



300456

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: 1/AD/3R	.	Floor: C
05/01/2013 06:35 PM	.	05/01/2013 07:23 PM
	.	

Senator Detert moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees the Economic Development Programs Evaluation.

(1) The Office of Economic and Demographic Research and OPPAGA shall coordinate the development of a work plan for



300456

14 completing the Economic Development Programs Evaluation and
15 shall submit the work plan to the President of the Senate and
16 the Speaker of the House of Representatives by July 1, 2013.

17 (2) The Office of Economic and Demographic Research and
18 OPPAGA shall provide a detailed analysis of economic development
19 programs as provided in the following schedule:

20 (a) By January 1, 2014, and every 3 years thereafter, an
21 analysis of the following:

22 1. The capital investment tax credit established under s.
23 220.191, Florida Statutes.

24 2. The qualified target industry tax refund established
25 under s. 288.106, Florida Statutes.

26 3. The brownfield redevelopment bonus refund established
27 under s. 288.107, Florida Statutes.

28 4. High-impact business performance grants established
29 under s. 288.108, Florida Statutes.

30 5. The Quick Action Closing Fund established under s.
31 288.1088, Florida Statutes.

32 6. The Innovation Incentive Program established under s.
33 288.1089, Florida Statutes.

34 7. Enterprise Zone Program incentives established under ss.
35 212.08(5), 212.08(15), 212.096, 220.181, and 220.182, Florida
36 Statutes.

37 (b) By January 1, 2015, and every 3 years thereafter, an
38 analysis of the following:

39 1. The entertainment industry financial incentive program
40 established under s. 288.1254, Florida Statutes.

41 2. The entertainment industry sales tax exemption program
42 established under s. 288.1258, Florida Statutes.



300456

43 3. VISIT Florida and its programs established or funded
44 under ss. 288.122, 288.1226, 288.12265, and 288.124, Florida
45 Statutes.

46 4. The Florida Sports Foundation and related programs
47 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,
48 288.1168, 288.1169, and 288.1171, Florida Statutes.

49 (c) By January 1, 2016, and every 3 years thereafter, an
50 analysis of the following:

51 1. The qualified defense contractor and space flight
52 business tax refund program established under s. 288.1045,
53 Florida Statutes.

54 2. The tax exemption for semiconductor, defense, or space
55 technology sales established under s. 212.08(5)(j), Florida
56 Statutes.

57 3. The Military Base Protection Program established under
58 s. 288.980, Florida Statutes.

59 4. The Manufacturing and Spaceport Investment Incentive
60 Program established under s. 288.1083, Florida Statutes.

61 5. The Quick Response Training Program established under s.
62 288.047, Florida Statutes.

63 6. The Incumbent Worker Training Program established under
64 s. 445.003, Florida Statutes.

65 7. International trade and business development programs
66 established or funded under s. 288.826, Florida Statutes.

67 (3) Pursuant to the schedule established in subsection (2),
68 the Office of Economic and Demographic Research shall evaluate
69 and determine the economic benefits, as defined in s. 288.005,
70 Florida Statutes, of each program over the previous 3 years. The
71 analysis must also evaluate the number of jobs created, the



300456

72 increase or decrease in personal income, and the impact on state
73 gross domestic product from the direct, indirect, and induced
74 effects of the state's investment in each program over the
75 previous 3 years.

76 (a) For the purpose of evaluating tax credits, tax refunds,
77 sales tax exemptions, cash grants, and similar programs, the
78 Office of Economic and Demographic Research shall evaluate data
79 only from those projects in which businesses received state
80 funds during the evaluation period. Such projects may be fully
81 completed, partially completed with future fund disbursal
82 possible pending performance measures, or partially completed
83 with no future fund disbursal possible as a result of a
84 business's inability to meet performance measures.

85 (b) The analysis must use the model developed by the Office
86 of Economic and Demographic Research, as required in s. 216.138,
87 Florida Statutes, to evaluate each program. The office shall
88 provide a written explanation of the key assumptions of the
89 model and how it is used. If the office finds that another
90 evaluation model is more appropriate to evaluate a program, it
91 may use another model, but it must provide an explanation as to
92 why the selected model was more appropriate.

93 (4) Pursuant to the schedule established in subsection (2),
94 OPPAGA shall evaluate each program over the previous 3 years for
95 its effectiveness and value to the taxpayers of this state and
96 include recommendations on each program for consideration by the
97 Legislature. The analysis may include relevant economic
98 development reports or analyses prepared by the Department of
99 Economic Opportunity, Enterprise Florida, Inc., or local or
100 regional economic development organizations; interviews with the



300456

101 parties involved; or any other relevant data.

102 (5) The Office of Economic and Demographic Research and
103 OPPAGA must be given access to all data necessary to complete
104 the Economic Development Programs Evaluation, including any
105 confidential data. The offices may collaborate on data
106 collection and analysis.

107 Section 2. Subsection (10) of section 20.60, Florida
108 Statutes, is amended to read:

109 20.60 Department of Economic Opportunity; creation; powers
110 and duties.—

111 (10) The department, with assistance from Enterprise
112 Florida, Inc., shall, by November 1 ~~January 1~~ of each year,
113 submit an annual report to the Governor, the President of the
114 Senate, and the Speaker of the House of Representatives on the
115 condition of the business climate and economic development in
116 the state.

117 (a) The report must ~~shall~~ include the identification of
118 problems and a prioritized list of recommendations.

119 (b) The report must incorporate annual reports of other
120 programs, including:

121 1. The displaced homemaker program established under s.
122 446.50.

123 2. Information provided by the Department of Revenue under
124 s. 290.014.

125 3. Information provided by enterprise zone development
126 agencies under s. 290.0056 and an analysis of the activities and
127 accomplishments of each enterprise zone.

128 4. The Economic Gardening Business Loan Pilot Program
129 established under s. 288.1081 and the Economic Gardening



300456

130 Technical Assistance Pilot Program established under s.
131 288.1082.

132 5. A detailed report of the performance of the Black
133 Business Loan Program and a cumulative summary of quarterly
134 report data required under s. 288.714.

135 6. The Rural Economic Development Initiative established
136 under s. 288.0656.

137 Section 3. Paragraph (c) of subsection (1) of section
138 201.15, Florida Statutes, is amended to read:

139 201.15 Distribution of taxes collected.—All taxes collected
140 under this chapter are subject to the service charge imposed in
141 s. 215.20(1). Prior to distribution under this section, the
142 Department of Revenue shall deduct amounts necessary to pay the
143 costs of the collection and enforcement of the tax levied by
144 this chapter. Such costs and the service charge may not be
145 levied against any portion of taxes pledged to debt service on
146 bonds to the extent that the costs and service charge are
147 required to pay any amounts relating to the bonds. After
148 distributions are made pursuant to subsection (1), all of the
149 costs of the collection and enforcement of the tax levied by
150 this chapter and the service charge shall be available and
151 transferred to the extent necessary to pay debt service and any
152 other amounts payable with respect to bonds authorized before
153 January 1, 2013, secured by revenues distributed pursuant to
154 subsection (1). All taxes remaining after deduction of costs and
155 the service charge shall be distributed as follows:

156 (1) Sixty-three and thirty-one hundredths percent of the
157 remaining taxes shall be used for the following purposes:

158 (c) After the required payments under paragraphs (a) and



300456

159 (b), the remainder shall be paid into the State Treasury to the
160 credit of:

161 1. The State Transportation Trust Fund in the Department of
162 Transportation in the amount of the lesser of 38.2 percent of
163 the remainder or \$541.75 million in each fiscal year. Out of
164 such funds, the first \$50 million for the 2012-2013 fiscal year;
165 \$65 million for the 2013-2014 fiscal year; and \$75 million for
166 the 2014-2015 fiscal year and all subsequent years, shall be
167 transferred to the State Economic Enhancement and Development
168 Trust Fund within the Department of Economic Opportunity. The
169 remainder is to be used for the following specified purposes,
170 notwithstanding any other law to the contrary:

171 a. For the purposes of capital funding for the New Starts
172 Transit Program, authorized by Title 49, U.S.C. s. 5309 and
173 specified in s. 341.051, 10 percent of these funds;

174 b. For the purposes of the Small County Outreach Program
175 specified in s. 339.2818, 5 percent of these funds. Effective
176 July 1, 2014, the percentage allocated under this sub-
177 subparagraph shall be increased to 10 percent;

178 c. For the purposes of the Strategic Intermodal System
179 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
180 of these funds after allocating for the New Starts Transit
181 Program described in sub-subparagraph a. and the Small County
182 Outreach Program described in sub-subparagraph b.; and

183 d. For the purposes of the Transportation Regional
184 Incentive Program specified in s. 339.2819, 25 percent of these
185 funds after allocating for the New Starts Transit Program
186 described in sub-subparagraph a. and the Small County Outreach
187 Program described in sub-subparagraph b. Effective July 1, 2014,



300456

188 the first \$60 million of the funds allocated pursuant to this
189 sub-subparagraph shall be allocated annually to the Florida Rail
190 Enterprise for the purposes established in s. 341.303(5).

191 2. The Grants and Donations Trust Fund in the Department of
192 Economic Opportunity in the amount of the lesser of .23 percent
193 of the remainder or \$3.25 million in each fiscal year to fund
194 technical assistance to local governments ~~and school boards on~~
195 ~~the requirements and implementation of this act.~~

196 3. The Ecosystem Management and Restoration Trust Fund in
197 the amount of the lesser of 2.12 percent of the remainder or \$30
198 million in each fiscal year, to be used for the preservation and
199 repair of the state's beaches as provided in ss. 161.091-
200 161.212.

201 4. General Inspection Trust Fund in the amount of the
202 lesser of .02 percent of the remainder or \$300,000 in each
203 fiscal year to be used to fund oyster management and restoration
204 programs as provided in s. 379.362(3).

205
206 Moneys distributed pursuant to this paragraph may not be pledged
207 for debt service unless such pledge is approved by referendum of
208 the voters.

209 Section 4. Paragraph (o) of subsection (5) of section
210 212.08, Florida Statutes, is amended to read:

211 212.08 Sales, rental, use, consumption, distribution, and
212 storage tax; specified exemptions.—The sale at retail, the
213 rental, the use, the consumption, the distribution, and the
214 storage to be used or consumed in this state of the following
215 are hereby specifically exempt from the tax imposed by this
216 chapter.



300456

217 (5) EXEMPTIONS; ACCOUNT OF USE.—
218 (o) *Building materials in redevelopment projects.*—
219 1. As used in this paragraph, the term:
220 a. "Building materials" means tangible personal property
221 that becomes a component part of a housing project or a mixed-
222 use project.
223 b. "Housing project" means the conversion of an existing
224 manufacturing or industrial building to a housing unit which is
225 ~~units~~ in an urban high-crime area, an enterprise zone, an
226 empowerment zone, a Front Porch Community, a designated
227 brownfield site for which a rehabilitation agreement with the
228 Department of Environmental Protection or a local government
229 delegated by the Department of Environmental Protection has been
230 executed under s. 376.80 and any abutting real property parcel
231 within a brownfield area, or an urban infill area; and in which
232 the developer agrees to set aside at least 20 percent of the
233 housing units in the project for low-income and moderate-income
234 persons or the construction in a designated brownfield area of
235 affordable housing for persons described in s. 420.0004(9),
236 (11), (12), or (17) or in s. 159.603(7).
237 c. "Mixed-use project" means the conversion of an existing
238 manufacturing or industrial building to mixed-use units that
239 include artists' studios, art and entertainment services, or
240 other compatible uses. A mixed-use project must be located in an
241 urban high-crime area, an enterprise zone, an empowerment zone,
242 a Front Porch Community, a designated brownfield site for which
243 a rehabilitation agreement with the Department of Environmental
244 Protection or a local government delegated by the Department of
245 Environmental Protection has been executed under s. 376.80 and



300456

246 any abutting real property parcel within a brownfield area, or
247 an urban infill area; and the developer must agree to set aside
248 at least 20 percent of the square footage of the project for
249 low-income and moderate-income housing.

250 d. "Substantially completed" has the same meaning as
251 provided in s. 192.042(1).

252 2. Building materials used in the construction of a housing
253 project or mixed-use project are exempt from the tax imposed by
254 this chapter upon an affirmative showing to the satisfaction of
255 the department that the requirements of this paragraph have been
256 met. This exemption inures to the owner through a refund of
257 previously paid taxes. To receive this refund, the owner must
258 file an application under oath with the department which
259 includes:

260 a. The name and address of the owner.

261 b. The address and assessment roll parcel number of the
262 project for which a refund is sought.

263 c. A copy of the building permit issued for the project.

264 d. A certification by the local building code inspector
265 that the project is substantially completed.

266 e. A sworn statement, under penalty of perjury, from the
267 general contractor licensed in this state with whom the owner
268 contracted to construct the project, which statement lists the
269 building materials used in the construction of the project and
270 the actual cost thereof, and the amount of sales tax paid on
271 these materials. If a general contractor was not used, the owner
272 shall provide this information in a sworn statement, under
273 penalty of perjury. Copies of invoices evidencing payment of
274 sales tax must be attached to the sworn statement.



300456

275 3. An application for a refund under this paragraph must be
276 submitted to the department within 6 months after the date the
277 project is deemed to be substantially completed by the local
278 building code inspector. Within 30 working days after receipt of
279 the application, the department shall determine if it meets the
280 requirements of this paragraph. A refund approved pursuant to
281 this paragraph shall be made within 30 days after formal
282 approval of the application by the department.

283 4. The department shall establish by rule an application
284 form and criteria for establishing eligibility for exemption
285 under this paragraph.

286 5. The exemption shall apply to purchases of materials on
287 or after July 1, 2000.

288 Section 5. The amendments to section 212.08, Florida
289 Statutes, made by this act do not apply to any housing project
290 or mixed-use project where site development or construction work
291 was initiated prior to the effective date of this act.

292 Section 6. Effective April 30, 2014, paragraph (kkk) is
293 added to subsection (7) of section 212.08, Florida Statutes, to
294 read:

295 212.08 Sales, rental, use, consumption, distribution, and
296 storage tax; specified exemptions.—The sale at retail, the
297 rental, the use, the consumption, the distribution, and the
298 storage to be used or consumed in this state of the following
299 are hereby specifically exempt from the tax imposed by this
300 chapter.

301 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
302 entity by this chapter do not inure to any transaction that is
303 otherwise taxable under this chapter when payment is made by a



300456

304 representative or employee of the entity by any means,
305 including, but not limited to, cash, check, or credit card, even
306 when that representative or employee is subsequently reimbursed
307 by the entity. In addition, exemptions provided to any entity by
308 this subsection do not inure to any transaction that is
309 otherwise taxable under this chapter unless the entity has
310 obtained a sales tax exemption certificate from the department
311 or the entity obtains or provides other documentation as
312 required by the department. Eligible purchases or leases made
313 with such a certificate must be in strict compliance with this
314 subsection and departmental rules, and any person who makes an
315 exempt purchase with a certificate that is not in strict
316 compliance with this subsection and the rules is liable for and
317 shall pay the tax. The department may adopt rules to administer
318 this subsection.

319 (kkk) Certain machinery and equipment.-

320 1. Industrial machinery and equipment purchased by eligible
321 manufacturing businesses which is used at a fixed location
322 within this state for the manufacture, processing, compounding,
323 or production of items of tangible personal property for sale
324 shall be exempt from the tax imposed by this chapter. If at the
325 time of purchase the purchaser furnishes the seller with a
326 signed certificate certifying the purchaser's entitlement to
327 exemption pursuant to this paragraph, the seller is relieved of
328 the responsibility for collecting the tax on the sale of such
329 items, and the department shall look solely to the purchaser for
330 recovery of the tax if it determines that the purchaser was not
331 entitled to the exemption.

332 2. For purposes of this paragraph, the term:



300456

333 a. "Eligible manufacturing business" means any business
334 whose primary business activity at the location where the
335 industrial machinery and equipment is located is within the
336 industries classified under NAICS codes 31, 32, and 33. As used
337 in this subparagraph, "NAICS" means those classifications
338 contained in the North American Industry Classification System,
339 as published in 2007 by the Office of Management and Budget,
340 Executive Office of the President.

341 b. "Primary business activity" means an activity
342 representing more than fifty percent of the activities conducted
343 at the location where the industrial machinery and equipment is
344 located.

345 c. "Industrial machinery and equipment" means tangible
346 personal property or other property that has a depreciable life
347 of 3 years or more and that is used as an integral part in the
348 manufacturing, processing, compounding, or production of
349 tangible personal property for sale. A building and its
350 structural components are not industrial machinery and equipment
351 unless the building or structural component is so closely
352 related to the industrial machinery and equipment that it houses
353 or supports that the building or structural component can be
354 expected to be replaced when the machinery and equipment are
355 replaced. Heating and air conditioning systems are not
356 industrial machinery and equipment unless the sole justification
357 for their installation is to meet the requirements of the
358 production process, even though the system may provide
359 incidental comfort to employees or serve, to an insubstantial
360 degree, nonproduction activities. The term includes parts and
361 accessories for industrial machinery and equipment only to the



300456

362 extent that the parts and accessories are purchased prior to the
363 date the machinery and equipment are placed in service.

364 3. This paragraph is repealed effective April 30, 2017.

