 employment by the employer. However, benefits are not payable
16175 under this paragraph if the lockout action was taken in response
16176 to threats, actions, or other indications of impending damage to
16177 property and equipment or possible physical violence by
16178 employees or in response to actual damage or violence or a
16179 substantial reduction in production instigated or perpetrated by
16180 employees.
16181 (6) For a period not to exceed 1 year from the date of the
16182 discovery by Jobs Florida ~~the Agency for Workforce Innovation~~ of

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16183 the making of any false or fraudulent representation for the
16184 purpose of obtaining benefits contrary to this chapter,
16185 constituting a violation under s. 443.071. This disqualification
16186 may be appealed in the same manner as any other disqualification
16187 imposed under this section. A conviction by any court of
16188 competent jurisdiction in this state of the offense prohibited
16189 or punished by s. 443.071 is conclusive upon the appeals referee
16190 and the commission of the making of the false or fraudulent
16191 representation for which disqualification is imposed under this
16192 section.
16193 (7) If Jobs Florida ~~the Agency for Workforce Innovation~~
16194 finds that the individual is an alien, unless the alien is an
16195 individual who has been lawfully admitted for permanent
16196 residence or otherwise is permanently residing in the United
16197 States under color of law, including an alien who is lawfully
16198 present in the United States as a result of the application of
16199 s. 203(a)(7) or s. 212(d)(5) of the Immigration and Nationality
16200 Act, if any modifications to s. 3304(a)(14) of the Federal
16201 Unemployment Tax Act, as provided by Pub. L. No. 94-566, which
16202 specify other conditions or other effective dates than those
16203 stated under federal law for the denial of benefits based on
16204 services performed by aliens, and which modifications are
16205 required to be implemented under state law as a condition for
16206 full tax credit against the tax imposed by the Federal
16207 Unemployment Tax Act, are deemed applicable under this section,
16208 if:
16209 (a) Any data or information required of individuals
16210 applying for benefits to determine whether benefits are not
16211 payable to them because of their alien status is uniformly

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16212 required from all applicants for benefits; and
16213 (b) In the case of an individual whose application for
16214 benefits would otherwise be approved, a determination that
16215 benefits to such individual are not payable because of his or
16216 her alien status may not be made except by a preponderance of
16217 the evidence.
16218
16219 If Jobs Florida ~~the Agency for Workforce Innovation~~ finds that
16220 the individual has refused without good cause an offer of
16221 resettlement or relocation, which offer provides for suitable
16222 employment for the individual notwithstanding the distance of
16223 relocation, resettlement, or employment from the current
16224 location of the individual in this state, this disqualification
16225 continues for the week in which the failure occurred and for not
16226 more than 17 weeks immediately after that week, or a reduction
16227 by not more than 5 weeks from the duration of benefits, as
16228 determined by Jobs Florida ~~the Agency for Workforce Innovation~~
16229 in each case.
16230 (9) If the individual was terminated from his or her work
16231 for violation of any criminal law punishable by imprisonment, or
16232 for any dishonest act, in connection with his or her work, as
16233 follows:
16234 (a) If Jobs Florida ~~the Agency for Workforce Innovation~~ or
16235 the Unemployment Appeals Commission finds that the individual
16236 was terminated from his or her work for violation of any
16237 criminal law punishable by imprisonment in connection with his
16238 or her work, and the individual was found guilty of the offense,
16239 made an admission of guilt in a court of law, or entered a plea
16240 of no contest, the individual is not entitled to unemployment

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16241 benefits for up to 52 weeks, under rules adopted by Jobs Florida
16242 ~~the Agency for Workforce Innovation~~, and until he or she has
16243 earned income of at least 17 times his or her weekly benefit
16244 amount. If, before an adjudication of guilt, an admission of
16245 guilt, or a plea of no contest, the employer shows Jobs Florida
16246 ~~the Agency for Workforce Innovation~~ that the arrest was due to a
16247 crime against the employer or the employer's business and, after
16248 considering all the evidence, Jobs Florida ~~the Agency for~~
16249 ~~Workforce Innovation~~ finds misconduct in connection with the
16250 individual's work, the individual is not entitled to
16251 unemployment benefits.
16252 (b) If Jobs Florida ~~the Agency for Workforce Innovation~~ or
16253 the Unemployment Appeals Commission finds that the individual
16254 was terminated from work for any dishonest act in connection
16255 with his or her work, the individual is not entitled to
16256 unemployment benefits for up to 52 weeks, under rules adopted by
16257 Jobs Florida ~~the Agency for Workforce Innovation~~, and until he
16258 or she has earned income of at least 17 times his or her weekly
16259 benefit amount. In addition, if the employer terminates an
16260 individual as a result of a dishonest act in connection with his
16261 or her work and Jobs Florida ~~the Agency for Workforce Innovation~~
16262 finds misconduct in connection with his or her work, the
16263 individual is not entitled to unemployment benefits.
16264
16265 With respect to an individual disqualified for benefits, the
16266 account of the terminating employer, if the employer is in the
16267 base period, is noncharged at the time the disqualification is
16268 imposed.
16269 Section 277. Subsection (1) of section 443.111, Florida

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16270 Statutes, is amended to read:
16271 443.111 Payment of benefits.—
16272 (1) MANNER OF PAYMENT.—Benefits are payable from the fund
16273 in accordance with rules adopted by Jobs Florida ~~the Agency for~~
16274 ~~Workforce Innovation~~, subject to the following requirements:
16275 (a) Benefits are payable ~~by mail or~~ electronically, except
16276 that an individual being paid by paper warrant on July 1, 2011,
16277 may continue to be paid in that manner until the expiration of
16278 the claim. Jobs Florida ~~Notwithstanding s. 409.942(4), the~~
16279 ~~agency~~ may develop a system for the payment of benefits by
16280 electronic funds transfer, including, but not limited to, debit
16281 cards, electronic payment cards, or any other means of
16282 electronic payment that Jobs Florida ~~the agency~~ deems to be
16283 commercially viable or cost-effective. Commodities or services
16284 related to the development of such a system shall be procured by
16285 competitive solicitation, unless they are purchased from a state
16286 term contract pursuant to s. 287.056. Jobs Florida ~~The agency~~
16287 shall adopt rules necessary to administer this paragraph ~~the~~
16288 ~~system~~.
16289 (b) Each claimant must report in the manner prescribed by
16290 Jobs Florida ~~the Agency for Workforce Innovation~~ to certify for
16291 benefits that are paid and must continue to report at least
16292 biweekly to receive unemployment benefits and to attest to the
16293 fact that she or he is able and available for work, has not
16294 refused suitable work, is seeking work, and, if she or he has
16295 worked, to report earnings from that work. Each claimant must
16296 continue to report regardless of any appeal or pending appeal
16297 relating to her or his eligibility or disqualification for
16298 benefits.

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16299 Section 278. Subsections (1), (4), and (5) of section
16300 443.1113, Florida Statutes, are amended to read:
16301 443.1113 Unemployment Compensation Claims and Benefits
16302 Information System.—
16303 (1) To the extent that funds are appropriated for each
16304 phase of the Unemployment Compensation Claims and Benefits
16305 Information System by the Legislature, Jobs Florida ~~the Agency~~
16306 ~~for Workforce Innovation~~ shall replace and enhance the
16307 functionality provided in the following systems with an
16308 integrated Internet-based system that is known as the
16309 "Unemployment Compensation Claims and Benefits Information
16310 System":
16311 (a) Claims and benefit mainframe system.
16312 (b) Florida unemployment Internet direct.
16313 (c) Florida continued claim Internet directory.
16314 (d) Call center interactive voice response system.
16315 (e) Benefit overpayment screening system.
16316 (f) Internet and Intranet appeals system.
16317 (4) The project to implement the Unemployment Compensation
16318 Claims and Benefits Information System shall be comprised of the
16319 following phases and corresponding implementation timeframes:
16320 (a) No later than the end of fiscal year 2009-2010
16321 completion of the business re-engineering analysis and
16322 documentation of both the detailed system requirements and the
16323 overall system architecture.
16324 (b) The Unemployment Claims and Benefits Internet portal
16325 that replaces the Florida Unemployment Internet Direct and the
16326 Florida Continued Claims Internet Directory systems, the Call
16327 Center Interactive Voice Response System, the Benefit

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16328 Overpayment Screening System, the Internet and Intranet Appeals
16329 System and the Claims and Benefits Mainframe System shall be
16330 deployed to full operational status no later than the end of
16331 fiscal year 2012-2013.
16332 ~~(b) The new Unemployment Claims and Benefits Internet~~
16333 ~~portal that replaces the Florida Unemployment Internet Direct~~
16334 ~~and the Florida Continued Claims Internet Directory systems and~~
16335 ~~shall be deployed to full production operational status no later~~
16336 ~~than the end of fiscal year 2010-2011.~~
16337 ~~(c) The new Call Center Interactive Voice Response System~~
16338 ~~and the Benefit Overpayment Screening System shall be deployed~~
16339 ~~to full production operational status no later than the end of~~
16340 ~~fiscal year 2011-2012.~~
16341 ~~(d) The new Internet and Intranet Appeals System and the~~
16342 ~~Claims and Benefits Mainframe System shall be deployed to full~~
16343 ~~operational status no later than the end of fiscal year 2012-~~
16344 ~~2013.~~
16345 (5) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
16346 implement the following project governance structure until such
16347 time as the project is completed, suspended, or terminated:
16348 (a) The project sponsor for the Unemployment Compensation
16349 Claims and Benefits Information System project is Jobs Florida
16350 ~~the executive director of the Agency for Workforce Innovation~~.
16351 (b) The project shall be governed by an executive steering
16352 committee composed of the following voting members or their
16353 designees:
16354 1. The commissioner of Jobs Florida ~~executive director of~~
16355 ~~the Agency for Workforce Innovation~~.
16356 2. The executive director of the Department of Revenue.

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16357 3. The director of the Division of Workforce Services
16358 within Jobs Florida ~~Office of Unemployment Compensation within~~
16359 ~~the Agency for Workforce Innovation~~.
16360 4. The program director of the General Tax Administration
16361 Program Office within the Department of Revenue.
16362 5. The chief information officer of Jobs Florida ~~the Agency~~
16363 ~~for Workforce Innovation~~.
16364 (c) The executive steering committee has the overall
16365 responsibility for ensuring that the project meets its primary
16366 objectives and is specifically responsible for:
16367 1. Providing management direction and support to the
16368 project management team.
16369 2. Assessing the project's alignment with the strategic
16370 goals of Jobs Florida ~~the Agency for Workforce Innovation~~ for
16371 administering the unemployment compensation program.
16372 3. Reviewing and approving or disapproving any changes to
16373 the project's scope, schedule, and costs.
16374 4. Reviewing, approving or disapproving, and determining
16375 whether to proceed with any major project deliverables.
16376 5. Recommending suspension or termination of the project to
16377 the Governor, the President of the Senate, and the Speaker of
16378 the House of Representatives if it determines that the primary
16379 objectives cannot be achieved.
16380 (d) The project management team shall work under the
16381 direction of the executive steering committee and shall be
16382 minimally comprised of senior managers and stakeholders from
16383 Jobs Florida ~~the Agency for Workforce Innovation~~ and the
16384 Department of Revenue. The project management team is
16385 responsible for:

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16386 1. Providing daily planning, management, and oversight of
16387 the project.
16388 2. Submitting an operational work plan and providing
16389 quarterly updates to that plan to the executive steering
16390 committee. The plan must specify project milestones,
16391 deliverables, and expenditures.
16392 3. Submitting written monthly project status reports to the
16393 executive steering committee which include:
16394 a. Planned versus actual project costs;
16395 b. An assessment of the status of major milestones and
16396 deliverables;
16397 c. Identification of any issues requiring resolution, the
16398 proposed resolution for these issues, and information regarding
16399 the status of the resolution;
16400 d. Identification of risks that must be managed; and
16401 e. Identification of and recommendations regarding
16402 necessary changes in the project's scope, schedule, or costs.
16403 All recommendations must be reviewed by project stakeholders
16404 before submission to the executive steering committee in order
16405 to ensure that the recommendations meet required acceptance
16406 criteria.
16407 Section 279. Paragraph (d) of subsection (1), subsection
16408 (2), paragraphs (a) and (c) of subsection (3), and subsection
16409 (6) of section 443.1115, Florida Statutes, are amended to read:
16410 443.1115 Extended benefits.—
16411 (1) DEFINITIONS.—As used in this section, the term:
16412 (d) "Rate of insured unemployment" means the percentage
16413 derived by dividing the average weekly number of individuals
16414 filing claims for regular compensation in this state, excluding

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16415 extended-benefit claimants for weeks of unemployment with
16416 respect to the most recent 13-consecutive-week period, as
16417 determined by Jobs Florida ~~the Agency for Workforce Innovation~~
16418 on the basis of its reports to the United States Secretary of
16419 Labor, by the average monthly employment covered under this
16420 chapter for the first four of the most recent six completed
16421 calendar quarters ending before the end of that 13-week period.
16422 (2) REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF,
16423 EXTENDED BENEFITS.—Except when the result is inconsistent with
16424 the other provisions of this section and as provided in the
16425 rules of Jobs Florida ~~the Agency for Workforce Innovation~~, the
16426 provisions of this chapter applying to claims for, or the
16427 payment of, regular benefits apply to claims for, and the
16428 payment of, extended benefits. These extended benefits are
16429 charged to the employment records of employers to the extent
16430 that the share of those extended benefits paid from this state's
16431 Unemployment Compensation Trust Fund is not eligible to be
16432 reimbursed from federal sources.
16433 (3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.—
16434 (a) An individual is eligible to receive extended benefits
16435 for any week of unemployment in her or his eligibility period
16436 only if Jobs Florida ~~the Agency for Workforce Innovation~~ finds
16437 that, for that week:
16438 1. She or he is an exhaustee as defined in subsection (1).
16439 2. She or he satisfies the requirements of this chapter for
16440 the receipt of regular benefits applicable to individuals
16441 claiming extended benefits, including not being subject to
16442 disqualification from the receipt of benefits. An individual
16443 disqualified from receiving regular benefits may not receive

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16444 extended benefits after the disqualification period terminates
16445 if he or she was disqualified for voluntarily leaving work,
16446 being discharged from work for misconduct, or refusing suitable
16447 work. However, if the disqualification period for regular
16448 benefits terminates because the individual received the required
16449 amount of remuneration for services rendered as a common-law
16450 employee, she or he may receive extended benefits.
16451 3. The individual was paid wages for insured work for the
16452 applicable benefit year equal to 1.5 times the high quarter
16453 earnings during the base period.
16454 (c)1. An individual is disqualified from receiving extended
16455 benefits if Jobs Florida ~~the Agency for Workforce Innovation~~
16456 finds that, during any week of unemployment in her or his
16457 eligibility period:
16458 a. She or he failed to apply for suitable work or, if
16459 offered, failed to accept suitable work, unless the individual
16460 can furnish to Jobs Florida ~~the agency~~ satisfactory evidence
16461 that her or his prospects for obtaining work in her or his
16462 customary occupation within a reasonably short period are good.
16463 If this evidence is deemed satisfactory for this purpose, the
16464 determination of whether any work is suitable for the individual
16465 shall be made in accordance with the definition of suitable work
16466 in s. 443.101(2). This disqualification begins with the week the
16467 failure occurred and continues until she or he is employed for
16468 at least 4 weeks and receives earned income of at least 17 times
16469 her or his weekly benefit amount.
16470 b. She or he failed to furnish tangible evidence that she
16471 or he actively engaged in a systematic and sustained effort to
16472 find work. This disqualification begins with the week the

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16473 failure occurred and continues until she or he is employed for
16474 at least 4 weeks and receives earned income of at least 4 times
16475 her or his weekly benefit amount.
16476 2. Except as otherwise provided in sub-subparagraph 1.a.,
16477 as used in this paragraph, the term “suitable work” means any
16478 work within the individual’s capabilities to perform, if:
16479 a. The gross average weekly remuneration payable for the
16480 work exceeds the sum of the individual’s weekly benefit amount
16481 plus the amount, if any, of supplemental unemployment benefits,
16482 as defined in s. 501(c)(17)(D) of the Internal Revenue Code of
16483 1954, as amended, payable to the individual for that week;
16484 b. The wages payable for the work equal the higher of the
16485 minimum wages provided by s. 6(a)(1) of the Fair Labor Standards
16486 Act of 1938, without regard to any exemption, or the state or
16487 local minimum wage; and
16488 c. The work otherwise meets the definition of suitable work
16489 in s. 443.101(2) to the extent that the criteria for suitability
16490 are not inconsistent with this paragraph.
16491 (6) COMPUTATIONS.—Jobs Florida ~~The Agency for Workforce~~
16492 ~~Innovation~~ shall perform the computations required under
16493 paragraph (1)(d) in accordance with regulations of the United
16494 States Secretary of Labor.
16495 Section 280. Subsection (2) and paragraphs (a) and (b) of
16496 subsection (5) of section 443.1116, Florida Statutes, are
16497 amended to read:
16498 443.1116 Short-time compensation.—
16499 (2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer
16500 wishing to participate in the short-time compensation program
16501 must submit a signed, written, short-time plan to Jobs Florida

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16502 ~~the director of the Agency for Workforce Innovation~~ for
16503 approval. The commissioner ~~director~~ or his or her designee shall
16504 approve the plan if:
16505 (a) The plan applies to and identifies each specific
16506 affected unit;
16507 (b) The individuals in the affected unit are identified by
16508 name and social security number;
16509 (c) The normal weekly hours of work for individuals in the
16510 affected unit are reduced by at least 10 percent and by not more
16511 than 40 percent;
16512 (d) The plan includes a certified statement by the employer
16513 that the aggregate reduction in work hours is in lieu of
16514 temporary layoffs that would affect at least 10 percent of the
16515 employees in the affected unit and that would have resulted in
16516 an equivalent reduction in work hours;
16517 (e) The plan applies to at least 10 percent of the
16518 employees in the affected unit;
16519 (f) The plan is approved in writing by the collective
16520 bargaining agent for each collective bargaining agreement
16521 covering any individual in the affected unit;
16522 (g) The plan does not serve as a subsidy to seasonal
16523 employers during the off-season or as a subsidy to employers who
16524 traditionally use part-time employees; and
16525 (h) The plan certifies the manner in which the employer
16526 will treat fringe benefits of the individuals in the affected
16527 unit if the hours of the individuals are reduced to less than
16528 their normal weekly hours of work. As used in this paragraph,
16529 the term “fringe benefits” includes, but is not limited to,
16530 health insurance, retirement benefits under defined benefit

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16531 pension plans as defined in subsection 35 of s. 1002 of the
16532 Employee Retirement Income Security Act of 1974, 29 U.S.C., paid
16533 vacation and holidays, and sick leave.
16534 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION
16535 BENEFITS.—
16536 (a) Except as provided in this subsection, an individual is
16537 eligible to receive short-time compensation benefits for any
16538 week only if she or he complies with this chapter and Jobs
16539 Florida ~~the Agency for Workforce Innovation~~ finds that:
16540 1. The individual is employed as a member of an affected
16541 unit in an approved plan that was approved before the week and
16542 is in effect for the week;
16543 2. The individual is able to work and is available for
16544 additional hours of work or for full-time work with the short-
16545 time employer; and
16546 3. The normal weekly hours of work of the individual are
16547 reduced by at least 10 percent but not by more than 40 percent,
16548 with a corresponding reduction in wages.
16549 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ may
16550 not deny short-time compensation benefits to an individual who
16551 is otherwise eligible for these benefits for any week by reason
16552 of the application of any provision of this chapter relating to
16553 availability for work, active search for work, or refusal to
16554 apply for or accept work from other than the short-time
16555 compensation employer of that individual.
16556 Section 281. Subsection (3) of section 443.1215, Florida
16557 Statutes, is amended to read:
16558 443.1215 Employers.—
16559 (3) An employing unit that fails to keep the records of

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16560 employment required by this chapter and by the rules of Jobs
16561 Florida ~~the Agency for Workforce Innovation~~ and the state agency
16562 providing unemployment tax collection services is presumed to be
16563 an employer liable for the payment of contributions under this
16564 chapter, regardless of the number of individuals employed by the
16565 employing unit. However, the tax collection service provider
16566 shall make written demand that the employing unit keep and
16567 maintain required payroll records. The demand must be made at
16568 least 6 months before assessing contributions against an
16569 employing unit determined to be an employer that is subject to
16570 this chapter solely by reason of this subsection.
16571 Section 282. Paragraphs (a) and (d) of subsection (1),
16572 subsection (12), and paragraph (p) of subsection (13) of section
16573 443.1216, Florida Statutes, are amended to read:
16574 443.1216 Employment.—Employment, as defined in s. 443.036,
16575 is subject to this chapter under the following conditions:
16576 (1)(a) The employment subject to this chapter includes a
16577 service performed, including a service performed in interstate
16578 commerce, by:
16579 1. An officer of a corporation.
16580 2. An individual who, under the usual common-law rules
16581 applicable in determining the employer-employee relationship, is
16582 an employee. However, whenever a client, as defined in s.
16583 443.036(18), which would otherwise be designated as an employing
16584 unit has contracted with an employee leasing company to supply
16585 it with workers, those workers are considered employees of the
16586 employee leasing company. An employee leasing company may lease
16587 corporate officers of the client to the client and other workers
16588 to the client, except as prohibited by regulations of the

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16589 Internal Revenue Service. Employees of an employee leasing
16590 company must be reported under the employee leasing company's
16591 tax identification number and contribution rate for work
16592 performed for the employee leasing company.
16593 a. In addition to any other report required to be filed by
16594 law, an employee leasing company shall submit a report to the
16595 Labor Market Statistics Center within Jobs Florida ~~the Agency~~
16596 ~~for Workforce Innovation~~ which includes each client
16597 establishment and each establishment of the employee leasing
16598 company, or as otherwise directed by Jobs Florida ~~the agency~~.
16599 The report must include the following information for each
16600 establishment:
16601 (I) The trade or establishment name;
16602 (II) The former unemployment compensation account number,
16603 if available;
16604 (III) The former federal employer's identification number
16605 (FEIN), if available;
16606 (IV) The industry code recognized and published by the
16607 United States Office of Management and Budget, if available;
16608 (V) A description of the client's primary business activity
16609 in order to verify or assign an industry code;
16610 (VI) The address of the physical location;
16611 (VII) The number of full-time and part-time employees who
16612 worked during, or received pay that was subject to unemployment
16613 compensation taxes for, the pay period including the 12th of the
16614 month for each month of the quarter;
16615 (VIII) The total wages subject to unemployment compensation
16616 taxes paid during the calendar quarter;
16617 (IX) An internal identification code to uniquely identify

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16618 each establishment of each client;
16619 (X) The month and year that the client entered into the
16620 contract for services; and
16621 (XI) The month and year that the client terminated the
16622 contract for services.
16623 b. The report shall be submitted electronically or in a
16624 manner otherwise prescribed by Jobs Florida ~~the Agency for~~
16625 ~~Workforce Innovation~~ in the format specified by the Bureau of
16626 Labor Statistics of the United States Department of Labor for
16627 its Multiple Worksite Report for Professional Employer
16628 Organizations. The report must be provided quarterly to the
16629 Labor Market Statistics Center within Jobs Florida ~~the Agency~~
16630 ~~for Workforce Innovation~~, or as otherwise directed by Jobs
16631 Florida ~~the agency~~, and must be filed by the last day of the
16632 month immediately following the end of the calendar quarter. The
16633 information required in sub-sub-subparagraphs a.(X) and (XI)
16634 need be provided only in the quarter in which the contract to
16635 which it relates was entered into or terminated. The sum of the
16636 employment data and the sum of the wage data in this report must
16637 match the employment and wages reported in the unemployment
16638 compensation quarterly tax and wage report. A report is not
16639 required for any calendar quarter preceding the third calendar
16640 quarter of 2010.
16641 c. Jobs Florida ~~The Agency for Workforce Innovation~~ shall
16642 adopt rules as necessary to administer this subparagraph, and
16643 may administer, collect, enforce, and waive the penalty imposed
16644 by s. 443.141(1)(b) for the report required by this
16645 subparagraph.
16646 d. For the purposes of this subparagraph, the term

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16647 “establishment” means any location where business is conducted
16648 or where services or industrial operations are performed.
16649 3. An individual other than an individual who is an
16650 employee under subparagraph 1. or subparagraph 2., who performs
16651 services for remuneration for any person:
16652 a. As an agent-driver or commission-driver engaged in
16653 distributing meat products, vegetable products, fruit products,
16654 bakery products, beverages other than milk, or laundry or
16655 drycleaning services for his or her principal.
16656 b. As a traveling or city salesperson engaged on a full-
16657 time basis in the solicitation on behalf of, and the
16658 transmission to, his or her principal of orders from
16659 wholesalers, retailers, contractors, or operators of hotels,
16660 restaurants, or other similar establishments for merchandise for
16661 resale or supplies for use in their business operations. This
16662 sub-subparagraph does not apply to an agent-driver or a
16663 commission-driver and does not apply to sideline sales
16664 activities performed on behalf of a person other than the
16665 salesperson’s principal.
16666 4. The services described in subparagraph 3. are employment
16667 subject to this chapter only if:
16668 a. The contract of service contemplates that substantially
16669 all of the services are to be performed personally by the
16670 individual;
16671 b. The individual does not have a substantial investment in
16672 facilities used in connection with the services, other than
16673 facilities used for transportation; and
16674 c. The services are not in the nature of a single
16675 transaction that is not part of a continuing relationship with

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16676 the person for whom the services are performed.
16677 (d) If two or more related corporations concurrently employ
16678 the same individual and compensate the individual through a
16679 common paymaster, each related corporation is considered to have
16680 paid wages to the individual only in the amounts actually
16681 disbursed by that corporation to the individual and is not
16682 considered to have paid the wages actually disbursed to the
16683 individual by another of the related corporations. Jobs Florida
16684 ~~The Agency for Workforce Innovation~~ and the state agency
16685 providing unemployment tax collection services may adopt rules
16686 necessary to administer this paragraph.
16687 1. As used in this paragraph, the term "common paymaster"
16688 means a member of a group of related corporations that disburses
16689 wages to concurrent employees on behalf of the related
16690 corporations and that is responsible for keeping payroll records
16691 for those concurrent employees. A common paymaster is not
16692 required to disburse wages to all the employees of the related
16693 corporations; however, this subparagraph does not apply to wages
16694 of concurrent employees which are not disbursed through a common
16695 paymaster. A common paymaster must pay concurrently employed
16696 individuals under this subparagraph by one combined paycheck.
16697 2. As used in this paragraph, the term "concurrent
16698 employment" means the existence of simultaneous employment
16699 relationships between an individual and related corporations.
16700 Those relationships require the performance of services by the
16701 employee for the benefit of the related corporations, including
16702 the common paymaster, in exchange for wages that, if deductible
16703 for the purposes of federal income tax, are deductible by the
16704 related corporations.

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16705 3. Corporations are considered related corporations for an
16706 entire calendar quarter if they satisfy any one of the following
16707 tests at any time during the calendar quarter:
16708 a. The corporations are members of a "controlled group of
16709 corporations" as defined in s. 1563 of the Internal Revenue Code
16710 of 1986 or would be members if s. 1563(a)(4) and (b) did not
16711 apply.
16712 b. In the case of a corporation that does not issue stock,
16713 at least 50 percent of the members of the board of directors or
16714 other governing body of one corporation are members of the board
16715 of directors or other governing body of the other corporation or
16716 the holders of at least 50 percent of the voting power to select
16717 those members are concurrently the holders of at least 50
16718 percent of the voting power to select those members of the other
16719 corporation.
16720 c. At least 50 percent of the officers of one corporation
16721 are concurrently officers of the other corporation.
16722 d. At least 30 percent of the employees of one corporation
16723 are concurrently employees of the other corporation.
16724 4. The common paymaster must report to the tax collection
16725 service provider, as part of the unemployment compensation
16726 quarterly tax and wage report, the state unemployment
16727 compensation account number and name of each related corporation
16728 for which concurrent employees are being reported. Failure to
16729 timely report this information shall result in the related
16730 corporations being denied common paymaster status for that
16731 calendar quarter.
16732 5. The common paymaster also has the primary responsibility
16733 for remitting contributions due under this chapter for the wages

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16734 it disburses as the common paymaster. The common paymaster must
16735 compute these contributions as though it were the sole employer
16736 of the concurrently employed individuals. If a common paymaster
16737 fails to timely remit these contributions or reports, in whole
16738 or in part, the common paymaster remains liable for the full
16739 amount of the unpaid portion of these contributions. In
16740 addition, each of the other related corporations using the
16741 common paymaster is jointly and severally liable for its
16742 appropriate share of these contributions. Each related
16743 corporation's share equals the greater of:
16744 a. The liability of the common paymaster under this
16745 chapter, after taking into account any contributions made.
16746 b. The liability under this chapter which, notwithstanding
16747 this section, would have existed for the wages from the other
16748 related corporations, reduced by an allocable portion of any
16749 contributions previously paid by the common paymaster for those
16750 wages.
16751 (12) The employment subject to this chapter includes
16752 services covered by a reciprocal arrangement under s. 443.221
16753 between Jobs Florida ~~the Agency for Workforce Innovation~~ or its
16754 tax collection service provider and the agency charged with the
16755 administration of another state unemployment compensation law or
16756 a federal unemployment compensation law, under which all
16757 services performed by an individual for an employing unit are
16758 deemed to be performed entirely within this state, if Jobs
16759 Florida ~~the Agency for Workforce Innovation~~ or its tax
16760 collection service provider approved an election of the
16761 employing unit in which all of the services performed by the
16762 individual during the period covered by the election are deemed

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16763 to be insured work.
16764 (13) The following are exempt from coverage under this
16765 chapter:
16766 (p) Service covered by an arrangement between Jobs Florida
16767 ~~the Agency for Workforce Innovation~~, or its tax collection
16768 service provider, and the agency charged with the administration
16769 of another state or federal unemployment compensation law under
16770 which all services performed by an individual for an employing
16771 unit during the period covered by the employing unit's duly
16772 approved election is deemed to be performed entirely within the
16773 other agency's state or under the federal law.
16774 Section 283. Subsection (1) of section 443.1217, Florida
16775 Statutes, is amended to read:
16776 443.1217 Wages.—
16777 (1) The wages subject to this chapter include all
16778 remuneration for employment, including commissions, bonuses,
16779 back pay awards, and the cash value of all remuneration paid in
16780 any medium other than cash. The reasonable cash value of
16781 remuneration in any medium other than cash must be estimated and
16782 determined in accordance with rules adopted by Jobs Florida ~~the~~
16783 ~~Agency for Workforce Innovation~~ or the state agency providing
16784 tax collection services. The wages subject to this chapter
16785 include tips or gratuities received while performing services
16786 that constitute employment and are included in a written
16787 statement furnished to the employer under s. 6053(a) of the
16788 Internal Revenue Code of 1954. As used in this section only, the
16789 term "employment" includes services constituting employment
16790 under any employment security law of another state or of the
16791 Federal Government.