365 Section 7. Paragraph (bb) is added to subsection (8) of
366 section 213.053, Florida Statutes, to read:

367 213.053 Confidentiality and information sharing.—

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

370 (bb) Information to the director of the Office of Program
371 Policy Analysis and Government Accountability or his or her
372 authorized agent, and to the coordinator of the Office of
373 Economic and Demographic Research or his or her authorized
374 agent, for purposes of completing the Economic Development
375 Programs Evaluation. Information obtained from the department
376 pursuant to this paragraph may be shared by the director and the
377 coordinator, or the director's or coordinator's authorized
378 agent, for purposes of completing the Economic Development
379 Programs Evaluation.

380
381 Disclosure of information under this subsection shall be
382 pursuant to a written agreement between the executive director
383 and the agency. Such agencies, governmental or nongovernmental,
384 shall be bound by the same requirements of confidentiality as
385 the Department of Revenue. Breach of confidentiality is a
386 misdemeanor of the first degree, punishable as provided by s.
387 775.082 or s. 775.083.

388 Section 8. Subsection (9) of section 220.194, Florida
389 Statutes, is amended to read:

390 220.194 Corporate income tax credits for spaceflight



300456

391 projects.-

392 (9) ANNUAL REPORT.—Beginning in 2014, the Department of
393 Economic Opportunity, in cooperation with Space Florida and the
394 department, shall include in the ~~submit an~~ annual incentives
395 report required under s. 288.907 a summary of ~~summarizing~~
396 activities relating to the Florida Space Business Incentives Act
397 established under this section ~~to the Governor, the President of~~
398 ~~the Senate, and the Speaker of the House of Representatives by~~
399 ~~each November 30.~~

400 Section 9. Section 288.001, Florida Statutes, is amended to
401 read:

402 288.001 The Florida Small Business Development Center
403 Network; ~~purpose.~~—

404 (1) PURPOSE.—The Florida Small Business Development Center
405 Network is the principal business assistance organization for
406 small businesses in the state. The purpose of the network is to
407 serve emerging and established for-profit, privately held
408 businesses that maintain a place of business in the state.

409 (2) DEFINITIONS.—As used in this section, the term:

410 (a) “Board of Governors” is the Board of Governors of the
411 State University System.

412 (b) “Host institution” is the university designated by the
413 Board of Governors to be the recipient organization in
414 accordance with 13 C.F.R. s. 130.200.

415 (c) “Network” means the Florida Small Business Development
416 Center Network.

417 (3) OPERATION; POLICIES AND PROGRAMS.—

418 (a) The network’s statewide director shall operate the
419 network in compliance with the federal laws and regulations



300456

420 governing the network and the Board of Governors Regulation
421 10.015.

422 (b) The network's statewide director shall consult with the
423 Board of Governors, the department, and the network's statewide
424 advisory board to ensure that the network's policies and
425 programs align with the statewide goals of the State University
426 System and the statewide strategic economic development plan as
427 provided under s. 20.60.

428 (4) STATEWIDE ADVISORY BOARD.—

429 (a) The network shall maintain a statewide advisory board
430 to advise, counsel, and confer with the statewide director on
431 matters pertaining to the operation of the network.

432 (b) The statewide advisory board shall consist of 19
433 members from across the state. At least 12 members must be
434 representatives of the private sector who are knowledgeable of
435 the needs and challenges of small businesses. The members must
436 represent various segments and industries of the economy in this
437 state and must bring knowledge and skills to the statewide
438 advisory board which would enhance the board's collective
439 knowledge of small business assistance needs and challenges.
440 Minority and gender representation must be considered when
441 making appointments to the board. The board must include the
442 following members:

443 1. Three members appointed from the private sector by the
444 President of the Senate.

445 2. Three members appointed from the private sector by the
446 Speaker of the House of Representatives.

447 3. Three members appointed from the private sector by the
448 Governor.



300456

449 4. Three members appointed from the private sector by the
450 network's statewide director.

451 5. One member appointed by the host institution.

452 6. The President of Enterprise Florida, Inc., or his or her
453 designee.

454 7. The Chief Financial Officer or his or her designee.

455 8. The President of the Florida Chamber of Commerce or his
456 or her designee.

457 9. The Small Business Development Center Project Officer
458 from the U.S. Small Business Administration at the South Florida
459 District Office or his or her designee.

460 10. The executive director of the National Federation of
461 Independent Businesses, Florida, or his or her designee.

462 11. The executive director of the Florida United Business
463 Association or his or her designee.

464 (c) The term of an appointed member shall be for 4 years,
465 beginning August 1, 2013, except that at the time of initial
466 appointments, two members appointed by the Governor, one member
467 appointed by the President of the Senate, one member appointed
468 by the Speaker of the House of Representatives, and one member
469 appointed by the network's statewide director shall be appointed
470 for 2 years. An appointed member may be reappointed to a
471 subsequent term. Members of the statewide advisory board may not
472 receive compensation but may be reimbursed for per diem and
473 travel expenses in accordance with s. 112.061.

474 (5) SMALL BUSINESS SUPPORT SERVICES; AGREEMENT.-

475 (a) The statewide director, in consultation with the
476 advisory board, shall develop support services that are
477 delivered through regional small business development centers.



300456

478 Support services must target the needs of businesses that employ
479 fewer than 100 persons and demonstrate an assessed capacity to
480 grow in employment or revenue.

481 (b) Support services must include, but need not be limited
482 to, providing information or research, consulting, educating, or
483 assisting businesses in the following activities:

484 1. Planning related to the start-up, operation, or
485 expansion of a small business enterprise in this state. Such
486 activities include providing guidance on business formation,
487 structure, management, registration, regulation, and taxes.

488 2. Developing and implementing strategic or business plans.
489 Such activities include analyzing a business's mission, vision,
490 strategies, and goals; critiquing the overall plan; and creating
491 performance measures.

492 3. Developing the financial literacy of existing businesses
493 related to their business cash flow and financial management
494 plans. Such activities include conducting financial analysis
495 health checks, assessing cost control management techniques, and
496 building financial management strategies and solutions.

497 4. Developing and implementing plans for existing
498 businesses to access or expand to new or existing markets. Such
499 activities include conducting market research, researching and
500 identifying expansion opportunities in international markets,
501 and identifying opportunities in selling to units of government.

502 5. Supporting access to capital for business investment and
503 expansion. Such activities include providing technical
504 assistance relating to obtaining surety bonds; identifying and
505 assessing potential debt or equity investors or other financing
506 opportunities; assisting in the preparation of applications,



300456

507 projections, or pro forma or other support documentation for
508 surety bond, loan, financing, or investment requests; and
509 facilitating conferences with lenders or investors.

510 6. Assisting existing businesses to plan for a natural or
511 man-made disaster, and assisting businesses when such an event
512 occurs. Such activities include creating business continuity and
513 disaster plans, preparing disaster and bridge loan applications,
514 and carrying out other emergency support functions.

515 (c) A business receiving support services must agree to
516 participate in assessments of such services. The agreement, at a
517 minimum, must request the business to report demographic
518 characteristics, changes in employment and sales, debt and
519 equity capital attained, and government contracts acquired. The
520 host institution may require additional reporting requirements
521 for funding described in subsection (7).

522 (6) REQUIRED MATCH.—The network must provide a match equal
523 to the total amount of any direct legislative appropriation
524 which is received directly by the host institution and is
525 specifically designated for the network. The match may include
526 funds from federal or other nonstate funding sources designated
527 for the network. At least 50 percent of the match must be cash.
528 The remaining 50 percent may be provided through any allowable
529 combination of additional cash, in-kind contributions, or
530 indirect costs.

531 (7) ADDITIONAL STATE FUNDS; USES; PAY-PER-PERFORMANCE
532 INCENTIVES; STATEWIDE SERVICE; SERVICE ENHANCEMENTS; BEST
533 PRACTICES; ELIGIBILITY.—

534 (a) The statewide director, in coordination with the host
535 institution, shall establish a pay-per-performance incentive for



300456

536 regional small business development centers. Such incentive
537 shall be funded from half of any state appropriation received
538 directly by the host institution, which appropriation is
539 specifically designated for the network. These funds shall be
540 distributed to the regional small business development centers
541 based upon data collected from the businesses as provided under
542 paragraph (5) (c). The distribution formula must provide for the
543 distribution of funds in part on the gross number of jobs
544 created annually by each center and in part on the number of
545 jobs created per support service hour. The pay-per-performance
546 incentive must supplement the operations and support services of
547 each regional small business development center.

548 (b) Half of any state funds received directly by the host
549 institution which are specifically designated for the network
550 shall be distributed by the statewide director, in coordination
551 with the advisory board, for the following purposes:

552 1. Ensuring that support services are available statewide,
553 especially in underserved and rural areas of the state, to
554 assist eligible businesses;

555 2. Enhancing participation in the network among state
556 universities and colleges; and

557 3. Facilitating the adoption of innovative small business
558 assistance best practices by the regional small business
559 development centers.

560 (c) The statewide director, in coordination with the
561 advisory board, shall develop annual programs to distribute
562 funds for each of the purposes described in paragraph (b). The
563 network shall announce the annual amount of available funds for
564 each program, performance expectations, and other requirements.



300456

565 For each program, the statewide director shall present
566 applications and recommendations to the advisory board. The
567 advisory board shall make the final approval of applications.
568 Approved applications must be publicly posted. At a minimum,
569 programs must include:

- 570 1. New regional small business development centers; and
571 2. Awards for the top six regional small business
572 development centers that adopt best practices, as determined by
573 the advisory board. Detailed information about best practices
574 must be made available to regional small business development
575 centers for voluntary implementation.

576 (d) A regional small business development center that has
577 been found by the statewide director to perform poorly, to
578 engage in improper activity affecting the operation and
579 integrity of the network, or to fail to follow the rules and
580 procedures set forth in the laws, regulations, and policies
581 governing the network, is not eligible for funds under this
582 subsection.

583 (e) Funds awarded under this subsection may not reduce
584 matching funds dedicated to the regional small business
585 development centers.

586 (8) REPORTING.—

587 (a) The statewide director shall quarterly update the Board
588 of Governors, the department, and the advisory board on the
589 network's progress and outcomes, including aggregate information
590 on businesses assisted by the network.

591 (b) The statewide director, in coordination with the
592 advisory board, shall annually report, on October 1, to the
593 President of the Senate and the Speaker of the House of



300456

594 Representatives on the network's progress and outcomes for the
595 previous fiscal year. The report must include aggregate
596 information on businesses assisted by the network; network
597 services and programs; the use of all federal, state, local, and
598 private funds received by the network and the regional small
599 business development centers, including any additional funds
600 specifically appropriated by the Legislature for the purposes
601 described in subsection (7); and the network's economic benefit
602 to the state. The report must contain specific information on
603 performance-based metrics and contain the methodology used to
604 calculate the network's economic benefit to the state.

605 Section 10. Subsection (4) is added to section 288.005,
606 Florida Statutes, to read:

607 288.005 Definitions.—As used in this chapter, the term:
608 (4) "Jobs" means full-time equivalent positions, including,
609 but not limited to, positions obtained from a temporary
610 employment agency or employee leasing company or through a union
611 agreement or coemployment under a professional employer
612 organization agreement, which result directly from a project in
613 this state. This number does not include temporary construction
614 jobs involved with the construction of facilities for the
615 project.

616 Section 11. Subsection (3) of section 288.012, Florida
617 Statutes, is amended to read:

618 288.012 State of Florida international offices; state
619 protocol officer; protocol manual.—The Legislature finds that
620 the expansion of international trade and tourism is vital to the
621 overall health and growth of the economy of this state. This
622 expansion is hampered by the lack of technical and business



300456

623 assistance, financial assistance, and information services for
624 businesses in this state. The Legislature finds that these
625 businesses could be assisted by providing these services at
626 State of Florida international offices. The Legislature further
627 finds that the accessibility and provision of services at these
628 offices can be enhanced through cooperative agreements or
629 strategic alliances between private businesses and state, local,
630 and international governmental entities.

631 (3) ~~By October 1 of each year,~~ Each international office
632 shall annually submit to Enterprise Florida, Inc., the
633 ~~department~~ a complete and detailed report on its activities and
634 accomplishments during the previous preceding fiscal year for
635 inclusion in the annual report required under s. 288.906. In the
636 ~~a~~ format and by the annual date prescribed provided by
637 Enterprise Florida, Inc., the report must set forth information
638 on:

- 639 (a) The number of Florida companies assisted.
640 (b) The number of inquiries received about investment
641 opportunities in this state.
642 (c) The number of trade leads generated.
643 (d) The number of investment projects announced.
644 (e) The estimated U.S. dollar value of sales confirmations.
645 (f) The number of representation agreements.
646 (g) The number of company consultations.
647 (h) Barriers or other issues affecting the effective
648 operation of the office.
649 (i) Changes in office operations which are planned for the
650 current fiscal year.
651 (j) Marketing activities conducted.



300456

652 (k) Strategic alliances formed with organizations in the
653 country in which the office is located.

654 (l) Activities conducted with Florida's other international
655 offices.

656 (m) Any other information that the office believes would
657 contribute to an understanding of its activities.

658 Section 12. Section 288.061, Florida Statutes, is amended
659 to read:

660 288.061 Economic development incentive application
661 process.-

662 (1) Upon receiving a submitted economic development
663 incentive application, the Division of Strategic Business
664 Development of the Department of Economic Opportunity and
665 designated staff of Enterprise Florida, Inc., shall review the
666 application to ensure that the application is complete, whether
667 and what type of state and local permits may be necessary for
668 the applicant's project, whether it is possible to waive such
669 permits, and what state incentives and amounts of such
670 incentives may be available to the applicant. The department
671 shall recommend to the executive director to approve or
672 disapprove an applicant business. If review of the application
673 demonstrates that the application is incomplete, the executive
674 director shall notify the applicant business within the first 5
675 business days after receiving the application.

676 (2) Beginning July 1, 2013, the department shall review and
677 evaluate each economic development incentive application for the
678 economic benefits of the proposed award of state incentives
679 proposed for the project. The term "economic benefits" has the
680 same meaning as in s. 288.005. The Office of Economic and



300456

681 Demographic Research shall establish the methodology and model
682 used to calculate the economic benefits. For purposes of this
683 requirement, an amended definition of "economic benefits" may be
684 developed by the Office of Economic and Demographic Research.

685 (3)~~(2)~~ Within 10 business days after the department
686 receives the submitted economic development incentive
687 application, the executive director shall approve or disapprove
688 the application and issue a letter of certification to the
689 applicant which includes a justification of that decision,
690 unless the business requests an extension of that time.

691 (a) The contract or agreement with the applicant must ~~shall~~
692 specify the total amount of the award, the performance
693 conditions that must be met to obtain the award, the schedule
694 for payment, and sanctions that would apply for failure to meet
695 performance conditions. The department may enter into one
696 agreement or contract covering all of the state incentives that
697 are being provided to the applicant. The contract must provide
698 that release of funds is contingent upon sufficient
699 appropriation of funds by the Legislature.

700 (b) The release of funds for the incentive or incentives
701 awarded to the applicant depends upon the statutory requirements
702 of the particular incentive program, except as provided in
703 subsection (4).

704 (4)~~(3)~~ The department shall validate contractor performance
705 and report. such ~~Such~~ validation ~~shall be reported~~ in the annual
706 incentives ~~incentive~~ report required under s. 288.907.

707 (5) (a) The executive director may not approve an economic
708 development incentive application unless the application
709 includes a signed written declaration by the applicant which



300456

710 states that the applicant has read the information in the
711 application and that the information is true, correct, and
712 complete to the best of the applicant's knowledge and belief.

713 (b) After an economic development incentive application is
714 approved, the awardee shall provide, in each year that the
715 department is required to validate contractor performance, a
716 signed written declaration. The written declaration must state
717 that the awardee has reviewed the information and that the
718 information is true, correct, and complete to the best of the
719 awardee's knowledge and belief.

720 (6) The department is authorized to adopt rules to
721 implement this section.

722 Section 13. Subsection (8) of section 288.0656, Florida
723 Statutes, is amended to read:

724 288.0656 Rural Economic Development Initiative.—

725 (8) REDI shall submit a report to the department ~~Governor,~~
726 ~~the President of the Senate, and the Speaker of the House of~~
727 ~~Representatives each year on or before September 1~~ on all REDI
728 activities for the previous ~~prior~~ fiscal year as a supplement to
729 the department's annual report required under s. 20.60. This
730 supplementary report must shall include:

731 (a) A status report on all projects currently being
732 coordinated through REDI, the number of preferential awards and
733 allowances made pursuant to this section, the dollar amount of
734 such awards, and the names of the recipients.

735 (b) ~~The report shall also include~~ A description of all
736 waivers of program requirements granted.

737 (c) ~~The report shall also include~~ Information as to the
738 economic impact of the projects coordinated by REDI. ~~and~~



300456

739 (d) Recommendations based on the review and evaluation of
740 statutes and rules having an adverse impact on rural
741 communities, and proposals to mitigate such adverse impacts.

742 Section 14. Effective October 1, 2013, section 288.076,
743 Florida Statutes, is created to read:

744 288.076 Return on investment reporting for economic
745 development programs.-

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

747 (a) "Jobs" has the same meaning as provided in s.
748 288.106(2) (i).

749 (b) "Participant business" means an employing unit, as
750 defined in s. 443.036, that has entered into an agreement with
751 the department to receive a state investment.

752 (c) "Project" has the same meaning as provided in s.
753 288.106(2) (m).

754 (d) "Project award date" means the date a participant
755 business enters into an agreement with the department to receive
756 a state investment.

757 (e) "State investment" means any state grants, tax
758 exemptions, tax refunds, tax credits, or other state incentives
759 provided to a business under a program administered by the
760 department, including the capital investment tax credit under s.
761 220.191.