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16792 Section 284. Subsection (1) and paragraphs (a), (g), and
16793 (i) of subsection (3) of section 443.131, Florida Statutes, are
16794 amended to read:
16795 443.131 Contributions.—
16796 (1) PAYMENT OF CONTRIBUTIONS.—Contributions accrue and are
16797 payable by each employer for each calendar quarter he or she is
16798 subject to this chapter for wages paid during each calendar
16799 quarter for employment. Contributions are due and payable by
16800 each employer to the tax collection service provider, in
16801 accordance with the rules adopted by Jobs Florida ~~the Agency for~~
16802 ~~Workforce Innovation~~ or the state agency providing tax
16803 collection services. This subsection does not prohibit the tax
16804 collection service provider from allowing, at the request of the
16805 employer, employers of employees performing domestic services,
16806 as defined in s. 443.1216(6), to pay contributions or report
16807 wages at intervals other than quarterly when the nonquarterly
16808 payment or reporting assists the service provider and when
16809 nonquarterly payment and reporting is authorized under federal
16810 law. Employers of employees performing domestic services may
16811 report wages and pay contributions annually, with a due date of
16812 January 1 and a delinquency date of February 1. To qualify for
16813 this election, the employer must employ only employees
16814 performing domestic services, be eligible for a variation from
16815 the standard rate computed under subsection (3), apply to this
16816 program no later than December 1 of the preceding calendar year,
16817 and agree to provide Jobs Florida ~~the Agency for Workforce~~
16818 ~~Innovation~~ or its tax collection service provider with any
16819 special reports that are requested, including copies of all
16820 federal employment tax forms. An employer who fails to timely

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16821 furnish any wage information required by Jobs Florida ~~the Agency~~
16822 ~~for Workforce Innovation~~ or its tax collection service provider
16823 loses the privilege to participate in this program, effective
16824 the calendar quarter immediately after the calendar quarter the
16825 failure occurred. The employer may reapply for annual reporting
16826 when a complete calendar year elapses after the employer's
16827 disqualification if the employer timely furnished any requested
16828 wage information during the period in which annual reporting was
16829 denied. An employer may not deduct contributions, interests,
16830 penalties, fines, or fees required under this chapter from any
16831 part of the wages of his or her employees. A fractional part of
16832 a cent less than one-half cent shall be disregarded from the
16833 payment of contributions, but a fractional part of at least one-
16834 half cent shall be increased to 1 cent.
16835 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
16836 EXPERIENCE.—
16837 (a) *Employment records.*—The regular and short-time
16838 compensation benefits paid to an eligible individual shall be
16839 charged to the employment record of each employer who paid the
16840 individual wages of at least $100 during the individual's base
16841 period in proportion to the total wages paid by all employers
16842 who paid the individual wages during the individual's base
16843 period. Benefits may not be charged to the employment record of
16844 an employer who furnishes part-time work to an individual who,
16845 because of loss of employment with one or more other employers,
16846 is eligible for partial benefits while being furnished part-time
16847 work by the employer on substantially the same basis and in
16848 substantially the same amount as the individual's employment
16849 during his or her base period, regardless of whether this part-

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16850 time work is simultaneous or successive to the individual's lost
16851 employment. Further, as provided in s. 443.151(3), benefits may
16852 not be charged to the employment record of an employer who
16853 furnishes Jobs Florida ~~the Agency for Workforce Innovation~~ with
16854 notice, as prescribed in ~~agency~~ rules of Jobs Florida, that any
16855 of the following apply:
16856 1. If an individual leaves his or her work without good
16857 cause attributable to the employer or is discharged by the
16858 employer for misconduct connected with his or her work, benefits
16859 subsequently paid to the individual based on wages paid by the
16860 employer before the separation may not be charged to the
16861 employment record of the employer.
16862 2. If an individual is discharged by the employer for
16863 unsatisfactory performance during an initial employment
16864 probationary period, benefits subsequently paid to the
16865 individual based on wages paid during the probationary period by
16866 the employer before the separation may not be charged to the
16867 employer's employment record. As used in this subparagraph, the
16868 term "initial employment probationary period" means an
16869 established probationary plan that applies to all employees or a
16870 specific group of employees and that does not exceed 90 calendar
16871 days following the first day a new employee begins work. The
16872 employee must be informed of the probationary period within the
16873 first 7 days of work. The employer must demonstrate by
16874 conclusive evidence that the individual was separated because of
16875 unsatisfactory work performance and not because of lack of work
16876 due to temporary, seasonal, casual, or other similar employment
16877 that is not of a regular, permanent, and year-round nature.
16878 3. Benefits subsequently paid to an individual after his or

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16879 her refusal without good cause to accept suitable work from an
16880 employer may not be charged to the employment record of the
16881 employer if any part of those benefits are based on wages paid
16882 by the employer before the individual's refusal to accept
16883 suitable work. As used in this subparagraph, the term "good
16884 cause" does not include distance to employment caused by a
16885 change of residence by the individual. Jobs Florida ~~The Agency~~
16886 ~~for Workforce Innovation~~ shall adopt rules prescribing for the
16887 payment of all benefits whether this subparagraph applies
16888 regardless of whether a disqualification under s. 443.101
16889 applies to the claim.
16890 4. If an individual is separated from work as a direct
16891 result of a natural disaster declared under the Robert T.
16892 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
16893 ss. 5121 et seq., benefits subsequently paid to the individual
16894 based on wages paid by the employer before the separation may
16895 not be charged to the employment record of the employer.
16896 (g) *Transfer of unemployment experience upon transfer or*
16897 *acquisition of a business.*—Notwithstanding any other provision
16898 of law, upon transfer or acquisition of a business, the
16899 following conditions apply to the assignment of rates and to
16900 transfers of unemployment experience:
16901 1.a. If an employer transfers its trade or business, or a
16902 portion thereof, to another employer and, at the time of the
16903 transfer, there is any common ownership, management, or control
16904 of the two employers, the unemployment experience attributable
16905 to the transferred trade or business shall be transferred to the
16906 employer to whom the business is so transferred. The rates of
16907 both employers shall be recalculated and made effective as of

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16908 the beginning of the calendar quarter immediately following the
16909 date of the transfer of the trade or business unless the
16910 transfer occurred on the first day of a calendar quarter, in
16911 which case the rate shall be recalculated as of that date.
16912 b. If, following a transfer of experience under sub-
16913 subparagraph a., Jobs Florida ~~the Agency for Workforce~~
16914 ~~Innovation~~ or the tax collection service provider determines
16915 that a substantial purpose of the transfer of trade or business
16916 was to obtain a reduced liability for contributions, the
16917 experience rating account of the employers involved shall be
16918 combined into a single account and a single rate assigned to the
16919 account.
16920 2. Whenever a person who is not an employer under this
16921 chapter at the time it acquires the trade or business of an
16922 employer, the unemployment experience of the acquired business
16923 shall not be transferred to the person if Jobs Florida ~~the~~
16924 ~~Agency for Workforce Innovation~~ or the tax collection service
16925 provider finds that such person acquired the business solely or
16926 primarily for the purpose of obtaining a lower rate of
16927 contributions. Instead, such person shall be assigned the new
16928 employer rate under paragraph (2)(a). In determining whether the
16929 business was acquired solely or primarily for the purpose of
16930 obtaining a lower rate of contributions, the tax collection
16931 service provider shall consider, but not be limited to, the
16932 following factors:
16933 a. Whether the person continued the business enterprise of
16934 the acquired business;
16935 b. How long such business enterprise was continued; or
16936 c. Whether a substantial number of new employees was hired

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16937 for performance of duties unrelated to the business activity
16938 conducted before the acquisition.
16939 3. If a person knowingly violates or attempts to violate
16940 subparagraph 1. or subparagraph 2. or any other provision of
16941 this chapter related to determining the assignment of a
16942 contribution rate, or if a person knowingly advises another
16943 person to violate the law, the person shall be subject to the
16944 following penalties:
16945 a. If the person is an employer, the employer shall be
16946 assigned the highest rate assignable under this chapter for the
16947 rate year during which such violation or attempted violation
16948 occurred and for the 3 rate years immediately following this
16949 rate year. However, if the person's business is already at the
16950 highest rate for any year, or if the amount of increase in the
16951 person's rate would be less than 2 percent for such year, then a
16952 penalty rate of contribution of 2 percent of taxable wages shall
16953 be imposed for such year and the following 3 rate years.
16954 b. If the person is not an employer, such person shall be
16955 subject to a civil money penalty of not more than $5,000. The
16956 procedures for the assessment of a penalty shall be in
16957 accordance with the procedures set forth in s. 443.141(2), and
16958 the provisions of s. 443.141(3) shall apply to the collection of
16959 the penalty. Any such penalty shall be deposited in the penalty
16960 and interest account established under s. 443.211(2).
16961 4. For purposes of this paragraph, the term:
16962 a. "Knowingly" means having actual knowledge of or acting
16963 with deliberate ignorance or reckless disregard for the
16964 prohibition involved.
16965 b. "Violates or attempts to violate" includes, but is not

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16966 limited to, intent to evade, misrepresent, or willfully
16967 nondisclose.
16968 5. In addition to the penalty imposed by subparagraph 3.,
16969 any person who violates this paragraph commits a felony of the
16970 third degree, punishable as provided in s. 775.082, s. 775.083,
16971 or s. 775.084.
16972 6. Jobs Florida ~~The Agency for Workforce Innovation~~ and the
16973 tax collection service provider shall establish procedures to
16974 identify the transfer or acquisition of a business for the
16975 purposes of this paragraph and shall adopt any rules necessary
16976 to administer this paragraph.
16977 7. For purposes of this paragraph:
16978 a. "Person" has the meaning given to the term by s.
16979 7701(a)(1) of the Internal Revenue Code of 1986.
16980 b. "Trade or business" shall include the employer's
16981 workforce.
16982 8. This paragraph shall be interpreted and applied in such
16983 a manner as to meet the minimum requirements contained in any
16984 guidance or regulations issued by the United States Department
16985 of Labor.
16986 (i) *Notice of determinations of contribution rates;*
16987 *redeterminations.*—The state agency providing tax collection
16988 services:
16989 1. Shall promptly notify each employer of his or her
16990 contribution rate as determined for any calendar year under this
16991 section. The determination is conclusive and binding on the
16992 employer unless within 20 days after mailing the notice of
16993 determination to the employer's last known address, or, in the
16994 absence of mailing, within 20 days after delivery of the notice,

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16995 the employer files an application for review and redetermination
16996 setting forth the grounds for review. An employer may not, in
16997 any proceeding involving his or her contribution rate or
16998 liability for contributions, contest the chargeability to his or
16999 her employment record of any benefits paid in accordance with a
17000 determination, redetermination, or decision under s. 443.151,
17001 except on the ground that the benefits charged were not based on
17002 services performed in employment for him or her and then only if
17003 the employer was not a party to the determination,
17004 redetermination, or decision, or to any other proceeding under
17005 this chapter, in which the character of those services was
17006 determined.
17007 2. Shall, upon discovery of an error in computation,
17008 reconsider any prior determination or redetermination of a
17009 contribution rate after the 20-day period has expired and issue
17010 a revised notice of contribution rate as redetermined. A
17011 redetermination is subject to review, and is conclusive and
17012 binding if review is not sought, in the same manner as review of
17013 a determination under subparagraph 1. A reconsideration may not
17014 be made after March 31 of the calendar year immediately after
17015 the calendar year for which the contribution rate is applicable,
17016 and interest may not accrue on any additional contributions
17017 found to be due until 30 days after the employer is mailed
17018 notice of his or her revised contribution rate.
17019 3. May adopt rules providing for periodic notification to
17020 employers of benefits paid and charged to their employment
17021 records or of the status of those employment records. A
17022 notification, unless an application for redetermination is filed
17023 in the manner and within the time limits prescribed by Jobs

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17024 Florida ~~the Agency for Workforce Innovation~~, is conclusive and
17025 binding on the employer under this chapter. The redetermination,
17026 and Jobs Florida's ~~the Agency for Workforce Innovation's~~ finding
17027 of fact in connection with the redetermination, may be
17028 introduced in any subsequent administrative or judicial
17029 proceeding involving the determination of the contribution rate
17030 of an employer for any calendar year. A redetermination becomes
17031 final in the same manner provided in this subsection for
17032 findings of fact made by Jobs Florida ~~the Agency for Workforce~~
17033 ~~Innovation~~ in proceedings to redetermine the contribution rate
17034 of an employer. Pending a redetermination or an administrative
17035 or judicial proceeding, the employer must file reports and pay
17036 contributions in accordance with this section.
17037 Section 285. Paragraph (d) of subsection (2) and paragraph
17038 (d) of subsection (3) of section 443.1312, Florida Statutes, are
17039 amended to read:
17040 443.1312 Reimbursements; nonprofit organizations.—Benefits
17041 paid to employees of nonprofit organizations shall be financed
17042 in accordance with this section.
17043 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF
17044 REIMBURSEMENT.—A nonprofit organization that is, or becomes,
17045 subject to this chapter under s. 443.1215(1)(c) or s.
17046 443.121(3)(a) must pay contributions under s. 443.131 unless it
17047 elects, in accordance with this subsection, to reimburse the
17048 Unemployment Compensation Trust Fund for all of the regular
17049 benefits, short-time compensation benefits, and one-half of the
17050 extended benefits paid, which are attributable to service in the
17051 employ of the nonprofit organization, to individuals for weeks
17052 of unemployment which begin during the effective period of the

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17053 election.
17054 (d) In accordance with rules adopted by Jobs Florida ~~the~~
17055 ~~Agency for Workforce Innovation~~ or the state agency providing
17056 unemployment tax collection services, the tax collection service
17057 provider shall notify each nonprofit organization of any
17058 determination of the organization's status as an employer, the
17059 effective date of any election the organization makes, and the
17060 effective date of any termination of the election. Each
17061 determination is subject to reconsideration, appeal, and review
17062 under s. 443.141(2)(c).
17063 (3) PAYMENT OF REIMBURSEMENTS.—Reimbursements in lieu of
17064 contributions must be paid in accordance with this subsection.
17065 (d) The amount due, as specified in any bill from the tax
17066 collection service provider, is conclusive, and the nonprofit
17067 organization is liable for payment of that amount unless, within
17068 20 days after the bill is mailed to the organization's last
17069 known address or otherwise delivered to the organization, the
17070 organization files an application for redetermination by Jobs
17071 Florida ~~the Agency for Workforce Innovation~~, setting forth the
17072 grounds for the application. Jobs Florida ~~The Agency for~~
17073 ~~Workforce Innovation~~ shall promptly review and reconsider the
17074 amount due, as specified in the bill, and shall issue a
17075 redetermination in each case in which an application for
17076 redetermination is filed. The redetermination is conclusive and
17077 the nonprofit organization is liable for payment of the amount
17078 due, as specified in the redetermination, unless, within 20 days
17079 after the redetermination is mailed to the organization's last
17080 known address or otherwise delivered to the organization, the
17081 organization files a protest, setting forth the grounds for the

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17082 appeal. Proceedings on the protest shall be conducted in
17083 accordance with s. 443.141(2).
17084 Section 286. Paragraph (b) of subsection (1) of section
17085 443.1313, Florida Statutes, is amended to read:
17086 443.1313 Public employers; reimbursements; election to pay
17087 contributions.—Benefits paid to employees of a public employer,
17088 as defined in s. 443.036, based on service described in s.
17089 443.1216(2) shall be financed in accordance with this section.
17090 (1) PAYMENT OF REIMBURSEMENTS.—
17091 (b) If a state agency is more than 120 days delinquent on
17092 reimbursements due to the Unemployment Compensation Trust Fund,
17093 the tax collection service provider shall certify to the Chief
17094 Financial Officer the amount due and the Chief Financial Officer
17095 shall transfer the amount due to the Unemployment Compensation
17096 Trust Fund from the funds of the agency which legally may be
17097 used for that purpose. If a public employer other than a state
17098 agency is more than 120 days delinquent on reimbursements due to
17099 the Unemployment Compensation Trust Fund, upon request by the
17100 tax collection service provider after a hearing, the Department
17101 of Revenue or the Department of Financial Services, as
17102 applicable, shall deduct the amount owed by the public employer
17103 from any funds to be distributed by the applicable department to
17104 the public employer for further distribution to the trust fund
17105 in accordance with this chapter. If an employer for whom the
17106 municipal or county tax collector collects taxes fails to make
17107 the reimbursements to the Unemployment Compensation Trust Fund
17108 required by this chapter, the tax collector after a hearing, at
17109 the request of the tax collection service provider and upon
17110 receipt of a certificate showing the amount owed by the

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17111 employer, shall deduct the certified amount from any taxes
17112 collected for the employer and remit that amount to the tax
17113 collection service provider for further distribution to the
17114 trust fund in accordance with this chapter. This paragraph does
17115 not apply to amounts owed by a political subdivision of the
17116 state for benefits erroneously paid in which the claimant must
17117 repay to Jobs Florida ~~the Agency for Workforce Innovation~~ under
17118 s. 443.151(6)(a) or (b) any sum as benefits received.
17119 Section 287. Paragraphs (b) and (c) of subsection (4) and
17120 subsection (7) of section 443.1315, Florida Statutes, are
17121 amended to read:
17122 443.1315 Treatment of Indian tribes.—
17123 (4)
17124 (b)1. Services performed for an Indian tribe or tribal unit
17125 that fails to make required reimbursements, including
17126 assessments of interest and penalty, after all collection
17127 activities deemed necessary by the tax collection service
17128 provider, subject to approval by Jobs Florida ~~the Agency for~~
17129 ~~Workforce Innovation~~, are exhausted may not be treated as
17130 employment for purposes of paragraph (1)(b).
17131 2. The tax collection service provider may determine that
17132 any Indian tribe that loses coverage under subparagraph 1. may
17133 have services performed for the tribe subsequently included as
17134 employment for purposes of paragraph (1)(b) if all
17135 contributions, reimbursements, penalties, and interest are paid.
17136 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ or its
17137 tax collection service provider shall immediately notify the
17138 United States Internal Revenue Service and the United States
17139 Department of Labor when an Indian tribe fails to make

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17140 reimbursements required under this section, including
17141 assessments of interest and penalty, within 90 days after a
17142 final notice of delinquency.
17143 (7) Jobs Florida ~~The Agency for Workforce Innovation~~ and
17144 the state agency providing unemployment tax collection services
17145 shall adopt rules necessary to administer this section.
17146 Section 288. Section 443.1316, Florida Statutes, is amended
17147 to read:
17148 443.1316 Unemployment tax collection services; interagency
17149 agreement.—
17150 (1) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17151 contract with the Department of Revenue, through an interagency
17152 agreement, to perform the duties of the tax collection service
17153 provider and provide other unemployment tax collection services
17154 under this chapter. Under the interagency agreement, the tax
17155 collection service provider may only implement:
17156 (a) The provisions of this chapter conferring duties upon
17157 the tax collection service provider.
17158 (b) The provisions of law conferring duties upon Jobs
17159 Florida ~~the Agency for Workforce Innovation~~ which are
17160 specifically delegated to the tax collection service provider in
17161 the interagency agreement.
17162 (2)(a) The Department of Revenue is considered to be
17163 administering a revenue law of this state when the department
17164 implements this chapter, or otherwise provides unemployment tax
17165 collection services, under contract with Jobs Florida ~~the Agency~~
17166 ~~for Workforce Innovation~~ through the interagency agreement.
17167 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);
17168 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;

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17169 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;
17170 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;
17171 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and
17172 213.757 apply to the collection of unemployment contributions
17173 and reimbursements by the Department of Revenue unless
17174 prohibited by federal law.
17175 Section 289. Section 443.1317, Florida Statutes, is amended
17176 to read:
17177 443.1317 Rulemaking authority; enforcement of rules.—
17178 (1) JOBS FLORIDA ~~AGENCY FOR WORKFORCE INNOVATION~~.—
17179 (a) Except as otherwise provided in s. 443.012, Jobs
17180 Florida ~~the Agency for Workforce Innovation~~ has ultimate
17181 authority over the administration of the Unemployment
17182 Compensation Program.
17183 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ may
17184 adopt rules under ss. 120.536(1) and 120.54 to administer the
17185 provisions of this chapter conferring duties upon either Jobs
17186 Florida ~~the agency~~ or its tax collection service provider.
17187 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency
17188 providing unemployment tax collection services under contract
17189 with Jobs Florida ~~the Agency for Workforce Innovation~~ through an
17190 interagency agreement pursuant to s. 443.1316 may adopt rules
17191 under ss. 120.536(1) and 120.54, subject to approval by Jobs
17192 Florida ~~the Agency for Workforce Innovation~~, to administer the
17193 provisions of law described in s. 443.1316(1)(a) and (b) which
17194 are within this chapter. These rules must not conflict with the
17195 rules adopted by Jobs Florida ~~the Agency for Workforce~~
17196 ~~Innovation~~ or with the interagency agreement.
17197 (3) ENFORCEMENT OF RULES.—Jobs Florida ~~The Agency for~~

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17198 ~~Workforce Innovation~~ may enforce any rule adopted by the state
17199 agency providing unemployment tax collection services to
17200 administer this chapter. The tax collection service provider may
17201 enforce any rule adopted by Jobs Florida ~~the Agency for~~
17202 ~~Workforce Innovation~~ to administer the provisions of law
17203 described in s. 443.1316(1)(a) and (b).
17204 Section 290. Paragraphs (b), (c), and (f) of subsection
17205 (1), subsection (2), paragraphs (f) and (g) of subsection (3),
17206 and paragraph (c) of subsection (4) of section 443.141, Florida
17207 Statutes, are amended to read:
17208 443.141 Collection of contributions and reimbursements.—
17209 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
17210 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—
17211 (b) *Penalty for delinquent, erroneous, incomplete, or*
17212 *insufficient reports.*—
17213 1. An employing unit that fails to file any report required
17214 by Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax
17215 collection service provider, in accordance with rules for
17216 administering this chapter, shall pay to the service provider
17217 for each delinquent report the sum of $25 for each 30 days or
17218 fraction thereof that the employing unit is delinquent, unless
17219 the agency or its service provider, whichever required the
17220 report, finds that the employing unit has good reason for
17221 failing to file the report. Jobs Florida ~~The agency~~ or its
17222 service provider may assess penalties only through the date of
17223 the issuance of the final assessment notice. However, additional
17224 penalties accrue if the delinquent report is subsequently filed.
17225 2.a. An employing unit that files an erroneous, incomplete,
17226 or insufficient report with Jobs Florida ~~the Agency for~~

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17227 ~~Workforce Innovation~~ or its tax collection service provider
17228 shall pay a penalty. The amount of the penalty is $50 or 10
17229 percent of any tax due, whichever is greater, but no more than
17230 $300 per report. The penalty shall be added to any tax, penalty,
17231 or interest otherwise due.
17232 b. Jobs Florida ~~The agency~~ or its tax collection service
17233 provider shall waive the penalty if the employing unit files an
17234 accurate, complete, and sufficient report within 30 days after a
17235 penalty notice is issued to the employing unit. The penalty may
17236 not be waived pursuant to this subparagraph more than one time
17237 during a 12-month period.
17238 c. As used in this subsection, the term "erroneous,
17239 incomplete, or insufficient report" means a report so lacking in
17240 information, completeness, or arrangement that the report cannot
17241 be readily understood, verified, or reviewed. Such reports
17242 include, but are not limited to, reports having missing wage or
17243 employee information, missing or incorrect social security
17244 numbers, or illegible entries; reports submitted in a format
17245 that is not approved by Jobs Florida ~~the agency~~ or its tax
17246 collection service provider; and reports showing gross wages
17247 that do not equal the total of the wages of each employee.
17248 However, the term does not include a report that merely contains
17249 inaccurate data that was supplied to the employer by the
17250 employee, if the employer was unaware of the inaccuracy.
17251 3. Penalties imposed pursuant to this paragraph shall be
17252 deposited in the Special Employment Security Administration
17253 Trust Fund.
17254 4. The penalty and interest for a delinquent, erroneous,
17255 incomplete, or insufficient report may be waived if the penalty

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17256 or interest is inequitable. The provisions of s. 213.24(1) apply
17257 to any penalty or interest that is imposed under this section.
17258 (c) *Application of partial payments.*—If a delinquency
17259 exists in the employment record of an employer not in
17260 bankruptcy, a partial payment less than the total delinquency
17261 amount shall be applied to the employment record as the payor
17262 directs. In the absence of specific direction, the partial
17263 payment shall be applied to the payor's employment record as
17264 prescribed in the rules of Jobs Florida ~~the Agency for Workforce~~
17265 ~~Innovation~~ or the state agency providing tax collection
17266 services.
17267 (f) *Adoption of rules.*—Jobs Florida ~~The Agency for~~
17268 ~~Workforce Innovation~~ and the state agency providing unemployment
17269 tax collection services may adopt rules to administer this
17270 subsection.
17271 (2) REPORTS, CONTRIBUTIONS, APPEALS.—
17272 (a) *Failure to make reports and pay contributions.*—If an
17273 employing unit determined by the tax collection service provider
17274 to be an employer subject to this chapter fails to make and file
17275 any report as and when required by this chapter or by any rule
17276 of Jobs Florida ~~the Agency for Workforce Innovation~~ or the state
17277 agency providing tax collection services, for the purpose of
17278 determining the amount of contributions due by the employer
17279 under this chapter, or if any filed report is found by the
17280 service provider to be incorrect or insufficient, and the
17281 employer, after being notified in writing by the service
17282 provider to file the report, or a corrected or sufficient
17283 report, as applicable, fails to file the report within 15 days
17284 after the date of the mailing of the notice, the tax collection

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17285 service provider may:
17286 1. Determine the amount of contributions due from the
17287 employer based on the information readily available to it, which
17288 determination is deemed to be prima facie correct;
17289 2. Assess the employer the amount of contributions
17290 determined to be due; and
17291 3. Immediately notify the employer by mail of the
17292 determination and assessment including penalties as provided in
17293 this chapter, if any, added and assessed, and demand payment
17294 together with interest on the amount of contributions from the
17295 date that amount was due and payable.
17296 (b) *Hearings.*—The determination and assessment are final 15
17297 days after the date the assessment is mailed unless the employer
17298 files with the tax collection service provider within the 15
17299 days a written protest and petition for hearing specifying the
17300 objections thereto. The tax collection service provider shall
17301 promptly review each petition and may reconsider its
17302 determination and assessment in order to resolve the
17303 petitioner's objections. The tax collection service provider
17304 shall forward each petition remaining unresolved to Jobs Florida
17305 ~~the Agency for Workforce Innovation~~ for a hearing on the
17306 objections. Upon receipt of a petition, Jobs Florida ~~the Agency~~
17307 ~~for Workforce Innovation~~ shall schedule a hearing and notify the
17308 petitioner of the time and place of the hearing. Jobs Florida
17309 ~~The Agency for Workforce Innovation~~ may appoint special deputies
17310 to conduct hearings and to submit their findings together with a
17311 transcript of the proceedings before them and their
17312 recommendations to Jobs Florida ~~the agency~~ for its final order.
17313 Special deputies are subject to the prohibition against ex parte

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17314 communications in s. 120.66. At any hearing conducted by Jobs
17315 Florida ~~the Agency for Workforce Innovation~~ or its special
17316 deputy, evidence may be offered to support the determination and
17317 assessment or to prove it is incorrect. In order to prevail,
17318 however, the petitioner must either prove that the determination
17319 and assessment are incorrect or file full and complete corrected
17320 reports. Evidence may also be submitted at the hearing to rebut
17321 the determination by the tax collection service provider that
17322 the petitioner is an employer under this chapter. Upon evidence
17323 taken before it or upon the transcript submitted to it with the
17324 findings and recommendation of its special deputy, Jobs Florida
17325 ~~the Agency for Workforce Innovation~~ shall either set aside the
17326 tax collection service provider's determination that the
17327 petitioner is an employer under this chapter or reaffirm the
17328 determination. The amounts assessed under the final order,
17329 together with interest and penalties, must be paid within 15
17330 days after notice of the final order is mailed to the employer,
17331 unless judicial review is instituted in a case of status
17332 determination. Amounts due when the status of the employer is in
17333 dispute are payable within 15 days after the entry of an order
17334 by the court affirming the determination. However, any
17335 determination that an employing unit is not an employer under
17336 this chapter does not affect the benefit rights of any
17337 individual as determined by an appeals referee or the commission
17338 unless:
17339 1. The individual is made a party to the proceedings before
17340 the special deputy; or
17341 2. The decision of the appeals referee or the commission
17342 has not become final or the employing unit and Jobs Florida ~~the~~

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17343 ~~Agency for Workforce Innovation~~ were not made parties to the
17344 proceedings before the appeals referee or the commission.
17345 (c) *Appeals.*—Jobs Florida ~~The Agency for Workforce~~
17346 ~~Innovation~~ and the state agency providing unemployment tax
17347 collection services shall adopt rules prescribing the procedures
17348 for an employing unit determined to be an employer to file an
17349 appeal and be afforded an opportunity for a hearing on the
17350 determination. Pending a hearing, the employing unit must file
17351 reports and pay contributions in accordance with s. 443.131.
17352 (3) COLLECTION PROCEEDINGS.—
17353 (f) *Reproductions.*—In any proceedings in any court under
17354 this chapter, reproductions of the original records of Jobs
17355 Florida ~~the Agency for Workforce Innovation~~, its tax collection
17356 service provider, the former Agency for Workforce Innovation,
17357 the former Department of Labor and Employment Security, or the
17358 commission, including, but not limited to, photocopies or
17359 microfilm, are primary evidence in lieu of the original records
17360 or of the documents that were transcribed into those records.
17361 (g) *Jeopardy assessment and warrant.*—If the tax collection
17362 service provider reasonably believes that the collection of
17363 contributions or reimbursements from an employer will be
17364 jeopardized by delay, the service provider may assess the
17365 contributions or reimbursements immediately, together with
17366 interest or penalties when due, regardless of whether the
17367 contributions or reimbursements accrued are due, and may
17368 immediately issue a notice of lien and jeopardy warrant upon
17369 which proceedings may be conducted as provided in this section
17370 for notice of lien and warrant of the service provider. Within
17371 15 days after mailing the notice of lien by registered mail, the

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17372 employer may protest the issuance of the lien in the same manner
17373 provided in paragraph (2)(a). The protest does not operate as a
17374 supersedeas or stay of enforcement unless the employer files
17375 with the sheriff seeking to enforce the warrant a good and
17376 sufficient surety bond in twice the amount demanded by the
17377 notice of lien or warrant. The bond must be conditioned upon
17378 payment of the amount subsequently found to be due from the
17379 employer to the tax collection service provider in the final
17380 order of Jobs Florida ~~the Agency for Workforce Innovation~~ upon
17381 protest of assessment. The jeopardy warrant and notice of lien
17382 are satisfied in the manner provided in this section upon
17383 payment of the amount finally determined to be due from the
17384 employer. If enforcement of the jeopardy warrant is not
17385 superseded as provided in this section, the employer is entitled
17386 to a refund from the fund of all amounts paid as contributions
17387 or reimbursements in excess of the amount finally determined to
17388 be due by the employer upon application being made as provided
17389 in this chapter.
17390 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF
17391 CONTRIBUTIONS AND REIMBURSEMENTS.—
17392 (c) Any agent or employee designated by Jobs Florida ~~the~~
17393 ~~Agency for Workforce Innovation~~ or its tax collection service
17394 provider may administer an oath to any person for any return or
17395 report required by this chapter or by the rules of Jobs Florida
17396 ~~the Agency for Workforce Innovation~~ or the state agency
17397 providing unemployment tax collection services, and an oath made
17398 before Jobs Florida ~~the agency~~ or its service provider or any
17399 authorized agent or employee has the same effect as an oath made
17400 before any judicial officer or notary public of the state.