762 (2) The department shall maintain a website for the purpose
763 of publishing the information described in this section. The
764 information required to be published under this section must be
765 provided in a format accessible to the public which enables
766 users to search for and sort specific data and to easily view
767 and retrieve all data at once.



300456

768 (3) Within 48 hours after expiration of the period of
769 confidentiality for project information deemed confidential and
770 exempt pursuant to s. 288.075, the department shall publish the
771 following information pertaining to each project:

772 (a) Projected economic benefits.—The projected economic
773 benefits at the time of the initial project award date.

774 (b) Project information.—

775 1. The program or programs through which state investment
776 is being made.

777 2. The maximum potential cumulative state investment in the
778 project.

779 3. The target industry or industries, and any high impact
780 sectors implicated by the project.

781 4. The county or counties that will be impacted by the
782 project.

783 5. For a project that requires local commitment, the total
784 cumulative local financial commitment and in-kind support for
785 the project.

786 (c) Participant business information.—

787 1. The location of the headquarters of the participant
788 business or, if a subsidiary, the headquarters of the parent
789 company.

790 2. The firm size class of the participant business, or
791 where owned by a parent company the firm size class of the
792 participant business's parent company, using the firm size
793 classes established by the United States Department of Labor
794 Bureau of Labor Statistics, and whether the participant business
795 qualifies as a small business as defined in s. 288.703.

796 3. The date of the project award.



300456

797 4. The expected duration of the contract.

798 5. The anticipated dates when the participant business will
799 claim the last state investment.

800 (d) Project evaluation criteria.—Economic benefits
801 generated by the project.

802 (e) Project performance goals.—

803 1. The incremental direct jobs attributable to the project,
804 identifying the number of jobs generated and the number of jobs
805 retained.

806 2. The number of jobs generated and the number of jobs
807 retained by the project, and for projects commencing after
808 October 1, 2013, the average annual wage of persons holding such
809 jobs.

810 3. The incremental direct capital investment in the state
811 generated by the project.

812 (f) Total state investment to date.—The total amount of
813 state investment disbursed to the participant business to date
814 under the terms of the contract, itemized by incentive program.

815 (4) The department shall calculate and publish on its
816 website the economic benefits of each project within 48 hours
817 after the conclusion of the agreement between each participant
818 business and the department. The department shall work with the
819 Office of Economic and Demographic Research to provide a
820 description of the methodology used to calculate the economic
821 benefits of a project, and the department must publish the
822 information on its website.

823 (5) At least annually, from the project award date, the
824 department shall:

825 (a) Publish verified results to update the information



300456

826 described in paragraphs (3) (b)-(f) to accurately reflect any
827 changes in the published information since the project award
828 date.

829 (b) Publish on its website the date on which the
830 information collected and published for each project was last
831 updated.

832 (6) Annually, the department shall publish information
833 relating to the progress of Quick Action Closing Fund projects,
834 including the average number of days between the date the
835 department receives a completed application and the date on
836 which the application is approved.

837 (7) (a) Within 48 hours after expiration of the period of
838 confidentiality provided under s. 288.075, the department shall
839 publish the contract or agreement described in s. 288.061,
840 redacted to protect the participant business from disclosure of
841 information that remains confidential or exempt by law.

842 (b) Within 48 hours after submitting any report of findings
843 and recommendations made pursuant to s. 288.106(7) (d) concerning
844 a business's failure to complete a tax refund agreement pursuant
845 to the tax refund program for qualified target industry
846 businesses, the department shall publish such report.

847 (8) For projects completed before October 1, 2013, the
848 department shall compile and, by October 1, 2014, shall publish
849 the information described in subsections (3), (4), and (5), to
850 the extent such information is available and applicable.

851 (9) The provisions of this section that restrict the
852 department's publication of information are intended only to
853 limit the information that the department may publish on its
854 website and shall not be construed to create an exemption from



300456

855 public records requirements under s. 119.07(1) or s. 24(a), Art.
856 I of the State Constitution.

857 (10) The department may adopt rules to administer this
858 section.

859 Section 15. Paragraph (c) of subsection (3) of section
860 288.095, Florida Statutes, is repealed.

861 Section 16. Paragraph (c) of subsection (4) and paragraph
862 (d) of subsection (7) of section 288.106, Florida Statutes, are
863 amended to read:

864 288.106 Tax refund program for qualified target industry
865 businesses.-

866 (4) APPLICATION AND APPROVAL PROCESS.-

867 (c) Each application meeting the requirements of paragraph
868 (b) must be submitted to the department for determination of
869 eligibility. The department shall review and evaluate each
870 application based on, but not limited to, the following
871 criteria:

872 1. Expected contributions to the state's economy,
873 consistent with the state strategic economic development plan
874 prepared by the department.

875 2. The economic benefits of the proposed award of tax
876 refunds under this section ~~and the economic benefits of state~~
877 ~~incentives proposed for the project. The term "economic~~
878 ~~benefits" has the same meaning as in s. 288.005. The Office of~~
879 ~~Economic and Demographic Research shall review and evaluate the~~
880 ~~methodology and model used to calculate the economic benefits~~
881 ~~and shall report its findings by September 1 of every 3rd year,~~
882 ~~to the President of the Senate and the Speaker of the House of~~
883 ~~Representatives.~~



300456

884 3. The amount of capital investment to be made by the
885 applicant in this state.

886 4. The local financial commitment and support for the
887 project.

888 5. The expected effect of the project on the unemployed and
889 underemployed unemployment rate in the county where the project
890 will be located.

891 6. The expected effect of the award on the viability of the
892 project and the probability that the project would be undertaken
893 in this state if such tax refunds are granted to the applicant.

894 ~~7. The expected long-term commitment of the applicant to~~
895 ~~economic growth and employment in this state resulting from the~~
896 ~~project.~~

897 ~~7.8.~~ A review of the business's past activities in this
898 state or other states, including whether the ~~such~~ business has
899 been subjected to criminal or civil fines and penalties. This
900 subparagraph does not require the disclosure of confidential
901 information.

902 (7) ADMINISTRATION.—

903 (d) Beginning with tax refund agreements signed after July
904 1, 2010, the department shall attempt to ascertain the causes
905 for any business's failure to complete its agreement and ~~shall~~
906 ~~report~~ its findings and recommendations must be included in the
907 annual incentives report under s. 288.907 ~~to the Governor, the~~
908 ~~President of the Senate, and the Speaker of the House of~~
909 ~~Representatives. The report shall be submitted by December 1 of~~
910 ~~each year beginning in 2011.~~

911 Section 17. Paragraphs (c) and (d) of subsection (1),
912 subsections (2) and (3), and paragraphs (a), (b), and (f) of



300456

913 subsection (4) of section 288.107, Florida Statutes, are amended
914 to read:

915 288.107 Brownfield redevelopment bonus refunds.—

916 (1) DEFINITIONS.—As used in this section:

917 (c) “Brownfield area eligible for bonus refunds” means a
918 brownfield site for which a rehabilitation agreement with the
919 Department of Environmental Protection or a local government
920 delegated by the Department of Environmental Protection has been
921 executed under s. 376.80 and any abutting real property parcel
922 within a brownfield contiguous area of one or more brownfield
923 sites, some of which may not be contaminated, and which has been
924 designated by a local government by resolution under s. 376.80.
925 ~~Such areas may include all or portions of community~~
926 ~~redevelopment areas, enterprise zones, empowerment zones, other~~
927 ~~such designated economically deprived communities and areas, and~~
928 ~~Environmental Protection Agency-designated brownfield pilot~~
929 ~~projects.~~

930 (d) “Eligible business” means:

931 1. A qualified target industry business as defined in s.
932 288.106(2); or

933 2. A business that can demonstrate a fixed capital
934 investment of at least \$2 million in mixed-use business
935 activities, including multiunit housing, commercial, retail, and
936 industrial in brownfield areas eligible for bonus refunds, ~~or at~~
937 ~~least \$500,000 in brownfield areas that do not require site~~
938 ~~cleanup~~, and that provides benefits to its employees.

939 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
940 shall be approved by the department as specified in the final
941 order and allowed from the account as follows:



300456

942 (a) A bonus refund of \$2,500 shall be allowed to any
943 qualified target industry business as defined in s. 288.106 for
944 each new Florida job created in a brownfield area eligible for
945 bonus refunds which ~~that~~ is claimed on the qualified target
946 industry business's annual refund claim authorized in s.
947 288.106(6).

948 (b) A bonus refund of up to \$2,500 shall be allowed to any
949 other eligible business as defined in subparagraph (1)(d)2. for
950 each new Florida job created in a brownfield area eligible for
951 bonus refunds which ~~that~~ is claimed under an annual claim
952 procedure similar to the annual refund claim authorized in s.
953 288.106(6). The amount of the refund shall be equal to 20
954 percent of the average annual wage for the jobs created.

955 (3) CRITERIA.—The minimum criteria for participation in the
956 brownfield redevelopment bonus refund are:

957 (a) The creation of at least 10 new full-time permanent
958 jobs. Such jobs shall not include construction or site
959 rehabilitation jobs associated with the implementation of a
960 brownfield site agreement as described in s. 376.80(5).

961 (b) The completion of a fixed capital investment of at
962 least \$2 million in mixed-use business activities, including
963 multiunit housing, commercial, retail, and industrial in
964 brownfield areas eligible for bonus refunds, ~~or at least~~
965 ~~\$500,000 in brownfield areas that do not require site cleanup,~~
966 by an eligible business applying for a refund under paragraph
967 (2)(b) which provides benefits to its employees.

968 ~~(c) That the designation as a brownfield will diversify and~~
969 ~~strengthen the economy of the area surrounding the site.~~

970 ~~(d) That the designation as a brownfield will promote~~



300456

971 ~~capital investment in the area beyond that contemplated for the~~
972 ~~rehabilitation of the site.~~

973 ~~(c) A resolution adopted by the governing board of the~~
974 ~~county or municipality in which the project will be located that~~
975 ~~recommends that certain types of businesses be approved.~~

976 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

977 (a) To be eligible to receive a bonus refund for new
978 Florida jobs created in a brownfield area eligible for bonus
979 refunds, a business must have been certified as a qualified
980 target industry business under s. 288.106 or eligible business
981 as defined in paragraph (1)(d) and must have indicated on the
982 qualified target industry business tax refund application form
983 submitted in accordance with s. 288.106(4) or other similar
984 agreement for other eligible business as defined in paragraph
985 (1)(d) that the project for which the application is submitted
986 is or will be located in a brownfield area eligible for bonus
987 refunds and that the business is applying for certification as a
988 qualified brownfield business under this section, and must have
989 signed a qualified target industry business tax refund agreement
990 with the department that indicates that the business has been
991 certified as a qualified target industry business located in a
992 brownfield area eligible for bonus refunds and specifies the
993 schedule of brownfield redevelopment bonus refunds that the
994 business may be eligible to receive in each fiscal year.

995 (b) To be considered to receive an eligible brownfield
996 redevelopment bonus refund payment, the business meeting the
997 requirements of paragraph (a) must submit a claim once each
998 fiscal year on a claim form approved by the department which
999 indicates the location of the brownfield site for which a



300456

1000 rehabilitation agreement with the Department of Environmental
1001 Protection or a local government delegated by the Department of
1002 Environmental Protection has been executed under s. 376.80, the
1003 address of the business facility's brownfield location, the name
1004 of the brownfield in which it is located, the number of jobs
1005 created, and the average wage of the jobs created by the
1006 business within the brownfield as defined in s. 288.106 or other
1007 eligible business as defined in paragraph (1)(d) and the
1008 administrative rules and policies for that section.

1009 (f) Applications shall be reviewed and certified pursuant
1010 to s. 288.061. The department shall review all applications
1011 submitted under s. 288.106 or other similar application forms
1012 for other eligible businesses as defined in paragraph (1)(d)
1013 which indicate that the proposed project will be located in a
1014 brownfield area eligible for bonus refunds and determine, with
1015 the assistance of the Department of Environmental Protection,
1016 that the project location is within a brownfield area eligible
1017 for bonus refunds as provided in this act.

1018 Section 18. The amendments to s. 288.107, Florida Statutes,
1019 made by this act do not apply to any party seeking a brownfield
1020 redevelopment bonus refund where, before the effective date of
1021 this act:

1022 (1) A resolution endorsing the refund was approved by the
1023 local government;

1024 (2) Any such party seeking the refund filed a notice of
1025 intent to seek a refund or filed an application for the refund
1026 with the Department of Economic Opportunity or Enterprise
1027 Florida, Inc.; or

1028 (3) Any such party seeking the refund executed an actual



300456

1029 tax refund agreement with the Department of Economic
1030 Opportunity.

1031 Section 19. Subsection (8) of section 288.1081, Florida
1032 Statutes, is amended to read:

1033 288.1081 Economic Gardening Business Loan Pilot Program.—

1034 (8) The annual report required under s. 20.60 must describe
1035 ~~On June 30 and December 31 of each year, the department shall~~
1036 ~~submit a report to the Governor, the President of the Senate,~~
1037 ~~and the Speaker of the House of Representatives which describes~~
1038 in detail the use of the loan funds. The report must include, at
1039 a minimum, the number of businesses receiving loans, the number
1040 of full-time equivalent jobs created as a result of the loans,
1041 the amount of wages paid to employees in the newly created jobs,
1042 the locations and types of economic activity undertaken by the
1043 borrowers, the amounts of loan repayments made to date, and the
1044 default rate of borrowers.

1045 Section 20. Subsection (8) of section 288.1082, Florida
1046 Statutes, is amended to read:

1047 288.1082 Economic Gardening Technical Assistance Pilot
1048 Program.—

1049 (8) The annual report required under s. 20.60 must describe
1050 ~~On December 31 of each year, the department shall submit a~~
1051 ~~report to the Governor, the President of the Senate, and the~~
1052 ~~Speaker of the House of Representatives which describes in~~
1053 detail the progress of the pilot program. The report must
1054 include, at a minimum, the number of businesses receiving
1055 assistance, the number of full-time equivalent jobs created as a
1056 result of the assistance, if any, the amount of wages paid to
1057 employees in the newly created jobs, and the locations and types



300456

1058 of economic activity undertaken by the businesses.

1059 Section 21. Paragraph (e) of subsection (3) of section
1060 288.1088, Florida Statutes, is amended to read:

1061 288.1088 Quick Action Closing Fund.—

1062 (3)

1063 (e) The department ~~Enterprise Florida, Inc.,~~ shall validate
1064 contractor performance and report- such validation in the annual
1065 incentives report required under s. 288.907 shall be reported
1066 ~~within 6 months after completion of the contract to the~~
1067 ~~Governor, President of the Senate, and the Speaker of the House~~
1068 ~~of Representatives.~~

1069 Section 22. Paragraphs (b) and (d) of subsection (4), and
1070 subsections (9) and (11) of section 288.1089, Florida Statutes,
1071 are amended to read:

1072 288.1089 Innovation Incentive Program.—

1073 (4) To qualify for review by the department, the applicant
1074 must, at a minimum, establish the following to the satisfaction
1075 of the department:

1076 (b) A research and development project must:

1077 1. Serve as a catalyst for an emerging or evolving
1078 technology cluster.

1079 2. Demonstrate a plan for significant higher education
1080 collaboration.

1081 3. Provide the state, at a minimum, a cumulative break-even
1082 economic benefit return on investment within a 20-year period.

1083 4. Be provided with a one-to-one match from the local
1084 community. The match requirement may be reduced or waived in
1085 rural areas of critical economic concern or reduced in rural
1086 areas, brownfield areas, and enterprise zones.



300456

1087 (d) For an alternative and renewable energy project in this
1088 state, the project must:

1089 1. Demonstrate a plan for significant collaboration with an
1090 institution of higher education;

1091 2. Provide the state, at a minimum, a cumulative break-even
1092 economic benefit ~~return on investment~~ within a 20-year period;

1093 3. Include matching funds provided by the applicant or
1094 other available sources. The match requirement may be reduced or
1095 waived in rural areas of critical economic concern or reduced in
1096 rural areas, brownfield areas, and enterprise zones;

1097 4. Be located in this state; and

1098 5. Provide at least 35 direct, new jobs that pay an
1099 estimated annual average wage that equals at least 130 percent
1100 of the average private sector wage.

1101 (9) The department shall validate the performance of an
1102 innovation business, a research and development facility, or an
1103 alternative and renewable energy business that has received an
1104 award. At the conclusion of the innovation incentive award
1105 agreement, or its earlier termination, the department shall
1106 include in the annual incentives report required under s.
1107 288.907 a detailed description of, ~~within 90 days, submit a~~
1108 ~~report to the Governor, the President of the Senate, and the~~
1109 ~~Speaker of the House of Representatives detailing~~ whether the
1110 recipient of the innovation incentive grant achieved its
1111 specified outcomes.

1112 (11) ~~(a)~~ The department shall include in ~~submit to the~~
1113 ~~Governor, the President of the Senate, and the Speaker of the~~
1114 ~~House of Representatives, as part of the annual~~ incentives
1115 report required under s. 288.907, a report summarizing the



300456

1116 activities and accomplishments of the recipients of grants from
1117 the Innovation Incentive Program during the previous 12 months
1118 and an evaluation of whether the recipients are catalysts for
1119 additional direct and indirect economic development in Florida.