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17401 Section 291. Section 443.151, Florida Statutes, is amended
17402 to read:
17403 443.151 Procedure concerning claims.—
17404 (1) POSTING OF INFORMATION.—
17405 (a) Each employer must post and maintain in places readily
17406 accessible to individuals in her or his employ printed
17407 statements concerning benefit rights, claims for benefits, and
17408 other matters relating to the administration of this chapter as
17409 Jobs Florida ~~the Agency for Workforce Innovation~~ may by rule
17410 prescribe. Each employer must supply to individuals copies of
17411 printed statements or other materials relating to claims for
17412 benefits as directed by the ~~agency's~~ rules of Jobs Florida. Jobs
17413 Florida ~~The Agency for Workforce Innovation~~ shall supply these
17414 printed statements and other materials to each employer without
17415 cost to the employer.
17416 (b)1. Jobs Florida ~~The Agency for Workforce Innovation~~
17417 shall advise each individual filing a new claim for unemployment
17418 compensation, at the time of filing the claim, that:
17419 a. Unemployment compensation is subject to federal income
17420 tax.
17421 b. Requirements exist pertaining to estimated tax payments.
17422 c. The individual may elect to have federal income tax
17423 deducted and withheld from the individual's payment of
17424 unemployment compensation at the amount specified in the federal
17425 Internal Revenue Code.
17426 d. The individual is not permitted to change a previously
17427 elected withholding status more than twice per calendar year.
17428 2. Amounts deducted and withheld from unemployment
17429 compensation must remain in the Unemployment Compensation Trust

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17430 Fund until transferred to the federal taxing authority as
17431 payment of income tax.
17432 3. Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17433 follow all procedures specified by the United States Department
17434 of Labor and the federal Internal Revenue Service pertaining to
17435 the deducting and withholding of income tax.
17436 4. If more than one authorized request for deduction and
17437 withholding is made, amounts must be deducted and withheld in
17438 accordance with the following priorities:
17439 a. Unemployment overpayments have first priority;
17440 b. Child support payments have second priority; and
17441 c. Withholding under this subsection has third priority.
17442 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
17443 CLAIMANTS AND EMPLOYERS.—
17444 (a) *In general.*—Claims for benefits must be made in
17445 accordance with the rules adopted by Jobs Florida ~~the Agency for~~
17446 ~~Workforce Innovation~~. Jobs Florida ~~The agency~~ must notify
17447 claimants and employers regarding monetary and nonmonetary
17448 determinations of eligibility. Investigations of issues raised
17449 in connection with a claimant which may affect a claimant's
17450 eligibility for benefits or charges to an employer's employment
17451 record shall be conducted by Jobs Florida ~~the agency~~ through
17452 written, telephonic, or electronic means as prescribed by rule.
17453 (b) *Process.*—When the Unemployment Compensation Claims and
17454 Benefits Information System described in s. 443.1113 is fully
17455 operational, the process for filing claims must incorporate the
17456 process for registering for work with the workforce information
17457 systems established pursuant to s. 445.011. A claim for benefits
17458 may not be processed until the work registration requirement is

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17459 satisfied. Jobs Florida ~~The Agency for Workforce Innovation~~ may
17460 adopt rules as necessary to administer the work registration
17461 requirement set forth in this paragraph.
17462 (3) DETERMINATION OF ELIGIBILITY.—
17463 (a) *Notices of claim.*—Jobs Florida ~~The Agency for Workforce~~
17464 ~~Innovation~~ shall promptly provide a notice of claim to the
17465 claimant's most recent employing unit and all employers whose
17466 employment records are liable for benefits under the monetary
17467 determination. The employer must respond to the notice of claim
17468 within 20 days after the mailing date of the notice, or in lieu
17469 of mailing, within 20 days after the delivery of the notice. If
17470 a contributing employer fails to timely respond to the notice of
17471 claim, the employer's account may not be relieved of benefit
17472 charges as provided in s. 443.131(3)(a), notwithstanding
17473 paragraph (5)(b). Jobs Florida ~~The agency~~ may adopt rules as
17474 necessary to implement the processes described in this paragraph
17475 relating to notices of claim.
17476 (b) *Monetary determinations.*—In addition to the notice of
17477 claim, Jobs Florida ~~the agency~~ shall also promptly provide an
17478 initial monetary determination to the claimant and each base
17479 period employer whose account is subject to being charged for
17480 its respective share of benefits on the claim. The monetary
17481 determination must include a statement of whether and in what
17482 amount the claimant is entitled to benefits, and, in the event
17483 of a denial, must state the reasons for the denial. A monetary
17484 determination for the first week of a benefit year must also
17485 include a statement of whether the claimant was paid the wages
17486 required under s. 443.091(1)(g) and, if so, the first day of the
17487 benefit year, the claimant's weekly benefit amount, and the

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17488 maximum total amount of benefits payable to the claimant for a
17489 benefit year. The monetary determination is final unless within
17490 20 days after the mailing of the notices to the parties' last
17491 known addresses, or in lieu of mailing, within 20 days after the
17492 delivery of the notices, an appeal or written request for
17493 reconsideration is filed by the claimant or other party entitled
17494 to notice. Jobs Florida ~~The agency~~ may adopt rules as necessary
17495 to implement the processes described in this paragraph relating
17496 to notices of monetary determinations and the appeals or
17497 reconsideration requests filed in response to such notices.
17498 (c) *Nonmonetary determinations.*—If Jobs Florida ~~the agency~~
17499 receives information that may result in a denial of benefits,
17500 Jobs Florida ~~the agency~~ must complete an investigation of the
17501 claim required by subsection (2) and provide notice of a
17502 nonmonetary determination to the claimant and the employer from
17503 whom the claimant's reason for separation affects his or her
17504 entitlement to benefits. The determination must state the reason
17505 for the determination and whether the unemployment tax account
17506 of the contributing employer is charged for benefits paid on the
17507 claim. The nonmonetary determination is final unless within 20
17508 days after the mailing of the notices to the parties' last known
17509 addresses, or in lieu of mailing, within 20 days after the
17510 delivery of the notices, an appeal or written request for
17511 reconsideration is filed by the claimant or other party entitled
17512 to notice. Jobs Florida ~~The agency~~ may adopt rules as necessary
17513 to implement the processes described in this paragraph relating
17514 to notices of nonmonetary determination and the appeals or
17515 reconsideration requests filed in response to such notices, and
17516 may adopt rules prescribing the manner and procedure by which

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17517 employers within the base period of a claimant become entitled
17518 to notice of nonmonetary determination.
17519 (d) *Determinations in labor dispute cases.*—Whenever any
17520 claim involves a labor dispute described in s. 443.101(4), Jobs
17521 Florida ~~the Agency for Workforce Innovation~~ shall promptly
17522 assign the claim to a special examiner who shall make a
17523 determination on the issues involving unemployment due to the
17524 labor dispute. The special examiner shall make the determination
17525 after an investigation, as necessary. The claimant or another
17526 party entitled to notice of the determination may appeal a
17527 determination under subsection (4).
17528 (e) *Redeterminations.*—
17529 1. Jobs Florida ~~The Agency for Workforce Innovation~~ may
17530 reconsider a determination if it finds an error or if new
17531 evidence or information pertinent to the determination is
17532 discovered after a prior determination or redetermination. A
17533 redetermination may not be made more than 1 year after the last
17534 day of the benefit year unless the disqualification for making a
17535 false or fraudulent representation under s. 443.101(6) is
17536 applicable, in which case the redetermination may be made within
17537 2 years after the false or fraudulent representation. Jobs
17538 Florida ~~The agency~~ must promptly give notice of redetermination
17539 to the claimant and to any employers entitled to notice in the
17540 manner prescribed in this section for the notice of an initial
17541 determination.
17542 2. If the amount of benefits is increased by the
17543 redetermination, an appeal of the redetermination based solely
17544 on the increase may be filed as provided in subsection (4). If
17545 the amount of benefits is decreased by the redetermination, the

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17546 redetermination may be appealed by the claimant if a subsequent
17547 claim for benefits is affected in amount or duration by the
17548 redetermination. If the final decision on the determination or
17549 redetermination to be reconsidered was made by an appeals
17550 referee, the commission, or a court, Jobs Florida ~~the Agency for~~
17551 ~~Workforce Innovation~~ may apply for a revised decision from the
17552 body or court that made the final decision.
17553 3. If an appeal of an original determination is pending
17554 when a redetermination is issued, the appeal unless withdrawn is
17555 treated as an appeal from the redetermination.
17556 (4) APPEALS.—
17557 (a) *Appeals referees.*—Jobs Florida ~~The Agency for Workforce~~
17558 ~~Innovation~~ shall appoint one or more impartial salaried appeals
17559 referees in accordance with s. 443.171(3) to hear and decide
17560 appealed claims. A person may not participate on behalf of Jobs
17561 Florida ~~the Agency for Workforce Innovation~~ as an appeals
17562 referee in any case in which she or he is an interested party.
17563 Jobs Florida ~~The Agency for Workforce Innovation~~ may designate
17564 alternates to serve in the absence or disqualification of any
17565 appeals referee on a temporary basis. These alternates must have
17566 the same qualifications required of appeals referees. Jobs
17567 Florida ~~The Agency for Workforce Innovation~~ shall provide the
17568 commission and the appeals referees with proper facilities and
17569 assistance for the execution of their functions.
17570 (b) *Filing and hearing.*—
17571 1. The claimant or any other party entitled to notice of a
17572 determination may appeal an adverse determination to an appeals
17573 referee within 20 days after the date of mailing of the notice
17574 to her or his last known address or, if the notice is not

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17575 mailed, within 20 days after the date of delivery of the notice.
17576 2. Unless the appeal is untimely or withdrawn or review is
17577 initiated by the commission, the appeals referee, after mailing
17578 all parties and attorneys of record a notice of hearing at least
17579 10 days before the date of hearing, notwithstanding the 14-day
17580 notice requirement in s. 120.569(2)(b), may only affirm, modify,
17581 or reverse the determination. An appeal may not be withdrawn
17582 without the permission of the appeals referee.
17583 3. However, when an appeal appears to have been filed after
17584 the permissible time limit, the Office of Appeals may issue an
17585 order to show cause to the appellant, requiring the appellant to
17586 show why the appeal should not be dismissed as untimely. If the
17587 appellant does not, within 15 days after the mailing date of the
17588 order to show cause, provide written evidence of timely filing
17589 or good cause for failure to appeal timely, the appeal shall be
17590 dismissed.
17591 4. When an appeal involves a question of whether services
17592 were performed by a claimant in employment or for an employer,
17593 the referee must give special notice of the question and of the
17594 pendency of the appeal to the employing unit and to Jobs Florida
17595 ~~the Agency for Workforce Innovation~~, both of which become
17596 parties to the proceeding.
17597 5. The parties must be notified promptly of the referee's
17598 decision. The referee's decision is final unless further review
17599 is initiated under paragraph (c) within 20 days after the date
17600 of mailing notice of the decision to the party's last known
17601 address or, in lieu of mailing, within 20 days after the
17602 delivery of the notice.
17603 (c) *Review by commission.*—The commission may, on its own

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17604 motion, within the time limit in paragraph (b), initiate a
17605 review of the decision of an appeals referee. The commission may
17606 also allow Jobs Florida ~~the Agency for Workforce Innovation~~ or
17607 any adversely affected party entitled to notice of the decision
17608 to appeal the decision by filing an application within the time
17609 limit in paragraph (b). An adversely affected party has the
17610 right to appeal the decision if Jobs Florida's ~~the Agency for~~
17611 ~~Workforce Innovation's~~ determination is not affirmed by the
17612 appeals referee. The commission may affirm, modify, or reverse
17613 the findings and conclusions of the appeals referee based on
17614 evidence previously submitted in the case or based on additional
17615 evidence taken at the direction of the commission. The
17616 commission may assume jurisdiction of or transfer to another
17617 appeals referee the proceedings on any claim pending before an
17618 appeals referee. Any proceeding in which the commission assumes
17619 jurisdiction before completion must be heard by the commission
17620 in accordance with the requirement of this subsection for
17621 proceedings before an appeals referee. When the commission
17622 denies an application to hear an appeal of an appeals referee's
17623 decision, the decision of the appeals referee is the decision of
17624 the commission for purposes of this paragraph and is subject to
17625 judicial review within the same time and manner as decisions of
17626 the commission, except that the time for initiating review runs
17627 from the date of notice of the commission's order denying the
17628 application to hear an appeal.
17629 (d) *Procedure.*—The manner that appealed claims are
17630 presented must comply with the commission's rules. Witnesses
17631 subpoenaed under this section are allowed fees at the rate
17632 established by s. 92.142, and fees of witnesses subpoenaed on

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17633 behalf of Jobs Florida ~~the Agency for Workforce Innovation~~ or
17634 any claimant are deemed part of the expense of administering
17635 this chapter.
17636 (e) *Judicial review.*—Orders of the commission entered under
17637 paragraph (c) are subject to review only by notice of appeal in
17638 the district court of appeal in the appellate district in which
17639 the issues involved were decided by an appeals referee.
17640 Notwithstanding chapter 120, the commission is a party
17641 respondent to every such proceeding. Jobs Florida ~~The Agency for~~
17642 ~~Workforce Innovation~~ may initiate judicial review of orders in
17643 the same manner and to the same extent as any other party.
17644 (5) PAYMENT OF BENEFITS.—
17645 (a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17646 promptly pay benefits in accordance with a determination or
17647 redetermination regardless of any appeal or pending appeal.
17648 Before payment of benefits to the claimant, however, each
17649 employer who is liable for reimbursements in lieu of
17650 contributions for payment of the benefits must be notified, at
17651 the address on file with Jobs Florida ~~the Agency for Workforce~~
17652 ~~Innovation~~ or its tax collection service provider, of the
17653 initial determination of the claim and must be given 10 days to
17654 respond.
17655 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17656 promptly pay benefits, regardless of whether a determination is
17657 under appeal if the determination allowing benefits is affirmed
17658 in any amount by an appeals referee or is affirmed by the
17659 commission, or if a decision of an appeals referee allowing
17660 benefits is affirmed in any amount by the commission. In these
17661 instances, a court may not issue an injunction, supersedeas,

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17662 stay, or other writ or process suspending payment of benefits. A
17663 contributing employer that responded to the notice of claim
17664 within the time limit provided in subsection (3) may not,
17665 however, be charged with benefits paid under an erroneous
17666 determination if the decision is ultimately reversed. Benefits
17667 are not paid for any subsequent weeks of unemployment involved
17668 in a reversal.
17669 (c) The provisions of paragraph (b) relating to charging an
17670 employer liable for contributions do not apply to reimbursing
17671 employers.
17672 (6) RECOVERY AND RECOUPMENT.—
17673 (a) Any person who, by reason of her or his fraud, receives
17674 benefits under this chapter to which she or he is not entitled
17675 is liable for repaying those benefits to Jobs Florida ~~the Agency~~
17676 ~~for Workforce Innovation~~ on behalf of the trust fund or, in the
17677 ~~agency's~~ discretion of Jobs Florida, to have those benefits
17678 deducted from future benefits payable to her or him under this
17679 chapter. To enforce this paragraph, Jobs Florida ~~the agency~~ must
17680 find the existence of fraud through a redetermination or
17681 decision under this section within 2 years after the fraud was
17682 committed. Any recovery or recoupment of benefits must be
17683 effected within 5 years after the redetermination or decision.
17684 (b) Any person who, by reason other than her or his fraud,
17685 receives benefits under this chapter to which, under a
17686 redetermination or decision pursuant to this section, she or he
17687 is not entitled, is liable for repaying those benefits to Jobs
17688 Florida ~~the Agency for Workforce Innovation~~ on behalf of the
17689 trust fund or, in the ~~agency's~~ discretion of Jobs Florida, to
17690 have those benefits deducted from any future benefits payable to

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17691 her or him under this chapter. Any recovery or recoupment of
17692 benefits must be effected within 3 years after the
17693 redetermination or decision.
17694 (c) Any person who, by reason other than fraud, receives
17695 benefits under this chapter to which she or he is not entitled
17696 as a result of an employer's failure to respond to a claim
17697 within the timeframe provided in subsection (3) is not liable
17698 for repaying those benefits to Jobs Florida ~~the Agency for~~
17699 ~~Workforce Innovation~~ on behalf of the trust fund or to have
17700 those benefits deducted from any future benefits payable to her
17701 or him under this chapter.
17702 (d) Recoupment from future benefits is not permitted if the
17703 benefits are received by any person without fault on the
17704 person's part and recoupment would defeat the purpose of this
17705 chapter or would be inequitable and against good conscience.
17706 (e) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17707 collect the repayment of benefits without interest by the
17708 deduction of benefits through a redetermination or by a civil
17709 action.
17710 (f) Notwithstanding any other provision of this chapter,
17711 any person who is determined by this state, a cooperating state
17712 agency, the United States Secretary of Labor, or a court to have
17713 received any payments under the Trade Act of 1974, as amended,
17714 to which the person was not entitled shall have those payments
17715 deducted from any regular benefits, as defined in s.
17716 443.1115(1)(e), payable to her or him under this chapter. Each
17717 such deduction may not exceed 50 percent of the amount otherwise
17718 payable. The payments deducted shall be remitted to the agency
17719 that issued the payments under the Trade Act of 1974, as

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17720 amended, for return to the United States Treasury. Except for
17721 overpayments determined by a court, a deduction may not be made
17722 under this paragraph until a determination by the state agency
17723 or the United States Secretary of Labor is final.
17724 (7) REPRESENTATION IN ADMINISTRATIVE PROCEEDINGS.—In any
17725 administrative proceeding conducted under this chapter, an
17726 employer or a claimant has the right, at his or her own expense,
17727 to be represented by counsel or by an authorized representative.
17728 Notwithstanding s. 120.62(2), the authorized representative need
17729 not be a qualified representative.
17730 (8) BILINGUAL REQUIREMENTS.—
17731 (a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17732 provide printed bilingual instructional and educational
17733 materials in the appropriate language in those counties in which
17734 5 percent or more of the households in the county are classified
17735 as a single-language minority.
17736 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17737 ensure that one-stop career centers and appeals offices located
17738 in counties subject to the requirements of paragraph (c)
17739 prominently post notices in the appropriate languages and that
17740 translators are available in those centers and offices.
17741 (c) As used in this subsection, the term "single-language
17742 minority" means households that speak the same non-English
17743 language and that do not contain an adult fluent in English.
17744 Jobs Florida ~~The Agency for Workforce Innovation~~ shall develop
17745 estimates of the percentages of single-language minority
17746 households for each county by using data from the United States
17747 Bureau of the Census.
17748 Section 292. Subsection (1), paragraphs (a) and (c) of

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17749 subsection (3), and subsection (4) of section 443.163, Florida
17750 Statutes, are amended to read:
17751 443.163 Electronic reporting and remitting of contributions
17752 and reimbursements.—
17753 (1) An employer may file any report and remit any
17754 contributions or reimbursements required under this chapter by
17755 electronic means. Jobs Florida ~~The Agency for Workforce~~
17756 ~~Innovation~~ or the state agency providing unemployment tax
17757 collection services shall adopt rules prescribing the format and
17758 instructions necessary for electronically filing reports and
17759 remitting contributions and reimbursements to ensure a full
17760 collection of contributions and reimbursements due. The
17761 acceptable method of transfer, the method, form, and content of
17762 the electronic means, and the method, if any, by which the
17763 employer will be provided with an acknowledgment shall be
17764 prescribed by Jobs Florida ~~the Agency for Workforce Innovation~~
17765 or its tax collection service provider. However, any employer
17766 who employed 10 or more employees in any quarter during the
17767 preceding state fiscal year must file the Employers Quarterly
17768 Reports (UCT-6) for the current calendar year and remit the
17769 contributions and reimbursements due by electronic means
17770 approved by the tax collection service provider. A person who
17771 prepared and reported for 100 or more employers in any quarter
17772 during the preceding state fiscal year must file the Employers
17773 Quarterly Reports (UCT-6) for each calendar quarter in the
17774 current calendar year, beginning with reports due for the second
17775 calendar quarter of 2003, by electronic means approved by the
17776 tax collection service provider.
17777 (3) The tax collection service provider may waive the

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17778 requirement to file an Employers Quarterly Report (UCT-6) by
17779 electronic means for employers that are unable to comply despite
17780 good faith efforts or due to circumstances beyond the employer's
17781 reasonable control.
17782 (a) As prescribed by Jobs Florida ~~the Agency for Workforce~~
17783 ~~Innovation~~ or its tax collection service provider, grounds for
17784 approving the waiver include, but are not limited to,
17785 circumstances in which the employer does not:
17786 1. Currently file information or data electronically with
17787 any business or government agency; or
17788 2. Have a compatible computer that meets or exceeds the
17789 standards prescribed by Jobs Florida ~~the Agency for Workforce~~
17790 ~~Innovation~~ or its tax collection service provider.
17791 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ or the
17792 state agency providing unemployment tax collection services may
17793 establish by rule the length of time a waiver is valid and may
17794 determine whether subsequent waivers will be authorized, based
17795 on this subsection.
17796 (4) As used in this section, the term "electronic means"
17797 includes, but is not limited to, electronic data interchange;
17798 electronic funds transfer; and use of the Internet, telephone,
17799 or other technology specified by Jobs Florida ~~the Agency for~~
17800 ~~Workforce Innovation~~ or its tax collection service provider.
17801 Section 293. Section 443.171, Florida Statutes, is amended
17802 to read:
17803 443.171 Jobs Florida ~~Agency for Workforce Innovation~~ and
17804 commission; powers and duties; records and reports; proceedings;
17805 state-federal cooperation.—
17806 (1) POWERS AND DUTIES.—Jobs Florida ~~The Agency for~~

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17807 ~~Workforce Innovation~~ shall administer this chapter. Jobs Florida
17808 ~~The agency~~ may employ those persons, make expenditures, require
17809 reports, conduct investigations, and take other action necessary
17810 or suitable to administer this chapter. Jobs Florida ~~the Agency~~
17811 ~~for Workforce Innovation~~ shall annually submit information to
17812 Workforce Florida, Inc., covering the administration and
17813 operation of this chapter during the preceding calendar year for
17814 inclusion in the strategic plan under s. 445.006 and may make
17815 recommendations for amendment to this chapter.
17816 (2) PUBLICATION OF ACTS AND RULES.—Jobs Florida ~~the Agency~~
17817 ~~for Workforce Innovation~~ shall cause to be printed and
17818 distributed to the public, or otherwise distributed to the
17819 public through the Internet or similar electronic means, the
17820 text of this chapter and of the rules for administering this
17821 chapter adopted by Jobs Florida ~~the agency~~ or the state agency
17822 providing unemployment tax collection services and any other
17823 matter relevant and suitable. Jobs Florida ~~The Agency for~~
17824 ~~Workforce Innovation~~ shall furnish this information to any
17825 person upon request. However, any pamphlet, rules, circulars, or
17826 reports required by this chapter may not contain any matter
17827 except the actual data necessary to complete them or the actual
17828 language of the rule, together with the proper notices.
17829 (3) PERSONNEL.—Subject to chapter 110 and the other
17830 provisions of this chapter, Jobs Florida ~~the Agency for~~
17831 ~~Workforce Innovation~~ may appoint, set the compensation of, and
17832 prescribe the duties and powers of employees, accountants,
17833 attorneys, experts, and other persons as necessary for the
17834 performance of the ~~agency's~~ duties of Jobs Florida under this
17835 chapter. Jobs Florida ~~The Agency for Workforce Innovation~~ may

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17836 delegate to any person its power and authority under this
17837 chapter as necessary for the effective administration of this
17838 chapter and may bond any person handling moneys or signing
17839 checks under this chapter. The cost of these bonds must be paid
17840 from the Employment Security Administration Trust Fund.
17841 (4) EMPLOYMENT STABILIZATION.—Jobs Florida ~~The Agency for~~
17842 ~~Workforce Innovation~~, under the direction of Workforce Florida,
17843 Inc., shall take all appropriate steps to reduce and prevent
17844 unemployment; to encourage and assist in the adoption of
17845 practical methods of career training, retraining, and career
17846 guidance; to investigate, recommend, advise, and assist in the
17847 establishment and operation, by municipalities, counties, school
17848 districts, and the state, of reserves for public works to be
17849 used in times of business depression and unemployment; to
17850 promote the reemployment of the unemployed workers throughout
17851 the state in every other way that may be feasible; to refer any
17852 claimant entitled to extended benefits to suitable work which
17853 meets the criteria of this chapter; and, to these ends, to carry
17854 on and publish the results of investigations and research
17855 studies.
17856 (5) RECORDS AND REPORTS.—Each employing unit shall keep
17857 true and accurate work records, containing the information
17858 required by Jobs Florida ~~the Agency for Workforce Innovation~~ or
17859 its tax collection service provider. These records must be open
17860 to inspection and are subject to being copied by Jobs Florida
17861 ~~the Agency for Workforce Innovation~~ or its tax collection
17862 service provider at any reasonable time and as often as
17863 necessary. Jobs Florida ~~The Agency for Workforce Innovation~~ or
17864 its tax collection service provider may require from any

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17865 employing unit any sworn or unsworn reports, for persons
17866 employed by the employing unit, necessary for the effective
17867 administration of this chapter. However, a state or local
17868 governmental agency performing intelligence or
17869 counterintelligence functions need not report an employee if the
17870 head of that agency determines that reporting the employee could
17871 endanger the safety of the employee or compromise an ongoing
17872 investigation or intelligence mission. Information revealing the
17873 employing unit's or individual's identity obtained from the
17874 employing unit or from any individual through the administration
17875 of this chapter, is, except to the extent necessary for the
17876 proper presentation of a claim or upon written authorization of
17877 the claimant who has a workers' compensation claim pending,
17878 confidential and exempt from s. 119.07(1). This confidential
17879 information is available only to public employees in the
17880 performance of their public duties. Any claimant, or the
17881 claimant's legal representative, at a hearing before an appeals
17882 referee or the commission must be supplied with information from
17883 these records to the extent necessary for the proper
17884 presentation of her or his claim. Any employee or member of the
17885 commission, any employee of Jobs Florida ~~the Agency for~~
17886 ~~Workforce Innovation~~ or its tax collection service provider, or
17887 any other person receiving confidential information who violates
17888 this subsection commits a misdemeanor of the second degree,
17889 punishable as provided in s. 775.082 or s. 775.083. However,
17890 Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax
17891 collection service provider may furnish to any employer copies
17892 of any report previously submitted by that employer, upon the
17893 request of the employer. Jobs Florida ~~The Agency for Workforce~~

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17894 ~~Innovation~~ or its tax collection service provider may charge a
17895 reasonable fee for copies of reports, which may not exceed the
17896 actual reasonable cost of the preparation of the copies as
17897 prescribed by rules adopted by Jobs Florida ~~the Agency for~~
17898 ~~Workforce Innovation~~ or the state agency providing tax
17899 collection services. Fees received by Jobs Florida ~~the Agency~~
17900 ~~for Workforce Innovation~~ or its tax collection service provider
17901 for copies furnished under this subsection must be deposited in
17902 the Employment Security Administration Trust Fund.
17903 (6) OATHS AND WITNESSES.—In the discharge of the duties
17904 imposed by this chapter, Jobs Florida ~~the Agency for Workforce~~
17905 ~~Innovation~~, its tax collection service provider, the members of
17906 the commission, and any authorized representative of any of
17907 these entities may administer oaths and affirmations, take
17908 depositions, certify to official acts, and issue subpoenas to
17909 compel the attendance of witnesses and the production of books,
17910 papers, correspondence, memoranda, and other records deemed
17911 necessary as evidence in connection with the administration of
17912 this chapter.
17913 (7) SUBPOENAS.—If a person refuses to obey a subpoena
17914 issued to that person, any court of this state within the
17915 jurisdiction of which the inquiry is carried on, or within the
17916 jurisdiction of which the person is found, resides, or transacts
17917 business, upon application by Jobs Florida ~~the Agency for~~
17918 ~~Workforce Innovation~~, its tax collection service provider, the
17919 commission, or any authorized representative of any of these
17920 entities has jurisdiction to order the person to appear before
17921 the entity to produce evidence or give testimony on the matter
17922 under investigation or in question. Failure to obey the order of

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17923 the court may be punished by the court as contempt. Any person
17924 who fails or refuses without just cause to appear or testify; to
17925 answer any lawful inquiry; or to produce books, papers,
17926 correspondence, memoranda, and other records within her or his
17927 control as commanded in a subpoena of Jobs Florida ~~the Agency~~
17928 ~~for Workforce Innovation~~, its tax collection service provider,
17929 the commission, or any authorized representative of any of these
17930 entities commits a misdemeanor of the second degree, punishable
17931 as provided in s. 775.082 or s. 775.083. Each day that a
17932 violation continues is a separate offense.
17933 (8) PROTECTION AGAINST SELF-INCRIMINATION.—A person is not
17934 excused from appearing or testifying, or from producing books,
17935 papers, correspondence, memoranda, or other records, before Jobs
17936 Florida ~~the Agency for Workforce Innovation~~, its tax collection
17937 service provider, the commission, or any authorized
17938 representative of any of these entities or as commanded in a
17939 subpoena of any of these entities in any proceeding before Jobs
17940 Florida ~~the Agency for Workforce Innovation~~, the commission, an
17941 appeals referee, or a special deputy on the ground that the
17942 testimony or evidence, documentary or otherwise, required of the
17943 person may incriminate her or him or subject her or him to a
17944 penalty or forfeiture. That person may not be prosecuted or
17945 subjected to any penalty or forfeiture for or on account of any
17946 transaction, matter, or thing concerning which she or he is
17947 compelled, after having claimed her or his privilege against
17948 self-incrimination, to testify or produce evidence, documentary
17949 or otherwise, except that the person testifying is not exempt
17950 from prosecution and punishment for perjury committed while
17951 testifying.