1120 ~~(b) Beginning March 1, 2010, and every third year~~
1121 ~~thereafter, the Office of Program Policy Analysis and Government~~
1122 ~~Accountability, in consultation with the Auditor General's~~
1123 ~~Office, shall release a report evaluating the Innovation~~
1124 ~~Incentive Program's progress toward creating clusters of high-~~
1125 ~~wage, high skilled, complementary industries that serve as~~
1126 ~~catalysts for economic growth specifically in the regions in~~
1127 ~~which they are located, and generally for the state as a whole.~~
1128 ~~Such report should include critical analyses of quarterly and~~
1129 ~~annual reports, annual audits, and other documents prepared by~~
1130 ~~the Innovation Incentive Program awardees; relevant economic~~
1131 ~~development reports prepared by the department, Enterprise~~
1132 ~~Florida, Inc., and local or regional economic development~~
1133 ~~organizations; interviews with the parties involved; and any~~
1134 ~~other relevant data. Such report should also include legislative~~
1135 ~~recommendations, if necessary, on how to improve the Innovation~~
1136 ~~Incentive Program so that the program reaches its anticipated~~
1137 ~~potential as a catalyst for direct and indirect economic~~
1138 ~~development in this state.~~

1139 Section 23. Subsection (3) of section 288.1253, Florida
1140 Statutes, is amended to read:

1141 288.1253 Travel and entertainment expenses.—

1142 (3) The Office of Film and Entertainment department shall
1143 include in the annual report for the entertainment industry
1144 financial incentive program required under s. 288.1254(10) a



300456

1145 ~~prepare an annual~~ report of the office's expenditures of the
1146 ~~Office of Film and Entertainment and provide such report to the~~
1147 ~~Legislature no later than December 30 of each year for the~~
1148 ~~expenditures of the previous fiscal year. The report must shall~~
1149 consist of a summary of all travel, entertainment, and
1150 incidental expenses incurred within the United States and all
1151 travel, entertainment, and incidental expenses incurred outside
1152 the United States, as well as a summary of all successful
1153 projects that developed from such travel.

1154 Section 24. Subsection (10) of section 288.1254, Florida
1155 Statutes, is amended to read:

1156 288.1254 Entertainment industry financial incentive
1157 program.—

1158 (10) ANNUAL REPORT.—Each November 1 ~~October 1~~, the Office
1159 of Film and Entertainment shall submit ~~provide~~ an annual report
1160 for the previous fiscal year to the Governor, the President of
1161 the Senate, and the Speaker of the House of Representatives
1162 which outlines the incentive program's return on investment and
1163 economic benefits to the state. The report must ~~shall~~ also
1164 include an estimate of the full-time equivalent positions
1165 created by each production that received tax credits under this
1166 section and information relating to the distribution of
1167 productions receiving credits by geographic region and type of
1168 production. The report must also include the expenditures report
1169 required under s. 288.1253(3) and the information describing the
1170 relationship between tax exemptions and incentives to industry
1171 growth required under s. 288.1258(5).

1172 Section 25. Subsection (5) of section 288.1258, Florida
1173 Statutes, is amended to read:



300456

1174 288.1258 Entertainment industry qualified production
1175 companies; application procedure; categories; duties of the
1176 Department of Revenue; records and reports.—

1177 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
1178 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film
1179 and Entertainment shall keep annual records from the information
1180 provided on taxpayer applications for tax exemption certificates
1181 beginning January 1, 2001. These records also must ~~shall~~ reflect
1182 a ratio of the annual amount of sales and use tax exemptions
1183 under this section, plus the incentives awarded pursuant to s.
1184 288.1254 to the estimated amount of funds expended by certified
1185 productions. In addition, the office shall maintain data showing
1186 annual growth in Florida-based entertainment industry companies
1187 and entertainment industry employment and wages. The employment
1188 information must ~~shall~~ include an estimate of the full-time
1189 equivalent positions created by each production that received
1190 tax credits pursuant to s. 288.1254. The Office of Film and
1191 Entertainment shall include ~~report~~ this information in the
1192 annual report for the entertainment industry financial incentive
1193 program required under s. 288.1254(10) to the Legislature no
1194 later than December 1 of each year.

1195 Section 26. Subsection (3) of section 288.714, Florida
1196 Statutes, is amended to read:

1197 288.714 Quarterly and annual reports.—

1198 (3) ~~By August 31 of each year,~~ The department shall include
1199 in its annual report required under s. 20.60 ~~provide to the~~
1200 ~~Governor, the President of the Senate, and the Speaker of the~~
1201 ~~House of Representatives~~ a detailed report of the performance of
1202 the Black Business Loan Program. The report must include a



300456

1203 cumulative summary of the quarterly report data compiled
1204 pursuant to ~~required by~~ subsection (2) ~~(1)~~.

1205 Section 27. Section 288.7771, Florida Statutes, is amended
1206 to read:

1207 288.7771 Annual report of Florida Export Finance
1208 Corporation.—The corporation shall annually prepare and submit
1209 to Enterprise Florida, Inc., the department for inclusion in its
1210 annual report required under s. 288.906 ~~by s. 288.095~~ a complete
1211 and detailed report setting forth:

1212 (1) The report required in s. 288.776(3).

1213 (2) Its assets and liabilities at the end of its most
1214 recent fiscal year.

1215 Section 28. Subsections (3), (4), and (5) of section
1216 288.903, Florida Statutes, are amended to read:

1217 288.903 Duties of Enterprise Florida, Inc.—Enterprise
1218 Florida, Inc., shall have the following duties:

1219 (3) Prepare an annual report pursuant to s. 288.906.

1220 (4) Prepare, in conjunction with the department, ~~and~~ an
1221 annual incentives report pursuant to s. 288.907.

1222 (5)~~(4)~~ Assist the department with the development of an
1223 annual and a long-range strategic business blueprint for
1224 economic development required in s. 20.60.

1225 (6)~~(5)~~ In coordination with Workforce Florida, Inc.,
1226 identify education and training programs that will ensure
1227 Florida businesses have access to a skilled and competent
1228 workforce necessary to compete successfully in the domestic and
1229 global marketplace.

1230 Section 29. Subsection (6) of section 288.904, Florida
1231 Statutes, is repealed.



300456

1232 Section 30. Subsection (3) is added to section 288.906,
1233 Florida Statutes, to read:

1234 288.906 Annual report of Enterprise Florida, Inc., and its
1235 divisions; audits.-

1236 (3) The following reports must be included as supplements
1237 to the detailed report required by this section:

1238 (a) The annual report of the Florida Export Finance
1239 Corporation required under s. 288.7771.

1240 (b) The report on international offices required under s.
1241 288.012.

1242 Section 31. Section 288.907, Florida Statutes, is amended
1243 to read:

1244 288.907 Annual incentives report.-

1245 ~~(1) By December 30 of each year, In addition to the annual~~
1246 ~~report required under s. 288.906, Enterprise Florida, Inc., in~~
1247 ~~conjunction with the department, by December 30 of each year,~~
1248 shall provide the Governor, the President of the Senate, and the
1249 Speaker of the House of Representatives a detailed incentives
1250 report quantifying the economic benefits for all of the economic
1251 development incentive programs marketed by Enterprise Florida,
1252 Inc.

1253 ~~(a)~~ The annual incentives report must include:

1254 (1) For each incentive program:

1255 (a)1. A brief description of the incentive program.

1256 (b)2. The amount of awards granted, by year, since
1257 inception and the annual amount actually transferred from the
1258 state treasury to businesses or for the benefit of businesses
1259 for each of the previous 3 years.

1260 ~~3. The economic benefits, as defined in s. 288.005, based~~



300456

1261 ~~on the actual amount of private capital invested, actual number~~
1262 ~~of jobs created, and actual wages paid for incentive agreements~~
1263 ~~completed during the previous 3 years.~~

1264 ~~(c)4.~~ The report shall also include The actual amount of
1265 private capital invested, actual number of jobs created, and
1266 actual wages paid for incentive agreements completed during the
1267 previous 3 years for each target industry sector.

1268 ~~(2)(b)~~ For projects completed during the previous state
1269 fiscal year, ~~the report must include:~~

1270 ~~(a)1.~~ The number of economic development incentive
1271 applications received.

1272 ~~(b)2.~~ The number of recommendations made to the department
1273 by Enterprise Florida, Inc., including the number recommended
1274 for approval and the number recommended for denial.

1275 ~~(c)3.~~ The number of final decisions issued by the
1276 department for approval and for denial.

1277 ~~(d)4.~~ The projects for which a tax refund, tax credit, or
1278 cash grant agreement was executed, identifying for each project:

1279 ~~1.a.~~ The number of jobs committed to be created.

1280 ~~2.b.~~ The amount of capital investments committed to be
1281 made.

1282 ~~3.e.~~ The annual average wage committed to be paid.

1283 ~~4.d.~~ The amount of state economic development incentives
1284 committed to the project from each incentive program under the
1285 project's terms of agreement with the Department of Economic
1286 Opportunity.

1287 ~~5.e.~~ The amount and type of local matching funds committed
1288 to the project.

1289 (e) Tax refunds paid or other payments made funded out of



300456

1290 the Economic Development Incentives Account for each project.
1291 (f) The types of projects supported.
1292 (3)~~(e)~~ For economic development projects that received tax
1293 refunds, tax credits, or cash grants under the terms of an
1294 agreement for incentives, ~~the report must identify:~~
1295 (a)~~1.~~ The number of jobs actually created.
1296 (b)~~2.~~ The amount of capital investments actually made.
1297 (c)~~3.~~ The annual average wage paid.
1298 (4)~~(d)~~ For a project receiving economic development
1299 incentives approved by the department and receiving federal or
1300 local incentives, ~~the report must include~~ a description of the
1301 federal or local incentives, if available.
1302 (5)~~(e)~~ The ~~report must state~~ the number of withdrawn or
1303 terminated projects that did not fulfill the terms of their
1304 agreements with the department and, consequently, are not
1305 receiving incentives.
1306 (6) For any agreements signed after July 1, 2010, findings
1307 and recommendations on the efforts of the department to
1308 ascertain the causes of any business's inability to complete its
1309 agreement made under s. 288.106.
1310 (7)~~(f)~~ The amount ~~report must include an analysis of the~~
1311 ~~economic benefits, as defined in s. 288.005,~~ of tax refunds, tax
1312 credits, or other payments made to projects locating or
1313 expanding in state enterprise zones, rural communities,
1314 brownfield areas, or distressed urban communities. The report
1315 must include a separate analysis of the impact of such tax
1316 refunds on state enterprise zones designated under s. 290.0065,
1317 rural communities, brownfield areas, and distressed urban
1318 communities.



300456

1319 (8) The name of and tax refund amount for each business
1320 that has received a tax refund under s. 288.1045 or s. 288.106
1321 during the preceding fiscal year.

1322 ~~(9)(g) An identification of~~ ~~The report must identify the~~
1323 ~~target industry businesses and high-impact businesses.~~

1324 ~~(10)(h) A description of~~ ~~The report must describe the~~
1325 ~~trends relating to business interest in, and usage of, the~~
1326 ~~various incentives, and the number of minority-owned or woman-~~
1327 ~~owned businesses receiving incentives.~~

1328 ~~(11)(i) An identification of~~ ~~The report must identify~~
1329 ~~incentive programs not~~ used and recommendations for program
1330 changes or program elimination ~~utilized.~~

1331 (12) Information related to the validation of contractor
1332 performance required under s. 288.061.

1333 (13) Beginning in 2014, a summation of the activities
1334 related to the Florida Space Business Incentives Act.

1335 ~~(2) The Division of Strategic Business Development within~~
1336 ~~the department shall assist Enterprise Florida, Inc., in the~~
1337 ~~preparation of the annual incentives report.~~

1338 Section 32. Subsection (3) of section 288.92, Florida
1339 Statutes, is amended to read:

1340 288.92 Divisions of Enterprise Florida, Inc.—

1341 (3) ~~By October 15 each year,~~ Each division shall draft and
1342 submit an annual report for inclusion in the report required
1343 under s. 288.906 which details the division's activities during
1344 the previous ~~prior~~ fiscal year and includes ~~any~~ recommendations
1345 for improving current statutes related to the division's ~~related~~
1346 area of responsibility.

1347 Section 33. Subsection (5) of section 288.95155, Florida



300456

1348 Statutes, is amended to read:

1349 288.95155 Florida Small Business Technology Growth
1350 Program.—

1351 (5) Enterprise Florida, Inc., shall prepare for inclusion
1352 in the annual report ~~of the department~~ required under s. 288.907
1353 ~~by s. 288.095~~ a report on the financial status of the program.
1354 The report must specify the assets and liabilities of the
1355 program within the current fiscal year and must include a
1356 portfolio update that lists all of the businesses assisted, the
1357 private dollars leveraged by each business assisted, and the
1358 growth in sales and in employment of each business assisted.

1359 Section 34. Section 288.9918, Florida Statutes, is amended
1360 to read:

1361 288.9918 Annual reporting by a community development
1362 entity.—

1363 (1) A community development entity that has issued a
1364 qualified investment shall submit an annual report to the
1365 department by January 31 ~~April 30~~ after the end of each year
1366 which includes a credit allowance date. The report shall include
1367 information on investments made in the preceding calendar year
1368 to include but not limited to the following:

1369 ~~(1) The entity's annual financial statements for the~~
1370 ~~preceding tax year, audited by an independent certified public~~
1371 ~~accountant.~~

1372 ~~(a) (2)~~ The identity of the types of industries, identified
1373 by the North American Industry Classification System Code, in
1374 which qualified low-income community investments were made.

1375 ~~(b) (3)~~ The names of the counties in which the qualified
1376 active low-income businesses are located which received



300456

1377 qualified low-income community investments.

1378 ~~(c)(4)~~ The number of jobs created and retained by qualified
1379 active low-income community businesses receiving qualified low-
1380 income community investments, including verification that the
1381 average wages paid meet or exceed 115 percent of the federal
1382 poverty income guidelines for a family of four.

1383 ~~(d)(5)~~ A description of the relationships that the entity
1384 has established with community-based organizations and local
1385 community development offices and organizations and a summary of
1386 the outcomes resulting from those relationships.

1387 ~~(e)(6)~~ Other information and documentation required by the
1388 department to verify continued certification as a qualified
1389 community development entity under 26 U.S.C. s. 45D.

1390 (2) By April 30 after the end of each year which includes a
1391 credit allowance date, a community development entity shall
1392 submit annual financial statements for the preceding tax year,
1393 audited by an independent certified public accountant.

1394 Section 35. Subsection (6) of section 290.0055, Florida
1395 Statutes, is amended to read:

1396 290.0055 Local nominating procedure.—

1397 (6) (a) The department may approve a change in the boundary
1398 of any enterprise zone which was designated pursuant to s.
1399 290.0065. A boundary change must continue to satisfy the
1400 requirements of subsections (3), (4), and (5).

1401 (b) Upon a recommendation by the enterprise zone
1402 development agency, the governing body of the jurisdiction which
1403 authorized the application for an enterprise zone may apply to
1404 the department for a change in boundary once every 3 years by
1405 adopting a resolution that:



300456

1406 1. States with particularity the reasons for the change;
1407 and

1408 2. Describes specifically and, to the extent required by
1409 the department, the boundary change to be made.

1410 (c) At least 90 days before adopting a resolution seeking a
1411 change in the boundary of an enterprise zone, the governing body
1412 shall include in a notice of the meeting at which the resolution
1413 will be considered an explanation that a change in the boundary
1414 of an enterprise zone will be considered and that the change may
1415 result in loss of enterprise zone eligibility for the area
1416 affected by the boundary change.

1417 (d)1. The governing body of a jurisdiction which has
1418 nominated an application for an enterprise zone that is at least
1419 15 square miles and less than 20 square miles ~~no larger than 12~~
1420 ~~square miles~~ and includes a portion of the state designated as a
1421 rural area of critical economic concern under s. 288.0656(7) may
1422 apply to the department to expand the boundary of the existing
1423 enterprise zone by not more than 3 square miles. ~~An application~~
1424 ~~to expand the boundary of an enterprise zone under this~~
1425 ~~paragraph must be submitted by December 31, 2012.~~

1426 2. The governing body of a jurisdiction which has nominated
1427 an application for an enterprise zone that is at least 20 square
1428 miles and includes a portion of the state designated as a rural
1429 area of critical economic concern under s. 288.0656(7) may apply
1430 to the department to expand the boundary of the existing
1431 enterprise zone by not more than 5 square miles.

1432 3. An application to expand the boundary of an enterprise
1433 zone under this paragraph must be submitted by December 31,
1434 2013.



300456

1435 ~~4.2.~~ Notwithstanding the area limitations specified in
1436 subsection (4), the department may approve the request for a
1437 boundary amendment if the area continues to satisfy the
1438 remaining requirements of this section.

1439 ~~5.3.~~ The department shall establish the initial effective
1440 date of an enterprise zone designated under this paragraph.

1441 Section 36. Subsection (11) of section 290.0056, Florida
1442 Statutes, is amended to read:

1443 290.0056 Enterprise zone development agency.—

1444 (11) Before October 1 ~~December 1~~ of each year, the agency
1445 shall submit to the department for inclusion in the annual
1446 report required under s. 20.60 a complete and detailed written
1447 report setting forth:

1448 (a) Its operations and accomplishments during the fiscal
1449 year.

1450 (b) The accomplishments and progress concerning the
1451 implementation of the strategic plan or measurable goals, and
1452 any updates to the strategic plan or measurable goals.

1453 (c) The number and type of businesses assisted by the
1454 agency during the fiscal year.

1455 (d) The number of jobs created within the enterprise zone
1456 during the fiscal year.

1457 (e) The usage and revenue impact of state and local
1458 incentives granted during the calendar year.

1459 (f) Any other information required by the department.

1460 Section 37. Section 290.014, Florida Statutes, is amended
1461 to read:

1462 290.014 Annual reports on enterprise zones.—

1463 (1) By October 1 ~~February 1~~ of each year, the Department of



300456

1464 Revenue shall submit an annual report to the department
1465 detailing the usage and revenue impact by county of the state
1466 incentives listed in s. 290.007.

1467 ~~(2) By March 1 of each year, the department shall submit an~~
1468 ~~annual report to the Governor, the Speaker of the House of~~
1469 ~~Representatives, and the President of the Senate. The annual~~
1470 ~~report required under s. 20.60 shall include the information~~
1471 ~~provided by the Department of Revenue pursuant to subsection (1)~~
1472 ~~and the information provided by enterprise zone development~~
1473 ~~agencies pursuant to s. 290.0056. In addition, the report shall~~
1474 ~~include an analysis of the activities and accomplishments of~~
1475 ~~each enterprise zone.~~

1476 Section 38. Section 290.0455, Florida Statutes, is amended
1477 to read:

1478 290.0455 Small Cities Community Development Block Grant
1479 Loan Guarantee Program; Section 108 loan guarantees.-

1480 (1) The Small Cities Community Development Block Grant Loan
1481 Guarantee Program is created. The department shall administer
1482 the loan guarantee program pursuant to Section 108 ~~s. 108~~ of
1483 Title I of the Housing and Community Development Act of 1974, as
1484 amended, and as further amended by s. 910 of the Cranston-
1485 Gonzalez National Affordable Housing Act. The purpose of the
1486 Small Cities Community Development Block Grant Loan Guarantee
1487 Program is to guarantee, or to make commitments to guarantee,
1488 notes or other obligations issued by public entities for the
1489 purposes of financing activities enumerated in 24 C.F.R. s.
1490 570.703.

1491 (2) Activities assisted under the loan guarantee program
1492 must meet the requirements contained in 24 C.F.R. ss. 570.700-



300456

1493 570.710 and may not otherwise be financed in whole or in part
1494 from the Florida Small Cities Community Development Block Grant
1495 Program.

1496 (3) The department may pledge existing revenues on deposit
1497 or future revenues projected to be available for deposit in the
1498 Florida Small Cities Community Development Block Grant Program
1499 in order to guarantee, ~~in whole or in part,~~ the payment of
1500 principal and interest on a Section 108 loan ~~made under the loan~~
1501 ~~guarantee program.~~

1502 (4) An applicant approved by the United States Department
1503 of Housing and Urban Development to receive a Section 108 loan
1504 shall enter into an agreement with the Department of Economic
1505 Opportunity which requires the applicant to pledge half of the
1506 amount necessary to guarantee the loan in the event of default.

1507 (5) The department shall review all Section 108 loan
1508 applications that it receives from local governments. The
1509 department shall review the applications ~~must submit all~~
1510 ~~applications it receives to the United States Department of~~
1511 ~~Housing and Urban Development for loan approval,~~ in the order
1512 received, subject to a determination by the department
1513 ~~determining~~ that each ~~the~~ application meets all eligibility
1514 requirements contained in 24 C.F.R. ss. 570.700-570.710, and has
1515 been deemed financially feasible by a loan underwriter approved
1516 by the department. If the statewide maximum available for loan
1517 guarantee commitments established in subsection (6) has not been
1518 committed, the department may submit the Section 108 loan
1519 application to the United States Department of Housing and Urban
1520 Development with a recommendation that the loan be approved,
1521 with or without conditions, or be denied ~~provided that the~~



300456

1522 ~~applicant has submitted the proposed activity to a loan~~
1523 ~~underwriter to document its financial feasibility.~~

1524 (6)~~(5)~~ The maximum amount of an individual loan guarantee
1525 commitment that an ~~commitments that any~~ eligible local
1526 government may receive is ~~may be~~ limited to \$5 ~~\$7~~ million
1527 ~~pursuant to 24 C.F.R. s. 570.705,~~ and the maximum amount of loan
1528 guarantee commitments statewide may not exceed an amount equal
1529 to two ~~five~~ times the amount of the most recent grant received
1530 by the department under the Florida Small Cities Community
1531 Development Block Grant Program. The \$5 million loan guarantee
1532 limit does not apply to loans guaranteed prior to July 1, 2013,
1533 that may be refinanced.

1534 (7)~~(6)~~ Section 108 loans guaranteed by the Small Cities
1535 Community Development Block Grant Program ~~loan guarantee program~~
1536 must be repaid within 20 years.

1537 (8)~~(7)~~ Section 108 loan applicants must demonstrate
1538 guarantees ~~may be used for an activity only if the local~~
1539 ~~government provides evidence to the department that the~~
1540 applicant investigated alternative financing services ~~were~~
1541 ~~investigated~~ and the services were unavailable or insufficient
1542 to meet the financing needs of the proposed activity.

1543 (9) If a local government defaults on a Section 108 loan
1544 received from the United States Department of Housing and Urban
1545 Development and guaranteed through the Florida Small Cities
1546 Community Development Block Grant Program, thereby requiring the
1547 department to reduce its annual grant award in order to pay the
1548 annual debt service on the loan, any future community
1549 development block grants that the local government receives must
1550 be reduced in an amount equal to the amount of the state's grant



300456

1551 award used in payment of debt service on the loan.

1552 (10) If a local government receives a Section 108 loan
1553 guaranteed through the Florida Small Cities Community
1554 Development Block Grant Program and is granted entitlement
1555 community status as defined in subpart D of 24 C.F.R. part 570
1556 by the United States Department of Housing and Urban Development
1557 before paying the loan in full, the local government must pledge
1558 its community development block grant entitlement allocation as
1559 a guarantee of its previous loan and request that the United
1560 States Department of Housing and Urban Development release the
1561 department as guarantor of the loan.

1562 ~~(8) The department must, before approving an application~~
1563 ~~for a loan, evaluate the applicant's prior administration of~~
1564 ~~block grant funds for community development. The evaluation of~~
1565 ~~past performance must take into account the procedural aspects~~
1566 ~~of previous grants or loans as well as substantive results. If~~
1567 ~~the department finds that any applicant has failed to~~
1568 ~~substantially accomplish the results proposed in the applicant's~~
1569 ~~last previously funded application, the department may prohibit~~
1570 ~~the applicant from receiving a loan or may penalize the~~
1571 ~~applicant in the rating of the current application.~~

1572 Section 39. Subsection (11) of section 331.3051, Florida
1573 Statutes, is amended to read:

1574 331.3051 Duties of Space Florida.—Space Florida shall:

1575 (11) Annually report on its performance with respect to its
1576 business plan, to include finance, spaceport operations,
1577 research and development, workforce development, and education.
1578 Space Florida shall submit the report ~~shall be submitted~~ to the
1579 Governor, the President of the Senate, and the Speaker of the



300456

1580 House of Representatives by November 30 ~~no later than September~~
1581 ~~±~~ for the previous ~~prior~~ fiscal year. The annual report must
1582 include operations information as required under s.
1583 331.310(2)(e).

1584 Section 40. Paragraph (e) of subsection (2) of section
1585 331.310, Florida Statutes, is amended to read:

1586 331.310 Powers and duties of the board of directors.—

1587 (2) The board of directors shall:

1588 (e) Prepare an annual report of operations as a supplement
1589 to the annual report required under s. 331.3051(11). The report
1590 must ~~shall~~ include, but not be limited to, a balance sheet, an
1591 income statement, a statement of changes in financial position,
1592 a reconciliation of changes in equity accounts, a summary of
1593 significant accounting principles, the auditor's report, a
1594 summary of the status of existing and proposed bonding projects,
1595 comments from management about the year's business, and
1596 prospects for the next year, ~~which shall be submitted each year~~
1597 ~~by November 30 to the Governor, the President of the Senate, the~~
1598 ~~Speaker of the House of Representatives, the minority leader of~~
1599 ~~the Senate, and the minority leader of the House of~~
1600 ~~Representatives.~~

1601 Section 41. Paragraphs (a) and (e) of subsection (30) of
1602 section 443.036, Florida Statutes, is amended to read:

1603 443.036 Definitions.—As used in this chapter, the term:

1604 (30) "Misconduct," irrespective of whether the misconduct
1605 occurs at the workplace or during working hours, includes, but
1606 is not limited to, the following, which may not be construed in
1607 pari materia with each other:

1608 (a) Conduct demonstrating conscious disregard of an



300456

1609 employer's interests and found to be a deliberate violation or
1610 disregard of the reasonable standards of behavior which the
1611 employer expects of his or her employee. Such conduct may
1612 include, but is not limited to, willful damage to an employer's
1613 property that results in damage of more than \$50; or theft of
1614 employer property or property of a customer or invitee of the
1615 employer.

1616 (e)1. A violation of an employer's rule, unless the
1617 claimant can demonstrate that:

1618 a.1. He or she did not know, and could not reasonably know,
1619 of the rule's requirements;

1620 b.2. The rule is not lawful or not reasonably related to
1621 the job environment and performance; or

1622 c.3. The rule is not fairly or consistently enforced.

1623 2. Such conduct may include, but is not limited to,
1624 committing criminal assault or battery on another employee, or
1625 on a customer or invitee of the employer; or committing abuse or
1626 neglect of a patient, resident, disabled person, elderly person,
1627 or child in her or his professional care.

1628 Section 42. Paragraphs (b), (c), and (d) of subsection (1)
1629 of section 443.091, Florida Statutes, are amended to read:

1630 443.091 Benefit eligibility conditions.—

1631 (1) An unemployed individual is eligible to receive
1632 benefits for any week only if the Department of Economic
1633 Opportunity finds that:

1634 (b) She or he has completed the department's online work
1635 registration ~~registered with the department for work~~ and
1636 subsequently reports to the one-stop career center as directed
1637 by the regional workforce board for reemployment services. This



300456

1638 requirement does not apply to persons who are:

1639 1. Non-Florida residents;

1640 2. On a temporary layoff;

1641 3. Union members who customarily obtain employment through
1642 a union hiring hall; ~~or~~

1643 4. Claiming benefits under an approved short-time
1644 compensation plan as provided in s. 443.1116; or

1645 5. Unable to complete the online work registration due to
1646 illiteracy, physical or mental impairment, a legal prohibition
1647 from using a computer, or a language impediment. If a person is
1648 exempted from the online work registration under this
1649 subparagraph, then the filing of his or her claim constitutes
1650 registration for work.

1651 (c) To make continued claims for benefits, she or he is
1652 reporting to the department in accordance with this paragraph
1653 and department rules, and participating in an initial skills
1654 review, as directed by the department. Department rules may not
1655 conflict with s. 443.111(1)(b), which requires that each
1656 claimant continue to report regardless of any pending appeal
1657 relating to her or his eligibility or disqualification for
1658 benefits.

1659 1. For each week of unemployment claimed, each report must,
1660 at a minimum, include the name, address, and telephone number of
1661 each prospective employer contacted, or the date the claimant
1662 reported to a one-stop career center, pursuant to paragraph (d).

1663 2. The administrator or operator of the initial skills
1664 review shall notify the department when the individual completes
1665 the initial skills review and report the results of the review
1666 to the regional workforce board or the one-stop career center as



300456

1667 directed by the workforce board. The department shall prescribe
1668 a numeric score on the initial skills review that demonstrates a
1669 minimal proficiency in workforce skills. The department,
1670 workforce board, or one-stop career center shall use the initial
1671 skills review to develop a plan for referring individuals to
1672 training and employment opportunities. The failure of the
1673 individual to comply with this requirement will result in the
1674 individual being determined ineligible for benefits for the week
1675 in which the noncompliance occurred and for any subsequent week
1676 of unemployment until the requirement is satisfied. However,
1677 this requirement does not apply if the individual ~~is able to~~
1678 ~~affirmatively attest to being unable to complete such review due~~
1679 ~~to illiteracy or a language impediment or~~ is exempt from the
1680 work registration requirement as set forth in paragraph (b).

1681 3. Any individual who falls below the minimal proficiency
1682 score prescribed by the department in subparagraph 2. on the
1683 initial skills review shall be offered training opportunities
1684 and encouraged to participate in such training at no cost to the
1685 individual in order to improve his or her workforce skills to
1686 the minimal proficiency level.

1687 4. The department shall coordinate with Workforce Florida,
1688 Inc., the workforce boards, and the one-stop career centers to
1689 identify, develop, and utilize best practices for improving the
1690 skills of individuals who choose to participate in training
1691 opportunities and who have a minimal proficiency score below the
1692 score prescribed in subparagraph 2.

1693 5. The department, in coordination with Workforce Florida,
1694 Inc., the workforce boards, and the one-stop career centers,
1695 shall evaluate the use, effectiveness, and costs associated with



300456

1696 the training prescribed in subparagraph 3. and report its
1697 findings and recommendations for training and the use of best
1698 practices to the Governor, the President of the Senate, and the
1699 Speaker of the House of Representatives by January 1, 2013.

1700 (d) She or he is able to work and is available for work. In
1701 order to assess eligibility for a claimed week of unemployment,
1702 the department shall develop criteria to determine a claimant's
1703 ability to work and availability for work. A claimant must be
1704 actively seeking work in order to be considered available for
1705 work. This means engaging in systematic and sustained efforts to
1706 find work, including contacting at least five prospective
1707 employers for each week of unemployment claimed. The department
1708 may require the claimant to provide proof of such efforts to the
1709 one-stop career center as part of reemployment services. A
1710 claimant's proof of work search efforts may not include the same
1711 prospective employer at the same location in three consecutive
1712 weeks, unless the employer has indicated since the time of the
1713 initial contact that the employer is hiring. The department
1714 shall conduct random reviews of work search information provided
1715 by claimants. As an alternative to contacting at least five
1716 prospective employers for any week of unemployment claimed, a
1717 claimant may, for that same week, report in person to a one-stop
1718 career center to meet with a representative of the center and
1719 access reemployment services of the center. The center shall
1720 keep a record of the services or information provided to the
1721 claimant and shall provide the records to the department upon
1722 request by the department. However:

1723 1. Notwithstanding any other provision of this paragraph or
1724 paragraphs (b) and (e), an otherwise eligible individual may not



300456

1725 be denied benefits for any week because she or he is in training
1726 with the approval of the department, or by reason of s.
1727 443.101(2) relating to failure to apply for, or refusal to
1728 accept, suitable work. Training may be approved by the
1729 department in accordance with criteria prescribed by rule. A
1730 claimant's eligibility during approved training is contingent
1731 upon satisfying eligibility conditions prescribed by rule.

1732 2. Notwithstanding any other provision of this chapter, an
1733 otherwise eligible individual who is in training approved under
1734 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
1735 determined ineligible or disqualified for benefits due to
1736 enrollment in such training or because of leaving work that is
1737 not suitable employment to enter such training. As used in this
1738 subparagraph, the term "suitable employment" means work of a
1739 substantially equal or higher skill level than the worker's past
1740 adversely affected employment, as defined for purposes of the
1741 Trade Act of 1974, as amended, the wages for which are at least
1742 80 percent of the worker's average weekly wage as determined for
1743 purposes of the Trade Act of 1974, as amended.

1744 3. Notwithstanding any other provision of this section, an
1745 otherwise eligible individual may not be denied benefits for any
1746 week because she or he is before any state or federal court
1747 pursuant to a lawfully issued summons to appear for jury duty.

1748 4. Union members who customarily obtain employment through
1749 a union hiring hall may satisfy the work search requirements of
1750 this paragraph by reporting daily to their union hall.

1751 5. The work search requirements of this paragraph do not
1752 apply to persons who are unemployed as a result of a temporary
1753 layoff or who are claiming benefits under an approved short-time



300456

1754 compensation plan as provided in s. 443.1116.

1755 6. In small counties as defined in s. 120.52(19), a
1756 claimant engaging in systematic and sustained efforts to find
1757 work must contact at least three prospective employers for each
1758 week of unemployment claimed.

1759 7. The work search requirements of this paragraph do not
1760 apply to persons required to participate in reemployment
1761 services under paragraph (e).

1762 Section 43. Subsection (13) is added to section 443.101,
1763 Florida Statutes, to read:

1764 443.101 Disqualification for benefits.—An individual shall
1765 be disqualified for benefits:

1766 (13) For any week with respect to which the department
1767 finds that his or her unemployment is due to a discharge from
1768 employment for failure without good cause to maintain a license,
1769 registration, or certification required by applicable law
1770 necessary for the employee to perform her or his assigned job
1771 duties. For purposes of this paragraph, the term "good cause"
1772 includes, but is not limited to, failure of the employer to
1773 submit information required for a license, registration, or
1774 certification; short-term physical injury which prevents the
1775 employee from completing or taking a required test; and
1776 inability to take or complete a required test that is outside
1777 the employee's control.

1778 Section 44. Paragraph (b) of subsection (4) of section
1779 443.1113, Florida Statutes, is amended to read:

1780 443.1113 Reemployment Assistance Claims and Benefits
1781 Information System.—

1782 (4) The project to implement the Reemployment Assistance



300456

1783 Claims and Benefits Information System is ~~shall be~~ comprised of
1784 the following phases and corresponding implementation
1785 timeframes:

1786 (b) The Reemployment Assistance Claims and Benefits
1787 Internet portal that replaces the Florida Unemployment Internet
1788 Direct and the Florida Continued Claims Internet Directory
1789 systems, the Call Center Interactive Voice Response System, the
1790 Benefit Overpayment Screening System, the Internet and Intranet
1791 Appeals System, and the Claims and Benefits Mainframe System
1792 shall be deployed to full operational status no later than the
1793 end of fiscal year 2013-2014 ~~2012-2013~~.