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17952 (9) STATE-FEDERAL COOPERATION.—
17953 (a)1. In the administration of this chapter, Jobs Florida
17954 ~~the Agency for Workforce Innovation~~ and its tax collection
17955 service provider shall cooperate with the United States
17956 Department of Labor to the fullest extent consistent with this
17957 chapter and shall take those actions, through the adoption of
17958 appropriate rules, administrative methods, and standards,
17959 necessary to secure for this state all advantages available
17960 under the provisions of federal law relating to unemployment
17961 compensation.
17962 2. In the administration of the provisions in s. 443.1115,
17963 which are enacted to conform with the Federal-State Extended
17964 Unemployment Compensation Act of 1970, Jobs Florida ~~the Agency~~
17965 ~~for Workforce Innovation~~ shall take those actions necessary to
17966 ensure that those provisions are interpreted and applied to meet
17967 the requirements of the federal act as interpreted by the United
17968 States Department of Labor and to secure for this state the full
17969 reimbursement of the federal share of extended benefits paid
17970 under this chapter which is reimbursable under the federal act.
17971 3. Jobs Florida ~~The Agency for Workforce Innovation~~ and its
17972 tax collection service provider shall comply with the
17973 regulations of the United States Department of Labor relating to
17974 the receipt or expenditure by this state of funds granted under
17975 federal law; shall submit the reports in the form and containing
17976 the information the United States Department of Labor requires;
17977 and shall comply with directions of the United States Department
17978 of Labor necessary to assure the correctness and verification of
17979 these reports.
17980 (b) Jobs Florida ~~the Agency for Workforce Innovation~~ and

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17981 its tax collection service provider may cooperate with every
17982 agency of the United States charged with administration of any
17983 unemployment insurance law.
17984 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ and
17985 its tax collection service provider shall cooperate with the
17986 agencies of other states, and shall make every proper effort
17987 within their means, to oppose and prevent any further action
17988 leading to the complete or substantial federalization of state
17989 unemployment compensation funds or state employment security
17990 programs. Jobs Florida ~~The Agency for Workforce Innovation~~ and
17991 its tax collection service provider may make, and may cooperate
17992 with other appropriate agencies in making, studies as to the
17993 practicability and probable cost of possible new state-
17994 administered social security programs and the relative
17995 desirability of state, rather than federal, action in that field
17996 of study.
17997 Section 294. Subsections (1) and (2) of section 443.1715,
17998 Florida Statutes, are amended to read:
17999 443.1715 Disclosure of information; confidentiality.—
18000 (1) RECORDS AND REPORTS.—Information revealing an employing
18001 unit's or individual's identity obtained from the employing unit
18002 or any individual under the administration of this chapter, and
18003 any determination revealing that information, except to the
18004 extent necessary for the proper presentation of a claim or upon
18005 written authorization of the claimant who has a workers'
18006 compensation claim pending or is receiving compensation
18007 benefits, is confidential and exempt from s. 119.07(1) and s.
18008 24(a), Art. I of the State Constitution. This confidential
18009 information may be released only to public employees in the

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18010 performance of their public duties. Except as otherwise provided
18011 by law, public employees receiving this confidential information
18012 must maintain the confidentiality of the information. Any
18013 claimant, or the claimant's legal representative, at a hearing
18014 before an appeals referee or the commission is entitled to
18015 information from these records to the extent necessary for the
18016 proper presentation of her or his claim. A person receiving
18017 confidential information who violates this subsection commits a
18018 misdemeanor of the second degree, punishable as provided in s.
18019 775.082 or s. 775.083. Jobs Florida ~~The Agency for Workforce~~
18020 ~~Innovation~~ or its tax collection service provider may, however,
18021 furnish to any employer copies of any report submitted by that
18022 employer upon the request of the employer and may furnish to any
18023 claimant copies of any report submitted by that claimant upon
18024 the request of the claimant. Jobs Florida ~~The Agency for~~
18025 ~~Workforce Innovation~~ or its tax collection service provider may
18026 charge a reasonable fee for copies of these reports as
18027 prescribed by rule, which may not exceed the actual reasonable
18028 cost of the preparation of the copies. Fees received for copies
18029 under this subsection must be deposited in the Employment
18030 Security Administration Trust Fund.
18031 (2) DISCLOSURE OF INFORMATION.—
18032 (a) Subject to restrictions Jobs Florida ~~the Agency for~~
18033 ~~Workforce Innovation~~ or the state agency providing unemployment
18034 tax collection services adopts by rule, information declared
18035 confidential under this section is available to any agency of
18036 this or any other state, or any federal agency, charged with the
18037 administration of any unemployment compensation law or the
18038 maintenance of the one-stop delivery system, or the Bureau of

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18039 Internal Revenue of the United States Department of the
18040 Treasury, ~~the Governor's Office of Tourism, Trade, and Economic~~
18041 ~~Development,~~ or the Florida Department of Revenue. Information
18042 obtained in connection with the administration of the one-stop
18043 delivery system may be made available to persons or agencies for
18044 purposes appropriate to the operation of a public employment
18045 service or a job-preparatory or career education or training
18046 program. Jobs Florida ~~The Agency for Workforce Innovation~~ shall,
18047 on a quarterly basis, furnish the National Directory of New
18048 Hires with information concerning the wages and unemployment
18049 benefits paid to individuals, by the dates, in the format, and
18050 containing the information specified in the regulations of the
18051 United States Secretary of Health and Human Services. Upon
18052 request, Jobs Florida ~~the Agency for Workforce Innovation~~ shall
18053 furnish any agency of the United States charged with the
18054 administration of public works or assistance through public
18055 employment, and may furnish to any state agency similarly
18056 charged, the name, address, ordinary occupation, and employment
18057 status of each recipient of benefits and the recipient's rights
18058 to further benefits under this chapter. Except as otherwise
18059 provided by law, the receiving agency must retain the
18060 confidentiality of this information as provided in this section.
18061 The tax collection service provider may request the Comptroller
18062 of the Currency of the United States to examine the correctness
18063 of any return or report of any national banking association
18064 rendered under this chapter and may in connection with that
18065 request transmit any report or return for examination to the
18066 Comptroller of the Currency of the United States as provided in
18067 s. 3305(c) of the federal Internal Revenue Code.

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18068 (b) The employer or the employer's workers' compensation
18069 carrier against whom a claim for benefits under chapter 440 has
18070 been made, or a representative of either, may request from Jobs
18071 Florida ~~the Agency for Workforce Innovation~~ records of wages of
18072 the employee reported to Jobs Florida ~~the agency~~ by any employer
18073 for the quarter that includes the date of the accident that is
18074 the subject of such claim and for subsequent quarters.
18075 1. The request must be made with the authorization or
18076 consent of the employee or any employer who paid wages to the
18077 employee after the date of the accident.
18078 2. The employer or carrier shall make the request on a form
18079 prescribed by rule for such purpose by the agency. Such form
18080 shall contain a certification by the requesting party that it is
18081 a party entitled to the information requested.
18082 3. Jobs Florida ~~The agency~~ shall provide the most current
18083 information readily available within 15 days after receiving the
18084 request.
18085 Section 295. Section 443.181, Florida Statutes, is amended
18086 to read:
18087 443.181 Public employment service.—
18088 (1) The one-stop delivery system established under s.
18089 445.009 is this state's public employment service as part of the
18090 national system of public employment offices under 29 U.S.C. s.
18091 49. Jobs Florida ~~The Agency for Workforce Innovation~~, under
18092 policy direction from Workforce Florida, Inc., shall cooperate
18093 with any official or agency of the United States having power or
18094 duties under 29 U.S.C. ss. 49-49l-1 and shall perform those
18095 duties necessary to secure to this state the funds provided
18096 under federal law for the promotion and maintenance of the

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18097 state's public employment service. In accordance with 29 U.S.C.
18098 s. 49c, this state accepts 29 U.S.C. ss. 49-49l-1. Jobs Florida
18099 ~~The Agency for Workforce Innovation~~ is designated the state
18100 agency responsible for cooperating with the United States
18101 Secretary of Labor under 29 U.S.C. s. 49c. Jobs Florida ~~The~~
18102 ~~Agency for Workforce Innovation~~ shall appoint sufficient
18103 employees to administer this section. Jobs Florida ~~The Agency~~
18104 ~~for Workforce Innovation~~ may cooperate with or enter into
18105 agreements with the Railroad Retirement Board for the
18106 establishment, maintenance, and use of one-stop career centers.
18107 (2) All funds received by this state under 29 U.S.C. ss.
18108 49-49l-1 must be paid into the Employment Security
18109 Administration Trust Fund, and these funds are available to Jobs
18110 Florida ~~the Agency for Workforce Innovation~~ for expenditure as
18111 provided by this chapter or by federal law. For the purpose of
18112 establishing and maintaining one-stop career centers, Jobs
18113 Florida ~~the Agency for Workforce Innovation~~ may enter into
18114 agreements with the Railroad Retirement Board or any other
18115 agency of the United States charged with the administration of
18116 an unemployment compensation law, with any political subdivision
18117 of this state, or with any private, nonprofit organization. As a
18118 part of any such agreement, Jobs Florida ~~the Agency for~~
18119 ~~Workforce Innovation~~ may accept moneys, services, or quarters as
18120 a contribution to the Employment Security Administration Trust
18121 Fund.
18122 Section 296. Subsections (1), (2), (3), and (4) of section
18123 443.191, Florida Statutes, are amended to read:
18124 443.191 Unemployment Compensation Trust Fund; establishment
18125 and control.—

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18126 (1) There is established, as a separate trust fund apart
18127 from all other public funds of this state, an Unemployment
18128 Compensation Trust Fund, which shall be administered by Jobs
18129 Florida ~~the Agency for Workforce Innovation~~ exclusively for the
18130 purposes of this chapter. The fund shall consist of:
18131 (a) All contributions and reimbursements collected under
18132 this chapter;
18133 (b) Interest earned on any moneys in the fund;
18134 (c) Any property or securities acquired through the use of
18135 moneys belonging to the fund;
18136 (d) All earnings of these properties or securities;
18137 (e) All money credited to this state's account in the
18138 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.
18139 1103; and
18140 (f) Advances on the amount in the federal Unemployment
18141 Compensation Trust Fund credited to the state under 42 U.S.C. s.
18142 1321, as requested by the Governor or the Governor's designee.
18143
18144 Except as otherwise provided in s. 443.1313(4), all moneys in
18145 the fund shall be mingled and undivided.
18146 (2) The Chief Financial Officer is the ex officio treasurer
18147 and custodian of the fund and shall administer the fund in
18148 accordance with the directions of Jobs Florida ~~the Agency for~~
18149 ~~Workforce Innovation~~. All payments from the fund must be
18150 approved by Jobs Florida ~~the Agency for Workforce Innovation~~ or
18151 by an authorized agent. The Chief Financial Officer shall
18152 maintain within the fund three separate accounts:
18153 (a) A clearing account;
18154 (b) An Unemployment Compensation Trust Fund account; and

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18155 (c) A benefit account.
18156
18157 All moneys payable to the fund, including moneys received from
18158 the United States as reimbursement for extended benefits paid by
18159 Jobs Florida ~~the Agency for Workforce Innovation~~, must be
18160 forwarded to the Chief Financial Officer, who shall immediately
18161 deposit them in the clearing account. Refunds payable under s.
18162 443.141 may be paid from the clearing account. After clearance,
18163 all other moneys in the clearing account must be immediately
18164 deposited with the Secretary of the Treasury of the United
18165 States to the credit of this state's account in the federal
18166 Unemployment Compensation Trust Fund notwithstanding any state
18167 law relating to the deposit, administration, release, or
18168 disbursement of moneys in the possession or custody of this
18169 state. The benefit account consists of all moneys requisitioned
18170 from this state's account in the federal Unemployment
18171 Compensation Trust Fund. Except as otherwise provided by law,
18172 moneys in the clearing and benefit accounts may be deposited by
18173 the Chief Financial Officer, under the direction of Jobs Florida
18174 ~~the Agency for Workforce Innovation~~, in any bank or public
18175 depository in which general funds of the state are deposited,
18176 but a public deposit insurance charge or premium may not be paid
18177 out of the fund. If any warrant issued against the clearing
18178 account or the benefit account is not presented for payment
18179 within 1 year after issuance, the Chief Financial Officer must
18180 cancel the warrant and credit without restriction the amount of
18181 the warrant to the account upon which it is drawn. When the
18182 payee or person entitled to a canceled warrant requests payment
18183 of the warrant, the Chief Financial Officer, upon direction of

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18184 Jobs Florida ~~the Agency for Workforce Innovation~~, must issue a
18185 new warrant, payable from the account against which the canceled
18186 warrant was drawn.
18187 (3) Moneys may only be requisitioned from the state's
18188 account in the federal Unemployment Compensation Trust Fund
18189 solely for the payment of benefits and extended benefits and for
18190 payment in accordance with rules prescribed by Jobs Florida ~~the~~
18191 ~~Agency for Workforce Innovation~~, or for the repayment of
18192 advances made pursuant to 42 U.S.C. s. 1321, as authorized by
18193 the Governor or the Governor's designee, except that money
18194 credited to this state's account under 42 U.S.C. s. 1103 may
18195 only be used exclusively as provided in subsection (5). Jobs
18196 Florida ~~The Agency for Workforce Innovation~~, through the Chief
18197 Financial Officer, shall requisition from the federal
18198 Unemployment Compensation Trust Fund amounts, not exceeding the
18199 amounts credited to this state's account in the fund, as
18200 necessary for the payment of benefits and extended benefits for
18201 a reasonable future period. Upon receipt of these amounts, the
18202 Chief Financial Officer shall deposit the moneys in the benefit
18203 account in the State Treasury and warrants for the payment of
18204 benefits and extended benefits shall be drawn upon the order of
18205 Jobs Florida ~~the Agency for Workforce Innovation~~ against the
18206 account. All warrants for benefits and extended benefits are
18207 payable directly to the ultimate beneficiary. Expenditures of
18208 these moneys in the benefit account and refunds from the
18209 clearing account are not subject to any law requiring specific
18210 appropriations or other formal release by state officers of
18211 money in their custody. All warrants issued for the payment of
18212 benefits and refunds must bear the signature of the Chief

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18213 Financial Officer. Any balance of moneys requisitioned from this
18214 state's account in the federal Unemployment Compensation Trust
18215 Fund which remains unclaimed or unpaid in the benefit account
18216 after the period for which the moneys were requisitioned shall
18217 be deducted from estimates for, and may be used for the payment
18218 of, benefits and extended benefits during succeeding periods,
18219 or, in the discretion of Jobs Florida ~~the Agency for Workforce~~
18220 ~~Innovation~~, shall be redeposited with the Secretary of the
18221 Treasury of the United States, to the credit of this state's
18222 account in the federal Unemployment Compensation Trust Fund, as
18223 provided in subsection (2).
18224 (4) Subsections (1), (2), and (3), to the extent they
18225 relate to the federal Unemployment Compensation Trust Fund,
18226 apply only while the fund continues to exist and while the
18227 Secretary of the Treasury of the United States continues to
18228 maintain for this state a separate account of all funds
18229 deposited by this state for the payment of benefits, together
18230 with this state's proportionate share of the earnings of the
18231 federal Unemployment Compensation Trust Fund, from which no
18232 other state is permitted to make withdrawals. If the federal
18233 Unemployment Compensation Trust Fund ceases to exist, or the
18234 separate account is no longer maintained, all moneys,
18235 properties, or securities belonging to this state's account in
18236 the federal Unemployment Compensation Trust Fund must be
18237 transferred to the treasurer of the Unemployment Compensation
18238 Trust Fund, who must hold, invest, transfer, sell, deposit, and
18239 release those moneys, properties, or securities in a manner
18240 approved by Jobs Florida ~~the Agency for Workforce Innovation~~ in
18241 accordance with this chapter. These moneys must, however, be

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18242 invested in the following readily marketable classes of
18243 securities: bonds or other interest-bearing obligations of the
18244 United States or of the state. Further, the investment must at
18245 all times be made in a manner that allows all the assets of the
18246 fund to always be readily convertible into cash when needed for
18247 the payment of benefits. The treasurer may only dispose of
18248 securities or other properties belonging to the Unemployment
18249 Compensation Trust Fund under the direction of Jobs Florida ~~the~~
18250 ~~Agency for Workforce Innovation~~.
18251 Section 297. Section 443.211, Florida Statutes, is amended
18252 to read:
18253 443.211 Employment Security Administration Trust Fund;
18254 appropriation; reimbursement.—
18255 (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is
18256 created in the State Treasury the "Employment Security
18257 Administration Trust Fund." All moneys deposited into this fund
18258 remain continuously available to Jobs Florida ~~the Agency for~~
18259 ~~Workforce Innovation~~ for expenditure in accordance with this
18260 chapter and do not revert at any time and may not be transferred
18261 to any other fund. All moneys in this fund which are received
18262 from the Federal Government or any federal agency or which are
18263 appropriated by this state under ss. 443.171 and 443.181, except
18264 money received under s. 443.191(5)(c), must be expended solely
18265 for the purposes and in the amounts found necessary by the
18266 authorized cooperating federal agencies for the proper and
18267 efficient administration of this chapter. The fund consists of:
18268 all moneys appropriated by this state; all moneys received from
18269 the United States or any federal agency; all moneys received
18270 from any other source for the administration of this chapter;

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18271 any funds collected for enhanced, specialized, or value-added
18272 labor market information services; any moneys received from any
18273 agency of the United States or any other state as compensation
18274 for services or facilities supplied to that agency; any amounts
18275 received from any surety bond or insurance policy or from other
18276 sources for losses sustained by the Employment Security
18277 Administration Trust Fund or by reason of damage to equipment or
18278 supplies purchased from moneys in the fund; and any proceeds
18279 from the sale or disposition of such equipment or supplies. All
18280 money requisitioned and deposited in this fund under s.
18281 443.191(5)(c) remains part of the Unemployment Compensation
18282 Trust Fund and must be used only in accordance with s.
18283 443.191(5). All moneys in this fund must be deposited,
18284 administered, and disbursed in the same manner and under the
18285 same conditions and requirements as provided by law for other
18286 trust funds in the State Treasury. These moneys must be secured
18287 by the depositary in which they are held to the same extent and
18288 in the same manner as required by the general depositary law of
18289 the state, and collateral pledged must be maintained in a
18290 separate custody account. All payments from the Employment
18291 Security Administration Trust Fund must be approved by Jobs
18292 Florida ~~the Agency for Workforce Innovation~~ or by an authorized
18293 agent and must be made by the Chief Financial Officer. Any
18294 balances in this fund do not revert at any time and must remain
18295 continuously available to Jobs Florida ~~the Agency for Workforce~~
18296 ~~Innovation~~ for expenditure consistent with this chapter.
18297 (2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—
18298 There is created in the State Treasury the “Special Employment
18299 Security Administration Trust Fund,” into which shall be

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18300 deposited or transferred all interest on contributions and
18301 reimbursements, penalties, and fines or fees collected under
18302 this chapter. Interest on contributions and reimbursements,
18303 penalties, and fines or fees deposited during any calendar
18304 quarter in the clearing account in the Unemployment Compensation
18305 Trust Fund shall, as soon as practicable after the close of that
18306 calendar quarter and upon certification of Jobs Florida ~~the~~
18307 ~~Agency for Workforce Innovation~~, be transferred to the Special
18308 Employment Security Administration Trust Fund. The amount
18309 certified by Jobs Florida ~~the Agency for Workforce Innovation~~ as
18310 required under this chapter to pay refunds of interest on
18311 contributions and reimbursements, penalties, and fines or fees
18312 collected and erroneously deposited into the clearing account in
18313 the Unemployment Compensation Trust Fund shall, however, be
18314 withheld from this transfer. The interest and penalties
18315 certified for transfer are deemed as being erroneously deposited
18316 in the clearing account, and their transfer to the Special
18317 Employment Security Administration Trust Fund is deemed to be a
18318 refund of the erroneous deposits. All moneys in this fund shall
18319 be deposited, administered, and disbursed in the same manner and
18320 under the same requirements as provided by law for other trust
18321 funds in the State Treasury. These moneys may not be expended or
18322 be available for expenditure in any manner that would permit
18323 their substitution for, or permit a corresponding reduction in,
18324 federal funds that would, in the absence of these moneys, be
18325 available to finance expenditures for the administration of this
18326 chapter. This section does not prevent these moneys from being
18327 used as a revolving fund to cover lawful expenditures for which
18328 federal funds are requested but not yet received, subject to the

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18329 charging of the expenditures against the funds when received.
18330 The moneys in this fund, with the approval of the Executive
18331 Office of the Governor, shall be used by Jobs Florida ~~the Agency~~
18332 ~~for Workforce Innovation~~ for paying administrative costs that
18333 are not chargeable against funds obtained from federal sources.
18334 All moneys in the Special Employment Security Administration
18335 Trust Fund shall be continuously available to Jobs Florida ~~the~~
18336 ~~Agency for Workforce Innovation~~ for expenditure in accordance
18337 with this chapter and do not revert at any time. All payments
18338 from the Special Employment Security Administration Trust Fund
18339 must be approved by Jobs Florida ~~the Agency for Workforce~~
18340 ~~Innovation~~ or by an authorized agent and shall be made by the
18341 Chief Financial Officer. The moneys in this fund are available
18342 to replace, as contemplated by subsection (3), expenditures from
18343 the Employment Security Administration Trust Fund which the
18344 United States Secretary of Labor, or other authorized federal
18345 agency or authority, finds are lost or improperly expended
18346 because of any action or contingency. The Chief Financial
18347 Officer is liable on her or his official bond for the faithful
18348 performance of her or his duties in connection with the Special
18349 Employment Security Administration Trust Fund.
18350 (3) REIMBURSEMENT OF FUND.—If any moneys received from the
18351 United States Secretary of Labor under 42 U.S.C. ss. 501-504,
18352 any unencumbered balances in the Employment Security
18353 Administration Trust Fund, any moneys granted to this state
18354 under the Wagner-Peyser Act, or any moneys made available by
18355 this state or its political subdivisions and matched by the
18356 moneys granted to this state under the Wagner-Peyser Act, are
18357 after reasonable notice and opportunity for hearing, found by

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18358 the United States Secretary of Labor, because of any action or
18359 contingency, to be lost or expended for purposes other than, or
18360 in amounts in excess of, those allowed by the United States
18361 Secretary of Labor for the administration of this chapter, these
18362 moneys shall be replaced by moneys appropriated for that purpose
18363 from the General Revenue Fund to the Employment Security
18364 Administration Trust Fund for expenditure as provided in
18365 subsection (1). Upon receipt of notice of such a finding by the
18366 United States Secretary of Labor, Jobs Florida ~~the Agency for~~
18367 ~~Workforce Innovation~~ shall promptly report the amount required
18368 for replacement to the Governor. The Governor shall, at the
18369 earliest opportunity, submit to the Legislature a request for
18370 the appropriation of the replacement funds.
18371 (4) RESPONSIBILITY FOR TRUST FUNDS.—In connection with its
18372 duties under s. 443.181, Jobs Florida ~~the Agency for Workforce~~
18373 ~~Innovation~~ is responsible for the deposit, requisition,
18374 expenditure, approval of payment, reimbursement, and reporting
18375 in regard to the trust funds established by this section.
18376 Section 298. Section 443.221, Florida Statutes, is amended
18377 to read:
18378 443.221 Reciprocal arrangements.—
18379 (1)(a) Jobs Florida ~~The Agency for Workforce Innovation~~ or
18380 its tax collection service provider may enter into reciprocal
18381 arrangements with other states or with the Federal Government,
18382 or both, for considering services performed by an individual for
18383 a single employing unit for which services are performed by the
18384 individual in more than one state as services performed entirely
18385 within any one of the states:
18386 1. In which any part of the individual’s service is

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18387 performed;
18388 2. In which the individual has her or his residence; or
18389 3. In which the employing unit maintains a place of
18390 business.
18391 (b) For services to be considered as performed within a
18392 state under a reciprocal agreement, the employing unit must have
18393 an election in effect for those services, which is approved by
18394 the agency charged with the administration of such state's
18395 unemployment compensation law, under which all the services
18396 performed by the individual for the employing unit are deemed to
18397 be performed entirely within that state.
18398 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
18399 participate in any arrangements for the payment of compensation
18400 on the basis of combining an individual's wages and employment
18401 covered under this chapter with her or his wages and employment
18402 covered under the unemployment compensation laws of other
18403 states, which are approved by the United States Secretary of
18404 Labor, in consultation with the state unemployment compensation
18405 agencies, as reasonably calculated to assure the prompt and full
18406 payment of compensation in those situations and which include
18407 provisions for:
18408 1. Applying the base period of a single state law to a
18409 claim involving the combining of an individual's wages and
18410 employment covered under two or more state unemployment
18411 compensation laws; and
18412 2. Avoiding the duplicate use of wages and employment
18413 because of the combination.
18414 (d) Contributions or reimbursements due under this chapter
18415 with respect to wages for insured work are, for the purposes of

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18416 ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid
18417 to the fund as of the date payment was made as contributions or
18418 reimbursements therefor under another state or federal
18419 unemployment compensation law, but an arrangement may not be
18420 entered into unless it contains provisions for reimbursement to
18421 the fund of the contributions or reimbursements and the actual
18422 earnings thereon as Jobs Florida ~~the Agency for Workforce~~
18423 ~~Innovation~~ or its tax collection service provider finds are fair
18424 and reasonable as to all affected interests.
18425 (2) Jobs Florida ~~The Agency for Workforce Innovation~~ or its
18426 tax collection service provider may make to other state or
18427 federal agencies and receive from these other state or federal
18428 agencies reimbursements from or to the fund, in accordance with
18429 arrangements entered into under subsection (1).
18430 (3) Jobs Florida ~~The Agency for Workforce Innovation~~ or its
18431 tax collection service provider may enter into reciprocal
18432 arrangements with other states or the Federal Government, or
18433 both, for exchanging services, determining and enforcing payment
18434 obligations, and making available facilities and information.
18435 Jobs Florida ~~The Agency for Workforce Innovation~~ or its tax
18436 collection service provider may conduct investigations, secure
18437 and transmit information, make available services and
18438 facilities, and exercise other powers provided under this
18439 chapter to facilitate the administration of any unemployment
18440 compensation or public employment service law and, in a similar
18441 manner, accept and use information, services, and facilities
18442 made available to this state by the agency charged with the
18443 administration of any other unemployment compensation or public
18444 employment service law.

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18445 (4) To the extent permissible under federal law, Jobs
18446 Florida ~~the Agency for Workforce Innovation~~ may enter into or
18447 cooperate in arrangements whereby facilities and services
18448 provided under this chapter and facilities and services provided
18449 under the unemployment compensation law of any foreign
18450 government may be used for the taking of claims and the payment
18451 of benefits under the employment security law of the state or
18452 under a similar law of that government.
18453 Section 299. Section 445.002, Florida Statutes, is amended
18454 to read:
18455 445.002 Definitions.—As used in this chapter, the term:
18456 ~~(1) "Agency" means the Agency for Workforce Innovation.~~
18457 (1)~~(2)~~ "Services and one-time payments" or "services," when
18458 used in reference to individuals who are not receiving temporary
18459 cash assistance, means nonrecurrent, short-term benefits
18460 designed to deal with a specific crisis situation or episode of
18461 need and other services; work subsidies; supportive services
18462 such as child care and transportation; services such as
18463 counseling, case management, peer support, and child care
18464 information and referral; transitional services, job retention,
18465 job advancement, and other employment-related services;
18466 nonmedical treatment for substance abuse or mental health
18467 problems; teen pregnancy prevention; two-parent family support,
18468 including noncustodial parent employment; court-ordered
18469 supervised visitation, and responsible fatherhood services; and
18470 any other services that are reasonably calculated to further the
18471 purposes of the welfare transition program. Such terms do not
18472 include assistance as defined in federal regulations at 45
18473 C.F.R. s. 260.31(a).

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18474 (2) ~~(3)~~ "Welfare transition services" means those workforce
18475 services provided to current or former recipients of temporary
18476 cash assistance under chapter 414.
18477 Section 300. Subsection (3) of section 445.003, Florida
18478 Statutes, is amended to read:
18479 445.003 Implementation of the federal Workforce Investment
18480 Act of 1998.—
18481 (3) FUNDING.—
18482 (a) Title I, Workforce Investment Act of 1998 funds;
18483 Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended
18484 based on the 5-year plan of Workforce Florida, Inc. The plan
18485 shall outline and direct the method used to administer and
18486 coordinate various funds and programs that are operated by
18487 various agencies. The following provisions shall also apply to
18488 these funds:
18489 1. At least 50 percent of the Title I funds for Adults and
18490 Dislocated Workers that are passed through to regional workforce
18491 boards shall be allocated to Individual Training Accounts unless
18492 a regional workforce board obtains a waiver from Workforce
18493 Florida, Inc. Tuition and fees qualify as an Individual Training
18494 Account expenditure, as do other programs developed by regional
18495 workforce boards in compliance with policies of Workforce
18496 Florida, Inc.
18497 2. Fifteen percent of Title I funding shall be retained at
18498 the state level and shall be dedicated to state administration
18499 and used to design, develop, induce, and fund innovative
18500 Individual Training Account pilots, demonstrations, and
18501 programs. Of such funds retained at the state level, $2 million
18502 shall be reserved for the Incumbent Worker Training Program,

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18503 created under s. 288.048 ~~subparagraph 3~~. Eligible state
18504 administration costs include the costs of: funding for the board
18505 and staff of Workforce Florida, Inc.; operating fiscal,
18506 compliance, and management accountability systems through
18507 Workforce Florida, Inc.; conducting evaluation and research on
18508 workforce development activities; and providing technical and
18509 capacity building assistance to regions at the direction of
18510 Workforce Florida, Inc. Notwithstanding s. 445.004, such
18511 administrative costs shall not exceed 25 percent of these funds.
18512 An amount not to exceed 75 percent of these funds shall be
18513 allocated to Individual Training Accounts and other workforce
18514 development strategies for other training designed and tailored
18515 by Workforce Florida, Inc., including, but not limited to,
18516 programs for incumbent workers, displaced homemakers,
18517 nontraditional employment, and enterprise zones. Workforce
18518 Florida, Inc., shall design, adopt, and fund Individual Training
18519 Accounts for distressed urban and rural communities.
18520 ~~3. The Incumbent Worker Training Program is created for the~~
18521 ~~purpose of providing grant funding for continuing education and~~
18522 ~~training of incumbent employees at existing Florida businesses.~~
18523 ~~The program will provide reimbursement grants to businesses that~~
18524 ~~pay for preapproved, direct, training-related costs.~~
18525 ~~a. The Incumbent Worker Training Program will be~~
18526 ~~administered by Workforce Florida, Inc. Workforce Florida, Inc.,~~
18527 ~~at its discretion, may contract with a private business~~
18528 ~~organization to serve as grant administrator.~~
18529 ~~b. To be eligible for the program's grant funding, a~~
18530 ~~business must have been in operation in Florida for a minimum of~~
18531 ~~1 year prior to the application for grant funding; have at least~~

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18532 ~~one full-time employee; demonstrate financial viability; and be~~
18533 ~~current on all state tax obligations. Priority for funding shall~~
18534 ~~be given to businesses with 25 employees or fewer, businesses in~~
18535 ~~rural areas, businesses in distressed inner-city areas,~~
18536 ~~businesses in a qualified targeted industry, businesses whose~~
18537 ~~grant proposals represent a significant upgrade in employee~~
18538 ~~skills, or businesses whose grant proposals represent a~~
18539 ~~significant layoff avoidance strategy.~~
18540 ~~c. All costs reimbursed by the program must be preapproved~~
18541 ~~by Workforce Florida, Inc., or the grant administrator. The~~
18542 ~~program will not reimburse businesses for trainee wages, the~~
18543 ~~purchase of capital equipment, or the purchase of any item or~~
18544 ~~service that may possibly be used outside the training project.~~
18545 ~~A business approved for a grant may be reimbursed for~~
18546 ~~preapproved, direct, training-related costs including tuition;~~
18547 ~~fees; books and training materials; and overhead or indirect~~
18548 ~~costs not to exceed 5 percent of the grant amount.~~
18549 ~~d. A business that is selected to receive grant funding~~
18550 ~~must provide a matching contribution to the training project,~~
18551 ~~including, but not limited to, wages paid to trainees or the~~
18552 ~~purchase of capital equipment used in the training project; must~~
18553 ~~sign an agreement with Workforce Florida, Inc., or the grant~~
18554 ~~administrator to complete the training project as proposed in~~
18555 ~~the application; must keep accurate records of the project's~~
18556 ~~implementation process; and must submit monthly or quarterly~~
18557 ~~reimbursement requests with required documentation.~~
18558 ~~e. All Incumbent Worker Training Program grant projects~~
18559 ~~shall be performance-based with specific measurable performance~~
18560 ~~outcomes, including completion of the training project and job~~

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18561 ~~retention. Workforce Florida, Inc., or the grant administrator~~
18562 ~~shall withhold the final payment to the grantee until a final~~
18563 ~~grant report is submitted and all performance criteria specified~~
18564 ~~in the grant contract have been achieved.~~
18565 ~~f. Workforce Florida, Inc., may establish guidelines~~
18566 ~~necessary to implement the Incumbent Worker Training Program.~~
18567 ~~g. No more than 10 percent of the Incumbent Worker Training~~
18568 ~~Program's total appropriation may be used for overhead or~~
18569 ~~indirect purposes.~~
18570 3.~~4.~~ At least 50 percent of Rapid Response funding shall be
18571 dedicated to Intensive Services Accounts and Individual Training
18572 Accounts for dislocated workers and incumbent workers who are at
18573 risk of dislocation. Workforce Florida, Inc., shall also
18574 maintain an Emergency Preparedness Fund from Rapid Response
18575 funds which will immediately issue Intensive Service Accounts
18576 and Individual Training Accounts as well as other federally
18577 authorized assistance to eligible victims of natural or other
18578 disasters. At the direction of the Governor, for events that
18579 qualify under federal law, these Rapid Response funds shall be
18580 released to regional workforce boards for immediate use. Funding
18581 shall also be dedicated to maintain a unit at the state level to
18582 respond to Rapid Response emergencies around the state, to work
18583 with state emergency management officials, and to work with
18584 regional workforce boards. All Rapid Response funds must be
18585 expended based on a plan developed by Workforce Florida, Inc.,
18586 and approved by the Governor.
18587 (b) The administrative entity for Title I, Workforce
18588 Investment Act of 1998 funds, and Rapid Response activities,
18589 shall be Jobs Florida ~~the Agency for Workforce Innovation~~, which

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18590 shall provide direction to regional workforce boards regarding
18591 Title I programs and Rapid Response activities pursuant to the
18592 direction of Workforce Florida, Inc.
18593 Section 301. Subsection (1), paragraph (a) of subsection
18594 (3), paragraphs (b), (c), (d), (e), and (g) of subsection (5),
18595 and subsection (12) of section 445.004, Florida Statutes, are
18596 amended to read:
18597 445.004 Workforce Florida, Inc.; creation; purpose;
18598 membership; duties and powers.—
18599 (1) There is created a not-for-profit corporation, to be
18600 known as "Workforce Florida, Inc.," which shall be registered,
18601 incorporated, organized, and operated in compliance with chapter
18602 617, and which shall not be a unit or entity of state government
18603 and shall be exempt from chapters 120 and 287. Workforce
18604 Florida, Inc., shall apply the procurement and expenditure
18605 procedures required by federal law for the expenditure of
18606 federal funds. Workforce Florida, Inc., shall be
18607 administratively housed within Jobs Florida ~~the Agency for~~
18608 ~~Workforce Innovation~~; however, Workforce Florida, Inc., shall
18609 not be subject to control, supervision, or direction by Jobs
18610 Florida ~~the Agency for Workforce Innovation~~ in any manner. The
18611 Legislature determines, however, that public policy dictates
18612 that Workforce Florida, Inc., operate in the most open and
18613 accessible manner consistent with its public purpose. To this
18614 end, the Legislature specifically declares that Workforce
18615 Florida, Inc., its board, councils, and any advisory committees
18616 or similar groups created by Workforce Florida, Inc., are
18617 subject to the provisions of chapter 119 relating to public
18618 records, and those provisions of chapter 286 relating to public

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18619 meetings.
18620 (3)(a) Workforce Florida, Inc., shall be governed by a
18621 board of directors, the number of directors to be determined by
18622 the Governor, whose membership and appointment must be
18623 consistent with Pub. L. No. 105-220, Title I, s. 111(b), and
18624 contain one member representing the licensed nonpublic
18625 postsecondary educational institutions authorized as individual
18626 training account providers, one member from the staffing service
18627 industry, at least one member who is a current or former
18628 recipient of welfare transition services as defined in s.
18629 445.002(2) ~~s. 445.002(3)~~ or workforce services as provided in s.
18630 445.009(1), and five representatives of organized labor who
18631 shall be appointed by the Governor. Members described in Pub. L.
18632 No. 105-220, Title I, s. 111(b)(1)(C)(vi) shall be nonvoting
18633 members. The importance of minority, gender, and geographic
18634 representation shall be considered when making appointments to
18635 the board.
18636 (5) Workforce Florida, Inc., shall have all the powers and
18637 authority, not explicitly prohibited by statute, necessary or
18638 convenient to carry out and effectuate the purposes as
18639 determined by statute, Pub. L. No. 105-220, and the Governor, as
18640 well as its functions, duties, and responsibilities, including,
18641 but not limited to, the following:
18642 (b) Providing oversight and policy direction to ensure that
18643 the following programs are administered by Jobs Florida ~~the~~
18644 ~~Agency for Workforce Innovation~~ in compliance with approved
18645 plans and under contract with Workforce Florida, Inc.:
18646 1. Programs authorized under Title I of the Workforce
18647 Investment Act of 1998, Pub. L. No. 105-220, with the exception

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18648 of programs funded directly by the United States Department of
18649 Labor under Title I, s. 167.
18650 2. Programs authorized under the Wagner-Peyser Act of 1933,
18651 as amended, 29 U.S.C. ss. 49 et seq.
18652 3. Activities authorized under Title II of the Trade Act of
18653 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade
18654 Adjustment Assistance Program.
18655 4. Activities authorized under 38 U.S.C., chapter 41,
18656 including job counseling, training, and placement for veterans.
18657 5. Employment and training activities carried out under
18658 funds awarded to this state by the United States Department of
18659 Housing and Urban Development.
18660 6. Welfare transition services funded by the Temporary
18661 Assistance for Needy Families Program, created under the
18662 Personal Responsibility and Work Opportunity Reconciliation Act
18663 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,
18664 of the Social Security Act, as amended.
18665 7. Displaced homemaker programs, provided under s. 446.50.
18666 8. The Florida Bonding Program, provided under Pub. L. No.
18667 97-300, s. 164(a)(1).
18668 9. The Food Assistance Employment and Training Program,
18669 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.
18670 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;
18671 and the Hunger Prevention Act, Pub. L. No. 100-435.
18672 10. The Quick-Response Training Program for participants in
18673 the welfare transition program, as provided under s. 288.047 ~~ss.~~
18674 ~~288.046-288.047~~. ~~Matching funds and in-kind contributions that~~
18675 ~~are provided by clients of the Quick-Response Training Program~~
18676 ~~shall count toward the requirements of s. 288.90151(5)(d),~~

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18677 ~~pertaining to the return on investment from activities of~~
18678 ~~Enterprise Florida, Inc.~~
18679 11. The Work Opportunity Tax Credit, provided under the Tax
18680 and Trade Relief Extension Act of 1998, Pub. L. No. 105-277, and
18681 the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.
18682 12. Offender placement services, provided under ss.
18683 944.707-944.708.
18684 (c) Jobs Florida ~~the agency~~ may adopt rules necessary to
18685 administer the provisions of this chapter which relate to
18686 implementing and administering the programs listed in paragraph
18687 (b) as well as rules related to eligible training providers and
18688 auditing and monitoring subrecipients of the workforce system
18689 grant funds.
18690 (d) Contracting with public and private entities as
18691 necessary to further the directives of this section. All
18692 contracts executed by Workforce Florida, Inc., must include
18693 specific performance expectations and deliverables. All
18694 Workforce Florida, Inc., contracts, including those solicited,
18695 managed, or paid by Jobs Florida ~~the Agency for Workforce~~
18696 ~~Innovation~~ pursuant to s. 20.60(5)(c) ~~20.50(2)~~ are exempt from
18697 s. 112.061, but shall be governed by subsection (1).
18698 (e) Notifying the Governor, the President of the Senate,
18699 and the Speaker of the House of Representatives of noncompliance
18700 by Jobs Florida ~~the Agency for Workforce Innovation~~ or other
18701 agencies or obstruction of the board's efforts by such agencies.
18702 Upon such notification, the Executive Office of the Governor
18703 shall assist agencies to bring them into compliance with board
18704 objectives.
18705 (g) Establish a dispute resolution process for all

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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
18712 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
18717 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

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18735 Statutes, is amended to read:
18736 445.007 Regional workforce boards.—
18737 (1) One regional workforce board shall be appointed in each
18738 designated service delivery area and shall serve as the local
18739 workforce investment board pursuant to Pub. L. No. 105-220. The
18740 membership of the board shall be consistent with Pub. L. No.
18741 105-220, Title I, s. 117(b), and contain one representative from
18742 a nonpublic postsecondary educational institution that is an
18743 authorized individual training account provider within the
18744 region and confers certificates and diplomas, one representative
18745 from a nonpublic postsecondary educational institution that is
18746 an authorized individual training account provider within the
18747 region and confers degrees, and three representatives of
18748 organized labor. The board shall include one nonvoting
18749 representative from a military installation if a military
18750 installation is located within the region and the appropriate
18751 military command or organization authorizes such representation.
18752 It is the intent of the Legislature that membership of a
18753 regional workforce board include persons who are current or
18754 former recipients of welfare transition assistance as defined in
18755 s. 445.002(2) ~~s. 445.002(3)~~ or workforce services as provided in
18756 s. 445.009(1) or that such persons be included as ex officio
18757 members of the board or of committees organized by the board.
18758 The importance of minority and gender representation shall be
18759 considered when making appointments to the board. The board, its
18760 committees, subcommittees, and subdivisions, and other units of
18761 the workforce system, including units that may consist in whole
18762 or in part of local governmental units, may use any method of
18763 telecommunications to conduct meetings, including establishing a

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18764 quorum through telecommunications, provided that the public is
18765 given proper notice of the telecommunications meeting and
18766 reasonable access to observe and, when appropriate, participate.
18767 Regional workforce boards are subject to chapters 119 and 286
18768 and s. 24, Art. I of the State Constitution. If the regional
18769 workforce board enters into a contract with an organization or
18770 individual represented on the board of directors, the contract
18771 must be approved by a two-thirds vote of the entire board, and
18772 the board member who could benefit financially from the
18773 transaction must abstain from voting on the contract. A board
18774 member must disclose any such conflict in a manner that is
18775 consistent with the procedures outlined in s. 112.3143.
18776 Section 304. Subsections (3) and (9) of section 445.009,
18777 Florida Statutes, are amended to read:
18778 445.009 One-stop delivery system.—
18779 (3) ~~Beginning October 1, 2000,~~ Regional workforce boards
18780 shall enter into a memorandum of understanding with Jobs Florida
18781 ~~the Agency for Workforce Innovation~~ for the delivery of
18782 employment services authorized by the federal Wagner-Peyser Act.
18783 This memorandum of understanding must be performance based.
18784 (a) Unless otherwise required by federal law, at least 90
18785 percent of the Wagner-Peyser funding must go into direct
18786 customer service costs.
18787 (b) Employment services must be provided through the one-
18788 stop delivery system, under the guidance of one-stop delivery
18789 system operators. One-stop delivery system operators shall have
18790 overall authority for directing the staff of the workforce
18791 system. Personnel matters shall remain under the ultimate
18792 authority of Jobs Florida ~~the Agency for Workforce Innovation~~.

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18793 However, the one-stop delivery system operator shall submit to
18794 Jobs Florida ~~the agency~~ information concerning the job
18795 performance of ~~agency~~ employees of Jobs Florida who deliver
18796 employment services. Jobs Florida ~~The agency~~ shall consider any
18797 such information submitted by the one-stop delivery system
18798 operator in conducting performance appraisals of the employees.
18799 (c) Jobs Florida ~~The agency~~ shall retain fiscal
18800 responsibility and accountability for the administration of
18801 funds allocated to the state under the Wagner-Peyser Act. An
18802 ~~agency~~ employee of Jobs Florida who is providing services
18803 authorized under the Wagner-Peyser Act shall be paid using
18804 Wagner-Peyser Act funds.
18805 (9)(a) Workforce Florida, Inc., working with Jobs Florida
18806 ~~the Agency for Workforce Innovation~~, shall coordinate among the
18807 agencies a plan for a One-Stop Electronic Network made up of
18808 one-stop delivery system centers and other partner agencies that
18809 are operated by authorized public or private for-profit or not-
18810 for-profit agents. The plan shall identify resources within
18811 existing revenues to establish and support this electronic
18812 network for service delivery that includes Government Services
18813 Direct. If necessary, the plan shall identify additional funding
18814 needed to achieve the provisions of this subsection.
18815 (b) The network shall assure that a uniform method is used
18816 to determine eligibility for and management of services provided
18817 by agencies that conduct workforce development activities. The
18818 Department of Management Services shall develop strategies to
18819 allow access to the databases and information management systems
18820 of the following systems in order to link information in those
18821 databases with the one-stop delivery system:

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18822 1. The Unemployment Compensation Program under chapter 443
18823 ~~of the Agency for Workforce Innovation~~.
18824 2. The public employment service described in s. 443.181.
18825 3. The FLORIDA System and the components related to
18826 temporary cash assistance, food assistance, and Medicaid
18827 eligibility.
18828 4. The Student Financial Assistance System of the
18829 Department of Education.
18830 5. Enrollment in the public postsecondary education system.
18831 6. Other information systems determined appropriate by
18832 Workforce Florida, Inc.
18833 Section 305. Subsection (5) of section 445.016, Florida
18834 Statutes, is amended to read:
18835 445.016 Untried Worker Placement and Employment Incentive
18836 Act.—
18837 (5) Incentives must be paid according to the incentive
18838 schedule developed by Workforce Florida, Inc., Jobs Florida ~~the~~
18839 ~~Agency for Workforce Development~~, and the Department of Children
18840 and Family Services which costs the state less per placement
18841 than the state's 12-month expenditure on a welfare recipient.
18842 Section 306. Subsection (1) of section 445.024, Florida
18843 Statutes, is amended to read:
18844 445.024 Work requirements.—
18845 (1) WORK ACTIVITIES.—Jobs Florida ~~The Agency for Workforce~~
18846 ~~Innovation~~ may develop activities under each of the following
18847 categories of work activities. The following categories of work
18848 activities, based on federal law and regulations, may be used
18849 individually or in combination to satisfy the work requirements
18850 for a participant in the temporary cash assistance program:

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18851 (a) Unsubsidized employment.
18852 (b) Subsidized private sector employment.
18853 (c) Subsidized public sector employment.
18854 (d) On-the-job training.
18855 (e) Community service programs.
18856 (f) Work experience.
18857 (g) Job search and job readiness assistance.
18858 (h) Vocational educational training.
18859 (i) Job skills training directly related to employment.
18860 (j) Education directly related to employment.
18861 (k) Satisfactory attendance at a secondary school or in a
18862 course of study leading to a graduate equivalency diploma.
18863 (l) Providing child care services.
18864 Section 307. Subsection (1) of section 445.0325, Florida
18865 Statutes, is amended to read:
18866 445.0325 Welfare Transition Trust Fund.—
18867 (1) The Welfare Transition Trust Fund is created in the
18868 State Treasury, to be administered by Jobs Florida ~~the Agency~~
18869 ~~for Workforce Innovation~~. Funds shall be credited to the trust
18870 fund to be used for the purposes of the welfare transition
18871 program set forth in ss. 445.017-445.032.
18872 Section 308. Section 445.038, Florida Statutes, is amended
18873 to read:
18874 445.038 Digital media; job training.—Workforce Florida,
18875 Inc., through Jobs Florida ~~the Agency for Workforce Innovation~~,
18876 may use funds dedicated for Incumbent Worker Training for the
18877 digital media industry. Training may be provided by public or
18878 private training providers for broadband digital media jobs
18879 listed on the targeted occupations list developed by the

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18880 Workforce Estimating Conference or Workforce Florida, Inc.
18881 Programs that operate outside the normal semester time periods
18882 and coordinate the use of industry and public resources should
18883 be given priority status for funding.
18884 Section 309. Subsection (2), paragraph (b) of subsection
18885 (4), and subsections (5) and (6) of section 445.045, Florida
18886 Statutes, are amended to read:
18887 445.045 Development of an Internet-based system for
18888 information technology industry promotion and workforce
18889 recruitment.—
18890 (2) Workforce Florida, Inc., shall coordinate with the
18891 Agency for Enterprise Information Technology and Jobs Florida
18892 ~~the Agency for Workforce Innovation~~ to ensure links, where
18893 feasible and appropriate, to existing job information websites
18894 maintained by the state and state agencies and to ensure that
18895 information technology positions offered by the state and state
18896 agencies are posted on the information technology website.
18897 (4)
18898 (b) Workforce Florida, Inc., may enter into an agreement
18899 with the Agency for Enterprise Information Technology, Jobs
18900 Florida ~~the Agency for Workforce Innovation~~, or any other public
18901 agency with the requisite information technology expertise for
18902 the provision of design, operating, or other technological
18903 services necessary to develop and maintain the website.
18904 (5) In furtherance of the requirements of this section that
18905 the website promote and market the information technology
18906 industry by communicating information on the scope of the
18907 industry in this state, Workforce Florida, Inc., shall
18908 coordinate its efforts with the high-technology industry

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18909 marketing efforts of the Jobs Florida Partnership ~~Enterprise~~
18910 ~~Florida~~, Inc.~~, under s. 288.911.~~ Through links or actual
18911 content, the website developed under this section shall serve as
18912 a forum for distributing the marketing campaign developed by the
18913 Jobs Florida Partnership ~~Enterprise Florida~~, Inc.~~, under s.~~
18914 ~~288.911.~~ In addition, Workforce Florida, Inc., shall solicit
18915 input from the not-for-profit corporation created to advocate on
18916 behalf of the information technology industry as an outgrowth of
18917 the Information Service Technology Development Task Force
18918 created under chapter 99-354, Laws of Florida.
18919 (6) In fulfilling its responsibilities under this section,
18920 Workforce Florida, Inc., may enlist the assistance of and act
18921 through Jobs Florida ~~the Agency for Workforce Innovation~~. Jobs
18922 Florida ~~The agency~~ is authorized and directed to provide the
18923 services that Workforce Florida, Inc., and Jobs Florida ~~the~~
18924 ~~agency~~ consider necessary to implement this section.
18925 Section 310. Subsection (1), paragraph (b) of subsection
18926 (4), and subsection (5) of section 445.048, Florida Statutes,
18927 are amended to read:
18928 445.048 Passport to Economic Progress program.—
18929 (1) AUTHORIZATION.—Notwithstanding any law to the contrary,
18930 Workforce Florida, Inc., in conjunction with the Department of
18931 Children and Family Services and Jobs Florida ~~the Agency for~~
18932 ~~Workforce Innovation~~, shall implement a Passport to Economic
18933 Progress program consistent with the provisions of this section.
18934 Workforce Florida, Inc., may designate regional workforce boards
18935 to participate in the program. Expenses for the program may come
18936 from appropriated revenues or from funds otherwise available to
18937 a regional workforce board which may be legally used for such

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18938 purposes. Workforce Florida, Inc., must consult with the
18939 applicable regional workforce boards and the applicable local
18940 offices of the Department of Children and Family Services which
18941 serve the program areas and must encourage community input into
18942 the implementation process.
18943 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—
18944 (b) Workforce Florida, Inc., in cooperation with the
18945 Department of Children and Family Services and Jobs Florida ~~the~~
18946 ~~Agency for Workforce Innovation~~, shall offer performance-based
18947 incentive bonuses as a component of the Passport to Economic
18948 Progress program. The bonuses do not represent a program
18949 entitlement and shall be contingent on achieving specific
18950 benchmarks prescribed in the self-sufficiency plan. If the funds
18951 appropriated for this purpose are insufficient to provide this
18952 financial incentive, the board of directors of Workforce
18953 Florida, Inc., may reduce or suspend the bonuses in order not to
18954 exceed the appropriation or may direct the regional boards to
18955 use resources otherwise given to the regional workforce to pay
18956 such bonuses if such payments comply with applicable state and
18957 federal laws.
18958 (5) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida,
18959 Inc., in conjunction with the Department of Children and Family
18960 Services, Jobs Florida ~~the Agency for Workforce Innovation~~, and
18961 the regional workforce boards, shall conduct a comprehensive
18962 evaluation of the effectiveness of the program operated under
18963 this section. Evaluations and recommendations for the program
18964 shall be submitted by Workforce Florida, Inc., as part of its
18965 annual report to the Legislature.
18966 Section 311. Subsection (2) of section 445.049, Florida

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18967 Statutes, is amended to read:
18968 445.049 Digital Divide Council.—
18969 (2) DIGITAL DIVIDE COUNCIL.—The Digital Divide Council is
18970 created in the Department of Education. The council shall
18971 consist of:
18972 (a) A representative from the information technology
18973 industry in this state appointed by the Governor.
18974 (b) The commissioner of Jobs Florida, or his or her
18975 designee ~~The director of the Office of Tourism, Trade, and~~
18976 ~~Economic Development in the Executive Office of the Governor~~.
18977 (c) The president of Workforce Florida, Inc.
18978 ~~(d) The director of the Agency for Workforce Innovation.~~
18979 (d) ~~(e)~~ The chair of itflorida.com, Inc.
18980 (e) ~~(f)~~ The Commissioner of Education.
18981 (f) ~~(g)~~ A representative of the information technology
18982 industry in this state appointed by the Speaker of the House of
18983 Representatives.
18984 (g) ~~(h)~~ A representative of the information technology
18985 industry in this state appointed by the President of the Senate.
18986 (h) ~~(i)~~ Two members of the House of Representatives, who
18987 shall be ex officio, nonvoting members of the council, appointed
18988 by the Speaker of the House of Representatives, one of whom
18989 shall be a member of the Republican Caucus and the other of whom
18990 shall be a member of the Democratic Caucus.
18991 (i) ~~(j)~~ Two members of the Senate, who shall be ex officio,
18992 nonvoting members of the council, appointed by the President of
18993 the Senate, one of whom shall be a member of the Republican
18994 Caucus and the other of whom shall be a member of the Democratic
18995 Caucus.

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18996 Section 312. Subsection (13) of section 445.051, Florida
18997 Statutes, is amended to read:
18998 445.051 Individual development accounts.—
18999 (13) Pursuant to policy direction by Workforce Florida,
19000 Inc., Jobs Florida ~~the Agency for Workforce Innovation~~ shall
19001 adopt such rules as are necessary to implement this act.
19002 Section 313. Section 445.056, Florida Statutes, is amended
19003 to read:
19004 445.056 Citizen Soldier Matching Grant Program.—Jobs
19005 Florida ~~The Agency for Workforce Innovation~~ shall implement the
19006 ~~establish a~~ matching grant program established by the former
19007 Agency for Workforce Innovation to award matching grants to
19008 private sector employers in this state which ~~that~~ provide wages
19009 to employees serving in the United States Armed Forces Reserves
19010 or the Florida National Guard while those employees are on
19011 federal active duty. A grant may not be provided for federal
19012 active duty served before January 1, 2005. Each grant shall be
19013 awarded to reimburse the employer for not more than one-half of
19014 the monthly wages paid to an employee who is a resident of this
19015 state for the actual period of federal active duty. The monthly
19016 grant per employee may not exceed one-half of the difference
19017 between the amount of monthly wages paid by the employer to the
19018 employee at the level paid before the date the employee was
19019 called to federal active duty and the amount of the employee's
19020 active duty base pay, housing and variable allowances, and
19021 subsistence allowance. Jobs Florida shall implement the plan
19022 administered by the former Agency for Workforce Innovation ~~The~~
19023 ~~agency shall develop a plan by no later than October 1, 2005,~~
19024 ~~subject to the notice, review, and objection procedures of s.~~

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19025 ~~216.177, to administer the application and payment procedures~~
19026 ~~for the matching grant program~~. ~~The Agency for Workforce~~
19027 ~~Innovation shall not award any matching grants prior to the~~
19028 ~~approval of the plan.~~
19029 Section 314. Section 446.41, Florida Statutes, is amended
19030 to read:
19031 446.41 Legislative intent with respect to rural workforce
19032 training and development; establishment of Rural Workforce
19033 Services Program.—In order that the state may achieve its full
19034 economic and social potential, consideration must be given to
19035 rural workforce training and development to enable its rural
19036 citizens as well as urban citizens to develop their maximum
19037 capacities and participate productively in our society. It is,
19038 therefore, the policy of the state to make available those
19039 services needed to assist individuals and communities in rural
19040 areas to improve their quality of life. It is with a great sense
19041 of urgency that a Rural Workforce Services Program is
19042 established within Jobs Florida ~~the Agency for Workforce~~
19043 ~~Innovation~~, under the direction of Workforce Florida, Inc., to
19044 provide equal access to all manpower training programs available
19045 to rural as well as urban areas.
19046 Section 315. Subsection (2) and paragraph (b) of subsection
19047 (5) of section 446.44, Florida Statutes, is amended to read:
19048 446.44 Duties of Rural Workforce Services Program.—It shall
19049 be the direct responsibility of the Rural Workforce Services
19050 Program to promote and deliver employment and workforce services
19051 and resources to the rural undeveloped and underdeveloped
19052 counties of the state in an effort to:
19053 (2) Assist the Jobs Florida Partnership ~~Enterprise Florida~~,

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19054 Inc., in attracting light, pollution-free industry to the rural
19055 counties.
19056 (5) Develop rural workforce programs that will be
19057 evaluated, planned, and implemented through communications and
19058 planning with appropriate:
19059 (b) Units of the Jobs Florida Partnership ~~Enterprise~~
19060 ~~Florida~~, Inc.
19061 Section 316. Section 446.50, Florida Statutes, is amended
19062 to read:
19063 446.50 Displaced homemakers; multiservice programs; report
19064 to the Legislature; Displaced Homemaker Trust Fund created.—
19065 (1) INTENT.—It is the intent of the Legislature to require
19066 Jobs Florida ~~the Agency for Workforce Innovation~~ to enter into
19067 contracts with, and make grants to, public and nonprofit private
19068 entities for purposes of establishing multipurpose service
19069 programs to provide necessary training, counseling, and services
19070 for displaced homemakers so that they may enjoy the independence
19071 and economic security vital to a productive life.
19072 (2) DEFINITIONS.—For the purposes of this section the term~~:~~
19073 ~~(a)~~ "Displaced homemaker" means an individual who:
19074 (a)~~1.~~ Is 35 years of age or older;
19075 (b)~~2.~~ Has worked in the home, providing unpaid household
19076 services for family members;
19077 (c)~~3.~~ Is not adequately employed, as defined by rule of the
19078 agency;
19079 (d)~~4.~~ Has had, or would have, difficulty in securing
19080 adequate employment; and
19081 (e)~~5.~~ Has been dependent on the income of another family
19082 member but is no longer supported by such income, or has been

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19083 dependent on federal assistance.
19084 ~~(b) "Agency" means the Agency for Workforce Innovation~~.
19085 (3) ~~AGENCY~~ POWERS AND DUTIES OF JOBS FLORIDA.—
19086 (a) Jobs Florida ~~The agency~~, under plans established by
19087 Workforce Florida, Inc., shall establish, or contract for the
19088 establishment of, programs for displaced homemakers which shall
19089 include:
19090 1. Job counseling, by professionals and peers, specifically
19091 designed for a person entering the job market after a number of
19092 years as a homemaker.
19093 2. Job training and placement services, including:
19094 a. Training programs for available jobs in the public and
19095 private sectors, taking into account the skills and job
19096 experiences of a homemaker and developed by working with public
19097 and private employers.
19098 b. Assistance in locating available employment for
19099 displaced homemakers, some of whom could be employed in existing
19100 job training and placement programs.
19101 c. Utilization of the services of the state employment
19102 service in locating employment opportunities.
19103 3. Financial management services providing information and
19104 assistance with respect to insurance, including, but not limited
19105 to, life, health, home, and automobile insurance, and taxes,
19106 estate and probate problems, mortgages, loans, and other related
19107 financial matters.
19108 4. Educational services, including high school equivalency
19109 degree and such other courses as Jobs Florida ~~the agency~~
19110 determines would be of interest and benefit to displaced
19111 homemakers.