1794 Section 45. Subsection (5) of section 443.131, Florida
1795 Statutes, is amended to read:

1796 443.131 Contributions.—

1797 (5) ADDITIONAL RATE FOR INTEREST ON FEDERAL ADVANCES.—

1798 (a) When the Unemployment Compensation Trust Fund has
1799 received advances from the Federal Government under the
1800 provisions of 42 U.S.C. s. 1321, each contributing employer
1801 shall be assessed an additional rate solely for the purpose of
1802 paying interest due on such federal advances. The additional
1803 rate shall be assessed no later than February 1 in each calendar
1804 year in which an interest payment is due.

1805 (b) The Revenue Estimating Conference shall estimate the
1806 amount of ~~such~~ interest due on federal advances by no later than
1807 December 1 of the calendar year before ~~preceding~~ the calendar
1808 year in which an interest payment is due. The Revenue Estimating
1809 Conference shall, at a minimum, consider the following as the
1810 basis for the estimate:

1811 1. The amounts actually advanced to the trust fund.



300456

1812 2. Amounts expected to be advanced to the trust fund based
1813 on current and projected unemployment patterns and employer
1814 contributions.

1815 3. The interest payment due date.

1816 4. The interest rate that will be applied by the Federal
1817 Government to any accrued outstanding balances.

1818 (c) ~~(b)~~ The tax collection service provider shall calculate
1819 the additional rate to be assessed against contributing
1820 employers. The additional rate assessed for a calendar year is
1821 ~~shall be~~ determined by dividing the estimated amount of interest
1822 to be paid in that year by 95 percent of the taxable wages as
1823 described in s. 443.1217 paid by all employers for the year
1824 ending June 30 of the previous ~~immediately preceding~~ calendar
1825 year. The amount to be paid by each employer is ~~shall be~~ the
1826 product obtained by multiplying such employer's taxable wages as
1827 described in s. 443.1217 for the year ending June 30 of the
1828 previous ~~immediately preceding~~ calendar year by the rate as
1829 determined by this subsection. An assessment may not be made if
1830 the amount of assessments on deposit from previous years, plus
1831 any earned interest, is at least 80 percent of the estimated
1832 amount of interest.

1833 (d) The tax collection service provider shall make a
1834 separate collection of such assessment, which may be collected
1835 at the time of employer contributions and subject to the same
1836 penalties for failure to file a report, imposition of the
1837 standard rate pursuant to paragraph (3) (h), and interest if the
1838 assessment is not received on or before June 30. Section
1839 443.141(1) (d) and (e) does not apply to this separately
1840 collected assessment. The tax collection service provider shall



300456

1841 maintain those funds in the tax collection service provider's
1842 Audit and Warrant Clearing Trust Fund until the provider is
1843 directed by the Governor or the Governor's designee to make the
1844 interest payment to the Federal Government. Assessments on
1845 deposit must be available to pay the interest on advances
1846 received from the Federal Government under 42 U.S.C. s. 1321.
1847 Assessments on deposit may be invested and any interest earned
1848 shall be part of the balance available to pay the interest on
1849 advances received from the Federal Government under 42 U.S.C. s.
1850 1321.

1851 (e) Four months after ~~In the calendar year that~~ all
1852 advances from the Federal Government under 42 U.S.C. s. 1321 and
1853 associated interest are repaid, ~~if there are assessment funds in~~
1854 ~~excess of the amount required to meet the final interest~~
1855 ~~payment,~~ any ~~such~~ excess assessed funds in the Audit and Warrant
1856 Clearing Trust Fund, including associated interest, shall be
1857 transferred to ~~credited to employer accounts in~~ the Unemployment
1858 Compensation Trust Fund. Any assessment amounts subsequently
1859 collected shall also be transferred to the Unemployment
1860 Compensation Trust Fund ~~in an amount equal to the employer's~~
1861 ~~contribution to the assessment for that year divided by the~~
1862 ~~total amount of the assessment for that year, the result of~~
1863 ~~which is multiplied by the amount of excess assessed funds.~~

1864 (f) If ~~However,~~ if the state is permitted to defer interest
1865 payments due during a calendar year under 42 U.S.C. s. 1322,
1866 payment of the interest assessment is ~~shall~~ not be due. If a
1867 deferral of interest expires or is subsequently disallowed by
1868 the Federal Government, either prospectively or retroactively,
1869 the interest assessment shall be immediately due and payable.



300456

1870 Notwithstanding any other provision of this section, if interest
1871 due during a calendar year on federal advances is forgiven or
1872 postponed under federal law and is no longer due during that
1873 calendar year, no interest assessment shall be assessed against
1874 an employer for that calendar year, and any assessment already
1875 assessed and collected against an employer before the
1876 forgiveness or postponement of the interest for that calendar
1877 year shall be credited to such employer's account in the
1878 Unemployment Compensation Trust Fund. However, such funds may be
1879 used only to pay benefits or refunds of erroneous contributions.

1880 (g) This subsection expires July 1, 2014.

1881 Section 46. Paragraph (b) of subsection (2) and paragraph
1882 (a) of subsection (3), and paragraph (a) of subsection (6) of
1883 section 443.151, Florida Statutes, are amended to read:

1884 443.151 Procedure concerning claims.—

1885 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
1886 CLAIMANTS AND EMPLOYERS.—

1887 (b) *Process.*—When the Reemployment Assistance Claims and
1888 Benefits Information System described in s. 443.1113 is fully
1889 operational, the process for filing claims must incorporate the
1890 process for registering for work with the workforce information
1891 systems established pursuant to s. 445.011. Unless exempted
1892 under s. 443.091(1)(b)5., a claim for benefits may not be
1893 processed until the work registration requirement is satisfied.
1894 The department may adopt rules as necessary to administer the
1895 work registration requirement set forth in this paragraph.

1896 (3) DETERMINATION OF ELIGIBILITY.—

1897 (a) *Notices of claim.*—The Department of Economic
1898 Opportunity shall promptly provide a notice of claim to the



300456

1899 claimant's most recent employing unit and all employers whose
1900 employment records are liable for benefits under the monetary
1901 determination. The employer must respond to the notice of claim
1902 within 20 days after the mailing date of the notice, or in lieu
1903 of mailing, within 20 days after the delivery of the notice. If
1904 a contributing employer or its agent fails to timely or
1905 adequately respond to the notice of claim or request for
1906 information, the employer's account may not be relieved of
1907 benefit charges as provided in s. 443.131(3)(a), notwithstanding
1908 paragraph (5)(b). The department may adopt rules as necessary to
1909 implement the processes described in this paragraph relating to
1910 notices of claim.

1911 (6) RECOVERY AND RECOUPMENT.—

1912 (a) Any person who, by reason of her or his fraud, receives
1913 benefits under this chapter to which she or he is not entitled
1914 is liable for repaying those benefits to the Department of
1915 Economic Opportunity on behalf of the trust fund or, in the
1916 discretion of the department, to have those benefits deducted
1917 from future benefits payable to her or him under this chapter.
1918 In addition, the department shall impose upon the claimant a
1919 penalty equal to 15 percent of the amount overpaid. To enforce
1920 this paragraph, the department must find the existence of fraud
1921 through a redetermination or decision under this section within
1922 2 years after the fraud was committed. Any recovery or
1923 recoupment of benefits must be commenced within 7 years after
1924 the redetermination or decision.

1925 Section 47. Effective January 1, 2014, paragraph (a) of
1926 subsection (4) of section 443.151, Florida Statutes, is amended
1927 to read:



300456

1928 (4) APPEALS.—
1929 (a) Appeals referees.—
1930 1. The Department of Economic Opportunity shall appoint one
1931 or more impartial salaried appeals referees in accordance with
1932 s. 443.171(3) to hear and decide appealed claims.
1933 2. An appeals referee must be an attorney in good standing
1934 with the Florida Bar or be successfully admitted to the Florida
1935 Bar within 8 months after his or her date of employment. This
1936 subparagraph does not apply to an appeals referee appointed
1937 before January 1, 2014.
1938 3. A person may not participate on behalf of the department
1939 as an appeals referee in any case in which she or he is an
1940 interested party.
1941 4. The department may designate alternates to serve in the
1942 absence or disqualification of any appeals referee on a
1943 temporary basis. These alternates must have the same
1944 qualifications required of appeals referees.
1945 5. The department shall provide the commission and the
1946 appeals referees with proper facilities and assistance for the
1947 execution of their functions.
1948 Section 48. Subsection (1) of section 443.1715, Florida
1949 Statutes, is amended to read:
1950 443.1715 Disclosure of information; confidentiality.—
1951 (1) RECORDS AND REPORTS.—Information revealing an employing
1952 unit's or individual's identity obtained from the employing unit
1953 or any individual under the administration of this chapter, and
1954 any determination revealing that information, is confidential
1955 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1956 Constitution. This confidential information may be released in



300456

1957 accordance with the provisions in 20 C.F.R. part 603. A person
1958 receiving confidential information who violates this subsection
1959 commits a misdemeanor of the second degree, punishable as
1960 provided in s. 775.082 or s. 775.083. The Department of Economic
1961 Opportunity or its tax collection service provider may, however,
1962 furnish to any employer copies of any report submitted by that
1963 employer upon the request of the employer and may furnish to any
1964 claimant copies of any report submitted by that claimant upon
1965 the request of the claimant. The department or its tax
1966 collection service provider may charge a reasonable fee for
1967 copies of these reports as prescribed by rule, which may not
1968 exceed the actual reasonable cost of the preparation of the
1969 copies. Fees received for copies under this subsection must be
1970 deposited in the Employment Security Administration Trust Fund.

1971 Section 49. Subsection (1) of section 443.191, Florida
1972 Statutes, is amended to read:

1973 443.191 Unemployment Compensation Trust Fund; establishment
1974 and control.—

1975 (1) There is established, as a separate trust fund apart
1976 from all other public funds of this state, an Unemployment
1977 Compensation Trust Fund, which shall be administered by the
1978 Department of Economic Opportunity exclusively for the purposes
1979 of this chapter. The fund must ~~shall~~ consist of:

1980 (a) All contributions and reimbursements collected under
1981 this chapter;

1982 (b) Interest earned on any moneys in the fund;

1983 (c) Any property or securities acquired through the use of
1984 moneys belonging to the fund;

1985 (d) All earnings of these properties or securities;



300456

1986 (e) All money credited to this state's account in the
1987 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.
1988 1103; ~~and~~
1989 (f) All money collected for penalties imposed pursuant to
1990 s. 443.151(6) (a); and
1991 (g) Advances on the amount in the federal Unemployment
1992 Compensation Trust Fund credited to the state under 42 U.S.C. s.
1993 1321, as requested by the Governor or the Governor's designee.
1994
1995 Except as otherwise provided in s. 443.1313(4), all moneys in
1996 the fund must ~~shall~~ be mingled and undivided.
1997 Section 50. Paragraph (b) of subsection (3) and subsection
1998 (4) of section 446.50, Florida Statutes, are amended to read:
1999 446.50 Displaced homemakers; multiservice programs; report
2000 to the Legislature; Displaced Homemaker Trust Fund created.—
2001 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
2002 OPPORTUNITY.—
2003 (b)1. The department shall enter into contracts with, and
2004 make grants to, public and nonprofit private entities for
2005 purposes of establishing multipurpose service programs for
2006 displaced homemakers under this section. Such grants and
2007 contracts must ~~shall~~ be awarded pursuant to chapter 287 and
2008 based on criteria established in the program state plan as
2009 provided in subsection (4) developed pursuant to this section.
2010 The department shall designate catchment areas that together,
2011 must ~~shall~~ compose the entire state, and, to the extent possible
2012 from revenues in the Displaced Homemaker Trust Fund, the
2013 department shall contract with, and make grants to, entities
2014 that will serve entire catchment areas so that displaced



300456

2015 homemaker service programs are available statewide. These
2016 catchment areas must ~~shall~~ be coterminous with the state's
2017 workforce development regions. The department may give priority
2018 to existing displaced homemaker programs when evaluating bid
2019 responses to the request for proposals.

2020 2. In order to receive funds under this section, and unless
2021 specifically prohibited by law from doing so, an entity that
2022 provides displaced homemaker service programs must receive at
2023 least 25 percent of its funding from one or more local,
2024 municipal, or county sources or nonprofit private sources. In-
2025 kind contributions may be evaluated by the department and
2026 counted as part of the required local funding.

2027 3. The department shall require an entity that receives
2028 funds under this section to maintain appropriate data to be
2029 compiled in an annual report to the department. Such data must
2030 ~~shall~~ include, but is ~~shall~~ not be limited to, the number of
2031 clients served, the units of services provided, designated
2032 client-specific information including intake and outcome
2033 information specific to each client, costs associated with
2034 specific services and program administration, total program
2035 revenues by source and other appropriate financial data, and
2036 client followup information at specified intervals after the
2037 placement of a displaced homemaker in a job.

2038 (4) DISPLACED HOMEMAKER PROGRAM STATE PLAN.—

2039 ~~(a)~~ The Department of Economic Opportunity shall include in
2040 its annual report required under s. 20.60 a develop a 3-year
2041 state plan for the displaced homemaker program which shall be
2042 updated annually. The plan must address, at a minimum, the need
2043 for programs specifically designed to serve displaced



300456

2044 homemakers, any necessary service components for such programs
2045 in addition to those described ~~enumerated~~ in this section, goals
2046 of the displaced homemaker program with an analysis of the
2047 extent to which those goals are being met, and recommendations
2048 for ways to address any unmet program goals. Any request for
2049 funds for program expansion must be based on the ~~state~~ plan.

2050 ~~(b) The displaced homemaker program Each annual update must~~
2051 ~~address any changes in the components of the 3-year state plan~~
2052 ~~and a report that~~ must include, but need not be limited to, the
2053 following:

2054 (a)1. The scope of the incidence of displaced homemakers;

2055 (b)2. A compilation and report, by program, of data
2056 submitted to the department pursuant to subparagraph (3) (b)3.
2057 ~~subparagraph 3.~~ by funded displaced homemaker service programs;

2058 (c)3. An identification and description of the programs in
2059 the state which receive funding from the department, including
2060 funding information; and

2061 (d)4. An assessment of the effectiveness of each displaced
2062 homemaker service program based on outcome criteria established
2063 by rule of the department.

2064 ~~(e) The 3-year state plan must be submitted to the~~
2065 ~~President of the Senate, the Speaker of the House of~~
2066 ~~Representatives, and the Governor on or before January 1, 2001,~~
2067 ~~and annual updates of the plan must be submitted by January 1 of~~
2068 ~~each subsequent year.~~

2069 Section 51. Section 288.80, Florida Statutes, is created to
2070 read:

2071 288.80 Short title.—Sections 288.80-288.84 may be cited as
2072 the "Gulf Coast Economic Corridor Act."



300456

2073 Section 52. Section 288.801, Florida Statutes, is created
2074 to read:

2075 288.801 Gulf Coast Economic Corridor; Legislative Intent.—
2076 The Legislature recognizes that fully supporting areas affected
2077 by the Deepwater Horizon disaster to ensure goals for economic
2078 recovery and diversification are achieved is in the best
2079 interest of the citizens of the state. The Legislature intends
2080 to provide a long-term source of funding for efforts of economic
2081 recovery and enhancement in the gulf coast region. The
2082 Legislature finds that it is important to help businesses,
2083 individuals, and local governments in the Gulf Coast region
2084 recover.

2085 Section 53. Section 288.81, Florida Statutes, is created to
2086 read:

2087 288.81 Definitions.—As used in ss. 288.80-288.84, the term:

2088 (a) "Awardee" means a person, organization, or local
2089 government granted an award of funds from the Recovery Fund for
2090 a project or program.

2091 (b) "Disproportionately affected county" means Bay County,
2092 Escambia County, Franklin County, Gulf County, Okaloosa County,
2093 Santa Rosa County, Walton County, or Wakulla County.

2094 (c) "Earnings" means all the income generated by
2095 investments and interest.

2096 (d) "Recovery Fund" means a trust account established by
2097 Triumph Gulf Coast, Inc., for the benefit of the
2098 disproportionately affected counties.

2099 Section 54. Section 288.82, Florida Statutes, is created to
2100 read:

2101 288.82 Triumph Gulf Coast, Inc.; Recovery Fund; Creation;



300456

2102 Investment.-

2103 (1) There is created within the Department of Economic
2104 Opportunity a nonprofit corporation, to be known as Triumph Gulf
2105 Coast, Inc., which shall be registered, incorporated, organized,
2106 and operated in compliance with chapter 617, and which is not a
2107 unit or entity of state government. Triumph Gulf Coast, Inc.,
2108 may receive, hold, invest, and administer the Recovery Fund in
2109 support of this act. Triumph Gulf Coast, Inc., is a separate
2110 budget entity and is not subject to control, supervision, or
2111 direction by the Department of Economic Opportunity in any
2112 manner, including, but not limited to, personnel, purchasing,
2113 transactions involving real or personal property, and budgetary
2114 matters.