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19112 5. Outreach and information services with respect to
19113 federal and state employment, education, health, and
19114 unemployment assistance programs which Jobs Florida ~~the agency~~
19115 determines would be of interest and benefit to displaced
19116 homemakers.
19117 (b)1. Jobs Florida ~~The agency~~ shall enter into contracts
19118 with, and make grants to, public and nonprofit private entities
19119 for purposes of establishing multipurpose service programs for
19120 displaced homemakers under this section. Such grants and
19121 contracts shall be awarded pursuant to chapter 287 and based on
19122 criteria established in the state plan developed pursuant to
19123 this section. Jobs Florida ~~The agency~~ shall designate catchment
19124 areas that ~~which~~ together, shall compose ~~comprise~~ the entire
19125 state, and, to the extent possible from revenues in the
19126 Displaced Homemaker Trust Fund, Jobs Florida ~~the agency~~ shall
19127 contract with, and make grants to, entities that ~~which~~ will
19128 serve entire catchment areas so that displaced homemaker service
19129 programs are available statewide. These catchment areas shall be
19130 coterminous with the state's workforce development regions. Jobs
19131 Florida ~~The agency~~ may give priority to existing displaced
19132 homemaker programs when evaluating bid responses to the ~~agency's~~
19133 request for proposals.
19134 2. In order to receive funds under this section, and unless
19135 specifically prohibited by law from doing so, an entity that
19136 provides displaced homemaker service programs must receive at
19137 least 25 percent of its funding from one or more local,
19138 municipal, or county sources or nonprofit private sources. In-
19139 kind contributions may be evaluated by Jobs Florida ~~the agency~~
19140 and counted as part of the required local funding.

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19141 3. Jobs Florida ~~The agency~~ shall require an entity that
19142 receives funds under this section to maintain appropriate data
19143 to be compiled in an annual report to Jobs Florida ~~the agency~~.
19144 Such data shall include, but shall not be limited to, the number
19145 of clients served, the units of services provided, designated
19146 client-specific information including intake and outcome
19147 information specific to each client, costs associated with
19148 specific services and program administration, total program
19149 revenues by source and other appropriate financial data, and
19150 client followup information at specified intervals after the
19151 placement of a displaced homemaker in a job.
19152 (c) Jobs Florida ~~The agency~~ shall consult and cooperate
19153 with the Commissioner of Education, the United States
19154 Commissioner of the Social Security Administration, and such
19155 other persons in the executive branch of the state government as
19156 Jobs Florida ~~the agency~~ considers appropriate to facilitate the
19157 coordination of multipurpose service programs established under
19158 this section with existing programs of a similar nature.
19159 (d) Supervisory, technical, and administrative positions
19160 relating to programs established under this section shall, to
19161 the maximum extent practicable, be filled by displaced
19162 homemakers.
19163 (e) Jobs Florida ~~The agency~~ shall adopt rules establishing
19164 minimum standards necessary for entities that provide displaced
19165 homemaker service programs to receive funds ~~from the agency~~ and
19166 any other rules necessary to administer this section.
19167 (4) STATE PLAN.—
19168 (a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
19169 develop a 3-year state plan for the displaced homemaker program

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19170 which shall be updated annually. The plan must address, at a
19171 minimum, the need for programs specifically designed to serve
19172 displaced homemakers, any necessary service components for such
19173 programs in addition to those enumerated in this section, goals
19174 of the displaced homemaker program with an analysis of the
19175 extent to which those goals are being met, and recommendations
19176 for ways to address any unmet program goals. Any request for
19177 funds for program expansion must be based on the state plan.
19178 (b) Each annual update must address any changes in the
19179 components of the 3-year state plan and a report that ~~which~~ must
19180 include, but need not be limited to, the following:
19181 1. The scope of the incidence of displaced homemakers;
19182 2. A compilation and report, by program, of data submitted
19183 to Jobs Florida ~~the agency~~ pursuant to subparagraph 3. by funded
19184 displaced homemaker service programs;
19185 3. An identification and description of the programs in the
19186 state which ~~that~~ receive funding from Jobs Florida ~~the agency~~,
19187 including funding information; and
19188 4. An assessment of the effectiveness of each displaced
19189 homemaker service program based on outcome criteria established
19190 by rule of Jobs Florida ~~the agency~~.
19191 (c) The 3-year state plan must be submitted to the
19192 President of the Senate, the Speaker of the House of
19193 Representatives, and the Governor on or before January 1, 2001,
19194 and annual updates of the plan must be submitted by January 1 of
19195 each subsequent year.
19196 (5) DISPLACED HOMEMAKER TRUST FUND.—
19197 (a) There is established within the State Treasury a
19198 Displaced Homemaker Trust Fund to be used by Jobs Florida ~~the~~

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19199 ~~agency~~ for its administration of the displaced homemaker program
19200 and to fund displaced homemaker service programs according to
19201 criteria established under this section.
19202 (b) The trust fund shall receive funds generated from an
19203 additional fee on marriage license applications and dissolution
19204 of marriage filings as specified in ss. 741.01(3) and 28.101,
19205 respectively, and may receive funds from any other public or
19206 private source.
19207 (c) Funds that are not expended by Jobs Florida ~~the agency~~
19208 at the end of the budget cycle or through a supplemental budget
19209 approved by Jobs Florida ~~the agency~~ shall revert to the trust
19210 fund.
19211 Section 317. Section 446.52, Florida Statutes, is amended
19212 to read:
19213 446.52 Confidentiality of information.—Information about
19214 displaced homemakers who receive services under ss. 446.50 and
19215 446.51 which is received through files, reports, inspections, or
19216 otherwise, by Jobs Florida ~~the division~~ or by its authorized
19217 employees ~~of the division~~, by persons who volunteer services, or
19218 by persons who provide services to displaced homemakers under
19219 ss. 446.50 and 446.51 through contracts with the division is
19220 confidential and exempt from the provisions of s. 119.07(1).
19221 Such information may not be disclosed publicly in such a manner
19222 as to identify a displaced homemaker, unless such person or the
19223 person’s legal guardian provides written consent.
19224 Section 318. Paragraph (a) of subsection (3) of section
19225 448.109, Florida Statutes, is amended to read:
19226 448.109 Notification of the state minimum wage.—
19227 (3)(a) Each year Jobs Florida ~~the Agency for Workforce~~

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19228 ~~Innovation~~ shall, on or before December 1, create and make
19229 available to employers a poster in English and in Spanish which
19230 reads substantially as follows:
19231
19232 NOTICE TO EMPLOYEES
19233
19234 The Florida minimum wage is $ ...(amount)... per hour,
19235 with a minimum wage of at least $ ...(amount)... per
19236 hour for tipped employees, in addition to tips, for
19237 January 1, ...(year)..., through December 31,
19238 ...(year)....
19239
19240 The rate of the minimum wage is recalculated yearly on
19241 September 30, based on the Consumer Price Index. Every
19242 year on January 1 the new Florida minimum wage takes
19243 effect.
19244
19245 An employer may not retaliate against an employee for
19246 exercising his or her right to receive the minimum
19247 wage. Rights protected by the State Constitution
19248 include the right to:
19249 1. File a complaint about an employer’s alleged
19250 noncompliance with lawful minimum wage requirements.
19251 2. Inform any person about an employer’s alleged
19252 noncompliance with lawful minimum wage requirements.
19253 3. Inform any person of his or her potential
19254 rights under Section 24, Article X of the State
19255 Constitution and to assist him or her in asserting
19256 such rights.

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19257
19258 An employee who has not received the lawful minimum
19259 wage after notifying his or her employer and giving
19260 the employer 15 days to resolve any claims for unpaid
19261 wages may bring a civil action in a court of law
19262 against an employer to recover back wages plus damages
19263 and attorney's fees.
19264
19265 An employer found liable for intentionally violating
19266 minimum wage requirements is subject to a fine of
19267 $1,000 per violation, payable to the state.
19268
19269 The Attorney General or other official designated by
19270 the Legislature may bring a civil action to enforce
19271 the minimum wage.
19272
19273 For details see Section 24, Article X of the State
19274 Constitution.
19275
19276 Section 319. Subsections (2), (4), and (11) of section
19277 448.110, Florida Statutes, are amended to read:
19278 448.110 State minimum wage; annual wage adjustment;
19279 enforcement.—
19280 (2) The purpose of this section is to provide measures
19281 appropriate for the implementation of s. 24, Art. X of the State
19282 Constitution, in accordance with authority granted to the
19283 Legislature pursuant to s. 24(f), Art. X of the State
19284 Constitution. To implement s. 24, Art. X of the State
19285 Constitution, Jobs Florida is designated as the state Agency for

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19286 Workforce Innovation.
19287 (4)(a) Beginning September 30, 2005, and annually on
19288 September 30 thereafter, Jobs Florida ~~the Agency for Workforce~~
19289 ~~Innovation~~ shall calculate an adjusted state minimum wage rate
19290 by increasing the state minimum wage by the rate of inflation
19291 for the 12 months prior to September 1. In calculating the
19292 adjusted state minimum wage, Jobs Florida ~~the agency~~ shall use
19293 the Consumer Price Index for Urban Wage Earners and Clerical
19294 Workers, not seasonally adjusted, for the South Region or a
19295 successor index as calculated by the United States Department of
19296 Labor. Each adjusted state minimum wage rate shall take effect
19297 on the following January 1, with the initial adjusted minimum
19298 wage rate to take effect on January 1, 2006.
19299 (b) The ~~Agency for Workforce Innovation and the~~ Department
19300 of Revenue and Jobs Florida shall annually publish the amount of
19301 the adjusted state minimum wage and the effective date.
19302 Publication shall occur by posting the adjusted state minimum
19303 wage rate and the effective date on the Internet home pages of
19304 Jobs Florida ~~the agency~~ and the department by October 15 of each
19305 year. In addition, to the extent funded in the General
19306 Appropriations Act, Jobs Florida ~~the agency~~ shall provide
19307 written notice of the adjusted rate and the effective date of
19308 the adjusted state minimum wage to all employers registered in
19309 the most current unemployment compensation database. Such notice
19310 shall be mailed by November 15 of each year using the addresses
19311 included in the database. Employers are responsible for
19312 maintaining current address information in the unemployment
19313 compensation database. Jobs Florida is ~~The agency shall~~ not ~~be~~
19314 responsible for failure to provide notice due to incorrect or

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19315 incomplete address information in the database. Jobs Florida ~~The~~
19316 ~~agency~~ shall provide the Department of Revenue with the adjusted
19317 state minimum wage rate information and effective date in a
19318 timely manner.
19319 (11) Except for calculating the adjusted state minimum wage
19320 and publishing the initial state minimum wage and any annual
19321 adjustments thereto, the authority of Jobs Florida ~~the Agency~~
19322 ~~for Workforce Innovation~~ in implementing s. 24, Art. X of the
19323 State Constitution, pursuant to this section, shall be limited
19324 to that authority expressly granted by the Legislature.
19325 Section 320. Section 450.161, Florida Statutes, is amended
19326 to read:
19327 450.161 Chapter not to affect career education of children;
19328 other exceptions.—Nothing in this chapter shall prevent minors
19329 of any age from receiving career education furnished by the
19330 United States, this state, or any county or other political
19331 subdivision of this state and duly approved by the Department of
19332 Education or other duly constituted authority, nor any
19333 apprentice indentured under a plan approved by the Department of
19334 Education ~~Division of Jobs and Benefits~~, or prevent the
19335 employment of any minor 14 years of age or older when such
19336 employment is authorized as an integral part of, or supplement
19337 to, such a course in career education and is authorized by
19338 regulations of the district school board of the district in
19339 which such minor is employed, provided the employment is in
19340 compliance with the provisions of ss. 450.021(4) and 450.061.
19341 Exemptions for the employment of student learners 16 to 18 years
19342 of age are provided in s. 450.061. Such an exemption shall apply
19343 when:

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19344 (1) The student learner is enrolled in a youth vocational
19345 training program under a recognized state or local educational
19346 authority.
19347 (2) Such student learner is employed under a written
19348 agreement that ~~which~~ provides:
19349 (a) That the work of the student learner in the occupation
19350 declared particularly hazardous shall be incidental to the
19351 training.
19352 (b) That such work shall be intermittent and for short
19353 periods of time and under the direct and close supervision of a
19354 qualified and experienced person.
19355 (c) That safety instructions shall be given by the school
19356 and correlated by the employer with on-the-job training.
19357 (d) That a schedule of organized and progressive work
19358 processes to be performed on the job shall have been prepared.
19359
19360 Each such written agreement shall contain the name of the
19361 student learner and shall be signed by the employer, the school
19362 coordinator and principal, and the parent or legal guardian.
19363 Copies of each agreement shall be kept on file by both the
19364 school and the employer. This exemption for the employment of
19365 student learners may be revoked in any individual situation when
19366 it is found that reasonable precautions have not been observed
19367 for the safety of minors employed thereunder. A high school
19368 graduate may be employed in an occupation in which he or she has
19369 completed training as a student learner, as provided in this
19370 section, even though he or she is not yet 18 years of age.
19371 Section 321. Paragraph (j) of subsection (1) of section
19372 450.191, Florida Statutes, is amended to read:

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19373 450.191 Executive Office of the Governor; powers and
19374 duties.—
19375 (1) The Executive Office of the Governor is authorized and
19376 directed to:
19377 (j) Cooperate with Jobs Florida ~~the Agency for Workforce~~
19378 ~~Innovation~~ in the recruitment and referral of migrant laborers
19379 and other persons for the planting, cultivation, and harvesting
19380 of agricultural crops in Florida.
19381 Section 322. Paragraph (e) of subsection (2) of section
19382 450.31, Florida Statutes, is amended to read:
19383 450.31 Issuance, revocation, and suspension of, and refusal
19384 to issue or renew, certificate of registration.—
19385 (2) The department may revoke, suspend, or refuse to issue
19386 or renew any certificate of registration when it is shown that
19387 the farm labor contractor has:
19388 (e) Failed to pay unemployment compensation taxes as
19389 determined by Jobs Florida ~~the Agency for Workforce Innovation~~;
19390 or
19391 Section 323. Paragraph (d) of subsection (1) of section
19392 464.203, Florida Statutes, is amended to read:
19393 464.203 Certified nursing assistants; certification
19394 requirement.—
19395 (1) The board shall issue a certificate to practice as a
19396 certified nursing assistant to any person who demonstrates a
19397 minimum competency to read and write and successfully passes the
19398 required background screening pursuant to s. 400.215 and meets
19399 one of the following requirements:
19400 (d) Has completed the curriculum developed by the
19401 Department of Education ~~under the Enterprise Florida Jobs and~~

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19402 ~~Education Partnership Grant~~ and achieved a minimum score,
19403 established by rule of the board, on the nursing assistant
19404 competency examination, which consists of a written portion and
19405 skills-demonstration portion, approved by the board and
19406 administered at a site and by personnel approved by the
19407 department.
19408 Section 324. Subsection (3) of section 468.529, Florida
19409 Statutes, is amended to read:
19410 468.529 Licensee's insurance; employment tax; benefit
19411 plans.—
19412 (3) A licensed employee leasing company shall within 30
19413 days after initiation or termination notify its workers'
19414 compensation insurance carrier, the Division of Workers'
19415 Compensation of the Department of Financial Services, and the
19416 state agency providing unemployment tax collection services
19417 under contract with Jobs Florida ~~the Agency for Workforce~~
19418 ~~Innovation~~ through an interagency agreement pursuant to s.
19419 443.1316 of both the initiation or the termination of the
19420 company's relationship with any client company.
19421 Section 325. Paragraph (e) of subsection (1) of section
19422 469.002, Florida Statutes, is amended to read:
19423 469.002 Exemptions.—
19424 (1) This chapter does not apply to:
19425 (e) An authorized employee of the United States, this
19426 state, or any municipality, county, or other political
19427 subdivision who has completed all training required by NESHAP
19428 and OSHA or by ASHARA for the activities described in this
19429 paragraph, while engaged in ~~asbestos-related activities set~~
19430 ~~forth in s. 255.5535 and~~ asbestos-related activities involving

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19431 the demolition of a building owned by that governmental unit,
19432 where such activities are within the scope of that employment
19433 and the employee does not hold out for hire or otherwise engage
19434 in asbestos abatement, contracting, or consulting.
19435 Section 326. Subsection (2) of section 469.003, Florida
19436 Statutes, is amended to read:
19437 469.003 License required.—
19438 (2)~~(a)~~ A ~~No~~ person may not prepare asbestos abatement
19439 specifications unless trained and licensed as an asbestos
19440 consultant as required by this chapter.
19441 ~~(b) Any person engaged in the business of asbestos surveys~~
19442 ~~prior to October 1, 1987, who has been certified by the~~
19443 ~~Department of Labor and Employment Security as a certified~~
19444 ~~asbestos surveyor, and who has complied with the training~~
19445 ~~requirements of s. 469.013(1)(b), may provide survey services as~~
19446 ~~described in s. 255.553(1), (2), and (3). The Department of~~
19447 ~~Labor and Employment Security may, by rule, establish~~
19448 ~~violations, disciplinary procedures, and penalties for certified~~
19449 ~~asbestos surveyors.~~
19450 Section 327. Paragraph (b) of subsection (1) of section
19451 489.1455, Florida Statutes, is amended to read:
19452 489.1455 Journeyman; reciprocity; standards.—
19453 (1) An individual who holds a valid, active journeyman
19454 license in the plumbing/pipe fitting, mechanical, or HVAC trades
19455 issued by any county or municipality in this state may work as a
19456 journeyman in the trade in which he or she is licensed in any
19457 county or municipality of this state without taking an
19458 additional examination or paying an additional license fee, if
19459 he or she:

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19460 (b) Has completed an apprenticeship program registered with
19461 a registration agency defined in 29 C.F.R. 29.2 ~~the Department~~
19462 ~~of Labor and Employment Security~~ and demonstrates 4 years'
19463 verifiable practical experience in the trade for which he or she
19464 is licensed, or demonstrates 6 years' verifiable practical
19465 experience in the trade for which he or she is licensed;
19466 Section 328. Paragraph (b) of subsection (1) of section
19467 489.5335, Florida Statutes, is amended to read:
19468 489.5335 Journeyman; reciprocity; standards.—
19469 (1) An individual who holds a valid, active journeyman
19470 license in the electrical trade issued by any county or
19471 municipality in this state may work as a journeyman in any other
19472 county or municipality of this state without taking an
19473 additional examination or paying an additional license fee, if
19474 he or she:
19475 (b) Has completed an apprenticeship program registered with
19476 a registration agency defined in 29 C.F.R. 29.2 ~~the Department~~
19477 ~~of Labor and Employment Security~~ and demonstrates 4 years'
19478 verifiable practical experience in the electrical trade, or
19479 demonstrates 6 years' verifiable practical experience in the
19480 electrical trade;
19481 Section 329. Subsections (1) and (2), paragraph (b) of
19482 subsection (3), and paragraph (b) of subsection (4) of section
19483 526.143, Florida Statutes, are amended to read:
19484 526.143 Alternate generated power capacity for motor fuel
19485 dispensing facilities.—
19486 (1) ~~By June 1, 2007,~~ Each motor fuel terminal facility, as
19487 defined in s. 526.303(16), and each wholesaler, as defined in s.
19488 526.303(17), which sells motor fuel in this state must be

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19489 capable of operating its distribution loading racks using an
19490 alternate generated power source for a minimum of 72 hours.
19491 Pending a postdisaster examination of the equipment by the
19492 operator to determine any extenuating damage that would render
19493 it unsafe to use, the facility must have such alternate
19494 generated power source available for operation within ~~no later~~
19495 ~~than~~ 36 hours after a major disaster as defined in s. 252.34.
19496 Installation of appropriate wiring, including a transfer switch,
19497 shall be performed by a certified electrical contractor. Each
19498 business that is subject to this subsection must keep a copy of
19499 the documentation of such installation on site or at its
19500 corporate headquarters. In addition, each business must keep a
19501 written statement attesting to the periodic testing and ensured
19502 operational capacity of the equipment. The required documents
19503 must be made available, upon request, to the Office ~~Division~~ of
19504 Emergency Management and the director of the county emergency
19505 management agency.
19506 (2) Each newly constructed or substantially renovated motor
19507 fuel retail outlet, as defined in s. 526.303(14), for which a
19508 certificate of occupancy is issued on or after July 1, 2006,
19509 shall be prewired with an appropriate transfer switch, and
19510 capable of operating all fuel pumps, dispensing equipment,
19511 lifesafety systems, and payment-acceptance equipment using an
19512 alternate generated power source. As used in this subsection,
19513 the term “substantially renovated” means a renovation that
19514 results in an increase of greater than 50 percent in the
19515 assessed value of the motor fuel retail outlet. Local building
19516 inspectors shall include this equipment and operations check in
19517 the normal inspection process before issuing a certificate of

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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

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19547 alternative means of power generation onsite so that the
19548 outlet's fuel pumps may be operated in the event of a power
19549 outage.
19550 Section 330. Paragraph (a) of subsection (1) and paragraph
19551 (b) of subsection (4) of section 526.144, Florida Statutes, are
19552 amended to read:
19553 526.144 Florida Disaster Motor Fuel Supplier Program.—
19554 (1)(a) There is created the Florida Disaster Motor Fuel
19555 Supplier Program within the Office of Emergency Management
19556 ~~Department of Community Affairs~~.
19557 (4)
19558 (b) Notwithstanding any other law or other ordinance and
19559 for the purpose of ensuring an appropriate emergency management
19560 response following major disasters in this state, the regulation
19561 of all other retail establishments participating in such
19562 response is ~~shall be~~ as follows:
19563 1. Regulation of retail establishments that meet the
19564 standards created by the Office ~~Division~~ of Emergency Management
19565 in the report required in s. 8, chapter 2006-71, Laws of
19566 Florida, by July 1, 2007, is preempted to the state and until
19567 such standards are adopted, the regulation of these retail
19568 establishments is preempted to the state;
19569 2. The office ~~division~~ shall provide written certification
19570 of such preemption to retail establishments that qualify and
19571 ~~shall~~ provide such information to local governments upon
19572 request; and
19573 3. Regulation of retail establishments that do not meet the
19574 operational standards is subject to local government laws or
19575 ordinances.

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19576 Section 331. Paragraph (i) of subsection (4) of section
19577 551.104, Florida Statutes, is amended to read:
19578 551.104 License to conduct slot machine gaming.—
19579 (4) As a condition of licensure and to maintain continued
19580 authority for the conduct of slot machine gaming, the slot
19581 machine licensee shall:
19582 (i) Create and file with the division a written policy for:
19583 1. Creating opportunities to purchase from vendors in this
19584 state, including minority vendors.
19585 2. Creating opportunities for employment of residents of
19586 this state, including minority residents.
19587 3. Ensuring opportunities for construction services from
19588 minority contractors.
19589 4. Ensuring that opportunities for employment are offered
19590 on an equal, nondiscriminatory basis.
19591 5. Training for employees on responsible gaming and working
19592 with a compulsive or addictive gambling prevention program to
19593 further its purposes as provided for in s. 551.118.
19594 6. The implementation of a drug-testing program that
19595 includes, but is not limited to, requiring each employee to sign
19596 an agreement that he or she understands that the slot machine
19597 facility is a drug-free workplace.
19598
19599 The slot machine licensee shall use the Internet-based job-
19600 listing system of Jobs Florida ~~the Agency for Workforce~~
19601 ~~Innovation~~ in advertising employment opportunities. Beginning in
19602 June 2007, each slot machine licensee shall provide an annual
19603 report to the division containing information indicating
19604 compliance with this paragraph in regard to minority persons.

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19605 Section 332. Section 553.62, Florida Statutes, is amended
19606 to read:
19607 553.62 State standard.—The Occupational Safety and Health
19608 Administration's excavation safety standards, 29 C.F.R. s.
19609 1926.650 Subpart P, are hereby incorporated as the state
19610 standard. ~~The Department of Labor and Employment Security may,~~
19611 ~~by rule, adopt updated or revised versions of those standards,~~
19612 ~~provided that the updated or revised versions are consistent~~
19613 ~~with the intent expressed in this act and s. 553.72, and are not~~
19614 ~~otherwise inconsistent with state law. Any rule adopted as~~
19615 ~~provided in this section shall be complied with upon its~~
19616 ~~effective date.~~
19617 Section 333. Paragraph (c) of subsection (1) of section
19618 570.248, Florida Statutes, is amended to read:
19619 570.248 Agricultural Economic Development Project Review
19620 Committee; powers and duties.—
19621 (1) There is created an Agricultural Economic Development
19622 Project Review Committee consisting of five members appointed by
19623 the commissioner. The members shall be appointed based upon the
19624 recommendations submitted by each entity represented on the
19625 committee and shall include:
19626 (c) One representative from the Jobs Florida Partnership
19627 ~~Enterprise Florida~~, Inc.
19628 Section 334. Section 570.96, Florida Statutes, is amended
19629 to read:
19630 570.96 Agritourism.—The Department of Agriculture and
19631 Consumer Services may provide marketing advice, technical
19632 expertise, promotional support, and product development related
19633 to agritourism to assist the following in their agritourism

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19634 initiatives: the Jobs Florida Partnership, Inc. ~~Florida~~
19635 ~~Commission on Tourism~~; convention and visitor bureaus; tourist
19636 development councils; economic development organizations; and
19637 local governments. In carrying out this responsibility, the
19638 department shall focus its agritourism efforts on rural and
19639 urban communities.
19640 Section 335. Subsection (1) of section 597.006, Florida
19641 Statutes, is amended to read:
19642 597.006 Aquaculture Interagency Coordinating Council.—
19643 (1) CREATION.—The Legislature finds and declares that there
19644 is a need for interagency coordination with regard to
19645 aquaculture by the following agencies: the Department of
19646 Agriculture and Consumer Services; Jobs Florida; ~~the Office of~~
19647 ~~Tourism, Trade, and Economic Development; the Department of~~
19648 ~~Community Affairs;~~ the Department of Environmental Protection;
19649 ~~the Department of Labor and Employment Security;~~ the Fish and
19650 Wildlife Conservation Commission; the statewide consortium of
19651 universities under the Florida Institute of Oceanography;
19652 Florida Agricultural and Mechanical University; the Institute of
19653 Food and Agricultural Sciences at the University of Florida; and
19654 the Florida Sea Grant Program. It is therefore the intent of the
19655 Legislature to hereby create an Aquaculture Interagency
19656 Coordinating Council to act as an advisory body as defined in s.
19657 20.03(9).
19658 Section 336. Paragraph (d) of subsection (2) of section
19659 624.5105, Florida Statutes, is amended to read:
19660 624.5105 Community contribution tax credit; authorization;
19661 limitations; eligibility and application requirements;
19662 administration; definitions; expiration.—

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19663 (2) ELIGIBILITY REQUIREMENTS.—
19664 (d) The project shall be located in an area designated as
19665 an enterprise zone or a Front Porch Community ~~pursuant to s.~~
19666 ~~20.18(6)~~. Any project designed to construct or rehabilitate
19667 housing for low-income or very-low-income households as defined
19668 in s. 420.9071(19) and (28) is exempt from the area requirement
19669 of this paragraph.
19670 Section 337. Section 625.3255, Florida Statutes, is amended
19671 to read:
19672 625.3255 Capital participation instrument.—An insurer may
19673 invest in any capital participation instrument or evidence of
19674 indebtedness issued by the Jobs Florida Partnership, Inc.,
19675 ~~Florida Black Business Investment Board~~ pursuant to the Florida
19676 Small and Minority Business Assistance Act.
19677 Section 338. Paragraph (b) of subsection (2) of section
19678 627.0628, Florida Statutes, is amended to read:
19679 627.0628 Florida Commission on Hurricane Loss Projection
19680 Methodology; public records exemption; public meetings
19681 exemption.—
19682 (2) COMMISSION CREATED.—
19683 (b) The commission shall consist of the following 11
19684 members:
19685 1. The insurance consumer advocate.
19686 2. The senior employee of the State Board of Administration
19687 responsible for operations of the Florida Hurricane Catastrophe
19688 Fund.
19689 3. The Executive Director of the Citizens Property
19690 Insurance Corporation.
19691 4. The Director of the Office ~~Division~~ of Emergency

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19692 Management ~~of the Department of Community Affairs~~.
19693 5. The actuary member of the Florida Hurricane Catastrophe
19694 Fund Advisory Council.
19695 6. An employee of the office who is an actuary responsible
19696 for property insurance rate filings and who is appointed by the
19697 director of the office.
19698 7. Five members appointed by the Chief Financial Officer,
19699 as follows:
19700 a. An actuary who is employed full time by a property and
19701 casualty insurer that ~~which~~ was responsible for at least 1
19702 percent of the aggregate statewide direct written premium for
19703 homeowner's insurance in the calendar year preceding the
19704 member's appointment to the commission.
19705 b. An expert in insurance finance who is a full-time member
19706 of the faculty of the State University System and who has a
19707 background in actuarial science.
19708 c. An expert in statistics who is a full-time member of the
19709 faculty of the State University System and who has a background
19710 in insurance.
19711 d. An expert in computer system design who is a full-time
19712 member of the faculty of the State University System.
19713 e. An expert in meteorology who is a full-time member of
19714 the faculty of the State University System and who specializes
19715 in hurricanes.
19716 Section 339. Paragraph (b) of subsection (4) of section
19717 657.042, Florida Statutes, is amended to read:
19718 657.042 Investment powers and limitations.—A credit union
19719 may invest its funds subject to the following definitions,
19720 restrictions, and limitations:

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19721 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF
19722 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of
19723 the credit union may be invested in any of the following:
19724 (b) Any capital participation instrument or evidence of
19725 indebtedness issued by the Jobs Florida Partnership, Inc.,
19726 ~~Florida Black Business Investment Board~~ pursuant to the Florida
19727 Small and Minority Business Assistance Act.
19728 Section 340. Paragraph (g) of subsection (4) of section
19729 658.67, Florida Statutes, is amended to read:
19730 658.67 Investment powers and limitations.—A bank may invest
19731 its funds, and a trust company may invest its corporate funds,
19732 subject to the following definitions, restrictions, and
19733 limitations:
19734 (4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR
19735 LESS OF CAPITAL ACCOUNTS.—
19736 (g) Up to 10 percent of the capital accounts of a bank or
19737 trust company may be invested in any capital participation
19738 instrument or evidence of indebtedness issued by the Jobs
19739 Florida Partnership, Inc., ~~Florida Black Business Investment~~
19740 ~~Board~~ pursuant to the Florida Small and Minority Business
19741 Assistance Act.
19742 Section 341. Paragraph (d) of subsection (2) of section
19743 768.13, Florida Statutes, is amended to read:
19744 768.13 Good Samaritan Act; immunity from civil liability.—
19745 (2)
19746 (d) Any person whose acts or omissions are not otherwise
19747 covered by this section and who participates in emergency
19748 response activities under the direction of or in connection with
19749 a community emergency response team, local emergency management

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19750 agencies, the Office ~~Division~~ of Emergency Management ~~of the~~
19751 ~~Department of Community Affairs~~, or the Federal Emergency
19752 Management Agency is not liable for any civil damages as a
19753 result of care, treatment, or services provided gratuitously in
19754 such capacity and resulting from any act or failure to act in
19755 such capacity in providing or arranging further care, treatment,
19756 or services, if such person acts as a reasonably prudent person
19757 would have acted under the same or similar circumstances.
19758 Section 342. Subsection (14) of section 943.03, Florida
19759 Statutes, is amended to read:
19760 943.03 Department of Law Enforcement.—
19761 (14) The department, with respect to counter-terrorism
19762 efforts, responses to acts of terrorism within or affecting this
19763 state, and other matters related to the domestic security of
19764 Florida as it relates to terrorism, shall coordinate and direct
19765 the law enforcement, initial emergency, and other initial
19766 responses. The department shall work closely with the Office
19767 ~~Division~~ of Emergency Management, other federal, state, and
19768 local law enforcement agencies, fire and rescue agencies, first-
19769 responder agencies, and others involved in preparation against
19770 acts of terrorism in or affecting this state and in the response
19771 to such acts. The executive director of the department, or
19772 another member of the department designated by the director,
19773 shall serve as Chief of Domestic Security for the purpose of
19774 directing and coordinating such efforts. The department and
19775 Chief of Domestic Security shall use the regional domestic
19776 security task forces as established in this chapter to assist in
19777 such efforts.
19778 Section 343. Section 943.03101, Florida Statutes, is

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19779 amended to read:
19780 943.03101 Counter-terrorism coordination.—The Legislature
19781 finds that with respect to counter-terrorism efforts and initial
19782 responses to acts of terrorism within or affecting this state,
19783 specialized efforts of emergency management which ~~that~~ are
19784 unique to such situations are required and that these efforts
19785 intrinsically involve very close coordination of federal, state,
19786 and local law enforcement agencies with the efforts of all
19787 others involved in emergency-response efforts. In order to best
19788 provide this specialized effort ~~with respect to counter-~~
19789 ~~terrorism efforts and responses~~, the Legislature has determined
19790 that such efforts should be coordinated by and through the
19791 Department of Law Enforcement, working closely with the Office
19792 ~~Division~~ of Emergency Management and others involved in
19793 preparation against acts of terrorism in or affecting this
19794 state, and in the initial response to such acts, in accordance
19795 with the state comprehensive emergency management plan prepared
19796 pursuant to s. 252.35(2)(a).
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

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19808 Department of Elderly Affairs, the Office of Emergency
19809 Management, the Department of Environmental Protection, the
19810 Department of Financial Services, the Department of Health, the
19811 Department of Highway Safety and Motor Vehicles, Jobs Florida,
19812 the Department of Juvenile Justice, the Department of Law
19813 Enforcement, the Department of Legal Affairs, the Department of
19814 Management Services, the Department of Military Affairs, the
19815 Department of Revenue, the Department of State, the Department
19816 of the Lottery, the Department of Transportation, the Department
19817 of Veterans' Affairs, the Fish and Wildlife Conservation
19818 Commission, the Parole Commission, the State Board of
19819 Administration, and the Executive Office of the Governor.
19820 Section 345. Paragraph (d) of subsection (1) and subsection
19821 (3) of section 943.0312, Florida Statutes, are amended to read:
19822 943.0312 Regional domestic security task forces.—The
19823 Legislature finds that there is a need to develop and implement
19824 a statewide strategy to address prevention, preparation,
19825 protection, response, and recovery efforts by federal, state,
19826 and local law enforcement agencies, emergency management
19827 agencies, fire and rescue departments, first-responder personnel
19828 and others in dealing with potential or actual terrorist acts
19829 within or affecting this state.
19830 (1) To assist the department and the Chief of Domestic
19831 Security in performing their roles and duties in this regard,
19832 the department shall establish a regional domestic security task
19833 force in each of the department's operational regions. The task
19834 forces shall serve in an advisory capacity to the department and
19835 the Chief of Domestic Security and shall provide support to the
19836 department in its performance of functions pertaining to

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19837 domestic security.
19838 (d) The co-chairs of each task force may appoint
19839 subcommittees and subcommittee chairs as necessary in order to
19840 address issues related to the various disciplines represented on
19841 the task force, except that subcommittee chairs for emergency
19842 management shall be appointed with the approval of the director
19843 of the Office ~~Division~~ of Emergency Management. A subcommittee
19844 chair shall serve at the pleasure of the co-chairs.
19845 (3) The Chief of Domestic Security, in conjunction with the
19846 Office ~~Division~~ of Emergency Management, the regional domestic
19847 security task forces, and the various state entities responsible
19848 for establishing training standards applicable to state law
19849 enforcement officers and fire, emergency, and first-responder
19850 personnel shall identify appropriate equipment and training
19851 needs, curricula, and materials related to the effective
19852 response to suspected or actual acts of terrorism or incidents
19853 involving real or hoax weapons of mass destruction as defined in
19854 s. 790.166. Recommendations for funding for purchases of
19855 equipment, delivery of training, implementation of, or revision
19856 to basic or continued training required for state licensure or
19857 certification, or other related responses shall be made by the
19858 Chief of Domestic Security to the Domestic Security Oversight
19859 Council, the Executive Office of the Governor, the President of
19860 the Senate, and the Speaker of the House of Representatives as
19861 necessary to ensure that the needs of this state with regard to
19862 the preparing, equipping, training, and exercising of response
19863 personnel are identified and addressed. In making such
19864 recommendations, the Chief of Domestic Security and the Office
19865 ~~Division~~ of Emergency Management shall identify all funding

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19866 sources that may be available to fund such efforts.
19867 Section 346. Paragraph (a) of subsection (1), paragraph (b)
19868 of subsection (2), and paragraphs (a) and (b) of subsection (4)
19869 of section 943.0313, Florida Statutes, are amended to read:
19870 943.0313 Domestic Security Oversight Council.—The
19871 Legislature finds that there exists a need to provide executive
19872 direction and leadership with respect to terrorism prevention,
19873 preparation, protection, response, and recovery efforts by state
19874 and local agencies in this state. In recognition of this need,
19875 the Domestic Security Oversight Council is hereby created. The
19876 council shall serve as an advisory council pursuant to s.
19877 20.03(7) to provide guidance to the state's regional domestic
19878 security task forces and other domestic security working groups
19879 and to make recommendations to the Governor and the Legislature
19880 regarding the expenditure of funds and allocation of resources
19881 related to counter-terrorism and domestic security efforts.
19882 (1) MEMBERSHIP.—
19883 (a) The Domestic Security Oversight Council shall consist
19884 of the following voting members:
19885 1. The executive director of the Department of Law
19886 Enforcement.
19887 2. The director of the Office ~~Division~~ of Emergency
19888 Management ~~within the Department of Community Affairs~~.
19889 3. The Attorney General.
19890 4. The Commissioner of Agriculture.
19891 5. The State Surgeon General.
19892 6. The Commissioner of Education.
19893 7. The State Fire Marshal.
19894 8. The adjutant general of the Florida National Guard.

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19895 9. The state chief information officer.
19896 10. Each sheriff or chief of police who serves as a co-
19897 chair of a regional domestic security task force pursuant to s.
19898 943.0312(1)(b).
19899 11. Each of the department's special agents in charge who
19900 serve as a co-chair of a regional domestic security task force.
19901 12. Two representatives of the Florida Fire Chiefs
19902 Association.
19903 13. One representative of the Florida Police Chiefs
19904 Association.
19905 14. One representative of the Florida Prosecuting Attorneys
19906 Association.
19907 15. The chair of the Statewide Domestic Security
19908 Intelligence Committee.
19909 16. One representative of the Florida Hospital Association.
19910 17. One representative of the Emergency Medical Services
19911 Advisory Council.
19912 18. One representative of the Florida Emergency
19913 Preparedness Association.
19914 19. One representative of the Florida Seaport
19915 Transportation and Economic Development Council.
19916 (2) ORGANIZATION.—
19917 (b) The executive director of the Department of Law
19918 Enforcement shall serve as chair of the council, and the
19919 director of the Office ~~Division~~ of Emergency Management ~~within~~
19920 ~~the Department of Community Affairs~~ shall serve as vice chair of
19921 the council. In the absence of the chair, the vice chair shall
19922 serve as chair. In the absence of the vice chair, the chair may
19923 name any member of the council to perform the duties of the

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19924 chair if such substitution does not extend beyond a defined
19925 meeting, duty, or period of time.
19926 (4) EXECUTIVE COMMITTEE.—
19927 (a) The council shall establish an executive committee
19928 consisting of the following members:
19929 1. The executive director of the Department of Law
19930 Enforcement.
19931 2. The director of the Office ~~Division~~ of Emergency
19932 Management ~~within the Department of Community Affairs~~.
19933 3. The Attorney General.
19934 4. The Commissioner of Agriculture.
19935 5. The State Surgeon General.
19936 6. The Commissioner of Education.
19937 7. The State Fire Marshal.
19938 (b) The executive director of the Department of Law
19939 Enforcement shall serve as the chair of the executive committee,
19940 and the director of the Office ~~Division~~ of Emergency Management
19941 ~~within the Department of Community Affairs~~ shall serve as the
19942 vice chair of the executive committee.
19943 Section 347. Subsection (5) of section 944.012, Florida
19944 Statutes, is amended to read:
19945 944.012 Legislative intent.—The Legislature hereby finds
19946 and declares that:
19947 (5) In order to make the correctional system an efficient
19948 and effective mechanism, the various agencies involved in the
19949 correctional process must coordinate their efforts. Where
19950 possible, interagency offices should be physically located
19951 within major institutions and should include representatives of
19952 the public employment service ~~the Florida State Employment~~

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19953 ~~Service~~, the vocational rehabilitation programs of the
19954 Department of Education, and the Parole Commission. Duplicative
19955 and unnecessary methods of evaluating offenders must be
19956 eliminated and areas of responsibility consolidated in order to
19957 more economically utilize present scarce resources.
19958 Section 348. Section 944.708, Florida Statutes, is amended
19959 to read:
19960 944.708 Rules.—The Department of Corrections ~~and the Agency~~
19961 ~~for Workforce Innovation~~ shall adopt rules to implement the
19962 provisions of ss. 944.701-944.707.
19963 Section 349. Paragraph (h) of subsection (3) of section
19964 944.801, Florida Statutes, is amended to read:
19965 944.801 Education for state prisoners.—
19966 (3) The responsibilities of the Correctional Education
19967 Program shall be to:
19968 (h) Develop a written procedure for selecting programs to
19969 add to or delete from the vocational curriculum. The procedure
19970 shall include labor market analyses that ~~which~~ demonstrate the
19971 projected demand for certain occupations and the projected
19972 supply of potential employees. In conducting these analyses, the
19973 department shall evaluate the feasibility of adding vocational
19974 education programs that ~~which~~ have been identified by Jobs
19975 Florida, the Department of Education, ~~the Agency for Workforce~~
19976 ~~Innovation~~ or a regional coordinating council as being in
19977 undersupply in this state. The department shall periodically
19978 reevaluate the vocational education programs in major
19979 institutions to determine which of the programs support and
19980 provide relevant skills to inmates who could be assigned to a
19981 correctional work program that is operated as a Prison Industry

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19982 Enhancement Program.
19983 Section 350. Paragraph (d) of subsection (3) of section
19984 945.10, Florida Statutes, is amended to read:
19985 945.10 Confidential information.—
19986 (3) Due to substantial concerns regarding institutional
19987 security and unreasonable and excessive demands on personnel and
19988 resources if an inmate or an offender has unlimited or routine
19989 access to records of the Department of Corrections, an inmate or
19990 an offender who is under the jurisdiction of the department may
19991 not have unrestricted access to the department's records or to
19992 information contained in the department's records. However,
19993 except as to another inmate's or offender's records, the
19994 department may permit limited access to its records if an inmate
19995 or an offender makes a written request and demonstrates an
19996 exceptional need for information contained in the department's
19997 records and the information is otherwise unavailable.
19998 Exceptional circumstances include, but are not limited to:
19999 (d) The requested records contain information required to
20000 process an application or claim by the inmate or offender with
20001 the Internal Revenue Service, the Social Security
20002 Administration, Jobs Florida ~~the Agency for Workforce~~
20003 ~~Innovation,~~ or any other similar application or claim with a
20004 state agency or federal agency.
20005 Section 351. Subsection (4) of section 985.601, Florida
20006 Statutes, is amended to read:
20007 985.601 Administering the juvenile justice continuum.—
20008 (4) The department shall maintain continuing cooperation
20009 with the Department of Education, the Department of Children and
20010 Family Services, ~~the Agency for Workforce Innovation,~~ Jobs

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20011 Florida, and the Department of Corrections for the purpose of
20012 participating in agreements with respect to dropout prevention
20013 and the reduction of suspensions, expulsions, and truancy;
20014 increased access to and participation in GED, vocational, and
20015 alternative education programs; and employment training and
20016 placement assistance. The cooperative agreements between the
20017 departments shall include an interdepartmental plan to cooperate
20018 in accomplishing the reduction of inappropriate transfers of
20019 children into the adult criminal justice and correctional
20020 systems.
20021 Section 352. Subsections (1) and (2) of section 1002.375,
20022 Florida Statutes, are amended to read:
20023 1002.375 Alternative credit for high school courses; pilot
20024 project.—
20025 (1) The Commissioner of Education shall implement a pilot
20026 project in up to three school districts beginning in the 2008-
20027 2009 school year which allows school districts to award
20028 alternative course credit for students enrolled in nationally or
20029 state-recognized industry certification programs, as defined by
20030 the former Agency for Workforce Innovation or Jobs Florida, in
20031 accordance with the criteria described in s. 1003.492(2). The
20032 Commissioner of Education shall establish criteria for districts
20033 that participate in the pilot program. School districts
20034 interested in participating in the program must submit a letter
20035 of interest by July 15, 2008, to the Commissioner of Education
20036 identifying up to five nationally or state-recognized industry
20037 certification programs, as defined by the former Agency for
20038 Workforce Innovation or Jobs Florida, in accordance with the
20039 criteria described in s. 1003.492(2), under which the district

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20040 would like to award alternative credit for the eligible courses
20041 identified in subsection (2). The Commissioner of Education
20042 shall select up to three participating school districts by July
20043 30, 2008. The Commissioner of Education shall submit a report to
20044 the Governor, the President of the Senate, and the Speaker of
20045 the House of Representatives identifying the number of students
20046 choosing to earn alternative credit, the number of students that
20047 received alternative credit, and legislative recommendations for
20048 expanding the use of alternative credit for core academic
20049 courses required for high school graduation. The report shall be
20050 submitted by January 1, 2010.
20051 (2) For purposes of designing and implementing a successful
20052 pilot project, eligible alternative credit courses include
20053 Algebra 1a, Algebra 1b, Algebra 1, Geometry, and Biology.
20054 Alternative credits shall be awarded for courses in which a
20055 student is not enrolled, but for which the student may earn
20056 academic credit by enrolling in another course or sequence of
20057 courses required to earn a nationally or state-recognized
20058 industry certificate, as defined by the former Agency for
20059 Workforce Innovation or Jobs Florida, in accordance with the
20060 criteria described in s. 1003.492(2), of which the majority of
20061 the standards-based content in the course description is
20062 consistent with the alternative credit course description
20063 approved by the Department of Education.
20064 Section 353. Paragraph (b) of subsection (4) and subsection
20065 (5) of section 1002.53, Florida Statutes, are amended to read:
20066 1002.53 Voluntary Prekindergarten Education Program;
20067 eligibility and enrollment.—
20068 (4)

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20069 (b) The application must be submitted on forms prescribed
20070 by the department ~~Agency for Workforce Innovation~~ and must be
20071 accompanied by a certified copy of the child's birth
20072 certificate. The forms must include a certification, in
20073 substantially the form provided in s. 1002.71(6)(b)2., that the
20074 parent chooses the private prekindergarten provider or public
20075 school in accordance with this section and directs that payments
20076 for the program be made to the provider or school. The
20077 department ~~Agency for Workforce Innovation~~ may authorize
20078 alternative methods for submitting proof of the child's age in
20079 lieu of a certified copy of the child's birth certificate.
20080 (5) The early learning coalition shall provide each parent
20081 enrolling a child in the Voluntary Prekindergarten Education
20082 Program with a profile of every private prekindergarten provider
20083 and public school delivering the program within the county where
20084 the child is being enrolled. The profiles shall be provided to
20085 parents in a format prescribed by the department ~~Agency for~~
20086 ~~Workforce Innovation~~. The profiles must include, at a minimum,
20087 the following information about each provider and school:
20088 (a) The provider's or school's services, curriculum,
20089 instructor credentials, and instructor-to-student ratio; and
20090 (b) The provider's or school's kindergarten readiness rate
20091 calculated in accordance with s. 1002.69, based upon the most
20092 recent available results of the statewide kindergarten
20093 screening.
20094 Section 354. Paragraphs (e) and (h) of subsection (3) of
20095 section 1002.55, Florida Statutes, are amended to read:
20096 1002.55 School-year prekindergarten program delivered by
20097 private prekindergarten providers.—

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20098 (3) To be eligible to deliver the prekindergarten program,
20099 a private prekindergarten provider must meet each of the
20100 following requirements:
20101 (e) A private prekindergarten provider may assign a
20102 substitute instructor to temporarily replace a credentialed
20103 instructor if the credentialed instructor assigned to a
20104 prekindergarten class is absent, as long as the substitute
20105 instructor is of good moral character and has been screened
20106 before employment in accordance with level 2 background
20107 screening requirements in chapter 435. The department ~~Agency for~~
20108 ~~Workforce Innovation~~ shall adopt rules to implement this
20109 paragraph which shall include required qualifications of
20110 substitute instructors and the circumstances and time limits for
20111 which a private prekindergarten provider may assign a substitute
20112 instructor.
20113 (h) The private prekindergarten provider must register with
20114 the early learning coalition on forms prescribed by the
20115 department ~~Agency for Workforce Innovation~~.
20116 Section 355. Subsections (6) and (8) of section 1002.61,
20117 Florida Statutes, are amended to read:
20118 1002.61 Summer prekindergarten program delivered by public
20119 schools and private prekindergarten providers.—
20120 (6) A public school or private prekindergarten provider may
20121 assign a substitute instructor to temporarily replace a
20122 credentialed instructor if the credentialed instructor assigned
20123 to a prekindergarten class is absent, as long as the substitute
20124 instructor is of good moral character and has been screened
20125 before employment in accordance with level 2 background
20126 screening requirements in chapter 435. This subsection does not

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20127 supersede employment requirements for instructional personnel in
20128 public schools which are more stringent than the requirements of
20129 this subsection. The department ~~Agency for Workforce Innovation~~
20130 shall adopt rules to implement this subsection which shall
20131 include required qualifications of substitute instructors and
20132 the circumstances and time limits for which a public school or
20133 private prekindergarten provider may assign a substitute
20134 instructor.
20135 (8) Each public school delivering the summer
20136 prekindergarten program must also:
20137 (a) Register with the early learning coalition on forms
20138 prescribed by the department ~~Agency for Workforce Innovation~~;
20139 and
20140 (b) Deliver the Voluntary Prekindergarten Education Program
20141 in accordance with this part.
20142 Section 356. Subsections (6) and (8) of section 1002.63,
20143 Florida Statutes, are amended to read:
20144 1002.63 School-year prekindergarten program delivered by
20145 public schools.—
20146 (6) A public school prekindergarten provider may assign a
20147 substitute instructor to temporarily replace a credentialed
20148 instructor if the credentialed instructor assigned to a
20149 prekindergarten class is absent, as long as the substitute
20150 instructor is of good moral character and has been screened
20151 before employment in accordance with level 2 background
20152 screening requirements in chapter 435. This subsection does not
20153 supersede employment requirements for instructional personnel in
20154 public schools which are more stringent than the requirements of
20155 this subsection. The department ~~Agency for Workforce Innovation~~

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20156 shall adopt rules to implement this subsection which shall
20157 include required qualifications of substitute instructors and
20158 the circumstances and time limits for which a public school
20159 prekindergarten provider may assign a substitute instructor.
20160 (8) Each public school delivering the school-year
20161 prekindergarten program must:
20162 (a) Register with the early learning coalition on forms
20163 prescribed by the department ~~Agency for Workforce Innovation~~;
20164 and
20165 (b) Deliver the Voluntary Prekindergarten Education Program
20166 in accordance with this part.
20167 Section 357. Subsections (1) and (3) of section 1002.67,
20168 Florida Statutes, are amended to read:
20169 1002.67 Performance standards; curricula and
20170 accountability.—
20171 (1) ~~By April 1, 2005,~~ The department shall develop and
20172 adopt performance standards for students in the Voluntary
20173 Prekindergarten Education Program. The performance standards
20174 must address the age-appropriate progress of students in the
20175 development of:
20176 (a) The capabilities, capacities, and skills required under
20177 s. 1(b), Art. IX of the State Constitution; and
20178 (b) Emergent literacy skills, including oral communication,
20179 knowledge of print and letters, phonemic and phonological
20180 awareness, and vocabulary and comprehension development.
20181 (3)(a) Each early learning coalition shall verify that each
20182 private prekindergarten provider delivering the Voluntary
20183 Prekindergarten Education Program within the coalition’s county
20184 or multicounty region complies with this part. Each district

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20185 school board shall verify that each public school delivering the
20186 program within the school district complies with this part.
20187 (b) If a private prekindergarten provider or public school
20188 fails or refuses to comply with this part, or if a provider or
20189 school engages in misconduct, the department ~~Agency for~~
20190 ~~Workforce Innovation~~ shall require the early learning coalition
20191 to remove the provider or ~~, and the Department of Education~~
20192 ~~shall require~~ the school district to remove the school~~,~~ from
20193 eligibility to deliver the Voluntary Prekindergarten Education
20194 Program and receive state funds under this part.
20195 (c)1. If the kindergarten readiness rate of a private
20196 prekindergarten provider or public school falls below the
20197 minimum rate adopted by the State Board of Education as
20198 satisfactory under s. 1002.69(6), the early learning coalition
20199 or school district, as applicable, shall require the provider or
20200 school to submit an improvement plan for approval by the
20201 coalition or school district, as applicable, and to implement
20202 the plan.
20203 2. If a private prekindergarten provider or public school
20204 fails to meet the minimum rate adopted by the State Board of
20205 Education as satisfactory under s. 1002.69(6) for 2 consecutive
20206 years, the early learning coalition or school district, as
20207 applicable, shall place the provider or school on probation and
20208 must require the provider or school to take certain corrective
20209 actions, including the use of a curriculum approved by the
20210 department under paragraph (2)(c) or a staff development plan to
20211 strengthen instruction in language development and phonological
20212 awareness approved by the department.
20213 3. A private prekindergarten provider or public school that

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20214 is placed on probation must continue the corrective actions
20215 required under subparagraph 2., including the use of a
20216 curriculum or a staff development plan to strengthen instruction
20217 in language development and phonological awareness approved by
20218 the department, until the provider or school meets the minimum
20219 rate adopted by the State Board of Education as satisfactory
20220 under s. 1002.69(6).
20221 4. If a private prekindergarten provider or public school
20222 remains on probation for 2 consecutive years and fails to meet
20223 the minimum rate adopted by the State Board of Education as
20224 satisfactory under s. 1002.69(6) and is not granted a good cause
20225 exemption by the department pursuant to s. 1002.69(7), the
20226 department ~~Agency for Workforce Innovation~~ shall require the
20227 early learning coalition or ~~the Department of Education shall~~
20228 ~~require~~ the school district to remove, as applicable, the
20229 provider or school from eligibility to deliver the Voluntary
20230 Prekindergarten Education Program and receive state funds for
20231 the program.
20232 (d) Each early learning coalition~~, the Agency for Workforce~~
20233 ~~Innovation,~~ and the department shall coordinate with the Child
20234 Care Services Program Office of the Department of Children and
20235 Family Services to minimize interagency duplication of
20236 activities for monitoring private prekindergarten providers for
20237 compliance with requirements of the Voluntary Prekindergarten
20238 Education Program under this part, the school readiness programs
20239 under s. 411.01, and the licensing of providers under ss.
20240 402.301-402.319.
20241 Section 358. Paragraph (f) of subsection (7) of section
20242 1002.69, Florida Statutes, is amended to read:

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20243 1002.69 Statewide kindergarten screening; kindergarten
20244 readiness rates.—
20245 (7)
20246 (f) The State Board of Education shall notify the
20247 department ~~Agency for Workforce Innovation~~ of any good cause
20248 exemption granted to a private prekindergarten provider under
20249 this subsection. If a good cause exemption is granted to a
20250 private prekindergarten provider who remains on probation for 2
20251 consecutive years, the department ~~Agency for Workforce~~
20252 ~~Innovation~~ shall notify the early learning coalition of the good
20253 cause exemption and direct that the coalition, notwithstanding
20254 s. 1002.67(3)(c)4., not remove the provider from eligibility to
20255 deliver the Voluntary Prekindergarten Education Program or to
20256 receive state funds for the program, if the provider meets all
20257 other applicable requirements of this part.
20258 Section 359. Paragraph (c) of subsection (3), subsection
20259 (4), paragraph (b) of subsection (5), and subsections (6) and
20260 (7) of section 1002.71, Florida Statutes, are amended to read:
20261 1002.71 Funding; financial and attendance reporting.—
20262 (3)
20263 (c) The initial allocation shall be based on estimated
20264 student enrollment in each coalition service area. The
20265 department ~~Agency for Workforce Innovation~~ shall reallocate
20266 funds among the coalitions based on actual full-time equivalent
20267 student enrollment in each coalition service area.
20268 (4) Notwithstanding s. 1002.53(3) and subsection (2):
20269 (a) A child who, for any of the prekindergarten programs
20270 listed in s. 1002.53(3), has not completed more than 70 percent
20271 of the hours authorized to be reported for funding under

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20272 subsection (2), or has not expended more than 70 percent of the
20273 funds authorized for the child under s. 1002.66, may withdraw
20274 from the program for good cause and reenroll in one of the
20275 programs. The total funding for a child who reenrolls in one of
20276 the programs for good cause may not exceed one full-time
20277 equivalent student. Funding for a child who withdraws and
20278 reenrolls in one of the programs for good cause shall be issued
20279 in accordance with the department's ~~agency's~~ uniform attendance
20280 policy adopted pursuant to paragraph (6)(d).
20281 (b) A child who has not substantially completed any of the
20282 prekindergarten programs listed in s. 1002.53(3) may withdraw
20283 from the program due to an extreme hardship that is beyond the
20284 child's or parent's control, reenroll in one of the summer
20285 programs, and be reported for funding purposes as a full-time
20286 equivalent student in the summer program for which the child is
20287 reenrolled.
20288
20289 A child may reenroll only once in a prekindergarten program
20290 under this section. A child who reenrolls in a prekindergarten
20291 program under this subsection may not subsequently withdraw from
20292 the program and reenroll. The department ~~Agency for Workforce~~
20293 ~~Innovation~~ shall establish criteria specifying whether a good
20294 cause exists for a child to withdraw from a program under
20295 paragraph (a), whether a child has substantially completed a
20296 program under paragraph (b), and whether an extreme hardship
20297 exists which is beyond the child's or parent's control under
20298 paragraph (b).
20299 (5)
20300 (b) The department ~~Agency for Workforce Innovation~~ shall

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20301 adopt procedures for the payment of private prekindergarten
20302 providers and public schools delivering the Voluntary
20303 Prekindergarten Education Program. The procedures shall provide
20304 for the advance payment of providers and schools based upon
20305 student enrollment in the program, the certification of student
20306 attendance, and the reconciliation of advance payments in
20307 accordance with the uniform attendance policy adopted under
20308 paragraph (6)(d). The procedures shall provide for the monthly
20309 distribution of funds by the department ~~Agency for Workforce~~
20310 ~~Innovation~~ to the early learning coalitions for payment by the
20311 coalitions to private prekindergarten providers and public
20312 schools. ~~The department shall transfer to the Agency for~~
20313 ~~Workforce Innovation at least once each quarter the funds~~
20314 ~~available for payment to private prekindergarten providers and~~
20315 ~~public schools in accordance with this paragraph from the funds~~
20316 ~~appropriated for that purpose.~~
20317 (6)(a) Each parent enrolling his or her child in the
20318 Voluntary Prekindergarten Education Program must agree to comply
20319 with the attendance policy of the private prekindergarten
20320 provider or district school board, as applicable. Upon
20321 enrollment of the child, the private prekindergarten provider or
20322 public school, as applicable, must provide the child's parent
20323 with a copy of the provider's or school district's attendance
20324 policy, as applicable.
20325 (b)1. Each private prekindergarten provider's and district
20326 school board's attendance policy must require the parent of each
20327 student in the Voluntary Prekindergarten Education Program to
20328 verify, each month, the student's attendance on the prior
20329 month's certified student attendance.

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20330 2. The parent must submit the verification of the student's
20331 attendance to the private prekindergarten provider or public
20332 school on forms prescribed by the department ~~Agency for~~
20333 ~~Workforce Innovation~~. The forms must include, in addition to the
20334 verification of the student's attendance, a certification, in
20335 substantially the following form, that the parent continues to
20336 choose the private prekindergarten provider or public school in
20337 accordance with s. 1002.53 and directs that payments for the
20338 program be made to the provider or school:
20339
20340 VERIFICATION OF STUDENT'S ATTENDANCE
20341 AND CERTIFICATION OF PARENTAL CHOICE
20342
20343 I, ...(Name of Parent)..., swear (or affirm) that my child,
20344 ...(Name of Student)..., attended the Voluntary Prekindergarten
20345 Education Program on the days listed above and certify that I
20346 continue to choose ...(Name of Provider or School)... to deliver
20347 the program for my child and direct that program funds be paid
20348 to the provider or school for my child.
20349 ...(Signature of Parent)...
20350 ...(Date)...
20351
20352 3. The private prekindergarten provider or public school
20353 must keep each original signed form for at least 2 years. Each
20354 private prekindergarten provider must permit the early learning
20355 coalition, and each public school must permit the school
20356 district, to inspect the original signed forms during normal
20357 business hours. The department ~~Agency for Workforce Innovation~~
20358 shall adopt procedures for early learning coalitions and school

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20359 districts to review the original signed forms against the
20360 certified student attendance. The review procedures shall
20361 provide for the use of selective inspection techniques,
20362 including, but not limited to, random sampling. Each early
20363 learning coalition and the school districts must comply with the
20364 review procedures.
20365 (c) A private prekindergarten provider or school district,
20366 as applicable, may dismiss a student who does not comply with
20367 the provider's or district's attendance policy. A student
20368 dismissed under this paragraph is not removed from the Voluntary
20369 Prekindergarten Education Program and may continue in the
20370 program through reenrollment with another private
20371 prekindergarten provider or public school. Notwithstanding s.
20372 1002.53(6)(b), a school district is not required to provide for
20373 the admission of a student dismissed under this paragraph.
20374 (d) The department ~~Agency for Workforce Innovation~~ shall
20375 adopt, for funding purposes, a uniform attendance policy for the
20376 Voluntary Prekindergarten Education Program. The attendance
20377 policy must apply statewide and apply equally to all private
20378 prekindergarten providers and public schools. The attendance
20379 policy must include at least the following provisions:
20380 1. ~~Beginning with the 2009-2010 fiscal year for school-year~~
20381 ~~programs,~~ A student's attendance may be reported on a pro rata
20382 basis as a fractional part of a full-time equivalent student.
20383 2. At a maximum, 20 percent of the total payment made on
20384 behalf of a student to a private prekindergarten provider or a
20385 public school may be for hours a student is absent.
20386 3. A private prekindergarten provider or public school may
20387 not receive payment for absences that occur before a student's

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20388 first day of attendance or after a student's last day of
20389 attendance.
20390
20391 The uniform attendance policy shall be used only for funding
20392 purposes and does not prohibit a private prekindergarten
20393 provider or public school from adopting and enforcing its
20394 attendance policy under paragraphs (a) and (c).
20395 (7) The department ~~Agency for Workforce Innovation~~ shall
20396 require that administrative expenditures be kept to the minimum
20397 necessary for efficient and effective administration of the
20398 Voluntary Prekindergarten Education Program. Administrative
20399 policies and procedures shall be revised, to the maximum extent
20400 practicable, to incorporate the use of automation and electronic
20401 submission of forms, including those required for child
20402 eligibility and enrollment, provider and class registration, and
20403 monthly certification of attendance for payment. A school
20404 district may use its automated daily attendance reporting system
20405 for the purpose of transmitting attendance records to the early
20406 learning coalition in a mutually agreed-upon format. In
20407 addition, actions shall be taken to reduce paperwork, eliminate
20408 the duplication of reports, and eliminate other duplicative
20409 activities. Beginning with the 2010-2011 fiscal year, each early
20410 learning coalition may retain and expend no more than 4.5
20411 percent of the funds paid by the coalition to private
20412 prekindergarten providers and public schools under paragraph
20413 (5)(b). Funds retained by an early learning coalition under this
20414 subsection may be used only for administering the Voluntary
20415 Prekindergarten Education Program and may not be used for the
20416 school readiness program or other programs.