2115 (2) Triumph Gulf Coast, Inc., must create and administer
2116 the Recovery Fund for the benefit of the disproportionately
2117 affected counties. The principal of the fund shall derive from
2118 75 percent of all funds recovered by the Attorney General for
2119 economic damage to the state resulting from the Deepwater
2120 Horizon disaster, after payment of reasonable and necessary
2121 attorney fees, costs, and expenses, including such attorney
2122 fees, costs, and expenses pursuant to s. 16.0155.

2123 (3) The Recovery Fund must be maintained as a long-term and
2124 stable source of revenue, which shall decline over a 30-year
2125 period in equal amounts each year. Triumph Gulf Coast, Inc.,
2126 shall establish a trust account at a federally insured financial
2127 institution to hold funds and make deposits and payments.
2128 Earnings generated by investments and interest of the fund, plus
2129 the amount of principal available each year, shall be available
2130 to make awards pursuant to this act and pay administrative



300456

2131 costs. Earnings shall be accounted for separately from principal
2132 funds set forth in subsection (2). Administrative costs are
2133 limited to 2.25 percent of the earnings in a calendar year.
2134 Administrative costs include payment of investment fees, travel
2135 and per diem expenses of board members, audits, salary or other
2136 costs for employed or contracted staff, including required staff
2137 under s. 288.83(9), and other allowable costs. Any funds
2138 remaining in the Recovery Fund after 30 years shall revert to
2139 the State Treasury.

2140 (4) Triumph Gulf Coast, Inc., shall invest and reinvest the
2141 principal of the Recovery Fund in accordance with s. 617.2104,
2142 in such a manner not to subject the funds to state or federal
2143 taxes, and consistent with an investment policy statement
2144 adopted by the corporation.

2145 (a) The board of directors shall formulate an investment
2146 policy governing the investment of the principal of the Recovery
2147 Fund. The policy shall pertain to the types, kinds or nature of
2148 investment of any of the funds, and any limitations, conditions
2149 or restrictions upon the methods, practices or procedures for
2150 investment, reinvestments, purchases, sales or exchange
2151 transactions, provided such policies shall not conflict with nor
2152 be in derogation of any state constitutional provision or law.
2153 The policy shall be formulated with the advice of the financial
2154 advisor in consultation with the State Board of Administration

2155 (b) Triumph Gulf Coast, Inc., must competitively procure
2156 one or more money managers, under the advice of the financial
2157 advisor in consultation with the State Board of Administration,
2158 to invest the principal of the Recovery Fund. The applicant
2159 manager or managers may not include representatives from the



300456

2160 financial institution housing the trust account for the Recovery
2161 Fund. The applicant manager or managers must present a plan to
2162 invest the Recovery Fund to maximize earnings while prioritizing
2163 the preservation of Recovery Fund principal. Any agreement with
2164 a money manager must be reviewed by Triumph Gulf Coast, Inc.,
2165 for continuance at least every 5 years. Plans should include
2166 investment in technology and growth businesses domiciled in, or
2167 that will be domiciled in, this state or businesses whose
2168 principal address is in this state.

2169 (c) Costs and fees for investment services shall be
2170 deducted from the earnings as administrative costs. Fees for
2171 investment services shall be no greater than 150 basis points.

2172 (d) Annually, Triumph Gulf Coast, Inc., shall cause an
2173 audit to be conducted of the investment of the Recovery Fund by
2174 the independent certified public accountant retained in s.
2175 288.83. The expense of such audit shall be paid from earnings
2176 for administrative purposes.

2177 (5) Triumph Gulf Coast, Inc., shall report on June 30 and
2178 December 30 each year to the Governor, the President of the
2179 Senate, and the Speaker of the House of Representatives on the
2180 financial status of the Recovery Fund and its investments, the
2181 established priorities, the project and program selection
2182 process, including a list of all submitted projects and reasons
2183 for approval or denial, and the status of all approved awards.

2184 (6) The Auditor General shall conduct an audit of the
2185 Recovery Fund and Triumph Gulf Coast, Inc., annually. Triumph
2186 Gulf Coast, Inc., shall provide to the Auditor General any
2187 detail or supplemental data required.

2188 Section 55. Section 288.83, Florida Statutes, is created to



300456

2189 read:

2190 288.83 Triumph Gulf Coast, Inc.; Organization; Board of
2191 Directors.—

2192 (1) Triumph Gulf Coast, Inc., is subject to the provisions
2193 of chapter 119 relating to public records and those provisions
2194 of chapter 286 relating to public meetings and records.

2195 (2) Triumph Gulf Coast, Inc., shall be governed by a 5-
2196 member board of directors. Each of the Trustees of the State
2197 Board of Administration, the President of the Senate, and the
2198 Speaker of the House of Representatives shall each appoint one
2199 member from the private sector. The board of directors shall
2200 annually elect a chairperson from among the board's members. The
2201 chairperson may be removed by a majority vote of the members.
2202 His or her successor shall be elected to serve for the balance
2203 of the removed chairperson's term. The chairperson is
2204 responsible to ensure records are kept of the proceedings of the
2205 board of directors and is the custodian of all books, documents,
2206 and papers filed with the board; the minutes of meetings of the
2207 board; and the official seal of Triumph Gulf Coast, Inc.

2208 (3) Each member of the board of directors shall serve for a
2209 term of 4 years, except that initially the appointments of the
2210 President of the Senate and the Speaker of the House of
2211 Representatives each shall serve a term of 2 years to achieve
2212 staggered terms among the members of the board. A member is not
2213 eligible for reappointment to the board, except, however, any
2214 member appointed to a term of 2 years or less may be reappointed
2215 for an additional term of 4 years. The initial appointments to
2216 the board must be made by November 15, 2013. Vacancies on the
2217 board of directors shall be filled by the officer who originally



300456

2218 appointed the member. A vacancy that occurs before the scheduled
2219 expiration of the term of the member shall be filled for the
2220 remainder of the unexpired term.

2221 (4) The Legislature determines that it is in the public
2222 interest for the members of the board of directors to be subject
2223 to the requirements of ss. 112.3135, 112.3143, and 112.313,
2224 notwithstanding the fact that the board members are not public
2225 officers or employees. For purposes of those sections, the board
2226 members shall be considered to be public officers or employees.
2227 In addition to the postemployment restrictions of s. 112.313(9),
2228 a person appointed to the board of directors must agree to
2229 refrain from having any direct interest in any contract,
2230 franchise, privilege, project, program, or other benefit arising
2231 from an award by Triumph Gulf Coast, Inc., during the term of
2232 his or her appointment and for 2 years after the termination of
2233 such appointment. It is a misdemeanor of the first degree,
2234 punishable as provided in s. 775.082 or s. 775.083, for a person
2235 to accept appointment to the board of directors in violation of
2236 this subsection or to accept a direct interest in any contract,
2237 franchise, privilege, project, program, or other benefit granted
2238 by Triumph Gulf Coast, Inc., to an awardee within 2 years after
2239 the termination of his or her service on the board. Further,
2240 each member of the board of directors who is not otherwise
2241 required to file financial disclosure under s. 8, Art. II of the
2242 State Constitution or s. 112.3144 shall file disclosure of
2243 financial interests under s. 112.3145.

2244 (5) Each member of the board of directors shall serve
2245 without compensation, but shall receive travel and per diem
2246 expenses as provided in s. 112.061 while in the performance of



300456

2247 his or her duties.

2248 (6) Each member of the board of directors is accountable
2249 for the proper performance of the duties of office, and each
2250 member owes a fiduciary duty to the people of the state to
2251 ensure that awards provided are disbursed and used, and
2252 investments are made, as prescribed by law and contract. An
2253 appointed member of the board of directors may be removed by the
2254 officer that appointed the member for malfeasance, misfeasance,
2255 neglect of duty, incompetence, permanent inability to perform
2256 official duties, unexcused absence from three consecutive
2257 meetings of the board, arrest or indictment for a crime that is
2258 a felony or a misdemeanor involving theft or a crime of
2259 dishonesty, or pleading nolo contendere to, or being found
2260 guilty of, any crime.

2261 (7) The board of directors shall meet at least quarterly,
2262 upon the call of the chairperson or at the request of a majority
2263 of the membership, to review the Recovery Fund, establish and
2264 review priorities for economic recovery in disproportionately
2265 affected counties, and determine use of the earnings available.
2266 A majority of the members of the board of directors constitutes
2267 a quorum. Members may not vote by proxy.

2268 (8) The executive director of the Department of Economic
2269 Opportunity, or his or her designee, the secretary of the
2270 Department of Environmental Protection, or his or her designee,
2271 and the chair of the Committee of 8 Disproportionally Affected
2272 Counties, or his or her designee, shall be available to consult
2273 with the board of directors and may be requested to attend
2274 meetings of the board of directors. These individuals shall not
2275 be permitted to vote on any matter before the board.



300456

2276 (9) (a) Triumph Gulf Coast, Inc., is permitted to hire or
2277 contract for all staff necessary to the proper execution of its
2278 powers and duties to implement this act. The corporation is
2279 required to retain:

2280 1. An independent certified public accountant licensed in
2281 this state pursuant to chapter 473 to inspect the records of and
2282 to audit the expenditure of the earnings and available principal
2283 disbursed by Triumph Gulf Coast, Inc.

2284 2. An independent financial advisor to assist Triumph Gulf
2285 Coast, Inc., in the development and implementation of a
2286 strategic plan consistent with the requirements of this act.

2287 3. An economic advisor who will assist in the award
2288 process, including the development of priorities, allocation
2289 decisions, and the application and process; will assist the
2290 board in determining eligibility of award applications and the
2291 evaluation and scoring of applications; and will assist in the
2292 development of award documentation.

2293 4. A legal advisor with expertise in not-for-profit
2294 investing and contracting and who is a member of the Florida Bar
2295 to assist with contracting and carrying out the intent of this
2296 act.

2297 (b) Triumph Gulf Coast, Inc., shall require all employees
2298 of the corporation to comply with the code of ethics for public
2299 employees under part III of chapter 112. Retained staff under
2300 paragraph (a) must agree to refrain from having any direct
2301 interest in any contract, franchise, privilege, project,
2302 program, or other benefit arising from an award by Triumph Gulf
2303 Coast, Inc., during the term of his or her appointment and for 2
2304 years after the termination of such appointment.



300456

2305 (c) Retained staff under paragraph (a) shall be available
2306 to consult with the board of directors and shall attend meetings
2307 of the board of directors. These individuals shall not be
2308 permitted to vote on any matter before the board.

2309 Section 56. Section 288.831, Florida Statutes, is created
2310 to read:

2311 288.831 Board of Directors; Powers.—In addition to the
2312 powers and duties prescribed in chapter 617 and the articles and
2313 bylaws adopted in compliance with that chapter, the board of
2314 directors may:

2315 (1) Make and enter into contracts and other instruments
2316 necessary or convenient for the exercise of its powers and
2317 functions.

2318 (2) Make expenditures including any necessary
2319 administrative expenditure from earnings consistent with its
2320 powers.

2321 (3) Adopt, use, and alter a common corporate seal.
2322 Notwithstanding any provision of chapter 617 to the contrary,
2323 this seal is not required to contain the words "corporation not
2324 for profit."

2325 (4) Adopt, amend, and repeal bylaws, not inconsistent with
2326 the powers granted to it or the articles of incorporation, for
2327 the administration of the activities of Triumph Gulf Coast,
2328 Inc., and the exercise of its corporate powers.

2329 (5) Use the state seal, notwithstanding the provisions of
2330 s. 15.03, when appropriate, for standard corporate identity
2331 applications. Use of the state seal is not intended to replace
2332 use of a corporate seal as provided in this section.

2333



300456

2334 Under no circumstances may the credit of the State of Florida be
2335 pledged on behalf of Triumph Gulf Coast, Inc.

2336 Section 57. Section 288.832, Florida Statutes, is created
2337 to read:

2338 288.832 Triumph Gulf Coast, Inc.; Duties.—Triumph Gulf
2339 Coast, Inc., shall have the following duties:

2340 (1) Manage responsibly and prudently all funds received,
2341 and ensure that the use of such funds is in accordance with all
2342 applicable laws, bylaws, or contractual requirements.

2343 (2) Administer the program created under this act.

2344 (3) Monitor, review, and annually evaluate awardees and
2345 their projects or programs to determine whether an award should
2346 be continued, terminated, reduced, or increased.

2347 (4) Operate in a transparent manner, providing public
2348 access to information, notice of meetings, awards, and the
2349 status of projects and programs. To this end, Triumph Gulf
2350 Coast, Inc., shall maintain a website that provides public
2351 access to this information.

2352 Section 58. Section 288.84, Florida Statutes, is created to
2353 read:

2354 288.84 Awards.—

2355 (1) Triumph Gulf Coast, Inc., shall make awards from
2356 available earnings and principal derived under s. 288.82(2) to
2357 projects or programs that meet the priorities for economic
2358 recovery, diversification, and enhancement of the
2359 disproportionately affected counties, notwithstanding s. 377.43.

2360 Awards may be provided for:

2361 (a) Ad valorem tax reduction within disproportionately
2362 affected counties;



300456

2363 (b) Payment of impact fees adopted pursuant to s. 163.31801
2364 and imposed within disproportionately affected counties;

2365 (c) Administrative funding for economic development
2366 organizations located within the disproportionately affected
2367 counties;

2368 (d) Local match requirements of ss. 288.0655, 288.0659,
2369 288.1045, and 288.106 for projects in the disproportionately
2370 affected counties;

2371 (e) Economic development projects in the disproportionately
2372 affected counties;

2373 (f) Infrastructure projects that are shown to enhance
2374 economic development in the disproportionately affected
2375 counties;

2376 (g) Grants to local governments in the disproportionately
2377 affected counties to establish and maintain equipment and
2378 trained personnel for local action plans of response to respond
2379 to disasters, such as plans created for the Coastal Impacts
2380 Assistance Program;

2381 (h) Grants to support programs of excellence that prepare
2382 students for future occupations and careers at K-20 institutions
2383 that have home campuses in the disproportionately affected
2384 counties. Eligible programs include those that increase
2385 students' technology skills and knowledge; encourage industry
2386 certifications; provide rigorous, alternative pathways for
2387 students to meet high school graduation requirements; strengthen
2388 career readiness initiatives; fund high-demand programs of
2389 emphasis at the bachelor's and master's level designated by the
2390 Board of Governors; and, similar to or the same as talent
2391 retention programs created by the Chancellor of the State



300456

2392 University System and the Commission of Education, encourage
2393 students with interest or aptitude for science, technology,
2394 engineering, mathematics, and medical disciplines to pursue
2395 postsecondary education at a state university within the
2396 disproportionately affected counties; and

2397 (i) Grants to the tourism entity created under s. 288.1226
2398 for the purpose of advertising and promoting tourism, Fresh From
2399 Florida, or related content on behalf of one or all of the
2400 disproportionately affected counties.

2401 (2) Triumph Gulf Coast, Inc., shall establish an
2402 application procedure for awards and a scoring process for the
2403 selection of projects and programs that have the potential to
2404 generate increased economic activity in the disproportionately
2405 affected counties, giving priority to projects and programs
2406 that:

2407 (a) Generate maximum estimated economic benefits, based on
2408 tools and models not generally employed by economic input-output
2409 analyses, including cost-benefit, return-on-investment, or
2410 dynamic scoring techniques to determine how the long-term
2411 economic growth potential of the disproportionately affected
2412 counties may be enhanced by the investment.

2413 (b) Increase household income in the disproportionately
2414 affected counties above national average household income.

2415 (c) Expand high growth industries or establish new high
2416 growth industries in the region.

2417 1. Industries that are supported must have strong growth
2418 potential in the disproportionately affected counties.

2419 2. An industry's growth potential is defined based on a
2420 detailed review of the current industry trends nationally and



300456

2421 the necessary supporting asset base for that industry in the
2422 disproportionately affected counties region.

2423 (d) Leverage or further enhance key regional assets,
2424 including educational institutions, research facilities, and
2425 military bases.

2426 (e) Partner with local governments to provide funds,
2427 infrastructure, land, or other assistance for the project.

2428 (f) Have investment commitments from private equity or
2429 private venture capital funds.

2430 (g) Provide or encourage seed stage investments in start-up
2431 companies.

2432 (h) Provide advice and technical assistance to companies on
2433 restructuring existing management, operations, or production to
2434 attract advantageous business opportunities.

2435 (i) Benefit the environment in addition to the economy.

2436 (j) Provide outcome measures for programs of excellence
2437 support, including terms of intent and metrics.

2438 (k) Partner with K-20 educational institutions or school
2439 districts located within the disproportionately affected
2440 counties.

2441 (l) Partner with convention and visitor bureaus, tourist
2442 development councils, or chambers of commerce located within the
2443 disproportionately affected counties.

2444 (3) Triumph Gulf Coast, Inc., may make awards as
2445 applications are received or may establish application periods
2446 for selection. Awards may not be used to finance 100 percent of
2447 any project or program. Triumph Gulf Coast, Inc., may require a
2448 one-to-one private-sector match or higher for an award, if
2449 applicable and deemed prudent by the board of directors. An



300456

2450 awardee may not receive all of the earnings or available
2451 principal in any given year.

2452 (4) A contract executed by Triumph Gulf Coast, Inc., with
2453 an awardee must include provisions requiring a performance
2454 report on the contracted activities, must account for the proper
2455 use of funds provided under the contract, and must include
2456 provisions for recovery of awards in the event the award was
2457 based upon fraudulent information or the awardee is not meeting
2458 the performance requirements of the award. Awardees must
2459 regularly report to Triumph Gulf Coast, Inc., the status of the
2460 project or program on a schedule determined by the corporation.