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20417 Section 360. Subsection (1) of section 1002.72, Florida
20418 Statutes, is amended to read:
20419 1002.72 Records of children in the Voluntary
20420 Prekindergarten Education Program.—
20421 (1)(a) The records of a child enrolled in the Voluntary
20422 Prekindergarten Education Program held by an early learning
20423 coalition, the department ~~Agency for Workforce Innovation~~, or a
20424 Voluntary Prekindergarten Education Program provider are
20425 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
20426 of the State Constitution. For purposes of this section, such
20427 records include assessment data, health data, records of teacher
20428 observations, and personal identifying information of an
20429 enrolled child and his or her parent.
20430 (b) This exemption applies to the records of a child
20431 enrolled in the Voluntary Prekindergarten Education Program held
20432 by an early learning coalition, the department ~~Agency for~~
20433 ~~Workforce Innovation~~, or a Voluntary Prekindergarten Education
20434 Program provider before, on, or after the effective date of this
20435 exemption.
20436 Section 361. Subsections (1) and (5) of section 1002.77,
20437 Florida Statutes, are amended to read:
20438 1002.77 Florida Early Learning Advisory Council.—
20439 (1) There is created the Florida Early Learning Advisory
20440 Council within the department ~~Agency for Workforce Innovation~~.
20441 The purpose of the advisory council is to submit recommendations
20442 to the department ~~and the Agency for Workforce Innovation~~ on the
20443 early learning policy of this state, including recommendations
20444 relating to administration of the Voluntary Prekindergarten
20445 Education Program under this part and the school readiness

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20446 programs under s. 411.01.
20447 (5) The department ~~Agency for Workforce Innovation~~ shall
20448 provide staff and administrative support for the advisory
20449 council.
20450 Section 362. Section 1002.79, Florida Statutes, is amended
20451 to read:
20452 1002.79 Rulemaking authority.—
20453 ~~(1)~~ The State Board of Education shall adopt rules under
20454 ss. 120.536(1) and 120.54 to administer the provisions of this
20455 part ~~conferring duties upon the department~~.
20456 ~~(2) The Agency for Workforce Innovation shall adopt rules~~
20457 ~~under ss. 120.536(1) and 120.54 to administer the provisions of~~
20458 ~~this part conferring duties upon the agency.~~
20459 Section 363. Subsections (2) and (3), paragraph (c) of
20460 subsection (4), and subsection (5) of section 1003.491, Florida
20461 Statutes, are amended to read:
20462 1003.491 Florida Career and Professional Education Act.—The
20463 Florida Career and Professional Education Act is created to
20464 provide a statewide planning partnership between the business
20465 and education communities in order to attract, expand, and
20466 retain targeted, high-value industry and to sustain a strong,
20467 knowledge-based economy.
20468 (2) ~~Beginning with the 2007-2008 school year,~~ Each district
20469 school board shall develop, in collaboration with local
20470 workforce boards and postsecondary institutions approved to
20471 operate in the state, a strategic 5-year plan to address and
20472 meet local and regional workforce demands. If involvement of the
20473 local workforce board in the strategic plan development is not
20474 feasible, the local school board, with the approval of Jobs

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20475 Florida ~~the Agency for Workforce Innovation~~, shall collaborate
20476 with the most appropriate local business leadership board. Two
20477 or more school districts may collaborate in the development of
20478 the strategic plan and offer a career and professional academy
20479 as a joint venture. Such plans must describe in detail
20480 provisions for efficient transportation of students, maximum use
20481 of shared resources, and access to courses through the Florida
20482 Virtual School when appropriate. Each strategic plan shall ~~be~~
20483 ~~completed no later than June 30, 2008, and shall~~ include
20484 provisions to have in place at least one operational career and
20485 professional academy, pursuant to s. 1003.492~~, no later than the~~
20486 ~~beginning of the 2008-2009 school year~~.
20487 (3) The strategic 5-year plan developed jointly between the
20488 local school district, local workforce boards, and state-
20489 approved postsecondary institutions shall be constructed and
20490 based on:
20491 (a) Research conducted to objectively determine local and
20492 regional workforce needs for the ensuing 5 years, using labor
20493 projections of the United States Department of Labor and Jobs
20494 Florida ~~the Agency for Workforce Innovation~~;
20495 (b) Strategies to develop and implement career academies
20496 based on those careers determined to be in high demand;
20497 (c) Maximum use of private sector facilities and personnel;
20498 (d) Strategies that ensure instruction by industry-
20499 certified faculty and standards and strategies to maintain
20500 current industry credentials and for recruiting and retaining
20501 faculty to meet those standards;
20502 (e) Alignment to requirements for middle school career
20503 exploration and high school redesign;

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20504 (f) Provisions to ensure that courses offered through
20505 career and professional academies are academically rigorous,
20506 meet or exceed appropriate state-adopted subject area standards,
20507 result in attainment of industry certification, and, when
20508 appropriate, result in postsecondary credit;
20509 (g) Establishment of student eligibility criteria in career
20510 and professional academies which include opportunities for
20511 students who have been unsuccessful in traditional classrooms
20512 but who show aptitude to participate in academies. School boards
20513 shall address the analysis of eighth grade student achievement
20514 data to provide opportunities for students who may be deemed as
20515 potential dropouts to participate in career and professional
20516 academies;
20517 (h) Strategies to provide sufficient space within academies
20518 to meet workforce needs and to provide access to all interested
20519 and qualified students;
20520 (i) Strategies to engage Department of Juvenile Justice
20521 students in career and professional academy training that leads
20522 to industry certification;
20523 (j) Opportunities for high school students to earn weighted
20524 or dual enrollment credit for higher-level career and technical
20525 courses;
20526 (k) Promotion of the benefits of the Gold Seal Bright
20527 Futures Scholarship;
20528 (l) Strategies to ensure the review of district pupil-
20529 progression plans and to amend such plans to include career and
20530 professional courses and to include courses that may qualify as
20531 substitute courses for core graduation requirements and those
20532 that may be counted as elective courses; and

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20533 (m) Strategies to provide professional development for
20534 secondary guidance counselors on the benefits of career and
20535 professional academies.
20536 (4) The State Board of Education shall establish a process
20537 for the continual and uninterrupted review of newly proposed
20538 core secondary courses and existing courses requested to be
20539 considered as core courses to ensure that sufficient rigor and
20540 relevance is provided for workforce skills and postsecondary
20541 education and aligned to state curriculum standards. The review
20542 of newly proposed core secondary courses shall be the
20543 responsibility of a curriculum review committee whose membership
20544 is approved by the Workforce Florida Board as described in s.
20545 445.004, and shall include:
20546 (c) Three workforce representatives recommended by Jobs
20547 Florida ~~the Agency for Workforce Innovation~~.
20548 (5) The submission and review of newly proposed core
20549 courses shall be conducted electronically, and each proposed
20550 core course shall be approved or denied within 60 days. All
20551 courses approved as core courses for high school graduation
20552 purposes shall be immediately added to the Course Code
20553 Directory. Approved core courses shall also be reviewed and
20554 considered for approval for dual enrollment credit. The Board of
20555 Governors and the Commissioner of Education shall jointly
20556 recommend an annual deadline for approval of new core courses to
20557 be included for purposes of postsecondary admissions and dual
20558 enrollment credit the following academic year. The State Board
20559 of Education shall establish an appeals process in the event
20560 that a proposed course is denied which shall require a consensus
20561 ruling by Jobs Florida ~~the Agency for Workforce Innovation~~ and

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20562 the Commissioner of Education within 15 days. ~~The curriculum~~
20563 ~~review committee must be established and operational no later~~
20564 ~~than September 1, 2007.~~
20565 Section 364. Subsections (2) and (3) of section 1003.492,
20566 Florida Statutes, are amended to read:
20567 1003.492 Industry-certified career education programs.—
20568 (2) The State Board of Education shall use the expertise of
20569 Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ to
20570 develop and adopt rules pursuant to ss. 120.536(1) and 120.54
20571 for implementing an industry certification process. Industry
20572 certification shall be defined by Jobs Florida ~~the Agency for~~
20573 ~~Workforce Innovation~~, based upon the highest available national
20574 standards for specific industry certification, to ensure student
20575 skill proficiency and to address emerging labor market and
20576 industry trends. A regional workforce board or a career and
20577 professional academy may apply to Workforce Florida, Inc., to
20578 request additions to the approved list of industry
20579 certifications based on high-demand job requirements in the
20580 regional economy. The list of industry certifications approved
20581 by Workforce Florida, Inc., and the Department of Education
20582 shall be published and updated annually by a date certain, to be
20583 included in the adopted rule.
20584 (3) The Department of Education shall collect student
20585 achievement and performance data in industry-certified career
20586 education programs and shall work with Workforce Florida, Inc.,
20587 ~~and Enterprise Florida, Inc.,~~ in the analysis of collected data.
20588 The data collection and analyses shall examine the performance
20589 of participating students over time. Performance factors shall
20590 include, but not be limited to, graduation rates, retention

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20591 rates, Florida Bright Futures Scholarship awards, additional
20592 educational attainment, employment records, earnings, industry
20593 certification, and employer satisfaction. The results of this
20594 study shall be submitted to the President of the Senate and the
20595 Speaker of the House of Representatives annually by December 31.
20596 Section 365. Paragraphs (f) and (k) of subsection (4) of
20597 section 1003.493, Florida Statutes, are amended to read:
20598 1003.493 Career and professional academies.—
20599 (4) Each career and professional academy must:
20600 (f) Provide instruction in careers designated as high
20601 growth, high demand, and high pay by the local workforce
20602 development board, the chamber of commerce, or Jobs Florida ~~the~~
20603 ~~Agency for Workforce Innovation~~.
20604 (k) Include an evaluation plan developed jointly with the
20605 Department of Education and the local workforce board. The
20606 evaluation plan must include an assessment tool based on
20607 national industry standards, such as the Career Academy National
20608 Standards of Practice, and outcome measures, including, but not
20609 limited to, achievement of national industry certifications
20610 identified in the Industry Certification Funding List, pursuant
20611 to rules adopted by the State Board of Education, graduation
20612 rates, enrollment in postsecondary education, business and
20613 industry satisfaction, employment and earnings, awards of
20614 postsecondary credit and scholarships, and student achievement
20615 levels and learning gains on statewide assessments administered
20616 under s. 1008.22(3)(c). The Department of Education shall use
20617 Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ in
20618 identifying industry experts to participate in developing and
20619 implementing such assessments.

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20620 Section 366. Subsection (3) of section 1003.575, Florida
20621 Statutes, is amended to read:
20622 1003.575 Assistive technology devices; findings;
20623 interagency agreements.—Accessibility, utilization, and
20624 coordination of appropriate assistive technology devices and
20625 services are essential as a young person with disabilities moves
20626 from early intervention to preschool, from preschool to school,
20627 from one school to another, and from school to employment or
20628 independent living. To ensure that an assistive technology
20629 device issued to a young person as part of his or her
20630 individualized family support plan, individual support plan, or
20631 an individual education plan remains with the individual through
20632 such transitions, the following agencies shall enter into
20633 interagency agreements, as appropriate, to ensure the
20634 transaction of assistive technology devices:
20635 (3) The Voluntary Prekindergarten Education Program
20636 administered by the Department of Education ~~and the Agency for~~
20637 ~~Workforce Innovation~~.
20638
20639 Interagency agreements entered into pursuant to this section
20640 shall provide a framework for ensuring that young persons with
20641 disabilities and their families, educators, and employers are
20642 informed about the utilization and coordination of assistive
20643 technology devices and services that may assist in meeting
20644 transition needs, and shall establish a mechanism by which a
20645 young person or his or her parent may request that an assistive
20646 technology device remain with the young person as he or she
20647 moves through the continuum from home to school to postschool.
20648 Section 367. Subsection (4) of section 1003.4285, Florida

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20649 Statutes, is amended to read:
20650 1003.4285 Standard high school diploma designations.—Each
20651 standard high school diploma shall include, as applicable:
20652 (4) A designation reflecting a Florida Ready to Work
20653 Credential in accordance with s. 445.06 ~~s. 1004.99~~.
20654 Section 368. Paragraph (j) of subsection (4) of section
20655 1003.493, Florida Statutes, is amended to read:
20656 1003.493 Career and professional academies.—
20657 (4) Each career and professional academy must:
20658 (j) Provide opportunities for students to obtain the
20659 Florida Ready to Work Certification pursuant to s. 445.06 ~~s.~~
20660 ~~1004.99~~.
20661 Section 369. Paragraphs (a), (e), and (f) of subsection (4)
20662 and paragraph (c) of subsection (5) of section 1004.226, Florida
20663 Statutes, are amended to read:
20664 1004.226 The 21st Century Technology, Research, and
20665 Scholarship Enhancement Act.—
20666 (4) FLORIDA TECHNOLOGY, RESEARCH, AND SCHOLARSHIP BOARD.—
20667 The Florida Technology, Research, and Scholarship Board is
20668 created within the Board of Governors of the State University
20669 System to guide the establishment of Centers of Excellence, the
20670 attraction of world class scholars, and the commercialization of
20671 products and services developed from the research and
20672 development conducted at state universities.
20673 (a) The board shall consist of 11 members. Five members
20674 shall be appointed by the Governor, one of whom the Governor
20675 shall appoint as chair of the board, one of whom must be a
20676 member of the board of directors of the Jobs Florida Partnership
20677 ~~Enterprise Florida~~, Inc., and one of whom must be a member of

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20678 the Board of Governors of the State University System. Three
20679 members shall be appointed by the President of the Senate, and
20680 three members shall be appointed by the Speaker of the House of
20681 Representatives. Appointed members must be representative of
20682 business leaders, industrial researchers, academic researchers,
20683 scientists, and leaders in the emerging and advanced technology
20684 sector. Appointed members may not serve for more than 4 years,
20685 and any vacancy that occurs during these appointees' terms shall
20686 be filled in the same manner as the original appointment. A
20687 majority of members constitutes a quorum.
20688 (e) The board shall recommend to the Board of Governors the
20689 qualifications, standards, and requirements for approval of
20690 investments in Centers of Excellence under this act. The board
20691 may form committees of its members and is encouraged to consult
20692 with the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., the
20693 Florida Research Consortium, Bio-Florida, IT Florida, the
20694 Florida Aviation Aerospace Alliance, and any other entity whose
20695 input may be helpful in determining the requirements and
20696 standards for the program.
20697 (f) The board shall review and approve State University
20698 Research Commercialization Assistance Grants under subsection
20699 (7). The board is encouraged to consult with the Jobs Florida
20700 Partnership ~~Enterprise Florida~~, Inc.; entities with prior
20701 experience in early stage business investment; and any other
20702 entity whose input may be helpful in evaluating grant proposals.
20703 (5) THE 21ST CENTURY WORLD CLASS SCHOLARS PROGRAM.—
20704 (c) The board, in consultation with senior administrators
20705 of state universities, state university foundation directors,
20706 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~

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20707 ~~Development~~, the board of directors of the Jobs Florida
20708 Partnership ~~Enterprise Florida~~, Inc., and leading members of
20709 private industry, shall develop and recommend to the Board of
20710 Governors criteria for the 21st Century World Class Scholars
20711 Program. Such criteria shall address, at a minimum, the
20712 following:
20713 1. The presence of distinguished faculty members, including
20714 whether the university has a substantial history of external
20715 funding, along with the strong potential for attracting a
20716 scholar of national or international eminence.
20717 2. The presence of academically outstanding students, along
20718 with the promise and potential for attracting additional highly
20719 qualified students.
20720 3. The presence of adequate research and scholarly support
20721 services.
20722 4. The existence of an academic environment having
20723 appropriate infrastructure, including buildings, classrooms,
20724 libraries, laboratories, and specialized equipment, that is
20725 conducive to the conduct of the highest quality of scholarship
20726 and research.
20727 5. The demonstration of concordance with Florida's
20728 strategic plan for economic development or an emphasis on one or
20729 more emerging sciences or technologies that could favorably
20730 impact the state's economic future.
20731 Section 370. Paragraph (d) of subsection (5) of section
20732 1004.65, Florida Statutes, is amended to read:
20733 1004.65 Florida colleges; governance, mission, and
20734 responsibilities.—
20735 (5) The primary mission and responsibility of Florida

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20736 colleges is responding to community needs for postsecondary
20737 academic education and career degree education. This mission and
20738 responsibility includes being responsible for:
20739 (d) Promoting economic development for the state within
20740 each Florida college district through the provision of special
20741 programs, including, but not limited to, the:
20742 1. Programs relating to the Jobs Florida Partnership, Inc
20743 ~~Enterprise Florida-related programs~~.
20744 2. Technology transfer centers.
20745 3. Economic development centers.
20746 4. Workforce literacy programs.
20747 Section 371. Subsection (5) of section 1004.77, Florida
20748 Statutes, is amended to read:
20749 1004.77 Centers of technology innovation.—
20750 (5) The State Board of Education shall give priority in the
20751 designation of centers to those community colleges that
20752 specialize in technology in environmental areas and in areas
20753 related to target industries of the Jobs Florida Partnership
20754 ~~Enterprise Florida~~, Inc. Priority in designation shall also be
20755 given to community colleges that develop new and improved
20756 manufacturing techniques and related business practices.
20757 Section 372. Paragraph (b) of subsection (10) of section
20758 1004.78, Florida Statutes, is amended to read:
20759 1004.78 Technology transfer centers at community colleges.—
20760 (10) The State Board of Education may award grants to
20761 community colleges, or consortia of public and private colleges
20762 and universities and other public and private entities, for the
20763 purpose of supporting the objectives of this section. Grants
20764 awarded pursuant to this subsection shall be in accordance with

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20765 rules of the State Board of Education. Such rules shall include
20766 the following provisions:
20767 (b) Grants to centers funded with state revenues
20768 appropriated specifically for technology transfer activities
20769 shall be reviewed and approved by the State Board of Education
20770 using proposal solicitation, evaluation, and selection
20771 procedures established by the state board in consultation with
20772 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc. Such
20773 procedures may include designation of specific areas or
20774 applications of technology as priorities for the receipt of
20775 funding.
20776 Section 373. Subsection (3) of section 1008.39, Florida
20777 Statutes, is amended to read:
20778 1008.39 Florida Education and Training Placement
20779 Information Program.—
20780 (3) The Florida Education and Training Placement
20781 Information Program must not make public any information that
20782 could identify an individual or the individual's employer. The
20783 Department of Education must ensure that the purpose of
20784 obtaining placement information is to evaluate and improve
20785 public programs or to conduct research for the purpose of
20786 improving services to the individuals whose social security
20787 numbers are used to identify their placement. If an agreement
20788 assures that this purpose will be served and that privacy will
20789 be protected, the Department of Education shall have access to
20790 the unemployment insurance wage reports maintained by Jobs
20791 Florida ~~the Agency for Workforce Innovation~~, the files of the
20792 Department of Children and Family Services that contain
20793 information about the distribution of public assistance, the

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20794 files of the Department of Corrections that contain records of
20795 incarcerations, and the files of the Department of Business and
20796 Professional Regulation that contain the results of licensure
20797 examination.
20798 Section 374. Subsection (3) of section 1008.41, Florida
20799 Statutes, is amended to read:
20800 1008.41 Workforce education; management information
20801 system.—
20802 (3) Planning and evaluation of job-preparatory programs
20803 shall be based on standard sources of data and use standard
20804 occupational definitions and coding structures, including, but
20805 not limited to:
20806 (a) The Florida Occupational Information System;
20807 (b) The Florida Education and Training Placement
20808 Information Program;
20809 (c) Jobs Florida ~~The Agency for Workforce Innovation~~;
20810 (d) The United States Department of Labor; and
20811 (e) Other sources of data developed using statistically
20812 valid procedures.
20813 Section 375. Subsections (2), (3), (4), (5), and (6) of
20814 section 1011.76, Florida Statutes, are amended to read:
20815 1011.76 Small School District Stabilization Program.—
20816 (2) In order to participate in this program, a school
20817 district must be located in a rural area of critical economic
20818 concern designated by the Executive Office of the Governor, and
20819 the district school board must submit a resolution to Jobs
20820 Florida ~~the Office of Tourism, Trade, and Economic Development~~
20821 requesting participation in the program. A rural area of
20822 critical economic concern must be a rural community, or a region

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20823 composed of such, that has been adversely affected by an
20824 extraordinary economic event or a natural disaster or that
20825 presents a unique economic development concern or opportunity of
20826 regional impact. The resolution must be accompanied with
20827 documentation of the economic conditions in the community,
20828 provide information indicating the negative impact of these
20829 conditions on the school district's financial stability, and the
20830 school district must participate in a best financial management
20831 practices review to determine potential efficiencies that could
20832 be implemented to reduce program costs in the district.
20833 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
20834 ~~Development~~, in consultation with the Department of Education,
20835 shall review the resolution and other information required by
20836 subsection (2) and determine whether the school district is
20837 eligible to participate in the program. Factors influencing the
20838 office's determination may include, but are not limited to,
20839 reductions in the county tax roll resulting from business
20840 closures or other causes, or a reduction in student enrollment
20841 due to business closures or impacts in the local economy.
20842 (4) ~~Effective July 1, 2000, and thereafter,~~ When Jobs
20843 Florida ~~the Office of Tourism, Trade, and Economic Development~~
20844 authorizes a school district to participate in the program, the
20845 Legislature may give priority to that district for a best
20846 financial management practices review in the school district,
20847 subject to approval pursuant to s. 1008.35(7), to the extent
20848 that funding is provided annually for such purpose in the
20849 General Appropriations Act. The scope of the review shall be as
20850 set forth in s. 1008.35.
20851 (5) ~~Effective July 1, 2000, and thereafter,~~ The Department

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20852 of Education may award the school district a stabilization grant
20853 intended to protect the district from continued financial
20854 reductions. The amount of the grant will be determined by the
20855 Department of Education and may be equivalent to the amount of
20856 the decline in revenues projected for the next fiscal year. In
20857 addition, Jobs Florida ~~the Office of Tourism, Trade, and~~
20858 ~~Economic Development~~ may implement a rural economic development
20859 initiative to identify the economic factors that are negatively
20860 impacting the community and may consult with the Jobs Florida
20861 Partnership, Inc. ~~Enterprise Florida, Inc.~~, in developing a plan
20862 to assist the county with its economic transition. The grant
20863 will be available to the school district for a period of up to 5
20864 years to the extent that funding is provided for such purpose in
20865 the General Appropriations Act.
20866 (6) Based on the availability of funds, Jobs Florida ~~the~~
20867 ~~Office of Tourism, Trade, and Economic Development~~ or the
20868 Department of Education may enter into contracts or issue grants
20869 necessary to implement the program.
20870 Section 376. Section 1012.2251, Florida Statutes, is
20871 amended to read:
20872 1012.2251 End-of-course examinations for Merit Award
20873 Program. ~~Beginning with the 2007-2008 school year,~~ School
20874 districts that participate in the Merit Award Program under s.
20875 1012.225 must be able to administer end-of-course examinations
20876 based on the Sunshine State Standards in order to measure a
20877 student's understanding and mastery of the entire course in all
20878 grade groupings and subjects for any year in which the districts
20879 participate in the program. The statewide standardized
20880 assessment, College Board Advanced Placement Examination,

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20881 International Baccalaureate examination, Advanced International
20882 Certificate of Education examination, or examinations resulting
20883 in national or state industry certification recognized by Jobs
20884 Florida ~~the Agency for Workforce Innovation~~ satisfy the
20885 requirements of this section for the respective grade groupings
20886 and subjects assessed by these examinations and assessments.
20887 Section 377. Section 20.505, Florida Statutes, is
20888 transferred, renumbered as section 20.605, Florida Statutes, and
20889 amended to read:
20890 20.605 ~~20.505~~ Administrative Trust Fund of Jobs Florida ~~the~~
20891 ~~Agency for Workforce Innovation~~.—
20892 (1) The Administrative Trust Fund is created within Jobs
20893 Florida ~~the Agency for Workforce Innovation~~.
20894 (2) Funds shall be used for the purpose of supporting the
20895 administrative functions of Jobs Florida ~~the agency~~ as required
20896 by law, pursuant to legislative appropriation or an approved
20897 amendment to Jobs Florida ~~the agency's~~ operating budget pursuant
20898 to the provisions of chapter 216.
20899 (3) Notwithstanding the provisions of s. 216.301 and
20900 pursuant to s. 216.351, any balance in the trust fund at the end
20901 of any fiscal year shall remain in the trust fund at the end of
20902 the year and shall be available for carrying out the purposes of
20903 the trust fund.
20904 Section 378. Section 1004.99, Florida Statutes, is
20905 transferred, renumbered as section 445.06, Florida Statutes, and
20906 amended to read:
20907 445.06 ~~1004.99~~ Florida Ready to Work Certification
20908 Program.—
20909 (1) There is created the Florida Ready to Work

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20910 Certification Program to enhance the workplace skills of
20911 Floridians ~~Florida's students~~ to better prepare them for
20912 successful employment in specific occupations.
20913 (2) The Florida Ready to Work Certification Program may be
20914 conducted in public middle and high schools, community colleges,
20915 technical centers, one-stop career centers, vocational
20916 rehabilitation centers, and Department of Juvenile Justice
20917 educational facilities. The program may be made available to
20918 other entities that provide job training. Jobs Florida, in
20919 coordination with the Department of Education, shall establish
20920 institutional readiness criteria for program implementation.
20921 (3) The Florida Ready to Work Certification Program shall
20922 be composed of:
20923 (a) A comprehensive identification of workplace skills for
20924 each occupation identified for inclusion in the program by Jobs
20925 Florida ~~the Agency for Workforce Innovation~~ and the Department
20926 of Education.
20927 (b) A preinstructional assessment that delineates an
20928 individual's ~~the student's~~ mastery level on the specific
20929 workplace skills identified for that occupation.
20930 (c) A targeted instructional program limited to those
20931 identified workplace skills in which the individual ~~student~~ is
20932 not proficient as measured by the preinstructional assessment.
20933 Instruction must utilize a web-based program and be customized
20934 to meet identified specific needs of local employers.
20935 (d) A Florida Ready to Work Credential and portfolio
20936 awarded to individuals ~~students~~ upon successful completion of
20937 the instruction. Each portfolio must delineate the skills
20938 demonstrated by the individuals ~~student~~ as evidence of the

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20939 individual's ~~student's~~ preparation for employment.
20940 (4) A Florida Ready to Work Credential shall be awarded to
20941 an individual ~~a student~~ who successfully passes assessments in
20942 Reading for Information, Applied Mathematics, and Locating
20943 Information or any other assessments of comparable rigor. Each
20944 assessment shall be scored on a scale of 3 to 7. The level of
20945 the credential each individual ~~student~~ receives is based on the
20946 following:
20947 (a) A bronze-level credential requires a minimum score of 3
20948 or above on each of the assessments.
20949 (b) A silver-level credential requires a minimum score of 4
20950 or above on each of the assessments.
20951 (c) A gold-level credential requires a minimum score of 5
20952 or above on each of the assessments.
20953 (5) Jobs Florida ~~The State Board of Education~~, in
20954 consultation with the Department of Education ~~Agency for~~
20955 ~~Workforce Innovation~~, may adopt rules pursuant to ss. 120.536(1)
20956 and 120.54 to implement the provisions of this section.
20957 Section 379. Section 14.2015, Florida Statutes, is
20958 repealed.
20959 Section 380. Section 20.18, Florida Statutes, is repealed.
20960 Section 381. Section 20.50, Florida Statutes, is repealed.
20961 Section 382. Sections 255.551, 255.552, 255.553, 255.5535,
20962 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559, 255.56,
20963 255.561, 255.562, and 255.563, Florida Statutes, are repealed.
20964 Section 383. Section 287.115, Florida Statutes, is
20965 repealed.
20966 Section 384. Section 288.038, Florida Statutes, is
20967 repealed.

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20968 Section 385. Section 288.063, Florida Statutes, is
20969 repealed.
20970 Section 386. Sections 288.1221, 288.1222, 288.1223,
20971 288.1224, 288.1226, and 288.1227, Florida Statutes, are
20972 repealed.
20973 Section 387. Sections 288.7065, 288.707, 288.708, 288.709,
20974 288.7091, and 288.712, Florida Statutes, are repealed.
20975 Section 388. Section 288.12295, Florida Statutes, is
20976 repealed.
20977 Section 389. Section 288.90151, Florida Statutes, is
20978 repealed.
20979 Section 390. Section 288.9415, Florida Statutes, is
20980 repealed.
20981 Section 391. Section 288.9618, Florida Statutes, is
20982 repealed.
20983 Section 392. Section 288.982, Florida Statutes, is
20984 repealed.
20985 Section 393. Section 411.0105, Florida Statutes, is
20986 repealed.
20987 Section 394. Section 446.60, Florida Statutes, is repealed.
20988 Section 395. Section 1002.75, Florida Statutes, is
20989 repealed.
20990 Section 396. This act shall take effect July 1, 2011.

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