2461 Section 59. Gulf Coast Audits.—

2462 (1) The scope of a financial audit conducted pursuant to s.
2463 218.39, Florida Statutes, shall include funds related to the
2464 Deepwater Horizon oil spill for any year in which a local
2465 government entity receives or expends funds related to the
2466 Deepwater Horizon oil spill, including any funds under s.
2467 288.84, Florida Statutes, or under 33 U.S.C. 1321(t). The scope
2468 of review for these funds shall include, but is not limited to,
2469 compliance with state and federal laws related to the receipt
2470 and expenditure of these funds.

2471 (2) Every 2 years, the Auditor General shall conduct an
2472 operational audit, as defined in s. 11.45, Florida Statutes, of
2473 a local government entity's funds related to the Deepwater
2474 Horizon oil spill to evaluate the local government entity's
2475 performance in administering laws, policies, and procedures
2476 governing the expenditure of funds related to the Deepwater
2477 Horizon oil spill in an efficient and effective manner. The
2478 scope of review shall include, but is not limited to, evaluating



300456

2479 internal controls, internal audit functions, reporting and
2480 performance requirements required for use of the funds, and
2481 compliance with state and federal law. The audit shall include
2482 any funds the local government entity receives or expends
2483 related to the Deepwater Horizon oil spill, including any funds
2484 under s. 288.84, Florida Statutes, or under 33 U.S.C. 1321(t).

2485 (3) In addition to the rules of the Auditor General adopted
2486 under s. 11.45(8), Florida Statutes, the Auditor General shall
2487 adopt rules for the form and conduct of all financial audits
2488 performed by independent certified public accountants and for
2489 audits of local government entities conducted under this section
2490 for funds received under 33 U.S.C. 1321(t). Such rules shall
2491 take into account the rules for such audits set forth by the
2492 Secretary of the Treasury pursuant to 33 U.S.C 1321(t).

2493 (4) The Auditor General may report findings to the
2494 Secretary of the Treasury of the United States in addition to
2495 the reporting requirements under state law.

2496 Section 60. Except as otherwise expressly provided in this
2497 act, this act shall take effect upon becoming law.

2498
2499 ===== T I T L E A M E N D M E N T =====

2500 And the title is amended as follows:

2501 Delete everything before the enacting clause
2502 and insert:

2503 A bill to be entitled
2504 An act relating to economic development; establishing
2505 the Economic Development Programs Evaluation;
2506 requiring the Office of Economic and Demographic
2507 Research and the Office of Program Policy Analysis and



300456

2508 Government Accountability to present the evaluation;
2509 requiring the offices to develop and submit a work
2510 plan for completing the evaluation by a certain date;
2511 requiring the offices to provide an analysis of
2512 certain economic development programs and specifying a
2513 schedule; requiring the Office of Economic and
2514 Demographic Research to make certain evaluations in
2515 its analysis; limiting the office's evaluation for the
2516 purposes of tax credits, tax refunds, sales tax
2517 exemptions, cash grants, and similar programs;
2518 requiring the office to use a certain model to
2519 evaluate each program; requiring the Office of Program
2520 Policy Analysis and Government Accountability to make
2521 certain evaluations in its analysis; providing the
2522 offices access to all data necessary to complete the
2523 evaluation; amending s. 20.60, F.S.; revising the date
2524 on which the Department of Economic Opportunity and
2525 Enterprise Florida, Inc., are required to report on
2526 the business climate and economic development in the
2527 state; specifying reports and information that must be
2528 included; amending s. 201.15, F.S.; revising the
2529 distribution of funds in the Grants and Donations
2530 Trust Fund; amending s. 212.08, F.S.; revising
2531 definitions; clarifying the application of certain
2532 amendments; providing for an exemption from the tax
2533 imposed under ch. 212, F.S., for certain machinery and
2534 equipment; providing for repeal; amending s. 213.053,
2535 F.S.; authorizing the Department of Revenue to make
2536 certain information available to the director of the



300456

2537 Office of Program Policy Analysis and Government
2538 Accountability and the coordinator of the Office of
2539 Economic and Demographic Research; authorizing the
2540 offices to share certain information; amending s.
2541 220.194, F.S.; requiring the annual report for the
2542 Florida Space Business Incentives Act to be included
2543 in the annual incentives report; deleting certain
2544 reporting requirements; amending s. 288.001, F.S.;
2545 providing a network purpose; providing definitions;
2546 requiring the statewide director and the network to
2547 operate the program in compliance with federal laws
2548 and regulations and a Board of Governors regulation;
2549 requiring the statewide director to consult with the
2550 Board of Governors, the Department of Economic
2551 Opportunity, and the network's statewide advisory
2552 board to establish certain policies and goals;
2553 requiring the network to maintain a statewide advisory
2554 board; providing for advisory board membership;
2555 providing for terms of membership; providing for
2556 certain member reimbursement; requiring the director
2557 to develop support services; specifying support
2558 service requirements; requiring businesses that
2559 receive support services to participate in certain
2560 assessments; requiring the network to provide a match
2561 equal to certain state funding; providing criteria for
2562 the match; requiring the statewide director to
2563 coordinate with the host institution to establish a
2564 pay-per-performance incentive; providing for pay-per-
2565 performance incentive funding and distribution;



300456

2566 providing a distribution formula requirement;
2567 requiring the statewide director to coordinate with
2568 the advisory board to distribute funds for certain
2569 purposes and develop programs to distribute funds for
2570 those purposes; requiring the network to announce
2571 available funding, performance expectations, and other
2572 requirements; requiring the statewide director to
2573 present applications and recommendations to the
2574 advisory board; requiring applications approved by the
2575 advisory board to be publicly posted; providing
2576 minimum requirements for a program; prohibiting
2577 certain regional small business development centers
2578 from receiving funds; providing that match funding may
2579 not be reduced for regional small business development
2580 centers receiving additional funds; requiring the
2581 statewide director to regularly update the Board of
2582 Governors, the department, and the advisory board with
2583 certain information; requiring the statewide director,
2584 in coordination with the advisory board, to annually
2585 report certain information to the President of the
2586 Senate and the Speaker of the House of
2587 Representatives; amending s. 288.005, F.S.; providing
2588 a definition; amending s. 288.012, F.S.; requiring
2589 each State of Florida international office to submit a
2590 report to Enterprise Florida, Inc., for inclusion in
2591 its annual report; deleting a reporting date; amending
2592 s. 288.061, F.S.; requiring the Department of Economic
2593 Opportunity to analyze each economic development
2594 incentive application; prohibiting the executive



300456

2595 director from approving an economic development
2596 incentive application unless a specified written
2597 declaration is received; requiring an awardee to
2598 provide a signed written declaration in specified
2599 years; providing that the department may adopt rules
2600 to implement this section; amending s. 288.0656, F.S.;
2601 requiring the Rural Economic Development Initiative to
2602 submit a report to supplement the Department of
2603 Economic Opportunity's annual report; deleting certain
2604 reporting requirements; amending s. 288.076, F.S.;
2605 providing definitions; requiring the Department of
2606 Economic Opportunity to publish on a website specified
2607 information concerning state investment in economic
2608 development programs; requiring the department to work
2609 with the Office of Economic and Demographic Research
2610 to provide a description of specified methodology and
2611 requiring the department to publish such description
2612 on its website; providing procedures and requirements
2613 for reviewing, updating, and supplementing specified
2614 published information; requiring the department to
2615 annually publish information relating to the progress
2616 of Quick Action Closing Fund projects; requiring the
2617 department to publish certain confidential information
2618 pertaining to participant businesses upon expiration
2619 of a specified confidentiality period; requiring the
2620 department to publish certain reports concerning
2621 businesses that fail to complete tax refund agreements
2622 under the tax refund program for qualified target
2623 industry businesses; providing for construction and



300456

2624 legislative intent; authorizing the department to
2625 adopt rules; repealing s. 288.095(3)(c), F.S.,
2626 relating to the annual report by Enterprise Florida,
2627 Inc., of programs funded by the Economic Development
2628 Incentives Account; amending s. 288.106, F.S.;
2629 deleting and adding provisions relating to the
2630 application and approval process of the tax refund
2631 program for qualified target industry businesses;
2632 requiring the Department of Economic Opportunity to
2633 include information on qualified target industry
2634 businesses in the annual incentives report; deleting
2635 certain reporting requirements; amending 288.107,
2636 F.S.; revising definitions; revising provisions to
2637 conform to changes made by the act; revising the
2638 minimum criteria for participation in the brownfield
2639 redevelopment bonus refund; clarifying the application
2640 of certain amendments; amending s. 288.1081, F.S.;
2641 requiring the use of loan funds from the Economic
2642 Gardening Business Loan Pilot Program to be included
2643 in the department's annual report; deleting certain
2644 reporting requirements; amending s. 288.1082, F.S.;
2645 requiring the progress of the Economic Gardening
2646 Technical Assistance Pilot Program to be included in
2647 the department's annual report; deleting certain
2648 reporting requirements; amending s. 288.1088, F.S.;
2649 requiring the department to validate contractor
2650 performance for the Quick Action Closing Fund and
2651 include the performance validation in the annual
2652 incentives report; deleting certain reporting



300456

2653 requirements; amending s. 288.1089, F.S.; requiring
2654 that certain projects in the Innovation Incentive
2655 Program provide a cumulative break-even economic
2656 benefit; requiring the department to report
2657 information relating to the Innovation Incentive
2658 Program in the annual incentives report; deleting
2659 certain reporting requirements; deleting provisions
2660 that require the Office of Program Policy Analysis and
2661 Government Accountability and the Auditor General's
2662 Office to report on the Innovation Incentive Program;
2663 amending s. 288.1253, F.S.; revising a reporting date;
2664 requiring expenditures of the Office of Film and
2665 Entertainment to be included in the annual
2666 entertainment industry financial incentive program
2667 report; amending s. 288.1254, F.S.; revising a
2668 reporting date; requiring the annual entertainment
2669 industry financial incentive program report to include
2670 certain information; amending s. 288.1258, F.S.;
2671 revising a reporting date; requiring the report
2672 detailing the relationship between tax exemptions and
2673 incentives to industry growth to be included in the
2674 annual entertainment industry financial incentive
2675 program report; amending s. 288.714, F.S.; requiring
2676 the Department of Economic Opportunity's annual report
2677 to include a report on the Black Business Loan
2678 Program; deleting certain reporting requirements;
2679 amending s. 288.7771, F.S.; requiring the Florida
2680 Export Finance Corporation to submit a report to
2681 Enterprise Florida, Inc.; amending s. 288.903, F.S.;



300456

2682 requiring Enterprise Florida, Inc., with the
2683 Department of Economic Opportunity, to prepare an
2684 annual incentives report; repealing s. 288.904(6),
2685 F.S., relating to Enterprise Florida, Inc., which
2686 requires the department to report the return on the
2687 public's investment; amending s. 288.906, F.S.;
2688 requiring certain reports to be included in the
2689 Enterprise Florida, Inc., annual report; amending s.
2690 288.907, F.S.; requiring Enterprise Florida, Inc.,
2691 with the Department of Economic Opportunity, to
2692 prepare the annual incentives report; requiring the
2693 annual incentives report to include certain
2694 information; deleting a provision requiring the
2695 Division of Strategic Business Development to assist
2696 Enterprise Florida, Inc., with the report; 288.92,
2697 F.S.; requiring each division of Enterprise Florida,
2698 Inc., to submit a report; amending s. 288.95155, F.S.;
2699 requiring the financial status of the Florida Small
2700 Business Technology Growth Program to be included in
2701 the annual incentives report; amending s. 288.9918,
2702 F.S.; revising reporting requirements related to
2703 community development entities; amending s. 290.0055,
2704 F.S.; providing for the expansion of the boundaries of
2705 enterprise zones that meet certain requirements;
2706 providing an application deadline; amending s.
2707 290.0056, F.S.; revising a reporting date; requiring
2708 the enterprise zone development agency to submit
2709 certain information for the Department of Economic
2710 Opportunity's annual report; amending s. 290.014,



300456

2711 F.S.; revising a reporting date; requiring certain
2712 reports on enterprise zones to be included in the
2713 Department of Economic Opportunity's annual report;
2714 amending s. 290.0455, F.S.; providing for the state's
2715 guarantee of certain federal loans to local
2716 governments; requiring applicants for such loans to
2717 pledge a specified amount of revenues to guarantee the
2718 loans; revising requirements for the department to
2719 submit recommendations to the Federal Government for
2720 such loans; revising the maximum amount of the loan
2721 guarantee commitment that a local government may
2722 receive and providing exceptions; providing for
2723 reduction of a local government's future community
2724 development block grants if the local government
2725 defaults on the federal loan; providing procedures if
2726 a local government is granted entitlement community
2727 status; amending ss. 331.3051 and 331.310, F.S.;
2728 revising requirements for annual reports by Space
2729 Florida; amending s. 443.036, F.S.; providing examples
2730 of misconduct; amending s. 443.091, F.S.; providing
2731 for online work registration and providing exceptions;
2732 limiting a claimant's use of the same prospective
2733 employer to meet work search requirements; providing
2734 an exception; providing that work search requirements
2735 do not apply to individuals required to participate in
2736 reemployment services; amending s. 443.101, F.S.;
2737 providing for disqualification in any week with
2738 respect to which the department finds that his or her
2739 unemployment is due to failure without good cause to



300456

2740 maintain a license, registration, or certification
2741 required by applicable law necessary for the employee
2742 to perform her or his assigned job duties; providing
2743 examples of "good cause"; amending s. 443.1113, F.S.,
2744 relating to the Reemployment Assistance Claims and
2745 Benefits Information System; revising timeframe for
2746 deployment of a certain Internet portal as part of
2747 such system; amending s. 443.131, F.S.; requiring the
2748 tax collection service provider to calculate a certain
2749 additional rate; providing for when an assessment may
2750 not be made; requiring assessments to be available to
2751 pay interest on federal advances; requiring certain
2752 excess funds to be transferred to the Unemployment
2753 Compensation Trust Fund after a certain time period;
2754 deleting the provision referring to crediting employer
2755 accounts; providing an expiration date; amending s.
2756 443.151 F.S.; revising provisions to conform to
2757 changes made to benefit eligibility; providing that an
2758 employer or its agent may not be relieved of benefit
2759 charges for failure to timely and adequately respond
2760 to notice of claim or request for information;
2761 requiring the department to impose a penalty against a
2762 claimant who is overpaid reemployment assistance
2763 benefits due to fraud by the claimant; requiring an
2764 appeals referee to be an attorney in good standing
2765 with the Florida Bar or successfully admitted within 8
2766 months of hire; providing an exception; amending s.
2767 443.1715, F.S.; prohibiting the unlawful disclosure of
2768 certain confidential information relating to employing



300456

2769 units and individuals under the Reemployment
2770 Assistance Program Law; providing criminal penalties;
2771 amending s. 443.191, F.S.; providing for the deposit
2772 of moneys recovered and penalties collected due to
2773 fraud in the Unemployment Compensation Trust Fund;
2774 amending s. 446.50, F.S.; requiring the Department of
2775 Economic Opportunity's annual report to include a plan
2776 for the displaced homemaker program; deleting certain
2777 reporting requirements; creating s. 288.80, F.S.;
2778 providing a short title; creating s. 288.801, F.S.;
2779 providing Legislative intent; creating s. 288.81,
2780 F.S.; providing definitions; creating s. 288.82, F.S.;
2781 creating Triumph Gulf Coast, Inc., as nonprofit
2782 corporation; requiring the Triumph Gulf Coast, Inc.,
2783 to create and administer the Recovery Fund for the
2784 benefit of disproportionately affected counties;
2785 providing for principal of the fund; providing for
2786 payment of administrative costs from the earnings of
2787 the fund; providing any remaining funds after 30 years
2788 revert to the State Treasury; authorizing investment
2789 of the principal of the fund; requiring an investment
2790 policy; requiring competitive procurement of money
2791 managers; requiring annual audits; requiring biannual
2792 reports; creating s. 288.83, F.S.; providing for
2793 application of public records and meetings laws;
2794 providing for governance by a 5 member board of
2795 directors; providing membership; providing for terms;
2796 providing for appointment for vacancies; providing
2797 limitations on board members; limiting postemployment



300456

2798 activities; providing for a misdemeanor for
2799 violations; requiring financial disclosures; providing
2800 travel and per diem expenses; providing for removal;
2801 requiring quarterly meetings; providing for staffing;
2802 creating s. 288.831, F.S.; providing the powers and
2803 duties of the board of directors; creating s. 288.832,
2804 F.S.; providing the duties of Triumph Gulf Coast,
2805 Inc.; creating s. 288.84, F.S.; permitting awards for
2806 projects or programs from available earnings and
2807 principal; providing the award categories; providing
2808 the award categories for certain funds; establishing
2809 priority ranking for applications; prohibiting award
2810 from financing 100 percent of a project or program;
2811 permitting Triumph Gulf Coast, Inc., to requiring a
2812 one-to-one match; prohibiting an awardee from
2813 receiving all available funds; requiring a contract
2814 for an award; requiring regular reporting; requiring
2815 the scope of a financial audit for a local government
2816 entity to include funds related to Deepwater Horizon
2817 oil spill; requiring the Auditor General to conduct an
2818 operational audit of a local government entity's
2819 performance in the expenditure of funds related to the
2820 Deepwater Horizon oil spill; requiring the Auditor
2821 General to adopt rules for such audits; permitting the
2822 Auditor General to report to the Secretary of the
2823 Treasury of the United States; providing effective
2824 dates.